



Evidence Solutions, Inc.

And the

Tarrant County Texas Chapter

of the

Texas Trial Lawyers Association

Present:

Digital Evidence in Personal Injury Cases

May 18, 2016  
Joe T. Garcia's  
Fort Worth TX

Presented by:

Scott Greene, SCFE, CEO  
Evidence Solutions, Inc.

A Digital Forensics Company

520-512-5001  
866-795-7166

[Scott@EvidenceSolutions.com](mailto:Scott@EvidenceSolutions.com)

**Faculty:**  
**Scott Greene**  
**Evidence Solutions, Inc.**  
**866-795-7166**  
**Scott@EvidenceSolutions.com**

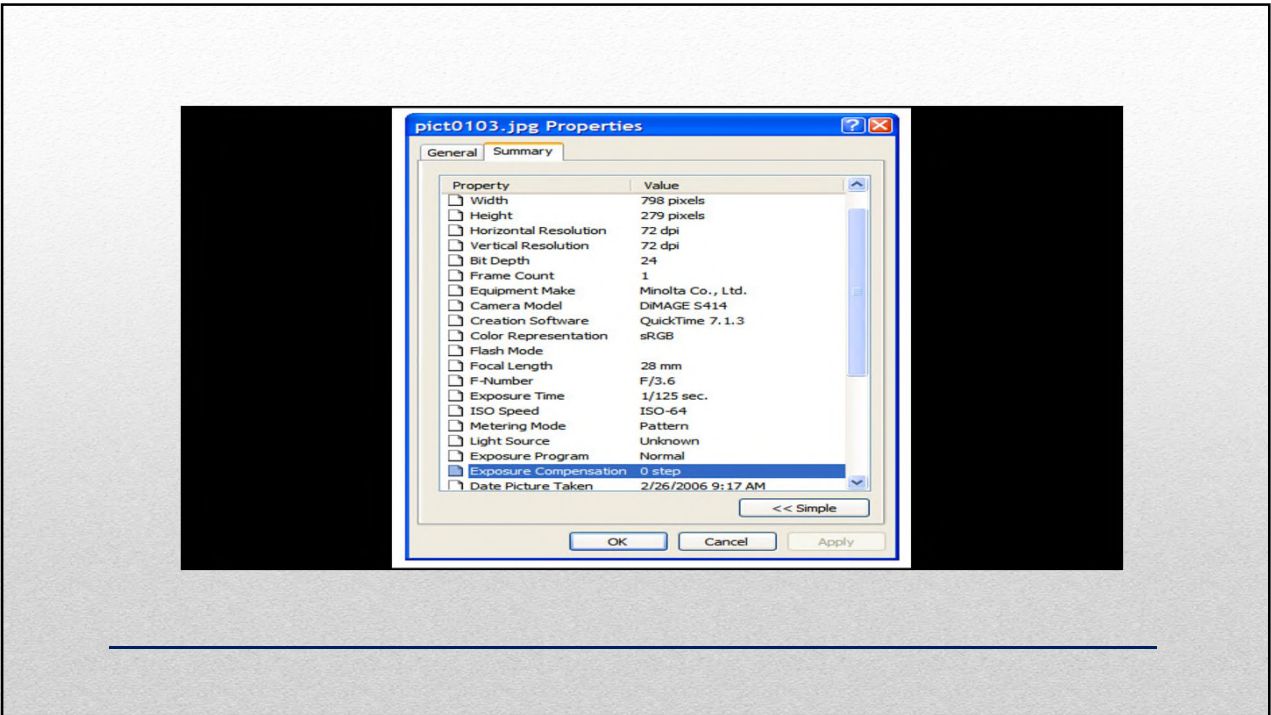
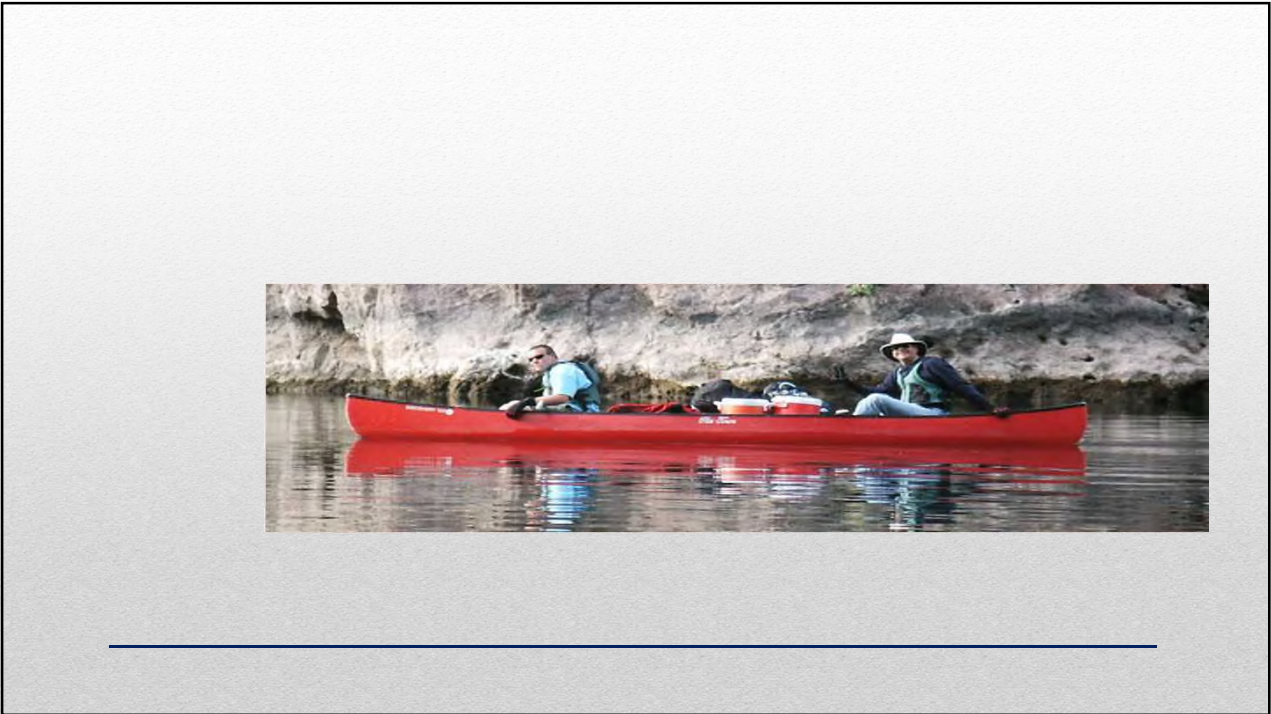
"Digital Evidence in Injury Cases"

---

- Cell Phones
- Basic Cell Phones
- Smart Cell Phones
- Two way pagers
- GPS Systems
- Vehicle Black Box Units
- Infotainment Systems
- zip passes
- On-star

"Digital Evidence in Injury Cases"

---



- Cell Phones & Tablets
  - Text messages
  - Photos?
    - GeoTagging
  - Calendars
  - Phone Books
  - Call Logs
  - Complete information about where the phone has been....

## "Digital Evidence in Injury Cases"

---

- Cell Phones & Tablets
  - Browsing History
  - Documents
  - Email accounts
  - Online data storage accounts

## "Digital Evidence in Injury Cases"

---

(a) Prohibition. No driver shall engage in texting while driving.

(b) Motor carriers. No motor carrier shall allow or require its drivers to engage in texting while driving.

**FMCSR § 392.80**



Item	Conn. Date	Conn. Time	Orig. Number	Term. Number	IMEI	Description	Content	Tower Location
1	9/23/2013	11:48	Redacted	Redacted	Redacted	Incoming SMS	Wht up, lookn 4 sum peace tabs or at lest sum oj, u got any?	33.30522, -111.72406
2	9/23/2013	11:49	Redacted	Redacted	Redacted	Outgoing SMS	I'll check, how much do u need?	33.30522, -111.72406
3	9/23/2013	11:50	Redacted	Redacted	Redacted	Incoming SMS	Enough 4 the weeknd, couple grams?	33.30522, -111.72406
4	9/23/2013	11:53	Redacted	Redacted	Redacted	Outgoing SMS	Meet at Pacos in 30?	33.30522, -111.72406
5	9/23/2013	11:54	Redacted	Redacted	Redacted	Incoming SMS	Tight	33.30522, -111.72406

04/02/12 01:54	Driving		
04/02/12 02:17	SMS - Sent	Sydney	4429788174
04/02/12 02:21	SMS - Inbox	Sydney	4429788174
04/02/12 02:21	SMS - Sent	Sydney	4429788174
04/02/12 02:21	SMS - Inbox	Sydney	4429788174
04/02/12 02:21	SMS - Sent	Sydney	4429788174
04/02/12 02:22	SMS - Inbox	Sydney	4429788174
04/02/12 02:23	SMS - Sent	Sydney	4429788174
04/02/12 02:23	SMS - Sent	Sydney	4429788174
04/02/12 02:23	SMS - Inbox	Sydney	4429788174
04/02/12 02:23	SMS - Inbox	Sydney	4429788174
04/02/12 02:24	SMS - Inbox	Sydney	4429788174

<b>Driver Miles Today:</b>	374.7	<b>Driver Name:</b>	[REDACTED]																																
<b>Co-Driver Miles Today:</b>	0.0	<b>Co-Driver Name:</b>	[REDACTED]																																
<b>Vehicle Miles Today:</b>	374.7																																		
<b>Carrier:</b>	[REDACTED]	<b>Fleet:</b>	[REDACTED]																																
<b>Off-Duty</b> <b>Sleeper Berth</b> <b>Driving</b> <b>On-Duty</b>			11:31 00:00 07:33 04:56																																
<b>Remarks</b>	<table border="1"> <thead> <tr> <th>Time</th> <th>Status</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>12:00A</td> <td>OFF</td> <td>(500) [REDACTED]</td> </tr> <tr> <td>01:07A</td> <td>DUTY</td> <td>(500) [REDACTED]</td> </tr> <tr> <td>01:12A</td> <td></td> <td>State: TX</td> </tr> <tr> <td>01:12A</td> <td></td> <td>Driver Join(500) [REDACTED]</td> </tr> <tr> <td>01:12A</td> <td>DUTY</td> <td>(500) [REDACTED]</td> </tr> <tr> <td>01:14A</td> <td>DRIVE</td> <td>(500) Odessa Yard [REDACTED]</td> </tr> <tr> <td>02:00A</td> <td>DUTY</td> <td>(TX-2083) [REDACTED]</td> </tr> <tr> <td>02:33A</td> <td>DRIVE</td> <td>(TX-2083) [REDACTED]</td> </tr> <tr> <td>03:14A</td> <td>DUTY</td> <td>(295) C/P [REDACTED]</td> </tr> <tr> <td>03:38A</td> <td>DRIVE</td> <td>(295) C/P GOLDSMITH [REDACTED]</td> </tr> </tbody> </table>	Time	Status	Description	12:00A	OFF	(500) [REDACTED]	01:07A	DUTY	(500) [REDACTED]	01:12A		State: TX	01:12A		Driver Join(500) [REDACTED]	01:12A	DUTY	(500) [REDACTED]	01:14A	DRIVE	(500) Odessa Yard [REDACTED]	02:00A	DUTY	(TX-2083) [REDACTED]	02:33A	DRIVE	(TX-2083) [REDACTED]	03:14A	DUTY	(295) C/P [REDACTED]	03:38A	DRIVE	(295) C/P GOLDSMITH [REDACTED]	<b>Inspect</b>
Time	Status	Description																																	
12:00A	OFF	(500) [REDACTED]																																	
01:07A	DUTY	(500) [REDACTED]																																	
01:12A		State: TX																																	
01:12A		Driver Join(500) [REDACTED]																																	
01:12A	DUTY	(500) [REDACTED]																																	
01:14A	DRIVE	(500) Odessa Yard [REDACTED]																																	
02:00A	DUTY	(TX-2083) [REDACTED]																																	
02:33A	DRIVE	(TX-2083) [REDACTED]																																	
03:14A	DUTY	(295) C/P [REDACTED]																																	
03:38A	DRIVE	(295) C/P GOLDSMITH [REDACTED]																																	

Time	Status	Description	
12:00A	OFF	(500)	[REDACTED]
01:07A	DUTY	(500)	[REDACTED]
01:12A		State: TX	
01:12A	Driver	[REDACTED]	
01:12A	DUTY	(500)	[REDACTED]
01:14A	DRIVE	(500)	[REDACTED]
02:00A	DUTY	(TX-2083)	[REDACTED]
02:33A	DRIVE	(TX-2083)	[REDACTED]
03:14A	DUTY	(295) C/P	[REDACTED]
03:38A	DRIVE	(295) C/P	[REDACTED]
04:16A	DUTY	(TX-2083)	[REDACTED]
04:50A	DRIVE	(TX-2083)	[REDACTED]
05:32A	DUTY	(295) C/P	[REDACTED]
05:57A	DRIVE	(295) C/P	[REDACTED]
06:42A	DUTY	(TX-2083)	[REDACTED]
07:16A	DRIVE	(TX-2083)	[REDACTED]
07:59A	DUTY	(295) C/P	[REDACTED]
08:23A	DRIVE	2.7 mi S of [REDACTED]	[REDACTED]
09:05A	DUTY	(TX-4198)	[REDACTED]
09:35A	DRIVE	(TX-4198)	[REDACTED]
10:18A	DUTY	(295) C/P	[REDACTED]
10:42A	DRIVE	(295) C/P	[REDACTED]
11:25A	DUTY	(TX-4196)	[REDACTED]
11:52A	DRIVE	12.8 mi NW [REDACTED]	[REDACTED]
12:35P	DUTY	(295) C/P	[REDACTED]
01:01P	DRIVE	(295) C/P	[REDACTED]
01:28P	DUTY	(500)	[REDACTED]
01:31P	Driver Leave	(500)	[REDACTED]
01:31P	DUTY	(500)	[REDACTED]
01:36P	OFF	(500)	[REDACTED]

03/01/12 0709	SMS - Inbox
03/01/12 0710	SMS - Inbox
03/01/12 0716	Driving
03/01/12 0735	SMS - Sent
03/01/12 0737	SMS - Inbox
03/01/12 0738	SMS - Sent
03/01/12 0739	SMS - Inbox
03/01/12 0759	In Service
03/01/12 0823	Driving
03/01/12 0842	SMS - Sent
03/01/12 0905	In Service
03/01/12 0935	Driving
03/01/12 0955	SMS - Inbox
03/01/12 1018	In Service
03/01/12 1042	Driving
03/01/12 1125	In Service
03/01/12 1152	Driving
03/01/12 1230	SMS - Inbox
03/01/12 1235	In Service
03/01/12 1240	SMS - Inbox

- The following represents the approximate number of text messages sent by Defendant while he was driving his tractor-trailer.



(Keith) Hey you send me more pics do you have a full body pic I can see sexy

LOL no I don't .....

Will you take one for me" – "So how are thing with you and your mate

Maybe later .....and they are so so ....

"They are so so ?

Yea sometimes it seems like were just roommates LOL  
I have to tell u something and lets hope u don't RUN ....

14



1329977.002  
06/12/2013  
SCAMP

**MOBILITY USAGE**

---

Run Date: 06/12/2013  
Run Time: 17:41:35  
Voice Usage For: (480) [REDACTED]  
Account Number: 81342 [REDACTED]

Item	Conn. Date	Conn. Time	Seizure Time	Originating Number	Terminating Number	Elapsed Time	Number Dialed	IMEI	IMSI	Descriptio
1	01/01/11	05:36A	0:22	[REDACTED]	[REDACTED]	0:00	[REDACTED]	35349104165148	310410366057466	m2M_DIR
2	01/01/11	05:37A	0:02	[REDACTED]	[REDACTED]	0:06	[REDACTED]		310410366057466	M2m
3	01/01/11	05:37A	0:27	[REDACTED]	[REDACTED]	0:06	[REDACTED]		310410366057466	m2M
4	01/01/11	09:09A	0:10	[REDACTED]	[REDACTED]	4:42	[REDACTED]	35349104165148	310410366057466	m2M_DIR
5	01/01/11	09:31A	0:08	[REDACTED]	[REDACTED]	3:22	[REDACTED]	35349104165148	310410366057466	m2M_DIR
6	01/01/11	09:35A	0:05	[REDACTED]	[REDACTED]	1:05	[REDACTED]	35349104165148	310410366057466	M2O_DIR
7	01/01/11	09:38A	0:05	[REDACTED]	[REDACTED]	0:47	[REDACTED]	35349104165148	310410366057466	M2O_DIR
8	01/01/11	09:40A	0:23	[REDACTED]	[REDACTED]	0:06	[REDACTED]	35349104165148	310410366057466	M2O_DIR
9	01/01/11	09:42A	0:08	[REDACTED]	[REDACTED]	0:31	[REDACTED]	35349104165148	310410366057466	M2O_DIR
10	01/01/11	09:45A	0:01	[REDACTED]	[REDACTED]	0:00	[REDACTED]	35349104165148	310410366057466	M2O_DIR

1329977.002  
06/12/2013  
SCAMP

**MOBILITY USAG**

---

Run Date: 06/12/2013  
Run Time: 17:41:35  
Voice Usage For: (480) [REDACTED]  
Account Number: 81342 [REDACTED]

Item	Conn. Date	Conn. Time	Seizure Time	Originating Number	Terminating Number	Elapsed Time	Number Dialed
1	01/01/11	05:36A	0:22	[REDACTED]	[REDACTED]	0:00	[REDACTED]
2	01/01/11	05:37A	0:02	[REDACTED]	[REDACTED]	0:06	[REDACTED]
3	01/01/11	05:37A	0:27	[REDACTED]	[REDACTED]	0:06	[REDACTED]
4	01/01/11	09:09A	0:10	[REDACTED]	[REDACTED]	4:42	[REDACTED]
5	01/01/11	09:31A	0:08	[REDACTED]	[REDACTED]	3:22	[REDACTED]
6	01/01/11	09:35A	0:05	[REDACTED]	[REDACTED]	1:05	[REDACTED]
7	01/01/11	09:38A	0:05	[REDACTED]	[REDACTED]	0:47	[REDACTED]
8	01/01/11	09:40A	0:23	[REDACTED]	[REDACTED]	0:06	[REDACTED]
9	01/01/11	09:42A	0:08	[REDACTED]	[REDACTED]	0:31	[REDACTED]
10	01/01/11	09:45A	0:01	[REDACTED]	[REDACTED]	0:00	[REDACTED]

1329977.002  
06/12/2013  
SCAMP

**MOBILITY USAGE**

---

Run Date: 06/12/2013  
Run Time: 17:42:47  
Data Usage For: (480) [REDACTED]  
Account Number: 81342 [REDACTED]

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn	IMEI	IMSI	Access Pt	Description
6374	05/26/11	10:00A	[REDACTED]	13:13	6677	111991	3534910416514804	310410366057466	acds.voicemai l	_MOBILE_DATA_
6375	05/26/11	10:14A	[REDACTED]	5:08	0	0	3534910416514804	310410366057466	acds.voicemai l	_MOBILE_DATA_
6376	05/26/11	10:31A	[REDACTED]	13:14	9271	49317	3534910416514804	310410366057466	BLACKBERRY.NE T	_MOBILE_DATA_
6377	05/26/11	10:31A	[REDACTED]	2:13	2639	8417	3534910416514804	310410366057466	WAP.CINGULAR	_MOBILE_DATA_
6378	05/26/11	10:44A	[REDACTED]	0:24	553	571	3534910416514804	310410366057466	BLACKBERRY.NE	_MOBILE_DATA_

1329977.002  
06/12/2013  
SCAMP

---

Run Date: 06/12/2013  
Run Time: 17:42:47  
Data Usage For: (480) [REDACTED]  
Account Number: 81342 [REDACTED]

Item	Conn. Date	Conn. Time	Originating Number	Elapsed Time	Bytes Up	Bytes Dn
6374	05/26/11	10:00A	[REDACTED]	13:13	6677	111991
6375	05/26/11	10:14A	[REDACTED]	5:08	0	0
6376	05/26/11	10:31A	[REDACTED]	13:14	9271	49317
6377	05/26/11	10:31A	[REDACTED]	2:13	2639	8417
6378	05/26/11	10:44A	[REDACTED]	0:24	553	571

1329977.002  
06/12/2013  
SCAMP

**MOBILITY USAGE**

---

Run Date: 06/12/2013  
Run Time: 17:44:11  
SMS Usage For: (480) [REDACTED]  
Account Number: 81342 [REDACTED]

Item	Conn. Date	Conn. Time	Originating Number	Terminating Number	IMEI	IMSI	Description
913	01/14/11	09:37P	[REDACTED]5660	[REDACTED]3109	35349104165148	310410366057466	OUT
914	01/14/11	09:37P	[REDACTED]5660	[REDACTED]3109	35349104165148	310410366057466	OUT
915	01/14/11	09:41P	[REDACTED]3109	[REDACTED]5660	35349104165148	310410366057466	IN
916	01/15/11	08:06A	[REDACTED]5660	[REDACTED]8587	35349104165148	310410366057466	OUT
917	01/15/11	08:16A	[REDACTED]8587	[REDACTED]5660	35349104165148	310410366057466	IN
918	01/15/11	08:32A	[REDACTED]5660	[REDACTED]8587	35349104165148	310410366057466	OUT
919	01/15/11	08:32A	[REDACTED]8587	[REDACTED]5660	35349104165148	310410366057466	IN

---

**iPhone Data After iOS 8**

- **iCloud Backup**
- **Local Computer Backups**
- **Other**

**"Digital Evidence in Injury Cases"**

---

## Android Data

- **On Phone Backups**
- **Local Computer Backups**
- **Cloud Backups**
  - Searches, Sites, Etc
- **Other**

**"Digital Evidence in Injury Cases"**

---

There are a number of applications that can be installed on cell phones to prevent texting and driving.

- **DriveOFF – Free**
- **DriveMode – Free**
- **TextBuster - \$179**
- **DriveScribe - Free**

**"Digital Evidence in Injury Cases"**

---

- Hospital Paging Systems
  - Was the Doctor Onsite?
- Electronic Medical Record Systems
  - Don't just believe what they give you
- Vehicle Maintenance Systems
  - Records of what happened when & by whom

## "Digital Evidence in Injury Cases"

---

- Email Systems
  - Data is Easily Fabricated
- Telematics / Electronic Logging Devices
  - They aren't the end
- Self Driving / Automation in Cars
  - Safer.... eventually

## "Digital Evidence in Injury Cases"

---

**esi**  
*Scott Greene, President &  
Senior Technology Examiner*

**evidence solutions, inc.**

866.795.7166 (toll free)      www.evidencesolutions.com  
520.722.6796 (fax)          info@evidencesolutions.com

**Computer Forensics Expert – Texas  
TX – Cell Phone Forensics Expert  
Digital Forensics Expert – Texas  
Computer Forensics – Forth Worth**

**"Digital Evidence in Injury Cases"**