



7 May 2024

Gregg Woodnick
WOODNICK LAW, PLLC
1747 E. Morten Ave., Suite 205
Phoenix, AZ 85020

Ref: BCF1237 (Michael Marraccini)

Dear Gregg,

Attached is my report of findings in this case.

Let me know if you have questions.

A handwritten signature in black ink, reading "Jon A. Berryhill". The signature is written in a cursive style with a large, prominent "J" and "B".

Jon A. Berryhill
President & COO
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Background

I, Jon A. Berryhill, declare:

I am President and COO of Berryhill Computer Forensics Inc., a firm which specializes in the collection, preservation, analysis and presentation of digital evidence, including computer hard drives, flash media, smart phones and other digital data. Our methods are court proven and ensure the integrity of the evidence and the chain of custody. The facts set forth in this declaration are based on my personal knowledge, and if called as a witness, I could and would testify thereto.

I hold a Bachelor of Science degree from Lamar University in Engineering Computer Science and a Master of Science degree from the American Public University System with a concentration in Digital Forensics. I received training in computer evidence handling, analysis and special investigations in the Air Force Special Investigations Academy, and I have been working in the field of computer forensic investigations for more than twenty-nine years. I have led computer forensic investigations for law firms, major corporations and small businesses, as well as for the United States Air Force (USAF). As a Major in the USAF, I was a Special Agent in the Air Force Office of Special Investigations, investigating crimes such as central systems fraud, homicide, theft, child pornography, and counterintelligence. I have also worked extensively with the California Department of Justice Advanced Training Center, serving as an instructor, curriculum developer, and teaching certified computer crime investigations courses. I have testified 55 times as an expert in computer forensics in the Superior Courts of the State of California, other state courts, United States District Courts, and in military courts in both civil and criminal cases. Additionally, I have provided 33 expert depositions.

Since being in private practice, I have conducted examinations of computer hard drives and other devices containing private and confidential information in more than 1230 cases in which I was entrusted with individual's personal data, corporate internal data and communications, financial data, privileged attorney-client information, trade secret information, patent and pending patent applications and confidential research and development information. These cases have included a broad spectrum of issues and parties, ranging from individuals involved in personal and financial disputes to multi-million-dollar corporate litigation.

My experience in conducting computer forensic analysis has included the analysis of more than 3490 computer hard drives and more than 6900 floppy disks, tapes, CD-ROMs, smart phones and other digital media. Since being in private practice, I have provided computer forensic analysis and support to many local, state and federal law enforcement agencies in their criminal and civil investigations. These have included the California Employment Development Department, California Office of Real Estate Appraisers, California Department of Insurance, California Highway Patrol, California Attorney General's Office, Federal Bureau of Investigation, Bureau of Alcohol Tobacco and Firearms, Immigration and Naturalization Service Investigations Division, Palo Alto Police Department, San Mateo County Sheriff's Office, Half Moon Bay Police Department, the Santa Barbara Police Department and many state and federal public defender offices.

Background

This office was contacted by Michael Marraccini who requested that his personal computer be processed as evidence pertaining to ongoing litigation for which he is a witness. Specifically, he requested text messages and related attachments to/from Laura Owens using the phone number 415-810-0604 be extracted, documented and analyzed for any evidence of tampering.

Evidence

On 4 May 2024, the computer designated evidence item BCF1237, an Apple MacBook Air model A1466, s/n C02LR8RKF5V8 was hand delivered by Michael Marraccini to the BCF office.

The computer was be released to Michael Marraccini on 6 May 2024 with the recommendation that it remain out of service and securely stored until the conclusion of any pending or potential litigation.

Analysis and Process

Full forensic image copy was created using Cellebrite Digital Collector version 3.7. A full acquisition log is maintained in the BCF files. The forensic image copy will be maintained in BCF records for a minimum of one year unless the client specifically requests otherwise.

It was noted during the forensic imaging process that the computer's internal clock read 3-9-2017 16:22 PST when actual date was 5-4-2024 15:34 PST. This is an indicator that the computer has not been in regular service for some time. The Apple OSX has default settings to keep the internal clock and calendar updated when the machine is connected to the Internet.

Findings

All text messages and associated attachments from/to Laura Owens (415-810-0604) were tagged and produced in a standard Cellebrite Inspector report. The report was produced as a single 2,489 page PDF document with links to the associated attachments. The report is identified with the date/time marker 2024-05-04 21-35-57. This report and attachment file structure was provided to Mr. Marraccini and Mr. Woodnick via a Dropbox link. Note that all times referenced in the report are in UTC. For the items of interest in the August-September 2016 time frame, to convert to PST, subtract 7 hours from UTC.

I have examined the file structure and continuity of the text message streams and associated attachments found on this computer. I find no evidence of tempering or alterations that would question the authenticity of the messages included in my report.

I was asked to address the allegation that Mr. Marraccini fabricated evidence in the matter. In reviewing the material one of the items of interest is a photo of a paper report from Planned Parenthood referencing Laura Owens' visit on 8/10/2016. This photo was attached to a text

message from 415-810-0604 on 8-12-2016 13:07:28 PST to Mr. Marraccini (see page 653 of 2489 of the BCF Cellebrite PDF report). The internal metadata of this photo shows it was taken 8-10-2016 with an iPhone 6. The location tracking (GPS) was turned off for this photo. Analysis of other photos found on the evidence computer show photos that I believe were taken by Mr. Marraccini around the same date. Those photos were taken with an iPhone 6s. This is one of many examples that refute any allegations of fabrication. Similarly, there are creation dates on the screen shots (PNG files) from around the August-September 2016 time frame that show the screen shots were captured prior to when they were attached to their various text messages. If requested I can extract all the metadata for all the associated pictures and screen shots.

I have confirmed with Mr. Marraccini by an examination of several photos that he confirmed he took with his phone in the months both before and after August 2016, that his phone at that time was an iPhone 6s.

As a further examples of the continuity and authentication of the presented evidence, I have extracted the metadata associated with the seven text message attachments listed below. The items listed show the page number from the provided PDF report, attachment file name and the date/time of the text message. Each of these are messages from 415-810-0604 (Laura Owens) to Mr. Marraccini. In each case the internal metadata for the attached image shows it was created just minutes before each text message was sent. I have also examined a sampling of other attachments to text messages on other dates from Laura to Mr. Marraccini. In no case did I find any evidence that contradicts this narrative.

670 – IMG_7692.png	8-13-2016 03:50 UTC
671 – IMG_7694.png	8-18-2016 04:18 UTC
671 – IMG_7695.png	8-18-2016 04:18 UTC
673 – IMG_7698.png	8-18-2016 04:26 UTC
675 – IMG_3477.png	8-18-2016 04:28 UTC
679 – IMG_7704.png	8-18-2016 04:35 UTC
682 – FullSizeRender-1.jpg	8-18-2016 14:15 UTC

I have found no evidence of tampering in any material related to this case (or otherwise) and believe the text messages as shown in the Cellebrite PDF report accurately depict the text communications between Mr. Marraccini and Laura Owens on the dates and times indicated.