

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

UNITED STATES OF AMERICA)
 Plaintiff,)
)
v.)
)
BRETT HANKISON)
 Defendant.)

**No. 3:22-CR-84-RGJ
District Judge Jennings**

MOTION TO COMPEL

Now comes the Defendant, **BRETT HANKISON**, by and through counsel, Attorneys Jack Byrd, Donald J. Malarcik, and Ibrahim A. Farag, and respectfully requests that court order the Government to provide defense counsel access to a gold apple cell phone model 11 Pro Max (hereafter: iPhone) seized by law enforcement from the apartment of B.T. currently in the custody of the Kentucky Regional Computer Forensics Laboratory (KRCFL). This request is made pursuant to the fifth and sixth amendment of the United States Constitution, and as well Federal Rule of Criminal Procedure 16, and *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny.

Defense counsel certifies that Mr. Hankinson’s trial attorneys have made multiple informal, extrajudicial efforts to resolve this discovery dispute, including at least twelve (12) emails and a zoom conference with AUSA’s Michael Songer and Anna Gotfryd between June 5, 2024 and July 3, 2024 and those efforts have been unsuccessful. Counsels’ efforts and the reasons for this Motion to Compel are set forth fully in the attached Memorandum.

Mr. Hankinson respectfully requests a hearing on this motion at the court’s earliest convenience and reserves the right to present this court with additional authority, argument and evidence in support of this motion at the hearing.

Respectfully submitted,

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/s/ Ibrahim A. Farag
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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of July 2024 a copy of the Defendant's Motion to Compel was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

/s/ Donald J. Malarcik
Donald J. Malarcik (0061902)
Attorney for Brett Hankison

MEMORANDUM IN SUPPORT OF MR. HANKINSON'S MOTION TO COMPEL

Based on a review of the discovery provided to date and representations of Attorneys Songer and Gotfryd, Mr. Hankinson respectfully submits that the gold iPhone 11 Pro Max (iPhone) at issue in this motion belongs to B.T. and was found at or near her side on March 12-13, 2020. The iPhone was seized by law enforcement and has been in their custody since that date. Prior to the initial jury trial in this case, (January 2023) Defense counsel inquired as to whether any extraction report existed regarding the phone in question, as well as whether a full file system extraction had been performed on the device in order to confirm the reliability of any extraction reports. The reason for counsels' inquiry being that no form of cell phone report was provided by the Government for this particular phone despite the device physically being in the Government's possession. The Government produced a report dated April 6, 2023, authored by a digital Forensic Expert from the Kentucky Regional Computer Forensics Laboratory (KRCFL). This report indicated that the iPhone in question was examined at the KRCFL March 14, 2023. The report goes on to detail unsuccessful attempts to extract data from the iPhone and the SIM card removed from the iPhone. The Digital Forensic Examiner "made multiple attempts to obtain an extraction of the iPhone 11 Pro Max, none of which were successful." The report noted that at the time of the attempted extraction, limitations of available software prevented access to the iPhone.

In April of 2024, counsel learned that updates to commercial software in the industry have advanced to allow extraction of an iPhone 11 Pro Max utilizing brute force when the passcode is unknown. Counsel reached out to Dr. Michael Littrell is an expert in digital forensics who worked for the Kentucky Office of the Attorney General Cyber Crimes Unit. He has performed numerous cell phone extractions over the course of his career. (C.V. attached as Exhibit A). Dr. Littrell confirmed that by the Spring of 2024, technology existed to successfully extract data from an iPhone

11 Pro Max using brute force. Counsel shared the April 6, 2023, report from KRCFL with Dr. Littrell, hired him as an expert and reached out to the Government via email on June 5, 2024. In that email, defense counsel requested access to the iPhone so Dr. Littrell could attempt a full file system extraction. Counsel informed the Government that “Dr. Littrell believes he and his company currently have the capability to perform a full extraction of (the iPhone).” The Government responded and indicated that they were reaching out to the FBI “to see if they have gotten any new tools since the prior analysis in January 2023 that may allow them to perform a fuller extraction of the iPhone now.” The Government also requested a meeting with defense counsel to discuss this matter further.

Attorneys Byrd and Malarcik had a zoom conference with Attorneys Songer and Gotfyrd on Wednesday, June 12, 2024. During this conference the Government agreed that recent advances and updates to forensic software now make extracting data from an iPhone 11 Pro Max possible without entering the passcode. However, the Government represented that this particular iPhone may have been compromised because someone in law enforcement had attempted unsuccessfully to open the iPhone by entering the wrong passcode repeatedly. The Government requested more time to reach out to additional experts to see if anyone could gain access to the iPhone.

The defense waited eight (8) days without hearing from the Government before sending an email on June 20, 2024, asking for an update and repeating our request to provide Dr. Littrell access to the iPhone.

On June 21, 2024, the Government responded and indicated “FBI initially believed that they would be able to access the phone because ... their software is now capable of accessing iPhone 11 pro phones.” However, the FBI was unable to extract any data “because of the condition of **this specific phone.**” (emphasis added).

Defense counsel shared this information with Dr. Littrell, conferred with him and responded the Government's email the very next day, Saturday, June 22. Defense counsel requested access to the iPhone simply to **confirm** that this particular phone has been compromised and an extraction is not possible.

On June 24, 2024, the Government responded and said: "There is one more expert at the FBI we'd like to consult with about potential options."

On June 27, 2024, the Government stated:

"We have now followed up with additional folks at FBI, and they are confident that it is not possible to access (the iPhone) in its current state. We cannot allow you to access the phone directly, but if Dr. Littrell still believes there is a way to access it, we are happy to set up a call where he can describe to the FBI experts any tools or processes that he believes would be effective."

Defense counsel responded within twenty-four (24) hours:

"As we stated in our June 22 email, our initial request is access to the phone to **confirm** what you and the FBI are representing to us, that this specific phone has been compromised and it is currently impossible to extract data." (emphasis added)

Counsel made the following compromise:

"Dr. Littrel is able to examine the phone wherever it is currently being held. He simply needs his computer, WiFi access and the phone. I believe the entire examination will take less than an hour."

The Government responded on June 28, July 2, and July 3 informing defense counsel that they will not provide Dr. Littrell access to the iPhone. Accordingly, the defense is unable to independently confirm that this particular iPhone has been compromised and any extraction is impossible.

ARGUMENT

Mr. Hankinson seeks access to the iPhone pursuant to Federal Rule of Criminal Procedure 16,

Brady v. Maryland, 373 U.S. 83 (1963), and *Giglio v. United States*, 405 U.S. 150 (1972).

Under Rule 16(a)(1)(E), the government must disclose any “books, papers, documents, data, . . . or portions of any of these items, if the item is within the government’s possession, custody, or control and: (i) the item is material to preparing the defense[.]” To obtain disclosure under subsection (i), “[a] defendant must make a ‘threshold showing of materiality[.]’” *United States v. Budziak*, 697 F.3d 1105, 1111 (9th Cir. 2012) (citing *United States v. Santiago*, 46 F.3d 885, 894 (9th Cir. 1995)). “Neither a general description of the information sought nor conclusory allegations of materiality suffice; a defendant must present *facts* which would tend to show that the [g]overnment is in possession of information helpful to the defense.” *United States v. Mandel*, 914 F.2d 1215, 1219 (9th Cir. 1990) (emphasis added); see also *Budziak*, 697 F.3d at 1111-12.

The iPhone is material (and potentially exculpatory) to the defense in that it was recovered on or near B.T. immediately after the execution of the search warrant in this case. We know that multiple locations were searched on the same day. Based on the discovery provided to date, B.T.’s apartment was not the first target searched. In fact, witness statements and other evidence demonstrate that approximately fifteen (15) minutes elapsed after law enforcement first entered targets related to B.T.’s apartment, and officers’ initial knock and announce at B.T.’s apartment. This is more than enough time for individuals to notify B.T. (or K.W.) that searches were in progress. Moreover, the evidence is undisputed that K.W. had access to the iPhone and K.W. called multiple individuals in the ten (10) to twelve (12) minutes between the knock and announce and K.W. surrendering to the officers. In discovery the Government provided Defendant a copy of the extraction report from K.W.’s phone performed by state law enforcement. Conversely speaking, the Government refuses to provide a copy of the extraction report(s) of B.T.’s cellular device performed by state law enforcement, and refuses to allow for a full file system extraction to be attempted Defendant’s expert. This evidence would be

material, exculpatory and compelling to Mr. Hankinson.

Brady v. Maryland

Brady v. Maryland, 373 U.S. 83 (1963), requires the government to disclose to a defendant any and all evidence favorable to him if the evidence is material to guilt or to punishment. The good or bad faith of the prosecution in withholding the evidence is irrelevant: it must be disclosed, even if doubtful, and failure to recognize the evidence does not save the prosecutor from a violation. *Id.* At 87; *Strickler v. Greene*, 527 U.S. 263 (1999); *Youngblood v. West Virginia*, 547 U.S. 867 (2007). Under *Brady* and its progeny, the “prosecution,” which includes the prosecuting attorney as well as the investigating agencies, must disclose favorable information that is, or is known to be, in its possession. *Strickler* at 263; *Kyles v. Whitley*, 514 U.S. 419 (1995); *Jackson v. Brown*, 513 F.3d 1057 (9th Cir. 2008).

The duty of disclosure extends to evidence relating to the credibility of witnesses. *Strickler* at 263, *Giglio v. United States*, 405 U.S. 150, 154 (1972). The existence or nonexistence of a defense request for the evidence is immaterial to the prosecution’s duty to produce it. *Strickler* at 263; *United States v. Agurs*, 427 U.S. 97, 107 (1976). Even evidence the prosecutor regards as inherently improbable must be disclosed. *In re Chol Soo Lee*, 103 Cal.App.3d 615, 618-619 (1980). “Impeachment evidence ... as well as exculpatory evidence, falls within the Brady rule.” *United States v. Bagley*, 473 U.S. 667, 676 (1985). “When the ‘reliability of a given witness may well be determinative of guilt or innocence’ nondisclosure of evidence affecting credibility falls within this general rule.” *Giglio v. United States*, 405 U.S. 150, 153-55 (1972). Thus, the prosecution violates due process by “fail[ing] to disclose evidence that the defense might” use “to impeach the Government’s witnesses by showing bias or interest.” *Bagley*, 473 U.S. at 676. The information need not be admissible so long as it “is likely to lead to favorable evidence that would be admissible.” *United*

States v. Sudikoff, 36 F.Supp.2d 1196, 1200 (C.D. Cal 1999).

“The prosecution’s duty to reveal favorable, material information extends to information that is not in the possession of the individual prosecutor trying the case.” *Amado v. Gonzalez*, 758 F.3d 1119, 1134 (9th Cir. 2014). In particular, it extends to police officer witnesses. See e.g., *United States v. Price*, 566 F.3d 900, 903 (9th Cir. 2009) (reversing and remanding where federal prosecutors failed to learn of exculpatory evidence in the state police’s control). The prosecution’s duty also extends to situations where there is a dispute between the parties about the significance of the information. The prosecution should not “confuse the weight” to be given *Brady* evidence “with its favorable tendency.” *Kyles*, 514 U.S. at 451. In order to qualify, the evidence need only have “some weight” that is “favorable” to the defense. *Id.* “[T]he Supreme Court has pronounced that if a prosecutor has doubt about certain evidence’s exculpatory value, the prosecutor should err on the side of disclosure.” *Schledwitz v. United States*, 169 F.3d 1003, 1014 n.4 (6th Cir. 1999)(citing *Kyles*); *United States v. Agurs*, 427 U.S. 97, 108 (1976); see also *United States v. Van Brandy*, 726 F.2d 548, 552 (9th Cir. 1984) (“[t]he government, where doubt exists as to the usefulness of evidence, should resolve such doubts in favor of full disclosure”).

United States Attorney Manual

In addition, the United States Attorney’s Manual rigorously encourages prosecutors “to seek all exculpatory and impeachment information from all members of the prosecution team. Members of the prosecution team include federal, state, and local law enforcement officers and other government officials participating in the investigation and prosecution of the criminal case against the defendant. U.S. Dept. of Justice, Justice Manual, § 9-5.001, “Policy Regarding Disclosure of Exculpatory and Impeachment Information.” This policy guides federal prosecutors to probe carefully and to “disclose information that is inconsistent with any element of any crime charged

against the defendant or that establishes a recognized affirmative defense, regardless of whether the prosecutor believes such information will make the difference between conviction and acquittal of the defendant for a charged crime.” *Id.* at 9.5001.C. The manual provides for broad interpretation of “impeachment information”: “A prosecutor must disclose information that either casts a substantial doubt upon the accuracy of any evidence—including but not limited to witness testimony—the prosecutor intends to rely on to prove an element of any crime charged or might have a significant bearing on the admissibility of prosecution evidence. This information must be disclosed regardless of whether it is likely to make a difference between conviction and acquittal of the defendant for a charged crime” *Id.*

Conclusion

Mr. Hankinson is asking for one (1) hour to have his expert independently verify that the iPhone is compromised. Given what is at stake, this is a very reasonable and appropriate request.

Respectfully submitted,

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EDUCATION

Doctor of Philosophy (2015) University of Louisville, Applied Sociology
Dissertation: “The Citizen Police Academy: Rational Myths, Legitimization, and Emotion Work. The Effects of Emotion on Acceptance of Rational Myths”

Master of Science (2008) Eastern Kentucky University, Criminal Justice

Bachelor of Science (2003) Eastern Kentucky University, Criminal Justice

Associate of Arts (2000) Lexington Community College

FACULTY TEACHING POSITIONS

Assist. Professor of Sociology & Social and Criminal Justice, Georgetown College

2014-2015

Responsible for teaching a 4/4 load in sociology or criminal justice. Class sizes range from 8-28 students. Tasked with developing courses, writing syllabi, maintain online class presence, writing exams, lecturing. Responsible for maintaining office hours, developing professional student relationships. Responsible for promoting and developing the new social and criminal justice program.

Criminal Justice Instructor & Program Coordinator, Bluegrass Community & Technical College

2011 - 2014

Responsible for the day-to-day operations of the criminal justice program and works collaboratively with the faculty, division chairperson, and the chief academic officer, chief business officer, chief student services officer, and chief community and economic development officer. Assists in the planning and effectiveness evaluation, development, and implementation of goals for institutional effectiveness. Promote effective teaching and learning environment. Maintain program advisory committee. Recruitment and retention of qualified part-time faculty. Prepare institutional reports on student learning outcomes and goals for student’s success. Recruiting and retention of students in the program. Maintain area website with current information. Scheduling and preparation of

courses offered under criminal justice program. Assigned 40+ students for advising. Maintain a four-course teaching load and office hours for student conferences. Class sizes range from 25-34. Also, taught online courses during the summer.

Adjunct Faculty, Sociology Department, Georgetown College 2009-2010

Responsible for teaching one, three-hour class per semester in criminal justice (sociology) field, courses include Juvenile Delinquency, Criminology, and The Criminal Justice System. Class sizes range from 8-20 students. Tasked with developing course, writing syllabi, maintain online class site (Moodle, Blackboard etc.), writing exams, grading assignments, and lecturing. In addition to these tasks, developing professor-student relationships, answer student questions, be available for office hours, guide students on writing assignments, and motivate students to learn and develop their academic careers. (Part-Time Only)

TEACHING EXPERIENCE

Sullivan University (2015-Present)

- Introduction to Law Enforcement
- Corrections, Probation, and Parole
- Crime Prevention
- Current Issues in Terrorism
- Criminalistics
- Current Issues in Public Safety Administration

University of Kentucky (2019-Present)

- Cybercrime & Digital Law Enforcement

University of Louisville (2016 – Present)

- Sociology of Deviance
- Criminology

Georgetown College (2009-2010 and 2014-2015)

- Cultural Diversity
- Introduction to Criminal and Social Justice
- Criminological Theory
- Internship in Criminal Justice
- Juvenile Delinquency

IACIS (BCFE) (2020 – Present)

- *2020 Event Cancelled**
- P2P Sharing Forensics
- Cloud Forensics
- Forensic Search Methodologies
- ExFAT File System Analysis

Bluegrass Community and Technical College (2011- Present)

- Intro to Criminal Justice
- Intro to Law Enforcement
- Criminal Procedures
- Criminal Law
- Criminal Investigations
- Juvenile Delinquency
- Criminology

- Intro to Computer Forensics
- Issues and Ethics in Criminal Justice
- Internship in Criminal Justice
- Community Corrections: Probation & Parole
- Introduction to Corrections
- Modern Social Problems
- Internship in Criminal Justice
- Capstone in Criminal Justice

RELATED PROFESSIONAL EXPERIENCE

- Digital Forensics Examiner/Manager, Cyber Agents, Inc. 2022- Present
Conduct forensic exams on devices for clients, including prosecutors, defense attorneys and others. Testify in court as an expert witness as required, perform e-discovery duties as assigned. Maintain certifications, and research relevant digital forensic topics.
- Investigator III | Digital Forensics, Kentucky Office of the Attorney General 2015 – 2022
Cyber Crimes Unit. Responsible for investigating violations of state and federal law related to child exploitation, child pornography, and other online crimes. Conducts complex investigations, makes arrests, conducts searches, and seizes electronic and digital evidence. Present safety and cyber-crime information to community groups, and classes. Conducts complex computer and mobile forensics on devices seized during investigations. Maintain certifications in industry recognized procedures and software.
- Part-Time Deputy Sheriff, Scott County Sheriff's Office 2011 - 2015
Responsible for patrolling and responding to calls for service in Scott County. Investigate potential crimes and question potential suspects. Serves court process. Appear in court to present case information. Work on average 16 hours per month.
- Police Officer II, City of Georgetown Police Department 2008 – 2011
Responsible for patrolling and responding to calls for service in the City of Georgetown. Investigate potential crimes, question individuals considered suspects in criminal activity. Complete all State and Department Forms to legal and standardized methods and submit them to supervisor. Appear in court and present information to State and Defense Attorneys on cases and investigation. Maintain 40 hours of training yearly to keep certified as a police officer in Kentucky.
- Detective, City of Georgetown Police Department 2006 - 2008
Responsible for investigating felony crimes, interviewing/interrogating subjects who are suspected in criminal activity. Analyze crime scene information and recognize items that could be potential evidence of a crime or suspect. Complete all State and Department forms to legal and standardized methods and submit to supervisor. Appear in Court and make presentations to Grand Juries on information pertaining to investigated cases. Keep Current on 40 hours of In-service as required by state law.
- Police Officer II, City of Georgetown Police Department 2004 - 2006
Responsible for patrolling and responding to calls for service in the City of Georgetown. Investigate potential crimes, question individuals considered suspects in criminal activity. Complete all State and Department Forms to legal and standardized methods and submit them to supervisor. Testify in court, as required.

VOLUNTEER SERVICE

Elected Chairperson	KCTCS Criminal Justice Curriculum Development Committee
Advisory Board	Law & Justice Village at Elkhorn Crossing School
Board of Directors	Georgetown Child Development Center – President (2015-Present)
Board of Directors	Blue Grass Crime Stoppers – Vice Chairperson (2015) (2011-2015)
Board of Directors	Georgetown Main Street, Inc. – Organization Committee Chairperson
Advisory Board	Bluegrass Community & Technical College Criminal Justice Curriculum
Treasurer	Homeowners Association
Member	Kentucky Office of Homeland Security - Cyber Crime Working Group
Member	Kentucky Office of Homeland Security - 911 Services Advisory Council
Coach/Instructor Developer	International Assoc. of Computer Investigative Specialists
Member	NSA Cybersecurity Advisory Committee – University of Louisville

PUBLICATIONS

Budd, J. R., & Littrell, M. W. (2021). Law Enforcement Challenges to Gathering Intelligence in the Street: The Fourth Amendment. In E. de Silva, & A. Abeyagoonesekera (Ed.), *Intelligence and Law Enforcement in the 21st Century* (pp. 18-40). IGI Global. <http://doi:10.4018/978-1-7998-7904-6.ch002>

CONFERENCE PRESENTATIONS

2023

- KY Assoc of Criminal Defense Lawyers Annual Conference – “Digital Forensics with Play-By-Play Data Accessing”
- KY Department of Public Advocacy – “Hands on with Cellebrite Reader: When do I need to hire a digital forensics expert?”
- BCFE Instructor for P2P, Cloud Forensics, ExFAT File System Analysis (IACIS)

2022 BCFE Instructor for P2P, Cloud Forensics, ExFat File System Analysis (IACIS)

2021 BCFE Instructor for P2P, Cloud, Forensic Search Methods, Intro to Forensics (IACIS)

- Nexus Between Child Abuse & Technology – KY Investigations 2021

2020 BCFE Staff for P2P File Sharing and Cloud Forensics – White Papers Created **Event Cancelled**

2012 North Central Sociological Association, Pittsburgh: “Who Police the Police? A Look at Civilian Oversight”

2011 Midwest Sociological Association, St. Louis: “Use of Force by Police, A Comparison of Whites and Non-Whites Citizen Reports.”

PROFESSIONAL DEVELOPMENT, CERTIFICATIONS, & CONFERENCES

2023

- IACIS – Certified Mobile Device Examiner (ICMDE) – Dec. 2023
- IACIS – Mobile Device Forensics Course – On Demand – Nov-Dec 2023.
- Techno Security & Digital Forensics Conference – Wilmington, NC, June 2023.
- IACIS BCFE Coach/Instructor – Orlando FL, April/May 2023.

2022

- IACIS – Certified Forensic Computer Examiner Certification – Renewal – Nov. 2022

- IACIS – Certified Advanced Windows Forensic Examiner Course – Oct 2022.
- GIAC – Advanced Smartphone Forensics Certification – February 2022.
- IACIS BCFE Coach/Instructor – Orlando FL, April/May 2022.

2021

- FOR 585 – Smartphone Forensic Analysis in-depth (SANS) – Miami, FL - October 2021
- Cellular Records Analysis – NW3C – August 2021
- Advanced Mobile Device Examiner – NCFI, Hoover, AL – August 2021
- Certified Oxygen Forensics Instructor (OFCI) – July 2021
- Oxygen Forensic Boot Camp – Trainer the Trainer – June 2021
- IACIS BCFE Coach/Instructor – Orlando, FL, April/May 2021
- Homeland Security Investigations Task Force Officer Course – February 2021
- ICAC Freenet Investigations - Online – January 2021

2020

- Certified Cellebrite Mobile Examiner Certification (CCME) – Renewal
- ICAC Bit-Torrent Investigations Online – November 2020
- Kentucky Law Enforcement Council Instructor – June 2020
- Apple Forensics Investigations – Blackbag Technologies – July 2020
- IACIS BCFE Coach *No Student in 2020*

2019

- Certified Forensic Computer Examiner (CFCE)- IACIS – Sept. 2019
- Presentation: “Online Situational Awareness for Kids” Prevent Child Abuse Kentucky Conference – Lexington, KY –Sept. 2019
- ICAC Law Enforcement Training on C.E. – Atlanta, GA – June 2019
- Basic Computer Forensic Examiner, IACIS – Orlando, FL – May 2019
- Magnet Forensics User Summit – Nashville, TN – April 2019
- ICAC Intro to P2P File Sharing Investigations Update – Online – Jan. 2019
- ICAC P2P Investigations Update – Online – Jan. 2019
- ICAC P2P Roundup Suite of Tools Update – Online – Jan. 2019

- ICAC P2P Investigative Practices Update – Online – Jan. 2019
- ICAC Anonymizer, Darknet, & P2P Update – Online – Jan. 2019
- ICAC Understanding and Investigating a P2P Referral – Online – Jan. 2019

2018

- Certified Cellebrite Mobile Examiner Certification (CCME) – Renewal
- Sexual Assault Investigations – DOCJT – Richmond, KY – Dec. 2018
- Techno Security & Digital Forensics Conference – San Antonio, TX - Sept. 2018
- ICAC Law Enforcement Training on C.E. – Atlanta, GA – June 2018
- Python for Advanced Mobile Forensic Analysis – Herndon, VA – May 2018

2017

- Electronic Evidence Investigations; DOCJT – Richmond, KY – Dec. 2017
- Magnet Forensics, Magnet Certified Forensic Examiner, MCFE – Dec. 2017
- AX200 Magnet Axiom Examinations – Salt Lake City, UT – Nov. 2017
- Project VIC and Victim ID Practices Using Griffeye – Dallas, TX- Aug. 2017
- Child Protection System Update – ICAC Dallas, TX – August 2017
- TCP/IP Protocols and Analysis – ICAC Dallas, TX – August 2017
- Guidance Software, EnCase Certified Forensic Examiner EnCE – June 2017
- Anonymity & Illegal Conduct via TOR, VPN – ICAC - Atlanta, GA, June 2017
- Understanding Bit Torrent Artifacts – ICAC Conference, Atlanta, GA, June 2017
- H-11 Digital Forensics, Chip-Off Forensics for Mobile Devices – April 2017
- Guidance Software, EnCase v8, Advanced Window Artifacts – April 2017
- Guidance Software, EnCase v8, Host Intrusion Methodology – March 2017
- Guidance Software, EnCase v8, NTFS Examinations – March 2017
- Guidance Software, EnCase v8, EnCE Exam Prep Course – March 2017
- Guidance Software, EnCase v8, Macintosh OS Forensics – February 2017
- H-11 Digital Forensics, Advanced ISP/JTAG Cell Phone Data Recovery – Jan. 2017

2016

- Guidance Software, EnCase v7, Advanced Computer Forensics – November 2016
- Guidance Software, EnCase v8, Building an Investigation – November 2016
- Guidance Software, EnCase v8, Incident Investigation – October 2016
- Guidance Software, EnCase v7, Advanced Internet Examinations – Sept. 2016
- Guidance Software, EnCase v7, Computer Forensics II – July 2016
- Guidance Software, EnCase v7, Computer Forensics I – June 2016
- Cardinal Tracking & Utilization – SRT Wireless – April 2016
- Intermediate Data Recovery & Analysis – NW3C – April 2016
- Cybercop 101 – Basic Data Recovery & Acquisition – NW3C – March 2016
- Cyber Invest. 101 – Secure Techniques for Onsite Preview –NW3C – March 2016
- Reid Investigative Interviewing for Child Abuse Investigations – Feb 2016
- Certified Cellebrite Mobile Examiner Certification (CCME) – Jan 2016
- Cyber Investigations 120 – Cell Phone Seizure/Acquisition – NW3C – Jan. 2016
- Cyber Investigations 105 – Cell Phone Mapping/Analysis – NW3C - Jan. 2016

2015

- Police Integrated Office, Louisville Metro Police Department, December 2015
- Cellebrite CMFF, CCLO, CCPA Certifications, Largo, FL, November 2015
- Mandatory Training – Louisville Metro Police Department, November 2015
- FBI CAST - Cell Phone Tower Training – Frankfort, KY, October 2015
- Social Networking Investigations – ICAC Conference, Dallas, TX, August 2015
- Facebook Investigations – ICAC Conference, Dallas, TX, August 2015
- Undercover Chat/Craig’s List – ICAC Conference, Dallas, TX, August 2015
- GRID COP, Peer 2 Peer Investigations, Richfield, OH, June 2015

2014 Crime Scene Drawing and Measurement, Richmond, KY, December 2014

2013 Computer Crimes Investigations, Richmond, KY, April 2013

2012 Legal Update, Search & Seizure, KRS Updates, Richmond, KY, September 2012

2011

- Robbery and Sexual Assault Investigation, Louisville, KY, June 2011
- Commercial Motor Vehicle Awareness/Crash Reporting, March 2011

2010

- Spanish for Law Enforcement: Level I, II, III, Richmond, KY, 2010
- Railroad Grade Crossing Investigation, Louisville, KY, October 2010

2009 Collision Reconstruction Update, Richmond, KY, June 2009

2008 Criminal Investigations II, Kentucky Department of Criminal Justice Training, Louisville, KY, October 2008

2007

- FBI Image Scan Training, Regional Computer Forensics Lab, Louisville, KY, April 2007
- Basic and Advanced Training: Reid Technique of Interviewing and Interrogation, April 2007
- Basic Investigators School, Kentucky Department of Criminal Justice Training, Richmond, KY, September 2007

2006

- Multijurisdictional Counterdrug Task Force Training, Florence, KY, February 2006
- DEA Basic Narcotics Investigator School, Richmond, KY, 2006

2005 Collision Reconstruction Levels 1-3, KY Department of Criminal Justice Training, Richmond, KY, May 2005

2004 Certified Police Officer, Kentucky Department of Criminal Justice Training, Richmond, KY, May 2004

PROFESSIONAL MEMBERSHIPS

American Society of Criminology
American Sociological Association
Fraternal Order of Police
The International Association of Computer Investigative Specialists
Internet Crimes Against Children Task Force
Eagle Scout

DIGITAL FORENSIC CERTIFICATIONS

IACIS Certified Mobile Device Examiner (ICMDE)	IACIS	Exp. Dec. '26
Certified Forensic Computer Examiner (CFCE)	IACIS	Exp. Dec. '25
Cellebrite Certified Mobile Examiner (CCME)	Cellebrite	Exp. June '24
Magnet Forensic Certified Examiner (MCFE)	Magnet	Exp. Dec. '25
EnCase Certified Examiner (EnCE)	OpenText	Exp. Jan. '23
GIAC Advanced Smartphone Forensics (GASF)	SANS	Exp. Feb. '26
Oxygen Forensic Certified Instructor (OFCI)	Oxygen	Exp. Never

EXPERT TESTIMONY & CONSULTATION

USA v. Hruby – Eastern District of Kentucky, Jury Trial– July 2019
Commonwealth v. Ross –Scott County Circuit Court, Kentucky, Jury Trial– Oct. 2019
USA v. Fields –Eastern District of Kentucky, Jury Trial– June 2019
USA v. Smith – Eastern District of Kentucky, Jury Trial – Nov. 2019
Commonwealth v. Minch – Madison County Circuit Court, Kentucky, Jury Trial – Nov. 2019
USA v. Zulawski – Eastern District of Kentucky, Jury Trial – Nov. 2019
Commonwealth v. Martin – Christian County, Kentucky Circuit Court, Trial – Jury - June 2021
USA v. Hentzen – Eastern District of Kentucky – 2255 Hearing – Expert for USAO – Aug. 2021
USA v. Zakarhi – Western District of Kentucky, Jury Trial – September 2021
USA v. Moore – Western District of Kentucky – Sentencing Hearing – November 2021
USA v. Zakarhi – Western District of Kentucky – Sentencing Hearing – January 2022
USA v. Abel – Eastern District of Kentucky – Sentencing Hearing – January 2022
Commonwealth v. Robert Caldwell – Pike Circuit Court, Kentucky – Trial – February 2022
Commonwealth v. Jose Perez – Wayne County Circuit Court – Trial – March 2022
USA v. Spc. Wyatt Conrady – US Army – Ft. Carson – Colorado – Consultant – March 2022

USA v. SSG. Thomas Saul – USAF – Tinker AFB – OK – Court Martial – April 2022
USA v. Rodriguez – US Army – JBLM – WA – Court Martial Motions– August 2022
Commonwealth v. Zachary Vuocolo – Kenton County – Consultant – September 2022
Livergood v. Wetterich et al – Hamilton, OH, Consultant – October 2022
Commonwealth v. Hollingsworth – Jefferson Circuit Court – Trial – November 2022
USA v. SSgt Elijah Revilla – USAF – JB MDL – New Jersey – Court Martial – November 2022
USA v. SSgt Steve Sartain – US Army – Ft. Drum – New York – Court Martial – December 2022
USA v. SSgt. Daniel Ortiz – US Army – Ft. Bragg – North Carolina – Consultant – January 2023
USA v. Maj. Kris Hollenback – USAF – Minot AFB, North Dakota – Consultant – January 2023
USA v. AIC Aaron Williams – USAF – Minot AFB, North Dakota – Consultant – January 2023
USA v. Sgt. Wallace MacDonald – US ARMY – Wheeler AAF, HI -- Court Martial – Feb 2023
USA v. AIC Malik Simmons – USAF – Minot AFB, North Dakota – Consultant – Feb 2023
USA v. SSG Sergio Aragon, US Army – JB SA Ft. Sam Houston, TX- Consultant – March 2023
USA v. Damon Rodgers, USAF – Offutt, AFB, NE – Consultant – June 2023
USA v. Sgt. John Penaloza, US Army – Wheeler AAF, HI – Consultant – August 2023
Commonwealth v. Thrasher – Clinton County Circuit Court – Jury Trial – August 2023
USA v. SSgt. Trent Riddle, US Army – Wheeler AAF, HI – Court Martial – September 2023
USA v. SPC. Jose Rodriguez, US Army – Wheeler AAF, HI, Court Martial – October 2023
USA v. Cory Johns – Eastern District of Kentucky – Consultant – October 2023
Commonwealth v. Darrin Owens – Trimble County Circuit Court – Jury Trial – November 2023
USA v. SGT. Sheldon Keith, US Army – Wheeler AAF, HI - Court Martial – December 2023
USA v. PFC Adrian Hurd, US Army – Ft. Cavazos, TX – Consultant – January 2024
USA v. SPC Quantique Reese, US Army – Wheeler AAF, HI – Consultant – January 2024
USA v. SGT Kane Brodie, US Army – Ft. Meade, MD – Court Martial– March 2024
USA v. SGT Jeff Harmon, US Army – Wheeler AAF, HI – Court Martial – April 2024
USA v. SGT Jose Guzman, US Army – Wheeler AAF, HI – Consultant – April 2024
USA v. SPC Jacob Downing, US Army – Wheeler AAF, HI – Court Martial – April 2024

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION**

UNITED STATES OF AMERICA)
 Plaintiff,)
)
v.)
)
BRETT HANKISON)
 Defendant.)

**No. 3:22-CR-84-RGJ
District Judge Jennings**

ORDER

This matter is before the Court on the Defendant’s Motion to Compel and request for a Hearing upon the Motion.

For good cause shown the Motion shall be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that the Defendant’s Motion is GRANTED, and a hearing upon the Defendant’s Motion to Compel is set for the ____ day of _____ 2024.

ENTERED: _____

Rebecca Grady Jennings
United States District Court