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Convicting criminals with cell-phone forensics

By Frank Donnelly
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STATEN ISLAND, N.Y. — John Galtieri sits behind bars, in part because he used his cell phone minutes before murdering his ex-wife at a Pleasant Plains park-and-ride.


(AP
photo)

The retired cop's conviction is just one example of authorities' increasing use of cellular devices to track down criminals.

In the past few years alone, cops and prosecutors solved three murders on Staten Island by tracing the suspects movements or zeroing in on his out-of-state hideaway through his cell phone.

Cell-phone records also played pivotal roles this year in securing convictions in two high-profile murder trials in Brooklyn and Queens. And, experts say, the potential is there to use the mobile devices in a wider range of criminal cases.

"If there is a tool available to investigators, they're going to use it," said Eugene O'Donnell, a professor of law and police studies at John Jay College of Criminal Justice in Manhattan. "What we're seeing is technology giving detectives leads in cases [they may not have had before]. You have fewer cases with dead ends. More and more, the movements of victims and suspects are reliably traceable."

Knowing where suspects are or have been at given points in time relative to the crimes commission are crucial in evaluating alibis, said O'Donnell, a former policeman and prosecutor.

Such information is also pivotal in pinpointing victims' and suspects' whereabouts in missing-person cases and abductions, while decreasing reliance on eyewitness accounts, which can be faulty, he said.

And, it always helps cops to know where to look for a suspect who's trying to give them the slip.

Convicting murderers

Galtieri learned that the hard way.

He was arrested in South Carolina on Jan. 31, 2007, the day after he killed his former spouse, Jeanne Kane. Cops

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tracking his cell phone got a hit from a transmitter tower in Florence County while Galtieri was en route to his Florida home.

Prosecutors linked Galtieri to the murder scene in part through his cell-phone records. Those documents showed towers picking up Galtieri's cell phone near Ms. Kane's Bay Terrace home on the morning of the shooting and also from a tower less than a mile from the park-and-ride lot minutes before the murder.

The retired NYPD sergeant was convicted at trial and sentenced in May to 32 years to life.

Previously, in separate murder cases, cops had tracked Staten Island killers Alkim Shateik Mills to West Virginia and Keron Inniss to Montgomery, Ala., through their cell-phone records.

Mills subsequently pleaded guilty to fatally shooting Port Richmond resident Frank Mehmeti on Aug. 27, 2005, and was sentenced in January 2007 to 20 years to life.

Inniss was convicted at trial of killing Niheem Chavis in Port Richmond in July 2006 and sentenced in September 2007 to 25 years to life.

Last month, Darryl Littlejohn, a nightclub bouncer, was found guilty and sentenced to life in prison without parole for murdering and raping graduate student Imette St. Guillen. Cell-phone records showed him making calls from his home in Queens and a short time later from Brooklyn near the site where his victim's body was found.

In March, a Queens jury convicted Mikhail Mallayev of murdering a dentist at the behest of the victim's estranged spouse. Cell-phone records revealed Mallayev traveled south from New York to his home in Atlanta after the killing - contrary to his claim he was not in New York when Daniel Malakov was slain.

Liberty concerns

Defense lawyers and civil libertarians worry about authorities' use of cell-phone records.

Joseph Sorrentino, a Castleton Corners-based defense attorney, said some older cell phones don't always transmit from the nearest tower and could give a false indication of a user's location. Newer phones are equipped with global-positioning technology that allows for closer pinpointing of a user's position to within dozens of yards.

"It's a concern," said Sorrentino.

But the lawyer also said cell-phone records have worked in his favor.

"If your client is innocent, it can establish his alibi," said Sorrentino. "It cuts both ways."

Civil libertarians contend guidelines for releasing cell-phone data vary across the country and could create privacy issues.

David Samberg, a spokesman for Verizon, one of the largest cell-phone providers in the New York metropolitan area, said the company won't release cell-phone records without a court order, warrant or subpoena.

However, he said Verizon does have a unit which works directly with authorities on requests for cell-phone records.

"We have thousands of [requests] a month, nationally," he said.

Samberg could not say whether the number of those solicitations have increased in recent years or how many come from Staten Island.

O'Donnell, the law professor, said the courts don't appear inclined to limit investigators' access to cell-phone records and other technology, such as ATM, MetroCard and E-ZPass accounts, that help trace suspects' whereabouts.

Prosecutors here wouldn't discuss the types of crimes for which cell-phone records are sought or how often they do so.

"As with any resource in an investigation, we have to prioritize how we use our time and money," said William J. Smith, spokesman for District Attorney Daniel Donovan. "Obtaining phone records, and subsequently reviewing them, is a labor-intensive and quite often expensive undertaking. In the same way using DNA testing may not be the best course of action to prove a shoplifting case, the same could hold true for phone records."

O'Donnell agreed.

"Its a very valuable tool. There's no reason you couldn't use it for more serious crimes," he said. "[But] it doesn't mean it's going to be valuable in all cases."

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