

Wayne County CAP, October 14, 2016

Digital Forensics

Larry A. Dalman



Our Company

- Over 50 years combined experience with the Michigan State Police
- Michigan Licensed Professional Investigators since 2003
- Former Board Member – Michigan Council of Professional Investigators
- 3 - Certified Computer Forensics Examiners with 40+ years of combined experience
- Recognized as an expert witness in Federal Court, Circuit Courts and District courts throughout Michigan and Ohio
- Subpoenaed but did not testify in Canada, Texas, Florida, Maryland and Indiana
- Networked with other Professional Investigators nationwide



Copy of CV is on our web site: www.DalmanInvestigations.com

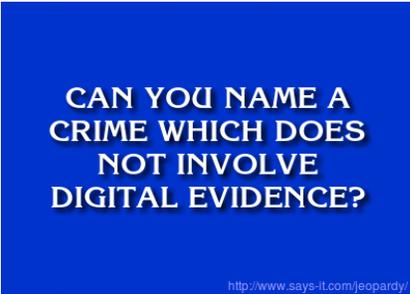
Certifications



What Services Do We Provide?

- Locating and Interviewing Potential Witness's
- Enhanced Surveillance
- Computer Forensics
- Cell Phone Forensics
- Secretary of State Lookups
- Asset Searches
- Reverse Phone Number Lookups
- Place of Employment Search

Pop Quiz



TYPES OF CYBER CRIME

- Child Porn
- Breach of Computer Security
- Fraud/Theft
- Copyright Violations
- Identity Theft
- Narcotics Investigations
- Threats
- Burglary
- Suicide
- Obscenity
- Homicide
- Administrative Investigations
- Sexual Assault
- Stalking

- Theft of Proprietary Software
- Health Care Fraud – False Billing
- Recover Passwords due to death or employee uncooperative



The correct answer?

Amish Horse Thievery



Truth and Deception

Exhibit A

S.A.D.O CASE

The State of Michigan vs. Derrick James Bunkley

SADO Assistant Defender Doug Baker

Permission to discuss my involvement granted by my client

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SADO Michigan State Appellate Defender Office
and Criminal Defense Resource Center



Top Stories

MAACS Accepting Applications to join the Appellate Assigned Counsel Roster

The Michigan Appellate Assigned Counsel System (MAACS) is accepting applications to join the assigned counsel roster. This is a competitive process and MAACS encourages applications from conscientious appellate lawyers with diverse experiences and backgrounds, especially those who are committed to representing indigent clients and contributing to the reform of Michigan's indigent defense system. [Read More](#)

How Metadata from Facebook, Cell Phone Photos, and Cell Towers led to the Exonerations of Derrick Bunkley

Derrick Bunkley was represented on appeal by SADO Assistant Defender Doug Baker. In the article, Doug takes the reader through the arrest, the trial, and the appellate investigation that eventually led to a stipulation by the prosecution to vacate Derrick's convictions and to dismiss the charges. There are a lot of good lessons here, for both trial and appellate counsel, when confronted with a case where technological data could prove a client's true whereabouts. [Read More](#)

Cell Phone Photos

More importantly, by examining the phone itself, we learned that Derrick took the photo just moments before he posted it to Facebook. On appeal, the prosecution argued that even if the posts were uploaded during the crime, it was possible for Derrick to post older photos of himself to Facebook right before or after committing the crime. So we needed to prove that the photos were taken at the same time the crime occurred. The directory date and times of the photos showed that they were saved to the card right around the time of the crime—11:40 p.m. The photos' metadata, capture date, and times were also consistent with the time of the crime. The photos' metadata also showed the make and model of the device that took the photos, which matched the cell phone's make and model. We then contacted private investigator Larry Dalman, who did a formal forensic examination of the phone and confirmed Eric's findings.

The prosecutor's office also had an expert review the phone information. Their report revealed that for each photo in question, there were multiple files containing each photo's information and each of these files contained conflicting metadata. After receiving a copy of their report, Eric confirmed these additional files were cached files—or other files created by the phone's operating system—and not physical image files created by his phone's camera. All of the original photos in question had file dates, times, and metadata consistent with Derrick's alibi. The prosecution's expert confirmed these findings.

STATE OF MICHIGAN
IN THE WAYNE COUNTY CIRCUIT COURT
PEOPLE OF THE STATE OF MICHIGAN Lower Court No. 14-4438-01
Plaintiff-Appellee Vonda R. Evans

vs.
DERRICK JAMES BENKLEY
Defendant-Appellant.

TO THE ASSIGNMENT CLERK:

Please place a MOTION FOR NEW TRIAL on the Motion Docket for Dec. 11, 2015 at 9:00 a.m. before Judge Vonda R. Evans.

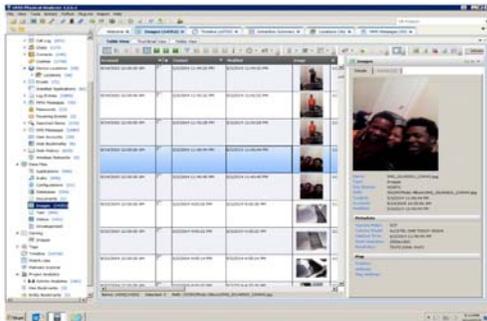
Date November 18, 2015

STATE APPELLATE DEFENDER OFFICE
DOUGLAS W. BAKER (P49453)
Assistant Defender
3300 Penobscot Building
443 Griswold
Detroit, MI 48226
(313) 256-9833

NOTE: SEE RECORDERS COURT RULE 18

PROOF OF SERVICE
I affirm that on November 18, 2015 I served a copy of the attached practice upon the Wayne County Prosecutor by: PERSONAL SERVICE

DW Baker
DOUGLAS W. BAKER (P49453)
Attorney for Defendant



Truth and Deception

Exhibit C

Criminal Sexual Assault – Extortion and Using a Computer to Commit a Crime

Permission to discuss my involvement granted by my client

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Michigan Department of State Police	Wed, Oct 09, 2013	011-0008144-13 (BC)
SUPPLEMENTAL INCIDENT REPORT #87	REPORTING DATE	PEL CLASS
	Wed, Jun 03, 2015	11003

INCIDENT STATUS
Open

Sexual Penetration Oral/Anal - CSC 1st

JOURNAL:
NONE

INFORMATION:
The emails that Allison provided to us that she said were from the suspect, Justin, were analyzed by computer/forensic experts. One expert was for the defense. The defense expert stated that the emails Allison said came from Justin, were in fact created using her own computer, to mean Allison. We then had Brian Pitt also look at the emails. He, too, concluded the emails were created from Allison's computer.

Since Allison has already testified under oath at a pre-liminary hearing to the emails being sent to her from Justin, it appears that she committed perjury.

APA Jennifer Janetsky and I met with Allison on Tuesday, June 2, 2015 at approximately 3:00pm. Once there Jennifer spoke to Allison briefly about the court process. After a very short conversation, Jennifer left the room and I continued with the interview of Allison regarding the emails and what the experts were saying.

She then said she didn't remember the emails. She said that she blocked out part of it. Her mom has told her that as a result of the abuse she hasn't been herself anymore. She continued to say that she has been abused by two previous ex-boyfriends. I directed Allison back to the emails and asked her if she sent herself the emails because nothing was being done. She told me "I think I did." I asked her how she came up with his email name, or how she picked his name out. She said that the Gmail provided names for her while she was typing the names in.

She told me that a long time ago, he did send her emails on her old account. As a result of receiving emails a long time ago and having to change her own email address, so she didn't know what his email name was. She also mentioned that his family has threatened her family recently. I directed her back to the emails. I asked her how many fake emails she created, and she said one. I clarified and she only created one email account in his name. I asked her how many separate emails she typed to herself, and she guessed three.

I asked her again why she did this. Allison did so because she wanted something to happen to him (Justin) because he would still come over to her house and repeatedly want to do things to her, and he wanted her to do things to him-which I interpreted as sexual in nature. She created the emails hoping to speed up the process of getting the criminal case moving forward.

She told me that the rapes did happen. A little while later she said that the CAN council dropped her case from her point of view because nothing happened after she disclosed. I asked her if Keegan Barclay exists, and he lives out of state, possibly Virginia, who is now engaged. I ended the interview shortly after this part of the conversation.

PAGE	INVESTIGATED BY	REPORTED BY	REVIEWED BY
2 of 3	TR. JAMES B. MOORE #01		

I was involved in the representation of a Defendant who was initially charged with three counts: CSC 1st, Extortion and Using a Computer to Commit a Crime.

The charges involved allegations that the Defendant had sexually assaulted the Complainant over a period of years and had recently sent her a number of emails acknowledging the past assaults and graphically threatening to gang rape and murder her.

The Defendant's computer was seized pursuant to a search warrant. He was then brought in to be interviewed. The police report summarizing that interview indicated that he had confessed to the sexual assault and to sending the emails.

Three days after the Defendant was arraigned and bonded out, yet another email was sent to a friend of the Complainant. It ask the friend to communicate to the Complainant that the Defendant still intended to kill her after "having fun with her first". Based on this, his bond was revoked and he was re-arrested.

At the Circuit Court Pre-trial, the Prosecutor offered a plea to CSC 1st. A Cobbs hearing was held and the court indicated that it would set the minimum sentence within the determined guideline range of **9 to 11 years**.

The Defendant declined the offer.

As the case progressed, certain (let's be kind) "irregularities" in the prosecution's handling of the matter began to emerge. One of the most significant was that, a year into the case, the prosecution had not done a forensic analysis of the Defendant's computer.

It was at this juncture that Larry Dalman became involved in the case as the Defendant's expert.

A Court order was obtained allowing Mr. Dalman to examine images of both the Defendant's and the Complainant's computers. His examination revealed that the Defendant had not sent the emails from his computer.

This, in conjunction with information that Mr. Dalman obtained from the Complainant's computer, ultimately lead to proving that the Complainant, not the Defendant, authored the emails.

Confronted with the forensic analysis of the computers, the Complainant admitted that she had in fact sent the emails to herself.

The case against the Defendant was dismissed and the Complainant was charged with Perjury (based on her Prelim testimony).

Had it not been for Larry Dalman's forensic analysis of both computers in this case, the truth would not have come out and this young man would currently be sitting in prison.

Mark T. van Benschoten (P29623)
Attorney at Law
P.O. Box 93
Linwood, MI 48634

Truth and Deception

Exhibit D

Violation of PPO – Aggravated Stalking

Permission to discuss my involvement granted by my client

Our client was in the process of a divorce. She had a PPO against her husband, but felt that he was violating her.

The vehicle he was driving belonged to her prior to the marriage and was currently titled and registered to her.

We placed a live GPS tracking device on his vehicle at his place of employment in a parking lot open to the general public.

During the 12 day period he violated his PPO 14 times.

At a hearing in Eaton County, the judge advised him to stop.

We waited 1 week and again placed a GPS on his vehicle.

The next morning I was contacted by the Eaton County S.D.

Our client had found a wedding photo in her mailbox that had been shot with a shot-gun.

The GPS showed her husband in her driveway for 3 minutes in the early morning hours around 3am

PEOPLE VS Robert Edward Brown
7504194 - STALKING

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN
YOU ARE ORDERED TO APPEAR BEGINNING AT:

9:00 am Tuesday, 09/29/2016
FOR District Court Jury Trial

BEFORE:
Julie K. Rensick
CourtHouse 1545 Independence Blvd
Chelsea, MI 48823

To:
LARRY DALMAN
Crimen Investigations
PO Box 815
EAST LANSING, MI 48823

Dear Witness:

You are REQUIRED to CALL the Prosecuting Attorney's office at (817) 543-8738 the day before you are scheduled to appear. Call after 5:00 pm and before 8:00 am. A recorded message will inform you of the exact time you are to appear and/or when you are excused. After 8:00 am the office number is (817) 543-4801 ext. 1205. This call service is provided for your convenience.

You will be paid for each day you are needed to testify in accordance with the law. PLEASE BRING YOUR SUBPOENA AT THAT TIME. If you appear without calling us and you are not needed, you will not receive payment. Please check us at the Prosecutor's office in the second floor located in the Eaton Co. Courthouse (see map below). We will direct you to the proper Courtroom. Thank you in advance for your assistance.

SUBPOENA

CASE NO: 15-879-SM
COUNT: 15-454

STATE OF MICHIGAN
Eaton County

YOU ARE ORDERED TO APPEAR, YOU ARE EXCUSED BY THE COURT OR THE PROSECUTOR, PLEASE TO APPEAR AS ORDERED BY SUBJECT TO THE PENALTY FOR VIOLATION OR OATH.



Joseph R. Dalman
EATON COUNTY PROSECUTOR ATTORNEY

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THE MICHIGAN PENAL CODE (MPC)
ART. 148A - 493

750.3276 Tracking device placement or installation on motor vehicle without consent, violation an misdemeanor, penalty, imprisonment, length of probation (PPO), liability for damages, definitions.

Sec. 148A.

(1) A person who does any of the following in guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$2,000.00, or both:

(A) Installs or places a tracking device, or causes a tracking device to be installed or placed, on or on a motor vehicle without the knowledge and consent of the owner of that motor vehicle or, if the motor vehicle is leased, the lessor of that motor vehicle;

(B) Installs or places a tracking device on a motor vehicle with a tracking device without the knowledge and consent of either the owner or the authorized operator of that motor vehicle or, if the motor vehicle is leased, either the lessor or the authorized operator of that motor vehicle;

(C) While being the required party under a protective order, tracks the location of a motor vehicle operated or occupied by an individual protected under that order with a tracking device;

(D) While on probation or parole for an assaultive crime or a violation of section 402(2) or (3) or section 404(2) or (3), tracks the location of a motor vehicle operated or occupied by a victim of that crime or by a family member of the victim of that crime without the knowledge and consent of that victim or family member;

(3) Subsection (1) does not apply to any of the following:

(A) The installation or use of any device that provides vehicle tracking for purposes of providing mechanical, operational, diagnostic, navigation, weather, or traffic information to the operator of the vehicle;

(B) The installation or use of any device for providing emergency assistance to the operator or passengers of the vehicle under the terms and conditions of a subscription service, including any trial period of that subscription service;

(C) The installation or use of any device for providing missing vehicle assistance for the benefit of the lessor or operator of the vehicle;

(D) The installation or use of any device to provide diagnostic services regarding the mechanical operation of a vehicle under the terms and conditions of a subscription service, including any trial period of that subscription service;

(E) The installation or use of any device or service that provides the location of the vehicle with clear notice that the vehicle may be tracked and that the notice is being placed on the vehicle in writing, in print, or in any other manner, and the notice may be provided in writing with an acknowledgment signed by the lessee, regardless of whether the tracking device is original equipment, a retrofit, or an aftermarket product. The requirement for written acknowledgment placed upon the notice is not required upon the manufacturer of the tracking device or the manufacturer of the vehicle;

(F) The installation or use of any tracking device by the parent or guardian of a minor in any vehicle owned or leased by that parent or guardian at the time, and operated by the minor;

(G) The installation or use of a tracking device by a court officer while lawfully performing his or her duties as a public officer of this state, or by a law enforcement officer while lawfully performing his or her duties as a law enforcement officer;

(H) The installation or use of a tracking device by a person lawfully performing his or her duties as a law agent as an authorized under section 161a or as an employee or contractor of that law agent lawfully performing his or her duties as an employee or contractor of a law agent;

(I) The installation or use of a tracking device by a person lawfully performing his or her duties as a professional investigator or an assistant to a professional investigator lawfully performing his or her duties as a professional investigator or an assistant to a professional investigator for the purposes of providing information concerning any of the following:



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(5) Securing evidence to be used before a court, board, officer, or investigating committee.

(6) Crimes or wrongs done, threatened, or suspected against the United States or a state or territory of the United States or any other person or legal entity.

(6) Locating an individual known to be a fugitive from justice.

(6) Locating lost or stolen property or other assets that have been awarded by the court.

(6) The exemption under subsection (2)(2) does not apply if either of the following applies:

(A) The professional investigator or the employee of the professional investigator is working on behalf of a client who is the restrained party under a protective order;

(B) The professional investigator or the employee of the professional investigator knows or has reason to know that the person seeking his or her investigative services, including the installation or use of a tracking device, is doing so to aid in the commission of a crime or wrong;

(C) A person who illegally installs or uses a tracking device on a person described in subsection (2)(2) or (3) who installs or uses a tracking device is liable for all damages incurred by the owner or lessee of the motor vehicle caused by the installation or use of the tracking device;

(7) As used in this section:

(A) "Assaultive crime" means that term as defined in section 1a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 750.31.

(B) "Minor" means an individual less than 18 years of age.

(C) "Motor vehicle" means that term as defined in section 412.

(D) "Professional investigator" means a person licensed under the professional investigator licensure act, 1989 PA 285, MCL 338.821 to 338.826.

(E) "Protective order" means both of the following:

(1) An order entered under section 2960, 2970a, or 2990a of the revised judicial code act of 1961, 1963 PA 236, MCL 600.2960, 600.2970a, and 600.2990a, or under section 49 of chapter IV or section 32(2)(c) of chapter 12 of the code of criminal procedure, 1927 PA 175, MCL 750.319 and 775.3, or under section 12a of chapter 102B of the private code of 1976, 1978 PA 388, MCL 724.12a, or under section 961a of the corrections code of 1975, 1979 PA 352, MCL 793.236;

(2) A foreign protection order as defined in section 2003a of the revised judicial code act of 1961, 1963 PA 236, MCL 600.2003a;

(7) "Tracking device" means any electronic device that is designed or intended to be used to track the location of a motor vehicle regardless of whether that information is recorded.

History: IAC 2010, Act 107, IAC Aug. 1, 2010



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We work for prosecutors and defense attorneys.
Our goal is to find the truth.
On a computer or a cell phone . . .
It's there, or it's not.



38% of Law Enforcement Agencies have case backlogs greater than 3 months.

71% of Forensic Examiners do not believe that their organization has the necessary technology, staff and plans to reduce the backlog problem.

SOURCE: Digital Forensics Survey, MacCarr Research and Magnet Forensics, April 2015

Live Demonstration

- AccessData's Forensic Toolkit
- Cellebrite Physical Analyzer
