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6 Attorneys for Defendant
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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Case No. 2:15-cr-0184 GEB
11 Plaintiff,)
12) STIPULATION AND [PROPOSED]
v.) PROTECTIVE ORDER REGARDING
13) DEFENSE FORENSIC COMPUTER
DAVID ZAPPA,) EXAMINATION
14)
15 Defendant.)
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17 IT IS HEREBY STIPULATED by and between the parties hereto through
18 their respective counsel, Matthew Morris, Assistant United States Attorney,
19 attorney for Plaintiff, and Timothy Zindel, Assistant Federal Defender, attorney for
20 David Zappa, that the Court should approve the proposed protective order
21 governing the defense expert’s forensic examination of the computer data in this
22 case.

23 In order to advise the defendant adequately, the defense of this case requires
24 a further forensic evaluation, by a knowledgeable expert, of the computer hard
25 drives which the government alleges contain images of child pornography. The

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parties have agreed that the attached proposed order should govern the defense examination of the computer media and request that the Court approve the attached proposed order.

DATED: May 7, 2018

Respectfully submitted,
HEATHER E. WILLIAMS
Federal Defender

/s/Timothy Zindel
TIMOTHY ZINDEL
Assistant Federal Defender
Attorney for DAVID ZAPPA

DATED: May 7, 2018

McGREGOR W. SCOTT
United States Attorney

/s/ Matthew Morris
MATTHEW MORRIS
Assistant U.S. Attorney

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

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

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

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

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

24 8. When the defense indicates that it is finished with its review of the
25 copy of the hard drives, the drive(s) or other storage devices shall be "wiped"
26 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: May 7, 2018



HONORABLE ALLISON CLAIRE
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,	}	Case No. 2:15-cr-0184 GEB
Plaintiff,	}	CERTIFICATION
v.	}	
DAVID ZAPPA,	}	
Defendant.	}	

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I, _____, certify under penalty of perjury
that no member of the defense team has copied or removed any images of child
pornography or data capable of being converted into images of child pornography,
or caused the same to be transferred electronically (or by any other means) to any
other location, during the course of our review of the evidence in this case.

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Dated: _____

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