

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, STATE OF FLORIDA
CRIMINAL DIVISION

STATE OF FLORIDA

CASE NO: 06-001591CFAWS

DIVISION: 3

Plaintiff,

Vs.

SHANNON STEPHEN,

SPN: 00497502

Defendant.

-----/

DEPONENT: Yousseouf Mohamed
DATE: February 10, 2010
TIME: 10:00 a.m. - 12:06 p.m.
LOCATION: Parliamentary Reporting
 442 W. Kennedy Blvd.
 Tampa, Florid
REPORTER: Cecilia Aponte
 Notary Public
 State of Florida at Large

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A P P E A R A N C E S:

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1

YOUSSOUF MOHAMED

2

WAS CALLED AND AFTER BEING DULY SWORN WAS EXAMINED

3

AND TESTIFIED AS FOLLOWS:

4

DIRECT EXAMINATION

5

BY MR. FOOTE:

6

Q Let's move forward. Last time we were

7

here we were discussing your testimony, and

8

opinion, regarding the operation of the cell towers

9

in the New Port Richey area. You have since

10

provided us some documentation that I have

11

received. And let's go ahead and identify that.

12

We have one document that is labeled "24 Hours" on

13

the top, and another one that is labeled "Busy

14

Hour."

15

A Yeah.

16

Q Okay. And can you tell me what these two

17

documents are?

18

A These two documents show you the sites

19

here, where it states date and cascades. The

20

cascades is the name of the identifying towers that

21

is providing the coverage in the New Port Richey

22

area.

23

Q Can you tell me what the purpose of the

24

24-hour document is?

25

A The 24-hour document shows you the call

1 processing for the 24 hours on those sites.

2 Q In laymen's terms, what does that mean?

3 A Laymen's term, that is -- for example, if
4 I tell you Site 119, alpha sector, it has 12,075
5 call attempts on it on that date in the 24 hours.

6 Q So the purpose of this document -- you
7 pulled three days at my request. I asked you for
8 March 25th, March 26th, and March 27th of the year
9 2006.

10 A Yes.

11 Q So you pulled data for each one of those
12 days with regard to the towers in operation in that
13 area, which are Towers 119, 120, 214, 121, and 208.

14 A Yes.

15 Q Okay. Without going into specific detail,
16 what does this actual report tell us about those
17 towers on those days?

18 A It tells us these towers are performing
19 and they don't have no major issues.

20 Q Okay. Now, if the towers had some issues,
21 would it be on this report?

22 A Yes. It would show us what kind of issue
23 they had. For example, if you have access failure,
24 it tells you -- for example, most of the access
25 failure, if you see here, they are less than one

1 percent. If you have an issue, sometimes it goes
2 to, you know, 30 percent, 20 percent access
3 failure. So when you look at that you say, This
4 site has some issue, and you go ahead and
5 investigate it.

6 Q What is access failure?

7 A Access failure means when you dial your
8 phone and it keeps -- the signal is busy signal.
9 You cannot get into that tower.

10 Q Okay. Now, for a 24-hour period, okay --
11 for example, on March 25, 2006 at the Tower 119 --
12 it is giving us data for Sectors 1, 2 and 3 of that
13 particular tower.

14 A Yes.

15 Q Alright. Is there a more detailed report
16 about the hourly operations of the towers?

17 A Hourly operations of the tower. But since
18 this -- this gives you the 24 hours. If you see in
19 the back, I give you the hourly. But it will give
20 you the busiest hour of that day. To get the 24 --
21 the half-hour data, I don't know if we -- it is
22 going to take a while to get it out. I have to
23 send the request and they have to go and dig it out
24 and take it out. I don't know how long that
25 process is going to take to get it.

1 Q So there is other data?

2 A Yeah, there would be other data showing
3 you half-hour data. But I don't know how far they
4 can go back to get it out for you.

5 Q Okay. So you are not sure if that data
6 still exists for 2006?

7 A It might exist, it might be somewhere.
8 This is too old. But to get it out I don't know
9 how long it will take.

10 Q But do you know if it exists or it doesn't
11 exist?

12 A I am no 100 percent sure if it exists.

13 Q Do you know how far back that information
14 is kept?

15 A I would have to find out how far they are
16 going to keep it -- half-hour data.

17 Q Okay. So the date in question that we are
18 talking about is March 26, 2006. And on the
19 24-hour report it is talking about the five
20 different towers in the area. Alright? This is
21 giving us a total -- pretty much a summary -- of
22 accumulated information regarding the towers.

23 A Yes, sir.

24 Q Alright. So, would you agree with me that
25 it doesn't tell you anything about the operation of

1 these towers at, let's say 1:00 AM on March 26,
2 2006?

3 A 1:00 AM?

4 Q Correct.

5 A Exactly I don't know. I would have to
6 have that half-hour data to see that. But from
7 this, I understand that I can say sure, I can say,
8 well, currently, that the site is performing very
9 well.

10 Q How can you say that?

11 A Because of the call data that it takes.
12 How many call attempts it has on the site.

13 Q Well, my question is -- I want to target
14 the time of 1:00 AM, which is critical in our case.
15 Would you agree with me that this 24-hour report
16 does not give us particular data regarding March
17 26, 2006, particularly at 1:00 AM?

18 MR. ROSARIO: I am going to object as to
19 leading, and it is also a vague question. You
20 have not laid a predicate as to what you mean.

21 BY MR. FOOTE:

22 Q Do you understand my question?

23 A Yes. Can you repeat it again? Could you
24 go ahead and repeat it again?

25 Q Okay. Does this 24-hour report tell us

1 anything about the cell tower operations at 1:00 AM
2 on March 26, 2006?

3 A Particularly, it cannot tell you, because
4 this is 24-hour data.

5 Q So the answer is?

6 A From here, no, I cannot tell you that.

7 Q Does this particular 24-hour report tell
8 us anything about a phone call generated from the
9 number (727) 642-1236?

10 MR. ROSARIO: Are you referring to the
11 report that he has provided, or are you
12 referring to all the reports he has?

13 MR. FOOTE: My question was, Does this
14 24-hour report tell us anything about any calls
15 generated from the handset bearing the number
16 (727) 642-12 --

17 A This 24-hour site?

18 Q Let me finish my question. -- 1236. Yes,
19 the 24 hours.

20 A No. This 24-hour report is telling you
21 that the site from different phone calls -- it's
22 the totality of that 24 hours. It doesn't
23 particularly actually this number (sic).

24 Q So, it tells you nothing about that
25 particular number I mentioned?

1 A It could be anybody's.

2 Q It could be anybody's phone?

3 A Yeah, from these stats -- from the 24-hour
4 stats.

5 Q On this second report that you provided,
6 the busy-hour report, particularly on March 26,
7 2006, let's go directly to Tower 121.

8 A 121.

9 Q Okay. What does this report actually show
10 regarding Sectors 1, 2, and 3 of Tower 121?

11 A Okay. It tells you between -- this
12 busy-hour report tells you which is the busiest
13 hour for that 24-hour day. So the busiest time
14 was, on that day, on this tower, was between 11:00
15 and noon.

16 Q Where do you see that?

17 A The busy hour, balancing hours.

18 Q On March 26th?

19 A 121, right?

20 Q Yes.

21 A That is between 4:00 AM, 8:00 AM, and 5:00
22 PM.

23 MR. ROSARIO: Sorry, did you say PM or AM?

24 A 4:00 PM, the first one. The second one,
25 between 4:00 PM to 5:00 PM. That is the busiest

1 hour of the day. Sector 2 is between 8:00 PM and
2 9:00 PM, and Sector 1 -- Sector 3 is between
3 5:00 PM and 6:00 PM.

4 Q So it just tell us what the busiest hour
5 of the day is for this particular tower?

6 A Yes.

7 Q Can you tell me what the second busiest
8 tower is?

9 A I don't have it on this report.

10 Q Is that information available somewhere?

11 A Yeah. I can get it. You just have to
12 request it.

13 Q Does it tell us what the actual usage was
14 at 1:00 AM on March 26, 2006?

15 A This report?

16 Q Yes.

17 A No, it doesn't tell you.

18 Q Alright. When we were speaking before,
19 you were making some general statement that the
20 towers were operational; that they had no problems
21 on March 26th; and I asked you how you knew that
22 and you said that you had reports.

23 A Yes.

24 Q The two reports that you provided me, the
25 24-hour report and the busy-hour report, okay, is

1 it your testimony that these two reports actually
2 tell you that these towers were 100 percent
3 functional on that day?

4 A From my experience, yes.

5 Q Okay. And these two reports tell us what
6 these towers -- or how these towers were operating
7 at 1:00 AM?

8 A The report, yes. The 24-hour report?

9 Q Yes.

10 A Yes.

11 Q How does it do that?

12 A Well, if you look at it, the day before
13 and the day after and the day that is in question,
14 the call volume on these towers are mostly even. I
15 mean close, even. You can tell that they are
16 performing evenly.

17 Q Does it tell me anything about 1:00 AM,
18 though?

19 A It doesn't tell you 1:00 AM, but looking
20 at the 24-hours, if there is an issue on the site,
21 it would tell you that, you know, the issues. For
22 example, if the site is down at 1:00 o'clock in the
23 PM, it is not processing calls, would be -- the
24 call difference between the three would be more
25 different.

1 Q I don't understand.

2 A For example, look at the call attempt on
3 the 24-hours on, let's say, Site 119.

4 Q On what date?

5 A The first date, the 25th, the total, if
6 you look at -- the total set up attempts is 12,000,
7 right?

8 Q Yes.

9 A And the next day, because at 12,000 --
10 because that was a Friday. On Fridays the call
11 attempts go up. You have got people getting off
12 work; they are making more calls. The second one
13 is 8,000 and the third one is 10,000.

14 MR. ROSARIO: Are you talking about on the
15 next day?

16 A The next day, yeah.

17 MR. ROSARIO: Sector 119?

18 A 119, Sector 1. Tells you Friday is our
19 busiest day of the week, mostly. On Saturday, kind
20 of quiet. On Sunday, also is kind of quiet. That
21 is why you see a difference of a few thousands of
22 calls. But if there is an issue on that site,
23 probably you see, for example, 4,000, 5,000 call
24 difference if the site is down on that particular
25 day.

1 Q Okay. I am just asking about -- would you
2 agree with me that the site can go down at 1:00 AM
3 until 2:00 AM?

4 A Of call issue? Yes. It could go down,
5 yeah.

6 Q Would you see a major difference on this
7 24-hour report if the tower is down for an hour?

8 A It depends. It depends on how busy that
9 site is. When the site is taking 12,000 calls,
10 10,000 call attempts a day, and it is off for one
11 hour, two hours, you see a difference between that
12 two hours. The site may be the busiest hour of the
13 day. You never know.

14 Q What I am trying to get to is that you
15 don't know for sure if the towers were operating
16 for each 24-hour period, each hour of the day, on
17 March 26th, based on this report, do you?

18 MR. ROSARIO: Object as to leading.

19 A Using the same -- this report? Yeah.
20 Because when I come in the morning, the first thing
21 I see is this 24-hour report. Okay? I see this
22 24-hour report and I see the previous day. By
23 doing this work, you know exactly -- you have some
24 kinds of idea this site, how many call attempts a
25 day it will take. Depends on the day. So if I see

1 -- if I come in the morning I see, okay, this site
2 has 5,000 call attempts, I'll say, Wait a minute.
3 This site last week at this time, last week the
4 same day it had 10,000 calls. What happened to the
5 site? So then I will go and investigate it and
6 look at each hour -- each half hour of the data --
7 and see what happened. So from there I can
8 understand the site is performing well or not.

9 Q So you are prepared to testify in court
10 that these sites were 100 percent operational on
11 March 26th, each hour, and there was no failure
12 whatsoever?

13 A According to my -- according to the
14 report, and the facts I have in front of me, yes.

15 Q And you are basing that on the number of
16 calls?

17 A Number of calls.

18 Q Do you have maintenance records with
19 regard to each of these cell towers?

20 A I would have to get it. I don't have it
21 with me.

22 Q Do you have them?

23 A No. No one requested it from me.

24 Q I mean not today. Do you have access?

25 A Yeah. I can request from the switch guys

1 to find, you know, the maintenance for these
2 towers.

3 Q For March of 2006?

4 A Yeah. I will request for them.

5 Q Alright. Let's talk about -- well, let me
6 ask you just in general so I know which way we are
7 going. What are you prepared to testify to on
8 behalf of the state attorney? What have they
9 requested you to give an opinion on?

10 A They requested me to give opinion, Is the
11 time when the accident happened exactly where this
12 phone registered to this number -- what is the
13 number? (727) 642-1236. Exactly where it is,
14 which tower, which sector was on and accessing the
15 call.

16 Q Alright. And --

17 A According to my reports, the data I have,
18 the data that is provided to me by Sprint, I can
19 tell exactly the time and where exactly -- which
20 site and which sector the call is initiated.

21 Q What information was given to you to be
22 able to give that opinion?

23 A The call record data. The call record
24 data.

25 Q Is that what we originally labeled Page 1,

1 Page 2, Page 3?

2 A Yes.

3 Q Okay. Can you reference that particular
4 data and tell me for that particular time, around
5 1:00 AM?

6 A Okay. On that particular time, the phone
7 number (727) 642-1236 initiate or originate call at
8 1:09 and 48 seconds, on Sector 1 -- Site 121,
9 Sector 2.

10 Q Okay. And how do you know that looking at
11 the data that you have?

12 A The data tells me the time it originated,
13 and the time the call -- the other person answering
14 the call, and the other person stopped and the call
15 termination, and the sector that the site initiated
16 the call.

17 Q So let's actually refer to the data that
18 you are looking at. Is that the -- what page are
19 you looking at? Page 1?

20 A Page 1.

21 Q A, B and C?

22 A A, B, and C.

23 Q Page 1; A, B, and C. Okay. Can you go
24 across and tell me what information you see that
25 tells you where that handset is?

1 A That handset is -- it originates -- that
2 means he dialed the number -- on March 26, 2006 at
3 1:09, 48 seconds in the morning. And the call
4 initiated on a sector in Site 121, Sector 2.

5 Q What on these three pages tells you that?

6 A The time of initiating the call -- it
7 tells me the time, the date and the sector that the
8 call initiated.

9 Q So the court reporter can type this down,
10 tell me what page you are looking at. What column?

11 A The call started on Page 1-A -- the call
12 originated. The call is answered and stopped at
13 Page 1-B. The origination stops at Page 1-C and
14 the cell, the tower and the sector that is
15 providing the call initiated is on Page 1-C.

16 Q Where did the data that is on these three
17 pages -- A, B, and C -- where did that come from?

18 A Comes from Sprint.

19 Q Okay. And what type of storage, I guess
20 facility -- why is this data kept?

21 A This data is kept for -- the main purpose
22 of this data is for billing purposes. And they
23 kept it and this is stored in the switch.

24 Q Stored at the switch?

25 A Yes. They get it from the switch.

1 Q Where is it stored?

2 A Stored?

3 Q Where is the information stored? This is
4 from 2006. Where has it been?

5 A Stored in Kansas City headquarters.

6 Q Do you know who generated this
7 information?

8 A No, I don't, but I will find out.

9 Q Do you know how accurate this information
10 is?

11 A It is 100 percent accurate, because it
12 came from the switch.

13 Q Well, you don't even know who generated
14 it, so --

15 MR. ROSARIO: Objection. Argumentative.

16 BY MR. FOOTE:

17 Q You don't know who generated the
18 information. How can you say it is 100 percent
19 accurate?

20 A It came from the switch. That is what I
21 am saying.

22 Q When you say it is 100 percent accurate,
23 if we were to take the phone bill that the customer
24 received and laid it next to this, would they
25 match?

1 A Most probably.

2 Q No, either yes or no.

3 MR. ROSARIO: Objection. Argumentative.

4 He answered the question.

5 MR. FOOTE: Thank you.

6 BY MR. FOOTE:

7 Q Yes or no?

8 A As much, yes.

9 Q You are going to prepare to give an expert
10 opinion, so obviously your opinion is going to be
11 given a lot of weight because you are an expert.

12 A According to the facts I have in front of
13 me, yes.

14 Q Would you agree with me then, if the
15 information that you are relying on in your opinion
16 is inaccurate, that your opinion may be inaccurate?

17 A According to the information I have, my
18 opinion is accurate. I mean, you can -- seeing
19 from these records -- this is a record; this is
20 fact. This came out from the switch and it is
21 provided to me. And looking at the data, exactly I
22 know what time, you know -- it is telling me the
23 time, where the call initiated, and which sector
24 the call initiated. So this is accurate.

25 Q My question is this, If this information

1 was somehow inaccurate and was given to you, would
2 you agree, then, that your opinion would also be
3 inaccurate because you are looking at inaccurate
4 data?

5 A Yes. I mean, if the information is
6 inaccurate. But I am 100 percent sure the
7 information provide to me is accurate.

8 Q And how are you 100 percent sure?

9 A Because it is provided to me by Sprint,
10 the company. The Sprint company, they provided me
11 this information.

12 Q They don't make mistakes?

13 MR. ROSARIO: Objection. Argumentative.
14 Relevance.

15 BY MR. FOOTE:

16 Q They don't make mistakes?

17 A When they give you this number in front of
18 it and they get it out from the switch, I would say
19 that making the mistake is very rare.

20 Q Okay. What switch did this information
21 come from?

22 A This switch came from the Tampa switch.

23 Q How do you know that?

24 A Because the site. The sites are built in
25 the Tampa switch.

1 Q How do you know this information came from
2 the Tampa switch?

3 A Because the sites are built in the Tampa
4 switch.

5 Q What are you referring to?

6 A Page 1-C.

7 Q Because --

8 A 127, Cell number 121.

9 Q Because it has that information regarding
10 the cell towers, that is how you know it came from
11 the switch?

12 A Yes.

13 Q Do you know how this information is
14 stored?

15 A It is in the switch.

16 Q It is stored at the switch?

17 A The information came -- I know this
18 information came from Tampa switch, because I know
19 the BKS numbers are there.

20 Q Okay. I've got an Excel spreadsheet.
21 What we have been referring to as a Viador report.
22 I showed you this last time. This came from
23 Sprint. It went to the state attorney's office and
24 it came to me.

25 A Okay.

1 Q Are you familiar with Excel?

2 A Excel, yeah.

3 Q Would you agree, then, that all this
4 information can be manipulated? I can type my own
5 one of these up?

6 MR. ROSARIO: Objection. Calls for
7 speculation.

8 A You can do that. But, I mean, the fact is
9 provided by Sprint for me. In my opinion, is
10 accurate. They are not going to provide me
11 something that is false or manipulated.

12 Q So you didn't pull this data up yourself?

13 A No, I didn't. It is provided to me.

14 Q You didn't maintain this data in any type
15 of storage facility?

16 A No, I didn't do it. That is provided to
17 me.

18 Q Do you know how this data is stored?

19 A It is stored?

20 Q Yes.

21 A No.

22 Q If this information that you say that is
23 used for billing purposes, okay, is laid next to
24 the actual bill the customer receives, and the
25 information doesn't match up, would that surprise

1 you?

2 A I don't know what exactly the customer
3 billed -- the bill is provided. I don't know
4 because I have never seen it.

5 Q Well, I am just asking a general
6 hypothetical, because you are relying on the 100
7 percent accuracy of these documents. If we were to
8 lay a phone bill next to this data and there were
9 either calls added to the bill or calls missing
10 from the bill, would that surprise you?

11 A Since I didn't see it, I don't know. I
12 can't answer that question.

13 Q I am asking you a general question.

14 MR. ROSARIO: He has answered the
15 question.

16 BY MR. FOOTE:

17 Q Thank you. Hypothetical.

18 A No, I cannot answer. My question -- I
19 base it on the facts I have in front of me. I
20 cannot say, you know, hypothetical question. It
21 could be missing. I don't know. Unless I see them
22 both, the bill the customer received and this
23 report together and matching the numbers, unless I
24 see that, it is very hard for me to make that
25 opinion.

1 Q Maybe you don't understand my question.
2 As an expert, you are allowed to give an opinion
3 regarding hypotheticals. The lawyers can ask you
4 hypothetical questions. Because you are an expert,
5 you can give an answer regarding those
6 hypotheticals.

7 A Okay.

8 Q Alright? I am asking just a general
9 question, not a particular question, not about this
10 phone number. If we were to lay this type of data
11 down next to any customer's bill and there were
12 discrepancies -- for example, a phone number or a
13 call is missing or calls are added -- would that
14 surprise you?

15 MR. ROSARIO: I'm going to object. Are
16 you qualifying this witness as expert
17 in billing practices of Sprint, or you asking
18 him as an RF engineer? Because I think this
19 may be beyond the scope of his
20 qualifications. You are asking billing
21 questions.

22 BY MR. FOOTE:

23 Q Do you understand the question?

24 A I understand the question.

25 Q Can you answer the question?

1 A As I said, you know, I would have to see
2 it. I can give my opinion. Something I don't see.
3 I only give opinion on something I have a fact on
4 it. I have -- to back up that fact.

5 Q So you cannot give an opinion on any
6 hypotheticals?

7 A No.

8 MR. ROSARIO: Objection. That is not what
9 he is saying.

10 Q Can you give an opinion on hypotheticals?

11 A Yeah, I give opinion. But something of
12 fact, I have the data in front of me. If you give
13 me the bill and show me the bill, maybe I give you
14 an idea. But I don't see that, so I cannot give
15 you that.

16 Q So you can only give an opinion if you see
17 actual data in front of you?

18 A Yes.

19 Q Now, back in 2006, was this data that you
20 have in front of you, was it used to --

21 MR. ROSARIO: Object. Can you --

22 MR. FOOTE: Can I ask my question?

23 MR. ROSARIO: Well, you are pointing to
24 data that the court reporter and no one else in
25 the world will ever refer to.

1 MR. FOOTE: Let me finish my question and
2 then you can make your objection. I appreciate
3 that.

4 BY MR. FOOTE:

5 Q With regard to the data on Page 1 (A, B
6 and C), okay, with regard to that information --
7 and Page 2 (A, B and C), and Page 3 (A, B, and C).
8 Okay? With regard to that information, back in
9 2006, was this data used to pinpoint locations of
10 handsets?

11 A Pinpoint the location of a handset? No.
12 It will tell you the area of that handset was. It
13 doesn't pinpoint exactly where the handset is. It
14 gives you a general idea where that cell phone is.

15 Q And as you stated before, is it still your
16 opinion that this data on Page 1, 2 and 3 that was
17 provided to me is not primarily used for the
18 location, geographically, of handsets?

19 A Well, by looking at the data you have
20 here, you can take, you know -- that site is
21 initiating the call from this sector. So, by that
22 you can tell that -- you can say that the area that
23 phone was in, the general area of that cell number.

24 Q Okay. And I am glad that you can do that.
25 My question is, Is this data, was it primarily

1 being kept so that people could locate handsets
2 four years later? Is that why they were keeping
3 this data at Sprint?

4 A They can keep it for different purposes.

5 Q What purpose were they keeping the
6 information?

7 A The first purpose is the billing purpose
8 and the rest from there they can use it for any
9 other purposes.

10 Q Do you know why they still have the
11 information?

12 A This information?

13 Q Correct.

14 A They store this information so they can,
15 you know -- for billing questions, for other
16 reasons, you know. Whatever comes up. So they can
17 go back and look at it.

18 Q Alright. On the maps that you provided --
19 we previously marked those as Maps 1, 2, and 3 --
20 do you know who generated these maps?

21 A This map I generated myself.

22 Q You made these up yourself?

23 A Yes, sir.

24 Q Particularly on Map 3, on Cell Tower 121,
25 you have some information written underneath saying

1 "original start, originating stop." You put that
2 in yourself?

3 A Yes.

4 Q Okay. Why did you put that information
5 in?

6 A I got that information to tell you that
7 the phone provided to me here originated the call
8 in that sector on that date.

9 Q Alright. So let's talk about these actual
10 towers. Are you -- as part of your duties, and
11 your job, you maintain towers?

12 A Yes.

13 Q Do you configure these towers?

14 A Configure? If there is some issue, yeah,
15 we fix them if there is any kind of issue there.
16 Usually what happens is whenever a site have an
17 issue with it, the -- if the site is down, if there
18 is abnormal call activities, or if the site has an
19 issue there, I do that, yeah.

20 Q My question is, Do you configure the
21 sites? Configurations.

22 A Yes. Design, right?

23 Q Uh-huh.

24 A Yeah, design. Yeah.

25 Q Alright. Cell Tower 121, what is the

1 range of that tower?

2 A Cell tower 121, the range tower? Okay.
3 According to that, it will cover the range -- it is
4 covered between point to one mile radius.

5 Q So this tower will receive signals from
6 how far from the center?

7 A The center -- for example, when you
8 looking at the site, there is no site close by to
9 it. So you see essentially the data, 2-121. You
10 see it is covering more range, because there is no
11 site close to it so you will receive more. But if
12 you look at the other sites -- for example, 208 and
13 119, they are so close to each other they overlap.

14 Q So, --

15 A So they are covering, sharing. For
16 example, this one goes more deeper and it will
17 cover say point -- a mile. That is why you give
18 the range between 0.5 and a mile range.

19 Q Alright. So that we can understand, let's
20 talk about Tower 121. A tower stands up and it can
21 pick up signals, let's say, in a circular position.
22 Is that an accurate statement?

23 A Yeah, that is an accurate statement.

24 Q What is the size of that circle?

25 A The point -- I will say for the 121, I

1 will say is a 1 mile range.

2 Q So once you drive 1 mile from Tower 121 --

3 A If there is no other sites in that 1 mile
4 range, you will still be on that tower. If there
5 is another tower close by it, we go to that tower.

6 Q So what is the actual -- the configuration
7 for Tower 121 is 1 mile?

8 A Uh-huh.

9 Q Okay. What is the configuration for Cell
10 Tower 120? What is the radius?

11 A The radius, it ranges between 0.5 to 1
12 mile -- 0.5 to 1 mile.

13 Q What is the radius of operation for Tower
14 119?

15 A It ranges from 0.5 to 1 mile. Mostly that
16 is the range. It depends on the height of the
17 tower, too.

18 Q So, all the towers that are located on Map
19 3 that you maintained, their range, their circular
20 range is 1 mile?

21 A Between 0.5 miles to 1 mile range.

22 Q Do you know the distance between Tower 121
23 and 120?

24 A I don't have it in my head to tell you
25 right now. But I can tell you, you know, I would

1 have to look at it -- how far they are between
2 the --

3 Q Does it appear to you, or from your
4 knowledge, that they are more than 1 mile apart?

5 A It could be. But this site will cover 1
6 mile and this site covers 1 mile so they overlap.
7 So it is going to be a 2 mile range.

8 Q If those two sites are 3 miles away from
9 each other, then what happens?

10 A These two?

11 Q If Cell Tower 121 and Cell Tower 120 are
12 more -- let's say they are 3 miles apart, and the
13 person is right in the middle, what tower --

14 A If you look at the coverage here, they
15 overlap.

16 Q Well, you testified that they are
17 configured for a 1 mile radius.

18 A Yes.

19 Q So, this is going to go out 1 mile, this
20 one is going to go out 1 mile. I am talking about
21 120 and 120. If these two towers are more than 1
22 mile apart from each other, what tower would the
23 handset be picking up?

24 A One of the -- it will pick up this 121 or
25 120. The distance between -- if there is no -- I

1 already told you before that, you know, if there is
2 no site close by, that site will go further. But
3 if there is a site close by it will hand over that
4 site. Because always what we do when we design, we
5 make sure that both site, three overlap. And it
6 depends on the height; it depends on what kind of
7 antenna it has.

8 Q I understand that. Well, looking at this
9 map, alright, I am not asking you to be 100 percent
10 accurate in here, but is it your opinion that these
11 towers are all within 1 mile of each other?

12 A No.

13 Q For example, Cell Tower 214 and Cell Tower
14 121, looking at this map, does it appear to you
15 that they are more than one mile apart?

16 A It could be, yeah.

17 Q Do you know this area?

18 A Yes, I know this area. Yes.

19 Q Okay. I think yours might be a little
20 clearer. Do you see any roads or streets on there?

21 A It is very hard to see it, but I see major
22 roads. This road, I don't know what road is this,
23 but this road -- Rowman Road, yeah. R-o-w-m-a-n.

24 Q Rowman?

25 A Yeah. I see County Highway 587 to the

1 north, and I see Cecilia Drive, and I see Trouble
2 Creek.

3 Q Have you driven that area?

4 A Yeah. Whenever we have an issue.
5 Sometimes I have been by that area.

6 Q Cell Tower 121, the closest major road is
7 Little Road. Are you aware?

8 A This one is Little Road, right?

9 Q Little Road, yes.

10 A Okay.

11 Q So, once Cell Tower 121 -- the closest
12 major road is Little Road.

13 A Okay. There is Little Road, right? I
14 don't have it here.

15 Q I believe that is Little Road. That is
16 the main road there. The distance between Cell
17 Tower 121 and Cell Tower 120, do you know that
18 distance?

19 A From my head right now, I don't know. I
20 would have to measure it.

21 Q From looking at this map, is it safe to
22 say it is more than 1 mile?

23 A It could be. It could be, yeah.

24 Q When will you know that? Will you know
25 that before trial?

1 A Yeah. I will know -- as soon as I get in
2 the office I will get that distance, what is the
3 distance between the two, the distance between the
4 two.

5 Q Well, I live around there so it is more
6 than one mile. So let's say it is more than 1
7 mile. Whatever the distance is between these two
8 towers, if it is more than 1 mile, are you saying
9 that although the towers are configured to have a
10 radius of 1 mile, they will go further?

11 A Yes.

12 Q Okay. How far?

13 A It depends on how close the other site
14 next to it is, and it depends how -- it depends on
15 height, also depends. You know, I will provide the
16 height of each site. And the more the height you
17 are, the more coverage you are going to get. And
18 the type of antenna.

19 Q Offhand, do you know the heights of these
20 different towers?

21 A Mostly, they range between -- of the high.
22 I don't know. I would have to go look at them to
23 make 100 percent sure. But it is between, I would
24 say, 120 and 150.

25 Q Feet?

1 A Feet, yet.

2 Q So between 100 and 150 feet?

3 A Yeah. I don't know about this 120. Maybe
4 121. It could be 200. I am not quite sure. I
5 would have to look at it and confirm.

6 Q Okay. So although they are configured
7 for --

8 A What do we call that? We call that
9 prediction tool. When you have to propagate all
10 this for the worse. But when you go in the real
11 word, when you design them and do that, it will
12 cover more.

13 Q What is the maximum range, okay, as far as
14 signal strength?

15 A It depends on how tall the tower is. It
16 depends on what type of antenna that tower is.
17 Some antennas goes -- I mean especially what is
18 the -- our network is very quiet. It goes 5, 6
19 miles.

20 Q Five or 6 miles?

21 A Yeah. They go far. Yeah. Especially if
22 you are going to be driving in this rural area, the
23 highways. The distance between the site is
24 probably 10 -- 8 to 10 miles.

25 Q Would you consider this area a rural area?

1 A No. I would say it is a suburban area.

2 Q Suburban area?

3 A Yeah.

4 Q What are some of the factors that would
5 affect signal strength on a particular tower?

6 A What factor strength increase?

7 Q That would increase or decrease. What are
8 some of the things, some of the variables that can
9 affect how these towers operate?

10 A Once you build or propagate, anything can
11 effect. The dense of the trees will affect the
12 penetration of the signal; and if you are in a
13 building, inside the building, it will affect it.
14 Anything that is, you know -- what they call it?

15 If you are in front of the tower, if there is a
16 tall building, it will affect it to the other side.
17 It will block it -- for the signal to go through.

18 Q Anything else?

19 A Mostly that is it. The trees. If it is
20 very dense trees, it will affect the coverage, too.

21 Q Would humidity affect the antenna?

22 A The humidity, it is rare. I don't know.
23 I mean, I don't see any kind of study that will
24 affect. I didn't see anything that said that. I
25 cannot comment on that one because I don't know.

1 Q So you don't know whether it affects the
2 operation?

3 A If it is very heavy rain, it might affect
4 it.

5 Q So what is the maximum range that any of
6 these towers can reach as far as picking up or
7 picking up a signal?

8 A It depends on the day, of the time. If it
9 is nighttime, it is very quiet, the signal goes
10 far. Because what happens is the noise, they will
11 be very, very low, and the signal -- because, you
12 know, what happens is when you are in dense, a lot
13 of people using their phones, the noise level goes
14 up. So that problem, the coverage will be -- the
15 signal will be a little bit weaker. It is not
16 weaker but it will be a little bit weak. But the
17 voice -- if the voice level is very quiet, you can
18 hear it very clear. If you experience that -- I
19 don't know if you experience that, if you make a
20 call at nighttime. In daytime, it is different.
21 At nighttime, you hear very clear. You connect
22 right up, you can talk. It is very clear because
23 there is no people on that sector so you have the
24 whole band width for yourself.

25 Q Band width?

1 A Yeah. I mean, that sector, probably the
2 sector that is covering that area you will be by
3 yourself. The more people there is, the more the
4 noise level goes up.

5 Q So then it is a fair statement to say that
6 then the range of the signal is increased when it
7 is quieter at nighttime?

8 A It is not increased at nighttime, but it
9 stays like, you know, there is no noise level.

10 Q What do you mean by noise level? What
11 does that mean?

12 A For example, if you are in a room and you
13 are talking to each other and if there is a lot of
14 people you have to raise your voice for the other
15 person to hear you. The same thing with the phone.
16 What it does is when there is a lot of noise, it
17 will pick up the tower. When it picks up the
18 tower, it picks up the tower, it will, you know, it
19 will take small capacity in order for the other
20 person to hear him, for the other cell phone to
21 hear him. So what happens is, if it is quiet, it
22 doesn't use the small capacity to talk, you know,
23 to talk to the other person.

24 Q Does the amount of users at any given
25 point affect the strength or the radius of the

1 tower?

2 A No.

3 Q No?

4 A It affects the capacity but it doesn't
5 affect the -- in this site or mostly billed to 100
6 coverage. If you see the bouncing busy hours that
7 I gave you here.

8 Q Uh-huh. You need mine, the Busy Hour
9 report?

10 A Yeah. If you look at this one, see there
11 bouncing busy Erlangs.

12 Q So you are looking at the busy hour
13 report?

14 A The bouncing busy hour Erlangs. This will
15 tell you the capacity, so --

16 Q The sixth column in?

17 A Yes. The sixth one. Yeah, sixth.

18 Q Sixth column in. Okay.

19 A It gives you this number. With this
20 number we usually use it for the capacity reason,
21 and you know exactly what the threshold for one
22 frequency 200. For each frequency 200 -- for
23 example, we have three frequencies in the Tampa
24 area. And one frequency can handle up to 28
25 erlangs.

1 Q Twenty-eight what?

2 A Erlangs. This number. We are using the
3 term to use capacity.

4 Q Okay.

5 A So it handles 28. Okay? So for this
6 site, 121, we have two frequencies. So each
7 frequency will handle 28. So you can carry traffic
8 56 erlangs. So if you pass that 56 erlangs, that
9 means you need to add more to the channels. So
10 that is what it is telling you.

11 Q Alright. Going back to Map 3 on Cell
12 Tower 121, which is located near Little Road?

13 A Yes.

14 Q If I am on Rowman Road, which is in the
15 middle of the map, with my handset, could that
16 handset pick up Tower 121 from Rowman Road?

17 A The gamma sector, that is 312, maybe will
18 pick it up. Maybe. But mostly I will say 214 to
19 the north, the tower to the north, the second
20 sector to the one showing the southeast, yeah, that
21 will pick it up.

22 Q So, tower 121 would not recognize my
23 handset?

24 A It will recognize you. It depends. You
25 will be in two-way handle between this guy, the 121

1 and 214.

2 Q Okay. Because just looking at the map,
3 that is pretty much directly in the middle of all
4 the towers.

5 A Yes.

6 Q So you are saying tower 214 would service
7 me on Trouble Creek and Rowman?

8 A You can't see it very hard, color-wise.
9 You see how gray it is? It is between these two
10 here. If you proceed on Rowman Road in this area,
11 it is between this sector and this sector.

12 Q Is there any significance to these colors?

13 A Yes.

14 Q What do the colors mean?

15 A Because you didn't have -- the colors
16 mean -- if you see this green it is coming from
17 this vector. This sector is covering this green
18 area. You see? And if you look at it here, there
19 is no site close by. You see how big is the range,
20 the white side?

21 Q So what do the colors mean? So green is
22 what?

23 A Green is -- this is the coverage
24 boundaries. We call them coverage boundaries.
25 This sector covers this site. You see all the

1 greens? This is Sector 3, 121 -- covers. You see
2 all this dark green? It covers all this area.
3 Sometimes it gets in here. Okay?

4 Q So you picked green for 121?

5 A 121 -- 3, 121.

6 Q Oh, there's three different colors for
7 each sector?

8 A Yes. Each sector has different -- they
9 are covering different areas. This covers to the
10 north, this covers to the southwest, and this
11 covers southeast.

12 Q Okay. So let me ask you a question. So
13 if I am standing, I don't know, right on Little
14 Road right opposite the 3-121, and for some reason
15 Sector 3 is not working --

16 A Yes.

17 Q -- would Sector 1 pick up my call if I am
18 on Little Road?

19 A It depends. If you are here and this
20 sector is down, this usually see north -- it has a
21 band width, wind width.

22 Q Like a horn?

23 A Yes. It just covers that area only.
24 Maybe you will get to here but most probably if
25 this guy -- this sector 214, the data sector, most

1 probably you will pick it up if you are here
2 picking up here, if this sector is down, than this
3 one.

4 Q So if I am right on Little Road right next
5 to that tower and Sector 3 is down --

6 A Because you are in the beam width of this
7 sector. You see when you look at it like this, if
8 you put a flashlight and you see -- if you turn the
9 flashlight, the beam width will cover this one.
10 But if look at the flashlight, just shooting to the
11 north.

12 Q Okay.

13 A But if you are close to it, you know, say
14 you are very close to the site, maybe it will pick
15 up this alpha sector.

16 Q So each one of the sectors, the handset
17 will pick up a signal that is directly in front of
18 it?

19 A For example, if it is a strong signal --
20 for example, if you are here in this area, if you
21 are in this area, if this is strong, it will pick
22 up this 121-3. In this site it will pick up 121-1.

23 Q My point is, geographically, the handset
24 will pick up the signal --

25 A Whatever strong signal it sees, it will

1 pick it up.

2 Q But it has to be in the path of a sector?

3 A It doesn't have to be in the path. It has
4 to be close to that path. For example, if you are
5 here, you are not going to pick up that sector
6 right there.

7 Q Why?

8 A Because it wouldn't cover this area. You
9 are far from it. The coverage of this area is just
10 here. If you are telling me you are here, and you
11 try to initiate a call, if you tell me you are
12 picking up this guy, it is very impossible to pick
13 it up.

14 Q Just so we understand, you were pointing
15 at 121. So if you are saying I am in the 121
16 area --

17 A It is impossible to pick up 119-1.

18 Q Impossible?

19 A Impossible.

20 Q Is that based on how the towers are
21 configured?

22 A How the towers are configured and how far
23 that coverage goes.

24 Q And you are saying that the coverage --
25 what is the max distance from a tower on this map?

1 What is the max distance that a signal can pick up?

2 A The max?

3 Q Yes.

4 A For example, if you are on this sector --

5 Q You are pointing to 121?

6 A 121-1. You can pick it up -- if the site
7 to the north is down, or some issue with it, you
8 can go until you drop the call because the signal
9 is getting weaker and weaker and weaker. But it is
10 not limited to here, at this point. But if this
11 site is up, yeah. What happens is it will handle
12 it. But if the site to the north is down, it will
13 drag that call until it drops.

14 Q Would you agree with me -- or is this an
15 accurate statement: If I am on Rowman and Trouble
16 Creek with my handset, and I am not making a call,
17 would the handset be picking up signals from the
18 three towers surrounding it? For example 214, 120
19 and 121.

20 A What happens is if you are not on the
21 call, just driving, your phone is idle, it will
22 communicate with the towers. It will change. The
23 thing is, you know, when your phone is -- even if
24 you don't talk with your phone, your phone is idle.
25 Your phone always communicates with the towers

1 close by.

2 Q Is that what pinging are?

3 A Huh?

4 Q Pinging.

5 A Yeah. Talking to them. They say, Who is
6 next to it, who is more -- which sector is
7 available to it? It will communicate. Okay. You
8 are close to this site, you handle. If you are
9 initiating the call, you handle. Always check the
10 towers.

11 Q Sure. Is this an accurate statement --
12 that the handset picks what tower it wants, as
13 opposed to the tower looking for a handset?

14 A The handset always scans.

15 Q Right.

16 A And the tower will tell him, okay, this
17 tower in this sector is strong, here it is. You
18 initiate your call on this tower. And the tower
19 will tell you, okay, the next tower I am getting
20 weaker. The next tower is this. You will hand off
21 to this tower.

22 Q Are there instances where the handset will
23 pick a tower that is not right next to it,
24 geographically?

25 A Next to it? I mean, if --

1 Q In close proximity. For example, are
2 there instances where if I am on Little Road with
3 my handset, right, the handset is searching for the
4 strongest signal --

5 A Yes.

6 Q -- are there circumstances when the
7 strongest signal may not be the closest tower?

8 A If that is the case, that site has some
9 issue there.

10 Q So you are saying in a perfect world the
11 handset will always look for the closest --

12 A No, the strongest signal.

13 Q That is what I am asking.

14 A For there. For here, for example, if this
15 is stronger -- 214 is stronger than here, than
16 121-3, that means there is some kind of an issue on
17 this site.

18 Q But that -- alright. I am not going out
19 to fix them. That is what you do. My question is:
20 That actually happens, right?

21 A Yeah. If the site is down, you are not
22 going to pick up that guy.

23 Q That is why you have a job, because these
24 sites do go down?

25 A Yeah.

1 Q They are not perfect?

2 A Yeah.

3 Q And you have to go and fix them?

4 A Actually, I don't fix them. The field
5 tech will fix them. My job is to tell them the
6 site has an issue and they have to go. And they --
7 more than 24 hours a day.

8 Q So, are there instances, then, where a
9 handset will seek out a tower because it has a
10 stronger signal that is not necessarily the closest
11 tower?

12 A Okay.

13 Q Do you understand my question?

14 A Yeah, I understand your question. For
15 example, I am traveling --

16 Q Little Road?

17 A Little Road. I am close to this site and
18 I am picking up 214.

19 Q You are close to tower 121 but you are
20 picking up 214. Can that happen?

21 MR. ROSARIO: I don't think he is done
22 with his answer. Go ahead and finish your
23 answer.

24 A Yeah. I am picking up 214 while I am
25 close to site 121-3. It happens, but there is

1 something wrong with the site.

2 Q There is something wrong with the site.
3 So it does happen?

4 A It happens if the site is down. If you
5 have an issue, than of course you are going to pick
6 up whatever signal is available to you.

7 Q So are you saying that the only time that
8 that scenario would happen, where a handset is
9 picking up a stronger signal from a further
10 tower --

11 A If the closest tower has an issue.

12 Q Has an issue?

13 A Yes.

14 Q It doesn't totally have to be down? The
15 closer tower have to be down for that to happen?

16 A It is not completely down. Any equipment,
17 if there is equipment issue in that tower, than it
18 will block it. I will request the -- the telephone
19 always look for strong signal. So when you get
20 here, if the site have an issue, or the equipment,
21 bad equipment, bad radio inside that equipment, it
22 will -- it is not propagating enough signal, it
23 will seek this one. As soon as we find that one,
24 there is -- that is the only time it happens, when
25 the site has an issue.

1 Q So the only time that a handset will seek
2 out a further tower is when the --

3 A The closest tower has an issue.

4 Q Is that the only time?

5 A Yeah.

6 Q There are no other factors that would make
7 that happen?

8 A No. The site has to be down. The site is
9 not manufacturing, you know -- functioning
10 properly.

11 Q What about call volume? Let's say that
12 Cell Tower 121 is handling a high amount of calls
13 but 214 is not --

14 A If the capacity -- no. What happens is it
15 will just completely block it.

16 Q So you won't be able to make any calls?

17 A That is why you see blocked calls. For
18 example, I have here -- what is it? Is the
19 bouncing busiest hour. If you look at it, we have
20 -- on 1/19 alpha, we have 29 calls blocked. You
21 see?

22 MR. ROSARIO: That is on 3/25, the date?

23 A The date, yeah, 3/25. Yes. The alpha
24 sector has a block. Because if you look at the
25 call volume it has 1,275 call attempts. That is

1 approximately I would say 22 to 21 per minute. So
2 it wouldn't handle it. So what it does, it just
3 completely blocks. So it says, Okay, I don't have
4 capacity, I have to block you, because you are
5 close to it and you don't see this signal coming to
6 you. So once you travel further, you will see this
7 one and you will negotiate a call on this one.

8 Q And that is based on the range, the radius
9 of how the towers are configured for the amount of
10 signal strength?

11 A No. The power is there. The power of the
12 signal is there but the only thing is it does not
13 have the capacity.

14 Q I understand that. So let's say 121
15 capacity is loaded, there's 20,000 people standing
16 around this tower talking on their phone. I come
17 driving by Little Road.

18 A You are going to block your call.

19 Q So my handset --

20 MR. ROSARIO: Wait, everyone has got to
21 answer one at a time.

22 BY MR. FOOTE:

23 Q My handset, if I am driving down Little
24 Road past this crowd of people. I will not pick up
25 a signal from Tower 214?

1 A What happens is the power is still there.
2 The only thing missing is the capacity.

3 Q I understand that.

4 A So, your phone is still trying to get to
5 this 121. To get -- okay. I see you have power
6 and I see you are stronger than everybody I see
7 here but you are trying to ping me. Keep sending
8 message and you block him. That is what happens,
9 because the capacity is full. The site is very
10 loaded, full, and couldn't take no more. So what
11 happens is until you pass that area, it still is
12 going to ping this site.

13 Q So the handset is only able to ping one
14 site at a time?

15 A Yes. It will look at that site. The
16 tower -- usually your phone looks at what is called
17 a ping. Engineering word looking at the ping.
18 Looking at the ping, which is the best ping, which
19 has the power.

20 Q When you use the term "it is looking at
21 the best one," that means it has choices?

22 A Uh-huh.

23 Q Go back to my next question. Maybe I
24 misunderstood you. If I am driving by Little Road,
25 you are saying the only tower that my handset is

1 going to pick up is the 121 tower?

2 A Yes.

3 Q So how is it looking for the best signal?

4 A Because that is the best signal it is
5 seeing. Your capacity -- you don't have the
6 capacity but the power is still there for you. It
7 will look at that tower.

8 Q I understand the concept. Will the
9 handset only pick up one tower at a time?

10 A It will scan for different sectors in that
11 area. But when you are close to this sector, this
12 site, it will just look at only these three because
13 it is the strongest in that area. What happens is
14 it will eliminate the others. It will look at
15 this. But when you drive away from it, then the
16 other signals will come in.

17 Q Are you familiar with the term
18 "triangulation"?

19 A Yes.

20 Q What is it?

21 A What happens is they look at the cell
22 phone, the cell phone, and they triangulate exactly
23 where by looking at these three sectors. The
24 triangulating sector is this triangulating sector.
25 So by looking at these three, they will pinpoint it

1 or will tell the range exactly what area that cell
2 phone is.

3 Q How does that work?

4 A How does that work? They look at the cell
5 phone and what happened was when they see which
6 sector was in that area and they -- you know, okay.
7 Which sector is this? So say sector 121, 221-3.
8 And so they will say, Okay, must be in this area.

9 Q Okay. How does that work? Is the handset
10 able to pick up the signal from three different
11 towers?

12 A The handset has -- pick up a signal to
13 make a call, and always scanning for the neighbor
14 list. What we call neighbor list. When you build
15 a site, you put all this neighbor list in this
16 neighbor, because it is telling him, okay, if you
17 are in this site you have these neighbors. Okay?
18 So you look at it. You build a neighbor. If you
19 don't add that neighbor list for this guy in here
20 and he is traveling here -- and you will see this
21 neighbor list is stronger, it is not in this
22 neighbor list. So you tell him, I don't know this
23 guy, he is not in my neighbor list. So what
24 happens is you drop a call. So to triangulate you
25 have to see all these neighbors. You have to put

1 them in the neighbor list of this sector. For
2 example, if I take Sector 3-121, I will add 121-1;
3 121-2, 121, 221-2, 214-1 and 2, and maybe I will
4 add 2-8 and this neighbor list. I will add for all
5 these sites surrounding it and its neighbor list.
6 So what it is, the neighbor list tells him, okay,
7 all these sites, they are your neighbors.
8 Okay? So if you go out, if that is this sector --
9 for example 121-1, it is not in the neighbor list
10 of 121-3 -- and I am driving this way, and 121 is
11 getting stronger, the ping sees it. But you will
12 scan its neighbors, and it is not in the neighbor
13 list so it is not going to recognize them and it
14 will drop the call.

15 Q So my question is this: The handset is
16 able to recognize more than one tower around it,
17 right?

18 A Yeah, because it is neighbor list. Yes.
19 But it is not in the neighbor list. That is why
20 sometimes you drop the call.

21 Q Well, tell me about this particular
22 network that you maintain. Are all these towers on
23 a neighbor list?

24 A Yeah, because they are close to each
25 other. They are on the neighbor list. We count

1 out 20 neighbors, 20 sectors in one site. The
2 maximum.

3 Q So if there are 20 on a neighbor list --

4 A That is the maximum.

5 Q Let's just say there are 20 on a neighbor
6 list and I want to triangulate a handset.

7 A Okay. Go ahead.

8 Q How does the technology work to be able to
9 pick out three of those towers?

10 A Okay. When you are on the call, you
11 initiate a call, you pick up the strongest signal,
12 121-3. Okay? These two, they are going to be what
13 they call the three finger. The middle finger is
14 121-1 --

15 Q And you are pointing to the sectors?

16 A Sectors, yeah. 121; and these two are the
17 second figures. So they have the first three
18 candidates, one and the two candidates. The one,
19 the one sector and the two candidates. And the
20 rest of them, from these 20, the network will
21 select for you the closest next one and put it in
22 your primary candidate. So while I am driving on
23 this road going south, let's say I am on 121-1, so
24 these are my candidates, this 1, 2, 3, 4, 5 --
25 maybe this guy or maybe one of these guys will be

1 my sixth candidate.

2 Q Alright. So earlier you were saying you
3 have a red arrow here saying that the handset for
4 the number that we are talking about at 1:09 was
5 located southeast of Tower 121?

6 A Yes.

7 Q Are there any other circumstances where in
8 the handset could be in another location and be
9 picking up Sector 2 of Tower 121?

10 A Can you repeat the question again?

11 Q It is your opinion that the handset was
12 located southeast of Tower 121.

13 A If the phone initiates the call on this.
14 Right? Yeah. If the phone initiates the call on
15 121-2, Sector 2, it will be in this area. It
16 cannot be outside this area. It cannot find this
17 somewhere in here, or this could be in here. No.
18 It would have to be in this area.

19 Q Are there any circumstances wherein the
20 handset would not be directly across from Sector 2?

21 A No.

22 Q Alright. Would the actual handset
23 configuration by the end user have any effect on
24 how the phone's register is at a network?

25 A No. Usually, the phone communicates with

1 the network and the network will tell him where to
2 go.

3 Q On my phone, which is not Sprint --

4 MR. ROSARIO: May the record show he is
5 showing an I-Phone.

6 A I-Phone.

7 MR. ROSARIO: I-phone?

8 A AT&T.

9 BY MR. FOOTE:

10 Q I can turn on and off my GPS function.

11 A Yes.

12 Q Okay. What does that mean,
13 technologically?

14 A Technologically, they will not -- GPS is
15 the pinpoint. It will locate exactly where you
16 are. It is pinpointing you. It will give you the
17 exact road where -- the exact intersection where
18 exactly you are. It is very hard to pinpoint
19 exactly where you are.

20 Q Okay. Is it a fair statement that back in
21 2006 there were less GPS -- activated phones than
22 there are today?

23 A Technology going up.

24 Q Technology increases?

25 A Yeah, increases. Yeah. I mean, I will

1 say maybe they might have. I don't know.

2 Q Do you know what type of handset was
3 connected to the telephone number we are talking
4 about?

5 A No. I don't have that answer.

6 Q Do you know whether or not it had GPS
7 capability?

8 A I don't know, because I don't know what
9 kind of handset he has.

10 Q Do you have any -- besides the reports you
11 have given me -- the 24-Hour and the Busy Hour --
12 do you have any other type of outage or error
13 reports for the towers?

14 A They have that report but I would have to
15 find it. And probably, most probably what it is
16 going to tell you is you have to request it. You
17 or one of you guys have to request it for me for
18 them to provide me.

19 Q You don't have access to it? It is stored
20 somewhere else?

21 A No. Engineering don't have that access to
22 it.

23 Q Alright. Without looking or pulling that
24 data, error reports, can you say for certainty that
25 for the 24-hour period on March 26th, those towers

1 were fully operational?

2 A By looking at the stats, comparing the
3 stats from previous day, yes. But I cannot tell
4 you pinpoint exactly that half-hour data, whatever.
5 But I can tell you that site is performing as it is
6 supposed to perform.

7 Q What impact would it have on the towers?
8 For example, if Tower 121 was next Raymond James
9 Stadium during a football game -- Tower 121 is next
10 to Raymond James. There is a game going on.
11 20,000 people in there. What would be the max
12 capacity and what effect would it have on that
13 tower?

14 A If the tower is -- if it is configured the
15 way it is configured for this site and you put this
16 site, just pick it up and put it next to Raymond
17 James Stadium, it is going to block. It is not
18 going to handle.

19 Q I won't be able to make a call?

20 A It will take whatever capacity it will
21 give you, but after that it will block.

22 Q Do you know the max capacity of Tower 121?

23 A Yes. It is 56 Erlangs.

24 Q E-r-l-a-n-g?

25 A Yes. That is the term we are using right

1 now -- capacity.

2 Q And so just to clarify then, if I were
3 driving by Raymond James Stadium during the game --

4 A And everybody is using their phones and
5 the capacity is out, you are going to block.

6 Q And it would not be able to be serviced by
7 another tower?

8 A Yeah, in that area, because it is going to
9 block, because that is the site that is covering
10 that area.

11 Q To clarify, the range of signal for these
12 towers in your network that you maintain --

13 A The range, yeah. It depends. Between 0.5
14 to one mile. If you go outside the rural area,
15 they cover more.

16 Q Do you have any detailed field tests,
17 measurement data that analyzes the signal strength?

18 A Yes.

19 Q You have that?

20 A Yes.

21 Q Is that something that you have with you,
22 or is that something that has to be requested from
23 headquarters?

24 A To get -- I have the tools to measure the
25 signal from each sites. The only time I do that is

1 whenever we have request by customer. There is an
2 issue in the area, we go and test it for them and
3 say, Hey, you know -- make sure that the site is
4 providing accurately and providing the coverage the
5 way it is designed.

6 Q Do you have reports of any of those type
7 of testing for signal strength?

8 A Yes. I have the equipment with me. But,
9 you know, to do for you that, you have to request
10 it.

11 Q Do you have reports from back in 2006?

12 A I don't know. If there is some kind of
13 issue in that area, yes. And if it is driven that
14 day, tested that day, we might have it, but --

15 Q Do you know if it was tested that day?

16 A I have no idea. Unless I have an issue, I
17 am not going to issue for them to drive or for me
18 to go out driving unless I have an issue.

19 Q My question is, As you sit here today, you
20 don't know if you tested it during that week of
21 2006, or not?

22 A No. I don't remember. To clarify that,
23 the only time we drive out -- special engineers
24 went out of the office, go to the field -- is
25 whenever we have an issue in the area.

1 Q Do you have any records to show what field
2 technicians had to go out to do any maintenance on
3 this network, back in 2006?

4 A I would have to request. I don't have --

5 Q Are you familiar with Viador System
6 Reporting?

7 A Viador is the files they send me. This is
8 the Viador you are talking about?

9 Q I don't know. Are you familiar with
10 Viador?

11 A No. They just send me whenever there
12 is -- whenever the attorney requests for me to
13 investigate, they send me this file.

14 Q And who sent you that data? Was it the
15 state attorney or Sprint?

16 A Sprint.

17 Q So your testimony is going to be that the
18 handset regarding the number that we are talking
19 about was within range of Sector 212-1?

20 A Yes.

21 MR. ROSARIO: At 1:09?

22 MR. FOOTE: At 1:09.

23 MR. ROSARIO: Thank you.

24 BY MR. FOOTE:

25 Q How close was the handset to the tower?

1 A I cannot tell you that. I will tell you
2 he is in this range -- inside the white picture.

3 Q You are pointing to the white area?

4 A Yes.

5 Q Do you know how many miles that is?

6 A I don't know. I would have to look at it.

7 Q Do you maintain ping records for these
8 towers?

9 A Ping records? No.

10 Q Do you know anything about the accuracy of
11 the times that are on these reports? For example,
12 if it says 1:09, how accurate is that?

13 A A sector -- all sites, they have their own
14 GPS. So that GPS tells them exactly the time.

15 Q The GPS tells them the time?

16 A They have their own GPS telling them the
17 time. If the GPS is not malfunctioning, it will
18 give them an air time. There will be some kind of
19 distortion timing. But every single tower, they
20 have their own GPS to make sure that anything that
21 is recorded or anything that they are outputting is
22 accurate as it can be.

23 Q Are you familiar with the term "call data
24 report"?

25 A Data report?

1 Q CDR. Call Data Report.

2 A CDR? I have heard about it. Yeah, it is
3 telling you exactly the person when you call. That
4 is CDR. Yes.

5 Q So you are familiar with that?

6 A Yes. Actually, I just -- if you give me a
7 number, I have the software that looks at that
8 number just to -- usually what we use that one is
9 when somebody is complaining. Customer complains,
10 they have an issue in this area; They have been
11 dropping calls. So they provide you this number.
12 We input that number and see exactly which tower he
13 was on when he dropped the calls.

14 Q Based on your testimony with regard to a
15 location of the handset regarding the number we are
16 talking about, can you tell who had the handset?

17 A No.

18 Q You don't know the identity of the person
19 that had the handset?

20 A No, no.

21 Q Do you know a person named Shannon Steven?

22 A I just saw it on the subpoena, his name,
23 but I don't know him.

24 Q Does your testimony have anything to do
25 with Shannon Steven?

1 A No.

2 Q And you were told to analyze data with
3 regard to one particular phone number?

4 A Yeah. They gave me this number and so --

5 Q Did you analyze data from any other phone
6 numbers?

7 A No.

8 Q Are you familiar with the term "spectrum
9 capacity"?

10 A Spectrum capacity, the capacity when the
11 frequency you have is overloaded.

12 Q Okay. Do you know what the spectrum
13 capacity is of your towers?

14 A Yeah. 37 Erlangs. I mean, right now it
15 is 37 but it has two spectrums, two frequencies,
16 And each frequency can handle 28 Erlangs. At the
17 time when -- from this report we are using 37 of
18 them, and we have two spectrums.

19 Q Do you know what the maximum number of
20 simultaneous users are, the maximum of simultaneous
21 users are for Tower 121?

22 A The technology, CDR, will -- anybody can
23 come in. Everybody using one band width. When you
24 make a call, you make a call, he calls, you are not
25 assigned to a certain channel. You are assigned to

1 the whole band width. So everybody can get in.

2 But once it gets to the capacity, it blocks.

3 Q Do you know what the maximum capacity is
4 for Tower 121?

5 A I cannot tell you with numbers, how many
6 numbers, but I can tell you with Erlangs. Erlangs
7 is what is telling us the capacity, the limit of
8 the capacity.

9 Q On the reports that you provided, the
10 24-hour report, and the busy-hour report, the last
11 column, the total dropped percentage -- looking at
12 those numbers, are those low numbers?

13 A Very low. It is below one percent. Very
14 good.

15 Q So that means that the percentage of
16 dropped calls is very low on this network?

17 A Very low. I mean, I don't know if I have
18 to tell you our network is performing. I mean it's
19 -- usually our network is below one percent all the
20 time.

21 Q So that means that --

22 A Because of the optimization we do to
23 improve the network.

24 Q Okay. Is it a fair statement to say that
25 the low drop rate, that is attributed to the

1 overlapping of the towers?

2 A And the performance of the towers.

3 Q And the performance?

4 A Yes.

5 Q When you pick a number of towers to set up
6 a network -- for example, we are looking at 1, 2,
7 3, 4, 5 towers in this area. Is it more
8 advantageous for Sprint to put more towers,
9 financially, or less towers?

10 A Looking at the financial. They are
11 putting a tower there. If they can -- whatever
12 they spend money on that tower, are they getting
13 back to it? Are they making it? Whatever you
14 input you have to get out, right? If you spend
15 money, you have to get benefit of it.

16 Q Okay. I guess what I am saying is --

17 A It is financial. And of course, looking
18 at the perspective, if I design something, see how
19 much I cover, how much I improve. But the decision
20 comes from Sprint, you know, how much it is going
21 to cost them.

22 Q I understand. My question is this: You
23 could put 10 towers in this area --

24 A Yes.

25 Q -- and you would have great service but

1 you would be spending a lot of money?

2 A Yes.

3 Q So, when you design this network and
4 maintain this network, is it fair to say that you
5 try to get the maximum usage out of your equipment
6 so that it can complete the job of servicing the
7 customer?

8 A Yes. Usually you like to have more
9 towers, but you do whatever you have to, to improve
10 the network.

11 Q Okay. So the range of those towers and
12 the optimal operation do you guys kind of push them
13 to the limit so that you can get the most out of
14 that particular equipment?

15 A Yeah, but by getting, you know, high
16 antennas; by adding more equipment in there to get
17 more -- for the capacity. We will do our best to
18 use whatever we have to improve that.

19 Q Okay. And in percentages, 100 percent
20 being totally confident and zero being not
21 confident, looking at Map 3, how confident are you
22 that the handset was located southeast of 121?

23 A Talking about the cell phone?

24 Q Yes.

25 A The handset?

1 Q At 1:09.

2 A At Two -- Sector 121, Sector 2?

3 Q Right.

4 A 100 percent.

5 Q 100 percent?

6 A Yes.

7 MR. FOOTE: I have no further questions.

8 Thank you, sir.

9 MR. ROSARIO: I don't have any questions.

10 THE COURT REPORTER: Type or a hold?

11 MR. FOOTE: Type.

12 THE COURT REPORTER: Would you like to
13 read or waive?

14 MR. ROSARIO: This is being transcribed.

15 You have the right to read the transcript and

16 mark down if you see any errors that are in

17 there. You are not going to change the

18 deposition. It is just going to go -- it's

19 called an errata sheet. You would have to come

20 to wherever she is to read it. Or you can

21 waive that right.

22 MR. FOOTE: You trust that she took

23 everything down right?

24 A I hope she did.

25 THE COURT REPORTER: Copy?

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MR. ROSARIO: No.

(Whereupon the deposition of Mr. Yousseuf Mohamed
was concluded.)

STIPULATION

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It is hereby stipulated and agreed by and
between counsel present and the deponent, that the
reading and signing of the deposition by the
deponent IS WAIVED.

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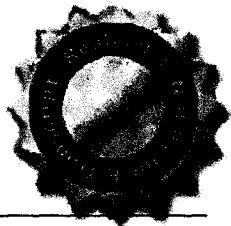
CERTIFICATE OF OATH

STATE OF FLORIDA

I, the undersigned authority, certify
that the witness named herein, personally appeared
before me and was duly sworn.

WITNESS my hand and official seal this
15th day of February, 2010.

Cecilia Aponte



CECILIA L. APONTE
Notary Public - State Of Florida
Commission No. DD 627731
Expires: January 8, 2011

CERTIFICATE OF REPORTER

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STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Cecilia L. Aponte, Court Reporter, certify that I was authorized to and did stenographically report the foregoing deposition; and that the transcript is a true record of the testimony given by the witness.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated the 15th day of February, 2010.

Cecilia Aponte-----

CECILIA L. APONTE

Court Reporter