# **Digital Forensics** | Criminal Defense

The following descriptions highlight a variety of matters for which Vestige has been retained. Each of these cases are real matters that we have worked, but for privacy and confidentiality purposes the identifiable information has been sanitized. These cases are not the entire population of cases matching such criteria, but instead represent a wide sample of the cases we have worked that are specific to Criminal Defense. Should you need additional information, please contact us.

## **Importuning Matter** | Digital Forensics Document Authentication

Vestige was hired by counsel representing an individual accused of importuning. Vestige was tasked with reviewing the evidence at hand, namely a printed transcript of alleged conversation between the defendant and law enforcement. Vestige identified the chat transcript as being unusual in its design. Vestige assisted counsel in requesting the original native copy of the transcript. Vestige also conducted testing utilizing the specific chat application alleged to have been used to conduct the chat. Vestige's forensic testing was centered around whether Vestige could format and print the chat transcript in a way that mirrored the evidentiary printout. It could not be reproduced. The result was increased pressure to produce the original transcript so that the document could be authenticated as being a true and accurate copy.

■ ■ ■

## **Hate Crime** | Digital Forensics for Text Messages

Vestige was hired by an individual who was facing criminal hate crime charges in connection with text messages that he allegedly sent using someone else's phone. The preservation of the text messages was not sound, nor followed any standard procedures. They were merely screenshots. We consulted with the client and their counsel as to the issues with screenshots. Furthermore, armed with information regarding the sender and recipient's phones, Vestige was able to create fake text messages using a downloadable application. Vestige was also able to assist counsel in demanding access to the sending phone (which was not the property of our client). This request led to law enforcement examining the phone used to allegedly send the messages and it was discovered that the phone's real owner actually had a history of sending the same type of messages that our client was being accused of doing. The result was a very favorable deal for our client.

■ ■ ■

## **Capital Case** | Digital Forensics

Vestige was contacted by defense counsel to identify evidence of internet activity during a key timeframe of interest. Vestige was able to identify that the computer in question was being utilized, various web sites were being navigated to, but there was no evidence to suggest the accused was interacting with the computer.

Vestige submitted an expert report and was called to testify to our findings.

■ ■ ■

## **Multimedia Company Piracy & IP Matter** | Digital Forensics

Vestige was contacted by outside general counsel of a multimedia company that provided subscription service to its content. There was a belief that people were bypassing the subscription utilities anti-piracy techniques embedded within the media.

They received IP address information about those individuals that were bypassing it and filed federal lawsuits. As part of those lawsuits, Vestige Digital Investigations was given access to forensically analyze the computers that were allegedly used to steal our clients content.

Through our analysis, not only was the alleged perpetrator stealing the content, but was manufacturing and selling a device that allowed individuals to bypass the copyright protection scheme.

This resulted in Discovery and Forensic Analysis on additional devices, that were believed to be instrumental in determining the scale of the perpetrators operations. Upon analysis, we discovered that the individual was using whole disk encryption and refused to turn over the decryption keys. So Vestige assisted counsel in creating a spoliation claim.

At the hearing the individual finally turned over the decryption keys, however, the judge had had his fill of the defendants antics and awarded judgement in favor of our client, including treble (3x) damages and payment of both our fees and legal fees due to the spoliation. It was also upheld as non-dischargeable in bankruptcy.

## **Accusations of Possession of Child Pornography** | Digital Forensics

A client was being accused of possession of child pornography. One picture was found on his computer, but was found in unallocated space (where deleted files or unused space on a hard drive resides). Law enforcement assigned a created and last written date to the file and was also able to recover an alleged picture of our client having a very similar created and last written date. The accusation was that our client took a selfie with his computer while observing the contraband. In reality, law enforcement incorrectly assessed these dates and times. Because of how the two pictures were recovered, they were void of created, last written, or any dates for that matter. The lack of date for the picture, combined with the fact that our client purchased the hard drive a year prior from a second hand shop was evidence enough to dismiss the case.

## **Criminal Case** | Mobile Device Digital Forensics

Vestige was contacted by defense counsel to identify evidence of location information and general activity from a mobile device. Vestige preserved the device and reviewed all activity, such as text messages, photos, calls, and application history. Vestige was able to identify photos taken with the phone were showing the accused at a specific location at the time the photos were taken.

In conjunction with this evidence, Vestige was able to extract Google Location History for the accused's mobile device, as it was connected to a Google account. Google will record location information if the correct settings are enabled on the account and on the mobile device. Using the extracted location history data, Vestige was able to plot the GPS coordinates of the mobile device, showing its location at various points in time.

While Vestige was not called to testify on the matter, these two pieces of evidence were submitted, along with an expert report of our findings.