

## Telephone Expert's Report

**In the Matter of**  
**State v. Bradley Cooper**  
**Case No. OCA 08-3863**

**Attorney: Howard Kurtz**

**Attorney's Law Firm: Kurtz & Blum, Attorneys at Law**

**Event Date: July 2008**

**Report Date: 29 January 2011**

**Opinion of:**

Ben Levitan, Telephony Expert



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**Expert Analysis in matters of:**

Federal Criminal Wiretap Evidence – CALEA compliance – 911 Wrongful Deaths – Patent Infringement (IPR) ITC – Federal Capital Cases based on cell phone location or location/GPS based evidence – Telephone billing and machine records evaluations – Technical Standards for cellular, wireless, network, satellites, landline telephony, broadband, Short Message service, broadband over electric lines, push-to-talk, IP – Texting While Driving Accident Claims – Insurance Matters

**TABLE OF CONTENTS**

**I. EXECUTIVE SUMMARY ..... 3**

**II. KEY OPINIONS ..... 4**

A. Manual Erasure Of Nancy Cooper's Phone Occurred ..... 4

B. Full Erasure Of Nancy Cooper's Mobile Phone By Cary Police ..... 4

C. Erasure Of Nancy Cooper's Memory Card (SIM Card) ..... 5

D. Cary Police Lacked The Knowledge To Evaluate Electronic Equipment ..... 6

E. Cary Police Appear To Have Deleted Nancy Cooper’s Motorola V551 Phone ..... 6

F. The State Recklessly Rendered the Retrieval of Information From Mr. Cooper’s Phone Impossible ..... 6

**III. DETAILED REPORT AND BACKGROUND ..... 6**

A. Phones And Technology..... 6

B. SIM Card Basics ..... 7

C. Locking a Cellular Phone..... 8

D. BlackBerry Smart Phones ..... 8

E. Cellular Phones As Evidence ..... 9

F. SIM Card Evidence..... 9

G. My Examination of the SIM card ..... 10

H. My Examination of the Mobile Terminal ..... 11

I. Law Enforcement Regularly Examines Cell Phones ..... 12

    Failure to prepare a test plan ..... 12

    Chain of custody ..... 12

    Conclusion Regarding Timeline..... 13

    Timeline of Detective Young's Activity ..... 13

    Opinion as to Timeline of Detective Young's Activity ..... 14

    Actions Taken by Investigator..... 14

**IV. SUMMARY AND CONCLUSION ..... 16**

**V. QUALIFICATIONS OF BEN LEVITAN AS AN EXPERT IN TELEPHONY... 16**

**V. CERTIFICATION..... 18**

**VI. APPENDIX ..... 19**

A. Ben Levitan's CV ..... 19

B. Explanation Cooper Phone Erasure by Cary Police..... 27

C. Cary Police Procedure Leading to BlackBerry’s Erasure ..... 29

## Telephony Expert's Report in the Matter of State v. Bradley Cooper

### *Telephone Expert's Report*

#### I. EXECUTIVE SUMMARY

In January 2009 I was contacted by the law firm of Kurtz & Blum, Attorneys at Law and asked if I could review cellular telephone evidence in the matter of State v. Bradley Cooper and form an opinion as to the facts as they relate to telephones collected as evidence in the matter. Having been a key developer of the technical standards for the cellular systems used in this matter for more than 25 years, and further having previous experience in the evaluation of mobile phone evidence and its possible role as evidence in criminal cases, I accepted the engagement.

After a substantial evaluation of the discovery material sent to me by Mr. Howard Kurtz and after two inspections of Nancy Cooper's BlackBerry telephone, it is my opinion that the cellular phone owned by Ms. Cooper was manually erased during the police investigation of the phone on or about September 2008. In addition to the deletion of Ms. Cooper's BlackBerry phone terminal itself, it is my opinion that the SIM card inside her phone was also manually erased or invalidated and that this erasure or invalidation required a completely separate procedure.

Ms. Nancy Cooper's smart phone and SIM card were fully erased by the Cary Police Department during their investigation of this matter and it is my opinion that the erasures were highly likely intentional. The erasure of the terminal was admitted by Detective James Young of the Cary Police Department in written statements in which he characterized the erasure as "accidental". In my own testing and investigation of that phone, I attempted to duplicate the mistakes admitted by the Cary Police. As a result of my testing, it is my opinion that Detective Young's explanation is at best implausible and at worst deceitful.

It is my opinion that Detective Young was not qualified to perform forensic analysis or a cell phone investigation. I find no attempt to assure non-destructive examination of the phones in this matter or to attempt to obtain data from the BlackBerry where significant information would likely be stored regarding Ms. Cooper's use of her phone.

The acts of the Cary Police Department have prevented any discovery of information about the location history of Ms. Cooper's phone as well as her history of text messaging, scheduling or social networking information that it might have contained. It is also alarming that the police claim no significant attempt to extract information from her phone at a time when Ms Cooper was

still a missing person. That information would highly likely have been helpful in determining the location of Ms. Cooper prior to her death.

It is also my understanding from State provided discovery that the Cary Police Department examined Ms. Cooper's previous cellular phone, a Motorola V551. Their own notes indicate that the device contained 250 contacts when they received it and after they examined it, no contacts were present. It appears that the Cary Police deleted this phone as well.

It is additionally my understanding from State provided discovery that the Cary Police Department, together with the Wake County District Attorney's Office, refused an offer from defense counsel to have the defendant provide his cell phone, a Samsung Blackjack, for independent forensic testing. At the time the State refused that offer, the phone was in working order. Since that time, it would appear that the Cary Police Department sent the phone to the Federal Bureau of Investigation for examination and that this phone, too, has now been destroyed.

## **II. KEY OPINIONS**

### **A. MANUAL ERASURE OF NANCY COOPER'S PHONE OCCURRED**

On June 26, 2009, I inspected a BlackBerry Pearl model Smartphone said to belong to Nancy Cooper. This phone was given to the Cary Police Department by Mr. Cooper on July 12, 2008. Inspection of this phone showed that it was last powered up on 29 September 2008 at 10:22 AM. This is not consistent with notes provided to me about the times and dates that the Cary Police claim to have finished work on cellular phone evidence in this matter. I found that all call history, and all received or sent text messages that may have existed in phone were missing. All address book entries were removed. All calendar entries or alarms were missing. The phone appeared to have been erased manually. I believe this to be the case because elements, usually not erased such as the codes for the "Network" in use were missing. I did note that the phone was set up to save text messages onto a memory card known as the "SIM Card".

### **B. FULL ERASURE OF NANCY COOPER'S MOBILE PHONE BY CARY POLICE**

After two separate examinations of Ms. Cooper's BlackBerry phone, I conclude that it was intentionally erased. Data that one would expect to have found would likely have yielded Ms. Cooper's location when she last had the phone in her possession and the times of the last five cell towers she passed proving an indication of her travel. Further, the list of her last calls, her phone lists, text messages, photographs and calendar appointments, if they existed, were also erased completely.

On June 5, 2009, Cary Police Detective Jim Young wrote an explanation of how the phone was erased. This information was relayed to defense counsel 11 months after the phone's "accidental" erasure and only after ordered by the court to turn over the information. I opine that the explanation provided by Detective Young is highly implausible. I repeated the procedure that he claimed led to the erasure and my findings confirmed my opinion.

In order to get to the point of "accidentally" erasing a phone, the user must first be locked out of the phone. With standard factory settings, entering in an incorrect PIN or password ten times, along with actually typing in the word "BlackBerry" three separate times will erase the phone terminal's memory but only after being notified that a final incorrect attempt to enter a password will erase all data on the phone. Regardless of the threshold configuration, the device will always give a warning when it is the last attempt, and the display will always inform the user that failing this final attempt will trigger a data-wipe of the device contents.

Cary Police claim the obtained a "puck" code [sic] from AT&T to unlock Ms. Cooper's Blackberry. A BlackBerry terminal cannot be unlocked by entering in a PUK code from AT&T. It's intended to block you from easily switching telephone providers. Entry of PUK code has little to do with unlocking a phone so that you can view its data. Rather a Personal Unblocking Key (PUK) is used to "unlock" a SIM card for use on another provider.

### **C. ERASURE OF NANCY COOPER'S MEMORY CARD (SIM CARD)**

I examined the memory device found in Ms. Cooper's phone. This device, known as a SIM Card, stores technical and personal information about a mobile phone. The card may contain phone lists, saved and unread text messages (SMS), call history and technical information such as the last five cell towers accessed by the mobile phone. I opine that this memory device (that holds 150 files of information) was erased and that its erasure was likely the result of entering an incorrect PUK code ten times.

In order for Detective Young to have erased the SIM card he would have to first erase the terminal. That means he would have to type in the wrong password ten times, typing out the word "BlackBerry" after the 5<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> incorrect attempts. Next he would need to disregard the on screen warning saying that all data would be erased on the 10<sup>th</sup> try and watch as the display tells him that all data is being wiped off the phone terminal. Lastly, he would have to navigate on the newly erased phone until he got to the screen asking him to enter a SIM card password before finally, he would have to input the incorrect PUK code 10 times. It is only after all this complete procedure that the SIM card would be irreversibly invalidated.

**D. CARY POLICE LACKED THE KNOWLEDGE TO EVALUATE ELECTRONIC EQUIPMENT**

Protocol in handling of the evidence was grossly violated. I opine Detective Young, who claims to have examined and “accidentally” erased the mobile phone identified as belonging to Nancy Cooper, does not have the technical knowledge to perform such functions and should have turned the phone over to a proper forensic lab that would have performed a “Non-Destructive” examination of the phone. I received a report from Cary Police dated 8 April 2010, stating that the Cooper phone was turned over to an examiner on September 24, 2008, a month after it was deleted by Detective Young. The police examiner, Detective Thomas, simply confirmed that the phone was erased. No attempts to recover data were ever documented. The letter describing the deletion of the phone was written by Detective Young a full ten months after he deleted the evidence.

**E. CARY POLICE APPEAR TO HAVE DELETED NANCY COOPER’S MOTOROLA V551 PHONE**

State provided discovery specifies the Cary Police Department examined Ms. Cooper’s previous cellular phone, a Motorola V551. Their own notes indicate that the device was stated to have 250 contacts when they received the phone but that after they examined it, no contacts were present. It appears that the Cary Police deleted this phone as well.

**F. THE STATE RECKLESSLY RENDERED THE RETRIEVAL OF INFORMATION FROM MR. COOPER’S PHONE IMPOSSIBLE**

It is my understanding from State provided discovery and a Notice from defense counsel that the Cary Police Department, together with the Wake County District Attorney’s Office, refused an offer from defense counsel to have the defendant provide his cell phone, a Samsung Blackjack, for independent forensic testing. At the time the State refused that offer, the phone was in working order but was password protected. Since that time, it would appear that the Cary Police Department sent the phone to the Federal Bureau of Investigation for examination and that this phone, too, has now been destroyed.

Prior to destructive measures being taken, the prudent course would have been to consent to a private forensic examination in exchange for the defendant providing his password.

**III. DETAILED REPORT AND BACKGROUND**

**A. PHONES AND TECHNOLOGY**

There are two types of phone technology used in the world market today; the USA design known by its technical standard name of ANSI-41 (American National

Standards Institute, Standard No. 41) and the European design known by its technical name of GSM (Global System Mobile). The phone used by Nancy Cooper is a "BlackBerry Pearl" from AT&T. AT&T utilizes the GSM standard for service.

The major difference between a GSM phone and an ANSI-41 phone is that an ANSI-41 phone must be manually programmed by a trained operator prior to it's being useable by a customer. GSM phones contain a small chip, about the size of a digital camera memory card, known as a "SIM Card" (Subscriber Identity Module) located behind the battery that is preprogrammed and provided to the customer when they sign up for service. This SIM Card can be placed in any phone and the phone becomes "personalized" or programmed for use automatically. A SIM card may be transferred from one phone to another as desired by the customer and their service will automatically be transferred to the new device.

There are two forensic examinations possible of a GSM phone:

1. SIM Card Reading – the SIM card, which is a memory card that may contain up to 150 files, may be read via the use of a SIM card reader and software which is readily available. Data that may be expected on a SIM card include the user's phone number, phone list, the number of the last five calls placed or received and text messages stored on the phone by the user. Other technical information available will confirm the service provider and service area of the subscriber.

2. Mobile Terminal Reading – A mobile terminal (MT) is the term used to describe a GSM phone that does not contain a SIM card. In this state the phone will be able to make an emergency call (911) and maybe able to place a call to customer service (611). The device may also contain picture messages stored by the user, the phone list and text messages. The terminal will have a unique identification known as the International Mobile Equipment Identifier, (IMEI) which is worldwide unique. No other phone made will have this same identification. This number may appear in call detail records of a subscriber to identify the terminal that placed the call in a billing record.

## **B. SIM CARD BASICS**

When you buy a cellular phone from a service provider the phone must be set up for you. If you are buying a CDMA phone (the USA technology used by Verizon, Alltel, Sprint and US Cellular) a technician will spend about 15 minutes punching codes into your phone. They personalized your phone, with your own phone number and your features. If you want to buy another phone at some point, this process has to be repeated.



If you buy a GSM phone, you also purchase a small memory card similar to the card you might put in your digital camera or find on a credit card. This is known as a Subscriber Identity Module or SIM Card.

The SIM card is simply slipped into a GSM phone and that automatically personalizes that phone for you. The phone without a SIM card is just a shell. You cannot make calls on a phone without putting in the SIM card (except for dialing 911). Putting in the SIM allows the phone to identify the network and cell towers it may connect with and also allow the phone network to bill you for calls. A SIM allows users to change phones by simply removing the SIM card from one mobile phone and inserting it into another. When you do that, incoming calls for you automatically arrive at the new phone. A GSM user with a SIM card can change phones anytime they want by moving the SIM card. Should you wish to borrow a friend's GSM phone for a few minutes because your battery died, you could put your SIM in their phone and calls placed will be billed to you.

A SIM card contains a serial number that is globally unique and the phone number of the mobile user. It also contains codes for security authentication and ciphering information, temporary information related to the local network, a list of the services the user has access to and two passwords (PIN for usual use and PUK for unlocking). Call detail records will identify the IMSI of the phone you are using, but billing is associated with the SIM ID rather than the IMSI.

### **C. LOCKING A CELLULAR PHONE**

For Ms. Cooper's phone, a GSM phone, the default PIN for locking the SIM so others cannot access your phone or make calls is 1111. A user can also simply use the security options to change this password. GSM phones can actually lock either the SIM card or the phone itself or both. 911 can be called from even a locked phone. Instructions for changing the password and locking and unlocking on a personally used BlackBerry are easily found on the AT&T website.<sup>1</sup> This site warns multiple times that entering a PIN incorrectly ten times will erase all the data from the phone terminal. The page also warns that if your phone is a company phone, it may automatically lock if you leave the phone idle for a predetermined amount of time.

### **D. BLACKBERRY SMART PHONES**

The BlackBerry phone is the brand name of a series of phones developed by a company called Research In Motion (RIM) from Waterloo, Ontario, Canada. This was the first "Smartphone" and was developed in 2002. From 2002 to approximately 2008, the BlackBerry was the only smart phone available.

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<sup>1</sup> <http://www.wireless.att.com/support/tutorials.do?tutorialsCategory=Getting+Started&tutorialId=689460&deviceId=10720>



A smart phone differs from a standard cellular telephone in the addition of "data capabilities." Standard phones can only make and receive "voice calls" and have the limited capability to also send text messages; those being short messages of approximately 140 characters. Smart phones have personal computer-like capabilities, but also offer the mobility of a cell phone. Smart phones such as the BlackBerry can securely send emails, photos, allow web surfing, calendar, contacts, navigation, Facebook, phone calls, video, voice calling, SMS, MMS (Picture messages) and other office functions.

The BlackBerry, like all GSM phones store all the user information on a SIM card. This is the information needed by the telephone network to identify your phone to the cell towers and verify that you are a subscriber in good standing. The SIM card can also be used by the user to store their phone numbers and text messages.

SIM cards have a limited amount of memory so large files and pictures cannot be stored on them. These can be stored on the phone itself. The user also has the option to store text messages and phone lists on the phone terminal rather than the SIM card. The SIM card used in a BlackBerry is the standard small SIM card used for cell phones.

The BlackBerry operating system and all application modules are stored persistently in flash memory. When a BlackBerry device user turns on the BlackBerry device, the core operating system and the BlackBerry Java Application modules use approximately 10 MB to 15 MB of flash memory, depending on the version. Flash memory can store the BlackBerry device user's email messages, organizer data, and other personal information, as well as the data that a BlackBerry Java Application stores in memory.

#### **E. CELLULAR PHONES AS EVIDENCE**

Cellular phones can be invaluable tools in finding missing people and solving crimes. I have several patents that assist law enforcement in the evaluation of cellular phones and have previously worked with the FBI and designed wiretap systems. In the case of GSM phones, such as Nancy Cooper's BlackBerry phone, two parts exist; the handset and the SIM card, which is the memory and capability for service.

#### **F. SIM CARD EVIDENCE**

SIM card investigation can be very important in the investigation of a criminal case as it contains a variety of important data. Information we might expect to be extracted from a SIM.

**Information about the subscriber:** the SIM stores the International Mobile Subscriber Identity (IMSI), which is a unique identifier for each subscriber in the

system, as specified in [ETSI EN 300 927 v5.4.1]. Information about preferred languages could be of help in determining the subscriber's nationality. Mobile Station ISDN (MSISDN) could be used to retrieve the calls originated by the user towards other phone numbers.

**Information about acquaintances of the subscriber:** subscribers can maintain a list of the numbers they call or they are called from more frequently or that are of importance to them. Furthermore, subscribers could be registered to one or more groups of subscribers if so called "multi-calls" are enabled.

**Information about SMS traffic:** it is possible to read SMS (short message service) messages sent and received by the subscriber out of the SIM card, and to see for every received SMS whether it has been read or not.

**Information about subscriber's location:** the SIM stores the last area(s) where the subscriber has been registered by the system.

**Information about calls:** the last numbers dialed are stored in a file in the SIM file system. The key used to encrypt the last call is stored there too.

**Information about the provider:** it is possible to extract the provider name and the mobile network commonly used for communications, along with mobile networks that are forbidden to the subscriber.

**Information about charges:** some billing (charging) information could be stored in the SIM.

**Information about the system:** every SIM card has a unique unchangeable ID stored in it. All the services the subscriber can use are shown. This tells what evidence might be found. If the subscriber is authorized for text messaging, text messages should be found. Even deleted text messages could easily be retrieved using open source software.

## **G. MY EXAMINATION OF THE SIM CARD**

In my examination of Nancy Cooper's phone, I examined the mobile phone and SIM card separately as is proper in the examination of GSM cell phones. As tools in the examination I used a multi-card reader; an inexpensive device that is attached to a computer that enables the reading of multiple types of memory devices. The device I used has the capability to hold a standard SIM card. The reader itself attaches to a personal computer by way of a USB connection.

After successfully attaching the SIM device to my PC by way of the memory card reader, I used a standard software tool that is open source and freely available known as BITPIM. BITPIM is a commonly used tool that has the capabilities to image a SIM card in a non-destructive manner, collect all the data, and use the

data for preparing a presentation of the found data. The result was that no data was found. The SIM appeared to have been fully erased or invalidated.

In order for Detective Young to have erased or invalidated the SIM card he would have to first erase the terminal. That means he would have to type in the wrong password ten times, typing out the word "BlackBerry" after the 5<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> incorrect attempts. Next he would need to disregard the on screen warning saying that all data would be erased on the 10<sup>th</sup> try and watch as the display tells him that all data is being wiped off the phone terminal. Lastly, he would have to navigate on the newly erased phone until he got to the screen asking him to enter a SIM card password before finally, he would have to input the incorrect PUK code 10 times. It is only after all this complete procedure that the SIM card would be invalidated.

#### **H. MY EXAMINATION OF THE MOBILE TERMINAL**

The Mobile Terminal in which the SIM card is held, coupled with a SIM card, forms a GSM mobile phone. A GSM phone terminal itself has substantial memory and an examination of the phone would find such data. This phone contained no data in any of the user accessible memories. This was easily determined by simply using the phones graphical menu to open each of the user accessible memory spaces such as phone lists, text message storage, and photo storage. With the invalidated SIM card the phone would not make phone calls because all subscriber information is stored on the SIM. Otherwise, the terminal functioned normally.

When I booted up the phone it showed that it contained the standard operating system for a BlackBerry and displayed the standard start up screens including the AT&T logo. This confirmed to me that this phone was in use recently, because I know the phone to have been a Cingular phone when it was first obtained by Nancy Cooper. This is known because the SIM card is shown to have been provided by Cingular. When AT&T bought the company Cingular, software updates were pushed to subscribers to convert the phone to AT&T. Customers would not be aware that their phone was updated as this is a regular feature of a cell phone system and a regular function. Customers would have been aware that their phone was now under AT&T when they saw the new logo appear on their phones.

The phone appeared to boot up normally and its menu functions and access to memory was working normally (albeit, they were empty). I dialed 911 and was immediately connected to a dispatch operator at the PSAP in Raleigh. All phones will connect to 911 if they have power and the phone is operating. It is my opinion that the Nancy Cooper phone was not damaged and was operating properly however it was fully erased. It is my opinion that this phone would have had some data if it was in use by Ms. Cooper.

## **I. LAW ENFORCEMENT REGULARLY EXAMINES CELL PHONES**

Cell phones are now seized and examined by law enforcement on a daily basis and the examination of cell phones has become commonplace. I have spent considerable time teaching law enforcement how to properly secure cell phone evidence and how to evaluate the resulting information. Detective Young followed no forensic protocol whatsoever.

### **FAILURE TO PREPARE A TEST PLAN**

In any forensic procedure, a test plan must be established so as to record the steps in testing equipment. According to the National Institute of Standards and Technology "Guidelines on Cell Phone Forensics" a plan should address generic roles and responsibilities for cell phone forensics. Having a plan and procedure ensures preservation of evidence and prevention of negligence. Examiners who analyze cell phones for forensic evidence must be able to indicate what they did to extract information from the cell phone being presented as evidence and what steps they took to preclude damaging any evidence or other material they recovered as a result of the examination. The process for cell phone exams also must be consistent with any consent or warrant. Any law enforcement officer should be aware of this requirement.

### **CHAIN OF CUSTODY**

On July 12, 2008, Detective Hayes received Nancy Cooper's BlackBerry phone from the Cooper home. As the phone was password protected, he turned the phone over to Detective Dismukes on that same day. Ms. Cooper's phone was allegedly stored in Detective Dismukes' desk drawer until it was checked into evidence on July 25, 2008 at CPD Evidence item #3.

According to Detective Young, he spoke with AT&T on July 30, 2008 to discuss unlocking the BlackBerry. On the same day, defense attorney Howard Kurtz sent a letter of spoliation regarding the BlackBerry to the Cary Police Department. On August 1, 2008 Detective Young faxed a court order for the PUK code for Nancy Cooper's BlackBerry to AT&T. On August 6, 2008, the spoliation letter was received by the Cary Police Department. The next day, the PUK Code was received and the BlackBerry was logged out of evidence by Detective Young. According to Detective Young, on August 9, 2008, despite having been warned not to destroy potentially critical digital evidence, he wiped all data from the BlackBerry device and SIM Card. He did not alert the defense to this fact until June 5, 2009. The BlackBerry was then returned to evidence, allegedly wiped, on August 12, 2008.

Detective Young completed a search warrant for the BlackBerry on September 22, 2008, without mentioning to the Judge that the device had already been wiped of all data. After the search warrant was executed, Detective Young

checks the blackberry out of evidence, and the wipe is confirmed by Detective Thomas on September 24, 2008 using a DataPilot cell phone kit. Young returns the BlackBerry to evidence on October 15, 2008.

June 15, 2009, I took custody of the phone, performed my examination, and returned the phone.

More than two years later, I again took custody of the phone to examine the phone with a Cellbrite device. This further investigation confirmed that the phone was empty.

After testing the phone I resealed it and held it for the return date of September 16, 2010. On September 15, 2010 I was called urgently to Chicago for another matter. I was witnessed placing the sealed evidence packet in an empty drawer of my home by a friend to assure the chain of custody. This is the first time I was not in possession of the phone. No one was in my home while I was away. I returned two days later on a Friday. Saturday and Sunday I did not attempt to return the phone. On Monday I returned the phone to the Cary PD.

#### **CONCLUSION REGARDING TIMELINE**

I can conclude the data which may have been invaluable in determining the facts of this matter are lost and these losses are likely intentional conduct. Furthermore, I conclude that the phone was erased in September, not in August of 2008 as Detective Young claims. Lost are:

- Text messages that may have indicated where Ms. Cooper was going and who she was to meet.
- Locations that show if she had previously been to the location for extended periods of time.
- Lack of evidence from Brad Cooper's phone to compare his location with her location at the time.

#### **TIMELINE OF DETECTIVE YOUNG'S ACTIVITY**

On July 30, 2008, defense counsel sent a letter to the Cary Police Department requesting that the data on the device be preserved. Detective Jim Young of the Cary Police claims to have accidentally caused all the data in Ms. Cooper's BlackBerry to be destroyed. Had Detective Young genuinely intended to examine, rather than destroy the phone, it stands to reason that he would have made some attempt to determine if data could be recovered. Frequently data is recoverable using forensic equipment. Yet Detective Young made no attempt whatsoever to seek expert assistance to recover the data he had deleted. The Detective's actual intent is apparent from his reaction to his realization that he

had deleted the data from potential evidence in a homicide investigation. Instead of seeking assistance, he merely returned the phone to evidence and began to examine yet another item, a digital camera.

On September 24, 2008, after the officer destroyed the data, he sought a search warrant on to examine its contents. The application for the warrant did not mention the destruction of the data. A search conducted pursuant to the warrant in September 2008 revealed that the data had been destroyed.

My inspection of this phone showed that it was last powered up on 29 September 2008 at 10:22 AM. This indicates to me that the phone was not erased in August, as Detective Young claimed, but rather in September, 2008.

On June 5, 2009, Detective Young notified defense counsel that he had completely destroyed all information on the phone on August 9, 2008, nine days after defense counsel had requested that the data be preserved. The notification letter implied that the destruction of the data was inadvertent. The date on which Detective Young claims to have erased the phone is inconsistent with my own examination. It is beyond the scope of my expertise to opine as to why he would be dishonest about this fact.

#### **OPINION AS TO TIMELINE OF DETECTIVE YOUNG'S ACTIVITY**

It is my opinion that Detective Young acted improperly in the handling of Nancy Cooper's cell phone. A skilled investigator will preserve evidence to the best of his or her ability. Cellular telephone evidence has been a factor in crime for approximately ten years. He waited two and a half months before trying to contact another with the knowledge and equipment to forensically examine a BlackBerry. At that time Detective Young already knew he had wiped out the phone. I believe Detective Young knew of the availability of equipment but chose not to allow forensic analysis of the phone for reasons I cannot opine.

#### **ACTIONS TAKEN BY INVESTIGATOR**

The investigator in this matter claims to have obtained information as to how to unlock the phone from AT&T and then when going through this process, he found that he had erased all the information. I opine that the explanation provided by Detective Young is highly implausible. I repeated the procedure that he claimed led to the erasure and my findings confirmed my opinion<sup>2</sup>. Further, Detective Young was not qualified to perform the forensic evaluation, and he did not follow standard procedures as recommended.

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<sup>2</sup> Photographs of the process are attached.



After entering the PIN incorrectly a number of times I was warned twice that failure to enter the correct PIN would result in the erasure of the entire phone. Ignoring this I went forward anyway and was again warned to continue. I was required three times to type in "BlackBerry" signifying knowledge that continuing would result in full erasing of the phone. A BlackBerry device will always give the user a warning before the last attempt to enter in a PIN. The display will always inform the user that failing this final attempt will result in the device erasing all data. After entering in the PIN incorrectly ten times, the phone was erased. A person of reasonable intelligence would have heeded the warnings and checked with the provider as to what to do. The entire process was photographed, and is clear on this point. When Detective Young proceeded beyond this point, it is clearly intentional destruction of device data.

Detective Young, by conducting an examination without knowledge or expertise of telephony, and specifically BlackBerry technology, violated standards well regarded in law enforcement. The Association of Chief Police Officers issued four principles regarding digital evidence; all four of those principles were violated when Detective Young examined Nancy Cooper's Blackberry.

*Principle 1:* No action taken by law enforcement agencies or their agents should change data held on a computer or storage media which may subsequently be relied upon in court.

Detective Young disregarded this basic principle of digital evidence when he irreversibly wiped all data from Nancy Cooper's Blackberry.

*Principle 2:* In exceptional circumstances, where a person finds it necessary to access original data held on a computer or on storage media, that person must be competent to do so and be able to give evidence explaining the relevance and the implications of their actions.

When Detective Young examined the BlackBerry and wiped all data, there were no exceptional circumstances that would have compelled him to do so. Further, he was not competent to conduct such an examination, and he did not explain the implication of his actions for almost 11 months following that examination.

*Principle 3:* An audit trail or other record of all processes applied to computer based electronic evidence should be created and preserved. An independent third party should be able to examine those processes and achieve the same result.

The manner in which Detective Young conducts his examination is not reproducible by any third party. He did not keep a record of the process, record



his notes with the AT&T representative who gave him instructions, photograph the deletion, or have a neutral witness to the process.

*Principle 4:* The person in charge of the investigation (the case officer) has overall responsibility for ensuring the law and these principles are adhered to.

It appears that Detective Young, although not the lead investigator on this case, after wiping the BlackBerry of all data, did not alert his superior, but rather returned the BlackBerry to evidence and proceeded to examine another digital piece of evidence.

Detective Young was not qualified to perform the forensic evaluation, and he did not follow any of standard procedures as recommended, which resulted in the destruction of valuable evidence on Nancy Cooper's BlackBerry.

#### **IV. SUMMARY AND CONCLUSION**

Given all of the forgoing, it is my expert opinion that:

1. Detective Young erased Nancy Cooper's BlackBerry intentionally;
2. Detective Young erased Nancy Cooper's BlackBerry's SIM card intentionally;
3. The erasure of Nancy Cooper's BlackBerry's SIM card occurred in September, 2008, not August, 2008, as he claims;
4. Members unknown of the Cary Police Department deleted Nancy Cooper's Motorola V551;
5. The Federal Bureau of Investigation has rendered all data Mr. Cooper's Samsung BlackJack irreparably irretrievable.

#### **V. QUALIFICATIONS OF BEN LEVITAN AS AN EXPERT IN TELEPHONY**

My professional CV is attached as CV of Ben Levitan. I started professional employment in telecommunications in 1984 after several years in another engineering field. Since 1985, I have worked in all major areas of telecommunications, have received numerous awards, co-authored several books and have a number of patents pending including in the area of cellular telecommunications. My experiences most relevant to my opinions in this matter are my 12 years as a charter member of the congressionally mandated

telecommunication industry committee that set the technical standards for phones and develops features and functionality for law enforcement such as wiretap and wireless 911 services.

In 2006, I became an independent consultant and my first assignment was to represent the FBI at the wiretap standards committees and investigate methods to wiretap new technology. This experience allowed me to help the FBI develop technical knowledge in the area of telecommunications and become familiar with their capabilities. The FBI has long struggled with the proliferation of new technology and its right to perform lawfully authorized monitoring.

In 2004, I submitted 27 patents applications in the area of cellular telephone. These all were submitted to the US Patent Office for processing. Eight patents have been granted, eight are on public display awaiting public comment prior to final approval and the remaining are still processing.. Four of my patents submission were kept by Nextel as "Trade Secrets" and not submitted to the Patent Office. This prevents other companies from using these secrets after the patents expire in 15 years. I accounted for 33% of the patents submitted by Nextel corporations worldwide in 2004.

I further have independently submitted patents in the area of Homeland Security and Crime Prevention Innovations. Two of these patents are currently pending.

In 2004, I was recognized along with two other colleagues as Nextel's "Top Innovator". In 2003, I was recognized at "Technology Strategy Top Performer". In 2002, I was a frequent speaker regarding wiretap at industry conferences.

I am a frequent guest on the CNN TV Show "Nancy Grace" as the cell phone expert in numerous cases. I have also appeared on FOX TV's Keith Oberman Show and Sam Shepards Show and CNNs "America's Missing" TV show and locally on WRAL multiple times as an expert in telecommunications.

I support law enforcement in a number of manners. I have taught webinars that were attended by more than 1,000 detectives worldwide as well as have numerous private meetings with Police Commissioners and Detectives. I am a member (and management team member) of the North Carolina Search and Rescue Team where I assist in the location of missing persons (Amber Alerts and Silver Alerts) where I use my expertise to determine potential search locations of the missing.

## VI. CERTIFICATION

I certify that I prepared this report truthfully to the best of my ability in Raleigh, NC on 29 January 2011.

A handwritten signature in black ink that reads "Ben Levitan". The signature is written in a cursive style.

Ben Levitan  
Telephony Expert in the matter of State v. Bradley Cooper  
4317 Worley Drive  
Raleigh, NC 27613  
Phone [REDACTED]  
E-Mail [REDACTED]  
Web [www.BenLevitan.com](http://www.BenLevitan.com)

## VI. APPENDIX

### A. BEN LEVITAN'S CV

#### EXPERTISE

Cellular, Wireless, 3G, BPL, Broadband Internet Satellite and Traditional Telephony Wireless, Cellular and 3G Mobile Phone Systems, 4G/LTE, GPS, 911, Standards and Protocols Landline Telephony Systems, Standards and Protocols Broadband, Internet and WiFi/WiMax, Data, Billing Systems & Standards Broadband over Powerline (BPL) and Powerline Communications Systems (PLC) & Standards. Cellular Forensics and Search and Rescue via Cell Data. Patent Application and procedures.

**System Protocol Types** – Current, new and developing wireless standards for ANSI-41, GSM MAP, iDen, OMA, IETF, Broadband over Powerline (BPL) and 3rd Generation protocols. (3GPP and 3GPP2) and Long Term Evolution (LTE).

**Standards and Systems** - Active in US and international development of ANSI-41, GSM, 802.x, All-IP (3G Standards, SIP call control), ITU-T (CCITT) ISDN, SS7, PTT, PoC, Interstandard Roaming, FCC and US Government mandates, orders with special expertise in CALEA, E-911, Location, WPS, 3GPP, 3GPP2 and E.NUM, roaming, authentication, standards and billing systems, CIBER and TAP/TAP2.

**Extensive technical support** on FCC filings and meetings before commissioner for 800 portability, with Wiley, Rien & Fielding, GTE, others on SS7 Tariffs, CALEA (wiretap), Priority Access following (WPS) following 9-11 and others.

**Extensive litigation support** as Expert Witness engaged in Wiretap (CALEA), Location based Evidence, IPR (issues of validity, timely disclosure, non-infringement, ITC prep), 911 Wrongful Deaths, Texting While Driving matters, Spoofing, Billing Disputes and other Federal civil and criminal matters involving telephone evidence and other digital evidence. Qualified as an expert in Federal and State Courts.

**Committees** – 3GPP, 3GPP2, TIA TR-45, TR-46, PTSC (T1S1), T1 Committees since 1984, ITU-T (previously CCITT) AMTA (SMR) UTC, HomePlug, CALEA LAES, SHS and CALEA Summits, State Department SG B & SG D. GSM, GGRF, ARINC, RTCA and various Joint Experts meetings.

#### RECENT

#### ACCOMPLISHMENTS

- Nextel's Top Innovator Award
- 29 Patent Applications submitted to US Patent & Trademark Office
- 4 Trade Secrets developed and held by Sprint
- 8 Patent currently published
- Nextel Performer award for \$750,000 savings on first day.

- Seven Figure award in 911 Wrongful Death Case
- Determined technical flaw in serving 911 system as engaged telephony expert
- Federal Death Penalty reduced to seven years for case built solely on cellular phone evidence. Engaged as the telephony expert.
- Expert in first technical challenge to wiretap evidence (USA v. Reed)
- Successfully defended client in “brake failure” matter by first proof of “texting while driving” as cause.
- Key Designer of the US Wiretap System (CALEA)
- Key Participant in the design and development of US Wireless 911 system.
- Selected by peers to represent 3GPP2 Core Network as Speaker at India CDMA Summit

**PROFESSIONAL  
EXPERIENCE**

JANUARY 2006  
PRESENT

- **Consultant - Wireless and Broadband Telephony**
  - Telecommunications Expert, engaged in Consulting, Expert Witnessing, authoring of technical books.
  - “Telecommunication Expert” for various News shows and scripted TV shows.
  - Engaged as expert in IPR matter between mobile handset vendors regarding 3GPP standards vs. plaintiff’s intellectual property rights (May 2006 – present)
  - Engaged as expert in Federal criminal matter. Serving as defense team telephony expert in circumstantial case based wholly on cellular phone evidence. Discovered that defendant and victim were not in same town
  - Expert for FBI to study broadband over power line technology and make a recommendation regarding technical operation, market landscape, potential market growth and technical methodology for supporting lawfully required wiretap capability for broadband and telephone services offered. (January 2006 – November 2006)
  - Yahoo v. MForce for Yahoo in theft of trade secrets case. Deposition sealed (January 2006)
  - Engaged as expert in Los Angeles criminal matter and proved use of illegal wiretaps. Recommended technical challenge to suppress wiretaps. First such challenge in US. Same challenged used several times since this case. Provided technical report of evidences evaluated in the matter. (March 2006 - May 2006)
  - Authored, “GSM Technology” published by Althos Publishing. (September 2006 and 2<sup>nd</sup> Edition, October 2009)
  - Selected by Althos Publishing to write a book on technical and market aspects of BPL.
  - Selected by McGraw-Hill to write book on GSM.

- Engaged as expert in case of conspiracy to steal trade secrets for a major Mortgage Company.
- Frequent Guest on New Shows as “Telecommunications Expert” commenting on matters from Cellular Evidence to Health Care Debate. Shows include Nancy Grace, Shepard Smith, Keith Oberman and various NBC local stories.
- Frequent Radio Show guest for multiple radio shows, and often quoted in printed material regarding cellular phone evidence.
- Pro Bono support to the Innocence Project
- Manager on North Carolina Search and Rescue Team as Telecom Expert
- Consultant to writer's of A&E Scripted crime drama

AUGUST 2003  
DECEMBER 2005

- **NEXTEL COMMUNICATIONS (presently Sprint)**

Sr. Manager, Global Technology Standards (Nextel, Technology & Strategy Group)

**Responsibilities**

- Sole representative to 3GPP2 standards development committee with focus on Core Network Standards.
- Sole representative on all CALEA standards matters.
- Support to business development, sales and Nextel’s Intellectual Property Department.
- Support of development team via extensive on-line standards library. Voting member for 3GPP2 TSG-X and TSG-S.
- Served as alternate and Nextel attendee to 3GPP2 Operating Partners and Steering Committee.

**Accomplishments**

- Nextel’s Top Innovator Award for 27 patent submissions
- Patents in areas of 911, Wiretap, Rural Cellular, Calling Party Pays, others.
- Nextel Performer award for \$750,000 savings
- Technical Member (1 of 2 on team of 20) for NewCo business launch team (Merger put project on hold)
- Number of spot bonuses for performance and patent application milestone accomplishments.
- Selected by standards peers to represent 3GPP2 Core Network as Speaker at India CDMA Summit
- Successfully negotiated restructure of wiretap (CALEA) standards in CDMA to support Nextel goals
- Successfully build a team of carriers to block a technical change that would impact Nextel’s LNP launch.
- Selected to perform technical evaluation of pre-launch i840, Nextel’s first picture phone.
- Selected to perform market and technical evaluation of Nextel’s

Flarion OFDM WiMax test vs. others.

- Provided initial notice and intelligence of first competitive PTT launch and member of strategy team.
- Developed technical improvement in Nextel network (four) which Nextel maintains as trade secrets
- Supported the Industry Number Committee / US Navy requesting non-geographic NPA (Navy withdrew request based on arguments presented)

MARCH 1998 - MARCH  
2003

**GTE**

*GTE TSI is USA's largest cellular billing and clearinghouse - became Verizon International briefly TSI and now Syniverse*

Manager, Standards and Technology

#### **Responsibilities**

- Primary Technical Consultant regarding wireless standards to all departments
- Provided technical consulting for system design of new products, including LNP, Churn Management, 911 Service Bureau, Authentication Service Bureau.
- Expert for new business proposals, development, RFP's, white papers, user guides,
- Presented training and technical presentations to management, development and sales.
- Initiate business case for new products
- Key technical support to sales as needed for sales calls
- Provided customer support on all technical issues as requested
- Managed the representation of TSI at all appropriate GSM, CDMA and TDMA standards forums, including budget, personnel, and coordination with product managers
- Represent TSI at all appropriate forums (business need/opportunity or customer support)
- Active speaker, per request of Executives, Sales and Marketing at industry conferences. Frequent contributor to Company Website.

#### **Successful Projects:**

- Initiated, launched or provided substantial technical expertise for products for: Wireless Number Portability (including SOA/ICC and IS-41 NPREQ), CALEA, UIM, 911 Phase I and Phase II, Location Services, Interstandard Roaming (GSM <> IS-41), SMS Interoperability IS-41 Revision C, D and E. UIM and R-UIM development.
- Created training classes for customers, developers and management on above. Trained the trainers and developed courseware for new products.



- Negotiated reduced requirements for CALEA with FBI CIS.
- Successfully contributed to GTE/Verizon efforts to forestall portability.
- Developed concept proposal for new opportunities in Asia, US and South America
- Investigated opportunities in ALL-IP to support Media Gateways, SIP Proxy
- Regular consulting for Product Teams/Launch Teams for new/developing requirement
- Developed the industries largest and most complete on-line ANSI-41 technical library.

**Represented GTE, Verizon or TSI Telecommunication Services at:**

- TR45.2 (IS-41 Rev. C through E) voting member
- GSM Global Roaming Forum (GGRF) network
- 3PP2 (3rd Generation Partnership Program) voting member TSG-N (Now TSG-X)
- T1P1 – Wireless and PCS Standards voting member

1995 - 1998

**ALCATEL**

Senior System Engineer

- Reporting to Director Engineering, responsible for new feature development for the GMH2000 AMPS cellular, TDMA and CDMA switch.
- Specifically responsible for project management, system engineering, testing and commercial turn on and standards compliance and representation for ANSI-41 standards.
- Successes include Authentication, Voice Privacy and Signaling Message Encryption and WPS (early form), SMS, CLIP, CLIR, CALEA and others).
- Managed Inter-vendor testing, and resolution of customer issues.

1990 - 1995

**AERONAUTICAL RADIO, INC**

Principle Engineer

- Reporting to Director Engineering, represented US Airline industry at ITU, FCC and ANSI, US State Department, on technical telecom issues.
- Projects included developing standards for Universal Personal Telecommunications, Personal Communications, Services, Mobile /Aeronautical Mobile Satellite Services and International/Domestic `800` Service and `888` expansion.
- Initiated projects on Aircraft Passenger Communications (air phone), Airport Networks, and Entertainment interfaces.
- Significant successes providing technical support on FCC issues

with legal team, including 800 number portability, including presentations to the commissioners.

- Member of technical team established by the US Congress (RTCA) that determined the effect of cellular telephones and other passenger devices on board commercial aircraft.

1986 - 1990

**COMSAT**

Digital Engineer

- Reporting to VP of Engineering, designed, developed and negotiated ITU (CCITT) and ANSI telecommunication standards for Signaling System #7 (SS7), ISDN, Mobile, IMT 2000 (formerly FPLMTS).
- Project Manager for Satellite Packet Switching/ISDN Test with budget and schedule responsibility.
- Successfully negotiated ISDN standards to support operation over satellite.

1981 - 1986

**HUGHES AIRCRAFT COMPANY**

Member of Technical Staff

CLEARANCE - SECRET

- Reporting to Manager of Engineering responsible for project design, integration, installation and test of Satellite Ground Station Subsystems
- Successful projects included INTELSAT and AUSSAT Stations.
- System Test Engineer for the - NASA Galileo/Jupiter Probe - Numerous Proposal Efforts, Technical Customer Training

**EDUCATION**

**University of Connecticut**

Coursework in Electrical Engineering

Credits have been transferred to DeVry University towards BS in Technical Management.

**El Camino Community College**

General studies toward graduate degree

Credits have been transferred to DeVry University towards BS in Technical Management.

1994 – to present

40 hours per year of training via corporate internal and approved external training in technology, business skills, management and project planning

Trained in Coverdale Methods for project management at Nextel

TQM training via Hughes Aircraft Company.

Demmings training via Hughes Aircraft Company

## **TEACHING**

Courseware development for new wireless products, and “train the trainers” to present the material.

Employed as a technical trainer for several seminar companies.

Trained primarily in telephony, computer basics and project management.

Technical training planned to attorney’s regarding cellular telephone via the Association of Federal Defense Attorneys via web conference.

Developed and presented Webinars on technical issues related to 3rd Generation, WiFi, WiMax, Use of Cellular Evidence for Investigations, 911 Systems, The Basics of Cellular Telephone.

Developed and Presented “The basics of cellular telephone systems for Attorney's”

## **BOOKS PUBLISHED**

- Basics of Satellites (Two editions)
- Wireless Billing Dictionary (6 co-authors)
- Basics of Wireless Telecommunication (4 author collaboration)
- GPS Quick Course, Althos Press
- GPS Technology and Systems (Two editions)

Under Contract:

- The GSM Handbook, MacGraw-Hill
- The BPL Handbook, Althos Press

Updated previously published books by other authors

- Telecom Billing
- Wireless Telecom Billing
- Basics of Satellites

Contributing editor:

- IPTV Magazine

## **BEN'S PATENTS**

4 Trade Secrets developed by Ben Levitan related to cellular technology, are closely held by Sprint. Additionally 29 Patents are in the US Patent Office waiting processing. At this point, seven have now been published as Patents and eight Applications are posted for Public review:

**PUBLISHED PATENTS**

No	Patent No.	Title
1	<a href="#">7,623,842</a>	<a href="#">System and method for determining a location of an emergency call in a sparsely-populated area</a>
2	<a href="#">7,454,203</a>	<a href="#">System and method for providing wireless services to aircraft passengers</a>
3	7437155	<a href="#">System and method for operating a private wireless communications system</a>
4	<a href="#">7,409,219</a>	<a href="#">System and method for recovering a lost or stolen wireless device</a>
5	<a href="#">7,336,962</a>	<a href="#">System and method for position equipment dusting in search and rescue operations</a>
6	<a href="#">7,236,768</a>	<a href="#">Systems and methods for a carrier-independent calling-party-pays system</a>
7	<a href="#">7,155,207</a>	<a href="#">System and method of analyzing communications between a calling party and a called party</a>

**Pre-Grant Patents on Public Review**

<u>Patent No.</u>	<u>Title</u>
<a href="#">20070072620</a>	<a href="#">System and method for recovering a lost or stolen wireless device</a>
<a href="#">20070072590</a>	<a href="#">System and method for providing wireless services to aircraft passengers</a>
<a href="#">20070060133</a>	<a href="#">System and method for a private wireless network interface</a>
<a href="#">20070010245</a>	<a href="#">System and method for operating a private wireless communications system</a>
<a href="#">20060293023</a>	<a href="#">System and method for position equipment dusting in search and rescue operations</a>
<a href="#">20060286961</a>	<a href="#">System and method for determining a location of an emergency call in a sparsely-populated area</a>
<a href="#">20060053010</a>	<a href="#">System and method of analyzing communications between a calling party and a called par</a>

**ADDITIONAL INFORMATION**

- Fluent in French (Native)
- Some Japanese / Starting Chinese (Mandarin)
- Strong PC Skills
- Programming several languages
- Significant hands-on technical experience
- Strong presentation and training skills
- Strong Database (FileMaker) Skills
- Strong Web (HTML) & JavaScript Skills
- Private Pilot Land and Sea
- Certified Scuba Diver
- Certified Night Search and Rescue – Missing Persons
- Nextel/Sprint Top Innovator - 2005
- 2009 “Elite Expert” by IMS
- Customer Service Award, GTE (2000), ARINC (1991)
- National Speakers Assoc, Outstanding Member
- UPI award for Photography (1981)
- Certified Lifesaver/Red Cross
- Selected as Docent for Smithsonian National Air & Space Museum
- Docent - “Dead Sea Scrolls” -NC Museum of Science
- Management Team – North Carolina Search and Rescue
- Scuba Team – North Carolina Search and Rescue

**AWARDS AND OTHER INTERESTS**

**B. EXPLANATION COOPER PHONE ERASURE BY CARY POLICE****POLICE DEPARTMENT**

June 5, 2009

Kurtz & Blum  
16 West Martin Street, 10<sup>th</sup> Floor  
Raleigh, N.C. 27601  
Attn: Howard Kurtz

Re: Cary Police Department Property Item #3, a black 'BlackBerry Pearl' cellular telephone

Mr. Kurtz,

This letter is to provide you with a brief synopsis of the examinations performed relating to a black 'BlackBerry Pearl' cellular telephone, which is identified by PIN: 23FFDF38 and IMEI: 355768013105815, since the telephone was provided to the Cary Police Department by Bradley Graham Cooper on July 12, 2008. A complete explanation of the examinations and actions pertaining to this property item is noted in supplemental reports regarding Cary Police Department OCA 08-3863 and field notes of Cary Police Department law enforcement officers responsible for a chain of custody of this particular property item.

On July 12, 2008 the cellular telephone was provided by Bradley Graham Cooper to Cary Police Officer D. Hayes, who in turn provided the property item to Cary Police Detective A. Dismukes. The cellular telephone was 'locked' at the time that Mr. Cooper provided the property item to Officer Hayes and Mr. Cooper advised Officer Hayes that he (Mr. Cooper) did not have the 'code' to 'unlock' the cellular telephone.

During the course of the investigation regarding the homicide of Nancy Lynn Cooper, I attempted to access the cellular telephone by obtaining a 'puck code' from AT&T, which is the service provider for the cellular telephone number assigned to Nancy Cooper, to complete a 'forensic preview'. In an attempt to execute the 'puck code', which was obtained via a court order from AT&T, which is attached to this document, I completed steps to successfully 'unlock' the cellular telephone, which were provided to me via telephone by a AT&T representative. These steps failed to successfully 'unlock' the cellular telephone and in fact 'wiped out' any and all information contained on the cellular telephone.

A search warrant was issued to access the cellular telephone (a copy of this search warrant is attached to this document) on September 22, 2008 and executed on September 24, 2008. An examination of the cellular telephone by Cary Police Detective T. Thomas confirmed that there was no data contained on the cellular telephone.

Please contact Wake County Assistant District Attorney H. Cummings with any questions that you may have pertaining to this letter or the cellular telephone identified as Cary Police Department property item #3.

**TOWN of CARY**

120 Wilkinson Ave • Cary, NC 27513 • PO Box 8005 • Cary, NC 27512-8005  
tel 919-469-4021 • fax 919-460-4904 • www.townofcary.org



Thank you,

POLICE DEPARTMENT

COPY

A handwritten signature in black ink, appearing to read "Jim Young".

Jim Young  
Detective, Criminal Investigations Division  
Cary Police Department

Cc: Howard Cummings, Wake County District Attorney's Office

09782

TOWN of CARY

120 Wilkinson Ave • Cary, NC 27513 • PO Box 8005 • Cary, NC 27512-8005  
tel 919-460-4021 • fax 919-460-4904 • www.townofcary.org

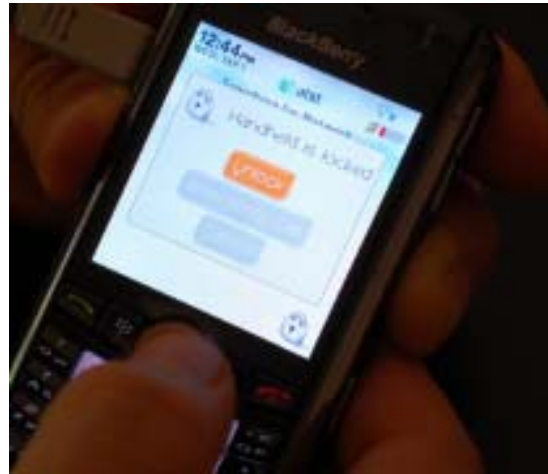


**C. CARY POLICE PROCEDURE LEADING TO BLACKBERRY'S ERASURE**

Select photographs showing expert reproducing accidental erasure of Ms. Cooper's BlackBerry. All Steps are shown in attached presentation.



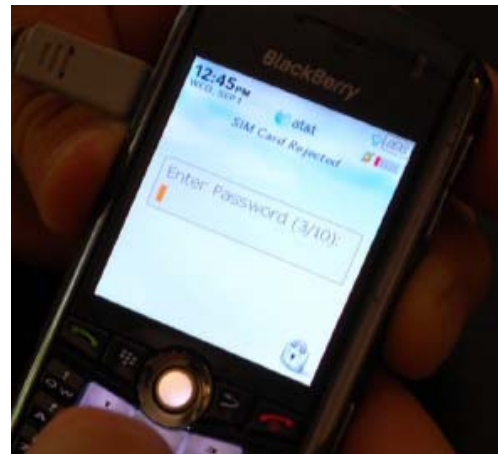
Step 1: PIN wrong. 2nd try of 10 offered.



Step 4: Phone shows locked. Enter PIN.



Step 3: Third attempt failed.



Step 2: Third attempt offered.

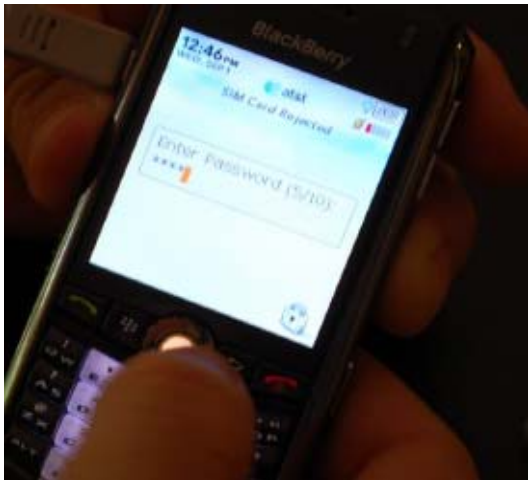




**Step 5: Second PIN Entry Fails**



**Step 7: 4th attempt fails**

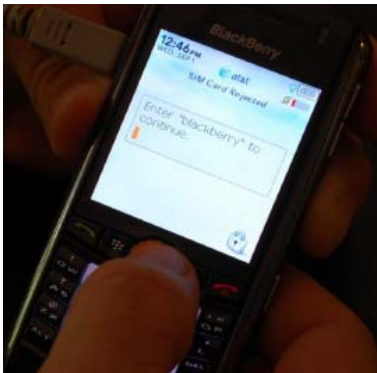


**Step 6: Enter the word "blackberry" if you want to try a fifth time.**

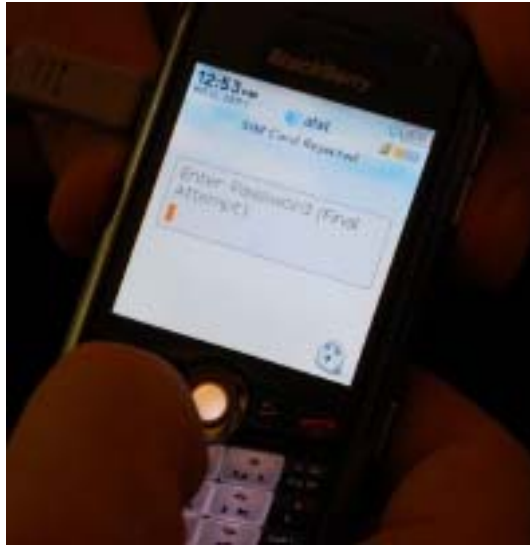


**Step 8: Word entered and fifth attempt fails**

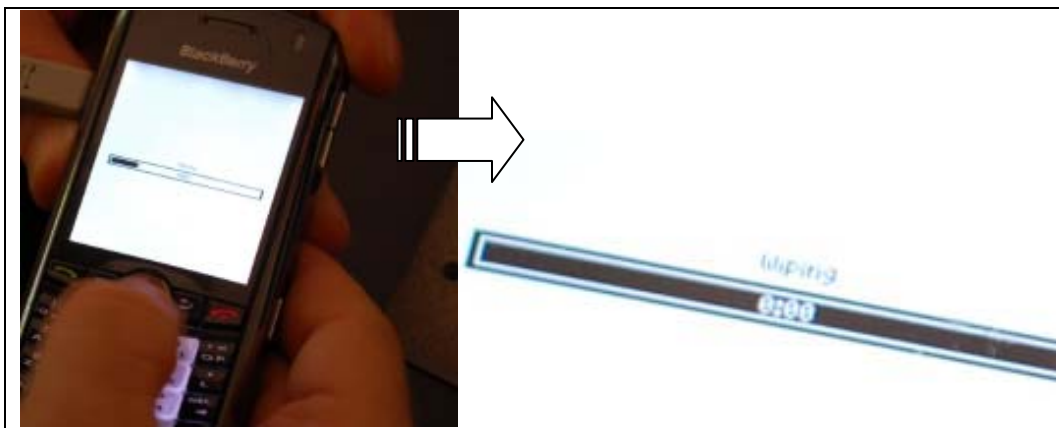
### Attempt Fails



**Step 9: LAST ATTEMPT. INFORMATION WILL BE ERASED.**



**Step 10: Confirm by typing "blackberry"**



**Step 11: Erasure in Progress**