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6 Attorney for Defendant
ALBERT LEE MITCHELL
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 12-cr-401 KJM
11)
Plaintiff,) STIPULATION AND PROTECTIVE ORDER
12) REGARDING DEFENSE FORENSIC
v.) COMPUTER EXAMINATION
13)
ALBERT LEE MITCHELL,)
14)
Defendant.)
15)

16 IT IS HEREBY STIPULATED by and between the parties hereto through their
17 respective counsel, Kyle Reardon, Assistant United States Attorney, attorney for Plaintiff, and
18 Matthew Scoble, Assistant Federal Defender, attorney for Mr. Mitchell, that the Court should
19 approve the proposed protective order governing the defense expert’s forensic examination of the
20 computer data in this case.

21 In order to advise the defendant adequately, the defense of this case requires a further
22 forensic evaluation, by a knowledgeable expert, of the computer hard drives which the
23 government alleges contain images of child pornography. The parties have agreed that the
24 attached proposed order should govern the defense examination of the computer media and
25 request that the Court approve the attached proposed order.

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DATED: December 10, 2013

Respectfully submitted,

HEATHER E. WILLIAMS
Federal Defender

/s/ Matthew M. Scoble
MATTHEW M. SCOBLE
Assistant Federal Defender
Attorney for ALBERT LEE MITCHELL

DATED: December 10, 2013

BENJAMIN B. WAGNER
United States Attorney

/s/ Matthew M. Scoble for
KYLE REARDON
Assistant U.S. Attorney
Attorney for Plaintiff

IT IS SO ORDERED.

Dated: December 10, 2013


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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6 ALBERT LEE MITCHELL

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 12-cr-401 KJM
11)
Plaintiff,) PROTECTIVE ORDER CONCERNING
12) DIGITAL MEDIA CONTAINING CHILD
v.) PORNOGRAPHY
13)
ALBERT LEE MITCHELL,)
14)
Defendant.)
15)

16 IT IS HEREBY ORDERED AS FOLLOWS:

17 1. The United States Department of Homeland Security, Immigration and Customs
18 Enforcement agents shall make a duplicate copy of the hard drive and any other storage media
19 available for defense analysis.

20 2. The duplicate copies of the hard drive and storage media shall be made available
21 for defense counsel, Matthew Scoble, defense paralegal Julie Denny, and defendant's proposed
22 expert, Tami Loehrs, or a colleague at the same employer, Loehrs & Associates, to review at the
23 Sacramento High Tech Task Force offices in Sacramento, California or the United States
24 Department of Homeland Security, Immigration and Customs Enforcement office in Sacramento,
25 California for the purpose of preparing for the defense of the above-entitled action. The images
26 on the hard drive and storage media shall not be viewed by any other person unless one of the
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1 aforementioned members of the defense team is present and the viewing is necessary to prepare
2 for defendant's defense.

3 3. A private room will be provided for the defense examination. No Government
4 agents will be inside the room during the examination.

5 4. The expert will be permitted to bring whatever equipment, books, or records he
6 believes may be necessary to conduct the examination.

7 5. Neither the defense expert nor defense attorneys nor the defense paralegal shall
8 remove the hard drive or other storage media from the confines of the law enforcement office.

9 6. With the exception of materials which would be considered child pornography
10 under federal law (including visual depictions and data capable of conversion into a visual
11 depiction), the expert may download and remove files or portions of files, provided the forensic
12 integrity of the hard drive is not altered. The expert will certify in writing (using the attached
13 certification), that he has taken no materials which would be considered child pornography, or
14 data capable of being converted into child pornography, (under federal law) and that he has not
15 caused any child pornography to be sent from the law enforcement premises by any means
16 including by any electronic transfer of files.

17 7. Except when a defense expert fails to provide this certification, no Government
18 agent, or any person connected with the Government, will examine or acquire in any fashion any
19 of the items used by the expert in order to conduct the defense analysis. Should a defense expert
20 fail to certify that the expert has not copied or removed child pornography, or data capable of
21 being converted into child pornography, Government agents may then inspect or examine the
22 materials in order to ensure that prohibited child pornography has not been removed.

23 8. When the defense indicates that it is finished with its review of the copy of the
24 hard drives, the drive(s) or other storage devices shall be "wiped" clean.

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9. Any disputes regarding the above or problems implementing this order shall be brought to the attention of the court through representative counsel after first consulting opposing counsel.

IT IS SO ORDERED:

Dated: December 10, 2013



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE