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MARK GAIDE, Vice President & Director of Audio Services
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February 11, 2005

Agent Lynn Billings
Federal Bureau of Investigations
1800 2nd Street, Suite 930
Sarasota, FL 34236

Dear Agent Billings:

As requested by Steven J. Cohen Esdale, enclosed please find a bound transcript and compact discs containing both the original, untouched 911 recording as well as the two enhancements we performed on the recording of the 911 call made on January 13, 2003 by Maria Cohen on behalf of her husband, Murray Cohen (Mr. Esdale's late father). We apologize for the lengthiness of this letter; however, we respectfully request that you read it in its entirety, as this has been a most complicated matter requiring a significant amount of explanation.

The first enhancement of the 911 recording was performed by us on what would be a "second or third generation" cassette copy of the recording (meaning a cassette copy made from a cassette copy of what is purported to be the "original" 911 recording), which was furnished to Mr. Esdale by the Sarasota County Sheriff's Office (hereinafter referred to as "SSO"). How many "generations" (explained later in this letter) it is removed from the original can only be determined upon examination of the original, which SSO has not allowed us to do.

The second enhancement was performed on a CD provided to us directly by SSO pursuant to two telephone conversations I had with Detective Hallisey – one in December 2003 and one in January 2004. We requested a CD from SSO because we believed that a CD copy of the original 911 call would yield higher quality audio than the cassette tape had originally afforded us. They furnished us with this CD only after I called Det. Hallisey to assure him that Mr. Esdale would be receiving the invoice for the analysis.

Although SSO now disputes the fact that they provided the CD, we have retained their accompanying letter (on SSO letterhead and containing both Sheriff Balkwill's signature block, and the signature block of Sergeant Paul Richard of the SSO criminal investigation bureau) in our files, and have attached hereto a photocopy of it as well as a photocopy of the envelope in which it was mailed to us.

The CD provided to us by SSO was unlabeled, except for the word "copy" scribbled across it, and contained the recording "chopped" into six segments (which Det. Hallisey told me was done by the FBI). We have included those six segments on the enclosed CD. We, of course, had to "paste" these segments back together in our digital audio workstations in order to perform the second analysis of the recording, which is also contained on the enclosed CD.

In our experience, there would have been no reason for the FBI to segment the recording in such a fashion. Had they extracted out those excerpts which contained background conversation (which we did, as you will notice from the CD and the log incorporated into the transcript), that would have made sense, as to do so makes the enhancement/analysis process easier and maximizes objectivity (the analyst is not influenced by surrounding audible conversation in deriving what is being said in the parts of the recording that required enhancement). However, it is not helpful – nor typical – whatsoever for a forensic audio analyst to segment a recording in the manner in which it was segmented on the CD provided to us by SSO. We would therefore be quite surprised to learn that it was actually the FBI that segmented it in this manner – unless, of course, they were asked to do so.

In any case, my partner and I want to make it crystal clear to you and your colleagues that we did not generate the aforementioned CD ourselves (as has been alleged by SSO), nor did we segment the recording into six segments ourselves. What we did do – and what you will hear on the CD (please see accompanying transcript and log) – is we extracted those excerpts that we were certain contained background conversation so as to isolate them from the rest of the recording. In this fashion, we eliminated the possibility of being influenced by the more audible portions of the recording (i.e. – the conversation clearly heard between Maria Cohen and the 911 dispatcher).

The “moment of truth” came when we put the excerpts back into the recording. (Please understand that as this is all done digitally, this does not, in any way, affect the running time of the recording, nor does it alter the integrity of the recording). When we did so, we heard the 911 dispatcher instruct Mrs. Cohen to get her husband onto the floor for the purposes of performing CPR. Then, we heard Mrs. Cohen put the phone down (to walk from the location of the phone into the next room, where her husband was lying on the bed), walk away and then a few seconds later scream at her husband. “Lie on the floor!” she screamed. “Why? ...I can’t stand!” a male voice responded. Then, a few seconds later, we heard Mrs. Cohen get back on the phone with the 911 dispatcher. “Okay, I got him on the floor,” she said.

At the beginning of the recording, Mrs. Cohen clearly told the 911 dispatcher that her husband was “having a heart attack.” Then, just a short time later, she said, “He’s totally gone.” And, she said he was not breathing. In the meantime, upon analysis of the recording, we heard a male voice talking to Mrs. Cohen – *and her answering him* – each and every time Mrs. Cohen put the phone down and walked into the next room where her husband lay. Then, we heard the 911 dispatcher instruct Mrs. Cohen to get Mr. Cohen onto the floor. Her instructions to Mrs. Cohen were based on the information that she has been given by Mrs. Cohen – that Mr. Cohen was not breathing and required resuscitation. Yet, the 911 dispatcher had to have been hearing the conversation in the background, because almost every time Mrs. Cohen got back on the phone with the 911 dispatcher, the 911 dispatcher asked, “Ma’am, what were you doing?” and/or “Is he awake now?” It is curious that the 911 dispatcher kept asking Mrs. Cohen if Mr. Cohen was “awake now” when she had been clearly told by Mrs. Cohen that Mr. Cohen was “totally gone.” Of course, we contend that the 911 dispatcher must have been hearing – first hand – what we have heard on the cassette and CD copies of the 911 call.

Immediately following the 911 dispatcher’s instructions to get Mr. Cohen on the floor, we heard Mrs. Cohen scream at him to “Lie on the floor.” If we are to believe SSO’s theory and the FBI analyst’s claims that this is “cross talk” from another 911 call, or a television or radio broadcast in the background, then we have just met up with a coincidence whose probability is so infinitesimal that it is ludicrous to even waste time talking about it.

We’re not suggesting that the FBI fabricated their report, because I do not believe that they would do so. I believe that SSO provided them with a “generation” of the recording that is so far removed from the original that they couldn’t hear anything. Please bear in mind that the number of “generations” you can derive is limitless, as all you need to do is make an analog copy from an analog copy from an analog copy...and so on. Each time you make an analog tape copy of an analog tape copy, you pick up noise that is inherent in the duplication device used to make the tape copy. And, you pick up what is commonly referred to as “tape hiss.” The intensity of the hiss is dependent on the type of tape you use (i.e. – normal bias, high bias or low bias, as well as the brand of tape).

So, if you give someone a tape made from a tape made from a tape made from a tape...and so on...all you will hear is noise. Lots of it. In my first telephone conversation with Det. Hallisey, he tried to lead me to believe that 911 calls in Sarasota are recorded on conventional reel to reel analog tape, which is an antiquated, analog recording medium. From that, he claimed that one, lone cassette “archive” tape had been made. And, he was not about to let us analyze *that* tape. From that, he claims, all other copies of the recording were made.

From talking to Dictaphone, the manufacturer of the actual recording device on which the call was made, we now know that what Det. Hallisey told me is not true. Calls are recorded digitally on the Dictaphone system and are stored on a hard drive – similar to the type of hard drive you would find in your own computer. From there, they are archived to DVD – which is a **digital** medium. If a CD were to be generated from that DVD, it would be identical to the original in its sonic quality, as you do not pick up a “generation” when you duplicate audio in a digital fashion. That’s the beauty of digital audio recording and duplication.

At this point, I want to stress to you the importance that GaideCom places on the quality of the forensic services we provide to our clients. We pride ourselves on accuracy. If we are not certain that we hear something, it is notated as "unintelligible" in the transcript we generate. We do not take blind stabs in the dark. Nor do we put into a transcript what our client requests us to put. We turn down work from individuals who ask us to do so. If you would like to speak to someone in law enforcement about the accuracy, quality and integrity of our work, please feel free to get in touch with Lt. Mark Competello of the City of Hoboken Police Department, located in Hoboken, New Jersey. His phone numbers are: 201-420-2100 (Headquarters) or 201-892-1770 (cell).

And, while we're on the subject of individuals who try to tell us what to put into a transcript, I respectfully suggest to you that you question Det. Hallisey. In my two conversations with him about the CD (both of which took place before we even received the CD from SSO), he tried to influence what my partner's and my findings would be, suggesting that we put in the transcript that the voice at the end of the call, which says, "Come in," is someone other than Maria Cohen. Why? Because in our discussion about the 911 recording, I fully explained to him – in technical audio language – why the conversation in the background of the recording has a zero possibility of being any kind of "cross talk" or audio from a television or radio broadcast. At that point, he introduced a new theory – that of a third person having been in the house with Mr. and Mrs. Cohen at the time of Mr. Cohen's death.

My question to him was, "And what was that person doing when Mrs. Cohen was being untruthful with the 911 dispatcher and was yelling at her husband?" He had no answer. Again, however, he tried to tell me what we should put in the transcript following analysis of the CD he was going to send us. Curiously, however, he also told me during this conversation that the FBI had heard what we heard – "And then some." (A verbatim quote, by the way.) He wouldn't say what the "then some" was, however. (This took place prior to the point in time in which the FBI analyst generated his written report.)

Following our receipt of the CD from SSO, Det. Hallisey called me to inquire about whether or not we had received it and if we had, what new background conversation we had uncovered. This time, I was unable to reach him when I returned his call, but left him a message telling him that due to client confidentiality policies, I would not be able to answer his questions unless I received approval in writing from Mr. Esdale. I also told him that if SSO were ready to open an official investigation into the matter of Mr. Cohen's death, then I would be inclined – and required – to answer any questions he would have. I received no return phone call from Det. Hallisey after this point in time.

Unfortunately, as the cassette copy of the 911 call runs at a slightly faster speed than does the CD copy (most likely a function of the equipment on which the cassettes were duplicated by the Sarasota County Sheriff's Office), we were unable to integrate the second enhancement into the first one to create one unified, enhanced recording. Therefore, you must switch back and forth between the two enhancements in order to hear everything notated in the transcript. Statements in blue boldface type notate statements derived from the **enhanced CD copy** of the call (second enhancement/ analysis). **All other conversation** found in the background of the recording that is notated in the transcript was derived from the **cassette copy** (first enhancement/analysis) and is notated in plain **black boldface type**.

The "log," which is included with the transcript, was generated from the first enhancement (performed on the cassette tape copy of the recording). When we analyzed the CD copy of the recording, we were able to derive a few more statements made back and forth by Mr. and Mrs. Cohen, but not the multitude we had found the first time. And, since what was said did not alter the original outcome of our analysis, we did not see the need to generate another log.

While the CD copy of the recording was slightly better in sonic quality than the cassette copy we originally analyzed, there are a number of reasons why this recording could not be the original itself, nor derived from the original. According to Dictaphone, the manufacturer of the call recording system that was in place at the time this particular 911 call was made, the 911 call was captured on a Dictaphone "Freedom" system. All recordings captured via the Dictaphone Freedom system are digitally recorded directly onto a hard drive (much like the kind of hard drive you would find in a computer). As such, the recording is a digital recording. What this means in layman's terms is that you would not hear tape hiss and other noises that are inherent only in analog recordings (meaning recordings captured on a device that utilizes standard magnetic recording tape). Moreover, since the call was recorded digitally, the possibility of that recording containing unexplained "drops" in volume are **zero**. This has been confirmed by Dictaphone.

Please keep in mind that we highly recommend listening to both enhanced versions of the recording either through high quality headphones or professional audio monitoring equipment that offers maximum frequency response. If the recordings are listened to on an ordinary stereo system, a portable stereo or through inexpensive headphones, much of the background conversation we have notated in the transcript will be difficult to discern.

Moreover, when listening, please keep in mind that the background noise will sound "artifacted" in the enhanced segments of the recordings. In other words, the background noise will sound "other worldly." This was necessary in order to separate the background noise from the buried conversation that takes place between Murray Cohen and his wife, Maria Cohen.

Contrary to popular belief, it is impossible to completely eliminate background noise from a recording, as that background noise contains some of the same frequencies as human speech. Therefore, the objective in any forensic audio enhancement and analysis is to work with the frequencies of the background noise so as to separate them from the human speech, thereby rendering the human speech more intelligible. This is what we accomplished in both enhancements of the enclosed 911 call. Consistently, we find one of the voices in the background to be in the same frequency range as a male voice, and, comparing that frequency range to that of Murray's actual voice, find it to be consistent with Murray Cohen's voice. The other voice in the background, accentuated by a pronounced Latino accent, is consistent with that of Maria Cohen. To confirm, we asked Mr. Esdale to provide us with recordings of both Murray Cohen's voice (via a videotape) and Maria Cohen's voice (via an answering machine message), which he did. The voices on those recordings are consistent with the voices heard in the 911 recording.

The probability of that background conversation being generated by a radio or television is **zero**, as the signal is not constant (which it would be, were it generated by those sources) throughout the call. The female voice in the background (which, remember, is consistent with Maria Cohen's voice) answers the male voice virtually every time the male voice speaks, **is heard only when Mrs. Cohen has walked away from the phone, and, is never heard while she is speaking to the 911 dispatcher.** The context of the conversation is consistent with the scenario that took place at the time the 911 call was placed in the Cohen household (i.e. - a man asking for an ambulance because he's "sick" and "having a heart attack"). As such, the probability of the background conversation being "cross talk" from another 911 call (as was suggested by Det. Hallisey and the FBI audio analyst) is also **ZERO**.

We also wish to point out to you that at the very beginning of the call, Maria Cohen tells the 911 dispatcher that her husband "...is having a heart attack," then a few seconds later, tells that same dispatcher that her husband is "not breathing" and is "totally gone." These statements are not consistent. As my partner and I come from a family that contains a number of law enforcement officials here in New York, we were quite surprised to learn that Mrs. Cohen is a probation officer in Sarasota County. It is curious to us that she never identifies herself as such to the 911 dispatcher, nor does she reveal that, as such, she would already have been familiar with CPR procedures.

Analysis of the call reveals one indisputable fact - Mrs. Cohen was not performing CPR. She could not have been, for a number of reasons: 1) Her husband, Murray Cohen, was alive and talking almost the entire time that Maria Cohen was connected with the 911 dispatcher, 2) At one point in the call, you can hear Mrs. Cohen breathing into the phone when she is supposed to be in the next room administering CPR to her husband, and, 3) Only 6.25 seconds elapses, during which time she purportedly administered CPR. Anyone who has been instructed in the administering of CPR can tell you that it would take longer than 6.25 seconds - even if you were already in the same room with the person. (Please be advised that our software calculates the passage of time down to the 1/1000 of a second, so we are quite sure that only 6.25 seconds elapsed.) Needless to say, this was another "moment of truth" for us as we analyzed the recording.

To give you a short synopsis of my partner's and my backgrounds, my partner, Mark Gaide has been an audio engineer/editor for over twenty-five years. Through GaideCom, he is a primary vendor for Verizon, for which he provides audio restoration and editing services. His forensic audio work includes an enhancement/analysis and transcription for Lt. Mark Competello of the City of Hoboken Police Department and the law offices of the late Steven R. Faber, a prominent New York environmental attorney in the 1990s.

I am a communications analyst with twenty years of experience, including the legal field. I have taught communications online for Indiana Wesleyan University since 2001 (Communications I & II, Introduction to Human Communications, and Professional Communications), where my students come from all walks of life and virtually every continent on the planet. Before that, I taught at Five Towns College in New York (1984 to 1996), where I taught students who also came from every walk of life and virtually every continent on the planet. While Mark's and my experience with law enforcement has been in connection with civil cases, it does not change the accuracy, integrity or value of our work.

If you have any questions about the enclosed enhancements and transcript, please do not hesitate to call us at (917) 875-2043 (office), (631) 648-7445 (studio) or (516) 659-0282 (cell). Also, we invite you to meet with us personally in our studio to go through both enhanced versions of the 911 call so that we can demonstrate to you exactly what enhancement methods were used and how we derived the transcript. You will also have the opportunity to see the results of the spectral analysis, which clearly show conversation where there should be none. Please keep in mind that during such a critical time, we should hear nothing, as Mrs. Cohen should be busy administering CPR to her dying – or dead – husband. We should not, however, hear conversation between a voice that is clearly hers and a voice that we have determined is consistent with that of her husband.

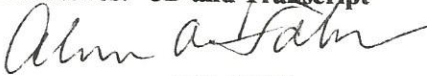
On behalf of Steven J. Cohen Esdale, we thank you for your interest and consideration in this case. We hope that you will choose to open an investigation both into SSO and into the work that was done by the forensic audio analyst in your Washington bureau. We believe that your investigation of this case will prove invaluable to Mr. Esdale in his quest for justice.

Sincerely,



Susan G. Gaide
President
GaideCom, Inc.

Enclosures: CD and Transcript



ALWIN A. FABER
NOTARY PUBLIC, STATE OF NY
REG. NO. 016843
QUALIFIED IN [illegible] COUNTY
COMMISSION EXPIRES 7/31/2005