

**STATE OF MARYLAND VS. IZZY GARDNER**

**IN THE CIRCUIT COURT FOR CHESAPEAKE CITY**

**JANUARY 21, 2020**

**FIRST COUNT**

The jurors of the State of Maryland, for the body of Chesapeake City, do on their oath present that IZZY GARDNER, on or about January 5, 2020 in Chesapeake City, pursuant to one scheme and continuing course of conduct, did steal 2 paintings and 1 vase of The Walters Art Museum, having a value of \$100,000 or more in violation of § 7-104 of the Criminal Law Article, against the peace, government, and dignity of the State.

***This Charge Is Classified As A Felony And Is a Jailable Offense With A Maximum Penalty of Incarceration Up to 20 Years.***

**SECOND COUNT**

And the jurors of the State of Maryland, for the body of Chesapeake City, do on their oath present that IZZY GARDNER, on or about January 5, 2020 in Chesapeake City, did assault Jamie Banerjee in the first degree in violation of § 3-202 of the Criminal Law Article, against the peace, government, and dignity of the State.

***This Charge Is Classified As A Felony And Is a Jailable Offense With A Maximum Penalty of Incarceration Up to 25 Years.***

THE GRAND JURY further avers and alleges that the offense charged hereinabove were against the peace, government, and dignity of the State.

**STATE OF MARYLAND VS. IZZY GARDNER**

**IN THE CIRCUIT COURT FOR CHESAPEAKE CITY**

**JANUARY 22, 2020**

**FIRST COUNT**

The jurors of the State of Maryland, for the body of Chesapeake City, do on their oath present that IZZY GARDNER, on or about January 5, 2020 in Chesapeake City, pursuant to one scheme and continuing course of conduct, did steal 2 paintings and 1 vase of The Walters Art Museum, having a value of \$100,000 or more in violation of § 7-104 of the Criminal Law Article, against the peace, government, and dignity of the State.

***This Charge Is Classified As A Felony And Is a Jailable Offense With A Maximum Penalty of Incarceration Up to 20 Years.***

**SECOND COUNT**

And the jurors of the State of Maryland, for the body of Chesapeake City, do on their oath present that IZZY GARDNER, on or about January 5, 2020 in Chesapeake City, did assault Casey Hudson in the first degree in violation of § 3-202 of the Criminal Law Article, against the peace, government, and dignity of the State.

***This Charge Is Classified As A Felony And Is a Jailable Offense With A Maximum Penalty of Incarceration Up to 25 Years.***

THE GRAND JURY further avers and alleges that the offense charged hereinabove were against the peace, government, and dignity of the State.

STATE OF MARYLAND

\* IN THE CIRCUIT COURT

v.

\* FOR

IZZY GARDNER

\* CHESAPEAKE CITY, MARYLAND

\* \* \* \* \*

ENTRY OF APPEARANCE

PLEASE ENTER THE APPEARANCE OF the law firm of Wais, Vogelstein, Forman & Offutt as counsel for the Defendant, Izzy Gardner, in the above-captioned matter.

Please notify the Defendant and Defense Counsel of any and all scheduled hearings in this matter.

Respectfully submitted,

*/s/ Defense Counsel*

\_\_\_\_\_  
Wais, Vogelstein, Forman & Offutt, LLC  
1829 Reisterstown Road, Suite 425  
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O: (410) 998-3600  
www.malpracticeteam.com  
Attorneys for the Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 2, 2020, a copy of the foregoing was e-delivered to the Circuit Court for Chesapeake City.

*/s/ Defense Counsel*

\_\_\_\_\_  
Wais, Vogelstein, Forman & Offutt, LLC

1 **Affidavit of Jamie Banerjee**

2 *Witness for the State*

3 *Security Guard at the Walters Art Museum*

4  
5 After having been duly sworn by oath, Jamie Banerjee hereby states as follows: I am  
6 over 18 and competent to make this affidavit. I am testifying voluntarily and was not  
7 subpoenaed or compelled to testify.

8  
9 My name is Jamie Banerjee. On January 4 and 5, 2020, I was working as a security guard  
10 at the Walters Art Museum in Chesapeake City with Casey Hudson. I was tied up and  
11 blindfolded while the burglars stole priceless artifacts and paintings. I'm including everything I  
12 remember about that night in this affidavit, as well as everything I remember that could  
13 possibly relate to this case. I am not leaving out any information that I believe could be related  
14 to this case.

15  
16 I was born in the 90s to two parents who were both wrapped up in their careers. We  
17 moved around a lot when I was young because my dad was in the military, but I have most of  
18 my childhood memories from when we lived in Texas. My time at Lone Star High School wasn't  
19 great, but it was the only time we stayed in one place for a long time. I lived in Texas until I  
20 graduated from high school.

21  
22 I had no idea what I wanted to do out of high school so I applied to a variety of schools  
23 across the country. I got a good scholarship offer at the University of Maryland, Baltimore  
24 County (UMBC) so I moved across the country to go there for college. I loved my time at UMBC.  
25 I remember clearly what I learned there about how your words will become your actions. It was  
26 like an unofficial school motto.

27  
28 Despite my best efforts, I wasn't able to find my dream job out of college. I thought  
29 about graduate school or law school, but then I landed a job at the Walters. Initially I was just  
30 working part-time as a security guard, but after a few months they hired me full-time. That was  
31 in March of 2016, so I had been working there full-time for almost four years in January of  
32 2020.

33  
34 I remember meeting Izzy Gardner in 2018. I could tell from the moment I met Izzy that  
35 Izzy had the confidence to do anything. Izzy walked in the door, walked right up to me and  
36 shook my hand and said "Hi, I'm Izzy Gardner. I'm going to run this place someday." I was  
37 confused at first, but I started to learn that it was just Izzy's personality. Izzy would meet people  
38 and win them over right away. I remember one time we tried to go to a fancy new restaurant in  
39 downtown Chesapeake City. You had to have a reservation to eat there, but sure enough after a  
40 ten-minute conversation with the bartender, Izzy and I were sitting down to eat at a table by  
41 the window.

42  
43 Izzy and I definitely got to be good friends. After Izzy finished an independent study  
44 program, Izzy worked at the Walters for a while as an assistant to the museum curators. Izzy



45 was a blast to be around and just had such a fun energy and an ability to connect with people. I  
46 remember in November of 2019, Izzy stayed in Chesapeake City for Thanksgiving. Neither one  
47 of us had anywhere to go, so we spent the holiday together. Izzy made tofurkey and I brought  
48 Faidley's Crabcakes – Chesapeake City's finest. (I heard they were even featured on an episode  
49 of a TV show about Chesapeake City called "The Thread".)  
50

51 I also remember how much Izzy loved some of the artifacts and paintings at the Walters.  
52 Izzy would spend hours just wandering the hallways of the museum when not working. I  
53 remember one time in September of 2019, I found Izzy in the back area of a gallery late at  
54 night, hours after we had closed for the day and after Izzy's shift was over. Izzy claimed that Izzy  
55 had just gotten lost in thought, but that still struck me as a bit odd.  
56

57 Unfortunately, Izzy's time at the Walters didn't end well. I came in one day in early  
58 December and found Izzy and Sidney Ross screaming at each other. Sidney was another guard  
59 who worked at the Walters with us, and Izzy and Sidney had just finished a shift together. I  
60 didn't know what they were arguing about, but I heard Izzy scream "you're going to regret  
61 making me your enemy. Don't make me take matters into my own hands." Sidney screamed  
62 something back about how it was hard to believe Izzy would back out like this. Our boss tried to  
63 separate them but Izzy was too upset and kept screaming. Eventually our boss fired Izzy and I  
64 didn't see Izzy again until the night of the heist.  
65

66 The security staff at the Walters back then was pretty small. We had a few contract  
67 employees but the only three guards on staff were myself, Casey Hudson, and Sidney Ross.  
68 Casey was with me the night of the robbery, and Sidney was scheduled to work the next  
69 morning. I looked at Exhibit 5 which is the shift listing for that weekend and I agree with all of  
70 the information on that document.  
71

72 On the night of January 4, 2020, Casey Hudson and I were working the overnight shift. I  
73 took a break around 10:30 PM that night and slipped out back into the alley that we share with  
74 the Engineers Club. It was absolutely frigid that night so I only stayed out back for around ten  
75 minutes, but I did have quite a surprise while I was back there: I saw Izzy! I wasn't sure why Izzy  
76 was there initially, but then I realized Izzy was probably working at the Engineers Club. Izzy was  
77 carrying a bag of trash to the dumpster and wearing what looked like work clothes.  
78

79 I saw Izzy and then Izzy saw me. I think I must have startled Izzy because Izzy's eyes  
80 went wide and Izzy quickly looked away. Izzy walked back inside the Engineers Club at a faster  
81 pace than when walking out and definitely avoided eye contact. I waved and said "Hey Izzy,  
82 good to see you." Izzy just said "hey" in a quiet voice as they walked past me and then went  
83 back inside the Engineers Club. That was actually the first time I heard Izzy's voice since Izzy was  
84 fired.  
85

86 I walked back inside and told Casey about what I had seen. Casey definitely looked  
87 surprised, but not in a good way. That's when I remembered that Casey and Izzy really didn't  
88 get along. I dropped the subject and Casey took a break not long after I came back. I think Casey

89 also went out back but I'm not really certain. Casey was gone for about twenty minutes and  
90 came back around 11:30 PM.

91  
92 Everything was quiet until around 1:30 AM on the morning of January 5th. We were  
93 both sitting near the security desk; I was in a chair out front and Casey was at the chair behind  
94 the desk. Casey was playing on Casey's phone and I was reading a book when the buzzer  
95 sounded to indicate that someone was ringing the alarm at the front door.

96  
97 I walked over and looked at the monitor and could see two individuals who appeared to  
98 be Chesapeake City Police Officers. They had on full face masks so only their eyes were visible,  
99 which wasn't surprising given how cold it was that night. The officer closest to the camera  
100 spoke and said "Hey, we got a call about a possible alarm being tripped. Can we come check it  
101 out real quick?" I could see the person's breath, it was so cold. I didn't recognize the voice  
102 through the speaker, but that's not surprising - it's a pretty old system so it would be hard to  
103 recognize anyone's voice on that piece of junk.

104  
105 Normally we need to verify these calls with dispatch, but Casey was newer and I guess  
106 Casey acted impulsively. It's always seemed a bit suspicious to me that Casey let the two people  
107 in so quickly, but it was probably just an honest mistake. Either way, Casey hit the button to  
108 open the outer door and the two individuals walked into our front lobby.

109  
110 It was obvious right away that something was wrong. The two individuals walked in and  
111 immediately ordered us to kneel on the ground facing the desk. Neither one showed us a gun  
112 or anything and I don't know if either one was armed, but they both appeared to have  
113 something large and gun-shaped hanging from their utility belts. Casey and I complied and our  
114 hands were zip-tied together. I was confused at first and asked if we were being arrested. The  
115 first individual spoke and said "sit quietly, don't make me use this, and don't do anything dumb  
116 and you'll both be fine." The first individual gestured toward a bulky area on their utility belt by  
117 their hip when saying this. That's when I realized these were not actual police officers - we were  
118 being robbed.

119  
120 Once I had a few moments to process what was happening, I also realized I might have  
121 recognized the voice. The person who spoke seemed to be trying to disguise their voice to  
122 make it lower, but I think it was Izzy Gardner. I know Izzy's voice pretty well from all the time  
123 we spent together, and I just couldn't shake the feeling that it sounded like Izzy.

124  
125 The other person put a blindfold on me and it completely blocked my vision. The two  
126 individuals then made me kneel against a wall and I'm pretty sure they moved Casey to a  
127 different room. I heard footsteps leaving in the direction of the main part of the museum and  
128 then it was quiet for several minutes. I thought I heard someone moving around in the lobby at  
129 a few points but I couldn't be sure. I just decided to stay quiet and not do anything impulsive. It  
130 didn't seem like I was in danger and there wasn't anything I could do anyways.

131

132           When I was kneeling and waiting for something else to happen, I started thinking about  
133 that voice I heard. I was second guessing myself; I really wasn't sure if it was actually Izzy's  
134 voice. I was also worried that maybe I was connecting the voice to Izzy because I heard Izzy  
135 speak earlier and Izzy was on my mind. The voice didn't really sound like Izzy, but it did sound  
136 like what I thought Izzy's voice would sound like if Izzy was trying to speak without being  
137 identified. It was a scary situation and I was concerned that I might not be thinking clearly. I  
138 definitely remember my heart was pounding in my chest.

139  
140           Eventually I heard footsteps again and someone had clearly come back into the main  
141 lobby. I heard some moving around and then the same voice from earlier spoke again. This time  
142 the person spoke much more quietly, as if they were trying not to be heard - and they were still  
143 disguising their voice - but I heard their voice clearly. The person said "we've got what I wanted,  
144 let's go." Once I heard that second voice, almost all of my doubt from earlier faded away. To  
145 me, it sounded a lot like Izzy's voice. I'm nearly certain the voice I heard belonged to Izzy  
146 Gardner. Of course, I was blindfolded the entire time, so I never saw anything that could  
147 identify either person.

148  
149           I was so upset when I realized that voice probably belonged to Izzy. I know that Izzy's  
150 time at the Walters didn't end well, but this was so out of character for Izzy. Izzy seemed to  
151 love and cherish all of the works of art at the Walters and I couldn't believe Izzy would do  
152 something so drastic like rob the museum. I do remember Izzy telling me at Thanksgiving in  
153 2019 that Izzy would be broke without their job at the Walters. Clearly Izzy had a job at the  
154 Engineers Club so I couldn't imagine Izzy doing something like this - even for money.

155  
156           After I heard that voice speak again, I heard footsteps that faded away, and then a single  
157 *thud* noise that I think was probably the back door closing when the thieves left the museum.  
158 Everything was quiet for what I think was a few hours after that. I didn't even try to move as I  
159 wasn't sure if either person was watching me, and honestly I don't think I could have moved  
160 either way. My wrists were tied together very tightly and I don't think I would have been able  
161 to stand up.

162  
163           Eventually I heard noises and movement, and my blindfold was pulled off my eyes.  
164 Sidney Ross was there to start the day shift; Sidney cut me loose and asked what happened. I  
165 told her that we had been robbed and that Casey was probably still in the museum too. Sidney  
166 placed a quick call to the police and told the dispatcher that two people had robbed the  
167 museum. I didn't realize this until later but I had never mentioned to Sidney how many people  
168 were present. I figured Sidney just assumed it was more than one person since they had  
169 overpowered both Casey and myself.

170  
171           Sidney and I then went to look for Casey and found Casey tied up and laying down in the  
172 main art display room. Sidney cut Casey loose and pulled off Casey's blindfold, and we checked  
173 to make sure Casey wasn't hurt. Thankfully Casey told us that Casey was fine. I remember Casey  
174 asking me if I had any clue who those people were. I must have just been shaken up, because I

175 told Casey I had no idea. Casey nodded and said “yeah, me either. I didn’t recognize either  
176 one.”

177  
178 The police arrived a few minutes later and I talked to Detective Murphy Barnes. The  
179 detective asked me questions about what I remembered and I told them everything I’m writing  
180 in this affidavit. I specifically remember telling Barnes that I heard a voice that I believed  
181 belonged to a former employee named Izzy Gardner, and I remember seeing Barnes write that  
182 information down in their notebook. Once Barnes finished asking me questions I went home  
183 and slept for pretty much the rest of the day.

184  
185 I heard from Barnes the next day; they had spoken to Casey Hudson and learned that  
186 the security system was down. There was a storm on New Years Eve and we hadn’t been able  
187 to get anyone to come out and fix the cameras after they stopped working. The power went out  
188 for a few minutes during the storm and they didn’t reset properly. Barnes wanted to know if  
189 anyone else would have been aware that the security system was down. I don’t think anyone  
190 outside of the security staff would know, but there’s one thing that could have tipped people  
191 off. The outside cameras are set to rotate their view on a regular basis, but they weren’t doing  
192 that. If someone who knew that observed them closely, it’s possible they might have known the  
193 system was down.

194  
195 I was definitely surprised to find out that Sidney quit a few days after the heist. I didn’t  
196 know Sidney especially well but nothing seemed out of the ordinary aside from the yelling  
197 match when Izzy was fired. Sidney didn’t ever tell me she was quitting though; I only found out  
198 when I came in for my next shift and saw her name was gone from the weekly shift schedule. I  
199 got a call a few days later from Detective Barnes asking me if I knew anything about Sidney  
200 Ross. I told Barnes that I didn’t know much, and Barnes seemed satisfied by that answer. I  
201 remember Barnes said “I don’t see any reason why Sidney would be involved, so that seems  
202 good enough to me.” I never heard anything else from Barnes again.

203  
204 I wish I could give you a clearer account of what happened, but it was a scary and  
205 traumatizing night. I described everything as best I can remember it. I’m sad to have to testify  
206 against my former friend, but I’m just here to tell the truth. I hope I was wrong and it was  
207 someone else who robbed the museum, but I think it was most likely Izzy. I don’t know why Izzy  
208 did it, but I hope the missing artwork is recovered someday.

209  
210 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving this  
211 statement, I was told I should include everything I know that could possibly be relevant to my  
212 testimony, and I followed those instructions. I know that I must update this affidavit if anything  
213 new occurs to me until the moment before opening statements begin in this case.

214  
215 Jamie Banerjee  
216 Jamie Banerjee



1 **Affidavit of Casey Hudson**

2 *Witness for the State*

3 *Security Guard at the Walters Art Museum*

4  
5 After having been duly sworn by oath, Casey Hudson hereby states as follows: I am over  
6 18 and competent to make this affidavit. I am testifying voluntarily and was not subpoenaed or  
7 compelled to testify.

8  
9 My name is Casey Hudson. On January 4 and 5, 2020, I was working as a security guard  
10 at the Walters Art Museum in Chesapeake City with Jamie Banerjee. I was tied up and  
11 blindfolded while the burglars stole priceless artifacts and paintings. I'm including everything I  
12 remember about that night in this affidavit, as well as everything I remember that could  
13 possibly relate to this case. I am not leaving out any information that I believe could be related  
14 to this case.

15  
16 I started working at the Walters in December of 2017. I needed a job and they were  
17 hiring, and I was sick of my old job as a server. I had to work strange hours at the Walters but  
18 things were generally quiet (except on field trip days). The job paid well enough for me to be  
19 comfortable and start to chip away at my debt. I've got about \$45,000.00 in student loan debt  
20 and I needed to do whatever I could to start paying it off.

21  
22 About a month after I started working at the Walters, we got a new intern named Izzy  
23 Gardner. Izzy came through some sort of independent study program and was there to help out  
24 and finish high school. I immediately took a disliking to Izzy. I'll admit I'm not much of an art  
25 person, and I thought Izzy was just entitled and rude. I remember Izzy trying to tell me once  
26 about how amazing it was that the Walters had paintings from all these famous people. When I  
27 made it clear that I didn't care, Izzy just scoffed at me and said "that's fine, more art for me  
28 then."

29  
30 I basically tried to stay out of Izzy's way after they started working at the Walters. We  
31 just didn't get along and it was clear that wasn't going to change. But Izzy made it impossible to  
32 ignore Izzy. One morning I was working and the museum was quiet, and then Izzy came over  
33 and asked me a question about one of our paintings: *Madonna of the Candelabra*. Look, I'm not  
34 a huge art person. I learned a fair amount from working at the Walters, but it felt like Izzy was  
35 just trying to show how much more they knew than I did. Izzy kept spouting out facts about this  
36 painting and how priceless it was.

37  
38 Eventually I just asked Izzy to leave it alone. Izzy scoffed and muttered "I guess there's  
39 no accounting for taste" as Izzy walked away. I told Izzy never to talk to me again and to watch  
40 Izzy's back. I think I also said something about how Izzy might have something bad coming their  
41 way if they didn't stop treating other people so horribly. I'm not proud of how I acted, but Izzy  
42 just got under my skin.

44 I wasn't there when Izzy got fired in December of 2019 - but honestly I wish I was. I  
45 heard that Izzy got into it pretty good with Sidney Ross, another guard who used to work at the  
46 Walters, and I can't say I'm surprised. I assume Izzy treated Sidney as rudely as Izzy treated me  
47 and Sidney probably just had enough. Either way, it was nice not to have Izzy around. I felt like I  
48 was able to relax and enjoy my job more with Izzy gone.

49  
50 The night of January 4, 2020 was nothing special at first. I got in around 8 PM to work an  
51 overnight shift with Jamie Banerjee, another guard. Jamie and I had worked together for about  
52 two years and Jamie worked at the Walters for a few years before I started. We weren't close  
53 but we were friendly and I generally enjoyed working with Jamie. Jamie was professional and  
54 calm, and that was good enough for me. I remember we exchanged some small talk about the  
55 weather when we both arrived, as it was especially cold that night, and then we just settled in  
56 for our shift.

57  
58 Around 10:30 PM, I remember Jamie took a break. We weren't really supposed to use  
59 the back door to take breaks, but no one really cared and our boss never said anything about it.  
60 I didn't see where Jamie went, but I found out soon enough. Jamie came back and told me that  
61 Jamie had seen Izzy Gardner in the alleyway! Apparently Izzy was working at the Engineers Club  
62 now, which is the social club next door to the Walters. I can honestly say I hadn't even thought  
63 about Izzy since Izzy was fired, but just hearing that name annoyed me and I couldn't stop  
64 thinking about how glad I was that Izzy was gone from the Walters. For some reason, I  
65 remember Jamie always seemed to like Izzy.

66  
67 I took my break about a half hour later and stood out back in the alley between the  
68 Walters and the Engineers Club. I didn't see anyone out there, not even Izzy, but it was nice to  
69 get outside for a few minutes. It was freezing that night though so I didn't stay outside for long.

70  
71 Nothing unusual happened until around 1:30 AM. Jamie and I each took turns walking  
72 through the museum and checking the other doors, but everything was quiet and normal. We  
73 were both in the main lobby by the front entrance at 1:30 AM when we heard the noise that  
74 indicates someone rang the bell at the front entrance.

75  
76 I should take a moment to explain how that entrance bell works. Once the museum  
77 closes, you can only get in if you have a keycard (like employees do) or if you ring the bell. Once  
78 you ring the bell, a camera activates and shows the guards a live picture of who is standing at  
79 the front entrance. The front door has frosted and reinforced glass so we can't see through it to  
80 the outside. That camera doesn't record what we see, but we're able to see a live picture of  
81 anyone outside. There's also a call box where someone can press a button and speak to us.

82  
83 At 1:30 AM the chime rang that indicated someone was at the front entrance. Jamie and  
84 I looked at the screen since we were both near the desk, and I saw two individuals who  
85 appeared to be Chesapeake City Police Officers. Both were in uniform and wearing full face  
86 masks that covered everything except their eyes. Both individuals were also wearing gloves.  
87 None of this was unusual as they were outside and it was very cold that night.

88 I remember pausing for a moment since it was definitely strange to have someone  
89 requesting access that late at night. I considered using the call box to ask them why they  
90 wanted to come in, but I figured they must have a good reason and I didn't want to leave them  
91 out in the cold any longer than necessary. Neither one of them said anything but I assumed  
92 they wanted to come inside, so I pressed the button to unlock the front door and let the two  
93 individuals into the museum. Jamie and I then walked over to greet them.  
94

95 As soon as they walked in, they moved toward Jamie and I and pulled our hands behind  
96 our backs. I felt my hands being zip tied together and I started to process what was happening. I  
97 struggled a bit and started protesting, but the person holding my arms spoke and told me to be  
98 quiet and don't do anything dumb. I realized that these were not police officers, and the  
99 museum was probably about to be robbed. I wish I could say I recognized the voice I heard, but  
100 I didn't. The person seemed to be trying to disguise their voice so it was hard to hear anything  
101 clearly.  
102

103 As soon as we were tied up, I remember a blindfold being slipped over my eyes that  
104 pretty much covered my entire face. There was silence for a few moments and then one of the  
105 individuals grabbed me from under my shoulders and started to push me toward what I think  
106 was the main part of the museum. We walked for a minute or two and then the person stopped  
107 me and pushed me against a wall. They put pressure on the back of my knees which I took to  
108 mean they wanted me to sit down, so I did. The blindfold was still completely covering my face,  
109 so I wasn't sure where I was in the museum.  
110

111 Before too long I started to hear noises that sounded like someone was cutting  
112 something from a frame. I figured that if I was going to do anything, this was the time. I guess I  
113 thought the person might have been distracted and I could somehow get my blindfold to slip  
114 down so I could get my bearings and escape. I leaned against the wall and started to use it to  
115 prop myself up, trying to move slowly to avoid drawing attention. Unfortunately, it didn't work.  
116 Just a few seconds later I felt someone pushing on my shoulders and I sunk back down.  
117

118 Right after I sat back down, the person pulled down the top of my blindfold - and I was  
119 staring right into the barrel of a handgun. The person didn't speak that time, but I got the  
120 message and I didn't try to do anything else to escape or prevent the robbery. There was no  
121 way I was going to risk my life to try and stop this from happening. I have no idea if it was a real  
122 handgun - and to be honest in hindsight I think it might have been one of those fake guns that  
123 look like real handguns - but in the moment all I could think about was staying alive.  
124

125 After pointing the handgun at me, the person yanked my blindfold back up over my  
126 eyes. But this time they didn't secure it as well, and one side slipped down just a little bit. I had  
127 a sliver of a view through my left eye and could tell that I was against the wall outside the  
128 Renaissance and Baroque room. I was able to see inside the room and could see the person  
129 cutting a painting out of its frame. It was *Springtime* by Monet. I looked at Exhibit 2, the  
130 appraisal report, and I agree that the picture in that report is an accurate picture of *Springtime*.

131 I definitely didn't want to try and draw any more attention, but I couldn't help but try  
132 and get a better glimpse of the person who was cutting out the painting. They still had on a full  
133 mask and the police uniform, and for most of the time they had their back turned to me. But  
134 then they paused for a moment, wiped their arm on their forehead, and turned to the side. I  
135 looked over at a mirror on the other side of the wall, and I saw their face for just a split second.  
136 The person's mask moved a little bit when they wiped their arm, and just enough of their face  
137 was exposed for me to see who it was: I'm almost positive it was Izzy Gardner.

138  
139 I wasn't able to see very much of Izzy's face, and I only saw it for less than a second  
140 before they turned back around. That was the only glimpse I got, and it was in a mirror, in the  
141 dark, with one eye, through a sliver of a view from my blindfold. But I definitely saw what I saw.  
142 I know Izzy well and I recognize Izzy's features. Of course it's possible I'm wrong; it wasn't the  
143 ideal circumstance to recognize someone and my mind was mostly just thinking about that gun.

144  
145 After a few minutes I heard footsteps head in the direction of the museum halls again,  
146 and then it was silent. I was pretty sure that Jamie wasn't anywhere near me, and I didn't want  
147 to risk anything, so I just sat silently and waited. I figured the next shift would find us in a few  
148 hours. After what felt like forever I heard noise again and then someone pulled the blindfold off  
149 my face. It was Jamie, and they were with our coworker and fellow guard, Sidney Ross. Sidney  
150 asked what happened and I remember Jamie and I just shook our heads. I think we were both  
151 still shocked.

152  
153 The first officers showed up just a few minutes later and then Detective Barnes got  
154 there soon after. I did a full interview with Barnes before leaving around 6 AM. Barnes asked  
155 me questions about what I remember and I told them everything I'm writing in this affidavit. I  
156 specifically remember telling Barnes that I saw part of the face of one of the robbers and that I  
157 was pretty sure it belonged to a former employee named Izzy Gardner. I remember seeing  
158 Barnes write that information down in their notebook.

159  
160 Barnes also asked about our security system. We had a big storm the afternoon of  
161 December 31, 2019 and the museum actually lost power for a few minutes. When the power  
162 came back on, the security camera system went offline. We tried to get someone from the  
163 company to come out and fix it, but they weren't able to send anyone until the next week since  
164 it was so close to the holidays. We kept the cameras out to make people think they were  
165 working, but we don't have any video footage from the night of the robbery.

166  
167 Barnes asked me if anyone else knew about the security system being down aside from  
168 security staff at the museum. I honestly can't be sure, but I don't think anyone else would have  
169 been aware. It's true that Izzy was fired relatively recently so I guess it's possible they could  
170 have known somehow, but I certainly didn't tell Izzy about it.

171  
172 Barnes asked me a few questions about Sidney Ross so I should address them for a  
173 moment. Sidney had been working at the Walters for a few months before we got robbed and  
174 as far as I knew was intending to keep working there. The museum hired her in July of 2019 and

175 I thought Sidney seemed to be a competent and effective employee. Sidney definitely kept to  
176 herself for the most part but was polite and friendly; we would make small talk during our shifts  
177 together sometimes and would discuss things like sports and the weather.  
178

179 I worked another shift with Sidney a few days after the robbery on the night of January  
180 6 and 7, 2020. The museum had been closed since the heist for investigation but all the police  
181 and investigators were gone by then. Sidney seemed mostly normal but definitely was a bit on  
182 edge. Sidney looked around more than usual and she seemed to avoid eye contact with me for  
183 most of the night. But we were both nervous that night since it was the first shift we worked  
184 since the heist, so I chalked it up to nerves. I definitely felt more nervous than usual; being tied  
185 up for hours while someone robs your place of work will do that to you.  
186

187 Sidney definitely never said anything to me about quitting, but that shift was the last  
188 time we saw one another. I came in on January 8th and found out from our supervisor that  
189 Sidney had given notice that night and was quitting effective immediately. I definitely was  
190 surprised by that, and I remembered that Detective Barnes asked me to tell Barnes if I learned  
191 anything more. I called Barnes' office but had to leave a voicemail. I never heard anything back,  
192 so I assumed Barnes checked it out and decided Sidney wasn't involved.  
193

194 I've done my best to remember everything I can about that night and include all of that  
195 information in this affidavit. I believe Izzy Gardner was the person responsible for robbing the  
196 Walters Art Museum the night I was tied up, and I am confident in my assessment of the face I  
197 saw that night. I knew I was right to dislike Izzy and this just confirms my belief about them. I'm  
198 glad Izzy is finally getting what Izzy deserves for doing something terrible. I just hope Izzy comes  
199 clean and we can finally recover the stolen artwork.  
200

201 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving this  
202 statement, I was told I should include everything I know that could possibly be relevant to my  
203 testimony, and I followed those instructions. I know that I must update this affidavit if anything  
204 new occurs to me until the moment before opening statements begin in this case.  
205

206 *Casey Hudson*

207 Casey Hudson

1 **Detective Murphy Barnes**

2 *Witness for the State*

3 *Chief of Criminal Investigation at the Chesapeake City Police Department*

4  
5 Case #: 48-15162342  
6 Incident: Burglary  
7 Date of Incident January 4 - 5, 2020  
8 Submitted by: Murphy Barnes, Detective  
9

10 **Training and Experience**

11  
12 I received my Associate of Arts (A.A.) from Anne Arundel Community College in 2004 with a  
13 certificate in Law Enforcement and Criminal Justice. I joined the Chesapeake City Police  
14 Department in 2005 after completing the standard 500-hour Law Enforcement Academy and  
15 graduating with high honors. I worked as a patrol officer from 2005 to 2009 before joining the  
16 Criminal Investigation Department as a Detective. I was promoted to Senior Detective in 2012  
17 and became the Chief of Criminal Investigation in 2014 when my predecessor, Detective Evan  
18 Drew retired.

19  
20 My training at the Law Enforcement Academy covered the standard range of topics, including  
21 use of force and defensive force tactics, investigative techniques, de-escalation and mental  
22 health intervention, writing reports and warrants, and community relation strategies. I also  
23 took two specialized courses in evidence location and preservation.

24  
25 When I joined the Criminal Investigation Department (“CID”) in 2009, I attended two 10-hour  
26 training sessions with the Law Enforcement Academy on advanced investigative techniques,  
27 including forensic evidence, witness interrogation, crime scene analysis and preservation, and  
28 body language interpretation. Upon completion of those courses, I received a Distinguished  
29 Certification in Criminal Investigation.

30  
31 Since joining the Criminal Investigation Division, I have been the lead detective on over 500  
32 cases. I have investigated a wide variety of theft and robbery cases including home invasions,  
33 bank robberies, and auto theft. This is the first museum robbery case I have ever been assigned,  
34 and to the best of my knowledge it is the first case of this nature to come through my office  
35 since joining CID in 2009.

36  
37 **Investigation**

- 38  
39 1. Dispatch was contacted at 4:56 AM on Sunday, January 5, 2020, by Sidney Ross, a  
40 security guard at the Walters Art Museum. Sidney Ross reported that she arrived to  
41 work for a shift scheduled to begin at 5:00 AM on January 5 and found two colleagues -  
42 Jamie Banerjee and Casey Hudson - tied up and blindfolded in the museum. Ross  
43 reported that it appeared the museum had been robbed by two suspects.  
44

- 45 2. I immediately responded to the scene and arrived at 5:14 AM. I arrived at approximately  
46 the same moment as dispatch officers in the area and helped to secure the scene. By  
47 the time I arrived, museum guard Sidney Ross had located and freed the two guards.  
48
- 49 3. I immediately secured the scene with crime scene tape and had two other officers -  
50 Officers Elliott and Bays - close down the block. The main entrance on Chesapeake  
51 Street, side exit on Eutaw Street, and rear exit to an alley shared with the Engineers Club  
52 were each secured by an officer and remained secure throughout the entirety of my  
53 investigation. I also radioed back to headquarters at approximately 5:25 AM to request  
54 a second detective on scene. Detective Omar McNulty arrived on scene at 5:45 AM and  
55 assisted me throughout the day in my investigation.  
56
- 57 4. I began by speaking with the two security guards, Jamie Banerjee and Casey Hudson. I  
58 separated them when speaking to them so as not to allow one to impact the other's  
59 recollection. Officer Elliott informed me that the two guards had been standing by the  
60 front entrance since they were freed from their restraints and had appeared to have no  
61 conversation aside from briefly asking if the other was okay. I asked both of them to  
62 prepare written statements to preserve their memory as quickly as possible.  
63

64 **Statement by Jamie Banerjee**

- 65
- 66 5. I met Jamie Banerjee at 5:30 AM when I arrived. Banerjee provided a written statement  
67 which I have included as Barnes Exhibit A. I relied on the information in Banerjee's  
68 written statement and used it to further my investigation.  
69

70 **Statement by Casey Hudson**

- 71
- 72 6. I then met Casey Hudson at approximately 5:45 AM. Hudson provided a written  
73 statement which I have included as Barnes Exhibit B. I relied on the information in  
74 Hudson's written statement and used it to further my investigation. I found Hudson to  
75 be very credible and saw little to no reason to disbelieve anything Hudson said in  
76 Hudson's statement. It would have been difficult to focus this investigation on Izzy  
77 Gardner without Hudson's eyewitness account.  
78
- 79 7. I did follow up with Hudson on one specific point. I was suspicious about Hudson's  
80 account of events and why Hudson let in the two individuals without further  
81 corroboration of their identities. I questioned Hudson on whether either of the  
82 individuals used the call box to speak to the guards; Hudson said that they did not,  
83 which contradicted Banerjee's account of how the two robbers were allowed inside. I  
84 also asked if Hudson spoke to Banerjee before allowing the two individuals inside, and  
85 Hudson told me that no words were exchanged with Banerjee before letting the  
86 supposed officers inside. I questioned Hudson as to whether there was ever another  
87 time where two police officers showed up at the front door in the middle of the night.

88 Hudson thought it had happened one other time but couldn't remember any details  
89 about that supposed event.

90  
91 **Interview of Sidney Ross**

- 92  
93 8. I next spoke to guard Sidney Ross at approximately 6 AM. Ross was the individual who  
94 called 911 and reported finding Hudson and Banerjee tied up and blindfolded.  
95  
96 9. Ross told me that when she walked in the front door she immediately saw Banerjee  
97 sitting on the floor near the security desk, with a blindfold on and with their hands  
98 behind their back. Ross asked Banerjee what was going on, and Banerjee told Ross that  
99 the museum had been robbed. Ross removed Banerjee's blindfold and cut Banerjee  
100 loose with scissors from the desk, and Banerjee told Ross that Hudson might be tied up  
101 in the museum somewhere.  
102  
103 10. Ross told me she placed a quick call to 911 and asked for immediate assistance for a  
104 robbery at the Walters Art Museum. Ross and Banerjee then went searching for Hudson  
105 and found Hudson just outside the Renaissance and Baroque room. Hudson had also  
106 been blindfolded and tied up with a zip tie. Ross freed Hudson and the three returned to  
107 the main lobby to wait for the authorities.  
108  
109 11. Ross told me that the three guards did not discuss much about the robbery before the  
110 police arrived. Ross said that Ross asked Hudson and Banerjee what happened and that  
111 Hudson said two individuals "dressed like cops" came in and tied them both up. None of  
112 the three guards reported sweeping the museum to determine if any items had been  
113 stolen.  
114  
115 12. I questioned Ross about their whereabouts at the time of the robbery. Ross reports that  
116 she lives a few minutes outside of Chesapeake City and had been sleeping until  
117 approximately 4 AM when her alarm went off for work. Ross told me she drove to the  
118 museum and parked at approximately 4:50 AM, walked about five minutes to the  
119 museum entrance, and walked in the front door a few minutes before 5:00 AM. Ross  
120 lives alone and could not provide anyone to corroborate their location at the time of the  
121 robbery.  
122  
123 13. Neither Banerjee nor Hudson reported any similarities between the individuals who  
124 robbed the museum and Sidney Ross. The method of entry didn't match Ross either as  
125 Ross had a keycard and did not need to enter the museum in disguise. I did not consider  
126 Ross a suspect and ended my investigation of Ross at that time.  
127  
128 14. Approximately two days after the heist, I received a call from Casey Hudson who  
129 reported that Ross had quit their job at the Walters. I called Jamie Banerjee who  
130 confirmed this information. I was suspicious of this as it seemed like odd timing, so I  
131 tried to reach Ross to do a second interview. When I called the number that Ross



132 provided, the phone was out of service. I drove by the listed address on Ross's driver's  
133 license and the house appeared dark. No one answered the door when I knocked.

- 134  
135 15. I considered trying again to find Ross or asking one of our patrol officers to try and  
136 locate Ross, but ultimately decided not to waste department resources on a thread that  
137 was unlikely to lead to useful information. None of the eyewitnesses placed Ross at the  
138 scene despite being familiar with Ross, and I saw no evidence of a potential motive. I did  
139 not make any additional attempts to locate or speak to Ross.

#### 140 141 **Forensic Investigation**

- 142  
143 16. While I was interviewing the security guards, several other officers investigated the  
144 scene and canvassed the area for potential witnesses.

- 145  
146 17. We did not find any potential witnesses outside the museum, which was unsurprising  
147 given the robbery happened in the middle of the night and we did not arrive at the  
148 scene until several hours after it concluded.

- 149  
150 18. Upon conducting a search of the museum with the assistance of the three guards, we  
151 determined the following paintings and artifacts had been stolen:

- 152 a. *Madonna of the Candelabra*, by Raphael
- 153 b. *Springtime*, by Monet
- 154 c. Rubens Vase, an over-800-year-old vase from the Byzantine Empire

- 155  
156 19. While I did not know immediately how valuable these pieces were, the guards indicated  
157 they were some of the more valuable artwork and artifacts at the museum.

- 158  
159 20. Officers also searched the scene for possible evidence. We dusted for fingerprints on  
160 the front entrance door, the main lobby including the security desk and walls, and in all  
161 three rooms where items had been stolen. We also dusted for prints on and near the  
162 back door where the two individuals apparently left the museum.

- 163  
164 21. We also took swabs for possible DNA evidence on the front entrance door, the main  
165 lobby including the security desk and walls, and in all three rooms where items had  
166 been stolen, as well as at and near the back door. We also swabbed the zip tie  
167 fragments that were left that had been used to restrain the two guards.

- 168  
169 22. Upon investigation, we learned that the museum does have a video security system. The  
170 system was installed about two years before the robbery and was comprehensive and  
171 could have been helpful - but it was not operational the night of the robbery. Hudson  
172 told us that a storm on New Year's Eve knocked out power to the museum and the  
173 system didn't start working again when the power returned. Hudson also reported that  
174 they had trouble getting the company who installed the system to come out as it was

175 around the holidays, and that they had an appointment for the week after the robbery  
176 to fix the system.

177  
178 23. Banerjee made an interesting observation during a subsequent phone call - the external  
179 cameras moved regularly using an automated system to adjust their field of view.  
180 Banerjee noted that someone familiar with the camera system might have noticed the  
181 cameras not moving and deduced they were not functioning, but that it would have  
182 taken careful observation over several hours to be sure.

183  
184 24. We sent the forensic samples out to the lab that same morning and received the  
185 forensic report back approximately 48 hours later. I recognize Exhibit 1 as that same  
186 forensics report.

187  
188 25. From that report, I learned that we did not find any significant fingerprints. All three  
189 guards' prints were found in multiple locations, but this not surprising and not useful.  
190 The guards worked at the museum and routinely touched all of the surfaces we  
191 examined. We also found many other fingerprints that could not be identified, which  
192 was consistent with the Walters being a public museum with many different visitors.

193  
194 26. The report did find trace amounts of usable DNA on the zip tie fragments that were  
195 used to bind guards Jamie Banerjee and Casey Hudson. Neither set of zip tie fragments  
196 produced any other useable DNA results.

197  
198 **Interview of Izzy Gardner**

199  
200 27. At this point, it had been approximately 48 hours since I began my investigation. Both  
201 guards had implicated Izzy Gardner and it was not in dispute that Gardner was near the  
202 area on the night in question. I needed to speak with Gardner myself.

203  
204 28. I went to Gardner's home at the Monument Homes Apartment Complex on Monday,  
205 January 6, 2020. I knocked on the door and an individual answered who identified  
206 themselves as Izzy Gardner. I asked if I could come in and speak to Gardner, and  
207 Gardner agreed. Gardner was cooperative throughout my interview.

208  
209 29. I showed Gardner photographs of the locations where the stolen items had been in the  
210 museum. Gardner appeared shocked, but to me it seemed like acting. Gardner seemed  
211 to feign surprise and attempted to act as if Gardner had no idea the robbery had  
212 occurred.

213  
214 30. I then told Gardner that I believed Gardner was connected to the robbery. I explained  
215 that we had eyewitnesses placing Gardner at the scene. I also told Gardner that we had  
216 cellular records placing Gardner at the scene. To be clear, the last statement was a lie.  
217 Dr. Matthews' cellular analysis had not been provided to our office at the time of my

218 interview with Gardner, but I believed it would show Gardner was at the scene. I was  
219 bluffing to put pressure on Gardner, which is a common technique in police interviews.  
220

221 31. I asked Gardner if I could search their room and Gardner agreed. Gardner's room was  
222 tidy and generally unremarkable.  
223

#### 224 **Izzy Gardner's bank records** 225

226 32. The next morning on Tuesday, January 7, 2020, we received a response to a subpoena  
227 we issued to Chesapeake National Bank for the checking records of Izzy Gardner. Those  
228 records are depicted in Exhibit 7 and are accurate copies of the records we reviewed.  
229

230 33. Upon receiving the records, I saw that Izzy Gardner made a cash deposit of  
231 approximately \$7,800.00 on the afternoon of Monday, January 6, 2020. The records  
232 showed this to be a much larger sum than any other recent deposit to Gardner's  
233 account.  
234

235 34. I called Gardner around 12 PM noon on Tuesday, January 7, 2020 to follow up about the  
236 records. Gardner was initially pleasant and helpful. I informed Gardner that we had  
237 pulled Gardner's bank records and I asked about the \$7,800.00 deposit Gardner made  
238 the day before. Gardner quickly replied "you know about that?" I confirmed with  
239 Gardner that I did indeed know about the deposit, and I asked where it came from.  
240 There was a pause of approximately ten seconds before I asked Gardner if Gardner was  
241 still on the call. After a few more seconds, Gardner spoke and told me the money was a  
242 gift from Gardner's uncle.  
243

244 35. I questioned Gardner about any documentation Gardner had regarding this large cash  
245 gift but Gardner was unable to provide any. Gardner mentioned a name, Uncle Andy,  
246 about two minutes after first mentioning Gardner's uncle as the source of the funds.  
247 Gardner told me the funds were a Christmas gift and that Gardner had been holding on  
248 to them until depositing them on January 6, 2020.  
249

250 36. I believed Gardner was lying about the source of the funds and was suspicious that the  
251 cash had come from selling some or all of the stolen artifacts. I do acknowledge that the  
252 artifacts and paintings stolen from the Walters were worth much more than \$7,800.00 -  
253 but sometimes thieves have to unload items quickly for much less than the items are  
254 worth, especially if they are concerned the police are on their tail.  
255

#### 256 **Arrest of Izzy Gardner and subsequent search** 257

258 37. Based on the information I had obtained to this point, I requested a warrant for  
259 Gardner's arrest. I met with a member of the Chesapeake City State's Attorney's office  
260 who approved the warrant and submitted charges of theft and first degree assault.

261 38. The next morning on Wednesday, January 8, 2020, Chesapeake City Police Officers  
262 arrested Gardner as Gardner walked to work. Gardner's cellular phone was on their  
263 person and was taken from Gardner and submitted to our forensic team for testing.  
264

265 39. Upon arresting Gardner my office also obtained a search warrant to search Gardner's  
266 room and apartment again. Our search turned up nothing of note. We did not apply for  
267 a warrant to search Armani Lee's apartment and do not believe Lee had anything to do  
268 with this robbery.  
269

270 **Report of Dr. Jordan Matthews**

271  
272 40. Approximately a week after Gardner was arrested, my office received the forensic  
273 report of Dr. Jordan Matthews. That report confirmed that Gardner was in the area at  
274 the time of the robbery, and specifically noted that Gardner may have entered the  
275 Walters Art Museum on the night of January 4 and 5, 2020.  
276

277 41. Dr. Matthews' report confirmed my conclusion that Gardner was the mastermind  
278 behind the robbery and was one of the two individuals who robbed the museum. I have  
279 closed this investigation and do not intend to reopen it. Gardner was and remains our  
280 only suspect.  
281

282 **Police uniform**

283  
284 42. One possible lead I pursued was to determine where the robbers had obtained  
285 authentic Chesapeake City Police officer uniforms. My research indicated that a local  
286 secondhand shop called Chesapeake Uniform Company occasionally received and sold  
287 old police uniforms.  
288

289 43. I went to the store and spoke with the owner. He declined to give me his name and  
290 indicated he did not trust the government and would refuse to cooperate unless forced  
291 to do so. After some coaxing, he agreed to review his transaction records, which were  
292 contained in a single book. Each page was carbon copy paper and he hand wrote  
293 receipts for customers. He said that was his regular practice for how he kept records in  
294 his business.  
295

296 44. His review of the records turned up only one relevant document: a receipt dated  
297 October 29, 2019, for a Chesapeake City Police officer uniform and a standard police  
298 utility belt. I have attached a copy of that handwritten receipt as Exhibit 6.  
299

300 45. The owner was unable to tell me anything about the person who purchased that  
301 uniform and said he does not keep security system tapes for more than a week at a  
302 time. I showed him a photograph of Izzy Gardner and he said it is possible he may have  
303 seen that person before, but he could not be sure.  
304

305 **Second robber**

306

307 46. Both guards reported a second individual who was present at the museum with  
308 Gardner. I asked Hudson and Banerjee about the second individual, and both described  
309 that person as “muscle.” They told me the individual was larger and bulkier than  
310 Gardner and did not speak throughout the robbery. Both believed the individual was  
311 there to assist Gardner and did not seem to play a large role in the robbery itself.

312

313 47. We have no usable leads on the identity of this second individual.

314

315 **Stolen Art**

316

317 48. The FBI’s Art Crime Team is currently handling the investigation of the stolen paintings  
318 and artifacts. My office has not attempted to recover those items. None of the three  
319 stolen items have been found and the attached report from the FBI’s Art Crime Team  
320 confirms that the items have not appeared on the underground market. I recognize  
321 Exhibit 8 as the report from the Art Crime Team that was provided to me. That report  
322 also confirms that the additional forensic evidence we provided did not yield any  
323 useable information or actionable leads.

324

325 *Detective Murphy Barnes*

326 Detective Murphy Barnes

**Barnes Exhibit A**

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Statement of Jamie Banerjee  
Sunday, January 5, 2020; 5:30 AM

My name is Jamie Banerjee. I was working at the Walters Art Museum this morning when we were robbed. My shift was scheduled to run from 8 PM on January 4, 2020 to 5 AM on January 5, 2020. It was an ordinary shift until around 10:30 PM when I took a break and stepped out back into the alley between our building and the Engineers Club next door. I was standing outside scrolling through my phone when I saw a former employee of the Walters Art Museum named Izzy Gardner carrying trash from the Engineers Club, which led me to believe Izzy now worked at the Engineers Club. Izzy and I used to be close friends but had lost contact after Izzy was fired from the Walters in November of 2019. We exchanged brief pleasantries but did not talk otherwise.

Around 1:30 AM that morning, the buzzer rang to indicate someone was at the front door. I looked at the monitor and saw two police officers - or so I thought - standing with full face masks on. It was freezing outside so that didn't surprise me. One of them spoke and told us they got a call about an alarm being tripped, and my co-worker Casey Hudson let them in without asking me first.

Once they got inside they tied us up and separated us. I'm pretty sure Casey was moved to a different room because I heard footsteps moving away and we eventually found Casey in the hallway outside the Renaissance and Baroque room. They kept me in the main lobby area the entire time and I'm pretty sure one of the individuals stayed in the lobby with me the entire time because I think I heard them moving around. They made me kneel against a wall and put a blindfold on me for the entire time I was in the lobby.

When the two individuals first made it clear that this was a robbery, one of them told us to "be quiet and don't do anything dumb and you'll both be fine." I realized after a few seconds that I think the person who spoke was Izzy Gardner. It was the shorter of the two people, the one who seemed to be in charge - they seemed to be disguising their voice to make it lower but I think it was Izzy Gardner. I know Izzy's voice pretty well from all the time we spent together and I can't shake the feeling that the voice belonged to Izzy.

When I had time to sit and kneel, I started to second guess myself. I'm worried I connected the voice to Izzy because I saw and heard Izzy earlier. The voice didn't really sound like Izzy but that might be because the person was trying to disguise their voice. I think that person's voice sounded like what Izzy's voice would sound like if Izzy tried to disguise their voice. I was definitely scared though and my heart was pounding in my chest. Eventually I heard movement and heard that same voice again; the person said "we've got what I wanted, let's go." I heard the voice again and almost all of my doubt was gone. I really think the voice belonged to Izzy Gardner. To be clear, I never saw anything to help me identify the person as Izzy. I'm just doing my best to remember what happened.

45 Eventually I heard the two people leave and I think they left out the back door to the alleyway  
46 we share with the Walters. I definitely thought that was strange and it made me more  
47 confident that the voice was Izzy - it would make sense for Izzy to leave out the back door  
48 toward where I saw Izzy earlier that night. I really hope it wasn't Izzy who did this, but I  
49 remember Izzy telling me last Thanksgiving about some debt problems and that the Walters job  
50 was the only thing keeping Izzy afloat.

51  
52 Eventually I was cut loose by Sidney Ross who is another security guard. Sidney helped me find  
53 Casey Hudson who was tied up and blindfolded outside the entrance to the Renaissance and  
54 Baroque room. Sidney called the police and asked what happened. I told Sidney we had been  
55 robbed by a few people. I heard Sidney call the police and say "yes, two people robbed the  
56 Walters Art." I thought that was odd because I never said how many people there were, but I  
57 figured Sidney was just assuming. That's when Detective Barnes got here and asked me to write  
58 this statement. As of 5:30 AM on January 5, 2020, this is everything I remember about what  
59 happened during the robbery.

60

61 *Jamie Banerjee*

62 Jamie Banerjee

Barnes Exhibit B

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Statement of Casey Hudson  
Sunday, January 5, 2020; 5:45 AM

My name is Casey Hudson. I was working at the Walters Art Museum this morning when we were robbed. My shift was scheduled to run from 8 PM on January 4, 2020 to 5 AM on January 5, 2020.

I was sitting at the front security desk reading a book around 11 PM when Jamie Banerjee came back from a break and told me Jamie had seen a former Walters employee named Izzy Gardner out back. Apparently Izzy was working at the Engineers Club now, which didn't surprise me; Izzy was fired from the Walters back in November of 2019. It wasn't a pleasant thing to have to think about Izzy all of a sudden. I'll be honest: I can't stand Izzy Gardner. I didn't like Izzy from the moment we met on the job. We used to argue all the time and I was elated when I heard that Izzy got fired. I wasn't there to see it but I wish I had been.

The evening of January 4 and 5, 2020 was normal aside from that until 1:30 PM when the front doorbell buzzed. Our front doorbell is connected to a camera and a speaker. The doorbell camera does not record but we can see a live picture at the security desk when someone is out front. I looked at the monitor and saw two people who looked like Chesapeake City Police Officers. One was taller than the other and both of them had full face masks on, which didn't surprise me as it was below freezing that night.

I paused for a moment but figured they were legitimate, so I pressed the button to let them in the front doors. Jamie and I didn't say anything to each other before I did that but Jamie didn't stop me, so I figured Jamie agreed they should come in. As soon as the doors closed behind them, I realized my mistake. Both of them tied us up and blindfolded us, and then I was led from the lobby and down the main hallway. We went into the museum but I got turned around so initially I wasn't sure where I was. Whoever was moving me forced me to sit down with my back against a wall.

I decided it was the time to act - in part because I was pretty sure I could hear someone cutting something out of a frame. I slowly started pushing myself up using the wall to brace me, trying to move slowly but efficiently to avoid attention. Unfortunately it didn't work; someone pushed me back down, pulled down the very top of my blindfold, and pointed a handgun in my face. At the time it seemed like a real gun but now I think it might have been fake. The person pulled the blindfold back up over my face, but it slipped down just a little bit on the left side and I had a little bit of a view. I realized I was outside the Renaissance and Baroque room, and that the shorter of the two robbers was using a knife or box cutter to cut *Madonna of the Candelabra* from its frame.

The person cutting the painting paused at that point and turned to the side, wiping their face with their arm. When they did this, their mask slipped just for a moment and I was able to see a



45 reflection of part of their face in a mirror on the opposite side of that room. When I saw the  
46 face, I realized right away: I'm almost positive it was Izzy Gardner. It was for less than a second  
47 and it was definitely dark in there, but I know Izzy well and I recognize Izzy's features. I will  
48 admit I was mostly thinking about that gun and trying to make sure I made it out alive.

49  
50 Eventually the person removed *Madonna of the Candelabra* from the frame and walked out of  
51 eyesight for me. I think I heard footsteps go back toward the lobby, and then it was silent. I  
52 have no idea when the robbers left or even if they had left, so I sat silently and figured someone  
53 would find us eventually. A few hours later another guard named Sidney Ross showed up for  
54 the day and cut me loose. Sidney called the police and Detective Barnes arrived soon after the  
55 first officers got there. As of 5:45 AM on January 5, 2020, this is everything I remember about  
56 what happened during the robbery.

57

58 *Casey Hudson*

59 Casey Hudson

1 **Dr. Jordan Matthews**

2 *Witness for the State*

3 *Telecommunications Expert*

4  
5 **Introduction**

6  
7 The Federal Bureau of Investigation (FBI) Cellular Analysis Reconnaissance Division (CARD) was  
8 requested by the Chesapeake City Police Department to analyze cellular phone records for 667-  
9 210-2250 (“target cell phone”). The target cell phone is alleged to be associated with a robbery  
10 that occurred on the late evening of January 4, 2020 and into the early hours of the next day,  
11 January 5, 2020.

12  
13 **Background**

14  
15 I received my B.S. in Telecommunications from the University of Maryland, College Park in  
16 2006. I then received my Ph.D. in Applied Engineering and Mathematics from the University of  
17 Maryland in 2010. I worked as an Assistant Professor of Engineering at Drexel University from  
18 2010 until 2014 when I was hired as the Chair of the Telecommunications and Applied  
19 Engineering Department at Chesapeake State.

20  
21 In addition to my work with Chesapeake State, I own and operate Matthews Engineering  
22 Consultants, a private consulting firm. I founded the firm in 2015 when I was hired on a  
23 contract basis by the FBI to help found CARD. Since 2015, I have assisted the FBI in developing  
24 their cellular tracking technology. I have testified in court at the federal and state levels on over  
25 25 occasions. In every one of those cases, I have testified on behalf of the government or the  
26 state, and in each case the court has accepted me as an expert witness in cellular tracking and  
27 applied engineering. My consulting firm does not do defense work. I testified 10 times in 2019  
28 but have yet to testify in 2020 due to court closures as a result of the COVID-19 pandemic.

29  
30 I have published one peer-reviewed paper on the science of cellular tracking, titled *Bringing*  
31 *Cellular Tracking into the Modern Courtroom*. That paper helped set national standards for in-  
32 court testimony by cellular forensic analysts like myself and is routinely cited by experts around  
33 the country when testifying at trial.

34  
35 **Compensation**

36  
37 My firm has an existing contract with the Chesapeake City Police Department to provide  
38 consulting services as needed. We charge \$300/hour for our review and an additional  
39 \$5,000.00 one-time fee for in-court testimony. I spent approximately 20 hours on this case  
40 conducting my analysis and preparing the report and maps I have provided. In total, my firm  
41 will bill \$11,000.00 for my work in this case.

45 **Materials and Scope of Review**

46

47 I have reviewed only the following information: Exhibit 3, the zoomed-in map of downtown  
48 Chesapeake City, and Exhibit 9, the cellular data of phone number 667-210-2250, belonging to  
49 an individual named Izzy Gardner. I also utilized a Maps overlay of Chesapeake City to generate  
50 the maps in this report, which can be seen in Exhibit 11a – 11f. (I labeled the map contained in  
51 Exhibit 2 as a box inside of the maps in Exhibit 11.) I requested and received the cellular data  
52 contained in Exhibit 9 from Xfinity Mobile. I can verify that the information contained in Exhibit  
53 9 is true and accurate.

54

55 **Methods**

56

57 There are a lot of common misconceptions about how cellular tracking works. Frequently I  
58 encounter people who believe we simply identify cell towers and connect the dots, but the  
59 actual science is much more sophisticated and precise.

60

61 I performed an analysis on the call detail records obtained for the target cell phone. The call  
62 detail records, documented in Exhibit 9, show the network interaction to and from the target  
63 cell phone. These records also document the “cell tower” that served the cell phone during the  
64 documented activity. When I combine the call detail records and a list of cell site locations, I am  
65 able to illustrate an approximate location of the target cell phone when that phone initiated  
66 contact with the network.

67

68 These locations can be determined in large part due to a cell tower’s “orientation.” I believe a  
69 common misconception about cellular towers is that they extend in all directions at all times.  
70 This is false. Each cellular tower has three antennas that extend in different directions, covering  
71 an approximate range, or “orientation.” When a cellular phone connects to a tower, it will  
72 connect to the antenna on that tower that is oriented in the direction of that phone. As you will  
73 see from the maps in this report, I have included the range and orientation of the antenna that  
74 was “pinged” by the subject cellular phone. When I combine all of this information, I am able to  
75 use that information to track the subject phone.

76

77 These methods are standard in my field and have been extensively peer reviewed. There is little  
78 to no risk of error when generating cellular maps based on these data as we simply take the  
79 information from the cellular provider and use it to determine which towers were utilized.  
80 There is no interpretation by the analyst and the resulting maps are absolutely reliable.

81

82 While we have all grown used to constant cellular coverage, no one wants to see large cell  
83 towers everywhere. Cellular providers have balanced those concerns by designing cell towers  
84 to look like everyday objects, including windmills, clock towers, silos, flag poles and even  
85 gravestones. This serves a benefit to the consumer as it provides them with consistent cellular  
86 service, but it can also be beneficial to law enforcement. Because there are more cellular  
87 towers for individuals to connect to, we can more precisely narrow down their location based  
88 on the cell tower they connect to at a given time.

89 **Background Information**

90

91 I was deliberately told very little about this case by Chesapeake City Detectives before  
92 beginning my analysis. I was made aware of the following facts to provide basic context for this  
93 review:

94

95 1. The potential suspect, Izzy Gardner, is the registered owner of a cellular device with the  
96 cellular number 667-210-2250. That device is registered to Xfinity Mobile.

97 2. Izzy Gardner lives at the Monument Homes Apartment Complex, located in the upper-  
98 left corner of Exhibit 2.

99 3. Izzy Gardner was employed at the Engineers Club and worked a shift on the evening of  
100 January 4, 2020 before allegedly returning to the Monument Homes Apartment  
101 Complex later that evening.

102 4. The Engineers Club and the Walters Art Museum are located next to each other and  
103 share a rear alleyway.

104

105 **Results**

106

107 It's important to understand that we can now track an individual's cellular phone location  
108 through methods other than phone calls. There is no indication from the records that Izzy  
109 Gardner placed or received any phone calls on the evening of January 4 or morning of January  
110 5, 2020. But the records indicate that Gardner had "location services" enabled on Gardner's  
111 cellular device, which is a common modern feature that allows your cellular carrier to  
112 constantly track your location. Such information may then be utilized by various third-party  
113 phone applications like Google Maps or Apple Maps.

114

115 A review of the records in Exhibit 9 shows that Izzy Gardner's cellular phone was located in a  
116 range that includes the Monument City Apartment Complex at 4:09 P.M. on January 4, 2020.  
117 You can see that 4:09 connection reflected in Matthews Exhibit 11c. For reference I have also  
118 included a map of all cell towers in the area that night, attached as Matthews Exhibit 11b.

119

120 At approximately 4:22 PM, Gardner's phone pings off cell tower 71Z in the orientation shown in  
121 Matthews Exhibit 11d. This is the first time that Gardner's location appears to change, and it  
122 reflects that Gardner is likely in motion or is in the process of moving locations.

123

124 The next data point we have is at approximately 4:36 PM when Gardner's phone pings off  
125 cellular tower 109X. As shown in Matthews Exhibit 11d, that cellular tower's range includes the  
126 area where the Engineer's Club and the Walters Art Museum are located. Gardner's location  
127 remains static for several hours at this point, indicating that Gardner likely remained in the  
128 same location or close to the same location for the rest of the day on January 4, 2020 and into  
129 the morning of January 5, 2020. The last ping at this location for now is listed at 12:38 AM on  
130 January 5, 2020.

131

132 Gardner's phone begins to move again after midnight on January 5, 2020. At approximately  
133 12:50 AM on January 5, 2020, the subject phone pings to the same cellular tower and antenna  
134 that it was connected to for most of the day on January 4, 2020. This cellular tower and  
135 antenna include the apartment building where Izzy Gardner lives, and can be seen in Matthews  
136 Exhibit 11c.

137  
138 The next connection to the subject phone is at 1:13 AM and is a ping to the same tower that the  
139 subject phone connected to for much of the evening of January 4, 2020, which is Tower 109X.  
140 This tower and specifically this antenna range does not include Gardner's apartment building  
141 and does include both the Walters Art Museum and the Engineer's Club. There is another ping  
142 to this same tower and antenna at approximately 1:24 AM and 1:32 AM. This tower orientation  
143 can be seen in Matthews Exhibit 11e.

144  
145 The next connection to the target phone is at 1:38 AM, to an entirely different tower and  
146 antenna. This tower, indicated on the records and in Matthews Exhibit 11f as cellular tower  
147 16X, shows that the target phone connected to an antenna oriented to include the entirety of  
148 the Walters Art Museum complex but not the alleyway between the Walters Art Museum and  
149 the Engineers Club or the Engineers Club itself. This does not prove that the target phone was  
150 inside of the Walters Art Museum at the time of connection but does prove that the target  
151 phone was not located inside the Engineer's Club at 1:38 AM. There is another connection to  
152 the same tower and antenna at approximately 1:50 AM.

153  
154 The next connection to the target phone is at 2:03 AM. This connection was to tower 71Z in the  
155 same location and orientation shown in Matthews Exhibit 11d. This is the same tower as the  
156 connection that occurred around 4:22 PM on January 4, 2020 that encompass the area  
157 between the Walters Art Museum/Engineer's Club and the Monument Homes Apartment  
158 Complex. This does not demonstrate the target phone's exact location but does appear to show  
159 that the target phone was not inside of the Walters Art Museum, the Engineers Club, or the  
160 Monument Homes Apartment Complex at approximately 2:03 AM.

161  
162 The next and final significant connection occurs at 2:12 AM. This ping is from cellular tower 46Y  
163 at the same antenna orientation as the previous times, shown in Matthews Exhibit 11c. This  
164 tower range includes the Monument Homes Apartment Complex. The subject phone remained  
165 static in that location for the remainder of the time shown on the records.

## 166 167 **Conclusions**

168  
169 I am able to conclude to a reasonable degree of scientific certainty the following information:  
170

- 171 1. The target phone was located in a range that includes the Monument Homes Apartment  
172 Complex but not the Engineers Club or the Walters Art Museum from 12:01 AM to 4:16  
173 PM on January 4, 2020.

174

- 175 2. The target phone was located in a range that includes neither the Monument Homes  
176 Apartments nor the Engineers Club or the Walters Art Museum at 4:22 PM.
- 177 3. The target phone was located in a range that includes the Engineers Club and the  
178 Walters Art Museum from 4:36 PM on January 4, 2020 to 12:38 AM on January 5, 2020.  
179
- 180 4. The target phone was located in a range that includes the Monument Homes Apartment  
181 Complex but not the Engineers Club or the Walters Art Museum at 12:50 AM on January  
182 5, 2020.  
183
- 184 5. The target phone was located in a range that includes the Engineers Club and the  
185 Walters Art Museum from 1:13 AM to 1:32 AM on January 5, 2020.  
186
- 187 6. The target phone was located in a range that includes the Walters Art Museum but not  
188 the Engineers Club or the alleyway between the Engineers Club and the Walters Art  
189 Museum from 1:38 AM to 1:50 AM.  
190
- 191 7. The target phone was located in a range that includes neither the Monument Homes  
192 Apartments nor the Engineers Club or the Walters Art Museum at 2:03 AM on January 5,  
193 2020.  
194
- 195 8. The target phone was located in a range that includes the Monument Homes Apartment  
196 Complex but not the Engineers Club or the Walters Art Museum from 2:12 AM to 11:59  
197 AM on January 5, 2020.  
198

199 I believe to a reasonable degree of scientific certainty that the target phone was not located  
200 inside the Engineers Club from 1:38 AM to 1:50 AM on the early morning of January 5, 2020.  
201 That said, I cannot conclude where within the demonstrated range the subject phone was  
202 located. That range does include a portion of the Walters Art Museum but also includes several  
203 other locations.  
204

205 While these data points are precise and reliable, there is always some room for error at the  
206 margins. These measurements cannot prove, for example, whether a person is seated on the  
207 left or the right side of a room. They are simply not precise enough to narrow down a device's  
208 location to within a few feet. The ranges displayed in my report are accurate, but they should  
209 not be used without additional contextual information to pinpoint the location of a particular  
210 device and the individual who possesses that device.  
211

212 Jordan Matthews

213 Jordan Matthews

1 Supplemental Report of Dr. Jordan Matthews

2  
3 I had the opportunity to review the report prepared by Dr. Kenya Abara in this case and I  
4 disagree completely with Dr. Abara’s conclusions. Here are my supplemental observations after  
5 reviewing Dr. Abara’s report:  
6

- 7 1. Dr. Abara fundamentally misstates how cellular towers handle signals as they reach the  
8 edge of an antenna’s range. When a cellular phone attempts to connect to a tower, it  
9 may be within range of more than one cell tower. While the cellular phone will typically  
10 connect to the closest tower, if that tower is overloaded - say by a large event in close  
11 proximity to that first tower - the cellular phone may find another tower nearby and  
12 connect to that tower even if the second tower is further away from the phone than the  
13 first tower.  
14

15 Here’s what that matters in this case. Dr. Abara claims that we cannot rely on the  
16 cellular data because the margin of error allows for some adjustment at the edge of the  
17 antenna’s range. But if the target cellular phone was reaching the edge of a specific  
18 antenna’s range, it is much more likely that the phone would have simply connected to  
19 another tower with a stronger signal, even if that tower was further away. Put another  
20 way, the phone would not have stayed connected to the rapidly weakening signal as the  
21 phone reached the edge of the antenna’s range; instead the phone would have located  
22 a tower further away but with a stronger signal and connected to that tower. That is not  
23 what we see in this case, which suggests that the target cell phone was not on the outer  
24 edge of the antenna’s range when it connected each time on January 4 and 5, 2020.  
25

- 26 2. I do agree with Dr. Abara’s analysis that cell tower ranges can be less precise at the  
27 margins. Margin of error does exist and it can be difficult to calculate, as we are dealing  
28 with large spaces and imperfect technology. It is possible, albeit very unlikely, that Dr.  
29 Abara’s conclusions are correct. That slim possibility does not change my conclusions,  
30 however, as cellular tracking technology is still remarkably accurate. We know the  
31 designed orientation for each of the cellular tower antennas on the night in question,  
32 and we know that the target cellular phone connected to certain antennas at certain  
33 times.  
34

35 That evidence is sufficient to support the conclusion that the target cellular phone was  
36 within the designed antenna orientation space at the time of each connection, and Dr.  
37 Abara’s attempt to explain away this reality is simply an attempt to ignore reality. The  
38 target cellular phone was most likely not located in the Engineers Club or the alleyway  
39 between the Engineers Club and the Walters Art Museum at 1:38 AM and 1:50 AM  
40 when it connected to cellular tower 16X, and nothing in Dr. Abara’s report alters the  
41 confidence of my conclusions.  
42

43 Jordan Matthews

44 Jordan Matthews

1 **Affidavit of Izzy Gardner**

2 *Witness for the Defense*

3 *Defendant*

4  
5 After having been duly sworn by oath, Izzy Gardner hereby states as follows: I am over  
6 18 and competent to make this affidavit. I am testifying voluntarily and was not subpoenaed or  
7 compelled to testify.

8  
9 My name is Izzy Gardner. I'm 19 years old. I was born into a small fishing community on  
10 Smith Island, in eastern Maryland. My dad left on a boat when I was five and never came back,  
11 so it was just my mom and I at home. Things weren't always easy, but we got by. I started  
12 working at the docks when I was 14, just to help my mom pay for things. I would pick crabs,  
13 bring in the lines, and help the local fishermen carry the day's catch up to the shops. It wasn't  
14 always the most interesting place to live, but I'll always love Smith Island as my home.

15  
16 When I turned 16, I won a scholarship to come to Chesapeake City and complete high  
17 school in an independent study program. I've always loved art, and I had been researching art  
18 history in Maryland. That's how I got connected to the Walters Art Museum in the first place. I  
19 did my last two years of high school at Chesapeake City Tech and worked part-time at the  
20 Walters for class credit. It really was a great two years. I moved to Chesapeake City in July of  
21 2017 and did my junior and senior year at Tech. I started working at the Walters in January of  
22 2018 and worked there until December of 2019.

23  
24 The Walters had some amazing paintings and artifacts that I was so excited to see in  
25 person. Yes, it's true that I was specifically intrigued by the "Rubens Vase" which was housed at  
26 the Walters until the robbery. I read that it had been stolen a bunch of times, including in  
27 France a long time ago, and once even by pirates! I couldn't believe how amazing of a history it  
28 had, and I was so excited to come to Chesapeake City and see it firsthand. The Walters has so  
29 many beautiful exhibits and I would spend hours there when I first moved to Chesapeake City,  
30 just wandering the halls and imagining the history behind these paintings and artifacts.

31  
32 Unfortunately, things got a lot harder after I finished my high school independent study  
33 program in June of 2019. I decided to stay in Chesapeake City, but I ran out of money pretty  
34 quickly and was desperate for cash. The shifts at the Walters just weren't cutting it. In October  
35 of 2019, I was caught stealing merchandise from Target. In early November, I was charged with  
36 and pleaded guilty to misdemeanor theft under \$1,500, received a conviction on my record,  
37 and had to pay a fine of \$500. It was a mistake and I regret making that decision. I was just  
38 desperate.

39  
40 I didn't tell anyone at the Walters about the theft conviction, and I managed to keep it a  
41 secret until late November of 2019. I think it was around November 24 when one of the  
42 security guards, Sidney Ross, found out about it somehow and asked me about it one day while  
43 we were working together. I was furious and told Ross to never mention it to anyone, and she  
44 told me she had to tell our boss. I lost my cool and said something to Ross about how she didn't



45 want to make me her enemy, and things got pretty ugly from there. That same day my boss  
46 heard us fighting and came over to break it up, but Ross told our boss about my conviction. My  
47 boss told me that I couldn't be trusted, and that if I would try to steal from a store, I might try  
48 to steal from the museum - and then they fired me. That was ridiculous and I would never steal  
49 from a place as amazing as the Walters. But I was told to clean out my locker and I got my last  
50 paycheck in the mail a week later. I was pretty much broke at that point, and I really didn't  
51 know how much longer I would be able to stay in Chesapeake.

52

53 In December of 2019, I lucked out - that's when I met Armani Lee. Armani was a student  
54 at one of the two law schools in Chesapeake City; I can never remember which one, but I'm  
55 pretty sure they're basically the same anyways. Armani had a spare room and they let me rent  
56 the room for a really cheap price. That was good, because I had basically no money. I had just  
57 gotten a job working part-time for the Engineers Club right near the Walters, serving food and  
58 drinks for snooty lawyer types, but that barely paid enough for me to pay rent and eat.

59

60 When I first moved in, Armani was looking for a way to make extra money as well, so I  
61 helped Armani get a job at the Engineer's Club. We worked work shifts together a few times a  
62 month and it helped us both keep the lights on.

63

64 On the night of Saturday, January 4th, 2020, I was working an event at the Engineer's  
65 Club with Armani. The event was scheduled to run from 5 - 11 PM. Every employee is required  
66 to sign in when we arrive and sign out when we leave. Our boss, Mr. Lambert, is really strict and  
67 makes sure everyone signs in and out. Armani and I were on closing duty which meant that we  
68 would stay after the event was over to clean up. I agree that Exhibit 4 (the sign-in sheet) is the  
69 sheet from the night of January 4, 2020, and it appears to be exactly how the sheet looked  
70 when I signed out that night.

71

72 It was about a 15-minute walk from Armani's apartment to the Engineers Club. Armani  
73 had a two-bedroom place at the Monument Homes Apartment Complex. I've looked at Exhibit  
74 3 and agree with all of the information in that exhibit. I left the apartment building around 4:15  
75 and got there right at 4:30, which was the time I was supposed to arrive. Armani was opening  
76 that day so they had left about 30 minutes earlier.

77

78 The event was nothing special, just a reception for a local politician. The only interesting  
79 part of the night happened around 10:30 PM. I was taking a trash bag out to the dumpster that  
80 sits in the alleyway between the Engineers Club and the Walters when I saw one of the security  
81 guards, Jamie Banerjee, standing by the back exit to the Walters. Jamie was scrolling on Jamie's  
82 phone and barely even acknowledged me; I tried to be friendly but it didn't really seem like  
83 Jamie wanted to talk. That was too bad because Jamie and I used to be close, but I had to get  
84 back inside to keep working so I didn't dwell on it.

85

86 Everything had pretty much wrapped up around 11 PM and all of the other employees  
87 left around then. Armani and I stayed to close up. We counted and logged all of the cash  
88 payments, took out the trash, wiped down the tables, and left around 12:35 AM. I do

89 remember that we talked most of the way home. Armani had been having relationship  
90 difficulties so we talked through a few issues and I gave Armani some advice.

91  
92 We made it back to our apartment building at 12:52 AM; I remember that exact time  
93 because I realized when we got back that I didn't have my wallet. I checked my phone and saw  
94 it was 12:52 AM. I was pretty sure I left it somewhere at the Engineers Club so I decided to walk  
95 back and try to find it. Armani was concerned but I told Armani I'd be fine and left to walk back  
96 to the Engineers Club. I don't remember exactly what time I got back there but I think it was  
97 around 1:10 AM. I used my key to let myself back in and started to search.

98  
99 It took me a while to find my wallet. I looked all over the place but eventually I found it  
100 in the back alley that we share with the Walters. I had to toss some heavy trash bags in the  
101 dumpster that night and I think it must have fallen out when I was doing that. I checked my  
102 phone and it was 1:46 AM when I found my wallet, and I locked up the club and left just a few  
103 minutes later. There aren't any security cameras or alarm systems at the club that could verify  
104 those times; it's an older building and I guess no one ever bothered to update the security.

105  
106 I made it home around 2:00 AM. Armani was asleep when I got in and I went right to  
107 bed. I slept in and woke up around 10:00 AM on the morning of January 6th. Nothing was  
108 unusual that morning and I followed my normal schedule until I was approached by the police  
109 on Monday, January 7, 2020.

110  
111 I was sitting in my apartment eating breakfast on the morning of the 7th when I heard a  
112 knock at the door. I opened the door and was greeted by an individual who introduced  
113 themselves as Detective Murphy Barnes of the Chesapeake City Police Department. Detective  
114 Barnes asked to come in and ask me some questions. Armani had already left so I said yes. I had  
115 no idea what Barnes wanted to talk about but I wanted to be helpful.

116  
117 Detective Barnes sat down and slid a few photos across the table. It took me a few  
118 seconds before I recognized the first one: it was the pedestal where the Rubens Vase usually sat  
119 - but it was empty! Detective Barnes explained that the other two photos were of empty frames  
120 that used to hold *Madonna of the Candelabra* by Raphael and *Springtime* by Claude Monet. I  
121 didn't understand what happened until the Detective told me: someone had robbed the  
122 Walters on the night of the 4th and 5th, and they had stolen those three items.

123  
124 I was stunned by the news - but I couldn't believe what Barnes said next. Detective  
125 Barnes leaned back in the chair, looked me in the eyes, and said "I know it was you." I was so  
126 shocked I couldn't speak. Barnes paused for another moment and then said "Both guards IDed  
127 you, and we tracked your cell phone that night. We know you were there and we know you  
128 robbed the museum. This will go a lot easier if you cooperate."

129  
130 I couldn't believe what I was hearing. Barnes asked to look around the apartment and I  
131 said yes, because I had nothing to hide. Barnes searched my room and the main areas, but I  
132 didn't allow entry into Armani's room. That wasn't my space and I didn't have the right to grant

133 permission to search in there. Of course Barnes found nothing because there was nothing to  
134 find. Barnes told me at one point that the robbers used a gun and that's just another reason  
135 why this couldn't have been me. I hate guns and have never even held one. Barnes left and said  
136 they would be in touch soon.

137

138 Two days later on Wednesday, January 9, 2020, I was walking to work at the Engineer's  
139 Club when two Chesapeake City police vehicles pulled up next to me. Detective Barnes and two  
140 other officers got out and stopped me, and informed me I was under arrest for robbing the  
141 Walters. I told them they had the wrong person and they could search as much as they wanted,  
142 but they would never find proof that I had anything to do with the robbery. Then I asked for my  
143 attorney and told them to stop asking me questions.

144

145 I know that the police have pulled my bank statements for the days around when the  
146 museum was robbed. There's a few cash deposits on there from working shifts at the Engineers  
147 Club, and there's a Venmo payment to Armani Lee for \$600.00 - that's my monthly rent  
148 payment to Armani. But I'm pretty sure what they're really concerned about is the \$7,800.00  
149 deposit I made on January 6th.

150

151 I know that deposit doesn't look good, but it doesn't have anything to do with the  
152 robbery. As you can see from those records, I was making good money working at the  
153 Engineers Club but I still didn't have a lot of money to spare. My dad has an older brother, my  
154 Uncle Andy, who does well with various odd jobs but moves around a lot. He sends me gifts  
155 from time to time, and he gave me \$8,000.00 in cash for Christmas. I used about \$200.00 of it  
156 on expenses and just hadn't gotten around to depositing the rest until January 7th. He enclosed  
157 a short note when he sent the money but I didn't save it or the envelope, and I don't know his  
158 phone number or where he is right now.

159

160 Think about it - how could that money possibly be from the robbery? Those paintings  
161 were worth way more than \$7,800.00, and even if I did steal them - which I didn't - there's no  
162 way I could have turned around and sold them that quickly. And I definitely wouldn't have sold  
163 them for a fraction of what they were worth. That money came from Uncle Andy and that's the  
164 truth.

165

166 Of course I didn't break into the Walters on the night of January 4th and 5th. It's a  
167 ridiculous claim and the police are just desperate because they can't solve this case. They can't  
168 find the artwork and they have no idea who did it, so they're trying to pin it on me. I already  
169 explained why my cell phone was in the area that night - I went back to find my wallet - and I  
170 barely know either of those security guards. Yes, I spent Thanksgiving in 2019 with Jamie  
171 Banerjee, but we weren't close. I needed somewhere to go and Jamie offered.

172

173 I would never take part in anything like what I'm being accused of doing in this case. I  
174 definitely wouldn't know the first thing about how to sell stolen art, even if I had some - which  
175 to be clear, I don't.

176

177 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving this  
178 statement, I was told I should include everything I know that could possibly be relevant to my  
179 testimony, and I followed those instructions. I know that I must update this affidavit if anything  
180 new occurs to me until the moment before opening statements begin in this case.

181

182 *Izzy Gardner*

183 Izzy Gardner

1 **Affidavit of Armani Lee**

2 *Witness for the Defense*

3 *Defendant's Co-Worker/Friend*

4  
5 After having been duly sworn by oath, Armani Lee hereby states as follows: I am over 18  
6 and competent to make this affidavit. I am testifying voluntarily and was not subpoenaed or  
7 compelled to testify.

8  
9 My name is Armani Lee. I'm 23 years old. I'm testifying here today because I know that  
10 Izzy Gardner didn't rob the Walters Art Museum. Izzy was with me that night and only walked  
11 back to find Izzy's wallet. I know Izzy is telling the truth and it's absurd that Izzy is being accused  
12 of stealing from the Walters. I hope I can do everything possible to clear Izzy's name.

13  
14 I met Izzy Gardner in December of 2019. Izzy had recently been fired from the Walters  
15 and had started working at the Engineers Club as a server and bartender. I went to an event at  
16 the club that was hosted by my law school, the University of Chesapeake Francis Scott Key  
17 School of Law. Izzy was working the bar that night and we hit it off right away. Izzy just has this  
18 easy to like personality and within minutes we were chatting away about European philosophy  
19 and old baseball cards.

20  
21 It turned out that I actually had a spare room in my apartment to rent. My roommate  
22 had recently moved out to transfer to a law school in Washington D.C. and I needed a tenant as  
23 quickly as possible. Izzy said that money was really short but that the Engineers Club was  
24 starting to give them more shifts, so affording the rent wouldn't be an issue. It might not have  
25 been the wisest decision I ever made, but I invited Izzy to move in. Izzy took me up on it right  
26 away and moved in the following week, around the second week in December. We agreed on a  
27 monthly rent of \$600.00 starting in January of 2020.

28  
29 I actually had been having some financial difficulties myself so I asked to see if I could  
30 work a few shifts at the Engineers Club. Izzy agreed right away and I started working there  
31 around Christmas in 2019, doing a lot of the same things that Izzy did. It wasn't the most fun  
32 job I've ever had, but it helped me afford textbooks and a few new shirts. I was grateful to Izzy  
33 for helping me out and I'd definitely say I owe Izzy a favor for that.

34  
35 Unfortunately when January came around, Izzy didn't pay the rent. Izzy told me they  
36 had to pay off some bills and would get me the rent money as quickly as possible once Izzy  
37 picked up some extra shifts at the club. Izzy told me on January 3rd "don't worry, I've got a plan  
38 to make sure I have plenty of money to pay the rent for the rest of the year." I wasn't worried  
39 about the rest of the year - I just needed to get through January - but I was glad to hear that  
40 Izzy was taking responsibility and would make sure I got the money I needed. Izzy did eventually  
41 send me the rent on January 7<sup>th</sup>.

42  
43 Izzy and I were scheduled to work together on the evening of January 4, 2020. It was a  
44 pretty normal assignment; some event was happening at the club and we would be there to



45 serve food and bartend. It's about a 15-minute walk from the Monument Homes Apartment  
46 Complex where we lived to the Engineers Club, and I had the opening shift that night so I had to  
47 be there by 4:00 PM. I left around 3:45 PM and got to the Engineers Club right at 4:00 PM. I  
48 remember Izzy got there about a half hour after me.

49

50 Izzy was acting completely normal that night. I think that's part of why these accusations  
51 seem so ridiculous. I know I had only met Izzy a few weeks earlier, but we had gotten close very  
52 quickly and I could tell when Izzy was feeling off. Izzy was totally fine that day; they were  
53 laughing and joking like normal. It never seemed like they were planning something or acting  
54 strangely at all. If Izzy was spending the entire night thinking about a plan to rob the Walters, I  
55 think I would have noticed.

56

57 Izzy and I worked the event and then closed up, and I think we left the club a few  
58 minutes after 12:30 AM on January 5th, 2020. I had gotten into a fight with my partner earlier  
59 that day and I was frustrated by how it went, so I remember Izzy and I talked about that on the  
60 way back. We got back to the apartment about 20 minutes later; I think we walked slower than  
61 normal since we were talking so much.

62

63 I remember that when we got back to the apartment, we were about to walk inside  
64 when Izzy stopped and said "oh shoot, I forgot my wallet back at the club." I thought that Izzy  
65 sounded a little bit strange when Izzy said that, like it was a line Izzy had rehearsed, but it was  
66 late and we were both tired so I brushed it off. I did tell Izzy that it was too late for Izzy to walk  
67 back alone, but Izzy really didn't want to lose their wallet. Izzy left to walk back a few minutes  
68 before 1:00 AM. I went inside and went right to bed, but I left the door to my room open so I  
69 could hear when Izzy came back.

70

71 I don't remember exactly what time Izzy came back. I think it was between 2:00 and  
72 3:00 AM, but I'm not sure what time it was within that hour. I remember hearing Izzy come in  
73 and go into their room. I heard a "thump" noise on Izzy's desk like they were setting down  
74 something heavy, and then I fell back asleep.

75

76 The next morning I woke up and made breakfast. Izzy slept in for a while and everything  
77 seemed normal that day. I left the house that morning and was gone for most of the day with a  
78 friend from out of town. I don't know what Izzy was doing while I was gone but again  
79 everything seemed totally normal. I got back later that evening and went to sleep, and nothing  
80 seemed out of the ordinary until Izzy was arrested. I didn't even know the police had come to  
81 the apartment and talked to Izzy. Apparently they didn't go into my room which I was glad to  
82 hear, but I was shocked to hear they had searched the rest of the house.

83

84 I was completely shocked when I found out a few days later that Izzy had been arrested  
85 for robbing the Walters! I don't see how it could have possibly been Izzy when Izzy was with me  
86 for basically the entire evening. Yes, I know that Izzy left and went back to that area around the  
87 time the Walters was robbed. But come on - Izzy is my roommate and my friend. Do you really  
88 think I wouldn't have noticed anything if Izzy had planned and executed an art heist? Izzy was

89 acting completely normal the entire time and never gave even the slightest hint that Izzy was  
90 up to something nefarious. There's also no way the paintings were hidden in our apartment; it's  
91 not very big and there's nowhere to hide anything large or bulky. I've also never seen Izzy hold  
92 a gun or even reference knowing how to use a gun. I consider Izzy to be a peaceful and gentle  
93 person and I do not believe Izzy has any experience with guns.  
94

95 I found out recently that Izzy made a large cash deposit a few days after the museum  
96 was robbed. I do remember Izzy receiving a thick envelope in the mail a few days before  
97 Christmas in 2019, and I remember Izzy seemed to be excited about what was inside. I also  
98 remember Izzy told me Izzy wouldn't have any trouble paying me the rent from then on. But I  
99 don't remember ever seeing if the envelope had cash inside, and I can't remember Izzy ever  
100 mentioning an Uncle Andy. Izzy doesn't talk about Izzy's family much though, so it's possible  
101 Izzy has an Uncle Andy that Izzy just never mentioned to me. I can also confirm that the Venmo  
102 payment for \$600 on those records is to me for Izzy's rent payment. I am familiar with Izzy's  
103 bank records because they were shown to me by Izzy's attorney before I wrote this affidavit.  
104

105 I swear or affirm the truthfulness of everything stated in this affidavit. Before giving this  
106 statement, I was told I should include everything I know that could possibly be relevant to my  
107 testimony, and I followed those instructions. I know that I must update this affidavit if anything  
108 new occurs to me until the moment before opening statements begin in this case.  
109

110 *Armani Lee*

111 Armani Lee

1 **Dr. Kenya Abara**

2 *Witness for the Defense*

3 *Telecommunications Expert*

4  
5 **Introduction**

6  
7 I was hired by defense counsel to evaluate the report of Dr. Jordan Matthews and perform a  
8 comparative analysis on Dr. Matthews' conclusions. A comparative analysis is a standard review  
9 in my field and is used routinely by telecommunications experts like myself. I have performed  
10 approximately 350 competitive analyses since starting my private consulting business.

11  
12 In this case as noted by Dr. Matthews, the Federal Bureau of Investigation (FBI) Cellular Analysis  
13 Reconnaissance Division (CARD) was requested by the Chesapeake City Police Department to  
14 analyze cellular phone records for 667-210-2250 ("target cell phone"). The target cell phone is  
15 alleged to be associated with a robbery that occurred on the late evening of January 4, 2020  
16 and into the early hours of the next day, January 5, 2020.

17  
18 **Background**

19  
20 I attended Towson University and graduated with a B.S. in Telecommunications in 2008. I then  
21 went on to study at the University of Maryland and received my Ph.D. in Engineering in 2012. I  
22 worked as an Associate Professor of Mathematics at Frostburg State University from 2012 to  
23 2014. In 2014, I left academia and founded my consulting business, Forensic Engineering  
24 Associates (FEA). I've been the senior partner of my consulting firm since 2014. We employ  
25 three other full-time engineers who work with me to provide consulting services to private  
26 clients.

27  
28 My firm has never been hired by the State of Maryland and we cater exclusively to defendants  
29 and civil litigants. We specialize in performing comparative analyses of reviews and reports  
30 done by other parties such as Dr. Matthews and their consulting firm; those third-party reviews  
31 make up approximately 75% of our current business. Approximately 25% of our business comes  
32 in the form of new analyses of forensic data, including cellular data, internet service data, and  
33 other location-based services. I personally have testified in approximately 15 trials as an expert  
34 witness and have always been accepted as an expert by the court. I have not published any  
35 peer-reviewed works but my first paper, *A Second Set of Eyes: Why Forensic Data Needs a*  
36 *Comparative Analysis on Every Case* is scheduled to be published in June of 2021.

37  
38 **Compensation**

39  
40 My firm bills approximately \$600/hour for our review services, and I have a \$8,000.00 one-time  
41 fee for in-court testimony. I spent approximately 37 hours reviewing the records and data in  
42 this case and writing my report. In total, my firm will bill \$30,200.00 for my work in this case.



45 **Materials and Scope of Review**

46

47 I have reviewed only the following information: the report written by Dr. Jordan Matthews,  
48 Exhibit 9, the cellular data of phone number 667-210-2250 belonging to an individual named  
49 Izzy Gardner. I also utilized a Maps overlay of Chesapeake City and have included those maps in  
50 this report. I requested and received the cellular data contained in Exhibit 9 from Xfinity  
51 Mobile. I can verify that the information contained in Exhibit 9 is true and accurate. Counsel for  
52 Izzy Gardner also provided me with an affidavit prepared by Izzy Gardner and I reviewed that  
53 affidavit for this case.

54

55 **Conclusions**

56

57 I reached three significant conclusions in this case regarding Dr. Matthews' report and the  
58 underlying forensic data. First, I believe that the account of events given by Izzy Gardner is  
59 entirely consistent with the forensic evidence in this case - and that the evidence cited by Dr.  
60 Matthews cannot disprove Izzy Gardner's account of the evening of January 4, 2020 and the  
61 early morning of January 5, 2020. Second, I disagree with Dr. Matthews about the level of  
62 precision this technology can provide, and I believe the potentially incriminating location pings  
63 are within the likely margin of error for cellular location technology. Third, my drive test  
64 analysis concluded that it is possible Izzy Gardner's phone connected from the alleyway and not  
65 the Walters Art Museum.

66

- 67 1. The account of events given by Izzy Gardner is consistent with the forensic evidence in  
68 this case.

69

70 I reviewed the affidavit of Izzy Gardner which was provided to me by their attorneys for my  
71 review. I analyzed each step of Gardner's alleged whereabouts that evening and determined  
72 each instance to be consistent with what Gardner claims Gardner was doing that night.

73

- 74 • Gardner first reports leaving Gardner's home at the Monument Homes Apartment  
75 Complex around 4:20 PM on January 4, 2020. This is corroborated by the final  
76 connection at 4:16 PM encompassing that apartment complex, and by the connection at  
77 4:22 PM showing that Gardner is in motion from home to the Engineers Club. That is  
78 further corroborated by the next connection at 5:06 PM placing Gardner within range of  
79 the Engineers Club, which was Gardner's place of employment.
- 80
- 81 • For the next several hours, Gardner's location is static according to the cellular tracking  
82 technology, which is consistent with Gardner's account that Gardner worked a shift that  
83 evening at the Engineers Club.
- 84
- 85 • The data then shows Gardner's cellular phone connecting to a tower that encompasses  
86 Gardner's apartment complex at approximately 12:50 AM on Sunday, January 5, 2020.  
87 This is consistent with Gardner's description of the evening. In Gardner's affidavit,  
88 Gardner reports leaving the Engineers Club around 12:35 AM and arriving back at their

89 apartment building around 12:52 AM. While Gardner’s phone did not connect to a  
90 cellular tower during that walk home (which makes sense as Gardner describes talking  
91 with Gardner’s roommate and not using Gardner’s cell phone during the walk) the 12:50  
92 AM connection to Tower 46Y remains consistent with Gardner’s account of events.  
93

- 94 • Gardner next reports realizing Gardner left Gardner’s wallet back at the Engineers Club  
95 and returning to that location to find it. Gardner’s phone connected to Tower 109X  
96 which is the same tower that Gardner was connected to for much of the previous  
97 evening. That tower covers the area that includes the Walters Art Museum and the  
98 Engineers Club. Additional connections at this location at 1:24 AM and 1:32 AM also  
99 match Gardner’s account that Gardner spent some time searching for the wallet before  
100 locating it in a back alley and leaving around 1:46 AM.  
101
- 102 • The next connections occurred at 1:38 AM and 1:50 AM to an entirely different tower  
103 and antenna, Tower 16X. As you can see from the map in Dr. Matthews’ report, the data  
104 from Xfinity shows that this tower’s orientation that evening encompassed the entirety  
105 of the Walters Art Museum and buildings to the south, but not any portion of the  
106 Engineers Club or (most notably) the alleyway between the Engineers Club and the  
107 Walters Art Museum where Gardner claims to have been at that time. Dr. Matthews  
108 cites this as an example of evidence that proves Gardner must have entered the  
109 museum that evening, but I strongly disagree with that conclusion. I will address this in  
110 more detail below in my second conclusion.  
111
- 112 • The next connection occurs at 2:03 AM and shows a connection from Gardner’s phone  
113 to Tower 71Z, which encompasses the area between the Walters Art  
114 Museum/Engineer’s Club and the Monument Homes Apartment Complex. This indicates  
115 that Gardner was likely in transit from the Engineers Club to Gardner’s home at this  
116 time, which matches with Gardner’s recollection of returning home around 2:00 AM  
117 that night. This is confirmed by the final significant connection that evening, which  
118 occurred at 2:12 AM to Tower 46Y. This tower includes the Monument Homes  
119 Apartment Complex, and Gardner’s cellular location then remains static for the rest of  
120 the night.  
121

122 When evaluating this location data, it’s crucial to understand that data like this does not  
123 provide us with detail about what an individual was doing within a specific location. When  
124 Gardner’s phone connected to Tower 109X, for example, which includes both the Engineers  
125 Club and the Walters Art Museum, we cannot use this information to determine more precisely  
126 where Gardner was at that specific time. We cannot discern what Gardner was doing or  
127 whether Gardner was moving or stationary at specific times. All we know is that Gardner’s  
128 cellular phone connected to location services at specific times on the evening in question.  
129

130 The other limitation about this data pertains to the cellular phone itself. While this shorthand is  
131 frequently used, it is not accurate to claim that this information provides us with Gardner’s  
132 location. We can use this information to determine the location of Gardner’s *cellular phone*.

133 This is a key difference, as individuals can of course move around without carrying Gardner's  
134 cellular phones with them. For example, while I can say with absolute scientific certainty that  
135 Gardner's phone did not move beyond the range of Tower 46Y after being located there at 2:12  
136 AM on January 5, 2020, I cannot say whether *Gardner* left that area during that same time  
137 frame.

138  
139 2. Each of the potentially incriminating pieces of location data can be explained by the  
140 margin of error present when using cellular tracking technology.

141  
142 This is the crucial aspect of cellular tracking technology that Dr. Matthews does not consider.  
143 The easiest way to explain the problem with Dr. Matthews' conclusions is to explain briefly how  
144 cellular tracking technology works and then explain the concept of **margins of error at the**  
145 **edges.**

### 146 Cellular Tracking Technology

147  
148  
149 A standard cellular tower has three antennas, each pointing in different directions. Those  
150 antennas are manufactured to cover 120° of a certain area, with the goal of providing 360°  
151 coverage to the area surrounding the cellular tower. Signal strength tends to weaken as a  
152 cellular phone moves further away from a tower, and at a certain point when a phone is far  
153 enough away, it may connect to a different tower that has a stronger signal and is closer to the  
154 phone's location.

155  
156 If you look at the diagram in Abara Exhibit 12a, you'll see that I've shown how this works in  
157 theory. This just shows a standard cellular tower. The tower has three antennas, which I have  
158 labeled X, Y and Z. Each of these antennas faces in a different direction, which creates the  
159 antenna **range** or **orientation**. Each antenna covers 120° and provides full coverage to a cellular  
160 phone near the tower.

161  
162 Because these antennas are designed to each cover a certain portion of a tower's range, we can  
163 determine the location of a cellular phone with a moderate degree of specificity by checking  
164 the raw cellular data against the data showing the orientation of a given antenna when the  
165 cellular phone connected to that antenna. Put simply, if you're within the range of a specific  
166 antenna and your phone connects to that antenna, we can use that data to give a *range* of  
167 places where your phone could have been.

168  
169 If you look at Abara Exhibit 12b, you'll see a simple example. I've labeled this tower as Tower 1.  
170 The cellular phone in the lower left is attempting to connect to the nearest or strongest cellular  
171 signal. In this diagram, Tower 1 is the nearest tower with the strongest signal. Because the  
172 cellular phone is within range of antenna X, it will connect to Tower 1, Antenna X.  
173 Telecommunications experts like myself (or Dr. Matthews) can then use that data to conclude  
174 to a reasonable degree of scientific certainty that the cellular phone in question was within the  
175 range of antenna Z on our cell tower at the moment it connected to that cell tower.

176

177 **Margin of Error at the Boundaries**

178  
179 Dr. Matthews commits a crucial error in Dr. Matthews' analysis in this case: Dr. Matthews tries  
180 to do too much with what we have. Cellular tracking technology is an amazing tool that can  
181 assist law enforcement in certain cases, but it is not infallible. Dr. Matthews fails to consider the  
182 possibility that the margin of error at the antenna boundaries could cause Gardner's phone to  
183 appear as if it was located inside the Walters Art Museum when it was in fact in the alleyway  
184 near the museum - a location where Gardner claims to have been on the night in question.

185  
186 The diagram I referenced - Abara Exhibit 12a - shows the most basic design for cellular towers  
187 and antenna positioning. But the reality is that antennas are manufactured to allow for a  
188 degree of overlap at the borders. The logic behind this is simple: if antennas could not overlap  
189 at the boundaries, cellular providers would run the risk of "dead zones" at the edge of each  
190 antenna's range. Allowing the antennas to overlap to some small degree helps ensure a  
191 consistent and strong signal for individuals using cellular service.

192  
193 The challenge with attempting to use cellular location data to pinpoint a phone's location is  
194 magnified when trying to determine location at the edge of an antenna's programmed range.  
195 Every cellular coverage area is unique - it may contain high hills, low valleys, large tall buildings,  
196 or heavily populated areas like apartment buildings or concert venues. Standard cellular towers  
197 like the ones used in this case are programmed to adapt to their conditions and widen their  
198 range to account for potential signal loss at the margins. This algorithm is designed to change  
199 from moment to moment, and it is nearly impossible to replicate the specific conditions and  
200 determine the potential reach of a cellular tower at the edge of an antenna's programmed  
201 range.

202  
203 Here is why that matters in this case:

204  
205 I took particular notice of Matthews Exhibit 11f which shows the connections from Gardner's  
206 cellular phone at 1:38 AM and 1:50 AM to Tower 16X. That tower's range is shown to include  
207 the entirety of the Walters Art Museum but not the Engineers Club or the alleyway between  
208 the Engineers Club and the Walters, which is where Gardner claims Gardner was located at that  
209 time. On the surface, this seems damning: it appears to show that Gardner could not have been  
210 located where Gardner claims to have been, and it also appears to place Gardner inside the  
211 museum that was being robbed at that precise moment.

212  
213 The problem with Dr. Matthews' analysis is that even a small overlap adjustment could produce  
214 a margin of error at the boundary between 16X and 16Y. While it appears from Dr. Matthews'  
215 diagram that it is impossible for Gardner to be in the alleyway between the Walters and the  
216 Engineers Club while connected to Tower 16X, this is simply false. If antenna X on Tower 16 was  
217 overlapping with antenna Y on tower 16 on the night of January 4 - 5, 2020, it could have  
218 extended its range beyond the 120° it is programmed to cover. While I cannot say with  
219 scientific certainty how much that overlap was on the night in question, neither can Dr.  
220 Matthews - and that's the primary issue with Dr. Matthews' work. I can conclude to a

221 reasonable degree of scientific certainty that it is possible Gardner’s phone connected to Tower  
222 16X from the alleyway between the Walters and the Engineers Club.

223  
224 Part of the challenge with this type of analysis is that cell tower ranges are imprecise at the  
225 boundaries - because they are designed to be that way. We can’t look at records and determine  
226 an exact percentage of coverage each antenna was providing at a particular moment. The  
227 antenna orientation data allows us to determine the designed range for that antenna when in  
228 use, but the designed overlap at the margins muddies the water significantly. Again, this is an  
229 intentional design to prevent dead zones at the edges of a particular antenna range, especially  
230 in large cities. But given that the map shows the edge of the range for tower 16X to be close to  
231 the area where Gardner claims to be, I do not believe the information in Dr. Matthews’ report  
232 can be used to prove Gardner entered the Walters Art Museum. This is precisely the core of my  
233 criticism of Dr. Matthews’ conclusions: they are attempting to split hairs and use this  
234 technology to provide a level of specificity that it simply cannot provide.

235  
236 3. My drive test analysis concluded that it is possible Izzy Gardner’s phone connected from  
237 the alleyway and not the Walters Art Museum.

238  
239 After completing my analysis of the records in this case, I decided to complete what is known as  
240 a “drive test analysis.” This is simply an attempt to recreate the conditions of the original  
241 connection to determine what is possible under similar conditions. When conducting a drive  
242 test analysis, I choose a date, time, weather condition, and cellular make and model that are as  
243 close as possible to the conditions on the date in question and then drive (or walk) to the  
244 location to determine what connections I am able to achieve.

245  
246 Drive test analyses are somewhat controversial in my field. They are routinely used by cellular  
247 companies to test for dead signal zones and avoid dropped calls, but have only recently begun  
248 being accepted in criminal investigations. That said, many experts in my field, including myself,  
249 believe that drive tests should be given more widespread recognition. While it is true that  
250 external conditions can impact signal strength and the degree to which antennas may overlap  
251 on a given day, those factors play a minor role in determining signal strength compared to the  
252 orientation of the antennas themselves. Put another way, things like weather, terrain, and  
253 obstacles can be factors, but they do not render a drive test useless. A drive test can provide  
254 crucial information about whether a certain type of connection is possible under similar  
255 conditions, which can help determine whether it was possible at the moment in question.

256  
257 **Drive Test Analysis and Results**

258  
259 I drove to the alleyway between the Walters Art Museum and the Engineers Club on Sunday,  
260 March 8, 2020. It was approximately 50°F that day which is about 20° warmer than the night in  
261 question. This is a small and largely insignificant difference, as temperature typically impacts  
262 cellular signal only in extreme heat or extreme cold. I brought a sample phone with me which  
263 was an empty iPhone X with an Xfinity sim card, both of which are identical to Izzy Gardner’s  
264 phone. Before going to the location I confirmed that all towers and antennas were in an

265 identical configuration to the configuration used on January 4 and 5, 2020 in the area around  
266 the Walters Art Museum.

267  
268 I parked in the alleyway at approximately 1:20 AM and turned the replica phone on. Within a  
269 few seconds it connected to a cellular signal. I stood in the alleyway directly in front of the door  
270 leading out from the Engineers Club to the alleyway and waited there until 2:00 AM. I then got  
271 in my vehicle and drove home. The next morning, I submitted a request for records from Xfinity  
272 Mobile and received what is labeled Abara Exhibit 12d approximately three days later.

273  
274 The information contained in Exhibit 12d showed that for two of the three connections made  
275 during my drive test, I connected to Tower 109X - the same tower that Izzy Gardner connected  
276 to while inside the Engineers Club for most of the day. But the third and final connection at 1:56  
277 AM connected to Tower 16X. This demonstrated to me that it is possible for a cellular phone in  
278 that alleyway to connect to Tower 16X even if antenna X is not oriented to include the alleyway  
279 in its default range.

280  
281 As I mentioned, this drive test has inherent limitations. Of course we can never replicate  
282 perfectly the exact conditions of the night in question. I attempted to factor in all relevant  
283 information but it is possible the conditions during my drive test were different than what  
284 Gardner's phone experienced on January 4 and 5, 2020. It's impossible to know for sure. But I  
285 believe the drive test proves what we already know just from considering the basic science of  
286 this technology: the margin of error at the boundaries makes it impossible to know for sure  
287 where Gardner's phone was located during the crucial moments when the Walters was being  
288 robbed.

289  
290 *Dr. Kenya Abara*

291 Dr. Kenya Abara