

1 Thomas R. Smith
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ATTORNEY FOR DEFENDANT

5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE DISTRICT OF WYOMING
7

8
9 UNITED STATES OF AMERICA,
10 Plaintiff,

11 v.

12 NATHANIEL SOLON,
13 Defendant.
14

) No. 07-CR-32-B

) DECLARATION OF TAMI LOEHRS

15
16 I, TAMI L. LOEHRS, hereby declare as follows:-

17 1. I am a computer forensics expert and owner of Law2000, Inc., a firm specializing in
18 computer forensics. My offices are located at 305 South Euclid, Suite 111, Tucson, Arizona
19 85719. I am competent to testify and the matters contained herein are based on my own
20 personal knowledge.

21 2. I have been working with computer technology for approximately 20 years and I
22 hold a Bachelor of Science in Information Systems. I have thousands of hours of computer
23 forensics examinations and computer forensics training. I have completed training with
24 Guidance Software and I am a certified EnCase examiner. I have completed training with
25 Access Data and I will be taking my certification exam on June 4, 2008. I am a licensed private
26 investigator in the State of Arizona. I have conducted numerous seminars on Computer
27 Forensics and Electronic Discovery for various organizations in and around the United States.
28 My Curriculum Vitae is attached hereto.

1 3. Since the year 2000, I have been hired as the computer forensics expert for the
2 defense on over 60 child pornography cases in and around the United States. Many of these
3 cases have been funded by State and Federal public defender agencies.

4 4. On or about the first week of February, 2008, I was contacted by Mr. Coffee
5 regarding the work he performed on the computer evidence in this case. He explained to me
6 that he had been hired to examine the computer evidence on the defendant's behalf, that he had
7 done as much as he knew how to do, that he believed that he was getting in over his head and
8 that this case needed a forensics expert.

9 5. I was subsequently contacted by the attorney for defendant Solon, Thomas Smith,
10 and hired to forensically examine the digital evidence on defendant Solon's behalf. I provided
11 Mr. Smith with my hourly rate of \$250 and an estimate of \$10,000 to \$20,000 to complete a
12 thorough examination, depending on where I would conduct my examination. I explained to Mr.
13 Smith that traveling to Wyoming to conduct the examination as opposed to having the hard drive
14 shipped to my lab would result in much higher costs. Mr. Smith explained to me that "time was
15 of the essence" and asked that I examine the evidence as quickly as possible.

16 6. On or about February 22, 2008, I received the Court Order appointing me as the
17 expert for the defense and approving funding for up to \$20,000. I was told that the exam would
18 be conducted at the Interstate Crimes Against Children (ICAC) offices in Cheyenne, Wyoming
19 and to pay for all expenses including airfare and hotel accommodations which would be
20 reimbursed to me with the payment of my invoice.

21 7. On or about March 6, 2008, I was provided with Agent Huff's contact information
22 and I contacted him the same date to make arrangements for my examination. My first
23 availability was March 12, 2008 through March 16, 2008 and Mr. Huff agreed to be available on
24 those dates. I purchased airline tickets and hotel reservations.

25 8. On March 12, 2008, I traveled to Cheyenne, met with Agent Huff, and started my
26 forensics examination. I examined the evidence until 5:00 p.m. when the ICAC offices closed
27 and left several forensics processes to run overnight for my review the following day.

1 9. On March 13, 2008, I arrived at the ICAC offices at 8:00 a.m. and worked on my
2 examination until 5:00 p.m. without taking any breaks. In addition to conducting my
3 examination, I exported non-contraband files that I could later examine outside of the ICAC
4 offices. These files included items of evidentiary value such as registry files, index.dat (Internet
5 History) files, system files and log files.

6 10. During the evening of March 13th, I began examining some of these exported files
7 using my forensics laptop in my hotel room. In addition, I compared the disclosure materials
8 with my examination findings and began adding information to my forensic report.

9 11. On March 14, 2008, I arrived at the ICAC offices at 8:00 a.m. and continued my
10 forensics examination until 5:00 p.m. without taking any breaks. In addition, I spent several
11 hours with Mr. Smith on this date to discuss the examination process, my findings thus far,
12 specific issues that needed to be addressed and additional tasks that needed to be performed.
13 I exported additional non-contraband information from the evidence including bookmark reports
14 and files of evidentiary value for review back at my lab. I met with Mr. Smith again that evening
15 to discuss the case and the examination process.

16 12. On March 15, 2008, I traveled back to Tucson during which time I reviewed
17 information exported from my forensic exam and continued adding information to my forensic
18 report.

19 13. On March 17, 2008, I submitted an invoice for the forensics examination
20 conducted in Cheyenne, including my travel expenses.

21 14. During the following week, I continued to examine the exported evidence files,
22 researched and tested several of the software applications installed on the defendant's
23 computer system, researched and examined the viruses and Trojans found on the defendant's
24 computer system and continued to report my findings in my preliminary forensics report.

25 15. On March 26, 2008, I received an email from Mr. Smith with the Court's Order
26 Amending Ex Parte Order suggesting that my charges for March 13th and 14th were unusually
27 high. In addition, I was informed that the Court believed my hourly rate of \$250 to be unusually
28 high.

1 16. While there is no "standard" in the forensics industry setting forth hourly rates for
2 computer forensics examiners, typical hourly rates range between \$200 and \$450 per hour.
3 These rates vary depending on the expert's education, experience, forensic training,
4 certifications, case history, work performed (ie: examination vs. testifying) and the company
5 they work for.

6 17. In addition, experts can often justify higher rates for private individuals and
7 corporations than for government agencies and will often adjust their hourly rates accordingly.

8 18. While many forensic experts / companies do not publish their hourly rates, a few
9 examples of forensic rates found on the Internet include the following:

Excelsior Services, Inc.	\$475 per hour
Cyberlab Computer Forensics	\$250 to \$350 per hour
Rehman Technology Services	\$300 to \$450 per hour
Advanced Surveillance Group	\$200 per hour
Alpharetta Computer Forensics	\$200 per hour

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13 19. Although my education, experience, forensic training, certifications and case
14 history justify a higher hourly rate, I have kept my rate at \$250 per hour for many years because
15 much of my work is funded by State and Federal agencies. In addition, I do not charge a higher
16 rate for testifying as most experts do.

17 20. Similarly, there is no industry standard for the number of hours required to
18 complete a forensics examination. There are many factors involved in a forensics examination
19 including the amount of data to be examined, the issues involved in the case and the
20 thoroughness of the exam.

21 21. Law enforcement often spends weeks or months examining computer evidence
22 seized in a child pornography case and these examinations are typically conducted for probative
23 information only.

24 22. An examination for the defense usually takes much longer to complete and
25 involves a much more thorough examination. When examining the evidence for the defense,
26 the examiner must first reproduce and confirm the work done by the law enforcement agency.
27 Often allegations are made by the prosecution based on the examination of law enforcement
28 and sometimes the evidence does not support those allegations.

1 23. Secondly, the examiner must pursue information that law enforcement did not look
2 for such as who was using the computer, how did data come to be on the computer, when was
3 data created and deleted, was data ever copied, saved or viewed.

4 24. In this particular case, the Indictment charges Defendant Nathaniel Solon with
5 knowingly possessing images of child pornography, all of which had previously been deleted. In
6 order to determine if Nathaniel Solon knowingly possessed these images, the forensic analysis
7 must show that Nathaniel Solon was the person at the keyboard on the computer during the
8 dates and times the suspect images were created; that Mr. Solon knowingly caused the suspect
9 images to be downloaded to the computer and that the suspect images did, in fact, contain child
10 pornography.

11 25. In order to make these determinations, data had to be retrieved from unallocated
12 space and tens of thousands of computer files had to be searched and reviewed.

13 26. The single process of retrieving data from unallocated space (deleted files) can
14 take days to complete. A simple keyword search may take 10 hours to complete and can easily
15 result in 10,000 or more hits that need to be reviewed to determine if anything of evidentiary
16 value exists. The computer's registry contains tens of thousands of entries, many of which may
17 contain valuable evidence that needs to be reviewed.

18 27. Additionally in this case, the prosecutor's statement makes the following
19 allegations:

20 *Examiners were able to recover a total of 8 viewable files from unallocated space*
21 *on the Defendant's hard drive, 2 of which were duplicates. All of these files were*
22 *downloaded on September 20, 2006 and subsequently deleted. It appeared from*
23 *an examination of the Defendant's hard drive that he would download child*
pornography, view the downloaded files, access software used for copying material
from a hard drive to a CD-ROM and then delete the child pornography from the
hard drive.

24 28. I spent considerable time locating and attempting to open all possible files in
25 unallocated space pursuant to the Prosecutor's Statement but was only able to locate 5 files, not
26 the 8 files alleged by the prosecutor.

27 29. I spent considerable time examining every software application installed on the
28 computer with the capability of burning CD-ROMs looking for evidence that would support the

1 Prosecutor's Statement that illegal images were burned to CD-ROM. This involved an extensive
2 review of thousands of files and the content within them.

3 30. To date, I still have found no evidence that the defendant burned any CD-ROMs
4 containing anything but music files.

5 31. Additionally, the virus scan of the computer evidence found several instances of
6 viruses and Trojans. Because these items are of particular importance to the defense in
7 determining whether or not the system was compromised by outside users, I spent a great deal
8 of time examining files to determine if any remote access occurred on the defendant's
9 computer. Because viruses and Trojans are often designed to cover their tracks and hide any
10 evidence of their existence, uncovering these intrusions can be time consuming and often result
11 in nothing of evidentiary value.

12 32. My hourly rate of \$250 is well within industry norms for computer forensics experts,
13 and, in fact, my hourly rate is on the conservative side considering my education and
14 experience.

15 33. The number of hours I have spent forensically examining the evidence on
16 defendant Solon's behalf is well within the normal limits for defending a child pornography case.
17 Considering that the examination was done outside of my lab with additional travel time and
18 expenses involved, the total costs incurred to date for this case are well within normal limits for
19 defending a child pornography case.

20 34. The costs incurred on this case are comparable to other child pornography cases I
21 have defended for both private individuals and those funded by State and Federal agencies.

22 35. I declare under penalty of perjury that the foregoing is true and correct to the best
23 of my knowledge.

24 Signed May 10th, 2008, in Tucson, Arizona.

25
26 
27 TAMI L. LOEHRS
28



305 South Euclid
Suite 111
Tucson, AZ 85719
520-219-6807

SERVICE INVOICE

Invoice submitted to:

THOMAS SMITH
CHAPMAN VALDEZ
125 WEST SECOND STREET
CASPER WY 82602

Invoice date: March 27, 2008

Invoice No: 14167

In reference to: 07-CR-032-B
United States vs. Solon

Last invoice date: 3/17/2008

LITIGATION SERVICES

DATE	INIT	DESCRIPTION	HOURS	AMOUNT
3/17/2008	TLL	Continue forensics exam; continue reviewing registry files, log files, text files, files associated with software applications of evidentiary value such as Limewire, Real Player, Windows Media Player, Roxio, HighMat and Avast	5.00	1,250.00
3/18/2008	TLL	Continue forensics exam; run testing on Limewire, Real Player and Windows Media Player and review results; continue reviewing registry files, log files, text files, files associated with software applications of evidentiary value such as Limewire, Real Player, Windows Media Player, Roxio, HighMat and Avast; begin preparing report of forensic exam	6.50	1,625.00
3/20/2008	TLL	Continue forensics exam; continue reviewing log files, text files, files associated with software applications of evidentiary value such as Limewire, Real Player, Windows Media Player, and Avast; continue preparing report of forensic exam	5.50	1,375.00
3/22/2008	TLL	Continue preparing report of forensics exam	3.00	750.00
3/24/2008	TLL	Complete draft of report of forensic exam and email to Tom Smith	1.50	375.00
Total Litigation Services			21.50	\$5,375.00
Previous balance				\$10,603.90
BALANCE DUE				\$15,978.90

Law2000 thanks you for your business!