

AFFIDAVIT OF BAILEY BELL-LEON

1 After being duly sworn upon oath, Bailey Bell-Leon hereby states as follows: I am 13
2 years old. I know the difference between the truth and a lie. I wrote this statement by
3 myself. Everything in this statement is the truth. I am testifying because the court sent
4 me a letter called a subpoena. It said I had to tell the court what I know.

5 I was born on May 7, 2004. I'm a student at Midlands City Middle School. I will
6 be in the eighth grade starting in August 2017. My parents are Carmen and Kerry. Kerry
7 is a pilot and travels a lot for work. But Kerry brings me back cool things from the
8 countries Kerry flies to. Carmen is a stay-at-home parent. Carmen's favorite country is
9 Ecuador, which is where Carmen grew up. The three of us live in condo number 6A on
10 the sixth floor of the Jaywood Building. I don't have any pets, but I think I should have a
11 pet. We have lived there since I was born. I only know one other person who lives in our
12 condo building. That person is Morgan. Morgan and Kerry are best friends. Morgan is
13 also in charge of everything that happens in our building. Morgan is the person I call
14 when I lose my condo key. I do that sometimes, but when I keep the same key for three
15 months, I get to have a sleepover with three friends. Morgan is really nice and sometimes
16 used to check in on me when I was home alone on my parents' date night. I haven't lost
17 my key since I was 12 though. I am very responsible.

18 My parents argue a lot. More than any of my friends' parents. Sometimes they
19 argue when I have friends over. I think they started arguing more in 2014 right around
20 Christmas. Kerry got a big promotion and started working more days. I thought the
21 arguing would get better once we all got used to the new schedule. But it didn't.

22 I take piano lessons from Linda. I have taken piano lessons since second grade.
23 My piano lessons are always on Tuesdays from 4:00-4:30 after school. I walk to my
24 piano lesson after school and Carmen picks me up. I remember after my piano lesson on
25 April 4, 2017, Carmen picked me up at Linda's house. Carmen told me that we were
26 going to stop to pick up dinner at a food truck. I thought it was weird. But Carmen is a
27 horrible cook. Carmen never makes food I like so I thought at least this way I would get
28 to pick something that I like for dinner. Carmen drove us to a food truck across the street
29 from the courthouse on Leckrone Lane in Midtown. The food truck only served soup.

30 All I remember is that it was way too hot to eat soup. But I like soup so I didn't say
31 anything.

32 I should have said something. There was only one person working in the food
33 truck. That person had a nametag that said "Dylan" on it and was wearing purple gloves.
34 I think Carmen and Dylan knew each other. Carmen was being really embarrassing.
35 Carmen made a couple of really bad jokes and Dylan laughed really hard like they were
36 funny. They weren't funny. And the soup was even worse than the jokes.

37 The next Tuesday (April 11) after my piano lesson, Carmen and I did the same
38 thing. It was worse. Both the jokes and the soup. In addition to suddenly becoming a
39 comedian, Carmen also became a fashion critic, telling Dylan that the maroon "Souper
40 Delicious!" uniform t-shirt that Dylan was wearing brought out the color of Dylan's
41 eyes. I wanted to die. Dylan was still wearing purple gloves, which looked dumb. When
42 we got home, I told Carmen I was going on a hunger strike. Carmen didn't care about
43 my hunger strike, but a few days later Kerry said if I did not clean my plate at dinner I
44 would be grounded. I got grounded. It was awful. Kerry took my phone, so I couldn't
45 text my friends that whole week.

46 Carmen understood that it was a cruel and unusual punishment not to have a cell
47 phone, so Carmen let me use Carmen's phone to call my best friend Sawyer. I knew I
48 was just supposed to call Sawyer and not play games on the phone, but Carmen was
49 watching TV. When I opened the phone to call Sawyer, I decided to do some snooping.
50 The recent text messages were boring, so I scrolled to some old ones. That's when I saw
51 text message conversations between Carmen and people named Jesse and Paris. I didn't
52 know who Jesse and Paris were, so I read the messages. I didn't know what they meant,
53 and I thought some of them were weird so I took screenshots of them and sent them to
54 my phone from Carmen's phone. Then I deleted the messages to my phone on Carmen's
55 phone so Carmen wouldn't know I sent them. I can be sneaky like that. Exhibits 27 and
56 28 are the messages from Carmen to Jesse and Paris.

57 After I sent myself the text messages, I saw an app called Tender that had a heart
58 logo. I knew Tender was a dating app because I saw ads for Tender on the internet. I
59 know that people use Tender to find new friends and lots of people find their soulmate
60 with Tender. I decided to find out who Carmen was talking to on Tender. When I opened

61 Tender, I saw that Carmen had a few friends on the app. When I opened the app, the most
62 recent person Carmen had talked to on Tender was named Dylan. I looked at Dylan's
63 profile and saw that it said something about soup. I screamed really loud and threw the
64 phone on my bed. I did not read any of the messages between Carmen and Dylan.
65 Carmen came in, and I asked Carmen if Carmen was talking to Soup Dylan on Tender.
66 Carmen said that Carmen was. Carmen took the phone back and told me I couldn't leave
67 my room until the morning. I told Carmen that I would tell Kerry about Dylan. Carmen
68 told me Carmen would buy me tickets to a concert at the Midlands Arena if I kept my
69 mouth shut. So I did until I wrote this for the court. I am very good at keeping secrets.

70 The next time I saw Dylan was June 1. My school doesn't have air conditioning
71 so we get out of school early when it is really hot. We got out early that day because it
72 was like a million degrees outside. I told Sawyer we should go to the pool, so we walked
73 home at 12:30 P.M. so I could get permission and get money and my swimsuit. When I
74 walked in the front door to the condo, I heard Carmen in the kitchen. Carmen said, "Well,
75 I'll have more free time as soon as this month is over. Just look." I didn't know who
76 Carmen was talking to, but the sound was coming from the kitchen. As I walked in to the
77 living room, I saw Dylan by the refrigerator lifting up the front page of our family
78 calendar (so you could see July), and taking a picture of it with Dylan's cell phone.
79 Exhibit 11 is our family calendar.

80 Carmen told me that Dylan and Carmen were talking about cooking because they
81 both like recipes. I asked if I could go to the pool with Sawyer and Carmen gave me \$25
82 for the pool and to buy candy. When I was changing into my swimsuit, I heard them
83 arguing. I heard Dylan say, "What are we doing? I want to stop sneaking around. You
84 need to leave Kerry." Carmen said, "It's not that easy. I had to sign a prenup, and I
85 wouldn't have a way to take care of Bailey. We need to find another way out of this."
86 Then I went to the pool.

87 I heard Dylan in our condo on June 25. Kerry was out of town for work. I wanted
88 to go to Sawyer's house to watch a movie. Carmen was watching TV in the living room
89 and said it was ok. It was 2 P.M. I forgot my backpack and came home about 15 minutes
90 after I left to get it. I used my key to come in the back door and grabbed my backpack
91 from my room. I didn't say anything to Carmen as I walked in. I don't think Carmen

92 knew that I came back. I was about to walk out the back door when I heard someone use
93 a key to unlock the back door. I hid in the corner of the utility room behind the back door
94 as it opened. The door is solid wood so no one can see you when you hide there. I saw
95 Dylan walk in the back door. Dylan was holding a key. Dylan walked into the living
96 room. Carmen was still watching TV and the TV was still loud. I stayed hidden in the
97 utility room but peaked my head into the hallway when I heard Carmen say, “Before we
98 do anything else, we need to talk. I’m going to Ecuador next week for a few weeks while
99 Bailey is at camp. I want you to get rid of Kerry.” Then, I heard Dylan say, “I’m not
100 sure what you mean.” Carmen said, “I think you do.” Dylan didn’t say anything back.
101 That’s when I left out the back door to go to Sawyer’s place. I didn’t say anything to
102 Kerry about that conversation. I thought Carmen was staying in Midlands while I was at
103 camp.

104 I asked Carmen the next morning if Carmen and Kerry were going to get a
105 divorce. Carmen told me that would never happen, but, if they did, I would have to live
106 with Kerry. That made me sad. I want my parents to stay together.

107 The last time I saw Dylan in the condo was on June 30, 2017. That was the time
108 Dylan was holding the gun. Kerry was gone, and Dylan came over to see Carmen. I was
109 in my bedroom with my headphones on. I saw Dylan walk down the hall towards the
110 Utility Room and remembered I was supposed to fold the laundry. I went to the Utility
111 Room and saw Dylan looking in the cabinet. Dylan took the gun from the cabinet. I
112 backed out of the utility room and went to my bedroom. I don’t think Dylan saw me. A
113 few seconds later, Carmen walked towards the back door, and Dylan and Carmen left.

114 July 2, 2017 was super weird. I was packing for camp in my bedroom. I heard my
115 parents talking in their bedroom. Carmen told Kerry that Carmen had an affair with
116 Dylan. Carmen said the affair was over. Then Carmen said Carmen was going to
117 Ecuador to see Carmen’s family. Kerry was mad. Kerry said, “You can’t just leave. We
118 have to work this out. You can’t just tell me you were having an affair and then leave the
119 country.” Carmen said, “Why not? You leave the country every week.” Kerry
120 responded, “That’s my job. We have to make this right. When will I see you again?”
121 Carmen responded with “I don’t know. Maybe never.” I tried to ignore the argument.

122 But then Carmen came into the room to talk to me. A few minutes later, Carmen was
123 heading out the door. I haven't seen or heard from Carmen since that day.

124 On July 2, after Carmen left, I saw Dylan sitting in the Souper Soups food truck
125 outside the front of our building when I was home with Kerry. It was creepy. But I
126 didn't say anything to Kerry. It was Dylan's fault that Carmen left, so I decided to go tell
127 Dylan how mad I was. I went downstairs, out the front door, and up to Dylan's soup
128 truck. Dylan wasn't selling anything and it didn't even look like Dylan had made any
129 soup. I said to Dylan, "This is all your fault you stupid soup slurper." Dylan said back to
130 me, "Don't worry, Bailey. You won't be seeing me anymore. I plan on staying away
131 from your entire family. Carmen left me and I don't love Carmen anymore." Dylan
132 looked sad and I believed Dylan, so I went inside to finish packing.

133 Kerry drove me to the bus for sleepaway camp at Riverside Camp the next
134 morning, July 3. Camp was fun. I was supposed to be at camp for a month. But I left on
135 July 17 because Kerry got hurt. I know Kerry was supposed to be strangled, but I didn't
136 see any bruising or marks at all when I went to the hospital on July 17. Around noon on
137 July 17, 2017, I visited Kerry at the hospital. I came back to the room after getting a drink
138 from the soda machine, and Kerry was talking to a doctor. The doctor asked, "Hi Kerry,
139 I am just following up after getting your test results. How are you feeling?" Kerry said,
140 "Physically, I feel ok. But I'm really drained mentally." Then the doctor said, "Well that
141 will happen when you take Everest. Can you remember what happened last night?" Kerry
142 responded, "Not really. It's all a little hazy." Then Kerry looked at me in the doorway
143 and said to the doctor "Can we talk about this later?" and nodded at me. I know Everest is
144 a mountain and sometimes people die when they climb it. We went home from the
145 hospital later that day. Now Kerry is home all of the time. I hope Carmen comes home
146 soon.

147 Some people have asked me if I know anything about drugs. I know drugs are
148 bad, and I am pretty sure some people sell them in the parking lot behind the Jaywood
149 Building. I have seen some pretty shady people back there. I am not supposed to go to the
150 parking lot alone at night. But sometimes, when we get home late and park in the lot
151 behind the building, I will see people trade pills for money. I have never seen anyone I
152 know do this, though.

153 I am familiar with following exhibits:

154 Exhibit 4 is an extension cord I have seen in our house. My parents use it to plug
155 in the vacuum. I don't vacuum.

156 Exhibit 5 is a picture of Kerry's gun. I know it is kept on the top shelf of the
157 cabinet in the Utility Room. I have never touched it. Ever since a kid in my school
158 district named Sydney got killed playing with her neighbor's gun, we've had to sit
159 through so many gun safety presentations that I know better than to touch it. The gun is
160 just left out on top shelf of the cabinet. It's not in a gun safe. There is also an unopened
161 box of bullets in the cabinet. After I got home from summer camp, the gun was gone and
162 the box of bullets was open.

163 Exhibit 7 is a pair of purple gloves. They are the same color as the ones I saw
164 Dylan Hendricks wearing at Dylan's food truck.

165 Exhibit 9 is a map of the area around our condo in downtown Midlands City. It
166 looks like all of the buildings are in the right places.

167 Exhibit 10 is a map of our condo. Everything looks like it is the right size but I
168 don't know for sure. When all the lights are out in the condo, it is really dark. When my
169 parents watch TV in the living room, I can sneak into the bathroom or out the condo's
170 back door without anyone seeing me.

171 Exhibit 11 is the tear-away calendar for the months of July and August 2017. I
172 get to tear the old month off on the first day of each month and throw out the old month.
173 The calendar is in our kitchen. It was weird that Carmen didn't write anything on the
174 calendar pages for any month after July. Usually Carmen keeps the calendar up to date to
175 make sure that everyone knows what everyone is doing.

176 Exhibits 13 and 14 are pictures of the Jaywood Building from the parking lot. I
177 do not know who took those pictures, but I can even take better pictures with my phone.
178 These pictures were shown to me by the police. You need a key to get in the back door
179 (the one under the maroon awning) so you can go up those stairs. That stairwell takes
180 you right to the back door of the condos. I only need to carry one key, because it opens
181 the back door to the building and our condo door. But the key doesn't open other condos.
182 I tried it in our neighbor's door once. The door under the maroon awning swings closed
183 and locks automatically. I've been locked out lots of times because the door locked

184 behind me when I took the garbage out. I even got locked out the day I left for camp in
185 July 2017 because I left my key in my room so I didn't lose it at camp but then I forgot
186 my pillow so I had to go back to the condo and the door was locked and I and had to go
187 around to the front door so that the doorman could let me in.

188 Exhibits 27 and 28 are screenshots of the text messages between Carmen and two
189 other people that I took and sent to my phone. I told the police about them when they
190 asked to see my phone.

191 I promise that everything I wrote is true. I know that I have to write down
192 everything I know that could possibly be important. I know that if I remember anything
193 that I forgot to write down I have to update what I wrote even if it is right before the trial
194 starts. I promise that I will do that.

195

196 Signed: Subscribed and sworn to me on this 1st day of August 2017:

197 Bailey Bell-Leon

Areeb Rahimzadeh

198

Notary Public

AFFIDAVIT OF CHARLEY WATERS

1 After being duly sworn upon oath, Charley Waters hereby states as follows: I am over 18
2 and competent to make this affidavit. I am testifying voluntarily and was not subpoenaed
3 or compelled to testify.

4 My name is Charley Waters and I am currently a proud resident of Midlands,
5 although I have traveled to some of the most famous cities in the world. I make a living
6 as a street performer. I love my life. Well, everything but my love life.

7 During the weekdays, I play in the courthouse square in midtown. It's a nice way
8 to brighten the day for folks who are having some of the worst days of their lives. At
9 nights—including the night of July 16, 2017—I set up my station across from Sarah's
10 Music Café on Parker Street. I am usually directly behind the Jaywood Building parking
11 lot (where I was on July 16). From there I can attract people from the best restaurants,
12 clubs, and even walking to and from their cars. I like to get set up every evening around
13 5 P.M. This guarantees me the best spot. I typically have a case open in front of me and
14 a little mic and speaker that the folks at Sparkle & Shade let me plug into their building.
15 On a given night, I can make anywhere from \$150 to \$200, but on weekend or festival
16 nights, I can make a cool grand. During wedding season, I also get a pretty steady
17 business out of the bachelor and bachelorette party scene, especially if I am able to play
18 the betrothed's "song." Believe me when I say that I have every Celine Dion and Ed
19 Sheeran song committed to memory.

20 Since I tend to play the same places every day, I have gotten to know the local
21 business owners pretty well. Most of the people running the restaurants sneer at my
22 presence but accept it. The folks at the food trucks are a lot friendlier. Some of them
23 even give me free food. That's how Dylan Hendricks and I got to know each other.
24 Dylan has a permit for the courthouse square in midtown, and Dylan operates there pretty
25 much every day for the lunch and after work rushes. I started talking with Dylan at the
26 food truck one day, and we became friends. Dylan is a good person. That's why I don't
27 believe Dylan could be involved in anything criminal. Dylan and I would talk a lot about
28 our relationships and our dating struggles.

29 Turns out, we both used Tender and had both met up with the same person only to
30 find out the Tender profile was a ruse to sell Everest. I had no idea people used a dating

31 app to sell drugs, especially illegal ones! But one day I matched with “Mickey” and
32 thought it was cool that “Mickey” had all these little symbols of instruments on the
33 profile. Little did I know, those symbols were codes for where and how to get my hands
34 on all sorts of little pills and powders. I met up with “Mickey” once, on what I thought
35 was a date, only to find out that “Mickey” was expecting to make a sale when “Mickey”
36 offered me Everest. I was crushed. I didn’t buy anything. I had heard stories about
37 people who got addicted and I decided I was better off without it. Turns out Dylan had
38 been through a similar experience with “Mickey” and also didn’t buy the Everest. I’m
39 not surprised. Dylan is way too straight-laced to ever do any kind of drug.

40 In addition to swapping bad date stories, we also shared the good ones. In
41 February 2017, I had recently gotten into a pretty nice relationship and Dylan had
42 connected with someone Dylan believed had marriage potential. Dylan showed me the
43 Tender profile of “the one” and right away I said, “I know that person!” I recognized the
44 face in the profile. Exhibit 16 is the profile Dylan showed me. It was someone I had seen
45 downtown, but the person I knew seemed to be married with a kid. I always saw the
46 person with another person and a middle schooler. I was pretty sure they lived in the
47 Jaywood Building. Dylan told me unconvincingly that I must be mistaken, but
48 something in the way Dylan spoke made me think Dylan was lying.

49 Then, in June 2017, Dylan told me that “the one” had agreed to run away with
50 Dylan. I was stunned. Dylan had a great business and a life in Midlands and I did not
51 understand why Dylan would need to run away to be with anyone. I asked Dylan why
52 they had to “run away.” Dylan just said, “it’s complicated” and “this is about true love,
53 you don’t understand, you have never felt what I feel. This is my soulmate.” I told
54 Dylan to find out if “the one” was married and Dylan said, “you don’t understand, it
55 doesn’t matter. I love Carmen. Carmen loves me. Everything else is just meaningless.”
56 I got angry at that. My parents split up when I was a teenager because of an affair. I
57 didn’t think of it as “meaningless.” I’ll admit that I started to think of Dylan a bit
58 differently after that. Especially when, on a couple of afternoons, I saw the person I
59 thought was Carmen go up to the food truck with a child in tow, ordering soup and
60 giggling like a five-year old. It was pretty gross, to be honest, but mostly I was just
61 worried that Dylan was going to get really hurt.

62 I stopped seeing Carmen come around downtown at the beginning of July. I did
63 not know what happened until July 16, 2017. That day sticks out for a couple of reasons.
64 First, like I said earlier, I had set up shop by Sarah's downtown at 5 P.M. that night. At
65 around 7 P.M., I saw Dylan pull the Souper Soups truck into line with the other food
66 trucks. I'd never seen Dylan sell soup downtown before, and Dylan had told me several
67 times Dylan wanted to get a permit to sell downtown but couldn't get it approved.
68 Instead, Dylan's permit only allowed Dylan to sell in low-traffic areas, like the
69 courthouse square in midtown. Then, later that night, I saw a receipt for a firing range in
70 my case wrapped inside a five-dollar bill. That receipt is Exhibit 31. That happens
71 sometimes—people drop pieces of paper or gum wrappers in my case when they get
72 wrapped up with the cash in their pocket. I can't be certain when the bill and the receipt
73 were dropped in my case because I am totally immersed in making music while I'm
74 playing, but when I was counting my earnings around 9 P.M., I saw the money and the
75 receipt. I picked up the receipt and read it. It was Dylan Hendricks's receipt. I was
76 surprised because I did not think Dylan owned a gun. Dylan even told me that Dylan did
77 not like guns. I held onto the receipt so I could ask Dylan about it, but I never got the
78 chance.

79 My set list was probably a little bluer than usual that night. I had a hard time
80 concentrating. I do remember looking at my phone around 10:20 P.M. to check the time.
81 I played two more songs, my original "Men aren't Dogs, Dogs are Loyal" and a Miranda
82 Lambert cover which I'm guessing made it about 10:25 P.M. when an argument in the
83 parking lot behind me interrupted my song. They must have been behind a car or
84 something, because I couldn't see either person. But I heard their voices. I recognized
85 one voice; it was "Mickey." I didn't recognize the other voice, but the person started
86 yelling about Everest. At first, I didn't hear what they were saying, but after I stopped
87 playing I heard Mickey say, "If you can't pay, you need to stop bugging me. This isn't
88 free." The other person yelled, "Whatever, I'll just get it somewhere else."

89 At 10:30 P.M., I saw the person I've come to know was Kerry Bell-Leon walk
90 down Pearl Alley into the Jaywood Building parking lot. At the time, I recognized Kerry
91 as someone who was always around the area. I believe Kerry was the same person I saw
92 with Carmen sometimes, but I never told Dylan that. I felt like Kerry could take Dylan in

93 a fight if it ever came to that, and I didn't want to cause any trouble. The week before, I
94 had even seen Kerry meet up with "Mickey" once over in the parking lot behind the
95 Jaywood Building. I'm assuming Kerry was meeting "Mickey" for a little pick-me-up.
96 The night of July 16, when I saw Kerry walk into the parking lot, Kerry was a bit glassy-
97 eyed and morose, maybe a bit clumsy. I couldn't tell if it was from alcohol or drugs, but
98 I had no reason to think Kerry knew anything about Dylan or Dylan's relationship with
99 Carmen.

100 Kerry walked over to the area of the parking lot where I heard the voices arguing
101 about Everest earlier. Kerry went behind some cars and was out of sight, but I could still
102 hear. The voice I recognized as Mickey's said, "Back for more, eh? You gotta be
103 careful. This stuff is addictive. It's also not cheap, not that I'm complaining about your
104 business." Kerry said, "I'm not in the mood today, Mickey. Let's make this quick. By
105 the way, I'd appreciate it if you sold this junk somewhere else. My kid lives here. At
106 least for now." I didn't hear anything else for a few minutes and I didn't see anyone
107 leave the parking lot, so I am not sure where they went.

108 Then Kerry came out from behind the cars and walked to the back entrance of the
109 Jaywood Building. Kerry got out keys, unlocked the door and went inside. The door
110 swung behind Kerry, but I'm not sure it closed all the way. I could see light coming from
111 inside the building between the edges of the door and the doorframe. I don't think it was
112 like that before, but I wasn't looking closely so I can't be sure.

113 About ten or fifteen minutes after Kerry went inside the building, I saw someone
114 else under the maroon awning of back door of the Jaywood Building. At first, I admit
115 that I thought it could be Dylan. I couldn't see the person very well because it was dark
116 out and the person was only at the back door for three or four seconds. But the person
117 looked to be around the same size as Dylan, and the Souper Soups uniform is a dark t-
118 shirt and pants or jeans, and the person I saw was wearing dark clothing. The person was
119 also wearing purple gloves. I feel like I would have been surer, though, if it had actually
120 been Dylan because I know Dylan so well. I had also never seen Dylan wearing purple
121 gloves before. Like I said, it was very dark.

122 The person was carrying something. I think it was a gun, but I didn't really get a
123 good look at what the person was holding. It was definitely something metal and bigger

124 than a key. I didn't see the person holding anything else. As far as I know, Dylan doesn't
125 own a gun.

126 Whoever it was quickly went under the maroon awning, in the back door of the
127 building, and up the fire escape to the sixth floor. In the daytime you can see who's on
128 the fire escape from outside the building, but it was too dark now, so I only saw a
129 shadowy figure moving around. Just after I saw the second person go through the door on
130 the sixth floor, I heard someone yell (I'm not sure who), then a crash, and then a second
131 crash. A minute or two later, I saw someone running down the fire escape. The person
132 ran out of the back door of the Jaywood Building under the maroon awning. Again, it
133 looked like Dylan, but I didn't get a good look. This time, I didn't notice the purple
134 gloves. It was dark and this time the person was running so the person was only under
135 the awning for less than a second. But the person did run in the direction of the food
136 trucks, down Pearl Alley, in between Chuggies and Sparkle & Shade. The person threw
137 something in a dumpster behind Sparkle & Shade on the way into the alley.

138 I wanted to run to the food trucks to get a better look, but had to pack up my
139 things. I did it as fast as I could, but it was 11:10 P.M. by the time I got through the
140 crowd to the food trucks. I was relieved to see the Souper Soup truck was gone. I figured
141 Dylan must have left before everything happened. That's a little early for a food truck to
142 shut down downtown, but I thought maybe Dylan didn't know since Dylan had never
143 sold downtown before. Moving a food truck isn't easy; it takes a lot of time to pack
144 things up and close the truck down. I think it would be hard for Dylan to get from the
145 Jaywood Building to the truck and get it ready to move in 20 minutes.

146 The police arrived a minute later at 11:11 P.M. I talked to a Detective Nichols
147 and told the detective about what I saw, including the gun. I directed Detective Nichols
148 to the dumpster behind Sparkle & Shade. Detective Nichols put on some gloves and
149 pulled out a gun from the dumpster. Detective Nichols immediately put it in a bag. That
150 was enough excitement for one day, so I went home.

151 Of the documents and exhibits I have been shown in this case, I am familiar with
152 the following:

153 Exhibit 5 is photograph of a gun that the police showed me. I am not sure if it is
154 the gun I saw that night. I did not get a good enough look at it. I don't know anything

155 about guns, so I don't know if the gun in the picture is the same as the gun mentioned on
156 Exhibit 31.

157 Exhibit 7 is a pair of purple gloves. I wasn't close enough to see the ones on the
158 person I saw go inside the Jaywood Building, so I don't know if these are the same ones
159 or even the same kind.

160 Exhibit 9 is a fair and accurate map of the area around where I was standing in
161 downtown Midlands City on July 16, 2017.

162 Exhibit 13 is a photograph I took of the back door of the Jaywood Building from
163 the place I was standing on July 16, 2017. I took this photograph at 12:30 P.M. on July
164 17, 2017. This picture was taken during the day, but otherwise looked like what I saw
165 that night.

166 Exhibit 14 is a photograph I took of the back door of the Jaywood Building from
167 the place I was standing on July 16, 2017. I took this photograph at 11:30 P.M. on the
168 night of July 16, 2017. This is exactly what my view that night looked like.

169 Exhibit 16 is the Tender profile Dylan showed me.

170 Exhibit 31 is the receipt that was dropped in my instrument case.

171 I am not familiar with any other exhibits in this case.

172 I swear or affirm the truthfulness of everything stated in this affidavit. Before
173 giving this statement, I was told I should include everything that I know may be relevant
174 to my testimony, and I followed those instructions. I know that I can and must update
175 this affidavit if anything new occurs to me until the moment before opening statements
176 begin in this case.

177

178 Signed: Subscribed and sworn to me on this on this 1st Day of August 2017:

179 Charley Waters

180

Nilofar Ezigbo
Notary Public

AFFIDAVIT OF JAMIE MORRISON

1 After being duly sworn upon oath, Jamie Morrison hereby states as follows: I am over 18
2 and competent to make this affidavit. I am testifying voluntarily and was not subpoenaed
3 or compelled to testify.

4 My name is Jamie Morrison and I am an expert in the use of technology and
5 mechanical engineering to cause displacement and relocation. That's my LinkedIn way
6 of saying I drive people around in my car. I used to drive a bus for the Midlands City
7 School District, but I couldn't take all the vomiting, crying, and fighting that entailed. I
8 started driving for Uber in May of 2017, right after school let out. I only drive part time,
9 but the money isn't bad and I set my own hours so I may upgrade to full time eventually.

10 I like to work the primetime hours when most of the drinkers are out on the town.
11 Not only do you get better tips, but the prices you can charge go way up and it means I
12 can keep my day job. You don't get the classiest clientele, but it pays the bills. The way
13 Uber works is that people request a car to pick them up and we, the drivers, get a
14 notification of people needing rides near our location. Because of this, I like to circle the
15 downtown area around the bar and restaurant scene, starting at about 9 P.M. and
16 continuing until the bars shut down around 2:30 A.M. That way, I am near the highest
17 number of people who need a ride at a given time and it increases my odds of keeping my
18 car busy.

19 Because I tend to frequent the downtown area, I have gotten to know a lot of the
20 people who work there. I usually pick up my dinner at one of the food trucks so that I
21 won't miss out on a customer. I have gotten to know most, if not all, of the food truck
22 owners who operate downtown. That's why I noticed Souper Soups parked across the
23 street from Chuggies on July 16, 2017. That was the first time I had ever seen the Souper
24 Soups truck downtown. I first noticed it around 10:00 P.M., but it could have shown up
25 earlier in the day. Later in the night, at 11:11 P.M., I was in front of Chuggies again and
26 did not see the Souper Soups truck in the area. I have no idea when the truck left. Before
27 July 16, I had only ever seen Souper Soups in midtown by the courthouse which is over a
28 mile away. I will occasionally drop some fancy lawyer types off at the courthouse and
29 see the Souper Soups truck, but I don't eat there.

30 I was parked on Ellis Blvd. next to the Sparkle and Shade waiting to pick up a
31 passenger at 10:45 P.M. I glanced over to the food trucks, thinking that my passenger
32 might be grabbing a bite to eat for the road. I saw that the Souper Soups truck was closed,
33 and I remember thinking it was strange that a food truck downtown would close before
34 the drunk crowd hit. I saw a person walk out of the food truck wearing a maroon shirt,
35 khakis, and purple gloves—the kind you wear when you work at a hospital or in food
36 service. That person walked away from the truck and down Pearl Alley.

37 I saw the Souper Soups truck and that person with the purple gloves later that
38 night too. On July 16, 2017, I was called to do a pick up for “Dylan” at a residential
39 address – I saw the rider’s name on the Uber app. I was already in the area, so I accepted
40 the request. At 11:25 P.M., I got a call from Dylan through the Uber app telling me that
41 Dylan was in a hurry so Dylan was already waiting outside. When I pulled up to the
42 address, I saw the truck for Souper Soups parked out front. Dylan was waiting outside,
43 just like Dylan said. I immediately recognized Dylan as the person I had seen outside the
44 Souper Soups truck around 10:45 P.M.

45 When Dylan got in my car, it looked like Dylan’s hair was wet, as if Dylan had
46 just taken a shower. Dylan had also changed clothes and was no longer wearing the
47 maroon shirt, the khakis, or the gloves. I confirmed that this person was Dylan, and then
48 asked if Dylan ran the Souper Soups truck (I decided to play it cool and didn’t mention
49 that I had seen Dylan earlier that night). Dylan just said “Yes, I’m going to Chuggies.”
50 Dylan didn’t seem to be in the mood for conversation. We started the ride at 11:27 P.M. I
51 noticed Dylan wasn’t wearing the typical Souper Soups uniform. Food trucks downtown
52 usually close at 11 P.M. or even later, and I didn’t know how Dylan could have gotten
53 home and changed and showered so fast, but maybe Dylan had closed a little early. I also
54 don’t know why Dylan would not have just stayed downtown rather than driving the
55 truck back home. It was a Sunday night. The bars were not going to be open much later.

56 I went back and forth between the area near Dylan’s home and downtown a
57 number of times that night and it is the same distance both ways. The amount of time the
58 trip takes varies. On most nights, the drive from downtown to the area around Dylan’s
59 house takes 10-15 minutes, but when there is traffic it can take almost 30 minutes. On
60 July 16, 2017, I made the drive from downtown to the area around Dylan’s house four

61 times between 9:00 P.M and midnight. Three of those times, the drive between
62 downtown and the area around Dylan’s house took almost half-an-hour and one time it
63 took me 12 minutes. Right before I picked Dylan up, I drove someone from Chuggies to
64 Dylan’s neighborhood. On that trip, I left Chuggies at 11:11 P.M. and dropped someone
65 off one block from Dylan’s house at 11:24 P.M.

66 While driving Dylan, I decided to take another shot at striking up a conversation.
67 Since Dylan had just showered, I thought maybe Dylan had a date, so I asked Dylan
68 whether someone special was waiting for me to drop Dylan off at the bar. Dylan said,
69 “nope, but I have a feeling this will be the last night I spend alone.” I asked what Dylan
70 meant, and Dylan said, “sometimes you just have to take matters into your own hands.
71 I’ve decided to focus on making myself happy.” Dylan seemed positively giddy. I
72 decided not to ask any more questions.

73 There was no traffic at all when taking Dylan from Dylan’s house to downtown.
74 At 11:38 P.M. I dropped Dylan off at Chuggies as requested but I didn’t see Dylan go
75 inside. It might have been because the downtown area was flooded with flashing blue
76 and red lights from cop cars and ambulances. I saw Dylan walk toward the commotion
77 (as a lot of people were doing), but I didn’t get to find out what was going on because I
78 got another ride request.

79 The next day, I was shocked to see what happened on the news. I saw Dylan’s
80 mugshot on Channel 10 and decided I had to talk to the police. I went to the station, and I
81 told them I didn’t think Dylan could have done anything because I was the one who
82 dropped Dylan off downtown and the sirens were already going when we got there. The
83 police asked me if I knew Kerry and Carmen Bell-Leon and showed me pictures of both
84 of them. I told the police that I had driven Kerry Bell-Leon on multiple occasions since
85 Kerry lives downtown near my normal pickup area, and that it wouldn’t surprise me if
86 there were a long list of people with an axe to grind with Kerry. I’ve also seen Kerry
87 stumble into my car late at night looking glassy eyed and slurring. I don’t think it is just
88 the alcohol, either. It wouldn’t surprise me if Kerry was using Everest or even something
89 harder than that. I’ve driven enough pilots to and from the airports to know what a
90 stressful job that is and I’ve heard many say how much Everest helps them unwind.

91 Kerry has bragged a lot about being a pilot, so I wouldn't be surprised if Kerry is using
92 the same escape as other pilots I've driven.

93 I've also driven Carmen Bell-Leon on a few solo trips, but I haven't seen Carmen
94 recently. We haven't talked much, but I've overheard Carmen talking to someone who
95 might have been a lover. The last time I saw Carmen was on a trip to the airport on July
96 2. I remember because Carmen was only carrying a tote bag and I asked where Carmen
97 was headed with so little luggage. Carmen said Carmen had just broken up with
98 Carmen's spouse and was going to Ecuador to see family. I asked whether we needed to
99 go back and get the rest of the luggage. Carmen said, "No, I have all that I need here.
100 The rest will come in a couple of weeks." I asked Carmen if Carmen was ok. Carmen
101 said, "I haven't been better. All of my dirty work is done, and my hands are clean." I
102 don't know what Carmen meant by that, and I didn't ask.

103 I am familiar with the following exhibits in this case:

104 Exhibit 9 is a fair and accurate map of the area where I dropped off Dylan on July
105 16, 2017 in downtown Midlands City.

106 Exhibit 30 is an Uber receipt for the ride I gave Dylan Hendricks on July 16,
107 2017.

108 I swear or affirm the truthfulness of everything stated in this affidavit. Before
109 giving this statement, I was told I should include everything that I know may be relevant
110 to my testimony, and I followed those instructions. I know that I can and must update
111 this affidavit if anything new occurs to me until the moment before opening statements
112 begin in this case.

113

114 Signed: Subscribed and sworn to me on this on this 1st Day of August 2017:

115 Jamie Morrison

116

Jack Bitterly
Notary Public

AFFIDAVIT OF MORGAN JONES

1 After being duly sworn upon oath, Morgan Jones hereby states as follows: I am over 18
2 and competent to make this affidavit. I am testifying voluntarily and was not subpoenaed
3 or compelled to testify.

4 I've known Kerry Bell-Leon for almost 30 years, back when Kerry was just Kerry
5 Bell and we were in the same kindergarten class. We're both 38 now. Kerry and I lost
6 touch for a while, but we reconnected when I got my current job as the building
7 superintendent for the Jaywood Building in Midlands City. My job makes me a jack of
8 all trades: I'm part doorman, part handyman, part concierge, and part security officer.
9 The job was made more bearable by the fact that I was living in the same building as
10 Kerry, Kerry's spouse, Carmen, and their 13-year-old child, Bailey.

11 I live directly beneath Kerry in the Jaywood Building. My condo has the exact
12 same floor plan as theirs and everything. Living so close makes it easy to spend a lot of
13 time together. But it wasn't always so easy. I remember love-struck Kerry calling me in
14 2002 after meeting Carmen on an international trip to Ecuador. In 2003, Kerry convinced
15 me to meet them for dinner. I immediately disliked Carmen, and I told Kerry as much.
16 After a few cocktails, Kerry said Kerry was also uncertain, and Kerry told me, "If we
17 ever get married, Carmen is going to have to sign a prenup. This way, Carmen can never
18 get my money unless I were dead." Things seemed to work out for them, even though I
19 wasn't around to see that. They got married later that year and Bailey joined their family
20 in 2004. That same year, I moved into the Jaywood Building... just in time to help with
21 diaper duty and some occasional babysitting.

22 At this point, Kerry and Carmen's marriage was on the rocks. They were usually
23 civil to each other in public, but you could tell that something wasn't right. I chalked it
24 up to baby stress, but after a couple of years, it was clear that their relationship was
25 always going to be tense. Kerry is someone who can get jealous for no reason, and
26 Carmen is a pretty flirtatious and affectionate person. So I could see why Kerry would
27 get worried, but it seemed to be all the time. I remember Kerry storming out of Chuggies
28 (the bar next to the Jaywood Building) one night when the bartender seemed to get a little
29 too close to Carmen. I can't believe they stuck together after that. There was something
30 always sinister about Carmen.

31 Even though I'm no expert on marital relations (and have a couple divorces to
32 show for it), it was pretty obvious that Kerry and Carmen's relationship was in a free fall
33 around Thanksgiving 2014—right after Kerry got a promotion and started working more
34 hours. With the promotion, Kerry was away even more nights a week. Kerry told me
35 that, when Kerry was home, Carmen didn't seem as interested in spending time with
36 Kerry. Kerry and I started spending a lot more time together. I'd like to think it was
37 because we were best friends, but I know—at least in part—it was because I was just
38 easy to talk to and was only a flight of stairs away.

39 I tried to assure Kerry that everything would work out with Carmen, even though
40 I didn't really believe it. And, boy, was I right. Things got worse quickly. On July 2,
41 2017, Carmen admitted to Kerry that Carmen was having an affair with Dylan Hendricks.
42 That day, Carmen took off to Ecuador. The following day, Kerry took Bailey to a month-
43 long sleepaway camp. When Kerry got home from taking Bailey to camp, Kerry came
44 down to my condo and pounded on the front door at about 11 P.M. Kerry wanted to
45 know if I saw anything unusual happening in the condo building while Kerry was gone
46 the last couple of months. Kerry was really out of sorts, so I said that I never saw
47 anything suspicious.

48 That was a lie. On the days Kerry was traveling for work in May and June 2017
49 (and only those days, like clockwork), there was a soup truck named "Souper Soups"
50 parked on Main Street right in front of the Jaywood right around 9 A.M., and it would
51 usually disappear before 11 A.M. On those days, I often ran into someone named Dylan
52 Hendricks, wearing a maroon "Souper Delicious" shirt in the elevator. That person was
53 always going to the sixth floor, the floor Kerry and Carmen lived on. I didn't think it was
54 odd at the time because I thought maybe the food truck did in-home delivery, and Dylan
55 was always carrying soup. But the more I thought about it, the more I realized how weird
56 it was that someone was regularly eating soup for breakfast.

57 Then, on June 18th, 2017, I got on the elevator with the maroon-shirted person on
58 my way to the Bell-Leons' condo. When I realized I was being followed to the front door
59 of that condo, I acted like I was getting my keys out to go into the neighboring condo to
60 fix something. As I was fumbling with my keys, I watched as Dylan knocked on
61 Carmen's door. To my horror, Carmen opened the door, laughed and said, "I really need

62 to give you a key,” and then Carmen greeted Dylan with a kiss. I was sick to my
63 stomach. My stomach dropped another notch when Carmen made eye contact with me
64 before Dylan closed the door behind them.

65 I was torn about what to do, and stewed about it the rest of the morning. On one
66 hand, Kerry is a good person and deserves to be treated honorably. On the other hand,
67 part of being a super is having discretion. Plus, I was really worried about what would
68 happen to their kid if they got a divorce, and I didn’t want to insert myself into drama
69 where I didn’t belong. But, when I went back to my condo to grab some lunch, I saw that
70 someone had slid something under my door. It was a note that said, “Don’t say anything.
71 If you do, I’ll tell everyone that you are addicted to Everest.” I’ll admit that the note
72 scared me off from saying anything to Kerry.

73 The next time I saw Carmen was on June 30, 2017. I was changing the light bulb
74 underneath the awning at the back door of the Jaywood Building. I heard Carmen and
75 Dylan talking as they were walking down the fire escape (which is basically just a
76 staircase at the back of the building into the back parking lot). Carmen said, “Do you
77 know how to use it?” Dylan said, “I think so. I’ve never fired one before but how hard
78 can it be? I’ll get rid of it after I do it.” Carmen said, “Yes, and then I’ll see you soon.”
79 They walked out of the back door, saw me on my ladder, and stopped talking. Dylan
80 walked away and Carmen went back upstairs.

81 Even after Carmen left the country on July 2, 2017, I kept seeing Dylan Hendricks
82 around our condo building. Over the week of July 3, I saw the soup truck parked outside
83 our building for an hour or so at a time at all times of day. More disturbingly, on July 5,
84 as I was walking down the fire escape to my car in the parking lot behind the Jaywood
85 Building, I saw Dylan standing in the parking lot. As soon as Dylan saw me, Dylan ran
86 away and seemed to tuck something in Dylan’s pants. With Carmen out of the country, I
87 had no idea why Dylan was hanging around our building, let alone our parking lot. I
88 thought about reporting the trespassing to our property manager (my boss), and in
89 retrospect I probably should have.

90 Plus, with Carmen gone, Kerry was in really bad shape. Beginning in early July
91 2017, Kerry started coming down to my condo to watch TV a lot. I must admit, I was
92 shocked when one night Kerry came to my condo and asked if I had any Everest. Everest

93 is a new designer drug that makes you elated and energized. Everest is illegal in
94 Midlands. It's very addictive and supposedly blurs your memory of what you
95 experienced while on it. But I've never felt that myself even though I have taken Everest
96 off and on for a few years. I'm not a prude or anything, so I was always happy to share.
97 In July 2017, I saw Kerry take a lot of Everest, but I only got concerned once when I saw
98 Kerry taking what looked like some Everest at a party the night before a flight. I'm
99 pretty sure that pilots are supposed to wait at least eight hours to fly after drinking, and
100 Kerry was always careful about this. "Eight hours from bottle to throttle," Kerry would
101 always say. And, I'd bet that the same holds true for Everest. It was probably all right
102 though. Kerry always followed the rules. Besides, I heard that Everest doesn't stay in
103 your system that long.

104 My birthday is July 16, and we had planned a party at Chuggies. I had wanted to
105 get to the bar by 9:00 P.M. (the time we were supposed to meet everyone), but for some
106 reason Kerry took a long time getting ready. Kerry seemed really tense the whole walk
107 over. We walked into Chuggies around 9:30 P.M., and my friends were already there. I
108 kept trying to walk around and talk to everyone, but Kerry kept pulling me aside to talk
109 about Carmen's affair. After about ten minutes, I could tell that this party needed a bit of
110 a boost. I took out my Everest pills, but saw that I only had one left. I gave it to Kerry,
111 because Kerry was being a real downer. Kerry took the pill at 9:45 P.M. I didn't take any
112 Everest on the night of July 16, 2017.

113 It must have been a few minutes after 10:00 P.M. when I heard Kerry on Kerry's
114 phone. I remember the time, because the second band had just gone on, and they usually
115 start their set around 10:00 P.M. Kerry said Kerry had to run out for a few minutes "to
116 go get some soup" and would be right back. At least, that's what I thought I heard, but it
117 was very loud with the band playing. I got a little concerned, because I could see that
118 something wasn't right and I thought that Kerry wanted to get some more Everest. Kerry
119 had already taken one pill, and one is always enough.

120 Around 10:45, I went looking for Kerry. I left Chuggies and saw the food trucks
121 across Ellis Blvd. Souper Soups was closed, and I didn't see Kerry anywhere. That's
122 when I saw Dylan Hendricks standing outside the food truck. Dylan was wearing the
123 Souper Soups uniform, a maroon shirt and khakis. Dylan was also wearing purple gloves.

124 I didn't see Dylan carrying anything, but wasn't close enough to get a good look. I
125 wanted to know if Dylan saw Kerry, so I yelled out "Hey Dylan!" but Dylan didn't
126 respond and just kept walking down Pearl Alley. I was actually relieved because as soon
127 as I yelled, I realized how awkward it would have been to ask Dylan about Kerry.

128 This was not how I planned to spend my birthday. I was hoping Kerry just went
129 home, so I headed in that direction. As I walked into the parking lot behind our building,
130 I saw someone in the parking lot. I remember the person was wearing jeans, a navy
131 jacket, and possibly had gloves on. I didn't recognize the person and thought the person
132 looked suspicious, so I went around to the front of the building to go inside. It was a few
133 minutes before 11:00 P.M. Just as I got off the elevator on the 6th floor, I heard a lot of
134 noise coming from Kerry's room. I ran to see what was going on.

135 I was worried about Kerry because of the Everest, so I didn't even knock. The
136 door wasn't locked and I went in. Right in the middle of the living room I saw someone
137 on top of Kerry with something around Kerry's neck. Someone was strangling Kerry.
138 As soon as I came in, the person turned and ran. I was shocked so I didn't move right
139 away. The strangler ran towards the back door and picked up a gun in the hallway on the
140 way out the back door. I ran after the person, but once I got to the back door of the condo
141 the person was already going down the fire escape. It sure seemed as though this person
142 was familiar with the building. I didn't want to leave Kerry, so I ran back inside.

143 At that point, I noticed that the cabinet door in the utility closet was open. I knew
144 that Kerry owned a gun, and Kerry's gun was kept in the utility closet. I didn't see the
145 gun in the cabinet, though. I knew the gun was usually there because I saw it when I was
146 working on the hot water tank in their utility room in February 2017. In February, the
147 gun was just sitting on the top shelf next to a sealed box of bullets, I did not ask Kerry
148 about it, and I did not know if it was loaded. I never saw a gun safe in the condo.

149 When I went back into the living room, I saw Kerry lying unconscious on the
150 ground. There were no lights on in the living room. The only light was coming from the
151 TV. I turned on the light and only then saw that there was an extension cord right beside
152 Kerry. I immediately called 911. It was 11:01 P.M.

153 I did not see who the strangler was. I didn't see the person's face or hear the
154 person's voice. It was so dark in the living room that I couldn't even tell you the

155 person's height or weight or whether it was a man or a woman. The only thing I know
156 about the strangler is that the person was wearing dark colored clothes and was wearing
157 purple gloves. But when Kerry came to, Kerry told me it was Dylan Hendricks, and I
158 believe Kerry.

159 I can't believe that Dylan tried to kill my friend. In the hospital, Kerry told me
160 that Dylan and Carmen must have been planning something like this for months. I can't
161 believe that Carmen is still in hiding after this, but at least they caught the person who
162 tried to kill Kerry.

163 I am familiar with following exhibits:

164 Exhibit 4 is the orange extension cord that I saw next to Kerry.

165 Exhibit 5 is a picture of Kerry's gun. I saw it only once, and it was on the top
166 shelf of the cabinet in the Utility Room. It was not in a gun safe. There is also an
167 unopened box of bullets in the cabinet.

168 Exhibit 7 is a pair of purple gloves. They appear to be the same color as the
169 gloves I saw on the person strangling Kerry Bell-Leon.

170 Exhibit 8 is Everest; I recognize it from the smiley faces on the pills.

171 Exhibit 9 is a fair and accurate map of downtown Midlands City. I am not sure if
172 it is to scale.

173 Exhibit 10 is a floor plan of the Bell-Leon residence. My condo is directly
174 beneath theirs and has the same general floor plan, but the furniture is not in the same
175 positions. It appears to be to scale but I can't be sure because I did not make it.

176 Exhibits 13 and 14 are photos of the back of the Jaywood Building. The police
177 showed me these photos, but I'm not sure who took them. You need a key to get in the
178 back door, which is under the maroon awning. That stairwell brings you to the back door
179 of all the condo units on that side. The door under the maroon awning should lock
180 automatically, but sometimes the door latch doesn't close. If that happens, you can just
181 pull the door open without a key. I was asked by residents to fix it for months but I never
182 got around to it. There is a doorman (usually me!) at the front door and there are security
183 cameras. You only need a key to get in the front door when a doorman isn't there.

184 Residents can also unlock the front door via a buzzer in their condos if they want to allow
185 guests into the building. All of the individual condo keys also open the back door to the

186 building, so you only need one key to get into the building and condo. Of course, each of
187 the condo units has different keys.

188 Exhibit 29 is the note that was slipped under my door the same day I saw Carmen
189 kiss Dylan Hendricks.

190 I am not familiar with any of the other exhibits in this case.

191 I swear or affirm the truthfulness of everything stated in this affidavit. Before
192 giving this statement, I was told I should include everything that I know may be relevant
193 to my testimony, and I followed those instructions. I know that I can and must update
194 this affidavit if anything new occurs to me until the moment before opening statements
195 begin in this case.

196

197 Signed:

Subscribed and Sworn to me on this 1st day of August 2017:

198 Morgan Jones

Sabrina Kuethman-James

199

Notary Public

AFFIDAVIT OF KERRY BELL-LEON

1 After being duly sworn upon oath, Kerry Bell-Leon hereby states as follows: I am 38
2 years old and competent to make this affidavit. I am testifying voluntarily and was not
3 subpoenaed or compelled to testify.

4 I live in Midlands City, Midlands. I am a pilot for Midlands Airways. I started
5 flying for the company right after graduating from flight school at the Midlands Institute
6 of Technology. I am based at the East Midlands Airport (XEM).

7 Obviously, my job takes me away from home a lot. I'd be lying if I said that
8 didn't put a lot of strain on my marriage. My spouse Carmen and I were married in
9 2003. I met Carmen when I was in Tierras Medias, Ecuador for work. We tried dating
10 long distance for a few months, but I knew Carmen needed to move to the United States
11 if this was ever going to work out long-term. In 2002, Carmen moved to Midlands from
12 Ecuador and we got married almost a year later. Our child Bailey was born in 2004 and
13 is now in the eighth grade. We live on the sixth floor (#6A) of the Jaywood Building, a
14 condominium complex in downtown Midlands City on the corner of East and Main.
15 Even after having a child, Carmen and I preferred to live in the city, close to all the
16 restaurants and bars.

17 Things with Carmen were great at first, even though I was traveling a lot. In fact,
18 things were great for almost 14 years. Carmen did not seem to mind how much I was
19 gone. But that changed about four years ago after I got a promotion and started working
20 more hours. When I would come home from a trip, Carmen would complain about how
21 hard it was to take care of Bailey without me around to help. Carmen would also
22 regularly complain about being lonely and say that if I cared about the family, I would
23 find a way to stay home more. Look, I get it. Carmen's family is in Ecuador. Carmen
24 didn't know anyone when Carmen moved to Midlands. I would have loved to be around
25 more, but what am I supposed to do? Quit my job? I am a pilot, I love being a pilot, and
26 Carmen knew what Carmen was signing up for when we got married.

27 Speaking of signing up for things, we have a prenuptial agreement. I think that
28 also caused some tension. Exhibit 12 is that prenuptial agreement, and it says that
29 Carmen would basically get nothing if we split up, especially if Carmen had an affair.
30 Also, I'm confident that the court would give me full custody of Bailey if we ever got

31 divorced. In 2016, Carmen kept talking about our prenup. I thought Carmen was just
32 holding that over my head to win arguments. That was until 2017 when I started to
33 suspect that Carmen was having an affair and wanted to leave me.

34 In March 2017, Carmen started to seem distant. We weren't talking as much. We
35 were barely even arguing. It was like I was getting the cold shoulder. Later that month, I
36 noticed that Carmen was getting dressed up, cancelling our date nights, and going out
37 more. I did not know with whom. This continued into summer.

38 Then on July 2, 2017, everything came crashing down. Carmen told me Carmen
39 was having an affair with someone named Dylan Hendricks. Carmen said that Dylan was
40 an entrepreneur of some kind. Carmen claimed the affair was over and that Carmen was
41 going to Ecuador to visit relatives. I didn't know what to think. Even though I suspected
42 something was wrong, I felt like I had been hit by a truck. I told Carmen not to go,
43 because we needed to make things work. But Carmen just said that Carmen needed some
44 time away. I was in too much shock to put up much of an argument. On July 2, 2017
45 Carmen left. I haven't seen Carmen since.

46 I drove Bailey to sleepaway camp at Riverside Camp on July 3, the day after
47 Carmen left. When I got home on July 3, I was distraught. I'll admit that I did not handle
48 it well. I knew it was a bad idea, but I had to find out who Dylan Hendricks was. The
49 night of July 3, 2017, I did a search on the internet for "Dylan Hendricks Midlands
50 City." I got a few hits: a Facebook page and even a MySpace page. I also saw an article
51 from the magazine *Midlands Alive!* that was a review of a food truck called Souper
52 Soups. It was run by someone named Dylan Hendricks. The article even had a few
53 pictures of Dylan.

54 From July 3 to July 16, I was pretty much going out every night that I was not
55 away for work. I started drinking pretty heavily and used Everest for the first time.
56 Everest is a new designer drug that is pretty addictive and illegal. It is also very
57 expensive. It causes you to feel happy and energized. I've heard Everest can distort your
58 memories, but I've never experienced that and I do not think that's true. Personally, I
59 don't think it has any bad side effects. I've only used Everest a few times and I've never
60 used it while working.

61 My friend Morgan Jones gave Everest to me the first time I used it on July 5.
62 Morgan is my closest friend—literally. Morgan lives directly below me in the Jaywood
63 Building in condo 5A. I went out for drinks a few times with Morgan in July 2017.
64 Morgan was supportive and helped me get through it. Morgan told me that Morgan was
65 sure Carmen and I would work it out. Sometimes, you need friends who will just tell you
66 what you want to hear.

67 On July 16, 2017, I walked to Chuggies with Morgan. Chuggies is the bar next
68 door to the condo building where Morgan and I live. It was Morgan’s birthday, and we
69 had been planning a party at Chuggies for months. I even wrote it on the family
70 calendar. Exhibit 11 is the calendar for the months of July and August. The calendar is a
71 tear-away calendar, and Bailey tears the old month off on the first day of each new
72 month, so the past months’ sheets have been thrown away. Carmen didn’t write anything
73 on the calendar pages for any month after July, which is weird because Carmen keeps the
74 calendar up to date to make sure that everyone knows each other’s schedules.

75 We got to Chuggies around 9:30 P.M. A number of Morgan’s friends were
76 already there. At 9:45 P.M., I saw Morgan take an Everest pill. I hadn’t had any Everest
77 that day, so I asked if I could get an Everest pill, and Morgan gave me one. I took the
78 Everest pill—Morgan’s last pill—right away, at 9:45 P.M. I did feel bad taking the last
79 of Morgan’s drugs on Morgan’s birthday. So, I called my dealer, Mickey, and said to
80 meet me in the parking lot that was just around the corner from Chuggies and behind the
81 Jaywood Building.

82 At 10:15 P.M., I left Chuggies to go get more Everest. On my way to the parking
83 lot, I realized how hungry I was. I saw a few food trucks parked across the street: *Tasty*
84 *Tacos*, *Kostandinos’ Gyros*, and, sure enough, *Souper Soups*. I remembered that Dylan
85 Hendricks owned Souper Soups. I felt like I had to confront Dylan. I thought I was
86 going to walk up to the truck and punch Dylan or at least throw some soup in Dylan’s
87 face. I got to the food truck and saw someone wearing a nametag that said “Dylan.” I
88 recognized “Dylan” as Dylan Hendricks from the pictures I saw online. This was the
89 person Carmen was having an affair with.

90 I took a deep breath and was about to start yelling, but then I chickened out. I
91 thought that it probably wasn’t the best time. We were in public, and I had taken Everest.

92 I didn't want things to get out of hand. So I just ordered the catfish chowder which I
93 thought would help my nausea. The receipt I got from that order is Exhibit 32.

94 I left stunned. Dylan wasn't that good looking. And Dylan owned a food truck!
95 I am a pilot. I don't know what Carmen saw in Dylan. I started walking towards the
96 parking lot behind my condo building to meet Mickey, my drug dealer. We were
97 supposed to meet at 10:35 P.M., and I didn't want to be late. I walked into the parking
98 lot and found Mickey at exactly 10:35 P.M. Mickey was alone and I didn't see anyone
99 else around. I went up to Mickey and bought some Everest.

100 I was about to go back to Chuggies, but I decided that I wasn't really feeling up
101 for a party. Morgan had a bunch of other people to hang out with, so I decided to just go
102 to bed. I unlocked the back door to my building with my key and went up the fire escape
103 (which is essentially just the staircase at the back of the building). Once on the sixth
104 floor, I unlocked the door to my condo and went inside. I am pretty sure I locked the
105 door behind me, but I am not completely certain. Sometimes I forget. It's a secured
106 condo building so I feel totally safe in there. If you go in through the front door of the
107 building, you have to go by the doorman (which is often Morgan during the day) and
108 security cameras. You need a key to get in the back door of the building (the door under
109 the maroon awning). Any key that opens one of the condo units opens the back door to
110 the building, so you only need one key to both get in the building and into a condo unit.
111 Of course, each of the condo units has a different key.

112 At about 10:45 P.M., I got back to my condo. I sat down on the couch and turned
113 on the TV. It was an action movie of some sort starring Alex Grace and there was a lot
114 of fighting. After a few minutes, I went to the bathroom to wash my face and brush my
115 teeth, but, as I walked down the hall, I heard something behind me. I opened the door to
116 the bathroom just in time. Before I could even turn on the light, I saw Dylan Hendricks's
117 reflection in the bathroom mirror. I spun around, and all I saw was a gun that Dylan was
118 holding. I'm not exactly sure what happened next. Before Dylan could fire, my airline
119 security training kicked in. I remember knocking the gun away and hearing it fall on the
120 ground. But it was too dark to see where it went. I ran into the living room, toward the
121 front door, and I heard a crash behind me. Before I could get to the door, I was tackled
122 from behind into some furniture. I was lying on the ground, trying to get up when Dylan

123 put the extension cord around my neck. I couldn't breathe. I tried to get away, but
124 couldn't. I didn't see anything else, and soon I passed out.

125 The only time I saw Dylan's face was in the reflection in the mirror and I only
126 saw it for a second. Dylan didn't say anything the whole time, so I didn't hear Dylan's
127 voice. It was dark in the condo, but the TV was on and so was the nightlight in Bailey's
128 room. That was enough to see. I am certain it was Dylan.

129 When I came to, Morgan was already in the room. I was lying on the floor next to
130 an overturned end table with a lamp broken on the floor. I was discombobulated. It
131 might have been the Everest, but it was probably the fact that Dylan just tried to murder
132 me. As soon as I got my wits about me, I noticed an orange extension cord on the ground
133 near me. I didn't touch it. I tried to get up but still felt pretty woozy so I just sat back
134 down on the floor. Morgan called 9-1-1. Morgan asked for an ambulance, and I said,
135 "Get the police too. Dylan Hendricks tried to kill me."

136 The police showed up a few minutes later. Officer Nichols came up to me and
137 asked if I was all right. I said I was okay. The officer asked me what happened. I said,
138 "Someone tried to kill me. It was the person who owns the soup truck outside named
139 Dylan Hendricks. If you hurry, you might be able to catch Dylan." Officer Nichols
140 responded by asking me if I was on anything, but before I could answer the paramedics
141 showed up. When they got there, the officer backed away, probably to go arrest Dylan.

142 I wanted to keep talking to the police but the paramedics surrounded me. They
143 asked me a lot of questions, including if I was on drugs. I told them I had taken an
144 Everest pill earlier that night. I told them someone tried to strangle me and showed them
145 my neck. I figured there must have been bruising or something. They put me on a
146 stretcher and wheeled me to the elevator and outside the front door of the Jaywood
147 Building towards the ambulance.

148 When we got outside, I saw Dylan walking toward us. I couldn't believe it at
149 first. But it's obvious why Dylan came back. The criminal always returns to the scene of
150 the crime. I shouted, "That's Dylan! That's the person who tried to kill me and tried to
151 ruin my marriage!" I pointed at Dylan and police officers rushed over to grab Dylan.
152 The police asked if I was sure this was the person who tried to kill me, and I said, "I am

153 absolutely positive. You'll never get away with this, Dylan. You and Carmen will never
154 be together."

155 The police took Dylan away, but I am not sure if Dylan was in handcuffs. The
156 paramedics loaded me into the ambulance, and we went to the hospital. I was examined
157 by a doctor, who told me I was going to be fine. They kept me at Midlands City Hospital
158 for a day, but then I was released. The people at the camp drove Bailey to the hospital on
159 the morning of July 17.

160 When I got home from the hospital on July 17, 2017, I did not feel safe. I went to
161 get the gun I kept on the top shelf of the cabinet in our utility room. It's usually just
162 sitting on the top shelf (unloaded of course), but I didn't see it there. I also saw that the
163 box of 50 bullets that I kept in the cabinet had been opened. I counted the bullets and
164 there were only 49 left. I had not opened the box, and I don't know where the other bullet
165 went. I told the police that the gun was missing, and they showed me a gun they
166 collected in a dumpster by the building. It was my gun! I didn't recognize it when Dylan
167 attacked me on July 16, 2017. But Dylan must have taken it.

168 I still haven't spoken to Carmen. I tried calling a few times, but Carmen won't
169 answer. I still can't believe this happened. I can't believe that Carmen had an affair with
170 someone who would try to kill me. I don't ever want to see Carmen again.

171 I am familiar with following exhibits:

172 Exhibit 4 the orange extension cord that Dylan used to strangle me. I had left it
173 on the kitchen counter after using it to plug in the vacuum cleaner the day before.

174 Exhibit 5 is a photograph of my gun. It is registered in my name and I have a
175 permit to carry it. I identified it when the police showed it to me at the police station on
176 July 18, 2017. I don't keep my gun in a gun safe, but Bailey knows not to touch it. I'm
177 trained in weapons safety, and when I need to relieve some stress or keep my skills sharp,
178 I go to DeRosa's firing range and fire a few rounds.

179 Exhibit 6 is the key to my condo that I was told was found on the living room
180 floor of my condo in the mess caused by the fight. I was shown this by the police after
181 they collected evidence. I had never seen this particular key before that. All of the keys I
182 know about to our condo are on key rings but this one is not attached to anything. I do

183 not know if Carmen gave this key to Dylan, but as far as I know it was not in the condo
184 before that night.

185 Exhibit 8 is the Everest I purchased on July 16, 2017. I did not take any and
186 haven't opened the bag.

187 Exhibit 9 is a fair and accurate map of downtown Midlands City. I do not know if
188 it is to scale.

189 Exhibit 10 is fair and accurate diagram showing the floor plan of my condo in the
190 Jaywood Building. It appears to be to scale, but I did not make it so I can't be sure.

191 Exhibit 11 is a tear-away calendar we keep in our condo for the months of July
192 and August. The preceding months are always thrown away after we use them.

193 Exhibit 12 is the prenuptial agreement Carmen and I entered into.

194 Exhibits 13 and 14 are photos of the back door to the Jaywood Building. I do not
195 know who took these photos. They were shown to me by the police. You need a key to
196 get in the back door under the maroon awning. That stairwell takes you right to the back
197 door of all the condo units. The door under the maroon awning is supposed to lock
198 automatically, but sometimes the door doesn't latch closed. When that happens, you can
199 just pull the door open without a key. At the front door, there is a doorman (sometimes
200 Morgan Jones) and security cameras. You only need a key to get in the front door when
201 the doorman is not there. Residents can also unlock the front door from inside their
202 condo via a buzzer to allow guests into the building.

203 Exhibit 32 is the receipt I got from Dylan on July 16, 2017.

204 I am not familiar with any of the other exhibits in this case.

205 I swear or affirm the truthfulness of everything stated in this affidavit. Before
206 giving this statement, I was told I should include everything that I know may be relevant
207 to my testimony, and I followed those instructions. I know that I can and must update
208 this affidavit if anything new occurs to me until the moment before opening statements
209 begin in this case.

210

211 Signed:

Subscribed and Sworn to me on this 1st Day of August:

212 Kerry Bell-Leon

Sarah Ramos

213

Notary Public

Report of F.W. Longfellow

August 15, 2017

Introduction and Background

I have been retained by Dylan Hendricks's counsel to analyze the telecommunications conclusions of Jordan Smith and the investigation of the Midlands City PD into the attempted murder of Kerry Bell-Leon. It would have been my preference to conduct an independent investigation to audit Dr. Smith's conclusions, but I was not hired to go that far, and my services are not as cheap as they were when I was a government employee. My rates are now \$300 an hour. My role was to evaluate Dr. Smith's report on its face based on my experience as an investigator. To that end I reviewed Dr. Smith's report and exhibits cited therein. Altogether I spent about sixty hours reviewing Dr. Smith's report and exhibits, along with preparing my own report. I am also paid that same rate for my time testifying in court.

I received an Associate's Degree in Criminal Justice from Midlands Community College in 1986 and completed the basic officer course at the Midlands Police Academy in 1987. Immediately after completing my training, I joined the Midlands City Police Department where I rose from a beat cop to sergeant to detective (in property crimes and then in homicide) before becoming a lead detective in the homicide division in 2007. Throughout my work at the MCPD, I received additional training in criminal investigative techniques at the FBI headquarters. I retired in 2012 and founded Longfellow Investigation Consultants. Defense counsel (and only defense counsel) frequently retain me to testify regarding interrogation techniques, evidence of self-defense, bribery, and corruption, as well as crime scene investigation techniques.

I should say I worked with Dr. Smith and have a lot of respect for Dr. Smith's work and investigations. I have seldom had trouble with Dr. Smith and think that the doctor is one of the better ones. That said, no one is beyond reproach and Dr. Smith's investigation in this case leaves something to be desired.

Cellular Tracking

Cellular tracking is a common practice among law enforcement officers. The FBI currently employs over 35 agents who are primarily devoted to cellular tracking, and it has trained over 5,000 local law enforcement officers in its methods. I was one of the local law enforcement officers trained by the FBI. I performed cellular

40 tracking on a few occasions before I left the force. In each of those cases, my
41 analysis contributed towards a conviction.

42

43 Unfortunately, just because a practice is common among law enforcement, doesn't
44 mean it's always reliable. Cellular tracking has a number of flaws.

45

46 First, it is impossible to make a determination of a suspect's location based on
47 proximity to and connection with a particular cellphone tower because a cellphone
48 doesn't always connect to the nearest tower. The ranges of cellphone towers often
49 overlap, and a phone can connect to any cellphone tower that is within range. In
50 order to select particular towers, cellphones use a complex algorithm, which is
51 based on factors such as distance, signal strength, and traffic already using the
52 tower. For example, when a cellphone sends out a "ping" to locate a tower, it might
53 prioritize the closest tower—the first one to "ping" back. However, if the cellphone
54 receives a second ping shortly after the first with a stronger signal, the cellphone
55 may prioritize a tower that is farther away. What's more, if the first two towers had
56 extremely high traffic (that is, many people were already using the towers), the
57 cellphone's algorithm might pick a third tower that pinged back because it had low
58 traffic even though it was both farther away and had a weaker signal. All of that is
59 just an example of how a cellphone's algorithm can cause a phone to pick a tower
60 that is not the closest.

61

62 Each cellphone company has a different algorithm. Those cellphone algorithms are
63 closely guarded by cellphone service providers as trade secrets. Even with those
64 algorithms, it would be virtually impossible to pin down someone's location based
65 on which tower their cellphone pinged on any given occasion. In fact, there are so
66 many factors that go into determining which cellphone tower a phone connects to,
67 that two phones on the same carrier that simultaneously make calls can connect to
68 different two towers even though they are less than a foot apart.

69

70 Second, the size and shape of a cellphone tower's signal shifts constantly. When
71 performing cellphone data location, law enforcement often assumes that a cellphone
72 tower's signal range is shaped like circle or some portion of a circle. In reality, the
73 shape of a cellphone tower's signal shifts and is typically more like a blob. Moreover,
74 the shape of the blob is always changing. It is not possible to determine the size or
75 shape of a cell tower signal after the fact. This makes pinpointing someone's
76 location based on their usage of any particular tower extremely difficult.

77

78 Both of these problems are most pronounced when using only one cell tower to
79 pinpoint a suspect's location. Cellphone tracking is more accurate when using

80 multiple towers than single tower; however, the problems still exist even when a
81 cellphone connects to multiple towers. When a cellphone connects to multiple
82 towers, we only know that it was somewhere within the range of all those towers.
83 However, without knowing the shape of the tower signals at the time the phone
84 connected, it is impossible to tell exactly where that range is. In cities, cellphone
85 towers typically have a range of 0 to 20 miles. In more rural areas, some cell towers
86 have a 360 degree range at a distance of over 300 miles. I will admit that the range
87 of towers in urban areas, like the area around downtown Midlands City, is much
88 smaller than in rural or suburban areas due to higher usage in concentrated areas.
89 Thus, the area where multiple signals overlap is likely to be smaller and geolocation
90 based on multiple towers in urban areas is significantly more accurate than when
91 using towers in rural or suburban areas.

92
93 For these reasons, I am skeptical of Dr. Jordan Smith's "Forensic Cellular Data
94 Reconstruction." Dr. Smith went to commendable lengths to match the day of the
95 week, time, make and model of phone, operating system, cell phone carrier, Wi-Fi
96 network list, etc. used by Dylan Hendricks. As a result, Smith's sample phone had
97 the same algorithm to determine which cellphone tower to use as Hendricks had on
98 the evening of July 16, 2017 (assuming the algorithm wasn't altered a few weeks
99 later). The shape or range of each tower's signal may have been different that day
100 from what it was on the night of July 16. I have not personally done any tests to
101 determine if the cellphone towers that both Dr. Smith and Dylan Hendricks
102 connected to shifted or are prone to shifting. That conclusion is purely based on my
103 theoretical knowledge of how many cellphone towers often behave.

104
105 In addition, simply pinging the same towers does not mean that they were in the
106 same location. It is possible that two cellphones can ping three identical towers
107 from anywhere in which those three signals overlap. Dr. Smith appears to assume
108 that the area in which the signals overlap is the area in the middle of the towers.
109 However, with the irregular shapes of cellphone tower signals, overlapping areas
110 could also be miles away from the locations Dr. Smith identifies. Of course, this
111 doesn't necessarily mean that Hendricks was not in the locations that Dr. Smith
112 suggests at the times suggested by Dr. Smith. Given the concentration of cellular
113 towers downtown, it is likely that Hendricks was roughly where Dr. Smith
114 concluded Hendricks's phone had made and received calls from.

115
116 *Tender*

117 I also have concerns about Dr. Smith's use of Tender to determine the position of
118 Dylan Hendricks. Dr. Smith accurately describes the way Tender works; however,
119 Dr. Smith ascribes too much accuracy to information given by the app. Dr. Smith

120 simply walked around the area near the Jaywood Building to determine that the app
121 would log on to Bell-Leon's Wi-Fi network within a 10-foot radius of the building.
122 Dr. Smith conducted this so-called "experiment" on only one day and on only one
123 phone.

124

125 It is entirely possible that Hendricks's phone would not have been able to check into
126 the Bell-Leon's Wi-Fi network when standing anywhere but the condo itself. It is
127 also possible that Hendricks's phone would have been able to check into the Bell-
128 Leon's Wi-Fi network from further away than a 10-foot radius of the building.
129 However, I did not personally test the area around the building. In fact, I have never
130 downloaded the Tender app or attempted to connect to the Bell-Leon's Wi-Fi
131 network.

132

133 I will admit that sometimes the whole can be greater than the sum of its parts. In
134 my days as an investigator, I certainly relied on pieces of circumstantial evidence
135 together to nail a suspect even if each piece of data individually was not sufficient
136 for a conclusion. As Dr. Smith notes, the GPS, cellular and Wi-Fi data are all
137 suggestive of Hendricks being at or near the crime scene. But this can be dangerous
138 too. A successful cross-reference of two imperfect pieces of data can cause an
139 investigator to become over-confident in the result. I have some concerns that this
140 happened to Dr. Smith in this case.

Agency Name: Midlands State PD		<input checked="" type="checkbox"/> Offense						
Call Number: 17-324619		<input type="checkbox"/> Incident		<input type="checkbox"/> Death of Suspect <input type="checkbox"/> Warrant Issued <input type="checkbox"/> Prosecution Declined <input type="checkbox"/> Investigation Pending <input checked="" type="checkbox"/> Arrest-Adult <input type="checkbox"/> Juvenile/No Custody <input type="checkbox"/> Arrest-Juvenile <input type="checkbox"/> Unfounded/Closed				
Midlands State Uniform Incident Report								
Report			Incident					
Date	Year	Time	Date	Year	Time			
17-Jul	2017	18:35	16-Jul	2017	22:50			
Incident Location (Street, City, State, Zip)								
Jaywood Bldg, 1999 Main St.			Midlands City, Midlands					
Offense	Code	A/C	Degree	Hate/Bias	Gang-related			
1. Attempted Murder	923.02~903.02	C	F 1	N	N			
Location of Offense (Enter up to two)								
1. <u>02</u>	2. <u>32</u>	3. _____						
Residential	Commercial	Public Access Bldg	Retail	Outside	Suspected of:			
01 Single Fam	05 Hotel/Motel	11 Transit Facility	19 Bar	27 Yard	50 Other	A: <input type="checkbox"/> Alcohol		
02 Multi-Fam	06 Financial	12 Govt Office	20 Restaurant	28 Construction		D: <input checked="" type="checkbox"/> Drugs		
03 Other	07 Auto	13 School	21 Clothing	29 Waterway		C: <input checked="" type="checkbox"/> Computer		
04 Shed	08 Dr/Prof Off	14 College	22 Gas Station	30 Field	Type of Weapons/Force Used			
	09 Storage	15 Church	23 Jewelry	31 Street			1. Gun	5. _____
	10 Other	16 Hospital	24 Liquor St.	32 Parking lot			2. Cord	6. _____
		17 Jail	25 Mall	33 Alley			3. _____	7. _____
		18 Parking Garage	26 Other	34 Cemetery	4. _____	8. _____		
Method of Entry	Method of Entry - Motor Vehicle		Method of Entry - Burglary/B&E					
1: <input type="checkbox"/> Force	1: <input type="checkbox"/> Unlocked	3: <input type="checkbox"/> Window Broken	1: <input type="checkbox"/> Baset.	3: <input type="checkbox"/> 2nd Flr	5: <input type="checkbox"/> Window	7: <input type="checkbox"/> Skylight		
2: <input checked="" type="checkbox"/> No Force	2: <input type="checkbox"/> Hot Wire	4: <input type="checkbox"/> Slim Jim/Hanger	2: <input type="checkbox"/> 1st Flr	4: <input checked="" type="checkbox"/> Door	6: <input type="checkbox"/> Garage	8: <input checked="" type="checkbox"/> Other		
Total Victims: 1	Victim		I: <input checked="" type="checkbox"/> Individual	F: <input type="checkbox"/> Financial	P: <input type="checkbox"/> Police	S: <input type="checkbox"/> Society		
Adult: 1	Juvenile: 0	Type	B: <input type="checkbox"/> Business	G: <input type="checkbox"/> Government	R: <input type="checkbox"/> Religious	O: <input type="checkbox"/> Other		
Name (Last, First, Middle)								
BELL-LEON, KERRY								
Address (Street, City, State, Zip)					Phone:			
1999 Main St. Unit 6A Midlands City, Midlands								
Victim Injured?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If Injured, Describe Injuries: Visible injuries to throat (abrasions and redness); small wound above right eye						
Homicide?	Agg. Assault?	Victim/Suspect Relationship:	Victim/Offense Link:					
N	Y	unknown	923.02~903.02					

MIDLANDS STATE UNIFORM INCIDENT REPORT			Incident No: 17-324619	
			Agency: MSPD	
Reporting Party Name (Last, First, Middle) JONES, MORGAN				
Address (Street, City, State, Zip) 1999 Main St. Unit 5A, Midlands City, Midlands 55555			Phone [REDACTED]	
Suspect Name (Last, First, Middle) HENDRICKS, DYLAN T.				
Address (Street, City, State, Zip) 555 S Johnson St. Midlands City, Midlands 55555			Phone [REDACTED]	
ARREST/OFFENSE DESCRIPTION	ARREST/OFFENSE CODE	OFFENSE LEVEL/DEGREE	WARRANT #	
1. ATTEMPTED MURDER	923.02~903.02	F1		
2.				
3				
4				
5				
Inventory/Evidence Collected (description)		Location (Street, City, State, Zip)		
1. Extension Cord (orange/10 ft. length)		Victim Residence: 1999 Main St.		
2. Cell phone		Defendant's person		
3. Letter		Waters' person		
4. Everest pills		Victim's person		
5. Gun				
6. See narrative for remainder				
Reporting Officer	Det. M. Nichols	Badge No:	MS1053	Date: 7/17/17
Approving Officer	Chief Polson	Badge No:	MS1809	Date: 7/18/17

STATEMENT OF FACTS/NARRATIVE

- 1 On July 16, 2017, at approximately 11:10 PM, Det. M. Nichols responded to the Jaywood
- 2 Building condominiums at 1999 Main St. in downtown in downtown Midlands City to
- 3 investigate a report of a potential homicide.

- 4 Upon arrival, contact was made with first responders Officer Sandlin 1011 and Officer
- 5 Stanfield 1103. Sandlin advised that victim was not deceased but rather was unconscious
- 6 when found after being strangled and left for dead in a drug deal gone wrong. Stanfield
- 7 directed Det. Nichols to Morgan Jones, Charley Waters and Kerry Bell-Leon.

8 Kerry Bell-Leon stated that Kerry Bell-Leon was attacked by Carmen Bell-Leon's
9 paramour in a jealous rage. Kerry Bell-Leon stated that a gun was used in an attempt to
10 kill Kerry Bell-Leon but Kerry Bell-Leon was able to use self-defense skills to subdue the
11 attacker and wrestle the gun away. After a struggle, Kerry Bell-Leon was strangled with
12 an extension cord from behind and passed out.

13 Kerry Bell-Leon had bloodshot and glassy eyes, and dilated pupils. Kerry Bell-Leon had
14 trouble focusing during the interview with Det. Nichols.

15 Kerry Bell-Leon stated Kerry Bell-Leon had part of mixed drink before leaving Chuggies
16 for food at a local food truck. Kerry Bell-Leon stated that Kerry decided to skip the food
17 because Kerry Bell-Leon didn't feel well and just came home to go to bed early. Kerry
18 Bell-Leon was attacked while getting ready for bed and saw the attacker in the mirror
19 holding a gun.

20 Kerry Bell-Leon had no visible defensive wounds or gunshot wounds. Kerry Bell-Leon
21 did have redness and visible contusions on Kerry Bell-Leon's throat from the extension
22 cord. A slight bump was visible above Kerry Bell-Leon's right eye from hitting the floor
23 upon passing out.

24 Kerry Bell-Leon was having trouble describing the physical features of the attacker but
25 was certain it was Kerry Bell-Leon's spouse's lover, Dylan Hendricks. Kerry Bell-Leon
26 kept repeating, "It had to be. It had to be. That would explain everything." Kerry Bell-
27 Leon couldn't explain why Kerry Bell-Leon thought Carmen Bell-Leon's paramour
28 would attack Kerry Bell-Leon or how an attacker would get into the building or Kerry
29 Bell-Leon's condo.

30 Kerry Bell-Leon still had possession of all of Kerry Bell-Leon's belongings. Aside from
31 broken furniture and a broken lamp, no personal property was reported missing from the
32 residence. Kerry Bell-Leon still had Kerry Bell-Leon's cell phone, credit cards, and \$125
33 in cash in a wallet attached to the cell phone. A key was located on the floor in the middle
34 of the living room. Kerry Bell-Leon stated Kerry Bell-Leon did not recognize the key;
35 however, the key was able to lock and unlock both the front and back doors to Kerry
36 Bell-Leon's condo and the back door to the building under the maroon awning. It appears
37 that the building's back door can be opened by any key that can open the doors to the
38 building's individual units.

39 Before Det. Nichols could ask Kerry Bell-Leon any further questions, Kerry Bell-Leon
40 was taken by EMS for medical treatment.

41 While at the scene, Det. Nichols also spoke with the reporting party Morgan Jones. Jones
42 found Kerry Bell-Leon unconscious in Kerry Bell-Leon's condo after growing concerned
43 when Kerry Bell-Leon left Jones's birthday party at Chuggies without any explanation.

44 Jones stated that as Jones's party started to leave Chuggies for the Sparkle & Shade Club,
45 Jones walked the short distance to the Jaywood Building to see if Kerry Bell-Leon was
46 ill. Jones noted concern for Kerry Bell-Leon because Kerry Bell-Leon was extremely
47 upset about Kerry Bell-Leon's spouse having an affair with a "wannabe top chef."

48 Jones had trouble focusing during the interview and rarely made eye contact with Det.
49 Nichols. Jones had no odor of alcoholic beverage on Jones's person but Det. Nichols did
50 notice that Jones had glassy and bloodshot eyes. Det. Nichols also noted that Jones had
51 dilated pupils. Jones denied any illicit or prescription drug use. Jones said that Jones was
52 simply tired and needed to remove Jones's contact lenses.

53 Jones also stated that when Jones was looking for Kerry Bell-Leon that Jones saw a "drug
54 deal going down in the parking lot behind our building." Det. Nichols asked how Jones
55 knew what a "drug deal" would look like and Jones paused for 10-15 seconds and
56 mumbled "must be TV."

57 Jones said upon entering Jones's condo in the Jaywood Building Jones heard a struggle
58 going on from Kerry Bell-Leon's condo, unit 6A, and ran into Kerry Bell-Leon's condo
59 to find an attacker strangling Kerry Bell-Leon. Jones could not describe the attacker or
60 what the attacker was wearing other than purple gloves. Jones pursued the attacker but
61 could not catch the attacker. Jones then returned to unit 6A to find Kerry Bell-Leon
62 motionless on the ground next to an extension cord and a broken lamp. Fearing the worst,
63 Jones called the police to report a possible homicide.

64 Jones was certain the attacker was a food truck owner that Jones believed was having an
65 affair with Kerry Bell-Leon's spouse. Jones "had a strong feeling" the attacker was the
66 food truck chef. Jones had seen the soup truck owner delivering food to the Kerry Bell-
67 Leon's condo before and blurted out, "with that many delivery orders, Carmen was
68 ordering more than just soup."

69 Det. Nichols proceeded to the back door of the condo unit. The cabinet doors in the utility
70 room were open. The back door to Kerry's condo was also open. Det. Nichols left the
71 condo through the back door. The door to the fire escape was just outside the back door
72 to the condo unit. Det. Nichols descended the fire escape. At the bottom of the fire escape
73 was a door to the parking lot behind the building. The back door to the parking lot (the
74 door under the maroon awning) was closed. Det. Nichols left the building into the
75 parking lot and the back door swung closed and locked. Det. Nichols used the key found
76 upstairs to unlock the door and open it. When the door was released, the door swung
77 closed and locked, such that that any person entering the building from the back door
78 under the maroon awning would need a key.

79 Det. Nichols was then approached by Waters who stated that Waters had seen "something
80 suspicious." Det. Nichols then spoke with Waters at the scene. Unlike Jones, Waters was

81 outside the Jaywood Building during the attack. As a street musician, Waters claimed to
82 be “the eyes and ears, and heart and soul of the street.” Waters asked if Kerry had
83 “OD’ed or something because Kerry looked pretty torn up walking in to the Jaywood
84 Building. Which makes sense when you’re the unknowing party of a love triangle gone
85 wrong.”

86 When asked why Waters thought Kerry would have overdosed, Waters mentioned seeing
87 Kerry meet with a known drug dealer “Mickey” around 10:30 P.M. and heard arguing.
88 Waters stated Kerry left the Jaywood Building’s back door ajar, and that at about 10:50
89 P.M. Waters saw an outline of a person Waters believed to be Dylan Hendricks enter the
90 building. Det. Nichols determined through questioning that Dylan Hendricks matched the
91 information provided by Kerry and Jones. Waters also mentioned that another person was
92 in the parking lot around the time Kerry entered the back door of the Jaywood Building.
93 Waters stated that the person in the parking lot was attempting to buy Everest from
94 someone named “Mickey.” Waters stated that Waters could only hear the individuals; no
95 visual contact was made. When asked if that was the person who followed Kerry into the
96 building, Waters stated, “You know, maybe. I can’t really be sure it wasn’t.” Waters
97 corroborated Kerry’s account of a gun being present.

98 Waters later stated Dylan Hendricks couldn’t have been involved though because Waters
99 followed the attacker out of the building around 11:10 P.M. and Hendricks’s food truck
100 was gone from where it was parked earlier in the night near Chuggies and Sparkle &
101 Shade.

102 Waters turned over a receipt for a firing range that listed Dylan Hendricks. Waters stated
103 the receipt was left in Waters’s music case, though Waters couldn’t provide any other
104 details about how the receipt got there or who left the receipt.

105 Waters indicated that the individual who left the Jaywood Building from the back door
106 had thrown something in a dumpster behind Sparkle & Shade. Det. Nichols searched the
107 dumpster and found an A.D. Baker and Company, Inc. revolver loaded with a single
108 bullet which was bagged and tagged as evidence.

109 At approximately 11:25 P.M., Det. Nichols then proceeded further down Ellis Blvd
110 where the food trucks in the area were parked. Only two food trucks were parked on Ellis
111 Blvd: Kostandinos’ Gyros and Tasty Tacos.

112 Officers Sandlin and Stanfield were with Kerry Bell-Leon when Kerry Bell-Leon was
113 taken to the front of the Jaywood Building to be loaded into an ambulance. Det. Nichols
114 returned to the scene and was present when Kerry Bell-Leon positively identified
115 Hendricks as Kerry’s attacker. Kerry Bell-Leon suddenly became agitated and upset.
116 Kerry then screamed that Hendricks had ruined Kerry Bell-Leon’s marriage and would
117 destroy Hendricks’s life like Dylan had destroyed Kerry’s life.

118 Based on the information given by Kerry Bell-Leon, Jones and Waters, Hendricks was
119 arrested at 11:43 P.M. and taken in for questioning. Kerry Bell-Leon was taken to
120 Midlands City Hospital for evaluation. Det. Nichols was notified by ER Nurse Kennedy
121 that Kerry Bell-Leon admitted to having ingested cathiones methylene or “Everest.”
122 Kerry was also in possession of Everest pills, which Kerry had in Kerry’s front right
123 pants pocket. The pills were later retrieved and sent to the Midlands Bureau of
124 Investigation for testing.

125 SUPPLEMENTAL NARRATIVE #1-July 17, 0030 hours

126 Det. Nichols interviewed Hendricks at the Midlands City Police Department. Hendricks
127 signed a Miranda waiver and voluntarily submitted Hendricks’s phone for evidence of
128 attempted murder. Hendricks’s interview was transcribed and placed in evidence for
129 review prior to trial.

130 Det. Nichols also performed a public records search which revealed a food truck permit
131 (Permit V-37509) in Hendricks’s name for Leckrone Lane, Mondays through Friday. No
132 permit was found for the use of a food truck on Ellis Blvd. The public records search also
133 revealed an application for the aforementioned permit and a citation issued on July 16,
134 2017 for operating the food truck in an improper location.

135 SUPPLEMENTAL NARRATIVE #2-July 17, 0200-0630 hours

136 Det. Nichols conducted a search of Hendricks’s home and food truck. A pair of
137 disposable purple kitchen gloves – unknown brand and known size – were found in the
138 sink. They were wet. Det. Nichols took a photograph of the purple gloves in the sink and
139 then bagged and tagged the gloves. Everything else in the food truck appeared to be put
140 away in a very orderly fashion. The food truck was notably clean as if thoroughly cleaned
141 recently; however, only the disposable purple gloves in the sink and the sink itself were
142 wet. There was a trash can in the food truck that had a trash bag in it and some food
143 waste.

144 The search of the Hendricks’s home uncovered nothing of note except: (1) a single wet
145 maroon “Souper Soups” t-shirt that had “Souper Delicious” written on it in the washing
146 machine and (2) a pair of jeans on the floor of the bathroom. The t-shirt appeared to have
147 recently been washed as it was still damp from the washing machine. No other items
148 were in the washing machine.

149 SUPPLEMENTAL NARRATIVE #3-July 17, 2017, approx. 1200-1600 hours

150 Det. Nichols was contacted by Jamie Morrison who stated that Morrison drove Dylan
151 Hendricks from Hendricks’s house to downtown on the night of July 16. Morrison

152 provided an Uber receipt verifying the ride. The Uber receipt showed Hendricks being
153 picked up at 11:27 P.M. indicating that Hendricks was home by that time.

154 Det. Nichols then attempted to determine whether Hendricks could have been at home by
155 11:27 P.M. if Hendricks had been at the scene of the crime when it reportedly happened
156 around 11:00 P.M. Det. Nichols drove from Chuggies bar to Hendricks's home three
157 times on July 17, 2017. The first trip began at 10:00 P.M and ended at 10:12 P.M. The
158 second trip began at 10:30 P.M. and ended at 10:45 P.M. The third trip began at 11:05
159 P.M. and ended at 11:16 P.M. Det. Nichols encountered no traffic during those trips.

160 SUPPLEMENTAL NARRATIVE #5-July 20, 2017

161 A search of Hendricks's cell phone contained messages from an online dating application
162 that indicated Hendricks and Carmen Bell-Leon were having an affair. All of the
163 messages were retained on a zip drive and placed in evidence for review prior to trial.
164 Hendricks was interviewed a second time and that transcript and Hendricks's Miranda
165 waiver have also been retained for trial.

166 Carmen Bell-Leon was not cooperative and refused to return from overseas. Det. Nichols
167 was unable to secure an official statement from Carmen Bell-Leon.

168 Bailey Bell-Leon was questioned by Det. Nichols and voluntarily turned over Bailey
169 Bell-Leon's cellphone. Det. Nichols located text messages sent from Carmen Bell-Leon
170 to Paris Harmon and Jesse Reynolds.

171 SUPPLEMENTAL NARRATIVE #6 -July 21, 2017

172 Based on eyewitness interviews and Mickey's long-suspected drug trafficking history,
173 Det. Nichols brought in Mickey for questioning. Mickey admitted to being in the
174 Jaywood parking lot on July 16, 2017 around 10:30 pm after attending the downtown
175 concert. Mickey denied selling drugs on July 16, 2017. When asked, Mickey stated that
176 Mickey did not recognize the names "Morgan Jones" and "Kerry Bell-Leon." However,
177 Mickey did recognize a picture of Kerry Bell-Leon as "the pilot at Jaywood." Mickey
178 also stated that at around 10:45pm Mickey heard a crash and loud noises coming from the
179 Jaywood Building. Shortly after Mickey heard the noises, a person ran down Pearl Alley
180 towards the food truck area. Mickey said it was too dark to describe the person's face as
181 the person ran away, but Mickey did notice the person toss something in a dumpster and
182 that the person looked like the person had dark gloves on. Mickey was released pending
183 further investigation.

OFFICER AFFIRMATION STATEMENT

The State of Midlands provides Defendant, Dylan Hendricks, with notice of Midlands City Police Department Detective M. Nichols’s relevant qualifications, experience, training, and affirmation of accuracy statement.

I, Detective M. Nichols, hereby declare that the following list of training and qualifications are an accurate and complete representation of my training and qualifications as of the date affixed below:

Relevant Experience:

1. Midlands State Police Academy
2. Midlands State Highway Patrol
3. Midlands City Police Department
 - a. Vice and Narcotics Unit
 - b. Homicide Detective

Current and Relevant Training and Qualifications:

1. NHTSA training
2. Evidence preservation and collection
3. Witness Interrogation
4. Undercover officer safety and confidential informative handling
5. Computer and machine-based data collection and analysis

Affirmation of Accuracy:

I have reviewed the following documents in preparation for trial:

1. Midlands City Incident Report
2. All the exhibits that are available in this case.

I affirm that all of the above-listed documents are true, accurate, and are a complete and final reflection of all of my knowledge and notes regarding this investigation.

I hereby swear, under the penalty perjury, that the above-listed information is true and accurate.

M. Nichols
Detective M. Nichols

August 15, 2017
Date

Bianca Brock-Upham
Notary Public

August 15, 2017
Date

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Expert Report of Ryan Reeves, Pharm.D.

August 15, 2017

I am a pharmacologist specializing in pharmacokinetics. Pharmacokinetics is the science of how drugs move throughout the body. I have been retained by Dylan Hendricks’s counsel to provide information on the use of a designer drug, cathionese methylene, known as “Everest” on the street, and analyze its effects on eyewitness testimony in this case.

Professional Background

I am the Wallace Professor of Substance Abuse Pharmacology at Midlands State’s Phil Donnelly School of Pharmacology, a post I have held since 2008. I received my Pharm.D. from the St. Louis College of Pharmacy in 2001 after receiving a B.S. in Microbiology from Yale in 1985. Between 1985 and 1995, I was a clinical pharmacist at Polk Hospital, holding a joint appointment as Assistant Professor of Practice at Midlands State. When I was awarded the Wallace Chair, I took a step away from my clinical practice and began teaching and researching full-time. I have published 25 peer-reviewed articles on pharmacokinetics, presented at least annually at professional conferences, and serve as Associate Editor of the *American Journal of Pharmacokinetics*.

I am widely called upon as an expert on pharmacokinetics, the science of how a drug moves throughout the body. I charge a \$10,000 flat fee for my analytical and consulting services. I have testified in over 25 trials. I provide consulting services exclusively for defendants.

Materials Reviewed

While drafting this report I reviewed the affidavits of Kerry Bell-Leon and Morgan Jones, as well as the Everest in the bag recovered from Kerry Bell-Leon on the evening of the alleged attack. I have never spoken to Kerry Bell-Leon or Morgan Jones nor did I request to. The affidavits I reviewed gave me all of the information I needed. While speaking to Kerry Bell-Leon and Morgan Jones may have certainly helped me to verify the assumptions I used in my analysis, I chose not to do so.

All of the conclusions in this report are reached to a reasonable degree of scientific certainty. I have included all my conclusions related to this case in this report. This report is based on the latest scientific research on Everest and contains all of the essential information about the drug. Indeed, I do not believe there is any aspect of Everest usage related to this case that is not covered by this report.

42 **Background on Everest**

43 In 2007, hospitals across Midlands reported treating a gradually increasing
 44 number of patients using a new designer drug called “Everest.” Highly addictive,
 45 Everest (*cathiones methylene*) in its purified form poses few immediate risks to
 46 the user. This renders it more appealing than cocaine or heroin. Users tend to crave
 47 the euphoria they experience but suffer no physical withdrawal symptoms. For this
 48 reason, among people who have used Everest, over 70% reported that they used it
 49 again. This is an astounding figure.

50
 51 The effects of Everest, like many
 52 drugs, are dose-dependent. This
 53 means that the effects of the drug
 54 on the human body change as the
 55 amount of the drug consumed—
 56 the dosage—is changed. When the
 57 concentration of a drug reaches a
 58 certain level (and only at that
 59 point), the patient may experience
 60 the symptoms appropriate to that
 61 level of concentration or that of
 62 any lower level of concentration.
 63 Just because a patient has a given
 64 concentration level does not mean
 65 the patient experiences all—or
 66 even any—of the symptoms

Concentration	Symptom
2 mg/L	Mild Euphoria
6 mg/L	Mild Nausea Headache Poor Motor Skills
9 mg/L	Anxiety Paranoia Moderate Nausea
14 mg/L	Incomplete Memory Encoding Limited Executive Functioning Slurred Speech Severe Nausea
25 mg/L	Death

Table 1: Everest Symptoms

67 associated with that level. When the concentration of Everest declines below a
 68 particular level, the patient is no longer at risk of the symptoms associated with
 69 that level. Moreover, it is possible that patients can develop a tolerance to a drug
 70 like Everest in which even higher concentrations than those given in Table 1 are
 71 needed to experience a given symptom. But, at no point is it scientifically possible
 72 to experience a symptom at a lower level of concentration than shown in Table 1.

73
 74 Everest is a stimulant that can cause marked increase to the heart rate. Everest
 75 users take the drug because it confers a short-term feeling of exhilaration. The
 76 effects of Everest at low doses (about 2 mg/L) are mild and often quite pleasant,
 77 encompassing symptoms like mild euphoria. At moderate doses, some negative
 78 short-term symptoms begin to be present. These symptoms can include mild to
 79 severe nausea and headaches as well as anxiety, panic, or a sense of general
 80 paranoia. Many Everest users are undeterred by these relatively mild symptoms
 81 in pursuing the Everest high.

82

83 At higher doses, the negative effects of the drug increase markedly. At these levels
84 (greater than or equal to 14 mg/L), Everest causes rapid and intense stimulation
85 of the pre-frontal cortex, the center of the brain responsible for executive function
86 and essentially human activities like decision-making, language, and memory. At
87 this concentration, Everest inhibits the ability of the brain to encode memories,
88 meaning a reduced ability of the individual to remember events experienced while
89 under the influence of these higher doses of Everest.

90

91 Unfortunately, this symptom has been found desirable by some users who take
92 Everest to “forget their problems” temporarily. Repeat users complain that the
93 extent to which Everest allows them to escape painful memories deteriorates over
94 time, causing those users to seek even higher doses because the symptoms begin
95 to appear at higher concentrations than shown in Table 1. In addition, there is an
96 infrequent complaint that high Everest concentration can have the opposite effect:
97 because of the highly stimulated pre-frontal cortex, events perceived while under
98 the influence of a high concentration of Everest are sometimes burned into the
99 memory of the user with startling clarity, causing them to relive the moment over
100 and over again. This effect is rare, and without a perfect record of the event
101 perceived, an outside observer like myself cannot easily distinguish between a
102 “burned,” accurate memory on the one hand and a poor memory on the other.

103

104 At extremely high doses (greater than 25 mg/L), Everest is fatal. Table 1
105 summarizes the symptoms of Everest. There are no other symptoms of Everest
106 other than those displayed in Table 1.

107

108 Obviously, the effects of a drug on the human body are not constant over time after
109 it is ingested. After a drug is ingested, the level of the drug within the human body
110 gradually rises over time, eventually reaching a “peak level”—the greatest
111 concentration of the drug in the system. As time passes, the body processes the
112 drug and its effects wear off. For dose-dependent drugs like Everest, the symptoms
113 experienced by the individual are determined by the drug level at a given point in
114 time. More formally, when a drug is first ingested, the body enters an absorption
115 phase in which the rate of drug absorption is greater than the rate of elimination.
116 At peak concentration, the rate of absorption equals the rate of elimination.
117 Following peak concentration, the rate of drug elimination is greater than the rate
118 of absorption, and the body enters the post-absorption phase.

119

120 The concentration of most drugs in the human body is affected by individual-level
121 factors, such as liver function, kidney function, and the subject’s demographic
122 characteristics. Some drugs are highly lipophilic: they are stored in the body’s
123 stores of fat. For those drugs, then knowing a patient’s height or weight is

124 important to determine that drug's concentration. Luckily, my analysis in this case
125 was eased by the fact that Everest is entirely renally cleared, and therefore the level
126 of the drug is relatively unaffected by demographic factors like height, weight, and
127 gender. The best predictor of estimated renal function is age. Innumerable peer-
128 reviewed studies have documented that knowing a patient's age does far more to
129 predict their estimated renal function than knowing that person's height or weight.
130 Because, unlike lipophilic drugs, Everest is entirely renally cleared, the formula I
131 used provides valid results in the absence of direct information about a patient's
132 height or weight. Additionally, there have been no documented reactions of
133 Everest with other drugs, including alcohol.

134
135 The Midlands legislature took note of the harmful effects of Everest, passing a bill
136 signed into law in 2015 that criminalized the possession, sale, and use of Everest.

137

138 **Analysis**

139 My goal in this analysis was to determine the likely symptoms Kerry Bell-Leon was
140 suffering when Kerry Bell-Leon was allegedly attacked on the evening of July 16,
141 2017. Because Kerry Bell-Leon admits to Everest usage earlier that evening, the
142 key question is whether Kerry Bell-Leon was suffering from short-term memory
143 loss caused by Everest, which would have compromised Kerry Bell-Leon's
144 recollections of the events.

145

146 According to the toxicology report from Midlands City Hospital, Kerry Bell-Leon's
147 bloodstream still contained 6.8 mg/L of Everest at 1:00 A.M. By Kerry Bell-Leon's
148 own admission, Kerry Bell-Leon used Everest on a regular basis.

149

150 Given information about variables such as timing and dose, pharmacokinetics
151 provides a scientific tool that can be used to pinpoint the level of a drug in an
152 individual at a given point in time. This is the analysis that I performed in this case.
153 This analysis is the gold standard analysis used to determine the concentration of
154 a drug in a patient's system at a given point in time.

155

156 The analysis relies on several factors:

- 157 1. *Absorption Rate* (k_a). This is the rate at which the body processes the drug.
158 It determines the amount of time it takes for the drug's onset. For Everest,
159 this constant is 1.47 mg/hour.
- 160 2. *Elimination Rate* (k_e). The rate at which the drug leaves the human body.
161 For Everest and an individual between 30 and 40 years of age with normal
162 renal functioning, which I assume Kerry Bell-Leon to be, laboratory testing
163 indicates that the elimination rate of the drug is no lower than 0.52
164 mg/hour. I acknowledge that many—perhaps most—people in good health

165 and between 30 and 40 years old would process the drug more quickly than
166 0.52 mg/hour, leading to an elimination rate of 0.55 or higher.

167 3. *Volume of Distribution (V)*. The extent to which the drug is distributed in
168 the body's tissues rather than blood plasma. Generally, it reflects how a drug
169 will be distributed throughout the body. It is based on physiochemical
170 features of the drug (e.g. solubility) rather than physiological features of the
171 patient. For Everest, I assume this value to be 20 liters. I am aware of no
172 laboratory tests, nor have I conducted any testing, to determine the correct
173 volume of distribution for Everest. This is a conservative value. Many other
174 drugs similar to Everest have a Volume of Distribution closer to 22 liters.
175 Thus, I acknowledge that the true value may be higher.

176 4. *Dose (D)*. The amount of drug that was initially ingested. Based on the
177 statements of Kerry Bell-Leon and Morgan Jones, it is clear that Kerry Bell-
178 Leon ingested a single Everest pill. Of course, these pill capsules are filled
179 by non-pharmaceutical professionals, making it highly likely that there is a
180 good deal of variance in the amount of Everest per pill. I was provided the
181 set of pills that were found on Kerry Bell-Leon's body later that night. While
182 they were not necessarily from the same dealer as the drug ingested by Kerry
183 Bell-Leon that night, they provide some estimation of the amount of Everest
184 per pill capsule. The 10 pills contained the following amounts of Everest (in
185 milligrams): 480, 500, 473, 466, 472, 477, 475, 450, 466, 483. I used the
186 maximum value (500 milligrams) amount in my calculation. I find it highly
187 improbable that the dosage would be greater than 500 milligrams,
188 acknowledging that my conclusions would likely be entirely different if
189 there was substantially less Everest in the pill that Kerry Bell-Leon
190 consumed that night.

191 5. *Time (in hours) (t)*. The amount of time since the drug was ingested into the
192 human body. Based on the time Kerry Bell-Leon left Chuggies, I assume
193 Kerry Bell-Leon consumed Everest at 9:45 P.M., 1 hour and 15 minutes
194 before the attack (assuming the attack happened immediately preceding the
195 11:01 P.M. 911 call) and 3 hours and 15 minutes before the hospital drew a
196 blood sample.

197
198 We use this information to plot the concentration of the drug over time (t in hours)
199 using this standard first-order pharmacokinetics formula for an oral dose of a
200 drug:

202
203 This analysis produces the curve shown in Figure 1. As is clear from the figure, at
204 the time Kerry Bell-Leon's blood was drawn at the hospital, three hours after taking

205 Everest, Bell-Leon’s body had entered the post-absorption phase, as is obvious
206 from the negative slope of the line at the point three hours after the dose of Everest
207 (assuming that Kerry Bell-Leon took the Everest 75 minutes before the attack, a
208 point of which I cannot be sure).

209
210 Based on my calculations, the drug reached peak concentration between 56 and 76
211 minutes after the initial dose. Assuming again that the initial dose was at 9:45 P.M.,
212 Kerry Bell-Leon was experiencing a
213 concentration above 14 mg/L of Everest
214 during the attack, an amount higher than the
215 14 mg/L typically expected to cause problems
216 with memory encoding. Of course, if Bell-Leon
217 took the Everest at a different point in time
218 while at Chuggies, this conclusion would not
219 apply. Importantly, both Kerry Bell-Leon and
220 Morgan Jones note that they only took one
221 Everest pill while at Chuggies.

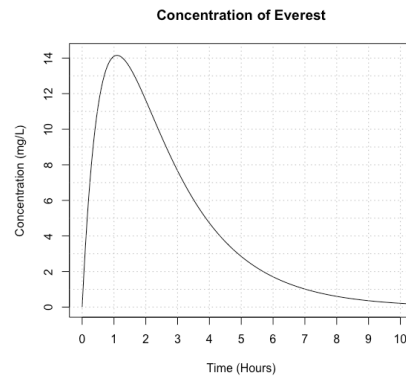


Figure 1: Concentration Curve

222 **Conclusions**

223 Based on the amount of Everest in Kerry
224 Bell-Leon’s body, I conclude that it is possible that Kerry Bell-Leon suffered from
225 severe memory encoding issues at the time of the alleged attack. I consider Kerry
226 Bell-Leon’s recollections of the attack severely compromised. In addition, at the
227 time of the attack, at a concentration of greater than 14 mg/L, it is likely that Kerry
228 Bell-Leon displayed at least some of the perceivable symptoms like poor motor
229 skills or slurred speech. I am not any kind of combat expert but I can generally say
230 Kerry Bell-Leon was probably more vulnerable than usual to being overpowered
231 and this fact was likely apparent to anyone interacting with Kerry Bell-Leon.

232
233
234 Under the set of assumptions outlined in the previous section, I reach these
235 conclusions. Any scientific analysis is dependent on its assumptions, and I
236 acknowledge that the conclusions I reach in this report are extremely sensitive to
237 the assumptions I used. For example, this table displays the peak (or maximum)
238 concentration of Everest that Kerry Bell-Leon would have experienced on the night
239 of the alleged attack, keeping all of the assumptions exactly the same as those
240 discussed in the previous section of the report and changing only the single value
241 indicated in the table. “Peak Concentration” means the highest concentration of
242 Everest that Kerry Bell-Leon could have experienced that night. So, for example,
243 the value of 13.97 in the second row of the table indicates that, adjusting the
244 elimination rate to .54 mg/hour (but keeping the rest of my assumptions the same),

245 Kerry Bell-Leon would have never experienced a concentration of Everest above 14
 246 mg/L on the night of the attack.
 247

Constant	Value	Peak Concentration (mg/L)
Elimination Rate	.53 mg/hour	14.06
	.54 mg/hour	13.97
	.55 mg/hour	13.89
Volume of Distribution	21 liters	13.48
	22 liters	12.87
Dosage	474.2 (Average pill value)	13.42
	450 (Lowest pill value)	12.74
	483 (Second-highest pill value)	13.67

248 *Table 2: Alternate Assumptions.*

249 In other words, were the dosage lower and/or the volume of distribution higher
 250 and/or the elimination rate higher than the assumptions I made, the concentration
 251 of Everest would never reach 14 mg/L. In that case, it would therefore be highly
 252 improbable that Kerry Bell-Leon suffered from memory loss at the time of the
 253 attack. I acknowledge that is also a reasonable conclusion one could reach.
 254 However, it must also be stated that, were those assumptions changed, the
 255 concentration curve would not have a value of 6.8 at 3.25 hours after ingestion,
 256 matching the concentration of Everest in Kerry Bell-Leon’s system at the time of
 257 the blood draw. Under the set of assumptions I used, the value of the concentration
 258 curve at 3.25 hours after ingestion is 6.81, matching the blood draw amount
 259 exactly. As a result, I couldn’t be more confident in the conclusion I reached.

260

261 **Jones’s Everest Use**

262 I am also aware that Morgan Jones is a regular user of Everest. I am aware from
 263 Kerry Bell-Leon’s affidavit that Morgan Jones was using Everest on the evening of
 264 July 16, 2017, though I acknowledge that Jones does not admit to any Everest use
 265 on that evening. It is not unusual for drug users to lie about their drug use,
 266 especially if they are addicts. Of course, Jones’s blood was never drawn at the
 267 hospital, and it is unknown whether Jones received Everest from anyone else on
 268 the evening of July 16, 2017. However, I assume that Jones and Kerry Bell-Leon
 269 took the same amount of Everest and did so at the same time. As a result, the same
 270 pharmacokinetic curve applies to Kerry Bell-Leon and Morgan Jones. Thus my
 271 conclusion also applies to Morgan Jones. Jones likely also suffered short-term
 272 memory loss and poor motor and speech skills at the time of the attack. Of course,

273 the same limitations apply to my analysis of Jones as they do to my analysis of
274 Kerry Bell-Leon.

275

276 **Additional Limitations**

277 This report summarizes the major studies over the last decade regarding the
278 effects of Everest use. There are, of course, some limitations to these studies.
279 Because Everest has been a popular drug for less than 10 years, we only have data
280 on people who have used Everest for, at most, 10 years.

281 In addition, there is surprisingly limited data on ex-users of Everest. Because
282 Everest is severely habit-forming, the studies targeted towards ex-users were
283 unable to find many participants who had successfully quit, as many participants
284 relapsed during the course of the study.

285 Because widespread usage of Everest for recreational purposes has only recently
286 blossomed, there have been very limited studies of that drug's kinetics. As a
287 result, the kinetics formula used to produce the analyses and conclusions
288 discussed above was based entirely upon a formula that has been validated in
289 vitro but not in vivo; it has been validated in a test tube in a lab but not in actual
290 human subjects. Of course, there are ethics concerns with widespread clinical
291 trials to determine the exact kinetics formulas, though the scientific community
292 has validated in vivo formulas for nearly all major drugs.

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Telecommunications Report of Dr. Jordan Smith

100 Sohi Road
Midlands City, Midlands 54545
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August 7, 2017

Introduction

I have been retained by the State of Midlands to review cellular records of Dylan Hendricks in connection with the attempted murder of Kerry Bell-Leon. My assignment was to analyze the cellular activity for Hendricks’s Stratosphere 5x smartphone during the period of 10:00 PM on July 16, 2017 to 12:35 AM on July 17, 2017 and record any conclusions I was able to draw.

I am chair of the department of Telecommunications and Applied Engineering at the University of Midlands School of Engineering and Applied Mathematics, a position I have held since 2010. I was previously an Assistant and Associate Professor of Engineering at Midlands Tech. I received a Ph.D. in Applied Engineering from the University of California, Berkeley in 1994 after I received my B.S. from the University of Virginia. I also own Smith Engineering Consultants, a consulting firm I founded in 2010. I have published 36 peer-reviewed articles on the intersection of telecommunications and the law including “Serial: A professional Critique of the Cell Tower Testimony” in the *Journal of Law and Technology* and “Cellular Triangulation and ICE: Tracking Visa Violators with Smart Phones” in the *International Journal of Telecommunications Policy*.

I have been retained in 27 court cases, including 19 civil cases and 8 criminal cases, since I began working as an expert consultant. I testify for defendants as often as I testify for plaintiffs or the state. In most cases, I’m asked to use cellular technology to determine whether someone was on their phone at the time of an auto accident. I am also regularly consulted by police to assist with finding a fugitive, especially when a wanted criminal continues to use their regular phone instead of a disposable cellphone commonly referred to as a “burner.” I have helped police pinpoint the location of persons of interest on several occasions using the same methods I used to evaluate the cellular data in this case.

Methods

In order to arrive at my conclusions in this report I reviewed the affidavits of Kerry Bell-Leon and Jamie Morrison. I reviewed the log of Hendricks’s outgoing and

41 incoming calls and texts on the evening July 16, 2017 supplemented with cell
42 tower metadata [Exhibit 38]. I then received in evidence Hendricks's
43 smartphone, collected from Hendricks on July 17, 2017 at 12:35 AM, and
44 performed forensic data extraction on the phone. That extraction revealed
45 recorded activity in two apps during the relevant period: Tender and Uber. I also
46 reviewed cell tower maps of downtown Midlands City and a map of the area
47 around the Jaywood Building [Exhibit 9] to create Exhibit 39. That extraction
48 allowed me to see the times at which various Tender messages were sent but
49 not their content. Those times did not reveal any information about the location of
50 Dylan Hendricks, so I did not analyze them any further.

51
52 In addition to the analysis of preexisting data, I conducted my own investigation.
53 On the evening of July 30, 2017, I went to the parking lot of the Jaywood Building
54 and explored the area using a Stratosphere 5x model smartphone with the
55 mobile carrier Horizor, the same model and carrier as Hendricks's phone. I
56 recorded my other observations from that site visit and incorporated them directly
57 into this report.

58
59 For this report, I evaluated all three of the data-sources: Wi-Fi login history where
60 available, cellular tower "pings," and GPS. All of the conclusions in this report
61 were reached to a reasonable degree of scientific certainty in the field of
62 telecommunications engineering. This report outlines the methods by which I
63 reached those conclusions.

64
65 **Forensic Cellular Data Reconstruction**

66 Forensic cellular data reconstruction is a fairly young field. Ever since people
67 began using technology to communicate, other people have tried to use that
68 communicating technology to locate those people. Throughout most of the 20th
69 century, mobile communications occurred via radio. Think of a sailor beeping out
70 a Morse code signal.

71
72 When I began my studies at Berkeley in 1993 in telecommunications
73 engineering, my advisors widely expected that mobile technology was about to
74 explode, as cellular phones were just beginning to become ubiquitous. I was
75 encouraged to write a dissertation on how to translate the methods used for other
76 forms of technology to cellular phones. My dissertation research was some of the
77 first published work in the area of forensic cellular data reconstruction. Today, I
78 am the country's leading expert in this area.

79

80 Your average smartphone sends out hundreds of pieces of data every day to
81 satellites, cell towers, and Wi-Fi networks. But a smartphone stores a limited
82 amount of useful data. For example, the phone will store which Wi-Fi networks
83 the user has logged into in the past (until that data is purged) because those Wi-
84 Fi networks—if they are secured—often require a password, and the user
85 experience is eased when the phone stores those passwords in memory. On the
86 other hand, the phone will not generally store when the user logged in and out of
87 the network, or at least not for very long. Again, this enhances the user
88 experience. So long as a cellular phone is associated with a given carrier, it
89 needs no additional credentials for the user and the phone’s resources need not
90 be devoted to storing that information.

91

92 **Phone Calls**

93 I received the Horizor call log of Hendricks’s calls placed during the evening of
94 July 16, 2017. A call log provides a forensic engineer like myself with several
95 critical pieces of data: the time the call was placed, between which two phones,
96 which phone placed the call, the duration of the call, and, most importantly for
97 me, which cell towers were pinged to convey the call.

98

99 Every time a user tries to place a call, the phone sends a signal in every direction
100 looking for the nearest cell tower with available bandwidth to transport the call.

101 The first available tower the signal reaches sends back a ping which signals the
102 phone to initiate the call. A phone often relies on more than one tower to
103 transport the call. Often users are moving while they are talking on the phone.
104 Having a call be able to be transmitted via multiple towers helps keep the call
105 from getting “dropped” (which occurs when no cell tower is available to transmit
106 the call). Commonly, calls are dropped in rural areas when users leave the
107 range of one cell tower without another available tower in range. With this in
108 mind, cell phone carriers arrange cell towers in high cell traffic areas closer to
109 support a higher volume of calls. When one places a call, the number and
110 location of the cell towers that are pinged by a call are affected only by the
111 location of the cell phone initiating the call—not the recipient of the call. Similarly,
112 when one receives a phone call, the towers pinged when the recipient’s phone
113 rings is based on the location of the recipient’s cell phone, not the person making
114 the call.

115

116 When multiple cell towers are pinged at the beginning of a call, the overlap in
117 those towers’ service areas allow us to accurately determine the location of a
118 user. Each cellphone tower sends its signal over a certain area. If a cellphone is
119 able to connect with multiple towers from one location, we know that the person

120 must have been somewhere where all of the cellphone towers' signals
121 overlapped. The more cellphone towers a phone connects to, the more
122 accurately we can detect the location because the area of overlap between all
123 the cellphone towers' signal is smaller.

124

125 Between 10:00 PM on July 16, 2017 and 12:35 AM on July 17, 2017, Hendricks
126 received one call and placed two calls. Each of these calls pinged three towers at
127 the beginning of the call, and the towers listed in the Horizor report are the
128 towers that were pinged by Hendricks's phone. I was not able to access the
129 corresponding information about the towers pinged by the other party to
130 Hendricks's calls. I cross-referenced the information in that report with the map of
131 the area that I created. The content of those calls was not recorded by Horizor;
132 cell phone providers are only legally permitted to record the content of calls when
133 provided with a valid warrant. I also determined the owners of the phone
134 numbers involved in these calls using cell phone carrier records.

- 135 1. At 10:26 P.M., Hendricks received a call that was not answered. That call
136 came from a phone number registered to Carmen Bell-Leon's cell phone.
137 That call went to voicemail and was routed through cell towers 1
138 (MCD001), 2 (MCD002) and 3 (MCD003) on the map.
- 139 2. Hendricks called that number back at 11:10 P.M. That call was answered
140 and lasted for 5 minutes. That all was routed through towers 2 (MCD002),
141 3 (MCD003), and 4 (MCD004).
- 142 3. At 11:25 P.M., Hendricks placed an outbound call to a phone number
143 registered to Jamie Morrison. That call was answered and lasted for 1
144 minute. This call was routed through towers 2 (MCD002), 4 (MCD004),
145 and 5 (MCX074).

146

147 Using this data in isolation, I can only draw limited conclusions:

148

149 *10:26 PM Call*

150 During the 10:26 call, it is highly probable that Hendricks was in downtown
151 Midlands City. The likely intersection of the signals of Cell Towers 1 (MCD001), 2
152 (MCD002) and 3 (MCD003) is around Chuggies Bar and the Jaywood Building. If
153 Hendricks's location had been further west or further north, Hendricks's likely
154 would have been out of range of Cell Tower 3 (MCD003). If Hendricks had been
155 further south, Hendricks likely would have been out of range of Cell Tower 2. I
156 will concede that Hendricks could have travelled about a quarter mile to a half
157 mile east and remained within range of Cell Tower 1 (MCD001) and remained
158 within range of the other towers. However, on the night of July 16, 2017, a large
159 concert was taking place at the park just north of Cell Tower 1. Given the high

160 density of cellphone traffic likely to occur near Cell Tower 1 on that night, it is
161 unlikely that Hendricks's cellphone would have pinged that tower had Hendricks's
162 travelled further east than Chuggies Bar. Accordingly, the most likely location of
163 Hendricks's cellphone at the time of the 10:26 P.M. call is near Chuggies Bar and
164 the Jaywood Building.

165

166 *11:10 PM Call*

167 It is highly probable that when Hendricks placed a call at 11:10 PM, Hendricks's
168 phone was located between the Towers 2 (MCD002) and 3 (MCD003) close to
169 the south bank of the river. At this point, Hendricks was too far east to be within
170 range of Cell Tower 1 (MCD001), but had come within range of Cell Tower 4
171 (MCD004). If Hendricks had been further south of the river, Hendricks would
172 have likely been out of range of Cell Tower 4. If Hendricks had been north of the
173 river, Hendricks likely would have pinged Cell Tower 5 (MCX074). In fact, I would
174 have expected Hendricks's phone to ping Cell Tower 5 instead of Cell Tower 2
175 on the south bank of the river because MCX towers are long range towers
176 designed to cover less densely populated areas, whereas Cell Tower 2 likely had
177 significant traffic being in the heart of downtown Midlands City. While
178 Hendricks's phone pinging Cell Tower 2 instead of Cell Tower 5 increases the
179 likelihood that Hendricks was actually further south than the south back of the
180 river at the time the 11:10 PM call was made, I believe it is still more likely that
181 Hendricks's was actually close to the south bank of the river because the phone
182 was within range of Cell Tower 4.

183

184 *11:25 PM Call*

185 The third call at 11:25 was placed a substantial distance from downtown. It is
186 plausible that the call was placed from the vicinity of Hendricks's residence. That
187 call was placed through the "Contact Driver" feature of the Uber app. Hendricks's
188 phone was now out of range of Cell Tower 3 (MCD003) and moved within range
189 of Cell Tower 5 (MCX074). Hendricks's phone continuing to ping Cell Tower 2
190 (MCD002) increases the likelihood Hendricks's phone was actually further south
191 than Hendricks's home when this call was made; however, the location of
192 Hendricks's home is consistent with the phone pinging towers Cell Towers 2, 4
193 and 5.

194

195 *Additional Investigation*

196 I returned to the area around the Jaywood Building between 10:30 PM and
197 midnight on July 30, 2017. Because the Jaywood Building is located in an area
198 of town with vibrant nightlife, it was important to me to try to recreate the
199 circumstances under which Hendricks's calls were placed as closely as possible,

200 especially with respect to the day of the week, the time of day, the make and
201 model of cell phone, the cell phone carrier, list of saved Wi-Fi networks, and the
202 cell phone's operating system. I began my investigation in the parking lot of the
203 Jaywood Building standing directly next to the maroon awning. This location was
204 as close as I was able to get to the place where Kerry Bell-Leon had been found.
205 I placed a call from that spot to the Midlands PD at 10:24 PM on July 30. The
206 records indicate that this call pinged Cell Towers 1 (MCD001), 2 (MCD002) and 3
207 (MCD003).

208

209 I then drove to the location where the interstate (marked by the blue shield on the
210 map) crosses over the south bank of the river. The drive from Chuggies bar to
211 the south bank of the river took me 7 minutes. At 11:00 PM, I placed a call from
212 that location to the Midlands PD. That call pinged Cell Towers 2 (MCD002), 3
213 (MCD003) and 4 (MCD004).

214

215 I then drove to Hendricks's residence on the north side of the river. The drive
216 from my previous location on the south bank to Hendricks residence had no
217 unusual elements with respect to factors including the amount of traffic, road
218 construction, etc. and took me about 7 minutes. When I arrived at Hendricks's
219 residence, I again placed a call to the Midlands PD at 11:15 PM. That call
220 pinged Cell Towers 2 (MCD002), 4 (MCD004) and 5 (MCX074).

221

222 The coverage of cellphone tower signals is typically quite predictable. While
223 patterns vary from tower to tower due to topography, building interference, or the
224 amount of traffic on a tower, the pattern of any particular tower is unlikely to vary
225 significantly. Topography and building interference are almost always constants
226 (and I found no evidence that they varied in this case). While traffic varies, the
227 variances are typically very small, especially if you compare the traffic at the
228 same time of day and same day of the week.

229

230 **Tender**

231 The Tender app uses either Wi-Fi or GPS data to connect app users with people
232 of potential interest nearby. If the user is logged onto a Wi-Fi network, Tender
233 will log the name and location of the Wi-Fi network and use that network to find
234 other users nearby. If (and only if), a user logs in to Tender without being
235 connected to Wi-Fi, the user will be located using GPS. If a user is logged in to
236 Tender from a Wi-Fi network, their phone was logged in to that Wi-Fi network
237 and the Tender app was running.

238

239 The Tender app runs in the background – meaning that a user does not need to
240 be actively using the app for the app to perform certain functions. One such
241 background function is called “checking-in” and occurs immediately whenever a
242 user is connected to a Wi-Fi Network. “Checking in” sets a user’s location so that
243 user can see how far he or she is away from other users and vice versa.
244 However, Tender does not run “check in” in the background when not connected
245 to Wi-Fi in order to conserve cellular data usage.

246
247 According to the Tender app on Hendricks’s phone, Hendricks “checked in” on
248 Tender at 10:49 PM and 11:05 PM. The 11:05 PM check in used GPS data for
249 the location, indicating that the phone was not connected to Wi-Fi and that
250 Hendricks was using the app. This is consistent with the 11:05 P.M. Tender
251 message that Hendricks sent on the night of July 16, 2017 [Exhibit 26]. The
252 location of this check in was on the interstate approximately 1.2 miles east of
253 Chuggies bar at the point the road bends to the northeast.

254
255 The app recorded the 10:49 PM check-in from the secure Wi-Fi network
256 (“SkyHiWiFi”) inside the Bell-Leon’s condo. Wi-Fi check in locations are not as
257 precise as GPS check in locations, because they only tell the analysis what
258 network the user was logged into, not exact GPS coordinates. I did not have
259 access to a login history for that network because the Wi-Fi router used by the
260 Bell-Leons does not store that data. However, Hendricks’s phone did have the
261 password for this network, and it was among Hendricks’s many saved Wi-Fi
262 networks. This indicates that Hendricks had logged into this Wi-Fi network
263 before.

264
265 Tender sends notices to users when a new person swipes right or “Likes” them.
266 The Tender app indicated that Hendricks received three total “Like” notifications
267 on the night of July 16, 2017. The first was at 10:49 PM and the final one was at
268 10:52 PM. All three occurred while Hendricks’s phone was connected to the
269 SkyHiWiFi network.

270
271 During my July 30, 2017 investigation, I downloaded Tender to my Stratosphere
272 5x sample phone and created two fake profiles: one for myself and one for the
273 Midlands PD. I checked into the app several times during my site inspection at
274 the crime scene. I found that my phone was connected to SkyHiWiFi whenever I
275 was within a 10-foot radius of the building.

276
277 Based on this information, I can conclude to a reasonable degree of scientific
278 certainty that at 10:49 PM on July 16, 2017, Hendricks’s Tender account was

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279 accessed on Hendricks's phone either within the Jaywood Building or within a
280 10-foot radius of the Jaywood Building.