

1 A Yes.

2 Q And do your notes now, Exhibit 961, help you answer the  
3 question when the Cannon camera and storage device, 524, were  
4 first examined by the CART unit?

5 A The -- the -- my notes reflect when I examined and had  
6 access to the Cannon camera.

7 Q Okay. And that's what --

8 A And only -- and only me having access to that.

9 Q And what do your notes reflect?

10 A I received it on 6/10 of '19.

11 Q June 10th, 2019?

12 A Yes.

13 Q And then you generated a report, correct?

14 A Correct.

15 Q And February 22nd is when the CART office first put an  
16 evidence sticker on the device, correct?

17 A Correct.

18 Q And then June 11th is your initials when you did your  
19 work with this device, correct?

20 A Correct.

21 Q You prepared a report concerning the metadata obtained  
22 from the storage device, which is Exhibit 524, correct?

23 A Correct.

24 Q Exhibit 521, which is in evidence, contains information  
25 about metadata associated with images from this electronic

1 device, correct?

2 A Correct.

3 Q It's okay to call it an electronic device?

4 A Yes, you can.

5 Q And when we talk about the metadata in this case for this  
6 card, it would include when it was created, correct?

7 A The metadata will have a date/time that would say a  
8 created date.

9 Q When it was accessed?

10 A It will have an access time/date.

11 Q And when it was modified?

12 A And modified dates, yes.

13 Q And was this device also taken through the process of  
14 write copied -- write protected?

15 A When it was in my hands it was write protected, yes.

16 Q Can you tell me when that was?

17 A That happened on 6/11.

18 Q And, again, the reason you write protect to be -- the --  
19 whether it's a hard drive or a piece of data, like this data  
20 disk, forensically you don't access it directly, correct?

21 A No, we don't.

22 Q And that's what you described yesterday to the  
23 prosecutor, that's what you described to me this morning,  
24 correct?

25 A Correct.

1 Q And that's very, very important, correct?

2 A Yes, it is.

3 Q Because you want to maintain the integrity of the  
4 electronic evidence?

5 A Yes, I do.

6 Q I'd like to take you to -- this is page 84 of  
7 Exhibit 521. And I'd like to begin with JPEG on top here,  
8 224.

9 (Exhibit published.)

10 BY MR. der OHANNESIAN:

11 Q First of all, I want to make sure you can read that.

12 A I can see it.

13 Q You say that this image was created on March 9th, 2006?

14 A That's the created date that's --

15 Q Yes?

16 A That's the created date that's listed for the file.

17 Q It was modified on March 9, 2006?

18 A That's the modified date that's reflected from the file  
19 system.

20 Q And then it was accessed, correct, on a certain date?

21 A Yes, I see it's been accessed.

22 Q It was accessed on September 19, 2018, correct?

23 A Correct.

24 Q Look at exhibit -- the same exhibit, Image 225.

25 The next item reflects what might be called "carved

1 data"?

2 A Yes.

3 Q Okay. It doesn't mean the image doesn't exist on the  
4 computer, though, correct?

5 A Well, if you're talking about the EXIF HTML, is that what  
6 you're referencing?

7 Q No. Well, for example, right below it you see Image 225?

8 A Yes.

9 Q Let's continue. Image 225 created in March 9, 2006,  
10 correct?

11 A Correct.

12 Q Modified in 2006 and it was accessed on September 19,  
13 2018, correct?

14 A Correct.

15 Q And that's according to what you're reading off this  
16 Exhibit 524, correct?

17 A Correct.

18 Q And Image 227, that was also accessed on September 19,  
19 2018, correct?

20 A Correct.

21 Q Exhibit [sic] 228 was accessed on September 19, 2018?

22 A Which number again, excuse me?

23 Q 228.

24 A Yes.

25 Q Image 229, that was also accessed on September 19, 2018,

1 correct?

2 A Correct.

3 Q Image 230 was accessed on September 19, 2018, correct?

4 A Correct.

5 Q Image 231, JPEG, accessed on September 19, 2018? Is that  
6 what the access date is?

7 A Is that a question or --

8 Q Yes. My question is: Does your report, in Exhibit 521-A  
9 of the Government, reflect that JPEG Image 231 was accessed on  
10 September 19, 2008 [sic]?

11 A Correct.

12 Q Does your report reflect that Image 233 was accessed on  
13 September 19, 2018?

14 A Correct.

15 THE COURT: Could you repeat that?

16 MR. der OHANNESIAN: Yes.

17 BY MR. der OHANNESIAN:

18 Q Does your report reflect that JPEG Image 233 was accessed  
19 by September 19 -- on September 19, 2018?

20 A Correct.

21 Q Image 234, JPEG, accessed on September 19, 2018?

22 A Correct.

23 Q Image 235 accessed on September 19, 2018?

24 A Correct.

25 Q Image 236 accessed on September 9, 2018?

1 A Correct.

2 Q Image 237, on page 89 continuing into page 90, accessed  
3 on September 9, 2018?

4 A Correct.

5 Q Image 238 accessed on September 19, 2018?

6 A Correct.

7 Q JPEG 241 accessed on September 19, 2018?

8 A Correct.

9 Q There is no entry for JPEG 242 in the report.

10 On JPEG 243, that was accessed on September 19,  
11 2018?

12 THE COURT: He can't see it.

13 MR. der OHANNESIAN: I'm sorry.

14 THE WITNESS: Yes.

15 (Exhibit published.)

16 BY MR. der OHANNESIAN:

17 Q Is that correct?

18 A Correct.

19 Q The metadata for JPEGs 224, 225, 227 to 241, and 243 from  
20 Government Exhibit 524, the media card, changed after it was  
21 collected on March 27, 2018, correct?

22 A The access dates appear to be.

23 Q The metadata for Exhibit 524, the media card, reflects  
24 that the digital evidence on Exhibit 524 changed while it was  
25 in the possession of the FBI, correct?

1 A Which -- which metadata are you specifically --

2 Q The date accessed.

3 A You're talking from the file system?

4 Q I'm talking about the data that we just looked at.

5 A That file system data appears to have been changed.

6 Q When we say "changed," it was changed while it was in the  
7 possession of the FBI?

8 A If I'm taking the dates on when we received it, it would  
9 appear so.

10 Q And the dates that you received just now came from your  
11 report, correct?

12 A Yes.

13 Q That you generated as evidence in the case against --  
14 United States against Keith Raniere, correct?

15 A Yes.

16 Q The goal of forensic examination is to preserve the  
17 electronic data, so that the metadata doesn't change, correct?

18 A Correct.

19 Q Do you know the name of the person who accessed the SD or  
20 media card, Exhibit 524, on September 19, 2018?

21 A No, I do not.

22 Q Do you have any record in any piece of evidence or notes  
23 that reflects the accessing of Government Exhibit 524 by any  
24 representative of the FBI on September 19, 2018?

25 A No, I do not.