

HERRICK BROWN & Company Ltd.

Expert for the defendant in a criminal case.

The defendant was willing to plead guilty to a charge of taking indecent photographs of a boy. The issue was the age of the boy. The prosecution alleged that the boy was younger than eleven. The defendant claimed that the boy was older, and claimed that the photographs had been taken using a digital camera, acquired after the boy's eleventh birthday, and downloaded as image files to his computer. The defendant also had a digital scanner and image manipulation software for his computer.

The principal evidence was a collection of seventy nine image files stored on the defendant's computer. These were named from 1.bmp to 79.bmp; with three exceptions, two with @ 12 included in the name and one with @ 13 included in the name.

The date and time attributes of the files were in sequence, in the order of the file name numbers 1 to 79. The dates of the two files with @ 12 and the one with @ 13 corresponded approximately to the boy's birthdays. The file 1.bmp was dated after the boy's eleventh birthday.

The characteristics of the .bmp bitmap image files matched the characteristics of files that I created using the defendant's digital camera.

I demonstrated that it would be difficult to create .bmp bitmap image files with the necessary characteristics by any other means, other than by using another digital camera with the same specification.

I suggested that, taken together, these findings tended to support the defendant's claims.

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