

IN THE CIRCUIT COURT FOR PASCO COUNTY, FLORIDA

CASE NO. CRC14-00216CFAES

STATE OF FLORIDA

vs.

CURTIS J. REEVES,

Defendant.

KEN BURKE  
CLERK OF CIRCUIT COURT  
AND DEPT. CONTROLLER

2015 DEC 22 AM 9:07

FILED  
CRIMINAL COURT RECORDS

DEPOSITION OF: ADAM SHARP.

DATE: December 7, 2015, 9:10 a.m.

PLACE: Criminal Justice Center  
Clearwater, Florida.

REPORTED BY: Donna M. Kanabay RMR, CRR, FPR,  
Notary Public,  
State of Florida at large.

Paula S. O'Neill  
Clerk & Comptroller  
Pasco County, Florida

2015 DEC 29 PM 3:46

FILED FOR RECORD  
PASCO COUNTY, FLORIDA

1 APPEARANCES:

2 MR. GLENN MARTIN  
Assistant State Attorney  
3 Attorney for State of Florida.

4 MR. DINO MICHAELS  
ESCOBAR & ASSOCIATES  
5 2917 W. Kennedy Blvd.  
Suite 100  
6 Tampa, FL 33609  
Attorney for Defendant.

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1 (The deponent was sworn.)

2 THE DEPONENT: I do.

3 ADAM SHARP,

4 the deponent herein, being first duly sworn, was examined  
5 and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. MARTIN:

8 Q Would you state your name for the record,  
9 please, sir?

10 A Adam Sharp, S-H-A-R-P.

11 Q And I'm going to give Mr. Michaels just a moment  
12 to get set up.

13 MR. MARTIN: Let me know when you're ready.

14 MR. MICHAELS: We're ready. Thank you.

15 MR. MARTIN: You're welcome.

16 BY MR. MARTIN:

17 Q Mr. Sharp, my name is Glenn Martin. I'm an  
18 assistant state attorney in Pinellas County. I have been  
19 assigned to assist other attorneys in the case of State  
20 versus Curtis Reeves. Mr. Reeves has been charged with  
21 second degree murder for the death of Chad Oulson that  
22 took place on January 13th, 2014 at the Cobb Theatre in  
23 Pasco County, Florida.

24 It is my understanding that you have been listed  
25 as a defense witness in this particular case and that you

1 have performed certain services on behalf of the defense,  
2 and you are -- have been listed as a witness filed with  
3 the clerk of court.

4 The reason you're here is for me to take your  
5 deposition to determine exactly what services you provided  
6 to the defense and the extent of knowledge that you have  
7 in the case of Curtis Reeves.

8 Is that also your understanding as to why you're  
9 here today?

10 A Yes.

11 Q All right. And you have in fact been hired by  
12 Mr. Reeves as an expert in the state of Florida versus  
13 Curtis Reeves?

14 A No.

15 Q Okay. Who hired you?

16 A Mr. Escobar.

17 Q Mr. Escobar and Mr. Michaels represent  
18 Mr. Reeves. So we don't split hairs, defense counsel  
19 works for Mr. Reeves. Whatever. So whoever hires who.

20 So have you been hired to work on the Reeves  
21 case?

22 A Yes.

23 Q Okay. What I'd like to do before we start  
24 talking about your involvement is get some background  
25 information from you.

1 A Sure.

2 Q All right. And what is your date of birth, sir?

3 A [REDACTED]

4 Q Okay. And would you please go through your  
5 educational background starting with right after high  
6 school.

7 A St. Pete Junior College, now St. Pete College.  
8 Some George Mason University. Most beyond that is all  
9 certificate and specialty course.

10 Q Okay. Did you graduate from St. Pete Junior  
11 College?

12 A No.

13 Q What was your course of study at the time?

14 A AA.

15 Q And how many hours did you complete?

16 A 20, maybe 30.

17 Q Okay. Were you hoping to receive a particular  
18 AA degree with any type of specialty or was it just a  
19 general AA?

20 A Just a general AA.

21 Q And what years were you at St. Pete Junior  
22 College?

23 A Would have been '93 through '95.

24 Q Is there any particular reason you did not  
25 complete your AA degree?

1           A     Because I started my own business.

2           Q     All right. Is that before you went to George  
3     Mason University?

4           A     Yes.

5           Q     Okay. Let's -- we're going to talk about  
6     business in a few minutes. Let's go ahead and go to  
7     George Mason University.

8           A     Sure.

9           Q     What were the dates that you attended that  
10    university?

11          A     On and off, certificate programs from 2001  
12    through 2009.

13          Q     And what are certificate programs?

14          A     They're programs that George Mason offers  
15    specifically in the field of computer forensics, data  
16    recovery, general technology.

17          Q     And how many certificates have you received?

18          A     Seven, I think.

19          Q     And would you go ahead and list those for me?

20          A     They're general computer forensics. They're  
21    listed as the Regional Computer Forensics Group through  
22    George Mason University. There's computer forensics.  
23    There is vendor management, evidence handling. There's a  
24    couple of others.

25          Q     Did you actually get certificates?

1 A Yes.

2 Q And did you bring your CV with you today?

3 A No.

4 Q Is there any particular reason you did not bring  
5 a CV today?

6 A There wasn't any request for it.

7 MR. MARTIN: All right. Mr. Michaels, there's a  
8 court order outstanding --

9 MR. MICHAELS: We'll get it for you. I didn't  
10 know you didn't have it. I'll check with Karen.

11 MR. MARTIN: I don't have it for any of your  
12 defense experts.

13 MR. MICHAELS: Okay. You'll get them today,  
14 this one for sure.

15 MR. MARTIN: All right.

16 BY MR. MARTIN:

17 Q What I'd like to do is I'd like to go through  
18 each certificate that you have.

19 Do you remember the -- each certificate that you  
20 have?

21 A I really don't, no.

22 Q Okay. Is that something that you normally  
23 include on your CV?

24 A It is.

25 Q All right. And do you normally include on your



1 CV your educational requirements -- your educational  
2 backgrounds?

3 A It is.

4 Q And did you receive any course work regarding  
5 the -- your prior background as far as the certificates?  
6 Is there any manuals? Is there any seminar handouts? Is  
7 there any booklet or anything that was associated with the  
8 certificate?

9 A I'm sure there were, yeah.

10 Q And do you still have those?

11 A No.

12 Q Was it online or in person, as far as each of  
13 the certificates?

14 A All of it was in person.

15 Q Okay. And where is George Mason University?

16 A Fairfax, Virginia.

17 Q I'm going to talk generally about the  
18 certificates, as far as the time.

19 How long, the duration? One week? 80 hours?  
20 However you want to put it, for each certificate. Do you  
21 recall?

22 A Each one is 40 hours. Each one is a one-week  
23 period.

24 Q Is there course work along with practical  
25 applications involved?

1 A There is, yes.

2 Q And do you recall who your instructors were?

3 A Oh, I have no idea.

4 Q Well, what I'm going to do is I am going to stop  
5 at this point as far as your educational background until  
6 I get the CV, and we're going to continue with the  
7 deposition, but we're going to not conclude it, because I  
8 can't ask any more questions until you have that document  
9 in front of you and I can go through with you exactly what  
10 your educational background is.

11 A Sure.

12 Q Fair enough?

13 A Absolutely.

14 Q All right. So we're going to table that for now  
15 and we're going to move on to another topic, and we'll  
16 have to conclude it later.

17 And for the convenience of everybody, quite  
18 possibly we can just do that over phone, with Mr. Michaels  
19 present with a court reporter to save everybody some time.  
20 But I do want to finish up that topic, okay?

21 A If you like.

22 Q All right, sir. You mentioned that after you  
23 went to St. Pete Junior College that you started your -- a  
24 business.

25 What business did you start?

1 A Data Recovery Labs.

2 Q And when did that take place?

3 A 1993.

4 Q Where was that business located?

5 A Clearwater.

6 Q Did you have any partners, associations, or was  
7 it just you?

8 A At first it was just me.

9 Q Okay. And how long did Data Recovery exist?

10 A Still does.

11 Q Okay. Did it merge into E-Hound --

12 A No.

13 Q -- or is it --

14 So there's two companies?

15 A There are two companies.

16 Q All right. And what does Data Recovery do?

17 A Data Recovery specializes in recovering data  
18 from crashed and nonfunctioning media.

19 Q Okay. And in a real nutshell, tell me what that  
20 is.

21 A Hard drive crashes, makes clicking noises,  
22 somebody accidentally deletes a bunch of data, Data  
23 Recovery labs goes in, rebuilds the hard drive, fixes the  
24 floppy disk, gets that data back off.

25 Q And is that a function that you personally

1 provide to Data Recovery?

2 A It was. I haven't actually done active data  
3 recovery work in probably, I don't know, 10 years.

4 Q And how are you still associated with Data  
5 Recovery?

6 A I am the president.

7 Q Right now is your role strictly administrative  
8 with Data Recovery or is it hands-on?

9 A It's pretty administrative. We really don't do  
10 a whole lot of data recovery anymore.

11 Q Okay. Did you ever do data recovery for Data  
12 Recovery?

13 Sorry. I had to think about that for a moment.  
14 It just didn't come out right.

15 A That's why I named the company that, 'cause it  
16 works that way.

17 Yeah. Absolutely.

18 Q All right. And explain to me exactly what  
19 training and background you had in order to perform the  
20 functions of data recovery for that business.

21 A I was originally employed by a company out of  
22 California called Data Retrieval Services back in the  
23 early '90s. And they were actually scamming people for  
24 data delivery, saying that they would take somebody's  
25 computer in and recover it for X number of dollars, but

1 they would only charge 200 to look at the hard drive. And  
2 when I realized that I could actually recover the data, I  
3 thought that was a bit of a stretch. So I started my own  
4 company and started actually recovering the data.

5 Q All right. My question to you was, is, what  
6 training did you have in order to perform that function?

7 A I didn't. I'm self-taught.

8 Q And how did you go about being self-taught?

9 Back in the '90s, the Internet wasn't as  
10 sophisticated, the Dummy books, treatises. I don't know.

11 What was your source of self-study?

12 A Well, I graduated from BASIC programming class  
13 when I was seven years old. I was the youngest graduate  
14 of Tandy BASIC programming back when there wasn't Tandy  
15 BASIC programming.

16 I moved on to Pascal and COBAL.

17 Q Mm-hmm.

18 A And in high school, I remember ninth grade, the  
19 first computer that was delivered to our computer class  
20 that was actually portable -- back then it really was a  
21 laptop. You carried around like a suitcase -- was  
22 provided to me because the teacher couldn't figure out how  
23 to use it.

24 Q Okay.

25 A There were also no games for those computers

1 back then, so I figured out how to write my own games.

2 Q All right. Back then, what software was  
3 available to you to assist in, quote, data recovery, if  
4 any?

5 A Software, not a whole lot. Most of it was  
6 handled through DOS --

7 Q All right.

8 A -- or Linux operating systems. I developed most  
9 of the tools myself.

10 Q And what was the name of the company in  
11 California?

12 A Data Retrieval Services.

13 Q I want to go back just a minute so -- to cover  
14 this while it's still in my head.

15 It's still a little bit part of your background.  
16 It may be on your CV.

17 But are you a member of any type of association  
18 as we speak, or have been in the past?

19 A Yes.

20 Q Okay. Let's go ahead and knock that out since  
21 hopefully you can --

22 A Sure.

23 Q -- remember all those.

24 Just start with the first one you belong to and  
25 then up to date.

1           A     The oldest one, probably, the International  
2     Engineering and Electronics Association, IEEE.

3           Q     Okay.

4           A     IDEMA, I-D-E-M-A, which is the Industry for  
5     Design and Electromagnetic Applications.

6           Q     It would be helpful as you go through, so I just  
7     let you do it in a narrative, kind of give me the dates  
8     you were involved and what the purpose of the association  
9     was, and if you held any particular role in the  
10    association, president, treasurer, that sort of thing.  
11    I'll just let you roll with it, but that's what I'm  
12    looking for.

13          A     Okay.

14          Q     So if you can just include all that in the  
15    narrative, I would appreciate it.

16          A     I have absolutely no clue about the dates, short  
17    of the more recent ones.

18                IDEMA, IEEE. And another, HTCIA, which is the  
19    High Technology Criminal Investigation Association. That  
20    was some of the early ones. HTCIA was from 2001 on. The  
21    others were a little bit before that.

22                I've never held any positions with any of the  
23    associations. Managerial, executive or otherwise.

24                HTCIA, I'm no longer a member of because they  
25    precluded members from being -- from representing

1 defendants in criminal cases.

2 I am a member of the American College of  
3 Forensic Examiners. I hold a couple of certifications  
4 through that as well.

5 Q Could you go ahead and tell me about those while  
6 we're on that topic?

7 A Sure.

8 DVR, digital video recorders. CCTV. They offer  
9 one to three-hour certificate programs in that.

10 Q All right.

11 A As well as computer fraud examination. That was  
12 another one that was from ACFE.

13 Q Okay. What other associations?

14 A Let's see, here.

15 There's one -- there's one more that's -- I  
16 can't remember. I can't remember what the actual name of  
17 it is. It was pretty non -- it's pretty nonfunctional at  
18 this point.

19 Q Would that be on your CV?

20 A It is on my CV, yes.

21 Q We'll cover it then.

22 Let's go ahead and talk about any publications  
23 that you may or may not have done.

24 Have you published in any way, whether it be  
25 copyrighted or not, either an abstract, lectures,



1 seminars, books, coauthored books, wrote passages in  
2 books, anything that would be considered to be published  
3 material in your field?

4 A The only thing that I've ever done is -- that  
5 I've ever actually published is going to be handouts for  
6 lectures, which is actually more printouts of PowerPoint  
7 presentations.

8 Q All right. And what fields have you printed  
9 handouts?

10 A Computer forensics.

11 Q I realize that's kind of broad.

12 A It is.

13 Q Is it particular to some aspect of it, like data  
14 recovery, I would consider to be under computer forensics.  
15 Fraud would be under --

16 So help me --

17 A Sure.

18 Q -- ferret out all the subpockets.

19 A E-discovery.

20 Q What is it?

21 A E-discovery.

22 Q I don't know what that is?

23 A Electronic discovery. The handling of  
24 electronically stored information in civil litigation.

25 Q Okay. I'm going to let that one go. Give me

1 another one.

2 A Understanding that mostly I lecture to attorneys  
3 in civil cases.

4 I handle a high level of employment cases.

5 Q Okay.

6 A So e-discovery and electronic restoring  
7 information comes up pretty regularly in what I do. Data  
8 recovery, obviously, which spins into the forensics.  
9 Uncovering information through the use of scientific  
10 method.

11 Q Let' [REDACTED] about that just a few minutes, since  
12 you brought it up.

13 As far as the recovery of data through  
14 scientific investigation, what are you talking about?  
15 Explain that to me.

16 A Basically using tools and techniques to uncover  
17 data that can't be seen by the average user.

18 Q And what tools or techniques would you use?

19 A Everything -- it's dependent on -- it's a  
20 case-by-case basis. There are hundreds of tools.

21 Q Well, tools in a sense to like a screwdriver or  
22 software?

23 A Software.

24 Q Okay. So help me out. What software would you  
25 be using?

1           A     Depends on the case, but I can give you a  
2     rundown of the total.

3           Q     Please.

4           A     Encase, E-N-C-A-S-E; Forensic Toolkit, FTK, by  
5     Access Data; Intella by Vound, V-O-U-N-D; CPR. My  
6     apologies I don't remember what the acronym is for, but  
7     it's a drive imaging tool. Black Bag; Recon; Deft;  
8     Guymager, G-U-Y-M-A-G-E-R; Autopsy; X-Ways.

9                     There's probably another 50 or so that I could  
10    come up with if I thought about it, but --

11          Q     All right.

12          A     -- none of which are germane to this case.

13          Q     Okay. And of all the -- and just so I can  
14    identify and we talk about later in this particular case,  
15    did you use any of the softwares that you just listed as  
16    far as your work in this case?

17          A     One.

18          Q     Which one?

19          A     Guymager.

20          Q     G-U-Y-M-A-K-E-R?

21          A     G-E-R.

22          Q     G-E-R.

23                     All right. We're going to talk about E-Hounds  
24    in a few minutes.

25                     But before E-Hounds, any other businesses that

1 you've been associated other than Data Recovery and the  
2 one in California?

3 A Are you saying like employment historywise?

4 Q Yeah.

5 A Oh, goodness. Yeah. Post high school or --

6 Q Business. Yeah. Post high school. Wherever  
7 you -- wherever you worked since high school.

8 A That's it.

9 Q Okay.

10 A Now, there was another company. Advanced  
11 Communications of Tampa Bay.

12 Q What did they do?

13 A Telecom, voicemail, voice integrated solutions.

14 Q And what was your role there?

15 A Engineer.

16 Q Okay. And as an engineer, what duties did you  
17 perform for them?

18 A Built telephony systems.

19 Q I'm sorry. What was the word?

20 A Telephony.

21 Q What is that?

22 A Systems, like voicemail systems that integrate  
23 with phones.

24 Back in the early '90s, that was pretty high  
25 tech stuff.

1 Q Okay. All right. Let's talk about E-Hound.

2 How did the business E-Hound come to be in  
3 existence?

4 A E-Hounds.

5 Q Hounds. With an S?

6 A Yes.

7 I started getting more and more calls from  
8 lawyers asking me if I could tell when a file had been  
9 deleted, see if I could recover a specific file that they  
10 knew somebody had deleted, recover information from a hard  
11 drive that an employee had formatted before leaving.

12 Q All right. That's the why.

13 The when? When did you start?

14 A Would have been late 1988.

15 Brian Albritton.

16 Q Okay. Who's Brian Albritton?

17 A A former U.S. attorney who, at the time, was a  
18 partner at Holland & Knight.

19 Q Mm-hmm.

20 A Called me and asked me if I could actually prove  
21 that somebody had deleted data.

22 Q Okay.

23 A Asked me to opine as such in a case that he had,  
24 and qualified me as an expert in the field of data  
25 recovery.

1 Q Okay. And when was that?

2 A 1998.

3 Q And how did he qualify you as an expert in 1998  
4 in data recovery?

5 A Because I had been working doing data recovery.  
6 I had done a couple thousand data recovery jobs at that  
7 point, since 1993.

8 Q Mm-hmm.

9 Is there a particular case in which you were  
10 qualified as an expert?

11 A It was CliffCo Wireless versus -- I believe it  
12 was AllTell. It's on my CV.

13 Q Are all the cases that you've testified in on  
14 your CV?

15 A They are.

16 Q Okay. So we'll cover that then at a later date.  
17 Let's -- let's move on.

18 A If you like.

19 Q Okay. We talked a little bit about E-Hounds and  
20 how it got started in 1998.

21 As far as the services that are provided, you  
22 indicated that you worked for private counsel in the civil  
23 world, whether it be plaintiffs or respondents.

24 Do you work with private attorneys for criminal  
25 cases?

1           A     I do.

2           Q     And would all the private attorneys you've  
3 worked with in criminal cases also be on your CV?

4           A     No.

5           Q     Other than Mr. Escobar and Mr. Michaels,  
6 starting backwards, from this case backwards, what private  
7 criminal attorneys have you worked for?

8           A     Oh, I couldn't begin to -- to list them. I've  
9 done about 1900 cases in the last 15 years.

10          Q     Well, I'm going to get back to the CV to see if  
11 we're going to cover it now or not.

12               Does your CV list the cases in which you've  
13 actually testified at a deposition or trial?

14          A     Yes.

15          Q     We'll go into detail with that later.

16          A     If you like.

17          Q     Next part would be, when you do testify at  
18 trial, have you been qualified as an expert other than the  
19 one time in 1998?

20          A     Yes.

21          Q     And how many times have you been qualified as an  
22 expert?

23          A     Around 120 or so.

24          Q     And would all that be on your CV?

25          A     Yes.

1 Q In what fields were you qualified as an expert?

2 A Oh, information technology, computer forensics,  
3 data recovery, e-discovery, probably a couple of others.

4 Attorneys don't quite grasp what our field is  
5 really called. Obviously, I call -- I -- the term of art  
6 is actually computer forensics and data recovery, but I  
7 get "e-forensics" a lot.

8 Q Okay. Have you ever not been qualified as an  
9 expert when proffered?

10 A No.

11 Q And do you have a fee schedule that you provide  
12 the attorneys that hire you for your services?

13 A I do.

14 Q And would you be willing to provide me that -- a  
15 copy of that fee schedule along with your CV?

16 A Sure.

17 There was actually supposed to be a prepayment  
18 for today's deposition.

19 Q Well, I will tell you that that's not going to  
20 happen.

21 A I figured as much.

22 Q But you will be paid for your services here  
23 today. All you have to do, you can either do it through  
24 Mr. Michaels or send it to me directly, your invoice,  
25 itemized, the time, and you will be paid that bill.



1           A     That's fine.

2           Q     All right. Other than today, have you ever had  
3 your depo taken?

4           A     Yes.

5           Q     Would the list of cases in which you've given a  
6 depo be on your CV, or can you recall those today?

7           A     They're not broken out on my CV. There is a  
8 list of every case I have given any form of sworn  
9 testimony is available on my CV.

10          Q     All right. And whether it be trial or depo?

11          A     Correct.

12          Q     Okay. And would your CV also include the  
13 circuit or the jurisdiction in which you testified?

14          A     Some of them, yes.

15          Q     All right.

16          A     Sometimes I'm not really made aware.

17          Q     Okay. We'll cover all that --

18          A     Sure.

19          Q     -- later.

20                Let's talk a little bit about E-Hound. I'm  
21 going to talk about the business model itself.

22          A     Sure.

23          Q     Do you consider your business to be a  
24 laboratory?

25                And that word, I'm using very broadly.

1 A In that case, yes.

2 Q Okay. Do you follow a particular best practice  
3 at your business for all of the services that you provide?

4 A Yes.

5 Q There are several out there with associations,  
6 whatever.

7 What is the best practice model that you use?

8 A There is no published best practice model for  
9 what we do. However most of the -- most of those  
10 practices I've actually developed over the course of  
11 business in the last 16, 17 years.

12 Q Okay. And do you have an SOP manual then for  
13 your company so your employees can always do the work as  
14 prescribed?

15 A No.

16 Q Do you have any type of written guidelines that  
17 indicates how a particular service is to be performed to  
18 your standards?

19 A No.

20 Q And I say to your standards, but also as it  
21 relates to any best practice.

22 A No.

23 Q And what would you consider a best practice  
24 standard? I tried to give you a couple examples. There  
25 is some out there online, associations. The FBI has one,

1 there's other -- SWIG, acronyms out there that are  
2 associated.

3           So what do you consider best practice? What you  
4 do or -- for the services that you provide.

5       A     Well, each service is very, very different.

6       Q     I understand.

7       A     You're going to have to be more specific.

8       Q     Sure.

9           You indicated several of the services that you  
10 perform for E-Hound or through E-Hound. Data recovery's  
11 one, so let's just use that as an example.

12      A     Okay.

13      Q     For data recovery, is there a, quote, best  
14 practice standard that you follow?

15      A     Depends on the data recovery case.

16      Q     What does that mean?

17      A     Well, okay. For instance, if a data recovery  
18 job comes in and has a physical problem, a physical  
19 problem is going to be handled differently than a software  
20 problem. So for instance, if it's ticking, if it's  
21 overheating, if it's burning, something along those lines,  
22 then that's handled differently than something that has a  
23 simple software problem.

24           Every single piece of media that comes into our  
25 office, is tagged, photographed, serial number, make,

1 model. Everything is categorized and organized. We  
2 maintain a central database of all evidence and all pieces  
3 of material that come in.

4 Each piece is then assigned to one of the two  
5 lab techs.

6 Q Okay. Keep going. I'm interested.

7 A The information's then handled depending upon  
8 the type of failure. This also applies to evidence,  
9 obviously.

10 The -- for a failed hard drive, it might be a  
11 matter of looking at what the symptoms are and determining  
12 the best course of action. Things like hardware  
13 replacement or soldering or contamination or inspection.

14 Q Okay. And is that what you do in every case?

15 A Pretty much, yeah.

16 Q All right. You have a centralized database  
17 regarding the material that comes into your office. You  
18 log it in appropriately so you can identify it later?

19 Is there a unique -- I'll call it laboratory  
20 number, business number, inventory number, whatever you  
21 want to call it, job number, that is assigned for each  
22 client?

23 A Yes.

24 Q All right. And is there a particular job number  
25 in this case?

1 A There is, yes.

2 Q And what is that?

3 A I have no idea.

4 Q And would you be willing to provide that to me  
5 through --

6 A Sure.

7 Q -- Mr. Michaels?

8 A Absolutely.

9 Q That particular job number, what is associated  
10 with that job number? You give it a number. It's in your  
11 computer. That job number is linked to what documents in  
12 your business?

13 A Client management. So the name of the client --

14 Q Okay.

15 A -- contact information, billing.

16 Q Okay. Contact, billing.

17 All right. What else?

18 A Inventory.

19 Q What is inventory?

20 A Items that we receive or items that we work  
21 with, pieces of media.

22 I say items because now we don't just deal with  
23 hard drives anymore. We deal with things like a Google  
24 account in the cloud or cloud-based data that doesn't have  
25 a physical piece of media.

1 Q Okay. What else would be associated with your  
2 unique number?

3 A Probably data imaging.

4 Q What is that?

5 A We don't save any paper. Everything gets  
6 scanned and put into our documenting image system.

7 Q And what would be in document imaging, paper  
8 that's scanned?

9 A Anything that's received. Checks, letters, any  
10 piece of paper that we receive.

11 Q From whom?

12 A From the client or anything having to do with  
13 the case.

14 So for instance the subpoena that you sent over  
15 to Mr. Michaels' office was then put into our imaging  
16 system.

17 Q Okay. What other documents would be in there?

18 A That would be it.

19 Q When you perform any type of particular work --  
20 and we're talking generally -- how do you document the  
21 work that you did so that you can refresh your memory, if  
22 you will, to determine what work you did so you can  
23 testify accurately? How do you document your work?

24 A There's not a whole lot to it. I mean,  
25 obviously, when a piece of media gets checked in, we have

1 dates and times associated with the media being checked  
2 in, the condition that it's in, something along those  
3 lines.

4 Q Does it describe the item?

5 A It does.

6 Q Does it describe the purpose for it being in  
7 your business?

8 A Sometimes.

9 Q Does it describe the requested work to be done?

10 A Sometimes. Usually -- usually that's in my  
11 e-mail and I keep that in my e-mail.

12 Q Okay. And the e-mails that are associated with  
13 a particular job number, is that something that is imaged  
14 in your document file?

15 A No.

16 Q That's in your -- you keep that separate.

17 A I do.

18 Q Okay. As far as when the piece of -- I'm going  
19 to call it an item to make it very generic.

20 A Sure.

21 Q When an item comes into your business, do you  
22 make any notes on it as to exactly when you first came in  
23 contact with the item? A particular date?

24 A Yes.

25 Q All right. And do you document what you did

1 with the item when you first received it?

2 A Not usually, no.

3 Q You indicated you document its condition.

4 A Correct.

5 Q All right. Do you take photographs?

6 A Yes.

7 Q And would that be something that would be  
8 imaged?

9 A Yes.

10 Q And what is the purpose of taking photographs?

11 A Identification.

12 Q And then on any of the documents that you have  
13 relating to a particular item that comes in, is there any  
14 type of document -- is there any type of indication as far  
15 as the requested work to be done?

16 A Not usually, no.

17 Q That's in an e-mail that you keep separately.

18 A Sometimes.

19 Q And is there any particular reason that you keep  
20 a separate e-mail account with that information as opposed  
21 to on the document that you -- that describes the item?

22 A Ease of access. It's easier for me to access my  
23 e-mail from anywhere.

24 Q Okay. Are your e-mails organized by job number  
25 so that you can find them easily?



1 A No.

2 Q You just use a search function?

3 A I do.

4 As you can imagine I'm very good at searching.

5 Q I would hope so.

6 Does the document include the work that you  
7 actually performed?

8 A No.

9 Q And would you explain to me why none of your  
10 documents contain what you did with a piece of -- an item  
11 that comes into your business?

12 A Largely because we don't really know the outcome  
13 of the results of something that we're doing until it's  
14 done. It's usually reflected in my invoicing.

15 Q Okay. How are the results of your examination  
16 reflected? I'm talking generally in the business that you  
17 have.

18 A Okay. Every case is different.

19 Q Okay.

20 A Sometimes I author an expert report if the  
21 client requests it. Sometimes I relay the information in  
22 person or by phone.

23 Q Okay.

24 A Sometimes I will send a quick e-mail.

25 Q All right. And sometimes it's on your invoice.

1           A     And -- well, the invoice doesn't have anything  
2     to do with reporting the information that I find.

3           Q     I believe, when I asked you about results, you  
4     indicated that sometimes it would be on your invoice.

5           A     Well, sure. For something like this case, yeah.

6           Q     Okay. So in this particular case, on the  
7     invoice, the results of your work are documented?

8           A     Pretty much, yeah.

9           Q     All right. And would that invoice be something  
10    that's in your document inventory imaging file; whatever?

11          A     It is, yeah.

12          Q     And has that invoice --

13                Well, let me just talk about -- we're going to  
14    jump to this case real quick, since we're talking about  
15    invoice.

16                In this particular case, has that invoice then  
17    been provided to the defense team, either Mr. Escobar or  
18    Mr. Michaels?

19          A     I believe so, yes.

20          Q     And have you been paid --

21          A     Yes.

22          Q     -- for your services?

23          A     Yes.

24          Q     And what was the total amount paid?

25          A     I don't recall, but I want to say it was

1 somewhere around \$3,000, maybe less.

2 Q Okay. And that invoice is still available?

3 A Yes.

4 Q And would you be willing to make that available  
5 to me?

6 A Sure.

7 Q As part of your services in this particular  
8 case, were you provided any police reports, photos or  
9 depositions to review prior to performing your services in this  
10 case?

11 A No.

12 Q All right. During the time that you were  
13 performing your services, did you have any contact with  
14 any of the experts additionally hired by Mr. Michaels or  
15 Mr. Escobar, like Mr. Koenig or Mr. Knox or Mr. Hayden?

16 A I don't recognize those names.

17 Somebody else was at the police station at the  
18 same time I was.

19 Q Okay.

20 A I don't know who it was. Mr. Michaels might  
21 know.

22 Q Well, we're going to get to the police station  
23 in just a minute.

24 A Sure.

25 Q We'll figure all this out.

1 Have you -- do you have --

2 Now I hit my Monday morning.

3 Have you had any contact, either by phone,  
4 letter, e-mail, with either Mr. Koenig, Mr. Hayden or  
5 Mr. Knox?

6 A I don't believe so.

7 Q Do you know who those individuals are?

8 A No, I don't.

9 Q Mr. Koenig is a video expert. He's the one that  
10 finally received the hard drive that you either cloned or  
11 mirrored, however term we're going to use.

12 A Okay. I did talk to him, yes.

13 Q All right. Let's talk about that for a few  
14 minutes.

15 A Sure.

16 Q When did you talk with him?

17 A The day after we made the copies at the police  
18 station.

19 Q Okay. Was that by phone?

20 A Yes.

21 Q Who called who?

22 A I called him.

23 Q And why did you call him?

24 A To find out if he had left on a plane yet so I  
25 could deliver the hard drive to him.

1       Q     Okay. All right. Did you have any other  
2 conversation with him?

3       A     Nope.

4       Q     All right. And did you finally meet with him?

5       A     No.

6       Q     All right. Let's go ahead and talk about that  
7 now, so -- since we have him either on the phone or on the  
8 plane.

9       A     Sure.

10      Q     How did you get the hard drive that you mirrored  
11 or cloned to Mr. Koenig?

12      A     I didn't.

13      Q     Okay. So let's go back to the phone call.  
14 You called him to see if he left on a plane.

15             What was -- what was your -- what was the  
16 response? What did you learn?

17      A     Didn't get an answer. I think he called back,  
18 left a voicemail, and said that he was already -- or he  
19 was staying an extra day for something, I think.

20      Q     Okay.

21      A     And that I should just coordinate the delivery  
22 through Mr. Escobar's office.

23      Q     Prior to going to the Pasco County sheriff's  
24 office and performing the services that you were asked to  
25 do, did you have any conversations with Mr. Koenig as far

1 as any recommendations on his part as to how the hard  
2 drives at the sheriff's office should either be mirrored  
3 or cloned?

4 A No.

5 Q Have you ever met him?

6 A No.

7 Q Is that the extent of your contact then with  
8 Mr. Koenig?

9 A It is.

10 Q All right. Let's go to the sheriff's office,  
11 all right?

12 A Sure.

13 Q When did you go to the sheriff's office?

14 A I don't remember the exact date.

15 Q Can you give me the year?

16 A This year.

17 Q Where would that date be reflected that you  
18 actually went?

19 A In my invoice.

20 Q And who did you go with? Not who you met there  
21 but who did you go with?

22 A Like who traveled there with me?

23 Q Yes.

24 A No one.

25 Q Anyone else from your company?

1 A No.

2 Q Now, I said the Pasco County sheriff's office.  
3 In Pasco, there's New Port Richey, there's Dade City,  
4 there's something in Land O'Lakes.

5 Do you know where you went, the physical  
6 location?

7 A I have it in my records, but I remember it's --  
8 it's a big acreage-level complex.

9 Q Okay. I'm smiling because I've been down that  
10 road and I know exactly what you're talking about, and  
11 that's this best way to describe it.

12 A It is. I remember following several tractors  
13 down the road to get there.

14 Q Yeah. You did. A little farm on the left?

15 A Mm-hmm.

16 Q Yeah. Okay. I know where you went.

17 (A discussion was held off the record.)

18 BY MR. MARTIN:

19 Q When you arrived at that location, who did you  
20 meet with?

21 A Mr. Escobar, and I believe it was Detective  
22 Smith.

23 Q All right. Was there anyone else there other  
24 than Mr. Escobar and Mr. Smith, whether you know their  
25 names or not?

1           A     There were several Pasco County sheriffs. I  
2 think a couple were detectives, a couple were officers.

3                   The facility is -- there is constant movement,  
4 people there, so ...

5           Q     And did you document in any way who you met with  
6 when you arrived?

7           A     Yeah. In an e-mail. Detective Smith and  
8 Mr. Escobar.

9           Q     When you say in an e-mail, what do you mean?

10          A     Mr. Escobar said, "These are the people you'll  
11 be meeting, me and Detective Smith."

12          Q     Oh, I meant not what Mr. Escobar sent you. I'm  
13 talking about what you did.

14                   So how did you document, if you did at all, who  
15 you met with?

16          A     I didn't.

17          Q     Okay. What equipment did you take with you?

18          A     A laptop.

19          Q     Okay.

20          A     And a hard drive dock.

21          Q     All right. And the purpose of taking the  
22 laptop?

23          A     That's the transfer mechanism to create the  
24 copies.

25          Q     All right. Now, I've used "clone"; I've used



1 "mirror" in our discussions.

2 Is there a particular way you want to describe  
3 what you did?

4 A Either is perfectly acceptable. The technical  
5 term is a forensic mirror, forensic image or forensic  
6 acquisition.

7 Q All right. Let's use forensic image. How's  
8 that?

9 A Sure.

10 Q So we'll use that throughout the depo as far as  
11 meaning that you copied it from one source to another.  
12 Agreed?

13 A Correct.

14 Q All right. In order to make the forensic image,  
15 did you use particular software?

16 A Yes.

17 Q And that was?

18 A Guymager.

19 Q And what was the purpose of the hard drive dock?

20 A It allows me to do multiple hard drives at the  
21 same time.

22 Q Let's talk about Guymager. G-U-Y-M-A-G-E-R,  
23 right?

24 A Mm-hmm.

25 Q Tell me everything you know about that software.

1 What's the purpose? Why did you use it?

2 A It is a forensic imaging tool. It is developed  
3 internationally. It is an open source tool. It is very  
4 commonly used. We have used it in many, many, many cases,  
5 probably in excess of 10,000 hard drives imaged with it.

6 Q And what does it do?

7 A Creates a forensic mirror of a hard drive from  
8 the beginning of the hard drive to the end of the hard  
9 drive.

10 Q And how does it do that?

11 A Depending on the format used -- there are  
12 different containers, if you will, that you can --

13 Q Let's stick with this particular case.

14 In this case, how did Guymager make a forensic  
15 image of the multiple hard drives at the sheriff's office?

16 A A Linux DD image.

17 Q Explain that to me, please.

18 A DD is disc dump in Linux. Guymager simply uses  
19 that built-in function in Linux. It's kind of like using  
20 "copy" in DOS or Windows.

21 Q When you do control C? Is that like --

22 A Correct. Very similar to that, but for a whole  
23 hard drive. Takes the entire hard drive, unallocated  
24 space. Doesn't care what it is, what's on the hard drive.  
25 Makes the complete -- takes the entire hard drive and puts

1 it into a single file on another hard drive. Provides a  
2 audit trail along with it to determine if there are any  
3 failures, problems, anything else.

4 Q All right. Let's talk about the audit trail a  
5 little bit.

6 The audit trail that it creates, is that a  
7 separate document that's now on your laptop once you use  
8 the software?

9 A No.

10 Q And how -- where is this audit trail so you can  
11 determine if it was correct?

12 A It's kept with the hard drive image. So the  
13 hard drive image becomes -- when you copy -- using  
14 Guymager, you take a source hard drive --

15 Q Yes, sir.

16 A -- what you want to copy. You have a target  
17 hard drive that you want to copy to.

18 Q Yes, sir.

19 A It creates that as a file on the target hard  
20 drive. So the source becomes a file, a single file. That  
21 way you can get multiple images or multiple hard drives  
22 onto a single hard drive.

23 Q All right.

24 A With those images -- think of them as a Word  
25 document -- it also includes a small text file that has

1 that audit trail. So you will have, for instance,  
2 whatever the number of the hard drive is, along with a  
3 number of the hard drive.txt. And that text file contains  
4 that audit trail.

5 Q And for each hard drive that you made an image  
6 there would be an associated audit trail in a text file?

7 A Correct.

8 Q That could be opened by notepad or whatever?

9 A That's correct.

10 Q And it is printable.

11 A Yes.

12 Q And would you be willing to print the audit  
13 trail for me? Can't be that big of a file.

14 A I don't have access to it anymore.

15 Q Okay. Where is it?

16 A On the hard drives that were given to  
17 Mr. Escobar.

18 Q Okay. But it is something that's printable.

19 A It is.

20 Q Okay.

21 A Mm-hmm.

22 Q So let's talk about the audit trail.

23 What is in that text file? What would be there  
24 that is important to determine whether or not the forensic  
25 image is in fact a valid image?

1           A     Hash value, most importantly.

2           Q     Okay. Would you explain that to me? I'm not  
3 familiar with that term.

4           A     Hash value is a digital fingerprint. It is an  
5 algorithm that is calculated by looking at the entirety of  
6 something, a piece of digital data.

7                     So for instance, the hard drive image, you run  
8 this calculation against the entire image, and it comes  
9 back with a long string of numbers. The resulting numbers  
10 are essentially the digital fingerprint of the file. If  
11 any single byte is changed within that file, that digital  
12 fingerprint will no longer match.

13          Q     I'm sorry. You're getting a deer in the  
14 headlight look. You've exceeded my --

15          A     I get that a lot.

16          Q     Would you do that one more time for me? Dummy  
17 it down a notch?

18          A     Okay.

19          Q     Appreciate it.

20          A     Very simple.

21                     Each file, any file, is capable of having a hash  
22 value, which is essentially a long string of numbers that  
23 is the same thing as a fingerprint.

24          Q     And where is that hash value when we look at a  
25 file?

1           A     It's calculated based on the file at the time.

2                     So for instance if I take a Word document --

3           Q     Yes, sir.

4           A     -- I get a hash value from it.

5                     Your regular computers don't calculate hash

6 values. It requires a program or software. Message

7 Digest 5 is what it's called, MD5. Or SHA 1.

8                     (A discussion was held off the record.)

9           A     Those two values -- any of those values are the  
10 same things as a digital fingerprint. So if I send you a  
11 Word document and I have the hash value, that fingerprint,  
12 if you send that file back to me, I can check that  
13 fingerprint again and tell you if anything about that file  
14 has changed. If it doesn't match, then something inside  
15 the file has changed.

16 BY MR. MARTIN:

17           Q     Okay.

18           A     If it's the exact same, nothing's changed, the  
19 veracity of the data is the same.

20           Q     Okay. Is this hash value at any particular  
21 location in the file? Front? Beginning? Middle? How's  
22 it --

23           A     It's not stored inside the file. It's stored as  
24 part of the audit trail.

25                     As soon as we complete a copy, that hash value

1 is made so that the next person that looks at the file can  
2 say, "Okay. I'm looking at the audit trail. Here is this  
3 fingerprint." If I check the fingerprint of the file, it  
4 should match, meaning nothing has changed about the file.

5 Q And how would you check the fingerprint of the  
6 file?

7 A Most examiners don't. It's just there in the  
8 event of maybe corruption or bad hard drive or some  
9 problem that might be encountered. That's just one of the  
10 aspects of the audit trail is, it contains that hash  
11 value.

12 Q Let me give you kind of a dummy example from me.

13 A Okay.

14 Q If we had a Word document and it was five  
15 sentences long, but one of the sentences did not have a  
16 period, and you made a forensic image of that document,  
17 then I later went back and found that that period wasn't  
18 there, and I put the period in, what would happen with the  
19 hash value if you -- would you be able to determine that I  
20 put the period in?

21 A Not that you put the period in, but the hash  
22 value would change. Basically, you would have a  
23 completely different fingerprint.

24 Q Okay. So would you have to take another  
25 forensic image and compare the two hash values, or how

1 would you --

2 A It's a calculation. I mean, it's something that  
3 you -- you point a piece of software at the file and say  
4 "calculate," and it gives you the value.

5 Q Okay.

6 A But again, that's only one of the aspects of the  
7 audit trail.

8 Q Okay. What else?

9 A The audit trail is going to contain the date of  
10 imaging, the beginning and start --

11 Q Okay.

12 A -- as well as the end and finish.

13 Q All right.

14 A It's going to contain the list of segments.

15 In other words, if the file -- you can take a  
16 hard drive image and break it down into smaller chunks so  
17 it moves easier, so you can copy it from one hard drive to  
18 the next easier, work with it a little bit easier, so that  
19 you're not dealing with -- if you have a 250 Gig hard  
20 drive, you don't end up with a 250 Gig single file. You  
21 could break it up into making 4 Gig segments so that it  
22 transports a little easier.

23 Q Okay.

24 A It would have those segments in it.

25 It has also information about physical hard



1 drive that you're imaging. So make, model, serial number,  
2 any settings that might be specific to the hardware, the  
3 actual hard drive that you're imaging.

4 Q All right.

5 A All of that would be in the audit trail.

6 Q Anything else in the audit trail?

7 A There's probably some superfluous in there  
8 that's not.

9 Q Some what?

10 A Superfluous information. Nothing germane.  
11 Nothing that I've ever used or needed.

12 Q Okay.

13 A Informational.

14 Q So we're at the sheriff's office.

15 A Mm-hmm.

16 Q And what was the purpose? Why were you there?

17 A To make forensic images of hard drives.

18 Q And on the date that you can't recall, but it's  
19 in your invoice, did you in fact perform that function?

20 A I did.

21 Q And where did that take place?

22 A At the sheriff's office.

23 Q At the location that we talked about?

24 A Correct.

25 Q All right. And how many hard drives did you

1 make a forensic image of?

2 A I believe it was eight.

3 Q All right. And did you document in any way how  
4 many you did?

5 A Yes.

6 Q How did you document it?

7 A Photographs.

8 Q All right.

9 A As well as entering them into our inventory  
10 system.

11 Q And those photos are still available?

12 A Yes. Absolutely.

13 Q And why did you take photos?

14 A Just in the event that I needed to reference  
15 them at some point during the imaging process.

16 They were -- everything was brought in in a big  
17 air case, like a big Pelican case, a bunch of bags,  
18 unsealed evidence bags. Every single one of them had a  
19 different number on them. None of them had any kind of  
20 description or anything else on them.

21 So as the detectives were taking them out of the  
22 cases and just setting them, I wanted to be able to put  
23 all the hard drives back in the right bags when I handed  
24 them back. So that's one of the main reasons why we take  
25 photographs.

1 Q So during that process, you were taking  
2 photographs?

3 A Of each one as we went. Not like the process of  
4 the detectives unbagging things, no.

5 Q Okay. But they're available?

6 A Sure.

7 Q What I'd like for you to do for me now is, we've  
8 discussed that you have a laptop with you. You have a  
9 Guymager software.

10 A Mm-hmm.

11 Q You have an HD dock --

12 A Mm-hmm.

13 Q -- which you explained to me, so that you can  
14 use multiple hard drives at the same time.

15 I assume you have a target hard drive with you.

16 A Correct.

17 Q How many do you have?

18 A I believe Mr. Escobar brought three hard drives.

19 Q All right. And how many source hard drives were  
20 there?

21 A I believe the total was around 16.

22 Q And did you make forensic images of all 16 hard  
23 drives?

24 A No.

25 Q And how did you determine which hard drives you

1 were going to make a forensic image of?

2 A Mr. Escobar told me which hard drives we were  
3 making images of.

4 Q And did you document in any way specifically  
5 which hard drives you made images of? Like at the  
6 sheriff's office, they have a unique exhibit number  
7 associated with a case number.

8 So did you make any documentation at all?

9 A Yes.

10 Q And on -- and what media? How did you document  
11 which hard drives?

12 A I used the same numbers that were on the  
13 sheriff's bags.

14 Q And how did you memorialize it?

15 A In our inventory system.

16 It's also the name of the forensic images on the  
17 hard drives. Each one got a separate folder with the  
18 exact same number that was on the bag.

19 Q And that's something that could be printed? Is  
20 that something that could be printed and made available?

21 A Yeah. I suppose, yeah.

22 Q Okay. Do you remember the exhibit numbers that  
23 you made a forensic image of?

24 A No. They were long, very long numbers. I want  
25 to say they were each like 16 digits long, each ending

1 with some different four digits. I don't know what the  
2 significance of that was.

3 Q And did you independently and separately in time  
4 make a forensic image of each hard drive or did you do it  
5 all together? That's what I'm getting at. Did you --

6 A I did each one simultaneously as I had space  
7 available.

8 Q Okay.

9 A Some were larger, some were smaller, some would  
10 finish sooner, and I would move on to the next one.

11 Q Here's what I'd like you to do for me. And I'd  
12 like you to just go in a narrative.

13 A Okay.

14 Q I want you to go back to wherever you were  
15 standing there. You have all of your equipment on a table  
16 someplace.

17 And right before you start making the images, I  
18 want you to go through, "I took our drive 1. I installed  
19 it. I did this." I want to know how you hooked  
20 everything up, how you calibrated everything, how you hit  
21 the buttons, how it got transferred, all right? Just do a  
22 movie for me in your head. Just tell me exactly how you  
23 did everything.

24 A Okay. I opened the laptop. I plug in a thumb  
25 drive that has Deft with Guymager on it. Deft is a kind

1 of Linux. Boots Linux. Start Guymager. Plug in a dock.  
2 Plug in a target hard drive, one of the hard drives that  
3 Mr. Escobar brought. They were 4 Terabyte Passport hard  
4 drives he had picked up at Walmart that morning.

5 Unbagged each one of the hard drives as I went  
6 that had been uncased from evidence. Put each one in -- I  
7 have a four-bay dock. Put each one in slot 1, slot 2,  
8 slot 3, slot 4.

9 Q How did you accomplish that?

10 A I unbagged them and I set them in the dock. It  
11 is an open -- like a caddy and you just set it in there.

12 Q Just set the hard drive --

13 A Correct.

14 Q -- in the caddy?

15 A Correct.

16 Q Okay.

17 A And the Guymager software shows each thing  
18 that's attached to the system.

19 I unwrite-protect the -- it automatically  
20 write-protects so that you can't change the media that  
21 you're working with. I unwrite-protect the 4 Terabyte  
22 hard drive. It's the only 4 Terabyte drive there is. The  
23 others are all 1 Terabyte and 500 Megabyte.

24 I click the button in Guymager that says "create  
25 image," and I create a folder for the drive in bay 1,

1 create a folder for the drive in bay 2, one for bay 3, one  
2 for bay 4.

3 I look at the serial number on the drive because  
4 the drives are -- it's an open dock where you can see the  
5 serial number. I make note of the serial number to make  
6 sure that I'm putting the right hard drive in the right  
7 folder.

8 And I press "go," and it makes the image.

9 Q Okay. And how did you determine that your  
10 software was working properly?

11 A Upon completion, it gives you a big green button  
12 that says "complete. No errors."

13 Q Okay.

14 A And that's done by matching hash algorithms. So  
15 basically it checks the hash value at the beginning, it  
16 checks the hash value of the image at the end, and it  
17 tells you whether it completed.

18 Q And what hash value is it completed?

19 A It calculates the hash value at the beginning  
20 of -- so it looks at the whole hard drive, creates that  
21 fingerprint --

22 Q Oh, so it creates it. There's not already one  
23 on there.

24 A No. There's no such thing as it stored -- as it  
25 being stored on there.

1 Q Oh.

2 A It's a calculation that takes place that creates  
3 that fingerprint.

4 Q Okay.

5 A So it takes that fingerprint, it creates the  
6 forensic image, it checks the forensic images,  
7 fingerprint, and if everything's good you get a  
8 "complete."

9 Q And the software just has a green light.

10 A Correct.

11 Q The target Terabyte hard drive where everything  
12 was dumped, what did you do before you used it to  
13 determine that it was working properly and was going to  
14 accept all the data? Did you make any determination to  
15 make sure it was okay?

16 A No.

17 Q Does the software create a hash value of the  
18 Terabyte hard drive, the target hard drive, before the  
19 data is put on it?

20 A No. There wouldn't be any purpose.

21 Q Let me ask you this:

22 After the data was placed on the Terabyte target  
23 hard drive, was a hash value created?

24 A No. There's a hash value created of each image  
25 that's placed on the hard drive.



1           The hard drive's nothing more than a transport  
2 mechanism.

3           Q     I understand.

4           A     Okay.

5           Q     All right. I'm talking about overall. I know  
6 you said there's files on it. Within the files there's a  
7 forensic image of each of the hard drives.

8           A     Mm-hmm.

9           Q     And within that forensic image is your hash  
10 value.

11                  Do I have it?

12          A     The forensic image has a hash value.

13          Q     Yeah. The forensic image has a hash value. But  
14 there's no need to take the entire hard drive itself with  
15 all the files and make a forensic hash value for that.

16          A     No.

17          Q     Would you explain to me why?

18          A     Sure.

19                  Because as you're adding additional images to  
20 the hard drive the hash value would change. So it  
21 wouldn't serve any purpose. You don't -- the hash value  
22 doesn't give you a descriptor of what's changed. It's  
23 merely the fact that it has. So as you add additional  
24 images to it, it immediately is going to change the hash  
25 value.

1 Q At the very end, when the process is absolutely  
2 complete, is a hash value created for that Terabyte hard  
3 drive before, like, it's transferred to Mr. Escobar, then  
4 to Mr. Koenig?

5 A No.

6 Q Is there a need for one?

7 A No.

8 Q Okay. And why not?

9 A Because each of the images stands on its own.  
10 The evidence is not the transport mechanism. The evidence  
11 is the image of the hard drive.

12 Q Of each file that you put on there.

13 A Correct.

14 Q Okay. When you performed the services that you  
15 just described, did you attempt to create any type of  
16 pre-image?

17 A I don't understand your question.

18 Q Well, to make a look and see what you've got.

19 Did you look and see, "Okay. This hard drive  
20 has one Terabyte. This one has 500," so that you knew you  
21 had enough space on your target hard drive to do all four  
22 at the same time.

23 A No. I looked at the model numbers.

24 Q Okay.

25 A Each of the model numbers has a capacity on it.

1           My understanding was that these wouldn't have a  
2 file system on them anyway. In other words, you can't  
3 just plug it in and look at data on them.

4           Q     Now that we have the forensic image for each  
5 hard drive transferred to the target hard drive, how do  
6 you unplug everything and pack up and go back to -- what  
7 do you do?

8           A     As soon as you get a complete --  
9                 Each bay on the dock has a power-off button.

10          Q     Yes, sir.

11          A     I power it off, pull the hard drive out, put it  
12 back in the bag and hand it back to the detective.

13          Q     Did you take any other photographs while the  
14 process was going on?

15          A     Yes.

16          Q     Photos of your computer screen?

17          A     Yes.

18          Q     And those photographs are still available?

19          A     Yes.

20          Q     Did you take any other photographs while you  
21 were there regarding the services that you provided?

22          A     No. It's not something --

23          Q     Any photographs of them putting the evidence  
24 back in the bag or --

25          A     No.

1 Q -- anything like that?

2 A No. We don't generally photograph processes.  
3 We photograph evidence that we're dealing with, and just  
4 for purely informational purposes, like a progress  
5 indicator.

6 Q What's a progress indicator?

7 A On the screen, when it's counting down, saying  
8 "there's 50 percent left, there's 45 percent left."

9 Q All right. That was going to be my question.  
10 What was the purpose of taking photos of your  
11 computer screen.

12 A That would be why.

13 Q Okay. And what information is that? Explain to  
14 me why that's important to you and you would want to  
15 document with a photograph.

16 A So that I could figure out how long it was  
17 really taking.

18 Sometimes if you're at 50 percent an hour in or  
19 two hours in, it may not mean that you actually have two  
20 hours remaining. It may mean -- so 20 minutes later, I'll  
21 check that, okay, we were at 45 percent an hour ago, now  
22 we're at 47 percent an hour later. Something is either  
23 wrong or there's a lot of data or something.

24 So I try to -- just so I can judge the amount of  
25 time needed.

1 Q All right. Did you do any other work while at  
2 the sheriff's office?

3 A No.

4 Q Did you make any other documentation of your  
5 work in any way to pen and paper, photographs, dictation  
6 machines?

7 A No.

8 Q Just the photographs that we talked about?

9 A That's it.

10 Q Didn't write anything down?

11 A What we did is the absolute simplest beginning  
12 step of anything that you could possibly do in my line of  
13 work.

14 Q Okay. So now you have the target hard drive.  
15 And what do you do with it?

16 A I took it with me.

17 I believe actually we made a second copy of the  
18 hard drive. Mr. Escobar had brought three drives with  
19 him.

20 Made a second copy of that drive.

21 Q Okay.

22 A And I can't recall if we gave one to Mr. Escobar  
23 right then and there. I don't believe we did. I  
24 believe -- 'cause I was supposed to meet up with the other  
25 expert and hand him the drive before he got on a plane

1 back to wherever it is he's from.

2 Q Mm-hmm.

3 And did you take any hard drive -- target hard  
4 drive back to your business?

5 A Yes.

6 Q And what hard drive did you take back to your  
7 business?

8 A Both of those 4 Terabyte hard drives. The same  
9 image.

10 Q Okay. So we have -- I'll call it the original  
11 forensic image where you dumped everything on it.

12 A The original target hard drive.

13 Q Then we have three forensic images of that  
14 target hard drive in existence now?

15 A One. One more.

16 Q One more.

17 A He had brought several with him but I only  
18 used -- we only had time to make one second copy.

19 Q The original target hard drive, who did you give  
20 that to?

21 A Eventually to Mr. Escobar's office.

22 Q Did it go back to your office.

23 A It did.

24 Q The original.

25 A Yes.

1 Q All right. That original hard drive, the  
2 original target drive, once you got back to your office,  
3 what did you do with it?

4 A I -- it stayed in the bag.

5 Q And how was it logged into your business?

6 A It would have been logged into our inventory  
7 system.

8 Q And what would be placed in your inventory  
9 system? What information?

10 A Just the make and model of the hard drive.

11 Q And would you make any documentation as to what  
12 you did with the hard drive, the services that you  
13 provided or anything like that on that particular  
14 document, the inventory?

15 A No.

16 Q All right. The copy of that, where did that go?

17 A It was shipped to --

18 Q Now, we have the target, okay, that went back to  
19 your office, and then there's a copy of the target.

20 Did they both go back to your office and later  
21 get separated or were they separated at the sheriff's  
22 office? That's what I'm trying to figure out.

23 A No. They both went back to my office.

24 Q Okay. So we have the original hard drive and  
25 the second --

1           A     Target hard drive.

2           Q     Second --

3                     Well, it won't be the second target, 'cause that  
4 assumes it's original.

5                     So we have another forensic image of your first  
6 target hard drive?

7           A     We have the first target hard drive and a second  
8 target hard drive.

9           Q     Were they both done at the same --

10          A     We don't -- I don't delineate between which was  
11 first and which was second. They both have the exact same  
12 content.

13          Q     That's what I'm trying to get at.

14                     You have a target hard drive here that we've  
15 talked about, the original --

16          A     Mm-hmm.

17          Q     -- that the files were on, correct?

18          A     Correct.

19          Q     Then we have a second.

20                     How did you make a copy of the first target hard  
21 drive?

22          A     Drag and drop. So I dragged the copy of the  
23 files from the first hard drive to the second hard drive.

24          Q     Then all the files on the first hard drive would  
25 have the same information as we previously discussed as



1 far as the audit trail associated --

2 A Both hard drives would, yes.

3 Q Okay. That's what I'm trying to --

4 A Yes.

5 Q Okay.

6 A Absolutely.

7 Q So now we -- we take both hard drives back to  
8 your business.

9 Are both hard drives then logged into your  
10 inventory?

11 A I don't know that the second one would have  
12 been.

13 Q Let's complete our task with the first one.  
14 What did you do with the first one? Once you  
15 got it there. It's on your desk. You're logging.

16 What are you logging in? Where does it go?

17 A That's -- that's the extent of it. We log in  
18 the make and model. And it sat on my desk until the very  
19 next day, at which point it was shipped out.

20 Q And how was it shipped?

21 A FedEx, as I recall.

22 Q And it was shipped from your business?

23 A Yes.

24 Q And who was it shipped to?

25 A I believe it was shipped to the expert, the

1 other expert. I don't know where he was.

2 Q And would that be reflected in your inventory  
3 system or your document cloud, wherever you --

4 A No.

5 Q -- we had talked about?

6 Do you know the date that it was shipped?

7 A It was the -- I want to say it was actually two  
8 days later, [REDACTED] he hadn't been back yet.

9 Q Okay. Is that the last you saw of that  
10 particular hard drive?

11 A Yes.

12 Q The second hard drive, where is it?

13 A Went to Mr. Escobar's office.

14 Q Okay. Once you got back to your office, did you  
15 do any other work on the hard drive at your business?

16 A No.

17 Q As far as the -- either the first or the second  
18 hard drive, did you review any of the data on the hard  
19 drive?

20 A No.

21 Q And prior to your depo today, did you review any  
22 documents to refresh your recollection as to what occurred  
23 before coming in today?

24 A No.

25 Like I said, this is about the simplest, most

1 benign thing that we do in our -- in our business.

2 Q All right. And other than e-mails --

3 Now, is the e-mails on your business account or  
4 is it a personal account?

5 A My business account.

6 Q Business. All right.

7 A I don't even have a personal account.

8 Q Other than e-mails on your business account,  
9 your inventory that's in your document imaging on your  
10 computer, and your invoices, are there any other -- and  
11 you said the subpoena for this depo -- are there any other  
12 documents that are on your computer that are associated  
13 with this particular case?

14 A Might be a copy of the retainer check.

15 Q Okay. And in this particular case did you do a  
16 written report for either Mr. Michaels or Mr. Escobar?

17 A No. Haven't done anything.

18 Q Now I'm going to ask about potential opinions  
19 which you may be asked about in court. Since I don't have  
20 a report, I don't really know so this is me bobbing for  
21 apples and fishing a little bit. But I've got to ask the  
22 questions so I know what's going on, all right?

23 A Sure.

24 Q In the event that you are asked by either  
25 Mr. Michaels or Mr. Escobar in court -- and the court

1 allows you to answer, I want to know if you have an  
2 opinion as to whether or not the target hard drive is an  
3 exact image of the source hard drives that you copied.

4 A I would say yes.

5 Q And if you just bullet out why -- what supports  
6 that opinion that what you did is an exact copy. Just  
7 bullet it out for me.

8 A The hash values would match the original from  
9 the source to the target.

10 Q Okay.

11 A That's it.

12 Q Okay.

13 A That's how you match.

14 Q And do you have an opinion as to whether or not  
15 any of the data on any of the source hard drives was  
16 changed prior to you making your forensic image of the  
17 source hard drives?

18 A I have no opinion on that. I have no idea.

19 Q And do you have an opinion as to whether any of  
20 the data on the source hard drives was altered in any way  
21 before you made your forensic image?

22 A Isn't that the same question?

23 Q Kind of, but in my mind it's a little bit  
24 different.

25 A No. I have no opinion as to the content of the

1 hard drives at all.

2 Q Okay. The purpose of your testimony will be  
3 able to provide the information that Mr. Koenig the video  
4 expert received a exact forensic image of the source hard  
5 drives that are in the possession of the sheriff's office  
6 at the time that you made your copies. Basically that's  
7 the potential of your testimony?

8 A I guess so, yeah.

9 Q All right. Do you expect to testify in any  
10 other matter or any other area in this particular case  
11 that we haven't discussed?

12 A Not that I know of.

13 Q Did you do any other work in this particular  
14 case other than what we've discussed?

15 A That's it.

16 Q Up until today, have you had any further contact  
17 with Mr. Koenig regarding your work in this case?

18 A Nope.

19 Q Contact in any way.

20 A Not at all. Zero. None.

21 MR. MARTIN: All right. Give me just a minute.

22 (A discussion was held off the record.)

23 BY MR. MARTIN:

24 Q I'm going to stop the depo at this point because  
25 we're not finished. There's certain things that, because

1 I didn't have the benefit of your CV, I'd like to continue  
2 my discussion with you.

3 It's my understanding that your CV will include  
4 the cases that you've testified in. Some of those cases  
5 might even identify depositions that you've had, and the  
6 courts or the jurisdictions where you've been tendered as  
7 an expert and accepted as an expert.

8 And it would also include the certificates that  
9 you currently hold, correct?

10 A Correct.

11 Q All right. Do you have hard copies of the  
12 certificates?

13 A Some of them, sure.

14 Q And can I --

15 A Understanding that I took -- several of the  
16 programs were 2001. I mean 15 years ago.

17 Q Yeah. DOS doesn't apply anymore.

18 A No. It really doesn't.

19 Q I understand.

20 But the certificates that are current, if you  
21 will, can those be copied and attached to your CV?

22 A Yeah. I believe so.

23 Q Okay. And --

24 A We just -- I apologize, because we just moved  
25 offices, so half of my things are still in boxes. I

1 haven't quite unpacked a lot of stuff. I do have a lot of  
2 it scanned but I'd have to check. It's not something that  
3 gets requested very often.

4 Q And you are going to provide me the unique job  
5 number that is associated with State versus Curtis Reeves?

6 A Sure. It'll actually be on the invoice too.

7 Q Okay. All right. With that understanding, what  
8 I'd like to do is to stop the depo at this time.

9 Would you be willing to allow the subpoena to  
10 remain in effect that you're currently under to come back?

11 A Certainly. So long as it doesn't affect any  
12 further work.

13 Q Oh, of course. I'll schedule the best I can.

14 A Yeah.

15 Q We do have our own schedule. January 25th is  
16 our deadline so we're all under the gun a little bit, but  
17 we all work with each other.

18 A No pun intended.

19 Q Oh, yeah. That wasn't -- yeah --

20 Okay. So if we'll do that, then we'll just  
21 allow the same subpoena. Do you agree to that?

22 A That's fine.

23 Q All right. And if you'd like to send me an  
24 invoice to date detailing the time that you spent  
25 traveling to and from, the time in the depo and any time

1 that you -- associated with any review of any material  
2 before coming to the depo, if you'll itemize an invoice  
3 for me and send it to me to date, I'll be happy to submit  
4 that to the court and everything else that I need to do to  
5 get you paid.

6 Or if you want, you can wait until the  
7 conclusion of the depo and do it all at one time. I'll  
8 leave that up to you.

9 But I would hope that we would be able to do  
10 your depo before Christmas. But all depends on how quick  
11 I get this information.

12 A I'm out the last two weeks of the year, just so  
13 you know.

14 Q Then it won't be before Christmas, because  
15 that's a week from now.

16 A Is it really?

17 Q Yes, it is.

18 MR. MICHAELS: We'll have him get us all that  
19 material and get it over to you, okay?

20 MR. MARTIN: So we'll schedule something right  
21 after Christmas 'cause you're gone the last two weeks  
22 of Christmas.

23 THE DEPONENT: Correct.

24 MR. MARTIN: Mr. Michaels, do you have any  
25 questions.



1 MR. MICHAELS: No questions.

2 MR. MARTIN: All right. We're going to stop the  
3 depo. It will be continued at date to be determined  
4 mutually agreed upon by the parties.

5 (A discussion was held off the record.)

6 THE DEPONENT: Read.

7 THE DEPOSITION WAS CONCLUDED AT 10:39 A.M.

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## ERRATA SHEET

PAGE

LINE

CORRECTION

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ADAM SHARP (DATE)

1  
2 CERTIFICATE OF OATH

3 STATE OF FLORIDA )

4 COUNTY OF PINELLAS )

5 I, the undersigned authority, certify that ADAM SHARP  
6 personally appeared before me and was duly sworn.7 WITNESS my hand and official seal this 10th day of  
8 December, 2015.9  
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12 DONNA M. KANABAY  FPR.  
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## REPORTER'S DEPOSITION CERTIFICATE

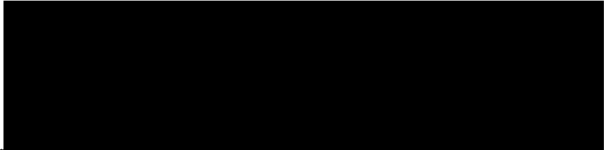
STATE OF FLORIDA )

COUNTY OF PINELLAS )

I, DONNA M. KANABAY, Registered Professional Reporter, certify that I was authorized to and did stenographically report the deposition of ADAM SHARP; that a review of the transcript was requested; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED this 10th day of December, 2015.

  
DONNA M. KANABAY, RMR, CRR, FPR.  
Notary Public  
State of Florida at large.

	<b>57:23</b>	<b>28:8</b>	<b>14:3;25:9;35:2,4;</b>	<b>71:13</b>
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