

1 on this.

2 THE COURT: It was a partial download,  
3 Connie.

4 MR. WILLIAMS: I was saying that if we  
5 put him on to 1:00 o'clock, I'm still going need a  
6 break to talk to my guy. So, could we just break now  
7 and then go straight through?

8 THE COURT: Oh, talk to him now about it?

9 MR. WILLIAMS: Yes, sir.

10 THE COURT: Oh, okay. Yeah, that's fine.  
11 That's fine. I misunderstood.

12 MR. DRIVER: Yeah, I did too. I thought  
13 that you meant go ahead and put him on, then we take  
14 the break and then you talk to him during the break.

15 MR. WILLIAMS: No.

16 THE COURT: All right. We'll break till  
17 1:00 o'clock then.

18 (Court recess).

19 THE COURT: Let's go.

20 MR. DRIVER: State calls Lawrence Potier.

21 LAWRENCE POTIER,  
22 having been first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. DRIVER:

25 Q. Could you please introduce yourself to the

1 Court and spell your name out for the court reporter?

2 A. My name is Lawrence Potier. First name is  
3 L-a-w-r-e-n-c-e. Last name is P-o-t-i-e-r.

4 Q. And what -- what kind of work do you do?

5 A. Computer forensics.

6 Q. Where do you do that or which agency do you do  
7 that work for?

8 A. I do it for Harris County Constables Office  
9 Precinct 4.

10 Q. Where are you presently assigned?

11 A. I'm assigned the Federal Bureau of  
12 Investigations Regional Computer Forensic Laboratory  
13 here in Houston.

14 Q. And can we just from now on refer to that as  
15 RCFL?

16 A. Yes.

17 Q. How long have you held that particular  
18 assignment?

19 A. 10 years.

20 Q. What -- can you describe your training and  
21 experience that led up to going to the RCFL?

22 A. The training and experience that led up to it?  
23 Actually it was -- I just messed around with computers  
24 a little bit for the county and they thought I was a  
25 whiz. So, they said you're going.

1 Q. Were you a certified peace officer in the  
2 State of Texas?

3 A. Yes, sir, I was.

4 Q. Did you go through an academy class?

5 A. Yes.

6 Q. And did you graduate from the academy?

7 A. Yes.

8 Q. Have you maintained continuing educational  
9 hours since then?

10 A. Yes.

11 Q. Have you attended any special trainings  
12 regarding computer forensics or high-tech crimes?

13 A. Yes, I have.

14 Q. What kinds of trainings have you particularly  
15 attended in that subject?

16 A. Basic data recovery all the way up to advanced  
17 data recovery.

18 Q. How many hours of classroom work have you  
19 attended in that regard?

20 A. I couldn't guess the hours, but I've been to  
21 over 40 schools.

22 Q. Have they specialized in various programs that  
23 are used in forensic evaluation of computers?

24 A. Yes.

25 Q. Are some of those -- can you list off some of

1 those?

2 A. Winex (phonetic), Access Data, EnCase, Linex,  
3 to name a few.

4 Q. And are you focused primarily on computers or  
5 do you do other items that can hold digital data?

6 A. Pretty much all items that hold digital data.

7 Q. So, do you process cellular telephones in  
8 your --

9 A. I have in the past.

10 Q. Right now, is that a part of your assignment?

11 A. Yes, it is part of my assignment.

12 Q. All right. And do you use the -- do you use  
13 special programs or utilities in order to examine cell  
14 phones?

15 A. When I have in the past, yes, I have.

16 Q. Which kinds of --

17 A. Primarily just Cellbrite.

18 Q. Is that something you had to go to training  
19 for?

20 A. Yes.

21 Q. What other duties do you have in your current  
22 position?

23 A. I am the quality manager at the laboratory.

24 Q. And can you explain what that means?

25 A. Well, the lab has a documenting quality

1 control system. And we require strict guidance or --  
2 with the quality control systems. So, I write policy.  
3 I also verify the reports before they go to admin  
4 review.

5 Q. And is there a governing body or agency that  
6 kind of overseas the laboratory?

7 A. Yes, that would be ASCLD lab.

8 Q. And are you an accredited laboratory by the  
9 ASCLD?

10 A. Yes, sir.

11 Q. Do you have any particular roles with regard  
12 to ASCLD in -- other than just working at your  
13 laboratory?

14 A. I travel around the country assessing other  
15 laboratories -- crime laboratories.

16 Q. And what do you do in that regard?

17 A. Follow their -- look at their procedure to  
18 make sure they're following procedures. Make sure  
19 they're doing what they're -- their evidence -- what  
20 they should be doing with their evidence according to  
21 their SOPs.

22 Q. Can you explain just -- for the record,  
23 explain what an SOP is?

24 A. Standard operating procedures.

25 Q. How long have you been doing that particular

1 function?

2 A. Went to training to be an assessor back in, I  
3 believe, it was August of 2010. And I started my first  
4 assessment following year, in 2011.

5 Q. Were you involved in the forensic examination  
6 of devices recovered from -- let's see -- Harris County  
7 Incident 12-109024, Hugo Pachas-Luna?

8 A. Yes, I was.

9 Q. Now, how did you first become involve in this  
10 case?

11 A. I received a request from the high-tech crimes  
12 unit to assist in identifying child pornography on the  
13 devices.

14 Q. How did you come -- well, let's see.

15 How do those devices get to you?

16 A. In this particular instance, I went to pick  
17 them up.

18 Q. Where did you go to pick them up?

19 A. To the high-tech crimes unit on Meadowfern in  
20 Houston.

21 Q. And is that a secure facility?

22 A. Yes, it is.

23 Q. When you go and pick up items that you're  
24 going to examine, do you document where -- that you  
25 were the one that received it?

1           A.    They document on their chain of custody that  
2 they're releasing it to me.

3           Q.    And have you reviewed those documents and  
4 verified that it was you who took them?

5           A.    I didn't review their documents.  But when  
6 they got -- when they get to the lab, they are --  
7 they're previewed as far as on intake within evidence.

8           Q.    Sure.  Okay.  So, you verify that -- in other  
9 words, you went through the documentation -- you have  
10 -- and discovered that you were the one that actually  
11 got it?

12          A.    Yes, sir.

13          Q.    And when you go and retrieve things from --  
14 and is this a Precinct 4 office?

15          A.    Yes, it is.

16          Q.    When you go to that Meadowfern office, do you  
17 go straight back to the lab and start the intake  
18 process?

19          A.    Yes, I do.

20          Q.    Did you do the intake on this yourself?

21          A.    Yes, I did.

22          Q.    Can you explain how -- what is done during the  
23 intake process?

24          A.    Each item is barcoded.  The make, model and  
25 serial number is documented.  And it is -- it is taken

1 into the evidence system. And then it is sealed in a  
2 plastic bag. The plastic bag is initialed and dated as  
3 to who sealed it. And it is stored in the evidence  
4 control facility that's protected by key card access,  
5 PIN access.

6 Q. If you recover a computer tower, say, that has  
7 more than one hard drive, do you differentiate between  
8 the hard drives in it?

9 A. Upon the examination, yes.

10 Q. And then how do you do that?

11 A. Each hard drive is pulled out and documented  
12 by -- I make my own serial number. The lab number is  
13 written on the hard drive. And it is dated and  
14 initialed.

15 Q. And is the lab number a different lab number  
16 from the original computer, what had been checked in?

17 A. No, it's not. The lab number assigned to the  
18 case is documented on the hard drive. And -- and the  
19 hard drive is then barcoded. It's not quite a  
20 different number. But the first hard drive that's  
21 pulled out is given an underscore one. And then if  
22 there's more hard drives or digital media within the  
23 computer, then the following would be underscore two  
24 and then underscore three, so on and so forth.

25 Q. So, that would -- if a hard drive had the



1 first -- had the same initial barcode as a tower, would  
2 you know that that's where that hard drive had  
3 originally come from?

4 A. Yes.

5 Q. But you did nominate each one by like a one or  
6 a two or three sequentially up to however many hard  
7 drives there are?

8 A. Yes.

9 Q. And in this case did you follow those  
10 procedures?

11 A. Yes, I did.

12 Q. And how many different items did you -- you  
13 yourself examine?

14 A. On this particular -- I believe there were 18  
15 hard drives.

16 Q. And from your records, how many of those hard  
17 drives came to you in the form of loose hard drives?

18 A. Just a minute, please.

19 13.

20 Q. And how many of them had been previously  
21 installed within a larger computer or laptop?

22 A. I can say for certain at least two of them  
23 were previously installed. There's others that may  
24 have been connected as just external devices. I can  
25 tell you which ones were working.

1 Q. Well, I suppose my question was unclear.

2 Which ones did you have to remove from  
3 another device or how many rather?

4 A. I removed four from a tower and I removed one  
5 from a laptop.

6 Q. Now, once you have removed and labeled and  
7 have everything ready to go, can you describe the  
8 process that you go through to examine these hard  
9 drives?

10 A. As I said they were -- they're documented by  
11 barcode, the date that they're removed, my initials,  
12 and then the make, model and serial number that's on  
13 the hard drive. Then they are connected behind a  
14 right-block device.

15 Q. Can you explain what a right-block device is?

16 A. A right-block device in this case is a  
17 physical device that prevents write access. It  
18 prevents write access to a storage device.

19 Q. Does that mean you can't put anything on there  
20 that wasn't already there?

21 A. You can't put anything on there. It just  
22 ensures the integrity of the hard drive.

23 Q. And once you have placed this right blocker on  
24 it, what do you do next?

25 A. Then I initiate a forensic image.

1 Q. How is that done?

2 A. It's done with software and it's also  
3 verified. A forensic image is verified at the source,  
4 which is the original device and the destination, which  
5 is the device I'm copying to.

6 Q. And does that mean -- do you copy everything  
7 from the hard drive?

8 A. It is an exact duplicate.

9 Q. So, you make a duplicate image of that hard  
10 drive?

11 A. Yes.

12 Q. Where is that duplicate image stored?

13 A. It is stored on a San Volume, which is a big  
14 hard drive.

15 Q. How -- how many of these different hard drives  
16 were you able to generate a forensic image of?

17 A. Just a minute.

18 12.

19 Q. And what was the reason you couldn't get a  
20 forensic image on every single one of those hard  
21 drives?

22 A. They were nonfunctioning.

23 Q. How many were not functioning at all?

24 A. Six of them.

25 Q. Were any of those installed within a larger

1 computer?

2 A. Yes.

3 Q. Which ones?

4 A. Just a minute, please.

5 Q. Or how many?

6 A. Two of them.

7 Q. What type of computer had they been installed  
8 in?

9 A. It was a clone desktop computer.

10 Q. And the -- what is a clone desktop mean?

11 A. It means it's not a name brand computer. It's  
12 not like a Dell or an HP.

13 Q. And do you recall what that clone desktop  
14 computer looked like?

15 A. I seem to recall, but I would have to actually  
16 look at a picture to identify it.

17 MR. DRIVER: May I approach the witness?

18 THE COURT: Yes, sir.

19 Q. (BY MR. DRIVER) I'm showing you State's  
20 Exhibit 18. Does that appear to be the type of clone  
21 desktop that you recall?

22 A. Yes.

23 Q. And does that appear to be the same computer  
24 that you remember removing the hard drives from?

25 A. Yes.

1 Q. And in this image, State's Exhibit 18, do you  
2 see where the hard drives were mounted in there?

3 A. Yes.

4 Q. All right. Can you kind of -- can you --  
5 well, let me take it back here.

6 Let me show the Judge the ones at least  
7 that are visible to you now from this angle. You can  
8 use your finger to draw on the image there. Takes a  
9 little more pressure than a iPad.

10 A. (Witness complying).

11 Q. And so, you -- that's a hard drive that's --

12 A. Yes.

13 Q. -- mounted?

14 A. Yes.

15 Q. Did you remove that hard drive?

16 A. Yes.

17 Q. And any other hard drives that encountered  
18 that may not be visible from that angle?

19 A. I seem to recall removing -- removing two from  
20 up here where I just drew.

21 Q. Sure. But due to the angle, can you see  
22 clearly where all the different hard drives are?

23 A. Yes.

24 Q. Okay. And when you removed them, did you  
25 designate each one of those hard drives with underscore

1 one or underscore two?

2 A. Yes, I did.

3 Q. What types of hard drives were removed from  
4 that computer?

5 A. Two Hitachi four terabyte hard drives; a one  
6 terabyte Samsung hard drive and a 750 gigabyte Western  
7 Digital hard drive.

8 Q. Now, when did you receive this case to start  
9 conducting your forensic examination?

10 A. I believe it was December 12th is when the --  
11 I take that back. It was December 14th when we  
12 received it into the lab. When it was assigned to me,  
13 I don't --

14 Q. And what year was that?

15 A. December of 2012.

16 Q. In December of 2012, how common was it for you  
17 to come across a four terabyte hard drive?

18 A. I think they were just released to the market.

19 Q. So, had you seen any of them?

20 A. No.

21 Q. Those two four terabyte hard drives, were you  
22 able to generate a forensic image from them?

23 A. No, I was not.

24 Q. Why not?

25 A. They would power up and shut down.

1 Q. So, you couldn't get them to stay on long  
2 enough to get a forensic image?

3 A. No, I could not.

4 Q. Did you -- and you said there were several  
5 other drives that had -- that were -- you were unable  
6 to get to power up?

7 A. Right.

8 Q. And you called those dead?

9 A. Yes, sir.

10 Q. Now, did you -- for the remaining ones, the 12  
11 other disks -- disk drives, did you generate a forensic  
12 image of all of those?

13 A. Yes, I did.

14 Q. And once you generated the forensic image, do  
15 you use software to examine the contents?

16 A. Yes, I do.

17 Q. Explain that process.

18 A. The image is then processed with a forensic  
19 software tool. And basically what the tool does is  
20 they -- it goes through and identifies the different  
21 files and it containerizes the files to make it easier  
22 to be viewed.

23 Q. What is containerize?

24 A. Containerizing means it takes the images, such  
25 as pictures, and puts it in a container labeled

1 pictures or graphics. It takes movies and puts it in a  
2 movie container. It will take deleted files and put it  
3 in a deleted files container. And documents and so on  
4 and so forth.

5 Different types of files that you would  
6 have on a computer, it places them all in a certain --  
7 in their own container to make them easier to view.

8 Q. So, would it be fair to say that it's  
9 organizing them into like groups of files?

10 A. Exactly.

11 Q. And when you have that -- once it's been  
12 containerized, what do you do with those containers?

13 A. Then I -- I will start a -- an examination.

14 Q. And tell us how that examination is conducted.

15 A. Well, in the case of a child pornography  
16 examination, a certain hash set is load. And I'm going  
17 to try to -- all right. So, we know what hashes are.

18 So, a certain hash set is loaded. And it  
19 is -- we call it the CVIP hash set.

20 Q. Can you explain what CVIP is?

21 A. A CVIP is Crime Victim Identification Project.  
22 It is a service provided by the National Center for  
23 Missing and Exploited Children. And the hash set is  
24 basically a file of fingerprints of known child  
25 victims.



1 Q. And so, what do you do with that?

2 A. So, that -- during the processing of evidence,  
3 that hash set is ran against the evidence -- against  
4 each file. And once the program identifies a file with  
5 a matching numerical value that's on the -- that's with  
6 the hash set, it puts that to a side in its own  
7 container. And we identify those as CVIP alerts.

8 Q. Did you do that with each and every one of  
9 these 12 hard drives?

10 A. Yes, I did.

11 Q. Now, did all of the hard drives generate a  
12 result or a positive alert for a CVIP?

13 MR. WILLIAMS: Excuse me, sir.

14 I'm going to object to that, Your Honor,  
15 on our previous objection, that this is getting  
16 probably into extraneous material, Your Honor. We just  
17 re-urge our objection.

18 THE COURT: All right. Thank you. It  
19 will be noted for the record and overruled.

20 Q. (BY MR. DRIVER) And what did you say, it  
21 comes back with a CVIP? What was it referred to as?

22 A. A CVIP alert.

23 Q. Were there CVIP alerts on all of those drives?

24 A. Just a minute.

25 There was CVIP alerts on seven of the

1 hard drives.

2 Q. Which left, what, five that did not have one?

3 A. Yes.

4 Q. Okay. So, let's focus on the ones where you  
5 did receive a CVIP alert. What did you do next once  
6 you receive a CVIP alert on those seven drives?

7 A. During each examination, those CVIP alerts  
8 were bookmarked.

9 Q. And what does that mean, bookmarked?

10 A. Bookmarked for the investigator to review.

11 Basically those are bookmarks of -- those are images of  
12 known child victims.

13 Q. Okay. Once you have bookmarked it, what do  
14 you do with that data?

15 A. Well, it's just bookmarked as a CVIP alert and  
16 then I continue my examination.

17 Q. What's the next step?

18 A. In a case like this with the -- the -- two of  
19 the drives, if I can recall correctly, there were so  
20 many files that it was kind of making the software a  
21 little unstable. And so, it -- in order to not crash  
22 the software, you don't want to go through all the  
23 folders. So, you would click on just a couple or a few  
24 and try to identify some items within those folders.  
25 It's just that the software usually has limitations as

1 far as the amount of files that it can handle. And  
2 this was pushing the limits of the software.

3 Q. Is that just due to the amount of information  
4 on the particular hard drive or --

5 A. Yes.

6 Q. -- the number of CVIP alerts?

7 A. It would be due to the amount of information  
8 on the hard drive.

9 Q. And so that could mean system files,  
10 documents, photos, anything?

11 A. Anything.

12 Q. Did you nonetheless get a result on your CVIP  
13 analysis?

14 A. Yes, I did.

15 Q. All right. So, what happens after you have --  
16 do you ever review the CVIP alerts and see if they are,  
17 in fact, consistent with what you understand to be  
18 child pornography?

19 A. Yes.

20 Q. And when do you do that?

21 A. Usually right before I bookmark them.

22 Q. Once you have reviewed -- do you look at each  
23 and every image?

24 A. Well, with the amount of CVIP alerts on some  
25 of these, it's impossible to look at each and every one

1 of them.

2 Q. Okay. Let's be specific. Did any of the  
3 drives that came out of the clone desktop that we are  
4 looking at now in State's Exhibit 18 have any CVIP  
5 hits?

6 A. Yes.

7 Q. And which drive was it that had the CVIP hits?

8 A. Just a minute.

9 I believe it was the -- there was one 750  
10 gigabyte hard drive. It was -- you should see it as  
11 GH31863\_4.

12 Q. How many CVIP hits were there?

13 A. 6,675 alerts.

14 Q. And is that just for image or videos or both?

15 A. That would be for both.

16 Q. And what other drives had CVIP alerts?

17 A. There was another drive that's labeled 31865,  
18 which is a -- it was a loose Western Digital two  
19 terabyte hard drive. There was another one that was  
20 labeled 31866, which was also a loose Western Digital  
21 two terabyte hard drive. There was also another one  
22 labeled 31868, which was a loose one terabyte Western  
23 Digital hard drive. Another one labeled 31869, which  
24 was a loose 500 gigabyte Western Digital hard drive.  
25 Another one labeled 31870, which is a 500 gigabyte

1 Western Digital hard drive. And another one labeled  
2 31872, which is a 300 gigabyte Samsung hard drive.

3 Q. All right. Of those, which contained the most  
4 CVIP hits and how many were there?

5 A. It would have to be the first one that we  
6 spoke of, which was the first hard drive out of the  
7 computer. Well, not the first hard drive out of the  
8 computer, but one of the hard drives in this -- in the  
9 desktop computer. It was labeled 31863\_4.

10 Q. How many CVIP hits did you get on 31865, one  
11 of those two terabyte Western Digital hard drives?

12 A. 31865, I got 5,980 CVIP alerts.

13 Q. How about 31866?

14 A. I got 6,027 alerts.

15 Q. What about 31868?

16 A. 254 alerts.

17 Q. All right. Compared to those four drives that  
18 we just spoke of, were there anywhere near that many  
19 CVIP hits on the remaining drives?

20 A. No, there was not.

21 Q. So, would it be fair to say that the bulk of  
22 the CVIP hits came from those four hard drives?

23 A. Yes, sir.

24 Q. And that first one we mentioned was installed  
25 on this computer that we're looking at in State's

1 Exhibit 18?

2 A. Yes, sir.

3 Q. The rest of the other three were loose hard  
4 drives, you said?

5 A. Yes, sir.

6 Q. Okay. Once you -- let's focus specifically on  
7 those four hard drives.

8 When you had containerized and placed the  
9 CVIP alerts together in those drives, what did you do  
10 with all that information?

11 A. Eventually I will generate a report.

12 Q. All right. Can you explain how the report is  
13 put together?

14 A. Well, there's a -- a report generator within  
15 the program. And basically it pulls the data that  
16 you've bookmarked and it makes it into a readable  
17 format for the investigator.

18 Q. When you -- when you have that report  
19 compiled, do you -- is there any way to make it  
20 portable so you can take it from that San drive that  
21 you mentioned before?

22 A. Yes. The data is -- it's exported to, in this  
23 case, a forensically clean hard drive.

24 Q. And how do you -- how do you forensically  
25 clean a hard drive?

1           A.    We use a software and we write a known value  
2 to the disk.  In this case it's a known value of zeros  
3 all across the disk.  So, we know that if we looked at  
4 it in an editor, we'd basically see zeros on the drive.

5           Q.    So, there's no chance that there's any  
6 residual data from any other case or any other  
7 information --

8           A.    No.

9           Q.    -- contaminating it?

10          A.    No, sir.

11          Q.    Once you have written that information that  
12 you discovered to this hard drive, what do you do with  
13 that hard drive?

14          A.    The data is exported to the hard drive.  And  
15 it is labeled -- dated, initialed and then it goes into  
16 a review process.

17          Q.    Now, did you prepare a written report on your  
18 actions regarding this particular case?

19          A.    Yes, sir.

20          Q.    And does it document the way that you followed  
21 the various protocols of the lab?

22          A.    Yes.

23          Q.    Does it document the information that you  
24 located on the hard drives that you examined?

25          A.    Yes.

1 Q. And is this something that you prepare in the  
2 normal course of business at the RCFL?

3 A. Yes, sir.

4 Q. You maintain a copy of this in a place that  
5 normally -- that's a safe place?

6 A. Lately we have been sending back a copy with  
7 the investigator to store at -- in their evidence  
8 control facility. But what we do is we put it in a  
9 bag, we seal it and date it. And we note that no one  
10 is to open this item except for lab personnel.

11 Q. Do you also maintain a digital copy of it?

12 A. No. The -- all the -- well, there is a  
13 digital copy of the entire exam. And that's also sent  
14 back to the investigating agency.

15 MR. DRIVER: May I approach the witness,  
16 Judge?

17 THE COURT: Yes, sir.

18 Q. (BY MR. DRIVER) Show you what's marked as  
19 State's Exhibit 70. Do you recognize it?

20 A. Yes.

21 Q. Is that a copy of the report that you prepared  
22 in this case documenting all your actions and the way  
23 that -- the information that came from the computers  
24 that you examined?

25 A. Yes.



1 Q. And whose signature appears on the final  
2 pages?

3 A. My signature.

4 Q. And is this an exact duplicate of your copy of  
5 that report?

6 A. Yes, it is.

7 Q. All right.

8 MR. DRIVER: State offers State's  
9 Exhibit 70 and I'll tender that to opposing counsel.

10 THE COURT: Other than the objections to  
11 the -- as it relates to the motion to suppress on the  
12 search warrant and the information that came from that  
13 and also the objections, which I'm assuming you still  
14 have to the extraneous offense nature that's contained  
15 in there, are there any other objections, Mr. Williams?

16 MR. WILLIAMS: No, sir, no objection.

17 THE COURT: All right. With those  
18 objections as previously stated, will be noted for the  
19 record and overruled. And with that, State's Exhibit  
20 70 will be admitted.

21 MR. DRIVER: Re-approach the witness,  
22 Judge.

23 THE COURT: Yes, sir.

24 Q. (BY MR. DRIVER) I'm going to show you what's  
25 marked as State's Exhibit 68. Do you recall reviewing

1 the files contained on State's Exhibit 68 with me in my  
2 office?

3 A. Yes, I do.

4 Q. And are three of these files files that you  
5 recognized as coming from any of the hard drives that  
6 you examined?

7 A. Yes.

8 Q. Which hard drives did they come from?

9 A. It was two terabyte Western Digital hard drive  
10 labeled GH31865.

11 Q. And that's one of the four drives we just  
12 mentioned as having the most CVIP hits?

13 A. Yes.

14 Q. And it's one of the loose hard drives?

15 A. Yes.

16 Q. Okay. Are the -- you saw the video and the  
17 two images that are contained on State's Exhibit 68?

18 A. Yes.

19 Q. Are they exact duplicates of the images that  
20 you saw on that drive?

21 A. Yes.

22 MR. DRIVER: State offers State's Exhibit  
23 68. I'll tender this to opposing counsel.

24 MR. WILLIAMS: We have no additional  
25 objections, Your Honor, other than the ones we made to

1 the search.

2 THE COURT: All right. Those previously  
3 made objections will be noted for the record and  
4 overruled. And State's Exhibit 68 will be admitted.

5 MR. DRIVER: At this point, Judge, may I  
6 publish it to the Court?

7 THE COURT: Sure.

8 MR. WILLIAMS: For the record, Your  
9 Honor, I've seen the exhibits. I have seen this  
10 exhibit and the Court reaches some point where it has  
11 seen enough of the exhibit, we have no objection to  
12 that.

13 THE COURT: Okay. Thank you.

14 How are these set up? They're video  
15 and --

16 MR. DRIVER: There are four still images  
17 and one video. I'll probably display the still images  
18 sequentially and then I'll go back and show a portion  
19 of the video. I'm not going to show the whole thing.

20 THE COURT: Okay.

21 (State's Exhibit 68 published, but not  
22 reported)

23 Q. (BY MR. DRIVER) And in your training and  
24 experience, does this image display a child visually  
25 under the age of 18?

1 A. Yes.

2 Q. Is she displaying the female breast below the  
3 areola --

4 A. Yes.

5 Q. -- in a lewd manner?

6 Likewise, does this image depict a child  
7 visually under age of 18?

8 A. Yes.

9 Q. Does she appear to be exhibiting her genitals  
10 in a lewd manner?

11 A. Yes.

12 Q. Does this image appear to depict a child  
13 visually under the age of 18 engaging in oral sex?

14 A. Yes.

15 Q. And is that also deviant sexual intercourse?

16 A. Yes, sir.

17 Q. Does this depict a child under the age of 18  
18 or visually under the age of 18 engaged in sexual  
19 contact?

20 A. Yes.

21 Q. And for the next video, when I start it, just  
22 tell me if you -- if it visually depicts a child under  
23 the age of 18 engaging in straight sex and sexual  
24 intercourse -- actual sexual intercourse?

25 A. Yes, it does.

1 THE COURT: Yeah, that's enough.

2 Q. (BY MR. DRIVER) All told, how many CVIP hits  
3 did you get between all the different drives?

4 A. Over 18,000.

5 MR. DRIVER: Pass the witness.

6 THE COURT: Mr. Williams?

7 MR. WILLIAMS: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. WILLIAMS:

10 Q. Tell me again, Mr. Potier -- am I saying that  
11 correctly?

12 A. Yes, sir.

13 Q. If -- what RCFL means again?

14 A. Regional Computer Forensic Laboratory.

15 Q. Recent -- what did you say?

16 A. Regional --

17 Q. Okay.

18 A. -- Computer Forensic Laboratory.

19 Q. And what does the I mean in CVIP?

20 A. Identification.

21 Q. Okay. Project?

22 A. Yes.

23 Q. How many hard drives did you receive for your  
24 review?

25 A. 18 hard drives.

1 Q. Okay. I'm going to show you what's been  
2 marked for identification purposes only as Defendant's  
3 Exhibit 2. Ask you, if you recognize that document?

4 A. Yes, sir.

5 Q. Is that yours? Did you generate this?

6 A. Yes, sir.

7 Q. Okay. And maybe I'm mistaken, I count 20 hard  
8 drives on this document. Are there duplicates maybe?  
9 21.

10 A. Well, some of these are actually computers and  
11 there's a camera here also. So, there's a --

12 Q. Oh, okay. Computer, camera --

13 A. Computer, that's a laptop, this is a desktop  
14 and --

15 Q. Okay.

16 A. -- Sony digital camera.

17 Q. So, you're talking about -- I didn't look at  
18 this closely enough.

19 Let me ask you this. You said that there  
20 were three hard drives that you took off the computer  
21 -- the clone computer that was taken from his house.

22 A. There were four.

23 Q. Four. Okay.

24 And were all of them connected to the  
25 computer or were some of them just inside the computer?

1           A.    They were inside the computer for sure.  As  
2 far as being connected, I don't recall if they were  
3 connected or not.  But they were secured in the  
4 computer.

5           Q.    Okay.  But it's possible for a hard drive to  
6 be inside the computer and not connected; is that  
7 correct?

8           A.    Yes, sir.

9           Q.    Why would not a drive power up?  What's that  
10 all about?

11          A.    I have no idea.

12          Q.    Well, what do you mean it wouldn't power up?

13          A.    Just that it would power up and then shut  
14 down.

15          Q.    Do you know what -- what causes that?

16          A.    Sometimes it could be drive malfunction.

17          Q.    Okay.  So, you were unable to make -- you  
18 couldn't make no determination from those two; is that  
19 right?

20          A.    The ones that did not --

21          Q.    Right.

22          A.    -- power up?  Right, could not.

23          Q.    Okay.  Did you -- are you familiar with or did  
24 you ever see the three original hash values that the  
25 drawer of the search warrant used to get his warrant?

1           A.    I -- if they were in affidavit, yes, I did see  
2 them.

3           Q.    Okay.  Did you ever discover those?  Did you  
4 ever see those images depicted on that computer or on  
5 these drives that you looked at?

6           A.    No, sir.

7           Q.    Okay.  Did you look for them specifically?

8           A.    No, sir.

9           Q.    When you were doing your forensic examination,  
10 Mr. Potier, could you have determined when the last  
11 time the four disks that came from the computer -- the  
12 clone computer were used?

13          A.    I don't correctly recall that.  I seem to  
14 recall a last time of -- no, I really don't.

15          Q.    Okay.  You don't recall.

16                    Is that something you could have done?

17          A.    Yes.

18          Q.    Okay.  You don't know if you did it or not?

19          A.    I probably did not look for the last time that  
20 those drives were used.

21          Q.    Okay.  Did you identify the eMule program that  
22 was being used on the clone computer?

23          A.    No, sir, I was not asked to.

24                    MR. WILLIAMS:  We have no further  
25 questions, Judge.



1 THE COURT: All right. Mr. Driver?

2 MR. DRIVER: One or two quick questions.

3 REDIRECT EXAMINATION

4 BY MR. DRIVER:

5 Q. Are you able to determine, based on the report  
6 you made, when certain files were last accessed?

7 A. Yes.

8 Q. And do you happen to recall when some of these  
9 files were last accessed?

10 A. I recall --

11 MR. DRIVER: May I approach the witness,  
12 Judge?

13 THE COURT: Yes, sir.

14 Q. (BY MR. DRIVER) Have you take a look here and  
15 see if this refreshes your recollection.

16 A. July 12th, I recall.

17 Q. Does that help refresh your recollection?

18 A. Yes, sir.

19 Q. And to the best of your recollection, when  
20 were some of these files last accessed?

21 A. As of July 7th, 2012.

22 Q. And you don't recall -- were you able to  
23 determine or would you be able to say when the two  
24 terabyte disks were removed from that computer, if they  
25 were ever installed in it?

1           A.    I would venture to say yes, they were  
2 installed at one -- at some point.

3           Q.    And were those -- were the two terabyte drives  
4 the 65 and six -- one ending in 65 and one ending in  
5 66, were those the ones you're referring to that showed  
6 an access date July 7th, 2012?

7           A.    Yes, sir.

8           Q.    Do you have any way of knowing when the four  
9 terabyte drives were installed?

10          A.    No, I don't.  But I would say -- venture to  
11 say that they were installed some time after that.

12          Q.    And you weren't able to get any information  
13 off of those?

14          A.    No.  But those drives had just hit the market.  
15 And so, I would venture to say they were installed  
16 shortly before the search warrant.

17                   MR. WILLIAMS:  Judge, we don't -- excuse  
18 me, Mr. Potier.

19                   We don't want him to venture or speculate  
20 as to --

21                   THE COURT:  Sustained.

22          Q.    (BY MR. DRIVER)  You don't know from your own  
23 personal knowledge, do you?

24          A.    No, sir.

25                   MR. DRIVER:  I'll pass the witness,

1 Judge.

2 THE COURT: Mr. Williams, anything else?

3 MR. WILLIAMS: No further questions,

4 Judge.

5 THE COURT: All right. Thank you, sir.

6 You may step down.

7 MR. DRIVER: Judge, the State rests.

8 THE COURT: All right. What says the  
9 defense?

10 MR. WILLIAMS: May I have just one  
11 moment, please?

12 THE COURT: Yes, sir, you sure can.

13 (Brief pause).

14 MR. WILLIAMS: The defendant rests its  
15 case.

16 THE COURT: All right. Both sides rest  
17 and close?

18 MR. DRIVER: State rests and closes.

19 THE COURT: I will listen to argument, if  
20 y'all have any.

21 MR. DRIVER: State does waive its right  
22 to open. Reserves its right to close.

23 MR. WILLIAMS: Judge, briefly, since the  
24 Court has heard all the evidence and you've already  
25 heard evidence in argument on the bulk of our case,