Grant Smith Ellis Court Log

USA v. Matthew Farwell — November 4, 2026 — Day 18

Reporting by Grant Smith Ellis (@GrantSmithEllis)

About this report: This Day's End Report reconstructs Grant Smith Ellis's contemporaneous November 4, 2026 reporting. It is not an official or verbatim court transcript. Quotations, questions, objections, comments and uncertainties reflect the source posts as captured. Each entry retains a direct link to its original post.

The complete 287-post selected trial thread appears in sequence. The 34 separate window-only posts remain in the underlying source corpus and are not interleaved here.

Preliminary Matters

8:47:53 AM ET Good morning from inside Boston's Moakley Federal Courthouse, where I am inside and Judge Casper is on the bench for the final day of the defense case in the Sandra Birchmore and Matthew Farwell trial.

This will be today's live thread.

God bless you all. We're almost there. [X source]

8:49:03 AM ET The DOJ is objecting to part of Dan Loper's presentation.

"We object to the snapchat message about another male coming over which falls under 412."

"Defense?"

"Your honor, I'm not sure what commentary from the defense they mean here. If they mean at on 2/1 and 1:19PM Sandra Birchmore messages Marquis Simmons on Facebook...we can remove that, though."

What? Who is that? [X source]

8:51:56 AM ET Hey, so, wasn't a man named Marquis Simmons the victim in the Myles King case where Michael Proctor took the 5th with @RosemaryScapicc?

That shooting didn't occur until July of 2021.

This can't be the same man who was talking to Sandra on February 1, 2021?

Can it? [X source]

8:54:09 AM ET @RosemaryScapicc I am still too stunned to think right now.

I have to figure out if this is the same Marquis Simmons from the Myles King case.

I am stunned. [X source]

9:00:31 AM ET The defense now talks about a June 26, 2021, about how Ms. Birchmore told Ms. Pickard that Matthew Farwell sent her a bunch of messages that day but Dan Loper didn't find that to be accurate. They offer it as a straight impeachment."

"But, counsel, I don't understand what hearsay exception applies here."

"Your honor that is to rebut the choke hold form letter referencing this legislation, this emails all proceeded the form letter on the defendant's device, so it's admissible to give context to what is on the defendant's device which was all union business."

"But counsel my memory is the jury heard from Chief McNamara and I don't see the hearsay exception here, but did they hear from Chief McNamara on that?"

"Your honor, I do not recall, it's been so long."

DOJ interjects, "Dan barber also testified, your honor, in that he was the prior union president."

"Counsel, I know memory may be fuzzy, but I don't hear the hearsay issue. I understand the argument. Counsel, does the government want to respond?"

"Your honor, I don't hear a hearsay exception either."

"What about 768 as to impeachment of Ms. Birchmore as to the Mr. Pickard texts. I assume the dates line up. Counsel, why does that not come in for the purposes for that purpose?"

"We withdraw our objection to 768."

"So counsel I expect 768 will come in for that purpose, Ms. Daley, on 770 I understand the relevance argument but the hearsay exception argument so that's not coming, as 748 your argument is preserved under 804 b 6 and under 106 but I don't see it as completeness of a statement or obviously falling within 804 b 6 and I think there are ...some of it touches on 412 as well, so I don't see 748 coming in either. But your objection is preserved as to that. There was an illustrative aide as well which I had a chance to review. Are there any objections from the government?"

"No your honor."?

"What exhibit will this be?"

"114," says the defense, "and, also, your honor we would argue on 768 that the government opened the door to this by referencing to almost all of the people in this timeline, including Arianna Ortiz, and in other words the government said she interacted with all of these people on the last day of her life and that representation by the DOJ witness is not accurate, she did text many of these people but only 2 of them ever responded to her. The government opened the door because the jury was left with a impression she was interacting with people who were not responding to her, although she was texting them, which goes

to her state of mind. The court has already shown two of the memes in this timeline to the jury, and they are in evidence, and so many of the items in this timeline are in the timeline as evidence from the government's case in chief."

"Counsel, give me one minute.": [X source]

9:13:40 AM ET "Just checking on jurors, sorry counsel, we are still missing 1 juror, I think."

"That's okay your honor, we would just say the defense has a right to summarize them, and we will remove any commentary from the defense the court thinks should not eb there, but the sanitized version is admissible for multiple purposes."

"Counsel for the government?"

"Your honor, the government's questions did not open the door to the content of the messages. The government objected to the cache argument about the memes, and the court overruled that objection and allowed the memes. Thus, the government moved in all of the memes, 100s of them, to bring more context. None of that opens the door to this document which includes consul's framing of certain facts, doesn't provide a hearsay exception and I mentioned the editorial comments, there is more than views here...there is a note about the Tripoli internet search and Sandra Birchmore says to Vanessa McCoy, "how do you save so much?""

"Counsel, defense's objection is noted, but for reasons previously stated, page 14 is not coming in."

"Your honor, one final point, about the text that Sandra Birchmore sends via SnapChat to Matthew Matt Janinda about him coming by. That's not 412. It does not implicate sexual behavior. But it does go to someone maybe being in her apartment that day which is evidence that contravenes the government narrative."

"Counsel for the government?"
"Your honor, in this trial the use of other male partners has been a repeated refrain from the defense to imply Ms. Birchmore was promiscuous or had other sexual partners. This is just another example of that. It's just another example of them saying Ms. Birchmore invited another male to her apartment on the day she died, and that's why it is 412."

"Okay, so counsel, my ruling will stand. And I understand the point, Ms. Daley, what I think is problematic about this though is that there are pieces of which are not admissible and not relevant, that is I don't see this exhibit coming. To the extent that there are pieces of this that you are planning to draw out during testimony that are otherwise in, or admissible, you can do that, certainly."

"Thank you, your honor." [X source]

9:14:13 AM ET @RosemaryScapicc Matthew Matt Janinda has been confirmed as the MJ who spoke to Sandra Birchmore on February 1st, 2021. [X source]

9:15:53 AM ET "Does the government have a position on the instruction if the defendant does not testify?"

"I think the court should give the standard instruction."

"Counsel, I think, if I'm following the defense argument it in regards to disagreement with the framing of the issue. As to the second part of the intruction, though, it is for them to decide whether or not the defendant made the statements introduced during trial and how they should do that. So I am inclined to give the instruction, your objection is preserved if I change my view on that." [X source]

9:18:11 AM ET @RosemaryScapicc "The defense calls Daniel Loper!" [X source]

Daniel Loper — digital forensic analyst

Defense direct examination

9:19:27 AM ET @RosemaryScapicc "How are you employed?"

"A digital forensic analyst."

"How long have you been in the field?"

"Since 2003."

"What do you do?"

"I own Granite Discovery."

"What do you do?"

"We provide digital forensics to defense counsel in civil and criminal cases." [X source]

9:23:30 AM ET @RosemaryScapicc "What did you do before that?"

"I worked for a financial company."

"Have you served in the military?"

"Yes, six years in the Marine Corps."

"Did you go to college after that?"

"Yes, after an honorable discharge, I attended Gannon College." [X source]

9:24:46 AM ET @RosemaryScapicc Internet issues.

We are back now.

The witness explained his background, said he published no articles, said he works for defense counsel and the DOD on projects, and now the witness is about to start his powerpoint. [X source]

9:26:12 AM ET @RosemaryScapicc "You did not perform the extraction for these devices in this case?"

"No."

"So what is this slide?"

"It shows the date the file extraction for each device."

Sandra's laptop WAS extracted by someone on December 6, 2021!

I knew it. [X source]

9:26:56 AM ET @RosemaryScapicc "We have an iPhone 12, and iPhone XS, and Apple Watch and a Mac Book Pro?"

"Yes."

"And there were two collections of the Laptop?"

"Yes, two extractions and a PDF document from the first extraction." [X source]

9:28:36 AM ET @RosemaryScapicc "Is this a slide referencing devices assosicated with Matthew Farwell?"

It says I phone 12, day extracted 2021 02 09

iPhone XR (work phone), day extracted 2024 04 15 [X source]

9:29:11 AM ET @RosemaryScapicc "How many phone numbers did you find connected to Matthew Farwell?"

"1."

"And for Sandra Birchmore?"

"2."

"And one of those is old?"

"Yes, she had a previous number that she changed at some point so we found some artifacts related to the older number." [X source]

9:29:56 AM ET @RosemaryScapicc This screen lists the tools Loper used.

Cellebrite Inseyets PA V10.9.0.3029
Magnet Axiom
Oxygen Forensics Detective
DB Browser
FSEParser
RabbitHole [X source]

9:30:49 AM ET @RosemaryScapicc "Did you observe an apple watch collection attempt?"

"Yes, on October 4th of this year."

"You said you looked at Jessica Hyde's testimony?"

"Yes, that is where I went to observe the collection. her office in New York by Syracuse." [X source]

9:32:48 AM ET "How is data collected from an Apple Watch?"

"It's not a normal port. There is a small port that you can pull data from the watch. Only one company does it right now."

"What software is used to do that?"

"MOBILedit is the software Ms. Hyde used."

"When was MOBILedit created?"

"The first version I could find was from December 3, 2020, saying they supported Apple Watch extractions. The apple watch Ms. Birchmore had, the series 5, came out in 2019 but I don't know if this version of the software supported that version of the watch."

"When did the software update to work with the series 5?"

"Yes, in 2022, they released a watch kit and it has an IBUS tool in there to connect the data ports and that is when they announced the series 5 could be extracted." [X source]

9:34:04 AM ET "Next page please. And, on this page, you're talking about the release of the apple watch kit from 2022?"

"Yes."

"And it makes it clear that..."

"Objection."

"Counsel, direct, rephrase."

"What model apple watch is referenced here?"

"At the bottom I had highlighted the area in the box saying the tool works with the series 5 and SE." [X source]

9:34:41 AM ET @RosemaryScapicc "Was an extraction done of the Apple Watch?"

"Yes."

"Was there any health data from the watch?"

"Not directly from the watch."

"Did she synch the watch with the IPhone?"

Yes. [X source]

9:34:59 AM ET @RosemaryScapicc I am told that Jessica Hyde is here watching this testimony in the courtroom.

Wild! [X source]

9:35:29 AM ET @RosemaryScapicc "You also reviewed Beckstrom's testimony?"

"Yes."

The court reporter asks Loper and Daley to stop talking so fast. [X source]

9:36:19 AM ET "What does the passage of time mean as to extracting information from devices?"

"Objection as to which device."

"Counsel, make that clear."

"What does the passage of time mean as to extracting information from apple devices?"

"The data can be impacted."

"Can how the device is stored impact the data?"

"It can." [X source]

9:36:30 AM ET @RosemaryScapicc The witness explains a Faraday Bag. [X source]

9:37:09 AM ET @RosemaryScapicc "Did Ms. Hyde use a Faraday bag with the apple watch?"

"She used a Faraday Box, but yes."

"When did you see the watch in that Faraday box?"

"It was put in the box after being taken out of the evidence bag." [X source]

Texts, blocks, phone artifacts and social-media cache

9:38:57 AM ET "What container held it when you first saw the Apple Watch?"

"An evidence bag."

"Did you look at some of the text messages on some of the extractions in this case?"

"I saw some of them, but it was more report fathering for defense counsel."

"It's fair to say there's a large amount?"

"Voluminous." [X source]

9:39:21 AM ET @RosemaryScapicc This is a slide about texts from Sandra to Farwell, in total, on her computer backup of her phone.

Sandra Birchmore 28,200 (67.28%)

Matthew Farwell 13,697 (32.68%)

Last text message from matthew Farwell was on 1Feb2021 at 9:10:59PM (EST) via IMessage. [X source]

9:40:17 AM ET @RosemaryScapicc Broken down by app

I message/SMS 27,220 to 13,692
Facebook messenger 858 to 3
WhatsApp 122 to 2

Sandra to Farwell for the numbers above. [X source]

9:41:13 AM ET @RosemaryScapicc "How does someone block another person?"

"You go to the contact and select block?"

"Did Matthew Farwell block anyone on his defense?"

"Yes, if we loo k at Com. apple.cmfssynchagent.plist, and in there we see 46 blocked phone contacts in Mr. Farwell's phone." [X source]

9:41:25 AM ET @RosemaryScapicc 46 blocked contacts for Farwell! Wild. [X source]

9:43:31 AM ET "Was Sandra Birchmore one of those 46 people who was blocked?"

"Yes."

"Can you tell when someone was blocked?"

"Well, you can't tell when the block occurred, but you can tell when the list of blocked contacts updates."

"How do software updates happen on an IpHone?"

"Well, this plist process runs, even Apple's literature doesn't tell us how it does. It doesn't run on a set schedule. it runs randomly and updates periodically. Your phone and even computers have an OS that occurs in the background, it has functionality without you knowing about it happening."

"So he didn't block her on Feb 6, 2021?"

"No, he blocked her as of that date, but it doesn't mean he blocked her on the date in that tile."

"Matthew Farwell last texted Sandra at 9:10PM ET on 2/1/2021?"

"Yes." [X source]

9:44:15 AM ET "Was Ms. Birchmore blocked by Matthew Farwell at that time?"

"No."

"Can you tell if Matthew Farwell blocked Ms. Birchmore before?"

"I don't see any data about that."

"Did you look at any texts where Ms. Birchmore said that?"

"Maybe, but my role wasn't to look at text content here." [X source]

9:44:55 AM ET @RosemaryScapicc "Did Mr. Farwell block other forms of communications?"

"Yes, Mr. Farwell blocked the email address as well, and her old phone number. Those were 3 of the 46 entries in the blocked list on Mr. Farwell's phone." [X source]

9:46:50 AM ET @RosemaryScapicc Now we look at a slide about iPhone 12 Facebook cached images from Sandra's phone on 2/1/2021.

"Any objection to page 15?"

"No your honor." [X source]

9:48:23 AM ET It's about 100 images from Sandra's Facebook cache.

80 of them are profile pictures, two of them are the suicide ribbon which is only saved as a thumbnail like the other profile pictures.

It is from her Facebook cache.

"How many images were in her cache in these 3 minutes?"

"106." [X source]

9:50:16 AM ET "This is a slide from Ms. Hyde's testimony, do you see it?"

"Yes."

"Now you pulled the 106 images between 746am and 749am?"

"Yes."

"And Ms. Hyde did the extraction for a similar time stamp?"

"Yes, that is a smaller set of the images."

"And that only has one of the ribbons?"

"Yes." [X source]

9:52:05 AM ET "What did you do next?"

"I looked at the two ribbons to see the meta data of the time of the cache."

"What did that tell you?"

"The first one was cached at 7:48:59AM and the second one was 7:49:40AM. There was some web activity right after that. She searched for purple ribbon meaning. And I wanted to compare, like, the time between when she scroll past the image and then did the Google search."

"Okay, and you also have an artifact in this slide, what is that?"

"That is any item on a device, the plist or the image, which are artifacts from a forensic analysis perspective." [X source]

9:52:59 AM ET "And Safari left an artifact here?"

"Yes, that is a browser that is used on Apple OS to browse the web."

"What is Google?"

"That is a search engine used by the browser."

"Did Safari and Google interchange in the data?"

"Yes, the phone was configured to use Google search via Safari." [X source]

9:54:10 AM ET "This is also an image from Ms. Hyde's presentation?"

"Yes."

It is all the different ribbons and their meanings, yellow, blue, green, etc."

"And this ribbon was in her web cache?"

"Yes, her web cache on the phone."

"And when we talk web vs facebook cache, the latter are the ones that came up scrolling facebook?"

"Objection."

"Sustained as to form."

"What's the difference between those two?"

"Facebook cache is used by the application, Safari cache is used by the browser." [X source]

9:55:02 AM ET @RosemaryScapicc "What was cached at that time in the web browser?"

"A poster with various meanings of the different ribbons."

"What is the purple ribbon?"

"It is a cancer ribbon and also for other diseases."

"What about violent?"

"Non-hodgkin's lymphoma." [X source]

9:55:31 AM ET @RosemaryScapicc "What about the suicide ribbon?"

"That one is yellow! It is also about endometriosis!"

Okay, thanks, Mr. Loper. [X source]

9:56:50 AM ET "Next page. Was there another search for suicide ribbon?"

"Yes."

"Next page."

"What is autocomplete?"

"The Safari search engine, as you're typing, it's like predictive coding, it gives you what you think you might be looking for. The first is "what color is" then you'll see below what the suggestions are might be of interest."

"Where you have what color is the suicide highlighted, was it suggested or type in?"

"She typed in up to what color is the suicide... then it filled in." [X source]

9:58:45 AM ET "What is missing from this slide?"

"The typed entry about what is the suicide ribbon color."

"Next page. When you're looking at data on a device and trying to figure out if someone clicked on a search suggestion or typed it out how do you figure it out?"

"We look at the URL which has the string from the top of the browser. That then starts to tell us things about the search. So I broke down the parts of the URL, the Q means the question, then it says CP=13, which means the cursor was in the 13th position, then the client is the Mobile interface, then the purple part is the previous query that was ran by that user in that browser." [X source]

10:00:16 AM ET "What does this slide show?"

"We can also look at the webkit, and we can see in the computer what were those suggestions that were being presented on the screen at the time they are typing that search query. So, in plain English, it says "what color is" and the rest of the fill in search terms are then what is presented on the screen."

Why didn't we get this for Jen McCabe's phone in Karen Read!

That's wild! [X source]

10:01:55 AM ET "So, let ask you a question, how is an autofill on the internet like or unlike autocomplete with a text message?"

"Objection, notice."

"Counsel, let's start again. Counsel you can ask an opened ended question of the witness."

"Mr. Loper do you have a cellphone and do you text?"

"Yes."

"And does sometime your phone suggest things to you?"

"I turned that off a long time ago."

LOL [X source]

10:03:21 AM ET "When Sandra Birchmore typed what color is did words appear on the search line or did buttons to click with other search terms come up?"

"Well, uhh, to make it clear, if I understand your question, if I..."

"Objection, non response."

"Overruled, you can finish."

"If I'm typing co, predictive typing would try to finish the word, whereas autofilling a search is what you might be searching for. It doesn't correct the word, it goes based on you typing "what color is", which is different than predictive coding." [X source]

10:04:29 AM ET "And Ms. Birchmore got search suggestions from What color is?"

"Yes, she got suggestions."

"Did it suggest what color is the suicide ribbon?"

"It did not."

"Then did she type what color is the?"

"Yes."

"What did it suggest then?"

"Sun, dress, COIV virus, sky, moon, hottest flame, grinch."

"Did it suggest the suicide ribbon?"

"No." [X source]

10:06:01 AM ET "Are you here looking at the next search that says what color is the suicide?"

"Yes, then it presented the suggestion, what color is the suicide ribbon."

"What other suggestions?"

"Awareness ribbon, prevention ribbon, color of Joke's car in Suicide Squad, what color is suicide awareness day."

"So even then she didn't get the specific suggestion what color is the suicide awareness ribbon?"

"Objection as to form."

"Sustained."

"Did Ms. Birchmore get the specific suggestion what color is the suicide awareness ribbon?"

"No." [X source]

10:06:36 AM ET @RosemaryScapicc "What did Sandra Birchmore do at 7:50:32AM seconds?"

"She searched what color is the suicide ribbon?"

"How do you know she typed in that full sentence?"

"Because after this entry she got a complete search."

Long pause. [X source]

10:08:01 AM ET "Did you look at camera footage from this case in order to match up times at issue in this case?"

"Yes, we asked who collected the footage because it is customary when law enforcement does something..."

"Objection non responsive."

"Sustained."

"Did the defense give you camera footage in this case?"

"Yes."

"What did you do first?"

"Determine if the time stamp was accurate on the video."

"How did you do that?"

"We use something like https://t.co/fUb5WQFCA2 and then we compare it, by holding up our phone, to the system itself and then we check the offset." [X source]

10:09:32 AM ET "How do you compare the system to the https://t.co/fUb5WQFCA2, did you say, clock?"

"We compare the delta difference between the two."

"Did law enforcement do this in this case?"

"I think the notes said they got the videos from the property manager."

Towel note; One of the cops said he held his watch up to the camera when offsetting the clock drift from the non-internet connected DVR, for the record. [X source]

10:10:03 AM ET @RosemaryScapicc "And your clock drift calculation is 3 seconds different than Ms. Hyde?"

"Yes, 3 seconds."

"And does 3 seconds sometimes matter in these cases?"

"Yes, sometimes!"

I just facepalmed. [X source]

Device-timing analysis and communications

10:12:47 AM ET @RosemaryScapicc Loper has a video where he overlays Sandra's messages with the video to prove his caculations are 3 seconds more accurate than Ms. Hyde.

We're all still abuzz, for our part, about Marquis Simmons contacting Sandra Birchmore via SnapChat on the day of her death. [X source]

10:14:41 AM ET Now we go to an Apple Health data slide.

"What is Apple Health data?"

"It is an application that tracks steps, for people trying to track their heath, it's formatted health data to help you see what you're doing day to day."

"How does an Iphone know how many steps you are taking?"

"Apple uses a gyroscope, an Accelerometer and a Pedometer. They use those 3 things to help understand like step activity."

"Does Apple tell you how they do that?"

"Apple does not give us their Secret Sauce! No! Apple doesn't want people to get their Secret Sauce! It is proprietary Apple information and we just can't see it!" [X source]

10:14:55 AM ET @RosemaryScapicc Give me the secret Apple sauce! [X source]

10:15:15 AM ET @RosemaryScapicc "Do we know how the phone detects movement?"

"We do not." [X source]

10:16:33 AM ET "Did you look at the health data from Sandra Birchmore's IPhone?"

"I did."

"How is Apple health data, if it is transmitted to a Iphone, how does it happen?"

"It uses Bluetooth technology to send that data from the phone."

"If I use my apple watch, and my phone is over there, if I walk around with my watch and my phone is on the table, will that data synch to my phone?"

"Yes, it will sample the data and then send it to the phone. It will not be second by second from the watch." [X source]

10:17:26 AM ET "Did you look at the study cited by Ms. Hyde as to the error rate of Apple Health data?"

"Yes, across Iphone 6-8 had an error rate of 2% but the study also saw some devices with greater error rates. It's not just a standard 2% across the board, some devices have a slightly higher error rate that impact step counts." [X source]

10:17:43 AM ET @RosemaryScapicc "What iPhone models did Sandra Birchmore posses?"

"An iPhone 12 and iPhone XS." [X source]

10:18:40 AM ET @RosemaryScapicc "So, what, umm, do studies show about the error rate for step data when it comes to the apple health data?"

"I looked at a few different studies and couldn't find one with an iPhone, but I did find this one!"

Now the witness talks about this study -

https://t.co/TJvsnbHJv7 [X source]

10:19:26 AM ET @RosemaryScapicc "What did this study find?"

"Up to 792 steps can be lost per day on some devices." https://t.co/sczNRav8oL [X source]

10:20:38 AM ET @RosemaryScapicc "Does this differ if someone always carriers vs sometimes carries their phone?"

"Yes." https://t.co/PNxLm0Ropq [X source]

10:21:25 AM ET The witness reads this from a slide;

"We found that step count measured using a pedometer and iPhone correlated moderately well in free-living conditions. Smartphones can be of practical use to individuals, clinicians, and researchers for monitoring physical activity and for health promotion. However, their data on step counts should be interpreted cautiously because of the possibility of underestimation due to noncarrying time and carrying locations, as well as gender differences."

https://t.co/5wPL4M1Fah [X source]

10:21:59 AM ET "Did Sandra Birchmore use her phone often?"

"Yes."

"The younger you are the more you're on your phone?"

"That does seem to be a trend."

"Did people use their devices more during COVID?"

"Yes." [X source]

10:22:32 AM ET "How is Ms. Birchmore holding her phone in this image?"

"In her hand."

"Did you look at step count data from this video?"

"Yes."

"Can we play the video?

Sandra walks from the elevator to the door to get her DoorDash. [X source]

10:23:41 AM ET "What steps are being taken during this time?"

"The phone recorded about 28 steps around this time."

"Looking at this video, what can you extrapolate if anything?"

"At the 5:01:32 mark she was walking towards the door when those steps registered." [X source]

10:28:28 AM ET "Was the camera motion activated?"

"Yes." [X source]

10:30:03 AM ET We review the text message from Sandra to Jason Pickard about Farwell. Sandra says Farwell sent her messages overnight on 6/26/2020. Sandra said there were 14 messages from Farwell when she was talking to Pickard.

"What did you find, if anything, as to communications between Sandra and Matthew Farwell that morning?"

"We found a communication on Ms. Birchmore's MacBook pro they are talking early in the morning and Mr. Farwell says goodnight I have to be up early and then Ms. Birchmore replies and says she hopes he is better. Than she replies to him again and says good morning." [X source]

10:30:59 AM ET Ah, I see, so when Sandra said she woke up to texts she was misleading Pickard.

Farwell had texted her the night before. [X source]

10:32:46 AM ET "Were you able to find any messages from the Chat.DB database?"

"Yes, think of an SQL-lite database like a spreadsheet. Every row has a unique ID that is never used twice. if you delete a row that is never used again. Here, there is a row that has the ID 26577, and I took that text out, that 26577 would never be used again. So we looked at the database around that time and saw two rows were missing."

"What does that mean."

"There were not 10 texts sent, there were two." [X source]

10:34:06 AM ET "How many texts on June 26th in that period did Matthew Farwell send?"

"After that reporting period, none."

"Next page?"

"I object your honor."

"Counsel, take it off the big screen. For the reasons state before?"

"Yes, your honor."

"Can we, just for the witness only, go to a screen with no content?"

"Yes, just for the witness for the moment." [X source]

10:35:26 AM ET "Okay, forward, forward, forward, stop! Without saying the content of these texts, who did Ms. Birchmore text on Feb 1, 2021?"

"Yes."

"How many people umm did she text on Feb 1, 2021, starting at 7:40AM?"

"9 people."

"Of the 9 people, who was the sender?"

"Ms. Birchmore."

"How many responded on Feb 1st?"

"Two people." [X source]

10:36:33 AM ET "Mr. Loper did you receive in discovery a umm letter that was contained in Mr. Farwell's notes app on this phone?"

"Yes."

"And this letter was addressed, Dear Senator/Representative?"

"Yes, and it was signed."

"Did it reference anything specific?"

"Legislation that the governor was getting ready to sign." [X source]

10:37:23 AM ET "Did you find other information about this letter on Mr. Farwell's phone?"

"Objection, hearsay."

"Sustained."

"Were you able to find any related material to this letter on the phone from Mr. Farwell?"

"Objection."

"Counsel let me hear you on this!"

Sidebah! [X source]

10:40:16 AM ET "Mr. Loper, after you saw that form letter, did you do anything else to try to connect it to other artifacts on his device?"

"Yes, we did a search."

"Objection."

"Sustained. Lead here counsel."

"Were the artifacts on his device connected to the letter?"

"Yes, there were emails."

"Thank you." [X source]

10:47:07 AM ET "What is this?"

"Mr. Farwell cutting the cord of his wife's umbilical cord when she gave birth on Feb 2nd, 2021."

What the hell is this. This is really weird. [X source]

10:47:29 AM ET "Can you see any scratches on his face?"

"Objection."

He's literally wearing a surgical mask.

He looks like a crazy man. His eyes are dark black. He does not smile. [X source]

10:49:39 AM ET Found MJ. https://t.co/QHdd14OtZF [X source]

10:51:14 AM ET Daley asks the witness about how unlocking phones works.

The witness explains face unlock.

"Was Sandra's phone set up with facial unlock?"

"Yes."

"When the apple watch was unlocked in your presence what was used?"

"A 4 digit passcode."

"Where did it come from?"

"It was the passcode from her previous phones, which was the same code."

"When was the first time that code was used?"

"June 1, 2022."

"How many attempts were taken to unlock the watch?"

"1." [X source]

Devices, recoverability and missing laptop image

10:52:22 AM ET "Did her phone lock and unlock multiple times that day?"

"Yes."

"And a phone can autolock?"

"Yes."

"Is sleep mode different?"

"Yes, that is not the same as locking the device." [X source]

10:53:57 AM ET "And in this case Ms. Birchmore's watch was unlocked with a pincode?"

"Yes."

"What about the laptop?"

"Yes, there was an attempt made to access the laptop. I don't know how they did it, I didn't read the report."

"Have you read reports about how the laptop was obtained from Sandra Birchmore's apartment?"

"Yes."

"And is a MacBook or a laptop like a cellphone when trying to protect it from outside interference like a Faraday bag?"

"Objection."

"Sustained as to form, compound, leading." [X source]

10:57:29 AM ET "What steps would law enforcement take to get a laptop?"

"Well, during an investigation, you don't want to touch it right away. The OS is still running. You could wipe out an internet cache."

"How can that happen?"

"Well, you could manually do it, or it could be set up to wipe every set amount of days, but also opening any website could start flushing data from the cache and then we'll miss those artifacts." [X source]

11:00:05 AM ET "What is an extraction?"

"A point in time snapshot of the device at that time."

Please judge, give us morning break. [X source]

11:02:31 AM ET "Have you ever seen the initial extraction of Sandra Birchmore's laptop?"

"No."

"Why not."

"It was lost."

"How was it lost?"

"Objection."

"Sustained as to this question. I'm assuming foundation?"

"Yes, your honor."

"Have you reviewed the reports about the loss of that extraction?"

"Yes."

"What, if anything, were you able to rely upon when looking at the data from Sandra Birchmore's laptop."

"We had an extraction that was taken months later and then in the last six months we got a PDF report."

"And neither of those are the initial Blacklight extraction?"

"Not the initial extraction no." [X source]

11:03:28 AM ET "Do you know what is missing from the extraction if you don't have the first extraction?"

"Well, as to the PDF document, we can still confirm that, but as to the subsequent extractions it is hard for us to know what logs were written over. We know the unified logs were written over because we couldn't see back to February. We would only see back to right before the extraction was done." [X source]

11:04:01 AM ET "Counsel, morning break?"

"Your honor I just have five minutes left."

"Okay, if the jurors can hang in with us for five minutes, we'll break when your done. Okay?"

Jurors all nod in agreement. [X source]

11:05:35 AM ET "Are there internet searches that uhhh....long pause...what kind of difference....what would be the difference...I think you said how far can you go back with that extraction as to data?"

"With unified logs, 7-10 days."

"Why does that matter here?"

"The unified logs are the click by click breakdown. We're missing all that various activity that tells us all those clicks that are happening."

"Why are we missing it?"

"Because the device was turned on multiple times between September and December of 2021 by the Massachusetts State Police."

"Was that best practices?"

"No." [X source]

11:07:09 AM ET "Did you observe Ms. Hyde's slide indicating that Ms. Birchmore's Iphone moved a number of steps around 9:40PM?"

"Yes."

"What can you say about the reliability of this data?"

"Umm, that phone recorded the data at that time frame. That data is what is there."

"Does that tell us..."

"Objection."

"Sustained."

"Do you know where Sandra Birchmore's phone was found when her body was discovered?"

"Yes, at the base of her body."

"How far from the pocket of sweatshirt."

"I don't know I haven't seen those picture." [X source]

11:07:55 AM ET "Do you know where Sandra Birchmore's body was located?"

"No, I don't know physically in the apartment, just that she was found with a ligature around her neck..."

"But she was not found in the elevator?"

"No."

"May I have a moment your honor?"

"You may." [X source]

11:09:09 AM ET "What do you need to wipe a cellphone?"

"To do that would be to factory reset the phone, for example. The data is then gone."

"What do you know about the conditions of Matthew Farwell's phones when they were turned over to law enforcement?""

"No history of wiping."

"What does it mean to Tom Brady a phone?"

"To factory reset them."

"Does it also mean to destroy them?"

"It can yes." [X source]

11:10:37 AM ET "Are you aware of how Matthew Farwell's phones were given to law enforcement?"

"Yes."

"How were they provided?"

"Objection."

"Counsel, I understand the information. You can elicit the information."

"Were the phones in working order?"

"Yes."

"Had a factory reset been done on either one?"

"No."

"We move to introduce the entire powerpoint?"

"We object."

"Counsel, it's an illustrative aide, and you got in the evidence as needed piece by piece, but your objection is noted. We will take our break and be back for cross!" [X source]

11:11:31 AM ET Morning break!

We'll do the colloquy before lunch!

God bless you all!

Thank you for your support of my work!

Cashapp: https://t.co/a55YLItTVE

Venmo: https://t.co/aS1seZF8GX

Paypal = https://t.co/T02firtvgK https://t.co/MnN6wsZDG0 [X source]

11:24:05 AM ET Heading in soon.

Towel is shook. [X source]

11:29:45 AM ET Cut my coffee short. On the elevator. [X source]

11:34:17 AM ET We are back inside. [X source]

Government cross-examination

11:35:40 AM ET "You know when the defendant provided his phone to MSP it was in tact?"

"Yes."

"And you've looked at the data on that phone?"

"Yes."

"And you found no messages between the defendant and Ms. Birchmore?"

"Right."

"And you saw Ms. Birchmore's laptop, and her iphones?"

"Yes."

"And those had tens of thousands of messages between the defendant and Ms. Birchmore?"

"Yes."

"And none of those were on the defendant's device that was given to the state police?"

"Correct."

Long pause.

Headshot. [X source]

11:37:07 AM ET "And on the defendant's work phone is a search that says 'can deleted messages be recovered by cellebrite?'?"

"Yes."

"So, the defendant had a search for how to delete data?"

"Well, yes, and about recovery of data."

"Okay. Let's talk about the Apple Watch now." [X source]

11:40:15 AM ET "And if you guess the wrong password on an Apple Watch the data can be impacted?"

"Yes."

Sorry, I am running around as we scramble to look into Marquis Simmons. [X source]

11:41:43 AM ET "Was the tool to look into the Apple Watch available in 2021, in February?"

"I don't know if it worked on a series 5 Apple watch back then."

"And we're talking about a series 5 here?"

"Yes."

"Would this software have worked on a series 5 before Feb of 2021?"

"I don't know if it worked on that series at that time."

"Do you have any criticism so f anyone for not using that software on a series 5 apple watch in February of 2021?"

"I don't have no criticisms of anybody."

Okay then. [X source]

11:42:50 AM ET "You know the Apple Watch passcode was the same as the other two devices?"

"Yes."

"But did anyone tell you they knew the passcode of the watch itself before it was entered?"

"No, they only knew it needed a passcode. We didn't know exactly what it was." [X source]

11:44:10 AM ET "You watched Ms. Hyde perform those two extraction, right, and you said something about a Faraday bag?"

"Yes, she had a Faraday box."

"She had one for both devices?"

"Yes, it has a window that looks into the area as opposed to a Faraday bag."

"What did the watch travel to New York in?"

"Well, what it arrived in."

"Did it arrive off?"

"Yes."

"Was having it off a suitable method of preserving that evidence until it was powered on?"

"Yes, if it was found powered off, that's correct." [X source]

11:45:53 AM ET "And when Ms. Hyde did the extraction there was no health data from the watch from Feb 1, 2021?"

"Correct."

"And she tried a logical extraction and she also tried the second attempt that you talked about by pairing it to the phone?"

"Yes."

"And when she paired it, as you suggested, the same result occurred?"

"Yes. We waited a period of time, and it didn't create new data." [X source]

11:47:01 AM ET "You've been doing this for many years, digital forensics generally?"

"Yes."

"And you're familiar with data recovery in many different contexts?"

"Yes."

"And sometimes you get the digital device around when the event occurred?"

"Yes, that is ideal, to get the devices as close to the event as possible."

"And sometimes they get collected, the devices, months or years later?"

"Yes I have had cases like that."

"And you still relied on that data in those cases right?"

"Yes." [X source]

11:48:30 AM ET "But you said closer in time is better?"

"Yes, because of the logs."

"And one of the benefit is you can get to the data and evidence quicker?"

"Well, yes, quicker but we may also catch volatile artifacts, what I call good breadcrumbs, as soon as possible."

"So it's a real problem if a device wasn't found as soon as someone dies?"

"Yes."

"So if there body isn't found for days, that could create challenges?"

"Yes."

"Yes, so not finding the evidence right away is a benefit for those who commit crimes? An advantage?"

"Yes. I guess so!" [X source]

11:49:56 AM ET "Are these messages between Ms. Birchmore and the defendant on her laptop?"

"Yes."

"And they're not on the defendant's devices?"

"Yes."

"But it's a text between Ms. Birchmore and the defendant?"

"Yes." [X source]

11:51:14 AM ET "And this is another series of texts between Ms. Birchmore and Mr. Farwell that are on Ms. Birchmore's phone?"

"Yes."

"But they are not on the defendant's devices?"

"Correct."

"And do you see where the defendant says clear all this out and facebook?"

"Yes."

"And Sandra says, yes, I always clear shit out."

"Yes."

"And the defendant says, good?"

"I see that."

Long pause. [X source]

11:52:49 AM ET "You talked about the loss of data as time goes on?"

"Yes."

"And one thing you identified as the type of data that could be lost from a MacBook or other device would be the apple unified logs?"

"Yes."

"And those logs exist in the background of a digital device?"

"Correct."

"And those logs have extremely granular information about background data?"

"Yes."

"Those logs can document 10s of thousands of events in seconds and minutes?"

"Yes." [X source]

11:53:57 AM ET "And because there is so much granular data, they write over themselves?"

"Yes, otherwise it would take up your entire system memory."

"And they write over at random times?"

"Yes."

"Apple is the company that designs the MacBook and iPhone?"

"Yes."

"And Apple engineer determine the lifespan of unified log data?"

"Yes."

"And Apple doesn't disclose the life of a particular unified log artifact?"

"Yes, because it's based on activity." [X source]

11:54:52 AM ET "Some folks in your field initially thought unified logs lasted 30 days?"

"Yes."

"But these days you know they can overwrite themselves within days?"

"7-10 days is the rule of thumb."

"But some unified log data overwrites itself in a mere number of hours?"

"I've seen a shorter time span, 48 hours, yes, 24-48 hours yes." [X source]

11:55:58 AM ET "And you don't know the life span of any particular unified log data?"

"I have no idea what triggers the overwrite."

"And you know Sandra Birchmore died on Feb 1, 2021?"

"Yes."

"And her MacBook wasn't recovered by the state police until Feb 9, 2021?"

"I know the 9th is when they did the extraction. I think they actually got the d3evice on the 6th."

"Have you reviewed the report?"

"I may not be recalling correct. Do you have something that could refresh my memory?"

"Sure. Your honor may I approach?"

"You may." [X source]

11:57:17 AM ET "So it was February 9th, right?"

"Yes."

"Which is more than 7 days?"

"Yes." [X source]

12:01:11 PM ET "And Mr. Farwell met with the Mass State police on the 6th?"

"Yes."

"And he blocked Ms. Birchmore on the 6th as well?"

"I don't recall."

"Would this document help you refresh?"

"Yes."

"And the refresh when this block shows up is 11:26PM on feb 6th?"

"Yes."

"And the defendant met with the state police on Feb 6th, 2021, at 3:10PM?"

"Yes."

"And this blocked data is from hours later?"

"The list refreshed hours later, yes."

Long pause. [X source]

12:03:51 PM ET "And the slide Ms. Hyde made, that you looked at, she depicted part of the list of images from the Facebook cache that she did?"

"Yes."

"But her images were part of the set you showed?"

"Yes."

"Now can we published exhibit 412 at page 7, Ms. Massie, please? Now you see there that Ms. Hyde also included the full search for "what color is the suicide ribbon?"

"She did."

"So the complete search was in her powerpoint?"

"The complete search was, yes!" [X source]

12:07:00 PM ET "Defense PowerPoint at 30 please. Your process for verifying the offset was to review the video, compare it to an artifact that depicts an observable event and then note the time difference?"

"Yes."

"Now, as to the troopers, they used a phone to compare the time to the live video?"

"Objection."

"Sustained as to this."

"So are you aware of any state police efforts to synch the clock to their phones?"

"I don't know if they logged that down, while there, and then corrected for the drift." [X source]

12:08:03 PM ET "Are you aware someone from the state police did this?"

"I know they went there, but I didn't see them hold up the phone, photograph it, and then document it next to the video camera."

"Did you review Trooper Dunne's testimony?"

"I did not."

"So, if Trooper Dunne said he did that, you were totally oblivious to that?"

"Objection."

"Sustained as to this." [X source]

12:13:49 PM ET "Ms. Birchmore texted often and her her phone on her often?"

"I can't say if she often had it in her hand, but she foten used it."

"And the study you reviewed, the data error rate is lower when someone has their phone and uses it a lot?"

"Yes." [X source]

12:16:17 PM ET "You were asked questions about the number of people Ms. Birchmore reached out to compared to the people who responded?"

"Yes."

"And Ms. Birchmore also had a voice call for 25 minutes with Leslie Davis at 8:29PM?"

"Yes."

"And you also know that at 4:26:15 she had a 54 minute voice call with Darlene Smith?"

"Yes she did."

"And you see other calls, 24 minutes and 4 minutes?"

"Yes, yes I do."

"We can take that down. Now, can you go please to defense PowerPoint at page 53. You said the date was December 9th of 2016 on this note artifact?"

"Right."

"And there's no title?"

"Right."

"And the body is suicde and that's it?"

"Yes." [X source]

12:16:41 PM ET "And the same is true for the artifact on the XS and the Iphone 12?"

"Yes, it's the same artifact just on two different devices." [X source]

12:18:15 PM ET "And can we pull up page 56, and the last modified date time is September 29 of 2016 on this note?"

"Yes."

"You were asked questions about this picture of the defendant in the hospital?"

"Yes."

"And the date is Feb 2nd, at 9:27AM?"

"Yes."

"Less than 12 hours after the defendant left Ms. Birchmore's apartment?"

"Yes."

"And the defendant is in a hospital in February of 2021?"

"Yes."

"And at that time hospitals had masking requirements?"

"Yes." [X source]

12:19:34 PM ET "Now, I want to ask you a few questions about defense PowerPoint at page 40. Do you recall your testimony about the placement of Ms. Birchmore's phone?"

"Yes."

"Can we pull up exhibit 14."

We now see the image of Sandra hangings from a closest door. From the front. Her distended stomach shows.

"Mr. Loper do you see Ms. Birchmore's cellphone?"

"Yes."

"It's not in her pocket is it?"

"No." [X source]

12:22:22 PM ET "It's not in her pocket, right?"

"No."

"It's to her right, yes?"

"Yes."

"We can take that down. Now, can we pull up exhibit 412 at page 11 please, now you also know that Ms. Birchmore last locked at 9:14PM?"

"Correct."

"And after it locked there were only a series of steps taken at 9:40 recorded by the phone?"

"Yes."

"And there's no user interaction with the device after that?"

"That's correct."

"And in fact the only user interaction is a camera carsel record at 9:18PM?"

"Yes."

"And the defendant arrived at Ms. Birchmore's apartment at 9:13PM?"

"Yes."

"And the last steps were 9:40PM?"

"Yes."

"And even you would say Mr. Farwell left the apartment building of Ms. Birchmore after 9:40PM?"

"Objection scope."

"Sustained."

"You reviewed the video footage from that night right?"

"Yes."

"And you saw the defendant on that footage?"

"Objection, scope."

"Scope on this counsel, you can ask a different question." [X source]

12:23:22 PM ET "Can we go to page 2 please. You know early after the (PM Ms. Birchmore's phone drained battery?"

"Yes."

"And it was not plugged in after that point?"

"6PM on the 1st is the last time it was plugged in."

"Your honor, may we bring up exhibit 47 please?"

"Yes."

"Objection, scope."

"Sustained as to this counsel, we can take this down." [X source]

12:24:28 PM ET "Your honor may I have just one moment?"

"Yes."

"I'd like to talk a little bit about the what color is the suicide ribbon search...you didn't find any artifacts about a search for suicidal hangings on February 1st?"

"No."

Long pause. [X source]

12:25:25 PM ET "And, similarly, you didn't find, other than that text or note that you testified about from 2016, you didn't find any suicide notes or goodbye notes on Feb 1?"

"No."

"No further questions your honor."

"Redirect?"

"Your honor can we be heard?"

"Briefly." [X source]

12:28:41 PM ET Sidebah! [X source]

Defense redirect examination

12:33:49 PM ET "Counsel, you can offer those pages."

"Redirect."

"Can we pull up the PowerPoint, our PowerPoint. Can we go to page 9. Mr. Loper, on Page 9 you made this chart to, umm, delineate messages sent between Ms. Birchmore and Mr. Farwell?"

"Yes."

"And you did this because the messages are voluminous?"

"Yes."

"Can we move this in full your honor?"

"Any objection?"

"No your honor."

"You are offering pages 9, 15, 17 and 19?"

"Yes."

"No objections?"

"No."

"This is y-14?"

"Yes."

"Those may be admitted, the rest are illustrative aides only." [X source]

12:34:27 PM ET "You were asked if you knew Trooper Dunne went to Canton Woods and made some assessment about the time on the cameras?"

"Yes."

"Did you review the testimony of Jessica Hyde?"

"Yes."

Two questions about Hyde relying on Dunne are struck. [X source]

12:35:20 PM ET "How did Jessica Hyde do her evaluation?"

"She did the same step process that I did, she took actions from the phone and compared it to the video."

"So she didn't rely on Trooper Dunne, either?"

"I didn't see anything about that, no."

"And Sandra called Santander Bank on February 1st?"

"Yes."

"That's a bank?"

"Yes." [X source]

12:36:25 PM ET "The note in her app, missing the letter I in suicide, they were never deleted right?"

"They are present on the phone not deleted, no."

"How do you delete a note?"

"You just swipe and delete it."

"And that note was March of 2016?"

"Yes."

"So Mr. Birchmore kept that note for almost five years?"

"Objection."

"Sustained as to that. The rest can stand." [X source]

12:37:09 PM ET "Do hard drives crash?"

"Yes."

"What steps can you take to preserve data in the event of a hard drive crash?"

"I don't know other people's policies, but at my company we keep all of our data in two forms in case there is a server crash or sometimes a hard drive can go bad just sitting there in our evidence locker." [X source]

12:37:36 PM ET "And the MacBook was collected Feb 9th?"

"Yes."

"And that was 8 days after Feb 1?"

"Yes."

"Which is more than 7 days?"

"Yes."

"But less than 10?"

"Yes." [X source]

12:39:13 PM ET "Does this tell you when Mr. Farwell actually blocked Ms. Birchmore?"

"No."

"He could have blocked her on February 2nd?"

"Objection."

"Sustained as to form."

"That blocking could have happened anytime the last text was sent?"

"Yes." [X source]

12:40:49 PM ET "Mr. Farwell gave his device to law enforcement?"

"Yes."

"And you're aware Mr. Farwell told..."

"Objection!"

"Sustained for a number of reasons, counsel."

"Does blocking someone delete all the texts you sent them on your phone?"

"No."

"And uhhh when the prosecutor also asked you about the observations you made of the apple watch what kind of notice did you get to go make that observation?"

"Objection, asked and answered!"

"Not by me!"

"Counsel, that applies across the board. It means what it says, asked and answered. Move on counsel." [X source]

12:41:16 PM ET "What do you know about the FBI trying to access the apple watch in 2025?"

"Objection."

"Sustained. Foundation. Back up if you can counsel." [X source]

12:42:40 PM ET "The prosecutor asked you, umm, uhh, how long...I'm sorry...the passcode to the phone, sorry, to the apple watch, was necessary, correct?"

"Yes."

"How long had it turned out law enforcement had that phone?"

"Objection foundation."

"Yea sustained as to form and foundation as well, but you can back up."

"What was the code?"

"I don't recall but it was the same code as her phones."

"When were the phones first accessed?"

"June 1st of 2022."

"The government had that code since 2022?"

"Objection."

"Sustained." [X source]

12:46:15 PM ET "Do you if the laptop lid was open before the extraction was done?"

"Objection, foundation."

"Sustained you can back up."

"Did you see photos of the laptop closed?"

"Yes, in Ms. Birchmore's apartment."

"Was the lid then opened at some point?"

"The computer then connected to wifi at some point."

"Does that require the lid being open?"

"Yes." [X source]

12:47:08 PM ET "What does this line in the press release about the Apple Watch software means?"

"It means you can do a logical extraction of data from the Apple Watch extraction."

"When the government did their initial extraction of the apple watch did they also have her phones?"

"Yes." [X source]

12:49:17 PM ET "Mr. Loper, in Ms. Hyde's slide here, I think you testified that she leaves out the what color is the suicide..."

"Objection."

"Asked and answered, counsel, sustained."

"Is this slide accurate, in your opinion, if it describes the suicide search as autocompleted search?"

"It is not complete, no."

"You were asked about Ms. Birchmore's texts on Feb 1, 2021, between midnight and the early morning hours did you see any texts in which she revealed her..."

"Objection!"

"Counsel, is this the discussion we had before?"

"Yes. I only want a description not the words."

"Sustained, counsel, you can attempt another question." [X source]

12:50:06 PM ET "Was Ms. Birchmore..."

"Objection!"

"Sustained, counsel."

"Was Ms. Birchmore mentally..."

"Objection."

"Counsel, sustained, next question." [X source]

12:50:43 PM ET "Did you observe, oh sorry, did you observe images from Instagram in the cache of Ms. Birchmore's phone?"

"Objection, scope and form."

"Yea, counsel, I'm a little...counsel let me hear from you."

Sidebah! [X source]

12:52:23 PM ET Big towel stretch! [X source]

12:53:31 PM ET "Mr. Loper you testified that you observed Ms. Hyde make an attempt to synch the apple watch to the iPhone on October 5?"

"We started October 4th, then came back on the 5th."

"The prosecutor showed you a photo of Ms. Birchmore with her phone next to her right knee?"

"It was near her right knee."

"When she got on the elevator which pocket did she use?"

"Her right pocket." [X source]

Government recross-examination

12:54:35 PM ET "Nothing further your honor."

"Recross?"

"Mr. Loper, you don't know what State Police policy is on digital data do you?"

"No."

"And you don't know what kind of practices they have for mainting copies of data?"

"I do not know their policies."

"Nothing further, your honor."

"Thank you, you're excused." [X source]

12:54:57 PM ET "Counsel, should we take our break now?"

"Yes." [X source]

Court proceedings outside the jury's presence

12:57:38 PM ET "Everyone can be seated, counsel just a few things. First, so I don't lose the thought, as I said earlier, Ms. Cook will be here tomorrow to go through the exhibits with whomever from your team is here. This is with regards to uploading the electronic version of the exhibits and certifying the hard copy version. Then on Friday morning, I will ask you to certify, both sides, that they are in order.

Counsel anything else before we get to Dr. Andrew?"

"Yes, your honor, if I could be heard briefly...over three weeks ago, I moved in 283 in which the government moved in the texts between Ms. Birchmore and the defendant, I couldn't sleep last night, I couldn't sleep last night because of the mini, and so there's no suggestion this has not been properly before the jury."

"I recall. Anything else counsel."

"Yes, your honor, can we have an instruction that we are going in depth into very intense images and information."

"I don't know if I have to do it in full, but I will harken back."

"Thank you your honor." [X source]

1:07:29 PM ET "Counsel, defense, do you want to be heard further on spoilation?"

"Yes, your honor, after Dr. Loper, we would say the actions of the state police, connection the laptop to wifi networks, and the loss of the extraction, is at least negligent misconduct. Understanding it is not intentional, but negliegnce is not precluded in the 1st circuit. This was not a one off mistake. They logged on multiple times, they accessed the internet, and when they did the extraction the defense never got it and then it was lost or destoryed apparently because of the server crash and there is no second copy. The extractions that followed are by definition not mirror or duplicates of the original data, and even that first extraction was impacted by Law enforcement going on the internet and accessing the device, writing over hash values. And it's relevant because Mr. Loper testified that when the internet is accessed prior searches are swept away and new information comes up in it's place and that's relevant to the government's claim that Sandra Birchmore never searched for ways to hurt herself and that claim can't be made in light of the conduct of the state police as to the laptop."

"Counsel?"

"Your honor, so, first, in terms of bad faith, that certainly applies if it is exculpatory. There is no basis for assuming or speculating that what was lost was exculpatory. Mr. loper talked about the unified logs, and as the court will recall, those background logs overwrite within 7 days, and often in less time, and the device wasn't found until 7 days or more after Ms. Birchmore died, so all of that data was gone before the police had the opportunity to get the device. The testimony about the loss of that hard drive, the testimony is undisputed. The state police first investigated as a suicide and then the devices got turned over to Stoughton IA. That explains the lack of bad faith and the nature of the review. Then the original acquisition was maintained by the state police and there was no allegeation that the device was lost intentionally."

"This is the crash?"

"Yes, Trooper Guarino said the hard drive crashed. That's not negligent that's not bad faith that's just a circumstance of life where equipment fails and ythat doesn't support an advenrse inference here that the daat on the device would hav e been helpful to Mr. Farwell."

"Ms. Daley you can have the last word?"

"Your honr, it's simply not accept that the device wasn't collected to the 9th, and the failure of LEO to collect the device on Feb 1st should be held against them. and also this idea that everyone agees all of the data would be gone by Feb 9th has not been the testimony of any expert in this case."

"Counsel, I appreciate the arguments from both sides. As I said at the charge conference I am aware of the standard in this circut and in other circuts, here the first circut in Lorent (1st circuit 2010) itself noted that orginally suvh an instruction only make swsense when bad faith destruction is present, and orginally neglitent destruction does not support the inference that the jury instruction would allow about favorable evdience to the defendant having been lost. It only leaves open the possiblity in which there mmight be unusual circumswtanbces that might warrant an exception such as negliegence destruction of particularly

relevant exculatpry evidence and to the extent other circuts have addressed this issue, comment 1 to 2.1.3 spoilation notices the number of circuts that focus on a bad faith showing. I don't think there has been any bad faith showing. I don't think the government is distancing itself form local actions of the state police or local police as was suggested before, I just don't think the circumstances reflect bad faith as to this devcie, where it went form state to local police and the local police being Stoughton Policew who weere turning their attention to the IA investigation involving Mr. farwell. I also think the subsequent crash, I don't think there is anything that reflects bad faith. It's also not clear to me that this reflects neglience and certainly not gross neglience for the4 reasons I just alluded to. I don't think the circumstances here rise to the level of w2arrenting the spoilation instruction that Mr. farwell was seeking or as its presented in the pattern instruction, but the defense's obhjection to me not giving that instruction is preserved." [X source]

1:08:02 PM ET "Counsel, I know you haven't gotten to the end of your case, but I want to do the colloquy now."

"Counsel, before Mr. Farwell, Ms. Stevens have you and counsel talked with Mr. Farwell about his right to testify?"

"Yes, your honor."

"Have you also discussed his right not testify?"

"Yes." [X source]

1:08:18 PM ET "Does he have a decision?"

"Yes, at this moment he has decided against testifying." [X source]

1:09:08 PM ET "What is your decision, Mr. Farwell?"

"At this time, your honor, I elect not to testify."

Farwell spoke in a very soft tone. These are the first words he has spoken other than "hello" in weeks in open court. [X source]

1:10:05 PM ET Government closing first at 10AM on Friday. Then defense. Then government.

Government wants 15 minutes for rebuttal during closing.

90 minutes each side. [X source]

1:12:40 PM ET "Counsel anything else?"

"Your honor, one brief thing, we understand the spoilation ruling but we would request no argument be permitted that Ms. Birchmore never searched for certain terms, for example how to commit a certain form of suicide i9t would be unfair."

"Counsel?"

"Your honor, it comports with the evidence, there are no such searches. The government should be precluded that the evidence does not reflect that she searched for those things on that day."

"But that doesn't account for the missing data your honor?"

"Counsel, I'm unclear on this whole missing data point. I've been listening very carefully, and it's still not clear to me that we are talking about missing data."

"Your honor, I think Mr. Loper was clear, every time you go the device, including accessing the internet, causes the browser history to clear, and when that history clears it is gone, so you can't tell if searches were made."

I can see Estey and Boozey beauty sitting next to Barb. They are not impressed with this argument from Daley! [X source]

1:15:29 PM ET "Counsel for the government?"

"Your honor, first, there is no data showing that there is missing data on Feb 1st."

"Counsel, that was my point. It may be the difference between the ache and the data and so forth, but I haven't heard anything about gaps in searches, so Mr. Fogerty?"

"That's my point your honor, there's no evidence anything is missing from Feb 1st, so our argument is the evidence from Feb 1st is what the jury ahs heard, there are no searches that data for suicide related items."

"Yea, so, Ms. Daley I'll let you have the...I know I've said this a few times this morning...the last word?"

"Your honor, the logs Mr. Loper talked about are gone."

"The unified logs for the purposes of diagnostics."

"Your honor they are diagnostic purposes," says Fogerty, "and those logs were gone by Feb 9th."

"Yes, based on parameters set by Apple that none of us know, I understand, counsel."

"Yes." [X source]

1:17:38 PM ET "Your honor, the government is saying the 8 day window means this data is not lost, but that 8 day window leaves question about whether something on her deice from the week of Feb 1st to..."

"Counsel, I am listening carefully, but the point of fact is the searches or the 1st are reflected here on the devices from the extraction that occurred in sequence that has now been show even in caches by both sides so I guess counsel I am not sure that what the government is suggesting here is misleading based on the record, even following what Mr. Beckstrom and Mr. Loper said in this regard."

"Your honor, I don't think Mr. Loper or Ms. Hyde were asked if it was impossible such searches took place."

"Counsel, after having listened carefully, I don't think what the government is suggesting is misleading, but I understand the argument." [X source]

1:17:58 PM ET Joanne Daley is still talking.

She hates us all and doesn't want us to have lunch, that's what I think! [X source]

1:19:33 PM ET "Okay, objection noted for the record, we'll leave it there. Counsel we'll be back at 1:55pm."

"Your honor, we're going until 5PM today?"

"No, 4PM today, 5PM on Friday!" [X source]

1:20:49 PM ET Lunch time!

God bless you all!

Thank you for your support of my work!

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Paypal = https://t.co/T02firu36i https://t.co/Ao2rQyxP9x [X source]

1:58:27 PM ET Okay, I am back in the court.

Judge is on the bench. [X source]

Dr. Thomas A. Andrew — forensic pathologist

Defense direct examination

2:03:12 PM ET "Jurors, I want to remind you that some images you will see are graphic or unpleasant. Your verdict must not be impacted by any sympathy. Thank you."

"Dr. Andrew, please introduce yourself."

"My name is Thomas A. Andrew. A forensic pathologist. I also have a M.Div." [X source]

2:03:29 PM ET "And you're also a medical doctor?"

"Yes."

A minister and a doctor. Interesting. [X source]

2:04:52 PM ET The witness describes his educational and professional background.

In 1991 he began working in a fellowship in forensic pathology."

"What was your title in 1991?"

"I was a city medical examiner II. Once I became board certified, I became a city medical examiner I." [X source]

2:06:50 PM ET "Did you then leave the office of the chief medical examiner and go to a different ME's office?"

"Yes, then I became the ME for one of the Five Boroughs in New York." [X source]

2:07:10 PM ET "How many autopsies have you performed?"

"Between 5,800 and 6,000." [X source]

2:08:35 PM ET "Did you then go to work for the medical examiner's office in New Hampshire?"

"Yes." [X source]

2:09:09 PM ET "What did you do there?"

"I was the Chief Medical Examiner in New Hampshire until I retired." [X source]

2:11:39 PM ET "And do people sometimes die from suicide by caffeine overdose?"

"Yes."

Okay then. [X source]

2:11:59 PM ET "Are you on the state of new Hampshire suicide prevention council?"

"Yes, ma'am." [X source]

2:12:49 PM ET "Did you review materials provided to you in the context of the case at hand?"

"Yes."

Farwell is breathing heavily, staring down at the screen. His left hand is clasped in a fist and pressed against his cheek. The palm is slightly open. He looks quite nervous. [X source]

2:13:53 PM ET "What materials did you review?"

"Anthropological studies of the hyoid bone and DNA results, and gynecological records of Ms. Birchmore." [X source]

2:17:21 PM ET "As a ME, how does one go about assigning cause and manner of death?"

"We use the same method of problem solving as any other physician would do. We are not technicans. As a physician, faced with the question of cause and amnmer of death, you take into account historical information, the history of the person, the physical examanition which in this context is the autopsy, which is a very detailed surgical examantion of the outside and the inside ofthe body, looking for any abnoramlities that may explain how or why that person came to die and to correlate them with what you may or may not know about the history. You may take fluid and tissue specimen, looking for things under the microscope you can't see with the naked eyes, or doing lab tests such as toxicology, infection disease, DNA testing and the like. Depending on the nature of the autopsy you may opt to or feel the need to do radiological studies, x rays, maybe in the case of penetrating trauma, there are various reasons to do it, some offices do it on every case automatically because they have the resources and the facilities to do that. After you gather and collate all of the information you try to make a unified diagnosis and that is your final diagnosis."

"Is the mental health history of the patient also important?"
"
Yes." [X source]

2:18:40 PM ET "What about a known mental health history?"

"Yes, the days before may not be as important, but the whole history is very helpful."

"Is the process of bodily decomposition something you are specially trained in?"

"Yes, that is one area that is very different from being a clinical physician. They won't see those findings or understand how to evaluate those findings. That is the unique purview of the forensic pathologist."

"Does that unique purview related to the assessment of cause and manner of death?"

"Yes they must be considered." [X source]

Scene observations and autopsy evidence

2:21:57 PM ET "Okay, what did you do to look at the scene?"

"I looked at the images and compared them to the narratives of the first responders. Ms. Birchmore was found in basically a seated position with a nylon ligature about her neck. Her neck was tilted to the left and the ligature was up and to the right. It was attached to the door of the closest. Her right leg was bent the other was straight on. She has fairly obvious signs of early decomposition and the time between her death and her discovery, the post mortem interval, could have been as much as 48-72 hours." [X source]

2:23:12 PM ET "Was it important to you if law enforcement noted signs of a struggle or no signs of a struggle?"

"Well, in Trooper Dunner's report, the state trooper who filed a report, he said no signs of struggle, no drag marks to indicate a struggle took place and she was dragged, but the images of the scene back that up, the apartment was somewhat unkempt but it wasn't turned over like an altercation or struggle, but the scene was consistent with the narrative report." [X source]

2:24:11 PM ET We see Sandra hanging from a door. it is exhibit 23. We see Sandra from behind.

Her left arm is down and the hand is purple.

The head is tilted somewhat to the left and the ligature goes up and to the right. It is fastened to the closest door. So the position the decedent was found is important." [X source]

2:25:51 PM ET "No defensive injuries or marks, does the report say that and can you compare that to what you see here?"

This is a very close up picture of Sandra hanging from her door in a laid back/seated position.

Her left hand is purple and her right hand is white. The doctor says this is lividity collecting. [X source]

2:26:51 PM ET "There is an area of blanching around her stomach. Looking at her stomach or hoodie, whatever it is, the orange garment...the sweatshirt was pulled up over the stomach, at some point, that is what that would mean." [X source]

2:28:26 PM ET "Unless someone is unconscious, you would expect to see injuries on the hands or face," the doctor continues.

"How long does it take for the body to blanche?"

"It depends. In general, lividity is detected, it can be seen as early as an hour or two after death. It builds in intensity and as long as the flood is till fluid you can press on thar area of lividity and the blood can be blanched out but after a period of hours, many hours, that blood becomes fixed and no matter how much pressure you put on it it doesn't blanche." [X source]

2:32:51 PM ET "Exhibit 35."

This is the closest view we have seen of Sandra so far.

We can see the folks in her belly skin. We see Sandra's hand on the floor. It is purple. We are looking at Sandra from her left hand side. her face is tiled downward to her chest.

"Do we have an unredacted version of exhibit 515? Thank you, Abby. Now what do we see here?"

"This is an image of Ms. Birchmore's back, she has been rolled on her right side, and the blue sweatshirt and the hoodie have been pulled up. Above her bra line is normal color, there is some purple, but the lividity is much more prominent below the level of the bra. The black spots near the bottom of the back are decomposition."

A man is lifting Sandra's blue shirt with his hand in a blue glove. [X source]

2:34:16 PM ET "Was Sandra then brought to the office of the chief medical examiner in Boston?"

"Yes."

"Exhibit 771 please. We move to admit and publish?"

"It may be admitted and published. 771."

"Dr. Andrew, what is this?"

"This is an X-ray of Ms. Birchmore's skill, it is an AP projection, so front to back, on this xray, the focus is on the skull, this was done by the OCME's office, but of note here is the presence of a buckle and what appears to be a claps of the nylon ligature that was about Ms. Birchmore's neck. Those metallic elements are very close to where the hyoid bone would be." [X source]

2:36:33 PM ET The witness confirms the other views of the xray also have the ligature.

"Was it tightly or loosely bound?"

"Quite tight." [X source]

2:37:31 PM ET "Does this xray give you an indication of the degree of tightness?"

"It does not."

"So you would want to see the autopsy photos?"

"Yes."

"Did you review the autopsy file?"

"Yes."

"Taking the pertinent findings, can you tell us if they included a prominent ligature mark?"

"Oh, yes, they most definitely did. She described a ligature mark in extreme detail." [X source]

2:39:18 PM ET "What is petechiae?"

"Fine pin point blood spots that can appear either on the skin or the linings of the eyes or mouth that represent a hydraulic phenomena, what happens when external pressure is applied to a part of the body if it is sufficient magnitude to impede the escape of blood from veins but still loose enough to allow the in flow of blood from arteries, individual red blood cells will escape from pores in the capillaries leaving these pin point marks." [X source]

2:40:02 PM ET "Are petechiae common in hangings above the Adam's Apple?"

"It is rather common, yes. Seeing petechiae in that general area, even when the final location is the ligature is above that prominence, would not be a surprise to me." [X source]

2:42:04 PM ET We now see a picture of Sandra's face on the autopsy slab.

It is very high quality and very disturbing.

The witness walks over to the screen and speaks loudly.

He uses his hands to point to pictures of Sandra's chin. The witness is going over the decomposition on Sandra's face.

This is very sad. [X source]

2:43:21 PM ET Now we see another exhibit of Sandra dead in her apartment.

The doctor confirms her chin touching her shoulder caused the wound to her face near her chin. [X source]

2:46:28 PM ET "How did that mark?"

"Well, I wasn't there, and it wasn't on video, so I can only speculate as to how that mark was made, given that..."

"Your honor, I object at this time."

"Sustained, counsel you can ask another question."

"What does this mark have to do with cause of death?"

"It does not." [X source]

2:46:46 PM ET "Did Dr. Capo-Martinez do an autopsy?"

"Yes." [X source]

Hyoid bone, neck findings and medical certification

2:49:17 PM ET "Do you see the hyoid bone?"

"Yes, it is evident just to the left of the buckle. The buckle is very bright white and to the left of it is the hyoid bone, you can see a fracture in it!" [X source]

2:49:47 PM ET "What is this?"

"That looks like the metal necklace that was under the ligature."

Wow, so parts of the necklace did get to the OCME's office! [X source]

2:50:18 PM ET "Any note of a hemorrhage at the site of the hyoid bone in these documents?"

"No, there is no note of that." [X source]

2:51:33 PM ET "Is that important to note?"

"Yes, hemorrhage is something abnormal, and that would be very important to note."

"What does the literature say about the absence of hemorrhage at a broken or fractured hyoid bone?"

"In general, if there is an absence of hemorrhage that fracture occurred when blood pressure was so low, even though they were alive, that they couldn't create a pressure head to bleed into that site or it was out and out post mortem you have to have blood flowing from a pressure head to cause hemorrhage." [X source]

2:52:40 PM ET "The microphone interrupted me there, did you say post mortem at the end there?"

"Yes."

"Was there evidence of, to the throat area, assault or struggle?"

"Not in my estimation, no."

"You said the clothing was placed into a bag, based on your review of the file were Ms. Birchmore's underwear placed into the bag with her other clothing?"

"Objection, foundation."

"Sustained but you can back up." [X source]

2:54:15 PM ET "Did Dr. Capo-Martinez issue a death certificate?"

"There were two. The first one said it was pending investigation. The doctor then waited for the information she was going to get..."

"Objection."

"Sustained." [X source]

2:55:32 PM ET "Based on the file, did Dr. Capo-Martinez get more information?"

"Objection, foundation."

"I guess, counsel, you can ask another question."

"Yes your honor, did Dr. Capo-Martinez at the end of February retrieve the body of Ms. Birchmore and get additional evidence?"

"Yes, at this time an SA kit were collected, or the elements were collected. The panties were collected. Various swabs were collected and fingernail scrapings." [X source]

2:57:01 PM ET "March, April, then went by, then when was the death certificate formally issued?"

"In May of that year, a certificate was issued that said cause of death was hangings and manner of death was suicide."

"Exhibit 85 please. Is this the right side of Ms. Birchmore's face and the right side of the ligature?"

"Yes."

"Do you see hair under the ligature?"

"Yes I see hair, but I don't see any significance to that as to cause and manner of death, no." [X source]

2:58:11 PM ET "Exhibit 87, wait, I'm sorry your honor, I meant 67. Is this a view from the underside of Ms. Birchmore's chin and the ligature is affixed?"

"Yes."

"And do you see red lines that parallel the ligature above and below?"

"I do."

"What are those lines?"

"I agree with Dr. Capo-Martinez, these are abrasions related to the placement of that ligature."

"Object as to the first clause."

"Noted as to that. The rest can stand." [X source]

2:59:02 PM ET "Based on your years of experience, research and exposure to scientific literature, do people convulse, is that what happens in a seated or partially suspended hanging?"

"Yes."

"Objection, foundation."

"Well, the question and answer can stand." [X source]

2:59:18 PM ET We are into the final hour of evidence. Here we go. I can do this.

God bless you all. [X source]

3:00:40 PM ET The witness stands up from the witness box.

He walks down into the well towards the well.

He is standing in front of counsel table and putting gloves on.

He is about to hold the ligature. [X source]

3:01:50 PM ET Tense moments here as Dr. Andrew stands half way between the witness box and the jury box.

We can't hear him.

Farwell is turning his head and staring intently. His hand is on his left chin. Four fingers are angled towards his lips. He has never looked this engaged during trial. [X source]

3:02:33 PM ET The doctor is saying the roughness of the fabric caused some of the marks near the furrow on Sandra's neck. [X source]

3:03:19 PM ET The doctor sits back down.

We now look at exhibit 75. It is the underside of Sandra's neck. The doctor says there a gap between the furrow and the marks he was just talking about and that is typical of movement of the body. [X source]

3:03:57 PM ET "What is the vivid redness there?"

"It shows the ligature was placed and tightened while she was alive." [X source]

3:05:01 PM ET "Do you see any other evidence of marks and scrapes lower than the area you described?"

"No."

"We can pull down 75 thanks. Is that ligature of furrow mark consistent with the location of her body where she was found?"

"Yes."

"If her body convulsed, do we know exactly where her body was during this process or do we only know where she rested finally?"

"Objection, form."

"Sustained as to form." [X source]

3:06:48 PM ET "Can conclusions cause her body to move?"

"Yes, and without a video tape we don't know which way she would have moved. We do know partially suspended hangings have more seizures than fully suspended. The only thing we know is the position in which the body was found."

"Is it possible that with the buckle mark on the right side of her neck that convulsions could have contributed to the fracture of the hyoid bone."

Long pause.

"Yes."

"Is it possible that those personnel who lowered the body and transported it to the OCME..."

"Objection, form."

"Sustained."

"Could the hyoid bone fracture have happened post mortem, possibly?"

"Yes." [X source]

3:07:55 PM ET "Was the hyoid bone fracture consistent here with a seated hanging?"

"I've lost the train of questions here due to all of the objections."

"In my opinion or Dr. Smock's?"

"Yours!" (Judge and Kim Stevens say this at the same time)

"Oh, yes." [X source]

3:09:43 PM ET "Do hyoid bones fracture under 40 in seated hangings in the studies you have reviewed?"

"Yes."

"How do researches compose variables in scientific litature?"

"I object due to the foundational questions, your honor."

"Counsel, sustained as to this question, but Ms. Stevens you can put another question." [X source]

3:10:25 PM ET "How are peer reviewed articles set up?"

"You set up the primary question, then you set up the variables you would look at it, then you would combine that data and you would develop your numbers that you would then put under statistical analysis." [X source]

3:13:02 PM ET "Did you encounter families, or doctors or otherwise of the deceased, in your time in the field?"

"Yes, the next of kin are always called, and sometimes care providers are as well."

"In your experience, do people often shock and disbelief at the suicidal death of a loved one."

"Yes."

"Did you review a CT scan of the hyoid bone?"

"Yes."

"How many fractures did you see?"

"There is one. Right side. Greater horn of the hyoid bone."

"Is there lucency of the left greater horn that could be a facture?"

"There is a lucencyof the left greater horn that could not be a fracture." [X source]

3:14:32 PM ET "Did you note in the files a meeting with the OCME, the FBI, the AUSA and other persons?"

"Yes."

"Did any such meetings occur in your office?"

"Not once."

"Are you aware of any meeting where another doctor came in to consult with you..."

"Objection form."

"Did another doctor ever enter your office who was not..."

"Objection."

"Sustained, still direct, form."

"Did that ever happen Dr. Andrew?"

"Any time there were consultants in cases with our office, the defense consultant was a forensic pathologist, every single time." [X source]

3:15:07 PM ET "Do you see a stock jar in exhibit 63?"

"In this exhibit, the jar with the red stuff is the jar with the organs sampled from the autopsy." [X source]

3:16:00 PM ET "Is the red discoloration in the stock jar blood?"

"Yes, that is what it represents." [X source]

Assessment of hyoid fracture and death circumstances

3:18:49 PM ET The doctor stands up and describes Ms. Birchmore's hyoid bone.

"There is a fracture with internal displacement on the right side of the hyoid bone. You see how this side is straight all the way? This side is bent with the tip of the fracture fragment being pointed in wards." [X source]

3:20:32 PM ET "You may be seated, thank you. So, Dr. Andrew, you reviewed the OCME's file and the autopsy?"

"Yes."

"Was a complete autopsy conducted?"

"Yes."

"Did you examine also in your review evidence about the deceased's mental health or past suicidal statements?"

"Objection as to form."

"Sustained as to form but you can rephrase."

"Are past suicidal acts or statements of the decedents going far back in time important in a medical examiner's review of cause and manner of death."

Long pause.

"Yes." [X source]

3:20:44 PM ET We see Sandra's 2016/2017 journal entires. [X source]

3:22:24 PM ET "Do you see a note about an OD attempt in the past?"

"Objection."

"Overruled."

"Yes."

This was 2013. [X source]

3:23:55 PM ET "Is past behavior relevant?"

"Yes, past behavior is relevant. Most suicides in youths are impulsive acts..."

"Objection, notice."

"Sustained."

"Is a past suicide attempt important to you?"

"Yes."

"Why?"

"A past attempt indicates that the person has crossed a particular line and it makes it..."

"Objection move to strike, notice, foundation."

"Counsel, let me hear you on WhisterTech."

Sidebah! [X source]

3:27:32 PM ET "In a case involving the issue of suicide, are you familiar with the use of SSRI medications?"

"Yes."

"And is there a black box warning with Zoloft...actually, let me ask you first, was Sertraline found in the tox screen?"

"Yes."

"And does a black box warning apply to Zoloft?"

"Yes, this goes back to 2004 wherein it was observed that young people in particular, up to say 24, seem to have increased suicidality after either starting an SSRI like Zoloft or having a change in their dose, so the blackbox warning was put on their not to stop people from using it, but to alert doctors to closely monitor their patients during the first two or three weeks." [X source]

3:27:47 PM ET "Was she given Zoloft within 12 days of her death?"

"That is my understanding." [X source]

3:29:04 PM ET "What marks would one expect to see in the course of a manual strangulation?"

"Well that is throttling someone with your hands, so your anticipated findings would be round to oval finger tip bruises on one or either side of the neck, deepest where the thumbs may be and there may or may not be fine curvy scratches associated with fingernail marks if the assailant has long enough fingernails. Those would be the indicia of manual strangulation in my experience." [X source]

3:29:29 PM ET "Did you see any such marks on the throat of Ms. Birchmore?"

"No."

"Was this manual strangulation?"

"This was not manual strangulation." [X source]

3:33:10 PM ET "What is a hydraulic phenomena?"

"Well, if you can remember way back in my testimony, we talked about blood flowing and to the heart. The pressure from that can produce petechiae."

"Would that also impact the sternothyroid muscle?"

"That may be different. The ligature marks goes downward, right to left. There is no image of the hemorrhage in the sternothyroid muscle so I don't know if its on the lower or upper part of the muscle." [X source]

3:34:58 PM ET "In the literature, are seated hangings are recognize phenomena?"

"Yes." [X source]

3:35:57 PM ET "What is your opinion as to cause and manner of death in this case?"

"I would say cause hanging and manner undetermined."

Wow. [X source]

3:37:40 PM ET "It is not good practice to take a guess, so you put undetermined when you can't ferret out one versus the other."

"Is this a case of homicide to the exclusion of suicide?"

"Objection."

"Sustained as to this for reasons counsel is aware of." [X source]

3:39:11 PM ET "You stated it's undetermined, and you said the balancing of one side.."

"Objection, asked and answered."

"Sustained as to this question counsel."

"Do you have an opinion here as to..."

"Objection."

"So, notice?"

"Yes, your honor."

"Sustained as to this counsel."

"Your honor, may we have a moment? Your honor can we be heard on WhisperTech?"

"Yes."

Sidebah! [X source]

3:42:30 PM ET "Dr. Andrew, turning to page 9 of your report, so we stay on the same page, can there be a claim made with regard to the undetermined aspect of a rush to judgement in this case?"

"I say in my report, no."

"Why?"

"Dr. Capo-Martnisez didn't certify this case in it's final form on the day of the autopsy. She certified it initially as pending. She got the finroamtion she got she needed and then she recertified it as a suicide. Years later, more information came to light and was brought to her attention and then she changed the manner of death designation to undetermined."

"Do the findings favor suicide?"

"Objection."

"Counsel, as to undermined."

"As to the undermined manner of death, do the autopsy findings favor suicide?"

"Yes."

"Objection, move to strike, notice."

"Your honor, page 9."

"Overruled on that basis. You'll have your opportunity on cross." [X source]

3:42:48 PM ET "What is more common?"

"We rarely see fully suspended hangings! We mostly see seated." [X source]

Direct examination concludes

3:43:03 PM ET "Thank you, your honor, thank you doctor."

"Cross exam?"

"Yes." [X source]

Government cross-examination

3:43:48 PM ET Riley.

"Doctor this is the first time ever you said suicide is more likely than homicide?"

"Oh, no I've been saying that for a long time in my report."

"Doctor, you were paid for your work in this case by the defense team?"

"I wasn't paid by you!"

Oh snap. [X source]

3:44:29 PM ET "And you wrote only one report?"

"Yes."

"It's 8 and 1/3 pages long?"

"Yes."

"And no where in this report do you say you favor suicide?"

"I don't believe that's true. I will look at it."

"You should."

"Oh, I will." [X source]

3:45:10 PM ET "Where is it, anywhere, that you opine that the facts here favor suicide over homicide?"

"I thought you told me to take my time!"

"I'll wait." [X source]

3:47:18 PM ET "In summary, I say I would certify it similar to the ME did."

"Yep, and then if you go all the way down, you say any suggestion that suicide over homicide rests on an unstable foundation?"

"Yes, I did say that."

"Sir, just focus on my question, you did not answer that you favored suicide over homicide, you simply said you cannot rule out suicide, is that true?"

"Yes."

"Now, for the first time, you're telling this jury you're leaning towards suicide?"

"The word leaning was used by Attorney Stevens, which you objected to multiple times. Then there was all this rigmarole."

"You've testified before?"

"Yes."

"And Attorneys jobs are to object?"

"You know that objections are not rigmarole?"

"Objection." [X source]

3:48:01 PM ET "Broken hyoid bones happen more often in strangulations?"

"Yes."

"And strangulation is an assault?"

"Yes." [X source]

3:50:11 PM ET "The 2016 note was written at the hardest time of her life?"

"Yes."

"And you know she was closest to Mr. Killroy at the time, Mr. William Killroy?"

"No."

"Did you take any pains to talk to, or read about, the person who saw and helped write the note?"

"I saw the note."

"You are aware that the person who wrote the note with her and helped her write the note testified?"

"Yes."

"And you didn't talk to him?"

"Was he a pro?"

"Sir, you were not aware that Mr. Killroy said Ms. Birchmore was not suicidal at the time?"

"Was he qualified to make that determination?"

"Probably about as qualified as you, doctor!"

"Objection!"

"Sustained, counsel." [X source]

3:50:39 PM ET Judge and the witness are now fighting. Witness is not answering questions.

"Counsel, I'm going to strike that. Ask the next question." [X source]

3:53:22 PM ET "You couldn't review materials not provided to you, right?"

"Right."

"And your medical opinion was based on the materials provided to you by counsel?"

"Yes."

"And some of the observations you made were that Ms. Birchmore had a hemorrhage of her left sternothyroid muscle, and that's not inconsistent with homicide?"

"No."

"And she also had a broken hyoid bone, and that is not inconsistent with homicide?"

"No."

"And she had petechiae in her face and ears, and that is not inconsistent with homicide?"

"It's not inconsistent with suicide either."

"Doctor, I asked you if it was inconsistent with homicide. If the totality of evidence in the case supported a finding of homicide, nothing in the medical evidence would contradict that?"

"If it were an assumption, nothing will contradict it."

"I want to talk to you about facts. You said you reviewed a number of documents in this case?"

"Yes." [X source]

3:55:36 PM ET "I'm finished now."

The witness just interrupted Judge. [X source]

3:56:56 PM ET "Hanging can be simulated posthumously to mask another manner of death?"

"Yes."

"And were you trained in staged and altered crime scenes?"

"I've been to lectures but I've never taken courses in that."

"And you rely on others to help with that part of your investigations?"

"Yes."

"And you relied heavily on the first responders when writing your report?"

"Yes, I reviewed everything including from your expert."

"Doctor, my question for you, did you rely on observations from First Responders at the scene?"

"Yes." [X source]

3:58:02 PM ET "You mention the name Matt Dunne several times in your report?"

"I think I mentioned him once."

"You mentioned him four times on the first page didn't you?"

"I'm not going to debate you."

"Sir, you said Matt Dune noted a fabric ligature around Ms. Birchmore's neck?"

"Yes."

"But that report says it was a scarf, doesn't it?"

"Yes."

"And you saw that ligature today and you know it is not a scarf?"

"It is not a scarf." [X source]

3:58:46 PM ET "And when was the first time you saw the ligature itself?"

"I saw it photographically years ago."

"Doctor, given that you just said it's important to examine a ligature in person, when was the first time you examined this ligature in person."

"Well, I received it today." [X source]

4:01:28 PM ET "You're talking to a consultant who got the case years later!"

"Doctor, I need you to wait for a question. There will be a chance for redirect."

"What prevented you from inspecting it before today, the ligature?"

"There was no need to do so. It didn't change squat!"

"You said it didn't change squat, but that is the ligature that caused her right upper chest?"

"I didn't say it was the ligature I said I didn't know how it was caused."

"You said on direct it looked like it could have come from a claps on the ligature?"

"Oh please, I said nothing about a clasp. I don't know anything about what buckle it came from. I offered no opinions as to that."

"Okay, Doctor. In addition to statements from the Canton PD, you relied on statements from the Mass. State Police?"

"Yes."

"And that State Police report said multi antidepressants were on scene?"

"Yes, that was an error. I could see form the pictures of my scene that was wrong."

"Counsel, WhisperTech please!"

Sidebah! [X source]

4:01:55 PM ET The witness gets up without permission and gets his own water from the clerk's table. [X source]

4:02:21 PM ET "Jurors, I think we'll be done within half an hour and take tomorrow off." [X source]

4:04:18 PM ET "There's also medication in Ms. Birchmore's bathroom, Dr. Thomas, right?"

"It's Dr. Andrew, and no, there is none."

"Doctor Andrew, you are aware Matt Dunne also missed the necklace broken on Ms. Birchmore's neck."

"Well, the necklace was broken evident in the images. I don't know if he missed it or not."

"Did any police reports mention a broken necklace?"

"I can't recall."

"And the OCME was not told about the necklace?"

"She said she did not receive one."

"And Matt Dunne says there is a lack of drag marks, and you relied on that because he was listed as lead investigator?"

"Well, I saw the scene photos. He missed the necklace but he got the drag marks right."

Yikes Matt Dunne. [X source]

4:05:15 PM ET "But drag marks only show up when someone is dragged?"

"Yes."

"And at the time Matthew Farwell was 6'2?"

"Yes."

"And over 200 pounds?"

"Yes."

"And someone doesn't need to drag something he has the ability to lift?"

"Correct."

"And that was not a large apartment?"

"It was not."

"So a lack of drag marks is only relevant if someone was dragged?"

"Yes." [X source]

4:06:56 PM ET "And you said Matt Dunne found no struggle or defensiv3e marks, and you weighed that when forming your opinion?"

"Yes."

"When someone is strangled, she loses consciousness in 10 seconds?"

"Yes."

"And that can happen during manual strangulation?"

"Yes."

"Or a carotid restraint?"

"Yes."

"And can a carotid restraint cause someone to lose consciousness in under 10 seconds?"

"Yes."

"And are some people trained to apply those restraints?"

"Objection!"

"Sustained." [X source]

4:08:23 PM ET "Does it matter, for your purposes, if she was strangled in the past?"

"What kind of context, sex play?"

"I'm saying any kind of strangulation, you can call it sex play, doctor."

"If that was an activity they were engaged in for fun, recreeasionally, they may not resist until they realize it was not a game anymore."

"And that would be at some point in those 10 seconds?"

"Yes."

"And you're saying sometime in that point they would fight back?"

"Objection."

"Sustained." [X source]

4:09:57 PM ET "You said, you may consider whether or not the two people had a history of chocking?"

"Hit me again."

"You said, you may consider whether or not the two people had a history of chocking?"

"Yes."

"What do you know about the history of choking between Ms. Birchmore and the defendant?"

"I was told about it."

"Pull up exhibit 268 please. What if any texts like this, from May 14, 2019, where it says "grab you by your throat and rip your pants off,"?"

"I wasn't shown the texts, I was told about the gist of the activities."

"What was that gist?"

"Choking." [X source]

4:10:27 PM ET "Could the marks you talked about around the ligature be marks when someone tries to remove the ligature?"

"Yes, of course." [X source]

4:11:49 PM ET "Doctor, you said you see marks above and bellow the furrow here?"

"Yes."

"And it could be Ms. Birchmore moving against the ligature, or the ligature moving against her, or her trying to grab it?"

"Well, I don't think they are fingernail marks. I think it's a fabric mark."

"Because either the fabric moved against her or she moved against the fabric?"

"Yes." [X source]

4:12:48 PM ET "When I asked you if you relied on police reports, you said you relied on all of the statements by the government's experts?"

"Yes."

"Did Dr. Smock identify abrasions consistent with fingernail marks?"

"He identified a lot of stuff."

"Did Dr. Smock identify abrasions consistent with fingernail marks?"

"Yes."

"Did you review Dr. Capo-Martinez's testimony?"

"Yes." [X source]

4:13:46 PM ET "Did you consider her testimony?"

"I considered how she was badgered in the same way, oh they might be fingernail marks."

"Doctor, you just told the jury she was badgered into that."

"Yes."

"Doctor were you here for the testimony?"

"I read the transcript."

"She said that once, right?"

"I don't know."

"And she said that weeks before the testimony?"

"I don't recall that." [X source]

4:14:11 PM ET "What about Dr. Zoey Sundell, was she badgered into saying those were fingernail marks as well?"

"Objection."

"Sustained." [X source]

4:16:04 PM ET "I am going to ask you, 27 minutes and 57 seconds, it takes 10 seconds to render someone unconsciousness?"

"Yes."

"And she could be dead within 1-2 minutes?"

"It can take up to 4 minutes."

"Okay, we have about 23 minutes left. Someone would need to move Ms. Birchmore, right?"

"Yes."

"And were you aware of the defendant previously looking in Ms. Birchmore's closest?"

"I was not aware of that."

"Exhibit 254. Doctor, were you told on Jan 24, 2021, the defendant looked in Ms. Birchmore's closest and bathroom?"

"I haven't seen this document." [X source]

4:17:09 PM ET "And if someone already looked in the bathroom and closest, it would save them some time, wouldn't it?"

"Objection."

"Sustained."

"But you think someone wouldn't have had time to commit that 3 minute homicide?"

"Objection."

"Sustained." [X source]

4:17:59 PM ET "Grabbing one's own hands at one's own neck could be considered a defensive wound?"

"I'm not sure I'm following."

"If someone is reaching for their own neck is that a defensive wounds?"

"I don't think so. It could be reflexive not defensive!" [X source]

4:18:34 PM ET "What about wounds to the face?"

"You don't defense yourself with your face."

"What if there were pressure on your neck and you reached up, could you leave a mark on your face?"

"You could in that circumstance." [X source]

4:19:34 PM ET "Exhibit 65 please. You said this mark on Ms. Birchmore's chin is an unknown etiology?"

"Yes."

"And that's a lateral abrasion?"

"Yes."

"And you can't rule out a fingernail mark?"

"I cannot but it's non-specific in my view."

"And if someone reached at their neck they may also break a necklace?"

"That's possible." [X source]

4:20:56 PM ET "You are aware there was a necklace broken down the front of Ms. Birchmore's shirt?"

"Yes."

"What information did you get about her hair on video the last time she was seen alive?"

"I saw the video, her hair was up."

"Here, the hair is under the front, left and right of the ligature?"

"Yes."

Wow, Sandra's hair was tangled throughout every side of the ligature. [X source]

4:21:31 PM ET "Are you familiar with the concept of pain?"

"Yes."

"Would it be painful to have one's hair in a ligature like that?"

"Well, I would have no experience (the witness is bald), but no one likes having their hair pulled." [X source]

4:23:10 PM ET "Doctor, you relied on observations of Matt Dunne to say there were no mechanisms like manual strgulation, and you said you expected to see thumb marks?"

"Yes, I did describe round oval fingertip contusions."

"For non doctors, is fingertips a word for that?"

"It's not a word I would use."

"And you are aware the Rao article you cited says a lack of injuries exist in stangulations?"

"Yes."

"In fact, you can have injuries under the skin?"

"Yes."

"Would you need to see multiple hemorrhages?"

"No." [X source]

4:23:55 PM ET "You said strangulation can occur without leaving a single external injury, that is because only 4.4 pounds of force is required to obstruct the jugular vein?"

"Yes." [X source]

4:25:52 PM ET "And one of the studies you cited says hanging can be bused as a method of concealment to mask strangulation because strangulation can so often leave no external injuries?"

"Yes."

"So, to that end, it's important to pay attention to signs from the crime scene?"

"Correct."

"And bruising of the anterior neck muscle is identified in less than 6% of hanging cases?"

"Yes."

"Bruises to the inner neck muscles are much more common in cases of strangulation?"

"Yes."

"And the carotid restraint you described briefly earlier would leave no finger tip bruises?"

"It may or may not, it doesn't have to." [X source]

4:27:30 PM ET "And you relied on Matt Dunne's report to say no blunt force trauma was present?"

"But you saw two wounds on Ms. Birchmore which you said were signs of blunt force trauma?"

"Yes."

"And one of those was a pattern injury?"

"Yes."

"And the injury on Ms. Birchmore's chest was in an area covered by clothing?"

"Yes, yes, when she was found, the t shirt and orange thing were over her skin."

"And that can impact the pattern on the skin?"

"Yes."

"But if something is pressed hard enough it can make an imprint even through clothing?"

"Yes it can." [X source]

4:29:04 PM ET "And you want the people you rely on to be careful, through and unbias and in your report you talk about the first responder's observations?"

"Yes."

"What steps if any did you take to make sure the investigation was unbias?"

"I am not an expert in cognitive bias. I look at the reports, and if it meshes it meshes, if it doesn't if there's an outlier finding, i would question whatever aspect seems to be outlying but I don't look at bias."

"Doctor, what if any information did you have about the defendant working with those investigators before?"

"Objection."

"Sustained." [X source]

4:29:46 PM ET "Were you given any information about the defendant relationship with investigators in this case?"

"Professional or personal?"

"Let's start professional?"

"I don't know."

"You got no information that?"

"I'm not aware of any information about that." [X source]

4:30:15 PM ET "Would it impact your reliance on that information if the investigators told people they needed that an investigation like they needed a bullet in the head?"

"Objection."

"Sustained."

Wow. [X source]

4:31:49 PM ET "You said on direct there weren't any seated hangings of a 23 year old in Canton, but you know that Dr. Garvin testified more broadly than that?":

"Objection."

"Sustained."

"There's not a case of a person under 30 with a broken hyoid bone who died from a seated hangings?"

"No, but we don't know how many of those happen and never get to publication!" [X source]

4:32:13 PM ET "Has the Mass OCME ever seen such an example?"

"I thought they found one, but if it's zero, it's zero." [X source]

4:33:59 PM ET "Not all hemorrhages are visible to the naked eye, correct?"

"I get ya', but if you're talking about hemorrhages that are micro level, you need a microscope."

"But sometimes you need to dissect something to find a hemorrhage?"

"Sometimes."

"And in this exhibit, 323, there is discoloration near the hyoid bone?"

"yes."

"And that can suggest hemorrhage?"

"No, the blood in that muscle has been oxidized by the formalin it was sitting in. it does not represent hemorrhage."

"Doctor, if the formalin effects the color of the bone, why isn't the whole bone red?"

"I never said it impacted the bone!" [X source]

4:34:44 PM ET "Did you inspect the hyoid bone in person?"

"I looked at pictures. I did not hold it in my hand."

"Doctor Smock and Dr. Capo-Martinez looked at the bone in person thought?"

"Yes."

"And they both observed discoloration?"

"Objection."

"Sustained, it's for the jury." [X source]

4:36:02 PM ET "And these kind of broken hyoid bones are more common in strangulation than hangings?"

"Yes, more common."

"You were asked some questions about Ms. Birchmore's alleged suicidality, and we've covered the July 2017 journal entry, but the other journal entry was from November of 2017, right?"

"Yes."

"And are you aware of any testimony regarding Ms. Birchmore's lack of suicidality from that time?"

"No." [X source]

4:37:40 PM ET "Doctor you said on direct that it is important for you to investigate evidence of suicidality with a potential suicide, so, of course, with a potential homicide it is important o look at motive?"

"That's not the role of a forensic pathologist. In investigating a suicide you have to look at mental health, but the investigation of a homicide is the job of law enforcement. it's not the job of a forensic pathologist or an enthusiastic hobbyist that likes to work on crime scenes." [X source]

4:40:16 PM ET "Did you also look for signs of resilience as to Ms. Birchmore?"

"Objection."

"Sustained as to form."

"Did you consider Ms. Birchmore's resilience?"

"In evaluating youth suicide those are the kinds of things you weigh, resilience factors against factors that promote suicidality, actually it's not..."

"I'm just going to stop you, so I can wrap up; you are aware that Ms. Birchmore was pregnant with a baby boy and there were no problems with viability?"

"I know at the time of the last ultrasound the baby was doing fine. Obviously at the time of autopsy the baby was dead."

"So doctor you were only given the suicidal factors not the other factors?"

"I was told she was happy about the pregnancy, she had the ultrasound on her fridge, she was making plans, buying baby clothes, she had a stroller delivered to the apartment. Those resiliency factors were there." [X source]

4:41:39 PM ET "Have you seen therapists call investigators and ask them to investigate?"

"Objection."

"Sustained."

"Were you aware that the defendant's unique DNA profile was consistent with a contributor on the ligature?"

"Ob...jection."

"Overruled you can answer yes or now."

"I do recall that there was a suggestion that the defendant's DNA profile was associated with the ligature."

"6.2 trillion times more likely is not a suggestion, right?"

"Objection."

"Sustained." [X source]

4:42:50 PM ET "

"Well, Mr. Farwell had been in her apartment many times, as did William Farwell, so it's kind of a wash. I can't really give much weight. They are twins. They have the same DNA."

"Is the defendant a fraternal twins?"

"Yes."

"And those twins have different DNA profiles?"

"Yes, I misspoke there, sorry." [X source]

4:43:57 PM ET "And Ms. Birchmore reached out to her therapist after the Sertraline caused jitteriness?"

"Yes, and they made some changes to reduce dose."

"And then Sandra reached out to tell her doctor and her therapist that the side effects went down?"

"Yes."

"And she never reported a side effect of suicidality?"

"Correct, she never said that."

"And she never said she had the side effect of depression, correct?"

"Objection."

"Sustained." [X source]

4:45:50 PM ET "Doctor, to close the loop, the only Sertraline side effect she ever experienced was jitteriness?"

"Yes."

"Is time of death information important to you?"

"Yes."

"And in 2021, especially with young people, you can look at phone usage to determine time of death?"

"Objection."

"Sustained."

"What if any information about Ms. Birchmore's phone usage were you provided on Feb 1?"

"Well, I saw a texts and searches that began at 5PM on the 31st of Jan, and ended on the mid to late evening on the 1st after 9PM."

"It ended at 9:10PM with her last text?"

"Yes."

"And her phone locked for the final time at 9:13PM?"

"Yes."

"What happened at 9:14PM?"

"I don't know." [X source]

4:47:05 PM ET "Were you shown a video?"

"I was shown a video but the time and date don't mean anything to me."

"That's my last question, have you seen this? Can we bring up the video please?"

"I've seen this. Is that your question? I've seen this!"

"Your honor, may we publish."

"Yes, with the promise this is your last question."

"Doctor, this happened at 9:14PM, right?"

"Yes."

It is Farwell walking into Sandra's apartment building at 9:14PM.

"Nothing further, your honor." [X source]

Defense redirect examination

4:48:11 PM ET "Redirect?"

"Yes, from here?"

"Okay."

"Would moving a 161 pound body leave marks on the ground?"

"Yes."

"Was Ms. Birchmore's necklace ripped from her body?"

"Objection scope and form."

"Was Ms. Birchmore's necklace left on her body in a seated position and then again in the autopsy suite?"

"Yes."

Long pause.

"Your honor, we would like to thank Dr. Andrew."

"No recross."

"Thank you, Doctor, you are excused." [X source]

4:48:26 PM ET "Counsel, WhisperTech?"

"Yes please."

Sidebah! [X source]

4:49:41 PM ET Farwell is making his final decision as to if he's taking the stand.

It is happening at sidebah.

The sidebah continues. [X source]

Defense rests and jury dismissed

4:50:54 PM ET "Ms. Stevens?"

"The defense rests, your honor!" [X source]

4:52:10 PM ET "Jurors, this has concluded the presentation of the evidence. We will not sit tomorrow, we will start late on Friday. Be here a little before 10AM. We will take our breaks at different times, but we'll give you a snack and lunch. You will be here until 5pm on Friday. I remind you of my instructions. Don't talk to anyone, do any outside research and remain impartial."

"All rise!" [X source]

4:53:58 PM ET "Everyone can be seated. Counsel, for logistics, confer tomorrow please and before we start with the jury Friday I'll have you certify the exhibits are in order. Okay, and Ms. Jurors I mean Ms. Cook will work with both sides tomorrow to ensure the exhibits are uploaded. I'll upload the charge and the verdict form. I gave you clean copies of the charge reflecting the last edits as we discussed. Counsel, I have a sense of the time you're going to use. Anything else?"

"No your honor."

"No your honor."

"See you on Friday!"

We are done! [X source]

4:55:36 PM ET God bless you all!

What a wild ride!

Thank you for your support of my work!

I'll see you Friday!

Cashapp: https://t.co/a55YLIurLc

Venmo: https://t.co/aS1seZFGwv

Paypal = https://t.co/T02firu36i https://t.co/N2glSO7Xst [X source]

Source & Editorial Note

Based on the captured Grant Smith Ellis X courtroom thread of November 4, 2026. The source-file reconciliation reported 321 unique posts, including 287 selected-thread posts. Inclusion here does not independently authenticate statements, media or exhibits. Reporter comments are not testimony, and attorney questions are not established factual findings.