

STATE OF WYOMING)
)
COUNTY OF LARAMIE)

AFFIDAVIT OF NICOLE BAILEY

COMES NOW Nicole Bailey, being of lawful age and having first been duly sworn and hereby states and deposes as follows:

1. Your Affiant is employed as a Special Agent with the Department of Homeland Security, Immigration and Customs Enforcement, and at all times mentioned herein was acting in that official capacity.

2. In the summer and fall of 2006 your Affiant was assigned to the Wyoming Internet Crimes Against Children (ICAC) task force. As part of your Affiant's duties and responsibilities with that organization she was assigned to investigate a case involving Nathaniel Solon.

3. On September 21, 2006, your Affiant applied for and executed a federal search warrant authorizing a search of Nathaniel Solon's residence, located at 839 South Melrose, Casper, Wyoming. During the investigation of this matter your Affiant was assisted by Wyoming Division of Criminal Investigation Special Agent Randall Huff. Agent Huff has subsequently retired from the Wyoming Division of Criminal Investigation and is currently employed as the Director of Security for the TLO Corporation in Boca Raton, Florida.

4. On September 21, 2006, during the execution of the search warrant referenced in Paragraph 3, Special Agent Huff located a desktop computer that Mr. Solon acknowledged belonged to him. Agent Huff used a forensic software tool known as Knoppix to preview the contents of the

hard drive. By using Knoppix, Agent Huff did not alter or otherwise compromise the integrity of the digital evidence contained on the hard drive. However, Knoppix does not allow the user to examine files that have been deleted i.e. in unallocated space. See Agent Huff's trial testimony, 11/5/08, at 66, 70. Agent Huff removed a Maxtor hard drive, bearing serial number Y35609QE, from Mr. Solon's desktop computer so that it could be taken to ICAC offices in Cheyenne, Wyoming, for further examination.

5. Agent Huff caused the Maxtor hard drive to be placed in a brown paper bag and thereafter the hard drive was transported to the ICAC offices. It is the standard practice of the Wyoming ICAC unit to place electronic storage media in paper bags for transport. According to the EnCase¹ certified forensic computer examiner study guide, EnCE, 2nd Edition, 2008,

[t]he primary danger in seizing and transporting electronic storage media is potential damage from static discharge. This occurs when objects of dissimilar electrical potential make contact. Accordingly, when bagging computer components, you must avoid using plastic bagging materials that do not possess anti-static properties. Large plastic anti-static bags can be purchased for this purpose; however, brown wrapping paper or paper bags are more economical alternatives.

Id., at 99. (emphasis added).

6. Your Affiant observed Agent Huff as he attempted to forensically preview the Maxtor hard drive on September 22, 2006. In attempting that preview Agent Huff connected the hard drive to a write-block device so that the digital evidence on the hard drive would not be altered.

¹ EnCase is a computer forensic software program used by many examiners. Agent Huff and Ms. Loehrs both testified it was a program they used to examine the contents of the Defendant's hard drive. (Vol. III., Tr.Trans., 11/5/08, at 86; 11/6/08, at 159).

7. On September 23, 2006, your Affiant observed Agent Huff as he made a forensic copy of the Maxtor hard drive. Again, he connected a write-block device to the hard drive so that the digital evidence on the hard drive would not be compromised or altered in any way, shape or form.

8. Throughout the investigation of this case, Agent Huff followed proper procedures and practices in handling the Maxtor hard drive and at no time did he engage in any act or practice that would have compromised the integrity of the digital evidence contained on the hard drive.

Further your Affiant sayeth not.

Dated this 4th day of April, 2012.


Special Agent Nicole Bailey

On April 4, 2012, Nicole Bailey, who is personally known to me, appeared before me and signed, swore to, and executed this Affidavit.




Notary Public

My Commission Expires: Feb 16, 2015