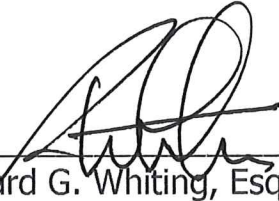




Return contains errors of fact and an unlikely description of events supporting Respondent's position concerning the requested relief which are not supported by forensic record as set forth in the attached Affidavit of Mr. Abrams. Petitioner herein moves for that relief requested in her Motion for Reconsideration based upon the initial Affidavit and Supplemental Affidavit of Mr. Abrams, Petitioner's retained digital and forensic cyber law expert.

For the foregoing reasons and based upon that expert opinion as set forth in Mr. Abrams' Affidavit and Supplemental Affidavit, Petitioner requests that this court issue its order granting that initial relief sought by Petitioner and suppressing any use of all information contained in the unlawfully obtained electronic communication.

Respectfully submitted,



---

Richard G. Whiting, Esquire  
Attorney for Petitioner  
SC Bar No. 6078  
1515 Lady Street (29201)  
Post Office Box 7877  
Columbia, SC 29201  
803.256.9067  
[dick.whiting@whitinglawsc.com](mailto:dick.whiting@whitinglawsc.com)

October 15, 2020

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF BERKELEY )  
 )  
**BRYAN R. TERRELL,** )  
 )  
Plaintiff, )  
vs. )  
 )  
**RYAN E. TERRELL,** )  
Defendant. )  
\_\_\_\_\_ )

IN THE FAMILY COURT  
NINTH JUDICIAL CIRCUIT

**AFFIDAVIT OF STEVEN M. ABRAMS, JD, MS**

Docket No.: 2019-DR-08-1653

**PERSONALLY** appeared before me the undersigned who being duly sworn says as follows:

**Background**

1. My Name is Steven Marc Abrams. I am a licensed attorney in South Carolina, New York, and Washington, DC. My field of concentration is digital forensics and cyber law. My office address is 1154 Holly Bend Drive, Mount Pleasant, South Carolina 29466. My office phone number is (843) 216-1100. My CV and credentials were addressed fully in my first affidavit in the above captioned matter filed on September 23, 2020.
2. I was retained as a digital forensics' expert for Ryan E. Terrell, the Defendant/Petitioner in the above captioned matter.
3. In preparation for this affidavit I reviewed Respondent's Return to Petitioner's Motion for Reconsideration and performed additional digital forensics on the image of Petitioner's iPhone produced by Jeremy Gilbert.
4. Having read Respondent's Return I find it contains errors of fact and an unlikely description of events supporting his position regarding the requested relief that are not supported by the forensic record recovered from the iPhone as I will fully explain below.
5. In his Return, Respondent states that it was the receipt of the final message on the phone at "00:04:48" UTC that alerted him to the message traffic on the phone. In Respondent's Return it is claimed that this UTC time equates to "9:04:48 ECT", and that the child was

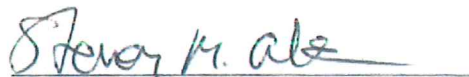
in bed. This statement by Respondent is patently false, as 00:04:48 UTC equates to 8:04:48 EDT. EDT is 4 hours behind UTC. Daylight saving time 2019 in South Carolina began at 2:00 AM on Sunday, March 10. **Thus, as a matter of fact beyond a scientific certainty, at 00:04:48 UTC on May 1, 2019, it was 8:04 PM EDT on April 30, 2019, in South Carolina, not 9:04 PM as stated by Respondent in his Return.**

6. I have reexamined the iPhone image since my first affidavit in light of Respondent's Return and found the following facts that seem to refute the premise under which Respondent confiscated and examined the iPhone, to wit:
7. The forensic record establishes that minor child obtained the phone on April 29, 2019 and engaged in a series of text messages with Petitioner regarding the phone. At 4:43PM (EDT) the boy acknowledges that he got everything working on the phone except that Petitioner's photos were still on the phone. She replies at 4:45PM, "OK we can delete those. It should have done it with the reset." This exchange establishes two things, first the phone was being used by the boy on April 29, 2019, and second, that Petitioner believed (and intended) for her reset to have deleted all her content, including pictures, from the phone before the boy began using it. It was not her intent for the boy to have access to her media content on the iPhone. This message exchange is in the new forensics report which is appended to this affidavit.
8. On April 29, 2019 at 4:33PM (EDT) the phone connected to a new WIFI system that it had not previously seen. The SSID of the WIFI system was "Brad". This indicates that the phone was no longer in Petitioner's residence as of 4:33PM on April 29, 2019. This evidence is also in the new forensic report appended to this affidavit.
9. The message traffic on April 29, 2019 continued back and forth between Petitioner and her son until he sent his final reply at 7:54PM (EDT). Petitioner sent three more messages


until 7:59PM without any reply by her son. And then at 11:02 PM she sent another message to her son with instructions to get a t-shirt from the house and to lock the garage door. It is not responded to either. The following day, April 30, 2019, from 8:02 PM (EDT) until 8:04 PM Petitioner sent three more messages, also without a reply from her son. In all there were at least seven messages sent by Petitioner to the iPhone between April 29 and April 30, 2019 from which the forensic record indicates there was no reply. Given that the previous message traffic on the phone indicates a set pattern and practice of the son to reply quickly to his mother's texts, it seems odd that he would abruptly stop replying to Petitioner's requests as occurred at 7:54 PM EDT on April 29, 2019.

10. If Respondent confiscated the iPhone from the boy in the evening of April 29, or sometime on April 30, that would explain why uncharacteristically there are no reply messages from the boy to his mother's several unanswered inbound messages.
11. Further, my understanding of the law and its interpretation in South Carolina, is that if, during that period from April 29 to May 1, 2019, Respondent read any or all of the inbound messages from Petitioner as they were being received on the phone, that it would constitute an interception (or series of interceptions).

**FURTHER THE AFFIANT SAYETH NOT!**

  
Steven Marc Abrams, J.D., M.S.

**SWORN TO AND SUBSCRIBED BEFORE ME THIS**  
13<sup>th</sup> DAY OF October, 2020.

  
NOTARY PUBLIC FOR SOUTH CAROLINA  
MY COMMISSION EXPIRES: March 18, 2024



**A Cellebrite Company+**

## Terrell iPhone Digital Forensics Report

## Case Information

<b>Case Name</b>	Terrell 1
<b>Case Number</b>	
<b>Report Date</b>	2020-10-13
<b>Examiner Name</b>	Steven M Abrams, JD MS
<b>Examiner Title</b>	Terrell iPhone from Jeremy Gilbert
<b>Examiner Company</b>	Abrams Cyber Law & Forensics LLC
<b>Examiner Address</b>	PO Box 305 Sullivans Island, SC 29482
<b>Examiner Email</b>	steve@abramscyberlaw.com
<b>Examiner Phone</b>	8432161100
<b>Examiner Fax</b>	8432785107

## Contents

<b>Case Information</b>	<u>Case Information</u>
<b>Device</b>	<u>iPhone -- (Evidence ID: iPhone - 001)</u>
<b>Tag</b>	<u>Intercepted iMessage</u>
<b>Tag</b>	<u>Intercepted Message on 5/1/2019</u>
<b>Tag</b>	<u>Screenshot 4-29-19</u>
<b>Tag</b>	<u>ssid BRAD on 4 29 19</u>
<b>Tag</b>	<u>messages 4 29 and after</u>

## Device: iPhone -- (Evidence ID: iPhone - 001)

**Path** F:\Terrell\_iPhone\case\Terrell  
1.BlackLight\Partitions\1FDFA05C0B83B437291AC7500FF01275\1FDFA05C0B83B437291  
AC7500FF01275\Files\  
**Type** CellebriteArchiveEncrypted  
**Sector Size** 512

### Initial BlackLight Case Version

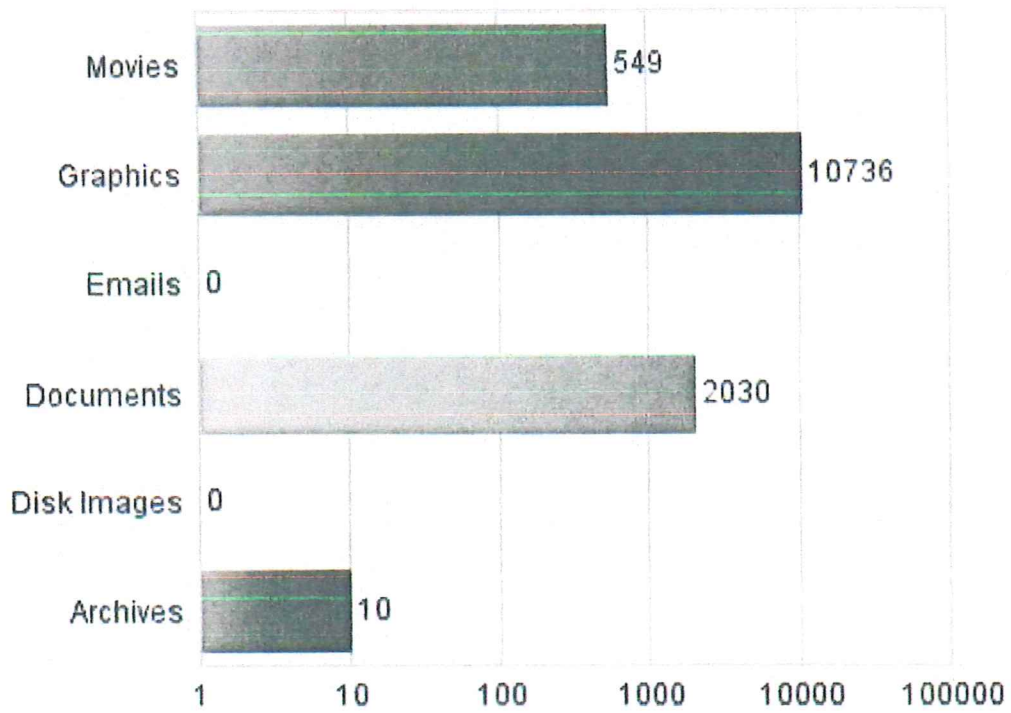
BlackLight 2020 Release 1

[Back to top](#)

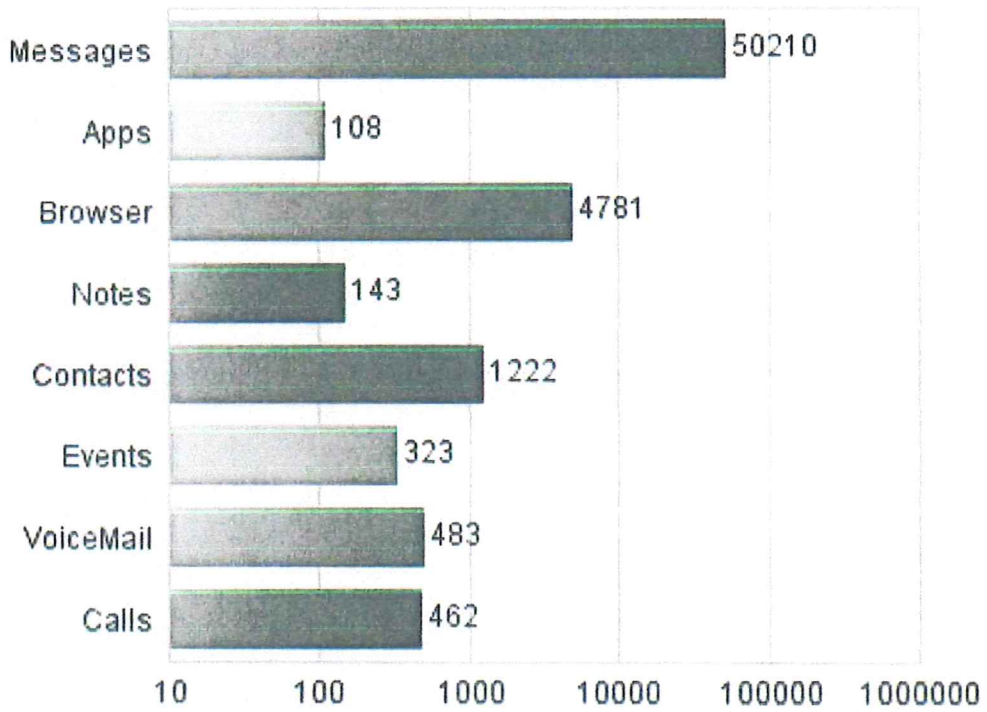
<b>Name</b>	iPhone
<b>Snapshot</b>	Not Available
<b>Snapshot Date</b>	Not Available
<b>Model Version</b>	iPhone XR
<b>Carrier</b>	Not Available
<b>Capacity</b>	Not Available
<b>Phone Number</b>	(843) 990-0292
<b>Data Available</b>	Not Available
<b>Data Used</b>	Not Available
<b>OS Version</b>	12.2
<b>Product Type</b>	iPhone11,8
<b>Model Number</b>	N841AP
<b>Firmware Version</b>	Not Available
<b>Serial Number</b>	C8PXGCARKXKW
<b>UDID</b>	00008020-000449122128002E
<b>IMEI</b>	357331090571637
<b>IMSI</b>	310410837074280
<b>ICCID</b>	89014103278370742804
<b>WiFi Address</b>	Not Available
<b>Bluetooth MAC Address</b>	Not Available
<b>Time Zone</b>	Not Available
<b>Jailbroken</b>	False
<b>Password</b>	1234

<b>Volume Name</b>	iPhone
<b>Partition Type</b>	Directory
<b>File System</b>	CellebriteArchiveEncrypted
<b>OS Version</b>	
<b>OS Install Date</b>	
<b>Identifier</b>	
<b>Root File Create Date</b>	
<b>Root File Modify Date</b>	
<b>Root File Accessed Date</b>	
<b>File Count</b>	14126
<b>Folder Count</b>	12058
<b>Sector Size</b>	
<b>Sector Count</b>	
<b>Total Size</b>	
<b>Space Used</b>	
<b>Space Available</b>	
<b>Block Sector Count</b>	
<b>Last File ID</b>	26184
<b>Write Count</b>	

### Application Artifacts



### Device Artifacts



[Back to top](#)

## Intercepted iMessage

### Narrative

Message sent by Defendant to her sons. Copied by Husband's Agent before being read by intended Recipient.

Tag: Intercepted iMessage (1-1 of 1)

### Message

iMessage

2019-05-01 00:04:48 (UTC) [1]

Sender: Mama ( (843) 442-3295 )

Participants: Mama ( (843) 442-3295 ), Sam Terrell ( (843) 329-2280 ), Self ( (843) 990-0292 )

### Notes

[1] Source Device

iPhone/iPhone

[1] Source File

/mobile/Library/SMS/sms.db

## Intercepted Message on 5/1/2019

### Narrative

Final two messages before iPhone was imaged,  
first one was read,  
second one was not - eg intercepted.

Tag: Intercepted Message on 5/1/2019 (1-2 of 2)

	Plugin
Source Device	iPhone/iPhone
Path	/mobile/Library/SMS/sms.db
rowid	49733
MESSAGE DATE	2019-05-01 00:04:47
DATE DELIVERED	N/A
DATE READ	2019-05-01 00:14:26
MESSAGE	Garrobo grande
CONTACT ID	+18434423295
SERVICE	iMessage
ACCOUNT	p:+18439900292
IS DELIVERED	1
IS FROM ME	0
FILENAME	~/Library/SMS/Attachments/b8/08/B0789913-6DF0-4C9F-8F41-684CCDF7C0AC/IMG_0033.jpeg
MIME TYPE	image/jpeg
TRANSFER TYPE	IMG_0033.jpeg
TOTAL BYTES	3541995
Source File	<u>/mobile/Library/SMS/sms.db</u>

	Plugin
Source Device	iPhone/iPhone
Path	/mobile/Library/SMS/sms.db
rowid	49732
MESSAGE DATE	2019-05-01 00:04:48
DATE DELIVERED	N/A
DATE READ	N/A
CONTACT ID	+18434423295
SERVICE	iMessage
ACCOUNT	P: +18439900292
IS DELIVERED	0
IS FROM ME	0
Source File	<u>/mobile/Library/SMS/sms.db</u>

## Screenshot 4-29-19

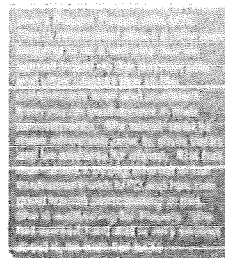
### Narrative

This screenshot created prior to taking phone to Jeremy Gilbert. 4/29/19 was earliest use of phone by HT and first opportunity he had to take phone to Plaintiff's house.

Tag: Screenshot 4-29-19 (1-1 of 1)

### Picture

Source Device	iPhone/iPhone
Name	PreviewWellImage.tiff
Path	/mobile/Media/PhotoData/MISC/PreviewWellImage.tiff
Size	47070 (46.0 KB)
Dimensions	125 x 125
BBT ID	12074
File System ID	7452
Size On Disk	47070
Extension	tiff
Content Extension	TIFF
Date Created	2019-04-29 20:50:23 (UTC)
Date Modified	2019-04-29 20:50:23 (UTC)
File System Offset	UTC
fsType	CellebriteArchiveEncrypted
Directory	False
Visible	True
Locked	False
Owner ID	0
Group ID	0
Permissions	0000
Entropy	0.
Fork Count	1
Hash:1:MD5	DF27EF245CC50D8AB4748024C02F2121
Hash Set Category	
Hidden	false
IOS Hidden Item	False
Skin Tone	0
Dimensions	125 x 125
Colors	RGB
Aspect Ratio	1:1
Megapixels	0.015625
DPI	-9223372036854775808
Format	TIFF
Extremism	0.005956
Thumbnail	



File purchased from me. You must  
agree to follow this agreement.

Source File

[/mobile/Media/PhotoData/MISC/PreviewWellImage.tiff](#)

## ssid BRAD on 4 29 19

Tag: ssid BRAD on 4 29 19 (1-1 of 1)

### Network History

SSID	BSSID	Strength	Security	Last Joined	Last Auto Joined
// Brad	24:a2:e1:eb:79:d4	81%	Open		2019-04-29 20:33:31 (UTC)

#### Notes

[1] Source Device

iPhone/iPhone

[1] Source File

/preferences/SystemConfiguration/com.apple.wifi.plist

messages 4 29 and after

Tag: messages 4 29 and after (1-24 of 24)

Message

iMessage  
2019-04-29 20:42:43 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Phone up? Where are you? [↶ top](#)

iMessage  
[1] 2019-04-29 20:42:58 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Yes at Blake's

iMessage  
2019-04-29 20:43:00 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Did you get my message about the t shirt?

iMessage  
[1] 2019-04-29 20:43:14 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

No

iMessage  
2019-04-29 20:43:30 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Ok. I sent you a message asking you to get Della's t shirt for her field trip if you are back at home

iMessage  
[1] 2019-04-29 20:43:54 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Also I got everything working except it still has your photos which is really annoying.

iMessage  
2019-04-29 20:45:37 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Ok we can delete those. It should have done it with the reset

iMessage  
[1] 2019-04-29 20:45:46 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Hold on can you accept a request for bitmoji.

iMessage  
[1] 2019-04-29 20:46:28 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Can you?

iMessage  
[1] 2019-04-29 20:47:08 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Alright

iMessage  
2019-04-29 20:52:57 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

I didn't see it

iMessage  
[1] 2019-04-29 20:53:20 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Because I was asking if you would or not.

iMessage  
[1] 2019-04-29 20:53:31 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

I'll send it now

iMessage  
2019-04-29 20:53:32 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Ok. You can send it

iMessage  
[1] 2019-04-29 20:56:02 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

Nevermind not working right now

iMessage  
2019-04-29 23:45:06 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

I love you. I wish I could be there for your concert!

iMessage  
[1] 2019-04-29 23:54:52 (UTC)  
Sender: Self ( (843) 990-0292 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

It was awesome wish you could be here too!

iMessage  
2019-04-29 23:58:34 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

✂

iMessage  
2019-04-29 23:58:42 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

**Is the garage door closed?**

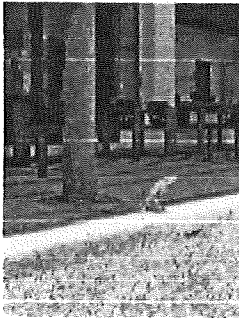
iMessage  
2019-04-29 23:59:50 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

**So concert just ended? We are in the same time zone but they don't follow Daylight Savings Time here, so we are an hour behind**

iMessage  
2019-04-30 00:02:29 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Self ( (843) 990-0292 )

**If not, please ask to go by the house and get Bean's t shirt out of her white dresser drawer and close the garage door from inside the garage and lock the house from the front door. Bc no one will be back there until Wednesday afternoon**

iMessage  
2019-05-01 00:04:47 (UTC) [1][2]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Sam Terrell ( (843) 329-2280 ), Self ( (843) 990-0292 )



iMessage  
2019-05-01 00:04:47 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Sam Terrell ( (843) 329-2280 ), Self ( (843) 990-0292 )

**Garrobo grande**

iMessage  
2019-05-01 00:04:48 (UTC) [1]  
Sender: Mama ( (843) 442-3295 )  
Participants: Mama ( (843) 442-3295 ), Sam Terrell ( (843) 329-2280 ), Self ( (843) 990-0292 )

**Notes** [1] Source Device [1] Source File

iPhone/iPhone  
[/mobile/Library/SMS/sms.db](#)

[2] Associated File

[/mobile/Library/SMS/Attachments/b8/08/B0789913-6DF0-4C9F-8F41-684CCDF7C0AC/IMG\\_0033.jpeg](/mobile/Library/SMS/Attachments/b8/08/B0789913-6DF0-4C9F-8F41-684CCDF7C0AC/IMG_0033.jpeg)

THE STATE OF SOUTH CAROLINA  
In the Court of Appeals

---

APPEAL FROM BERKELEY COUNTY  
Family Court

---

**RECEIVED**

**Oct 15 2020**

**SC Court of Appeals**

Family Court Case No. 2019-DR-08-1653

Appellate Case No.

---

Ryan E. Terrell,

Petitioner,

v.

Bryan R. Terrell,

Respondent.

---

**PROOF OF SERVICE**

---

I certify that I have served the foregoing Reply to Return to Motion for Reconsideration (with attachment) via email on October 15, 2020 to the following addresses:

Mary J. Murray, Esquire  
56 Folly Rd. Blvd.  
Charleston, SC 29406  
[mjmurray@lawyershmp.com](mailto:mjmurray@lawyershmp.com)

Maria Averill, Esquire  
895 Island Park Drive, Suite 202  
Daniel Island, SC 29492  
[maria@averilllawfirm.com](mailto:maria@averilllawfirm.com)

F. P. Segars-Andrews, Esquire  
755 Johnnie Dodd Blvd., Suite 100  
Mt. Pleasant, SC 29464  
[charlie@mandrewsmediation.com](mailto:charlie@mandrewsmediation.com)

Lori D. Stoney, Esquire  
755 Johnnie Dodd Blvd., Suite 100  
Mt. Pleasant, SC 29464  
[lori@mandrewsmediation.com](mailto:lori@mandrewsmediation.com)

Honorable Leah Guerry Dupree  
Post Office Box 219  
Moncks Corner, SC 29461  
[Leah.Dupree@Berkeleycountysc.gov](mailto:Leah.Dupree@Berkeleycountysc.gov)



---

Richard G. Whiting, Esquire  
Attorney for Petitioner  
SC Bar No. 6078  
1515 Lady Street (29201)  
Post Office Box 7877  
Columbia, SC 29201  
803.256.9067  
[dick.whiting@whitinglawsc.com](mailto:dick.whiting@whitinglawsc.com)

October 15, 2020

LAW OFFICES OF  
**RICHARD G. WHITING**  
A PROFESSIONAL ASSOCIATION  
1515 LADY STREET  
POST OFFICE BOX 7877  
COLUMBIA, SOUTH CAROLINA 29202

TELEPHONE (803) 256-9067  
FACSIMILE (803) 256-0223  
dick.whiting@whitinglawsc.com

October 15, 2020

**VIA MICROSOFT ONE DRIVE**

The Honorable Jenny Abbot Kitchings  
South Carolina Court of Appeals  
1015 Sumter Street  
Post Office Box 11629  
Columbia, SC 29211

**RECEIVED**  
**Oct 15 2020**  
**SC Court of Appeals**

RE: Bryan R. Terrell v. Ryan E. Terrell  
Civil Action No. 2019-DR-08-1653

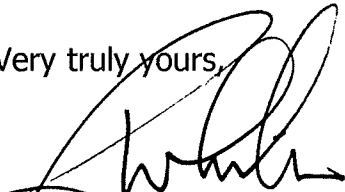
Dear Ms. Kitchings:

Enclosed please find Petitioner's Reply to Respondent's Return to Petitioner's Motion for Reconsideration. By copy of this correspondence via email I am also serving copies of this motion on attorney for Respondent, the Guardian ad Litem, co-attorneys for Petitioner, and the trial court. Also enclosed is a check for the filing fees for this Motion.

If anything else is needed, please do not hesitate to contact my office.

With kindest regards, I am,

Very truly yours,



Richard G. Whiting

/klh

enclosures

cc: Mary J. Murray, Esquire, Attorney for Respondent (via email)  
Maria Averill, Esquire, Guardian ad Litem (via email)  
F. P. Segars-Andrews, Esquire, Attorney for Petitioner (via email)  
Lori D. Stoney, Esquire, Attorney for Petitioner (via email)  
Berkeley County Clerk of Court (via email)

FELLOW, AMERICAN ACADEMY OF MATRIMONIAL LAWYERS

CERTIFIED FAMILY COURT MEDIATOR