Plaintiff Joseph Ciampi, in pro se
P.O. Box 1681
Palo Alto, California 94302
Phone (650) 468-3561
Email: t.ciampi@hotmail.com

Plaintiff Joseph Ciampi, in pro se

FILED

2011 APR 22   A 9: 55

RICHARD W. ___ G
CLERK, U.S. DIST ___ RT
N ___ C ___ SA

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

(SAN JOSE DIVISION)

JOSEPH CIAMPI	Case No. C 09-02655 LHK (PSG)
Plaintiff,	**PURSUANT TO COURT ORDER, PLAINTIFF PROVIDES STUTCHMAN'S FORENSIC REPORT.**
v.	
CITY OF PALO ALTO, a government entity; LYNNE JOHNSON, an individual; CHIEF DENNIS BURNS, an individual; OFFICER KELLY BURGER, an individual; OFFICER MANUEL TEMORES, an individual; OFFICER APRIL WAGNER, an individual; AGENT DAN RYAN; SERGEANT NATASHA POWERS, an individual.	**Judge: The Honorable Judge Koh**
Defendants.	

On April 21, 2011 the court ordered Plaintiff to submit Gregg Stutchman's forensic

report. Plaintiff hereby submits the attached forensic report, Exhibit 614. Plaintiff has also

included a very short video file of a "mpeg4" video file, Exhibit 616. In ¶ 4 of pg. 6 of

Stutchman's report he notes the mpeg4 video file format of the taser videos. Defendants have

not to date provided Plaintiff a copy of the taser videos on the "mpeg4" video file format.

Defendants have produced "avi" taser videos that contain mpg4 codecs. Defendants specifically

state that the taser videos provided are "MPEG4" video wrapped in "AVI" container files as

documented in Andrew Hinz' Declaration, Court Document 108-2. However Plaintiff has

discovered that "MPEG4" videos have there own container files, Exhibit 615. It is Plaintiff's

understanding that the digital video industry would not refer to an "AVI" container video

containing mpg4 codecs as MPEG-4 videos. Plaintiff believes that Defendants still have not

produced the original taser videos created with the MPEG-4 files.

It should also be noted that Stutchman makes a sample editing of the videos using the

"AVI" file format indicating that "AVI" can be edited, ¶ 6 of pg. 6 and the last paragraph of pg.

9 of Exhibit 614.

Plaintiff would also like to point out the during the April 21, 2011 hearing Defendants'

attorney stated that he provided the court a copy of the MAV videos that had been merged by the

District Attorney's office as one of their exhibits. Plaintiff does not believe that Mr. Sherman

cited this exhibit in his Declaration and Plaintiff did not receive a copy of the video Mr. Sherman

refers to as a part of Defendants' motion to compel. Defendants' did provide Plaintiff a copy of

this merged MAV video as a part of the Discovery process.

Plaintiff

Date: April 22, 2011

Joseph Ciampi

Plaintiff JOSEPH CIAMPI in pro se

Stutchman Forensic Laboratory

Audio & Video Forensics . Forensic Photography
421 Walnut Street, Suite 120 . Napa, CA 94559
707 257-0828 . Fax 707 257-3240
www.stutchmanforensic.com
email: stutchman@earthlink.net

Gregg M. Stutchman   Stephen C. Buller

CASE: **People v. Joseph Ciampi**

ATTORNEY: David Beauvais

FROM: Gregg Stutchman
                   Chief Forensic Analyst

SUBJECT: Analysis of Taser Videos

DATE: 8-14-08

BACKGROUND

Our lab was retained by Attorney David Beauvais, who represents Mr. Ciampi. We were retained to conduct forensic analysis of the four videos below relating to the arrest of Mr. Ciampi for the purpose of determining if any of the video or audio had been altered or edited.

VIDEO ITEMS RECEIVED

1. DVD labeled in marking pen "Burger MAV". It contains the audio and video from a police car onboard recording system. The video shows only the street and does not show the incident. The audio was recorded from the officer's belt microphone and recorded the audio of incident.
2. DVD labeled in marking pen "Temores MAV". It contains video of the incident, but no audio.
3. CD-R labeled in marking pen "Taser". This is a DATA CD which contains two folders. One folder is labeled "OFC. Burger Taser Video." The other is labeled "IFC. Temores Taser Video." Each folder contains a video with audio in "asf" format. They can be opened from my Computer in a PC and played on Widows Media Player.

TERMS AND DEFINITIONS FOR UNDSTANDING ANALYSIS

Analog recording: An analog recording is one that is made using conventional magnetic tape. This includes standard audio and videotapes, including VHS tapes.

614-1

Discontinuity: An event that interrupts the continuous flow of recording. It can occur either in the original recording by stopping or pausing the recording or in the preparation of subsequent copies.

Record event: A record event is an occurrence that initiates, interrupts or stops a recording process.

Anomaly: An abnormality in a recording of undetermined origin.

Edit: Editing is a process of altering the content of a recording. There are a variety of methods by which a recording can be edited. Edits can be done during the recording process or in the preparation of altered copies.

METHOD OF ANALYSIS

Critical Review: Critical review is a visual evaluation of the video recording. Signatures, anomalies, discontinuities, and edits are visible and can be detected through critical review. If any evidence occurrences exist, further analysis is conducted.

Waveform Analysis: When a recording is loaded onto computer using forensic audio software or audio editing software, the recording is viewed in terms of a graphical display called the waveform. The waveform display reflects graphically the relationship between the time and amplitude of recorded sounds and allows the identification and comparison of recorded events. It also enables measuring the passage of time between events.

Time Code Analysis: The MAV videos and the Taser Cam systems generate a date time stamp which shows the time in hours, minutes and seconds. The date time stamp is recorded onto the actual video footage. When a segment of a recording is edited and removed the time in minutes or seconds for that segment is also removed creating a gap in the time stamp.

REVIEW & ANALYSIS OF VIDEOS

The MAV videos and the Taser videos were reviewed using Windows Media Player. Additionally they were captured to the hard drive of a dedicated forensic video software/hardware system. Using forensic software, called Video Investigator by Cognitech, frame by frame analysis was conducted.

MAV video's display date and time in the upper right corner of the video screen. There are two microphone capabilities with these systems. The first is wired inside the car. The second is on the belt of the officer and records the audio remotely. With most systems the microphone can be switched on or off by the officer. When a microphone is active, a "B" or "M" is displayed next to the date/time stamp.

The following was noted:

"Temores MAV"

EVENT	DATE SHOWN	TIME SHOWN	NOTES
Video begins. The patrol car is driving.	15-03-08	10:04.27	There is no audio, however the "B" is shown.
			As the patrol car is driving the "B" comes

114-2

			on intermittently.
Patrol car pulls up behind the green van	15-03-08	10:05:13	There is no audio, however the "B" is shown.
The patrol makes a U-turn and pulls up facing the green van.	15-03-08	10:06:11	There is no audio, however the "B" is shown.
		10:06:13	There is no audio, however the "B" disappears.
Officer Temores exits his vehicle and walks up to the green van.	15-03-08	10:06:27	The "B" is off and remains off.
Officer Burger and Officer Temores point Tasers at Mr. Ciampi who is inside his van.	15-03-08	10:10:19	
Officer Burger pulls Mr. Ciampi out of his van.	15-03-08	10:10:22	
A scuffle occurs	15-03-08	10:10:28	
Officer Burger Tasers Mr. Ciampi	15-03-08	10:10.29	
Mr. Ciampi rushes Officer Burger and a physical altercation ensues.	15-03-08	10:10:32	
Officer Temores Tasers Mr. Ciampi	15-03-08	10:10:41	
Officer Burger is pointing his Taser at Mr. Ciampi	15-03-08	10:10:59	
Officer Burger handcuffs Mr. Ciampi	15-03-08	10:11:01	

"Temores Taser"

EVENT	DATE SHOWN	TIME SHOWN	NOTES
Video begins	03/15/08	17:42	
All but the seconds disappear	none	43	
		49	Time is missing. Time jumps from 49 to 17:15:59 leaving ten

6/4- 3

			seconds missing.
Date time appears	03/15/08	17:15:59	Then time is missing
Time missing	03/15/08	17:16:03	**Time jumps from 17:15:59 to 17:16:03 leaving four seconds missing**
Taser is activated for the first time.	03/15/08	17:16:04	
Date time stamp disappears		04	
There is a hand held up in front of the camera preventing what is occurring from being video recorded		07	
The video becomes badly pixelized		12	
The video ends		13	

"Burger Taser"

EVENT	DATE SHOWN	TIME SHOWN	NOTES
Video begins	03/15/08	17:04.26	Single Taser lazer beam visible on Mr. Ciampi's upper chest. He is seated in his van.
Date disappears		26	
Mr. Ciampi has his right left hand up. He is holding a phone in his right hand. The laser beam is at his throat.		31	
A second laser beam appears and remains.		39	
One laser beam is now at Mr. Ciampi's crotch . The second is on his leg.	03/15/08	17:04..45	
Only one laser beam is visible.	03/15/08	17:04.46	
Taser is activated the first time.		52	
		54	

6/4 - 4

	03/15/08	17:05.02	Time jumps from 54 to 15:05.02 leaving 7 seconds missing.
Taser is activated for the second time		04	
Last frame before jump in time code.		06	
	3/15/08	17:05.15	Time jumps from 06 to 17:05:15 leaving 8 seconds missing.
Video ends		19	

"Burger MAV"

EVENT	DATE SHOWN	TIME SHOWN	NOTES
Patrol car pulls up beside the green van.	03-15-08	10:09:45	The actual incident is not in view of the vehicle's camera.
Verbal exchange is in progress.	03-15-08	10:09:47	"M" comes on next to the time stamp indicating that the microphone is activated. Audio portion is recorded.
First Taser activation begins.	03-15-08	10:11:19	The Taser duration lasts approximately two seconds.
Second Taser activation begins	03-15-08	10:11:29	The Taser duration lasts approximately five seconds.

Temores Taser Cam video beginning and ending times:
Begins at: 17:15.43
Ends at: 17:16.29
Total lapse time in seconds: 46 seconds
Actual seconds present: 34 seconds

Burger Taser Cam video beginning and ending times:
Begins at: 17:04.25
Ends at: 17:05.19
Total lapse time in seconds: 54 seconds
Actual seconds present: 37 seconds

TASER USER MANUAL

I downloaded Taser Cam software Version 2 and the User Manual. The manual provided useful information about the operation of the Taser Cam, the process of downloading video files, the file format used, and conditions that may cause corruption of the files.

6/4- 5

ACTIVATION: The Taser Cam is automatically activated whenever the Taser is switched from the "Safe" to the "Armed" position and continues recording until the Taser is switched back to the "Safe" position. There is approximately a 1.2 second delay between when the Taser is switched to the "Armed" position and when it begins recording. Each time it is activated, a new file is created.

DOWNLOADING: The Taser Cam may be connected to a computer and viewed using Taser Cam software. Selected files can then be exported.

FILE FORMAT: If the Single File Export option is selected, one file is exported in ASF format to the location specified. This file is viewable using standard video players such as Windows Media Player. If a Single File Export is not enabled, then multiple video files (MPEG) will be exported and a Windows Play List file is included, enabling you to view the video files in the sequence in which they were recorded.

VIDEO FILE CORRUPTION: The manual indicates that at extremely cold temperatures, there is a slight possibility that the video will become corrupt during the actual discharge cycle, but the video will operate normally before and after the discharge (while the safety switch is in the up (Fire) position.) The temperature in which the Cam is designed to operate is between -20 C and 50 C. The temperature at the time of the discharge was 25 C, well within the normal operating temperature.

TASER VIDEO FILE FORMAT

The Taser Cam audio/video files are in ASF (*Advanced Streaming Format*) file format, a format developed by Microsoft. ASF files can be edited using video editing software.

SAMPLE EDIT

The Burger Taser video was captured to hard drive of a lab computer. Using Adobe Premiere video editing software we conducted and sampled edits beginning after 30 seconds and cutting until 35 seconds. This was done for two purposes: 1. Determine conclusively that the file format of the Taser Cam can be edited. 2. That the sample edit is consistent with what occurs on the Taser Videos where time is missing. It is consistent.

AUDIO ANALYSIS & COMPARISON

Transcript of the time period preceding Mr. Ciampi's arrest and of the Tasering were prepared and compared. The audio of the following videos were compared:
- Temores Taser
- Burger Taser
- Burger MAV

Below is a transcript for each showing and comparing the audio and words present on each.

C- Ciampi
B- Burger
W- Wagner

T- Temores

The words from each video that coincide with each other are shown in each column.
When the words present on one video are missing from another, a blank spot indicates
where the words are missing.

Temores Taser-CAM	Burger Taser-CAM	Burger MAV
	B: * I'm gonna Taser you. C: O.K. I'm calling. B: Get out. C: I'm calling… B: Get out of the fuckin' car. C: I'm calling my lawyer. B: Let me see your hands. Get out of the fucking car. T: Code 22 on Main. B: Get out of the car or I'm gonna fuckin' tase you. W: *** (talking in the background) C: Fine. I'm calling my lawyer. W: Just relax. B: Get outta here.	
T: Get out of the car right now	T: Get out of the car right now.	
W: Just step out. No no, no, no. Turn around ***	W: Just step out. No, no, no. Turn around.	B: Just step out. No, no, no. Turn around
	B: Put your hands behind your back.	B: Put your hands behind your back.
	W: Relax.	W: Relax.
	B: Back up. Back Up. Back up.	B: Back up. Back up.
	T: * *	T: Tase him. Tase him
	(Taser is activated for the first time for approximately 2 seconds)	(Taser is activated for the first time for approximately 2 seconds)
	C: (Yells) (during tasing)	C: (Yells) (during tasing)
	C: (Moans) (during tasing)	C: (Moans) (during tasing)

		W: Oh.
		C: Aahha. Sandy help me. Sandy help me. Aaah.
	(Taser is activated for the second time for approximately five seconds)	**(Taser is activated for the second time for approximately five seconds)**
		C: All right. I'll stop. I'll stop.
C: All right. I'll stop. I'll stop.		
		B: Put your hands
B: Put your hands	B: Behind your back.	B: behind your back.
B: behind your back.	B: Stay on the ground.	
C: I didn't do anything.		
B: Keep your hands behind your back.		
		C: Don't fuckin' tase me.
		B: Put your hands behind back.
T: You're going down.		
		C: Don't tase me, man,
T: Lay on the ground.		
B: Put your hands behind your back.		B: Put your hands behind your back.
T: Lay on the ground.		T: Lay on the ground.
T: Lay on the ground		
C: Sandy the police have arrested me for nothing.	C: Sandy, the police have arrested me for nothing.	C: Sandy the police have arrested me for nothing.

614 - 8

C: They've arrested me for nothing. W: The subject is in custody. He's been tased twice. C: This is totally bullshit.		C: They've arrested me for nothing. W: The subject is in custody. He's been tased twice.

I measured the time between the end of the first Taser activation and the beginning of the second. I captured the audio portion of using of each of the three video files listed below, Adobe Audition audio software. The time between the two events appear below:

Burger MAV video: The time between the end of the first Taser blast and the beginning of the second is 8 seconds.

Burger Taser Cam Video: The time between the end of the first Taser blast and the beginning of the second is 0.432 seconds, less than ½ second.

Temores Taser Cam Video: Only the first Taser blast is on the recording. The second one is not present.

CONCLUSION

Based on the analysis described in this report, it is my opinion to a reasonable degree of scientific certainty, that both Temores and Burger Taser Videos have been altered and edited, removing content.

EXHIBITS

- CD containing AVI file of sample edit from Burger Taser Cam Video. (I can be played in computer)

Gregg Stutchman
Chief Forensic Analyst

614 — 9

REPORT TYPE	OFFICE OF THE DISTRICT ATTORNEY	BOI CASE NUMBER
General Criminal	Bureau of Investigation NARRATIVE	B20080903230

DEFENDANT
Ciampi, Joseph

Summary:

ASF video files saved on a hard disk drive (item 101A) and compact disk (item A) were compared based on MD5 hash values generated during the course of my examination. The hash value was different for each file; however the differences could be accounted for by the difference in metadata for each video file.

Investigation:

Forensic images of the hard drive (item 101A) were created using Safeback and "FTK Imager". The Safeback forensic image was saved to data tape (LAB2). A forensic image of the compact disk (item A) was created using "FTK Imager". Subsequent examinations of the forensic images were conducted using Forensic Toolkit (FTK).

A MD5 hash is a 128-bit value, which can be generated based on the contents of a file. Hash values are commonly used to check the integrity of files. When files have different hash values, the contents of the files are different.

Metadata is information about a file, stored within the file itself. For example, digital camera image and video files can contain information such as the make/model of the camera used, the date and time the image was taken along with any other data chosen by the camera manufacturer. Metadata is typically not displayed when the image or video file is viewed.

The Microsoft Windows XP operating system allows the creation of separate accounts for each computer user. One such account on the hard drive was named "npowers". The "Taser Cam" software, version 2.2, was installed on the computer. The "Taser Cam" program is used to export video files from a "Taser Cam" recorder sold by "Taser International". The application exports video files using the "ASF" format.

Six ASF video files were currently saved in the user's folders for the "npowers" account on the hard disk drive (item 101A). Five ASF video files were in the "Recycle Bin" folder for the "npowers" account. Two ASF video files were saved on the compact disk (item A). Three video files saved on the hard disk drive (item 101A) have the same names as the compact disk video files.

The MD5 hash values of the three video files on the hard drive and the two video files on the compact disk were compared. The five video files each had a different MD5 hash value. During the course of my examination I noticed the camera and "weapon" serial numbers along with a MD5 hash value were stored as metadata within each video file. Each of the metadata MD5 hash values was different. This difference in metadata alone would cause the difference in the MD5 values that were generated as part of my examination. The MD5 hash values generated for each ASF video file and the metadata MD5 hash values were saved in a document named "MD5HashSummary.pdf". The MD5 hash summary was included in a FTK report.

OFFICER'S NAME	ID NUMBER	DATE	REVIEWED BY		ID NUMBER	DATE	PAGE
Mario Soto	S2754	11/19/08		Tn/An	S3028	11/19/08	1 of 2

[614-10]

05/04/2009

DB1

REPORT TYPE General Criminal	OFFICE OF THE DISTRICT ATTORNEY Bureau of Investigation **NARRATIVE**	BOI CASE NUMBER B20080903230

DEFENDANT

Ciampi, Joseph

A web based FTK report was created which includes the ASF video files and "Weapon Summary" PDF files copied from the submitted hard drive (item 101A) and compact disk (item A). The report includes MD5 hash values and file properties for each of the exported files. Also included is the Recycle Bin data that lists the original name for each of the files located in the Recycle Bin of the "npowers account". The FTK report was then written to two compact disks. One compact disk was packaged for release (LAB1), the second disk will be kept in the laboratory case file.

Evidence:

Item	Description
101A L02790	One tape-sealed evidence envelope containing a Western Digital hard disk drive, serial number WMAJ71535835.
A L02791	One tape-sealed evidence envelope containing one CD-R compact disk.
LAB1 L02801	One tape-sealed evidence envelope containing a compact disk with the FTK report which includes file properties, MD5 hash values and exported files from hard drive (101A) and compact disk (A).
LAB2 L02802	One tape-sealed evidence envelope containing the Safeback image of the hard drive (item 101A) saved on data tape. Encase and ISO images of hard drive (101A) and compact disk (A) saved on DVDs.

All of the above items were returned to the laboratory property room. Please pick up the evidence at your earliest convenience.

OFFICER'S NAME Mario Soto	ID NUMBER S2754	DATE 11/19/08	REVIEWED BY	ID NUMBER 53028	DATE 11/19/08	PAGE 2 of 2

DB2

05/04/2003

EXHIBIT 615

http://www.downloadatoz.com/codecs/windows-media-player-mp4-codec.php

MP4 Codec for Windows Media Player - MP4 Codec Free Download - Windows Internet Explorer

http://www.downloadatoz.com/codecs/windows-media-player-mp4-codec.php

X webroot ▼ Ask ▼ | 🔎 Search Web ▼ 🌐 ▼ 🖊 Highlight 📑 MyStuff

X Y! ▼ | Q | WEB SEARCH | ‹› 📷 📥 ▼ 📧 ▼ 🔊 ▼ 📘 ▼ 📷

⭐ Favorites | 🔧 📄 Suggested Sites ▼ 📄 Web Slice Gallery ▼

📄 MP4 Codec for Windows Media Player - MP4 Co... | | 🏠 ▼

| Home | DRM Removal | DVD Ripper | Codecs | Zune Converter | Spyware Removal | Registry M |

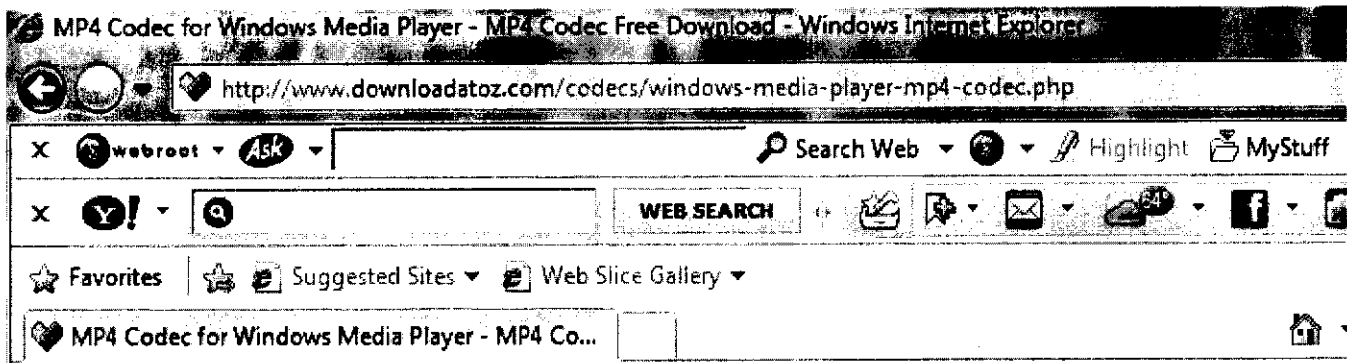| MP4 | MKV | Divx | AVI | K-lite | AC3 | Divo | DVD Decoder | mpeg2 codec | |

Home > Codecs > Popular Codec Topics > MP4 Codec for Windows Media Player

MP4 Codec for Windows Media Player

MP4, also known as MPEG-4 Part 14, is a multimedia container format standard specified as a part of MPEG-4. It is most commonly used to store digital audio and digital video streams, especially those defined by MPEG, but can also be used to store other data such as subtitles and still images.

As to MP4 codec for Window Media Player, because MP4 belongs to video formats, those codecs which can decode and encode video formats also can decode and encode MP4 formats. You can free download related codec pack for Windows Media Player to encode or decoder your MP4 files.

333-2
6/5-2

MP4 Codec for Windows Media Player - MP4 Codec Free Download - Windows Internet Explorer

http://www.downloadatoz.com/codecs/windows-media-player-mp4-codec.php

X webroot ▾ ASK ▾ | 🔎 Search Web ▾ ☺ ▾ ✏ Highlight 🖺 MyStuff

X ❷! ▾ 🔍   WEB SEARCH ⟨⟩ 🖾 🕭 ▾ ✉ ▾ 🥾⁶⁴ᵖ ▾ f ▾ 🔒

⭐ Favorites | 🖼 🥮 Suggested Sites ▾ 🥮 Web Slice Gallery ▾

💚 MP4 Codec for Windows Media Player - MP4 Co...   🏠 ▾

5 Must-Have MP4 Codec Tools

The five tools can help users encode and decode MP4 files and all of them are easy-to-use and powerful.

MP4 Splitter

In order to play MP4 files, you must have MP4 Splitter installed. Not to be confused with MPEG-4 Video, the MP4 Bitstream format is a wrapper format (similar to AVI/OGM/Matroska).

3ivx MPEG-4

3ivx MPEG-4 5.0.2 is available for **Windows, Mac OS X & Linux.** 3ivx is an MPEG-4 toolkit that supports **MPEG-4 Video, MPEG-4 Audio and the MP4 file format.**

FFDShow MPEG-4 Video Decoder

FFDShow MPEG-4 Vdieo Decoder is a great DirectShow decoding filter for decompressing DIVX movies, picture postprocessing.

Exhibit 616

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

     I, Joseph Ciampi, live in the aforesaid County, State of California; I am over the age of 18 years. My address is: P.O. Box 1681 Palo Alto, CA 94302.

     On April 22, 2011 I served **PURSUANT TO COURT ORDER, PLAINTIFF PROVIDES STUTCHMAN'S FORENSIC REPORT** on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope/package, addressed as follows:

Steven A. Sherman, Esq. Bar No. 113621
FERGUSAN, PRAET & SHERMAN
A Professional Corporation
1631 East 18th Street
Santa Ana, California 92705-7101
(714) 953-5300 Telephone
(714) 953-1143 Facsimile
Ssherman@law4cops.com

Attorney for Defendants

     I placed such envelope/package for deposit, sealed, with postage thereon fully paid and the correspondence to be deposited in the United States mail at Palo Alto, California on the same day.

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

Executed on April 22, 2011, at Palo Alto, California.

Joseph Ciampi
_____
Joseph Ciampi in pro se