

ORIGINAL

VOLUME I OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from York County

Honorable John C. Hayes, Circuit Court Judge

RECEIVED

AUG 18 2017

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

AARON BAYNARD GRISWOLD,

APPELLANT

APPELLATE CASE NO. 2016-001215

RECORD ON APPEAL

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
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AND NO. 5 (CD - '14 FORENSIC EXAM)**

State of South Carolina.,)	In the General Sessions
)	Court of York
)	
)	Case No.: 2015-GS-46-00358
)	2015-GS-46-00383
)	2015-GS-46-00384
)	2015-GS-46-00385
)	
County of York.	)

State of South Carolina.,)	
)	
Plaintiff.,	)
)	
-vs-	) Transcript of Record
)	
Aaron Baynard Griswold.,	)
)	
Defendant.	)
_____	)

May 23-27, 2016
York, South Carolina

B E F O R E:

The Honorable John C. Hayes, III, judge, and a jury.

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Official Court Reporter
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3				
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5		living room		P.125
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7		bedroom		P.126
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3	Def.3	Indictment No. 2015-GS-46-00355	P.332
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Reporter's Note: All Exhibits were filed with the York
County Clerk of Court's Office.

1 (COURT IN SESSION IN THE MATTER OF STATE V. AARON
2 BAYNARD GRISWOLD MONDAY, MAY 23, 2016 AT 04:33 PM.)

3 THE COURT: Good afternoon. You may be seated.

4 Members of the jury panel, I'm John Hayes from Rock
5 Hill. Along with Judge Hall, I'm holding court here this
6 week. This is the case of the *State of South Carolina*
7 *versus Aaron Baynard Griswold.*

8 Mr. Griswold, would you please stand and let the jury
9 see who you are? He is represented by Mr. Michael Atwater.
10 You may be seated.

11 The State is represented by Mr. Lloyd Flores. Am I
12 pronouncing it right?

13 MR. FLORES: Flores, yes, your Honor.

14 THE COURT: Flores, with the Attorney General's
15 Office. And I don't know the gentleman seated next to you.
16 A. Daniel Gourley with the Attorney General's Office.

17 THE COURT: Okay. You may be seated. Mr. Griswold is
18 charged in several indictments with sexual exploitation of
19 a minor in the third degree. How many charges are there?

20 MR. FLORES: Your Honor, there are twenty-seven
21 charges for sexual exploitation of a minor in the third
22 degree, and four charges of sexual exploitation of a minor
23 in the second degree.

24 THE COURT: All right. These charges -- that's -- the
25 charges on sexual -- sexual exploitation of a minor in the

1 Well, it would relate to the same -- the same motion that
2 the State's making. And I do have one in regards to the
3 warrant itself.

4 THE COURT: All right. Well, let's take up the motion
5 to admit a summary of the contents of digital electronic
6 files. I'd be glad to hear from the State on that.

7 MR. FLORES: Yes, your Honor, may it please the Court.

8 The State is filing this motion, as the Court is
9 aware, and Defense is aware, the State must prove beyond a
10 reasonable doubt every element for which the State to
11 prosecute its case. In both Section 16-15-4-0-5 and 410,
12 they both require the State to prove beyond a reasonable
13 doubt that material duplicated or possessed by the
14 defendant contains a visual representation of a minor. As
15 to that the State and in these cases, given the nature of
16 the videos that will be shown, we do want to limit the
17 exposure of the jury and to any of the general public, as
18 well as Court staff, to the contents of those videos.

19 The State does intend to show portions of those
20 videos, five to ten seconds in length in some cases, of
21 each of the individual videos. However, that leaves a
22 large portion of the videos unexamined by the jury. We
23 don't believe they need to examine more, because we believe
24 that what we will show does meet the definition for a
25 visual representation of a minor engaged in sexual

1 activity.

2 We would move, however, pursuant to Rule 1006 in *South*
3 *Carolina Rules of Evidence*, to admit a summary of what else
4 would be found on those digital electronic files. We
5 believe that, as the Rule states, the contents of
6 voluminous writings, recordings, or photographs, which
7 cannot be conveniently examined in court may be presented
8 in the form of a chart summary or calculation, provided the
9 underlying data are admissible into evidence. And we
10 believe that the video contents will be, following proper
11 foundation, admissible in this case. We would then argue,
12 your Honor, that a summary of what remains of those videos
13 should be placed into evidence for the jury.

14 THE COURT: All right. Can I see the summary.

15 MR. FLORES: Yes, your Honor.

16 THE COURT: Have you shown the summary to Mr. Atwater?

17 MR. FLORES: I had given him one previously at a
18 meeting, but I do have a copy for him today.

19 (DOCUMENTS RECEIVED UP BY THE COURT.)

20 THE COURT: And, Mr. Atwater, have you -- have the
21 originals or duplicates of the info -- of the digital
22 electronic files -- let me start over. Have original
23 duplicates of the original electronic files been made
24 available for you for examination and copying?

25 MR. ATWATER: No, your Honor.

1 THE COURT: You have not had a chance to examine or
2 copy the originals of these files?

3 MR. ATWATER: I have seen portions of the files, but
4 to copy them, no.

5 THE COURT: Well, my question is, they've been made
6 available to you? Have you had -- as the State said, you
7 could look at all of these. It looks like there's
8 something like two hundred and twenty-seven minutes and
9 thirteen seconds. Has the State given you the opportunity
10 to, at your leisure and convenience, or a mutual agreed-
11 upon time, have they given you the opportunity to look at
12 these two hundred and twenty-seven minutes and thirteen
13 seconds?

14 MR. ATWATER: I went to Mr. Flores' office, and we
15 went down this list that he's given you and he pulled up a
16 file for each one of them, and I viewed what I felt was
17 necessary to view, to make a determination whether or not I
18 thought that it met the statute.

19 THE COURT: Okay. But they -- it -- you had -- From
20 what you're telling me, there's no question but that you
21 could have watched them all, had you decided to?

22 MR. ATWATER: Yes, your Honor.

23 THE COURT: Okay.

24 MR. ATWATER: Yes, your Honor.

25 THE COURT: All right. Thank you. Now, I'll be glad

1 to hear from you on this motion.

2 MR. ATWATER: Thank you, your Honor. Your Honor, the
3 case of *United States of America versus David Cunningham* is
4 dispositive on this issue. It almost hits on all four
5 points of what this case is all about. It -- it is so
6 eerily similar to this case that it even describes several
7 videos and the excerpts, and several excerpts that almost
8 read exactly like these excerpts, and video --

9 THE COURT: Do you have a copy of that for me?

10 MR. ATWATER: I thought that I had an extra one, your
11 Honor. If I could -- if I could be allowed to access it on
12 my computer, then I can hand up the copy that I have.

13 THE COURT: You can. My clerk's out ill today or I'd
14 have her run and make a copy of it. That's not an option.

15 MR. ATWATER: I'm sorry, your Honor, I didn't hear
16 you.

17 THE COURT: I said, I don't have a clerk to run out
18 and make an extra copy, but I do need a copy to look at the
19 case while we're discuss it.

20 MR. ATWATER: Your Honor, could I go down to the
21 Clerk's Office and make a copy very quickly?

22 THE COURT: Can you make a copy real quick?

23 MR. GOURLEY: I can, Judge.

24 MADAM CLERK: I can.

25 MR. GOURLEY: I can make a copy.

1 THE COURT: All right. You can go ahead and be
2 discussing it.

3 MR. FLORES: What's the citation?

4 MR. GOURLEY: I'll make two copies, one for us and one
5 for your Honor.

6 THE COURT: All right.

7 MR. ATWATER: Your Honor, basically, the premise of
8 the case talks about showing the jury these types of files
9 that are going to be attempted to be admitted into evidence
10 in this case. And it goes into a long, long, long analysis
11 of what would be necessary in order to do that, and whether
12 or not it would be appropriate to do that.

13 Although Mr. Flores has made reference to Rule 1006,
14 it is our contention that -- that if these particular
15 images, if any of the images or any of the files whatsoever
16 were found to be admissible through proper testimony and
17 evidentiary procedure, then at that point in time, we would
18 -- we would stipulate -- we would be willing to stipulate,
19 and the case considers -- the federal court considered a
20 stipulation identical to the one that we were doing -- that
21 each and every file that is admitted into evidence contains
22 a depiction of something that would meet the statutory
23 requirement for the purpose of the indictments. And we are
24 willing to make a stipulation to each and every one of
25 those that is -- that is -- that procedurally and

1 evidentially comes into -- through -- through witness
2 testimony.

3 THE COURT: All right.

4 MR. ATWATER: That --

5 THE COURT: Is that satisfactory to the State?

6 MR. FLORES: Your Honor, that's -- that stipulation is
7 not satisfactory. I think that the State does bear a
8 burden of showing exactly what these videos do contain. So
9 we are clear as to what's being admitted, I think our
10 solution is a little bit more -- is crafted so that it
11 limits the amount of video that's shown to the jury, and we
12 -- and they understand what is being -- being shown. I
13 can't address the *Cunningham* argument yet, because I do not
14 have a copy of the case.

15 THE COURT: We'll look at that case, but while we're
16 getting that, is the person that prepared this summary
17 going to testify?

18 MR. FLORES: Yes, Special Agent Wosniak will be here
19 tomorrow to testify about that. I -- and to be quite
20 candid to your Honor, I'm not going to reference the videos
21 with electronic files, other than to say to the jury that
22 they will have to review these videos to determine whether
23 or not -- and during opening statement, whether or not they
24 meet the statutory definition because that is what the
25 State must prove in these cases. That is our burden.

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1 MR. ATWATER: Your Honor, and when you have a copy of
2 the case and when Lloyd has a copy of the case to look at
3 -- Mr. Flores's -- the State made the exact same contention
4 in that case. It offered excerpts and offered condensed
5 versions, which had pieces of different files and
6 everything like that. And the Court went through a very
7 long and reasoned analysis as to whether or not those --
8 those files should come into evidence, and whether or not
9 the jury should have to see those, where the defendant
10 clearly agreed to stipulate to anything that came into --
11 that anything that appropriately came into evidence, that
12 it would meet the statutory definition under -- under the --
13 -- for the purposes of the indictments.

14 THE COURT: All right.

15 MR. ATWATER: Further, your Honor, we think it is our
16 -- our position that -- that Rule 1006 is not the
17 appropriate analysis for the appropriate analysis for
18 anything like this to come in front of the jury, that the
19 Court has to do a Rule 403 analysis because it is our
20 contention that all of these videos, all of the contents in
21 any of these files, and even the descriptions in the
22 narrative that Detective -- or Investigator Wosniak has
23 prepared, are so prejudicial to my client, and are so
24 inflammatory to the jury itself, that they shock the
25 conscience, and that they would -- it could cause the jury

1 to want to find someone guilty, even in the face of
2 overwhelming proof of innocence. That premise is exactly
3 what the Court determined in *Cunningham*. It's a long
4 opinion, your Honor, but it went through every bit of the
5 analysis for everything we're talking about right now --

6 THE COURT: Well --

7 MR. ATWATER: -- including -- including these -- these
8 particular descriptions that are being offered up. And in
9 the *Cunningham* argument, there are descriptions that are
10 almost identical to the ones that are set up here, and the
11 Court makes reference to the language that's in these
12 descriptions, and says that that -- those things are so
13 inflammatory that they should not have been admitted to the
14 jury.

15 THE COURT: Well, why don't we do this? If he's not
16 going to mention them during opening of than in general
17 that the indictments, and they're not going to go over, and
18 you've got a case you want me to look at, if he's going to
19 stay away from it, I'm sure you're going, -- I think you're
20 going to stay away from it, because I take this under
21 advisement and take a look at that case, rather than pass a
22 rule at this point?

23 MR. ATWATER: Yes, your Honor. If neither one of us
24 mentions it, the jury's going to have to see that stuff.

25 Your Honor, there's a distasteful portion of the

1 Cunningham opinion, but I'm going to go ahead and have to
2 get into. One of the things that the Court did was, it
3 found that the trial judge abused his discretion in making
4 the decision to allow portions of the transcripts, and I'm
5 trying to remember -- oh, and allowing the -- the
6 collections that were put together, and actually said that
7 because the defendant in that case made a Rule 403 motion,
8 that, in order for the trial judge to have ruled on that
9 motion, he had to do one of two things.

10 He either had to make a ruling based upon the
11 information that was in these individual -- each and every
12 one of these individual narratives, as to each one, based
13 upon the language that they came up with, and said that
14 they found it offensive and shocking and shouldn't have
15 been presented to the jury; or that he could look at them
16 and say, I find that under a Rule 403 analysis that this
17 doesn't come in.

18 But the Court said that if -- if he didn't find under
19 a Rule 403 analysis that it doesn't come in, that the judge
20 was mandated to actually, prior to allowing any transcribed
21 or condensed copy of any of the videos or any videos
22 whatsoever or anything, including these narratives, that
23 the Court actually had to review them themselves, and make
24 an initial Rule 403 decision on it, prior to -- prior to
25 being able to make that determination that it was

1 admissible.

2 THE COURT: All right.

3 MR. ATWATER: But that basically says that you've got
4 to look at all this stuff --

5 THE COURT: Well, I understand and I've had it -- I've
6 had it -- had that issue in another similar-type case.

7 MR. ATWATER: Your Honor, I find it -- I apologize. I
8 find it distasteful. I've had this case for years and
9 years and years and years and years, and I've never even
10 looked at these until --

11 THE COURT: Well --

12 MR. ATWATER: Lloyd will tell you -- this past Tuesday
13 because I -- if I could have avoided it, I would have.

14 THE COURT: I understand.

15 MR. ATWATER: And when I looked at them, I would -- I
16 was in his office, and I would say, go to the middle of
17 that that needs to stay out.

18 THE COURT: Mr. Flores.

19 MR. FLORES: Yes, your Honor. If I -- if I do gauge
20 Mr. Atwater's argument, at least to a certain extent is, he
21 would like us to accept a stipulation to the contents of
22 these videos. I think case law, and I don't have a
23 specific case, but I have numerous cases either involving
24 burglaries, robberies, subsequent drug charges, do require
25 the State to bring in previous convictions, which typically

1 would be left out, pursuant to the Rules, as prior bad acts
2 or character evidence. But because the State is required
3 to prove that beyond a reasonable doubt, the State can
4 reject a stipulation like the one Mr. Atwater is presenting
5 today. We would ask for the summary if your Honor doesn't
6 believe that that is adequate or appropriate in this case,
7 we would, of course, abide by that.

8 To the secondary, I think the -- to his main point, I
9 believe the State would -- would be permitted by the Rules,
10 and would be required to at least show a portion of these
11 videos to the jury. To not be able to discuss the contents
12 to the jury would not -- would, as far as balancing, may
13 leave the jury with a mistaken impression as to what some
14 of these videos may actually contain. Some of them have
15 clear titles as to the contents. However, the -- they
16 might not -- There is an argument there that Mr. Atwater
17 may make that these could be older, and the State now has
18 no -- the jury has no information as to the actual videos.

19 We believe that showing short portions of the videos
20 that do depict the minors, depict the sexual activity and
21 close it would be appropriate in this case; not going
22 beyond. It may be that your Honor believes that we
23 shouldn't show all twenty-seven videos, but we should be
24 allowed, at least to a certain extent, in balancing the
25 interests of the State and Mr. Griswold to at least show

1 some of those videos.

2 THE COURT: I don't think that's the issue. I thought
3 you wanted to show some -- and use the word distasteful --
4 and I thought that you intended to -- and I don't think
5 he's -- that Mr. Atwater's objecting to the showing of the
6 videos themselves, and them not even in their --

7 MR. ATWATER: I'm sorry, your Honor.

8 MR. FLORES: That is his objection, your Honor.

9 THE COURT: Or any at all? I thought he was --

10 MR. ATWATER: Yes, your Honor. Well, I -- I don't
11 even know what their summary is, but -- so I don't know
12 what it has in it.

13 THE COURT: Well, I'm going to allow the State to
14 prove their case, and I think to prove their case they have
15 to at least before there is a stipulation that the others
16 showed -- let me back up. I think the State has to show
17 the jury some portions of some of the digital files to make
18 their case. The question then becomes is whether they have
19 to show a portion of all twenty-seven, or whether they can
20 show three or four or five, and then do the rest by
21 summary, or the option is do the rest by stipulation. I'm
22 gonna let 'em. I find that they have to -- I mean, and I
23 find --

24 MR. ATWATER: Your Honor, could you read *Cunningham*
25 prior to making that ruling? I mean that was --

1 THE COURT: Well, I --

2 MR. ATWATER: May I approach?

3 THE COURT: I mean, I tried these cases before, and
4 I've never tried one where -- and maybe I was wrong on
5 maybe at least portions of the videos -- Sometimes, they're
6 still photographs have to be shown -- But I'll take a look
7 at this. Now this is a Pennsylvania district judge
8 appealed to the Third Circuit, but I'll take a look at it.
9 But if I can reserve ruling ---

10 MR. ATWATER: Yes, sir.

11 THE COURT: --- I would like to, because I -- I think
12 we need to get moving.

13 MR. ATWATER: Yes, your Honor.

14 THE COURT: All right.

15 MR. FLORES: And it's my understanding the ruling of
16 the Court is that we can at least -- your Honor, may we
17 reference the fact that the jury may have to view these
18 videos?

19 THE COURT: Yes. Yeah. In fact, I'll -- I'm kind of
20 -- sometimes when I qualify the jury in these I indicate
21 that there may be some sexually explicit, although I did
22 not do it in these, although I did, in a way, by
23 referencing what the allegations were. But I think you can
24 tell the jury that some of them are going to be shown.

25 MR. FLORES: And I agree. I think in Voir Dire, I

1 THE COURT: Yes, sir.

2 You can be seated.

3 (BENCH CONFERENCE, OFF THE RECORD, AT 10:53 AM.)

4 THE COURT: Witnesses will be sequestered except for
5 the case agent whoever that might be.

6 MR. FLORES: That would be Detective Harveston, your
7 Honor.

8 THE COURT: All right. Bring in the jury.

9 (JURY ENTERS COURTROOM AT 10:55 AM.)

10 THE COURT: Members of the jury, I apologize for
11 keeping you for that period of time. We had some legal
12 matters to take care of that would take care of in front of
13 the trial that will save us some chopping of the trial and
14 save some objections so, that's -- we've been working, but
15 I apologize for keeping you. Now, we'll hear the opening
16 statements.

17 Counsel.

18 MR. FLORES: Thank you, your Honor. Your Honor, may
19 it please the Court?

20 THE COURT: Yes, sir.

21 OPENING STATEMENTS BY MR. FLORES:

22 MR. FLORES: Mr. Atwater, Mr. Griswold, members of the
23 jury, good morning.

24 This case is about children. This case is about
25 children who have had more horrible moments in their lives

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1 videotaped and placed into a world through the Internet so
2 anyone could view them. It's not the case about the
3 physical abuse of children by Mr. Griswold. But this is a
4 case about a man collecting those files and copying them
5 between computers from his home.

6 This crime occurred in York County on June 1st, 2007.
7 He was discovered on that date. A friend of Mr.
8 Griswold's, a man named Brian Honig, who was eighteen years
9 old at the time, came over to use a computer. He actually
10 came over early that morning. He asked if he could check
11 his email on Aaron's computer in his room. Aaron entered
12 the password and Brian went to play some music and
13 discovered these videos. What he discovered shocked him.
14 Shocked him so much he had to discuss it with his wife and
15 report it to police the following Monday.

16 On June 4th, 2007, Mr. Honig was escorted by police to
17 the Rock Hill Police Department, where he gave a statement
18 concerning what he had seen at Mr. Griswold's home. Based
19 on that statement, Detective Charlene Blackwelder,
20 Blackwelder who is now retired, drafted a search warrant
21 and went to that home to seize computer equipment at that
22 residence.

23 Because the Rock Hill Police Department is not
24 equipped with forensic examination tools, they enlisted the
25 support from the South Carolina Law Enforcement Division,

1 commonly known as SLED. Special Agent Farand Wozniak, with
2 SLED, conducted a forensic examination of those computers.
3 Once he examined those computers, he found files of
4 children being sexually abused on multiple computers at the
5 home. And he found information concerning the usage of
6 those computers.

7 My name is Lloyd Flores. You met me yesterday. With
8 me is Daniel Gourley. We work at the Attorney General's
9 Office. We prosecute Internet crimes against children
10 cases throughout this state. As a result of this
11 examination, and information was obtained by investigators,
12 we are here to prosecute Mr. Aaron Baynard Griswold on four
13 counts of sexual exploitation of a minor in the second
14 degree, for duplicating files between computers found at
15 his home; and twenty-seven counts of sexual exploitation of
16 a minor in the third degree for possessing those films or
17 videos or digital electric files at his home.

18 You will hear the testimony of Mr. Honig, Charlene
19 Blackwelder, Detective Kathy Harveston from the Rock Hill
20 Police Department, and Special Agent Farand Wosniak. In
21 addition to that testimony, you will have to review those
22 videos, portions of those videos, to determine if the State
23 will meet its burden in proving that these are, indeed,
24 videos which depict minors involved in sexual activity.

25 While what you see and what you hear may disturb you,

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1 we ask that you keep an open mind, judge this case based on
2 all of the evidence you hear, not just the evidence the
3 State will present, but what Mr. Griswold will present, as
4 well, if he chooses to present. He's not required to do
5 so. The burden solely rests with the State. We are
6 confident however that after you do hear all the testimony,
7 and you review all of the evidence, you will find that Mr.
8 Aaron Baynard Griswold did duplicate those files; he did
9 possess those files in 2007. And we will come back at the
10 end of this trial and ask for a guilty verdict on all those
11 counts. Thank you.

12 THE COURT: Mr. Atwater.

13 MR. ATWATER: May it please the Court, your Honor?

14 OPENING STATEMENT BY MR. ATWATER:

15 MR. ATWATER: Mr. Gourley, Mr. Flores, ladies and
16 gentlemen of the jury. We met yesterday. My name is
17 Michael Atwater. I'm here as -- representing Mr. Aaron
18 Baynard Griswold, who has been accused by the State for the
19 charges that Mr. Flores just so eloquently spoke to you
20 about. It is the duty of the State to prove beyond a
21 reasonable doubt everything that they just told you. Mr.
22 Griswold has maintained from the very beginning in the
23 outset of this case that he is not guilty of any of these
24 charges whatsoever. We believe that the State is not going
25 to be able to meet its burden in showing you that he is

1 guilty of the charges that have been brought against him.

2 We appreciate your intent focus on all of the evidence
3 in this case. It is not anything that I say up here at
4 this moment or anything Mr. Flores said before that is
5 evidence in this case. It is only the evidence that comes
6 through that witness stand right there that you should
7 consider in determining whether or not -- in determining
8 the guilt or innocence of Aaron Baynard Griswold.

9 Judge Hayes told you yesterday that it is your duty,
10 your solemn duty, to look at all of the evidence in this
11 case, and once you've done so, arrive at a determination of
12 whether or not the State has met its burden to prove the
13 allegations that they've made, and has presented the
14 evidence to show the allegations that they've made against
15 Mr. Griswold. It is our position that at the end of this
16 case they will not be able to do so, and that you will only
17 be able to render a verdict of not guilty. Thank you.

18 THE COURT: You may call your first witness.

19 MR. FLORES: Your Honor, the State would call Mr.
20 Brian T. Honig. He's been sequestered.

21 THE COURT: While he's coming up, let me just hand
22 something out to my secretary.

23 (COURT LEFT THE BENCH MOMENTARILY AT 11:02 AM.)

24 (WHEREUPON, BRIAN HONIG,

25 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

BRIAN HONIG: DIRECT BY MR. FLORES

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DIRECT EXAMINATION

BRIAN HONIG BY MR. FLORES:

Q. Good morning, Mr. Honig.

A. Good morning.

Q. Would you please state your full name and spell your last name, for the record, please?

A. My name is Brian Thomas Honig. Last name is spelled H-o-n-i-g.

Q. Mr. Honig, where were you born?

A. I was born in the Walter Reed Army Medical Center in Washington, D.C.

Q. When did you come to Rock Hill?

A. To the best of my recollection, approximately around 2000. My father relocated due to his job, and we picked up in Rock Hill.

Q. Tell us a little bit about yourself.

MR. ATWATER: Objection, your Honor.

THE COURT: I overrule the objection.

MR. ATWATER: Thank you.

A. I'm twenty-seven. I currently work in construction. I live in the Greater Charleston area, soon to be married.

Q. Do you have family who still resides in the Rock Hill area?

A. I do.

Q. Who are they?

1 A. My father and my mother, to best of my knowledge, and
2 my sisters periodically visit Rock Hill when they're on
3 break from their prospective colleges.

4 Q. From what high school did you graduate?

5 A. Unfortunately, I did not graduate high school. I
6 attended Rock Hill High, and subsequently voluntarily quit
7 in my junior year, and shortly thereafter achieved my GED.

8 Q. And after graduating -- well, I'm sorry -- after you
9 earned your GED, did you receive any further education?

10 A. Yes, I did. A couple years later with a company in
11 Rock Hill, in welding.

12 Q. What are your future plans?

13 A. I'm currently going to school right now full-time to
14 become a mechanical engineer. My company looks very highly
15 upon that and hopes to see me in a project management role.

16 Q. Congratulations.

17 A. Thank you.

18 Q. Mr. Honig, do you know Aaron Baynard Griswold?

19 A. Yes, I do.

20 Q. And when did you first meet Mr. Griswold?

21 A. To the best of my recollection, approximately around
22 the age of fifteen or sixteen.

23 Q. Do you recall how you met him or became friends with
24 him?

25 A. It was through a mutual friend. I was at his house,

BRIAN HONIG: DIRECT BY MR. FLORES

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1 and at that point in time, he was friends with Aaron, and
2 at that point in time, Aaron was moving. Needed assistance
3 in the move, so I offered up the assistance and then,
4 thenceforth, we became friends.

5 Q. Can you describe the type of friendship you had with
6 Mr. Griswold?

7 A. We had a very good friendship. We spent quite a deal
8 of time together, whether it was at his home or out with
9 other friends. We frequented, you know, music events in
10 Charlotte, just general friendship. We spent a lot of time
11 together.

12 Q. So, you would consider yourself a friend of Mr.
13 Griswold, and you knew him?

14 A. Yes, sir.

15 Q. What did you call Mr. Griswold?

16 A. We -- I referred to him as Bay.

17 Q. Was that his nickname?

18 A. Yes.

19 Q. And was he known as Bay amongst his friends?

20 A. For the most part, yes.

21 Q. Did you hear of any other nicknames that he had?

22 A. Not to my recollection.

23 Q. Would you describe Mr. Griswold for the jury, and
24 where he's sitting and what he's wearing, for the record?

25 A. Mr. Griswold is sitting in the -- on the defendant's

BRIAN HONIG: DIRECT BY MR. FLORES

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1 side of the courtroom, wearing glasses, beard, and a
2 pattern shirt, button-up.

3 MR. FLORES: Your Honor, we would ask that the record
4 reflect that Mr. Honig has identified Mr. Griswold.

5 (WHEREUPON, WITNESS DESCRIBED THE DEFENDANT AT
6 DEFENDANT'S TABLE.)

7 MR. FLORES: Thank you, your Honor.

8 Q. Mr. Honig, in 2007, were you married?

9 A. Yes, I was.

10 Q. What was your legal name at that time?

11 A. My legal name at that time was Brian Thomas Honig-
12 Navlyt.

13 Q. And that was with a hyphen in between?

14 A. Yes, sir.

15 Q. And was Ms. Navlyt your wife?

16 A. Yes, she was.

17 Q. Okay. Have you subsequently divorced?

18 A. Yes, I have.

19 Q. Where were you living in 2007?

20 A. In 2007, I was living at Starnes Drive, in Rock
21 Hill, South Carolina, off of Neely Road much in the Catawba
22 area.

23 Q. And did you reside at that location with your wife?

24 A. That was the location.

25 Q. What were you doing at that time? How were you

BRIAN HONIG: DIRECT BY MR. FLORES

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1 employed?

2 A. My employment was sporadic. My wife, she worked as a
3 assistant manager at a local Burger King at Rock Hill, and
4 given her three children, daycare was rather expensive, and
5 for periods of time I would be unemployed, and I would stay
6 at home and take care of the kids. And for a short stint,
7 I was looking for jobs. I -- it was very sporadic.

8 Q. Were you familiar with where Mr. Griswold lived in
9 2007?

10 A. Yes, sir.

11 Q. Was that the location you were helping him move to?
12 Do you recall?

13 A. To the best of my recollection, yes.

14 Q. Do you know where that lo -- where that home was?

15 A. It was off of .

16 Q. Is that in Rock Hill?

17 A. Yes, sir.

18 Q. I know it's been close to a decade, but can you
19 remember what that home looked like?

20 A. It was a duplex, I believe blue in color on the
21 exterior, and there was a identical one to the left of it.
22 Large concrete parking lot, I guess, in between the two
23 duplexes. There wasn't anything really distinguishable
24 about it.

25 Q. Was it one-story, two-story?

1 A. It was a two-story.

2 Q. During the time that you knew Mr. Griswold and were a
3 visitor at his home, do you remember who was living with
4 him?

5 A. I believe Jason and Patricia Boone. And there
6 for a period of time, I believe his name was Jim, he was an
7 older fellow. And those, to my knowledge, were the only
8 full-time co-habitants of the residence.

9 Q. Did Mr. Griswold have his own room at the residence?

10 A. Yes, sir.

11 Q. He didn't share it with anyone else?

12 A. Not to my knowledge.

13 Q. Were you aware of any computers at his home?

14 A. Yes, sir.

15 Q. Had you used any of the computers at his home?

16 A. Yes, sir, I have.

17 Q. To the best of your knowledge or your memory, do you
18 remember where you used those computers at the home?

19 A. It would have been the computer in his room.

20 Q. Mr. Honig, did you use this computer that you've
21 identified as being in his bedroom on or around June 1st of
22 2007?

23 A. Yes, sir.

24 Q. Based on your recollection, did that computer have a
25 password to enter before you could use it?

BRIAN HONIG: DIRECT BY MR. FLORES

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1 A. Yes, sir.

2 Q. Could you please tell the jury what you did on June
3 1st of 2007?

4 A. My memory is a little vague to that day. During that
5 period of time it was a stint of looking for jobs and given
6 my current situation with my wife we did not have a
7 computer and given that he was one of my closest friends I
8 came by to ask him to use his computer. I would check my
9 email, do job searching, and respond to, you know,
10 potential job leads.

11 In conjunction with that, that was when I got big into
12 MP3 players and music, and Aaron had quite a collection,
13 extensive collection of music that we both had similar
14 interests in. So, I'd bring it over, and I'd you know,
15 load up my little iTunes, and play some music on the
16 computer while I was doing my email. When I opened up the
17 Windows Media player, it began playing a video
18 automatically, and the video was pornography. I
19 immediately identified it as a faint child in the video,
20 and became concerned and closed it.

21 Q. Had you ever seen this type of video before?

22 A. No, sir.

23 Q. You said that it was a child in the video. How were
24 you able to identify the age, or how could you identify
25 that it was a child?

1 A. Using my -- using my best education and assumption,
2 based on the facial features and the size of the child,
3 proportionate to the accompanying person.

4 Q. About how old do you think that child was?

5 A. I would say between six and eight.

6 Q. What was -- what was depicted in that video?

7 A. To the best of my recollection, the child was
8 performing fellatio.

9 Q. Mr. Honig, have you ever sought out this type of
10 material before?

11 A. No.

12 Q. Had you ever sought out material like this before on
13 any computer in Mr. Griswold's home?

14 A. No.

15 Q. Have you ever sought out material like this on any of
16 your own computers?

17 A. No.

18 Q. When you went to Aaron's house that day, did you go
19 looking for anything on his computer?

20 A. In specific? Music. That was the purpose for pulling
21 up the Windows Media player. Beyond that, there was no
22 other purpose for being there, besides checking my email.

23 Q. Okay. Did you see any music in the Windows Media
24 player when you pulled it up?

25 A. When it pulled up, it began playing that video. I did

BRIAN HONIG: DIRECT BY MR. FLORES

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1 not see any readily accessible music. After seeing the
2 video, I closed it and ceased my efforts in listening to
3 any music.

4 Q. Mr. Honig, could you describe your feeling after
5 having viewed that video?

6 A. Exceptionally conflicted. Very upset, worried, and
7 confused.

8 Q. Did you report this video to the police immediately?

9 A. No, I did not.

10 Q. And why didn't you report it immediately?

11 A. Because I didn't know what to do. I went home and I
12 talked to my wife and I asked her, I said, I know this is
13 what happened. What do I do? Because on one hand, I have
14 such strong feelings against it, but on the other hand,
15 this is a friend of mine, a close friend of mine. I didn't
16 know what to do.

17 Q. You did subsequently contact the police.

18 A. Yes, sir.

19 Q. And when did you do that?

20 A. It would have been a day -- day later, a day or two
21 later. I'm not a hundred percent certain on the specific
22 date.

23 Q. But it was close in time to after you discussed it,
24 and after viewing?

25 A. Yes, sir.

BRIAN HONIG: DIRECT BY MR. FLORES

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1 Q. Did you ever tell Mr. Griswold what you had seen on
2 his computer?

3 A. Not to the best of my recollection.

4 Q. After using the computer on June 1st, did you ever use
5 the computer at his home again, to the best of your
6 knowledge?

7 A. No, sir, not to the best of my knowledge.

8 Q. When you did contact police, what did you do?

9 A. I called the police. They arrived. I told them that
10 I'm the one that called, and they asked me to come down to
11 the police station and give a statement, and I did so.

12 Q. Were you sworn to give that statement?

13 A. To be completely honest with you, I don't specifically
14 remember the details of the statement. In fact, I --
15 there's -- it's very vague. But I do remember going to the
16 police station. I don't remember the details of it.

17 Q. Is there something that might refresh your memory?

18 A. My statement.

19 MR. FLORES: Your Honor, if I may approach the
20 witness?

21 THE COURT: You may.

22 BY MR. FLORES:

23 Q. Mr. Honig, I'm handing you some papers. Would you
24 just go ahead and review those, and see what those are?

25 (WITNESS REVIEWING DOCUMENTS.)

BRIAN HONIG: DIRECT BY MR. FLORES

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1 Q. Do you recognize these documents?

2 A. Yes, sir.

3 Q. And what is this, this document?

4 A. One is my statement, and the other is a -- a document
5 that is a statement that swears that I am providing the
6 statement of my own free will and accord.

7 Q. So, you did give a sworn statement to police
8 concerning what you had seen?

9 A. Yes, sir.

10 MR. FLORES: Beg the Court's indulgence.

11 (PAUSE AT 11:22 AM.)

12 Q. Mr. Honig, I just want to clarify something. You
13 stated that a password was entered onto the computer in
14 Aaron's room; is that correct?

15 A. To the best of my recollection, yes.

16 Q. Did you enter that password?

17 A. To my knowledge, no.

18 Q. Did you know that password?

19 A. To my knowledge, no.

20 Q. Who entered that password?

21 A. Aaron.

22 MR. FLORES: Beg the Court's indulgence.

23 (PAUSE.)

24 MR. FLORES: Your Honor, those are all the questions
25 the State has for Mr. Honig.

1 have been able to determine that she was involved with
2 interviews of persons who made statements that are not on
3 the witness list, and have not been -- we have no
4 indication that they were going to be here.

5 It is our contention that any statement made by those
6 persons whatsoever is inadmissible in any shape, form, or
7 fashion, by way of testimony that she spoke with them or
8 what they said, even if she doesn't refer to them as having
9 said it.

10 Your Honor, I would state the case of *State versus*
11 *Haygood*, citing *Crawford*, as to the regard of the testimony
12 on the nature of any information that she gained from any
13 witnesses who will not be appearing in the trial.

14 MR. FLORES: Your Honor, we don't intend to elicit any
15 testimony for any witnesses who are not here at this trial.

16 THE COURT: Okay. That takes care of that. Thank
17 you.

18 Bring in the jury.

19 MADAM BAILIFF: Yes, sir, your Honor.

20 (JURY REENTERS COURTROOM AT 11:42 AM.)

21 THE COURT: You may proceed.

22 MR. FLORES: Thank you, your Honor. May it please the
23 Court?

24 THE COURT: You may.

25 DIRECT EXAMINATION

KATHY HARVESTON: DIRECT BY MR. FLORES

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1 KATHY HARVESTON BY MR. FLORES:

2 Q. Detective Harveston, will you please state your full
3 name, for the record, and spell your last name?

4 A. My name is Kathy Harveston, H-a-r-v-e-s-t-o-n.

5 Q. And Detective Harveston, could you please tell the
6 jury about your current employment situation?

7 A. I currently work for the Rock Hill Police Department.
8 I'm a captain in the Professional Standards Division. Been
9 there for fourteen years, previously thirteen years at
10 another agency.

11 Q. Has all of your law enforcement experience been here
12 in South Carolina?

13 A. No, sir. The first thirteen years of my law
14 enforcement was in Tennessee.

15 Q. Over the tenure of your career, what types of cases
16 have you investigated?

17 A. Actually, just about everything. I started out in
18 detective division as a property crimes detective; B&E
19 autos, those types of things. And then moved into the
20 child abuse, sex crimes area of the persons crime part, so,
21 I've done everything from homicides, armed robberies,
22 criminal sexual conduct, child pornography, all of those
23 things.

24 Q. Could you please describe for the jury your general
25 law enforcement training and education?

KATHY HARVESTON: DIRECT BY MR. FLORES

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1 A. Oh, my goodness. That goes way back to 1990. Of
2 course, I attended Police Academy in Tennessee for my basic
3 law enforcement training. Have ongoing training all
4 through my career in Tennessee. When I moved to South
5 Carolina, I had to go through the Law Enforcement Academy
6 here to become familiar with South Carolina law, and every
7 year we have in-service training, plus advanced training
8 that you have to take when you become a detective, or do
9 specific types of investigations or crimes.

10 Q. Detective Harveston, I want to direct you to the year
11 2007. With whom were you employed at that time?

12 A. In 2007, I was a detective in the Crimes Against
13 Person Unit for the Rock Hill Police Department,
14 specifically assigned to child/elder abuse and sexual
15 crimes.

16 Q. In 2007, Detective Harveston, were you involved with
17 an investigation involving Aaron Baynard Griswold?

18 A. Yes, I was.

19 Q. And could you describe him for the Court?

20 A. He has a beard. He's a white male, a little heavy-
21 set. He has on a windowpane-checked shirt today, and it
22 looks like blue and white.

23 MR. FLORES: Your Honor, we would just ask that the
24 record reflect that Detective Harveston identified Mr.
25 Griswold.

KATHY HARVESTON: DIRECT BY MR. FLORES

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1 THE COURT: Okay.

2 (WITNESS DESCRIBES/IDENTIFIES DEFENDANT AT DEFENSE
3 TABLE.)

4 MR. FLORES: Thank you.

5 Q. Detective Harveston, when did you become involved with
6 this case?

7 A. I actually became involved with the case after the
8 search warrants were served on the house by Detective
9 Blackwelder. I became the case agent on the case and
10 started working the investigation from there.

11 Q. After you first became involved in the case, and after
12 the computers were seized, what did you order done with
13 those computers?

14 A. Well, one of the first things that you would do, of
15 course, is to figure out what is on the computer itself.
16 At the Rock Hill Police Department, we don't have the
17 ability to do that, or we did not have that ability at the
18 time, so, any type of forensics that's done on a computer
19 or electronic device we sent to the South Carolina Law
20 Enforcement Division, for them to go inside the computer
21 and retract any data that's in there, and so, that's what I
22 did.

23 Q. So, did you ever take them out of evidence and turn
24 them on?

25 A. No, sir.

1 Q. So, you ordered them to be transported to SLED; is
2 that correct?

3 A. That is correct.

4 Q. Following that transportation to SLED -- excuse me --
5 following their transportation to SLED, were those
6 computers returned to your agency?

7 A. They were.

8 Q. Did you receive anything from SLED concerning the
9 investigation?

10 A. Yes, sir. There's a report that the agent that did
11 the forensic examination on the computers did; and plus, he
12 compiles all the data onto a disc, and you have to have a
13 password to get into the disc to review the information
14 that he obtained.

15 Q. Do you recall the agent who conducted the forensic
16 analysis at SLED?

17 A. Yes, sir. And pardon me if I don't pronounce his name
18 completely correct. It's Farand Wasiak.

19 Q. So, that was done in 2007, that's correct?

20 A. That's correct.

21 Q. Did you have these computers re-examined at any point?

22 A. I did not have the computers re-examined. I believe
23 the Attorney General's Office did.

24 Q. Okay. Do you remember when that was done?

25 A. No, sir, I don't.

1 Q. Do you know if a report was produced?

2 A. I do not.

3 MR. FLORES: Beg the Court's indulgence.

4 (PAUSE AT 11:48 AM.)

5 MR. FLORES: Your Honor, those are all the questions
6 we have for Detective Harveston.

7 MR. ATWATER: No questions, your Honor.

8 THE COURT: All right. You can step down.

9 (WITNESS LEAVES WITNESS STAND.)

10 MR. FLORES: Your Honor, if we could approach?

11 THE COURT: Okay.

12 (BENCH CONFERENCE, OFF THE RECORD, OUT OF HEARING OF
13 THE JURY AT 11:49 AM.)

14 THE COURT: I told you this morning we were working on
15 some issues in order that the case may go smoothly. I'm
16 told now I have some other issues that I need to discuss.
17 I also have a personal issue that will keep me out, away
18 until about three o'clock, so we're going to take what
19 seems to be a long lunch hour.

20 We've got to work for awhile, but I'm not going to
21 have you stay around while we resolve what we have to
22 resolve, and then crank back up, and then have to
23 immediately stop for lunch. So, while it is a long lunch
24 hour, I'm going to excuse you 'til three o'clock. Now, I
25 may be running a little bit late because of a one thirty

1 obligation I have, but I want to try to start back as soon
2 as we can at three o'clock. So, have a pleasant lunch, and
3 we'll see you back at three o'clock.

4 (JURY EXITS COURTROOM ON LUNCH RECESS AT 11:50 AM.)

5 THE COURT: Yes, sir, Mr. Atwater? Do you have some
6 issues?

7 MR. ATWATER: I believe that I understood the AG to
8 say, your Honor, that they were going to be wanting to put
9 into evidence --

10 Just the physical computers themselves?

11 MR. FLORES: At this point, yes.

12 MR. ATWATER: Well, your Honor, if -- if all they're
13 seeking to do is introduce the physical computers, I can
14 make my arguments at the time he's trying to qualify them
15 and get them into evidence, and it doesn't go into the
16 motion that I had made reference to on evidentiary at this
17 time.

18 THE COURT: Okay.

19 MR. FLORES: The point as to scheduling, your Honor, I
20 advised Special Agent Wosiak to come in first thing
21 tomorrow morning. He's involved in a case out of Barnwell
22 where they're making an arrest today. I didn't think we
23 would proceed as quickly as we have, and I apologize. I
24 did -- Again, I didn't believe that he would be returning,
25 based upon our conversations.

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1 THE COURT: I take some responsibility for that, but
2 do you -- you do have some stuff this afternoon?

3 MR. FLORES: We do have one witness, and I'm hoping
4 that will last for the remainder of the afternoon.

5 MR. ATWATER: Excuse me. May I know who that witness
6 is?

7 MR. FLORES: Charlene Blackwelder.

8 MR. ATWATER: Depending on what she's going to say
9 that may bring up that motion I made reference to, your
10 Honor. But most of it's related to Mr. Wosiak's testimony
11 and whether or not -- and what he can testify to, if
12 anything.

13 THE COURT: Okay. Now, I'm studying David
14 Cunningham's case. The issue regarding whether or not the
15 State may issue a or may introduce a summary, I'm working
16 on now trying to digest this case. Also, the question of
17 whether or not, as opposed to showing some actual clips,
18 the Defense -- the State would have to rely on -- could
19 rely on a stipulation by the Defense. I'm still studying
20 that, so over lunch -- extended lunch period I'll have time
21 to look at that. And I guess we'll be at ease, then, 'til
22 three o'clock.

23 MR. FLORES: Thank you, your Honor.

24 MR. ATWATER: Thank you, your Honor.

25 MR. FLORES: We will as well study that case and

1 provide any argument.

2 (COURT IN LUNCH RECESS AT 11:53 AM.)

3 (COURT IN EVENING RECESS AT 03:00 PM.)

4 (COURT BACK IN SESSION WEDNESDAY, MAY 25, 2016 AT
5 10:00 AM.)

6 THE COURT: Thank you. You may take your seats.

7 Is the State ready?

8 MR. FLORES: Yes, your Honor.

9 THE COURT: Defense ready?

10 MR. ATWATER: Yes, your Honor.

11 THE COURT: I'll explain more when the jury's in as to
12 why I discombulated everyone yesterday. I'm ready to go
13 ahead and rule on some motions before me. As to the use of
14 the summary, I find, under 10006, that it is admissible, if
15 it -- if there's a proper foundation laid. I'm not going
16 to go over all this again, but I did inquire as to whether
17 or not both parties had time -- reasonable time and place
18 to review the underlying data and Mr. Atwater very candidly
19 indicated that he didn't take a look at everything but he
20 did -- it was made available.

21 MR. ATWATER: That's correct, your Honor.

22 THE COURT: So, I'm going to allow the summary, with
23 the proper foundation.

24 MR. FLORES: Yes, your Honor.

25 THE COURT: As to the -- I may not be articulating --

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1 Well, let me, while I'm on the State, while I'm on that let
2 me, as to the un-indicted crimes, I'm not going to allow
3 those. I find that they do not constitute *res gestae* as
4 and I'm quoting from, I think it's *State versus Wood*. No,
5 *State versus Adams* as set forth in the motion, I do not
6 believe proof -- proof of these un-indicted charges are
7 needing to complete the story of the crime on trial. I
8 ruled the immediate context on *res gestae*. I do not find
9 that the un-charged offense is so linked together at a
10 point in time that one cannot be fully shown without
11 proving the other. So, I'm not going to allow those on
12 that.

13 And also, under 401 and 404, 404 I find that, number
14 one, before I could even consider letting in un-indicted or
15 un- -- non-convictions, I will have to make a finding by
16 clear and convincing evidence that the substance
17 constituted what it claimed to be. I have not had that
18 opportunity and -- to -- and it would require me to review
19 all of the information that allegedly supports the State's
20 position that that would be admissible and that that had
21 not been done.

22 And also, I find that, even if I were to do that, and
23 determine by clear and convincing evidence that the un-
24 indicted crimes were sufficient to fall under the rule of
25 one exception, and that is, I believe they would be

1 accumulative at best. So, that takes care of that.

2 And Mr. Atwater, I believe your motion was that --
3 two, basically, other motions outstanding. One dealing
4 with the -- let me make sure I articulate it right -- the --
5 - state your motions again. I'm having trouble -- my
6 mind's asleep this morning. I believe the -- what is your
7 position again?

8 MR. ATWATER: That the -- that the videos and images
9 are more prejudicial than probative, and that -- that the
10 determination upon that matter would require the Court to
11 rule otherwise would have to look at all the things that
12 are ---

13 THE COURT: All right.

14 MR. ATWATER: --- have to subsequently argue it after
15 that. And then, I did have one other thing, your Honor, as
16 it related to the -- that it related to the first issue
17 that you've ruled on, in regards to the summary itself.

18 THE COURT: Okay.

19 MR. ATWATER: And as to that, I just -- I would just,
20 for the record, want to put on that I think, one, that
21 that's cumulative; two, that it's basically --

22 THE COURT: Well, my understanding, and I hate to
23 interrupt you, but my understanding, the summary is of the
24 clips that underline the indictments.

25 MR. FLORES: That's correct, your Honor.

1 THE COURT: So, ruling cumulative, it's part of the
2 substance of the indicted charges.

3 MR. ATWATER: So, we're talking about the ones that --

4 THE COURT: Yeah, I'm not letting the un-indicted.
5 These are just simply summaries of what is on -- or what
6 the witnesses testified, that he made this summary, I
7 believe he testified, based on what is the content of
8 indicted offenses, but without -- to keep from having to
9 show all the clips on every one. So, I think it's -- it's
10 not cumulative, it's substantive.

11 MR. ATWATER: I understand, your Honor. And your
12 Honor, if I understood your ruling correctly as it relates
13 to that, obviously that's subject to those being able to
14 come in, and someone being able to testify that -- the
15 connection between the summary and ---

16 THE COURT: Yes.

17 MR. ATWATER: --- and so forth.

18 THE COURT: Okay. Well, I find there's no obligation
19 -- I'm going to get to State -- *United States versus*
20 *Cunningham* in just a minute. I tried to study it as best I
21 could. I find there's no requirement or obligation that
22 the Court preview the clips prior to them being offered
23 into evidence. The contents of the clips from the video
24 clips are an essential element of the charge against the
25 defendant. If the clips do not show what the indictments

1 alleged, then the State has failed to prove an essential
2 element of the charge. It is not for me to decide whether
3 or not the contents of the video establish guilt or not.

4 That's for the jury.

5 The question before the Court is not primarily a
6 question of admissibility, rather it is as to the question
7 of whether or not they were relevant. I find that they --
8 that the clips are relevant, because they basically are a
9 part of the case. I stole a little bit of language, and
10 it's paraphrased from the *Cunningham* case. Here, the
11 challenged evidence forms the basis of the underlying
12 crimes. And they stated that in *Cunningham*, although they,
13 in a roundabout way, in my opinion, reached a different
14 sort of decision, and I'll make a couple comments on that.

15 And pursuant to 403, I did -- doing the prejudicial
16 probative analysis -- I find that the relevancy of the
17 clips that's represented is not substantially outweighed by
18 any unfair prejudice. Again, that they may gender. The
19 key word is *unfair*. While the contents, by its very
20 nature, is a type which may tend to influence one's
21 prejudice, portions of the files at issue are relevant, and
22 in fact, necessary and essential to the State proving its
23 allegations, again, that they are the basis of the
24 underlying charges.

25 Briefly, as to *Cunningham*, I made a couple of

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1 observations as I read it, one being on page three. The
2 Court, just going on background, whatever this is the sort
3 of synopsis, they talked about the highly inflammatory
4 nature of two of the videos that had, I think, bondage and
5 violence on 'em and the Court kind of said those should not
6 have been showed because they're so inflammatory. I don't
7 know if any of these show that, but whether they do or not,
8 that part of *Cunningham* analysis, I don't believe -- I did
9 not agree with *Cunningham*, and that's my right. I may not
10 be completely right -- that the two cases they relied on to
11 reach their opinion are really applicable or on all fours,
12 although they do talk about similar-type video clips.

13 The *United States versus Curtin*, C-u-r-t-i-n, it is
14 one that had to do with what I consider collateral
15 elements. They wanted to prove, not possession of child
16 pornography, but the advertising and conspiracy to
17 advertise child pornography, based on some stories about
18 sexual relations between -- incestuous relationships, and
19 that -- to me, that would have been collateral. Again I
20 wouldn't have had much trouble, I don't think, finding as
21 *Cunningham* did. But it doesn't -- but it means its in
22 absent to this particular court.

23 As to *State versus Loughry*, L-o-u-g-h-r-y, the best
24 place to go to that is their language on page twenty-six.
25 The government did not charge Loughry with distributing or

1 advertising any of the images submitted into evidence. The
2 -- And in the *Loughry* opinion on page twenty-eight, they
3 note the challenged evidence in *Loughry* did not form the
4 basis of the underlying crimes, as do the videos in this
5 incident case. The *Loughry* case, like *Curtin*, did not make
6 a distinction between intrinsic and extrinsic -- actually
7 I've got extrinsic/intrinsic evidence -- and then that was
8 what I was alluding to, why I used the word *collateral* a
9 moment ago.

10 The Court, in *Cunningham*, states on page twenty-nine,
11 "We conclude that, quote, speaking generally, a district
12 court should personally examine and challenge the
13 evidence." And I just don't agree with that, quite
14 frankly. Again, here, if the clips do not support the
15 allegations, then the State failed in their burden of
16 proof. The -- And I also want to point out that, on page
17 twenty-two, I think the Court -- this court worked very
18 hard to set the trial judge's decision aside, probably
19 based primarily on the violent bondage issue because on
20 page twenty-two, they say, we agree with *Cunningham* that,
21 under the circumstances of this case, the Court used its
22 discretion by admitting the videos without personally
23 viewing them.

24 And again, just is general, and these are just some
25 notes I jotted, so it's kind of not a seamless

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1 presentation. But on page thirty-five they're talking
2 about video images derived from files charged in the
3 indictment. The images shown to the jury, they said, were
4 not extrinsic to the crime charged, but rather part of the
5 actual pornography possessed. And that's what we have here
6 and they cite *United States versus Ganoe*, I guess. It's
7 spelled like canoe, with a G.

8 And then in a footnote, thirty-one, on page thirty-
9 nine, they again seem to hone in on the particular -- they
10 talk about, we only speak in a context of this case, in
11 which there is ample evidence of the crimes charged without
12 those extraordinary prejudicial video clips. So, for the
13 reasons I've articulating not as well as I would if I had
14 two months to work on it like the Court of Appeals do, I'm
15 not -- I'm going to allow the summary; I'm not going to
16 allow the unindicted charges, and I am not going to review
17 the video clips before they are admitted into evidence.

18 Does that cover everything?

19 MR. ATWATER: I think it does, your Honor. When
20 you're making reference to the video clips, you're talking
21 about the one that the State has put together for the
22 purpose of showing to the jury ---

23 THE COURT: Yes.

24 MR. AT WATER: --- not all of the individual image --
25 individual ones that are --

1 THE COURT: I thought what they planned -- my
2 understanding is, if they wanted to show everything, I
3 think they would have the right to do that. Now, I know I
4 kind of skipped over -- Well, go ahead, Mr. Flores.

5 MR. FLORES: Sure, your Honor. As I stated before, we
6 had selected small portions of each that we would have
7 intended to show them. Provided we do lay the proper
8 foundation for this summary. We will definitely cut that
9 down to a -- we'll review the videos, and maybe make it two
10 or three to give an example of the other twenty-seven or
11 the other -- pardon me. To provide an example of what the
12 entire summary they will have before them. I think if they
13 do see at least those portions and then the summaries come
14 in as they are then we believe we recovered for proving our
15 burden at trial.

16 MR. ATWATER: Your Honor, in my review of the evidence
17 pretrial, my -- my job at that point in time because I was
18 not looking at this issue in regards to putting together a
19 compilation of them and presenting them to the jury, I was
20 looking at whether or not any of the particular images or
21 videos met the requirements of the indictments for child
22 porn.

23 So, I would just ask that once the State has decided
24 what compilation they're going to put together, and for
25 clarification, your Honor, I'm -- Do you agree with the

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1 ruling in *Cunningham* as it relates to the -- the bondage
2 and torture, and that kind of stuff?

3 THE COURT: Well, it would appear to me that the --
4 it's kind of a shot across the bow to all of us. I don't
5 know that I agree with them. I'd have to see it to decide.
6 I don't know there is if I remember correct in the summary,
7 reference to a couple of places where there were people
8 tied to beds with duct tape, something. I don't remember
9 specifically, but there is some bondage-type issues. I
10 don't remember there being anything like mutilation or
11 anything that I would consider violent, although by the
12 very nature, you could argue that they're all violent.

13 MR. ATWATER: Of course they are, your Honor. There
14 is one portion in there were they speak to anal penetration
15 of minors in the same -- in the same regard as they do with
16 the bondage. But what my question was going to be, your
17 Honor, was that, if I could have an opportunity to review
18 what it is the State wants to put in.

19 THE COURT: Yeah.

20 MR. ATWATER: Before that, and then speak to -- speak
21 to that before -- before it's -- before it's objected to,
22 your Honor.

23 THE COURT: Okay. We'll get the jury in, in just a
24 minute. The other thing that we need to address real quick
25 is that -- I've toyed with this idea, maybe toyed isn't the

1 right word but considered the stipulation issue as to
2 whether or not the State would be required to accept the
3 stipulation. I think the case is clear, they are not
4 required to accept the stipulation, and quite candidly, if
5 I represented the the State, I might very likely do that.
6 I have to show a few clips. I think the jury needs to see
7 something. I mean, this is, unfortunately to us, not a
8 alien situation.

9 I know Mr. Flores, I know myself, got -- Mr. Atwater
10 has seen these more times than we wish. But a lot of --
11 hopefully, all of the panel, but I would submit that
12 probably a vast majority of the panel have never been
13 exposed to this. And conceptually you can see it, but
14 until you actually see -- until you place your eyeballs on
15 it, it's not as -- the image you may portray is not as
16 traumatic as what it is. So, I'm not going to allow --

17 MR. ATWATER: That's my 403 objection, your Honor.

18 THE COURT: Well, I know. I use dramatic, and it is
19 dramatic, and it is prejudicial to a degree. When I was a
20 young lawyer I was getting beat up by a witness, I was
21 sitting there listening to a witness just beat the heck out
22 of me. I jumped up to object, just to stop the bleeding,
23 like we all have done, and the judge said, what are your
24 grounds? And I couldn't think of anything else, I said,
25 your Honor, it's prejudicial. He said, isn't it supposed

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1 to be? And so, I have taken that to heart ever since.
2 It's an undue and unfair prejudice. Obviously, any
3 evidence they produce is supposed to have some prejudicial
4 value, or it's not relevant. So, it's unfair and undue,
5 and I find that I want to make a finding.

6 MR. FLORES: Yes, your Honor.

7 THE COURT: Okay.

8 MR. FLORES: And to address what Mr. Atwater said, I
9 think once we've discussed how the types of videos and what
10 will be done, we'll readdress that at that time, your
11 Honor. I think we can come to a reasonable solution.

12 THE COURT: Bring in the jury.

13 (JURY REENTERS COURTROOM AT 10:20 AM.)

14 THE COURT: Good morning. I'm going to explain, I
15 don't know if I really need to apologize for yesterday,
16 because it was a matter beyond my control, but I do want to
17 explain. I think you're entitled to that, because I did
18 abuse your time, and I didn't do it intentionally. But I
19 had a one thirty appointment, and had we started on time,
20 my plan would have worked perfectly. But the doctor was an
21 hour and a half -- hour and fifteen -- hour and forty-five
22 minutes late. And so, when they got me at two thirty, I
23 had no idea when he was coming, how long I was going to be
24 in there, and so, rather than take a chance, I decided to
25 cut bait, as they say.

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CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 Q. And could you tell the jury how long you were a law
2 enforcement officer?

3 A. Twenty-nine years.

4 Q. Over the tenure of your career, what types of cases
5 did you investigate?

6 A. Crimes against persons and property, but mostly child
7 --

8 MADAM COURT REPORTER: Judge?

9 THE COURT: Yes?

10 MADAM COURT REPORTER: I'm sorry. I need a moment.

11 My equipment has failed this morning, and I don't know
12 what's happened. I just need a moment to just test this.

13 THE COURT: Okay.

14 MADAM COURT REPORTER: It was working fine, and then
15 it quit..

16 THE COURT: Okay. Let's be at ease a second.

17 (COURT AT EASE.)

18 MADAM COURT REPORTER: Got it, Judge.

19 THE COURT: All right. Proceed.

20 MR. FLORES: Thank you, your Honor.

21 Q. You were in the middle of answering this question, so
22 I'll ask it again.

23 Over the tenure of your career, what types of cases
24 did you investigate?

25 A. Child abuse, sex crimes, adult and children, was the

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 majority but I also did murders, rapes, robberies, a little
2 bit of everything.

3 Q. Could you please describe for the jury your general
4 law enforcement training and experience?

5 A. I had -- I had well over two thousand documented hours
6 of training in the field of juvenile sex crimes and
7 additional felony -- excuse me -- felony-level crimes.

8 Q. Could you tell the jury where you served as a law
9 enforcement officer?

10 A. I was with Rock Hill Police Department for twenty-two
11 years, and then I left, and I went to Tega Cay Police
12 Department, both in South Carolina, and I was there for
13 seven years.

14 Q. Ms. Blackwelder, I want to direct you to the year of
15 2007. With whom were you employed at that time?

16 A. Rock Hill Police Department.

17 Q. And what was your job title?

18 A. I was a detective and --

19 Q. And what types --

20 A. I'm sorry. Crimes against persons, at that time. I
21 think. No, I'm sorry, I was at Crimes Against Property at
22 that time.

23 Q. Ms. Blackwelder, I want to direct your attention to
24 June 4th of 2007. On that date, did you become involved
25 with an investigation involving Aaron Baynard Griswold?

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 A. Yes, I did.

2 Q. And how did you become involved with that
3 investigation?

4 A. There was an incident report filed with the Rock Hill
5 Police Department with Lieutenant Vaughn in reference to
6 Brian Honig being an associate of Mr. Griswold. He came to
7 the police department to make a statement that he was at
8 the residence, in Mr. Griswold's residence, and observed
9 child pornography on a computer. He was there to check his
10 email or something to that nature, and when he opened it,
11 it came up, he shut it down immediately. Came back, went
12 and spoke with, I think it was his girlfriend at the time,
13 and then came to the police department that same day and
14 reported the incident.

15 Lieutenant Vaughan did make contact with myself, and
16 then asked me if I would obtain a sworn statement from him,
17 which I did and from that sworn statement, I proceeded at
18 that point to obtain a search warrant of the residence, and
19 obtain -- went to the location and gathered and collected
20 five computers from the residence. Turned them in to
21 evidence, and then, at that point, I was not involved in
22 the case after the evidence was turned in.

23 Q. Do you recall where you were -- where you were looking
24 to search the residence? Do you know where that was?

25 A. The -- to be honest with you, I think it was

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1 I may be wrong on the exact location, but it was
2 in Rock Hill, South Carolina.

3 Q. Is there something that might refresh your
4 recollection?

5 A. Certainly. The incident report or any -- the incident
6 report would be fine. Or the evidence sheet, either one.

7 Q. A copy of the search warrant refresh your memory?

8 A. The search warrant would be great.

9 MR. FLORES: Your Honor, if I may approach?

10 THE COURT: You may.

11 BY MR. FLORES:

12 Q. Ms. Blackwelder, I would just ask you to review this,
13 please.

14 (WITNESS COMPLYING.)

15 A. This is a search warrant that I conducted of the --
16 actually obtained for the residence. It was not

17
18 Q. All right. And is here in York
19 County?

20 A. Yes, sir.

21 Q. Is it in the city limits of Rock Hill?

22 A. Yes, sir.

23 Q. What day did you execute that search warrant?

24 A. Same day, June the 4th, 2007.

25 Q. Do you recall about what time you executed the search

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 warrant?

2 A. To be honest with you -- When I executed the search
3 warrant?

4 Q. Yes, ma'am.

5 A. The time should be on here. I know it was in the
6 afternoon. It would have had to have been between --
7 excuse me -- 3:00 and 8:00, because I've documented the
8 evidence. I believe I turned the evidence in around 3:30
9 so it would have been prior to documenting the evidence
10 into the police department.

11 Q. Do you recall who went with you from Rock Hill Police
12 Department?

13 A. It was -- excuse me -- I'm trying to think of his
14 name. Beard, Officer Beard and Officer McCarly cause I was
15 actually here. Officer Beard and Officer McCarly of the
16 Rock Hill Police Department.

17 Q. And who was at the residence at the time you conducted
18 the search?

19 A. Rebecca Griswold, which I believe was Mr. Griswold's
20 mother; George Masetti; James Barnette, myself, and Officer
21 McCarly and Officer Beard.

22 Q. And Mr. Griswold was not at the residence?

23 A. He was not at the residence, no.

24 Q. At the time of the seizure of the computers, did you
25 take any pictures, or?

1 A. Yes, sir, I did. I took -- before I took any of the
2 computers out of the house or removed them at all, what I
3 -- when I observed every computer, I took pictures of how
4 it was sitting in the residence, and the connections and
5 the hookups, so that I could, therefore, show that the cord
6 and everything, it was -- it was operational when I went
7 there. And then af -- I took pictures of that.

8 Q. If they were not powered on, did you turn them on?

9 A. No, sir.

10 Q. And if they were -- if they were powered on, did you
11 begin any search of the computer?

12 A. No, sir.

13 Q. Based on your training, what was your -- what did you
14 -- what were you trained to do when it came to seizing
15 computers?

16 A. Document the findings, take pictures, and take and
17 retrieve them, place them into evidence at that point.

18 Q. So, what did you do with the computers that were
19 turned on at the time?

20 A. Unplugged them.

21 Q. Just pulled the plug?

22 A. Yes, sir.

23 Q. So, you did not go onto the computer, use the keyboard

24 ---

25 A. I did not.

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 Q. --- or manipulate the mouse?

2 A. No, sir.

3 MR. FLORES: Your Honor, if I may approach the
4 witness?

5 THE COURT: You may.

6 MR. FLORES: Thank you, your Honor.

7 Q. Mr. Blackwelder, I'm going to hand you what's been
8 premarked as State's Exhibit Number One. Just take a look
9 at this for a moment. Do you recognize this item?

10 A. Yes, sir.

11 Q. And how were you able to do so?

12 A. It's the -- I document at the top of the picture, the
13 living room area where the -- this computer was actually
14 taken from.

15 Q. And did you take that picture?

16 A. I did.

17 Q. Does that photograph fairly and accurately depict the
18 computer on the -- on June 4th of 2007?

19 A. Yes.

20 Q. Has the photograph been altered in any way?

21 A. No, sir.

22 MR. FLORES: Your Honor, we would ask that State's
23 Exhibit Number One be put into evidence.

24 MR. ATWATER: Your Honor, if I may ask a question or
25 two about it?

1 THE COURT: Well do you --

2 MR. ATWATER: There's other information on the photo.

3 THE COURT: Do you object to it being -- I mean, I'll
4 be glad to let the jury go out, and we can discuss it.

5 Let me let the jury go to the jury room.

6 MR. ATWATER: No, that's fine, your Honor. I'll go
7 over it on cross.

8 THE COURT: All right. In, without objection.

9 (WHEREUPON, STATE'S EXHIBIT NUMBER ONE, IDENTIFIED AND
10 MARKED, RECEIVED INTO EVIDENCE.)

11 MR. FLORES: Thank you, your Honor.

12 Q. Ms. Blackwelder, can you describe for the jury what
13 they're seeing in this photograph?

14 A. Computer sitting on a desk in the living room area
15 when we walked into the residence. You could see the
16 monitor here. There's a printer down here. I can't see
17 the hard drive, but then there's a rocking chair here. So,
18 when you walked into the residence, this was almost, if you
19 go around a little ways its almost facing you.

20 Q. And that was identified as the living room of the
21 residence?

22 A. Yes, sir.

23 MR. FLORES: If I may approach the witness, your
24 Honor?

25 THE COURT: You may.

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 BY MR. FLORES:

2 Q. Ms. Blackwelder, I'm handing you what's been premarked
3 as State's Exhibit Number Two. Would you please review
4 that?

5 (WITNESS COMPLIES.)

6 A. This is the computer that was in the bedroom area of
7 Aaron Griswold.

8 Q. How are you able to recognize that computer?

9 A. I documented it as well, at the top, Aaron Griswold's
10 Bedroom.

11 Q. And did you actually take this photograph?

12 A. Yes, sir.

13 Q. Does this photograph fairly and accurately depict the
14 computer on June 4th of 2007?

15 A. Yes, sir.

16 Q. Has there been any alteration to this photograph?

17 A. Not to my knowledge, no, sir.

18 MR. FLORES: Your Honor, we would just ask that
19 State's Exhibit Two be entered into evidence.

20 THE COURT: In, without objection.

21 (WHEREUPON, STATE'S EXHIBIT NUMBER TWO, IDENTIFIED AND
22 MARKED, RECEIVED INTO EVIDENCE.)

23 MR. FLORES: If I may approach the witness, your
24 Honor?

25 THE COURT: You may.

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 MR. FLORES: Thank you, sir.

2 Q. Ms. Blackwelder, I'm handing you what's been pre-
3 marked as State's Exhibit Number Three. Would you please
4 review this photograph?

5 (WITNESS COMPLIES.)

6 Q. Ms. Blackwelder, do you recognize the item in the
7 photograph?

8 A. Yes, sir.

9 Q. How were you able to do so?

10 A. It's -- I documented, as well, at the top. It's Aaron
11 Griswold's bedroom, and it is a shell -- I indicated a
12 shell home-built, because I didn't know if anything was
13 inside of it or not. But I did document that it came from
14 Aaron Griswold's bedroom.

15 Q. Does this photograph fairly and accurately depict the
16 computer on June 4th of 2007?

17 A. Yes, sir.

18 Q. Has the photograph been altered?

19 A. No, sir.

20 MR. FLORES: Your Honor, we'd ask that State's Exhibit
21 Three be admitted into evidence.

22 THE COURT: Same. In, without objection.

23 (WHEREUPON, STATE'S EXHIBIT NUMBER THREE, IDENTIFIED
24 AND MARKED, RECEIVED INTO EVIDENCE.)

25 BY MR. FLORES:

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 Q. Now, with regard to that last computer, was that --
2 was that computer powered on at the time of your seizure of
3 it?

4 A. No, sir.

5 Q. So, it was sitting, merely like that, on the --

6 A. I took the picture exactly as it -- as I saw it. And
7 there was no wires plugged to it or anything.

8 Q. How many other devices were seized on that day?

9 A. Two more.

10 Q. And did you photograph them, as well?

11 A. Yes.

12 Q. To your recollection, do you remember where those two
13 computers were seized from, those additional computers for
14 which you do not have photographs?

15 A. One was in the attic, which, again, didn't have any
16 wires or anything connected to it. I was told that it was
17 not operative, you know, that it hadn't been used, but
18 because it was there, I took it into evidence. And the
19 other was in Rebecca Griswold's room, the defendant's
20 mother's room. It was hooked up.

21 Q. At the time you seized these computers, did you
22 document any information about them?

23 A. Yes, sir. I documented everything, where I took them
24 from.

25 Q. Did you document any serial numbers?

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 A. I did.

2 Q. And after you took these computers, what did you do
3 with them?

4 A. I placed them into evidence at the Rock Hill Police
5 Department.

6 Q. I think you've already answered this, but were you
7 assigned to conduct any further investigation in this case?

8 A. No, sir, I was not.

9 MR. FLORES: Your Honor, if I may approach?

10 THE COURT: Okay.

11 MR. FLORES: Mr. Atwater.

12 (SIDE BAR BETWEEN ATTORNEYS OFF THE RECORD.)

13 MR. ATWATER: Your Honor, I do have another issue.

14 THE COURT: Okay.

15 MR. ATWATER: I'm sorry.

16 (BENCH CONFERENCE, OFF THE RECORD, OUT OF HEARING OF
17 THE JURY AT 10:37 AM.)

18 MR. FLORES: Your Honor, as we've discussed, I'm going
19 to ask Ms. Blackwelder to come out the witness box to ---

20 THE COURT: You can step down.

21 MR. FLORES: --- for identification. Please speak
22 loudly for the court reporter and the record.

23 A. Yes, sir.

24 (WITNESS LEAVES WITNESS BOX.)

25 Q. I'm going to ask you to come here, around the jury

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 box. There are some items here. I'd like you to inspect
2 these. Please don't describe them quite yet.

3 (WITNESS REVIEWING ITEMS IN FLOOR/ON CART.)

4 A. These - Are you asking me --

5 Q. Have you inspected these items?

6 A. Yes, sir.

7 Q. Are you familiar with these items?

8 A. Yes, sir.

9 Q. Have you seen these items before?

10 A. Yes, sir.

11 Q. With regard to this first item we're looking at, when
12 did you first see this item?

13 A. On -- at the residence of Mr. Griswold.

14 Q. Okay. Is this computer -- I'm sorry, is this item in
15 substantially the same condition and appearance now as when
16 you first saw it?

17 A. Yes, sir.

18 Q. If there are any changes to this item -- Please
19 describe those for the Court at this time.

20 A. To this item?

21 Q. This item.

22 A. This is the one that was in the attic that didn't have
23 any hookups.

24 Q. All right. Outside of -- Is there any additional
25 stickers or stamps placed on this item?

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 A. There is.

2 Q. Did you place any of these stickers or stamps, or see
3 any of these stickers or stamps being placed on these
4 items?

5 A. No, sir. I placed the -- the one on the top with my
6 name on it. The others, I did not.

7 Q. Otherwise, is it in substantially the same condition
8 ---

9 A. Yes.

10 Q. --- as when you first saw it --

11 A. Yes, sir.

12 Q. --- and first seized it?

13 A. Yes, sir.

14 MR. FLORES: Your Honor, we've pre-marked this as
15 State's Exhibit Six. We would ask to admit this into
16 evidence at this time.

17 THE COURT: Any objection?

18 MR. ATWATER: With the limitations that we spoke of at
19 the side bar, your Honor.

20 THE COURT: All right. In, with -- into evidence.

21 (WHEREUPON, STATE'S EXHIBIT NUMBER SIX, IDENTIFIED AND
22 MARKED, RECEIVED INTO EVIDENCE.)

23 MR. FLORES: May we show this to the jury?

24 THE COURT: You may.

25 (STATE'S EXHIBIT NUMBER SIX PUBLISHED TO THE JURY.)

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 BY MR. FLORES:

2 Q. Now, it's your testimony that this computer was seized
3 from the attic; is that correct?

4 A. Yes, sir.

5 Q. And it was unhooked -- unhooked and not powered on at
6 the time you seized it?

7 A. That's correct.

8 Q. Ms. Blackwelder, do you recognize this item?

9 A. Yes, sir.

10 Q. And when did you first see this item?

11 A. At the residence. And again, this is the computer
12 that was in the bedroom upstairs . . .

13 COURT REPORTER: I'm sorry, ma'am, you're going to
14 have to keep your voice up. I can't hear you when you bend
15 over.

16 A. I'm sorry. I apologize. This is the computer that
17 was in the bedroom of Aaron Griswold.

18 This is the one that was sitting with no hookups.

19 Q. Was this the -- is this the same computer that is in
20 the picture in State's Exhibit Number Three?

21 A. Yes, sir.

22 Q. After inspecting this, Ms. Blackwelder, is it in
23 substantially the same condition and appearance as you --
24 as when you first seized this computer?

25 A. Yes, sir.

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 Q. Are there any additions, or has the condition or
2 appearance of it changed since you last saw it?

3 A. No, sir.

4 Q. Are there stickers on it?

5 A. There's stickers on it that -- Mine is on the top
6 indicating where I placed it in evidence and there are some
7 other stickers that I did not place.

8 MR. FLORES: Your Honor, we would mark this is State's
9 Exhibit Seven, and we would ask to admit this into evidence
10 and show it to the jury.

11 THE COURT: Any objection?

12 MR. ATWATER: None with the same reservations, your
13 Honor.

14 THE COURT: Like the others, in without objection.

15 (WHEREUPON, STATE'S EXHIBIT NUMBER SEVEN, IDENTIFIED
16 AND MARKED, RECEIVED INTO EVIDENCE.)

17 MR. FLORES: Thank you, your Honor.

18 THE COURT: With reservation, but no objection.

19 Go ahead.

20 BY MR. FLORES:

21 Q. Ms. Blackwelder, have you seen this item before?

22 A. Yes, sir. Yes, sir.

23 Q. When did you first see this item?

24 A. At the residence of Mr. Griswold's . . .

25 Q. Make sure you speak up for the court reporter, please.

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 A. I'm sorry. I apologize. This is the computer that
2 was in the living room area of the residence of Mr.
3 Griswold.

4 Q. And so, is this the same computer that was depicted in
5 State's Exhibit Number One?

6 A. Yes, sir.

7 Q. Is this computer in substantially the same condition
8 and appearance now as when you first saw it?

9 A. No, sir.

10 Q. Could you describe what -- what is different about
11 this computer?

12 A. It appears to have been broken. It was not broken
13 whenever I took it from the residence. It's -- When I say
14 broken, just these pieces were.

15 May I set this right here?

16 Q. Sure.

17 A. It's just a couple of pieces off the computer box.

18 (WITNESS IS DEMONSTRATING.)

19 A. Right here and right here. That's the only
20 difference.

21 Q. Are there any changes or additions to the computer?

22 A. No, sir. Other than this -- nothing additional other
23 than the stickers. This is my sticker where I placed it
24 into evidence and then the other stickers besides mine.

25 MR. FLORES: Your Honor, we would like to mark this as

1 State's Exhibit Number Eight. We would ask that it be
2 admitted into evidence.

3 THE COURT: Same issue?

4 MR. ATWATER: Yes, your Honor.

5 THE COURT: Without objection, with reservation.

6 MR. FLORES: Thank you, your Honor.

7 (WHEREUPON, STATE'S EXHIBIT NUMBER EIGHT, IDENTIFIED
8 AND MARKED, RECEIVED INTO EVIDENCE.)

9 BY MR. FLORES:

10 Q. Ms. Blackwelder, do you recognize this item?

11 A. Yes.

12 Q. And when did you first see this item?

13 A. In the residence of Rebecca Griswold's, in the
14 residence at . This is the computer that was in
15 his mother's bedroom.

16 Q. Is this computer in substantially the same condition
17 and appearance as when you first saw it?

18 A. Yes, sir.

19 Q. Are there any changes, additions or deletions from the
20 computer?

21 A. No, sir.

22 Q. And does it appear to contain stickers?

23 A. It has the sticker that I placed -- that was placed on
24 it in evidence, and there's additional stickers that I did
25 not place.

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 MR. FLORES: Your Honor, we've marked this as State's
2 Exhibit Number Nine, and we'd ask that it be admitted into
3 evidence.

4 MR. ATWATER: Same reservation, your Honor.

5 THE COURT: All right. In, without objection, but
6 with reservation.

7 (WHEREUPON, STATE'S EXHIBIT NUMBER NINE, IDENTIFIED
8 AND MARKED, RECEIVED INTO EVIDENCE.)

9 BY MR. FLORES:

10 Q. Ms. Blackwelder, do you recognize this item?

11 A. Yes, sir.

12 Q. And where did you first see this item?

13 A. This was in the bedroom of Aaron Griswold, located on
14

15 Q. Does it appear to be in the same condition as when you
16 first saw it on June 4th?

17 A. Yes, sir. Other than the sticker that I placed on it,
18 and the other stickers that I don't -- but that's all.

19 Everything else is exactly the same.

20 MR. FLORES: Your Honor, we've marked this as State's
21 Exhibit Number Ten and we would ask that it be admitted
22 into evidence.

23 MR. ATWATER: Same reservation, your Honor.

24 THE COURT: Object -- no -- without objection, but
25 with reservation.

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 (WHEREUPON, STATE'S EXHIBIT NUMBER TEN, IDENTIFIED AND
2 MARKED, ADMITTED INTO EVIDENCE.)

3 BY MR. FLORES:

4 Q. Did -- I think you, in your testimony before, you
5 stated that you recorded serial numbers for these items,
6 correct?

7 A. Yes, sir.

8 Q. Where did you -- where did you record those serial
9 numbers?

10 A. On the evidence document, the evidence sheet that we
11 use to place the items into evidence, the Rock Hill Police
12 Department evidence sheet.

13 Q. I'm going to hand you a document. Would you quickly
14 review those?

15 A. This is a copy of the *Rock Hill Police Department*
16 *Evidence Sheet*.

17 MR. FLORES: Your Honor, may I ask her to step around
18 to these ---

19 THE COURT: You can.

20 MR. FLORES: --- to these computers, and continue her
21 testimony?

22 THE COURT: Yes, sir.

23 MR. FLORES: Thank you, your Honor.

24 THE COURT: Just make sure she stands where she's not
25 blocking the jury's view.

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES

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1 MADAM COURT REPORTER: Get behind the table, ma'am,
2 and you'll be right up under that mic.

3 MS. BLACKWELDER: Okay.

4 MADAM COURT REPORTER: Thank you.

5 BY MR. FLORES:

6 Q. When State's Exhibit Eight was identified as serial
7 number -- I'm going to hand you a portion of State's
8 Exhibit Eight. Would you review the number that comes on
9 that portion of State's Eight and your evidence list?

10 A. 0-0-1-9-1-0-1-9-3-3-1-3-2.

11 Q. Is it, indeed, the same object you seized?

12 A. Yes, sir.

13 Q. This computer here has been marked as State's Exhibit
14 Number Six. I believe it corresponds to number two on your
15 inventory. Would you inspect this, to make sure that the
16 serial numbers are the same?

17 A. Yeah, this number -- this -- Do you want me to read
18 that number?

19 Q. No, but do -- are they the same?

20 A. Yes, they're the same. I'm sorry, it was just a
21 little scratch on it and I couldn't see the number on it.

22 Q. State's Number Seven is denoted as a home-built
23 computer. Was this the only home-built computer seized?

24 A. Yes.

25 Q. And it did not have any additional serial number to

1 it?

2 A. I didn't locate any, no.

3 Q. State's Exhibit Number Nine is -- corresponds to
4 number five on your inventory. Is the serial number the
5 same? I believe that is right here.

6 A. There is one letter -- I'm sorry, one number
7 different.

8 Q. All right.

9 A. And that's just, I'm assuming, a typo, if you will, on
10 my part.

11 Q. And what's that -- what's -- what's the different?

12 A. Well, the number on the evidence sheet reads,
13 0-0-0-4-3-4-4-8-7-5-8-8-0-5-2. And the one on the computer
14 reads, 0-0-0-4-3-4-6-7-5-6-8-0-5-2. So, actually, it's two
15 numbers.

16 Q. So, it's a discrepancy in the serial number there?

17 A. There is.

18 Q. That's -- How about this computer, State's Exhibit
19 Ten?

20 A. Which one is that?

21 Q. This would be number three on your list.

22 A. Yes, it's the same.

23 Q. And that is indeed the same?

24 A. It is the same.

25 Q. Would you please return to the stand.

CHARLENE BLACKWELDER: DIRECT BY MR. FLORES
CROSS BY MR. ATWATER

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1 (WITNESS RETURNS TO WITNESS STAND.)

2 Q. So, these -- these five computers are all the ones
3 that you seized on June 4th of 2007, from the locations
4 you've denoted, from Mr. Griswold's residence?

5 A. Yes, sir.

6 Q. And you've placed them into evidence after you seized
7 them?

8 A. Yes, sir.

9 MR. FLORES: Beg the Court's indulgence.

10 Your Honor, we have no further questions at this time.

11 THE COURT: Cross.

12 MR. ATWATER: Thank you, your Honor.

13 CROSS-EXAMINATION

14 CHARLENE BLACKWELDER BY MR. ATWATER:

15 Q. Detective Blackwelder, you testified that you spoke to
16 Brian Honig on June 4th ---

17 A. Yes.

18 Q. --- 2007?

19 A. Yes, sir.

20 Q. And in that conversation you had with Brian Honig,
21 isn't it true that he admitted to you that he had prior
22 owned one of these computers?

23 A. Can I -- From memory I can't tell you that, in all
24 honesty.

25 Q. Which document would you say that you actually

1 you. Appreciate your time.

2 MS. BLACKWELDER: Yes, sir. Thank you, sir.

3 THE COURT: Call your next witness.

4 (WITNESS LEAVES WITNESS STAND.)

5 MR. FLORES: Yes, your Honor. We would call Special
6 Agent Farand Wosiak of the South Carolina Law Enforcement
7 Division.

8 MR. ATWATER: Your Honor, at this time I have a
9 matter of law I need to take up with the court.

10 THE COURT: Okay. Well, this next witness may be
11 lengthy anyway, so, its not quite time for a break, but
12 we'll take about a ten-minute break to take up this legal
13 matter.

14 (JURY EXITS COURTROOM AT 11:03 AM.)

15 THE COURT: All right. Mr. Atwater.

16 MR. ATWATER: May it please the Court, your Honor.

17 Investigator Farand Wasiak works for SLED, and he did
18 an evaluation on the information that came from these
19 computers. The evidence in this case -- the evidence that
20 I have, shows that these computers were taken at the Rock
21 Hill Police Department's direction, down to SLED on one
22 occasion; and then, on another occasion were taken to SLED,
23 from the Attorney General's Office. And on both of those
24 occasions, these computers were -- on the first occasion,
25 there was a gentleman by the name of Mr. Pantsari and he

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1 received these computers into his custody. And after he
2 received these computers into his custody, Mr. Pantsari
3 took these computers, connected things to them, mapped the
4 drives of them; took that information using a software
5 program that he had, and extracted information from them,
6 and then put them onto a database. And at that point in
7 time, after he had done all those things, and he prepared
8 reports and documents as it relates to what he did to that,
9 and then put them into a system which shared that
10 information with Mr. Wasiak.

11 The second time they went to SLED, a Mr. Suggs took
12 these computers, plugged into their hard drives, copied
13 down information from them, extracted that information
14 using software that he had and techniques that he was
15 doing; prepared documentation from that himself, put that
16 on SLED's database and then shared that information with
17 Investigator Wasiak.

18 On both of those occasions, Investigator Wasiak then
19 looked at the information that each one of those two
20 gentlemen had taken off of these computers, physically, by
21 their own actions, and the reports that they have prepared.
22 And then, he prepared reports, based on what he saw on his
23 computer screen.

24 My objection to Detective Wosiak's testimony is that
25 neither one of those two gentlemen are here for me to

1 cross-examine prior to him testifying. I think that is a
2 fatal error in the State's case. That he -- he cannot
3 testify -- Well, under the *United States versus Crawford*,
4 your Honor, or I'm sorry, *Crawford versus Washington*, which
5 is 45 -- 541 U.S. 36, 124 Supreme Court 1354; and also,
6 *State versus Broadmeyer*, 406 South Carolina 324. It does
7 an analysis as it relates to the *Sixth Amendment* and the
8 *Confrontation Clause*.

9 Now, in the majority of all of these cases where we
10 have drugs, computers, all these types of things where you
11 have a chain of custody involved in them, many times that
12 chain of custody is admitted into evidence, based upon --
13 or without all of the people who actually did it, because
14 it's just documented. And if the documents themselves, as
15 long as they have enough people to testify as to what they
16 are, and they show a complete chain, are allowed in under
17 such rules as the business records rule, or the exception
18 to hearsay rule.

19 In this case, that's not what I'm objecting to. I am
20 bringing a confrontation clause exception under the *Sixth*
21 *Amendment* to the Constitution, that Mr. Griswold's *Sixth*
22 *Amendment* rights to confront witnesses is being violated by
23 allowing any testimony whatsoever, as it relates to any
24 further examination of them computers.

25 THE COURT: Mr. Flores.

FARAND WASIAK: DIRECT BY MR. FLORES

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1 MR. FLORES: Your Honor, we would first argue that
2 these are non-fungible items, as far as chain of custody is
3 concerned.

4 THE COURT: Well, I agree that they're non-fungible,
5 but ---

6 MR. FLORES: The --

7 THE COURT: --- his concern is that, not the computers
8 themselves, but that gap between recovery of data from
9 those non-fungible I agree items and the person who is
10 testifying as to what was on them are non-fungible items.

11 MR. FLORES: Yes, sir, your Honor. As far as the --
12 your Honor, I think it would be prudent at this point to
13 offer Investigator Wasiak's testimony, proffer that
14 testimony concerning the process that's done at SLED.

15 THE COURT: All right. We'll have a proffer, then.
16 Come on up, Investigator Wasiak.

17 MR. FLORES: It's Wa-si-ak.

18 THE COURT: Wa-si-ak. I'm sorry. Whoa, whoa, whoa.

19 (WHEREUPON, FARAND WASIAK,
20 BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

21 DIRECT EXAMINATION - PROFFERED TESTIMONY

22 FARAND WASIAK BY MR. FLORES:

23 Q. Good morning, Special Agent.

24 A. Good morning.

25 Q. Could you just give a very brief outline of your law

1 enforcement experience?

2 A. I've been a police officer now sixteen years. Spent
3 five years with the Spartanburg County Sheriff's Office and
4 then in the last eleven years with SLED, within SLED's
5 Computer Crime Unit. Oh, and as a forensic computer
6 examiner and a criminal investigator.

7 Q. Have you received training in the field of forensic
8 examinations?

9 A. Yes, I have

10 Q. And have you conducted those types of examinations for
11 SLED?

12 A. Yes, I have.

13 Q. With regard to computer forensics, could you explain
14 the process by which SLED conducts examinations on devices
15 that are brought by outside agencies?

16 A. An outside agency would contact us for an evidence
17 drop-off, I guess you could say. That evidence is intaked
18 and taken to a -- taken to our lab. The hard drive is
19 removed from the computer, at which point, without the hard
20 drive being in the computer, a date time check is done on
21 the machine, using the computer's bios function, which is
22 just the date and time. The hard drive is not connected at
23 all at this point in time. So, no data to the hard drive
24 is -- is manipulated. The reason we do that is so we could
25 check the date and time on the computer to -- to the real

FARAND WASIAK: DIRECT BY MR. FLORES

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1 time on our nuclear clock we have in the back lab.

2 The hard drive is then hooked up to what we call is a
3 write blocker, write, w-r-i-t-e. This write blocker
4 enables only one-way traffic, data to -- to transfer out,
5 but no data can come back in. Okay? And what we do is, we
6 make a bit by bit copy of that hard drive. Okay? And that
7 hard drive, that original evidence, nothing is put -- no
8 information is put on that. Once that bit by bit copy is
9 made, that hard drive is placed back into the computer and
10 locked up into evidence. We call that imaging.

11 Once that hard drive is imaged, it is put to a server,
12 which I work off that image on a server from my desk.

13 That's how it's accessed.

14 Q. How is the image verified?

15 A. We use what's called a -- a hash value. A hash value
16 is a set number of -- usually it's seventeen-digit, alpha-
17 numeric number that represents the -- the sum of data with
18 that -- within a piece of media. It could be anything. A
19 picture has a hash value; a hard drive has a hash value;
20 your thumb drive has a hash value. And we do what's called
21 an acquisition hash, which is a hash value that started
22 when we started the imaging process. And then, we have a
23 verification hash that shows that that hash value is still
24 the same as when we started, therefore showing that we do
25 not manipulate any data.

1 Q. So, the hard drives are not manipulated at all?

2 A. They are not, no.

3 Q. You just extract and make a copy?

4 A. Correct.

5 Q. And the copy is what's then manipulated?

6 A. I wouldn't even say that's really manipulated. The
7 software I use, I would have to be -- I do not now how -- I
8 would not know how to manipulate the data off -- off the
9 server using EnCase or I know that software itself EnCase
10 and Internet Evidence Finder are the two I use, would not
11 manipulate it.

12 Q. Okay. So, maybe I mis-spoke. But you conduct your
13 examination based on that image?

14 A. Yes, correct. I only touch -- I work off that image,
15 no, never nothing off of original evidence.

16 Q. In this case, was the -- were the hash values checked
17 after imaging?

18 A. I believe they were, yes. Both in the imaging
19 worksheets, the -- the tech completes upon imaging. And
20 also, I believe on the EnCase report that I made, shows the
21 acquisition has a verification hash.

22 Q. And those are all part of your report?

23 A. Yes.

24 MR. FLORES: Your Honor, I beg the Court's indulgence.

25 Q. I want to make sure that this is clear. The image

FARAND WASIAK: DIRECT BY MR. FLORES
CROSS BY MR. ATWATER

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1 that is made during the imaging process is an exact copy of
2 what is on the hard drive.

3 A. Yes, an exact copy. Bit by bit, yes.

4 Q. So, in fact the hard drives as they sit today are the
5 exact same as when they were seized?

6 A. When they were brought to SLED.

7 Q. When they were brought to SLED.

8 A. Yes.

9 MR. FLORES: Your Honor, that's all the questions that
10 -- if your Honor has any questions for Special Agent
11 Waskiak.

12 THE COURT: Any questions?

13 MR. FLORES: Or, I'm sorry. Mr. Atwater.

14 CROSS-EXAMINATION - PROFFERED TESTIMONY

15 FARAND WASIAK BY MR. ATWATER:

16 Q. Special Agent,

17 A. Good morning.

18 Q. We met before.

19 A. Yes, sir.

20 Q. The process that you just described was actually
21 performed twice on all five of these computers, correct?

22 A. I believe so, yes.

23 Q. Okay. And on each occasion when that process occurred
24 I think the first step you said was, they were received at
25 SLED, these -- these computers?

1 A. Yes. Evidence intake, yes.

2 Q. You weren't involved in that on either occasion,
3 correct?

4 A. No, sir.

5 Q. And then, the hard drive is removed out of these by
6 somebody?

7 A. Yes. Yes, sir.

8 Q. They actually physically disassemble these and take
9 the hard drives out?

10 A. Yes, sir. Yes, correct.

11 Q. Okay. And, you didn't do that, either, right?

12 A. No, sir.

13 Q. On either occasion?

14 A. No, sir.

15 Q. And then, they hook them up and do a bios?

16 A. A bios. That's the internal -- part of the mother
17 board. It's -- it's where the date and time stamp is
18 located.

19 Q. Basically, the stuff that's left in here after the
20 hard drive is taken out, right?

21 A. Yes, correct. Correct.

22 Q. And that's all recorded by somebody who's -- who's
23 taking the hard drive out and everything else, right?

24 A. Yes.

25 Q. Okay. And that gives you some pretty important

FARAND WASIAK: CROSS BY MR. ATWATER

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1 verification data as it relates to dates and times and
2 those types of things, right?

3 A. Yes, sir.

4 Q. Okay. And then subject to -- subsequent to that then
5 a write blocker is connected to all five of these hard
6 drives?

7 A. Not all at once, but individually.

8 Q. As each one is --

9 A. Yes.

10 Q. So, someone can actually write blocker to that hard
11 drive?

12 A. Yes.

13 Q. And at that point in time -- let me back up. As --
14 You wouldn't be able to testify as to whether or not the
15 hard drive that came out of these the first time was the
16 hard drive that was in them when they -- when Rock Hill had
17 them, would you?

18 A. I cannot, no.

19 Q. Okay. And you wouldn't be able to testify that the
20 hard drives that came out of them the second time were --
21 You never saw them, right? The hard drives?

22 A. No, I based everything off the paperwork.

23 Q. Okay. So, the hard drives are connected to a write
24 blocker, which is something that goes on there and starts
25 taking information away from them; is that correct?

1 A. I would say duplicating, I guess, is a better word
2 because taking would mean it would be left without
3 something.

4 Q. Okay. It's communicating with that hard drive. So,
5 this is a physical piece of equipment?

6 A. Yes.

7 Q. That is plugged into that hard drive, and it starts
8 electronically communicating with the hard drive?

9 A. Correct, yes.

10 Q. And with the end result being taking all of the
11 information of that hard drive, and creating what you refer
12 to as an image.

13 A. Correct, yes.

14 Q. All right. And before that write blocker is ever
15 actually connected up to that hard drive, it has all of its
16 own software, for the purposes of being able to communicate
17 with that hard drive, correct?

18 A. You're speaking of the write blocker?

19 Q. Yes, sir.

20 A. Yes, I guess you could say that, yes.

21 Q. Okay. All right. And on each of the ten occasions
22 that that was done with these five hard drives, you had
23 nothing to do with that, correct?

24 A. No, sir.

25 Q. All right. And then, at that point in time, that

FARAND WASIAK: CROSS BY MR. ATWATER

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1 write blocker extracts that information and creates an
2 image of the hard drives.

3 A. Yes, sir.

4 Q. Right? And you get five images from that, which is
5 data that is extracted from those hard drives, right?

6 A. Correct.

7 Q. Okay. And in the first instance, Mr. Pantsari did all
8 those things that I've talked about before?

9 A. Yes, sir.

10 Q. And in the second instance, Mr. Suggs did all of those
11 things that I've talked about before?

12 A. Yes, sir.

13 Q. Okay. And then, after that imaging is done, I believe
14 you testified that the hard drive is put back into the
15 computer?

16 A. Yes, sir.

17 Q. And that is also done by either Mr. Pantsari or Mr:
18 Suggs?

19 A. Whoever the imaging tech was at the time, yes.

20 Q. And you didn't do that on either occasion, either?

21 A. I did not.

22 Q. Okay. And then, you spoke about hash values and
23 initial acquisition hash. That initial acquisition hash
24 would be getting information from the -- when Mr. Pantsari
25 did it for the very first time in regards to that ultimate

FARAND WASIAK: CROSS BY MR. ATWATER

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1 amount of data that's on the hard drive, right?

2 A. Correct. As -- as it -- when it came in the door at
3 SLED, correct.

4 Q. So, that first initial hash number would be something
5 that was created at that moment, correct? Wasn't be --
6 wouldn't be anything that was already on these computers,
7 and it wouldn't be anything that was already on the write
8 blocker?

9 A. No, it's created by the EnCase imaging and analysis
10 software. That's what creates --

11 THE COURT: Stop just a minute. Apparently the jury's
12 got somebody that wants to smoke.

13 (JURY NOTE RECEIVED UP BY THE COURT AT 11:19 AM.)

14 THE COURT: It says, please point out each computer
15 and where it was found in the home.

16 That's -- They're not supposed to be discussing the
17 evidence but I'll discuss that with them when they come
18 back in. But point well taken.

19 MR. FLORES: Your Honor, we were very clear about
20 that.

21 THE COURT: I know. I'll remind them.

22 Go ahead, I'm sorry.

23 (WHEREUPON, COURT'S EXHIBIT NUMBER ONE, IDENTIFIED AND
24 MARKED, RECEIVED INTO EVIDENCE.)

25 MR. ATWATER: Oh, no, I'm fine, your Honor.

FARAND WASIAK: CROSS BY MR. ATWATER

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1 Q. So, that initial hash value when Mr. Pantsari got it
2 the very first time, that hash value which is used for
3 verifying, when you're looking at them, ---

4 A. Correct.

5 Q. --- that was actually created at SLED in this process,
6 and it's not something that was on these computers or on
7 these hard drives, or already on the EnCase software that
8 belongs to SLED, correct?

9 A. It is -- well, it's not created, it's a summary of.
10 That's -- that's what a hash value is. It's not created.
11 And the hash value is for the image I work off of. That's
12 the acquisition hash or verification hash, showing that it
13 was not -- that nothing was manipulated during the imaging
14 process.

15 Q. Okay. Prior to Mr. Pantsari connecting these to the
16 write block, whichever unique hash value -- unique initial
17 hash value existed for each one of these, after he did what
18 he did, you'll agree with me that that initial hash value
19 never existed before, correct? Because it was created by
20 the --

21 A. But they never really exist anyway. It's a summary.
22 It's not a tangible -- it's not a tangible thing. It
23 doesn't -- a hash value doesn't take up any data in the
24 computer. It doesn't take up any space.

25 Q. It's something that you can look at and read.

1 A. Yes, because it's -- it's a summary of all the data
2 that's within a device, a file, or any sort of digital
3 imprint.

4 Q. Okay. And that's a summary that you rely on?

5 A. Yes, sir.

6 Q. Okay. And that summary was a part of Mr. Pantsari's
7 and Mr. Suggs' work product, correct?

8 A. Yes.

9 Q. Okay. When you were reviewing all of the IEF reports,
10 which there were five from the first instance with Mr.
11 Pantsari with these and five from the second instance, when
12 Mr. Suggs did it, did you ever personally look at the
13 serial numbers that are written on these evidence forms on
14 the top?

15 A. I did not.

16 Q. You could not have, because you never saw these,
17 right?

18 A. Correct.

19 Q. So, you don't -- you would not know whether or not
20 these serial numbers match the serial numbers that were on
21 the IEF document, correct?

22 A. Correct.

23 Q. And in fact, any serial number that ended up on the
24 IEF docket was either put there by Mr. Pantsari and Mr.
25 Suggs and not you, correct?

FARAND WASIAK: CROSS BY MR. ATWATER
REDIRECT BY MR. FLORES

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1 A. The IEF docket. Which -- where -- I'm sorry. Our
2 serial numbers -- I get the serial numbers and all my
3 information from our forensic imaging worksheets. And I
4 also have the acquisition. That's where I would have it
5 from.

6 Q. That's what I'm talking about. That document.

7 A. Yes.

8 Q. Okay. So, the forensic imaging worksheets that have
9 the serial numbers on it, ostensibly for these computers,
10 all of that information is put on those imaging worksheets
11 by either Mr. Pantsari or Mr. Suggs, correct?

12 A. Correct.

13 Q. Okay. So, if those numbers on those forensic imaging
14 worksheets did not match these numbers here, you would not
15 have any way of knowing that when you're doing your
16 analysis, correct?

17 A. Correct.

18 MR. ATWATER: That's all I have, your Honor.

19 THE COURT: Any followup, Mr. Flores?

20 MR. FLORES: Yes, your Honor.

21 REDIRECT EXAMINATION - PROFFERED TESTIMONY

22 FARAND WASIAK BY MR. FLORES:

23 Q. Special Agent Wasiak, you described the process by
24 which SLED conducts these forensic examinations. Is that
25 the ordinary process by which SLED conducts all of its

1 computer forensic examinations?

2 A. Yes, it is.

3 Q. All right. And so, these forensic imaging worksheets,
4 are those documents that are kept in the regular course of
5 business?

6 A. Yes.

7 Q. And its's part of your, become part of your final
8 report?

9 A. Yes, it does.

10 MR. FLORES: Beg the Court's indulgence.

11 Q. So, for every computer that comes into SLED, a
12 forensic imaging worksheet is prepared by the person who
13 images it?

14 A. Correct.

15 MR. FLORES: Beg the Court's indulgence.

16 Your Honor, that's all we have.

17 THE COURT: Any re-cross?

18 MR. ATWATER: No, your Honor. Again, I am not talking
19 about a chain of custody. I am talking about a serious
20 confrontation clause issue. These two gentlemen aren't
21 here, haven't been brought here, and the information that
22 he has is all created by them. It's done by them,
23 manipulating these machines. It's done through the process
24 you just talked about. To suggest that he could testify as
25 to what they did or -- would be like bringing Investigator

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1 Smith in here to testify as to what took place in place of
2 Investigator Blackwelder, and it violates my client's
3 ability to be able to cross-examine both of those
4 technicians, who create all of the information and all of
5 the data and all of the evidence, whatsoever, that is the
6 source of Mr. Wasiak's reports and testimony. And for that
7 reason, your Honor, I think that it's failed.

8 MR. FLORES: Your Honor, concerning this -- the
9 proffer issue and the reliability of the records and report
10 that Special Agent Wasiak would address, I think it's a
11 very refined process that SLED has for conducting computer
12 analyses. I think that the information that is gained and
13 provided to the special agents are non-testimonial in
14 nature.

15 What they do is, they create a copy of that particular
16 hard drive. The information is all done by computer
17 process. That process provides a value, it doesn't create
18 a value as Special Agent Wasiak stated. It is -- it
19 exists, it's just never been calculated, and computer
20 programming does that. So, in numbers and the numeric
21 values, these are all, we would argue, be non-testimonial.
22 They're placed on an imaging worksheet; that these are
23 documents that are kept in the regular course of business.
24 And the manipulation -- it's not a manipulation, but the
25 computer software is what's being worked on as to copy. I

FARAND WASIAK: BY THE COURT

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1 think, your Honor, that would be the State's argument.

2 THE COURT: Let me ask in layman's questions. How do
3 you verify the information you reviewed was initially on
4 one of these computers?

5 A. How do I verify it? I -- my ver -- when I acquire
6 something in the EnCase case, I -- I have an image of a
7 server, okay, the bit by bit copy. I bring it down -- I
8 wouldn't say to my local machine, but it's on -- it's in, I
9 guess you could say, my cabinet drawer of the server, okay.
10 I have my own little area in the server.

11 From there, I acquire it, almost similar to how we
12 image it. And then, after I acquire it, I verify it.
13 Okay? And those hash values should match up the hash
14 values. In my EnCase report, you'll see the acquisition
15 hash and verification hash. Okay? The acquisition hash is
16 what it starts with; the verification hash is what it ends
17 with.

18 Because I -- you always have to acquire, and you
19 always verify. And those numbers should match up to the --
20 to the hash values that are on the imaging worksheet,
21 showing that no -- no data was manipulated during the
22 acquisition -- during the imaging acquisition,
23 verification, re-acquisition, re-verification that's done
24 by me on my side.

25 THE COURT: Ask a laymen's question again.

FARAND WASIAK: BY THE COURT

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1 So, the hash tag is there --

2 A. Not hash tag, sir, or your Honor. Hash value.

3 THE COURT: Hash value. Hash tag. The hash value is
4 there the day those are brought to SLED. It's exhibited,
5 for lack of a better word for me, when the information is
6 withdrawn, and you check, and you get the information to
7 see if that hash tag is the same?

8 A. Hash value.

9 THE COURT: Hash value.

10 A. Yes. Yes, yes. The EnCase software values, it does
11 that, correct, through our normal processes.

12 THE COURT: How do you verify, if you can, that
13 there's been no alteration to the image that you see,
14 between the time it is -- again, I'm using layman's terms -
15 - extracted, or taken from the computer, to the time that
16 you --

17 A. So, the only -- the only verif -- the only thing I
18 have is the -- the hash value itself. If one little -- you
19 add the letter a to a Word document on a piece of digital
20 media, it will change that hash value completely. It's not
21 like our DNA, where if you eat a sandwich, you still have
22 the DNA, you just have the sandwich in you. It would be
23 the equivalent of totally manipulating -- everything would
24 be manipulated. The hash value wouldn't even have been
25 close.

FARAND WASIAK: BY THE COURT
RE-CROSS BY MR. ATWATER

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1 THE COURT: So you would be able to tell if there had
2 been --

3 A. Oh, absolutely. It would be -- it would be a
4 different -- it would be a totally different number. Yes,
5 sir.

6 THE COURT: Okay. Any questions you want to followup?

7 MR. ATWATER: I do, your Honor. Because I need to
8 clarify what this hash value is, your Honor.

9 RE-CROSS EXAMINATION - PROFFERED TESTIMONY

10 FARAND WASIAK BY MR. ATWATER:

11 Q. The initial hash and the verification hash is
12 basically nothing more than a --, an identifier that tells
13 you that the volume of information that came off of this
14 computer has not changed?

15 A. Correct. It's a sum of, I guess you could say it's a
16 scientific algorithm that shows the sum of all the data,
17 where it is, how it is, on the computer at a certain -- at
18 a certain point. It can change every time you turn on your
19 computer. You type, do an email, your hash value at that
20 point is always constantly changing.

21 Q. Yes. But what I want to make sure that the judge
22 understands is, that hash value, when you get it on each
23 one of these the first time when -- I'm sorry, you plugged
24 it in, it -- all it did was told you that the volume of
25 information that was on this computer and nothing else,

FARAND WASIAK: RECROSS BY MR. ATWATER

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1 right? It doesn't tell you where things are stored. It
2 doesn't even tell you what the information is. It just
3 tells you the volume, so that you know no volume has been
4 added to it or taken from it, correct?

5 A. Yes, or changed, moved, whatever have you, yes.

6 Q. Yes. And let me see if I can -- There is nothing in
7 that hash value itself, other than the fact that it was put
8 on -- it was created at the same time as this image was
9 made?

10 A. Yes, correct.

11 Q. And that was done by Mr. Pantsari and Mr. Suggs?

12 A. Yes.

13 Q. There's nothing in that hash value that is -- that can
14 tell you that it's uniquely from this computer or that no
15 information in this computer has been manipulated, prior to
16 it coming to SLED, correct?

17 A. Say that again, I'm sorry. You lost me on that one.

18 Q. There is no information in that hash value, except for
19 verifying the volume of data that was initially extracted
20 from this computer?

21 A. Correct.

22 Q. Never changed?

23 A. Correct. During the imaging process, correct.

24 Q. All it does is quantifies the volume of information
25 that that software, the EnCase software, was dealing with

1 at the beginning of the imaging process and at the end of
2 the imaging process, right?

3 A. Yes. Correct.

4 Q. That's all it does, nothing else?

5 A. Correct.

6 THE COURT: But you didn't attack the chain.

7 MR. ATWATER: Well, --

8 THE COURT: That's what his question sounded like to
9 me.

10 MR. ATWATER: Well, I am attacking the chain, as well,
11 your Honor, but I think on the confrontation clause alone
12 -- I don't think the chain has got to Mr. Wasiak, first
13 off. So, yeah, I do. I attack the chain as it relates to
14 -- the only thing that we've heard so far in this entire
15 case is that these went from the residence to the Rock Hill
16 Police Department, nothing else in the chain of custody.
17 And now, we've got Mr. Wasiak on the stand, ready to
18 testify as to what was on these computers. So, I'm
19 attacking the chain of custody, and I'm attacking the
20 confron -- based on the confrontation clause of not having
21 Mr. Pantsari and not having Mr. Suggs here.

22 MR. FLORES: And I would clarify, actually we do have
23 the chain. Detective Harveston stated that they were sent
24 to SLED and returned to her, at Rock Hill's evidence. We
25 had that testimony yesterday. And so, we do have a, as far

1 as it was seized from the home, placed into evidence at
2 Rock Hill, taken to SLED, returned, taken back to SLED,
3 returned, we have them here today.

4 I think --

5 THE COURT: I find that the chain is --

6 MR. ATWATER: Your Honor, if I may? Even if the Court
7 accepts that, these things went twice. And -- he got them
8 twice, and that part of the chain's not there either.

9 THE COURT: Isn't it her testimony that she took them
10 -- What date?

11 MR. FLORES: She had them sent in 2014. They then
12 went -- they ended up back at SLED. I think the AG's
13 Office had housed them for a period of time, and then it
14 went to SLED. And then, it was returned back to Rock Hill.

15 THE COURT: So, it went from Rock Hill, to SLED, to
16 AG, back to SLED, back to Rock Hill?

17 MR. FLORES: Actually, starting in 2007, it went from
18 the house, to Rock Hill, to SLED, back to Rock Hill, to --
19 and the AG's Office, back to SLED, back to Rock Hill and
20 here today.

21 MR. ATWATER: Your Honor, in my understanding of Mr.
22 Wasiak's testimony, a large portion of it relating to the
23 second mentioning of the computers, is in that second part
24 where Rock Hill, to AG, AG over to there, it hasn't been
25 covered in the chain of custody whatsoever. And that

1 testimony relates to a second request that was done by the
2 AG's Office, not by Harveston, which I also don't have a
3 witness to cross-examine about. Because the -- because the
4 detective on the stand yesterday testified she didn't send
5 them to SLED the second time. That request was made by the
6 AG's Office -- directly by the AG's Office to SLED, not by
7 the investigating officer. There's nothing in all of this
8 testimony about that, and nobody that I can question about
9 it.

10 THE COURT: Mr. Flores?

11 MR. FLORES: Concerning the additional request --

12 THE COURT: Well, not so much additional request, but
13 the chain. It's got -- I'm concerned what I can address
14 the confrontation in just a moment, but. And it is non-
15 fungible. I mean it's not like drugs; I understand that.

16 Go ahead.

17 MR. FLORES: If I may, I think what -- during direct
18 testimony by Special Agent Wasiak on this issue, he did
19 state that the hash values were the same for the first
20 examination and the second examination. I think that --
21 from the State's position, that would cover any chain issue
22 from an additional witness.

23 THE COURT: All right. Well, I agree. I'm having a
24 little trouble, quite frankly, being not real versed, and
25 that's why I ask in layman's terms. But it -- was that --

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1 that was the testimony, then I -- and then, the hash value,
2 as I understand it, is similar to DNA. It just -- it
3 doesn't change.

4 MR. FLORES: That's right. Unless you actually use
5 the hard drive.

6 THE COURT: So, I find that the -- that is sufficient
7 to connect the chain from the home to SLED the first time,
8 and that the second time that SLED got it, it was verified
9 that the -- that the computer's information was the same,
10 based on the hash value, that it had been in the initial
11 delivery and initial work on by SLED.

12 I find that conduct as to the second issue, as to the
13 conduct of the intermediary, I'll call them, and the
14 mechanical function, and the testimony of Mr. Wasiak, is
15 based on the information which existed on the computer
16 before it was extracted by the technician. This is based
17 on the questions I asked and other information regarding
18 the fact that the hash value was the same at the time it
19 was extracted and at the time it was examined.

20 MR. ATWATER: Your Honor, that still leaves a gap in
21 the testimony in -- as it relates to it being at SLED, and
22 how long it was there, and how it got there, and where it
23 went to after that.

24 THE COURT: Well, I think this is, again, a non-
25 fungible item, and it's not -- and so what the Court, at

1 least what I'm looking at, is whether or not there's any
2 indication that during the time it went from A to B, to be
3 to C, and back and forth, whether or not there is anything
4 that would indicate that any change had taken place from
5 the time it was delivered the first time, until it was
6 examined the second.

7 MR. ATWATER: Yes, your Honor. And from the time when
8 they had it the first time and Mr. Pantsari started
9 plugging all his stuff up to it, that's the first time that
10 hash value ever existed whatsoever.

11 THE COURT: Right. I agree with that. And then, that
12 hash value remained the same, and I find that the chain
13 from the home to the police department, to SLED, is
14 sufficient.

15 MR. ATWATER: And your Honor, if I may, just a little
16 bit farther. As it relates to Mr. Pantsari connecting up
17 to these things, taking them apart, connecting stuff up to
18 them, putting in software, doing everything that he did,
19 that is our concern. We have a right for him to determine
20 what he did and how he did it and whether he followed
21 procedures, whether he did it correctly, whether or not he
22 actually got the information correct, and I -- he's not
23 here for me to do that.

24 THE COURT: I understand --

25 MR. ATWATER: Neither is Mr. Suggs.

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1 THE COURT: Well, but the -- but the gist of what you
2 want to know is whether or not there was anything that
3 could have or did happen between the time these computers
4 were sent down at SLED and plugged up by either one of the
5 gentlemen, and the time that the -- Mr. Wasiak examined
6 them.

7 MR. ATWATER: It's a little more complicated than
8 that, your Honor, if I may. As I asked Mr. Wasiak if the
9 information in this SLED software, in the stuff that he's
10 going to testify to, shows different serial numbers for
11 these. He wasn't responsible for -- for putting that and
12 populating that information in the fields of those forms.
13 We're calling this fungible but actual forms were created
14 that SLED uses as reports, and they weren't created by Mr.
15 Wasiak. He worked off of it. They were created by Mr.
16 Pantsari and and they were created by Mr. Suggs and the
17 information was populated onto them. That wasn't just the
18 function of the EnCase software plugging into these things,
19 and just pulling out dots and dashes, and everything that
20 he did. They created reports that I think are very, very,
21 very intrinsic and key to my client's defense, and I need
22 to be able to ask them questions about that, and they're
23 not here. That's my concern.

24 THE COURT: Have you had -- Were the reports, were
25 they provided during discovery?

1 MR. ATWATER: The reports from Mr. -- that came from
2 SLED?

3 THE COURT: The one you're talking about Mr. Suggs and
4 Pantsari.

5 MR. ATWATER: Have I seen the reports?

6 THE COURT: Yes.

7 MR. ATWATER: Yes, your Honor, but I've never had an
8 opportunity to interview Mr. Pantsari and I've never had an
9 opportunity to interview Mr. Suggs. They are not present
10 for trial. There's no evidentiary showing whatsoever that
11 they're unavailable for trial, and I have never had an
12 opportunity to cross-examine either in prior official
13 hearing or any capacity.

14 THE COURT: I understand that, but my finding is that
15 the -- the function they performed was a mechanical
16 function, and what the Court is looking at is whether or
17 not the information that was examined was the information
18 that was on the computers before they were plugged in by
19 either or both of these gentlemen. And I find that
20 Detective -- Investigator Wasiak has indicated that that
21 is, in fact, the case, so, I'll allow him to testify.

22 Let's take a short break. You can step down, use the
23 restroom, get some water if you need it.

24 (COURT IN RECESS AT 11:41 AM.)

25 (COURT BACK IN SESSION AT 11:50 AM.)

FARAND WASIAK: DIRECT BY MR. FLORES

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1 MR. FLORES: The State is ready, your Honor.

2 THE COURT: Is Defense ready?

3 MR. ATWATER: We're ready, your Honor.

4 THE COURT: Bring in the jury. Oh, they're not here
5 yet?

6 THE BAILIFF: I don't think so. They've just come in.

7 THE COURT: Okay.

8 (JURY REENTERS COURTROOM AT 01:35 PM.)

9 THE COURT: You may proceed.

10 MR. FLORES: Thank you, your Honor.

11 THE COURT: Call the witness up.

12 MR. FLORES: The State would call Special Agent Farand
13 Wasiak, South Carolina Law Enforcement Division.

14 THE COURT: All right. Please come up to be sworn.

15 (WHEREUPON, FARAND

16 WASIAK, BEING FIRST CALLED AND DULY SWORN, TESTIFIED AS
17 FOLLOWS:)

18 MR. FLORES: Your Honor, may it please the Court?

19 THE COURT: You may proceed.

20 MR. FLORES: Thank you, your Honor.

21 DIRECT EXAMINATION

22 FARAND WASIAK BY MR. FLORES:

23 Q. Special Agent Wasiak, would you please state your
24 name, for the record, and spell your last name?

25 A. Farand Wasiak, W-a-s-i-a-k.

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1 Q. And Special Agent, where are you currently employed?

2 A. SLED's Computer Crime Unit.

3 Q. How long have you been in that position?

4 A. Eleven years now, or eleven years officially in
5 September.

6 Q. What is your job title there?

7 A. Special Agent.

8 Q. And what kind of crimes do you investigate?

9 A. Crimes I investigate are Internet crimes against
10 children. That will be anything from your child
11 pornography to your solicitations. I also investigate
12 network intrusions, which of course, are going to be your
13 hackings, your -- the DOR case that happened a few years
14 back, incidents such as that.

15 Q. Special Agent Wasiak, would you give your general law
16 enforcement background, for the jury?

17 A. Started in 2000 with Spartanburg County Sheriff's
18 Office. I did three years as a road deputy, two years as a
19 detective. At that point in time, I gained employment with
20 SLED, and been in that capacity ever since.

21 Q. As it relates to your position at SLED, have you
22 received any specialized training in the field of computer
23 forensics?

24 A. I have.

25 Q. And could you briefly explain to the jury, first off,

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1 what the field of computer forensics is?

2 A. The field of computer forensics is basically
3 analyzing, retrieving information that's found in any sort
4 of digital media. Your cell phones, your computers, your
5 Tablets, thumb drives. It's getting to the point now where
6 we're forensically looking at cars, vehicles, because of
7 the GPS systems and all that. So, it's constantly
8 evolving. But pretty much, it's the forensic analysis of
9 any kind of digital media.

10 Q. What kind of training have you received in that area?

11 A. I received training in all the softwares we use, which
12 is EnCase. I receive the beginner, intermediate, and
13 advanced training of that. Forensic Tool Kit's another
14 software we use. We're actually certified in -- in that
15 process. I went through their certification process. I
16 have training in Internet Evidence Finder and other
17 software. I also spent five weeks at the Secret Service's
18 National Computer Forensic Institute in Hoover, Alabama,
19 for their basic data and recovery program. I also spent
20 another three weeks there in their network intrusion
21 training, as well as proctor the class there after that in
22 network intrusions.

23 Q. How long have you been conducting forensic computer
24 examinations at SLED?

25 A. Probably started in, I would say, 2006, right at -- I

1 was hired in January of 2005, immediately went to training
2 so 2006 is when I -- when I started conducting forensic
3 exams.

4 Q. And about how many have you conducted over your years
5 at SLED?

6 A. Last time I checked, it was probably in 2009 I had
7 about three thousand hours logged in computer examinations.
8 My average case load is, I'm probably at about four hundred
9 cases, and probably three hundred of them would have been
10 forensic examination.

11 Q. And --

12 A. That's a rough estimate. I can't -- I can't attest to
13 it, but yes.

14 Q. And that's forensic examinations in cases like this,
15 and murder investigations?

16 A. Forgeries, network intrusions, anything -- some they
17 give us is if a crime is committed, and there is going to
18 be evidence of a crime in that computer, they -- it's
19 brought to us. Yes.

20 Q. Have you conducted investigations or forensic
21 examinations for agencies beyond SLED?

22 A. Yes, we have. As part of our mission statement as the
23 State Law Enforcement Division, we do assist the local
24 agencies, the outside agencies, with their criminal
25 investigations.

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1 Q. Considering your work as a forensic examiner of
2 computers, how many times have you testified concerning
3 your work?

4 A. Concerning computer forensics, I have three times now.
5 This is my fourth.

6 Q. Special Agent Wasiak, when an outside agency contacts
7 SLED to conduct a forensic examination of a computer or a
8 computer system, what's the process that SLED goes through
9 to conduct that examination for that agency?

10 A. Sure. We have an intake process. They obviously call
11 us and say, hey, we're gonna bring us some evidence. They
12 intake it to our office, where an evidence custodian
13 intakes it. And merely that is the signing over of the
14 chain of custody, and intake paperwork. We have some
15 administrative paperwork for us. From there, it goes to
16 the back of our office in our secured, double-locked lab.
17 By a lab is just -- it's a huge room with a bunch of
18 computers, also our evidence vault. Limited access back
19 there. I don't even have access back there, unless I'm
20 escorted by an evidence custodian.

21 Say, for instance, a computer, once it's brought back
22 into evidence, the hard drive is removed from the computer.
23 The hard drive contains all the information on that
24 computer, okay? We're left with pretty much a shell of a
25 box; or if it's a laptop, of course. Now, that hard

1 drive's out, we hook up the computer, the shell, pretty
2 much the mother board, to a monitor and a keyboard, and we
3 hit F12, F10, how many times we let the bios come up, okay?
4 And what we do with the bios is, that gives you your date
5 stamp on the -- on the computer. You know the mother board
6 has a battery shelf life on it. We check the date stamp on
7 there, the date and time. That date and time is what the
8 computer says it is, okay? You -- you're ultimately in
9 control of what's saying the date and time is. We then
10 compare that to the date and time in real life. We have a
11 nuclear clock in the lab, so it just gives us a, I guess
12 you could say, a point of reference, should times be off.

13 From that point, the hard drive is hooked up to what
14 we call a write blocker, w-r-i-t-e, blocker. It's a -- at
15 the time -- Well, there's different avenues of it. But
16 pretty much, it's a computer cable that hooks up both to
17 the power source of the hard drive, as well as to the data
18 connection. Then, there's usually a box or some kind of
19 electronic device in the middle, and then the other end of
20 it, it goes to one of our forensic machines.

21 The write blocker prohibits two-way traffic. It will
22 only -- information will only be sent out from the hard
23 drive, brought in to us. It cannot be brought back in.
24 So, we're not adding any data to the hard drive, we're not
25 doing anything. We're just reading the hard drive, we're

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1 not writing to it. That process is called imaging, so we
2 take an image of that hard drive, and that's a basic
3 bit-by-bit copy of the hard drive, a clone, a virtual --
4 it's a match. It's a hundred percent match, like we just
5 created its -- well, not even a twin, because a twin would
6 be somewhat different.

7 That image is then put to a server that we have in
8 another secured room on the other end of the lab. Once
9 that image is completed and verified, by verification, I
10 mean that everything was imaged successfully, that hard
11 drive is removed from the write blocker, put back in the
12 computer, and put into secured evidence. On the server
13 now, picture a server being a big cabinet, and I have this
14 -- a drawer, my own drawer in that server. Okay? That
15 case, if it is assigned to me, goes in my, quote unquote,
16 drawer, my area of the server. I then, from my office,
17 which is outside of that locked area, I conduct an analysis
18 or examinations on that bit-by-bit copy from my office.

19 Q. That was a lot of information there.

20 A. Yes, I know. Sorry.

21 Q. All right.

22 A. They don't tell you that on CSI.

23 Q. So, let's break it down just a little bit more.

24 A. Yeah.

25 Q. Make sure, you said a lot of different terms, and we

1 want to make sure we understand what you're talking about
2 here. So, first off, you don't just turn the computers on
3 when you get them at SLED. Is that --

4 A. We don't -- no, we don't -- no, absolutely not. No.

5 Q. So, you never plug it in, push the on button, and see
6 what happens?

7 A. No. We do that after the hard drive is removed, just
8 to -- just to get the bios, the date and time information,
9 but that hard drive is already disconnected, out of the
10 computer. Yes.

11 Q. So, what exactly is a hard drive?

12 A. Hard drive is just any -- it could be anything, pretty
13 much, but it's just a volume -- it's -- it's where your
14 operating system's on. It's what's called the information
15 data stored on the computer, and of course, you could have
16 more than one hard drive on your computer, but the
17 definition of a hard drive, is just memory storage for
18 data.

19 Q. So, in some ways, it's similar to a brain?

20 A. Yeah, I guess you could say that, yes.

21 Q. All right.

22 A. Because without a -- Yeah, without the hard drive, the
23 computer ceases to exist. Yes.

24 Q. This process that you've just described, imaging a
25 hard drive, have you actually done that?

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1 A. Yes. We were -- I was obviously trained in my
2 training to -- to image hard drives, and I have in the
3 past. I currently do not, though. But I mean, I can, if I
4 had to image something, yes, absolutely.

5 Q. And that is done for every computer that is brought
6 into SLED?

7 A. Yes. Unless special occurrences arise, which they
8 rarely do. But the protocol is to image every single hard
9 drive, correct.

10 Q. And if I get this -- and correct me if I'm wrong --
11 once you image the hard drive, you unhook it from the write
12 blocker ---

13 A. Um-hmm.

14 Q. --- and you return it to the hard shell.

15 A. Correct.

16 Q. And put it back in evidence?

17 A. Correct.

18 Q. It's never turned on, nobody ever turns it on?

19 A. Not while at SLED, no.

20 Q. Now, you mentioned in your training that you're --
21 you're trained and certified in certain softwares, when it
22 comes to forensic examinations. Are those that you
23 mentioned, EnCase, Forensic Took Kit, Internet Evidence
24 Finder, are those the type of programs that seek out
25 information from the hard drives?

1 A. Yes, they are.

2 Q. And are those the type of software that -- that people
3 across your field are using to -- to gain access to
4 information on hard drives?

5 A. Yes. Those three are actually the three industry
6 standards for -- for computer forensic software.

7 Q. Now, each case is unique, the types of cases you
8 investigate. What information are you typically looking
9 for in a forensic examination in a sexual exploitation of a
10 minor case?

11 A. Images, pictures, jpegs; or video files, avi's, mpegs,
12 whatever. Basically for lack of a better term child
13 pornography, the children of pre-pubescent, adolescent or
14 let's say pre-pubescent children engaged in sexual
15 activity. Any -- any sort of sexual activity.

16 Q. And those images, video files, would they be
17 considered digital electronic media?

18 A. Yes, they would be.

19 Q. Are you ever tasked with looking for other information
20 on computers?

21 A. In different cases, or in the same?

22 Q. In this -- the same type of case. Sexual exploitation
23 cases. Besides images and videos and computers, have you
24 ever asked for -- asked to look for other information?

25 A. Gotcha. Yeah. Internet traffic, of course. You want

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1 to see web history. Are they going out searching for it;
2 how are they getting it; how is it getting on their
3 computers. Along with that, most of the time, any kind of
4 ownership of the computer, just through, you know, either
5 admin rights to the computer; or going out and seeing,
6 through their web traffic, who's using -- who's using the
7 computer. Who's checking it out, whose email accounts and
8 whatnot. Yes.

9 Q. Is that information all -- are you always able to get
10 that information off computers?

11 A. No. Not -- not that -- most of the time, yes. But a
12 lot of times, that information, the -- the -- Speaking of
13 the Internet traffic? Yeah. That's located in the
14 temporary Internet files, folders, and stuff like that.
15 So, if somebody is -- somebody has just cleaned their --
16 their Internet files and stuff, they may be more difficult
17 to grab. But if it's available for us then yes, we could -
18 - we could grab it.

19 Q. But if it's there, you -- your programs will find it?

20 A. Yes, correct. And if it's not there, we do what -- we
21 carve out, we actually go out and look for certain --
22 certain things for it. But that's -- that's very hit or
23 miss. Yes.

24 Q. Investigator, Special Agent Wasiak, I want to draw
25 your attention to this specific case that we're here to

1 testify -- you're here to testify about today. Could you
2 describe for the jury how you became involved with the
3 examination of the devices in this case?

4 A. Yes. I believe Rock Hill submitted the -- the
5 evidence for analysis, at which time my lieutenant just
6 simply assigned the case to me, to -- to work, and that was
7 it, so.

8 Q. How many examiners do you have at SLED to do this?

9 A. At the time, or currently right now?

10 Q. Both.

11 A. At the time, we were a little more heavy. We probably
12 had about eight back in 2007. And then, everything was,
13 you know, obviously in 2010, everybody fell short, due to
14 -- due to budget cuts. But we're back up to -- I believe
15 we have six now.

16 MR. FLORES: Your Honor, may I approach the witness?

17 THE COURT: Yes, sir.

18 MR. FLORES: Thank you, your Honor.

19 Q. Special Agent Wosiak, I'm handing you what's been
20 marked, pre-marked as State's Exhibit Four. Do you
21 recognize this?

22 A. Looks -- I believe it looks like -- Well it says the
23 *State versus Griswold, 2007 Forensic Examination.*

24 Q. All right. What information would be on this CD?

25 A. I believe it would be my -- all my forensic reports

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1 and the -- all my reporting from what we had done with --
2 with this particular case.

3 Q. Are they fair and accurate representations of your
4 findings during the forensic examinations of devices in
5 this case?

6 A. Yes.

7 Q. And just to make sure, in order to conduct this
8 examination, you -- you -- the computers in this case
9 underwent the process you just described about imaging the
10 hard drive, and the verification of the hash value.

11 A. That is correct.

12 MR. FLORES: Your Honor, at this time we would offer
13 State's Exhibit Four into evidence?

14 THE COURT: Any objection?

15 MR. ATWATER: Your Honor, it would be everything that
16 we discussed.

17 THE COURT: All right. Subject to the issues we've
18 already discussed you're objecting?

19 MR. AT WATER: Yes.

20 THE COURT: Over the objection, I'll allow it in.

21 (WHEREUPON, STATE'S EXHIBIT NUMBER FOUR, IDENTIFIED
22 AND MARKED, RECEIVED INTO EVIDENCE.)

23 MR. FLORES: Thank you, your Honor.

24 Q. Special Agent Wasiak, do you recognize this page?

25 A. I do.

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1 Q. What -- would you describe what this is?

2 A. That is, I guess, our reports operating web pages, and
3 that would be the opening -- opening, I guess you could
4 say, page to our reporting.

5 (LOUD NOISES COMING FROM COURTROOM HALLWAY.)

6 THE COURT: Just step out, and whoever it is, ask them
7 to be a little less loud.

8 (BAILIFF LEAVES COURTROOM.)

9 THE COURT: Thank you.

10 BY MR. FLORES:

11 Q. Could you describe for the jury what they're seeing
12 now?

13 A. This is our menu page. It really operated any kind of
14 web page, it's a simpler form, obviously, of any kind of
15 web page. But in the middle there, it gives -- that's our
16 case number. That's SLED's case number, 7007120.

17 Individual's last name. The summary is just a quick, I
18 guess you could say summary of why we got the computer and
19 what -- what it is. On the left-hand side, you'll see a
20 report function, and that is a written report, by me,
21 pretty much summing what I did, or we did at SLED. Under
22 that, you have a forensic column. Okay? And you'll see
23 items one through five. Item one through five is how SLED
24 characterize any kind of evidence, and SLED's own -- it's
25 our own evidence numbering system, and we base everything

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1 on our evidence numbers.

2 Below that, we have additional paperwork. The case
3 status opening, that's administrative paperwork for SLED.
4 We have a chain of custody. That is obviously the chain of
5 custody from who brought us the computer and where it went
6 -- went to. So, it's -- it's incoming paperwork to SLED,
7 and then outgoing paperwork away from SLED.

8 Intake sheets, that's what our agency fills out when
9 submitting a request. Basically it gives us information
10 about the case: subject's last name, type of crime, if
11 he's arrested, what we're looking for, any passwords we
12 should be aware of, or any kind of specific information.

13 Underneath that, we have -- and any kind of legal
14 process. Here is the search warrant. Does -- does SLED
15 have the legal right to search these computers, so we
16 always include that. And finally, down below is all the
17 contacts. That's just my contact information for whoever
18 would need it during the case process.

19 MR. FLORES: Beg the Court's indulgence.

20 Q. Special Agent Wasiak, what are we looking at in this?

21 A. We're looking at our receipt for property, chain of
22 custody, if you will.

23 Q. So, these would be these five computers right here; is
24 that correct?

25 A. Correct.

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1 Q. Okay. These bar codes with the number, are they also
2 located on these computers?

3 A. They are.

4 Q. Okay. So, this bar code right here would correspond
5 to the number assigned by SLED.

6 A. Exactly, yes.

7 Q. So, while looking at this sheet, right, this receipt,
8 Would you -- would you come off the stand --

9 MR. FLORES: Your Honor, may I?

10 THE COURT: Yeah.

11 BY MR. FLORES?

12 Q. Would you please come off the stand and so let us
13 identify these computers, based on your examination and
14 receipt.

15 (WITNESS LEAVES WITNESS STAND.)

16 A. This is item two.

17 Q. Okay. So, this is item --

18 THE COURT: Keep your voice up, so the court reporter
19 can hear you and the jury can hear you.

20 A. I'm sorry. That's item two.

21 Q. So, the forensic exam on the left for item two would
22 be from this computer?

23 A. Yes, correct.

24 THE COURT: Did they have, for the record, did they
25 have an exhibit number?

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1 MR. FLORES: Yes, your Honor. This would be State's
2 Exhibit Number Six. Thank you, your Honor.

3 A. This is item four.

4 Q. Item four is State's Exhibit Seven, the home-built
5 computer.

6 A. This is item one.

7 Q. Which is State's Exhibit Number Eight. This is the
8 living room computer.

9 A. That is item three.

10 Q. State's Exhibit Three. This is from the bedroom.
11 That is State's Exhibit Two, I'm sorry, State's Exhibit
12 Number Two. And lastly.

13 A. That is item five.

14 Q. So item number five.

15 THE COURT: State's Exhibit?

16 MR. FLORES: State's Exhibit Number Nine.

17 Thank you, your Honor.

18 Q. So, the numbers you've just provided will be for the
19 forensic reports that you conducted on these items ---

20 A. Correct.

21 Q. --- when they were seperated?

22 A. Correct.

23 (WITNESS RETURNS TO WITNESS STAND.)

24 Q. Did you remind us again what the investigative
25 assistance report was?

1 A. It's a written report by me. Pretty much just tells
2 the summary, gives a story of what we did with the evidence
3 while at SLED.

4 Q. And so, you prepare this at the same time you
5 conducted your forensic examination?

6 A. Correct. Mostly towards the end cause that's at the
7 end of my reporting process, yes. That's my -- that is all
8 prepared.

9 Q. I bring your report, this report up. In 2007, what
10 were you asked to look for ---

11 A. I believe it was --

12 Q. --- on these computers?

13 A. I believe it was images or any kind of video files of
14 child pornography.

15 Q. And that would include any images or video files of
16 minors engaging in sexual activity?

17 A. Yes, correct.

18 Q. All right. How many computers had images or videos
19 associated with that?

20 A. I believe three.

21 Q. Okay. Do you recall which three items those were?

22 A. One, three, and four.

23 Q. One, three, and four. Item one as identified from
24 Special Investigator -- Special Agent Wasiak as State's
25 Exhibit Eight. Item three is State's Exhibit Two. And

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1 item four is State's Exhibit Seven. These were the three
2 items, correct?

3 A. Correct.

4 Q. You did do an examination on these two computers?

5 A. I did.

6 Q. And no items of interest concerning minors engaging in
7 sexual activity was found?

8 A. Correct.

9 Q. Before we get to the contents of your report, I want
10 to verify that the hash values were, again, the same.

11 Would you explain again what, exactly, a hash value is?

12 A. A hash value is a summary of the computer's volume,
13 okay? The -- the hard drive, as it is at a particular
14 point in time. In our case, it's when it's brought to SLED
15 and when it's hooked up to a write blocker. A hash value
16 is normally a seventeen-digit algorithm, alpha-numeric,
17 letters and numbers, and with it, it's a scientific formula
18 that sums up the computer's DNA at that particular point in
19 time, for lack of a better term.

20 If one thing is changed on that computer, if you add a
21 letter to a Word document, if you pixilate one little
22 picture, make a picture black and white, if you move a
23 picture from point a to point b, anything, virus software
24 touches it, that hash value will completely change. It
25 won't be similar to the one. Maybe asatically possible,

1 but it's going to be drastically changed than -- than what
2 it was. Hash values, we have acquisition hashes, which are
3 done at the time we're creating the image, and then they're
4 done at the very end. All right? And that's called a
5 verification hash.

6 An acquisition hash and a verification hash should
7 match up. They should be the same exact seventeen or so
8 digit algorithm. It actually basically shows that no
9 manipulation to the evidence, to the hard drive, was done.
10 That computer was, during our imaging process, it was left
11 in the exact same state as when it was brought to us and
12 hooked up to the -- to the write block.

13 Q. And those hash values are a part of your report.

14 A. Correct.

15 Q. So, a full copy of your report would be, if I were to
16 click on these links on the left under *forensic*, right?

17 A. Correct.

18 Q. So, I clicked on one of those, that would be the
19 report?

20 A. Correct, yes, the *Forensic Examination Report*.

21 MR. FLORES: If I may approach the witness, your
22 Honor?

23 THE COURT: You may.

24 BY MR. FLORES:

25 Q. Special Agent Wasiak, I am handing you what's been

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1 identified as State -- or pre-marked as State's Exhibit
2 Twelve.

3 A. Okay.

4 Q. Would you just review this information for a moment,
5 please?

6 (WITNESS COMPLIES.)

7 Q. Are you familiar with this document?

8 A. It is. It's my examination report. I guess you could
9 say, my findings.

10 Q. Your findings?

11 A. Yes.

12 Q. For which item?

13 A. That's going to be items -- it looks like, item one.

14 Q. And are there any -- is there any portion that's been
15 left out of this?

16 A. Yes. The -- There's -- The images I found are not in
17 here.

18 MR. FLORES: Your Honor, if we may approach for just a
19 moment?

20 THE COURT: Yes, sir.

21 (WHEREUPON, BENCH CONFERENCE HAD OFF THE RECORD, OUT
22 OF HEARING OF THE JURY AT 02:07 PM.)

23 MR. FLORES: Your Honor, at this time, we would offer
24 State's Exhibit Twelve into evidence, and ask that we be
25 able to publish that for the jury.

1 THE COURT: Over objection?

2 MR. ATWATER: What is State's Exhibit Twelve?

3 THE COURT: Any objection? It says, Bookmark Folder,
4 Video File.

5 MR. ATWATER: Without reiterating my prior objection
6 to the CD itself.

7 THE COURT: Okay. All right.

8 MR. FLORES: And your Honor --

9 THE COURT: And with that understanding, it's in.

10 (WHEREUPON, STATE'S EXHIBIT NUMBER TWELVE, IDENTIFIED
11 AND MARKED, RECEIVED INTO EVIDENCE.)

12 MR. FLORES: Thank you, your Honor.

13 Q. Special Agent Wasiak, I'm going to go ahead and first,
14 if you would focus on page five. Just go to page five.

15 A. Okay.

16 (STATE'S EXHIBIT TWELVE PUBLISHED TO THE JURY.)

17 Q. Could you explain to the jury what they're looking at
18 right now?

19 A. This is just at the end of or the beginning and
20 through the end of my examination, software collect
21 information. You'll notice, in the middle -- the middle
22 section that -- down towards the bottom, we have an
23 acquired hash and a verified hash. This was the
24 acquisition hash that I told you about, and the
25 verification hash. I know it's a skewed, off one, but

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1 those exactly match. Meaning that, when we started the
2 imaging process to the very end, the -- nothing was
3 changed. We didn't change anything to it. We're still
4 working with that exact model of what was brought to our --
5 exactly what you're seeing, exact hard drive that was
6 brought to us.

7 If something happened, even if an error occurred, or
8 the write blocker broke, or investigator, somebody hit a
9 button or added something to it, the verification hash
10 would be completely different than the acquisition hash.
11 Since they're both the same, shows that no changes were
12 made to it, added, deleted, anything.

13 Q. And this is for item one on your report?

14 A. Yes.

15 Q. And that is for this computer; is that correct,
16 State's Exhibit Eight.

17 A. Yes.

18 Q. So, nothing was changed from the hard drive when it
19 was imaged at SLED?

20 A. Correct.

21 Q. I'm going to stick with imaging for the time being, if
22 I may have that report, Special Agent.

23 MR. FLORES: Your Honor, if I may approach?

24 THE COURT: Yes.

25 BY MR. FLORES:

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1 Q. Special Agent Wasiak, I'm handing you what's been
2 marked -- pre-marked as State's Exhibit Thirteen.

3 Would you please review that information?

4 (WITNESS COMPLIES.)

5 A. It's my forensic report from item number three.

6 Q. And so, it's -- it's similar to State's Exhibit
7 Twelve, but for item number three?

8 A. Correct.

9 Q. Item number three, is that this computer, State's
10 Exhibit Ten?

11 A. Correct.

12 MR. FLORES: Your Honor, we would ask that State's
13 Exhibit Thirteen be admitted into evidence at this time.

14 MR. ATWATER: Same as Number Twelve, your Honor.

15 THE COURT: Okay. Same objection. In, over
16 objection.

17 (WHEREUPON, STATE'S EXHIBIT NUMBER THIRTEEN,
18 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

19 THE COURT: Could I see Counsel up here just for a
20 minute? Sorry we keep doing this. We're not telling
21 secrets, we're just trying to save sending you out of here.

22 (BENCH CONFERENCE HAD OFF THE RECORD, OUT OF HEARING
23 OF THE JURY AT 02:13 PM.)

24 THE COURT: On Number Twelve, I haven't looked at
25 Number Thirteen that close, it may be the same, when you

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1 get in the jury room, you will see there is no number one,
2 it starts with number two. Then, there is no number four.

3 Now, the reason those items have been removed have
4 nothing to do with this case, and that's why they were
5 removed. So, do not speculate or try to infer from
6 anything the fact that they are not sequential, one, two,
7 three, four, five, that there may be an item missing.
8 That's not -- that's because it wasn't relevant to this
9 case. That's -- that's the only reason it's not there.

10 Thank you.

11 BY MR. FLORES:

12 Q. So, this is State's Exhibit Thirteen. It was
13 identified as the forensic report for item three. We're
14 just looking again at the hash value. Could you explain
15 for the jury what we're seeing here?

16 (STATE'S EXHIBIT THIRTEEN PUBLISHED TO THE JURY.)

17 A. Just like the last time, it shows that, you know, we
18 verified the acquired hash, the acquisition hash; and
19 you'll notice, obviously, they're off by one in spacing,
20 but they're going to be the exact same thing, once again
21 showing no information. We did not change, delete, or
22 augment, manipulate any information on that image.

23 MR. FLORES: Your Honor, if I may approach?

24 THE COURT: Yes.

25 BY MR. FLORES:

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1 Q. Special Agent Wasiak, I am handing you what's been
2 pre-marked as State's Exhibit Fourteen. Could you please
3 look through that, and see if you identify what that
4 information is?

5 (WITNESS COMPLIES.)

6 A. My forensic report for item number four.

7 Q. And you've testified that item number four is State's
8 Exhibit Seven, which is this home-built computer, correct?

9 A. Correct. Sorry, yes.

10 Q. I want to -- want you -- I'm sorry.

11 MR. FLORES: Your Honor, we would offer State's
12 Exhibit Fourteen into evidence.

13 THE COURT: Same, Mr. Atwater?

14 MR. ATWATER: Yes, your Honor.

15 THE COURT: Under the same concerns ---

16 MR. ATWATER: Yes, your Honor.

17 THE COURT: --- admitted over objection.

18 (WHEREUPON, STATE'S EXHIBIT NUMBER FOURTEEN,
19 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

20 BY MR. FLORES:

21 Q. Special Agent Wasiak, if you would, turn to page --
22 I'm sorry -- page number ten, please. I hate redundancy,
23 but Special Agent Wasiak, what are we viewing here?

24 A. Just as with the other two it shows the acquired -- or
25 the acquisition hash and verification hash. Both numbers,

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1 both alpha-numeric sequences are going to be exactly the
2 same. Again, showing no manipulation took place of the
3 image.

4 Q. So, these values, as you've testified, will always
5 stay the same, unless something is manipulated in the hard
6 drive of the computer?

7 A. Correct. Yes.

8 Q. If the hard drive were dropped at some point, could
9 that change the hash value?

10 A. No. The only -- the most that would happen with that
11 is a broken hard drive, but no. That's -- it's data-
12 specific.

13 Q. Let's stay with State's Exhibit Number Fourteen, for
14 the time being, and I want you to turn to page where the
15 section states *OS Info*. I'm sorry it may be -- it's
16 *Account Info*. No, its *OS Info*. It's page fifteen.

17 A. Okay.

18 Q. Could you please explain for the jury what they're
19 seeing in this section of the report?

20 A. It's showing the operating system that was currently
21 on the computer when it came to SLED.

22 Q. Okay. And who is the registered owner?

23 A. It says *Bay*.

24 Q. *Bay*. B-a-y?

25 A. Yes.

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1 Q. What other information do we have here?

2 A. Of course, you have the Windows XP. You know, it's
3 going to tell you if it has a service pack to it, which, of
4 course, it does. You know, they show you, also, the
5 installation date of that operating system; and also, the
6 last time the operating system was shut down, as in, turned
7 off the computer.

8 Q. So, this computer, according to the information you
9 were able to get from it, was last used on or about March
10 4th of 2007?

11 A. Correct. If the date and times on the computer
12 matched up are correct, that's what -- that's what it
13 states.

14 MR. FLORES: If I may approach, your Honor?

15 THE COURT: Yes, sir.

16 BY MR. FLORES:

17 Q. I'm going to ask you to take a look at State's Exhibit
18 Thirteen. And OS Information, that's on page twenty-six of
19 the report. This information is blank.

20 A. Um-hmm.

21 Q. Is there any reason for that?

22 A. I think the operating -- OS wasn't installed. Maybe
23 it was -- in fact, it could be a multiple explanations for
24 it. Or maybe just the -- the software didn't pick up on
25 it.

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1 Q. Could have been a newer version of Windows that the
2 software, in 2007, wasn't equipped for, but maybe later ---

3 A. Correct.

4 Q. --- picked up?

5 A. That, as well. But it's also, they -- It very well
6 could have. The software lingos could be newer than the
7 software knows what it's looking for so to speak, the
8 Encase software, depending on the version of EnCase I was
9 using.

10 Q. And is that uncommon in your area?

11 A. No. Much like with cell phone technologies and cell
12 phone examinations, we're always catching up to the newest
13 software. If the software comes out first, and then the
14 forensic companies figure out how to -- how to match up
15 with it, so to speak.

16 Q. And so before that?

17 A. They can't. They can't fortune-tell what Windows or
18 Apple are going to do, so they've got to wait for it to
19 come out.

20 Q. Okay. So, for example, the new Apple IOS that was
21 encrypted.

22 A. Correct. Absolutely.

23 Q. So, the fact that the OS information is missing, that
24 doesn't -- it just isn't there, per your software?

25 A. Correct.

1 Q. At that time?

2 A. It could have been, correct.

3 Q. I want to go to State's Exhibit Twelve, that
4 information. Should be close to the end.

5 (STATE'S EXHIBIT TWELVE PUBLISHED TO THE JURY.)

6 Q. That's page nine of the report. Now on this
7 computer, which is item number one, which was the one
8 retrieved from the living room, this one right here,
9 State's Exhibit Eight, you were able to get information
10 from that; is that correct?

11 A. Correct.

12 Q. Okay. And could you tell the jury what we're seeing?

13 A. Once again, it shows the operating system on there,
14 which would be Windows XP. It would show the registered
15 owner. It will also give if it had a service pack, in
16 order is it up-to-date? It will give the install date, and
17 it should, as well, give the last shutdown time.

18 Q. All right. And the shutdown time, I believe is on the
19 next page. But the registered owner in this case was a Bay
20 Graywood??

21 A. Correct.

22 Q. The install date was March 5th, is the next page, is
23 what you say the last shutoff time?

24 A. It was 6-4-07.

25 Q. June 4th of '07.

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1 A. June 4th, '07, yes.

2 MR. FLORES: Beg the Court's indulgence.

3 (PAUSE.)

4 Your Honor, if I may approach the witness?

5 THE COURT: You may.

6 BY MR. FLORES:

7 Q. Special Agent Wasiak, I'm going to hand you what's
8 been pre-marked as State's Exhibit Five. Would you just
9 examine that for a moment, please?

10 (WITNESS COMPLIES.)

11 Q. What is that item?

12 A. State versus Griswold, 2014 Forensic Examination.

13 Q. Does that CD contain a fair and accurate
14 representation of your report from 2014?

15 A. It will.

16 Q. And again, before you conducted your examination in
17 2014, did you undergo the same acquisition and verification
18 of hash values, as you've already described?

19 A. Yes. Exact same.

20 MR. FLORES: Your Honor, we would ask that State's
21 Exhibit Five be entered into evidence.

22 THE COURT: Same objection?

23 MR. ATWATER: Yes, your Honor.

24 THE COURT: In, over - - In with that objection.

25 (WHEREUPON, STATE'S EXHIBIT NUMBER FIVE, IDENTIFIED

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1 AND MARKED, RECEIVED INTO EVIDENCE.)

2 BY MR. FLORES:

3 Q. Special Agent Wasiak, if I could have that State's
4 Exhibit Five from you, please?

5 (STATE'S EXHIBIT FIVE PUBLISHED TO THE JURY.)

6 Special Agent Wasiak, what are we seeing here?

7 A. The same as last time. It's my report of everything
8 we had during the submission of the evidence.

9 Q. You have different numbers here on the left?

10 A. Correct. Because at the time they were brought into
11 SLED in 2014, they were brought in as a fresh case,
12 therefore, we have different evidence numbers.

13 Q. And what do we have here?

14 A. That's our chain of custody, the property receipt.

15 Q. All right. So, these would be the new item numbers
16 here on the left, correct?

17 A. Correct.

18 Q. I'm going to ask you to step off from the stand again.

19 MR. FLORES: Your Honor?

20 THE COURT: You may.

21 (WITNESS LEAVES WITNESS STAND.)

22 BY MR. FLORES:

23 Q. I want to make sure we identifying which computers are
24 correct. All right. Looking here at State's Exhibit Eight
25 which has been identified as the living room computer, in

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1 2014 which item number does it -- from here?

2 A. It's item number 3 in 2014.

3 Q. It is the Dell Optiplex 260 which was apparently
4 busted from being dropped, not by SLED?

5 A. Correct.

6 Q. Okay. Would you mind picking that up, please?

7 (WITNESS COMPLIES/RETURNS ITEM TO FLOOR.)

8 Q. That's this device. This next device, State's Exhibit
9 Ten, which number is this now?

10 A. 2014? That's now number five.

11 Q. Item five from 2014. Five. And lastly, State's
12 Exhibit Seven is now what number?

13 A. It's now number seven.

14 Q. Number seven. Noted generic computer's. And you did,
15 indeed, take all five and conduct examinations, correct?

16 A. Correct.

17 Q. So, State's Exhibit Nine is also listed here. Is that
18 not -- that is a Dell. So, which item is that?

19 A. This is number six.

20 Q. All right. And this being the Compaq, State's Exhibit
21 Six.

22 A. This is item number four.

23 Q. Now number four. All right. You can return to your
24 seat, please.

25 (WITNESS RETURNS TO WITNESS STAND.)

1 Q. Now, you've already testified that -- Ve've all heard
2 about the hash values all day. Not hash tags, hash values.

3 A. Right.

4 Q. If the hash values change, something has changed on
5 the hard drives?

6 A. Correct.

7 Q. So, before you conduct your examination of these
8 computers, you have to, again, verify the hash values?

9 A. Correct. Same process as before, yes.

10 Q. And we'll start with item number one, corresponds to
11 State's Exhibit Twelve. And turn to the page for the hash
12 value.

13 (STATE'S EXHIBIT TWELVE PUBLISHED TO THE JURY.)

14 Q. Do you have that page?

15 A. I do.

16 Q. All right. What is the jury looking at now?

17 A. That's our forensic imaging worksheet. When an
18 evidence tech is doing the -- the imaging process, from in
19 taking it to imaging it, that is the form that he or she
20 must fill out.

21 Q. And scroll down to this right here, *Additional Notes*.
22 Looking at the hash value on State's Exhibit Twelve, would
23 you read that out for the jury, please?

24 A. Yes. B as in boy, 8, delta D, 7, 3, 4, foxtrot which
25 is F, 0, 9, 1, E as in echo, 0, 3, 4, 0, 6, 2, 9, 8, E

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1 echo, 9, C cat, D delta, 3, 1, 2, D delta, E echo, 1, E
2 echo, D delta, F foxtrot.

3 Q. All right. So, it is exactly the same. So, the hard
4 drive, when you examined it in 2007, and you examined it in
5 2014, nothing happened to the information on this computer?

6 A. Nothing. It is in the same state.

7 Q. It is in the exact same state. Would you please take
8 State's Exhibit Thirteen? That's going to be on page
9 twenty-one. And you've identified this as being item five,
10 in the new exam, correct?

11 A. Correct.

12 Q. And then, we would scroll down to the bottom. There's
13 the value. Would you please read the value that you have
14 on item thirteen?

15 A. E echo, F foxtrot, D delta, 3, D delta, 2, F foxtrot,
16 B bravo, E echo, 3, 5, D delta, C Charlie, 1, 8, 0, 5, 4,
17 2, D delta, 5, 3, 4, 0, 4, 9, 5, F foxtrot, 7, 0, 9, 6.

18 Q. So, again, these two are exactly the same, correct?

19 A. Correct.

20 Q. So, the information on this computer, this hard drive,
21 is the exact same as when it was examined in 2007?

22 A. Correct.

23 Q. Nothing was added, changed, deleted, or modified?

24 A. Correct.

25 Q. Lastly, take a look at number fourteen, State's

1 Exhibit Number Fourteen. That's going to be on page number
2 ten. And you've identified this as being item number
3 seven, in the new 2014 examination, correct?

4 A. Correct.

5 Q. Scroll down to the bottom and that value from your
6 sheet please.

7 A. 9, E echo, A alpha, 9, 3, 1, 6, D delta, 6, 2, 6, B
8 bravo, F foxtrot, 1, C Charlie, 3, 6, B bravo, 4, A alpha,
9 7, 3, 1, 3, F foxtrot, 2, 6, 8, E echo, A alpha, 1, 1.

10 Q. So, they do match?

11 A. Correct.

12 Q. So, and that is for this computer, the home-built
13 computer, item number seven, this would be State's Exhibit
14 Seven. So, it's exactly the same from 2007 to 2014?

15 A. Correct.

16 Q. No information was added, deleted, or modified?

17 A. It was not.

18 Q. So, the function of having this question was to check
19 and make sure these hash values had not changed. They did
20 not change; is that right?

21 A. That is correct.

22 Q. So -- and you looked at it in 2014, it was the exactly
23 as it had come into SLED in 2007?

24 A. Correct.

25 Q. As it had come from Rock Hill Police Department?

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1 A. Correct.

2 Q. So, I would like to go ahead and discuss your 2014
3 examination first.

4 A. Okay.

5 Q. All right. What were you asked to look for during
6 this 2014 examination?

7 A. Any kind of Internet history, whether it be email, web
8 browsing, anything -- any -- any sort of Internet history,
9 Internet activity.

10 Q. Internet activity. All right. And what program did
11 you use in order to retrieve that type of information?

12 A. Magnet Forensics Internet Evidence Finder, normally
13 known as IEF.

14 Q. Okay. Was that actually around in 2007?

15 A. It was not. It's a fairly newer product.

16 Q. Okay. But if there was any information concerning
17 Internet history; email usage, what have you, from 2007,
18 you'd still be able to pull that information out with this
19 new program?

20 A. Absolutely.

21 Q. All right. And did you do that in this case?

22 A. I did.

23 Q. And you did that for all five computers?

24 A. Correct.

25 Q. And looking here at this exhibit on the left would be

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1 the Internet Evidence Finder report for each of the
2 computers; ---

3 A. That is correct.

4 Q. --- is that right?

5 A. That is correct.

6 Q. Okay.

7 MR. FLORES: Beg the Court's indulgence.

8 THE COURT: Yes, sir.

9 BY MR. FLORES:

10 Q. Special Agent Wasiak, could you describe for the jury
11 what we're seeing right now?

12 A. That's my IEF report. It also reads -- laid out like
13 a common web page.

14 Q. All right. So, this information on the left are the
15 types of information that Internet Evidence Finder is --
16 software is seeking out?

17 A. Correct.

18 Q. So, if there are any classified URL's, it might find
19 it, if it exists on the computer?

20 A. Correct.

21 Q. And Facebook URL's?

22 A. Correct.

23 Q. Or search queries. What are these items on the left?

24 A. On the left?

25 Q. Yes. Well, middle. I'm sorry, in the middle.

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1 A. The -- Starting with what? I'm sorry.

2 Q. Right here. I scrolled down.

3 A. Peer to peer?

4 Q. Sure.

5 A. Peer to peer is your file sharing networks. The old
6 ones like -- remember Napster? There's -- it's pretty much
7 where you enter -- you download music illegally. You could
8 also download movies, pictures, anything you want,
9 software, from these file sharing networks. Similar to
10 Napster, Bear Share, I guess just to name a couple.

11 Q. And underneath this web-related what is -- what is
12 this category as far as this category right here?

13 A. Oh, pretty much be anything, as the title says what
14 related. The Internet traffic in using Google, you're
15 using Chrome, Safari, Internet Ev -- or Internet Explorer.
16 It'll -- it'll just bring up pretty much the history of
17 what was done, going out to these web sites or using up --
18 or using the web browsers, the -- like I said, the -- the
19 Google Chromes, or your Safaris, or your Internet Explorer.

20 Q. So, if it exists on a computer, and I click on any one
21 of these, say, Google Maps and somebody went to Google Maps
22 on this computer, it will actually show me that there was
23 Google Maps activity?

24 A. Yes. It'll show you, you know -- exactly. The map
25 itself, maybe -- was looked at, that information.

1 Q. Would it show you any date and time information,
2 perhaps?

3 A. Yes, it would.

4 Q. Could it show you a destination?

5 A. Yeah, driving directions. Yes, sure.

6 Q. It might give you incomplete information.

7 A. It could give us incomplete information, correct.

8 Q. So, for -- for whatever it finds, it's not going to
9 give you everything, perhaps?

10 A. No, that's not a guarantee, no. It pretty much parces
11 out from the temporary Internet files of your computer, and
12 what's there, that's what it grabs.

13 Q. Will it also -- I'll bring up the -- Do you know what
14 unallocated space is?

15 A. I do.

16 Q. Okay. Could you describe what that is?

17 A. Unallocated space. All right. Everybody knows when
18 you delete a file, okay, you've got a picture on your
19 desktop you don't want any more, so you send it to your
20 recycling bin. You didn't actually delete that product,
21 you just -- you just moved it. You took away the space for
22 it so the computer doesn't see that in its location any
23 more. However, it's still occupying space on your hard
24 drive. When you hard delete your -- or when you empty your
25 recycle bin, okay, then it's deleted. It's gone, okay?

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1 And it sort of goes into -- Say you got -- your mom's
2 telling you to clean your room, because guest are coming
3 over so you instead of cleaning your room, you just throw
4 everything in the closet willy-nilly. Your room's clean,
5 but your closet's all to heck. Okay? There's no law and
6 order to it. You don't know what belongs to what. There's
7 socks mixed in with toys, toys mixed in with boxes. That's
8 unallocated space.

9 Unallocated space is pretty much the phantom zone of
10 the computer. It's where deleted files go. It's also,
11 once you delete it, certain attributes to the files are
12 stripped. It could be all of them, it could be none of
13 them. Also, at the same time, more hard drive space you
14 use up, the more files you put on that computer, smaller
15 and smaller the unallocated space gets. And eventually,
16 those files will be written over and completely erased from
17 your computer. That's pretty much unallocated space.

18 MR. FLORES: Beg the Court's indulgence.

19 THE COURT: Yes, sir.

20 BY MR. FLORES:

21 Q. All right. Special Agent Wasiak, could you please
22 describe what we're taking a look at right now?

23 A. I believe that's -- is that -- Gonna be MySpace.com?

24 Q. If -- if -- if he needs to come down to see better --

25 THE COURT: He can.

1 MR. FLORES: I would ask that you --

2 THE COURT: If you need to step down that's fine.

3 (WITNESS LEAVES WITNESS STAND.)

4 THE COURT: Just don't block the jury's view.

5 A. I won't.

6 Q. At the very top, what are we seeing? What category is
7 this?

8 A. Rebuilt Web page.

9 Q. What is a rebuilt web page?

10 A. A rebuilt web page is something the software does.

11 Once again, you go to any kind of website Banking, MySpace
12 back then; Fox News, there's a bunch of different
13 components working in unison to create that web page, okay?
14 Everything's stored in temporary Internet files, temporary
15 files, whatever have you. What the software does is neatly
16 puts everything back together as somebody was looking at it
17 at that particular time. From this HTML email link to this
18 picture to this article, and it pretty much does what it
19 says. It rebuilds it the best it can.

20 Q. So, it's not actually reaching out to the Internet.
21 It's just from whatever is on this computer, correct?

22 A. Whatever's on that computer, correct. Because our
23 forensic machines would work off our isolator from the
24 internet so nothing from our network for this never
25 touches the internet, correct.

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1 Q. So, this is record number 297. What is the second
2 column?

3 A. The page title. That's the actual website visited,
4 and that's a MySpace.com. And judging by that number,
5 that's going to be a profile page for a MySpace account.

6 Q. All right. So, 1-0-3-9-3-5-6-5-6 is associated with a
7 user of MySpace?

8 A. Correct. Yes.

9 Q. Give us a profile?

10 A. Correct.

11 Q. Now, here on -- on the middle, I'll scroll over, we've
12 got created date and time, there's no information there.

13 A. Correct.

14 Q. Is there -- Well there is information.

15 A. Oh, I'm sorry.

16 Q. What is that information?

17 A. So, it's for the created date and time, it's a -- it's
18 a 1-1-- I guess that's the time that we did -- the page was
19 looked at last.

20 Q. On January 1, 1601?

21 A. Yes, well it doesn't always collect all the
22 information from the Internet files.

23 Q. So, again, this goes back to the point that you were
24 making that, perhaps all the information is not there, but
25 it doesn't necessarily mean we can't get some information

1 from it, correct?

2 A. Correct. Plus what over written in the temporary --
3 temporary files and was available, correct.

4 Q. All right. And if we scroll over a little bit more to
5 the right, this was found -- you were mentioning temporary
6 Internet files?

7 A. Correct.

8 Q. Is this the -- where the pathway it would have been
9 found in ---

10 A. Yes.

11 Q. --- on the computer?

12 A. Yes. That's exactly -- exactly -- that's -- that's
13 where everything was located in the -- in the computer.

14 Q. So, if there was any information concerning this web
15 page, this rebuilt web page, if I click on rebuilt, it
16 would provide the web page as it existed at some point in
17 time, correct?

18 A. Correct. The best the software could to built it,
19 correct. Or rebuild it.

20 Q. I'm gonna click rebuild. So, for this particular
21 profile, this -- this particular web address, this is what
22 the computer was able to retrieve?

23 A. Correct.

24 Q. We have a MySpace page; is that right?

25 A. Correct.

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1 Q. And who is -- whose MySpace page is this?

2 A. It say Bay the Candyman.

3 Q. All right. And where is he located?

4 A. It says Rock Hill, South Carolina.

5 Q. Okay. And so, this entire page was crafted from
6 information from the hard drive?

7 A. Correct.

8 Q. And we are on Item Number Five in the new examination;
9 is that right?

10 A. Correct.

11 Q. And that would correspond to State's Exhibit Ten.

12 That would be this computer right here. So, that web page
13 does exist on this hard drive at this time?

14 A. It does. Absolutely.

15 Q. You may return to your seat.

16 (WITNESS RETURNS TO WITNESS STAND.)

17 MR. FLORES: If we may approach, your Honor?

18 (BENCH CONFERENCE, OFF THE RECORD, OUT OF HEARING OF
19 THE JURY, AT 02:52 PM.)

20 THE COURT: I'm going to let the jury go to the jury
21 room for a few minutes. We'll take our afternoon break.

22 (JURY EXITS COURTROOM ON RECESS AT 02:53 PM.)

23 THE COURT: Do you have a copy for me to see what
24 we're talking about.

25 MR. FLORES: Sorry, your Honor?

1 THE COURT: A copy for me.

2 MR. FLORES: Yes, your Honor.

3 THE COURT: All right. This is apparently MySpace
4 page by Bay Candyman and it's four pages, four pages or
5 front and back, five pages.

6 Mr. Flores, what's the -- What do you intend to do
7 with this?

8 MR. FLORES: Yes, your Honor. We would intend to move
9 this into evidence. As -- as the disc itself is already
10 into evidence, that's the forensic examination. That is
11 the entire, complete forensic examination. We do know that
12 there is information that we are -- there is information we
13 are presenting in order to link Mr. Griswold to this case,
14 to these computers, to these crimes. However, because --
15 the way that Internet Evidence Finder works, it collects
16 all the information from the computer concerning internet
17 activity.

18 There may be some information on the discs that strays
19 into, perhaps, 404 information that shouldn't be allowed to
20 go back with the jury. In an effort to meet some middle
21 ground, we would -- we are presenting these to the jury
22 from the disc, but we would ask that they also be sent back
23 with them because if we send the disc, the entire -- the
24 entire report back with them, they may get into areas which
25 may -- may, based on your Honor's ruling on the forensic

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1 reports from 2007, may be problematic.

2 THE COURT: Do you object to them not ---

3 MR. ATWATER: Well --

4 THE COURT: --- not putting in the whole disc, or
5 putting in the this?

6 MR. ATWATER: I would actually ask that the disc be
7 put in; can be redacted from what you -- redacted to
8 comport with your ruling.

9 THE COURT: Do you have the ability to redact it?

10 MR. FLORES: Not this disc, your Honor.

11 THE COURT: Okay. Well what's --

12 MR. FLORES: The information is ---

13 MR. ATWATER: Your Honor, this --

14 MR. FLORES: --- voluminous.

15 THE COURT: Go ahead, Mr. Atwater.

16 MR. ATWATER: Mr. Griswold, as of this point in time,
17 is not testifying. We're not going to put him on the
18 stand. No one has asked him information regarding his
19 lifestyle, relationships, all that personal stuff that you
20 normally get right there. There's four and a half pages on
21 here that are uncorroborated. I can't put him up there and
22 cross-examine him on this. I don't understand the purpose
23 of putting four and a half pages of this stuff in there.
24 It's -- it's information about him that's not relevant to
25 this case.

1 THE COURT: But --

2 MR. ATWATER: We're not gonna get him on the stand
3 and say, do you like three doors down, do you like the --
4 and that kind of stuff. It may be something they don't
5 like. I don't know.

6 THE COURT: Well, --

7 MR. ATWATER: On top of that, your Honor, it has his
8 religion on there. Or what ever his religion was at the
9 time. I understand it's got so much irrelevant information
10 on them, your Honor, that it's -- the jury's seen it, and
11 they've got the disc. Turning out something like this is
12 specifically bringing it to their attention, without
13 bringing this in through the normal evidentiary process,
14 where I can cross-examine it. It's highly prejudicial to
15 my client.

16 THE COURT: But you want the disc in but you can't
17 cross-examine the disc.

18 MR. ATWATER: I don't want the disc in; I've objected
19 to the disc. I'm asking if -- and you've ruled it in but
20 there's information on the disc you said can't go in so I
21 want that taken off the disc and the disc put in the way
22 you said it has to go in.

23 THE COURT: Anything else?

24 MR. FLORES: Your Honor, we -- we think this is
25 relevant to this case. As -- as we continue down this

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1 road, there are other -- there's a lot more information
2 that was retrieved from this computer concerning identity,
3 concerning web addresses, dates and times.

4 THE COURT: I overrule the objection. This is a
5 printout of part of the disc, and so I'll allow it in.

6 MR. ATWATER: So, your Honor, do I take that to mean
7 that anything whatsoever that's on these discs that's been
8 admitted into evidence, it's not a part of your prior
9 exclusionary rule is in evidence?

10 THE COURT: Well the disc is in evidence or I'm gonna
11 allow the -- I'm going to allow them to send back this as a
12 portion of the disc, in an effort to protect Mr. Griswold,
13 in my opinion, I know you say it's the opposite, from the
14 further delving into his private life, beyond the fact that
15 the State needs to establish that he had access to and use
16 this computer.

17 MR. ATWATER: The investigation, your Honor, they
18 don't need anything beyond page one.

19 THE COURT: Well, I -- Why do you need the rest of it?
20 I agree that it looks like page one is enough.

21 MR. FLORES: Your Honor, that's --

22 THE COURT: I'll limit it. I'll limit it to page one.

23 MR. FLORES: That's not a problem for the State, your
24 Honor.

25 THE COURT: All right. While the jury's out I know

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1 they'll all want to use the restroom, so, let's take a --
2 or wait until the end of this witness and break before
3 cross but only take about a five-minute refresher break, I
4 know the jury is.

5 MR. FLORES: Thank you, your Honor.

6 THE COURT: You can step down and get some water but
7 don't discuss the case with anyone.

8 (COURT IN RECESS AT 03:00 PM.)

9 (COURT BACK IN SESSION AT 03:10 PM.)

10 THE COURT: Take your seats. Is the State ready?

11 MR. FLORES: Yes, your Honor.

12 THE COURT: Defense ready?

13 MR. ATWATER: Yes, your Honor.

14 THE COURT: Bring in the jury.

15 Take the stand, Mr. Wasiak.

16 (WITNESS RETURNS TO WITNESS STAND.)

17 (JURY REENTERS COURTROOM AT 03:14 PM.)

18 THE COURT: All right. You may proceed.

19 MR. FLORES: Thank you, your Honor. We had just
20 admitted State's Exhibit Fifteen. I'll go ahead and ask
21 again. Your Honor, we would ask that State's Exhibit
22 Fifteen be placed into evidence.

23 THE COURT: Over objection, it is allowed in.

24 (WHEREUPON, STATE'S EXHIBIT NUMBER FIFTEEN, IDENTIFIED
25 AND MARKED, RECEIVED INTO EVIDENCE.)

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1 MR. FLORES: Could you just hold that, for the jury.

2 Madam Clerk, would you dim the lights, please?

3 Your Honor, I would ask that Special Agent Wasiak come
4 back down here ---

5 THE COURT: Okay.

6 MR. FLORES: --- so he may be able to see a little bit
7 better.

8 THE COURT: That would be fine.

9 MR. FLORES: Thank you, your Honor.

10 (WITNESS LEAVES WITNESS STAND.)

11 Q. All right. Going back to your report from 2014, we're
12 still at the Rebuilt Web Page portion. What are we seeing
13 here?

14 A. This right here, these look like Yahoo email accounts.

15 Q. Okay. Yahoo email accounts. If I scroll across, this
16 information, where was this information found?

17 A. It was located in a temporary internet files. That
18 same folder before.

19 Q. Temporary internet files. So again, not to belabor
20 the point, but this information is all coming from the
21 computer, correct?

22 A. Correct.

23 Q. Nowhere else?

24 A. Correct.

25 Q. I'm selecting number 468, identified here. There's

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1 the mail -- here's the web URL, correct?

2 A. Correct.

3 Q. All right. Could you describe for the jury what
4 they're seeing here?

5 A. That looks to be a Yahoo email inbox inside of here
6 Yahoo. You got an email inside a Yahoo inbox.

7 Q. So, this email address --

8 A. Opening email pages.

9 Q. Opening email page, or O CAT, is for who?

10 A. It says Aaron.

11 Q. Welcome, Aaron.

12 MR. FLORES: Beg the Court's indulgence.

13 Q. Special Agent Wasiak, I'm handing you a sheet of paper
14 that's been pre-marked State's Exhibit Sixteen.

15 Could you take a look at this, please?

16 A. Okay.

17 MR. FLORES: Your Honor, may I approach?

18 THE COURT: Yes, sir.

19 BY MR. FLORES:

20 Q. Would you please describe, for the record, what
21 State's Exhibit Sixteen consists of?

22 A. This is a screen shot right here.

23 Q. It is a screen shot of the web page in which we are
24 viewing here on the screen.

25 MR. FLORES: Your Honor, we would ask that State's

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1 Exhibit Sixteen be placed into evidence.

2 MR. ATWATER: I'm not sure what the relevance is, your
3 Honor.

4 THE COURT: Yeah, I'm not either. What --

5 MR. FLORES: Your Honor, this is a email site that was
6 used on the computer, with the email address
7 ocat@yahoo.com, for an individual named Aaron.

8 MR. ATWATER: It's a web-based email, your Honor. It
9 has --

10 MR. FLORES: We will follow it up in just a few
11 moments, your Honor.

12 THE COURT: All right. I'll let it in over objection.

13 (WHEREUPON, STATE'S EXHIBIT NUMBER SIXTEEN, IDENTIFIED
14 AND MARKED, RECEIVED INTO EVIDENCE.)

15 MR. ATWATER: What is the exhibit number for this?

16 MR. FLORES: Sixteen.

17 Q. Okay. Special Agent Wasiak, what are we looking at
18 now?

19 A. My report.

20 Q. And which item?

21 A. Item three.

22 Q. Item three. So, this report is from item three of the
23 new examination in 2014, correct?

24 A. Correct.

25 Q. Item three is this home-built computer, correct?

1 A. Correct.

2 Q. So, any information that we see in this report was
3 retrieved from that home-built computer?

4 A. Correct.

5 Q. I'm going to scroll. So, is part of this -- of the
6 internet Evidence Finder you state it can retrieve email
7 information. What here is on the left or the middle of the
8 column?

9 A. Where, what email I was able to pull from email
10 information. ---

11 Q. All right.

12 A. --- I was able to pull.

13 Q. So, it was able to pull which kind of web mail??

14 A. Looks like I pulled a Hotmail and Yahoo email.

15 Q. I'm going to select a Yahoo web mail. So, this would
16 be what kind of email?

17 A. Yahoo.

18 Q. So, there's a lot of blank information here. Why is
19 that, Special Agent Wasiak?

20 A. Once again, the information just wasn't there in the
21 temporary internet location where it was found at. There
22 was nothing that could be done to recover it.

23 Q. However, if there are -- if I were to click on this
24 HTML fragment, what would it show me?

25 A. Whatever information it was able to pull.

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1 Q. And on this source column, that's where it was pulling
2 from?

3 A. Correct.

4 Q. We'll focus on number seventy-five.

5 What type of file is this?

6 A. Looks like a message.

7 Q. Okay. So, this would be an email message that was on
8 the computer?

9 A. Correct.

10 Q. In the Yahoo based web-mail account?

11 A. Correct.

12 Q. Before we click on it, you spoke of unallocated
13 clusters, or unallocated space. So, what does this mean,
14 again?

15 A. It's the -- the phantom zone of your computer. It's
16 deleted and ready to be overwritten, its out of recycle
17 bin, it's no longer part of the active part of your
18 computer. It's just waiting to be over written. And
19 usually, with that, that's when most attributes are
20 disappeared from the file.

21 Q. So, that information, however, was still there,
22 waiting to be overwritten?

23 A. Correct.

24 Q. So, this information from this, when I click on this,
25 will be what was still there?

1 A. Correct.

2 Q. So, looking at this, this is a message, correct?

3 A. It is.

4 Q. All right. And this was -- would have been -- this
5 was to ocat@yahoo.com?

6 A. Correct. Yes.

7 Q. All right. And who is -- who is this sent from?

8 A. Amazondotcom.

9 Q. An email from Amazondotcom. What information is
10 included in this email?

11 A. The ship date, obvious carrier, tracking information,
12 and a shipping address.

13 Q. So, --

14 A. Oh, and whatever was being shipped to as well.

15 Q. What's being shipped here?

16 A. A web cam.

17 Q. So, a web cam is being shipped from Amazon to Aaron B.
18 Griswold, as ?

19 A. Correct. That's what the email is stating, yes.

20 Q. That's what the email is stating. Are emails unique
21 items? Are they addressed to it's sole individuals?

22 A. Yes, they are.

23 Q. Is it common -- is it possible for a group to have an
24 email?

25 A. It is possible. Families can do it, whatever,

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1 couples, sure.

2 Q. But in this case, this web -- this web-based email was
3 sent to an ocat, who retrieved a web camera, to be shipped
4 to ?

5 A. Correct.

6 Q. I'm going to hand you what's been pre-marked as
7 State's Exhibit Seventeen, and please just look over that
8 information.

9 A. Okay.

10 MR. FLORES: Your Honor.

11 (DOCUMENTS RECEIVED UP BY THE COURT.)

12 Q. Is this what is being shown on the overhead to the
13 jury at this time?

14 A. It is, correct.

15 Q. Is a hard copy; is the exact same thing?

16 A. Correct. Carbon copy, printed-out, version of.

17 MR. FLORES: Your Honor, we would ask that State's
18 Seventeen be admitted at this time.

19 MR. ATWATER: Object to relevance, your Honor.

20 THE COURT: I overrule the objection. In, over
21 objection.

22 (WHEREUPON, STATE'S EXHIBIT NUMBER SEVENTEEN,
23 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

24 BY MR. FLORES:

25 Q. Special Agent Wasiak, I was -- just identify what this

1 report is.

2 A. For Item five.

3 Q. For Item five. And which item was item five? Do you
4 recall?

5 A. Uh -- Can I look at it?

6 Q. Sure.

7 A. This one right here.

8 Q. So, it's the brand-new computer, this Dell, correct?

9 A. Yes.

10 THE COURT: Exhibit number?

11 MR. FLORES: Yes. Thank you, your Honor. I
12 apologize. State's Exhibit Number Ten.

13 Q. We'll focus on this. Which web -- which section are
14 we back into?

15 A. Rebuilt web pages.

16 Q. Okay. So, these are, again, rebuilt web pages from
17 this computer. And what are we seeing right here? Page
18 five.

19 A. Capital One credit card pages. Looks like an
20 application.

21 Q. So, an application to Credit One -- for a Credit One -
22 - Capital One credit card?

23 A. Correct.

24 Q. You're not getting any date and time information here,
25 correct?

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1 A. Correct.

2 Q. Where is this, again, found?

3 A. Temporary Internet files.

4 Q. All right. We're going to focus on number 502. And
5 this has been identified as what here?

6 A. A Capital One credit card application.

7 MR. FLORES: Beg the Court's indulgence.

8 Q. After selecting 502, a rebuilt web page, what am I
9 seeing here?

10 A. It looks like step two of two of a credit card
11 application page.

12 Q. All right. And what information --

13 MR. ATWATER: Your Honor, may I bring up a matter of
14 law?

15 THE COURT: All right. Let me let the jury go to the
16 jury room for just a minute.

17 (JURY EXITS COURTROOM AT 03:31 PM.)

18 THE COURT: Can I see what we're talking about?

19 MR. FLORES: Yes, your Honor, I apologize.

20 (DOCUMENT RECEIVED UP BY THE COURT.)

21 THE COURT: Yes, sir.

22 MR. ATWATER: We have enough information on there to
23 steal his I.D. It's got his Social Security number, date
24 of birth.

25 MR. FLORES: Your Honor, in the exhibit we wish to --

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1 the Social Security number is relevant in this case. It --
2 we will be tying that into a bank account information as we
3 continue down this course.

4 MR. ATWATER: You don't need nine digits do you?

5 MR. FLORES: I can redact it and state it to --

6 THE COURT: Dash four?

7 MR. FLORES: Dash four.

8 MR. ATWATER: And your Honor, I don't know where we're
9 going with the bank account information item.

10 THE COURT: Well, I --

11 MR. ATWATER: This has all been admitted and admitted
12 and admitted, but if we get somewhere and we didn't get
13 there, it's all in.

14 THE COURT: Well --

15 MR. ATWATER: That's my problem.

16 THE COURT: The State has to prove that this -- they
17 have to connect your client to this computer. And I may be
18 missing the point, but I think that's the point, is to show
19 his access to and use of this computer.

20 MR. FLORES: Yes, your Honor.

21 THE COURT: And therefore it is relevant, and I'll
22 require the social security number to be redacted down to
23 the last four digits. And the date of birth is not
24 relevant but you can take that off. The rest of it I'll
25 allow in over objection.

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1 MR. FLORES: I apologize for not redacting that prior,
2 your Honor.

3 THE COURT: Okay. Bring the jury back in.

4 MR. ATWATER: Which exhibit number would this be?

5 MR. FLORES: This will be State's Eighteen.

6 THE COURT: Bring the jury in.

7 MR. ATWATER: I just want to add, cumulativeness at
8 this point, as an objection.

9 THE COURT: All right. Overkill? Overkill,
10 cumulative, I deny the motion. The State has to prove the
11 identity of and connection to your client to the computer.

12 MR. FLORES: We are definitely --

13 THE COURT: We might reach a point where we're there,
14 but I don't believe we're quite at the over kill, too
15 cumulative at this point.

16 (JURY REENTERS COURTROOM AT 03:34 PM.)

17 THE COURT: All right. You may proceed.

18 I have allowed that document in over objection.

19 (WHEREUPON, STATE'S EXHIBIT NUMBER EIGHTEEN,
20 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

21 BY MR. FLORES:

22 Q. Again, I'm going to hand you State's Eighteen.
23 There's some extraneous information on there. And just
24 explain to the jury what they're seeing on this.

25 A. I see, it says, information verification. It has a

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1 name, Aaron B. Griswold; the Social Security number, the
2 last four, ; the address of -- is it
3 or ? Rock Hill, South Carolina, 29732. There
4 is a home phone number of . It gives a
5 household income, as well as a preferred card design, which
6 would be the sun and the moon. And then, it says, do you
7 have a checking account? And it says, yes.

8 Q. And this is a credit card application?

9 A. Correct.

10 MR. FLORES: Madam Clerk, would you dim the lights,
11 please?

12 Q. Staying with the same computer, the Dell from the
13 desktop, I'm going to show you what is -- What is here?

14 A. It's rebuilt web pages again. It looks like it's an
15 RBC Banking -- banking site's visited. MySpace at the
16 time.

17 Q. Bank accounts are -- Would this be a place where you
18 could access banking information?

19 A. Looks like it is. It says, web banking.

20 Q. Is that information that's typically shared?

21 A. Between people, or? No. I mean I don't share my
22 banking information.

23 Q. And so, this first address would be right here, number
24 forty-three here. This would be the homepage for RBC
25 Centura?

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1 A. I believe it would be. It looks like their homepage.

2 Q. All right. And did -- do banks typically have login
3 information for customers to come check their banking
4 account?

5 A. Yes, they do.

6 Q. Okay. And usually, is that a unique identifying piece
7 of information?

8 A. Usually. I know my bank is.

9 Q. Does -- would it require a password?

10 A. Correct. Username and a password, correct.

11 Q. Now, I want to direct your attention to this portion
12 of the web pages. Are there any commonalities -- let's
13 look at these three -- any commonalities between these
14 three concerning their URL? If you would go stand up a
15 little closer.

16 A. The three is. It looks like somebody's accessing an
17 account.

18 Q. Okay. And when you look at these -- this last
19 information, this would just -- this would direct you to a
20 website, correct?

21 A. Corr -- yes, correct. And those, I don't know their -
22 - their routing, how that happens, but that leaves us
23 access, and that may be access to, I guess, an account.

24 Q. But this first part, these first eight digits ---

25 A. Correct.

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1 Q. --- letters, they seem to be the same between each
2 three.

3 A. Yes, they -- yes, they do.

4 MR. FLORES: Your Honor, if I may approach?

5 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
6 THE JURY AT 03:40 PM.)

7 THE COURT: You may proceed.

8 MR. FLORES: Thank you, your Honor.

9 Q. Special Agent Wasiak, if you would please step back
10 over here towards my computer. I'm selecting the rebuilt -
11 - well, number forty-four from that page. I'm handing you
12 State's Exhibit Nineteen.

13 A. Okay.

14 Q. Could you identify what this -- what this says?

15 A. Let's see. It says, remember my username. And it
16 has, to help recognize your username on the sign-in page,
17 please enter your nickname. And it has, nickname optional,
18 with a parameter of a maximum of ten characters, and we
19 have a social -- what appears to be a Social Security
20 number, the last four of .

21 Q. And I would ask you to compare that number with
22 State's -- from State's Exhibit Eighteen, please.

23 A. for both.

24 Q. So, those do match?

25 A. Yes.

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1 Q. Do the full digits match?

2 A. They do.

3 Q. Okay. So, the full eight digits match?

4 A. Yes.

5 Q. The full nine digits match between the two -- between
6 State's Exhibit Eighteen and State's Exhibit Nineteen,
7 correct?

8 A. Correct.

9 Q. Now, I'm going to direct you to State's Exhibit Forty
10 -- I'm sorry, to line number forty-five. And we are in RBC
11 web banking. The same information here, correct?

12 Well, it has the same information up to this point,
13 correct?

14 A. Correct.

15 Q. All right. I'm going to click on the rebuilt web page
16 and pull that up. Who is identified -- actually, wait.

17 MR. FLORES: Your Honor, if I may approach?

18 (BENCH CONFERENCE HAD OFF THE RECORD OUT OF THE
19 HEARING OF THE JURY.)

20 MR. FLORES:

21 Q. Special Agent Wasiak, I'm going to hand you what's
22 been pre-marked as State's Exhibit Twenty. Could you
23 review that item and review the information on my computer
24 screen?

25 A. They are the same.

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1 Q. They are the same? And who is this bank account
2 referenced to?

3 A. Aaron Baynard Griswold.

4 Q. So, this exhibit, State's Exhibit Twenty, concerning
5 this rebuilt web page, containing that address up to the
6 last page, is associated with Aaron Baynard Griswold?

7 A. Correct.

8 Q. All right.

9 MR. FLORES: Your Honor, I don't know if I've asked,
10 but I would ask that Exhibits Eighteen, Nineteen and Twenty
11 be placed into evidence.

12 THE COURT: Over objection, I'll allow them in. With
13 the redactions we discussed.

14 MR. FLORES: Yes, your Honor.

15 (WHEREUPON, STATE'S EXHIBIT NUMBER NINETEEN AND
16 TWENTY, IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)
17 BY MR. FLORES:

18 Q. Special Agent Wasiak, if you would please return to
19 your seat.

20 (WITNESS RETURNS TO WITNESS STAND.)

21 MR. FLORES: Beg the Court's indulgence while those
22 load.

23 THE COURT: Okay.

24 MR. FLORES: While we're waiting for that to load,
25 we'll move on to a couple of other matters.

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1 Q. Special Agent Wasiak, I want to go back to your
2 forensic examinations from 2007. So, that would be State's
3 Exhibits Twelve, Thirteen, and Fourteen. Those were the
4 items that you discovered, material depicting minors
5 engaged in sexual activity.

6 Now, in your report, which is on a CD, and which you
7 have a hard copy of here, let's take a look at State's
8 Exhibit Twelve. This is item number one, correct?

9 A. Correct.

10 Q. And that's item number one from 2007, which would
11 correspond to State's Exhibit Eight.

12 A. Okay.

13 Q. Are you familiar with the way files are stored on
14 computers?

15 A. I am.

16 Q. Are you familiar with the way that folder structures
17 work on computers?

18 A. I am.

19 Q. Does the -- do computers typically have a set of
20 folders which come automatically?

21 A. Yeah. We call them default folders, yes.

22 Q. Default folders. A pictures folder?

23 A. Correct.

24 Q. A videos folder?

25 A. Correct.

1 Q. Outside of that, if you found a different folder
2 structure, what would that indicate to you?

3 A. It was user created, or a software can create it.

4 Q. Okay.

5 A. So. But it's created other than the -- than the
6 operating system.

7 Q. But it had to have been made by something or someone
8 else?

9 A. Correct.

10 Q. It doesn't come automatically on computers?

11 A. Correct.

12 Q. I actually want to start with State's Exhibit
13 Fourteen. I apologize. This is the forensic report for
14 the computer that was generic, correct? Number seven.

15 A. I believe number four.

16 Q. Well, number four, the State's Exhibit Seven.

17 A. Oh, yes, I'm sorry.

18 Q. And this was found, based on testimony, to be
19 unplugged at the time it was seized. Would you turn to
20 page five of your forensic report?

21 A. Okay.

22 MR. ATWATER: Which exhibit?

23 MR. FLORES: Fourteen.

24 Q. Now, in section five of -- or on page five or your
25 report, what section of your report are we looking at here?

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1 A. This would have been any -- any video files I found.

2 Q. These were --

3 A. And --

4 Q. Please.

5 A. Yeah. Any video files I found and what I call
6 bookmark or reported on would be included in my report.

7 Q. So, you found this file on the computer, and you book
8 marked it. Did you view this file?

9 A. I did, yes.

10 Q. All right. Okay, and this is page five. So, this is
11 how a video that you flagged would have been reported ---

12 A. Correct.

13 Q. --- in your report?

14 A. Correct.

15 Q. What can you tell us about this information? What
16 does this say? Full path. What does that mean?

17 A. It's the full path. The -- that's my case number,
18 7007120. Item four, which is the evidence number. The Max
19 Store or Diamond Max Plus, that is the -- that's the hard
20 drive. Okay. Then we have the C, the letter C, is the C
21 drive. Okay? That's generally your -- unless somebody
22 changes it, that's usually your main drive for storage and
23 for your operating system.

24 Then, you have Documents and Settings. Documents and
25 Settings is a -- the default folder made by Windows. Then,

1 looks here, looks like we have possibly a username of Bay,
2 B-a-y, with a standard subfolder of My Documents. Like --
3 Windows creates that for -- for users on a computer. Then,
4 we have what appears to be another folder. That's simply
5 called New Folder, and that's the default name for a folder
6 when you create a new folder. Then, after that, it looks
7 like we start getting into the -- the file name that's
8 located within that new folder.

9 Q. And what is this .M-P-E-G mean here?

10 A. .M-P-E-G, .MPEG, that's an extension for a video file.

11 Q. All right. So, that's -- is that a digital electronic
12 file?

13 A. It is.

14 Q. Are you familiar with some of the terms that are found
15 within this file name?

16 A. I am.

17 Q. Have you ever seen the phrase Kingpass?

18 A. I have.

19 Q. And do you know what that is?

20 A. It's a -- it's a key -- one of the key word searches
21 used for when searching for child pornography or images
22 depicting minors engaged in sexual activity.

23 Q. How about this term, PTHC?

24 A. PTHC is another search term. It stands for Preteen
25 Hard Core. It's another search term used when searching

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1 for child pornography.

2 Q. 8YO?

3 A. 8YO? That stands for eight years old.

4 Q. How about Hussy Fan?

5 A. Hussy Fan is another term used when searching for
6 minors in sexual activity?

7 Q. And you've learned all that, based on your training
8 and experience?

9 A. Yes, exactly.

10 Q. If you'll turn to page six. The information here, is
11 this similar to what we just saw?

12 A. It was. It was a hard drive name. The drive, or I
13 should say, the volume in the hard drive, which is the C,
14 the standard documents and settings. Then, it looks like
15 the username is Bay, and then the -- the My Documents
16 folder, followed by a created folder, simply called New
17 Folder.

18 Q. MPG?

19 A. MPG, yeah. Video file, digital video file.

20 Q. But you flagged this. So you viewed this video?

21 A. Correct.

22 Q. All right. So, you viewed it, and it does contain a
23 minor engaged in sexual activity?

24 A. It will, yes.

25 Q. What about the File Created and Last Accessed dates?

1 A. File Created is the date a file is put on a volume.
2 Say you have something on a thumb drive. You take it home,
3 put it on your computer, you put it in a -- any -- any --
4 anywhere on that computer. That is the date that it has
5 been created on that computer. It may be different than
6 the date created on that thumb drive. Simply the date it
7 was put on a specific -- specific volume.

8 Q. What about Last Accessed?

9 A. Last Accessed was the last time that file was simply
10 accessed, either user-based, last time somebody opened it.
11 Virus scanning also will access it, and that -- that will
12 cause that but it's the last time that file was looked at,
13 brought through, opened, anything like that.

14 Q. So, this file was last accessed on this computer on
15 March 4th of 2007?

16 A. Yes. According to the computer's times, yes.

17 Q. And looking at page fifteen of your report, and back
18 to the OS information, that computer was last used when?

19 A. Shutdown time, the last shutdown time is March 4th,
20 2007, at 12:08 pm.

21 Q. I want you to go to State's Exhibit Twelve, please.

22 State's Exhibit Twelve refers to the report for
23 State's Exhibit Number Eight.

24 A. I'm sorry, yes, correct.

25 Q. I want you to focus on item number two, please. Does

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1 this title contain the same information as from State's
2 Exhibit Fourteen?

3 A. Yes, it does.

4 Q. When was this file created on this computer?

5 A. Created on the computer March 10th, 2007, at two
6 o'clock in the morning.

7 Q. Is there anything different about the file path, about
8 where it's located?

9 A. Let's see. Can I refer to Fourteen just to be sure?

10 Q. Sure.

11 A. All right. The difference is in this one is that it's
12 -- you know, we have -- we have the -- going from this C
13 drive to the document settings and then we have a username
14 of Bay Graywood, then to My Documents. But now, we have
15 the -- My Videos folder, which is usually standard with
16 Windows. Then, we have a Vids folder, which is not
17 standard. That is -- something or someone created that
18 folder. New Folder would be the same thing. That's --
19 that's user or software created. Then another -- Under
20 that is another folder, simply numbered with the number
21 one. Then, another folder to that, that's New Folder,
22 again. And then, we go into the -- the title, or I should
23 say the file itself.

24 Q. So, this file, have you viewed this file?

25 A. I have.

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1 Q. Is this an identical file as to the one that was found
2 on this computer?

3 A. It is.

4 Q. It is. So, the contents --

5 THE COURT: When you say this, make sure the record
6 shows what this is.

7 MR. FLORES: Thank you, your Honor.

8 Q. So, the file that was on State's Exhibit Seven, the
9 home-built computer, you viewed that?

10 A. Correct.

11 Q. And it is the same file that exists on State's Exhibit
12 Eight?

13 A. Correct.

14 Q. And it was created, the one on State's Exhibit Eight
15 was created after the one on State's Exhibit Seven?

16 A. According to local computer times.

17 Q. Okay. And in State's Exhibit Eight, it's in a -- it's
18 not found in the same folder?

19 A. It is not, no.

20 Q. I'd like you to take a look at State's Exhibit
21 Thirteen which is the forensic report for State's Exhibit
22 Number Twel -- No, Ten. Excuse me, Ten. We're on page
23 five.

24 Special Agent Wasiak, is this the same file that was
25 found on State's Exhibit Seven and State's Exhibit Eight?

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1 A. It is.

2 Q. And how do you know that?

3 A. It has the same title, as well as I viewed it. And it
4 -- it was the same video.

5 Q. And when was that file created on State's Exhibit Ten?

6 A. March 30th, 2007.

7 Q. At what time?

8 A. 12:40 -- I'm sorry, 02:34 pm.

9 Q. 02:34 pm. And a place -- Place State's Exhibit Twelve
10 on top of it.

11 What time was this last accessed?

12 A. It was at the same time, March 30th, 2007, at 02:34
13 pm.

14 Q. Sorry. Are you looking at number two?

15 A. Oh, I apologize. What ---

16 Q. On --

17 A. --- on Twelve?

18 Q. On State's Exhibit Twelve.

19 A. I apologize. Last accessed on -- yeah, it's March
20 30th, 2007, at 12:17 am.

21 Q. 12:17 am. So, the file on State's Exhibit Eight was
22 last accessed on March 30th of 2007, at around 12:00 in the
23 morning, and placed on State's Exhibit Ten around 2:00 in
24 the afternoon, on the same day?

25 A. Correct. According to the computer.

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1 Q. And you viewed those videos, and they are the exact
2 same video?

3 A. They are.

4 Q. They have the same contents?

5 A. They do.

6 Q. Would you take a look at State's Exhibit Twelve,
7 State's Exhibit Thirteen, and compare the file path?

8 A. They have a -- let's see. Starting with the -- using
9 a Bay Graywood, it goes to My Documents. However, it was
10 My Videos, and then, Vids, New Folder, One, New Folder, and
11 then the file on both.

12 Q. So, these do share a common file structure?

13 A. They do, yes, eventually. Yes, they do.

14 MR. FLORES: Beg the Court's indulgence.

15 THE COURT: All right.

16 BY MR. FLORES:

17 Q. I hate to jump around. I've got the computer ready
18 now. So, I want to go back to your testimony concerning
19 Yahoo mail.

20 A. Um-hmm.

21 Q. The bank account. I want to go back to your 2014
22 report.

23 A. Okay.

24 Q. I'm sorry, I forgot to -- Okay. We're going to take a
25 look from 2014, we are looking at the forensic report for

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1 State's Exhibit Ten. All right. Special Agent Wasiak, we
2 are in, again, forensics report for the -- for State's
3 Exhibit Ten. What section of the report is this?

4 A. Internet Explorer History.

5 Q. So, Internet Explorer History. Could you explain that
6 for the jury what that is?

7 A. Any web searching you did, web sites you visited using
8 Internet Explorer.

9 Q. All right. So, it has a record. This is record
10 number 2,062, Daily History Record. What would that --
11 what would that be?

12 A. The Daily History Record, that -- it's last visited,
13 the last time that website was viewed.

14 Q. Okay.

15 A. Yes.

16 Q. Date and time visit?

17 A. Looks like it was at May 14th, 2007?

18 Q. Sure. Yeah. And this says it has a local time.

19 So, what is local? What does that mean?

20 A. Local time is what's on the computer and not what IEF
21 uses as their standard as UTC time.

22 Q. UTC time, which is what's listed up here, correct?

23 A. Correct.

24 Q. It says UTC?

25 A. UTC, correct.

1 Q. What's the difference between local time here, Eastern
2 Standard Time, to UTC?

3 A. UTC is a universal coordinated time. Generally, we
4 are five hours earlier from it. We're in -- like, right
5 now we're four hours behind it because of daylight savings
6 time. But it's just -- it's a universal time that most of
7 the scientific community uses, but computer forensics is
8 adapted as well. This way, everybody's on the same sheet
9 of music when dealing with times.

10 Q. So, if this were 1:07 p.m., Eastern Daylight Time, in
11 UTC it would be?

12 A. Four hours ahead.

13 Q. Four hours ahead. So, 5:07?

14 A. Correct.

15 Q. Okay. So, we've -- we're focusing right now on May
16 14th of 2007.

17 MR. FLORES: Beg the Court's indulgence.

18 Q. Special Agent Wasiak, what are we looking at here?

19 A. It's the Internet Explorer History.

20 Q. Okay. And this is which record? Would it be easier
21 if you came closer??

22 A. Yes.

23 Q. Sorry.

24 (WITNESS LEAVES WITNESS STAND.)

25 A. That's the main history record.

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1 Q. All right. And what's the date and time?

2 A. May 14th, 2007 at 04:36 pm.

3 Q. 04:36 pm. Is that going to be in UTC, or is that just
4 your standard --

5 A. Yes. IEF unless otherwise noted as local time are
6 gonna be in UTC time.

7 Q. So, this, in essence, is four hours earlier, which
8 would make it 12:36:54 pm, on May 14th of 2007, correct?

9 A. Correct.

10 Q. All right. And we're on this computer, State's
11 Exhibit Ten?

12 A. Correct.

13 Q. What can you tell us about this URL, this first one?

14 A. It appears to be a log in for a Yahoo account.

15 Q. Log in for a Yahoo account. All right.

16 You have State's Exhibit Sixteen in your hand?

17 A. I do.

18 Q. All right. And which account is that?

19 A. It says, Welcome -- Welcome, Aaron on part of it and
20 then it's -- ocat@yahoo.com.

21 Q. ocat@yahoo.com.---

22 A. Yeah.

23 Q. --- for Aaron. And that is at what time?

24 A. 04:37 pm, UTC; 12:37 Eastern Daylight Savings time.

25 Q. All right. These next two records indicate that --

1 what time do we have?

2 A. 12:37 local time.

3 Q. 12:37 local time, and which email account?

4 A. ocat@yahoo.com.

5 Q. Which is logged into, and you -- Does a unique
6 password have to be entered at that time?

7 A. Yahoo login, yes.

8 Q. All right. I want you to focus on number 4747. I'm
9 sorry. Here it is. What is this?

10 A. The RBC -- looks like the RBC banking site.

11 Q. All right. And what time is that?

12 A. 04:38 pm, UTC 12:38 local time.

13 Q. All right. Let's take a look at record 4754.

14 What time is this?

15 A. 12:39 local time, pm, on the 14th.

16 Q. All right. How many seconds?

17 A. Thirty-four seconds.

18 Q. All right. What does this appear to be? This web
19 address, what does this tell us?

20 A. Looks like a login. Appears to be a login for a
21 banking site.

22 Q. A login, or was it a logout?

23 A. I'm sorry, it's a sign-out page, yes.

24 Q. All right.

25 A. I'm sorry, it's a log-out page.

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1 Q. Look at the web address. Is this similar to what was
2 seen before, concerning this bank account?

3 A. It is.

4 Q. All right. It contains the RBC GI 3M0, correct?

5 A. Correct.

6 Q. And that is associated with whose bank account?

7 A. The name Griswold.

8 Q. Is there an exhibit that might refresh your memory?

9 A. Yes.

10 Q. I'm handing you State's Exhibit Twenty.

11 A. Yes. Aaron -- Aaron Griswold.

12 Q. Aaron Griswold. So, that address ending in the RBC GI
13 3M0, is associated with Aaron Griswold, and he's logged out
14 of the bank account.

15 A. Correct.

16 MR. FLORES: Beg the Court's indulgence.

17 Q. I'll direct your attention to this, 6093. What time
18 is this?

19 A. 12:39 pm, local time.

20 Q. And how many seconds?

21 A. Forty-three seconds.

22 Q. And the bank account information was opened at what
23 time?

24 A. It was done in thirty-four seconds.

25 Q. Thirty-four seconds. What is this file?

1 A. Well, appears at face value to be a movie file
2 indicating what is a -- is a child porn title to it.

3 Q. All right. Let's -- let's explain that to the jury.

4 What is dot ADI??

5 A. ADI is an extension for video files.

6 Q. So, a digital electronic file?

7 A. Correct.

8 Q. Where is it located?

9 A. It's the user section, under the username Bay,
10 Documents in a folder Downloads.

11 Q. All right. PTHC, you've explained to the jury, Hussy
12 Fan.

13 A. Correct..

14 Q. What are these percent twenty's?

15 A. They're just spacers, spacers in the title.

16 Q. And that's a language, that's -- the program itself is
17 --

18 A. Right. Yeah??

19 Q. And then friends 06.ADI. If you would please take
20 your seat.

21 (WITNESS RETURNS TO WITNESS STAND.)

22 A. Special Agent Wasiak, I want you to take the forensic
23 report for State's Exhibit Thirteen. Or that is the
24 forensic report, and that is for State's Exhibit Ten, the
25 computer, State's Exhibit Ten, the one we've been talking

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1 about.

2 A. Okay.

3 Q. Forensic report number five from there.

4 Special Agent Wasiak, I'm taking a look at number
5 three here. Is this title familiar?

6 A. It is.

7 Q. All right. And that was what we just last viewed from
8 the forensic report in 2014?

9 A. Yes, the same title.

10 Q. Same title? Have you viewed this video?

11 A. I have.

12 Q. What's the file have for this video?

13 A. Starts with the E drive, then users, then the username
14 Bay, videos, vids, new folder, the number one, new folder,
15 and then the file was there.

16 Q. Is that the same path that was on the forensic report
17 just shown to the jury?

18 A. On the 2014?

19 Q. That's right.

20 A. No.

21 Q. So, where was that found?

22 A. That was found in the -- the Downloads folder, I
23 believe.

24 Q. How would a file from the Downloads folder end up
25 here?

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1 A. It would have to be moved ---

2 Q. So, a user --

3 A. --- or was copied.

4 Q. The user would either have to move it or copy it from
5 the original location?

6 A. Correct.

7 MR. FLORES: Beg the Court's indulgence one moment,
8 please.

9 (PAUSE AT 04:19 PM.)

10 Your Honor, if we might approach?

11 THE COURT: Yes.

12 (BENCH CONFERENCE HAD OFF THE RECORD, OUT OF HEARING
13 OF THE JURY.)

14 THE COURT: I'm told we -- probably good for us to
15 take another short refresher break at this time. So, let
16 you go and get refreshed, and we'll send for you
17 momentarily.

18 (JURY EXITS COURTROOM AT 04:20 PM.)

19 THE COURT: We'll take about a ten-minute break.

20 (COURT IN RECESS AT 04:21 PM.)

21 (COURT BACK IN SESSION AT 04:31 PM.)

22 THE COURT: The State ready?

23 MR. FLORES: Your Honor, just to address the videos
24 and what we intend to show. We have selected five videos
25 to show very short portions. I think all total, it's less

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1 than thirty seconds. And then, we would lay the foundation
2 to place this summary as being requested prior in our
3 motion which you decide upon.

4 THE COURT: All right. Bring in the jury.

5 MR. FLORES: And if Mr. Atwater --

6 MR. ATWATER: I was just wondering if all five of
7 those files are in evidence already.

8 THE COURT: The --

9 MR. FLORES: I will play then-- The forensic files are
10 all located on the forensic report from 2007. That has
11 already been admitted into evidence.

12 MR. ATWATER: The report? The report?

13 MR. FLORES: Yeah. That was State's Exhibit Four,
14 that has the videos and includes the report. That's all --
15 that's all --

16 THE COURT: Well, what'll be shown is on the disc is
17 in evidence?

18 MR. FLORES: Yes, your Honor. I mean, I could go
19 through each and -- and ask him if it's on his report. I
20 can ask him the general question that's asked if all the
21 videos are located on this report that's already in
22 evidence.

23 MR. ATWATER: If -- that's the two thousand and?

24 MR. FLORES: Seven. This is State's Exhibit Four.

25 MR. ATWATER: And you're showing which video?

1 MR. FLORES: This one and this one.

2 (SIDE BAR BETWEEN ATTORNEYS OFF THE RECORD.)

3 THE COURT: Anything before the jury comes in?

4 All right, bring in the jury.

5 (JURY REENTERS COURTROOM AT 04:32 PM.)

6 THE COURT: All right, you may proceed.

7 MR. FLORES: Yes, your Honor.

8 Madam Clerk, if you would dim the lights, please?

9 BY MR. FLORES:

10 Q. Special Agent Wasiak, I want to go to your forensic
11 report for computer number three. That's State's Exhibit
12 Thirteen and State's Exhibit Ten. We'll start with State's
13 Exhibit Ten, the computer. There are a list of video files
14 that were isolated on that computer in this report; is that
15 correct?

16 A. Correct.

17 Q. All right. And that report was contained on State's
18 Exhibit Four, this physical report?

19 A. Correct.

20 Q. Are the video files associated with the videos listed
21 here also on State's Exhibit Four?

22 A. They are.

23 Q. And you have personally viewed all of those items?

24 A. I have, yes.

25 Q. Before we move on to the videos I do have just a

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1 couple of questions. We've talked about similar files on
2 similar computers. We've talked about the Kingpass video
3 ending up on all three of these computers, dates and times
4 after?

5 A. Correct.

6 Q. First on State's Exhibit Seven, then on State's
7 Exhibit Eight, then on State's Exhibit 1Ten, correct?

8 A. Correct.

9 Q. Okay. I want to direct you to State's Exhibit Twelve,
10 the forensic report for State's Exhibit Seven, the home-
11 built computer, and page number two.

12 Special Agent Wasiak, which video is this?

13 A. It's a the one parentheses seven, MPEG video.

14 Q. I'm sorry.

15 A. Which one? I'm sorry. No wait.

16 Q. Let me -- Actually, I'm on State's Exhibit Fourteen.
17 Sorry, I mis-spoke. And on -- I want you to turn to page
18 six of that. This is the report for State's Exhibit Seven,
19 the computer. We've talked about this file already. When
20 was this created on this computer, according to this
21 information?

22 A. February 17th, 2007.

23 Q. And that was -- that information was pulled from the
24 -- based on the software you used?

25 A. Correct.

1 Q. And when was it last accessed on this middle computer?

2 A. March 4th, 2007.

3 Q. All right. What time?

4 A. 11:42 am.

5 Q. All right. And it is found in the My Documents, New
6 Folder pathway?

7 A. Correct.

8 Q. So, My Documents, and I go in there and I find New
9 Folder, and I go in there, and that's where that file would
10 be?

11 A. Correct.

12 Q. And I'd like to move to State's Exhibit Twelve,
13 please. And on that, page two. And this report refers to
14 State's Exhibit Eight that was seized from the living room.
15 Is this file the same as the one you were just referencing
16 from State's Exhibit Eight, the same computer or that
17 computer?

18 A. Correct.

19 Q. I'm sorry, State's Exhibit Seven?

20 A. Correct.

21 Q. And is this the same folder pathway?

22 A. It is not.

23 Q. Where is this located?

24 A. That was in the -- excuse me -- the Documents and
25 settings Bay Graywood, My Documents, My Videos, Vids, New

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1 Folder, One, New Folder, and then the file.

2 Q. So, instead of just in New Folder, it's in a one, and
3 then another new folder, and then you find it?

4 A. Correct.

5 Q. But this is the exact same file between these two
6 computers, correct? You've viewed those?

7 A. Yes, correct.

8 Q. Okay. And when was it created on this computer?

9 A. March 10th, 2007.

10 Q. And was last accessed on?

11 A. March 30th, 2007.

12 THE COURT: And that's number?

13 MR. FLORES: That is State's Exhibit Number Eight.

14 Q. Special Agent Wasiak, I would like you to refer to
15 State's Exhibit Thirteen, the forensic report for State's
16 Exhibit Ten. I'm on page number nine. Is this the same
17 video file as the two referenced on the previous two
18 computers?

19 A. Correct.

20 Q. You've viewed this? It is the exact same file?

21 A. I did, correct.

22 Q. When it was created on State's Exhibit Ten?

23 A. March 30th, 2007.

24 Q. And at what time?

25 A. 02:34 pm.

1 Q. So, it was placed on State's Exhibit Ten after State's
2 Exhibit Eith, correct?

3 A. Correct.

4 Q. And the exact same video?

5 A. Correct.

6 Q. I'm back on State's Exhibit Twelve, page number one.
7 This is the forensic report for State's Exhibit Eight, and
8 the first video. Are you familiar with this video?

9 A. Correct, I am.

10 Q. Have you viewed it?

11 A. I have.

12 Q. Concerning its title, there are some terms here that
13 are a little different from what we've seen. Do you
14 recognize them?

15 A. I do.

16 Q. How about this first one?

17 A. Kinderficker?

18 Q. Yes.

19 A. Yes.

20 Q. Is that associated with?

21 A. It is. It's a search term used, yes.

22 Q. PTSC.

23 A. Preteen Soft-Core, another term.

24 Q. 4YO?

25 A. Four years old.

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1 Q. When was this file created on the computer?

2 A. February 2nd of 2007.

3 Q. And when was it last accessed?

4 A. March 30th, 2007.

5 Q. Moving back to State's Exhibit Thirteen, the forensic
6 report which associates with State's Exhibit Ten. I want
7 to direct you to page three. Is this the same video that
8 was referenced from State's Exhibit Eight?

9 A. Correct.

10 Q. And you viewed this video?

11 A. I did.

12 Q. And it is exactly the same copy?

13 A. Correct.

14 Q. And it is found on State's Exhibit Ten?

15 A. Correct.

16 Q. Is it found after it is -- was found on State's
17 Exhibit Eight?

18 A. It is.

19 Q. I'd like for you to go back to State's Exhibit Twelve,
20 the forensic report for State's Exhibit Eight. We're on
21 page two. This video's named One, space, parentheses, one,
22 dot, mpg. Have you viewed this video?

23 A. I have.

24 Q. And when was it created on this device?

25 A. March 10th, 2007.

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1 Q. And when was it last accessed?

2 A. March 30, 2007.

3 Q. And that's on State's Exhibit Eight?

4 A. Correct.

5 Q. Now to State's Exhibit Thirteen. Page six. Video
6 fifteen. Is this the same video?

7 A. It is.

8 Q. Was it created after the video on State's Exhibit
9 Eight?

10 A. It is.

11 Q. When was it created?

12 A. March 30th, 2007.

13 Q. And it was found on State's Exhibit Ten?

14 A. Correct.

15 MR. FLORES: Beg the Court's indulgence.

16 Your Honor, at this time, we're going to show some
17 videos for the jury.

18 THE COURT: You may proceed.

19 MR. FLORES: Thank you, your Honor.

20 Q. Special Agent Wasiak, I'm going to reference State's
21 Exhibit Thirteen, a forensic report for State's Exhibit
22 Ten.

23 A. Okay.

24 Q. The computer seized from Mr. Griswold's room. We're
25 going to be showing a portion of five of these videos.

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1 MR. FLORES: Your Honor, we will be playing these
2 without any sound.

3 (VIDEO NUMBER THREE PUBLISHED TO THE JURY AT 04:49
4 PM.)

5 BY MR. FLORES:

6 Q. Special Agent Wasiak, referring to your forensic
7 report, -- We're looking at page one. Video number two?

8 A. Um-hmm.

9 Q. Could you read that title for the jury, please?

10 A. The full title?

11 Q. Yes, please.

12 A. The title of the file is, "double parentheses within
13 it is, Hussy Fan, PTHC exclamation point, exclamation
14 point, exclamation point" -- capitalized -- "ALL IS NEW AND
15 GOOD." And then, "Linda, zero, zero, zero, one, dash one,
16 dot avi."

17 Q. Have you reviewed this material?

18 A. I have.

19 Q. Special Agent Wasaiak, I'm referring now to video
20 number three. Would you read that title, please?

21 A. "PTHC, Hussy Fan exclamation point, exclamation point,
22 exclamation point new Tammy and Friends, zero six dot avi."

23 Q. Special Agent Wasiak, is this the same file that was
24 referenced on May 14th of 2007?

25 A. It is.

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1 Q. And this is the same file that is accessed nine
2 seconds after the bank account ---

3 A. Correct.

4 Q. --- Mr. Griswold, correct?

5 A. Yes. Correct.

6 Q. Special Agent Wasiak, to reference video number seven,
7 is this the title that we were referring to having been
8 transferred between two of the computers?

9 A. Correct.

10 Q. All right. What is the starting title for this video?

11 A. The whole title?

12 Q. No, just the first three words would be fine.

13 A. Kinderficker PTHC PTSC.

14 Q. Special Agent Wasiak, I want you to reference video
15 number twenty. Would you read the title for this?

16 A. In parentheses, (PTHC Shocking, 6Y0 fuc, with some dot
17 mpg, .mpg.)

18 Q. And you have viewed this file?

19 A. I have.

20 Q. Does it contain sound?

21 A. It does.

22 Q. Special Agent Wasiak, I'd like you to reference video
23 number twenty-three. Would you read this film title?

24 A. One -- parenthesis -- (7.mpg).

25 Q. Have you reviewed this file?

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1 A. I have.

2 Q. And this is one of the files that was references as
3 having been on multiple computers?

4 A. It is, correct.

5 Q. Special Agent Wasiak, the twenty-seven movies, movies,
6 digital electronic files that are listed on forensic report
7 thirteen as having been found on State's Exhibit Ten, have
8 you seen all of those videos?

9 A. I have.

10 MR. FLORES: If I may approach, your Honor?

11 THE COURT: Yes, sir.

12 BY MR. FLORES:

13 Q. I'm handing you what's been pre-marked as State's
14 Exhibit Eleven. Would you please review that information?

15 (WITNESS COMPLIES.)

16 Q. Do you recognize this information?

17 A. I do.

18 Q. And what is this information?

19 A. It's a -- it gives the title, the name of the movie or
20 how it's titled. A description of it, a detailed
21 description of it, and also the length of the movie, or the
22 video file.

23 Q. Was this report prepared for this case?

24 A. It was.

25 Q. And do these descriptions that are found on this

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1 summary accurately represent the contents of each of these
2 videos in Forensic Report Thirteen?

3 A. They do.

4 MR. FLORES: Your Honor, we would ask that State's
5 Exhibit Eleven be entered into evidence.

6 THE COURT: All right. Subject to earlier ruling and
7 over objection, -- This is the summary?

8 MR. FLORES: Yes, your Honor.

9 THE COURT: I'll allow it into evidence, over
10 objection.

11 MR. FLORES: Thank you, your Honor. Beg the Court's
12 indulgence.

13 (WHEREUPON, STATE'S EXHIBIT NUMBER ELEVEN, IDENTIFIED
14 AND MARKED, RECEIVED INTO EVIDENCE.)

15 MR. ATWATER: What exhibit number was that, your
16 Honor?

17 THE COURT: Eleven.

18 BY MR. FLORES:

19 Q. The videos listed in State's Exhibit Eleven, those are
20 all found on this computer, State's Exhibit Ten?

21 A. Yes, correct.

22 MR. FLORES: Beg the Court's indulgence.

23 Q. Just to be clear, four of those videos that are found
24 within that summary were also found on State's Exhibit
25 Eight and State's Exhibit Seven, correct?

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1 A. Correct.

2 MR. FLORES: Beg the Court's indulgence.

3 Your Honor, that's all the questions we have for
4 Special Agent Wasiak.

5 THE COURT: All right. Turn the lights back on.

6 Cross-examination?

7 CROSS-EXAMINATION

8 FARAND WASIAK BY MR. ATWATER:

9 Q. Special Agent Wasiak, these five computers that were
10 brought to you -- brought down to SLED, you never did
11 anything with these computers directly?

12 A. The physical computers, no, sir.

13 Q. These computers, by history, have come down to SLED
14 twice. Is that my understanding?

15 A. That is correct.

16 Q. Okay. And the first time they came down there, they
17 were sent by the Rock Hill Police Department?

18 A. They were.

19 Q. The second time they were sent there, they were sent
20 by the Attorney General's Office, correct?

21 A. Correct.

22 Q. Now, at the outset of your testimony, you were talking
23 about a procedure where these computers go through when
24 they're received at SLED?

25 A. Correct.

1 Q. All right. And I believe that we went over that
2 earlier, when they're initially received at SLED, they are
3 received in by a receiving agent?

4 A. That is correct. An agent or a tech. The -- yes.

5 Q. Okay. And in the first instance, that tech was --
6 well, not you, right?

7 A. It was not me.

8 Q. Do you know who received it?

9 A. In 2007, it was Tony Pantsari.

10 Q. And who is Mr. Pantsari?

11 A. He was a tech with us. When he -- I forgot when he
12 left but in 2007 he was a technical analyst for us.

13 Q. Was he working full-time with you back then?

14 A. 2007, yes, he was.

15 Q. Do you know whether he was also elsewhere employed at
16 the time?

17 A. Yeah, the Ermo Fire Department.

18 Q. Okay. And when Mr. Pantsari received these computers,
19 you weren't present when that happened, right?

20 A. I was not.

21 Q. Okay. When he received these computers, I believe
22 your testimony was, these computers would have been
23 disassembled so that the hard drive could be taken out; is
24 that correct?

25 A. That is correct.

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1 Q. Okay. And you didn't have anything to do with that,
2 either, right?

3 A. I did not.

4 Q. Now, when the hard drives were taken out, I believe
5 your testimony was that they would be connected up to some
6 type of -- something that would -- that would read them.

7 A. Correct. A write blocker.

8 Q. A write blocker. And that write blocker, I believe
9 you testified, was a one-way communication device?

10 A. That is correct.

11 Q. Okay. The write blocker would have to send some type
12 of information to that drive to get it send information
13 back to it, right?

14 A. Like, a communication, yes. Just through the data
15 cables, correct.

16 Q. Okay. So, it would communicate with the drive, and at
17 that point in time, it would start reading that drive,
18 right?

19 A. Correct.

20 Q. And the write blocker itself has software on it of its
21 own, correct?

22 A. It depends on the write blocker. Back then, it was
23 probably the Black Bag. It's -- it just allows for the --
24 the -- I guess you could say, the transfer, it's going one
25 way. Insofar as what software would have on it, I do not

1 know.

2 Q. But do you know whether it would have to have some
3 type of program that it would tell it to do what it is it's
4 supposed to --

5 A. Oh, yes. It's designed for that, correct. Yes.

6 Q. So, it's got some type of software program on it?

7 A. Yes. Lack of a better term.

8 Q. And if I understand correctly, it would communicate
9 with that, with the hard drive, and take information off of
10 the hard drive ---

11 A More --

12 Q. --- for analysis?

13 A. More like copy the information, correct.

14 Q. So, I understand it would copy the information that
15 the hard drive had on it?

16 A. Correct.

17 Q. The hard drive would still have whatever information
18 it had?

19 A. Correct.

20 Q. And -- and then, that write blocker would take all of
21 that information, and there was something in that write
22 blocker program that would generate a value at the
23 beginning of that operation, correct?

24 A. No. It -- the write blocker doesn't generate
25 anything. The information literally passes right through

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1 it, for like, a tunnel, I guess you could -- so to speak,
2 and it's the EnCase software that generates the hash value,
3 the acquisition software, which is the same acquisition and
4 analysis software that I use.

5 Q. Okay. So, where is the EnCase software itself?

6 A. That's on the computer that -- when it's hooked up to
7 the computer, it's the hard drive, write blocker, our
8 computer. So, it goes there on the computer itself; has
9 the EnCase software on it.

10 Q. All right. So, Mr. Pantsari would have taken the hard
11 drive out of this computer, for example, connected it to
12 the write blocker?

13 A. Correct.

14 Q. That would have been connected to a SLED computer?

15 A. Correct.

16 Q. The SLED computer would have had the EnCase software
17 on it?

18 A. Correct.

19 Q. And the write blocker had its own programs on it?

20 A. So to speak. Yeah, it's not -- it's more hardware
21 than it is -- more hardware than it is software.

22 Q. But it actually performs the function of drawing the
23 information, or copying the information out of the hard
24 drive from this computer, and putting it onto the SLED
25 computer, correct?

1 A. It's more, I guess you could say, the guardian, or the
2 -- the gate, fort, so to speak, because the EnCase software
3 is what does it. The write blocker just prohibits
4 information from passing from -- from the computer into the
5 hard drive.

6 Q. And when you say from the computer into the hard
7 drive, you're talking about a SLED computer?

8 A. A SLED computer, yes, correct. It just allows -- it's
9 an electrical mechanical device is what it is.

10 Q. And so, it's the SLED computer with the EnCase
11 software that generates the values that you were making
12 reference to earlier?

13 A. That is correct.

14 Q. And those values were generated for each one of these
15 computers in 2007; is that right?

16 A. Correct.

17 Q. Now, in 2014, if that same process was done over
18 again, ---

19 A. Correct.

20 Q. --- would the EnCase software have generated an
21 identical string ---

22 A. Yes.

23 Q. --- as it did back in 2007?

24 A. Yes, as long as that hard drive was never changed,
25 manipulated, or anything along those lines, correct.

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1 Q. Okay. And what is it in that software that would make
2 it generate that identical string?

3 A. Just whatever part of it that generates the hash
4 value. I -- you'd have to talk to the EnCase engineers
5 about how they get -- get themselves -- get the program to
6 do that.

7 Q. As to the EnCase software, when the information comes
8 out of the hard drive and it goes to the SLED EnCase
9 software, at that point in time, what did Mr. Pantsari,
10 what did he do with it?

11 A. During -- Well, depending on the size of the computer,
12 the imaging process can take anywhere from hours to days.
13 So, he would just pretty much start the process and let it
14 run its course until it was -- until it was finished. And
15 then, he would verify it, to make sure that it was --
16 that's where the verification hash comes in. Make sure
17 that every -- there was no errors, the write blocker didn't
18 fail or anything like that.

19 Q. And when he went through that process, you weren't
20 present when he did that, either?

21 A. I was not, no.

22 Q. At that point in time, basically there would have been
23 what you refer to as an image?

24 A. Correct.

25 Q. Of the hard drive?

1 A. Correct.

2 Q. On the SLED computer that he had loaded it over to?

3 A. It would go to our network, our server, so to speak.
4 No, not so to speak, it goes to our server. It's not
5 stored on a local computer.

6 Q. And after the -- after he does that, he takes the hard
7 drive and returns it to this computer, correct?

8 A. Correct.

9 Q. All right. And the information that has been imaged
10 from this computer is now sitting on SLED's database?

11 A. Correct. Server, yes.

12 Q. All right. And then, he -- at some point in time, he
13 decides who he's going to share that with, correct?

14 A. Well, my -- he just -- he puts it out there, my
15 lieutenant at the time, he's the one who would assign me
16 the case so intake case. My lieutenant would say, all
17 right, assign this case to Wasiak. So, Tony would know,
18 from our intake sheet, to put it in my -- like I said, my
19 -- my little part of the server, for me to access from my
20 desk, from my forensic machine.

21 Q. And you -- and he would have done that for each one of
22 these computers back in 2007?

23 A. Correct.

24 Q. Does he still work for SLED?

25 A. He does not.

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1 Q. Now, in 2007, you were given a request to do something
2 with each one of -- with the information you received from
3 each one of these computers, correct?

4 A. Correct.

5 Q. And what were you asked to do at that time?

6 A. I'd have to check the actual intake sheets, but I
7 believe it was to find video files or pictures of child
8 pornography.

9 Q. Okay. And you would have review -- how would you have
10 done that, as it related to the images that you received
11 from these computers?

12 A. I would I have conducted my exam?

13 Q. Yes.

14 A. Well, with EnCase, a thing called Gallery View, and
15 it's like if you have your own family photos and you have
16 all the thumbnails, it's a thumbnail view, and I --
17 personally, I just go through and look at every single
18 image. The EnCase software knows what -- knows what to
19 look for images. Even if you change an image to -- say you
20 rename it a PDF file, EnCase will know it's a picture, and
21 it'll store it and I just go through every picture, one by
22 one, and I pick out the ones that are of, we call, an
23 investigative value so then that the investigators might be
24 interested in. And the same goes for movies, too. I watch
25 every single movie, and then pick out the ones that are of

1 interest.

2 Q. Once you did that and you identified the images, what
3 did you look for or what did you do with any of the rest of
4 the image that was on the SLED data base at the time?

5 A. I believe it's stored in -- back then, it was stored
6 up to a certain amount of time, and then it was backed up
7 to, I believe, DVD's, and that's what we did back then, due
8 to space.

9 Q. Okay. Were these images ever backed up to DVD's ---

10 A. They were.

11 Q. --- initially?

12 A. They were.

13 Q. And were those DVD's still available to SLED in 2014?

14 A. Yes, they were submitted back to us.

15 Q. Why did SLED not use those DVD's to do its examination
16 in 2014?

17 A. That, I do not know. I was not part of the process,
18 the imaging process for that. I do -- I don't have an
19 answer, or I do not know.

20 Q. And where are those DVD's today?

21 A. I - they bring them here -- Rock Hill picked up the
22 evidence. I -- We no longer have the evidence. I don't
23 know where they are.

24 Q. So, then again, in 2014, you received a new request,
25 or SLED received a new request?

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1 A. Correct.

2 Q. And this time it wasn't from Rock Hill Police
3 Department, it was from the Attorney General's Office?

4 A. That is correct.

5 Q. And at that point in time, they were asked to look
6 for, basically all this kind of information you've been
7 testifying to this afternoon?

8 A. Yes, the internet history activity, yes.

9 Q. Okay. And when the computers came in that time, a
10 technician by the name of Mr. Suggs was there?

11 A. That is correct.

12 Q. Okay. And Mr. Suggs would have received all of these
13 computers?

14 A. Yes, he would have.

15 Q. All right. And you weren't there when that happened,
16 either.

17 A. I was not.

18 Q. Okay. And then, he would have disassembled each
19 computer?

20 A. Correct.

21 Q. Taken the hard drives out of them?

22 A. Correct.

23 Q. Connect them to the write blocker?

24 A. That is correct.

25 Q. Which was connected to the database, where the EnCase

1 software was?

2 A. Correct.

3 Q. And repeated the process that it did back in 2007,
4 imaged the same thing again?

5 A. That is correct.

6 Q. And that would have been the same information that was
7 already on the DVD's that had been done the first time
8 with, right?

9 A. Correct.

10 Q. And do you know where those DVD's were at the time the
11 AG's office made that second?

12 A. Yes. They were submitted with the computers.

13 Q. So, when they came to you, or when they came to SLED,
14 these computers already had, or the DVD's already existed
15 that could have been reviewed to get the information,
16 without going through this entire process again, correct?

17 A. That is correct.

18 Q. And do you know why that wasn't done?

19 A. I -- no, I do not.

20 Q. In your report -- Do you have State's Exhibit Twelve
21 up there with you?

22 A. I do.

23 Q. In your report, or in State's Exhibit Twelve, if I
24 could refer you to page nine, please. Do you see, on page
25 nine, down toward the bottom, where it talks about OS info?

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1 A. Yes.

2 Q. And I believe you testified earlier, but could you
3 refresh our memories about what this OS info is?

4 A. It shows the version of the operating system on there,
5 its install date, and of course, the last shutdown time.

6 Q. Now, let me ask you, when you were initially given
7 these computers back in 2007, were you given Mr. Griswold's
8 name at that time?

9 A. His name, yes.

10 Q. Okay. As a matter of fact, there was something upon
11 the beginning of your report where it listed his name and
12 said what you were looking for, correct?

13 A. Yes.

14 Q. Who gave you his name?

15 A. The submitting officer would have on the intake sheet.

16 Q. Okay.

17 A. Or maybe if I had -- I don't -- any submitting
18 incident reports would have it.

19 Q. And that was the only name they gave you, correct?

20 A. I'd have to re-check that, but I believe so.

21 Q. Looking back at State's Exhibit Twelve, if you'll go
22 to page seven, please. And do you see up at the top here,
23 where it says, username is Bay Graywood.

24 A. I do.

25 Q. Right under that, the next line, what does that say/

1 A. Full name, Jim.

2 Q. Full name, Jim?

3 A. Uh-huh.

4 Q. Have you ever been given the name Jim as being any
5 person who resided with Aaron Griswold?

6 A. I don't believe so, unless I read it on a incident
7 report or something, but I don't believe so.

8 Q. Has anyone with SLED or Rock Hill Police Department
9 ever asked you to look for information on any of these
10 computers, or a person by the name of Jim?

11 A. Not that I can recall.

12 Q. Or Jim Burnette??

13 A. Not that I can recall.

14 Q. So, if that information was on there, you -- you --
15 you haven't looked for it?

16 A. Correct.

17 Q. And you haven't been asked to look for it?

18 A. Correct. Not that I recall.

19 Q. Okay. So, according to what's been marked as State's
20 Exhibit Twelve, which identifies the OS info on page nine
21 as Bay Graywood, page seven says Bay Graywood is Jim,
22 correct?

23 A. Correct. Yes. As a local user.

24 Q. I asked you specifically about Jim Burnette. Have you
25 ever been told -- Well, let's go to your 2014 examination.

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1 Once you got the information on the system in 2014, you
2 were told to look for internet activity; is that correct?

3 A. Correct.

4 Q. Isn't it true that you were specifically told to look
5 for internet activity relating to Aaron Griswold?

6 A. I'd have to double-check the request sheet or the
7 intake sheet for that. But with IEF -- with IEF, I tell
8 the software what to look for, and then it -- then it
9 retrieves it. I don't do it specifically towards name on
10 that. That's not the way that software works. It would
11 pull all internet activity from that computer.

12 Q. Now, this computer that's been identified as State's
13 Exhibit Ten?

14 A. Yes, yes.

15 Q. In your review through the EnCase software, isn't it
16 true that the clock on this computer is off from real time?

17 A. I'd have to double-check the intake sheets on that. I
18 don't have them in front of me.

19 Q. Where would they be found? Is that something that's
20 in your disc?

21 A. Yes.

22 Q. From?

23 A. 2014. It would be under Imaging Worksheets. You've
24 got to get out of the IEF program to the main page.

25 Q. And for the 2014 report, what item number is that?

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1 A. Can I get up and look?

2 Q. Yes, sir.

3 A. Thank you.

4 (WITNESS LEAVES WITNESS STAND.)

5 A. Number five, item five.

6 (WITNESS RETURNS TO WITNESS STAND.)

7 MR. ATWATER: May I approach, your Honor?

8 THE COURT: Yes, sir.

9 BY MR. ATWATER:

10 Q. Investigator Wasiak, have you ever seen the -- Were /
11 you given at any time the incident reports or the inventory
12 sheets relating to these computers, from the Rock Hill
13 Police Department?

14 Q. I believe in maybe 2007, it may have been, you know,
15 the incident report. The intake sheet, I do not know,
16 because usually we just include our intake sheet from when
17 we got it from Rock Hill, or from the police department.
18 I'd have to double-check that full disc and see.

19 Q. The document that you referred me to a moment ago,
20 there -- there is something in your disc that's called an
21 IEF report?

22 A. Yes.

23 Q. What is that?

24 A. Internet Evidence Finder. That's one software we use.
25 Yes.

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1 Q. On the imaging worksheets, who would have prepared
2 those in 2007?

3 A. It would have been Tony Pantsari.

4 Q. And who would have prepared them in 2014?

5 A. Kevin Suggs.

6 Q. Have you ever reviewed those imaging worksheets to
7 determine whether or not there was a difference between the
8 BIOS reading for the time, from 2007 and in 2014?

9 A. 2014, I would have not. In 2007, I would have. And
10 that's just due to the nature of the software. Because IEF
11 -- IEF is a lot more advanced product for looking at
12 internet history, so I would have to. With EnCase, back in
13 2007, time and dates are usually crucial, it wouldn't
14 really matter so much to me during my exam. I just always
15 review them to make sure that I've -- there's no big
16 discrepancies or anything like that.

17 Q. So, when you did your review in 2014, the information,
18 as it relates to the -- the time offsets between these
19 computers and real time, would not have come from your --
20 your review of the computers yourself?

21 A. Correct. Yeah. The -- the imaging agent does that.

22 Q. And then, that would have been Pantsari in 2007 and
23 Suggs in 2014?

24 A. That is correct.

25 Q. You were questioned earlier in regards to a specific

1 -- a few specific files. I think one of them was called
2 1.7?

3 A. Yeah. One, parentheses, seven.

4 Q. Do you remember that one?

5 A. Yes.

6 Q. Okay. And the testimony was that you found that on
7 this computer and this computer and this computer, correct?

8 A. I believe that was one that was on all three.

9 THE COURT: Show for the record which numbers this,
10 this, and this is.

11 MR. ATWATER: State's Exhibit Ten, State's Exhibit
12 Seven, and State's Exhibit Eight.

13 THE COURT: Thank you.

14 BY MR. ATWATER:

15 Q. Is that correct?

16 A. Correct.

17 Q. Is there anything whatsoever in any of your -- your
18 files and documents, that are on the discs that have been
19 put into evidence, that you have ever seen that shows a
20 record of a file being transferred from this computer to
21 this computer?

22 A. No, there is not.

23 Q. Okay. And is there anything in those two discs from
24 2007 or 2014, in all of the records that you have on that
25 disc, that shows any file whatsoever being transferred from

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1 this computer to this computer?

2 A. No, there is not.

3 Q. You were asked -- So you will agree with me that, for
4 a file to be on State's Exhibit Ten, State's Exhibit Seven,
5 State's Exhibit Eight, it did not have to be transferred
6 from one to the other to get on that individual computer,
7 right?

8 A. I mean, that's possible, but it's not -- it's -- also
9 it's -- the possibilities go either way. They could have
10 been transferred, or something else could have put them on
11 there, another, you know, thumb drive or something like
12 that. A zip disc, a floppy disc.

13 Q. Could they also have just been downloaded onto each
14 computer at a different time, from the Internet?

15 A. Yeah, that's a possibility, as well.

16 Q. So, there's -- there's nothing in all of the
17 information that you have generated, or that has been
18 generated by SLED on those discs, that's going to show that
19 anyone copied a file from State's Exhibit Ten to State's
20 Exhibit Seven and State's Exhibit Seven to State's Exhibit
21 Eight, or any other combination of that, correct?

22 A. Right. There is no information.

23 Q. And I believe there was another -- another -- let me
24 refer to this real quick. There was a file called 1.1?

25 A. Yes, I'm sorry, what -- What exhibit?

1 Q. Was there a file called 1.1?

2 A. There was.

3 Q. Okay. And I believe, in your testimony on direct, you
4 testified that that file was found on State's Exhibit Ten
5 and State's Exhibit Eight; is that correct?

6 A. Yes, that is -- that is correct.

7 Q. Okay. As to that file, 1.1, is there anything in all
8 of the reports and records that you have that have been
9 admitted into evidence that would show a -- that file being
10 transferred from State's Exhibit Eight to State's Exhibit
11 Ten?

12 A. There's not.

13 Q. Okay. And wouldn't the same also be correct that
14 there's no such record in evidence that would show a file
15 by that name being transferred from State's Exhibit Ten to
16 State's Exhibit Eight, either, correct?

17 A. That's correct.

18 Q. You were testifying on direct examination as to your
19 -- Right now, I'm referring to State's Exhibit Thirteen.
20 And correct me if I'm wrong but is this the exhibit for the
21 computer, wherein you initially did not find an operating
22 system on back in 2007?

23 A. That is correct. Or -- yes, correct. EnCase did not
24 find an operating system to report on the specifics on it.

25 Q. Now, in 2007, that was referred to as SLED Item Number

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1 3.

2 A. Okay.

3 Q. What item would that have been in 2014?

4 A. Can I look up there?

5 Q. Yes.

6 (WITNESS LEAVES WITNESS STAND.)

7 A. This is Item 4, from 2007 and it's Item 7 from 2014.

8 This is Item 3. Old Item 3 and new Number 5.

9 Q. So, old Item 3 was new Number 5?

10 A. Yes.

11 Q. Okay. Thank you.

12 (WITNESS RETURNS TO WITNESS STAND.)

13 Q. So, old Item 3 and new number 5 are what is being
14 referred to as State's Exhibit Ten.

15 A. Okay.

16 Q. Okay. Did this have an operating system on it in
17 2007?

18 A. Let's see. According to page twenty-four, it's a
19 Windows 98 machine.

20 Q. And that would have been from -- which exhibit are you
21 looking at?

22 A. Actually I went to the -- because that's actually our
23 -- I'm sorry. Exhibit Thirteen.

24 Q. Are you able to tell --

25 MR. ATWATER: Beg the Court's indulgence, your Honor.

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1 These things have like, five different names for each item.

2 THE COURT: Sure.

3 BY MR. ATWATER:

4 Q. At any time during your review of the -- strike that.

5 Were you ever given any documentation or anything that
6 told you who the owner was of any of these five computers?

7 A. I don't believe so. Maybe it was in the search
8 warrant, but I don't recall. I was never given specific
9 information on it.

10 Q. I think I already asked you as it relates to Jim who
11 we've identified as Bay Graywood. Were you ever asked when
12 you were doing your IEF search to look for any activity as
13 it related to George Masetti?

14 A. No, I don't believe so. No.

15 Q. So, if -- so if there were any activity on any of
16 these five computers related to George Masetti, -- Well,
17 let me rephrase that. There could be activity on all of
18 these five computers relating to George Masetti, and you
19 just wouldn't know that, correct?

20 A. Like I said, IEF pulls everything. It -- it's a broad
21 brush. It will pull all internet history for it.

22 Q. So, would you have the capability to review the
23 information that's in your EnCase software now to determine
24 whether or not that name appears in that -- in any of those
25 IEF findings?

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1 A. Yes, yes.

2 Q. Okay. And you were never asked to do that?

3 A. No.

4 Q. How about for Rebecca Griswold?

5 A. I don't think so, no.

6 Q. How about for Brian Honig?

7 A. No, sir.

8 MR. ATWATER: Your Honor, I'm going to need to look at
9 the exhibits up here a moment, please?

10 THE COURT: All right.

11 BY MR. ATWATER:

12 Q. I'm gonna show you what's been marked as State's
13 Exhibit Eleven, and ask if you'd look that, please.

14 (WITNESS COMPLIES.)

15 Q. State's Exhibit Eleven lists the files that you found
16 that you would have been looking for in your 2007 search,
17 correct?

18 A. Correct.

19 Q. Okay. Is there anything on that exhibit that would
20 allow you to tell me the date those files were created, or
21 the dates they were last accessed?

22 A. Based on this exhibit alone?

23 Q. Yes.

24 A. No.

25 Q. Do you know of any other exhibit up there that would

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1 give you that information?

2 A. My forensic reports. Looks like Twelve, Thirteen, and
3 Fourteen.

4 Q. Twelve, Thirteen and Fourteen?

5 A. Yeah. Actually, I think this one's specific just to
6 -- this one was specific to I believe like -- item --

7 MR. FLORES: It's actually State's Exhibit Thirteen.

8 A. Yes. Thank you.

9 BY MR. ATWATER:

10 Q. In looking at State's Exhibit Thirteen, if you would,
11 did you review all of the video files that you found, and
12 tell me if you find any video file in there that was either
13 created or accessed, either one, on June 1st of '07?

14 A. There is not.

15 Q. And you said the other ones would be found in State's
16 Exhibit Twelve and Thirteen? Was it Fourteen?

17 A. Yes.

18 Q. Okay. Moving from State's Exhibit Thirteen to Twelve.
19 Would you review that exhibit and tell me whether you can
20 find any video file that was either created or accessed,
21 either one, that was a file of interest in 2007, on June
22 1st of 2007?

23 A. There is not.

24 Q. And then, going to State's Exhibit Fourteen. Are
25 there any files in State's Exhibit Fourteen that were files

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1 of interest in 2007?

2 A. There are none.

3 Q. And how about starting at page five?

4 A. There are not.

5 Q. Are you looking at State's Exhibit Fourteen?

6 A. Yes, page five.

7 Q. Okay. Is that a sixteen-page exhibit?

8 A. Yes.

9 Q. And on page five of sixteen, does it show any video
10 files?

11 A. Oh, yes. Yes, it does.

12 Q. And aren't those the files that were of interest in
13 2007?

14 A. Correct.

15 Q. Okay. Looking at the file -- those files, do you find
16 any file whatsoever that was either created or accessed on
17 June the 1st of 2007?

18 A. I do not.

19 Q. Okay. And now, just hold that one, now I want you to
20 look at the same information and tell me whether you see
21 any files that were either created or accessed on June the
22 4th, 2007?

23 A. For this particular, or all?

24 Q. For that one, and then we're going to do the other
25 two.

1 A. Okay.

2 Q. And for Exhibit Fourteen, were you able to find any?

3 A. No.

4 Q. And which one are you looking at now?

5 A. This is -- this is Fourteen, right here.

6 Q. Oh. How about Exhibit Thirteen? Any files that were
7 created or accessed, any of the video files that were of
8 interest in 2007 that were either created or accessed on
9 June 4th of 2007?

10 A. No.

11 Q. Okay. And now, the last one. Would that be State's
12 Exhibit Twelve?

13 A. Yes.

14 Q. All right. As to State's Exhibit Twelve, any files
15 from 2007 that were of interest in your search back then
16 that were either created or accessed on June 4th of 2007?

17 A. No.

18 Q. There are none?

19 A. There are none.

20 Q. I'm referring you to State's Exhibit Seventeen.

21 MR. ATWATER: Your Honor, just for planning purposes,
22 how late are we gonna go today?

23 THE COURT: Where are you in cross? We can stop at
24 six.

25 MR. ATWATER: Probably at the first five percent of

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1 it.

2 THE COURT: Okay. All right. Why don't we stop
3 around six o'clock, and then we'll start back in the
4 morning. So, keep on another twenty minutes or so.

5 Is that all right with you?

6 MR. FLORES: That's absolutely fine with the State.

7 THE COURT: Okay. Go ahead.

8 BY MR. ATWATER:

9 Q. Referring to State's Exhibit Number Seventeen.

10 A. Okay.

11 Q. Do you see the date of -- and that is an email, a
12 Yahoo email?

13 A. That is.

14 Q. Okay. And do you see the date of that email?

15 A. I do.

16 Q. And where is the date and time on that email?

17 A. September 11, 2006.

18 Q. Regarding any of the items that were of interest in
19 2007, that are in Exhibits Twelve, Thirteen, and Fourteen,
20 can you find any of those items where it shows an access
21 date that matches the date of this email?

22 A. I do not.

23 Q. Let me refer you back to that for a moment, State's
24 Exhibit Seventeen. That was identified as a -- a Yahoo
25 email?

1 A. Correct.

2 Q. And do you -- Are you able to tell by looking at that
3 exhibit which one of these items that Yahoo email was found
4 on?

5 A. I'd have to refer back to my IEF report.

6 Q. If you will look at the date -- We already did that.
7 Okay. Let's go to State's Exhibit Number Sixteen. And
8 that was also referred to as a Yahoo email?

9 A. Yes. Looks like the opening page for -- for your --
10 an email account.

11 Q. Okay. Is there any information on that particular
12 email that you are -- or that document that you're looking
13 at that would tell you the time and date that this
14 particular email was generated?

15 A. No.

16 Q. Or received?

17 A. No.

18 Q. Does this even make reference to an email itself?

19 A. Not a specific one, no.

20 Q. And aside from the name Aaron do you see any other
21 information on there that relates to -- Let me ask you
22 this. Are you familiar with the difference between a mail
23 server on a stand alone computer and web mail?

24 A. Yes.

25 Q. Okay. In looking at State's Exhibit Number Sixteen,

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1 are you able to determine whether or not that is related to
2 someone accessing web mail, or whether that's related to a
3 -- a standing email account on a -- on a computer?

4 A. This looks like a web mail account.

5 Q. So, this document would basically document somebody
6 sitting at a keyboard on whichever computer this came off
7 of?

8 A. Correct.

9 Q. And logging into an email account somewhere out there
10 ---

11 A. Correct. Yes.

12 Q. --- out there in the e-universe?

13 A. Correct.

14 Q. If you can look at State's Exhibit Number Twenty. And
15 State's Exhibit Number Nineteen, please. When you were
16 testifying on direct as it -- First, let's identify these.
17 State's Exhibit Number Twenty appears to be a printout from
18 the IEF search, wherein it shows a checking account balance
19 page; is that correct?

20 A. Correct.

21 Q. All right. In looking at that page, is there anything
22 on the credit page that you have right there that would
23 tell you when that was -- when that access was done?

24 A. It does not.

25 Q. Okay. Is -- is there any way that -- This came off of

1 your CD, right?

2 A. Correct.

3 Q. From the IEF searches, right?

4 A. Correct.

5 Q. Is there any way that you could print this from that
6 CD, and have the information on there that would tell the
7 time and date that was -- that this was related to?

8 A. Not -- I don't believe so, no.

9 Q. So, in order for us to be able to look at those two
10 issues together, we would have to go back to your
11 electronics software?

12 A. Correct.

13 Q. When you were testifying as to this exhibit and
14 State's Nineteen, which showed a --

15 THE COURT: When you say this exhibit, you need to --

16 MR. ATWATER: State's Exhibit Twenty, your Honor.

17 Q. And State's Exhibit Nineteen, which related to RBC
18 Centura. There were some strings of information that
19 started at RBC and then had letters and numbers and
20 characters, and that type of stuff.

21 A. Correct.

22 Q. Have you ever worked in the banking industry?

23 A. I have not, no.

24 Q. Are you familiar with the numbers that each bank is
25 given assigned to --

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1 A. Like the routing number?

2 Q. The routing number.

3 A. Okay. Yes.

4 Q. Okay. Do you understand or do you know whether or not
5 those banks have a -- a number like that for internet
6 banking accounts, to identify the bank itself?

7 A. I do not know for sure, no.

8 Q. Okay. So, when you were looking at those strings of
9 numbers and everything like that, it would be fair to say
10 that you -- you don't know what that number means?

11 A. No, I don't.

12 Q. Okay. And so, when you recognize that a certain
13 portion of it happened to reappear in different places, --

14 A. The commonality, correct. Yes.

15 Q. That's all you were recognizing?

16 A. Correct.

17 Q. That -- but you don't know what that means?

18 A. No, I do not.

19 Q. You don't know if that means that's a routing number
20 for -- internet routing number for RBC Centura or anything
21 else, right?

22 A. Correct.

23 Q. And because those strings changed all three times that
24 you've made reference to them, you also wouldn't know if
25 the rest of each one of those strings matched, right?

1 A. Correct.

2 Q. Or what it related to?

3 A. Correct.

4 Q. If you'll look at State's Exhibit Number Eighteen.
5 The same as Nineteen and Twenty, it doesn't appear that
6 State's Exhibit Number Eighteen has any date or time
7 associated with it.

8 A. Correct.

9 Q. I believe there's actually a date at the top left-hand
10 corner, but that looks like a printer date --

11 A. That's the printer date, yes.

12 Q. That number would be irrelevant to when whatever is on
13 here occurred, correct?

14 A. It would not.

15 Q. And would your response be the same, that if I wanted
16 to be able to -- to relate this transaction to a time, as
17 it relates to when IEF'S findings, we would have to go to
18 your disc to do that?

19 A. Correct.

20 Q. Okay. It couldn't be found on State's Exhibit Number
21 Eighteen?

22 A. It could not, no.

23 Q. That's been put into evidence?

24 A. Correct.

25 Q. Looking at State's Exhibit Number Fifteen, would the

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1 same be true that there's nothing on that particular
2 exhibit that has been marked to go into evidence, which
3 gives anyone who looks at that exhibit the time information
4 as to what -- when the I -- what IEF found this transaction
5 related to?

6 A. Nothing on this exhibit, no.

7 Q. Okay. So, in order for anyone to be able to relate
8 those two things together, the time and this information,
9 they would actually have to go to that disc; this physical
10 document itself wouldn't do that?

11 A. Correct.

12 Q. Referring to State's Exhibit Number Eleven. If you're
13 looking at this exhibit by itself, is there any information
14 on this exhibit which would allow you to know which one of
15 these items, any of these listings on here were located on
16 or found on in your 2007 search?

17 A. You're saying as far as date and time? I'm sorry.

18 Q. No, sir. Let me repeat it. If you're looking at
19 State's Exhibit Number Eleven and the file titles on the
20 left.

21 A. Correct.

22 Q. Those are -- those are the file names itself, right?

23 A. Correct.

24 Q. But those file names are actually a part of a string
25 of information from where you found this file, right?

1 A. Yes, correct.

2 Q. And that string of information would actually identify
3 which one of these items that information was found on,
4 correct?

5 A. Correct.

6 Q. So, but looking at this document itself that's been
7 marked to go into evidence, you wouldn't be able to look at
8 this and tell where any one of these items, whether it came
9 from State's Exhibit Ten, State's Exhibit Seven, or State's
10 Exhibit Eight, correct?

11 A. Not based on this document alone.

12 Q. When you were testifying on direct, did I understand
13 you, when you were talking about the difference between
14 default folders and user-created folders, did I understand
15 you to say that the Windows operation system only comes
16 with two default folders?

17 A. No, I didn't say that.

18 Q. Now, as it relates to -- Going back to your review of
19 2007, did you find anything in any of your review of the
20 information which would allow you to say definitively, by
21 your knowledge getting from that review, that Aaron
22 Griswold had ever viewed any of the items of interest that
23 you found in that -- in this case?

24 A. No.

25 Q. When a file is created on the computer and you have

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1 this data while it's going down the computer, and it goes
2 like, file created and last accessed, how do those two
3 places of information get populated?

4 A. The operating system puts them on there.

5 Q. Okay. So, that's not anything that the person who --
6 who downloaded the file or viewed the file, or did anything
7 whatsoever would put anything, or would be involved in
8 creating initially; is that correct?

9 A. Correct.

10 Q. Okay. Now, subsequent to initially, can a person go
11 in there and change either one of those dates manually?

12 A. The dates themselves? Not that I'm aware of. Like,
13 they'd have to physically, like moving something, but to
14 manipulate that, not that I'm aware of. I'm -- I'm sure
15 that it's a possibility, but not that I'm aware of.

16 Q. Okay. And those dates for file created and last
17 accessed, as it would relate to any item that was an item
18 of interest back in 2007, in your review back then, if that
19 item was downloaded to a computer, and the only event that
20 happened was that it was downloaded, didn't get opened,
21 didn't get accessed or anything like that, you will agree
22 with me that the file created and the last accessed would
23 both populate with the exact same time?

24 A. I don't know about the last accessed, but file created
25 would.

1 Q. Okay. Are you saying the last accessed wouldn't, or
2 you just don't know?

3 A. At that time, upon it -- Yes, because it was created,
4 it was also put on there, so it's -- it's -- the times
5 would match the same.

6 Q. Okay.

7 A. Yes. I'm sorry.

8 Q. So, you would have file created and last accessed, and
9 they would be identical?

10 A. At that point in time, yes.

11 Q. Okay. Now, if that file subsequently was opened or
12 viewed, that would not change the file created date, would
13 it?

14 A. Correct.

15 Q. But the last accessed date would then change to the
16 time that that opening or accession or ---

17 A. Viewing.

18 Q. --- viewing occurred, correct?

19 A. Correct.

20 MR. ATWATER: Your Honor, I'm getting ready to go into
21 some --

22 THE COURT: This is a good point to stop?

23 MR. ATWATER: Yes, sir.

24 THE COURT: Okay. We'll stop for this afternoon, and
25 ask you to be back at 9:30. We'll start back up at 9:30.

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1 MR. FLORES: My notes indicate that she did not ask
2 for protection.

3 MR. ATWATER: Mine do, as well, your Honor.

4 THE COURT: Bring in the jury.

5 (WHEREUPON, COURT'S EXHIBIT NUMBER TWO, IDENTIFIED AND
6 MARKED, RECEIVED INTO THE RECORD.)

7 (JUROR REENTERS COURTROOM AT 09:44 AM.)

8 THE COURT: Good morning. You may proceed, Mr.
9 Atwater.

10 MR. ATWATER: Thank you.

11 May I approach the witness, your Honor?

12 THE COURT: Yes.

13 CROSS-EXAMINATION - CONTINUES

14 FARAND WASIAK BY MR. ATWATER:

15 Q. Mr. Wasiak, I'm gonna give you a document that I'm
16 going to be asking you to refer to. And mainly on that
17 document, we're going to be referring to the information in
18 the first column on the left, where it says file name. Do
19 you see that?

20 A. Yes, sir.

21 Q. And the third column, where it says Computer three, do
22 you see that?

23 A. Yes, sir.

24 Q. Now, for reference purposes, I'm also going to need
25 you to have a copy of State's Exhibit Eleven, State's

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1 Exhibit Twelve, and State's Exhibit Thirteen.

2 MADAM COURT REPORTER: They're all right there, and
3 they're in order.

4 MR. WASIAK: Thank you.

5 MADAM COURT REPORTER: Just take all of them, and then
6 you'll have them.

7 MR. FLORES: Your Honor, may we approach a moment?

8 THE COURT: Yes, sir.

9 (BENCH CONFERENCE HAD OFF THE RECORD, OUT OF HEARING
10 OF THE JURY, AT 09:46 AM.)

11 BY MR. ATWATER:

12 Q. Mr. Wasiak, in referring to State's Exhibit Eleven,
13 the very first item in State's Exhibit Eleven, at the top,
14 do you see that item?

15 A. I do.

16 Q. Okay. Can you read the file title to yourself?

17 A. Okay.

18 (WITNESS COMPLIES.)

19 MR. ATWATER: May I approach the witness, your Honor?

20 THE COURT: You may.

21 BY MR. ATWATER:

22 Q. Mr. Wasiak, I'm gonna show you two documents. They
23 are indictments in this case: Indictment Number 2015-GS-
24 46-00354 and 2015-GS-46-00358, and ask you if you'll look
25 at those. And I will be referring to the information on

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1 the opposite sides of them other than using --

2 THE COURT: Keep your voice up. I know you've got a
3 little something going but keep your voice up so the jury
4 can hear the question.

5 MR. ATWATER: Yes, your Honor. I'll do my best.

6 Q. Now, if you will look at the -- the first line of
7 information on State's Exhibit Eleven, and then refer to
8 the indictment, which is the Indictment Number 354. Do you
9 have that?

10 A. Yes.

11 Q. Okay. In reviewing the information on State's Exhibit
12 Eleven in that first file title, do you recognize that to
13 be the information that appears on the back of Indictment
14 Number 354?

15 A. Yes.

16 Q. It's referring to the same file name?

17 A. Yes.

18 Q. Okay. And in referring to Indictment Number 354, do
19 you see that on the side where it has Indictment Number
20 354, as that is for second degree?

21 A. Yes.

22 Q. Okay. If you would look at State's Exhibit Twelve.
23 And on the first page.

24 A. Uh-huh.

25 Q. Item one on State's Exhibit Twelve, is that referring

1 to the same file?

2 A. It is.

3 Q. Okay. And that's the same file that we saw on
4 Indictment Number 354, and on State's Exhibit Number
5 Eleven; that's correct?

6 A. Correct.

7 Q. Okay. Now, as to that file, on the -- in -- on the
8 indictment for Number 354, which is for second degree, that
9 is an indictment for copying this file from one location to
10 another. And you will recall your testimony yesterday was
11 that, in all of your information that you had looked at,
12 you didn't find any evidence whatsoever that shows you that
13 any of these files were copied from one computer to
14 another, correct?

15 A. Correct. Not the direct current.

16 Q. Now, if you would --

17 MR. ATWATER: Your Honor, I'd ask that the indictment
18 Number 354 be put into evidence.

19 MR. FLORES: Your Honor, the indictment is known as a
20 charging document and --

21 THE COURT: Well, I've never had this happen before,
22 but he wants to put it in evidence, it's part of the
23 record, and the jury will have it, anyway. But I -- it's
24 in evidence, over objection.

25 MADAM COURT REPORTER: What do I call it, Mr. Atwater?

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1 MR. ATWATER: Defense Exhibit One, please.

2 MADAM COURT REPORTER: Thank you, sir.

3 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER ONE, IDENTIFIED
4 AND MARKED, RECEIVED INTO THE RECORD.)

5 MADAM COURT REPORTER: Yes, sir, Mr. Atwater.

6 BY MR. ATWATER:

7 Q. Now, Mr. Wasiak, if you would -- Investigator Wasiak,
8 if you would look at Indictment Number 358.

9 A. Okay. Got it.

10 Q. And compare the description of the file identified in
11 Indictment Number 358.

12 A. Okay.

13 Q. Again, if I could refer you to State's Exhibit
14 Thirteen and page three.

15 A. Yes, sir.

16 Q. Now, comparing the information on Indictment Number
17 358 and item seven on page three of State's Exhibit Number
18 Thirteen, in looking at that, would you agree that that is
19 making reference to the same file?

20 A. Correct.

21 Q. Now, if you will look at the information in item
22 number seven, in State's Exhibit Number Thirteen, and look
23 down to where it says file created and last accessed.

24 A. Okay.

25 Q. Do you see that information?

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1 A. I do.

2 Q. In reviewing that information, would you agree with me
3 that those two times are identical?

4 A. They are.

5 Q. And by your prior testimony yesterday, we determined
6 that that meant the file was downloaded, but it was never
7 opened, correct?

8 A. Downloaded or placed in that -- in that folder, in
9 that volume, correct.

10 Q. And referring you back to State's Exhibit Number
11 Eleven and the first item.

12 A. Yes, sir.

13 Q. In the very last column on the right-hand end, do you
14 see where it talks about the length of that video?

15 A. I do.

16 Q. And how long is that video?

17 A. One minute, six seconds.

18 MR. ATWATER: Your Honor, I'd ask that Indictment
19 Number 358 be put into evidence as Defense Two.

20 MR. FLORES: Prior -- prior objection, your Honor.

21 THE COURT: Over objection, I'll allow it in.

22 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWO, IDENTIFIED
23 AND MARKED, RECEIVED INTO EVIDENCE.)

24 BY MR. ATWATER:

25 Q. Mr. Wasiak, referring to State's Exhibit Number

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1 Eleven, the next entry down, do you see that?

2 A. I do.

3 MR. ATWATER: May I approach the witness, your Honor?

4 THE COURT: You may.

5 BY MR. ATWATER:

6 Q. I've handed you Indictments Number 355 and 369. If
7 you would please refer first to Indictment 355.

8 A. Yes, sir.

9 Q. And looking at Indictment 355, would you agree with me
10 that indictment is for second degree?

11 A. Yes. Yes, sir.

12 Q. And if you will compare the file title from State's
13 Exhibit Number Eleven to the information identifying the
14 file related to Indictment Number 355, please.

15 A. Correct. Same.

16 Q. Would you agree with me that that's referring to the
17 same file?

18 A. Correct.

19 Q. And as to Indictment Number 355, for second, that is
20 relating to a file being copied from one place to another.
21 Again, your testimony wouldn't change in regards to whether
22 or not that file -- you ever saw any evidence that that
23 file was copied from one computer to another, correct?

24 A. Correct.

25 MR. ATWATER: Your Honor, I'd ask that Indictment

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1 Number 355 be put into evidence, Defense Three.

2 THE COURT: In, over objection.

3 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER THREE,
4 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

5 BY MR. ATWATER:

6 Q. Now Investigator Wasiak, if I could point your
7 attention to Indictment Number 369.

8 A. Okay.

9 Q. And on Indictment Number 369, would you please compare
10 the information in that -- in that indictment to the file
11 information for the second entry on State's Exhibit Eleven.

12 A. Correct. Same title.

13 Q. You would agree with me that Indictment Number 369
14 refers to the second entry on State's Exhibit Eleven?

15 A. It does.

16 Q. All right. For Indictment Number 369, if you would
17 refer to State's Exhibit Thirteen.

18 A. Yes, sir.

19 Q. Are you able to locate a file in State's Exhibit
20 Thirteen that matches the description outlined on the back
21 of Number 369?

22 A. On page five item thirteen, of item thirteen, or
23 Exhibit Thirteen.

24 Q. Okay. Would you compare the information on item
25 thirteen, page five of Exhibit Thirteen, to the information

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1 in the second entry of State's Exhibit Eleven, please.

2 A. Correct.

3 Q. And you will agree with me that the information in
4 entry number 13, page five, of State's Exhibit Thirteen, is
5 the same information that's on Indictment Number 369?

6 A. It is the same title, yes. Same file.

7 Q. It is the same information that appears in the second
8 entry, in State's Exhibit Eleven, correct?

9 A. Correct.

10 Q. All right. And in referring to page five on item
11 thirteen of State's Exhibit Thirteen, if you would look at
12 the description there, going down to the file created and
13 last accessed information. Take a moment to look at that,
14 please.

15 A. I viewed it.

16 Q. Will you agree with me that that file was created and
17 last accessed at the same hour, minute, and second?

18 A. Correct.

19 Q. And you don't have any information in any of the
20 records that you looked at involving this case, showing any
21 other access to that file, correct? Other than what we
22 previously spoke about in Indictment 355.

23 A. Correct.

24 Q. And if you will refer to State's Exhibit Eleven, for
25 the second entry, looking now at the far-right column. Do

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1 you see where it says the length of that video?

2 A. I do.

3 Q. And what is the length of that video?

4 A. Ten minutes.

5 Q. Does it have any other entry there?

6 A. I'm sorry, for -- for length?

7 Q. For the time, yes.

8 A. Ten minutes, zero seconds.

9 Q. And that is -- that is for Indictment 355 and 369,
10 correct?

11 A. It's the same title or the same file.

12 MR. ATWATER: Your Honor, we would ask that Indictment
13 369 be put into evidence. ---

14 THE COURT: Over objection.

15 MR. ATWATER: --- as Four.

16 MADAM COURT REPORTER: 369, did you say, Mr. Atwater?

17 MR. ATWATER: Yes, ma'am.

18 MADAM COURT REPORTER: Yes, sir.

19 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER FOUR,
20 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

21 MR. ATWATER: Thank you, ma'am.

22 Q. Detective Wasiak, I'm handing you two more documents.
23 They're Indictment Number 356 and 379. Referring first to
24 Indictment Number 356.

25 A. Okay. Got it.

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1 Q. If you would look at the front of that, that is an
2 indictment for second degree?

3 A. Correct.

4 Q. And if I could point your attention to the third entry
5 in State's Exhibit Eleven.

6 A. Correct.

7 Q. Would you please look at the description of that entry
8 in State's Exhibit Eleven, the third entry, and compare it
9 to the information on the opposite side of the Indictment
10 Number 356.

11 A. Correct.

12 Q. And would you agree with me that the item listed as
13 1.17.mpg, on State's Exhibit Eleven is the third entry, is
14 the same description as the description in Indictment
15 Number 356?

16 A. Correct.

17 MR. ATWATER: Your Honor, we'd ask that --

18 Q. Once again, as it relates to that file, nothing you
19 reviewed shows that that file was ever copied from one
20 computer to another, correct?

21 A. Correct.

22 MR. ATWATER: We'd ask that State's Exhibit 356 be put
23 into -- or, I'm sorry, Indictment 356 be put in.

24 THE COURT: Over objection, in.

25 MR. ATWATER: Defense Five.

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1 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER FIVE,
2 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

3 BY MR. ATWATER:

4 Q. Referring now to Indictment 379. If you would compare
5 the description of the file on Indictment Number 379 to the
6 third entry in State's Exhibit Number Eleven, please.

7 A. Okay.

8 Q. And comparing those two together, would you agree that
9 the description on Indictment Number 379 is -- relates to
10 the third entry for file called 1 7 mpg on State's Exhibit
11 Eleven?

12 A. Correct.

13 Q. Now, if I could refer you to State's Exhibit Number
14 Thirteen. And you can turn to page nine, entry number
15 twenty-three, at the top of the page. Do you see that?

16 A. I do.

17 Q. The description, would you agree with me that -- Just
18 read the description of the file name on item twenty-three,
19 on page nine, of State's Exhibit Thirteen.

20 A. One, parentheses, seven, dot, mpg.

21 Q. And is that the same file that is referenced to in
22 Indictment Number 379?

23 A. It is.

24 Q. And is it the same file that is listed as the third
25 item on State's Exhibit Eleven?

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1 A. It is.

2 Q. Referring back to State's Exhibit Thirteen, entry
3 twenty-three, on page nine, do you see information there
4 regarding the file created and last accessed?

5 A. I do.

6 Q. And would you agree with me that the times, or the
7 date, the hour, the minute, and the seconds for the time
8 the file was created and the time the file was last
9 accessed are identical?

10 A. I do.

11 MR. ATWATER: Your Honor, we would ask that Indictment
12 Number 379 be put into evidence as Defense Exhibit Six.

13 THE COURT: Over objection, in.

14 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER SIX, IDENTIFIED
15 AND MARKED, RECEIVED INTO EVIDENCE.)

16 BY MR. ATWATER:

17 Q. Referring back to State's Exhibit Eleven, and the
18 third entry, if you will look to the far-right column of
19 State's Exhibit Eleven, under the heading length. Do you
20 see an entry in that column?

21 A. I do.

22 Q. And can you tell me what that's referring to?

23 A. The length of the movie.

24 Q. Okay. And how long does it say that movie is?

25 A. Five minutes, forty-six seconds.

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1 Q. I'm giving you Indictments Number 357 and 3-8-0. I'm
2 first referring to Indictment Number 357.

3 A. Okay.

4 Q. If you will look at the side of that that describes
5 the charge, would you agree with me -- agree with me that
6 that is for second degree?

7 A. I do.

8 Q. Now, the description of the file on the back of that
9 indictment, I would ask you if you would refer to that for
10 a moment.

11 A. Okay.

12 Q. Do you see the description of the file?

13 A. I do.

14 Q. Okay. Would you read it to the Court?

15 A. One, parentheses, one, dot, mpg.

16 Q. Okay. And now, if I can refer you to State's Exhibit
17 Number Eleven, and the fourth entry on State's Exhibit
18 Eleven.

19 A. Okay.

20 Q. Have you found that?

21 A. I have.

22 Q. Under File Titles, what file is identified there?

23 A. One, parentheses, one, dot, mpg.

24 Q. And you would agree with me, that's the same file?

25 A. Um-hmm. Yes.

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1 Q. And that's referring to the Indictment 357, for second
2 degree, correct?

3 A. Correct. Same file..

4 Q. And as to this second degree indictment, your
5 testimony would not change, regarding whether or not you
6 ever found any information that showed that that file was
7 copied from one computer to another, correct?

8 A. Correct.

9 Q. That it was not, correct?

10 A. Correct.

11 MR. ATWATER: Your Honor, I would ask that Indictment
12 Number 357 be put into evidence.

13 THE COURT: Over objection, in.

14 MR. ATWATER: State's -- Defense Seven..

15 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER SEVEN,
16 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

17 BY MR. ATWATER:

18 Q. Now, referring to Indictment Number 380. And if you
19 would look at the charge on that indictment and where it
20 identifies the file name.

21 A. Okay.

22 Q. And what file name does it identify?

23 A. One, parentheses, one, dot, mpg.

24 Q. And that's the same file that we were referring to in
25 Indictment 357, correct?

1 A. Correct.

2 Q. And it is also the same file that is identified in
3 item number four, or the fourth item down, on State's
4 Exhibit Eleven, correct?

5 A. Correct.

6 Q. Now, referring to State's Exhibit Number Thirteen, and
7 I will point you to page six, first item on that page. Do
8 you see that?

9 A. I do.

10 Q. That item marked item number fifteen, on State's
11 Exhibit Thirteen, do you see a file description in that
12 item?

13 A. I do.

14 Q. And what is that file description?

15 A. One, parentheses, one, dot, mpg.

16 Q. And would you agree with me that that is the same file
17 that was referred to in Indictment Number 357?

18 A. I do.

19 Q. Which is already in evidence. Now, looking at the
20 information in item number fifteen, on State's Exhibit
21 Thirteen, do you see the information there where it talks
22 about file created and last accessed?

23 A. I do.

24 MR. ATWATER: Beg the Court's indulgence.

25 Q. Would you agree with me that, looking at the

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1 information for the file created and the file last
2 accessed, they are identical for the month, day, year,
3 hour, minute, and second?

4 A. I do.

5 Q. Referring back to State's Exhibit Number Eleven, and
6 entry number four, for item one, parentheses, one, dot,
7 mpg, if you'll look at the far-right column, where it
8 identifies the length. Could you please tell the Court the
9 length of that video?

10 A. Six minutes, forty-nine seconds.

11 MR. ATWATER: Your Honor, we'd ask that Indictment
12 Number 380 be put into evidence as Defense Exhibit Eight.

13 THE COURT: Over objection, in.

14 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER EIGHT,
15 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

16 BY MR. ATWATER:

17 Q. Investigator Wasiak, I'm handing you Indictment Number
18 381 and ask if you would review that, please.

19 A. Okay.

20 Q. Referring to State's Exhibit Eleven, the fifth entry
21 down.

22 A. Correct.

23 Q. In looking at Indictment Number 381, that is for third
24 degree, correct?

25 A. It is.

1 Q. Now, if you would look at the file information listed
2 on the fifth entry on State's Exhibit Eleven, and compare
3 it to the file information listed on the reverse side of
4 Indictment Number 381, please.

5 A. Okay.

6 Q. Are those the -- the same files?

7 A. They are.

8 Q. Now, if you will look at State's Exhibit Number
9 Thirteen, please. And on page one, the item identified as
10 number two.

11 A. Okay.

12 Q. Would you compare the description of that item on page
13 one of State's Exhibit Thirteen to the description in
14 Indictment Number 381, please.

15 A. Okay.

16 Q. And would you agree with me that it's making reference
17 to the same item?

18 A. It is the same file.

19 Q. And that is also the same file that we found in entry
20 number five, on State's Exhibit Eleven, correct?

21 A. Correct.

22 Q. Now, referring back to State's Exhibit Number Thirteen
23 for that item, do you see the information where it says
24 File Created and Last Accessed?

25 A. I do.

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1 Q. Would you agree with me that the information for *File*
2 Created and Last Accessed is identical for both entries for
3 the date, month, year, hour, minute, and seconds?

4 A. I do.

5 Q. And referring back to State's Exhibit Eleven, and
6 entry number five, if you would look at the far-right
7 column, under Length.

8 A. Yep.

9 Q. Would you please tell the Court the length of that
10 video?

11 A. Five minutes, fifty-nine seconds.

12 MR. ATWATER: Your Honor, we would ask that Indictment
13 Number 381 be put into evidence as Defense Exhibit Nine.

14 THE COURT: Over objection, in.

15 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER NINE,
16 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

17 BY MR. ATWATER:

18 Q. Investigator Wasiak, I'm handing you now Indictment
19 Number 382. Looking at Indictment Number 382, does that
20 appear to be a charge for third degree?

21 A. It does.

22 Q. And if I could refer you to State's Exhibit Eleven.

23 A. Yes.

24 Q. The sixth entry down.

25 A. Correct.

1 Q. Do you see that?

2 A. I do.

3 Q. In comparing -- If you would compare the name of the
4 file on State's Exhibit Eleven, the sixth entry down on the
5 first page, to the name of the file in Indictment Number
6 382, please.

7 A. Okay.

8 Q. Would you agree with me that the information for the
9 sixth entry on State's Exhibit Eleven, describing the file,
10 is the same file that's referred to in Indictment Number
11 382?

12 A. Yes, correct.

13 Q. Now, in referring to State's Exhibit Thirteen.

14 A. Yes, sir.

15 Q. Page one, item three.

16 A. Yes, sir.

17 Q. Do you see that?

18 A. I do.

19 Q. Will you please compare the name of the file in that
20 item to the name of the file that was listed on State's
21 Exhibit Eleven, item six, and Indictment Number 382,
22 please.

23 A. Correct. The same.

24 Q. The same file?

25 A. Yes, sir.

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1 Q. Now, looking back at State's Exhibit Number Thirteen,
2 and item three, do you see the information where it lists
3 File Created and Last Accessed?

4 A. I do.

5 Q. And just to remind the Court, when we're looking at
6 State's Exhibit Number Thirteen, this is a printout of
7 information that your EnCase software created, correct?

8 A. Correct.

9 Q. So, referring back to State's Exhibit Number Thirteen,
10 item three, do you see the information that says File
11 Created and Last Accessed?

12 A. I do.

13 Q. And would you agree with me that those two entries are
14 identical for the day, month, year, hour, minute, and
15 second?

16 A. I do.

17 Q. Referring back to State's Exhibit Eleven, and the
18 sixth entry down, going to the far right-hand column, would
19 you please tell the Court the length of that video.

20 A. Three minutes and thirty-two seconds.

21 MR. ATWATER: Your Honor, we'd ask that Indictment
22 Number 382 be put in as Defense Exhibit Ten.

23 THE COURT: Over objection, admitted.

24 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TEN, IDENTIFIED
25 AND MARKED, RECEIVED INTO EVIDENCE.)

1 BY MR. ATWATER:

2 Q. Investigator Wasiak, I'm now handing you Indictment
3 Number 383. In looking at that indictment, is that for
4 third degree?

5 A. It is.

6 Q. And on the opposite side of that indictment, would you
7 please review the file that it's making reference to.

8 A. Okay. Correct.

9 Q. Now, pointing your attention to -- looking at the
10 indictment, would you please read the name of the file.

11 A. The indictment it is exclamation point, exclamation
12 point, new, exclamation point, exclamation point, PTSC,
13 young video models, two, dot, or a period I should say
14 dash, Daphne, 9YO, parentheses, 02M, 14 s, parentheses,
15 parentheses again, complete, bare, parentheses, dot, avi.

16 Q. Referring to State's Exhibit Number Thirteen, are you
17 able to find an entry in State's Exhibit Number Thirteen
18 that lists that description?

19 A. I do not see it in Thirteen.

20 Q. I'd ask you if you would refer to State's Exhibit
21 Twelve, and see if you can find that item description in
22 State's Exhibit Twelve.

23 A. I do not.

24 Q. Would you look at State's Exhibit Eleven, please?

25 A. Okay.

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1 Q. Are you able to find that item description in State's
2 Exhibit Eleven?

3 A. I do not.

4 Q. So, you will agree with me --

5 MR. FLORES: Your Honor, we're not proceeding on
6 Indictment 383 in this case.

7 THE COURT: Well he's cross-examining him but if
8 that's not something -- we'll deal with that.

9 MR. ATWATER: Your Honor, I would ask that Indictment
10 Number 383 be put into evidence as Defense Exhibit Number
11 Eleven.

12 THE COURT: I'm going to let the jury go to the jury
13 room for just a minute. We'll take a short . . .

14 (JURY EXITS COURTROOM AT 10:29 AM.)

15 THE COURT: Can I see the indictment?

16 (DOCUMENT RECEIVED UP BY THE COURT.)

17 THE COURT: This is a copy of 383, exploitation of a
18 minor third degree Aaron Baynard Griswold, and you asked
19 that it be introduced as an exhibit?

20 MR. ATWATER: Yes, your Honor.

21 THE COURT: And the State's -- What's the State's
22 position?

23 MR. FLORES: Your Honor, we believe it's not relevant
24 to the prosecution of the other indictments that we've --
25 we are already proceeding on. This indictment is not -- is

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1 not before the jury. It addresses facts that are not in
2 evidence. It's not relevant to this prosecution. This is
3 something we have not addressed, because it was redact --
4 it's part of the information that's been redacted as well.

5 THE COURT: All right. Mr. Atwater --

6 MR. FLORES: We did not call that case for trial.

7 THE COURT: And in the report's apparently verified by
8 the testimony, the title U PTSC, young video models 2 dash
9 Daphne 9YO has been redacted from those three reports.

10 MR. FLORES: I believe that was the testimony of ---

11 THE COURT: That was the testimony.

12 MR. FLORES: --- Special Agent Wasiak.

13 THE COURT: Yeah, he said he couldn't find 'em so.

14 MR. FLORES: Yes, your Honor.

15 THE COURT: All right. Mr. Atwater, what's the
16 relevance?

17 MR. ATWATER: Your Honor, I in reviewing the
18 documentation that I have here, I didn't see where that was
19 one of the charges that was redacted. I actually did not
20 know that that indictment was not being gone forward but
21 I'm ecstatic to know it.

22 THE COURT: All right. Well that's what I was
23 wondering. We fought very hard to keep out.

24 MR. ATWATER: Has this indictment been dismissed?

25 MR. FLORES: Not yet. I mean, it's -- we -- we called

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1 the indictments.

2 THE COURT: All right. But you withdraw --

3 MR. ATWATER: Absolutely, your Honor.

4 THE COURT: Okay.

5 MR. ATWATER: Happily.

6 THE COURT: All right. That's withdrawn. We'll take
7 a break while the jury's out.

8 MR. FLORES: Thank you, your Honor.

9 THE COURT: Thank you. You can step down.

10 (COURT IN RECESS AT 10:31 AM.)

11 (COURT BACK IN SESSION AT 10:44 AM.)

12 THE COURT: Thank you. You may take your seats.

13 State ready?

14 MR. FLORES: Yes, your Honor.

15 THE COURT: Defense ready?

16 MR. ATWATER: Yes, your Honor.

17 THE COURT: Bring in the jury.

18 (JURY REENTERS COURTROOM AT 10:46 AM.)

19 THE COURT: You may proceed.

20 MR. ATWATER: Thank you, your Honor.

21 CROSS-EXAMINATION - CONTINUES

22 FARAND WASIAK BY MR. ATWATER:

23 Q. Investigator Wasiak, I am handing you Indictment

24 Number 384. In reviewing that indictment, would you agree

25 that that is for third degree?

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1 A. I do.

2 Q. And if you would please refer to the opposite side of
3 that indictment, and familiarize yourself with the file
4 that it refers to.

5 A. Correct.

6 Q. Now, if I could point your attention to State's
7 Exhibit Number Eleven.

8 A. Got it.

9 Q. And the seventh entry on State's Exhibit Number
10 Eleven.

11 A. Correct.

12 Q. Do you see that?

13 A. I do.

14 Q. Would you compare that entry at -- the seventh entry
15 on State's Exhibit Number Eleven, to the information on
16 Indictment Number 384, please.

17 A. They're the same.

18 Q. And if I could direct your attention to State's
19 Exhibit Thirteen, please. Page two, item five.

20 A. Got it.

21 Q. If you would compare the file name that appears on
22 page two, item five, with State's Exhibit Thirteen, with
23 the seventh entry on State's Exhibit Eleven.

24 A. Correct.

25 Q. Would you agree that's the same file?

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1 A. Yes, it is.

2 Q. And it's also the one that appears on Indictment
3 Number 384?

4 A. Correct.

5 Q. Referring back to State's Exhibit Number Thirteen,
6 item five, page two. In looking at the File Created and
7 Last Accessed information.

8 A. Got it.

9 Q. Would you agree with me that the information in that
10 item is identical for the day, the month, year, hour,
11 minute, and second for the time created and time last
12 accessed?

13 A. They are.

14 Q. And referring back to State's Exhibit Eleven and entry
15 number seven, if you would go far out to the right-hand
16 column.

17 A. Okay.

18 Q. Would you please tell me the length of that video,
19 please.

20 A. Eighteen minutes, fifty-six seconds.

21 MR. ATWATER: Your Honor, we would ask that Indictment
22 Number 384 be entered into evidence as Defendant's Exhibit
23 Number Eleven.

24 THE COURT: In, over objection.

25 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER ELEVEN,

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1 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

2 BY MR. ATWATER:

3 Q. Investigator Wasiak, I'm now handing you --

4 THE COURT: Let me interrupt you. Did you hand that
5 one up to the court reporter?

6 MADAM COURT REPORTER: Yes, sir. He had it.

7 THE COURT: I think the record ought to reflect, these
8 are copies of the indictments. The original indictment is
9 sitting here on my desk.

10 MR. ATWATER: All right, your Honor. Thank you.

11 THE COURT: Okay.

12 BY MR. ATWATER:

13 Q. I'm handing you a copy of Indictment Number 385.

14 Would you take a moment to review that indictment, please?

15 A. I have.

16 Q. And as to Indictment Number 385, is that -- you agree
17 with me that's for third degree?

18 A. Correct.

19 Q. And if you will turn that over to the opposite side,
20 and read the description of the file that it's making
21 reference to.

22 A. Okay.

23 Q. Can you see that?

24 A. I do.

25 Q. If you would now direct your attention to State's

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1 Exhibit Eleven, and the eighth entry on the first page.

2 A. Okay.

3 Q. And compare the file name in that entry to the file
4 name referenced to on Indictment 385.

5 A. They're the same.

6 Q. Now, if I could refer you to State's Exhibit Number
7 Thirteen, page three. I'm sorry, starting with -- at page
8 two with item six at the bottom and then going over to page
9 three.

10 A. Okay.

11 Q. Do you see that?

12 A. I do.

13 Q. If you would compare the description of the file
14 listed in the eighth entry on State's Exhibit Eleven to the
15 description of the file that starts at item six, page two,
16 of State's Exhibit Thirteen, please.

17 A. Okay.

18 Q. Are those the same file?

19 A. They are.

20 Q. Now, referring to page three, which is a continuation
21 of the file information for that particular file. And
22 looking at the top of the page, do you see the information
23 where it makes reference to File Created and Last Accessed?

24 A. I do.

25 Q. And would you agree with me that the file information

1 as to File Created and Last Accessed are identical as in to
2 date, month, year, hour, minute, and second?

3 A. They are.

4 Q. And referring back to the eighth entry on State's
5 Exhibit Eleven, if you would go out to the far-right
6 column.

7 A. Okay.

8 Q. Do you see where it identifies the length of that
9 video?

10 A. I do.

11 Q. How long is that video?

12 A. Thirty-three seconds.

13 MR. ATWATER: Your Honor, we would ask that Indictment
14 Number 385 be entered into evidence as Defense Exhibit
15 Number Twelve.

16 THE COURT: In, over objection.

17 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWELVE,
18 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

19 MR. ATWATER: Correction. Copy of Indictment Number
20 385.

21 Q. Investigator Wasiak, I'm now going to hand you a copy
22 of Indictment 359. Looking at that indictment, is that for
23 third degree?

24 A. It is.

25 Q. And referring to the opposite side of that indictment,

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1 would you please familiarize yourself with the name of the
2 file that that indictment refers to.

3 A. I have.

4 Q. Have you had time to do that?

5 A. Yes.

6 Q. All right. Now, referring to State's Exhibit Eleven
7 and the ninth entry on State's Exhibit Eleven, in the first
8 column under File Titles, would you compare the information
9 in that entry to the information on the Indictment.

10 A. Got it.

11 Q. Indictment 359. Do you see that?

12 A. I do.

13 Q. Okay. And looking at those two entries, would you
14 agree with me that they are both making reference to the
15 same file?

16 A. Correct. They are.

17 Q. Now, directing your attention to State's Exhibit
18 Thirteen, on page three, at entry number eight.

19 A. Okay.

20 Q. And if you will familiarize yourself with the
21 description of the file that that entry is making reference
22 to.

23 A. Got it.

24 Q. In reviewing that description at entry eight, page
25 three, of State's Exhibit Thirteen, and comparing it with

1 the information in the ninth entry on State's Exhibit
2 Number Eleven, what observations did you make?

3 A. They're the same file.

4 Q. Same file?

5 A. Yes.

6 Q. And that's also the same file that we were referring
7 to in Indictment Number 359?

8 A. Correct.

9 Q. Now, referring back to State's Exhibit Thirteen, item
10 eight, do you see the information there for File Created
11 and Last Accessed?

12 A. I do.

13 Q. And would you agree that the information that's listed
14 there for a file created and last accessed is identical as
15 to date, month, year, hour, minute, and second?

16 A. They are.

17 Q. Now, referring back to State's Exhibit Eleven and the
18 ninth entry on the first page, if you would go at the far-
19 right column, where it has the length of that video. Do
20 you see that?

21 A. I do.

22 Q. Would you please read the length of that video?

23 A. Three minutes and four seconds.

24 MR. ATWATER: Your Honor, we would ask that Indictment
25 Number 359 be entered into evidence as Defense Exhibit

FARAND WASIAK: CROSS BY MR. ATWATER

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1 Number Thirteen.

2 THE COURT: Over objection, in.

3 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER THIRTEEN,
4 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

5 MR. ATWATER: A copy of the indictment.

6 Q. Investigator Wasiak, I'm now presenting you with a
7 copy of Indictment 360. In reviewing that indictment, does
8 that appear to be for third degree?

9 A. It does.

10 Q. And referring to the opposite side of that indictment,
11 would you please familiarize yourself with the information
12 relating to the file that it refers to.

13 A. Got it.

14 Q. Now, looking at State's Exhibit Eleven, and the tenth
15 and last entry on page one. Do you see where it lists the
16 file title?

17 A. I do.

18 Q. Would you compare the file title on the last entry on
19 State's Exhibit Eleven to the information on Indictment
20 360.

21 A. Got it.

22 Q. And what observations do you make?

23 A. Same file.

24 Q. Referring back to State's Exhibit Number Thirteen,
25 item nine, at the top of page four. Would you please

1 compare the file name information in that entry to the last
2 entry on page one of State's Exhibit Eleven, please.

3 A. Okay. Got it.

4 Q. And what observation do you make?

5 A. The same file.

6 Q. And would that information that appears in item nine,
7 page four of State's Exhibit Thirteen also be the same
8 information referred to in Indictment Number 360?

9 A. It is.

10 Q. Now, referring back to State's Exhibit Thirteen, page
11 four, and item nine, do you see the information there where
12 it lists File Created, Last Accessed?

13 A. I do.

14 Q. And would you agree with me that the information for
15 File Created and Last Accessed are identical for day,
16 month, year, hour, minute, and second?

17 A. They are.

18 Q. Now, referring back to the last item on State's
19 Exhibit Eleven, page one, if you will go the far right-hand
20 column where it lists the length of that video.

21 A. Okay.

22 Q. Would you please read the length of that video.

23 A. Five minutes and forty-three seconds.

24 MR. ATWATER: Your Honor, we would ask that Indictment
25 Number 360 be entered into evidence as Defendant's Exhibit

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1 Number Fourteen.

2 THE COURT: Over objection, in.

3 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER FOURTEEN,
4 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

5 BY MR. ATWATER:

6 Q. Investigator Wasiak, I'm now handing you a copy of
7 Indictment 361. Would you take a moment to review that,
8 please.

9 A. Okay. Got it.

10 Q. In reviewing Indictment 361, is that for third degree?

11 A. It is.

12 Q. And if you would please turn it to the opposite side
13 and review -- and review the name of the file that it
14 relates to.

15 A. Okay. Got it.

16 Q. Now, referring to State's Exhibit Eleven, on page two,
17 the first entry on page two.

18 A. Okay.

19 Q. Do you see that?

20 A. I do.

21 Q. Would you please compare the information for the file
22 name for the first item on page two of State's Exhibit
23 Eleven to the information listed on Indictment Number 361?

24 A. They're the same.

25 Q. Now, if I can refer you to State's Exhibit Number

1 Thirteen, page four, and item ten.

2 A. Okay. Got it.

3 Q. Would you compare the information identifying that
4 item with the information in the first entry on page two of
5 State's Exhibit Eleven.

6 A. Okay. Got it.

7 Q. What observation do you make?

8 A. The same video file.

9 Q. And would that also be true for the information on
10 Indictment 361?

11 A. It is.

12 Q. Now, referring back to item ten on page four of
13 State's Exhibit Thirteen, do you see there, where it lists
14 the information for File Created and Last Accessed?

15 A. I do.

16 Q. And in reviewing that information for both File
17 Created and Last Accessed, would you agree that they are
18 identical as to day, month, year, hour, minute, and
19 seconds?

20 A. They are.

21 Q. Now, referring back to the first entry on page two of
22 State's Exhibit Number Eleven, in the far right-hand
23 column.

24 A. Okay. Got it.

25 Q. Do you see where it lists the length of that video?

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1 A. I do.

2 Q. And how long is that?

3 A. Thirteen minutes, one second.

4 MR. ATWATER: Your Honor, we would ask that Indictment
5 Number 361 be entered into evidence as Defense Exhibit
6 Number Fifteen.

7 THE COURT: Over objection, in.

8 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER FIFTEEN,
9 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

10 BY MR. ATWATER:

11 Q. Investigator Wasiak, I'm handing you a copy of
12 Indictment Number 362.

13 A. Correct.

14 Q. In reviewing that indictment, is that for third
15 degree?

16 A. It is.

17 Q. And looking at the opposite side of that indictment,
18 can you familiarize yourself with the file name that that
19 indictment is referring to?

20 A. Got it.

21 Q. Now, referring to State's Exhibit Number Thirteen,
22 page four, and item ten. Have you found that?

23 A. Page four, item ten?

24 Q. I'm sorry, page four, item eleven.

25 A. Okay. Got it.

1 Q. You see that?

2 A. Yes, sir.

3 Q. Can you compare the file name that appears at page
4 four, item eleven, of State's Exhibit Thirteen, to the file
5 name as it appears on Indictment Number 362?

6 A. They do.

7 Q. They are the same?

8 A. They are.

9 Q. Okay. Now, comparing both the indictment and the
10 information in item eleven on State's Exhibit Thirteen, to
11 the second entry on page two of item -- of State's Exhibit
12 Eleven, will you please compare the file name there?

13 A. They're the same.

14 Q. So, you would agree that the second entry on page two
15 of State's Exhibit Eleven is referring to the same
16 information as item eleven on State's Exhibit Thirteen and
17 Indictment 362?

18 A. They are.

19 Q. Referring back to State's Exhibit Number Thirteen,
20 item eleven, on page four, do you see the information
21 there, where it talks about File Created and Last Accessed?

22 A. I do.

23 Q. And would you agree with me that the information there
24 is identical for the day, month, year, hour, minute, and
25 second?

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1 A. They are.

2 Q. For both File Created and Last Accessed?

3 A. Yes.

4 Q. And referring back to item two on page two of State's
5 Exhibit Eleven, if you will go to the far-right -- I'm
6 sorry, item -- yes, item two.

7 A. Okay. Got it.

8 Q. And going to the far-right column, do you see where it
9 lists the length of the video?

10 A. I do.

11 Q. And what is the length of that video?

12 A. One minute, thirty seconds.

13 MR. ATWATER: Your Honor, we would ask that Indictment
14 Number 363 be entered into evidence as Defense Exhibit
15 Number Sixteen.

16 THE COURT: Over objection, in.

17 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER SIXTEEN,
18 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

19 BY MR. ATWATER:

20 Q. Investigator Wasiak, I'm handing you now a copy of
21 Indictment Number 363. Let me ask you to take a moment to
22 familiarize yourself with that.

23 A. Got it.

24 Q. In reviewing Indictment Number 363, is that an
25 indictment for third degree?

1 A. It is.

2 Q. And now, referring to State's Exhibit Number Thirteen
3 on page five, item twelve.

4 A. Okay. Got it.

5 Q. Do you see the file description in that item number
6 twelve, on page five?

7 A. I do.

8 Q. Will you please compare it to the file description on
9 Indictment Number 363?

10 A. Got it.

11 Q. What observation do you make?

12 A. They're the same file.

13 Q. Now, referring to State's Exhibit Number Eleven, page
14 two, the third entry.

15 A. Got it.

16 Q. Do you see the description of the file on that entry?

17 A. I do.

18 Q. And what observation do you make as it relates to that
19 description in item three, page two, of State's Eleven, to
20 the description in item twelve, page five, of State's
21 Thirteen?

22 A. They're the same.

23 Q. And would that also be the same information that's
24 referred to in Indictment Number 363?

25 A. It is.

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1 Q. So, would you agree it would be your testimony that
2 the information at item twelve, page five, State's Exhibit
3 Thirteen and the information at item -- at the third entry
4 on page two of State's Exhibit Eleven, all refer to
5 Indictment 363?

6 A. Same video file.

7 Q. Now looking back at item twelve, page five, of State's
8 Exhibit Thirteen. Do you see the information there, where
9 it has data related to File Created and Last Accessed?

10 A. I do.

11 Q. And in reviewing that information, would you agree
12 with me that the information for File Created and File Last
13 Accessed are identical as to day, month, year, hour,
14 minute, and second?

15 A. I do.

16 Q. Now, referring back to State's Exhibit Eleven and the
17 third entry on page two.

18 A. Okay.

19 Q. Excuse me. In the far, right-hand column, do you see
20 where it lists the length of that video?

21 A. I do.

22 Q. And what is the length of that video?

23 A. One minute, two seconds.

24 MR. ATWATER: Your Honor, at this time, we would move
25 that Indictment Number 363 be entered into evidence as

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1 Defendant's Exhibit Number Seventeen.

2 THE COURT: Over objection, in.

3 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER SEVENTEEN,
4 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

5 BY MR. ATWATER:

6 Q. Investigator Wasiak, I'm now handing you a copy of
7 Indictment 364, and ask that you'd take a moment to review
8 that.

9 A. Got it.

10 Q. As to Indictment Number 364, is that also for the
11 charge of third degree?

12 A. It is.

13 Q. And referring to the opposite side of that indictment,
14 would you please review that and familiarize yourself with
15 the name of the file that that indictment relates to.

16 A. It's reviewed.

17 Q. Now, referring to State's Exhibit Eleven, page two,
18 and the fourth entry.

19 A. Okay.

20 Q. Where it lists the file name there, would you compare
21 that to the information on Indictment Number 364?

22 A. Got it.

23 Q. What observation do you make?

24 A. The same video file.

25 Q. Now, if I can refer you to State's Exhibit Number

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1 Thirteen, page six, and item number sixteen.

2 A. Okay.

3 Q. If you will take a moment to review the file name
4 listed in item sixteen, page six of State's Exhibit
5 Thirteen.

6 A. Got it.

7 Q. Would you compare the file name at item sixteen, page
8 six of State's Exhibit Thirteen, to the file name listed in
9 warrant -- or the copy of Warrant Number 364?

10 A. Okay. Got it.

11 Q. What observation do you make?

12 A. Same video file.

13 Q. And if I may refer you back to State's Exhibit Number
14 Eleven, the fourth entry on page two.

15 A. All right.

16 Q. Do you see that?

17 A. I do.

18 Q. Would you review the file named there, please?

19 A. Okay.

20 Q. Now, reviewing that file name and comparing it to the
21 file name at entry number sixteen on page six of State's
22 Exhibit Number Thirteen, do you see those?

23 A. I do.

24 Q. What observation do you make?

25 A. Same file.

1 Q. And that would also be the same file that is referred
2 to in Indictment Number 364?

3 A. It is.

4 Q. Looking at item sixteen, page six, of State's Exhibit
5 Number Thirteen, and in the information there, again, this
6 is information that came from your EnCase software,
7 correct?

8 A. That is correct.

9 Q. Where you see File Created and Last Accessed, do you
10 see that?

11 A. I do.

12 Q. And comparing the File Created and the Last Accessed,
13 would you agree with me that the information in each one of
14 those entries is identical as to day, month, year, hour,
15 minute, and second?

16 A. They are the same.

17 Q. Now, referring back to State's Exhibit Number Eleven
18 and the fourth entry on page two.

19 A. Okay.

20 Q. If you will go to the right-hand column.

21 A. All right.

22 Q. And do you see there, where it lists the length of
23 that video?

24 A. I do.

25 Q. And could you please read that?

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1 A. Seventeen minutes and fifty-eight seconds.

2 MR. ATWATER: Your Honor, at this time, we would move
3 that Indictment Number 364 be put into evidence as
4 Defendant's Exhibit Number Eighteen.

5 THE COURT: Over objection, in.

6 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER EIGHTEEN,
7 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

8 BY MR. ATWATER:

9 Q. Investigator Wasiak, I'm now handing you a copy of
10 Indictment Number 365. Would you please take a moment to
11 familiarize yourself with that document?

12 A. I got it.

13 Q. Referring to Indictment Number 365, is that for third
14 degree?

15 A. It is.

16 Q. And if you would review the information relating to
17 the file that that indictment pertains to, on the back of
18 the indictment, do you see that?

19 A. I do.

20 Q. And do you see the file name?

21 A. I do.

22 Q. If I could call your attention to item number
23 seventeen, on page seven, of State's Exhibit Thirteen,
24 please.

25 A. Okay.

1 Q. Would you review the name of the file listed in
2 seventeen, page seven, of State's Exhibit Thirteen?

3 A. Okay.

4 Q. Now, would you compare the file name listed in State's
5 Exhibit Seventeen -- or I'm sorry, State's Exhibit
6 Thirteen, item seventeen, on page seven, to the name of the
7 file name on Indictment 365?

8 A. Okay.

9 Q. What observation do you make?

10 A. They're the same file.

11 Q. If I could direct your attention to the fifth entry on
12 page two of State's Exhibit Eleven.

13 A. Okay.

14 Q. Do you have that?

15 A. I do.

16 Q. And if you would familiarize yourself with the file
17 name that appears there.

18 A. Got it.

19 Q. Would you take a moment to compare the file name that
20 appears as the fifth entry, on page two, of State's Exhibit
21 Eleven with the file name that appears in item seventeen,
22 on page seven, of State's Exhibit Thirteen, please.

23 A. Okay.

24 Q. And what observation do you make?

25 A. They're the same file.

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1 Q. Now, referring to State's Exhibit Eleven, the second
2 page, and the fifth entry.

3 A. Okay.

4 Q. Would you compare the name of the file identified
5 there with the file that is identified in State's Exhibit
6 Number Thirteen, item seventeen, page two?

7 A. Got it.

8 Q. What observation do you make about the name of those
9 two files?

10 A. They are the same.

11 Q. And those are the same two files in State's Exhibit
12 Eleven and Thirteen that are referred to in Indictment
13 Number 365, correct?

14 A. Correct.

15 Q. Referring back to item seventeen, page seven of
16 State's Thirteen, in the file information printed there, do
17 you see there any file information relating to the time the
18 file was created and the time the file was last accessed?

19 A. I do.

20 Q. And after reviewing that information, would it be your
21 testimony that the information as to the time the file was
22 created and the time the file was last accessed are
23 identical as to day, month, year, hour, minute, and
24 seconds?

25 A. They are the same.

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1 Q. Now, referring back to State's Exhibit Number Eleven
2 and the ~~fifth~~ entry on that page.

3 A. Okay.

4 Q. That's the same file that's listed in Indictment
5 Number 365, correct?

6 A. Correct.

7 Q. Far-right column on entry number five, page two,
8 State's Exhibit Eleven, do you see an entry for the length
9 of that video?

10 A. I do.

11 Q. And what is that?

12 A. Three minutes, twenty-three seconds.

13 MR. ATWATER: Your Honor, at this time, we would ask
14 that Indictment Number 365 be entered into evidence as
15 Defense Exhibit Number Nineteen.

16 THE COURT: In, over objection.

17 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER NINETEEN,
18 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

19 BY MR. ATWATER:

20 Q. Investigator Wasiak, I'm now handing you a copy of
21 Indictment Number 366. Would you take a moment to
22 familiarize yourself with that document.

23 A. Got it.

24 Q. In reviewing Indictment Number 366, does that appear
25 to be an indictment for third degree?

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1 A. It is.

2 Q. Now, if you would refer to the opposite side of that
3 indictment and familiarize yourself with the name that that
4 indictment refers to.

5 A. Got it.

6 Q. For the record, would you read the name of that file?

7 A. Out loud?

8 Q. Yes, sir.

9 A. PTHC, in parentheses, 7Y0, Vera, Full, parentheses,
10 Excellente, parentheses, dot, mpg.

11 Q. Thank you. And if you would now compare the name of
12 that file to entry number eighteen, on page seven, of
13 State's Exhibit Thirteen, please?

14 A. Okay.

15 Q. And if you would compare the names of the files in
16 both of those locations, which would be the sixth entry on
17 page two of State's Exhibit Eleven, and item eighteen on
18 page seven in State's Exhibit Number Thirteen, what
19 observation do you make as to the name of those two files?

20 A. Same file.

21 Q. Now, referring back to State's Exhibit Number Eleven
22 and the sixth entry which is the last entry on page two, do
23 you see the name of the file entered there on the left-hand
24 column?

25 A. I do.

1 Q. In comparing that file name to the entry for item
2 number eighteen on page seven, State's Exhibit Number
3 Thirteen, what observation do you make?

4 A. Same file.

5 Q. And would that also be the same file that is referred
6 to in Indictment Number 366?

7 A. That's correct.

8 Q. Looking back at entry number eighteen on page seven of
9 State's Exhibit Thirteen, do you see information in that
10 entry relating to the date of file creation and the date
11 the file was last accessed?

12 A. I do.

13 Q. And in looking at that information for both of those
14 entries, would you agree that the information for File
15 Created and Last Accessed is identical for day, month,
16 year, hour, minute, and second?

17 A. They are.

18 Q. In referring back to the bottom entry, which is the
19 sixth entry on page two of State's Exhibit Eleven, and in
20 the far right-hand column, do you see an entry there for
21 the length of that video?

22 A. I do.

23 Q. And what is that?

24 A. Twenty-three minutes and twenty-one seconds.

25 MR. ATWATER: Your Honor, at this time, we would like

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1 to move to have Indictment Number -- a copy of Indictment
2 Number 366 entered into evidence as Defendant's Exhibit
3 Number Twenty.

4 THE COURT: In, over objection.

5 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY,
6 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

7 BY MR. ATWATER:

8 Q. Investigator Wasiak, I am now handing you a copy of
9 Indictment 367. I'd ask that you take a moment to review
10 that, please.

11 A. Okay. Got it.

12 Q. In doing -- In reviewing a copy of Indictment Number
13 367, does that appear to be an indictment for third degree?

14 A. It does.

15 Q. And looking at the reverse side of that indictment,
16 would you familiarize yourself with the name of the file
17 that that indictment is related to?

18 A. Got it.

19 Q. If I can point your attention to page three, the first
20 entry of State's Exhibit Number Eleven.

21 A. Okay.

22 Q. And in looking at that first entry on page three of
23 State's Exhibit Eleven, do you see information in the first
24 column for a file name?

25 A. I do.

1 Q. Comparing the information for that file name to the
2 information on the copy of Indictment ~~367~~, what observation
3 do you make?

4 A. They're the same file.

5 Q. Now, referring to item number nineteen at page seven,
6 on State's Exhibit Number Thirteen, do you see that?

7 A. I do.

8 Q. In item number nineteen, do you see a file name
9 identified?

10 A. I do.

11 Q. Comparing that file name to the file name on
12 Indictment Number 367, what observation do you make?

13 A. They have the same name.

14 Q. And would that also be the same name as is referred to
15 on the first entry on the third page of State's Exhibit
16 Eleven?

17 A. Yes.

18 Q. And would it be your testimony that Indictment Number
19 -- the copy of Indictment Number 367, the information in
20 item nineteen, on page seven of State's Exhibit thirteen,
21 and the information in the first entry on page three of
22 State's Exhibit Number Eleven are all referring to the same
23 file?

24 A. Correct.

25 Q. Now, looking back at State's Exhibit Number Thirteen,

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1 item nineteen, on page seven, do you see there where it has
2 information listed for the date and time which the file was
3 created and the date and time which the file was last
4 accessed?

5 A. I do.

6 Q. And in comparing the information listed in both of
7 those two entries, would you agree with me that the day,
8 month, year, hour, minute, and second for both time file
9 created and time last accessed are identical?

10 A. They are.

11 Q. Now, if I may point your attention back to the third
12 page of State's Exhibit Number Eleven. And the first entry
13 at the top of that page, do you see that?

14 A. I do.

15 Q. Looking in the left-hand column there, -- I'm sorry,
16 looking in the far right-hand column there, do you see an
17 entry for the length of that video?

18 A. I do.

19 Q. And what is that length?

20 A. Eleven minutes and twenty-six seconds.

21 MR. ATWATER: Your Honor, at this time, we would ask
22 that Indictment Number 367 be listed -- entered into
23 evidence as Defense Exhibit Number Twenty-one.

24 THE COURT: In, over objection.

25 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY-ONE,

1 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

2 BY MR. ATWATER:

3 Q. Investigator Wasiak, I am now handing you a copy of
4 Indictment Number 368. And ask if you would take a moment
5 to review the information on that indictment.

6 A. Got it.

7 Q. Does that appear to be -- does Indictment Number 368
8 appear to be an indictment for third degree?

9 A. It does.

10 Q. And referring to the opposite side of the copy of
11 Indictment Number 368, are you able to locate information
12 related to the file for which that indictment refers?

13 A. I did.

14 Q. Would you take a moment to review that file name?

15 A. It's reviewed.

16 Q. Now, looking at State's Exhibit Number Eleven, on the
17 third page and the second entry.

18 A. Okay.

19 Q. Do you see a file name entered there?

20 A. I do.

21 Q. And can you compare that file name to the file name
22 listed on Indictment -- a copy of Indictment Number 368?

23 A. Okay.

24 Q. What observation do you make?

25 A. They're the same.

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1 Q. Now, if I could point your attention to State's
2 Exhibit Number Thirteen, on page eight, item number twenty,
3 please.

4 A. Okay.

5 Q. Have you found that?

6 A. I have.

7 Q. Do you see information in item number twenty, on page
8 eight of State's Thirteen, that lists the name of a file?

9 A. I do.

10 Q. And in comparing the name of the file in item twenty,
11 page eight State's Exhibit Thirteen, to the name of the
12 file on Indictment Number 368, would you take a moment to
13 do that?

14 A. Okay.

15 Q. What observation do you make?

16 A. They're the same file.

17 Q. Now, if I could point your attention back to State's
18 Exhibit Number Eleven, and the second entry. Do you see a
19 file name in that entry?

20 A. I do.

21 Q. In comparing that file name to the file name
22 identified in item twenty, page eight of State's Exhibit
23 Number Thirteen, are you able to do that?

24 A. I am.

25 Q. And in doing that, what observation do you make?

1 A. They're the same file.

2 Q. And those -- That would also be the same file which is
3 referred to in Indictment Number 368, correct?

4 A. That is correct.

5 Q. Referring back to entry number twenty, on page eight
6 of State's Exhibit Thirteen, do you see information in that
7 entry related to the date that the file was created and the
8 date that the file was last accessed?

9 A. I do.

10 Q. In comparing the information from the date that the
11 file was created and the date that the file was last
12 accessed, would you agree with me that that information is
13 identical for both of those entries as to month, day, year,
14 hour, minute, and seconds?

15 A. They are.

16 Q. Now, directing your attention back to the third page
17 of State's Exhibit Number Eleven, going down to the second
18 entry, if I could refer you to the far-right column.

19 A. Okay.

20 Q. Have you found that?

21 A. I have.

22 Q. There is a -- information listed there for the length
23 of the video, correct?

24 A. There is.

25 Q. And what is the length of this video?

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1 A. Two minutes, fifty-nine seconds.

2 MR. ATWATER: Your Honor, at this time, the Defense
3 would move to enter Indictment Number -- a copy of
4 Indictment Number 368 into evidence as Defense Exhibit
5 Number Twenty-two.

6 THE COURT: In, over objection.

7 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY-TWO,
8 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

9 BY MR. ATWATER:

10 Q. Investigator Wasiak, I am now handing you a copy of
11 Indictment 3-7-0, and ask that you take a moment to read
12 that.

13 A. Okay.

14 Q. Familiarize yourself with it.

15 A. Got it.

16 Q. In reviewing Indictment 370, does that appear to be an
17 indictment for third degree?

18 A. It does.

19 Q. And if I could direct your attention to the
20 information on the opposite side of the indictment.

21 A. Okay.

22 Q. And if you could, see if you can locate information on
23 there relating to the file in which that indictment
24 relates.

25 A. Located it.

1 Q. Could you familiarize yourself with the name of that
2 file, please?

3 A. I have.

4 Q. And if I can refer you to State's Exhibit Thirteen,
5 page eight, and entry number twenty-one, please.

6 A. Okay.

7 Q. Have you found it?

8 A. I have.

9 Q. Looking at that entry, do you see information in that
10 entry with the name of a file?

11 A. I do.

12 Q. And reviewing that file information and comparing it
13 to the information that appears on Indictment Number 370,
14 can you do that?

15 A. I can.

16 Q. May you do that?

17 A. Yes. Okay.

18 Q. Having done so, what observation do you make?

19 A. They're the same file.

20 Q. Now, if I can point your attention to State's Exhibit
21 Number Eleven, the third page, and the third entry going
22 down.

23 A. Okay. Got it.

24 Q. And do you see an entry there for the name of a file?

25 A. I do.

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1 Q. May you compare the name for that file on the third
2 entry of page -- the third page of State's Exhibit Number
3 Eleven to the name that appears on the eighth page of
4 State's Exhibit Thirteen, at item twenty-one, please?

5 A. Got it.

6 Q. In comparing those two files names, what observation
7 do you make?

8 A. Same video file.

9 Q. And would the information that is in item twenty-one,
10 page eight of State's Thirteen, and the information that is
11 in the third entry of the third page of State's Eleven, be
12 identical to the information that is on Indictment Number
13 370?

14 A. They are.

15 Q. You would agree that all three of those entries are
16 referring to the same file?

17 A. Yes.

18 Q. Now, looking back at item number twenty-one, on page
19 eight, of State's Exhibit Number Thirteen.

20 A. Got it.

21 Q. Do you see information there which lists the -- when
22 the file was created and when the file was last accessed?

23 A. I do.

24 Q. And in reviewing the information at those two entries,
25 would you agree with me that those entries are identical as

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1 to day, month, year, hour, minute, and second?

2 A. They are.

3 Q. Now, referring you back to the third page of State's
4 Exhibit Number Eleven and the third entry.

5 A. Okay.

6 Q. Have you found that?

7 A. I have.

8 Q. If you would please go to the far right-hand column,
9 where it lists the time or the length of that video. Do
10 you see that?

11 A. I do.

12 Q. Will you please read that length.

13 A. Thirteen minutes, forty-eight seconds.

14 MR. ATWATER: Your Honor, at this time, we would ask
15 that the copy of Indictment 370 be entered into evidence as
16 Defense Exhibit Number Twenty-three.

17 THE COURT: In, over objection.

18 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY-THREE
19 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

20 BY MR. ATWATER:

21 Q. Investigator Wasiak, I'm now handing you a copy of
22 Indictment Number 371, and ask that you take a moment to
23 review that indictment.

24 A. Got it.

25 Q. In looking at Indictment Number 371 -- excuse me. Is

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1 that an indictment for third degree?

2 A. It is.

3 Q. Now, if I could get you to refer to the back page of
4 that indictment.

5 A. Okay.

6 Q. Do you see an entry on the back page for a file name?

7 A. I do.

8 Q. Can you review that information?

9 A. I have.

10 Q. All right. Now, going to State's Exhibit Number
11 Thirteen, page eight, item number twenty-two.

12 A. Okay.

13 Q. Do you see information in that item listing the name
14 of a file?

15 A. I do.

16 Q. May you compare the name of the file in item twenty-
17 two, page eight, of State's Exhibit Thirteen, with the name
18 of the file on Indictment Number 371, please?

19 A. Got it.

20 Q. What observation do you make?

21 A. They are the same.

22 Q. And now, referring to the third page, the fourth entry
23 down, of State's Exhibit Number Eleven, do you see that?

24 A. I do.

25 Q. Do you see an entry there for a file name?

1 A. I do.

2 Q. Comparing that file name to the entry at item twenty-
3 two, page eight, of State's Exhibit Number Thirteen, what
4 observation do you make?

5 A. Same file.

6 Q. And does the information for item twenty-two, page
7 eight, of State's Thirteen, and the information for the
8 fourth entry on the third page of State's Eleven match the
9 information on Indictment Number 371?

10 A. They do.

11 Q. Now, referring back to item number twenty-two, on page
12 eight, of State's Thirteen, do you see an entry there, or a
13 pair of entries there, for the time of the -- time and date
14 the file was created, and the time and date the file was
15 last accessed?

16 A. I do.

17 Q. And in reviewing that information, would you agree
18 with me that the information, as it relates to the year,
19 month, day, hour, minute, and seconds is identical?

20 A. They are.

21 Q. Now, referring back to State's Exhibit Number Eleven
22 on the third page and the fourth entry.

23 A. Okay.

24 Q. That's the same file that's on Indictment Number 371,
25 correct?

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1 A. Correct.

2 Q. In the far-right column, there's an entry for the
3 length of that video. Do you see that?

4 A. I do.

5 Q. May you please read it?

6 A. Two minutes, nineteen seconds.

7 MR. ATWATER: Your Honor, at this time, the Defense
8 would move to admit a copy of Indictment Number 371 into
9 evidence.

10 THE COURT: In, over objection.

11 MR. AT WATER: That is as Defense Exhibit Number
12 Twenty-four, your Honor.

13 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY-FOUR,
14 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

15 Q, Investigator Wasiak, I'm now handing you a copy of
16 Indictment Number 372, and ask that you take a moment to
17 familiarize yourself with that document, please.

18 A. Got it.

19 Q. Now, as to Indictment Number 372, does that appear to
20 be an indictment for third degree?

21 A. It does.

22 Q. And if I could direct your attention to the opposite
23 side of that page of the indictment.

24 A. Okay.

25 Q. On the opposite side, in the indictment language, do

1 you see a file name referred to?

2 A. I do.

3 Q. And in looking at that file name, if I may direct your
4 attention to entry number twenty-four, on page nine, of
5 State's Exhibit Thirteen, please.

6 A. Okay. Got it.

7 Q. If you would compare the name of the file name that is
8 in the indictment information on Indictment Number 372 with
9 the name of the file name that is listed on item twenty-
10 four, page nine, of State's Exhibit Thirteen, please.

11 A. Got it.

12 Q. And having had time to review both of those entries on
13 those two separate documents, what observation do you make?

14 A. They are the same file.

15 Q. Now, if I can refer you to the fifth entry on the
16 third page of State's Exhibit Number Eleven, please.

17 A. Got it.

18 Q. And in the left-hand column there, do you see a file
19 name identified?

20 A. I do.

21 Q. Comparing that file name to the information that you
22 found at item twenty-four, page nine, of State's Exhibit
23 Thirteen, what observation do you make?

24 A. Same file.

25 Q. So, it would be your testimony that the information

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1 that appears on the fifth entry on page three of State's
2 Exhibit Eleven and the information that appears in item
3 twenty-four, page nine, of State's Thirteen, and the
4 charging information on Indictment Number 372 all refer to
5 the same file?

6 A. They do.

7 Q. Now, looking back at item number twenty-four on page
8 nine of State's Exhibit Thirteen.

9 A. Okay. Got it.

10 Q. Do you see information in that entry that relates to
11 the date that that file was created and the date that that
12 file was last accessed?

13 A. I do.

14 Q. Comparing the information in those two entries, would
15 you agree with me that those two entries are identical as
16 to day, month, year, hour, minute, and seconds?

17 A. They are.

18 Q. And now, referring back to State's Exhibit Eleven,
19 page three, and the fifth entry.

20 A. Okay.

21 Q. Regarding the same file that you just looked at the
22 file created and accessed information relating to it.

23 A. Yep.

24 Q. In the far right-hand column, do you see a listing in
25 there or an entry in there for the length of that video?

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1 A. I do.

2 Q. And what is the length of that video?

3 A. Twenty-five seconds.

4 MR. ATWATER: Your Honor, at this time, the Defense
5 would move to enter a copy of Indictment Number 372 into
6 evidence as Defense Exhibit Number Twenty-five.

7 THE COURT: In, without?? objection.

8 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY-FIVE,
9 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

10 BY MR. ATWATER:

11 Q. Investigator Wasiak, I'm now handing you a copy of
12 Indictment 373, and ask if you would take a moment to
13 familiarize yourself with that document, please.

14 A. Got it.

15 Q. Having familiarized yourself with that copy of
16 Indictment Number 373, would you agree that that is an
17 indictment for third degree?

18 A. I do.

19 Q. Referring to the opposite side -- the opposite side of
20 that page, looking at the charging language on Indictment
21 Number 373, can you identify a file name that's listed
22 there?

23 A. I can.

24 Q. Would you take a moment to review that file name?

25 A. I have.

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1 Q. Now, referring to item twenty five, on page nine of
2 State's Exhibit Number Thirteen.

3 A. Okay. Got it.

4 Q. See that?

5 A. I do.

6 Q. Now, where item twenty-five appears, do you see an
7 entry for a name of the file?

8 A. I -- Say that again?

9 Q. Where item twenty-five appears, do you see an entry
10 there for the name of a file?

11 A. I do, yes.

12 Q. Would you compare the name of the file at item twenty-
13 five, page nine, on State's Thirteen, to the file that's
14 referenced in the charging language on Indictment 373,
15 please?

16 A. Okay. Got it.

17 Q. And what observation do you make?

18 A. Same file.

19 Q. Now, referring back to State's Exhibit Number Eleven,
20 on the third page, and the last entry on that page.

21 A. Got it.

22 Q. In the left-hand column, do you see a file name listed
23 there?

24 A. I do.

25 Q. Would you compare the file name listed there to the

1 file name listed on the charging information on Indictment
2 Number 373, please?

3 A. Got it.

4 Q. What observation do you make?

5 A. Same file.

6 Q. And in referring to State's Exhibit Thirteen, item
7 twenty-five, on page nine. Do you see a file name listed
8 there?

9 A. I do.

10 Q. Comparing that file name to the information in the
11 last entry on the third page of State's Exhibit Number 11
12 -- have you done that?

13 A. I have.

14 Q. What observation do you make?

15 A. Same file.

16 Q. And that would also be the same file that is listed in
17 the charging language on Indictment Number 373?

18 A. That, it is.

19 Q. Are all three of those entries are all the same?

20 A. Correct.

21 Q. Now, referring back to item twenty-five, on page nine,
22 of State's Exhibit Thirteen.

23 A. Okay. Got it.

24 Q. In the information entered there, do you see
25 information for the date that that file was created and the

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1 date that that file was last accessed?

2 A. I do.

3 Q. And looking at the information in those two entries,
4 would you agree with me that that information is identical
5 as it relates to the day, month, year, hour, minutes, and
6 seconds?

7 A. They are.

8 Q. Now, referring back to State's Exhibit Eleven, on the
9 third page, and the last entry on that page.

10 A. Okay.

11 Q. In the far right-hand column there, do you see a
12 listing for the length of that video?

13 A. I do.

14 Q. And what is that?

15 A. Seven minutes, zero seconds.

16 MR. ATWATER: Your Honor, at this time, the Defense
17 would move to enter a copy of Indictment Number 373 into
18 evidence as Defense Twenty-six.

19 THE COURT: In over objection.

20 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY-SIX,
21 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

22 BY MR. ATWATER:

23 Q. Investigator Wasiak, I'm now handing you a copy of
24 Indictment Number 374, and ask if you'd take a moment to
25 familiarize yourself with that document.

1 A. Got it.

2 Q. Having looked at the copy of Indictment Number 374,
3 does that appear to be an indictment for third degree?

4 A. It does.

5 Q. And on the opposite side of that document, in the
6 charging information, are you able to locate information
7 relating to the name of a file?

8 A. I do.

9 Q. And if you would refer to State's Exhibit Eleven, on
10 the fourth page, and the first entry at the top of the
11 page.

12 A. Got it.

13 Q. Do you see that?

14 A. I do.

15 Q. Do you see the name of a file listed in the far left-
16 hand column there?

17 A. I do.

18 Q. Comparing the name of the file listed in the far left-
19 hand column to the name of the file on the charging
20 information in Indictment Number 374, what observation, if
21 any, do you make?

22 A. They are the same.

23 Q. Now, I point your attention to page ten of State's
24 Exhibit Thirteen, and item number twenty-six.

25 A. Got it..

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1 Q. In that entry item number twenty-six, do you see the
2 name of a file?

3 A. I do.

4 Q. In reviewing the information and the file name at item
5 twenty-six, page ten, State's Exhibit Thirteen, and
6 comparing that to the charging information on Indictment
7 Number 374, what observation, if any, do you make?

8 A. They are the same file.

9 Q. And going back to the fourth page of State's Exhibit
10 Number Eleven, and the first entry.

11 A. Okay.

12 Q. Where the file name exists, does that appear to be the
13 same file name that is listed at item twenty-six, page ten,
14 State's Exhibit Number Thirteen?

15 A. It is.

16 Q. So, the charging information, the file name in the
17 charging information on Indictment 374 is the same file
18 referred to in State's Exhibit Eleven, on the fourth page,
19 first entry, and State's Exhibit Thirteen, on the tenth
20 page, item twenty-six, correct?

21 A. Correct.

22 Q. Now, referring back to State's Exhibit Thirteen, page
23 ten, item twenty-six, do you see information in that entry
24 related to the date and time that the file was created and
25 the date and time that the file was last accessed?

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1 A. Yes.

2 Q. And in comparing the information in each one of those
3 two entries, would you agree that that information is
4 identical as to day, month, year, hour, minute, and second?

5 A. I do.

6 Q. Now, referring back to State's Exhibit Number Eleven ,
7 on page four, and the first item at the top of the page.

8 A. Yes, sir.

9 Q. If you would look all the way over to the right-hand
10 column, do you see an entry there for the length of that
11 file?

12 A. I do.

13 Q. And what does that say?

14 A. Six minutes, thirty-three seconds.

15 MR. ATWATER: Your Honor, at this time, the Defense
16 would move to enter a copy of Indictment Number 374 into
17 evidence as Defense Exhibit Twenty-seven.

18 THE COURT: In, over objection.

19 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY-SEVEN,
20 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

21 BY MR. ATWATER:

22 Q. Investigator Wasiak, I'm now handing you a copy of
23 Indictment Number 375, and ask that you take a moment to
24 familiarize yourself with that document.

25 A. Got it.

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1 Q. In reviewing that copy of Indictment Number 375, does
2 that appear to be an indictment for third degree?

3 A. It does.

4 Q. In referring to the opposite side of that page for the
5 charging information, are you able to look at that charging
6 information and locate the name of a computer file?

7 A. I can, yes.

8 Q. Have you found one?

9 A. I have.

10 Q. Now, if I could point your attention to page ten, item
11 twenty-seven, of State's Exhibit Thirteen, please.

12 A. Got it.

13 Q. And in item twenty-seven, are you able to locate
14 information relating to the name of a computer file?

15 A. Yes, I did.

16 Q. Comparing the information of the name of the computer
17 file in item twenty-seven, page ten, State's Exhibit
18 Thirteen, to the information on the charging language of
19 Indictment Number 375, what observation do you make?

20 A. They're the same file.

21 Q. And looking at State's Exhibit Eleven, page four, and
22 the second entry, please.

23 A. Got it.

24 Q. Are you able to find the file name of a file -- a
25 computer file identified there?

1 A. Yes.

2 Q. Comparing that file name to the file name in the
3 charging language on the copy of Indictment Number 375,
4 what observation do you make?

5 A. Same file.

6 Q. In comparing the file name found in entry number two,
7 on the fourth page of State's Exhibit Eleven, to the file
8 name found at entry number twenty-seven, page ten of
9 State's Exhibit Number Thirteen, what observation do you
10 make?

11 A. Same file.

12 Q. So, Indictment Number 375 lists a computer file that
13 is the same file as is referenced on page four, item two of
14 State's Exhibit Eleven and also item twenty-seven, page ten
15 of State's Exhibit Thirteen; is that correct?

16 A. That's correct.

17 Q. Now, referring to entry number twenty-seven, on page
18 ten of State's Exhibit Thirteen, do you see information in
19 that entry relating to the date that computer file was
20 created and the date the computer file was last accessed?

21 A. I do.

22 Q. And in comparing the information for the date and time
23 that the computer file was created to the date and time the
24 computer file was last accessed, would you agree with me
25 that the information that's identical as to day, month,

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1 year, hour, minute, and seconds?

2 A. They are.

3 Q. Referring back to State's Exhibit Number Eleven, on
4 the fourth page and the second entry. Do you have that?

5 A. I do.

6 Q. In the far right-hand column, do you see an entry
7 there for the length of that video?

8 A. I do.

9 Q. And what is that?

10 A. Fourteen minutes and twelve seconds.

11 MR. ATWATER: Your Honor, at this time, the Defense
12 would move to enter a copy of Indictment Number 375 into
13 evidence as Defense Exhibit Number Twenty-eight.

14 THE COURT: Over objection, it will be in. And we'll
15 take a ten-minute refresher break.

16 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY-EIGHT,
17 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

18 (JURY EXITS COURTROOM AT 12:01 PM.)

19 THE COURT: We'll be at ease for ten minutes.

20 MR. FLORES: Thank you, Judge.

21 MR. ATWATER: Thank you, your Honor.

22 (COURT IN RECESS AT 12:02 PM.)

23 (COURT BACK IN SESSION AT 12:12 PM.)

24 THE COURT: Take your seats. Bring in the jury.

25 (JURY REENTERS COURTROOM AT 12:13 PM.)

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1 THE COURT: All right.

2 MR. ATWATER: May it please the Court?

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION - CONTINUES

5 FARAND WASIAK BY MR. ATWATER:

6 Q. Investigator Wasiak, I'm now gonna hand you a copy of
7 Indictment Number 376, and ask if you'd take a moment to
8 review that document.

9 A. Got it.

10 Q. And in reviewing the copy of Indictment 376, do you
11 see that that is for third degree?

12 A. I do.

13 Q. Now, if you will look at the opposite side of that
14 document, in the charging language.

15 A. Okay.

16 Q. And looking in the charging language, are you able to
17 locate a computer file name?

18 A. I am.

19 Q. And if you will refer to State's Exhibit Eleven, the
20 fourth page and the third entry on that page, please.

21 A. Got it.

22 Q. Do you see that?

23 A. I do.

24 Q. And in the far left-hand column, do you see the name
25 of a computer file?

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1 A. I do.

2 Q. May you take a look and compare the name of that
3 computer file to the information on the charging language
4 for Indictment Number 376?

5 A. They're the same.

6 Q. Now, referring to State's Exhibit Thirteen, on page
7 ten and at item number twenty-eight.

8 A. Okay. Got it.

9 Q. Do you see that?

10 A. I do.

11 Q. In looking at the entry, the information in entry
12 number twenty-eight, are you able to ascertain the name of
13 a computer file in that entrance?

14 A. It is ascertained, yes.

15 Q. And in looking at that information and comparing it to
16 the computer file name listed on the charging language on
17 Indictment Number 376, will you take a moment to do that?

18 A. I got it.

19 Q. What observation do you make?

20 A. They're the same file.

21 Q. And if I could refer you back to page four, the third
22 item down of State's Exhibit Eleven, please.

23 A. Got it.

24 Q. And in the left-hand column, where it has an entry for
25 the name of a computer file, do you see that?

1 A. I do.

2 Q. Will you compare that with entry twenty-eight, on page
3 ten of State's Exhibit Thirteen?

4 A. Got it.

5 Q. Do you see the file name in that entry twenty-eight?

6 A. I do.

7 Q. And comparing it to the file name in the third entry
8 on page four, State's Exhibit Eleven, what observation do
9 you make?

10 A. They're the same file.

11 Q. So, the computer file referred to in item twenty-
12 eight, page ten of State's Thirteen, the computer file
13 referred to in the third entry on page four, State's
14 Eleven, and the computer file referred to in the charging
15 language in Indictment Number 376 is it's -- it's all
16 referring to the same computer file, correct?

17 A. They're all the same, yes.

18 Q. Now, referring back to item twenty-eight, on page ten
19 of State's Exhibit Thirteen. Have you found that?

20 A. I have.

21 Q. And in looking at the information there in item
22 twenty-eight, do you see information there listed for the
23 date and time that the file was created, and the date and
24 time that the file was last accessed?

25 A. I do.

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1 Q. And in comparing the date and time for when the file
2 was created and last accessed, do you agree that they are
3 identical as to day, month, year, hour, minute, and
4 seconds?

5 A. They are.

6 Q. Now, referring back to page four of State's Exhibit
7 Eleven and the third entry, do you see that?

8 A. I do.

9 Q. Going to the far right-hand side of that column, do
10 you see an entry for the length of that video?

11 A. I do.

12 Q. And what is that entry?

13 A. Thirty-one seconds.

14 MR. ATWATER: Your Honor, at this time, the Defense
15 would move to enter Indictment Number 376 into the record
16 as Defense Exhibit Number Twenty-nine.

17 THE COURT: In, without objection.

18 MR. FLORES: Excuse me, in over objection or without
19 objection?

20 THE COURT: In, over objection. Sorry, I misstated.
21 Thank you for correcting me.

22 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER TWENTY-NINE,
23 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

24 MR. FLORES: Thank you, your Honor.

25 BY MR. ATWATER:

1 Q. Detective Wasiak, I'm now handing you a copy of
2 Indictment Number 377, and ask you if you would take a
3 moment to review that document, please.

4 A. Got it.

5 Q. And in reviewing that document, does that appear to be
6 an indictment for third degree?

7 A. It does.

8 Q. And if I could direct your attention to the opposite
9 side of that indictment to the charging language.

10 A. Got it.

11 Q. In that information, are you able to locate the name
12 of a computer file?

13 A. I did.

14 Q. Have you had an opportunity to familiarize yourself
15 with that name?

16 A. I have.

17 Q. Referring to State's Exhibit Thirteen, on page eleven
18 and item number twenty-nine. Do you see that?

19 A. I do.

20 Q. Reviewing the information in item twenty-nine, do you
21 see the name of a computer file?

22 A. I do.

23 Q. And comparing the name of that computer file to the
24 name of the computer file identified in the charging
25 language in Indictment Number 377, what observation do you

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1 make?

2 A. Same file.

3 Q. Now, referring back to page four of State's Exhibit
4 Eleven, the fourth entry which is the last entry on that
5 page. You see that?

6 A. I do.

7 Q. On the left-hand side of that page, there is an entry
8 for a file name? Are you able to ascertain the name of the
9 computer file in that entry?

10 A. I did.

11 Q. And if you would take a moment and compare the name of
12 the computer file in the fourth and last entry on page four
13 of State's Exhibit Eleven to the name of the computer file
14 identified in item number twenty-nine, on page eleven of
15 State's Exhibit Number Thirteen, what observations do you
16 make?

17 A. Same file.

18 Q. And would the -- that file that's referred to in item
19 twenty-nine, page eleven, State's Exhibit Thirteen and the
20 last entry on page four as State's Exhibit Eleven, they're
21 referring to the exact same computer file that's referred
22 to in the charging language of Indictment 377?

23 A. Yes.

24 Q. Now, looking back at page eleven and item twenty-nine
25 in State's Exhibit Number Thirteen, and reviewing the

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1 information that appears there in item number twenty-nine,
2 are you able to find information related to the date and
3 time that the computer file that it's identifying was
4 created and last accessed?

5 A. Yes.

6 Q. And in reviewing the information relating to the file
7 creation and last accession for that computer file, would
8 you agree with me that the time that it was created and the
9 time that it was last accessed is identical as to day,
10 month, year, hour, minute, and seconds?

11 A. Yes.

12 Q. Pointing your attention back to State's Exhibit Eleven
13 and the fourth and last entry on page four. Do you have
14 that?

15 A. Yes.

16 Q. Looking in the far right-hand column, do you see an
17 entry there for the length of that video?

18 A. I do.

19 Q. And what is that entry?

20 A. Twenty-two minutes and forty-four seconds.

21 MR. ATWATER: At this time, the Defense would move to
22 enter the copy of Indictment Number 377 into evidence as
23 Defense Exhibit Thirty.

24 THE COURT: In, over objection.

25 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER THIRTY,

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1 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

2 BY MR. ATWATER:

3 Q. Investigator Wasiak, I'm now handing you a copy of
4 Indictment Number 378, and ask if you would take a moment
5 to review that indictment.

6 A. Got it.

7 Q. And in reviewing Indictment Number 378, does that
8 appear to be an indictment for third degree?

9 A. It is.

10 Q. And in making reference to the opposite side of that
11 document, looking at the charging language, are you able to
12 locate the name of a computer file?

13 A. I am. I did.

14 Q. Referring to the fifth and last page of State's
15 Exhibit Eleven and the only entry on that page, do you see
16 that?

17 A. I do.

18 Q. On the left-hand side of that entry, there's the name
19 of a computer file; is that correct?

20 A. That is correct.

21 Q. And if you compare the name of the computer file for
22 the entry on page five of State's Exhibit Eleven to the
23 name of the computer file that's identified in the charging
24 language of Indictment Number 378, what, if anything, do yo
25 note?

1 A. Same file name.

2 Q. Did you say it's the same file name?

3 A. That is correct.

4 Q. And if I could refer you to page eleven and item
5 number thirty of State's Exhibit Number Thirteen, please.

6 A. Okay. Got it.

7 Q. Looking at the information that appears in item number
8 eleven -- or thirty, I'm sorry -- on page eleven of State's
9 Exhibit Thirteen, are you able to identify the name of a
10 computer file there?

11 A. I am.

12 Q. Comparing the name of that computer file to the name
13 of the computer file that appears in the charging language
14 in Indictment Number 378, what observation do you make?

15 A. Same file.

16 Q. So, would you agree that the computer file identified
17 in the charging language of Indictment 378 and in the only
18 item listed on page five of State's Exhibit Eleven, and in
19 item number thirty on page eleven of State's Exhibit
20 Thirteen, all relate to the same computer file?

21 A. Correct.

22 Q. Now, referring back to item thirty, on page eleven of
23 State's Exhibit Thirteen, do you see information in that
24 entry that relates to the date and time that that file was
25 created and the date and the time that that file was last

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1. accessed?

2 A. Correct.

3 Q. And in looking at the information for both of those
4 entry, file creation and last accession, would you agree
5 with me that the information relating to day, month, year,
6 hour, minute, and seconds are identical?

7 A. Correct.

8 Q. Now, referring back to the single on page five of
9 State's Exhibit Eleven, you there?

10 A. I am.

11 Q. Going to the far right-hand column, do you see an
12 entry there for the length of that video?

13 A. I do.

14 Q. And what is that?

15 A. Twenty-three minutes and thirty-three seconds.

16 MR. ATWATER: Your Honor, at this time, the Defense
17 would move to enter Indictment Number 378 into evidence as
18 Defense Exhibit Thirty-one.

19 THE COURT: In, over objection.

20 (WHEREUPON, DEFENDANT'S EXHIBIT NUMBER THIRTY-ONE,
21 IDENTIFIED AND MARKED, RECEIVED INTO EVIDENCE.)

22 BY MR. ATWATER:

23 Q. Investigator Wasiak, if I could direct your attention
24 to State's Exhibits Twelve and Thirteen, please.

25 A. Okay.

1 Q. Now, as to State's Exhibit Thirteen, the entries for
2 the files that are listed in State's Exhibit Thirteen all
3 relate to one of these five computers, correct?

4 A. Correct.

5 Q. Okay. And are you -- can you identify which one ---
6 the entries for State's Exhibit Thirteen apply to?

7 A. Not right offhand. I'd have to review notes and
8 everything.

9 Q. Is there anything ---

10 A. Well --

11 Q. --- in State's Exhibit Thirteen --

12 A. Well, it's item three, but I'd have to go up there and
13 point out and see which one it is.

14 Q. Would you do that, please?

15 (WITNESS LEAVES WITNESS STAND.)

16 THE COURT: The jury can't see.

17 A. This one down here.

18 Q. This one here?

19 A. Yes.

20 (WITNESS RETURNS TO WITNESS STAND.)

21 Q. Now, referring back to State's Exhibit Thirteen, that
22 you testified relates to this computer here?

23 A. Correct.

24 Q. And looking in your files, or looking in the
25 information in State's Exhibit Thirteen, is that the

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1 computer that had the file string that included the word
2 Bay?

3 A. Say that last part again.

4 Q. Is that the computer that has the file strings that
5 include the word Bay?

6 (PAUSE.)

7 Q. Detective Wasiak, if I could point your attention to
8 page three, please, and item seven.

9 A. Page three and item seven?

10 Q. Page three and item seven of State's Thirteen.

11 A. Gotcha. Okay.

12 Q. The very first line in item seven, going out across
13 that line, do you see the word Bay appearing in that line?

14 A. I do.

15 Q. How about for item eight on that page?

16 A. I do.

17 Q. How about for item nine on that page?

18 A. Yes.

19 Q. If you would look through the rest of the items,
20 please.

21 (WITNESS COMPLIES.)

22 A. Okay.

23 Q. Having reviewed all of those items listed in State's
24 Exhibit Thirteen, do each one of those items have in the
25 file string the word Bay?

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1 A. Yes.

2 Q. And State's Exhibit Thirteen relates to this computer
3 right here?

4 A. Correct.

5 THE COURT: And that's number?

6 MR. ATWATER: It is State's Exhibit Ten.

7 Q. And in reviewing the information in State's Exhibit
8 Thirteen, as it relates to the File Created dates and file
9 accessed dates for all of the files listed in State's
10 Exhibit Thirteen, would you agree with me that all of the
11 files that State's Exhibit Thirteen identify, that were
12 found on State's Exhibit Ten, were files that had an
13 identical creation and access date?

14 A. That is correct.

15 Q. If I could refer you to State's Exhibit Fifteen,
16 please.

17 A. Okay.

18 Q. Looking at State's Exhibit Fifteen, is there anything
19 in that exhibit that would tell you which one of these
20 computers here, that information came from?

21 A. From this -- it's just -- This exhibit alone right
22 here in my hand?

23 Q. Yes.

24 A. No.

25 Q. Okay. What information would you need to be able to

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1 ascertain that?

2 A. My notes, my IEF report.

3 Q. Do you have those here with you today?

4 A. They're on the disc.

5 Q. When you refer to the disc, this would be from?

6 A. 2014.

7 Q. 2014 or 2007?

8 A. 2014.

9 MR. FLORES: May we approach a minute?

10 (BENCH CONFERENCE OFF THE RECORD OUT OF THE HEARING OF
11 THE JURY AT 12:36 PM.)

12 Q. Investigator Wasiak, are you familiar with the term
13 cache, as it relates to computer file storage?

14 A. C-a-c-h-e?

15 Q. Yes, sir.

16 A. Yes.

17 Q. Would you please tell the jury what that means?

18 A. Cache, it's -- When you visit web pages, your computer
19 saves, when you like, go to Fox News, news page, Bank of
20 America, it's going to save a lot of the images within it.
21 And this way, the next time you -- it was really meant for,
22 back when we had dial-up, it saved on loading on pages and
23 stuff like that. It just -- it just helps make load pages
24 quicker, faster.

25 Q. And is -- does that cage -- is that cache a temporary

1 storage location on the user's computer?

2 A. It is. It's similar to your temporary Internet files,
3 actually, is exactly what it is.

4 Q. So, if a user, let's say, for example, does a Google
5 search.

6 A. Okay.

7 Q. And that Google search returns a list of search --
8 relative search items.

9 A. Okay.

10 Q. Those items are captured in the cache for the next
11 time you make a search, correct?

12 A. It could be, yes. I can't say with certainty, but
13 absolutely. Yes.

14 Q. Well, let's go back to the example you just gave of
15 going to Fox News page or something like that.

16 A. Correct.

17 Q. The process that the computer goes through in taking
18 all of that information off of that page and putting it
19 down into the computer's cache ---

20 A. Correct.

21 Q. --- is done by computer programs, not by the user,
22 correct?

23 A. Correct. Absolutely.

24 Q. So, the user would go to the URL, www.FoxNews.com and
25 that would be what the user would actually input into a

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1 keyboard?

2 A. Correct.

3 Q. And once the user did that on the keyboard, then
4 software would take over, correct?

5 A. Correct.

6 Q. And it would take him out to and find that URL?

7 A. Right.

8 Q. Bring whatever images that returned onto his computer,
9 correct?

10 A. Correct.

11 Q. With whatever other data was at that URL location,
12 correct?

13 A. Correct.

14 Q. And the user doesn't get to select what information
15 comes from foxnews.com, right?

16 A. Correct.

17 Q. And all of that information that comes in on the
18 computer and then goes into his cache, the user doesn't get
19 to have anything to do about that, either, correct?

20 A. No, that's correct.

21 Q. Now, let's use the example you gave, FoxNews.com. If
22 a user goes to that URL and there is information on that
23 page for advertisements and things like that.

24 A. Okay.

25 Q. Is it possible that if he clicks on any of those

1 advertisements, that that, doing that click, will redirect
2 him somewhere else?

3 A. Correct. Yes. Yes. It's a possibility, of course.

4 Q. Now, you're familiar with URL redirects?

5 A. I'm sorry?

6 Q. Are you familiar with URL redirects?

7 A. Reader X?

8 Q. Redirects?

9 A. Yes, yes.

10 Q. Re directs?

11 A. Yes.

12 Q. Okay. In your experience with computer software, have
13 you ever seen where that redirect takes you to a false
14 location? In other words, takes you somewhere other than
15 where that little image told you you were going to go?

16 A. Have I ever not seen it, or have I ever seen it?

17 Q. Have you ever seen that?

18 A. Yes, I have.

19 Q. So, there are programmers who are out there making
20 software and putting them on these computer bases can
21 create a redirect button, or a redirect box?

22 A. Correct.

23 Q. And in the information that the user is looking at on
24 the screen, tell them that they're going somewhere, but the
25 actual language that they used to send them somewhere else

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1 it doesn't have to match that, does it?

2 A. Correct. It does not.

3 Q. They can send them somewhere else that they didn't
4 even intend to go to, correct?

5 A. Correct.

6 Q. Have you been messing with computers long enough to
7 know before the Windows environment was around?

8 A. Grade school stuff. It wasn't -- no, not really.

9 Q. Okay.

10 A. I knew -- I knew a little bit, like DOS and stuff they
11 taught us in school, but nothing -- nothing of, you know.
12 I never really used them back then.

13 Q. The DOS -- the DOS software, the DOS programs,
14 actually require the users to input data for everything
15 they wanted to do or where they wanted to go, right?

16 A. Correct.

17 Q. And the purpose for the operating systems, and
18 ultimately the browser software, was to make all of this
19 Internet operation and computer operation a lot more user-
20 friendly and a lot more easy, correct?

21 A. Correct.

22 Q. So, for example, on the operating system, you have
23 these windows, and rather than have them to go type in all
24 of the information you would have had to in the DOS system,
25 you can literally just click on a window, and then the

1 computer takes over?

2 A. Correct.

3 Q. Software takes over. Whatever the programmers put in
4 there that they want you to do is what gets done?

5 A. Correct.

6 Q. Now, in the Windows operating system, you spoke
7 yesterday about the fact that it comes with defaults?

8 A. Defaults, yes.

9 Q. And I think some of those would be, for example,
10 documents, music?

11 A. Correct.

12 Q. Those types of things?

13 A. Correct.

14 Q. And then, the user can add more files that they want
15 to store information in, correct?

16 A. Correct.

17 Q. Are you familiar with the ability for a user, when
18 they first get a computer or first get a browser, that it
19 asks them for all types of identifying information about
20 their selves?

21 A. Correct.

22 Q. And the reason the browser or the operating system
23 does that is because it stores that information in the
24 system, correct?

25 A. Right.

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1 Q. And then, it goes out there and it does -- it
2 remembers it, first off, right?

3 A. Correct.

4 Q. Saves it. And it'll go create a file with that
5 person's name, right?

6 A. Correct.

7 Q. For example, a download file.

8 A. Right.

9 Q. If someone were to type in in the identifying
10 information for themselves, Bay, the operating system now
11 makes that name that goes on the string with the download
12 file?

13 A. Correct. You're talking about using the Windows
14 environment, correct?

15 Q. Yes, sir.

16 A. Okay. Yes.

17 Q. And the Windows operating system. Now, let's say
18 Investigator Wasiak comes and sits on Bay's computer, and
19 starts doing things on the computer, and the computer
20 software starts downloading things. That's not going to go
21 into a file that says Wasiak in it, is it?

22 A. No. Not unless I created one.

23 Q. Okay. So, if you didn't create one and you got on
24 that computer, anything that was downloaded while you were
25 on it would go into that download file that said Bay,

1 wouldn't it?

2 A. That's correct. That's how the defaults are set up to
3 do it. Absolutely, yes.

4 Q. And that's how Windows sets it up, correct?

5 A. Correct.

6 Q. Unless someone goes and creates other download files
7 to the ---

8 A. Right. Right.

9 Q. --- user using it?

10 A. Yeah, the user can always change the path if they --
11 if they want to.

12 Q. And in the -- in the fact pattern that I just gave
13 you, where Investigator Wasiak sits down on the computer,
14 once again, you can start clicking on things in the browser
15 or clicking on things in the operating system and its
16 software in the background will save the information into
17 the cache?

18 A. Correct.

19 Q. And you're not telling it to do that, correct?

20 A. Correct.

21 Q. It's doing it on its own?

22 A. Right.

23 Q. Investigator Wasiak, are you familiar with the term
24 pop-ups?

25 A. I am.

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1 Q. Would you tell the jury what they are?

2 A. Pop-ups, you know you go on a website, and boom, you
3 know, you want this pill, book, you know, you want to buy
4 this. Those annoying little things that really don't exist
5 any more. I think they pretty much got a handle on them,
6 except for some nefarious web sites.

7 Q. Now, pop-ups are something that, the way you just
8 described, come up onto the computer screen when you go to
9 a URL?

10 A. Correct.

11 Q. Without any -- any action of the user who's sitting at
12 the keyboard, correct?

13 A. Correct.

14 Q. And when the user wants to close out of one of those
15 pop-ups, it's possible that it -- the programming in that
16 pop-up will just direct them to another page?

17 A. Correct.

18 Q. In other words, that pop-up could have the word close
19 on it, so the user would think, click on this, it closes,
20 but the programmer who programmed that put information in
21 the back that says, when he clicks on this and thinks he's
22 closing it, take him over here?

23 A. Correct.

24 Q. Correct?

25 A. Correct.

1 Q. And then, when he went over there, his computer cache
2 would capture the information that was over there, right?

3 A. Correct.

4 Q. Now, in making reference to those close buttons I was
5 just talking about, they can do anything from opening new
6 pages, redirecting you to a new URL, new URL, or also
7 telling your computer to download files can't they?

8 A. Correct.

9 Q. And so, the user who's sitting at the keyboard would
10 be clicking on the word close thinking they're closing the
11 browser that they -- or a pop-up that they never asked for
12 in the first place and then, by doing that, the information
13 goes down into the cache, they never even know they had it,
14 correct?

15 A. Correct.

16 Q. And if it downloads in there, it's going to that
17 default download file, right?

18 A. Yes, that's how -- if the user left it alone, correct.
19 Yes.

20 Q. Are you familiar with the term computer virus?

21 A. I am.

22 Q. Would you tell the jury what that means?

23 A. It's a virus that affects your computers. You know,
24 the FBI virus they have, the -- the Kryptolocker virus you
25 see on TV where it locks all your information and stuff

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1 like that. It's just a -- a malicious computer program
2 somebody made to either gain information from you or lock
3 you out of your information.

4 Q. Is it possible for a virus, also, to do an action
5 where it re-creates itself?

6 A. Yes.

7 Q. And is it possible for a virus to come into a person's
8 computer when they're just going through regular browser
9 activity on the Internet?

10 A. It is possible.

11 Q. When you were doing in 2014 when you did the IEF check
12 with EnCase software.

13 A. 2014.

14 Q. Or you did it with the IEF software, right?

15 A. Yeah.

16 Q. Okay. Would that IEF software -- Basically, that IEF
17 software just goes out there and finds Internet Explorer
18 activity, right?

19 A. Correct.

20 Q. Okay. It wouldn't do things like identifying a
21 particular file as being a virus or a Root Kit or a Trojan
22 horse, or anything like that, right?

23 A. I don't believe it would, no.

24 Q. Okay. Now, are you familiar with the term Trojan
25 horse?

1 A. I am.

2 Q. Would you please tell the jury what that is?

3 A. A Trojan horse is, you think you're downloading a safe
4 file, but you know, in it is, of course, a computer virus,
5 malicious -- malicious code, and once you download it, it's
6 got access to your computers.

7 Q. And is it possible then that that could happen to any
8 user when they were just doing normal browsing activity?

9 A. Yes, it's possible.

10 Q. Just by clicking on a redirect button, or just by
11 going to another -- or being redirected to another website?

12 A. It's possible.

13 Q. Which would be an action that the computer itself did,
14 not the user?

15 A. I'm sorry? The clicking would be done by the user.

16 Q. I'm talking about being redirected by --

17 A. Correct. Yes.

18 Q. Are you familiar with the term Root Kit?

19 A. Somewhat. Not too much.

20 Q. Have you ever dealt with files that allow themselves
21 to be concealed from being recognized by the computer's
22 operating system?

23 A. I guess within apps and stuff like that which - In
24 what regard? That's a -- you're talking about like the --
25 like could the system conceals in themselves, like hid in

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1 folders within the OS?

2 Q. Yes.

3 A. Yes.

4 Q. Okay. So, these Root Kits can basically come in and
5 create hidden folders that the user actually got out of the
6 Windows environment while looking for things -

7 (COURT REPORTER COUGHING AND SNEEZING.)

8 THE COURT: Excuse -- wait just one second. You okay?

9 MADAM COURT REPORTER: Yes, sir.

10 THE COURT: You need some water?

11 MADAM COURT REPORTER: No, sir. Appreciate it.

12 THE COURT: Go ahead.

13 BY MR. ATWATER:

14 Q. If the -- if the user actually got out of the Windows
15 environment, in other words, they'd go down there, and
16 they'd click on that little button that allows them to go
17 through their file folders.

18 A. Correct.

19 Q. And it took them there to where their file folders
20 were on and then they went and started looking for files or
21 file folders, these Root Kits could actually make them not
22 be able to find the file that's there, correct?

23 A. Correct.

24 Q. Hide it from them?

25 A. Correct.

1 Q. Would your IEF software detect Root Kits?

2 A. It would not.

3 Q. Are you familiar with the term Malware?

4 A. I am.

5 Q. Would you please tell the jury what that is?

6 A. Malware is similar to -- to a virus. Usually get it
7 in a email or something, you know, hey, look what I did on
8 YouTube, you know. And you click on it, thinking you're on
9 a YouTube video, and it downloads malicious ware. It's
10 very similar to a virus.

11 Q. And have you ever had any experience with malware that
12 a person would try to close a button, and it wouldn't allow
13 them to?

14 A. Yes.

15 Q. Have you ever had an experience with malware that
16 would actually try to hijack the computer, and make people
17 pay money for it?

18 A. Yes.

19 Q. That's referred to as ransomware, correct?

20 A. Correct. Yes.

21 Q. And all of these things that I'm referring to, the
22 virus, the Trojan horse, the Root Kits, Malware,
23 Ransomware, that come into a user's computer are completely
24 uninvited by that user, correct?

25 A. Correct.

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1 Q. And if there is any action that he does that causes it
2 to come in, it's not something that he's aware of, correct?

3 A. Not unless, I mean, he purposely wants to do it,
4 right.

5 MR. ATWATER: Madam Clerk, could you please dim the
6 lights?

7 (COURTROOM LIGHTS DIMMED.)

8 Q. Detective Wasiak, I'd like to direct your attention to
9 the screen up here, please. Now, this is part of the
10 information that you got from the 2014 evaluation of the
11 computers; is that correct?

12 A. Correct.

13 Q. And tell us what we're looking at right here on this
14 page that's being displayed.

15 A. That's rebuilt web pages. I have rebuilt, or tried to
16 rebuilt the best I can, web pages.

17 Q. Now, when you -- when you say IEF, you're talking
18 about the software that SLED is using?

19 A. Correct. Yes.

20 Q. To evaluate the data that came in through that process
21 that we've talked about yesterday, off of one of these hard
22 drives?

23 A. Correct.

24 Q. So, when you say rebuilding a web page, that would be
25 a web page that, let's say, for example, if I booted up

1 that computer, would I be able to pull up that web page,
2 without that IEF software?

3 A. You could if you really knew what you were doing but
4 didn't have the software for it.

5 Q. So, with just a regular computer that had a Windows
6 operating system on it and not the IEF software that you
7 have, would that file that IEF rebuilt ---

8 A. Right.

9 Q. --- rebuild itself from the user?

10 A. No, not without any kind of computer programmer with
11 web page knowledge.

12 (COURTROOM LIGHTS TURNED UP.)

13 Q. Okay. So, it's -- so, as far as we know, the
14 information that was rebuilt on that web page, as it sat on
15 this computer -- Well, let me ask you first. Were you able
16 tell by this document what computer that page is referring
17 to?

18 A. Yes, because it should say -- it'll say the item for
19 -- see there, where it says forensic IEF?

20 Q. Yes.

21 A. He's got to know which item that referred to on there,
22 if you -- if the -- If you went to the home page on this
23 IEF report, I would be able to tell you.

24 So, that's -- that's item -- that's item five, from
25 seven -- from 2014.

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1 Q. Okay. Are you able to tell which computer was item
2 five on in 2014?

3 A. I can if I go and look.

4 Q. Could you do that?

5 A. Yeah.

6 (WITNESS LEAVES WITNESS STAND.)

7 A. It's this one here.

8 THE COURT: Which is?

9 MR. ATWATER: Which is State's Exhibit Ten.

10 (WITNESS RETURNS TO WITNESS STAND.)

11 Q. So, when you -- This computer was submitted to SLED
12 by the Attorney General's Office in 2014, for you to do an
13 IEF evaluation, which you did on all five of these, right?

14 A. Correct.

15 Q. That IEF program that SLED had allowed us to pull up
16 and look at information, or allowed SLED to pull up and
17 look at information, based on your abilities?

18 A. Correct.

19 Q. That if a person was sitting at this computer wouldn't
20 be able to see, correct?

21 A. Depending on their computer knowledge. That -- it all
22 depends on --

23 Q. How about a rebuilt web page, like that one that IEF
24 rebuilt?

25 A. They'd have to have a vast knowledge of computers, or

1 at least web browsing, HTML.

2 Q. Okay. So, the average person wouldn't be able to just
3 pull that up?

4 A. A person of average computer knowledge.

5 Q. Would not, right?

6 A. I would assume not, no.

7 MR. ATWATER: Madam Clerk, could you -- the lights,
8 please?

9 Q. I'm now referring again to State's Exhibit Fifteen.

10 A. Okay.

11 Q. And as we discussed yesterday, the actual document you
12 had in your hand doesn't allow you to be able to say which
13 one of these that came from, correct?

14 A. Correct.

15 Q. But if you refer to your report up here, you can,
16 correct?

17 A. I can, yes.

18 Q. Okay. So, what computer did that come from?

19 A. That was item five, from 2014.

20 Q. Which is ---

21 A. Right there.

22 Q. --- State's Exhibit Ten again. So, State's Exhibit
23 Fifteen came from item five.

24 Are you familiar with the term fingerprinting, as it
25 relates to -- I'm sorry, malware?

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1 A. I am not.

2 Q. Have you ever heard of malware programs that will map
3 the environment that exists at the time that they come on
4 the computer, so that later, once they've changed
5 something, they can make it look like it's still the same,
6 as it relates to the time on the computer?

7 A. I haven't directly heard of that, no.

8 Q. How about -- Are you familiar with timing evasion
9 files?

10 A. I am not familiar with that, no.

11 Q. Have you ever heard of files like malware, viruses, or
12 anything like that, that can remain dormant, and only
13 execute during certain processes like boot process?

14 A. Yes.

15 Q. Would those files, if they were on someone's computer,
16 be detectable by the user?

17 A. The user himself, probably not.

18 Q. Now, the two thousand -- I've got a printout of the
19 information from the 2007 file.

20 A. Okay.

21 Q. The CD, I was able to print out all the documents from
22 that. If I was to try to print out all the documents,
23 every -- all the information that was on the 2014 CD, what
24 volume of paper would that look like?

25 A. It would be astronomical.

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1 Q. Like, thousands and thousands and thousands of pages?

2 A. I would say that's fair. I won't get an exact number
3 on it, but it would be a lot of making copies, yes.

4 Q. So, that was how much data that the IEF detection
5 software, or IEF software that you ran on these five
6 computers was able to recover when you did the 2014 IEF --

7 A. Correct.

8 Q. If I can, let me refer you to State's Exhibit Twelve.

9 A. Okay.

10 Q. Now, if you would please, come down and identify which
11 computer State's Exhibit Twelve relates to.

12 (WITNESS RETURNS TO WITNESS STAND.)

13 A. This one right here, Exhibit Eight.

14 Q. Thank you.

15 (WITNESS RETURNS TO WITNESS STAND.)

16 THE COURT: Mr. Atwater, would this be a good time to
17 break?

18 MR. ATWATER: Yes, your Honor.

19 THE COURT: All right. We'll break. It's a little
20 after one; we'll break 'til 2:15. We'll see you back at
21 2:15.

22 Ms. Davis, if you'll stay just a minute, so I can chat
23 with you a little bit.

24 MS. DAVIS: Okay.

25 (JURY EXITS COURTROOM ON LUNCH RECESS AT 01:07 PM.)

FARAND WASIAK: REDIRECT BY MR. FLORES

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1 Court?

2 REDIRECT EXAMINATION

3 FARAND WASIAK BY MR. FLORES:

4 Q. Good afternoon, Special Agent Wasiak.

5 A. Good afternoon.

6 Q. I'll direct your attention to Mr. Atwater's
7 questioning you concerning SLED's network.

8 A. Okay.

9 Q. I believe you testified that the images that are --
10 that are created on the hard drives are placed upon the
11 network within SLED. Is that a secure network?

12 A. It is. A hundred percent -- well, nothing's a hundred
13 percent safe. It has no Internet connection. You'd have
14 to physically break into SLED, then break into one room,
15 and then break into another room to get to our -- to get to
16 our network.

17 Q. And to your knowledge, has that ever occurred?

18 A. It has not occurred.

19 Q. And to --

20 A. To the -- to the best of my knowledge.

21 Q. To the best of your knowledge. Did not occur in 2007?

22 A. It did not.

23 Q. Or in 2014?

24 A. It did not.

25 Q. Mr. Atwater referenced the DVD images that SLED stores

1 an image on. I wouldn't say DVD image, but DVD's where the
2 image is stored when it's removed from the server. Would
3 those have the same hash values as those found in your 2007
4 report and your 2014 report?

5 A. The DVD's contained were called EL One files. EL One
6 files are basically -- what EnCase does, it's actually an
7 industry standard of -- of the breakdown of your -- your
8 hard drive. To make things more easier for software to --
9 to look at the hard drive, it breaks it down into
10 individual files and then reassembles it. So, what -- what
11 I look at when I'm looking at an image, I don't -- I don't
12 see what you would normally see when looking at a computer.
13 I see what would be almost like a -- like a folder view and
14 a table view, and that's how EI Case builds it.

15 As to whether or not they would have the same hash
16 values, I couldn't tell you, because those EL One files may
17 be a pile of I don't know how many CD's. Just say a couple
18 of stacks of CD's. That's no longer a hard drive. It's
19 just -- it's a -- it's a pile of -- it's a pile of files
20 that came from the hard drive. So, I cannot give a -- I do
21 not know if they would have the hash value or not.

22 Q. Regardless, the hard drives themselves were re-imaged,
23 or imaged in the first sense, and then re-imaged in the
24 second sense, and had the same hash values?

25 A. They're the same hash values, correct.

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1 MR. FLORES: Madam Clerk, if I may, would you please
2 dim the lights?

3 (COURTROOM LIGHTS DIMMED.)

4 BY MR. FLORES:

5 Q. Special Agent Wasiak, what am I looking at here?

6 A. That is my 2014 report.

7 Q. All right.

8 MR. FLORES: And if I may, your Honor, if I could have
9 the witness step down?

10 THE COURT: You may.

11 MR. FLORES: Thank you, your Honor.

12 (WITNESS LEAVES WITNESS STAND.)

13 BY MR. FLORES:

14 Q. During cross-examination, Mr. Atwater asked you what
15 you were tasked to do for this examination, what you were
16 asked to look for. Where might that information be found
17 here?

18 A. The information in this would be found -- on my
19 findings, or?

20 Q. Where you would be asked --

21 A. In the intake sheet.

22 Q. The intake sheet. The intake sheet. All right.

23 Is this the standard intake -- a standard intake form?

24 A. It is.

25 Q. And what are we looking at here?

1 A. We have submitting agency, the submitting officer, the
2 investigating officer because a lot of times, the evidence
3 custodian will be different than the investigator working
4 the case. Obviously, we have contact information. We have
5 the date submitted to SLED. We have the submitting
6 agency's case number. We've got the city of origin and
7 county of origin, the type of case it is, and if it has
8 ever -- the case -- the computer, whatever is submitted to
9 us, has previously been viewed. And by previously viewed,
10 I mean, did the investigator go through it somehow, or did
11 we already look at it one time forensically, anything along
12 those lines.

13 Q. I'm going to scroll down. Do you see these two -- two
14 questions here or statements?

15 A. Yes.

16 Q. Will you start with this first one? What is that --
17 what is that asking?

18 A. Provide a brief description of how the submitted
19 evidence was used in commission of a crime. Examples:
20 computer used to create counterfeit currency; computer used
21 to disseminate child pornography, et cetera.

22 Q. And in this case, --

23 A. It says, storing imaging of CP. CP, of course, and
24 our abbreviation for child pornography.

25 Q. The next line?

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1 A. Provide a detailed description of information sought.
2 Examples: jpeg photographs, child pornography, pdf images
3 of counterfeit currency, et cetera.

4 Q. And what is being asked for of this -- of these
5 computers?

6 A. It says photos, any file sharing logs or websites
7 visited.

8 Q. Does it say any email or web sites visited by Aaron
9 Griswold?

10 A. It does not.

11 Q. All right. So, this is just asking for any and all
12 information on these five computers concerning their usage?

13 A. Correct.

14 Q. All right. And that is what you provided in your
15 report?

16 A. Correct.

17 Q. If you could please return to your seat.

18 (WITNESS RETURNS TO WITNESS STAND/COURTROOM LIGHTS
19 TURNED BACK UP.)

20 Q. On that particular form, it says, subject's name
21 Aaron Griswold.

22 A. Correct.

23 Q. Why was that?

24 A. It could have been maybe from the first intake sheet
25 of 2007, and since it was a re-submission, they just use

1 the -- the same subject's name.

2 Q. But you did, indeed, get information -- all
3 information that was available to be found from these
4 computers?

5 A. Yes. Well, to the best of my ability, yes.

6 Q. To the best of your ability. And to the best of the
7 software's ability.

8 A. The software's ability, yes.

9 Q. But you -- If information was available at one time
10 that had been overwritten, would you ever be able to
11 recover that?

12 A. Deleted, or actually that over written by?

13 Q. That had been over written by the computer.

14 A. No. Not at our -- not at our level.

15 Q. So, a website visited, say, on June 4th, if it were
16 placed in unallocated space, which you've described already
17 as being available for use.

18 A. Right.

19 Q. And any portion of that website was taken, would that
20 -- would that be able to be recovered?

21 A. If it was overwritten?

22 Q. Right.

23 A. No, it's gone.

24 Q. So, it's gone?

25 A. Yeah.

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1 Q. Never be seen again?

2 A. No. It's NSA-level stuff, probably.

3 Q. So, your software can only get what is available at
4 this time?

5 A. Correct.

6 Q. Okay.

7 A. Plus, unallocated, I'm sorry. Yes. Yes.

8 Q. Plus unallocated. It's been flagged to be
9 overwritten, to be used, and it's available to be used, but
10 it can still be gotten because it hasn't been overwritten;
11 is that right?

12 A. Yes.

13 Q. Special Agent Wasiak, Mr. Atwater asked you on a
14 number of occasions if you could pull information from the
15 computer to tell if Mr. Griswold directly was using it at
16 the time of either the copying or the viewing of these
17 images. What would be something you could find on a
18 computer that would do that?

19 A. Some -- Images of a webcam of him doing it maybe. I
20 don't know. That's another way; something that definitely
21 put him behind the chair.

22 Q. So, if -- if there were a web cam installed, and it
23 were recording the individual using the computer, that
24 could put somebody at the computer at that time?

25 A. It could, yes.

1 Q. Okay. Do you know if any web cams were installed in
2 this?

3 A. I do not know, offhand.

4 Q. On these? All right. But you would see image files
5 when you conducted your examination, would those have been
6 of interest?

7 A. Yes.

8 Q. But these -- do computers -- computers don't secretly
9 tape us, do they?

10 A. If they do what, I'm sorry?

11 Q. They don't secretly record us?

12 A. Not secretly, no.

13 Q. Okay. So, there's no file in, like, at the NSA that
14 could potentially have a camera that we don't know about
15 that's recording us?

16 A. I mean, potentially. Potentially, of course.

17 Q. You didn't see any web cameras --

18 A. Cause --

19 Q. You didn't see any files of web cameras of people
20 being taped while they were using the computers?

21 A. No. Generally, the web cams, the user has to set it
22 to be taped. It's not live streaming. Even your modern
23 Apple computers and stuff like that, which are built-in
24 with web cams, you've got to purposely turn it on. It's
25 not always recording. And if it is recording, it's

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1 streaming. It's not streaming like you would like watching
2 a TV show, it's live. You have to set it to record in
3 order for it to -- to turn into a file or be saved.

4 MR. FLORES: Beg the Court's indulgence.

5 Q. Special Agent Wasiak, you've -- you've stated to the
6 Court and to the jury that you conduct investigations into
7 the distribution and the use of material depicting minors
8 engaging in sexual activity, correct?

9 A. Correct.

10 Q. When you conduct your investigations, what information
11 are you seeking out on the computers, specifically?

12 A. Specifically, number one, obviously, we want evidence
13 of the crime.

14 MR. ATWATER: Your Honor, may we, may I approach?

15 (BENCH CONFERENCE, OFF THE RECORD, OUT OF THE HEARING
16 OF THE JURY AT 03:09 PM.)

17 MR. ATWATER: Thank you, your Honor.

18 BY MR. FLORES:

19 Q. So, please continue.

20 A. Evidence of the crimes, of course, would be images of
21 what we're talking about, video files of what we're talking
22 about during this trial. We also like to show location of
23 these files, where are they. With location of the files,
24 we usually want to show ownership of the machine, the
25 machine, of course, being the computer. Any kind of

1 ownership we might have is based on who is it registered,
2 profiles, stuff like that, user names. ~~The other thing is~~
3 the source of these files; where do they come from, how do
4 they get on this computer. Those are usually the -- the
5 most important things we look for on computers.

6 Q. Well, Special Agent Wasiak, I want to kind of go back
7 to memory and information on these systems. We heard
8 testimony from Detective Blackwelder that they went to Mr.
9 Griswold's residence, seized all the items. For the items
10 that were on, they pulled the plug.

11 A. Okay.

12 Q. All right. She testified that they did not have the
13 forensic experience or anyone who could take a look at
14 computers. Would there have been some information that was
15 lost in pulling the plug?

16 A. Absolutely, in the RAM. We do what we call RAM dumps.
17 RAM is random access memory. It's what your -- it keeps
18 you going. You could have multiple windows open at one
19 time. You could perform many functions. It temporarily
20 stores all your tasks at hand, and you're able to bounce
21 from one thing to another. You can listen to your music,
22 you could use your email, whatever.

23 But it's also power-dependent. As soon as you turn
24 the computer off, all that -- all that memory and RAM
25 disappears. So, now, with technology, we do what's called

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1 a RAM dump. When we get on-scene at a residence, we will
2 hook up a -- a device into the computer and -- and
3 physically -- well, I wouldn't say physically yet but
4 electronically get all or capture all that memory from the
5 RAM, random access memory.

6 Information for that is passwords to the computer,
7 user names. Now that Windows is encrypted, it will give us
8 encryption keys and stuff like that. It will give us what
9 the person was actively doing, or just recently actively
10 doing on the computer, what web sites were visited, things
11 of that nature.

12 Q. So, that's the kind of information that could have
13 been lost??

14 A. Absolutely. As the soon as the power goes off, RAM's
15 gone.

16 Q. And once it's gone, it's gone.

17 A. It's gone. It has no storage. It's all temporary
18 storage, immediate, temporary, powered storage, yes.

19 Q. But the information that's in your report was
20 definitely on these hard drives?

21 A. Yes. That is stored, yes.

22 Q. Special Agent Wasiak, I'd like you to take a look at
23 State's Exhibit Eleven. That would be the summary.

24 A. Yes, sir.

25 Q. All of those videos described therein, they were found

1 on State's Exhibit Ten; is that correct?

2 A. Correct. Yes.

3 Q. And they were found within the specific file path and
4 specific file structure?

5 A. Correct.

6 Q. Would you please hand me State's Exhibit Thirteen?

7 MR. FLORES: Madam Clerk, can I ask you to dim the
8 lights, please?

9 (COURTROOM LIGHTS DIMMED.)

10 MR. FLORES: Thank you.

11 Q. Now, Special Agent Wasiak, you were asked about -- a
12 lot about folder structure and file structure. You are
13 very familiar with the way that Windows creates folders?

14 A. Correct. Yes.

15 Q. And a default -- And you are aware of what the default
16 folders are, correct?

17 A. Most -- because the programs are -- but within the
18 user setting and yes, correct.

19 Q. Okay. Typically, does Windows, do Windows operating
20 systems create a video folder as a default folder?

21 A. They may have added -- it used to be called live
22 videos.

23 Q. Okay.

24 A. I think a newer one might be called videos now.

25 Q. All right.

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1 A. Yeah.

2 Q. But it would be some derivative of that, live videos,
3 videos.

4 A. Correct.

5 Q. Live pictures.

6 A. Pictures, yes.

7 Q. Live documents, maybe just documents.

8 A. Yes.

9 Q. Could be docs now?

10 A. Probably.

11 Q. Okay. So, videos here would likely be a default
12 folder?

13 A. It more than likely, yes.

14 Q. All right. So, vids, new folder, one, new folder,
15 those are all user-created?

16 A. Yes. They're not -- they're not operating system
17 created.

18 Q. And for this computer, which is State's Exhibit Ten,
19 the Dell system, would Dell place that on the computer
20 system?

21 A. I've never known them to, no.

22 Q. All right. So, you can't call them up and tell you --
23 tell them, hey, I want you to put these file structures on
24 my computer?

25 A. Correct. Windows probably wouldn't let them touch

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1 their product, anyway, since they're two separate products.

2 Q. And it's typically that Dell sends the computer in a
3 box?

4 A. Right.

5 Q. Right. They ship it right out the door. Special
6 Agent Wasiak, would you hand me State's Exhibit
7 Fourteen(A), please. Thank you, sir.

8 A. You're welcome.

9 Q. Special Agent Wasiak, Fourteen(A) refers to your
10 forensic examination of State's Exhibit Seven, the home-
11 built computer. On page six, my documents, correct? We've
12 got -- that would be a --

13 A. That's a default yes, under the username, or user, I
14 should say.

15 Q. All right. And they've got new folder. So, what
16 would -- is that something that would automatically happen,
17 or would that be user intervention?

18 A. No, a new folder is the optional -- whenever you
19 right-click on your mouse, or however it is you want when
20 you want to make a new folder, Windows names it new folder.
21 You create it to its new folder, you know, two, three,
22 four. That's how it's done.

23 MR. FLORES: Your Honor, if my co-counsel could set up
24 this dry-erase board?

25 THE COURT: Sure.

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1 MR. FLORES: Thank you.

2 Q. Special Agent Wasiak, I'm handing you back State's
3 Exhibit Fourteen(A). Would you read me the file structure,
4 starting with the username for that computer?

5 A. For the file, the one dash ten, I'm sorry, was it?

6 Q. Do it for the first -- compare them all. If they're
7 the same, please read them to me.

8 A. Okay. Okay. The full path as written in my report,
9 correct?

10 Q. And this is for item four, which is State's Ten, is
11 the home-built computer, please.

12 A. All right. It starts with, as it's written by case
13 number, which is 70070 -- 0120. And then, the slash. Item
14 four, max that's with a --

15 Q. Is this a hard drive?

16 A. Yeah. This is a hard drive.

17 Q. We'll abbreviate a hard drive.

18 A. Yeah, that's fine. And then, the slash. And then we
19 have C. C indicates the C hard drive or the C partition
20 within that hard drive.

21 Q. All right.

22 A. And then, we have Documents and Settings.

23 Q. What is Documents and Settings?

24 A. That's just a default folder Windows has. It's for
25 the, what do you call it, categorize, and distinguish

1 between users, if there's different users on a computer.

2 Q. All right.

3 A. Then, we have Bay, B-a-y.

4 Q. All right.

5 A. And then, My Documents.

6 Q. Okay.

7 A. And then, the slash. And then, a new folder.

8 Q. All right.

9 A. And then, within that folder, we have the title of
10 One, parentheses, ten, a-v-i.

11 Q. So, all of these have title nets, right?

12 A. It's over right here. Yes, after all of those, it's
13 the title of the file.

14 Q. So, we would say title.

15 Q. All right. And according to your report, when was
16 that computer last shut down?

17 A. Last shutdown time was March 4th, 2007, at 12:08 pm.
18 Or 12:08:50, 12:08 fifty-five zero seconds pm.

19 Q. 12:08:50?

20 A. Five, zero.

21 Q. Five, zero.

22 A. PM.

23 Q. PM. Okay. Next, go to State's Exhibit -- well.

24 That is item one.

25 A. Item one.

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1 Q. Which is State's Exhibit Eight. State's Eight.

2 All right. Please.

3 A. Okay. We start by case number again, which is 7007-
4 120.

5 Q. Zero one-twenty?

6 A. Yes. Zero one-twenty.

7 Q. All right.

8 A. And then, of course, item one. And then it has the
9 match door dot -- dot mx, plus the hard drive.

10 Q. It's a hard drive.

11 A. Slash, your C, of course, for your operating system,
12 or your -- your hard drive.

13 Q. C. Okay.

14 A. Or I should say a partition with in the hard drive.

15 Q. Hard drive within the hard drive.

16 A. Documents and Settings.

17 Q. Okay. Documents and Settings.

18 A. And then, the slash.

19 Q. Slash.

20 A. And then, it's Bay Greywood, Grey, with an e.

21 Q. Bay Greywood. We'll write that in blue. That's a
22 difference, is it not, from the previous computer?

23 A. Correct.

24 Q. All right. Bay Greywood.

25 A. Then, on My Documents.

- 1 Q. My Documents.
- 2 A. My Videos.
- 3 Q. Slash, My Videos. All right.
- 4 A. And then, Vids.
- 5 Q. Oh, that's a difference, right?
- 6 A. It is.
- 7 Q. My Videos. Slash, Vids. All right.
- 8 A. All right. Then, we have the Vids, we have New
- 9 Folder.
- 10 Q. All right. New Folder. Slash.
- 11 A. The Folder named One, the number, One.
- 12 Q. All right.
- 13 A. And then, New Folder again.
- 14 Q. All right.
- 15 A. And then, it looks -- appears to have been the file..
- 16 Q. And I'm sorry?
- 17 A. The file.
- 18 Q. Another file there?
- 19 A. Yeah.
- 20 Q. Okay. And that computer was last -- last used?
- 21 A. June 4th.
- 22 Q. June 4th.
- 23 A. 2007. 9:09, fifty-three seconds pm.
- 24 Q. PM. So, it was on at the time that the search warrant
- 25 was conducted, correct?

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1 A. I wasn't there for the search warrant, I'm sorry.

2 Q. Sorry. All right. Let's move on to State's Exhibit
3 Thirteen.

4 A. Did you take that?

5 Q. I've got it. I apologize. And this corresponds to
6 item three, which is State's Exhibit Ten. This was taken
7 from Aaron's bedroom. Okay. Let's start at the beginning.

8 A. All right. My case number, of course. Item three,
9 and then.

10 Q. And then, the hard drive name?

11 A. The hard drive name.

12 Q. All right.

13 A. And then, we have a partition E.

14 Q. Partition E? Okay. That's a little different.

15 A. And then, Users.

16 Q. All right.

17 A. And then, Bay.

18 Q. Just Bay?

19 A. Just Bay.

20 Q. All right. Okay.

21 A. Videos.

22 Q. All right.

23 A. Vids.

24 Q. All right.

25 A. New Folder.

1 Q. Okay.

2 A. The number, One.

3 Q. One. All right.

4 A. And then, another New Folder. And then, the file
5 name.

6 Q. And the file. The title?

7 A. The title, yes.

8 Q. Okay. And when was this last accessed?

9 A. I believe --

10 Q. When was the last shutdown time? If you've got it.

11 A. This was the one that EnCase didn't capture the OS
12 info.

13 Q. I got it. So, based on being taken on the -- at the
14 search warrant, 6/4/07. So, these would be the file paths
15 where the videos were found, correct?

16 A. Correct.

17 Q. And so, from where they were found in the first -- on
18 the first computer, State's Ten, those videos then went
19 into an additional two folders?

20 A. Correct. I guess, yes.

21 Q. All right. And looking at this, when they went from
22 State's Eight to State's Ten -- I'm sorry, that's not
23 right. That can't be right. I haven't written down
24 something. Item four, State's Seven, my apologies. All
25 right. When they went from State's Eight to State's Ten,

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1 the file structure remains the same?

2 A. Correct.

3 Q. Correct. Okay. All right. Would the computer ever
4 add these additional folders on its own?

5 A. The operating system would not, no.

6 Q. Folder structures are created by either programs or by
7 users, is what you testified to?

8 A. Correct.

9 Q. So, there's some intervention here.

10 A. Correct.

11 MR. FLORES: Beg the Court's indulgence.

12 Q. Special Agent Wasiak, if you would please, hand me
13 State's Exhibit Twelve. Thank you.

14 MR. FLORES: Madam Clerk, if you would please dim the
15 lights? All right.

16 Q. Can you see the screen?

17 A. I can see it, yes.

18 Q. This video file that EnCase found on Item number one,
19 which was State's Number Eight, the computer seized in the
20 living room, what does it say about the status of that
21 file, concerning whether it was deleted?

22 A. It is deleted.

23 Q. It is deleted. What does that mean?

24 A. It was sent to the Recycle Bin, or -- yeah, apparently
25 was sent to the Recycle Bin.

1 Q. All right. It was sent to the Recycle Bin. Would it
2 be available for overwriting?

3 A. At that point in time, no.

4 Q. No?

5 A. No.

6 Q. But it was still on the system?

7 A. Yes. It's actually still all in the same place in the
8 computer, it's just that the computer is saying this file
9 is ready to be moved. But it's still -- it's still
10 occupying space, the same space where it got deleted from.
11 It's a false nomer when you send something to the Recycle
12 Bin.

13 Q. But if it was emptied from the Recycle Bin, then it
14 would be?

15 A. Unallocated space.

16 Q. And could potentially be overwritten?

17 A. Absolutely, yes.

18 Q. I believe it's your testimony you viewed all of the
19 videos that were recovered from all of these computers,
20 right?

21 A. I did.

22 Q. And it was these three computers, seven -- State's
23 Seven, State's Ten and State's Eight, that had videos on
24 them?

25 A. Correct.

1 Q. Would you please hand me State's Fourteen (A).

2 Do I have that?

3 A. You may. No, I'm sorry, I have it.

4 Q. And would you hand me State's Thirteen, while you're
5 at it?

6 Looking here at this bottom video, this file was found
7 on the computer, has a created date of January 1st, 1990,
8 at about 4:00 in the evening. And that is item seven, is
9 it not? That is the home-built computer, item four.

10 A. Correct.

11 Q. Now, you viewed that video, correct?

12 A. Correct.

13 Q. And it has a last accessed date of March 4th?

14 A. Correct.

15 Q. I'm going to show State's Exhibit Twelve. Is that the
16 same title?

17 A. Item number two, or?

18 Q. Yes, item number two.

19 A. Yes. Yes, it is.

20 Q. All right. And you viewed that?

21 A. I did.

22 Q. And the contents are the same?

23 A. Correct.

24 Q. And it was created on this device on around March
25 10th, and then accessed last on March 30th.

1 A. Correct.

2 Q. And now, it's in an additional two folders?

3 A. That is correct.

4 Q. I'm going to show you State's Exhibit Fourteen, page
5 five, and Number Thirteen. Was that the same title that
6 we've been talking about?

7 A. It is.

8 Q. And when was it created?

9 A. I believe that says March 30th, 2007.

10 Q. All right. And is that before or after the same title
11 on State's -- the State's exhibit I've handed you, which is
12 Twelve?

13 A. The one created on State Exhibit Twelve was created on
14 March 10th, 2007.

15 Q. All right. And when was it last accessed? The time?

16 A. The time? Oh, I'm sorry, last accessed was March
17 30th, 2007, at 12:17, p -- am, and thirty-four seconds.

18 Q. All right. So, this here, on item three, the computer
19 in the room, was created after that. Does it have the same
20 file structure? State's Eight and State's Ten, do they
21 have the same file structure?

22 A. Correct. Yes, I'm sorry.

23 Q. Now, is that something that the computer would
24 automatically create, and put those files in there?

25 A. Not the computer itself would not do that, no.

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1 Q. Okay. So, something -- Let me ask you this. Can you
2 hook up two hard drives together and transfer files?

3 A. Technically, yes, I guess you can. I mean, you need
4 the computer in between it to -- to make it work, but yes.

5 Q. You need a computer in between it?

6 A. Yeah.

7 Q. All right. So, you could copy directly from this
8 computer to this computer from the core. What else could
9 you use?

10 A. Thumb drive.

11 Q. Thumb drive.

12 A. External drive.

13 Q. External drive.

14 A. Back in the day, probably floppy drives.

15 Q. Floppy drives.

16 A. Zip discs.

17 Q. This actually doesn't have a floppy -- a floppy drive,
18 does it? Okay. But there's some thing that would connect
19 the two, but you don't have any evidence of that in your
20 report?

21 A. I do not.

22 Q. But the file structures are exactly the same?

23 A. Correct. Starting with that -- that certain point,
24 yes, exactly.

25 Q. All right. And the files that were deleted on this

1 computer exist on hard -- in the Recycle Bin, that are
2 still being -- you could still find those on this computer?

3 A. Yes. They're still -- they're -- yeah, absolutely.

4 Q. And they also exist here?

5 A. Yes.

6 Q. Okay. Special Agent Wasiak, how would -- how would an
7 individual or anyone looking tie somebody to a computer?

8 A. Usually, by -- the way we try to do it is just through
9 who it's registered to, who the users are, what activity
10 occurred under their username, stuff like that, items like
11 that.

12 Q. All right. So, anything that you could find under it
13 that you might be able to get from Internet Evidence
14 Finder?

15 A. Correct.

16 Q. That might be relevant?

17 A. Yes.

18 Q. All right. So you said username would be relevant?

19 A. Username, yep.

20 Q. All right.

21 A. We search for email addresses half the time.

22 Q. So, you have to kind of fit circumstances together?

23 A. Yes, you do.

24 Q. Because you've already said you haven't found any
25 direct evidence on these computers.

FARAND WASIAK: REDIRECT BY MR. FLORES

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1 A. No. Absolutely, no, we did not.

2 MR. FLORES: Beg the Court's indulgence.

3 Q. Special Agent Wasiak, while this is loading up,
4 Internet Evidence Finder. Mr. Atwater talked to you about
5 redirect records, cache, where things might be found. Is
6 it possible for Internet Evidence Finder to parse out
7 manually-entered search terms into the computer?

8 A. Yes. In fact, they have a section for that.

9 Q. All right. Off the top of your head, do you know what
10 it's called?

11 A. I believe it's called Parsed Search Terms.

12 Q. Okay. Parsed search term. So anything that a user
13 entered, it could be any user, manually, with a keyboard,
14 on these computers could potentially be found; is that
15 right?

16 A. Correct.

17 Q. Because not all information is ultimately saved for
18 you to recover?

19 A. Correct.

20 Q. So, we are relying solely on the fact that their
21 information exists at this time, and that's all we're going
22 to be able to get?

23 A. Correct.

24 MR. ATWATER: Your Honor, may we approach?

25 THE COURT: Yes, sir.

1 (BENCH CONFERENCE, OFF THE RECORD, OUT THE HEARING OF
2 THE JURY AT 03:43 PM.)

3 THE COURT: Over objection, I'll allow the question.

4 MR. ATWATER: I'm sorry, Mr. Flores.

5 BY MR. FLORES:

6 Q. Before we talk about search terms, Special Agent
7 Wasiak, if you would hand me State's Exhibits Sixteen,
8 Seventeen, Eighteen, Nineteen, and Twenty, please.

9 Now, we focused on a very specific date in 2007, May
10 14th, correct?

11 A. Correct.

12 Q. And at that time, it was twelve o'clock. There was an
13 email accessed, and the address was for ocat@yahoo.com
14 which has been identified in State's Exhibit Sixteen as a
15 person named?

16 A. Aaron.

17 Q. Aaron. All right. And in State's Exhibit Seventeen,
18 that same Aaron is fully identified as?

19 A. Aaron B. Griswold.

20 MR. ATWATER: Your Honor, just -- just for the record,
21 so that I don't have to keep standing up over and over and
22 over, I didn't cover these items on cross, so I'll just
23 have an ongoing objection to all five.

24 THE COURT: Well, cross was broad and so -- and
25 covered an awful lot since it was broad and lengthy -- I

FARAND WASIAK: REDIRECT BY MR. FLORES

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1 mean that's what was required because this is a document-
2 edited case. But it was broad enough for me to find that
3 he -- that the State can go into this line of questioning.

4 MR. ATWATER: Thank you, your Honor. But I just want
5 it to be noted that it's an ongoing ---

6 THE COURT: I understand.

7 MR. ATWATER: --- so that I can protect the record.

8 THE COURT: As far as I'm concerned, you've got it
9 protected.

10 MR. ATWATER: Thank you, your Honor.

11 BY MR. FLORES:

12 Q. Now, I'm handing you State's Exhibit Twenty, and there
13 was a bank account accessed around that 4:39 time, 4:39 and
14 thirty-four seconds. And who did that belong to?

15 A. It says, Account balances Aaron Baynard -- excuse me
16 if I butcher your real name -- Griswold.

17 Q. All right. And then, on May 14th, 4:39 and forty-
18 three seconds, which time is this? Is this local or UTC.

19 A. Unless otherwise noted it's UTC. So, it's a four-hour
20 difference.

21 Q. Four-hour difference? So, 12:39 and forty-three
22 seconds. What file is being accessed? And if you --

23 MR. FLORES: Your Honor, we'd ask that Special Agent
24 Wasiak be able to step down.

25 THE COURT: You can step down.

1 (WITNESS LEAVES WITNESS STAND.)

2 A. Forty-three --

3 Q. Yes.

4 A. The file being downloaded is from the C drive. User
5 is Bay Documents Downloads PTHC Twenty Hussy Fan triple
6 exclamation point New Tammy and Friends 06.avi. Percentage
7 signs are just spacers.

8 MR. ATWATER: Your Honor, under the rule that allows
9 an entire item to come in, could I have that scroll down
10 and show what the indication is of which time --

11 THE COURT: Per the rules, I will allow -- require the
12 State to show whatever part of the document the Defense
13 wishes.

14 MR. FLORES: Is that adequate?

15 MR. ATWATER: Yes.

16 MR. FLORES: Beg the Court's indulgence.

17 Q. Special Agent Wasiak, I'm handing you Defendant's
18 Exhibit Ten. Please read that and find the title.

19 A. The full -- The full charge out?

20 Q. Just the title of the electronic digital file, please.

21 A. Okay. The title is PTHC Hussy Fan, triple exclamation
22 point, New Tammy and Friends 06.avi.

23 Q. All right. And I'm going to hand you State's Exhibit
24 Thirteen, and ask you to compare the file path for those.

25 Are they the same?

FARAND WASIAK: REDIRECT BY MR. FLORES

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1 A. User is Bay, Videos, Vids, New Folder, One, New
2 Folder.

3 Q. And this states Documents, Downloads?

4 A. Correct.

5 Q. On May 14th. So, when you conducted your
6 investigation, that title ended up from Downloads, to the
7 long file path, correct?

8 A. I found it in that long file path that shows the title
9 of that same name in the Downloads folder, yes, at that
10 time.

11 Q. And it had been accessed nine seconds after someone
12 using Mr. Griswold's bank account, correct?

13 A. Correct. I'm sorry, yes.

14 Q. Please return to your seat.

15 (WITNESS RETURNS TO WITNESS STAND.)

16 Q. We're going to look at the Internet Evidence Finder
17 reports for State's Exhibit Seven, State's Exhibit Eight,
18 and State's Exhibit Ten. And specifically looking at
19 search terms that were found on the computer. What are we
20 looking at here, Special Agent Wasiak?

21 A. That's my 2014 report, but it's the IEF report for
22 item number seven.

23 Q. All right. And on the left side, you have the parsed
24 search queries; is that correct?

25 A. Correct.

1 Q. Special Agent Wasiak, are you familiar with Hentai,
2 H-e-n-t-a-i?

3 A. I am.

4 Q. Could you describe what that is?

5 A. It's a -- it's mostly, I would say, Asian cartoons
6 with young female participants. Or young female
7 characters.

8 Q. Do they -- Does Hentai, oftentimes, does that involve
9 children depicted having sex?

10 A. It is. It's a sexual like if you're familiar with
11 Anime, it's a sexually-in-nature Anime.

12 MR. FLORES: Your Honor, I want to strike that.

13 Strike that, and I would just ask the jury to ignore
14 those questions.

15 THE COURT: Just ignore the questions about the
16 Hebtal?

17 MR. FLORES: Hentai.

18 THE COURT: Hentai, and the answers.

19 MR. ATWATER: For the record, your Honor, that was
20 part of my on going objecting, and --

21 THE COURT: That's the first I've heard of that term,
22 but he's -- he asked it be stricken and it has been
23 stricken and the jury has been instructed not to consider
24 it.

25 MR. FLORES: Beg the Court's indulgence.

FARAND WASIAK: REDIRECT BY MR. FLORES

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1 MR. ATWATER: Your Honor, could I reserve the right to
2 take that up at a later time?

3 THE COURT: You may.

4 BY MR. FLORES:

5 Q. Special Agent Wasiak, what are we looking at here?

6 A. The IEF report for item three.

7 Q. And you, again, have parsed search queries here on the
8 left?

9 A. Correct.

10 Q. And these are manually-entered search terms?

11 A. They are.

12 Q. And these were parsed from locations on the computer
13 where they were available, correct?

14 A. Correct.

15 Q. Now, we are on item three. That's this computer,
16 which corresponds to State's Exhibit Eight. Would you
17 please tell the jury what sex terms, or what search terms
18 were entered into this computer? If you would please, if
19 you cannot see, come down.

20 (WITNESS LEAVES WITNESS STAND.)

21 A. Search terms we have are Cambodian Child Sex Stories.
22 Cambodian Child Sex Stories, Child Sex.

23 Q. All right. Let me get to the Google Search Engine.

24 These were found in the?

25 A. Unallocated space on the computer.

1 Q. Was there a date and time information?

2 A. No there won't be none. Usually unallocated a lot of
3 the data is stripped from it.

4 Q. But there were search terms entered by some user on
5 this computer?

6 A. Correct.

7 Q. And those search terms would not be entered by a
8 virus?

9 A. I do not know of a virus that would do that.

10 Q. All right. How about some of the infor -- or some of
11 the -- Would a redirect do that?

12 A. Redirects don't work that way, no. They won't -- they
13 won't put items into a search bar for you.

14 Q. How about a pop-up?

15 A. No, no. This is exclusively through the -- your
16 Google homepage browser.

17 Q. So, a user sitting at that computer would have to type
18 in child sex, hit enter, for it to be entered into that
19 computer to having been searched??

20 A. Correct.

21 MR. ATWATER: Which exhibit is and item is that for?

22 MR. FLORES: That was for State's Exhibit Eight, which
23 is the computer from the living room.

24 Q. I'm going to show you the report from item number
25 five, which is State's Exhibit Ten, which was the computer

FARAND WASIAK: REDIRECT BY MR. FLORES

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1 that was taken from Mr. Griswold's bedroom.

2 Those are parsed search terms. What's the search term
3 after there?

4 A. Child Sex, and Child Sex again.

5 Q. Where was this taken from?

6 A. I believe it's going to be . . .

7 THE COURT: We've got -- We can't hear you.

8 A. Oh, I'm sorry. I can't give a definitive answer on
9 where that computer is. It is a location, but deep inside
10 the computer somewhere.

11 Q. But that information is inside that computer?

12 A. Yes.

13 Q. It does give you some date and time information,
14 however, though, doesn't it?

15 A. It does.

16 THE COURT: When you say that *computer*, which one do
17 you mean?

18 MR. FLORES: That -- yes, your Honor. That would be
19 State's Exhibit Ten.

20 Q. And what date is that?

21 A. March -- or I'm sorry, May 24th, 2007.

22 Q. And what time is that?

23 A. 03:45, indicating that it's a local time.

24 Q. And three -- zero 3:45 would be morning?

25 A. AM.

FARAND WASIAK: REDIRECT BY MR. FLORES
RE CROSS BY MR. ATWATER

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1 Q. In the morning. That information, you were able to
2 pull that, your software was able to pull that out of the
3 computer as it existed at that time?

4 A. Correct.

5 Q. If you would return to the stand, please.

6 (WITNESS RETURNS TO WITNESS STAND.)

7 MR. FLORES: Your Honor, those are all the questions
8 we have for Special Agent Wasiak for redirect.

9 THE COURT: All right. Re-cross?

10 RE CROSS-EXAMINATION

11 FARAND WASIAK BY MR. ATWATER:

12 Q. Do you prefer Investigator or Special Agent.

13 A. Special Agent's my title, but whichever you see fit.

14 Q. Let's see, Mr. Flores started off asking you about
15 hash values regarding DVD's from the 2007 evaluation. The
16 hash values are assigned by EnCase when the computer is
17 imaged, right?

18 A. Correct.

19 Q. And the hash values relate to the volume of
20 information, or the volume of data, from the hard drive,
21 right?

22 A. Correct.

23 Q. And if any of that information was taken from the hard
24 drive and then put into your system, and then copied over
25 onto CD's or DVD's, that hash value had nothing to do with

PATRICIA BOONE: DIRECT BY MR. ATWATER

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1 Ms. Boone, please come on up here, and you'll see a
2 Bible in front of this lady somewhere. Just come on up
3 here. Put your left hand on that Bible, and raise your
4 right.

5 (WHEREUPON, PATRICIA BOONE, BEING
6 FIRST CALLED AND DULY SWORN, TESTIFIED AS FOLLOWS:)

7 DIRECT EXAMINATION

8 PATRICIA BOONE BY MR. ATWATER:

9 Q. Good morning, Pat.

10 A. Hey.

11 Q. Do you know the defendant, Aaron Griswold?

12 A. Yes.

13 Q. How long have you known Aaron?

14 A. Probably fourteen years.

15 Q. So, you would have known him back in 2007?

16 A. Yeah, we were together in 2007.

17 Q. Did you ever live at the residence at
18

19 A. Yes.

20 Q. And who did you live there with?

21 A. My son and Aaron.

22 Q. And who is your son?

23 A. Jason.

24 Q. And after that time, did you ever know a person named
25 Brian Honig?

PATRICIA BOONE: DIRECT BY MR. ATWATER

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1 THE COURT: Could we get a full name? She said Jason.

2 BY MR. ATWATER:

3 Q. What is Jason's last name, please?

4 A.

5 Q. At that time, did you ever know a person named Brian
6 Honig?

7 A. Yes.

8 Q. How did you know Brian?

9 A. He was a friend, I think, of Aaron's, that he -- he
10 would come over sometimes.

11 Q. And when he came over to the house, would he ever get
12 on these computers?

13 A. Yes.

14 Q. How often would he come over -- around back then?

15 A. I think multiple times each week.

16 Q. And let me ask you, was there ever an occasion where
17 you found Brian Honig climbing through a window of the
18 residence?

19 A. Yes.

20 Q. Could you please tell the Court about that?

21 A. There was one night I was walking through -- I was
22 upstairs, because we had a two-story, and I was walking
23 through -- just come out of the bathroom, going back
24 towards my room; and I heard something, and I turned around
25 and looked behind me and he was coming through the window.

PATRICIA BOONE: DIRECT BY MR. ATWATER

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1 Coming through the bathroom window.

2 Q. Okay. And did I understand you to say that bathroom
3 window was located on the second floor?

4 A. On the second floor.

5 Q. Okay. And you were home at the time?

6 A. I was home.

7 Q. Who else was home at the time?

8 A. Aaron, and my son might have been. Yeah. I know
9 Aaron was.

10 Q. Do -- Have you ever heard the name George Masetti?

11 A. Yes.

12 Q. Do you know George?

13 A. Acquaintance through Aaron.

14 Q. And how about the name Jim Burnette?

15 A. Yes.

16 Q. When you -- did you ever -- Where did you live before
17 you moved to the residence?

18 A. In -- on Hearn Street, in Cherry Grove.

19 Q. Okay. And when you moved from the
20 residence, who -- or from the Hearn Street residence to the
21 residence, was Brian Honig involved in that
22 move?

23 A. I think he was.

24 Q. At that time, when you were living on
25 would Michael Walters ever come to the residence?

PATRICIA BOONE: DIRECT BY MR. ATWATER
CROSS BY MR. FLORES

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1 A. Yes.

2 Q. Okay. How often would Michael Walters come over?

3 A. Probably at least once a week.

4 Q. How about Chris Parsons?

5 A. Probably a couple times a week.

6 Q. Okay. And all of these young men that would come
7 around the house, what did they call you?

8 A. Mama Boone.

9 Q. Thank you, Pat. Please answer any questions that the
10 State has.

11 CROSS-EXAMINATION

12 PATRICIA BOONE BY MR. FLORES:

13 Q. Good morning, Ms. Boone. Is it Miss Boone, Mrs.
14 Boone?

15 A. Miss.

16 Q. Miss? I just have a couple of questions for you.

17 Did Rebecca Griswold live at the address?

18 A. Yes.

19 Q. Okay. So, she also lived with you and Jason and
20 Aaron, Jason and Aaron Griswold?

21 A. My son and I had moved to the next building over, in
22 that duplex, and then she moved in with Aaron.

23 Q. Do you remember about what time of year that was?

24 A. Late 2006, early 2007. Right in that time range.

25 Q. So, Aaron's mom moved into the residence around New

1 Honor.

2 MR. FLORES: All right.

3 THE COURT: All right. And ready to move right into
4 arguments and charge. So, Mr. Griswold, your lawyer's
5 pretty much said it for you, but have you decided not to --
6 to not testify, that is, to exercise your constitutional
7 right to remain silent; is that correct?

8 MR. GRISWOLD: That is correct, your Honor.

9 THE COURT: And that's your decision?

10 MR. GRISWOLD: Yes, it is.

11 THE COURT: Okay. All right. Thank you.

12 All right, motions?

13 MR. FLORES: Nothing from the State, your Honor.

14 MR. ATWATER: Yes, your Honor. I would make a motion
15 to remove Defense Exhibit One, Three, Five and Seven from
16 the record. They were put into the record yesterday, when
17 my client was facing the charges of second degree. They
18 are directly -- they are second-degree indictments. They
19 were put into the record for the purpose of addressing
20 those charges that existed at the time that they were put
21 into evidence.

22 THE COURT: You've mentioned three but there were four
23 indictments.

24 MR. ATWATER: I think I said One, Three, Five and
25 Seven, your Honor.

1 THE COURT: Oh, you did? Okay. My counting isn't very
2 good. All right. Any objection?

3 MR. FLORES: Yes. We would object, your Honor. I
4 think that Special Agent Wasiak was cross-examined
5 extensively about these exhibits. I think if you take
6 these exhibits out, that the jury is left to wonder why
7 these exhibits are out and not in. It may be affecting --
8 I know the Court has directed verdict, they might think
9 that that weigh on the facts of the case, and could
10 influence the jury.

11 THE COURT: I'm going to tell the jury, as to those
12 charges, that they're not to make any inference from the
13 fact that those charges are not being presented, because
14 they were initially presented to the jury. Under Rules
15 401, 402, and 403 of the South Carolina Rules of Evidence,
16 I find that the evidence of those indictments -- set forth
17 on those indictments are not relevant, therefore not
18 admissible, and I find that allowing them in would be --
19 the State argues to be very clarifying might actually be
20 misleading, so, I'm not going to -- I'm going to allow them
21 to be withdrawn.

22 MR. FLORES: Well, your Honor, -- Well, I guess, in
23 extension to that, I'm not sure what the relevance of the
24 other indictments are. We've not heard any testimony from
25 any of the witnesses Mr. Gris -- Atwater's posed to this,

CLOSING ARGUMENT: BY MR. FLORES - ON THE LAW

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1 arguments. The State will go first, then the Defense. And
2 then, the State will have the right to the last closing
3 argument.

4 Mr. Flores.

5 MR. FLORES: Yes, your Honor. May it please the
6 Court?

7 THE COURT: Yes, sir.

8 CLOSING ARGUMENT ON THE LAW BY MR. FLORES:

9 MR. FLORES: Mr. Griswold, Mr. Atwater.

10 Members of the jury, in this initial closing argument,
11 I am to open on the law of this case. The judge will give
12 you a more lengthy discussion of what the law is. He is
13 the judge of the law in this case. It is what you will be
14 using to determine whether or not the State has proven
15 beyond a reasonable doubt that Aaron Baynard Griswold has
16 committed sexual exploitation of a minor in the third
17 degree, and it's twenty-seven counts that we have presented
18 to you.

19 What the State has had to -- what the State must show
20 you beyond a reasonable doubt is that Aaron Baynard
21 Griswold, on or about June 4th of 2007, did knowingly
22 commit this crime, sexual exploitation of a minor in the
23 third degree. We have to show you beyond a reasonable
24 doubt, first, that Mr. Griswold knew what this material
25 was. He knew that the digital electronic files were -- did

CLOSING ARGUMENT: BY MR. FLORES - ON THE LAW
BY MR. ATWATER

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1 contain minors engaging in sexual activity. The judge will
2 -- Judge Hayes will instruct you as to the definition of a
3 minor, as well as the definition of sexual activity.

4 We also have to prove that these files were located
5 here in York County, and we must prove that beyond a
6 reasonable doubt. You must take all the evidence as it is
7 given to you, your common sense, and reach a verdict either
8 for the State or for Mr. Griswold, beyond a reasonable
9 doubt.

10 Your Honor.

11 MR. ATWATER: May it please the Court?

12 THE COURT: Yes, sir.

13 CLOSING ARGUMENT BY MR. ATWATER:

14 MR. ATWATER: Mr. Flores. Ladies and gentlemen of the
15 jury, I greatly -- Myself and Aaron greatly appreciate all
16 of the attention and patience that you've given throughout
17 this entire trial, the trial process. I know that it's
18 been a very long one. It's probably been longer than most
19 of the ones that are held here recently. Five days in a
20 row, taking up all of your time, but we greatly appreciate
21 it. We know that you've made a great sacrifice, but it is
22 very important. It is very important. Mr. Griswold's
23 liberty is at stake here, so there's a lot for you to
24 consider.

25 These charges go back to 2007, and we're in 2016 now.

CLOSING ARGUMENT: BY MR. ATWATER

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1 We -- Mr. Griswold has maintained his innocence ever since
2 the very beginning of this, and the State, since Mr.
3 Griswold would not basically admit to it, said we're going
4 to take it to trial; that's where we are now.

5 So, what we have here is the evidence in this case,
6 which has been put in through the witnesses on the stand.
7 As I told you in the very beginning of this case that the
8 only evidence that you can consider is what came in through
9 the witnesses and what was put into evidence, that you will
10 be taking back into the jury room with you. Any other
11 statement that was made, including statements that you
12 might have heard the judge say disregard those types of
13 things, it would not be proper for you to consider those
14 types of matters and evidence or to consider them in your
15 deliberations as to guilt or innocence, as it relates to
16 Mr. Griswold.

17 Now, at the outset of this case, the State called
18 their very first witness, who was Mr. Brian Honig. If you
19 will remember, this all started with Mr. Brian Honig.
20 Brian Honig is the person who, ostensibly, according to
21 the reports, claimed -- or called the Rock Hill Police
22 Department on June 4th of 2007, claiming to the Rock Hill
23 Police Department that he had seen some type of content on
24 Aaron's computer when he was over there on June 1st. So,
25 according to his statement, he calls the Rock Hill Police

CLOSING ARGUMENT: BY MR. ATWATER

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1 from Aaron's house, when Aaron's not even at home. Goes
2 into Aaron's house and calls the police, says, come over
3 here.

4 Now, if you will recall, when I had Investigator
5 Wasiak up on the stand, and I admit he was up there for
6 quite a long time, but I'm going to try to pull all that
7 together for you, and let you understand why I kept him up
8 there and what all that means.

9 One of the first things that I needed to address was
10 Mr. Honig's contention to the Rock Hill Police Department
11 when he made his claim that he had seen a file, a computer
12 file, on June 1st of 2007. He claimed he saw one, it was
13 open, and that's -- that's what started all of this. He
14 was back at Aaron's house again on June 4th, and that's the
15 day he called the police. If you will recall, when I spoke
16 to Investigator Wasiak on the stand, I asked him very
17 clearly. We went through lots and lots of questions about
18 these two times when these computers were sent down to
19 SLED, first by the Rock Hill Police Department, and then
20 subsequently by the Attorney General's Office. They talked
21 about how, initially, they were sent down there with a
22 request by Investigator Harveston, for them to be looked at
23 solely for the purpose of finding whether or not there was
24 evidence of child porn on any of these computers.

25 Now, let me talk about child porn first. It is

CLOSING ARGUMENT: BY MR. ATWATER,

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1 horrible. I believe that; Mr. Griswold believes that. I
2 can't think of anything worse than that whatsoever. I am
3 sorry that you had to see the images that you saw in this
4 case, too, from yester -- the other day. By Mr. Griswold's
5 maintaining his innocence, he's never looked at it. Part
6 of the evidence that I've put into this case is going to
7 corroborate that fact, and we'll talk about that. I'll let
8 you know why I put a lot of these things in that may have
9 seemed a little confusing at the time.

10 I don't believe it was necessary that you had to see
11 those images. There are -- I believe the facts in this
12 case and the inferences that we were willing to make would
13 have made it sufficient enough to let you make a
14 determination of looking at the law, looking at the
15 evidence, and saying whether or not it matches the law,
16 rather than having to see those images. So, I apologize
17 you had to see those. It wasn't my choice.

18 Now, getting back to Mr. Honig. He said, on June that
19 he -- he saw this image on June 1st, and he was back in
20 that residence on June 4th. When Detective Wasiak was on
21 the stand, I asked him on four different instances whether,
22 in all of the investigations that he had done on these
23 computers in 2007 and again in 2014, in all of the evidence
24 that is on all of these discs that have been put into the
25 record, which as to the first disc, there's about fourteen,

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1 fifteen pages-worth of information.

2 As to the second one, you heard me talk to
3 Investigator Wasiak, and it would be tens of thousands of
4 pages on that. All that he reviewed with this forensic
5 software and everything else in the world, and I asked him
6 clearly, did you ever determine, with all that software you
7 used, with its ability to recover things -- and he told
8 you, it can rebuild web pages; it can pull up deleted
9 files; it can do all of these things -- did you ever, ever
10 ever find a file that was opened or accessed on June 1st of
11 2007? And he said, unequivocally, on each occasion, no I
12 did not.

13 I asked him again, because Brian Honig happened to be
14 over there at the house on June 4th, did you ever see a
15 file that was opened on June 4th? Because I don't know
16 about you, but I kind of thought that part of Investigator
17 Blackwelder's testimony, was a little confusion as to
18 whether or not Brian claimed to have seen this document or
19 seen this file the first time he was there, or the day he
20 called them. So, I wanted to make it clear whether or not
21 Investigator Wasiak was able to find any evidence
22 whatsoever anywhere in these gigabytes of information, that
23 would corroborate Brian Honig's claim that he had seen this
24 file on either June 1st or June 4th. And Investigator
25 Wasiak said definitively, clearly every time I asked him,

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1 never found anything that was opened or accessed on June
2 1st, never found anything that was opened or accessed on
3 June 4th. It is our belief that that severely attacks the
4 credibility of Mr. Honig.

5 Now, you learned right close to the end of this trial,
6 when Mr. Honig used to come back and forth to these houses
7 quite a lot. And you learned right at the end of this
8 trial that he actually previously owned one of these
9 computers right here. And I'm going to talk a little bit
10 more about which one it was and what the evidence in this
11 case showed about that particular computer.

12 Mr. Honig, if you will remember, was very, very, very
13 forgetful when he was on the stand. I tried to count how
14 many times he forgot, said, I don't remember, I forgot, and
15 I lost count. That's the person who started all this, and
16 that's the person whose credibility the State wants you to
17 fall down on to say Aaron Baynard Griswold is responsible
18 for any of the content on any of these computers, knew it
19 was there, knew what it was, or had ever seen it.

20 And let's talk about ever seeing it for a minute. You
21 heard me ask Investigator Wasiak, after we went through
22 countless questions about everything that he had looked at
23 in this case, and he got Pete to look at these files in
24 this case. And the State wanted him to find whatever they
25 could that would be able to allow them to prosecute Aaron

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1 Baynard Griswold for this. Okay. And they focused on
2 Aaron right from day one and nobody else. Why did they
3 focus on Aaron? Because Brian Honig told them to. Brian
4 Honig told them to, and they ran with it. Never, ever,
5 ever looked at the investigator, went and brought any
6 charges whatsoever against any of the other residents who
7 were in that house -- George Masetti, Jim Burnette -- or
8 any of the other persons who were coming and going all the
9 time. So, this was focused from day one.

10 Now, I asked Brian Honig if he remembered having a
11 conversation with me, because he ultimately admitted that
12 he might have, but he just didn't remember. I kind of
13 tried to refresh him memory by asking him if he remembered
14 ever having to take a business trip to Nebraska. He goes,
15 oh, yeah, I remember that. How would I know that? I
16 talked to him on the phone. I would submit to you that, if
17 a lawyer calls me and talks to me about the details of a
18 case, which I couldn't go into because he didn't remember,
19 and I can't question him on what he don't remember
20 conveniently, that I would remember that phone call. I
21 would definitely remember that phone call. It's pretty
22 convenient to get up here and say, I don't remember,
23 because then I can't ask him about it.

24 What else did he not remember? Well, I asked him
25 whether or not he remembered ever going to this residence

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1 and going up through the back stairs windows. And he kind
2 of vacillated on that, too, didn't really remember but said
3 he might have, might not have. Basically, everything that
4 Brian Honig testified to at the beginning of this case,
5 whatever he did testify to, because the majority of it was
6 I don't remember anything, has been shown to be a
7 falsehood.

8 Now, I'm not going to try to go into through his
9 motive, because I don't know. It would be pure speculation
10 on my part. I'm not going to suggest that you speculate,
11 because I am going to insist and put very strongly upon
12 you, and ask you to listen to the judge also do that, that
13 you're not allowed to speculate in this case. You can't
14 make guesses about what happened and what didn't happen.
15 The only thing you can do is look at the evidence and say,
16 does this show me beyond a reasonable doubt that Aaron
17 Baynard Griswold was responsible for the content on these
18 computers, put it there, knew what it was, viewed it,
19 accessed it. In a minute, we're going to start talking
20 about the viewing and accessing part of it, and you'll see
21 why I went through this long diatribe that I went through
22 up here with Investigator Wasiak back there, when he was on
23 the stand.

24 And I would submit to you that in the State's case,
25 that the thousands of pages of documents and everything

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1 they have not submitted one instance whatsoever where they
2 can ever show you that Aaron Baynard Griswold ever saw any
3 of this material. In fact, I asked Investigator Wasiak
4 that very question on more than one occasion. I asked him,
5 can you testify there on the stand, after all the
6 investigation you did, of all of the information and all of
7 the data you got from these computers, that Aaron Griswold
8 personally ever saw any of it, or ever knew anything about
9 it? He said, no, I could not. No, I could not.

10 Now, after Brian Griswold testified, we had
11 Investigator Blackwelder get on the stand, and she was the
12 person who responded when Brian made his phone call. And
13 when she came to the residence, she testified that she took
14 every computer in the house. Not just the one that she
15 claimed -- that Brian Honig claimed he had been on, on June
16 1st, that purportedly had a file that he saw on June 1st,
17 that we now know there's no such evidence of. What every
18 computer in the house. And what did she put on this file
19 that she filled out? She put that the first computer she
20 took, this one here, what she put on her inventory sheet,
21 belong to James Barnette and the time, and was found in the
22 downstairs living room. What did we learn at the end of
23 this trial? Brian Honig owned this computer before.
24 Before it ever got to James Barnette, he owned it. Okay?
25 And then, it was given to Aaron.

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1 James Barnette ultimately came into ownership of it.
2 But Brian was coming back and forth all the time, over to
3 this residence, and getting on the computers. What did
4 Brian tell us about himself back then? He was nineteen
5 years old. He was a high school dropout. He was married.
6 His wife was employed, but he wasn't working. He told you
7 where he lived, which was all the way across town, and he
8 said, I came over here to use their computers. What he was
9 doing was, whenever his wife would go to work, come over
10 here to these guys' house, hang out, and get on all the
11 computers and do whatever he wanted to do.

12 Now, on this document, it identifies a second
13 computer, which was a Compaq computer, and it doesn't give
14 any ownership of that computer. It says it was taken down
15 out of the attic. I'm sorry, on the next line there, it
16 says it belonged to George Anthony Masetti, and this is
17 what Investigator Blackwelder wrote on here. It's not our
18 submission; it's hers. The third computer, the Dell
19 computer that -- that was -- belonged to Aaron Griswold, is
20 the one that's the focus of this case more than anything
21 else in my eyes, and we'll talk about that more in a
22 minute. There was a fourth computer, the home-built
23 computer that, my understanding of the testimony, according
24 to Detective Harveston, was torn down. And that's this one
25 over here that they're talking about. And the fifth one,

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1 which came out of the bedroom of Aaron's mother who was
2 living with him at the time, Ms. Rebecca Griswold.

3 Now, Mr. Honig states that he came over there on that
4 day, he found this information, and that's the computer
5 that he was making reference to. That's the one he told
6 them that he got on. That's the one he told he found this
7 on. And what did he say he found? He said, I got over
8 there, and I turned on the Windows Media player. I'm not
9 going to describe how all that stuff works. I'm going to
10 leave that for you to discuss in your jury deliberations.
11 But he said this file came up and it came open. Detective
12 Wasiak found absolutely no information related to that
13 statement.

14 What's interesting is, why did Brian Honig say he came
15 over that day? According to Investigator Blackwelder's
16 statement, he told her that he didn't have a computer, so
17 he came over there to use their computer. But you remember
18 -- or no, I'm sorry, that was his testimony on the stand
19 because I impeached him with Investigator Blackwelder's
20 statement from back then. On the stand, he told the jury,
21 the reason I went over there that day to get on the
22 computer was because I didn't have one at the time. So, I
23 went back and looked in the case file, and I said, wait a
24 minute. Investigator Blackwelder did some investigating
25 here, and she talked to Mr. Honig and took a statement from

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1 him. Let me see what he told her back then, in 2007, when
2 maybe he wasn't so darn forgetful.

3 And back then, in 2007, when he wasn't so darn
4 forgetful, he told her that he hadn't had time to get on
5 his computer back at his house. So, he had come over here,
6 all the way across town. Ostensively to check his email,
7 or MySpace, or whatever it was he said. I'll let you refer
8 to your own memories as to what that was. So, that was a
9 lie. What he told you was a straight-up lie, in regards to
10 what Investigator Blackwelder said he told her back then.
11 I couldn't go much further into his testimony, because he
12 was so forgetful, I couldn't -- I couldn't get anything out
13 of him.

14 Now, I believe we put Investigator Harveston on the
15 stand, back on recall, and that's when we learned, right
16 here at the end, what the State had never, ever, ever,
17 ever, ever, ever told you throughout their entire
18 presentation of evidence in this case. And that was the
19 fact that Brian Honig owned one of these computers before.
20 It happened to be one of the ones that had content on it
21 that according to the information they've put into
22 evidence, had files that not only had been downloaded, but
23 had been opened and accessed. This computer. The one Jim
24 Burnette owned, the one Brian Honig owned.

25 When I had Investigator Wasiak up on the stand, I went

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1 through a long and detailed examination regarding the
2 computer that the State claims that Aaron owned. And I
3 don't have to tell you how repetitive I was, how many times
4 it seemed like I was saying the same thing over and over
5 and over and over and over again. Because what I was doing
6 is, I was putting something into evidence to go back with
7 you in the jury room for you to look at. Now, these are
8 copies of the indictments against Mr. Griswold for
9 possession of child porn. Okay? And if you look at them,
10 the majority of all of these were brought this past year,
11 in 2015. I believe there's one that goes way back to the -
12 -- The rest of them were all brought recently. And these
13 indictments, individual indictment, relating to every file
14 on the computer that the State says belonged to Aaron
15 Griswold, you will not see in these indictments any
16 information relating to computers that were -- or files
17 that were opened and accessed. And I went through a long,
18 detailed explanation for you to be able to learn that, so
19 let me explain to you what I was doing.

20 I got Investigator Wasiak up on the stand, and I
21 started to refer to the indictment that I had and him tell
22 me what the name of the file was on that indictment. That
23 indictment would be for the possession of child porn, and
24 Judge Hayes is going to tell you what that means. The
25 State is going to argue to you -- I know this, because I

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1 know what charges they've already asked Judge Hayes to
2 charge. We know what's gonna be charged. The State is
3 going to argue to you that there is something called
4 constructive possession. And what they're going to talk
5 about constructive possession is that, if you can find from
6 the evidence that Aaron Griswold exercised dominion and
7 control over any of these computers whatsoever -- and
8 they're going to argue that since they were in his house,
9 he controlled all of them -- even though they belonged to
10 Jim Barnette and Rebecca Griswold and George Masetti. To
11 me, that's kind of like saying you're in college, and you
12 have an apartment, and you're sharing it with three other
13 college roommates, and they all have their computers in
14 their individual rooms, and someone comes in and seizes all
15 them computers, and finds something on your college
16 roommate's computer in their room, charges you with, says
17 you're guilty of it because you happen to live in the same
18 household that it was found in. I believe that's
19 preposterous.

20 And that's not the only examination you have to go
21 through, anyway, because when Judge Hayes charges you as it
22 relates to the elements of the crime of possession of child
23 porn, third degree possession of child porn, he's going to
24 tell you that you have to not only know that it's there,
25 know its contents. You have to be familiar with it to know

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1 what it is. You have to know what's in there. So, if you
2 look at the indictments against Mr. Griswold and you
3 compare them to State's Exhibit Thirteen, this is the, in
4 my -- in my mind, the critical document.

5 This is the document that came from Investigator
6 Wasiak that is related to the computer that they got out of
7 Aaron Griswold's room. The computer that we all know Brian
8 Honig was on. I mean, he admitted he was on it then. No
9 doubt he was on it because he said so. But he had been on
10 it many times before. And as to that computer, you will
11 find that there were some files found on it. We don't deny
12 that there were files found on that computer through
13 Investigator Wasiak's high-powered, super-complicated
14 software that's able to find stuff on your computer that
15 you wouldn't even be able to find. By the way, he said
16 that, didn't he? Didn't he say that I can find things on
17 there that you wouldn't be able to find whatsoever, unless
18 you were incredibly knowledgeable about how computers work?

19 I talked to him a little bit about Windows programming
20 and browsers, and the Windows environment and everything
21 like that, and I didn't -- didn't mean to go on so long.
22 But what I needed to bring up was the fact that the files
23 that they are talking about were sitting in a download
24 file. And this download file on a computer is something
25 that you have to go and open up a file folder, go and find

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1 that, open up the downloads file, and see what's in there.
2 And I'll submit to you that -- or I'll explain to you why
3 when I talk about the downloads file -- this is what he
4 found in there, along with everything else that he found in
5 there.

6 Now, I talked to him about how things can get into the
7 downloads folder, and he said they can get in there without
8 you ever even knowing they got there. But getting back to
9 where these were found, because one of the charges -- one
10 of the elements of this crime that you must find, beyond a
11 reasonable doubt, you must find beyond a reasonable doubt,
12 is that Aaron Griswold knew these files were there. And
13 not only did he know they were there, he knew what they
14 were, and knew what the contents of them were.

15 So, let's talk about a Windows operating system on a
16 computer for a minute. I'm sure every one of you has
17 gotten on a computer at least one time or another. When we
18 pull up a computer and we get into a Windows operating
19 system, I had Investigator Wasiak explain how these things
20 have become so much more user-friendly, because all we have
21 to do is take the mouse and point and click at things. We
22 don't have to go look at the files. The Windows
23 environment allows us to click from one thing to the other,
24 and then it does all these things in the background that we
25 were talking about like if you click on a page, sometimes

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1 you might click on something and try to close it, it won't
2 let you. Sometimes it will redirect you to something else
3 you didn't want. I don't believe there's one person on
4 this jury panel who could ever say that they never had a
5 computer that started it that showed 'em something on one
6 of the pages, or something like that, that they didn't ask
7 for. They click from one thing, and the computer gives
8 them something else.

9 There's a lot of entities out there that, their whole
10 purpose -- their whole purpose in life is to sit there and
11 get you to look at whatever they want to get in front of
12 you on those computers because they want to capture an
13 audience. So, they use everything in the world they can
14 possibly use. They use Adware, Spyware, Malware, Botz,
15 lots of things that I talked to you about. But the bottom
16 line is, this is all going in the background behind that
17 browser. So, if it decides to drop down a file here or
18 there, or anything like that, it doesn't mean you've seen
19 it. When you listen to the State's argument in this case,
20 you're going to hear that they think that the computer
21 owner is responsible, literally, for every single solitary
22 file on their computer, even though you had no idea it was
23 on there. And I would submit that anybody's computer in
24 this entire room has tens of thousands of things on there
25 that you don't know are there.

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1 So, I went through a three-step process with State's
2 Exhibit Thirteen, every one of the individual indictments,
3 and I'm not going to repeat it here again. You can take a
4 deep breath. We're not going to do that. And State's
5 Exhibit Eleven.

6 Now, let me tell you the relevance of State's Exhibit
7 Eleven to this, because they -- these are the indictments I
8 want to put in. These are all the charges that Aaron has.
9 They're all related to the files that they say were found
10 on his computer. I cross-referenced them to everything in
11 State's Exhibit Thirteen because when you look on State's
12 Exhibit Thirteen you're going to find the same thing that
13 Detective Wasiak told you he found, that every file that
14 was found on Aaron's computer, every last one of them
15 that's shown in State's Exhibit Thirteen, shows that it was
16 never opened. Never opened whatsoever.

17 And Detective Wasiak told you, I can't even say that
18 Mr. Griswold even saw it. But if he did, he never opened
19 it. Some of these files have very innocuous terms: File
20 1.9, File 1.7, File 1.6, File 1.1. I would submit to you
21 that, based upon the name of the file alone, that you find
22 in one of these indictments you wouldn't be able to find
23 that Aaron Griswold, who had never opened that file, could
24 have possibly known what the content of that file was. Not
25 -- not even by the title of it.

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1 Now, we will admit to you that some of the names of
2 these files are pretty gross. They are. I don't know all
3 these terms that Investigator Wasiak was talking about he's
4 familiar with in his work, like Kinderficker and Kingpass,
5 and all those types of things. But I do know some of them
6 other gross words that appeared in some of the names of
7 those files. And so, the State is going to tell you that,
8 based upon the name of that file, Aaron Griswold knew the
9 contents of the file. But he won't be able to show you he
10 opened it, because he didn't. He didn't. He never did.
11 That's right here. That's -- Investigator Wasiak said so.

12 But then, there was a suggestion at one time and I
13 just needed to clarify it for the record because I didn't
14 know if there was going to be any doubt in your minds when
15 you went back to the jury room, and obviously I want to
16 make sure there's no doubt. I want to give you every bit
17 of evidence you possibly need to come to a determination in
18 this case. So, I put in what was referenced, that was
19 already in evidence, put in by the State, State's Exhibit
20 Eleven. And the reason I did that, when you remember I was
21 going through this whole process, I would bring up the
22 indictment, I would refer to State's Exhibit Thirteen, to
23 show that the file had never been accessed or opened
24 whatsoever, and then I would go back over to this thing and
25 say, how long is that file and he'd tell you the length of

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1 that file.

2 Let me tell you the reason I did that. Because if you
3 -- if you look -- and it would be a long and arduous
4 process to do so -- but if based upon what the State argues
5 to you, you need to look at the dates and times on all
6 these files. These ones that were never opened and never
7 accessed, you could look over here at the length of those
8 things, look at the time these were -- these were -- these
9 appeared on Aaron's computer, and you will find that they
10 appeared almost back-to-back, within seconds of each other
11 so something like that for us dumber guys. So, you will
12 see, by referring to State's Exhibit Eleven and the length
13 of each one of these files that he couldn't possibly have
14 watched them with those succession times. That was the
15 reason for all of that.

16 Now, if you need to, in your deliberations, if you
17 believe that there's any doubt as to whether or not Aaron
18 had ever seen these files, then I apologize, but I need for
19 you to go through that long evaluation by looking at this
20 stuff, to make sure you know in your mind that these files
21 unequivocally say they were never opened, and if anybody
22 ever tried to argue that they were, even though
23 Investigator Wasiak said they weren't, you can clearly see
24 on his report they weren't, that he couldn't possibly have.
25 Okay?

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1 So, there is a document that refers to the computer
2 here that was marked as being Jim Burnette, and that was
3 testified to that it belonged to Brian Honig at one time.
4 And there is a document and I believe it's State's Exhibit
5 Twelve, the first item one, which is this thing, that shows
6 that sometime or another, files were on this computer that
7 were actually accessed. Not many. But they were actually
8 accessed on the computer that used to belong to Brian
9 Honig. The State's going to argue to -- to you, oh, but
10 Brian Honig gave that computer away in August of 2006, so
11 he couldn't have possibly put a file on there that's
12 showing that it was created in 2007. But I already showed
13 you that he was coming back and forth and getting on these
14 computers. So, he didn't have to own it. He was getting
15 on it.

16 Now, in order to try to prove to you that Aaron
17 Griswold must have seen or done something relating to some
18 files, which were not the files that were on his computer,
19 by the way, and if you look at the evidence very closely,
20 you will see that. The State put in a document where Aaron
21 checked his bank account and you won't find anything on
22 here where that happened. You're going to have to either
23 refer to your memory as to when the State says that
24 happened, or boot up that multi-million bit piece of
25 information up there, and see if you can find this little

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1 entry in it somewhere.

2 But I will submit to you, the fact that Aaron checked
3 his checking account is not evidence in any shape, way,
4 form, fashion whatsoever, that he knew of the contents of
5 any of these files, was responsible for them being on any
6 of these computers, or had ever seen them. And you need to
7 remember that Detective Wasiak said it -- admitted that.
8 Same thing that applies to a Yahoo mail account check,
9 which on State's Exhibit Sixteen, does not have the
10 date/time information on it. So, if you need to refer to
11 this, and try to figure out whether or not this, by some
12 measure, checking an email or receiving an email or sending
13 an email, whatever this says, means that he knew of the
14 contents of one of these other files over here that were
15 sitting in a file folder that's back in the background,
16 which you've got to go through all kinds of stuff to get
17 access to, I'll submit to you that that's ridiculous. You
18 check your email on the front of the browser. You don't go
19 to the file folders on the back to do that. There's not
20 any time on here, so once again, if you want to try to
21 relate this to any of the files that are coming into
22 evidence in this case, you will have to refer back to that
23 disc, or refer to your memory. I would submit that even,
24 whatever time that email was checked or anything like that,
25 that is not evidence whatsoever that Aaron Griswold saw a

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1 file, downloaded a file, or knew of the contents of that
2 file.

3 Now Aaron's charged with third degree, which is
4 possession. That's the only thing that he's charged with
5 at this point in time, and it's the only thing you won't be
6 taking back to the jury for you to deliberate about. Same
7 thing as to the credit card application. Same thing as to
8 the RBC check. All kinds of stuff that they're trying to
9 throw at you to confound and confuse the issues in this
10 case, to just be able to say, look, there's one proof;
11 there's two proofs; there's three proofs; there's four,
12 five, six. Look at all these documents I've put into
13 evidence. Count them. If you count them long enough, and
14 you see how many I put in, you're going to have to believe
15 that Aaron did this. No, you don't. No, you don't.

16 There was an exhibit put in from Aaron's MySpace
17 account, and you'll have a copy of it, it's called State's
18 Exhibit Number Fifteen. And it basically shows a picture
19 of Aaron on it. Says that he's a male, twenty-six years
20 old. Oh, that reminds me of something. Anytime during
21 this trial when you heard me object to evidence, or as far
22 as that goes anytime during this trial when you heard Mr.
23 Flores object to evidence, that doesn't mean that either
24 one of us is trying to hide something from you. Okay?

25 We're following very, very, very detailed rules of

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1 evidence, rules of law. These things -- these trials are
2 very technical. There's a lot of things you have to know
3 as to what rule allows, what rules out, what to come out
4 when a rule states how it can come in and when it can come
5 in, who it can come in through, and everything like that.
6 That's what me and Mr. Flores are doing when we make those
7 objections. Okay? We're not sitting here, trying to hide
8 something from you, so please don't ever infer that because
9 I objected in this case on any occasion whatsoever, that I
10 was trying to keep evidence away from you for you to --
11 that would have proven that Aaron didn't do this, or that
12 Mr. Flores was trying to keep evidence away from you that
13 -- that would prove that Aaron wasn't responsible either
14 way. All right?

15 Detective, or Investigator Blackwelder put into
16 evidence some pictures in this case, and I have to address
17 them because they're going back to the jury room with you,
18 so I can't ignore it. That might be serving my client's
19 interest, so, I'm going to talk about them just for a
20 minute. But basically, State's Exhibit One purports to
21 show this computer here, which is the one that Brian Honig
22 owned, which is the one that Jim Burnette owned, sitting in
23 the living room downstairs, not in Aaron's room, and this
24 one had files on it that had been accessed on it. Sitting
25 in the living room downstairs, powered up in a powered-up

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1 mode when Investigator Blackwelder got over there and found
2 it. I don't know of anything in evidence. It's a picture
3 of a computer and a monitor showing Windows is on it. She
4 testified she unplugged it. I think there was some --

5 I surmise that what the argument might have been was
6 that there was a lot of talk about unplugging these things,
7 and if you unplugged them -- This was all when the State
8 was presenting evidence -- And if you unplugged one of
9 these things, you could possibly lose some information
10 that's in the RAM on it. Okay? And I'm going to surmise
11 that where the State is going with that, because I'm not
12 Mr. Flores -- I can't tell you where he was going with it
13 -- but it appeared to me that where he was going with that
14 was trying to explain where some information may have been
15 lost. I don't know if that was trying to get at where --
16 to try to up -- to try to explain why Investigator Wasiak,
17 with all of his super-sophisticated equipment, couldn't
18 ever find a file that was accessed on June 1st, ever. But
19 if it does, it doesn't matter, at least as to Exhibit
20 Number One because that's not the computer that Mr. Honig
21 testified he was on.

22 This is the computer that was in the downstairs living
23 room. It's not the one that he testified he got on and saw
24 this thing in the Windows Media file. So, if the State
25 contends to get up here and argue that it's possible that

CLOSING ARGUMENT: BY MR. ATWATER

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1 the file that Mr. Honig claims that he saw on June 1st or
2 June 4th was lost because of a computer being unplugged,
3 why wouldn't they have put in a picture of the computer
4 being charged -- or the monitor, like they did this one,
5 when Investigator Blackwelder said, well, we always go in
6 and take pictures of everything, so that you can see all of
7 it.

8 Well, first off, there's five computers and three
9 pictures. Five computers, three pictures. If they take
10 pictures of everything, at least we need five pictures.
11 So, apparently, if they did take pictures of everything, we
12 didn't get 'em in evidence for some reason. But none of
13 these other pictures whatsoever will show you a computer in
14 a powered-up state at all. So, if there's some contention
15 by the State to try to explain the stark absence of any
16 evidence whatsoever to corroborate Mr. Honig's testimony
17 about seeing a file on June 1st or June 4th, these don't do
18 it. Because there's no evidence here for you to take back
19 in that jury room and consider that would show that the
20 computer that I talked about extensively with Mr. Wasiak
21 was ever powered on before, which, by the way, was at least
22 three days after Mr. Honig claimed that he saw this file in
23 the first place. But I had to talk about that, because the
24 State brought it into evi -- or asked him a lot of
25 questions about can you loose stuff in RAM and I can only

CLOSING ARGUMENT: BY MR. ATWATER

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1 speculate as to what he told me. But if that's where he's
2 going, that's ridiculous. And, there's no evidence of it.

3 We had Pat Boone come in and testify, Mama Boone, and
4 she told you that she knew all of these boys that were
5 coming and going over at this house all the time. She knew
6 who Brian Honig was, and she testified he was coming there
7 all the time long before this incident ever happened. He
8 continued to come over there after she moved next door.
9 She knew him to come all the time. You remember he sneaked
10 through the window to come over and get on the computer
11 whenever he wanted to. And, that he wasn't the only one
12 doing it, that there was at least Jim Burnette, George
13 Masetti, Chris Parsons, all these other people who were
14 getting on these computers and had access to them.

15 So, when you hear the State come in here and start
16 talking about this thing called constructive possession, I
17 want you to remember that analysis I gave you about those
18 college roommates. But let me take you even one step
19 farther than that, because one of the ways they're going to
20 try to connect Aaron to say he had knowledge of these files
21 that were never opened, never viewed, is to tell you that
22 they showed up in a directory that said Bay on it. Okay?

23 I have a laptop sitting right there. If I power it up
24 -- well, it is powered up -- if any one of you or anybody
25 in this courtroom wants to go get on that laptop right now,

CLOSING ARGUMENT: BY MR. ATWATER

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1 and just get on the Internet, and decide you want to
2 download a song, or a picture, got to Facebook, check your
3 -- check out anything, you go to Facebook and you see a
4 picture of a friend, you say, hey, I'd like to have a copy
5 of that picture. You take it, and bring it down. If your
6 name is Mr. Smith or Ms. Jones, that picture is going to
7 come down into a file that says C, Windows, downloads,
8 Michael Atwater. That's where that picture's going to come
9 down to. Doesn't matter that Mr. Jones or Ms. Smith
10 downloaded that picture. My computer, by default, is going
11 to download based on who's sitting at it. A hundred people
12 in a room can come and get on it, and each one of them
13 download something different; one by one, one after
14 another, a picture, a -- anything, and it would come down
15 into those default files. That string would have my name
16 on it, even though I didn't do it. That's how that
17 computer system is made to work. That's how it operates.
18 That's what Special Agent Wasiak concurred.

19 So, the fact that somebody's identifier name is in a
20 default file, and then you find something that came down
21 from that, especially a downloads file, more than anything
22 else in the world, I want you to remember the downloads
23 file. Anybody can do that, and it's always going to come
24 down into that default directory, unless someone redirects
25 it somewhere else.

CLOSING ARGUMENT: BY MR. ATWATER

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1 Most importantly, you have sat here all week long.
2 We've taken a lot of your time now, and listened to the
3 facts of this case and served an incredibly important
4 purpose. And that is to be the judge of the facts and then
5 ultimately the determiner of whether or not Aaron Griswold
6 committed the crime for which he's charged with and he and
7 he alone, not George Masetti, not Jim Burnette, not Mr.
8 Honig, although it's all based on Mr. Honig's contention in
9 the first place.

10 And any time you think about that, I want you to think
11 about your recollection of how Mr. Honig presented himself
12 in this courtroom, and what he testified to or didn't
13 testify to because he couldn't remember. You have the
14 solemn duty to look at the evidence in this case, consider
15 it, every piece of it, and determine whether or not it
16 convinces you beyond a reasonable doubt that Aaron Griswold
17 is guilty of the crime of third degree possession.

18 And I will tell you that that means the State has to
19 show that he knew the contents of these files, he knew what
20 they were, and he knew what was in them. He never opened
21 them. Detective Wasiak told you that. You'll listen to
22 Judge Hayes charge you with the law in this case. If, at
23 any time, when we're talking about the law in this case,
24 either myself or Mr. Flores, you hear something different
25 than what Judge Hayes charges you with the law, then you

CLOSING ARGUMENT: BY MR. ATWATER

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1 pay attention to what he says. He is the giver of the law
2 in this case. Not me, not Mr. Flores. Okay?

3 So, if I tell you something's the law and Judge Hayes
4 says something different, disregard what I said and take
5 what he said. Conversely, if Mr. Flores gets up here and
6 tells you something is law, and you hear something -- Judge
7 Hayes says something that doesn't agree with that, then you
8 have to reject what Mr. Flores told you, and accept what
9 Judge Hayes says.

10 One of the things Judge Hayes is going to tell you is
11 that, if, looking at any of this evidence whatsoever -- I'm
12 going to paraphrase it, but you listen to what he says.
13 I'll try to pay attention as well. If, looking at any of
14 this evidence whatsoever, in the jury room, in your
15 deliberations, you look at something and you say, well, you
16 know what this might say if I look at it this way here, it
17 might kind of agree with what Mr. Flores is saying. But I
18 can also look at it this way here, and it doesn't. Okay?
19 That's reasonable doubt. That's what reasonable doubt is.

20 So, if you look at any piece of evidence, and you find
21 something that says, well, maybe but also, maybe not, it is
22 your solemn duty, your solemn duty, to resolve that doubt
23 in favor of Aaron Baynard Griswold.

24 Now, at the beginning of this case, I stood in front
25 of each one of you, and basically gave a very brief opening

CLOSING ARGUMENT: BY MR. ATWATER
BY MR. FLORES

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1 argument, and I told you, based upon what the State had
2 told you, that they were going to prove beyond a reasonable
3 doubt that Aaron Baynard Griswold was guilty of these
4 charges against him, I told you that I don't believe at the
5 end of this case, when you review this evidence, you are
6 going to be able to come to that same conclusion. And I
7 still say that's true. Thank you.

8 THE COURT: Mr. Flores.

9 MR. FLORES: Thank you, your Honor. May it please the
10 Court?

11 THE COURT: Yes, sir.

12 CLOSING ARGUMENT BY MR. FLORES:

13 MR. FLORES: Mr. Atwater, Mr. Griswold, ladies and
14 gentlemen of the jury. This case is about children and
15 videos of those children found on three computers out of
16 five at Aaron Baynard Griswold's residence. And how do we
17 know that? Nine seconds. This case is all about nine
18 seconds. How do we get there?

19 As I stated in opening statements, the State was going
20 to bring Mr. Brian Honig, Detective Charlene Blackwelder,
21 Detective Kathy Harveston, and Special Agent Farand Wasiak;
22 we were going to put our case together before you. Mr.
23 Honig, on June 1st of 2007, it was nine years ago, went to
24 the home of Aaron Baynard Griswold and used this computer,
25 State's Exhibit Ten, sitting on a desk in Mr. Griswold's

CLOSING ARGUMENT: BY MR. FLORES

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1 room. He viewed a video. When you view videos, that is
2 not something you forget. That is not something that's
3 forgettable.

4 We have a burden in this case. We had to show you
5 some of those videos. Mr. Honig did not forget that. He
6 was in shock. He told you. What do I do? My friend, who
7 I've known for four years, three or four years, has got
8 this stuff on his computer? What do I do? And after
9 talking about it with his wife, decided to go back on the
10 next Monday and call the police.

11 Now, Mr. Atwater has argued, well, there's no evidence
12 of file uses. There's no evidence of Internet activity.
13 There's no evidence, no evidence, no evidence.
14 Information. If we could freeze a moment in time, we might
15 be able to find something. But the fact that the
16 information is not there doesn't mean it wasn't ever there.
17 We have to deal with the information that is there. That
18 is there now. And how do we know it's there now? Based on
19 his statement, Brian Honig, Detective Blackwelder went to
20 Aaron Baynard Griswold's home and took these five
21 computers. She went back to the office, filled out an
22 evidence inventory, and left them there to be transported
23 to SLED because Rock Hill Police Department, at the time,
24 did not have the capabilities of conducting an on-site
25 forensic examination of the computer to retrieve

1 information.

2 / Detective Harveston then sent those computers down to
3 SLED. And she said, I'm looking for material that depicts
4 minors engaged in sexual activity. Find it for me, please.
5 It's said -- it's been said that it's here. Find it. They
6 didn't find it on just one computer. They didn't find it
7 just on two computers. They found it on three computers.
8 Three computers in one residence. So, once Special Agent
9 Wasiak, after running his EnCase software, and he --
10 actually, once Mr. Pantsari ran the EnCase software, came
11 up with this hash value.

12 It's a -- it's a value like your DNA. All right. At
13 this moment in time, my DNA is something. I don't know
14 what it is. I've never had it tested. But that value
15 exist here within me. And so, once I give some blood, it
16 gets tested, it's put through the process, I'll know what
17 my DNA reads. That's how that hash value works. It's a
18 statement in time of the value of all the information
19 that's on this computer, and we have it. And it matched
20 from beginning to end, so that means nobody tampered with
21 these devices. So, they ran the software, found the
22 computers with the images and they found where they were
23 located on three computers.

24 And when I was a child, I enjoyed baseball cards.
25 Grew up in the '80's, liked baseball, and so, I'd get a

CLOSING ARGUMENT: BY MR. FLORES

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1 packet of cards and put it in the sleeve, look at them,
2 enjoy them with some friends. You know, that's what I'd
3 do, a collection. Sometimes, I wouldn't go back to it. I
4 haven't looked at my baseball card collection in years but
5 I still have them.

6 State's Exhibit Fourteen: Files were created on this
7 computer. They have dates and times they were accessed.
8 The access date is not the same, it's here. Some of those
9 files end up in State's Exhibit Twelve, on State's Exhibit
10 Eight, the living room computer, which Mr. Griswold
11 received sometime in mid-2006 at his home from Brian Honig.
12 Files are created there. At least one file is created on
13 February 2nd of '07 and last accessed on March 3rd. A file
14 created on March 10th, last accessed on March 30th.

15 Then, you get this third computer. They're created on
16 the same day, March 30th. There are some files that aren't
17 created on March 30th. May 14th, May 19th. Look through
18 this, and they're created and accessed at the same time.
19 They're downloaded, maybe, and transferred from another
20 file, an external hard drive. All speculation, except for
21 one file that we do know. And that's the second report.
22 We know that for sure. Why? Because the information.
23 Again, SLED got these computers back to run an examination
24 on the hard drives a second time. Why? Because that
25 software wasn't available. It's not to say that the

CLOSING ARGUMENT: BY MR. FLORES

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1 Internet information wasn't here, but it wasn't available
2 at that time. And so, that information was received, all
3 received.

4 If you recall, Mr. Atwater discussed with Special
5 Agent Wasiak at length that the State is only looking for
6 information about Aaron Baynard Griswold. The State is
7 only looking for that information. But Ms. Boone came up
8 and she testified. And I asked her about her email
9 address. 7@yahoo.com. Was it on the report?
10 I put it on this projector. It was there. So, was the
11 State looking for information only about Aaron Baynard
12 Griswold? I submit to you we weren't. We wanted all of
13 the information. Anything you can give to us from these
14 computers, give it to us.

15 Which brings me to nine seconds. Nine seconds. This
16 is what this case hinges on. Mr. Griswold -- and you
17 perhaps know this. I have a phone. I'm sure you guys have
18 a phone. It may not be an Apple product. I asked Special
19 Agent Wasiak on direct or often, is there a camera or
20 something that could tell me exactly who was using the
21 computer at what time because that would make life easier.
22 If I ask Siri, who was using my phone last, would Siri
23 know? Only if there's a camera on it. I don't have a
24 camera on my phone. Who was using my phone on May 14th of
25 2007? Well, it didn't exist. Who was using it yesterday?

CLOSING ARGUMENT: BY MR. FLORES

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1 It's my phone. It may be me. But if I got that
2 information then on this phone, if it's available, I might
3 be able to tell. Maybe it was somebody else. My kids, my
4 wife.

5 Information. If it's there, it might be able to tell
6 me something. And so, out of the thousands and thousands
7 and thousands of documents and information that's contained
8 on State's Exhibit Five, there's information. There's
9 information. And if you believe it, Mr. Griswold's guilty
10 of all these twenty-seven counts. There's evidence on all
11 of these computers that Mr. Griswold checks his email
12 ocat@yahoo.com. On this, he had a credit card that he was
13 applying for. The username matched the username for his
14 bank account, and on May 14, 2007, the file entitled Tammy
15 and Friends was accessed nine seconds after logging off
16 from this bank account.

17 Was that file in the same file path? No. It was in a
18 downloads folder. So, that file was downloaded. What
19 happened to it next? It was moved. Moved to the final
20 location, where all of the rest of the files were found,
21 where the titles would be seen by whoever moved it. That
22 person was Aaron Baynard Griswold.

23 Nine seconds. It is not an accident. Before I close,
24 it is not an accident. It's not Brian Honig. It's not any
25 of these other users. It's not a virus. I'm going to

CLOSING ARGUMENT: BY MR. FLORES

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1 point out what I think is a critical argument here. We
2 asked about parsed search terms. Somebody, and we would
3 submit Aaron Baynard Griswold, had to type in these terms.

4 Madam Clerk, if you would dim the lights?

5 Child sex. Nobody looks up child sex. Nobody does,
6 unless you're interested in child sex. This computer had
7 the terms child sex, and this computer had the terms child
8 sex. Recall, Mr. Honig gave that computer to Mr. Griswold
9 in the summer of 2006. Jim Barnette did not come to Mr.
10 Griswold's home until after Ms. Boone left, which was in
11 Spring -- well, it was around New Years' of 2007. This is
12 from State's Exhibit Eight, child sex. Internet Explorer
13 cache records carved deep in the computer, this software
14 pulled it out. Child sex, here it is, at Google. Google
15 search, child sex. When was it checked? August 15th,
16 2006, at six in the morning. Who had that computer? Nine
17 seconds. Thank you.

18 THE COURT: Members of the jury panel, we'll take a
19 short break, and when you come back, I'll charge you with
20 the law that you are to apply to the case. But don't start
21 discussing the case, and do not try to make up your mind
22 yet. We haven't quite reached there but we'll take a
23 break. The charge won't be that long, but let's take a
24 short refresher break.

25 (JURY EXITS COURTROOM ON RECESS AT 11:32 AM.)

CHARGE TO THE JURY:

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1 THE COURT: We'll take a ten-minute recess.

2 MR. FLORES: Thank you, your Honor.

3 (COURT IN RECESS AT 11:32 AM.)

4 THE COURT: Bring in the jury.

5 THE BAILIFF: Yes, sir, your Honor.

6 (JURY REENTERS COURTROOM AT 11:44 AM.)

7 CHARGE TO THE JURY:

8 THE COURT: Members of the jury panel, let me first
9 thank you for the attention that you've given to me and to
10 the lawyers and the witnesses and the Court staff during
11 the trial of this case. It is now my duty to charge you
12 the law that you are to apply to the facts as you determine
13 them to be in this case.

14 Now, these indictments that I have in my hand charge
15 Mr. Griswold with third degree sexual exploitation of a
16 minor. I remind you that the fact that the defendant has
17 been arrested, charged, and indicted in this case is not
18 evidence, and cannot be considered by you as evidence of
19 his guilt. Nor does it create any presumption or inference
20 of guilt. Copies of these indictments have been placed
21 into evidence, and may be considered as -- may be
22 considered, as they may be relative to the reasons for
23 which they were introduced. The actual indictments
24 themselves are simply the formal written instrument which
25 contain the charge, the indictments, against Mr. Griswold.

CHARGE TO THE JURY:

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1 They are the formal documents by which this case is brought
2 into the Court, and will be the record of the jury's
3 unanimous decision. You will have them with you in the
4 jury room.

5 The indictments allege several different offenses
6 against the defendant. Basically, there's one offense,
7 sexual exploitation of a minor third degree, but there are
8 several of them. At the commencement of the trial, I told
9 you Mr. Griswold had an additional four charges. These
10 four charges are not an issue in this case any more. You
11 are not to speculate as to why those issues are not before
12 you at this time, nor are you to infer anything from the
13 fact that they are not. Each indictment charges a separate
14 and distinct offense, and so does each count -- well, these
15 don't have any separate counts. So, each indictment
16 charges a separate and distinct offense. You must decide
17 each indictment separately on the evidence and the law
18 applicable to it, uninfluenced by your decision on any
19 other indictment. Mr. Griswold may be convicted or
20 acquitted on any or all of the offenses, or all of the
21 indictments. You will be asked to write a separate verdict
22 of guilty or not guilty for each indictment, and Madam
23 Forelady, I'll explain that to you more at the end of the
24 charge.

25 To these charges, Mr. Griswold has entered pleas of

CHARGE TO THE JURY:

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1 not guilty. His plea of not guilty puts on the State the
2 burden of proving his guilt. A person charged with
3 committing a criminal offense in South Carolina is never
4 required to prove himself innocent. The State must prove
5 that person's guilt beyond a reasonable doubt.

6 I charge you that it is an important rule of law that
7 a defendant in a criminal trial, no matter the seriousness
8 of the charge, will always be presumed to be innocent of
9 the charge, or the crime, for which the indictment was
10 issued, unless guilt has been proven to you by evidence
11 satisfying you of the guilt as to a charge beyond a
12 reasonable doubt.

13 The presumption of innocence attaches to an individual
14 at the time of their arrest, and remains with them until
15 the jury is convinced of one's guilt beyond a reasonable
16 doubt. The presumption of innocence in Mr. Griswold's
17 favor exists at this very moment and remains with him as
18 you deliberate. Even when you deliberate, he has the
19 presumption of innocence. The presumption of innocence in
20 his favor is removed only if and when, if you do,
21 unanimously determine the State has proven him guilty as to
22 a charge beyond a reasonable doubt. This presumption of
23 innocence is not a mere legal theory, or a mere legal
24 phrase. It is a substantial right to which Mr. Griswold is
25 entitled.

CHARGE TO THE JURY:

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1 What is a reasonable doubt? A reasonable doubt has
2 been described by our courts as the kind of doubt that
3 would cause a reasonable person to hesitate to act. Proof
4 beyond a reasonable doubt is proof that leaves you firmly
5 convinced of one's guilt. There are very few things in our
6 world that we know with absolute certainty in criminal
7 cases and in criminal cases the law does not require proof
8 that overcomes every possible doubt. If, based on your
9 consideration of the evidence, you are firmly convinced
10 that Mr. Griswold is guilty of a crime -- of the crimes for
11 which he is charged, you would find him guilty.

12 If, on the other hand, you think there's a real
13 possibility that he is not guilty, you must give him the
14 benefit of that doubt, and find him not guilty. He, Mr.
15 Griswold, is entitled to any reasonable doubt as you have
16 as to any issue in this case.

17 I remind you that as the trial judge, and you, as the
18 jury, have certain duties to perform. My responsibility is
19 to preside over the trial. I also have the duty to rule on
20 the admissibility of evidence offered during the trial.
21 You are to consider only the competent evidence before you.
22 If there was any testimony ordered stricken from the record
23 in this case during this trial, you must disregard that
24 testimony. Also, if there was any testimony ordered
25 stricken from the record in this case during the trial, you

CHARGE TO THE JURY:

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1 must disregard that testimony. You are to consider only
2 the testimony which has been presented from this witness
3 stand. Any exhibits which -- and any exhibits which may
4 have been part of the record in this case.

5 During the course of the trial, an attorney may have
6 made an objection to the introduction of certain evidence.
7 You are not to hold this against them, as that is part of
8 their job. You are to make no inference from the fact that
9 an attorney objected at any point in the trial.

10 I have the additional duty to charge you the law that
11 you are to apply to the facts in this case. I am the sole
12 judge of the law in this case, and it is your duty as
13 jurors to accept and apply the law as I now charge it, as I
14 now state it to you. This is true, even if you think the
15 law should be different, or even if you think I charge you
16 the law in error. In every case tried in this court before
17 a jury, you, the jury, become the sole and exclusive
18 judge's of the facts in this case. A trial judge may not
19 intimate, state, comment, or make any statement to you
20 about the facts in the case since you, the jury, are the
21 sole judge of the facts. You are not to infer from
22 anything I have said or done during the progress of this
23 trial as any indication of my having an opinion on the
24 case, or that I have any opinions about the facts in the
25 case. Our law does not allow me to have an opinion about

CHARGE TO THE JURY:

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1 the facts in the case. This is a matter solely for you as
2 the trial jury to determine. As jurors, it is your duty to
3 determine the effect, the value, the weight, and truth of
4 the evidence presented during the trial.

5 There are two types of evidence which are generally
6 presented during a trial, direct evidence and
7 circumstantial evidence. Direct evidence directly proves
8 the existence of a fact, and does not require deduction.
9 Circumstantial evidence is proof of a chain of facts and
10 circumstances indicating the existence of a fact. Crimes
11 may be proven by circumstance evidence. Our law makes no
12 distinction between the weight or value to be given to
13 either circumstantial or direct evidence.

14 However, to the extent the State relies on
15 circumstantial evidence, all the circumstances must be
16 consistent with each other, and when taken together point
17 conclusively to the guilt of the accused, here, Mr.
18 Griswold, beyond a reasonable doubt. If these
19 circumstances merely portray Mr. Griswold's behavior as
20 suspicious, the proof has failed. The State has the burden
21 of proving the defendant, Mr. Griswold, guilty beyond a
22 reasonable doubt. This burden rests with the State,
23 regardless of whether the State relies on direct evidence,
24 circumstantial evidence, or a combination of the two.

25 As judges of the facts, you necessarily must determine

CHARGE TO THE JURY:

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1 the credibility of the witnesses who have testified in this
2 case. Credibility, of course, simply means believability.
3 It becomes your duty as jurors to analyze and evaluate the
4 evidence, and determine which evidence contains --
5 convinces you of its truth.

6 In determining the believability of witnesses who have
7 testified in this case, you may believe one witness as
8 opposed to several, several witnesses as opposed to one.
9 You may believe all, part, or none of a witness's
10 testimony. You may believe the testimony of a witness in
11 its entirety, or reject the witness's testimony in its
12 entirety. Use your common sense, your sense of reason, and
13 your experiences in life as you analyze the evidence. In
14 judging the credibility of the witnesses, use those things
15 that you find in your day-to-day life to be indicative of
16 truthfulness in a person.

17 You may also use evaluators of truthfulness, such as a
18 witness's demeanor, how they act on the stand. Look at the
19 witness's testimony. Are they hesitant or straightforward?
20 Look at the consistencies or inconsistencies in a witness's
21 testimony at trial, or as compared to prior testimony or
22 statements. You may also consider any bias or prejudice
23 which a witness may have. That is, whether one would have
24 any reason to help or hurt one side or the other. And you
25 may also consider the opportunity a witness might have had

CHARGE TO THE JURY:

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1 to know the things to which the witness testified.

2 I instruct you and I emphasize to you, the fact that
3 Mr. Griswold did not testify is not a fact to be considered
4 by you in any way in your deliberation and in your
5 consideration on the question of guilt or innocence of Mr.
6 Griswold. It may not be considered by you in any manner
7 whatsoever.

8 Mr. Griswold, as any defendant, has the constitutional
9 right to remain silent, and the assertion of this right by
10 him must not be considered by you in your deliberations.
11 Under your oath, you are not -- you are to draw no
12 conclusion whatsoever from the fact that Mr. Griswold did
13 not, in this case, testify. The fact that he did not
14 testify should not even be discussed in the jury room by
15 you, or factor into your own individual consideration of
16 the evidence. The burden of proof, as I have stated to
17 you, is on the State. Mr. Griswold is not required to
18 prove his innocence. The burden remains on the State to
19 prove his guilt beyond a reasonable doubt.

20 The charge in these indictments is that Mr. Griswold,
21 on a certain date as set forth in the indictment, committed
22 the offense of third degree exploitation of a minor. This
23 is a statutory offense, an offense enacted by our
24 legislature, and enacted into law. An individual who
25 commits the offense of third degree exploitation of a

CHARGE TO THE JURY:

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1 minor, if, knowing the character or content of the
2 material, he possesses material that contains a visual
3 representation of a minor engaging in sexual activity.

4 The jury may infer that a participant is sexual
5 activity depicted as a minor through its title, text,
6 digital representation otherwise is a minor. Minor means
7 an individual who is less than eighteen years of age.
8 Sexual activity includes any of the following acts or
9 simulations: masturbation, whether done alone or with
10 another human; vaginal, anal or oral intercourse, whether
11 done with another human; touching in an act of apparent
12 sexual stimulation or sexual abuse of the clothed or
13 unclothed genitals, pubic areas, or buttocks of another
14 person, or the clothed or unclothed breasts of a human
15 female; excretory functions; the insertion of any part of a
16 person's body, other than the male sex object, or any
17 object into another person's anus or vagina, except when
18 done as part of a recognized medical procedure.

19 To prove possession of the material, the State must
20 prove beyond a reasonable doubt that the defendant, Mr.
21 Griswold, had both the power and intent to control the
22 material depicting minors engaged in sexual activity, if
23 you determine that there was material so -- that the
24 material at issue did depict minors engaged in sexual
25 activity.

CHARGE TO THE JURY:

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1 Possession may be either actual or constructive.
2 Actual possession means the material depicting minors
3 engaged in sexual activity was in the actual physical
4 control of Mr. Griswold. Constructive possession means
5 that the defendant had dominion and control, or the right
6 to exercise dominion or control over either the material
7 depicting minors engaged in sexual activity, or the
8 property on which material depicting minors engaged in
9 sexual activity was found.

10 Mere presence at the scene where material depicting
11 minors engaged in sexual activity was found is not, alone,
12 enough to prove possession. The defendant's knowledge and
13 possession may be inferred when material depicting minors
14 engaged in sexual activity is found on property under his
15 control. However, this inference is simply an evidentiary
16 fact to take into consideration by you, with all the other
17 evidence in this case, and to be given by you such weight,
18 if any, you decide it should have.

19 Now, there are two possible verdicts that you may find
20 in this case. There's no significance in the order in
21 which I will, in a moment, talk to you about those. It's
22 just that one has to be stated first. Your verdict must be
23 unanimous.

24 Madam Foreperson, you will preside over the jury's
25 deliberation. When the jury agrees on a verdict, you will

CHARGE TO THE JURY:

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1 write the verdict on the back of the indictment and I'll
2 show you more about that in a moment. Once you have
3 reached a verdict, knock on the jury room door, and inform
4 the bailiff that you have reached a verdict. At that time,
5 you will receive -- we will receive you back into the
6 courtroom.

7 Your verdict cannot be based on sympathy, passion,
8 prejudice, public opinion, or matters outside the record.
9 In a few moments, I'm going to ask you to go to the jury
10 room, but do not begin deliberation, as I have to go over
11 my charge with the attorneys. I've told you, you must
12 follow my charge to the letter, and I have to make sure
13 that I have not made an error. If I have made an error in
14 my charge, I will bring you back in, and here, in open
15 court, correct any error. If I have not made any error,
16 the bailiffs will bring in to you the verdict forms, the
17 indictments, and the exhibits, and instruct you to jointly
18 deliberate.

19 We have pizza coming about one o'clock.. You can take
20 a break then, or you can deliberate. I ask that, if you
21 take a break, that everybody take a break, because all
22 twelve of you should be working together at all times.
23 That is, you take breaks if you wish, but when you're
24 deliberating, all twelve should be participating, because
25 your verdict must be unanimous.

CHARGE TO THE JURY:

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1 We can have testimony replayed, if you wish. Let me
2 know, and we'll bring you back in the courtroom to do that.
3 I'm going to talk to you in a moment about sending a copy
4 of the charge in, but if you wish for me to go over any of
5 the charge, let the bailiff know, and he will come and get
6 me, or she, whichever one it is, and I will bring you back,
7 and here, in open court, recharge you any part, or all of
8 my charge on the law.

9 If you have any questions, Madam Forelady, write them
10 down on paper that will be provided. Knock on the door,
11 and give them to the bailiff. The bailiff will bring the
12 note to me. I will confer with the attorneys. After that,
13 I will respond. It may be that I can write an answer on
14 the note itself, and if that's the case, if I send a note
15 back in with an answer on it, keep it and turn it in with
16 the exhibits, because it has to be part of the record. If
17 I cannot answer it in that way, I will bring you back into
18 the courtroom and answer it here in open court.

19 Ms. Griffin and Mr. Bartkowski, you will remain here
20 when the jury goes out in just a moment, since your
21 services will not be needed. We do appreciate your sitting
22 through the trial, as always.

23 I am going to give you a copy of the instructions in
24 written form. Please do not write on them, because they
25 will be a part of the record, and we're not supposed to be

CHARGE TO THE JURY:

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1 privy to your deliberations, so don't write on them or
2 mark. You may refer to these instructions to guide your
3 decision making. You must consider the instructions as a
4 whole, and not follow some and ignore the others. You have
5 to treat them -- look at them in their totality. As I
6 said, please return the instructions at the time your
7 verdict is rendered.

8 Now, when you first go into the jury room, do not
9 start deliberation, because I have to go over my charge
10 with the attorneys. Now, each of these indictments, Madam
11 Forelady, you will see on what I consider the back -- I've
12 never been sure which is the back and front of the
13 indictment -- in the bottom left-hand corner, the word
14 verdict and four lines. The bottom line is for you to
15 sign. You will place today's date. Today's date is the
16 27th. On one of the three lines, above your signature and
17 below the word verdict, write the jury's unanimous verdict.
18 If the State has, in the jury's unanimous opinion, failed
19 to prove Mr. Griswold guilty beyond a reasonable doubt of
20 one or more of the charges, you would, as to that charge,
21 write the two words not guilty. If, on the other hand, as
22 to the charge, you find that the State has proven Mr.
23 Griswold guilty beyond a reasonable doubt, you would write
24 one word, guilty.

25 Now, everybody but Ms. Griffin and Mr. Bartkowski will

1 can go downstairs to the Clerk's Office to pick up your
2 check. As opposed to getting pizza that's already paid for
3 and using the check, you probably come out ahead getting
4 the pizza because there won't be much of a check. But
5 thank you for your service.

6 (ALTERNATE JURORS DISMISSED AT 12:03 PM.)

7 THE COURT: And I appreciate everybody's -- Counsel, I
8 appreciate everybody's courtesy and the way we handled
9 ourselves, and respect they've shown the court and the
10 participants. Thank you.

11 MR. FLORES: Thank you, Judge.

12 (COURT IN RECESS AT 12:08 PM.)

13 (WHEREUPON, COURT'S EXHIBIT NUMBER SEVEN, IDENTIFIED
14 AND MARKED, RECEIVED INTO EVIDENCE.)

15 (COURT BACK IN SESSION AT 12:13 PM.)

16 THE COURT: Let's come back to order. I want to go on
17 the record a few minutes. Again, I want to thank everybody
18 again for their courtesy. It's been a long trial, and
19 these are never pleasant to deal with. But I have to admit
20 that I'm intrigued and concerned. I think we're in the
21 twilight zone involving chain of custody. And I think -- I
22 don't know if this will be the case, but I think the
23 Court's going to kind of have to kind of address this.

24 This -- There's no question that the computers are
25 what we would call nonfungible items. But they contain

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1 guidance which is not real fungible but it is -- can't be
2 manipulated. So, we're in, again, I call it the twilight
3 zone. I think we're in the twilight zone on that.

4 I did look at a case that's not -- no case is on point
5 -- but the case of *State versus Brockmire*, 406 S.C. 324 on
6 the chain of custody. It had some interesting concepts,
7 and one is -- and I can't remember, I might have been
8 quoting another case -- as opposed to talking about
9 fungible -- you can sit down -- fungible and they talk
10 about something that's relatively and impervious to change.

11 These mainly -- And I don't know enough about
12 computers, but obviously the comments are not impervious to
13 change, but term is relative and impervious to change.

14 Based on the evidence which was established, the
15 computers and last accessed at a time prior to their
16 seizure and so, the extracting of the material by the
17 individuals that I found to be during the mechanical
18 process and that confrontation issue of course came up.

19 MR. ATWATER: Yes, your Honor. And I actually cited
20 Brockmire while we were talking about it.

21 THE COURT: Was that the one? I'm sorry.

22 MR. ATWATER: It was one of them, your Honor.

23 THE COURT: Well, maybe that's why I found it. As to
24 the confrontation issue, and as to the chain of custody, I
25 find that the -- as I already have, and I just want to make

1 sure in case this goes up, that the technicians who were
2 executing -- who extracted the evidence are not witnesses
3 against Mr. Griswold, to whom -- to which he is entitled to
4 an absolute constitutional right to confront them.

5 They performed, adminis -- according to the testimony,
6 only mechanical functions. Additionally, on -- as I
7 already observed, the evidence establishes that, at the
8 time Mr. Wasiak -- and this ties into the first talk about
9 fungible and nonfungible -- at the time he first examined
10 them in July of 2007, and the second time, that there was
11 no evidence to indicate that anything had been added since
12 the seizure of June 4th of 2007.

13 So, it's hard for me to make a point, but -- because
14 it's kind of abstract, but there -- the record shows that,
15 as of the date of the seizure and the date -- both dates
16 when they were examined, there was no testimony or
17 indication that anything had been added or deleted. And
18 so, while there are somewhat fungible like a silo full of
19 corn where you can pour in corn and can't tell whose corn
20 is who, whose corn is who's, the -- I think that this later
21 fact that you've got nothing between June 4th and the
22 subsequent examinations indicate that, while they may have
23 been impervious to change, the -- that fact establishes a
24 sufficient -- a sufficient basis for the chain of custody.

25 That is that they are -- were in the same state or

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1 condition when examined as they were on the date they were
2 seized. Again, I think it's a twilight zone. It's the
3 first time I've had it. Some of you may have already but
4 I think the courts are going to have to give us some
5 guidelines on that. That's -- I just wanted to make sure
6 the record reflected that.

7 Maybe if the Court buys all that -- and I've always
8 wanted appellate courts to refer to me as the learned
9 judge. They never have yet. But maybe they will, on this
10 one, refer to me. All right. Thank you. We'll be at
11 ease.

12 (COURT IN RECESS AT 12:18 PM.)

13 (WHEREUPON, COURT'S EXHIBIT EIGHT, IDENTIFIED AND
14 MARKED, RECEIVED INTO EVIDENCE.)

15 (WHEREUPON, COURT'S EXHIBIT NUMBER NINE, IDENTIFIED
16 AND MARKED, RECEIVED INTO EVIDENCE.)

17 (COURT BACK IN SESSION AT 02:45 PM.)

18 (WHEREUPON, COURT'S EXHIBIT NUMBER TEN, IDENTIFIED AND
19 MARKED, RECEIVED INTO EVIDENCE.)

20 THE COURT: Thank you. You may take your seats. I
21 understand the jury has reached verdicts. Is the State
22 ready to proceed?

23 MR. FLORES: We're ready to proceed, your Honor.

24 THE COURT: Mr. Atwater?

25 MR. ATWATER: Yes, your Honor.

VERDICT:

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1 THE COURT: Bring in the jury.

2 (JURY REENTERS COURTROOM AT 02:48 PM.)

3 THE COURT: Madam Forelady, I understand the jury has
4 reached verdicts?

5 MADAM FORELADY: We have, your Honor.

6 THE COURT: If you will hand them to the bailiff,
7 he'll hand them up. Or she'll hand them up.

8 (VERDICTS RECEIVED UP BY THE COURT.)

9 MADAM CLERK: On indictments that begin with 2015-GS-
10 46, the first one is 358, the State versus Aaron Griswold,
11 indictment for sexual exploitation of a minor third degree.
12 Verdict, guilty. Signed by the foreperson and dated
13 today's date.

14 Indictment 359, verdict, guilty. Signed by the
15 foreperson dated today's date.

16 Indictment 360, verdict, guilty. Signed by the
17 foreperson, dated today's date.

18 Indictment 361, verdict, guilty. Signed by the
19 foreperson, dated today's date.

20 Indictment 362, verdict, guilty. Signed by the
21 foreperson, dated today's date.

22 Indictment 363, verdict, guilty. Signed by the
23 foreperson, dated today's date.

24 Indictment 364, verdict, guilty. Signed by the
25 foreperson, dated today's date.

VERDICT:

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1 Indictment 365, verdict, guilty. Signed by the
2 foreperson, dated today's date.

3 Indictment 366, verdict, guilty. Signed by the
4 foreperson, dated today's date.

5 Indictment 367, verdict, guilty. Signed by the
6 foreperson, dated today's date.

7 Indictment 368, verdict, guilty. Signed by the
8 foreperson, dated today's date.

9 Indictment 369, verdict, guilty. Signed by the
10 foreperson, dated today's date.

11 Indictment 370, verdict, guilty. Signed by the
12 foreperson, dated today's date.

13 Indictment 371, verdict, guilty. Signed by the
14 foreperson, dated today's date.

15 Indictment 372, verdict, guilty. Signed by the
16 foreperson, dated today's date.

17 Indictment 373, verdict, guilty. Signed by
18 foreperson, dated today's date.

19 Indictment 374, verdict, guilty. Signed by the
20 foreperson, dated today's date.

21 Indictment 375, verdict, guilty. Signed by the
22 foreperson, dated today's date.

23 Indictment 376, verdict, guilty. Signed by the
24 foreperson, dated today's date.

25 Indictment 377, verdict, guilty. Signed by the

VERDICT:

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1 foreperson, dated today's date.

2 Indictment 378, verdict, guilty. Signed by the
3 foreperson, dated today's date.

4 Indictment 379, verdict, guilty. Signed by the
5 foreperson, dated today's date.

6 Indictment 380, verdict, guilty. Signed by the
7 foreperson, dated today's date.

8 Indictment 381, verdict, guilty. Signed by the
9 foreperson, dated today's date.

10 Indictment 382, verdict, guilty. Signed by the
11 foreperson, dated today's date.

12 Indictment 384, verdict, guilty. Signed by the
13 foreperson, dated today's date.

14 Indictment 385, verdict, guilty. Signed by the
15 foreperson, dated today's date.

16 Ladies and gentlemen of the jury, if that be your
17 verdict, so say you all by raising your right hand. Let
18 the record show, all jurors affirmed this verdict.

19 (ALL JURORS AFFIRMED.)

20 THE COURT: Anything from the State involving the
21 verdicts?

22 MR. FLORES: No, your Honor.

23 THE COURT: Anything before the jury is dismissed?

24 MR. ATWATER: Not before the jury is dismissed, your
25 Honor.

SENTENCING:

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1 THE COURT: Okay. Members of the jury panel, I'm
2 going to let you leave at this time. The checks will be
3 available for you downstairs. Is that correct?

4 THE BAILIFF: I got them.

5 THE COURT: Oh. Mr. Dunlap has them. I do not
6 require the jury to stay around for the next, which will be
7 the sentencing, but if you'd like to, the bailiffs will
8 show you how to come around and come in the front, and you
9 can certainly come and sit in the back, to see the rest of
10 the procedure. And if they'd like to do that, Mr. Dunlap,
11 you can wait and give the checks after

12 THE BAILIFF: Okay.

13 THE COURT: You don't have to stay, but if you'd like,
14 since you've participated to this point, you can come in
15 the back. And I want to thank you so much for your help.
16 This was a hard week and a hard case, so thank you for your
17 work.

18 (JURY DISMISSED AT 02:53 PM.)

19 THE BAILIFF: Did she have to sign the form?

20 THE COURT: No, we've got it. She -- We picked it up.
21 Thank you. We'll get to the sentencing in just a minute.

22 Mr. Atwater.

23 MR. ATWATER: Yes, your Honor. The Defense would move
24 for objection notwithstanding the verdict. Based upon all
25 of the evidence in this case, we think that it would -- the

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1 jury should have ruled in favor of --

2 THE COURT: All right. That motion is denied. I
3 think this was a jury question. It was a complicated case,
4 there's no question about that. But as I observed earlier,
5 when the jury was out, these cases will be complicated,
6 anything dealing with computers. Not just sexual
7 exploitation, but financial matters and the all kind of
8 just new world we're dealing in but that motions denied as
9 to all -- how many is that, twenty-three?

10 MR. FLORES: Twenty-seven. Twenty-seven

11 THE COURT: That was before or

12 MR. FLORES: I'm sorry?

13 THE COURT: After the four that are still --

14 MR. FLORES: Yeah, there are still twenty-seven. Yes,
15 your Honor.

16 THE COURT: Motion is denied as to all twenty-seven
17 indictments. All right. Does the State have sentencing
18 sheets?

19 MR. FLORES: Yes, your Honor. If I may approach?

20 THE COURT: Yes, sir.

21 (SENTENCING SHEETS RECEIVED UP BY THE COURT.)

22 THE COURT: All right. I'll be glad to hear from the
23 State on sentencing at this point. Wait a minute, some of
24 the jurors are coming in.

25 (JURORS REENTER COURTROOM.)

VERDICT:

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1 THE COURT: Mr. Flores, I'd be glad to hear from the
2 State in regard to sentencing.

3 MR. FLORES: Yes, your Honor. May it please the
4 Court. As you heard the testimony and everything that was
5 put on and placed in the record, this was a continuing
6 course of conduct between three computers that were located
7 in Mr. Griswold's residence. Indeed had these twenty-seven
8 files for which he was found guilty. The -- As the
9 indictments indicate, the ages of the individuals in those
10 videos were from very young to maybe about ten, eleven,
11 maybe even twelve years old. But there were at least some
12 videos which indicated the minors were very right at
13 infants or toddlers.

14 We think this is a very serious offense. We think
15 these types of videos being kept by somebody in a
16 collection on their home, those pose a danger to the State
17 and to society. As a result of today's guilty verdicts,
18 the State would be asking your Honor to sentence Mr.
19 Griswold to ten years on these twenty-seven counts. That's
20 the maximum.

21 THE COURT: Concurrent?

22 MR. FLORES: Concurrent.

23 THE COURT: Concurrent.

24 MR. FLORES: Yes, your Honor. As far as, I believe,
25 his criminal history, he has a 1999 trespassing charge, and

VERDICT:

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1 pled guilty in 2002 to burglary third degree, first
2 offense, for which he received a YOA offense, which was
3 suspended to probation. I have no indication he violated
4 probation at that time, but that would be the defendant's
5 criminal history, your Honor.

6 THE COURT: Mr. Atwater, I'd be glad to hear from Mr.
7 Griswold and anyone on his behalf at this point.

8 Mr. Griswold, anything you want to say?

9 MR. GRISWOLD: Yes, your Honor. I'm sorry, I'm trying
10 to process all this. Forgive me if I --

11 THE COURT: You take your time, and you don't need to
12 ask for forgiveness. I'll be glad to hear whatever you
13 have --

14 MR. GRISWOLD: I'm poor at articulating myself, your
15 Honor, and that is probably the reason why I did not want
16 to take the stand.

17 Forgive me if I don't know what I am and not allowed
18 to say, if anything.

19 THE COURT: You are allowed to say whatever you . . .

20 MR. GRISWOLD: Your Honor, I am a man of honor. I am
21 a man of conviction and loyalty. And Mr. Atwater can tell
22 you, I am loyal to a fault, and that is what has ended me
23 in this situation, being loyal to the wrong people. At
24 this point in my life, I would -- let me take a second.

25 THE COURT: Okay. Take your time and take a deep

VERDICT:

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1 breath. There's water over there, if you'd like.

2 MR. GRISWOLD: Thank you, sir. There were several
3 opportunities for me to plea this case out. I denied every
4 one of those. I told the AG's Office no, because I did not
5 do this. And I will not ever in my life admit to doing
6 something that I did not do. That is my conviction. That
7 is what has landed me here. I have tried to, to this
8 point, raise my children with those beliefs, to live my
9 life with those beliefs.

10 And I will admit full-heartedly that, in my younger
11 days, I did not have the same conviction, and depth of
12 honor that I do now. Meaning to say that, while now, I
13 always tell the truth and do my best ever to say anything
14 false to anyone, in my youth I would lie, obviously. Young
15 people lie. But now, I'm a hundred percent better and a
16 hundred percent different from who I was when those
17 previous convictions were put against me. And in the last
18 six years, I have been with my wife. I have a stepson that
19 I love very much. I have two children that I love very
20 much, a boy and a girl, who are my entire world. And they
21 depend on me, your Honor.

22 I mean, I'm -- I can't walk out of my home without my
23 four-year-old son rushing to me to give me a hug and kiss
24 goodbye. And I can't walk into my home without my little
25 boy and little girl rushing to me. And I will also

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1 sometimes it seems a little tedious to have little children
2 running at you all the time, but it's just because I know
3 that I'm as much a part of their world as they are mine.

4 (DEFENDANT CRYING.)

5 MR. GRISWOLD: I would never hurt a child, not in a
6 million years. I'd rather die first. I -- I'd kill
7 somebody if they hurt my child, and I would accept any
8 sentence from that. If anybody touched one of my children
9 in any unwarranted fashion, I would murder them in the most
10 horrific way. I would torture them, your Honor. That's
11 how badly I hate this. So, I don't care about me. I'm not
12 the one who's important here to me. My wife and my
13 children are the ones who are important to me. They're the
14 ones that mean everything to me. I would live for them, I
15 would die for them, and I -- I would never do this.

16 And I don't know what else to say, except that this is
17 vile, disgusting. I would not look at the video when it
18 was shown. I don't want those images in my head. I viewed
19 a video many years ago of a reporter having his head cut
20 off by Afghani -- in Afghanistan. That image has remained
21 in my head since then, even to this day. I don't want
22 garbage like that in my head. I don't view videos of
23 people dying, of people being hurt any more, like I did
24 that -- with that example because I don't want that kind of
25 garbage in my head.

VERDICT:

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1 I can only ask that your Honor allow me to come home
2 to my children and my wife as quickly as possible, so that
3 I can help take care of them because I know they depend on
4 me, and they need me like I need them. That's all I can
5 say, your Honor.

6 I -- I beg you to let me come back to them as quickly
7 as possible, because I would work a hundred hours a week
8 and never see them, just to make sure they were taken care
9 of. I want them to have everything, and to know they are
10 loved, and I want to be there for them, and that -- that's
11 all I want. That's all I've ever wanted. But I want them
12 to grow up with the knowledge that you tell the truth, and
13 that you stick to your guns. You have conviction, you have
14 honor. You have loyalty, but loyalty to the right people.

15 I'm sorry for the mistakes I've made. I'm sorry that
16 I was friends with people who did bad things. I am sorry
17 that I was loyal, and I let people get on my computers who
18 did bad things. That, I regret, and I will forever regret
19 that. If I had known any of those images were on there, I
20 would have found the person who had them, and we'd be
21 sitting here for a very different reason. Even before I
22 had children. I would never have knowingly allowed any of
23 that material on my computers. Not in a hundred years, not
24 in a million years.

25 That's really all I have to say, your Honor. I don't

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1 know if I can articulate it differently, or if you
2 understand my full meaning, or, but I -- I begged Detective
3 Harveston, or I don't remember which detective it was. It
4 was -- what? Blackwelder? I don't -- I'm sorry. Or
5 Detective Harveston, whoever it was who came to my home, I
6 begged them that, if they found anything on those computers
7 they'd find who put them on there. I said, I would never
8 do such a thing. And if you find anything -- and I
9 remember clearly that -- that one of the detectives told me
10 that they had found stuff on there. I said, well find who
11 put it on there.

12 Four other people in the house. Why was no one else
13 looked at? Why were we not all investigated? Four other
14 residents. People coming and going constantly, nobody's
15 investigated. Solely me. I'm sorry, your Honor. I don't
16 know what else to say, except I wish whoever truly put that
17 garbage on those machines was standing here in front of
18 you. Thank you.

19 THE COURT: Mr. Atwater, anything else from the
20 Defense?

21 MR. ATWATER: May it please the court, your Honor. As
22 you know, these charges stem back from 2007. I have
23 represented Mr. Griswold for a very, very, very long time
24 and in that process, I've come to know him. Not long after
25 this incident occurred, his mother died, and that's

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1 actually where he was at the time of his arrest, was at her
2 funeral. I've seen him, as we've gone over this case over
3 the years, and we've dug through the mountains of evidence
4 and everything like that, many times anguish over what to
5 prepare and what. He told me at the outset he was not very
6 good at articulating things and part of my concern is that
7 some of the things that, when he was talking to you now,
8 may come across to look like he wouldn't take
9 responsibility for something that he did. But --

10 THE COURT: I didn't think that.

11 MR. ATWATER: Thank you, your Honor. From everything
12 I have seen since the very first day I've ever met him,
13 I've known him to be a very good person, good father to
14 both of his children, all three of his children. A good
15 husband to his wife, who I've communicated with a lot, and
16 a good friend to every one of his friends that I've met.
17 He's a lifelong resident of York County, your Honor. He --
18 he's self employed and owns his own business and has
19 plotted and dug his way up from a very low place to be able
20 to do that. This is certainly a setback in his life, and
21 we would ask his Honor to show mercy.

22 THE COURT: All right. Did your client serve any time
23 on this before -- before he got out on bond?

24 MR. ATWATER: Your Honor, I'd have to get a
25 calculator. He served a week up in North Carolina, because

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1 that's where they arrested him. And then, he was brought
2 down here, and didn't -- by the time they got a bond
3 hearing so there's gonna be probably about --

4 THE COURT: All right. Well, we need to find that
5 out. All right. You can have a seat, we're going to find
6 that out before we conclude. I don't know how, but we can
7 get in touch with the Detention Center.

8 Anything else from the State?

9 MR. FLORES: Nothing else from the State, your Honor.

10 THE COURT: All right. Mr. Griswold, the sentences on
11 all these are to run concurrent, and I'm going to figure
12 out how much time you'll get credit for. It will be at
13 least about seven days, but I want to make sure we have the
14 right amount. These are violent offenses.

15 Are they marked violent?

16 MR. FLORES: They should not be marked violent, your
17 Honor.

18 THE COURT: Well, I didn't think they were, but they
19 are marked violent and we're gonna have to take that out.
20 I'll go back and strike that. I was sort of surprised when
21 I looked down and saw that, because I did not think they
22 were violent offenses, so, I'll go back and strike all
23 those and initial it -- the paperwork.

24 MR. FLORES: Thank you, your Honor.

25 MR. ATWATER: Thank you, your Honor.

VERDICT:

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1 THE COURT: But each of these I sentence you to ten
2 years on each. They'll all to run concurrent. So, you
3 have a ten-year sentence on all twenty-seven. It's to run
4 concurrent, and they're not violent. I'll correct that.
5 And before you leave this floor of this building, we'll
6 find out how much time you have credit for.

7 MR. FLORES: Your Honor, I'll check with the
8 Solicitor's Office, see if they can have --

9 THE COURT: Again, I appreciate everybody's courtesies
10 and your presentation, Mr. Griswold, was very articulately
11 done.

12 All right. We'll stand at ease in this case.

13 (COURT AT EASE AT 03:12 PM.)

14 (COURT BACK IN SESSION AT 03:16 PM.)

15 THE COURT: Without me looking it up, this also would
16 require child abuse and neglect registry or check on that
17 too.

18 MR. FLORES: It's definitely a sex offender registry,
19 your Honor. We will check on that, your Honor. I will
20 check to confirm that.

21 THE COURT: Okay.

22 MR. FLORES: Your Honor, I think we are ready for with
23 the answers to the questions you were going to ask.

24 THE COURT: Okay. Let's bring Mr. Griswold back in.

25 (DEFENDANT AARON GRISWOLD REENTERS COURTROOM.)

VERDICT:

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1 THE COURT: How many days is he entitled to credit
2 for?

3 MR. FLORES: Your Honor, it appears that he was -- he
4 was booked into jail in Rutherford County, North Carolina, on
5 May 15th of 2009. He waived extradition, returned to South
6 Carolina on May 18th of 2009, and had a bond hearing before
7 Judge Howell on May 20th, '09, at which he then presented
8 -- posted bond that day.

9 THE COURT: How many days?

10 MR. FLORES: So, I believe that would be five days.
11 Six days.

12 THE COURT: All right. Mr. Griswold, you're entitled
13 to six days credit. And what about the child abuse and
14 neglect registry?

15 MR. FLORES: From my reading of the statute, your
16 Honor, it is not required for this offense, since Mr.
17 Griswold did not participate in making or producing any of
18 the videos.

19 THE COURT: All right. You will be -- we'll give you
20 credit for six days, and as a consequence of this, you
21 would be on the Sex Offender Registry, Mr. Griswold. And
22 the last question I have while he's out here is, I've been
23 handed up a consent order forfeiture --

24 MR. FLORES: I'm sorry. That shouldn't have gone.

25 THE COURT: Okay. It looked like it was consented to.

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1 MR. FLORES: It got stuck on this back. I apologize,
2 your Honor.

3 THE COURT: I signed it before I looked to see it
4 wasn't actually consented to so I guess just destroy that.

5 MR. FLORES: Yes, your Honor. I'll shred this.

6 THE COURT: All right. Thank you. That's it.

7 MR. ATWATER: Your Honor, would you consider probating
8 any part of the sentence?

9 THE COURT: Doing what with it?

10 MR. ATWATER: Consider probating any part of his
11 sentence?

12 THE COURT: Put him on probation for part of it?

13 MR. ATWATER: Yes.

14 THE COURT: I think that the number of charges and --
15 that ten years is straight time is what I think is
16 appropriate.

17 MR. ATWATER: Yes, sir. Would you consider granting
18 an appeal on a bond of appeal?

19 THE COURT: I think he's entitled on that, but we'll
20 check on that. But yes, I'd be -- I'd be willing to grant
21 an appeal bond. Well I have to hear from the State on
22 that. Here's my thinking while we got everybody here.

23 Mr. Griswold, I don't want to leave you in total
24 confusion, but here there -- at least from my perspective,
25 this is a nine-year-old case, and -- so I don't know that

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1 Mr. Griswold apparently he was in North Carolina when he
2 was arrested. I don't know what that had to do with the
3 bond issue whether or not it was a violation of the bond
4 condition or not. But --

5 MR. ATWATER: Your Honor, when he was arrested, that
6 was -- he knew nothing about any of these charges. They
7 hadn't been brought against him or anything.

8 THE COURT: Oh, I got you. Okay. Okay.

9 MR. ATWATER: That was the initial arrest. He came to
10 his mother's funeral, and then they arrested him, that was
11 the first he learned of the charges.

12 THE COURT: Where is he living now?

13 MR. ATWATER: Right here in York County in Rock Hill.

14 THE COURT: You said he worked. What's his job?

15 MR. ATWATER: He owns a cleaning franchise that he
16 actually has an employee and he works at -- He's got
17 several accounts, and he goes to these corporate places and
18 cleans their offices and everything like that. He gets
19 paid based upon how many of these accounts he works a
20 month. His father-in-law actually owns a master franchise,
21 and then Aaron was able to buy a franchise, based on being
22 connected to his father-in-law.

23 THE COURT: All right. Let's go ahead and take care
24 of that.

25 MR. FLORES: Beg the Court's indulgence.

VERDICT:

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1 I believe I may have something, your Honor.

2 THE COURT: Okay.

3 MR. FLORES: Yes. I believe it's South Carolina Code
4 Section 18-1-90, which states bail may be allowed to the
5 defendant in all cases in which the appeal is for the trial
6 conviction and sentence for a criminal offense. However,
7 bail is not allowed when the defendant has been sentenced
8 to death, life imprisonment, or imprisonment for more than
9 ten years. It's a ten-year sentence, so it's not more
10 than, so, it's a discretionary with the Court.

11 The factors to be considered in admitting a person
12 bail pending appeal should include a probability of
13 reversal, the nature of the crime, the possibility of
14 escape, and the character and circumstances of the
15 defendant. To that, the State would argue, your Honor has
16 made several decisions in this case that we think that you
17 were correct on particularly the chain of custody issue
18 that Mr. -- the chain of custody and Crawford issues, which
19 Mr. Atwater raised. And I think you've ruled fairly
20 concerning all the admissibility of evidence and what has
21 been shown to the jury, in evidence from the reports.

22 We take great pains to redact and take out any
23 evidence that could have been prejudicial to Mr. Griswold.
24 And so, we believe that the State has proven beyond a
25 reasonable doubt, with substantial circumstantial evidence,

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1 that he did possess child pornography on three computers.
2 We have -- And so, we don't think that there is a
3 reasonable -- or that there is a high probability of
4 reversal.

5 Concerning the nature of the crime, I understand Mr.
6 Griswold has spoken, your Honor, about his children. The
7 State would be worried that Mr. Griswold is going back into
8 an environment with children. We understand what Mr.
9 Griswold said, and does maintain his innocence. However,
10 we believe that -- that is why we prosecuted this case --
11 that this individual, Mr. Griswold, did have child
12 pornography on three computers over a course of years, and
13 that was proven with facts that those videos did exist on
14 those three systems. So, you place him back into an
15 environment where there are or would be children is very
16 worrisome to the State, if he were to be granted an appeal
17 in this case.

18 As -- concerning the possibility of escape, I think
19 Mr. Atwater and I may disagree about the circumstances
20 leading up to Mr. Griswold's arrest. I know that, pending
21 the investigation in this case, he was here, and then in
22 2007, he was not here in December, when, shortly
23 thereafter, they got arrest warrants at the time. We
24 believe there may be some possibility he may leave the
25 state, or the area. And the character and the (

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1 circumstances of the defendant, I think, the State would
2 have no comment on that. Mr. Atwater stated Mr. Griswold's
3 situation with his -- where he's at and where he's at and
4 where he is living.

5 THE COURT: Anything else, Mr. Atwater?

6 MR. ATWATER: Yes, your Honor. May it please the
7 Court. As it relates to the probability of a reversal of
8 an appeal, that's totally up to the Supreme Court, or Court
9 of Appeals. I think I've raised several issues in this
10 case which the State and I disagree on, and as to --

11 THE COURT: Quite frankly, I'm --- I usually try not
12 to weigh that, because I think -- always think I'm right
13 when I rule -- and so, I don't know the probability of
14 reversal. Although I did comment in this case that I think
15 we're in the twilight zone on some issues, and my -- a
16 couple of those are not as strong as it is in some cases.

17 I'll admit that.

18 MR. ATWATER: Thank you, your Honor. Your Honor, Mr.
19 Griswold is going to return home to his children at some
20 time. He's lived with his wife and a matter of fact the
21 children would have been born since the time that these
22 charges came about. He hasn't -- The State took possession
23 of those items right there in 2007, and they've had them
24 ever since. There's been -- there's no reason to believe
25 in the record or anywhere else whatsoever that he has been

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1 any type of a danger to children, or to -- to anybody out
2 in the public.

3 The State made reference to the fact that he was out
4 of the state for awhile. In 2007, not too long after these
5 things came about, all of the people who live in that
6 residence, obviously, separated from each other, and they
7 went to different places. Mr. Griswold, at the time, was
8 -- had met a young lady who was from Oklahoma, and he went
9 out there with her for a period of time. He wasn't under
10 any charges whatsoever, none. No charges had been brought,
11 no charges had been brought or anything like that. He
12 hadn't heard from anyone from anywhere about charges, or
13 anything like that being brought.

14 Another one of the people from the residence, Mr.
15 Masetti, he moved to Nevada. Aaron has been here since the
16 very outset of this. He came to me right after he was
17 arrested. I told him the nature of the possibility of this
18 since day one, and especially when the second degree
19 charges were pending, as well. And he has stayed here to
20 face the charges, came, your Honor, very -- we are grateful
21 that you allowed him to continue his bond during the trial.
22 You know, if anything started looking bad, he could have
23 gone. There's just no evidence whatsoever that Mr.
24 Griswold's going to go anywhere. He has his family, his
25 wife, and his business here. He doesn't -- he doesn't

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1 desire to go anywhere away from them whatsoever. I just
2 don't think that's -- and -- and the idea that he would
3 harm his own children, I think, is offensive. There's no
4 evidence of it whatsoever.

5 MR. FLORES: Your Honor, if you are inclined to grant
6 Mr. Griswold an appeal bond, we would recommend at least a
7 Two Hundred and seventy thousand dollar bond, surety, with
8 ankle monitoring, GPS.

9 THE COURT: All right. Well, I'm gonna set an appeal
10 bond at Two thousand dollars each. That's forty-seven --
11 no, Fifty-four thousand dollars total. And I'm going to --
12 I'm not going to do the ankle monitoring. I'm not going to
13 do house arrest. But as a condition of the bond, he's to
14 be subject to abide by the conditions applicable to sex
15 offenders, and that those conditions are obtainable and to
16 be attached to the bond. I believe we can get those from
17 probation, or the Attorney General has them. But it's a
18 standard sex offender conditions that would be applicable.

19 MR. ATWATER: Thank you, your Honor.

20 THE COURT: All right. Now I'm -- of course, we're on
21 a holiday weekend. I will be in Spartanburg next week, but
22 as soon as the language is worked out, let me know, and
23 we'll make arrangements to get it executed.

24 MR. ATWATER: Thank you, your Honor.

25 MR. FLORES: Thank you, your Honor.

VERDICT:

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1 THE COURT: Again, I thank everybody for their
2 courtesy. That's it. Everybody have a good Memorial Day.

3 MR. ATWATER: Thank you. You, too.

4 (COURT ADJOURNED AT 03:35 PM.)
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File titles	Description	Length
Kinderfickr Pthc Ptsc Hussyfan I Slo-Mo Cum My Step Doughter Jenniefer Sofie Verne 4Yo In Mouth.avi	little girl performing oral sex on male, he ejaculates into her mouth	1m, 6s
(KINGPASS) NEW! 022 Asian - pthc (tied 8yo Cambodian boom-boom girl fucked + raped by sex-tourist) hussyfan.mpeg	girl bound with duct tape, male rubs his penis on her vagina, has vaginal intercourse with her, someone out of frame takes pictures, two other girls in screen shot naked, other girls begin hitting the girl's vagina, use dildos on her vagina and anus	10m, 0s
1 (7).mpg	very young child sitting in the lap of a clothed male while he rubs her naked vagina, he brings out his penis and rubs it on her vagina, new scene of bound girl being raped from behind, another scene with a clothed girl with no underwear sitting on the lap of a clothed male, another scene of man ejaculating on girls vagina, another of a man straddling a young girl and ejaculating on her mouth, two scenes of men ejaculating on young girls after having sex with them from behind, attempted anal intercourse and ejaculation, another where the man has the girl's rear end toward the ceiling and is straddling her head while attempting to penetrate her vagina	5m, 46s
1 (1).mpg	entitled "only 7", shows naked girl's vagina, a dildo being inserted, then digital penetration while bound with a pole, vaginal intercourse, "sally and her toys", more vibrators and dildos, anal intercourse, "daddy and me at 6", vaginal intercourse, "my daughter at 5", sex from behind, "sweet little sally", more vaginal and anal intercourse, ejaculation on her back, using vibrator, ejaculates in her vagina and she forces out ejaculate	6m, 49s
((hussyfan)) pthc !!!NEW & GOOD Linda0001-1.avi	oral sex by girl with sunglasses on an adult male	5m, 59s
pthc hussyfan!!!NEW Tammy&friends06.avi	sound, naked girls speaking foreign language while undressing, mutual masturbation by the girls, oral sex by one girl on the other, other girls performs oral sex	3m, 32s
Youngvideomodels - Daphne (9yo) - D03 - Best of.avi	sound, wearing string bikini with word "sexy" above her vagina, eating a banana, strokes her vagina while eating banana, in various poses for camera, continuously adjusts lower bikini into labia, spreads buttocks for camera, continuously poses for camera, rubs her vagina	18m, 56s
!!!New!!! (Pthc) stephy (cute 12yo bj) - sound.avi	girl stroking a man's penis and then performing oral sex	33s
!!-New!! 2006 5Yo Lapdance (Pthc From Freenet Frost).avi	clothed female with no underwear, straddling male with wedding ring, he's wearing no underwear, rubs his penis on her vagina, puts lubricant on vagina, strokes his penis, rubs on vagina, ejaculates on vagina	3m, 4s
4 Child Prostitutes 6yo, 7yo, 8yo, 10yo. Svay Pak Cambodia.avi	one girl performing oral sex on man, one girl clothed, two more naked, filming naked girls exposing and touching their vaginas, male spreads labia of girl's vagina and touches her clitoris	5m, 43s



(pthc) Cp-Father fuck 12yo girls-crying-!!!NEW_VHS_6.AVI	girl in shower, man washes her vagina and buttocks, dries her with a towel, she lies down on bed with her legs spread, her rubs her vagina, she performs oral sex, vaginal intercourse, digital penetration, she moves as if she is in pain, new scene where he rubs her vagina, she strokes him, close up of her in tears, more vaginal intercourse	13m, 1s
1 (10).avi	sound, same model "daphne", she is naked with an adult male, she straddles his penis and rubs her vagina on his penis, angle changes, she continues to straddle and rub his penis with her vagina	1m, 30s
Pedofilia - uncle undresses and rapes 12yo niece.mpeg	sound, man undressing girl, rubs her vagina	1m, 2s
((Kingpass))) Cameraman shoots girl 10yo & cums on her PTHC -G- Another Cute Little Moscow Girl.mpg	young girl standing on a bed, takes off her underwear, exposes her bare genital area and buttocks, poses for camera exposing her vagina and anus, she begins to rub her vagina at instruction of cameraman, he touches her vagina and clitoris while she straddles camera, she lies on bed, he begins to touch her legs and vagina, she stands and exposes her vagina to the camera, she is lying down and exposes her vagina to the camera, he spreads open her vagina, he begins to rub his penis over her vagina and on her vagina, it appears to be lubricated, continues to rub his penis on her vagina, he ejaculates on her vagina while rubbing his penis, rubs his ejaculate with his finger on to her vagina	17m, 58s
(Preteens) 9yo preteen childporn - baby roped & sadomaso tortured.mpg	sound, girl takes off underwear, sits and exposes her vagina with her fingers, she has rope tied around her breasts, bound to the ceiling with ropes around her wrists, man begins to fondle her vagina and breasts, blindfolded and bound to a bench, naked man rubs her vagina then places his penis in her mouth	3m, 23s
(PTHC) 7Yo Vera Full (excelente).mpg	opens with title page in cyrillic, girl undresses in the woods, urinates in the woods while naked, spreads apart and exposes her vagina and anus for the camera, still shots of pictures, sits in the trunk of a car and exposes anus and vagina, digital penetration of her anus, seen showing non-erect penis, she begins to stroke the penis with her hand, man's penis becomes erect, she licks his testicles, kisses his penis, performs oral sex on man's penis, man digitally penetrates her anus, rubs her vagina and digitally penetrates her vagina, again digitally penetrates her anus, she strokes his penis near her vagina and anus, more digital penetration of her anus, rubs his penis on her anus, penetration of her anus with his penis, ejaculates	23m, 21s

(Pthc) Indian Girl 10yo Lolita Prostitution.mpg	video entitled "Hindoo 1 part 3" begins with girl lying naked on a sheet with her vagina exposed to the camera, video has sound, a new scene with her partially clothed but genital area exposed, poses for the camera, a new scene with her naked with a vibrator which she uses on her vagina, exposes her vagina to the camera, a man's penis appears in the camera shot and she rubs it on her vagina and strokes it, she speaks while stroking and rubbing his penis, places his penis head at her vaginal opening, she places lubricant on his penis and her vagina, she licks her lips, more rubbing, video ends	11m, 26s
(Pthc) SHOCKING 6YO FUK with sound.mpg	sound, shows man having vaginal intercourse with a girl on a bed, penetrates girl from behind, ejaculates on her back, uses dildo in her anus, she masturbates by placing her fingers in her vagina, ends showing anal intercourse	2m, 59s
(Pthc) TF-BTF-01 - Man Gets In Bed With Hot 7yo.mpg	scene begins with girl covered in bed in her underwear, male begins to fondle girl's vagina and uses her spit to wet his fingers, he continues to rub her clitoris, removes his pants and underwear and forces the girl to engage him in oral sex, she has underwear on, new scene where she is performing oral sex on the male and stroking his penis, he has her lick his testicles, new scene, again uses her spit to wet her vagina, he strokes her body, has her hold her labia open while stroking his penis in front of her vagina, girl performs oral sex, new scene of her masturbating, he rubs her clitoris, more oral sex	13m, 48s
00004625 2yo ass fuck she cries for mommy nasty pthc pedo 1yo 3yo 4yo(1).mpg	sound, male anally penetrating an infant, tells her "good baby", she cries no, he continues to penetrate her while she cries, he ejaculates on her leg	2m, 19s
7yo old Taking Straight Pipe (PTHC).mpg	sound, man vaginally penetrating a girl while she holds his penis, he then holds her over his penis and brings her down for vaginal intercourse	25s
PC VERY GOOD OLD R@yGold!! 9Yo With Family Fuck.mpg	entitled "R@ygold Thefamily1", video depicts a mother with her minor child engaging in sexual activity with a male, the male is sleeping under a blanket naked, the mother performs oral sex on the male then the daughter, the mother undresses and again engages in oral sex, the daughter begins to get undressed, the mother engages in vaginal intercourse with the male while the daughter takes off her underwear, the mother begins to fondle the daughter's vagina, the daughter then straddles the male and rubs her vagina on his penis	7m, 0s

PTHC -G- 4YO Latin girls learning.MPG	sound, begins with young girl, man speaking spanish, she is clothed with a vibrator sitting between her legs, video freezes around 33 seconds (have to skip 5 seconds or video continues frozen), man uses vibrator on girl's anus and vagina, freezes again at 55 seconds (again skip), then more vibrator on vagina and anus, (freezes at 2:00), digital penetration of anus, (freezes again at 2:44); digital penetration of vagina, (freezes at 3:00), man places penis on anus, rubs penis on anus, (freezes at 4:24); rubs penis on vagina, (freezes at 5:15); ejaculates on vagina, (freezes at 5:46)	6m, 33s
(Hussyfan) (Pthc) Vicky 7Yo And 10Yo 69 Pedo Child Porno Lolita.mpg	naked girl performing oral sex on male in 69 position, she moves to man's side and strokes his penis, she is on her stomach and begins to expose her vagina and anus for the camera, she is on her knees while he strokes his penis	14m, 12s
R@YGOLD pthc NEW - Vicky - CumChoke.mpg	sound, man ejaculates in girls mouth, she begins to choke on the ejaculate	31s
Pthc - Hc Pt3, Two little girls playing - Preteen sex with man - Indian Family Sex (22m44s).mpg	sound, like an old VHS film, opens with two girls, one past puberty and one not, they begin to stroke each other's bodies, mutual masturbation of vaginas, older uses vibrator on younger, then switch, new scene, same girls begin to wrestle in bed while clothed, they begin to feel each other's bodies, strip off each other's underwear and fondle each other's vaginas, then they get naked, oral sex by younger on older girl, oral sex by older on younger girl, younger uses vibrator on vagina while older girl fondles her body, younger uses vibrator on older girl's vagina, older girl uses vibrator on younger girl, mutual oral sex in 69 position, brought out to another room where a third girl gets naked and the two older take turns engage in oral sex on the younger, new scene, a male is having vaginal intercourse with a young girl while two other girls hold the third, two then engage in oral sex with the male, one of the girls has her vagina and anus exposed to the camera, a shot of one of the girl's urinating, ends with man ejaculating on anal region of one of the girls	22m, 44s

(PTHC) 4yo to 7yo - Vicky early works.mpg	opens with girl being shown nude pictures, new scene, girl changes clothes on camera, new scene man cradling girl like baby, then sitting on bed with her and showing her nude photos, digitally penetrates her anus, then shows anal intercourse with girl fondling her clitoris, new scene, girl performs oral sex on man, more oral sex, title page "vicky's first taste of cum", he ejaculates in her mouth, new scene, she is in her pajamas and man is wearing boxers, he pulls out his penis and masturbates, has her stroke his penis as well, he masturbates while she holds a towel for him to ejaculate into, new scene, he is fondling her clitoris, oral sex on girl	23m, 33s

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Bookmark Folder**Video Files**

1) 7007-0120\Item 1 Maxtor DiamondMax Plus 9\C\Documents and Settings\Bay Greywood\My Documents\My Videos\Vids\New Folder\1\New Folder\Kinderficker Pthc Ptsc Hussyfan I Slo-Mo Cum My Step Doughter Jenniefer Sofie Verme 4Yo In Mouth.avi
Name Kinderficker Pthc Ptsc Hussyfan I Slo-Mo Cum My Step Doughter Jenniefer Sofie Verme 4Yo In Mouth.avi

Is Deleted Yes

File Created 02/02/07 08:05:42AM

Last Accessed 03/30/07 12:18:56AM

Kinderficker Pthc Ptsc Hussyfan I Slo-Mo Cum My Step Doughter Jenniefer Sofie Verme 4Yo In Mouth.avi

2) 7007-0120\Item 1 Maxtor DiamondMax Plus 9\C\Documents and Settings\Bay Greywood\My Documents\My Videos\Vids\New Folder\1\New Folder\KINGPASS) NEW! 022 Asian - pthc (tied 8yo Cambodian boom-boom girl fucked + raped by sex-tourist) hussyfan.mpeg
Name (KINGPASS) NEW! 022 Asian - pthc (tied 8yo Cambodian boom-boom girl fucked + raped by sex-tourist) hussyfan.mpeg

Is Deleted Yes

File Created 03/10/07 02:00:32AM

Last Accessed 03/30/07 12:17:34AM

(KINGPASS) NEW! 022 Asian - pthc (tied 8yo Cambodian boom-boom girl fucked + raped by sex-tourist) hussyfan.mpeg

4) 7007-0120\Item 1 Maxtor DiamondMax Plus 9\C\Documents and Settings\Bay Greywood\My Documents\My Videos\Vids\New Folder\1\New Folder\1 (7).mpg

Name 1 (7).mpg

Is Deleted Yes

File Created 03/10/07 02:01:00AM

Last Accessed 03/30/07 12:18:18AM

1 (7).mpg

6) 7007-0120\Item 1 Maxtor DiamondMax Plus 9\C\Documents and Settings\Bay Greywood\My Documents\My Videos\Vids\New Folder\1\New Folder\1 (1).mpg

Name 1 (1).mpg

Is Deleted Yes

File Created 03/10/07 02:00:37AM

Last Accessed 03/30/07 12:18:10AM

1 (1).mpg

Search Summary

Hits	First Searched	Last Searched	Search Text
0	06/28/07 01:37:48PM	06/28/07 01:37:48PM	mswin4.1
0	06/28/07 01:37:48PM	06/28/07 01:37:48PM	msdos5.0
0	06/28/07 01:37:48PM	06/28/07 01:37:48PM	ntfs

Case Time Settings

Account for seasonal Daylight Saving Time \ Yes

Convert all dates to correspond to one time zone No

Searching

Status: Completed

Start: 06/28/07 01:37:48PM

Stop: 06/28/07 01:37:48PM

Time: 0:00:00

Files: 1

Search Hits: 0

Added Search Hits: 0

Searching

Status: Completed
Start: 06/28/07 01:38:18PM
Stop: 06/28/07 01:44:18PM
Time: 0:06:00
Files: 72,719
Files scanned: 60,747
Signature mismatches: 7,398

Recovering
Status: Completed
Start: 06/28/07 01:38:34PM
Stop: 06/28/07 02:34:10PM
Time: 0:55:36
Hits found: 12,570

Final Report

Windows Initialize Case

Item 1 Maxtor DiamondMax Plus 9

C

Volume

File System	NTFS	Drive Type	Fixed
Sectors per cluster	8	Bytes per sector	512
Total Sectors	240,107,427	Total Capacity	122,935,001,088 bytes (114.5GB)
Total Clusters	30,013,428	Unallocated	109,047,181,312 bytes (101.6GB)
Free Clusters	26,622,847	Allocated	13,887,819,776 bytes (12.9GB)
Volume Name	 	Volume Offset	63
Serial Number	04CC-1510		
Full Serial Number	-863340597383260912		
Driver Information	NTFS 3.1 (4000)		

Case Info

Investigator Name:

480

Investigator Information:

Investigator Name:
Investigator Street:
Investigator City:
Investigator State:
Investigator Zip:
Investigator Country:
Investigator Phone:
Investigator Agency Name:
Investigator Agency Street:
Investigator Agency City:
Investigator Agency State:
Investigator Agency Zip:
Investigator Agency Country:
Investigator Agency Phone:
Comments

Machine Information:

Description Physical Disk, 240,121,728 Sectors 114.5GB
Acquired_Date 06/21/07 03:00:42PM
FastBloced No
System_Version WINDOWSXP
File_Integrity Completely Verified, 0 Errors
Acquired_Hash B8D734F091E03406298E9CD312DE1EDF
Verify_Hash B8D734F091E03406298E9CD312DE1EDF
File_Path Z:\70070120\ITEM1D~1\Y44SVVPE.E01

Examiner Name: FC Wasiak

Investigator Information:

Examiner Name: FC Wasiak

Examiner Street:

Examiner City:

Examiner State:

Examiner Zip:

Examiner Country:

Examiner Phone:

Examiner Agency Name:

Examiner Agency Street:

Examiner Agency City:

Examiner Agency State:

Examiner Agency Zip:

Examiner Agency Country:

Examiner Agency Phone:

Comments

Chain Of Custody:
Check-In Name:
Check-In Date:
Exam Date:
Number Of Desktops: 0
Desktops Notes:
Number Of Towers: 0
Towers Notes:
Number Of Laptops: 0
Laptops Notes:
Number Of Detached HDs: 0
Detached HDs Notes:
Number Of Floppy-Disks: 0
Floppy-Disks Notes:
Number Of CD-ROMs: 0
CD-ROMs Notes:
Number Of ZIP Disks: 0
ZIP Disks Notes:
Number Of Jazz Disks: 0
Jazz Disks Notes:
Number Of USB Devices: 0
USB Devices Notes:
Number Of Palm Devices: 0
Palm Devices Notes:
Number Of Flash Media: 0
Flash Media Notes:
Number Of Others: 0
Others Notes:

Special Circumstances:

Account Info

User name: Administrator

Full Name:

Type of User: Local User

Account Description: Built-in account for administering the computer/domain

Primary Group Number: 513

Security Identifier: S-1-5-21-606747145-879983540-725345543-500

482 User belongs to group: Administrators
Logon Script:
Profile Path:
Last Logon:
Last Password Change:
Last Incorrect Password Logon:

User name: Bay Greywood

Full Name: Jim
Type of User: Local User
Account Description:
Primary Group Number: 513
Security Identifier: S-1-5-21-606747145-879983540-725345543-1004
User belongs to group: Administrators
Logon Script:
Profile Path: C:\Documents and Settings\Bay Greywood
Last Logon: 06/04/07 08:57:15AM
Last Password Change: 03/05/07 02:19:37AM
Last Incorrect Password Logon:

User name: Guest

Full Name:
Type of User: Local User
Account Description: Built-in account for guest access to the
computer/domain
Primary Group Number: 513
Security Identifier: S-1-0-0-0-0-0-0
User belongs to group: Guests
Logon Script:
Profile Path:
Last Logon:
Last Password Change:
Last Incorrect Password Logon:

User name: HelpAssistant

Full Name: Remote Desktop Help Assistant Account
Type of User: Local User
Account Description: Account for Providing Remote Assistance
Primary Group Number: 513
Security Identifier: S-1-5-21-606747145-879983540-725345543-1000
Logon Script:
Profile Path:
Last Logon:
Last Password Change: 03/05/07 02:07:43AM
Last Incorrect Password Logon:

User name: SUPPORT_388945a

Full Name: CN=Microsoft Corporation,L=Redmond,S=Washington,C=US
Type of User: Local User
Account Description: This is a vendor's account for the Help and Support Service
Primary Group Number: 513
Security Identifier: S-1-5-21-606747145-879983540-725345543-1002
User belongs to group: HelpServicesGroup
Logon Script:
Profile Path:
Last Logon:
Last Password Change: 03/05/07 02:10:12AM
Last Incorrect Password Logon:

User name: systemprofile

Full Name:
Type of User: Domain User
Account Description:
Primary Group Number: 0
Security Identifier: S-1-5-18
Logon Script:
Profile Path: WINDOWS\system32\config\systemprofile
Last Logon:
Last Password Change:
Last Incorrect Password Logon:

484 User name: LocalService

Full Name:
Type of User: Domain User
Account Description:
Primary Group Number: 0
Security Identifier: S-1-5-19
Logon Script:
Profile Path: C:\Documents and Settings\LocalService
Last Logon:
Last Password Change:
Last Incorrect Password Logon:

User name: NetworkService

Full Name:
Type of User: Domain User
Account Description:
Primary Group Number: 0
Security Identifier: S-1-5-20
Logon Script:
Profile Path: C:\Documents and Settings\NetworkService
Last Logon:
Last Password Change:
Last Incorrect Password Logon:

OS Info

Product Name: Microsoft Windows XP
Current Version: 5.1
Registered Owner: Bay Greywood
Registered Organization:
System Root: C:\WINDOWS
Current Build Number: 2600
Path Name: C:\WINDOWS
Product ID: 76475-017-8138116-21079
Last Service Pack: Service Pack 2
Product Key:
VersionNumber:
Source Path: D:\I386
Install Date: 03/05/07 02:13:14AM

Last Shutdown Time: 06/04/07 09:09:53PM

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TimeZone Info

Current control set is 001
Default control set is 001
Failed control set is 000
LastKnownGood control set is 002
Standard time bias is -5:00 hours offset from GMT.
StandardName: Eastern Standard Time
Standard time is set to change the Standard bias by 0 minutes.
Standard time is set to change on Sunday of the 5th week of October,
at 02:00 hours.
DaylightName: Eastern Daylight Time
Daylight savings is set to change the Standard bias by 60 minutes.
Daylight savings time is set to change on Sunday of the 1st week of
April, at 02:00 hours.
Active time bias is -4:00 hours offset from GMT.
The current time setting is -4:00 hours offset from GMT.
The offset must be either added or subtracted from GMT depending on
the time zone location

Name: Item 1 Maxtor DiamondMax Plus 9
ActualDate: 06/21/07 03:00:42PM
TargetDate: 06/21/07 03:00:42PM
FilePath: Z:\70070120\ITEM1D~1\Y44SVVPE.E01
Case Number: 70070120
Evidence Number: Y44SVVPE
Examiner Name: Tony Pantsari
Notes:
Drive Type: DRIVEFIXED
File Integrity: Completely Verified, 0 Errors
Acquisition Hash: B8D734F091E03406298E9CD312DE1EDF
Verify Hash: B8D734F091E03406298E9CD312DE1EDF
EnCase Version: 5.05g
System Version: Windows XP
Fastblocced: No
Is Physical: Yes
Compression: Best
Total Sectors: 240121728

Volume

File System	NTFS	Drive Type	Fixed
Sectors per cluster	8	Bytes per sector	512
Total Sectors	240,107,427	Total Capacity	122,935,001,088 bytes (114.5GB)

486

Total Clusters	30,013,428	Unallocated	109,047,181,312 bytes (101.6GB)
Free Clusters	26,622,847	Allocated	13,887,819,776 bytes (12.9GB)
Volume Name	 	Volume Offset	63
Serial Number	04CC-1510		
Full Serial Number	-863340597383260912		
Driver Information	NTFS 3.1 (4000)		

Bookmark Folder**Video Files**

2) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\((hussyfan)) pthc !!!NEW & GOOD Linda0001-1.avi
Name ((hussyfan)) pthc !!!NEW & GOOD Linda0001-1.avi
Is Deleted No
File Created 05/14/07 11:04:40AM
Last Accessed 05/14/07 11:04:40AM

[\(\(hussyfan\)\) pthc !!!NEW & GOOD Linda0001-1.avi](#)

3) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\pthc hussyfan!!!NEW Tammy&friends06.avi
Name pthc hussyfan!!!NEW Tammy&friends06.avi
Is Deleted No
File Created 05/14/07 10:54:07AM
Last Accessed 05/14/07 10:54:07AM

pthc hussyfan!!!NEW Tammy&friends06.avi

5) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\Youngvideomodels - Daphne (9yo) - D03 - Best of.avi
Name Youngvideomodels - Daphne (9yo) - D03 - Best of.avi
Is Deleted No
File Created 03/30/07 02:35:23PM
Last Accessed 03/30/07 02:35:23PM

Youngvideomodels - Daphne (9yo) - D03 - Best of.avi

6) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\!!!New!!! (Pthc) stephy (cute 12yo bj) - sound.avi
Name !!!New!!! (Pthc) stephy (cute 12yo bj) - sound.avi
Is Deleted No

File Created 03/30/07 02:34:02PM

Last Accessed 03/30/07 02:34:02PM

!!!New!!! (Pthc) stephy (cute 12yo bj) - sound.avi

7) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\Kinderficker Pthc Ptsc Hussyfan I Slo-Mo Cum My Step Doughter Jenniefer Sofie Verme 4Yo In Mouth.avi

Name Kinderficker Pthc Ptsc Hussyfan I Slo-Mo Cum My Step Doughter Jenniefer Sofie Verme 4Yo In Mouth.avi

Is Deleted No

File Created 03/30/07 02:35:10PM

Last Accessed 03/30/07 02:35:10PM

Kinderficker Pthc Ptsc Hussyfan I Slo-Mo Cum My Step Doughter Jenniefer Sofie Verme 4Yo In Mouth.avi

8) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\!!-New-!! 2006 5Yo Lapdance (Pthc From Freenet Frost).avi

Name !!-New-!! 2006 5Yo Lapdance (Pthc From Freenet Frost).avi

Is Deleted No

File Created 03/30/07 02:34:03PM

Last Accessed 03/30/07 02:34:03PM

!!-New-!! 2006 5Yo Lapdance (Pthc From Freenet Frost).avi

9) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\4 Child Prostitutes 6yo, 7yo, 8yo, 10yo. Svay Pak Cambodia.avi
Name 4 Child Prostitutes 6yo, 7yo, 8yo, 10yo. Svay Pak Cambodia.avi
Is Deleted No
File Created 03/30/07 02:35:04PM
Last Accessed 03/30/07 02:35:04PM

4 Child Prostitutes 6yo, 7yo, 8yo, 10yo, Svay Pak Cambodia.avi

10) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\(\pthc) Cp-Father fuck 12yo girls-crying-!!!NEW_VHS_6.AVI
Name (\pthc) Cp-Father fuck 12yo girls-crying-!!!NEW_VHS_6.AVI
Is Deleted No
File Created 03/30/07 02:34:25PM
Last Accessed 03/30/07 02:34:25PM

(pthc) Cp-Father fuck 12yo girls-crying-!!!NEW VHS 6.AVI

11) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New
Folder\1\New Folder\1 (10).avi
Name 1 (10).avi
Is Deleted No
File Created 03/30/07 02:34:47PM
Last Accessed 03/30/07 02:34:47PM

1_10).avi

12) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\Pedofilia - uncle undresses and rapes 12yo niece.mpeg
Name Pedofilia - uncle undresses and rapes 12yo niece.mpeg
Is Deleted No
File Created 03/30/07 02:35:15PM
Last Accessed 03/30/07 02:35:15PM

Pedofilia - uncle undresses and rapes 12yo niece.mpeg

13) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\KINGPASS) NEW! 022 Asian - pthc (tied 8yo Cambodian boom-boom girl fucked + raped by sex-tourist) hussyfan.mpeg
Name (KINGPASS) NEW! 022 Asian - pthc (tied 8yo Cambodian boom-boom girl fucked + raped by sex-tourist) hussyfan.mpeg
Is Deleted No
File Created 03/30/07 02:34:17PM
Last Accessed 03/30/07 02:34:17PM

(KINGPASS) NEW! 022 Asian - pthc (tied 8yo Cambodian boom-boom girl fucked + raped by sex-tourist) hussyfan.mpeg

15) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\1 (1).mpg
Name 1 (1).mpg
Is Deleted No
File Created 03/30/07 02:34:43PM
Last Accessed 03/30/07 02:34:43PM

1 (1).mpg

16) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\(((Kingpass))) Cameraman shoots girl 10yo & cums on her PTHC -G- Another Cute Little Moscow Girl.mpg
Name (((Kingpass))) Cameraman shoots girl 10yo & cums on her PTHC -G- Another Cute Little Moscow Girl.mpg
Is Deleted No
File Created 03/30/07 02:34:08PM
Last Accessed 03/30/07 02:34:08PM

(((Kingpass))) Cameraman shoots girl 10yo & cums on her PTHC -G- Another Cute Little Moscow Girl.mpg

17) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\Preteens) 9yo preteen childporn - baby roped & sadomaso tortured.mpg
Name (Preteens) 9yo preteen childporn - baby roped & sadomaso tortured.mpg
Is Deleted No
File Created 03/30/07 02:34:19PM
Last Accessed 03/30/07 02:34:19PM

(Preteens) 9yo preteen childporn - baby roped & sadomaso tortured.mpg

18) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\PTHC) 7Yo Vera Full (excelente).mpg
Name (PTHC) 7Yo Vera Full (excelente).mpg
Is Deleted No
File Created 03/30/07 02:34:24PM
Last Accessed 03/30/07 02:34:24PM

(PTHC) 7Yo Vera Full (excelente).mpg

19) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\Pthc) Indian Girl 10yo Lolita Prostitution.mpg
Name (Pthc) Indian Girl 10yo Lolita Prostitution.mpg
Is Deleted No
File Created 03/30/07 02:34:28PM
Last Accessed 03/30/07 02:34:28PM

(Pthc) Indian Girl 10yo Lolita Prostitution.mpg

20) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\ (Pthc) SHOCKING 6YO FUK with sound.mpg
Name (Pthc) SHOCKING 6YO FUK with sound.mpg
Is Deleted No
File Created 03/30/07 02:34:31PM
Last Accessed 03/30/07 02:34:31PM

(Pthc) SHOCKING 6YO FUK with sound.mpg

21) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\ (Pthc) TF-BTF-01 - Man Gets In Bed With Hot 7yo.mpg
Name (Pthc) TF-BTF-01 - Man Gets In Bed With Hot 7yo.mpg
Is Deleted No
File Created 03/30/07 02:34:31PM
Last Accessed 03/30/07 02:34:31PM

(Pthc) TF-BTF-01 - Man Gets In Bed With Hot 7yo.mpg

22) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\00004625 2yo ass fuck she cries for mommy nasty pthc pedo 1yo 3yo 4yo(1).mpg
Name 00004625 2yo ass fuck she cries for mommy nasty pthc pedo 1yo 3yo 4yo(1).mpg
Is Deleted No
File Created 03/30/07 02:34:42PM
Last Accessed 03/30/07 02:34:42PM

00004625 2yo ass fuck she cries for mommy nasty pthc pedo 1yo 3yo 4yo(1).mpg

23) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\1 (7).mpg
Name 1 (7).mpg
Is Deleted No
File Created 03/30/07 02:34:52PM
Last Accessed 03/30/07 02:34:52PM

1 (7).mpg

24) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\7yo old Taking Straight Pipe (PTHC).mpg
Name 7yo old Taking Straight Pipe (PTHC).mpg
Is Deleted No
File Created 03/30/07 02:35:05PM
Last Accessed 03/30/07 02:35:05PM

7yo old Taking Straight Pipe (PTHC).mpg

25) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\PC VERY GOOD OLD R@yGold!! 9Yo With Family Fuck.mpg
Name PC VERY GOOD OLD R@yGold!! 9Yo With Family Fuck.mpg
Is Deleted No
File Created 03/30/07 02:35:11PM
Last Accessed 03/30/07 02:35:11PM

PC VERY GOOD OLD R@yGold!! 9Yo With Family Fuck.mpg

26) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\PTHC -G- 4YO Latin girls learning.MPG
Name PTHC -G- 4YO Latin girls learning.MPG
Is Deleted No
File Created 03/30/07 02:35:17PM
Last Accessed 03/30/07 02:35:17PM

PTHC -G- 4YO Latin girls learning.MPG

27) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\Hussyfan) (Pthc) Vicky 7Yo And 10Yo 69 Pedo Child Porno Lolita.mpg
Name (Hussyfan) (Pthc) Vicky 7Yo And 10Yo 69 Pedo Child Porno Lolita.mpg
Is Deleted No
File Created 05/19/07 01:13:46PM
Last Accessed 05/19/07 01:13:46PM

(Hussyfan) (Pthc) Vicky 7Yo And 10Yo 69 Pedo Child Porno Lolita.mpg

28) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\R@YGOLD pthc NEW - Vicky - CumChoke.mpg
Name R@YGOLD pthc NEW - Vicky - CumChoke.mpg
Is Deleted No
File Created 05/19/07 01:13:55PM
Last Accessed 05/19/07 01:13:55PM

R@YGOLD pthc NEW - Vicky - CumChoke.mpg

29) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\Pthc - Hc Pt3 Two little girls playing - Preteen sex with man - Indian Family Sex (22m44s).mpg
Name Pthc - Hc Pt3 Two little girls playing - Preteen sex with man - Indian Family Sex (22m44s).mpg
Is Deleted No
File Created 05/14/07 11:00:20AM
Last Accessed 05/14/07 11:00:20AM

Pthc - Hc Pt3 Two little girls playing - Preteen sex with man - Indian Family Sex (22m44s).mpg

30) 70070120\Item 3 Western Digital WD2500JS-75NCB3\E\Users\Bay\Videos\Vids\New Folder\1\New Folder\ (PTHC) 4yo to 7yo - Vicky early works.mpg
Name (PTHC) 4yo to 7yo - Vicky early works.mpg
Is Deleted No
File Created 05/21/07 01:07:23PM
Last Accessed 05/21/07 01:07:23PM

(PTHC) 4yo to 7yo - Vicky early works.mpg

Notable Images

