

Crosses

Bailey Bell-Leon Cross

Bailey, my name is Tamir Helmy, and I am going to be asking you some questions. If you don't understand the questions, please let me know.

Conversations between Dylan and Carmen

1. Bailey, you heard Dylan and your mom talking several times? (62-66)
2. And in those conversations you never specifically heard them say the words "hurt Kerry"?
3. Or the words "kill Kerry"?
4. Or the words "shoot Kerry"?

Kerry's Memory

1. Bailey, you were at camp on July 16th, 2017? (135-136)
2. You were supposed to be at camp for a month?
3. But you came home early because your dad/mom was in the hospital?
4. You visited your dad/mom in the hospital the next day?
5. But you didn't see any bruising or marks around his/her neck?
6. And while you were visiting your dad in the hospital, you heard him talking to the doctor? (138)
7. the doctor was asking him about his condition and reviewing the test results.
8. And then the doctor asked, "How are you feeling?"
9. Your dad said he was "really drained mentally?" (140)
10. And then your dad also told the doctor that he didn't remember the night before? (142)
 - a. 803(4) - statement made for medical treatment.

Gun (ONLY if prosecution talks about the gun)

1. On direct, you said that you saw Dylan with Kerry's gun while he was in the condominium (108)
2. But you didn't see Dylan leave the condominium with the gun?

Key (If they enter the key under another witness)

1. You have a key to your condo, right? (13-14)
2. Your mom has a key?
3. Your dad has a key?
4. And as you mentioned on your direct, you saw Dylan with a key as well? (95-96)

BRING THE KEY TO BAILEY

5. May I approach the bench to retrieve exhibit 6?
6. May I approach the witness?
7. You don't recognize this key, do you?
8. This is isn't the key you saw Dylan with, isn't it?
9. May I approach the witness, retrieve evidence, and tender to the bench

Impeachment by omission (If Bailey says she knows it's Dylan's key)

1. Is it your testimony that you saw Dylan with this key?
2. You remember submitting an affidavit for today's case?
3. Let the record reflect I am approaching opposing counsel with the witness' affidavit
4. May I approach the witness?
5. This is your affidavit, right?
6. And that's your signature on the last page?
7. You know you had to write any and all relevant and pertinent information?
8. And that you had within 24 hours of today's trial to make any updates?
9. Can you show us where in the affidavit where you say that this key is the key that Dylan used.
10. May I approach the witness to retrieve the affidavit?

Thank you, nothing further

Morgan Jones

Kerry is jealous

1. You said you have known Kerry since kindergarten? (4-5)
2. You two have spent time together?
3. Especially since Kerry's promotion in 2014, right?
4. You consider Kerry to be your best friend (37)
5. You lived in the same apartment building as Kerry
6. In fact, you live directly beneath Kerry, right? (11)
7. From your experience, you would say Kerry gets jealous easily? (25)

Kerry was on drugs

1. You were with Kerry at Chuggies the night of July 16? (104)
2. To you, Kerry seemed tense? (106)
3. So you gave Kerry an Everest pill? (110-111)
4. And you know Everest is illegal? (93-94)
5. And you have used everest in the past
6. When did Kerry leave Chuggies?
 - a. Answer: Kerry disappeared after 10pm? (115)
7. You went to the Jaywood Building look for Kerry? (124)
8. Around 10:58, you heard noise coming from Kerry's apartment? (128-129)
9. When you got there, the front door was unlocked, (131)
10. you went in (131)
11. you saw someone strangling Kerry? (131)
12. And then they ran away? (134-135)
13. You didn't see the person's face? (148-150)
14. You didn't hear the person's voice? (148-150)
15. You couldn't tell the person's weight? (148-150)
16. You couldn't tell the person's height? (148-150)
17. And you couldn't tell the person's gender? (148-150)
18. You weren't able to identify this person, were you? (148-150)

Affair

1. You first learned about your wife having an affair with our client on July 2, 2017, correct? (38-39)
2. You knew this occurred in your own home?
3. Your wife described this affair with Dylan Hendricks in great detail, right? (39)
4. And this made you very angry.

Everest

1. You started drinking heavily? (55)
2. You started using drugs? (55)
3. One of those drugs was Everest, wasn't it? (55)
4. Your neighbor Morgan Jones got it for you? (61)
5. And now you have a drug dealer? (79-80)
6. A drug dealer by the name of Mickey? (79-90)

The Night Of

1. Now I want to talk about the night of July 16th. At 9:40pm, you took an Everest pill?
2. And then you called your drug dealer? (79-80)
3. At 10:15pm, only 35 minutes later, you left your best friend's birthday party to get more Everest from Mickey? (82)
4. But on your way to get more drugs, you saw Dylan's food truck, didn't you?
5. You felt like you had to confront her?
6. You felt angry at Dylan?
7. So angry that on the night of the attack, you bought soup from our client.
8. And you hated him so much that you threw it in his face.
9. But you failed to mention that to Detective Nichols.
10. After you bought soup, you bought more Everest from your drug dealer, right?
11. Then you went home (101-102)

Attack

1. Now I want to walk through the attack and how you remember it.
2. You would recognize a floor plan of your condo, right?
 - a. I'm approaching opposing counsel with what has been premarked as Defense Exhibit 10
 - b. May I approach the witness with the same?
3. Do you recognize this floor plan of your condo?
4. Is it a fair and accurate copy?

5. Has it been changed or altered in anyway?

Defense enters EXHIBIT 10 into evidence

Permission to publish to the jury by means of an enlargement?

6. You arrived at your condo around 10:45? (112)

7. You entered your condo through the back door, correct?

8. And you didn't turn on any lights in the living room?

9. And you sat down here in your living room, right?

10. You turned on the TV?

11. You decided to get ready for bed, right? (HIGHLIGHT PATH)

12. You walked down the hallway to the bathroom?

13. And you didn't turn on any hallway lights, right?

14. As you walked down the hallway to the bathroom, you heard something behind you?
(115)

15. Coming from here? (CIRCLE AREA BEHIND KERRY)

16. As you entered the bathroom (HERE), you saw a reflection in the mirror here (CIRCLE
MIRROR)?

17. He was standing (HERE), right?

18. You only saw the reflection for a second?

19. The bathroom lights were off? (116)

20. The hallway lights were off?

21. Only the TV was on?

22. Do you remember if this (Bailey's) door was open?

a. If Kerry says I don't remember

b. "It's ok if you can't remember"

Accusing Dylan

1. After you woke up, you were taken away by EMS?

2. And in the parking lot, you saw Dylan?

3. And you were so angry at Dylan?

4. You hated our client so much that you were willing to falsely accuse him of this crime.

Detective Nichols Cross

Drug Deal Gone Wrong

When investigating a crime, you perform a uniform citation

You recording information from first responders at the scene as part of that report

You had spoken to first responders

Drug Deal Gone Wrong

1. Now I'd like to talk about the night of July 16th.
2. You weren't the first responder? (4)
3. Who were the first responders?
4. When you arrived at the crime scene, there was initial suspicion that this was a drug related incident. (6)
5. You filled out a uniform incident report, correct?
6. In your incident report, you checked the box indicating "Suspected of: Drugs"
7. You didn't follow up on the possibility of this attack being drug related?
8. You did not search the victim or the apartment for drugs?
9. It was only later that you found out that the victim was under the influence of drugs that evening? (120-123)
10. And you learned this information from the ER Nurse. (120)
11. Who also informed you that Kerry had drugs in his pocket that evening? (122-123)
12. So this would be evidence to support Officer Sandlin's statement that this was a drug related crime?

Kerry Interview

1. You spoke with Kerry Bell-Leon at the scene of the crime? (8)
2. And Kerry had trouble focusing during the interview? (13-14)
3. And Kerry had trouble describing the physical features of the attacker? (24)
4. But you based your arrest on the accusation by Kerry?
5. Even though he couldn't explain why he thought Dylan would attack him? (27-28)
6. Or how an attacker would get into the building? (28)
 - a. You just confirmed that there was no DNA evidence on the key, though, correct?
7. Or his condo? (29)

Sikorsky

1. You collected an extension cord at the scene? (report, list of evidence)
2. And a key? (list)
3. And both were analyzed for fingerprints? (Sikorsky 45-46)
4. And that analysis was conducted by Pat Sikorsky? (Sikorsky 32)
5. And Pat Sikorsky testified about this analysis on August 7th? (Sikorsky 2)
6. You would recognize a copy of that transcript if you saw it today?
7. Litany Ex. 3
 - a. Hearsay: this is in court testimony, not hearsay
8. Now in her testimony Pat Sikorsky testified that she found no fingerprint evidence on the extension cord? (45)
9. Or the key? (45)
10. And she did not find Dylan's DNA on the extension cord? (62)
11. or the key? (62)
12. So, Detective, there is no DNA or fingerprint evidence linking Dylan to the extension cord?

13. Or the key?

Scene of the Crime

1. Now, in this incident report, you listed a location where crime occurred, correct?
2. And to your knowledge, the only location of offense was the Bell-Leon residence?
3. You wouldn't have included anything without substance in your report, correct?
4. And you believe that you have no mistakes in your report?
5. Would you recognize this report if I showed it to you today?
 - a. Let the record reflect I'm approaching opposing counsel.
 - b. I am approaching the witness with the same.
 - c. Would your honor(s) like a courtesy copy?
 - d. At this time, I would like to publish this document by means of a demonstrative.
6. Now, let's look at the "Location of the Offense".
7. You have listed the numbers 02 and 32. Please read silently as I read aloud to the jury what these numbers mean: the number 02 represents a multi-familial household, and the number 32 represents a parking lot. Did I read any of that incorrectly?
8. You just stated that the only location of offense was the Bell-Leon residence, correct?
9. Is there any reason you included the parking lot as a location of offense?
10. Is this an oversight?
11. You wrote this report the day after the attack, correct?
12. Is it true that you didn't include the location where you found the gun in this incident report?
13. And who was the approving officer of this document?
 - a. It's Chief Polson.
14. So, both you AND your approving officer reviewed this document?
15. You both overlooked this fact?
16. Are oversights common with the Midlands City Police Department?
17. And, within the past five minutes, we have already discussed 3 oversights, is that right?

Thank you, Detective Nichols. No further questions your honor.

Smith Cross

Your honor, before I begin my cross examination, may I ask the court's permission to use a demonstrative aid for jury? Opposing counsel has seen the demonstrative.

1. Let's start with what your conclusions were on direct examination.
2. On direct, you stated that our client was either within the Jaywood building or within 10 feet of the building?
3. Alright, let's talk about your testing and collection of data?
4. But you did not use the Mr. Hendrick's phone in your analysis?
5. First, you obtained a phone which was a replica of the our client's phone?
6. You only performed that test with only that one phone?
7. And you only performed this test on one day?
8. Were you able to recreate the exact conditions that existed on the night of July 16th?
9. In fact, there was a concert near the Jaywood Building that evening? (159)
10. Is it true that a concert could interfere with normal cell phone reception in the area?
11. During your re-construction of the conditions that evening, did you enter Chuggies bar?
 - a. Does not appear in his report
12. So you cannot tell us if the Defendant's phone would have connected to the wifi if he was in Chuggies bar?
 - a. (if comfortable, as about whether Chuggies is w/in 10 feet of Jaywood)
13. On direct, you stated that a wifi check-in occurred on our client's phone at 10:49.
14. But you cannot tell this jury if that could have occurred while our client was in Chuggie's bar?
15. Because you did not test the cell phone in Chuggies.
16. You cannot definitively tell this jury that our client was in the Jaywood building from 10:49-10:52 on July 16th, 2017.

Thank you, Dr. Smith. No further questions your honor.

Waters Cross

1. Mr. Waters, you're friends with Dylan Hendricks, right?(26-28)
2. You and Dylan often talk about your love life, correct? (27-28)

Drug Deal

1. Now, Mr. Waters I want to talk to you about the night of July 16th. You played near the parking lot that night, right?
2. At 10:30 PM, you recognized Mickey the drug dealer's voice near the Jaywood apartment parking lot? (85-90)
3. He was in an argument about the drug, Everest? (87-88)
4. Then you saw Kerry walk into the same parking lot, didn't you?(89-90;96)
5. You wrote an affidavit before today's trial, is that correct?
6. In that affidavit you stated that Kerry looked glassy eyed? (96-97)
7. You also stated that Kerry looked clumsy? (96-97)
8. Then Kerry walked into his apartment building (109).

Attacker

9. 10 to 15 minutes after that, you saw someone else by the backdoor, didn't you? (113-114)
10. I want to talk about this person you saw. But, it was too dark outside to see who clearly was at the backdoor(128), wasn't it?
11. You could tell this person was wearing dark clothing? (118)
12. Their size?
13. But you can't tell us their gender?
14. Their hair color?
15. What their face looked liked?
16. You couldn't tell of any distinguishing features?
17. Because it was too dark
18. And then they entered the fire escape?
19. And again, you couldn't tell who this person was either?
20. But you can't tell us their gender?
21. Their hair color?
22. What their face looked liked?
23. You couldn't tell of any distinguishing features?
24. Because it was too dark
25. You took a picture that night of the Jaywood Building? (166)

ENTER EX. 14

26. You would recognize a copy of the picture, wouldn't you?
27. Let the record reflect I'm approaching opposing counsel with what has been pre-marked as exhibit 14
28. May I approach the witness?
29. This is that picture, right?
30. It's a fair and accurate copy?
31. It hasn't been changed or altered in any way

32. Prosecution moves to enter what has been pre-marked as exhibit 14 into evidence.
33. There a light above the door you saw the attacker use that night, right?
34. And there's lighting in the fire escape?
35. There's a light above the parking lot?
36. So there's light here, here, and here but it was still too dark to see who it was.

Directs

Hendricks Direct:

1. Please state your name for the members of the jury.
 - a. I'm Dylan Hendricks.

2. What do you do for a living, Ms. Hendricks?
 - a. I own and run a food truck that's pretty popular in Midlands. It's called Souper Soups. I used to work at Chili's, but it just wasn't my thing so I started my own business.

3. Where is your food truck located?
 - a. I have a permit for Midtown Midlands, so I usually park it outside the courthouse. I try to catch the hungry attorneys on their lunch break. (Ex. 35). Sometimes I park by Chuggies to earn a little extra cash on the weekends. It always helps.

4. Why are you here today?
 - a. I've been accused of a crime I didn't commit.

5. What do you mean by that?
 - a. I'm here because they think I tried to kill Kerry Bell-Leon. But I didn't.

6. Who is Kerry Bell-Leon?
 - a. Kerry is married to the man I **thought I loved**, Carmen Bell-Leon.

7. **How did you meet Carmen?**
 - a. We met on an app called Tender. It's a midlands only dating app. You get it on your phone and it matches you with people near you with the same likes and interests. It shows you a profile of a person and you can like them based on their picture. A couple of friends wanted me to try it out, so I did. I just wanted to meet someone. (102-103 Ex. 1).

8. When did you match with Carmen?
 - a. We matched in February, last year. He hated the Yankees and loved Tennis, so I gave him a like. And 10 minutes later, he liked me back. So we went for coffee and we started talking and hanging out.

9. When did you find out Carmen was married?
 - a. That April. I found out Carmen was already married to someone named Kerry. They were married for 15 years and they even had a kid. I mean, I'd been in Carmen's apartment and seen their pictures, but I just assumed it was a close family friend or a roommate or something. I was shocked and conflicted. But I thought I loved him, so I stuck around. Things started to turn bad though, around May.

10. How did the relationship change?

- a. Well, of course I wanted to be with just Carmen, so I asked him about getting a divorce. He didn't do it. I was fine with sneaking around at first, but then things became scary.

11. How so?

- a. For starters, he showed me their gun. That was the moment I realized this was real for Carmen. He showed how to use it, but I hate guns! It was all he would text me about. There was no more romance, just this horrifying plot by Carmen to kill Kerry.

12. Did you ever want to meet Kerry?

- a. No, I didn't want to. I was afraid of what would happen to me being that I was having an affair with her husband, even if I did sympathize for her. I'm not usually the confrontational type. I did come face to face with her though when she came to my food truck on July 16th.

13. The prosecution is claiming that, on that night, you were in the Bell-Leon's condo when Kerry Bell-Leon was attacked. Were you in their condo?

- a. No, absolutely not.

14. What happened on July 16th?

- a. I was in my food truck, right outside the Chuggies Bar, like normal. Selling soup. I started at 7pm and it was around 10:20 when I saw Kerry. I was reading through some old messages with Carmen in between customers, and it made me feel even worse for Kerry. I considered apologizing... but then she came closer.

15. What happened?

- a. Well, when she approached my truck, she looked a little wobbly; she was stumbling around a lot. I set my phone down on the counter to get a better look, and I could see her eyes. They looked very glassy. I didn't know if Kerry knew that Carmen was having an affair with me.

16. So what did you do?

- a. I acted natural and just asked her what she wanted. She was slurring her words and it was kind of hard to understand. Eventually I made out that she wanted catfish chowder. Its my most... pungent... soup, so I keep it at the back of my truck. I turned around to get it, but I was so anxious and my hands were so shaky, I spilled it everywhere. I poured up another bowl, and handed it to her, then she smirked at me and stumbled away.

17. What happened after she left?

- a. Well, I was going to text Carmen that I was done with our relationship, when I realized my phone was gone. I figured it was lost in the truck, so I helped a few of

my last customers and closed up shop to find it. I was elbow-deep in soup - it wouldn't be the first time I've dropped my phone in a vat of soup - when I heard a knock on my door. I couldn't open my truck with soup dripping down my arms, so I cleaned myself up, and when I got to the door, all I saw was a police car driving away and a parking citation on my windshield.

18. What did you do?

- a. I was upset with myself for getting a citation, but I took it and went to finish cleaning and looking for my phone. At around 10:55, I was done cleaning, and I walked outside to pull up my awning. Then I saw my phone sitting on the counter. I know I hadn't left it there, and I don't have a password for my phone so I was worried someone had tried to take my credit card info or something. I checked, and saw a missed call from Carmen.

19. What did you do after you saw this?

- a. I drove the food truck home. I was confused. I missed Carmen, but I hated him for trying to make me hurt Kerry. So I told him "I'm finished." It's the worst feeling in the world- loving and hating someone at the same time. I was halfway home when I couldn't take it anymore. I had to call him. I couldn't take the risk that maybe, just maybe, he was back and was sorry for everything. He wasn't. So I hung up on him, and went into my house to shower.

20. And then what did you do?

- a. I decided to go out to Chuggies. I knew some of my friends were going, and I thought I'd join in on the fun. I called an Uber, since I planned on drinking, and it took me downtown. When I got there... it was chaos.

21. And what did you see?

- a. There were all these police cars and ambulances outside the Jaywood building. I was terrified that Carmen's vindictive plans had actually gone through. Then, I saw Kerry being wheeled out on a stretcher. It looked like something happened to her, but she was alive. And then I saw her eyes glare towards me, her face had a blank stare for a bit. And then she started screaming my name. Then one of the officers, Officer Nichols, came out of nowhere, and threw a pair of handcuffs on me. I was arrested.

22. Did you know why you were being arrested?

- a. Not at the time. It all happened so fast. I found out they think I tried to kill Kerry.

23. Ms. Hendricks, did you... try to kill Kerry-Bell Leon?

- a. No. They're blaming me for something I didn't do.

My name is Dylan Hendricks. I live in Midlands. I own a Food Truck in Midlands called Souper Soups. I park the truck downtown near the courthouse.

How am I involved, you say? This is how it happened.

I was just a girl who wanted to find love. I'll tell you right now, it is not easy finding the right guy. They say that your prince charming is out there waiting for you. As the days, months, and years go by, it's just a bunch of nonsense. Then a friend told me about Tender. Its some app you get on your phone and it looks for people near you with the same like and interests. So I gave it a try. A couple days later, I got my first match on Feb 2017. His name was Carmen. I gave it a try. It was nice. He hates the Yankees and he's a big tennis fan. We had a lot of the same likes and it was great. We got to hang out a lot. We had fun together. Something weird though, Carmen would never invite me to his place, no matter how many times I asked.

But then, a few months later on April. That's when it all happened. Carmen told me that he was married. To someone named Kerry. I couldn't believe it. I never thought I could be involved in something so heinous. But I was conflicted, at the time. I liked him a lot, so I stuck around. But it got weird after that. Carmen started inviting me over to his place. I was reluctant because I didn't want to come face to face with Kerry. I was afraid of what would happen to me being that I was having an affair with her husband. I'm not the confrontational type. So we snuck around. I didn't if Kerry knew or not, and that's what scared me.

- June 17:
 - Carmen invited me over to his place.
- June 18:
 - I got tired of sneaking around. It didn't feel right doing what we did. Carmen said he had a way for us to be together, so I come over and we talked. I wanted to sell my food truck and move away with Carmen, so that we could be together.
 - Morgan Jones, his neighbor saw us together. So Carmen talked to him so he wouldn't reveal our affair to everyone
- June 20:
 - Been thinking about selling the truck. It's my truck and I love it. I was second guessing myself.
- June 22:
 - I've been thinking about it.
 - Please, I still don't want you to tell Kerry anything.
- June 23:
 - Naughty stuff
 - Wanting to hang out
- June 25
 - Hanging out again
 - Carmen, being as manly as he is, was afraid of mice. He wanted me to kill a mouse.

- Shoot mouse with water pistol
- Use a Bug Bomb
- Use a knife
- Hit mouse with a pan
- All that matters is that the mouse is dead.
- June 29:
 - Not until it's done. Carmen still wants me to sell my food truck
 - I will sell it with you. But I don't want Bailey to be there and see us
 -
-

Timeline:

10:20- Kerry visits the food truck

10:23- Last customer (Powers) visits the food truck

10:26- Missed call from Carmen

10:45-Morrison saw Hendricks walking down Pearl Alley

10:49-Checked in on tender/first "Like" notification on Tender

10:50- Parking citation

10:52-Last "Like" notification on Tender

11:05- "I'm finished" message on Tender

11:10- Calls Carmen

11:25- Calls for Uber

11:27- Uber ride starts

11:38- Dropped off at Chuggies

11:43-Hendricks arrested

Longfellow Direct

- 1. Please introduce yourself to the members of the jury.**
 - a. My name Florence Willow Longfellow.
- 2. How are you involved in today's case?**
 - a. My role is to perform a expert analysis of Dr. Smith's report based on my experience as an investigator and I found a number of severe flaws.
- 3. Before we get into your analysis, could you tell the members of the jury about your educational background and experience in law enforcement?**
 - a. I received my associate's degree in Criminal Justice from Midlands Community College in 1986. Please don't try to do the math. Let's just say, I'm experienced. After I graduated, I went on to complete the basic officer course at the Midlands Police Academy and joined the Midlands City Police department. I started out as a beat cop and worked my way up. Believe me, it's a long road to the top. I became a sergeant and eventually took on the role of detective and then lead detective.
- 4. Do you have any training in cellular tracking specifically?**
 - a. Why yes. While working for MCPD, I received additional training in criminal investigative techniques specific to Cellular Tracking. Someone in the department had to, it was a great way to stand out and get promoted. My training was provided by the FBI at their training facility in Quantico, Virginia. I still hold that certification to this day.
- 5. Was there ever time when you put that knowledge into practice?**
 - a. Yes, during my 25 years in the MCPD, I used cellular tracking in the field on multiple cases. My analysis contributed towards a conviction in each of those cases.
- 6. How would you go about an investigation using cellular tracking?**
 - a. We would look at phone records and call logs of a given suspect. From those logs, we can determine when a call occurred, who the call was with, and which cell towers were used by the suspect's phone. By looking at the area between those cell towers, we can locate where the phone call was made.
- 7. And Ms. Longfellow, can you tell the members of the jury about your current occupation?**
 - a. I am the Founder of Longfellow Investigation Consultants. In my time as a consultant, I have frequently been retained to testify on interrogation techniques, self-defense, bribery, corruption, and crime scene investigation techniques.
- 8. In this case specifically, what facts and data did you review?**

- a. I reviewed the report made by Dr. Jordan Smith, along with the exhibits cited in Dr. Smith's report.

9. Is your analysis the product the reliable principles and methods?

- a. Yes. I relied upon the training that I received from the FBI and the other qualifications I attained during my 25 years in the MCPD.

10. Did you apply those principles and methods reliably to the facts and data of this case?

- a. Yes, I did

11. Ms. Longfellow, you said you were hired to review Dr. Smith's reports. What conclusions did you reach based on your expert analysis?

- a. I found that the technical applications of the cellular tracking used by Dr. Smith coupled with her field application raised numerous red flags. While she has an extensive base in the theoretic use of cell tracking, she is lacking in the practical application to properly conduct an investigation fit for a conviction.

12. Well, what was the first red flag that stuck out to you from Dr. Smith's report?

- a. I found that Dr. Smith did not account for the variables of high traffic and signal "shape." These must be taken into account to ensure accuracy when attempting to find the location of a suspect.

13. Can you explain how those variables can affect an investigation?

- a. When attempting to learn a suspect's location based on cell phone data, law enforcement often assumes that a cell phone tower's signal range is shaped like circle or some portion of a circle. In reality, the shape of a cell phone tower's signal shifts and is typically more like a blob. Moreover, the shape of the blob is dynamic.

14. Can you illustrate this to the members of the jury using the map from Dr. Smith's report?

- a. Yes, of course.
- b. Witness steps down.

15. First of all, how do cell towers help to determine a suspect's location?

- a. Well, each time a phone sends out a signal, it'll ping whatever tower is closest, which will ping a signal back. BUT the phone may receive a stronger ping from a different tower, way before the closest tower pinged connects to the phone. There are a few factors which can cause a tower further away to be the one that the phone connects to.

16. What kind of factors would cause a further tower to be selected?

- a. Well, for instance, anytime there is a high amount of traffic, that traffic can cause a phone to ping a tower further away first instead of the closest one. In Dr. Smith's report, he admits that a concert which took place near the crime scene. So, it is possible that Dylan Hendrick's phone would have pinged a tower further away. This causes inconsistencies with determining a suspect's location.

17. Why is that inconsistency an issue for an investigation relying on cellular tracking?

- a. It just shows that cell tracking is not always reliable. Since investigators cannot be sure that the cell tower that got pinged is actually the one closest to the suspect, there is no way to make a conclusive determination regarding a suspect's location.

18. Take a seat

19. What other aspects of Dr. Smith's report did you find to be questionable?

- a. In addition to his use of cellular tracking, I also take issue with Dr. Smith's methods for analyzing the defendant's use of the dating app Tender.

20. What was problematic about that analysis made by Dr. Smith?

- a. Dr. Smith ascribes too much accuracy to information given by Tender. His use of the app, and its connection to wifi, is largely based on a single experiment that he performed. There was an extremely small sample size for this experiment, since Dr. Smith only tried once to connect to the Bell-Leon wifi using Tender on one day, which doesn't lend itself to an effective scientific experiment. Generally, you want to be able to duplicate your results.

21. Ms. Longfellow, given your experience in using cellular analysis in criminal investigations, what can you conclude about Dr. Smith's report?

- a. My conclusion is that cellular data is not, by itself, sufficient to definitively locate a defendant. Dr. Smith's heavy reliance on the combination of two imperfect pieces of data, the cellular data and Tender data, could lead to a false conclusion. While I have respect for Dr. Smith and his work, it is my concern that if a successful investigator combines two imperfect pieces of evidence, it could result in the investigator being overconfident in the accuracy of the conclusion.

Thank you Ms. Longfellow. No further questions, your honor.

Jamie Morrison Direct

1. Please state your name for the record.

a. Hello, my name is Jamie Morrison. (4)

2. What do you do for a living, Ms. Morrison?

a. Well, for a living, I am an Uber driver. But my passion is being an artist. (8)

3. Well, art aside, what is Uber?

a. It's an on demand taxi service. First you download the Uber app, then you put in where you are and where you want to go and someone will pick you up for a fee. It's really a great way to pick up some extra cash.

4. How did you become a driver for Uber?

a. Well, you need to be the right age and have a fairly new car. My parents brought me a new car last year - but I am independent of them thus the uber job. My art is really getting out there though. The Red Roof Inn up the road bought one of my pieces for the bathroom by their lobby.

5. How long have you been driving for Uber?

a. Since May of 2017 (8).

6. Is that a nine to five job?

a. Oh no. I make my own hours. I work downtown in the evenings from 9pm - 2:30am. I'm a bit of a night owl. (15-18)

7. I'd like to talk with you about our client, Dylan Hendricks. Do you know her?

a. Yes, that's her right there. She owns that Souper Soups food truck. (34-35)

Let the record reflect that the witness has accurately identified the Defendant.

8. Did you see her truck on the night of July 16, 2017?

a. Yes, it was downtown right next to Chuggies around 10pm when I first noticed it. (24) and I noticed the truck was in the same area again at 10:45pm

9. Where were you when you saw it?

a. I was parked right across the street from the food trucks on Ellis Blvd. I was picking up a customer on Ellis next to Sparkle and Shade. Another drunk, but usually the drunks don't complain about my messy van.

10. Did you see Dylan around her truck?

a. Actually, I did. She walked out of her food truck in this total SQUARE outfit. A maroon shirt, purple gloves, and then those bleak corporate business casual khakis.

11. Where did Dylan go?

- a. I saw her walk down Pearl Alley. I couldn't see where she went from my angle, but I know she went that way.

12. Did interact with Dylan in person at all that night?

- a. Yes, I gave her a ride, luckily she wasn't one of the drunk customers.

13. Did you keep a record of that ride?

- a. Yes, every Uber ride automatically generates a digital receipt and sent to the driver and the customer.
- b. Enter EX32

14. Is it a fair and accurate copy?

- a. Yes

15. Has it been changed or altered in any way?

- a. No

16. On this receipt, where does it say you picked up Dylan?

- a. At her house, 555 South Johnson Street, Midlands City, ML.

17. Where were you when you got the request for Dylan's pickup?

- a. I was already in the neighborhood. Just a block away.

18. What time did you get that ride request?

- a. 11:25 pm.

19. How long was it until you picked up Dylan at her house?

- a. About two minutes, I picked her up at 11:27pm (39).

20. How did she appear to you when you picked her up?

- a. Her hair was wet and she wasn't wearing the clothes I described her wearing earlier.

21. Were you able to verify with Dylan that she was the person you had seen earlier?

- a. No, I didn't want to mistake her for someone else, I didn't want her to give me a bad rating. I mean, she looks like a lot of people I know.

22. Did you ask her where she went down Pearl Alley?

- a. Look man, I don't ask those questions as an Uber driver. You just gotta let people be and live their lives.

23. How long did the ride take?

- a. The ride took 11 minutes and 27 seconds.

24. How familiar are you with the path from Dylan's house downtown?

- a. Very, I actually went back and forth between Dylan's neighborhood and downtown many times that night.

25. How long does the ride on that path typically take?

- a. For me, it takes 10-15 minutes to make the ride, but it take an half hour, depending on the traffic like it did earlier that night. It was terrible.

26. Was there any traffic during that ride?

- a. No, luckily the traffic I went through earlier that night finally clearly.

27. Where did you take her?

- a. Downtown to Chuggies Bar. (63).

28. When you dropped her off, did you see Dylan go into Chuggies?

- a. No, she didn't. There were cop cars and ambulances right down the street. The man is always around, I tell you what. And that's where she went. Right towards the police. (64-66).

29. Did you see anything after that?

- a. No. I got another ride request (67).

30. Do you know Kerry Bell-Leon?

- a. Yes, as a customer. I've driven her a few times. She lives around my normal pick-up area. Downtown. (73-74).

31. What kind of customer is Kerry?

- a. She's a special case. Everytime I pick him up, he stumbles, eyes shiny like glass, and his speech would slur. (pause) Not cool. (75-76).

32. How is it that you came to find out that Dylan got arrested?

- a. Remember that Red Roof Inn I mentioned? I was in the lobby bringing in my piece for them and the tv had the news on. Dylan's face came up and that's when I found out. So, I called the police to tell them what I knew.

Thank you Ms. Morrison, nothing further.

Reeves Direct

9:11

- 1. Please introduce yourself to the members of the jury.**
 - a. Hello, my name is Dr. Ryan Reeves.
- 2. What is your occupation?**
 - a. I am a pharmacologist specializing in pharmacokinetics.
- 3. What exactly is pharmacokinetics?**
 - a. Pharmacokinetics is a scientific study of how drugs move through the body. As a drug moves through the body, that drug results in different symptoms.
- 4. How is pharmacokinetics involved in today's case?**
 - a. Well, I was retained by the defense to examine the effects that the narcotic Everest had on one of the eyewitnesses in this case.
- 5. And which witness did you examine?**
 - a. Kerry Bell-Leon.
- 6. What type of education do you have regarding pharmacokinetics?**
 - a. In 1985, I earned my Bachelors in microbiology from Yale, and I was the clinical pharmacist at Polk Hospital for ten years. Then in 2001 I earned my PharmD from the Saint Louis School of Pharmacology. In 2008, I became the Wallace Professor of Pharmacology at Midlands State, and that's where I've been ever since. Much of my research recently has centered around the narcotic Everest.
- 7. Are you published in your field?**
 - a. Yes, I've published 25 peer reviewed articles and I present annually at conferences, like the one held by the American Journal of Pharmacokinetics. This year's event is going to be held at the Black Bear Casino.
- 8. Have you testified as an expert in pharmacokinetics before?**
 - a. Yes, I have testified at trial 25 times for defense counsel.
- 9. What facts and data did you base your investigation on?**
 - a. I reviewed the affidavit of Kerry Bell-Leon, as well as the toxicology report done at Midlands City Hospital for Kerry Bell-Leon from the night of July 16th. I also examined the set of pills found on Kerry Bell-Leon's person the night she was attacked.
- 10. What principles and methods did you use?**
 - a. I used the gold standard analysis in my field to construct a curve of the concentration of the narcotic Everest in Kerry Bell-Leon's system throughout the night of July 16th.

11. How did you do this?

- a. This analysis relies on several factors, many of which are constant variables. For the remaining factors, I used information learned from the affidavits, and confirmed my numbers using the data from the toxicology report.

12. Are these practices standard in your field?

- a. Yes, they are.

13. Are your conclusions based on a reasonable degree of scientific certainty?

- a. Yes.

14. What can you tell us about the narcotic Everest?

- a. Everest is a new narcotic growing in popularity around Midlands. It has addictive properties, though users exhibit no physical withdrawal symptoms or immediate risks, unlike what the users of the narcotics cocaine and heroin experience.

15. Do you know if Kerry Bell-Leon had taken Everest on July 16th, 2017?

- a. From my review of the affidavits and toxicology report, yes she did.
- b. OBJECTION: Improper Expert Opinion
 - i. You haven't elicited an opinion yet (opinion comes in at #16)
If they say you have elicited an opinion:
 - ii. **Rule 702. Testimony by Expert Witnesses**
 - iii. A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:
 - (a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (*The issue is the reliability of the identification of the defendant by the victim*)
 - (b) the testimony is based on sufficient facts or data; (*the affidavits, toxicology report, and pills are the sufficient facts or data*)
 - (c) the testimony is the product of reliable principles and methods; and (*the gold standard analysis using constants and variables learned from the affidavits and toxicology report*)
 - (d) the expert has reliably applied the principles and methods to the facts of the case. (*used the facts in the analysis, confirmed using the scientifically proven toxicology report*)

16. Based on your research in this case, can you tell the jury what, if any, symptoms Ms. Bell-Leon was experiencing the night of July 16th, 2017?

- a. Yes. The effects of taking Everest vary based on the concentration. I've actually brought two visuals to help illustrate these symptoms and the concentration in Kerry Bell-Leon's system the night of July 16th.

17. May the witness step down to make use of a demonstrative aid?

18. Let's take these charts one at a time. What are we looking at here?

- a. This one is a graph showing concentration over time. In essence, it shows the timeline of the concentration of Everest in Kerry's system on the night of July 16, 2017.

19. And this one?

- a. This one exhibits the concentration of Everest necessary for one to experience the symptoms associated with Everest.

20. Let's start with the symptoms. Can you explain to the jury what the symptoms of Everest are?

- a. The symptoms vary based on the concentration. As the pill dissolves and enters the bloodstream, the concentration of Everest increases. Here we see that at low concentrations the symptoms are quite mild, but as the concentration increases the symptoms become more severe. These are all of the known symptoms of Everest, and as you can see they range from mild nausea to death.

21. Now this second visual aid. What does it show?

- a. This shows the concentration of Everest over time in Kerry Bell-Leon's system on the night of July 16th. I created this curve using the gold standard analysis I previously mentioned.

22. How did you confirm the formula used for this curve?

- a. I used the concentration found in the toxicology report to confirm my math, and found that my numbers were accurate. When a blood sample was taken from Ms. Bell-Leon at 1AM on July 17th, she had 6.8 mg of Everest in her system. This point is found right here *mark* on the curve, and would not exist at that point if any of the variables I used were different.

23. Based on your investigation, when did Kerry Bell-Leon consume the Everest?

- a. Kerry Bell-Leon consumed the Everest pill at 9:45 PM.

24. What concentration was in her system at 9:45pm, when she took the Everest pill?

- a. Initially, the concentration is very small. The effects would have begun appearing around 9:50, when the concentration reached 2mg/L.

25. When did the concentration reach 6mg?

- a. Around 10:15 PM.

26. Based on your review of her affidavit, what was Kerry doing at that time?

- a. Kerry had left Chuggies and was at Dylan Hendricks' food truck. According to her affidavit she was feeling nauseous at that time, which is consistent with the symptoms on this chart.

27. When did the concentration reach 9mg?

- a. Around 10:30 pm.

28. What was Kerry doing at that time?

- a. Kerry was walking to the parking lot of the Jaywood Building, where, according to her affidavit, she planned on buying more Everest from her dealer.

29. When did the concentration reach 14mg?

- a. Around 10:50 pm.

30. What was happening at that time?

- a. Based on the affidavits, this is the time at which the attack occurred.

31. Now this is a very important time frame for this case. Can you walk the jury through the symptoms that Kerry could have been exhibiting at the time of the attack?

- a. At 14mg/L, it is highly likely that Kerry was experiencing memory encoding issues, along with slurred speech and other symptoms, including those associated with lower concentrations, such as anxiety and paranoia.

32. Thank you Doctor, you may take your seat.

33. Based on your expertise, can you explain how the symptoms associated with that concentration could affect a person's memory?

- a. Yes. With memory encoding, anxiety, and paranoia, it is likely that one's memories could be impaired. Think of it as being like a camera. Normally, our memories are fairly focused, and we can remember important details. However, at these higher concentrations of Everest, the camera falls out of focus, making the picture distorted. The person may be able to vaguely grasp what happened, but the details will be very unclear.

34. Based on your investigation and your calculations, what can you conclude from this case?

- a. My conclusion is that during the attack Kerry Bell-Leon had a concentration of 14 mg/L of Everest in her system, and it is highly likely that she was experiencing anxiety, paranoia, and memory encoding problems at that time.

Thank you, Dr. Reeves. No further questions, your honor.

Defense Opening

May it please the court? Your honor, opposing counsel, members of the jury....

A vindictive accusation, an impossible burden

Dylan Hendricks is a local food truck owner of Souper Soups in downtown Midlands. In February of 2017, a man enters her life whom she falls deeply in love with; his name is Carmen Bell-Leon. They met on a Midland's only dating app called Tender and soon developed an intimate relationship. Two months into their relationship, Carmen tells our client that he was married to Kerry Bell-Leon, but he didn't want to be any longer. But it was Carmen, not Dylan, who began this horrifying plot to kill Kerry. Out of fear of the repercussions that going against Carmen would bring, Dylan played along, but you'll hear from her today that she had no intention of attempting murder. Dylan was relieved when Carmen left for Ecuador, and she was ready to begin a new life. She planned to do exactly that on the evening of July 16th. But, Carmen's spouse, Kerry Bell-Leon had other plans. Kerry, while under the influence of a powerful drug called Everest, vindictively accused our client of trying to kill her. Upon arriving downtown for an innocent night out, Dylan Hendricks was falsely singled-out by Kerry and immediately arrested.

A vindictive accusation, an impossible burden.

Members of the jury, the prosecution bears the burden of proof in today's case. They have to prove that our client, Dylan Hendricks, committed the crime of attempted murder. They must prove this beyond a reasonable doubt. **The state needs you believe, beyond a reasonable doubt, that our client purposely or knowingly attempted to take the life of Kerry Bell-Leon.** But members of the jury, they will ask you to do this on the back of a completely false accusation from a distressed individual, and on the back of a compelling lack of any evidence which could tie our client to this crime.

As the defense we bear no burden. We don't have to call a single witness or put on any proof but we will in order to prove that our client did not commit this crime. Members of the jury, you are the triers of fact. If any fact or evidence from the state in this case doesn't add up and you are not certain beyond a reasonable doubt that our client is guilty, then you must give a verdict in **favor of the Defense.**

From the Defense, you'll first hear from the Dylan Hendricks. You'll hear HER side of the story. The side of the story that the state wants you to ignore. You will hear from a woman who had no intention of committing a crime that evening. You'll hear from someone who was desperate to escape a situation and move on with her life. A woman who was ready to take matters into his own hands, take HER life back, until she was arrested for a crime she did not commit.

Then, you'll hear from Jamie Morrison, who was the Uber driver for our client on **July 16th**, the night of the alleged attempted murder. She will tell you about how our client was elated and speaking of starting anew by taking matters into his own hands by ending his relationship with Carmen and moving on from the situation. She was going out to the bars to find a fresh start. Mr. Morrison will tell you that Dylan was dropped off after the police had already arrived to the scene. Little did our client know that a false accusation would take away her freedom that evening.

Then, you'll hear from F.W. Longfellow

Then you'll hear from Charley Waters

Finally, you'll hear from Dr. Ryan Reeves, an expert in controlled substances. She will tell you about the effects of a drug known as Everest, of which a high dosage was found in Kerry Bell-Leon on the evening of the attack. Dr. Reeves will explain to you that increased dosages of Everest, like those found in the victim, can result in symptoms such as Anxiety, Paranoia, and even Incomplete Memory Encoding. Are those the symptoms of an individual who can be considered to be credible? If our expert asserts that the victim, the only one who identified our client as the attacker, suffered from paranoia and severe memory encoding issues that night, then how can the prosecution meet its burden? Knowing this, we are confident that you will have reasonable doubt against the claims made, not only by the victim, but by the state today.

Members of the jury, there's not any DNA evidence that ties our client to the case. There's not one eyewitness other than the victim who claims to have seen our client's face that evening. There's merely the accusation of a distressed individual who is known to have been suffering from substance abuse.

Weighing these key realities, along with the credibility of evidence presented to you, will certainly create reasonable doubt. And with reasonable doubt, the prosecution fails to meet its burden.

A vindictive accusation, an impossible burden.

That's why at the end of this trial, we're asking you to find the Defendant, Dylan Hendricks, not guilty.

Defense Closing

May it please the court? Your honor, opposing counsel, members of the jury....

Today, you heard about a false accusation. It was an accusation borne out of fury and vengeance. An accusation propelled by the influence of a powerful drug known to cause paranoia and memory dysfunction. And it is an accusation which is not supported by material evidence.

A vindictive accusation. An impossible burden.

The prosecution bore the burden of proof in today's case. That burden has sat at prosecution table throughout this trial... and it's a heavy burden. That burden of proof is **beyond a reasonable doubt**. It is the highest burden in the American legal system, and it exists in order to prevent innocent people, like our client, from losing their freedom.

The state needs for you to believe, beyond a reasonable doubt, that our client

- 1.) Acted purposely or knowingly and
- 2.) Engaged in conduct that, if successful, would have resulted in the death Kerry Bell-Leon.

Members of the jury, let's review the evidence and testimony that has been presented today by the state.

Witness 1: Victim

We understand where this vengeance comes from. She cannot retaliate against the real villain, Carmen, so she has turned her fury towards our client.

Witness 2: Detective M. Nichols

He overlooked the fact that the victim despised our client.

Witness 3: Charley Waters

We didn't have to call a single witness or put on any proof but we did in order to prove that our client did not commit this crime. Members of the jury, you are the triers of fact. If any fact today doesn't add up and make you certain *beyond a reasonable doubt* that our client is guilty, you must render a verdict of not guilty.

Ladies and gentleman, if I told you that person who actually committed this crime would walk through those doors, and you turned to look, then that could be considered reasonable doubt. And it is our belief that the reason you would turn to look is because the prosecution has failed to meet their burden.

First, you heard from Dylan Hendricks. You heard the side that prosecution doesn't want you to hear. You heard from a woman who had no intention of committing a crime that evening. Dylan loved Carmen, but she wasn't going to kill for him. Her only motive for being downtown that evening was selling soup and spending time with friends. You heard how, after an altercation with Kerry Bell-Leon, our client closed her truck, tried to clean up the mess that Kerry made, and went home to clean up. She tried to go

back out and find the new love of her life, and instead she found herself behind bars. She never entered the Bell-Leon condo, and she only saw Kerry once that night, when Kerry bought soup from her.

Then, you heard from Jamie Morrison, the Uber driver for Dylan Hendricks July 16th. He told you about how Dylan was picked up at 11:25, and dropped off after the police had already arrived to the scene. Members of the jury, you must ask yourselves: would our client have had time to close her truck, clean it thoroughly, use the restroom, run into friends, decide to go out with them, get back to her truck, drive it home, shower, call an Uber, get into the Uber, and drive back downtown, all while committing a crime?

Finally, you heard from Ryan Reeves, an expert in controlled substances. She told you about the effects of a drug known as Everest, of which a high dosage was found in Kerry Bell-Leon following the attack. Ms. Reeves explained to you that increased dosages of Everest can result in symptoms such as Anxiety, Paranoia, or even Incomplete Memory Encoding. She told you how Kerry Bell-Leon was clearly experiencing anxiety and paranoia the night of July 16th, and how it's possible that Kerry was even experiencing memory encoding issues. Members of the jury, Kerry Bell-Leon is also the only person who claims to have seen Dylan's face that night.

The state also called three witnesses today in order to meet their burden. These witnesses simply constructed a story in an attempt to prove my client guilty.

There's not any DNA evidence that ties him to the case. There's not one eyewitness, other than the victim, who claims to have seen her face and can place her in the Jaywood Building. There has been no definitive motive established. There's merely the accusation of a distressed individual who is known to have been suffering from substance abuse. In addition to considering the compelling LACK of evidence and credible sources of information, you must consider the question: Why would SHE do it? Why would Dylan Hendricks commit this crime?

Weighing these key questions, along with the credibility of evidence presented to you, has certainly created reasonable doubt. And with reasonable doubt, the state fails to meet its burden. Knowing this, you must find our client, Dylan Hendricks, not guilty.

Thank you.