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11 *Attorneys for Plaintiff Scott Peterson*

12 ARIZONA SUPERIOR COURT

13 MARICOPA COUNTY

14 Scott Peterson, an individual, doing
15 business as the Checks and Balances
16 Project,

17 Plaintiff,

18 v.

19 Arizona Corporation Commission, a
20 political subdivision; Robert Stump, in his
21 official capacity as Arizona Corporation
22 Commissioner, Arizona Attorney General's
23 Office, a public body; Mark Brnovich, in
24 his official capacity as Attorney General of
25 the State of Arizona,

26 Defendants.

No. LC2015-000453

**DECLARATION OF BRYAN
NEUMEISTER IN SUPPORT OF
PLAINTIFF'S SECOND MOTION FOR
FURTHER INSPECTION OF
COMMISSIONER STUMP'S PHONE**

(Assigned to the Honorable Randall Warner)

27 I, Bryan Neumeister, hereby declare as follows:

28 1. I am a digital forensic expert with over 36 years of experience, located in Phoenix,
Arizona. A copy of my resume is attached. [Tab A]

2. I have reviewed the software and retrieval process used to examine Commissioner
Stump's iPhone, as outlined in Karen J. Hartman-Tellez's letter to Daniel C. Barr, dated
January 22, 2016. [Exhibit A to Plaintiff's Second Motion for Further Inspection of
Commissioner Stump's Phone ("Exhibit A")]

3. I reviewed the information about the messages retrieved from the iPhone in the
Defendant's Notice of Submission of Text Messages for *In Camera* Review and this Court's

1 March 25 Minute Entry. I am not confident that the Attorney General's Office was able to
2 retrieve most, if indeed any, of the deleted text messages from Commissioner Stump's iPhone.

3 4. I will need to review Commissioner Stump's iPhone to know for certain whether
4 any or all of the information has been recovered.

5 5. I understand that some of the text messages at issue in this case were deleted by
6 Commissioner Stump.

7 6. Deleted text messages are likely stored in "unallocated space" on an iPhone.

8 7. It is my understanding that Commissioner Stump used the same phone number on
9 his iPhone 5 that he used on his previous iPhone. If so, then it is possible all the text messages,
10 including the deleted text messages that resided on unallocated space, were transferred from his
11 previous iPhone to his iPhone 5.

12 8. I believe that the protocols and the programs that I use, including the latest
13 versions of Oxygen Analyst, FTK, Autopsy and EnCase, as well as manual data review of logical
14 or physical extractions, would be more effective in recovering information from the "unallocated
15 space" on the iPhone and thus in retrieving any deleted text messages.

16 9. Deleted text messages are relatively easy to recover on an iPhone with the
17 metadata for each text SHA-HASH, otherwise known as a "HASH value." Every text message
18 has a HASH value, which is the equivalent of the DNA of a text message.

19 10. In her January 22, 2016 letter, Ms. Hartman-Tellez wrote that "no HASH values of
20 any text messages accompany the messages" retrieved from Commissioner Stump's smart phone.
21 [Exhibit A at 2] It is extremely unlikely that an adequate forensic search of a cell phone would
22 have recovered text messages without HASH values.

23 11. That the recovered text messages do not have HASH values suggests either there is
24 something wrong with the data on the iPhone or that the Attorney General and its investigators
25 did not have the technical background to acknowledge or recover them.
26
27
28

1 12. It is very unlikely that any search would have revealed the existence of text
2 messages without content. If the content of a text message had been deleted or altered, the HASH
3 values would provide that information.

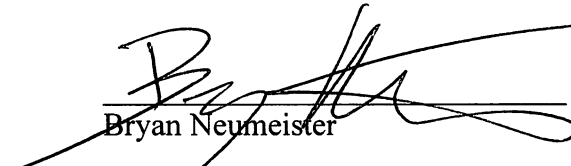
4 13. I have worked with a variety of federal and state government agencies, conducting
5 forensic analysis of phones and computers, including, among others, Department of Defense, the
6 U.S. Department of Justice, United States District Courts, the Department of Energy, Arizona
7 Department of Public Safety, the Maricopa County Attorney's Office, and the Mesa, Phoenix, and
8 Chandler Police Departments. I have also been retained as an expert and consultant by numerous
9 multi-national companies. [Tab A]

10 14. In no case has any government authority I have worked with or against had an
11 issue with the authenticity or chain-of-custody of a piece of evidence.

12 15. I would make any accommodations requested by the Arizona Attorney General's
13 Office, the Corporation Commission, or Commissioner Stump to ensure that there are no issues
14 with the authenticity or chain-of-custody of the data.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed this 2TH day of April, 2016

17
18 
19 Bryan Neumeister

20 Copy of the foregoing filed on April 5, 2016
21 with the Clerk of Court, Maricopa County
22 Superior Court and a copy delivered to the
23 Hon. Randall Warner

24 Copy of the foregoing emailed and mailed
25 on April 5, 2016, to:

26 Karen J. Hartman-Tellez
27 Assistant Attorney General
28 Agency Counsel Section
1275 W. Washington Street
Phoenix, Arizona 85007

1 David J. Cantelme
Cantelme & Brown P.L.C.
2 3003 N. Central Avenue, Suite 600
Phoenix, Arizona 85012
3 *Attorneys for Arizona Corporation Commission*

4 Timothy A. La Sota
Timothy A La Sota PLC
5 1702 E. Highland Avenue, Suite 204
Phoenix, Arizona 85016-4665
6 *Attorney for Commissioner Robert Stump*

7 A handwritten signature in cursive script, appearing to read "J. Wilson", is written over a solid horizontal line.

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TAB A



Bryan Neumeister

**Certified: Military, Federal, US District, Department of Justice, US Grand Jury, State, Civil & Aviation
Audio, Video & Photographic Forensic Expert**

ACFE, ABRE, ASCAP, APA, ACFEI, AES, BMI, NATAS

39 EMMY AWARDS for Technical Excellence

34 Years Professional Experience

USAForensic Audio & Video Lab

(602) 740-6128

COURT CERTIFIED: Military, Federal, State, Civil & Aviation

- **United States District Courts: Contracted Technical Expert**
- **United States Grand Jury : Contracted Technical Expert**
- **US Department Of Justice: Contracted Technical Expert**
- **United States ARMY - (SAMS Forensic contract with C.I.D.)**
- **Audio Engineering Society**
- **American College of Forensic Examiners International**
- **American Board of Recorded Evidence Standards**
- **Recipient of 39 EMMY AWARDS – National Association of Television Arts & Sciences for Technical Excellence**

AUDIO & VIDEO ANALYSIS - STATE OF THE ART FORENSIC EQUIPMENT- VOICE ENHANCEMENT, VERIFICATION, AUTHENTICATION - FORENSIC VOICE COMPARISON, FORENSIC LINGUISTICS - VIDEO ENHANCEMENT – AERIAL SURVEILLANCE - VIDEO ENHANCEMENT - STILL PHOTOGRAPHY ENHANCEMENT - VIDEO UP-RESOLUTION TO HD COURT EXEMPLARS – FACIAL COMPARISONS/ RECOGNITION. CRIME SCEN RECREATIONS WITH EMMY AWARD WINNING PRODUCTION CREWS.

Legal & Technical:

- **34+ Years Professional Audio & Video Experience**
- **Professional Audio & Video Enhancement**
- **Federal & State Government Agencies**
- **Law Enforcement Agencies, National, State & Local**
- **8 Years Search & Helicopter Rescue (MCSO-DPS- Arizona)**
- **US Military – Army, Navy, Air Force, Marines & Coast Guard (SAMS contract)**
- **Department of Defense (classified & non-classified)**
- **Beta Tester for Various Forensic Systems Manufacturers**
- **United States District Court system: Forensic Consultant**
- **United States Grand Jury system: Forensic Consultant**
- **U.S. Department of Justice: Forensic Consultant**
- **OPDS and Office of the Public Defender: Vendor number**
- **Work with US Army CID Prosecutors Office & Maricopa County Prosecutors Office**
- **Phoenix PD Homicide - Mesa Pd Homicide- Case Video & Audio Evidence Enhancement**
- **Work with various Innocence Projects - Nation wide**
- **10 Years with NBC Television - Technical Video / Audio**
- **Federal, State, Aviation and Civil Law cases - Court Certified Technical Expert**
- **2 State of the Art Facilities. Over 75 custom Computers & Processors**
- **State of the Art HD Video and Audio Gear.**
- **Gear and Software Upgraded Continuously**
- **3D Sonographs, Spectrographs, Spectral 3D -HD Video & 192kHz - 64 bit Audio**
- **Expert Cell Phone Analysis : Towers, Transmitters , Phones & Software**

- Current D.O.E. Military Forensic High Speed Video Expert
- Photo Enhancement using ClearID, Pixel Stacking & Frame averaging etc.
- Graduated Pi Sigma Alpha- California State University Northridge - 1980 (Political Science, emphasis on Journalism)
- Have worked in 23 Countries as a Technical Expert
- Published Nationally

Currently: Working for numerous large Multinational Companies as an Audio & Video Forensic Expert : Microsoft, Nike, Cox, Honeywell, U-Haul, Southwest Gas, Good Samaritan Hospitals, AvNet, Boeing, MD Helicopters, Intel, Weston Hotels, Numerous Las Vegas Casinos...etc - US Military SAMs contract.

Over 200+ Forensic Cases in the past 36 months:

Non-Military court cases include: Federal, US District, Grand Jury, RICO, Homicide, Murder for Hire, Fraud, Robbery, Armed Robbery, Assault with a Deadly Weapon, Arson, Kidnapping, Bank Robbery, DUI, DWI, Civil Cases...etc. Currently working over 30 Homicide cases.

Large Cases:

State of Arizona vs. **Jodi Arias** - In Trial, Audio Expert & Photographic Expert.
 US Government vs. **Charles Keating** - In Trial, Retained as Video Expert
 US Grand Jury: The **Hope Steffy** - Retained as Video Expert
 US Government vs. **Charles Keating III** - In Trial, Retained as Video Expert
 State of Arizona vs. **Steven DeMocker** - Retained as Audio & Photographic Expert
 State of Arizona vs. **Jeffery Martinson** - Retained as Video Expert

Publications:

Published Nationally - *Quarterly*
 The Legal Investigator Magazine- Surveillance Systems - TV vs. Reality
 High Tech, High Stakes Published in Expert Ease - National Forensic Publication.
 Consultant to CPU Magazine as a Forensic Audio and Video Expert on Hardware and Software.

Books:

2013-14 "**Earthbound Misfit**" (Helicopter Rescue, TV Helicopters, Work with Law Enforcement)
 591 pages - *senior contributing author & consultant.*
"The Secrets of the Blue Oyster Cult" - Bryan Neumeister discussed as BOC musician and composer.

National News Media: Forensic Analyst:

CNN: Jodi Arias - Audio & Photographic Forensic Expert (in Trial testimony)
FOX News: Boston Bombings - Forensic Surveillance Expert (analyst)
CNN: Trayvon Martin / Zimmerman: Audio Forensic Expert (analyst)
NBC: Forensic Surveillance Expert

Lectures:

6 / 2014 Audio Engineering Society & Conservatory of Recording Arts
Topics: NyQuist Theorem, Sample Dithering & Forensic Audio

Opening of the 2013 APDA (Arizona Public Defenders Conference)
Topics : Audio, Video, Photographic & Surveillance Forensics: *1.5 hour lecture*
APDA Faculty Member - 1,550+ Attorneys attended conference (June 26-28, 2013)

Television: National & International Broadcast:

- Recipient of **39 EMMY AWARDS** from The National Association of Television Arts and Sciences for Technical Excellence
- **40+ additional National & International Awards.**
- **Winner CANNES Film Festival (Gold) (Technical Audio Excellence)**
- **Winner CALGARY Film Festival (Gold) (Technical Audio Excellence)**
- **Worked for NPR & NBC Television News stations for 12+ Years.**
- **Phi Sigma Alpha - National Political Science Honor Society – Lifetime Member.**
- **Member: NAB, BMI, ASCAP, AES, ERA, NATAS**
- **Winner: Film Advisory Board Gold Medal, Parents Choice Award**

Film & Television Clients:

NBC - ABC - CBS - PBS - BBC - FOX - DREAMWORKS - SCREEN GEMS FILMS - TOUCHSTONE FILMS - LUCASFILMS LTD. - LEVIS - COCA COLA - AMBLIN ENTERTAINMENT - PEPSI - VOLKSWAGEN - TOYOTA - CHEVROLET - NISSAN - AMERICAN EXPRESS - UNIVERSAL PICTURES - LORIMAR - TRIMARK FILMS - TRIMARK ENTERTAINMENT - GANNETT - A&E - DISCOVERY CHANNEL - FOX - DIAL SOAP - COORS BEER - BUDWEISER - MTV - PIZZA HUT - MOTOROLA - UNION CARBIDE - DISNEY - INTEL - MICROSOFT - VISA - MASTERCARD - ARMY - NAVY - AIR FORCE - MARINES - UNITED AIRLINES - CONTINENTAL AIRLINES - PARTNERS FILMS CANADA - PRTV - NATIONAL MEDIA - MOMENTUM FILMS - DFXTV - LOTTO/LOTTERY - GREYSTONE PICTURES - HISTORY CHANNEL - DISCOVERY CHANNEL - WARNER BROTHERS - DAIRY QUEEN - AT&T - MLB - NBA - NFL - SUPER BOWL XXX - ESPN - MAJOR LEAGUE BASEBALL - McDonald's - MCI - HARLEY DAVIDSON - STOFFER'S - CARQUEST - MD HELICOPTERS - BOEING - "FUTUREWEAPONS", "MYTHBUSTERS" {THE LUXOR - FLAMINGO - STRATOSPHERE - CESAR'S PALACE - MGM GRAND - NYNY - The HARD ROCK...CASINOS all in LAS VEGAS} - NUMEROUS ADVERTISING AGENCIES...

Computer & Cell Phone Forensics:

Computer Forensics using Tableau write blockers T8-R2 & T35ES-R2 Tableau & Acronis Imaging

Latest computer and cell phone programs *such as Oxygen*

Beta tester of Software & Hardware for leading Forensic Companies

Hard drive recovery for US Military (SAMs vendor) - Forensic drive analysis .

Recover damaged files, Deleted files, Changes in Registry & Meta-Data, Hash values.

All Surveillance Systems as well as Computer Drives

Cell phone Sim cards.

Restore corrupted photographic files.

Photo Enhancement using ClearID, Pixel Stacking & Frame averaging etc.

Weapons: Classified & Non-Classified:

-Worked many homicide cases involving gunfire sound analysis, frequency, location & Triangulated acoustics.

-Worked with numerous surveillance videos to enhance shooting scenes for law enforcement and attorneys.

-Gunshots analyzed, compared & enhanced from: cell phones, land lines, surveillance equipment, 2-way communication, Police Duplex & Simplex, etc.

-Worked numerous cases requiring gunfire video enhancement from surveillance systems, cell phones and various recording devices.

-Have access to many renown civilian & military firearms experts for testimony as needed.

-Over 2-million rounds fired for high speed filming and forensic testing over 33 years. Work & have worked with - US Navy Seal Teams 1, 2 & 6, SOCOM, DEVGRU, 160th Night Stalkers. US Army Sniper teams. DOD & DOE.

-Additionally work with many US Government retained Military contractors.

-I currently have US Military SAMS / DUNS contract.

-Worked with numerous SWAT and TOU teams in actual field operations.

-Worked with LAPD, w/ Krav Maga training.

-MSCO Helicopter Rappel Trainer (1980s Tac-Ops-Unit) - MSCO Helicopter Search & Rescue = SKY12 & DPS

-Worked with Springfield Army testing the initial launch of the entire XD Pistol line. 9 mm, .40, .357, .45

-Work often with DillonAero on the M-134 Mini-gun project (over 20 years working together).

-Analyze Muzzle flash and sound signature of McMillan Sniper rifles for US Army Snipers (over 10 years of work together).

-Air to Ground target acquisition and aerial sniper training documentation. Thousands of hours of aerial law enforcement, search & rescue & air to ground gunship work.

-Assigned to USS CVN70 Carl Vinson and Helicopter-Carrier USS New Orleans as civilian videographer.

- Have been a "go to" guy for live Weapons Photography & Sound Recording for The Military Channel, History Channel, Mythbusters, Future Weapons, Discovery Channel, National Geographic, BBC and many others.
- Produced one of the largest selling automatic weapons DVDs ever made, "Firestorm in the Desert" &
- Produced one of the largest selling handgun training DVDs of all time with Rob Leatham, "Shooter Ready"

Currently: Senior Technical Advisor on the board of CowTown Range & Studios, which is an extremely active 88 acre Training facility for SOCOM, Swat Teams, Navy Seal Teams, DEVGRU, Homeland Security and many Special Operations teams. CowTown Range is currently under DOD and various Agency contracts for range work, tactical training and weapons development.

Professional Sound & Music:

Written & Recorded music with **Blue Oyster Cult**, 24,000,000 (24 Million) albums sold - Gold & Platinum records) & **Credence Clear Water Revival** recording artist Tom Fogerty (Movie Score). I have Mixed / Engineered for numerous top recording acts; Jazz, Rock & Classical.

Written music for hundreds of commercials including music cuts for Super Bowl XXX & Music/SFX for 5 popular Video Games.

Worked "Live" sound as sound mixer for concerts with crowds up to 35,000. Challenging live mixes like: Chick Corea, Return to Forever, Ronnie Laws, Gerald Wilson's 24 piece Big Band etc.

Recently won another **Emmy Award** for best music on a Television series (Written & Performed). I have Mixed and Mastered hundreds of National, International & Regional Television Shows.

Aerial Photography / Rescue / Surveillance :

Over 14,000+ Flight Hours of Jet Helicopter Photography – Film, HD Video, Research, Surveillance, Search & Rescue for Law Enforcement & Wildlife Rescue - Civilian Military Contractor.

Currently: Advisory Partner & Photographer - 4:4:4 Professional Film & TV Helicopter (*SaberCat HD*)

New: 4K (2x HD resolution) Video-drone, *Phantom Quadcopter*. Satellite-GPS controlled: Owner & Operator); Mounted camera *GoPro Hero 3+* 4K Black Edition

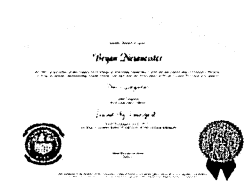
USA FORENSIC: AUDIO & VIDEO FORENSIC LABS

USA Forensic, llc. (34 Years Professional Experience)

Certified Audio & Video Forensic Experts: Federal, Military, State, Civil & Aviation

United States District Courts - U.S. Grand Jury- DOJ, - DOE (Classified-Unclassified)

ACFE, AES, ABRE, APA, NATAS, BMI, ASCAP, PSA, ACFEi



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