

IN THE CIRCUIT COURT OF THE 12<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
SARASOTA COUNTY, FLORIDA

PROBATE DIVISION

CASE NO.: 03-CP-001071 NC

IN RE:  
ESTATE OF MURRAY B. COHEN

Deceased.

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MARIA COHEN,

Petitioner,

v.

STEVEN J. COHEN ESDALE,  
Individually and as the Natural  
Parent and Guardian of RYAN  
ESDALE, a minor.

Respondents.

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**AFFIDAVIT OF WILLIAM TIDWELL**

BEFORE ME, A NOTARY PUBLIC, personally appeared William Tidwell, who  
being first duly sworn deposes and says:

1. That my name is William Tidwell and I am a Certified Systems Network Engineer, A+, MCP, MCP+I, MCSE.
2. That I am a former employee of Dictaphone Corporation, the manufacturer of the Dictaphone Freedom System call center recording system that was installed in Sarasota County's 911 Call Center at the time of Murray B. Cohen's death.
3. That I was Primary Engineer to the Sarasota County 911 Call Center until February 2003.

4. That I have carefully reviewed the report written by Agent Andrew Rose of the Florida Department of Law Enforcement, dated 12/6/05 and 1/3/06.

5. That with respect to Agent Rose's report, I find a number of inconsistencies and falsehoods, enumerated below:

- a. On page 3 of his report, Agent Rose writes that the Federal Bureau of Investigation reported that the "low level voices of unknown origin" heard in the background of the 911 call made by Maria Cohen on January 13, 2003, pertaining to the death of her husband, Murray Cohen, were "consistent with cross talk from an adjacent channel"...as well as other voices being caused by the sound from a television or radio broadcast at the 911 call center..." Mr. Rose's statements are inconsistent with the manner in which the Sarasota 911 call center is configured. Calls that come in to the 911 call center are recorded digitally. Digital lines do not generate crosstalk; therefore, crosstalk must be eliminated as a possible source of the voices that can be heard in the background of the 911 call in question. Further, the televisions at the 911 call center are configured to broadcast in the closed caption mode. As such, they do not generate audible signal that can be picked up by the microphones in the call takers' headsets. Moreover, a signal generated from a radio or television broadcast would be heard consistently throughout the 911 call, not intermittently, as are the voices in the background of the 911 call placed

by Maria Cohen and answered by 911 dispatcher Ann Barrett on January 13, 2003.

- b. Further referencing that same paragraph in Agent Rose's report, the microphones deployed in the headsets worn by 911 call takers such as Ann Barrett are voice activated (hereinafter referred to as "vox"). As such, any voices generated by background noise in the call center would have to be of a sufficient decibel level to be picked up by the microphone in the headsets. "Low level voices" simply would not be picked up, nor would a television or radio broadcast signal—unless the broadcast were at a volume level sufficient to interfere with 911 call center/call taker operations. Background noise of a decibel level high enough to be picked up by the vox feature in the headphones would not be permitted in the Sarasota 911 call center.
  
- c. In paragraph 1 on page 2 of Agent Rose's report, Agent Rose refers to the original 911 recording as a cassette. As attested to in my prior affidavit, calls are recorded digitally in the 911 call center. At the time of Murray Cohen's death, calls were recorded on a Dictaphone Freedom System, a digital call center recording system in which incoming calls are recorded onto Rate 5 hard drives and simultaneously archived onto Digital Video Discs (hereinafter referred to as "DVDs"), a digital storage medium.

Analog cassette tapes are generated only if a request for a copy of a call is made. However, those resultant analog cassette tapes cannot and should not be regarded as the "original" recording. Only the call as it resides on the Freedom System hard drive can and should be regarded as the "original."

- d. In paragraph 4 of page 2, Agent Rose makes reference to an interview he conducted with Ann Barrett, the dispatcher who answered Maria Cohen's call on January 13, 2003, the day of Murray Cohen's death. Mrs. Barrett's statements are inconsistent with what she would have to know about the configuration of the call center, particularly the functionality of the headsets that were worn at the time she answered Maria Cohen's call. To reiterate, the headsets are vox enabled, meaning that they will only pick up sound that has reached a certain decibel level. The headsets are configured this way intentionally, to minimize interference with call taker operations.
  
- e. In paragraph 5 of page 2, Agent Rose writes about his conversation with Ann Pingel, Sarasota Public Safety Communications Manager. According to Agent Rose, Ann Pingel stated that because of Mr. Esdale's allegations, the hard drive containing the 911 call made by Maria Cohen on January

13, 2003 had been saved. In the next sentence, however, he writes that Ann Pingel said the system was set to write over old data every 61 days and that the old data—meaning Maria Cohen’s phone call—was “erased.”

First, a hard drive cannot be both saved and erased at the same time.

Second, Ann Pingel also states that a new system was installed. If a new system were installed, new hard drives would also be installed. The old hard drives would not, however, be erased and subsequently integrated into the new system. Therefore, Ann Pingel’s statements **are false**.

- f. In paragraph 1 on page 3 and in paragraph 4 on page 3 of Agent Rose’s report, the notion that there is “technically no way to recover the data” even if the hard drive were to be made available is simply **false**. Through computer forensic technology, the data from the 911 call made by Maria Cohen on January 13, 2003 **could be** retrieved, even if the call was not archived to DVD.
  
- g. In paragraph 2 on page 3 of Agent Rose’s report, Agent Rose states that I told him that the archiving of calls onto DVD stopped sometime before Mr. Cohen’s death. I did **not** make that statement to Agent Rose. I told Agent Rose that archiving to DVD stopped sometime before I left my position at the Call Center. However, since my departure was about thirty (30) days following Mr. Cohen’s death, a DVD of the 911 call may exist.

h. In paragraph 3 of page 3 of Agent Rose's report, Agent Rose writes that Ann Pingel said that "the 911 calls had not been archived to DVD since they had reel to reel tapes over nine (9) years ago." **This is an outright lie.** DVD technology was not available nine (9) years ago. DVDs have been available only since 1999, which was seven (7) years ago.

6. With respect to call center operations and equipment installations in place at the time of Maria Cohen's call to the Sarasota Call Center on January 13, 2003, the information I enumerated in my prior affidavit is true and correct:

- a. That the Dictaphone Freedom system that was installed in the Sarasota County 911 Call Center at the time of Murray B. Cohen's death was a Linux based Dictaphone Freedom System equipped with eight recorders.
- b. That the servers in the Dictaphone Freedom system that was installed in the Sarasota County 911 Call Center at the time of Murray B. Cohen's death archived calls to Raid 5 hard drives and to DVD digital data storage media.
- c. That archival onto DVD is optional in the Dictaphone Freedom system that was installed in the Sarasota County 911 Call Center at the time of Murray B. Cohen's death, but that the Sarasota County 911 Call Center utilized that DVD archival option.

- d. That each DVD used to archive calls recorded on the hard drive of the Dictaphone Freedom system that was in place in Sarasota County at the time of Murray B. Cohen's death stored five thousand (5,000) archived calls.
- e. That in my capacity as Primary Engineer to the Sarasota County 911 Call Center at the time of Maria Cohen's call to the Sarasota County 911 Call Center on January 13, 2003, I assisted the call center in archiving calls onto DVD.
- f. That when a call is made to the Sarasota County 911 Call Center, it is recorded "live" and digitally onto a hard drive in the Dictaphone Freedom System's recorder. This happens simultaneously with all other calls that come in to the call center at that same time.
- g. That these calls recorded by the Dictaphone Freedom System are recorded as individual .wav files, recorded at a nonstandard rate, and can only be played back and listened to through Dictaphone's proprietary software.
- h. That when the Call Center Supervisor is asked for a copy of a call, the call center duplicates the recording onto a standard audio cassette tape, or other audio storage media.

- i. That the audio cassette tape or other audio storage media onto which the call is duplicated cannot be assumed or assured to be a "copy" of the original recording as it was captured and stored on the Freedom hard drive at the time the call was made. The reason for this is that the Freedom system records audio in the digital domain. The calls recorded into the Freedom system are digitally stored in the system's internal hard drive. When calls are archived from the hard drive onto DVD, the transfer is also done digitally. Since everything is recorded digitally, everything can also be manipulated in the digital state, as many times as is needed, and then transferred to a standard audio cassette tape.
- j. That a common manipulation of audio in the digital domain would be the removal of background noise.
- k. That through manipulation in the digital state, the background noise heard by forensic audio analysts on audio cassette tape copies made in 2003 could have later been removed prior to transferring the call from the Freedom System hard drive or the DVD archive onto audio cassette tapes copies made for other forensic audio analysts in 2005.
- l. Since any such manipulation would have been done in the digital state, the forensic audio analysts who examined a standard audio cassette tape copy of the call in June 2005 would not have been able to detect that the

manipulation had occurred prior to the rendering of that audio onto a standard audio cassette tape.

- m. That if the background conversation in the 911 call pertaining to Murray B. Cohen's death were to be manipulated in such a digital state prior to duplication onto standard audio cassette tape, there would be no way for a forensic audio analyst or anyone else to know if the audio embodied in the standard cassette tape copy had been derived directly from the Dictaphone Freedom system's hard drive or DVD archive, or if it had been first manipulated. In the digital realm, you simply cannot automatically believe what you see or hear.
- n. That, keeping the aforementioned in mind, with respect to the 911 call made and recorded on the day of Murray B. Cohen's death, nothing can be assumed to be an "original" copy of the recording of the call. Only the original recording as captured on the original Dictaphone Freedom System's recorder and stored on the original Freedom System's hard drive, encoded in the original nonstandard .wav file and listened to through Dictaphone's proprietary software, could be assumed to authentically be the "original" recording of that call.

7. I have read the above affidavit and all of the statements contained therein are true and correct, and are based upon my personal knowledge of digital audio recording and editing, the Dictaphone Freedom System that was installed in the Sarasota County Call Center at the time of Murray B. Cohen's death and the Sarasota County 911 Call Center operations itself.

8. I am willing to testify under oath in a court of law to the statements made in this affidavit.

**FURTHER AFFIANT SAYETH NAUGHT.**

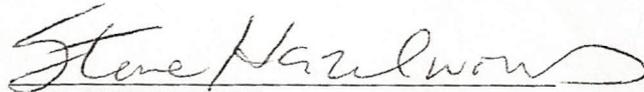
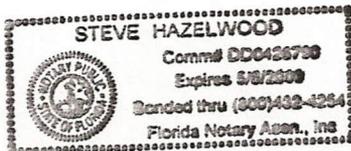


**WILLIAM TIDWELL**

Certified Systems Network Engineer, A+, MCP, MCP+I, MCSE

STATE OF FLORIDA    }  
                                  } ss  
COUNTY OF PASCO    }

The foregoing instrument was acknowledged before me this 21 day of <sup>January</sup> ~~June~~,  
<sup>2006</sup>~~2005~~, by WILLIAM TIDWELL, who produced his Florida driver's license as  
identification, and who did take an oath.



NOTARY PUBLIC  
STATE OF FLORIDA