

EXHIBIT D

U.S. NAVAL CRIMINAL INVESTIGATIVE SERVICE

REPORT OF INVESTIGATION (CLOSED ONLY)

22FEB17

MANAGEMENT DIRECTED INQUIRY (MDI) (II)

CONTROL: 20DEC16-000I-0052-2XNA/C

I/CAFO/MANAGEMENT DIRECTED INQUIRY INTO ALLEGATION OF EVIDENCE TAMPERING
ASSOCIATED WITH THE S/WRIGHT INVESTIGATION

COMMAND/NCISHQ/63285

MADE AT/000I/OFFICE OF THE INSPECTOR GENERAL
SPECIAL AGENT

(b)(6), (b)(7)(C)

EXHIBIT(S)

- (1) FINDINGS OF MANAGEMENT DIRECTED INQUIRY CAMP LEJEUNE, NC/SER
002A/002/17JAN17

NARRATIVE

1. On 08Sep16, a Management Directed Inquiry (MDI) was initiated to investigate the allegation made after a Freedom Of Information Act (FOIA) inquiry pertaining to security camera video footage obtained as evidence in the S/WRIGHT, RUBEN WORLEY investigation CCN: 06JAN04-CALE-0007-7HMA. This MDI focused on the allegation that video footage confiscated by the Naval Criminal Investigative Service (NCIS) Carolinas Field Office (CAFO) as evidence in the subject case may have been altered, withheld, or destroyed prior to trial. The allegation was made by Mr. James COLEMAN, Duke Law - Wrongful Conviction Clinic, that NCIS had initially provided Onslow County Sheriff's Department (OCSD) a still photograph taken from the original security video footage that has a time stamp indicating it was taken from the footage that was not turned over by NCIS. In supporting documentation offered by COLEMAN, he explained there were missing segments of footage from three separate video cameras and alleged that still photo taken at a different gate/location was part of the missing video segments.

2. Witness interviews and a review of the videos provided by the complainant revealed that no nefarious activity had occurred; rather, the missing portions of video were the result of the video system's configuration to activate the recording system only when a pixel in the video changed. As a result of the system's configuration, many gaps in recording occurred when vehicular and foot traffic were absent. The MDI concluded that there was no merit to COLEMAN's complaint that there were missing portions of video footage.

3. On 17Jan17, Executive Assistant Director for Atlantic Operations, (b)(6), (b)(7)(C) reviewed this MDI and concluded that there was no merit that the video was manipulated as alleged by COLEMAN. This investigation is closed.

PARTICIPANTS

(b)(6), (b)(7)(C)

SPECIAL AGENT, CAROLINAS FIELD OFFICE

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~~PAGE 2 LAST (b)(6), (b)(7)(C) LNN~~

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SERIAL
19Dec16

From: ASAC (b)(6), (b)(7)(C) NCISFO Carolinas, Jacksonville, NC
 To: Executive Assistant Director Atlantic Operations

Subj: MANAGEMENT DIRECTED INQUIRY (MDI)

Ref: (a) MEMORANDUM FOR APPOINTMENT AS INVESTIGATOR FOR
 MANAGEMENT DIRECTED INQUIRY (MDI)/08SEP16

EXHIBITS

- (1) IA: Receipt of Videos (b)(6), (b)(7)(C) /13Sep16
- (2) IA: Results of Contact (b)(6), (b)(7)(C) /19Sep16
- (3) IA: Results of Interview (b)(6), (b)(7)(C) 20Sep16
- (4) IA: Results of Contact (b)(6), (b)(7)(C) 20Sep16
- (5) IA: Results of Contact (b)(6), (b)(7)(C) 21Sep16
- (6) IA: Results of Contact (b)(6), (b)(7)(C) /21Sep16
- (7) IA: Results of Contact (b)(6), (b)(7)(C) 11Oct16
- (8) IA: Results of Contact (b)(6), (b)(7)(C) 13Oct16
- (9) IA: Results of Interview (Coleman)/21Oct16
- (10) IA: Review of Lab File/19Dec16
- (11) IA: Review of Coleman's Video Files/19Dec16
- (12) IA: Results of Interview (b)(6), (b)(7)(C) /19Dec16

EXECUTIVE SUMMARY

On 08Sep16, a Management Directed Inquiry (MDI) was initiated to investigate the allegation made after a FOIA inquiry pertaining to security camera video footage obtained as evidence in the S/WRIGHT, RUBEN WORLEY investigation (CCN: 06JAN04-CALE-0007-7HMA). This MDI focused on the allegation that video footage confiscated by NCIS as evidence in subject case may have been altered, withheld, or destroyed prior to trial. Witness interviews and a review of the videos provided by the complainant revealed that no nefarious activity had occurred; rather, the missing portions of video were the result of the video system's configuration to activate the recording system only when a pixel in the video changed. As a result of the system's configuration, many gaps in recording occurred when vehicular and foot traffic were absent.

NARRATIVE

1. On 08Sep16, Reporting Agent (RA) was assigned as the investigating official for this MDI based on an assertion made by Mr. James Coleman, Duke Law – Wrongful Conviction Clinic, that NCIS “previously provided Onslow County Sheriff's Department (OCSD) a still photograph taken from the original security video footage that has a time stamp indicating it was taken from the footage that was not turned over by NCIS.” In supporting documentation offered by Mr. Coleman, he explained there were missing segments of footage from three separate video cameras. He asserts he was provided a still image of a vehicle that was labeled with a time

stamp within the time period of the missing portion; thus indicating “the footage NCIS turned over to OCSA was altered, withheld, or destroyed.”

2. On 13Sep16, RA obtained a DVD containing files pertinent to this investigation from DIVCHIEF (b)(6), (b)(7)(C) NCISHQ-IG, at the Russell Knox Building in Quantico, VA. The DVD contained videos and images of vehicles associated with this investigation (a red Pontiac and white Honda) entering the Piney Green Gate on 05Jan04 and an image of a white Honda exiting the Main Gate on 05Jan04. Further details on the contents of the DVD are appended as exhibit 1.

3. From 19-21Sep16, RA spoke with SSA (b)(6), (b)(7)(C) (NWFO), TEO (b)(6), (b)(7)(C) (CAFO), SA (b)(6), (b)(7)(C) (NCISHQ), and SA (b)(6), (b)(7)(C) (NCISHQ) for background on this investigation. The aforementioned individuals were assigned to NCISRA Camp Lejeune in 2004 and participated in this investigation. The interviews resulted in identifying and confirming the participants from NCIS, OCSA, and the District Attorney’s Office. Additionally, RA was able to confirm NCIS obtained video surveillance coverage from the Camp Lejeune gates in support of the investigation. Due to the length of time that has elapsed since the execution of the subject investigation, only background information from the individuals was able to be gathered. Exhibits (2) – (5) provide details from each NCIS participant assigned to Camp Lejeune at the time of the investigation.

4. On 21Sep16, RA contacted SA (b)(6), (b)(7)(C) (retired) via telephone to determine if he had any memory of the laboratory analysis he performed on the video enhancement (exhibit 6). For background, SA (b)(6), (b)(7)(C) sent a CD-R containing video surveillance footage of inbound and outbound traffic at the Camp Lejeune entry control points to SA (b)(6), (b)(7)(C) on 23Mar04 via Evidence Custody Document CALE 139-04 (Item A) for forensic enhancement. He explained that his notes (and possibly a copy of the enhancements) might be retained by Norfolk Field Office in what he referred to as the “lab case file.” SA (b)(6), (b)(7)(C) stated he vaguely remembered the case and recommended RA contact (b)(6), (b)(7)(C) (NFNF) to determine if his lab files were still retained in the evidence vault area. Lastly, SA (b)(6), (b)(7)(C) provided his ordinary business practices in making video enhancements:

- SA (b)(6), (b)(7)(C) said he usually would only enhance salient times/frames as provided by the case agent using the application, “Ocean Systems.”
- SA (b)(6), (b)(7)(C) would put the enhanced portions on a new CD and mail to the case agent.
- SA (b)(6), (b)(7)(C) would NOT put the enhanced video on the original evidence CD.
- SA (b)(6), (b)(7)(C) said it was impossible for him to alter (even accidentally) the video from evidence.

5. On 26Sep16, RA sent an email to (b)(6), (b)(7)(C) NCIS Norfolk to ascertain if lab notes pertaining to subject investigation were still maintained by NCISFO Norfolk. ASAC (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) NCISFO Norfolk, replied that she would look for the file but that it might be delayed due to a competing task.

6. On 11Oct16, RA contacted (b)(6), (b)(7)(C) Marine Corps Installation – East, G-6 Cyberspace Division – Cyberspace Manager/Director, by telephone to gather background

information as to whether the outbound traffic at Main Gate of Camp Lejeune was fitted with video surveillance capability in 2004 vice still frames; Mr. (b)(6), (b)(7)(C) referred me to Ms. (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) G-6 Applications Support Division – Portfolio Management (exhibit 7).

7. On 11Oct16, RA sent an email to ASAC (b)(6), (b)(7)(C) requesting an update; ASAC (b)(6), (b)(7)(C) replied on 11Oct16 that she was still busy with her competing task.

8. On 13Oct16, RA made contact with Ms. (b)(6), (b)(7)(C) Marine Corps Installation – East, G-6 Applications Support Division (ASD), to gather background information as to whether the outbound traffic at Main Gate of Camp Lejeune was fitted with video surveillance capability vice still frames. Ms. (b)(6), (b)(7)(C) worked closely with the Camp Lejeune video camera system in 2004 and is considered a subject matter expert with respect to the installation's video surveillance system at the gates. Ms. (b)(6), (b)(7)(C) stated that in 2004, Camp Lejeune maintained a video camera system for outgoing traffic at the main gate (exhibit 8).

9. On 21Oct16, RA met with Mr. James Coleman and Mr. (b)(6), (b)(7)(C) from Duke Law – Wrongful Conviction Clinic at NCISFO Carolina. For background, Mr. Coleman is the complainant leading to this MDI. During the meeting, Mr. Coleman explained the basis for his complaint. Mr. Coleman explained that three separate cameras were missing blocks of recorded footage summarized as:

- Camera 1: Missing recorded footage from 4:05:45 to 4:10:34
- Camera 2: Missing recorded footage from 4:01:20 to 4:18:34
- Camera 3: Missing recorded footage from 4:05:21 to 4:18:38

Mr. Coleman stated this was significant because a captured still frame from each camera was obtained at precisely 4:06:05 of a white Honda believed to be operated by (b)(6), (b)(7)(C) When RA asked for more specificity as to the location of cameras 1 – 3, Mr. Coleman could not answer with certainty; only that he believed one of the cameras may be from the Piney Green Gate. Mr. Coleman did not provide a copy of the videos in question (exhibit 9).

10. On 07Nov16, RA sent an email to ASAC (b)(6), (b)(7)(C) requesting an update. ASAC (b)(6), (b)(7)(C) replied on 08Nov16 that she was still busy with her competing task.

11. On 07Nov16, RA contacted Mr. Coleman by email and requested he provide a copy of the video files in question; Mr. Coleman replied on 07Nov16 that he would. Additionally, Mr. Coleman explained he received the videos in question from Onslow County, NC, Sheriff's Office (vice from NCISHQ). Mr. Coleman agreed to mail a copy of the videos to RA.

12. On 18Nov16, ASAC (b)(6), (b)(7)(C) responded that she found SA (b)(6), (b)(7)(C) lab file pertaining to subject investigation. In a follow-up telephone conversation, ASAC (b)(6), (b)(7)(C) agreed to mail the file to RA.

13. On 09Dec16, RA received a copy of the video files in question, which were contained on a labeled DVD, from Mr. Coleman.

14. On 13Dec16, RA received SA (b)(6), (b)(7)(C) lab file, which was mailed by ASAC (b)(6), (b)(7)(C). The file was maintained in a two panel folder.

15. On 19Dec16, RA reviewed the lab file, which contained numerous documents and a DVD labeled "04-ZN-0132 OMF & Photo Archive MJ 05-11-04". An attempt to review the DVD resulted in locating 25 files (video clips and photographs); however, only three photographs of a white Honda vehicle could be opened. The other files could not be opened with the software on RA's computer.

16. On 19Dec16, RA reviewed the video files in question provided by Mr. Coleman. The DVD contained three videos from 05Jan04 from different camera angles at Camp Lejeune's Piney Green Gate. Two of the videos captured outbound traffic and one video captured inbound traffic. A review of all three videos confirmed missing gaps of recordings as stated by Mr. Coleman; however, RA noted the missing recordings appeared to correlate with instances when no vehicular or foot traffic crossed in front of the cameras.

17. On 19Dec16, RA interviewed Ms (b)(6), (b)(7)(C) at NCISFO Carolina pertaining to the video files provided by Mr. Coleman. Ms (b)(6), (b)(7)(C) reviewed portions of the videos and confirmed the videos in question were of the Piney Green Gate in 2004. Ms (b)(6), (b)(7)(C) explained that in 2004, the video system was configured to record only when a pixel in the camera's view was changed. In times when the pixels remained the same, the camera would stop recording to save storage space and limit the traffic on the network. Ms (b)(6), (b)(7)(C) also reviewed and confirmed the separate still photo of the white Honda, titled, "Main gate Outbound Honda.jpg" (mentioned in Exhibit 1) was taken from the outbound camera system of the Main Gate.

18. Based on the facts surfaced from this inquiry, there is no merit to Mr. Coleman's complaint. Mr. Colman asserts there were missing portions of video footage from three cameras. A review of the videos provided by Mr. Coleman confirmed this; however, as learned from Ms (b)(6), (b)(7)(C) the video recording system was configured to record only when there was activity in view of the camera; therefore, it is logical that there would be gaps in the video surveillance footage. Further, the assertion that Mr. Coleman had a still image bearing the time stamp within a missing portion of footage is inaccurate as the still image was taken from footage at the Main Gate vice the Piney Green Gate. Based on these two findings, this MDI is closed.

RECOMMENDATIONS

There are no recommendations to made based on the MDI conducted.

INVESTIGATIVE ACTION

Receipt of Videos (b)(6), (b)(7)(C)

13Sep16

1. On 13Sep16, Reporting Agent (RA) obtained a DVD containing files pertinent to this investigation from DIVCHIEF (b)(6), (b)(7)(C) NCISHQ-IG, at the Russell Knox Building in Quantico, VA (Enclosure a). The DVD contained a folder titled, "Pictures," which contained a sub-folder titled, "Piney Green Inbound," and a separate still photo of a white Honda titled, "Main Gate Outbound Honda.jpg". The folder titled, "Piney Green Inbound," contained 12 still photographs (six of a red Pontiac and six of a white Honda) and three videos (one of a red Pontiac and two of a white Honda).

2. The separate still photo of a white Honda titled, "Main gate Outbound Honda.jpg" contains a title at the top of the image labeled, "Mon Jan 5 04:06:05 2004" and correlates with Exhibit 49 of captioned investigation wherein the assertion is made by Special Agent (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) and S/Wright exited Camp Lejeune via "Main Gate" at "0408.05" on 05Jan04.

3. The folder titled, "Piney Green Inbound," contained 12 still photographs and three videos at the entry check point of Piney Green Gate on 05Jan04. In summary:

Six of the images were of a red Pontiac car, which contained time stamps of:

"Grand AM 1.jpg" - Mon Jan 5 04:28:35 2004;
"Grand AM 2.jpg" - Mon Jan 5 04:28:37 2004;
"Grand AM 3.jpg" - Mon Jan 5 04:28:43 2004;
"Grand AM 4.jpg" - Mon Jan 5 04:28:49 2004;
"Grand Am 5.jpg" - Mon Jan 5 04:28:50 2004; and
"Grand Am 6.jpg" - Mon Jan 5 04:28:51 2004.

Six of the images were of a white Honda car, which contained time stamps of:

"Honda 1.jpg" - Mon Jan 5 04:39:13 2004;
"Honda 2.jpg" - Mon Jan 5 04:39:19 2004;
"Honda 3.jpg" - Mon Jan 5 04:39:13 2004;
"Honda 4.jpg" - Mon Jan 5 04:39:13 2004;
"Honda 5.jpg" - Mon Jan 5 04:39:21 2004; and
"Honda 6.jpg" - Mon Jan 5 04:39:21 2004.

One video of a red Pontiac, which contained a time stamp of: "Grand AM.avi" - Mon Jan 5 04:28:32 2004 (through 04:28:51).

One video of a white Honda, which contained a time stamp of: "Honda.avi" - Mon Jan 5 04:39:09 2004 (through 04:39:21).

One video of a white Honda, which contained a time stamp of: "Honda 2.avi" - Mon Jan 5 04:39:10 2004 (through 04:39:22).

These still images and videos correlate with Exhibit 49 of captioned investigation wherein the assertion is made by Special Agent (b)(6), (b)(7)(C) that (b)(6), (b)(7)(C) enters Camp Lejeune via "Piney Green Gate" at "0428.35" on 05Jan14; and (b)(6), (b)(7)(C) and S/Wright entered Camp Lejeune via "Piney Green Gate" at "0439" on 05Jan04.

ENCLOSURE

(A) DVD labeled, S/Wright, Ruben/CW04 USMC 06Jan04-CALE-0007-7HMA (Copy)
Inbound/Outbound Gate Traffic/18Aug16

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS



Exhibit - 1
Enclosure - A

VIDEOS / Photos From

(b)(6), (b)(7)(C)

Exhibit - 1
Enclosure - A

INVESTIGATIVE ACTION

Results of Contact (b)(6), (b)(7)(C)

19Sep16

1. On 19Sep16, Reporting Agent (RA) spoke with SSA (b)(6), (b)(7)(C) (NWFO) on the telephone to obtain background information on this investigation. For background, SSA (b)(6), (b)(7)(C) was the original case agent of captioned investigation. Up front, SSA (b)(6), (b)(7)(C) explained he had very little memory of the details pertaining to this investigation due to the length of time that has passed. SSA (b)(6), (b)(7)(C) recalled that SA (b)(6), (b)(7)(C) (NCISHQ) was the co-case agent and that (b)(6), (b)(7)(C) (NCISHQ) took over the investigation upon his PCS. SSA (b)(6), (b)(7)(C) could not recall the name of the Onslow County, NC, Sheriff's Deputies who were involved in the investigation but thought the lead investigator's last name was (b)(6), (b)(7)(C). SSA (b)(6), (b)(7)(C) also recalled the prosecutor's last name was (b)(6), (b)(7)(C) but could not recall the names of the other prosecutors who assisted in the prosecution of S/Wright. SSA (b)(6), (b)(7)(C) remembered obtaining videos of both the Main Gate and Piney Green Gate and remembered getting videos and possibly still frame photos (from videos possibly on a motion sensor). SSA (b)(6), (b)(7)(C) could not recall the number of videos he received in total or from each gate, but recalled obtaining videos of (b)(6), (b)(7)(C) vehicles as they passed through the gates during the early morning hours of the day of the homicide. SSA (b)(6), (b)(7)(C) stated he sent the videos to be enhanced but could not recall if he sent them to the NCIS tech shop in Norfolk, VA, or the USMC Combat Camera shop aboard Camp Lejeune (or whether he send the videos to both shops). Lastly, SSA (b)(6), (b)(7)(C) could not recall the individual who copied the video from the gate video system to a CD/DVD for the investigation.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS

INVESTIGATIVE ACTION

Results of Interview (b)(6), (b)(7)(C)

20Sep16

1. On 20Sep16, Reporting Agent (RA) interviewed TEO (b)(6), (b)(7)(C) (CAFO) to determine if he had any recollection of this investigation. For background, TEO (b)(6), (b)(7)(C) was an active duty Marine assigned to NCIS (CAFO) in 2004. TEO (b)(6), (b)(7)(C) did not have any involvement in the video acquisition or the enhancement. TEO (b)(6), (b)(7)(C) explained that SA (b)(6), (b)(7)(C) was the Norfolk Tech Agent who formerly enhanced video. According to TEO (b)(6), (b)(7)(C) when SA (b)(6), (b)(7)(C) retired, SA (b)(6), (b)(7)(C) took over as the video enhancement specialist; however, SA (b)(6), (b)(7)(C) has also retired and the video enhancing capability was transferred to the Northwest Field Office. Lastly, TEO (b)(6), (b)(7)(C) confirmed SA (b)(6), (b)(7)(C) new name is (b)(6), (b)(7)(C). TEO (b)(6), (b)(7)(C) mentioned that (b)(6), (b)(7)(C) (former G-6) might have historical information as to the capabilities of the gate surveillance video system.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS

INVESTIGATIVE ACTION

Results of Contact (b)(6), (b)(7)(C)

20Sep16

1. On 20Sep16, Reporting Agent (RA) contacted SA (b)(6), (b)(7)(C) via telephone to obtain background information of this investigation. SA (b)(6), (b)(7)(C) explained he remembered the case and remembered seeing videos of gate traffic (multiple cameras from multiple angles) but could not remember how many videos or how many cameras angles. SA (b)(6), (b)(7)(C) stated he assisted in this investigation but did not have any responsibility for the acquisition or handling of the videos. SA (b)(6), (b)(7)(C) was unsure of the video capabilities at the gate during 2004. SA (b)(6), (b)(7)(C) recalled the prosecutor as: (b)(6), (b)(7)(C) and possibly (b)(6), (b)(7)(C) (sp). Additionally, SA (b)(6), (b)(7)(C) recalled the detective from Onslow County as: (b)(6), (b)(7)(C) (who is now deceased), and another investigator that he could not remember. Also, SA (b)(6), (b)(7)(C) explained SA (b)(6), (b)(7)(C) may have been the acting SSA throughout the conduct of this investigation and might be able to provide additional details.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS

INVESTIGATIVE ACTION

Results of Contact (b)(6), (b)(7)(C)

21Sep16

1. On 21Sep16, Reporting Agent (RA) interviewed SA (b)(6), (b)(7)(C) (NCISHQ) by telephone to determine if she had any memory of this investigation. SA (b)(6), (b)(7)(C) explained she was the case agent for a short period of time. According to SA (b)(6), (b)(7)(C) she took control of the case from SA (b)(6), (b)(7)(C) after he PCSed and after the investigation had been adjudicated by trial. SA (b)(6), (b)(7)(C) related her responsibility as the new case agent was to administratively close the case. SA (b)(6), (b)(7)(C) did not have a memory of any DVDs or CDs in the case file and did not recall the video surveillance capabilities at the gates in 2004. SA (b)(6), (b)(7)(C) recalled the prosecutor as (b)(6), (b)(7)(C) and the co-counsel as (b)(6), (b)(7)(C). Additionally, she recalled the Onslow County Detectives involved in this investigation as: (b)(6), (b)(7)(C) (who is now deceased); and (b)(6), (b)(7)(C). SA (b)(6), (b)(7)(C) also recalled Sgt (b)(6), (b)(7)(C) (nfi) working on the investigation. Lastly, SA (b)(6), (b)(7)(C) recommended reviewing the official record of trial for the missing video portions.

REPORTED BY: (b)(6), (b)(7)(C), Special Agent
OFFICE: NCISFO CAROLINAS

INVESTIGATIVE ACTION

Results of Contact (b)(6), (b)(7)(C)

21Sep16

1. On 21Sep16, Reporting Agent (RA) interviewed SA (b)(6), (b)(7)(C) (retired) via telephone to inquire if he had any memory of the laboratory analysis performed on this investigation. For background, SA (b)(6), (b)(7)(C) sent a CD-R containing video surveillance footage of inbound and outbound traffic at the Camp Lejeune entry control points to SA (b)(6), (b)(7)(C) on 23Mar04 via Evidence Custody Document CALE 139-04 (Item A) for forensic enhancement. SA (b)(6), (b)(7)(C) stated he vaguely remembered the case but did not have specific details; however, SA (b)(6), (b)(7)(C) provided his ordinary business practices for enhancing video:

- SA (b)(6), (b)(7)(C) said he usually would only enhance salient times/frames as provided by the case agent using the application, "Ocean Systems".
- SA (b)(6), (b)(7)(C) would put the enhanced portions on a new CD and mail to the case agent.
- SA (b)(6), (b)(7)(C) would NOT put the enhanced video on the original evidence CD.
- SA (b)(6), (b)(7)(C) said it was impossible for him to alter (even accidentally) the video from evidence.

2. SA (b)(6), (b)(7)(C) couldn't think of a reason or situation for a deletion of any portion of the video. He explained that his notes (and possibly a copy of the enhancements) might be in the possession of Norfolk Field Office in what he referred to as the "lab case file." SA (b)(6), (b)(7)(C) recommended (b)(6), (b)(7)(C), NCISFO Norfolk, VA, be contacted to determine if his files were retained. Lastly, SA (b)(6), (b)(7)(C) explained the Ocean System application was no longer in use and was not sure if any of the prior enhancements from the system were retained.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS

INVESTIGATIVE ACTION

Results of Contact (b)(6), (b)(7)(D)

11Oct16

1. On 11Oct16, Reporting Agent (RA) contacted (b)(6), (b)(7)(C) Marine Corps Installation – East, G-6 Cyberspace Division – Cyberspace Manager/Director, by telephone to gather background information as to whether the outbound traffic at Main Gate of Camp Lejeune was fitted with video surveillance capability in 2004 vice still frames; Mr. (b)(6), (b)(7)(C) referred RA to Ms. (b)(6), (b)(7)(C) G-6 Applications Support Division – Portfolio Management.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS

INVESTIGATIVE ACTION

Results of Contact (b)(6), (b)(7)(C)

13Oct16

1. On 13Oct16, Reporting Agent (RA) made contact with Ms. (b)(6), (b)(7)(C) Marine Corps Installation – East, G-6 Applications Support Division (ASD), to gather background information as to whether the outbound traffic at Main Gate of Camp Lejeune was fitted with video surveillance capability vice still frames. Ms. (b)(6), (b)(7)(C) explained she worked as a contractor in 2004 aboard Camp Lejeune and transferred to the Cyber Department sometime in the 2004 – 2005 timeframe. Ms. (b)(6), (b)(7)(C) explained that as a contractor, she worked for the Unconventional Nuclear Warfare Defense System (UNWD) Command and handled the command's cameras and routers for the detection of bomb-making material; in this capacity, she worked closely with the Camp Lejeune video camera system. Ms. (b)(6), (b)(7)(C) currently works in Applications Support Division (ASD) as an IT Specialist, currently working Portfolio Management. Through her experience, Ms. (b)(6), (b)(7)(C) is considered a subject matter expert with respect to Camp Lejeune's video surveillance systems at the various gates.

2. Ms. (b)(6), (b)(7)(C) stated that in 2004 Camp Lejeune maintained a video camera system for inbound and outgoing traffic at main gate and Piney Green Gate. The system held motion video for 30 days until the system began to record over itself. Lastly, Ms. (b)(6), (b)(7)(C) stated the base owned all the equipment and provided its own service; therefore, there was no contract with a vendor that could be reviewed to determine or verify the system's capabilities. The only record as to what capabilities the gates maintained resides within the memories of those that worked on the systems in 2004.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS

INVESTIGATIVE ACTION

Results of Interview (Coleman)

21Oct16

1. On 21Oct16, Reporting Agent (RA) met with Mr. James Coleman and Mr. (b)(6), (b)(7)(C) from Duke Law – Wrongful Conviction Clinic at NCISFO Carolina. For background, Mr. Coleman is the complainant leading to this MDI. During the meeting, Mr. Coleman explained the basis for his complaint. Mr. Coleman explained that three separate cameras were missing blocks of recorded footage summarized as:

- Camera 1: Missing recorded footage from 4:05:45 to 4:10:34
- Camera 2: Missing recorded footage from 4:01:20 to 4:18:34
- Camera 3: Missing recorded footage from 4:05:21 to 4:18:38

2. Mr. Coleman stated this was significant because a captured still frame from each camera was obtained at precisely 4:06:05 of a white Honda believed to be operated by (b)(6), (b)(7)(C). When RA asked for more specificity as to the location of cameras 1 – 3, Mr. Coleman could not answer with certainty; only that he believed one of the cameras may be from the Piney Green Gate. Mr. Coleman did not provide a copy of the videos in question.

3. Mr. Coleman provided four documents: one page of a memorandum from him to CDR (b)(6), (b)(7)(C) USN JAGC, NCIS (enclosure a); still image of a white Honda (time stamped 05Jan04, 04:06:05) (enclosure b); document reflecting missing segments of video (notes on document added by RA) (enclosure c); and still image of a white Honda (time stamped 05Jan04, 04:39:14) (enclosure d).

ENCLOSURES

- (A) One page of a memorandum from Coleman to CDR (b)(6), (b)(7)(C) USN JAGC, NCIS/17Jul16
- (B) Still image of a white Honda (time stamped 05Jan04, 04:06:05)/05Jan04
- (C) Document reflecting missing segments of video (notes on document added by RA)/undated
- (D) Still image of a white Honda (time stamped 05Jan04, 04:39:14)/05Jan04

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS



JAMES E. COLEMAN, JR.
JOHN S. BRADWAY PROFESSOR OF LAW
DUKE UNIVERSITY SCHOOL OF LAW
210 SCIENCE DRIVE
BOX 90360 • DURHAM, NC 27708-0360
TEL 919-613-7057 • FAX 919-613-7231
JCOLEMAN@LAW.DUKE.EDU

July 17, 2016

(b)(6), (b)(7)(C) CDR, JAGC, USN
Department of the Navy
Naval Criminal Investigative Service
27130 Telegraph Road
Quantico, Virginia 23134-2253

Re: Richard Wright NCIS Investigation

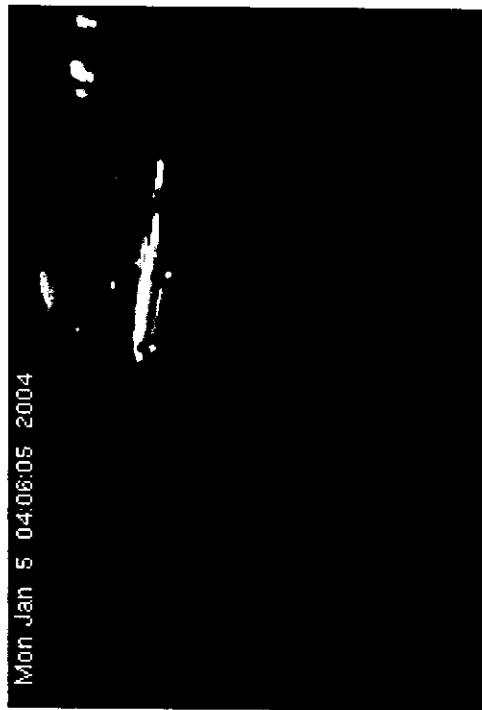
Dear Commander Richman:

Thank you for your letter of May 19, 2016 (5720 2016-006502; SERoolJF/16U0737).

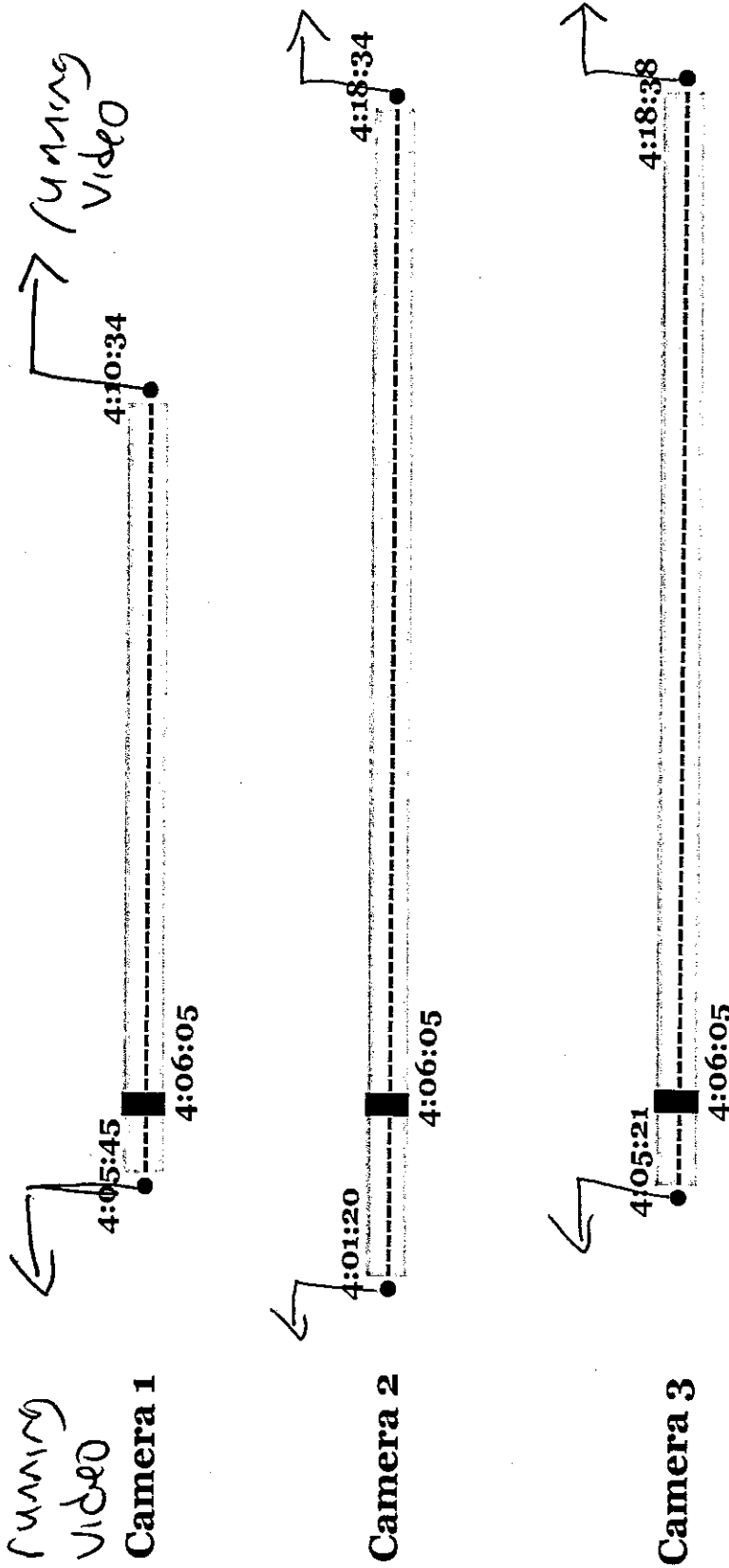
After receipt of your letter, I met with (b)(6), (b)(7)(C) District Attorney for District 4B (Onslow County), on June 13, 2016, in his offices in Jacksonville, NC, to obtain a copy of the video footage that the NCIS Carolinas Field Office consolidated evidence facility transferred to the Onslow County Sheriff's Department (OCSD) on April 14, 2016. Prior to our meeting, Mr. (b)(6), (b)(7)(C) already had determined that the footage sent on April 14, 2016, had the same gaps as the copies of video footage that OCSD disclosed to Mr. Wright's defense counsel prior to Mr. Wright's murder trial.

Because NCIS previously provided OCSD a still photograph taken from the original security video footage that has a time stamp indicating it was taken from footage that was not turned over by NCIS, this letter is to request that the Department of Navy investigate the circumstances under which the footage that NCIS turned over to OCSD prior to trial was altered, withheld, or destroyed.

To recount the facts: We are investigating the claim of Ruben Wright, formerly CWO4 USMC, that he is innocent of the murder of James Taulbee, a retired Marine, for which a civilian jury convicted him on January 20, 2006. In the course of our investigation of Mr. Wright's claim, we reviewed video footage taken by security cameras at the Piney Green Gate to the Camp Lejeune military base between 0345 and 0500 hours on January 5, 2004. As part of its discovery disclosures to the defense, OCSD also produced a still photograph captured from footage from one of the security cameras, showing former Sgt (b)(6), (b)(7)(C) USMC, leaving the base at 04:06:05 on



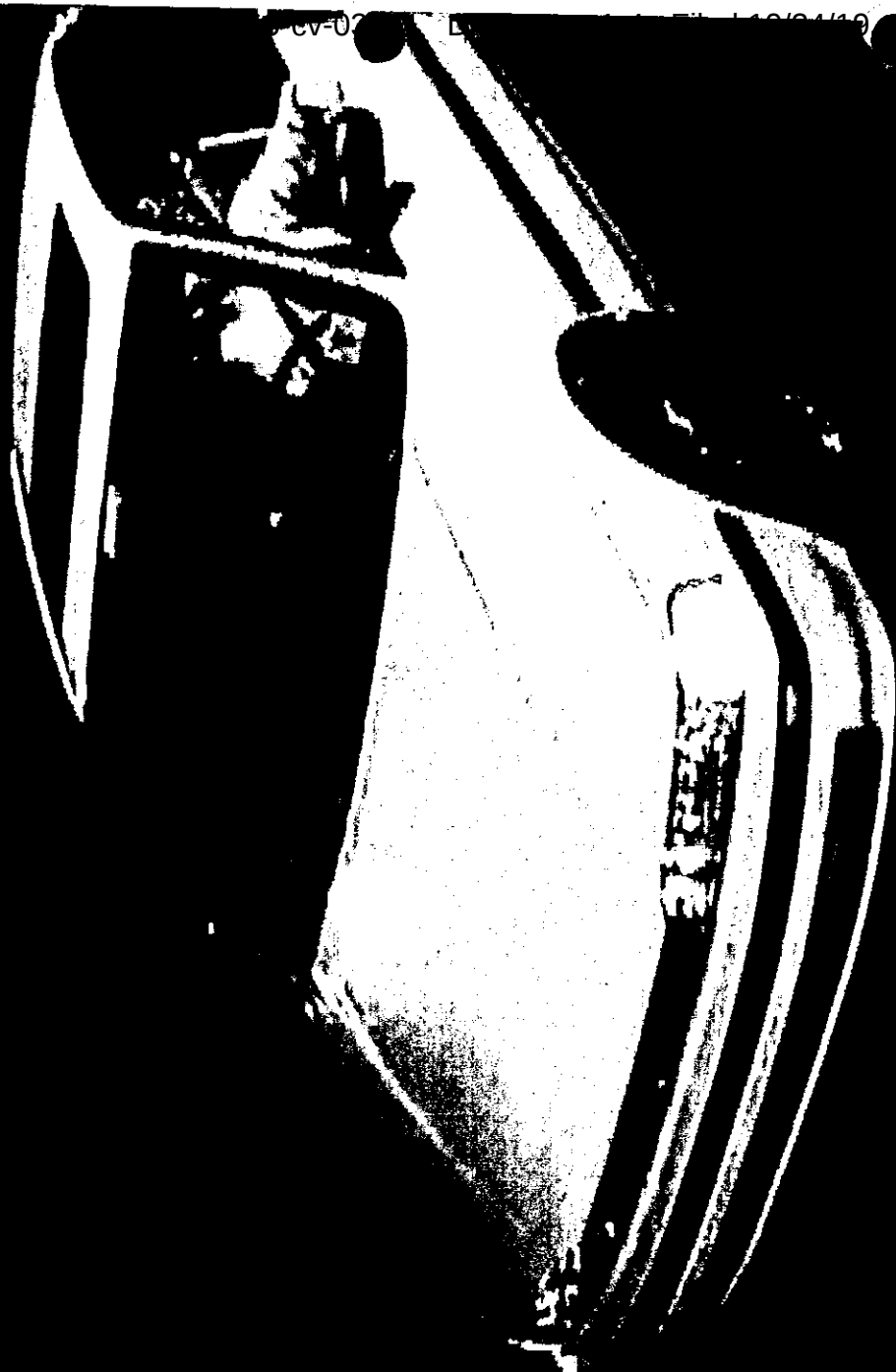
Missing Segments of Footage from Camp Lejeune Security Cameras



■ Captured frame of (b)(6), (b)(7)(C) leaving Camp Lejeune on January 5, 2004.

one may be Piney Green

Attachment 2



Mon Jan 5 04:39:14 2004

Attachment 3

Exhibit - 9
ENCLOSURE - D

INVESTIGATIVE ACTION

Review of Lab File

19Dec16

1. On 19Dec16, Reporting Agent (RA) reviewed the lab file received from ASAC (b)(6), (b)(7)(C) NCISFO Norfolk, on 13Dec16. The file was constructed by SA (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) as was his standard practice, when he provided forensic support. The file contained copies of: an email, NCIS ECD Log Number CALE-139-04, reports related to subject investigation, lab report authored by (b)(6), (b)(7)(C) and notes pertaining to examination. The file also contained a DVD labeled, "04-ZN-0132 OMF & Photo Archive MJ 05-11-04".
2. A copy of the file (in its entirety) is appended as enclosure (a) and a copy of the DVD is appended as enclosure (b).
3. A review of enclosure (a) did not lead to any investigative leads. An attempt to review the DVD (enclosure b) resulted in locating 25 files (video clips and photographs); however, only three photographs of a white Honda vehicle could be opened. The other files could not be opened RA's computer. The three images appeared to be the white Honda in question entering Camp Lejeune via the Piney Green Gate.

ENCLOSURES

(A) Copy of Norfolk Lab File identified as 04-0132/undated

(B) Copy of DVD labeled, "04-ZN-0132 OMF & Photo Archive MJ 05-11-04"/undated

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, March 23, 2004 3:08 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Digital Video Case

(b)(6), (b)(7)(C)

The CD was sent to you in today's mail. It is a copy of the CD-R I received from Base. On it it has still pics and video. the two vehicle we are looking at are a red Grand Am (b)(6), (b)(7)(C) vehicle. She is a (b)(6), (b)(7)(C) woman. It appears she is smiling as she goes through the gate. She is claiming she know (b)(6), (b)(7)(C) was going to get shot but was to scared to do anything about it. Her smiling does not support that theory. Attempt to enhance that and identifying info. second, there is a white Honda Accord. This is the (b)(6), (b)(7)(C) Vehicle. He is a (b)(6), (b)(7)(C) male and is seen driving. There is a black male in the passenger seat. Attempt to enhance this because you can not really see the black male. The black male should be wearing black clothing and he is a very dark black male. This individual is S/WRIGHT. He is reported to be the main shooter. (b)(6), (b)(7)(C) is reported to have drove him out and supplied the weapon for the homicide. this is it in a nut shell. If you need anything just call/email.

Thanks!

(b)(6), (b)(7)(C)

Exhibit - 10
ENCLOSURE - A

U.S. NAVAL INVESTIGATIVE SERVICE EVIDENCE CUSTODY DOCUMENT

CODE CDIE	CONTROL 06JAN04-CALE-0007-7HMA	LOG NUMBER 139-04	DATE AND TIME OF SEIZURE 23MARCH
NAME OF PERSON FROM WHOM PROPERTY SEIZED CDL (b)(6), (b)(7)(C) MCB CLNC		LOCATION WHERE PROPERTY SEIZED NCIS CAMP LEJEUNE, NC	
NI TITLE S/WRISOT, RUBEN W/ CW04-USMC			
ITEM A	QUANTITY 1	DISPOSAL ACTION	DESCRIPTION OF ARTICLE - MODEL NUMBER, SERIAL NUMBER, IDENTIFYING MARKS, CONDITION, AND VALUE WHEN APPROPRIATE. ONE BROWN PAPER BAG CONTAINING A CD-R DISK (COPY) OF MCB, CLNC VIDEO OF OUTBOUND INBOUND GATE TRAFFIC, 23MARCH - (b)(6), (b)(7)(C)

Nothing follows

NAME AND SIGNATURE OF WITNESS (IF AVAILABLE) (b)(6), (b)(7)(C)

CHAIN OF CUSTODY TNO120.04 NFZN

ITEM	DATE & TIME	RELEASED BY		RECEIVED BY		PURPOSE
		NAME	ORGANIZATION	NAME	ORGANIZATION	
A	23MARCH 10:00	(b)(6), (b)(7)(C)	NCIS	(b)(6), (b)(7)(C) CALE EVIDENCE CUSTODIAN	NCIS	RECEIVED SEALS INTACT CONTENTS NOT INVENTORIED PLACED IN EVIDENCE CUSTODY
A	23MARCH 1010	(b)(6), (b)(7)(C) CALE EVIDENCE CUSTODIAN	NCIS	Registered Mail #RB 906 816 281 45	NCIS RFL	
A	25 MAR 2004 1130	(b)(6), (b)(7)(C) Registered Mail #RB 906 816 281 45	NCIS	(b)(6), (b)(7)(C) EVIDENCE CUSTODIAN	NFZN	RECEIVED AND LOGGED SEALS INTACT CONTENTS NOT INVENTORIED PLACED IN VAULT STOWAGE
A	5-5-04 1345	(b)(6), (b)(7)(C) VIRGINIA HURST EVIDENCE CUSTODIAN NFZN	NFZN	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)	LAB EXAMINATION

CHAIN OF CUSTODY (Continued)

ITEM	DATE & TIME	RELEASED BY	RECEIVED BY	PURPOSE
A	5-11-04 1315	NAME (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) EVIDENCE CUSTODIAN NFZN (b)(6), (b)(7)(C)	RECEIVED AND LOGGED SEALS INTACT CONTENTS NOT INVENTORIED PLACED IN VAULT STOWAGE
A	17 MAY 2004 0800	NAME (b)(6), (b)(7)(C) ORGANIZATION EVIDENCE CUSTODIAN NFZN	NAME REGISTERED MAIL ORGANIZATION RB741 418 802 US SIGNATURE	RETURN TO SUBMITTER
		NAME ORGANIZATION SIGNATURE	NAME ORGANIZATION SIGNATURE	

REMARKS

5-11-04 *Re: NINE (9) PHOTOS MADE FROM SELECTED FRAMES, ITEM A.*

FINAL DISPOSAL ACTION

FINAL DISPOSAL AUTHORITY

NAME (PRINTED)

RANK/TITLE

ORGANIZATION

PERSON(S) RECEIVING ITEM(S)/WITNESSING DESTRUCTION

NAME

ORGANIZATION

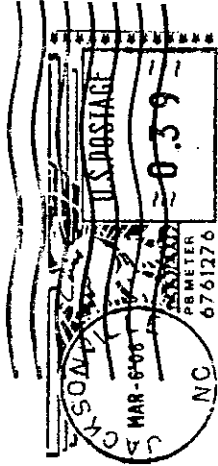
SIGNATURE/DATE

1. _____
2. _____
3. _____
4. _____

MAY BE CONTINUED IN REMARKS IF NECESSARY

INDICATE IN DISPOSAL ACTION COLUMN (ON FRONT) BY NUMBER AND LETTER CODE PERSON(S) RECEIVING OR WITNESSING ACTION AND TYPE OF ACTION. RETURNED TO INDIVIDUAL OWNER (I), RETURNED TO COMMAND (C), TURNED INTO SUPPLY (S), TO ANOTHER AGENCY (A), TO NIS (N), DESTROYED (D), OTHER METHOD (M) (EXPLAIN IN REMARKS ABOVE).

(b)(6), (b)(7) 04-2132



Office Manager
District Attorney's Office
632 Court Street
Jacksonville, NC 28540

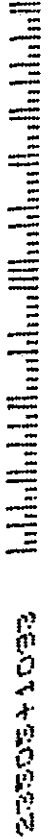
Victim/Witness Legal Assistant

(b)(6), (b)(7)(C)

State of North Carolina
4th Prosecutorial District

(b)(6), (b)(7)(C)

NCIS
9079 Hampton Blvd, Ste 110
Norfolk, VA 23505



(b)(6), (b)(7)

DISTRICT ATTORNEY
4TH PROSECUTORIAL DISTRICT
632 COURT STREET
JACKSONVILLE, NC 28540

Harby

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)



27A-01204

INVESTIGATIVE ACTION

24MAR04

(b)(6), (b)(7)(C)

CONTROL: 06JAN04-CALE-0007-7HMA
04-2N-0132 S/WRIGHT

S/WRIGHT, RUBEN WORLEY/CWO4 USMC
M/B/MW04/T/306-66-2966/10JUN58/SOUTH BEND, IN
SUPP: HQ COMPANY, 6TH MARINES

REQUEST FOR ASSISTANCE BY NCIS VIDEO IMAGING LABORATORY

1. On 23Mar04, Reporting Agent (RA) provided Mr (b)(6), (b)(7)(C) Forensic Examiner, Video Imaging, NCIS Regional Forensic Laboratory (NCISRFL), Norfolk, VA, with a copy of a CD-R disk obtained from Marine Corps Base (MCB), Camp Lejeune, NC (CLNC) Network Security Department. This specific video surveillance depicts what appear to be (b)(6), (b)(7)(C) vehicle exiting and/or entering MCB, CLNC during the early morning hours of 05Jan04. This copy was entered into the NCISRA CLNC Evidence Custody System, under log number 139-04 and was sent via registered mail to the NCISRFL Norfolk, VA. RA requested (b)(6), (b)(7)(C) to enhance video depicted on the CD-R and to provide still images of depicted vehicles.

2. For background information on 05Jan04, V/TAULBEE was discovered deceased with two small caliber gunshot wounds to the head. OCSO preliminary investigation discovered V/TAULBEE (b)(6), (b)(7)(C) was having an adulteress affair with S/WRIGHT. OCSO interviews with (b)(6), (b)(7)(C) surfaced information wherein S/WRIGHT and (b)(6), (b)(7)(C) became logical suspects in the death of V/TAULBEE. Reportedly, (b)(6), (b)(7)(C) provided S/WRIGHT with a modified firearm, which was used in the death of V/TAULBEE.

ENCLOSURE(S)

(A) NCIS Forensic Examination Request Form/23Mar04

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISRA Camp Lejeune, NC

EXHIBIT (6)

FOR OFFICIAL USE ONLY

WARNING

Page 1 LAST (b)(6), (b)(7)(C) V2 LNN

THIS DOCUMENT IS THE PROPERTY OF THE NAVAL CRIMINAL INVESTIGATIVE SERVICE. CONTENTS MAY BE DISCLOSED ONLY TO PERSONS WHOSE OFFICIAL DUTIES REQUIRE ACCESS HERETO. CONTENTS MAY NOT BE DISCLOSED TO THE PARTY(S) CONCERNED WITHOUT SPECIFIC AUTHORIZATION FROM THE NAVAL CRIMINAL INVESTIGATIVE SERVICE.

File No.

05CRS003811

STATE OF NORTH CAROLINA

Onslow County

In The General Court Of Justice
 District Superior Court Division

STATE OF NORTH CAROLINA	Additional File Numbers
-------------------------	-------------------------

VERSUS

(b)(6), (b)(7)(C)

SUBPOENA

G.S. 1A-1, Rule 45

Party Requesting Subpoena <input type="checkbox"/> State/Plaintiff <input type="checkbox"/> Defendant	NOTE TO PARTIES NOT REPRESENTED BY COUNSEL: Subpoenas may be produced at your request, but must be signed and issued by the office of the Clerk of Superior Court, or by a magistrate or judge.
--	--

TO	Name And Address Of Person Subpoenaed (b)(6), (b)(7)(C) NCIS 9079 HAMPTON BLVD, STE 110 NORFOLK, VA 23505	Alternate Address
	Telephone No. 757-444-8615	Telephone No.

YOU ARE COMMANDED TO: (check all that apply):

- appear and testify, in the above entitled action, before the court at the place, date and time indicated below.
- appear and testify, in the above entitled action, at a deposition at the place, date and time indicated below.
- produce and permit inspection and copying of the following items, at the place, date and time indicated below.
- See attached list. (List here if space sufficient.)

PLEASE CALL (b)(6), (b)(7)(C) TO BE PLACED ON TELEPHONE STAND-BY.

Name And Location Of Court/Place Of Deposition/Place To Produce ONSLow COUNTY SUPERIOR COURT 625 COURT STREET JACKSONVILLE NC 28540	Date To Appear/Produce Wk of March 13, 2006 - March 20, 2006 Time To Appear/Produce <input type="checkbox"/> AM <input type="checkbox"/> PM
Name And Address Of Applicant Or Applicant's Attorney (b)(6), (b)(7)(C) Chief Assistant District Attorney 632 Court Street Jacksonville NC 28540	Date 03/03/2006 (b)(6), (b)(7)(C)
Telephone No. (b)(6), (b)(7)(C)	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> Superior Court Judge <input type="checkbox"/> Magistrate <input checked="" type="checkbox"/> Attorney/DA <input type="checkbox"/> District Court Judge

RETURN OF SERVICE

I certify this subpoena was received and served on the person subpoenaed as follows:

- By personal delivery.
- registered or certified mail, receipt requested and attached.
- telephone communication (For use only by the sheriff's office for witness subpoenaed to appear and testify.)
- I was unable to serve this subpoena.

Service Fee \$	<input type="checkbox"/> Paid <input type="checkbox"/> Due	Date Served	Signature of Authorized Server	Title
-------------------	---	-------------	--------------------------------	-------

NOTE TO PERSON REQUESTING SUBPOENA: A copy of this subpoena must be delivered, mailed or faxed to the attorney for each party in this case. If a party is not represented by an attorney, the copy must be mailed or delivered to the party. This does not apply in criminal cases.

NOTE: Rule 45, North Carolina Rules of Civil Procedure, Parts (c) and (d).

(c) Protection Of Persons Subject To Subpoena

(1) Avoid undue burden or expense. - A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. The court shall enforce this subdivision and impose upon the party or attorney in violation of this requirement an appropriate sanction that may include compensating the person unduly burdened for lost earnings and for reasonable attorney's fees.

(2) For production of public records or hospital medical records. - Where the subpoena commands any custodian of public records or any custodian of hospital medical records, as defined in G.S. 8-44.1, to appear for the sole purpose of producing certain records in the custodian's custody, the custodian subpoenaed may, in lieu of personal appearance, tender to the court in which the action is pending by registered or certified mail or by personal delivery, on or before the time specified in the subpoena, certified copies of the records requested together with a copy of the subpoena and an affidavit by the custodian testifying that the copies are true and correct copies and that the records were made and kept in the regular course of business, or if no such records are in the custodian's custody, an affidavit to that effect. When the copies of records are personally delivered under this subdivision, a receipt shall be obtained from the person receiving the records. Any original or certified copy of records or an affidavit delivered according to the provisions of this subdivision, unless otherwise objectionable, shall be admissible in any action or proceeding without further certification or authentication. Copies of hospital medical records tendered under this subdivision shall not be open to inspection or copied by any person, except to the parties to the case or proceedings and their attorneys in depositions, until ordered published by the judge at the time of the hearing or trial. Nothing contained herein shall be construed to waive the physician-patient privilege or to require any privileged communication under law to be disclosed.

(3) Written objection to subpoena. - Subject to subsection (d) of this rule, a person commanded to appear at a deposition or to produce and permit the inspection and copying of records may, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, serve upon the party or the attorney designated in the subpoena written objection to the subpoena, setting forth the specific grounds for the objection. The written objection shall comply with the requirements of Rule 11. Each of the following grounds may be sufficient for objecting to a subpoena:

- a. The subpoena fails to allow reasonable time for compliance.
- b. The subpoena requires disclosure of privileged or other protected matter and no exception or waiver applies to the privilege or protection.
- c. The subpoena subjects a person to an undue burden.
- d. The subpoena is otherwise unreasonable or oppressive.
- e. The subpoena is procedurally defective.

(4) Order of court required to override objection. - If objection is made under subdivision (3) of this subsection, the party serving the subpoena shall not be entitled to compel the subpoenaed person's appearance at a deposition or to inspect and copy materials to which

an objection has been made except pursuant to an order of the court. If objection is made, the party serving the subpoena may, upon notice to the subpoenaed person, move at any time for an order to compel the subpoenaed person's appearance at the deposition or the production of the materials designated in the subpoena. The motion shall be filed in the court in the county in which the deposition or production of materials is to occur.

(5) Motion to quash or modify subpoena. - A person commanded to appear at a trial, hearing, deposition, or to produce and permit the inspection and copying of records, books, papers, documents, or other tangible things, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, may file a motion to quash or modify the subpoena. The court shall quash or modify the subpoena if the subpoenaed person demonstrates the existence of any of the reasons set forth in subdivision (3) of this subsection. The motion shall be filed in the court in the county in which the trial, hearing, deposition, or production of materials is to occur.

(6) Order to compel; expenses to comply with subpoena. - When a court enters an order compelling a deposition or the production of records, books, papers, documents, or other tangible things, the order shall protect any person who is not a party or an agent of a party from significant expense resulting from complying with the subpoena. The court may order that the person to whom the subpoena is addressed will be reasonably compensated for the cost of producing the records, books, papers, documents, or tangible things specified in the subpoena.

(7) Trade secrets, confidential information. - When a subpoena requires disclosure of a trade secret or other confidential research, development, or commercial information, a court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or when the party on whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship, the court may order a person to make an appearance or produce the materials only on specified conditions stated in the order.

(8) Order to quash; expenses. - When a court enters an order quashing or modifying the subpoena, the court may order the party on whose behalf the subpoena is issued to pay all or part of the subpoenaed person's reasonable expenses including attorney's fees.

(d) Duties In Responding To Subpoena

(1) Form of response. - A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label the documents to correspond with the categories in the request.

(2) Specificity of objection. - When information subject to a subpoena is withheld on the objection that it is subject to protection as trial preparation materials, or that it is otherwise privileged, the objection shall be made with specificity and shall be supported by a description of the nature of the communications, records, books, papers, documents, or other tangible things not produced, sufficient for the requesting party to contest the objection.

INFORMATION FOR WITNESS

NOTE: *If you have any questions about being subpoenaed as a witness, you should contact the person named on the other side of this Subpoena in the box labeled "Name And Address Of Applicant Or Applicant's Attorney."*

DUTIES OF A WITNESS

- Unless otherwise directed by the presiding judge, you must answer all questions asked when you are on the stand giving testimony.
- In answering questions, speak clearly and loudly enough to be heard.
- Your answers to questions must be truthful.
- If you are commanded to produce any items, you must bring them with you to court or to the deposition.
- You must continue to attend court until released by the court. You must continue to attend a deposition until the deposition is completed.

BRIBING OR THREATENING A WITNESS

It is a violation of State law for anyone to attempt to bribe, threaten, harass, or intimidate a witness. If anyone attempts to do any of these things concerning your involvement as a witness in a case, you should promptly report that to the district attorney or the presiding judge.

WITNESS FEE

A witness under subpoena and that appears in court to testify, is entitled to a small daily fee, and to travel expense reimbursement, if it is necessary to travel outside the county in order to testify. (The fee for an "expert witness" will be set by the presiding judge.) After you have been discharged as a witness, if you desire to collect the statutory fee, you should immediately contact the Clerk's office and certify to your attendance as a witness so that you will be paid any amount due you.

STATE OF NORTH CAROLINA

File No.

05CRS003811

Onslow County

In The General Court Of Justice
 District Superior Court Division

STATE OF NORTH CAROLINA

Additional File Numbers

VERSUS

(b)(6), (b)(7)(C)

SUBPOENA

G.S. 1A-1, Rule 45

Party Requesting Subpoena
 State/Plaintiff Defendant

NOTE TO PARTIES NOT REPRESENTED BY COUNSEL: Subpoenas may be produced at your request, but must be signed and issued by the office of the Clerk of Superior Court, or by a magistrate or judge.

TO Name And Address Of Person Subpoenaed
 (b)(6), (b)(7)(C) NCIS
 9079 HAMPTON BLVD, STE 110
 NORFOLK, VA 23505

Alternate Address

Telephone No.
 757-444-8615

Telephone No.

YOU ARE COMMANDED TO: (check all that apply):

- appear and testify, in the above entitled action, before the court at the place, date and time indicated below.
- appear and testify, in the above entitled action, at a deposition at the place, date and time indicated below.
- produce and permit inspection and copying of the following items, at the place, date and time indicated below.
- See attached list. (List here if space sufficient.)

PLEASE CALL (b)(6), (b)(7)(C) TO BE PLACED ON TELEPHONE STAND-BY.

Name And Location Of Court/Place Of Deposition/Place To Produce
 ONSLOW COUNTY SUPERIOR COURT
 625 COURT STREET
 JACKSONVILLE NC 28540

Date To Appear/Produce
 Wk of March 13, 2006 - March 20, 2006
 Time To Appear/Produce AM PM

Name And Address Of Applicant Or Applicant's Attorney
 (b)(6), (b)(7)(C) Chief Assistant District Attorney
 632 Court Street
 Jacksonville NC 28540

Date
 03/03/2006
 (b)(6), (b)(7)(C)

Telephone No. (b)(6), (b)(7)(C) Deputy CSC Assistant CSC Clerk Or Superior Court Superior Court Judge
 Magistrate Attorney/DA District Court Judge

RETURN OF SERVICE

I certify this subpoena was received and served on the person subpoenaed as follows:

- By personal delivery.
- registered or certified mail, receipt requested and attached.
- telephone communication (For use only by the sheriff's office for witness subpoenaed to appear and testify.)
- I was unable to serve this subpoena.

Service Fee Paid Due Date Served Signature of Authorized Server Title

NOTE TO PERSON REQUESTING SUBPOENA: A copy of this subpoena must be delivered, mailed or faxed to the attorney for each party in this case. If a party is not represented by an attorney, the copy must be mailed or delivered to the party. This does not apply in criminal cases.

NOTE: Rule 45, North Carolina Rules of Civil Procedure, Parts (c) and (d).

(c) Protection Of Persons Subject To Subpoena

(1) Avoid undue burden or expense. - A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing an undue burden or expense on a person subject to the subpoena. The court shall enforce this subdivision and impose upon the party or attorney in violation of this requirement an appropriate sanction that may include compensating the person unduly burdened for lost earnings and for reasonable attorney's fees.

(2) For production of public records or hospital medical records. - Where the subpoena commands any custodian of public records or any custodian of hospital medical records, as defined in G.S. 8-44.1, to appear for the sole purpose of producing certain records in the custodian's custody, the custodian subpoenaed may, in lieu of personal appearance, tender to the court in which the action is pending by registered or certified mail or by personal delivery, on or before the time specified in the subpoena, certified copies of the records requested together with a copy of the subpoena and an affidavit by the custodian testifying that the copies are true and correct copies and that the records were made and kept in the regular course of business, or if no such records are in the custodian's custody, an affidavit to that effect. When the copies of records are personally delivered under this subdivision, a receipt shall be obtained from the person receiving the records. Any original or certified copy of records or an affidavit delivered according to the provisions of this subdivision, unless otherwise objectionable, shall be admissible in any action or proceeding without further certification or authentication. Copies of hospital medical records tendered under this subdivision shall not be open to inspection or copied by any person, except to the parties to the case or proceedings and their attorneys in depositions, until ordered published by the judge at the time of the hearing or trial. Nothing contained herein shall be construed to waive the physician-patient privilege or to require any privileged communication under law to be disclosed.

(3) Written objection to subpoena. - Subject to subsection (d) of this rule, a person commanded to appear at a deposition or to produce and permit the inspection and copying of records may, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, serve upon the party or the attorney designated in the subpoena written objection to the subpoena, setting forth the specific grounds for the objection. The written objection shall comply with the requirements of Rule 11. Each of the following grounds may be sufficient for objecting to a subpoena:

- a. The subpoena fails to allow reasonable time for compliance.
- b. The subpoena requires disclosure of privileged or other protected matter and no exception or waiver applies to the privilege or protection.
- c. The subpoena subjects a person to an undue burden.
- d. The subpoena is otherwise unreasonable or oppressive.
- e. The subpoena is procedurally defective.

(4) Order of court required to override objection. - If objection is made under subdivision (3) of this subsection, the party serving the subpoena shall not be entitled to compel the subpoenaed person's appearance at a deposition or to inspect and copy materials to which

an objection has been made except pursuant to an order of the court. If objection is made, the party serving the subpoena may, upon notice to the subpoenaed person, move at any time for an order to compel the subpoenaed person's appearance at the deposition or the production of the materials designated in the subpoena. The motion shall be filed in the court in the county in which the deposition or production of materials is to occur.

(5) Motion to quash or modify subpoena. - A person commanded to appear at a trial, hearing, deposition, or to produce and permit the inspection and copying of records, books, papers, documents, or other tangible things, within 10 days after service of the subpoena or before the time specified for compliance if the time is less than 10 days after service, may file a motion to quash or modify the subpoena. The court shall quash or modify the subpoena if the subpoenaed person demonstrates the existence of any of the reasons set forth in subdivision (3) of this subsection. The motion shall be filed in the court in the county in which the trial, hearing, deposition, or production of materials is to occur.

(6) Order to compel; expenses to comply with subpoena. - When a court enters an order compelling a deposition or the production of records, books, papers, documents, or other tangible things, the order shall protect any person who is not a party or an agent of a party from significant expense resulting from complying with the subpoena. The court may order that the person to whom the subpoena is addressed will be reasonably compensated for the cost of producing the records, books, papers, documents, or tangible things specified in the subpoena.

(7) Trade secrets, confidential information. - When a subpoena requires disclosure of a trade secret or other confidential research, development, or commercial information, a court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or when the party on whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot otherwise be met without undue hardship, the court may order a person to make an appearance or produce the materials only on specified conditions stated in the order.

(8) Order to quash; expenses. - When a court enters an order quashing or modifying the subpoena, the court may order the party on whose behalf the subpoena is issued to pay all or part of the subpoenaed person's reasonable expenses including attorney's fees.

(d) Duties In Responding To Subpoena

(1) Form of response. - A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label the documents to correspond with the categories in the request.

(2) Specificity of objection. - When information subject to a subpoena is withheld on the objection that it is subject to protection as trial preparation materials, or that it is otherwise privileged, the objection shall be made with specificity and shall be supported by a description of the nature of the communications, records, books, papers, documents, or other tangible things not produced, sufficient for the requesting party to contest the objection.

INFORMATION FOR WITNESS

NOTE: If you have any questions about being subpoenaed as a witness, you should contact the person named on the other side of this Subpoena in the box labeled "Name And Address Of Applicant Or Applicant's Attorney."

DUTIES OF A WITNESS

- Unless otherwise directed by the presiding judge, you must answer all questions asked when you are on the stand giving testimony.
- In answering questions, speak clearly and loudly enough to be heard.
- Your answers to questions must be truthful.
- If you are commanded to produce any items, you must bring them with you to court or to the deposition.
- You must continue to attend court until released by the court. You must continue to attend a deposition until the deposition is completed.

BRIBING OR THREATENING A WITNESS

It is a violation of State law for anyone to attempt to bribe, threaten, harass, or intimidate a witness. If anyone attempts to do any of these things concerning your involvement as a witness in a case, you should promptly report that to the district attorney or the presiding judge.

WITNESS FEE

A witness under subpoena and that appears in court to testify, is entitled to a small daily fee, and to travel expense reimbursement, if it is necessary to travel outside the county in order to testify. (The fee for an "expert witness" will be set by the presiding judge.) After you have been discharged as a witness, if you desire to collect the statutory fee, you should immediately contact the Clerk's office and certify to your attendance as a witness so that you will be paid any amount due you.



DEPARTMENT OF THE NAVY

**NAVAL CRIMINAL INVESTIGATIVE SERVICE
REGIONAL FORENSIC LABORATORY
NORFOLK, VIRGINIA**

REPORT

May 11, 2004

To: Special Agent in Charge, Naval Criminal Investigative Service,
Field Office CALE, h-32 Julian C. Smith, Camp Lejeune, NC

Attn: (b)(6), (b)(7)(C)

Case Title: S/WRIGHT, Ruben
Case Control Number: 06JAN04-CALE-0007-7HMA
Laboratory Reference Number: 04-ZN-0132

RECEIPT OF EVIDENCE:

The exhibits listed below were received from the Consolidated Evidence Facility, Norfolk.

EVIDENCE SUBMITTED:

Evidence Log Number: TN0120-04
CALE Log Number: 139-04

TN0120-04:

Item A One (1) compact disk (CD) bearing printed label:
S/WRIGHT, RUBEN/CW04 USMC, RED GRAND AM (b)(6), (b)(7)(C)
VEHICLE, WHITE HONDA ACCORD, (b)(6), (b)(7)(C) VEHICLE, CCN:
06JAN04-CALE-0007-7HMA, submitted as bearing digital
video files/images for clarification.

RESULTS:

The above-described CD was processed with the Avid video editing system. Nine (9) photographs were made of selected frames, per your request.

I certify that the above actions were performed and reported by me during the normal course of this laboratory's business, the results of which are retained in the custody of the Naval Criminal Investigative Service.

(b)(6), (b)(7)(C)

EX

RELEASED BY: (b)(6), (b)(7)(C)

NOTICE: This document is the property of the Naval Criminal Investigative Service. Contents may be disclosed only to persons whose official duties may require access hereto. Release to agencies or individuals outside the Department of Defense is not permitted without specific authorization from the Naval Criminal Investigative Service.



DEPARTMENT OF THE NAVY

NAVAL CRIMINAL INVESTIGATIVE SERVICE
REGIONAL FORENSIC LABORATORY
NORFOLK, VIRGINIA

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EXAMINER: (b)(6), (b)(7)(C)

RELEASED BY:

*Opened 5-7-04
Closed 5-11-04
1 CD Rec'd.
3 FILES PROVIDED
9 PHOTOS MADE*

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0A-0132 5-11-04

(b)(6), (b)(7)(C)

P1 of 2

Evidence received in sealed container

Preliminary Problem Analysis

Clarify frames of digital video evidence (CD) of woman in Grand Am auto and passenger of Honda; print still frames photos.

Observations:

CD bearing pre-printed label (SEE EXHIBIT), no visible damage observed.

Avid/d-coder interface:

Captured 3 files (.avi) utilizing 'Capture From Window' tool @ 30FPS (original speed was variable).

Post Processed utilizing Avid Meridian Uncompressed option and Quick Time Codec & Black Border to NTSC resize option.

Imported into Avid, Setting:

Image: Aspect Ratio 60, non-square, Non-interlaced, Color levels: 601, ignore Alpha.

Avid:

Attempted frame averaging (d-veloper), Magnify and Spotlight to files: Honda; heavy pixelation of frame views are worse than original video. Captured individual frames and exported for work in Adobe PS7. Frames were de-interlaced in Avid.

No effects applied to Grand Am file, ^{except de-interlacing} as interest is mainly in development of driver's face. Selected one frame, deinterlaced and performed video mix down to eliminate motion blur. (GRANDAM(2)).

Adobe PS7:

Honda 2 grayscale (1).jpg: discarded color info, Curves: Channel-gray, Input: 57, Output: 92; de-interlaced odd fields/interpolation; Bright +25/Contr. +15.

Honda 2 color (1).jpg: de-interlaced Bright/Contr +25

Honda. mov. color. TIF: de-interlaced, Unsharp Mask 100%, pixelRadius 1.0, Threshold 0.

Hond. mov. grayscale. TIF: de-interlaced, discard color info, Bright/Contr +50.

Adobe PS7:

Grand Am (1): de-interlaced, Unsharp Mask: 100%, Radius 35.0 pix,
Threshold 100.

Grand Am (2): de-interlaced, Sharpen filter, auto color, auto contrast.

Grand Am (3): de-interlaced, auto color, sharpen filter

Grand Am (4): de-interlaced, sharp filter, auto contrast, auto color

Grand Am (5): de-interlaced, sharpen filter, unsharp Mask: 100%,
Radius: 35.0 pix, threshold 100.

All de-interlacing was done @: odd field/interpolation.

Nine total plentor made.



04-0132 (1) GRAND AM COLOR. MOV. TIF
000038

D.38
(b)(6), (b)(7)(C)



04-0132 (2) GRAND AM COLOR. TIF

00038

(b)(6), (b)(7)(C)

D-39



04-0132 (3) GRANDAM COLOR.TIF
000040

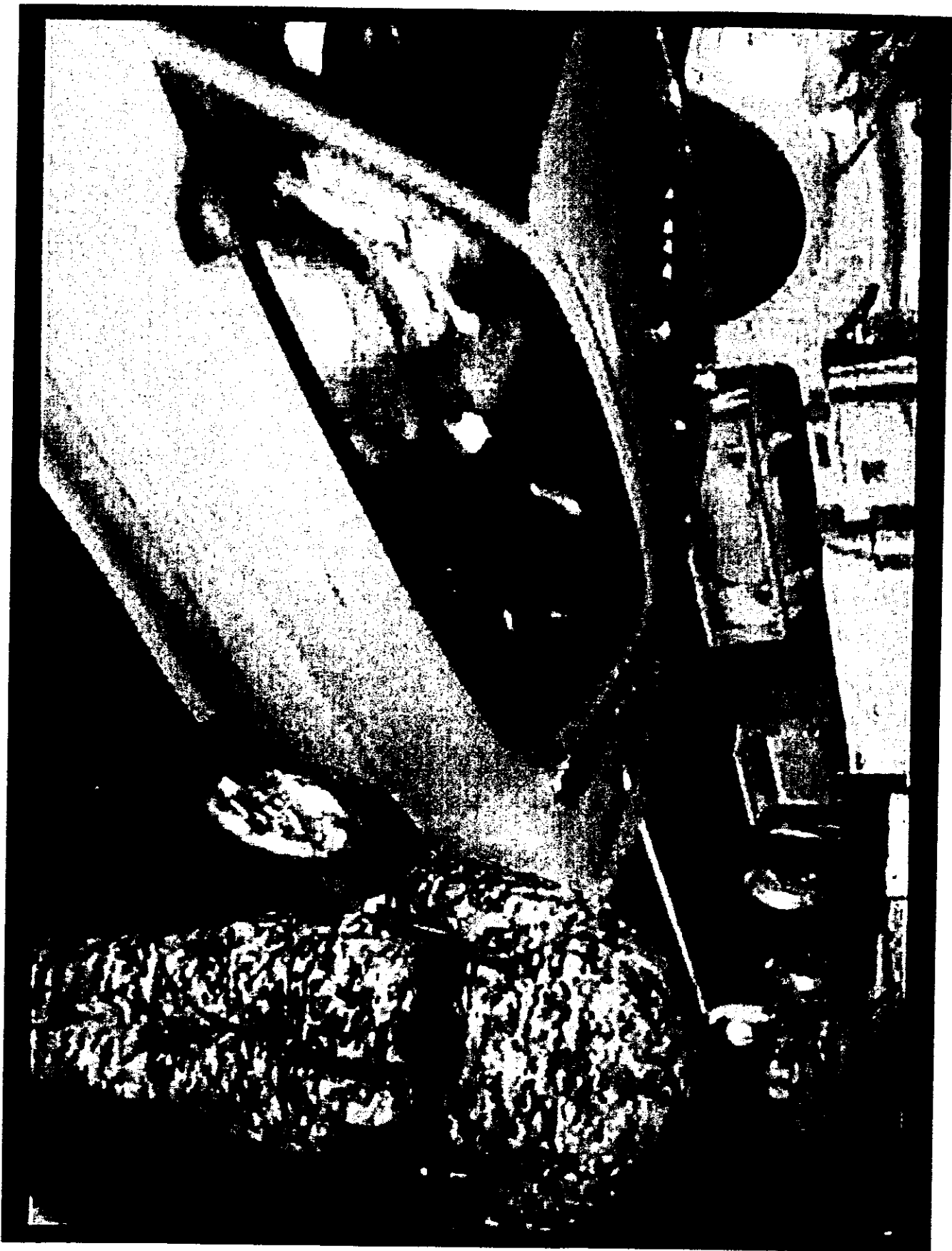
(b)(6), (b)(7)(C)

D-40



04-0132 (4) GRAND AM. COLOR. TIF
000041

(b)(6), (b)(7)(C)
D-41



04000232 (S) GRAND AM. COLDR. TIF (b)(6), (b)(7) D-42

Men Jan 8 04:30:19 2004

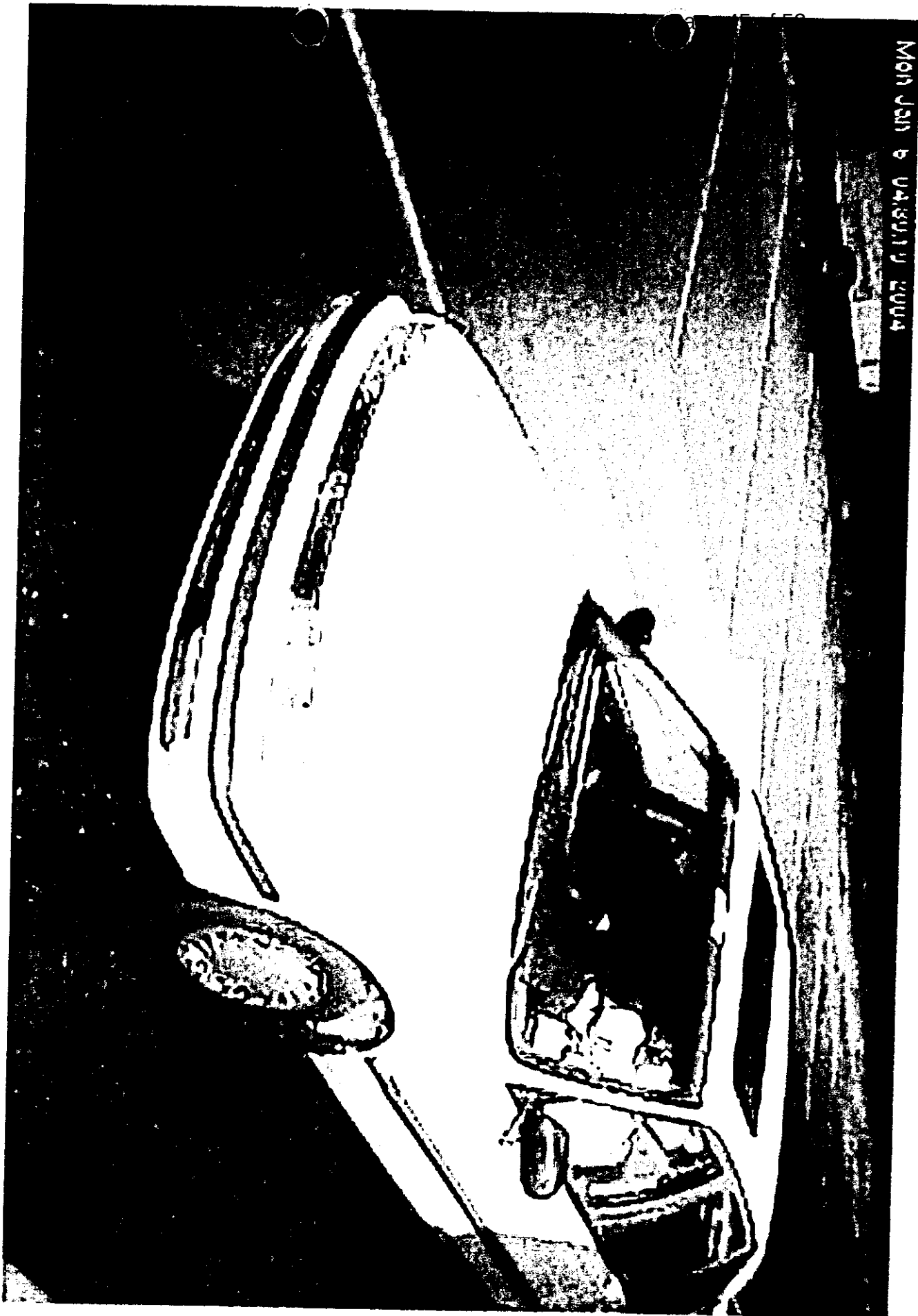


04-0137043 HONDA Z, COLOR 1. JPS

(b)(6), (b)(7)(C)

D-43

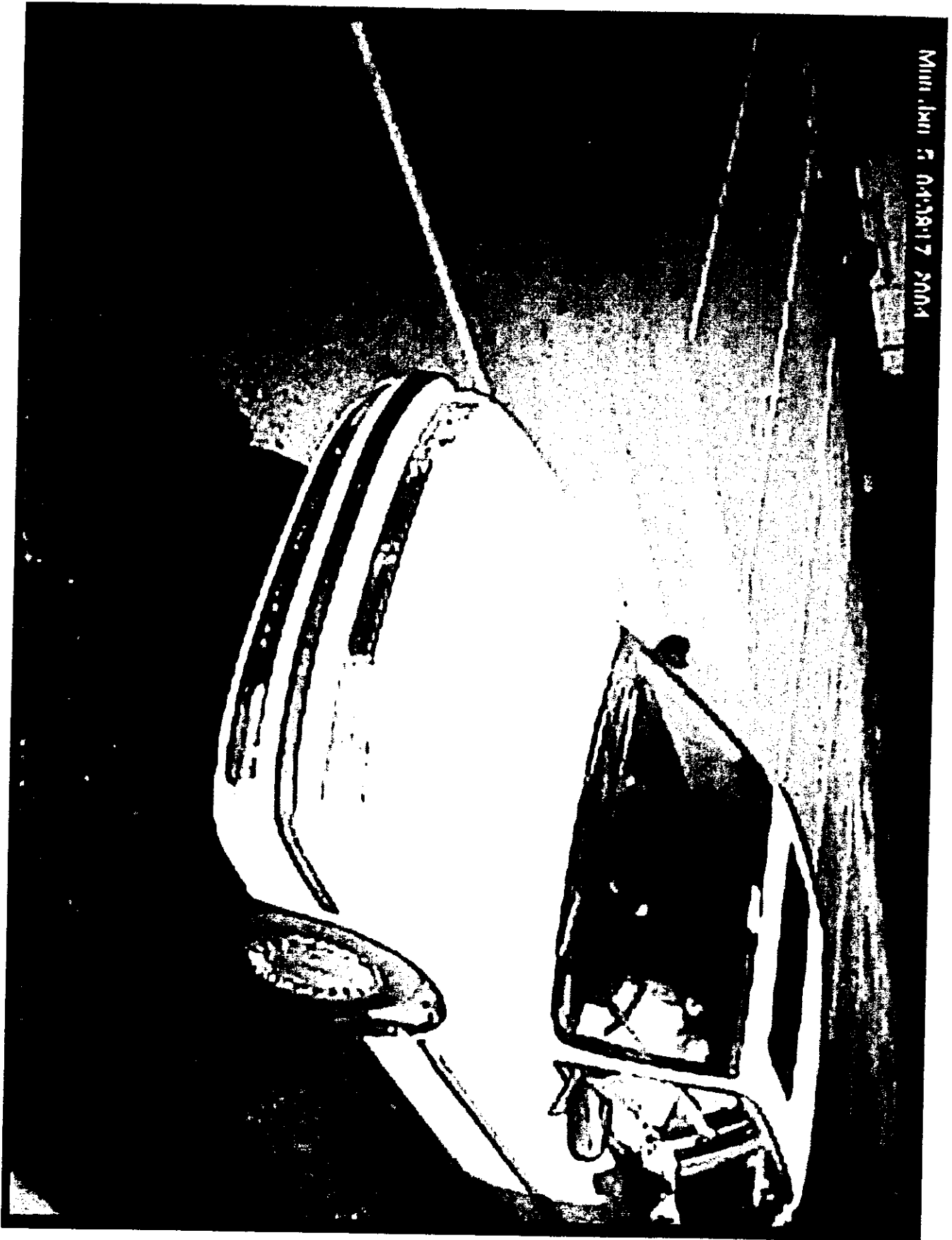
MON JAN 9 04:50:12 2004



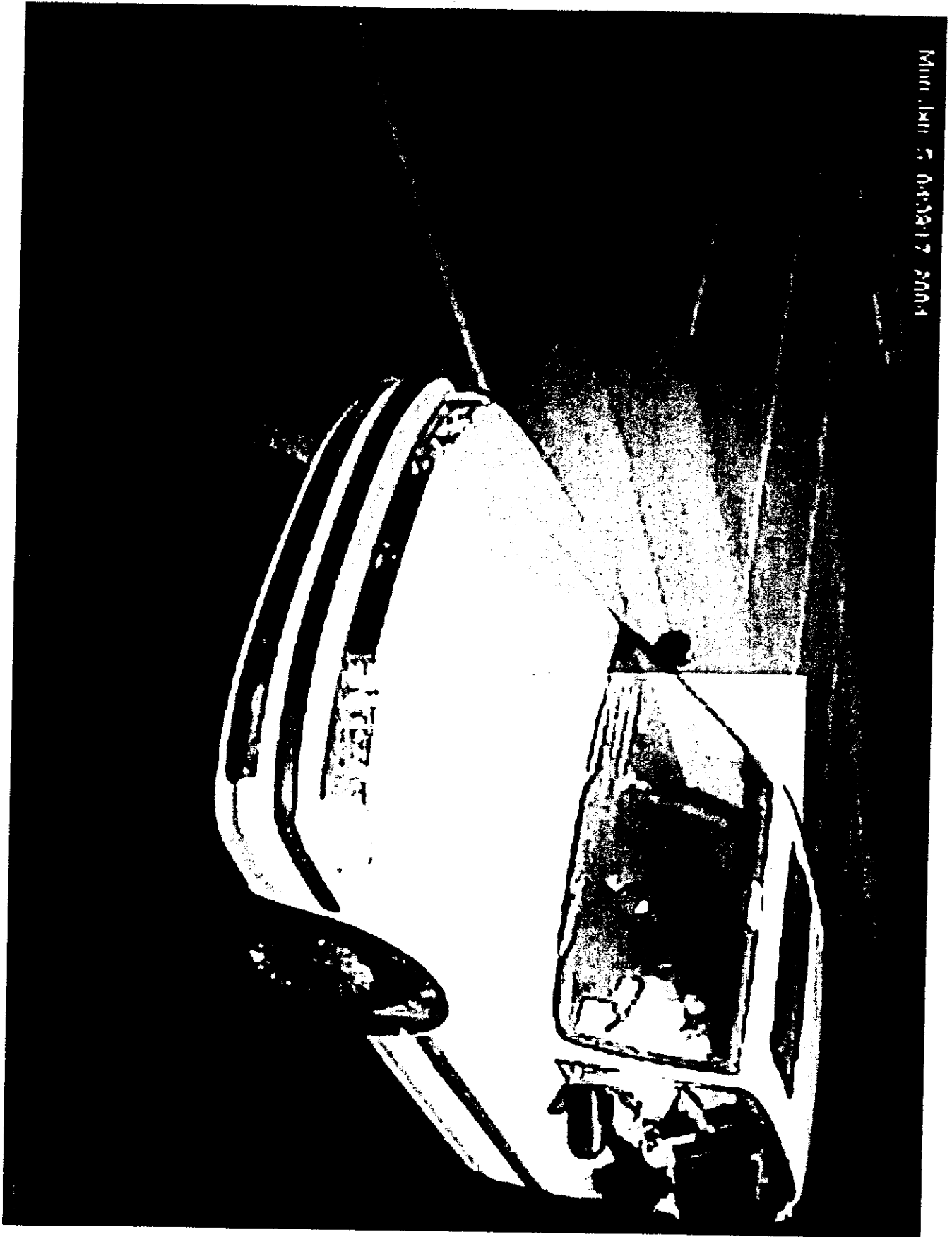
02000132 HONDAZ, GRAY1.JPG

644(7)(C)

Minuteman 5 013217 2004



000046

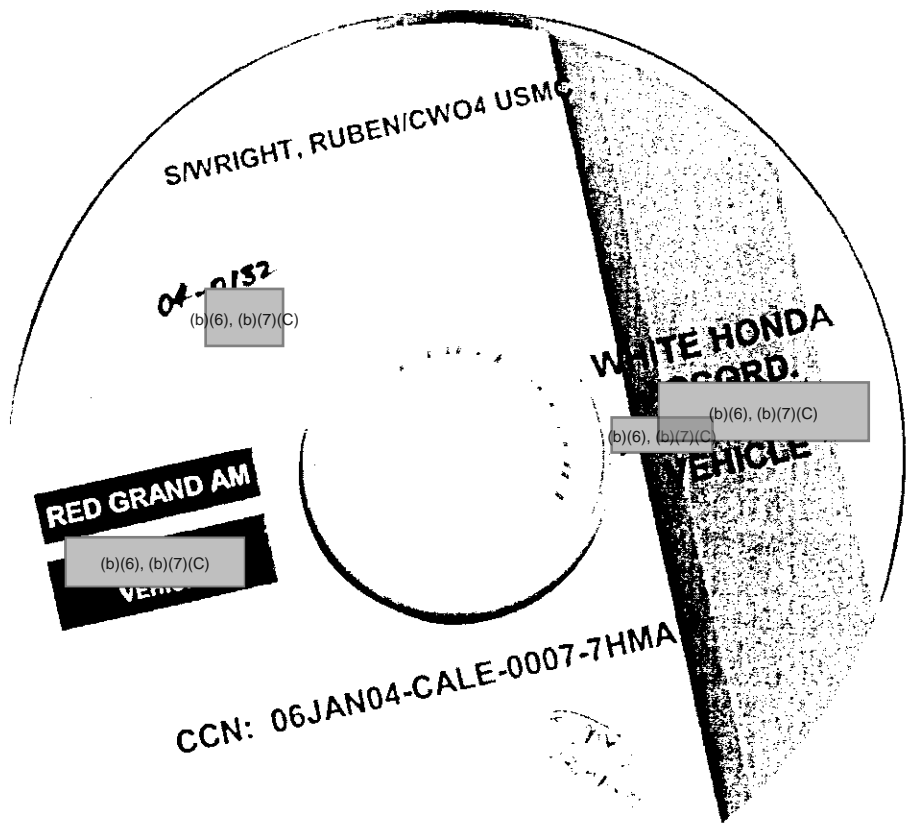


000046

0A-0132 HONDA. MOV. GRAY. TIF

D-46

(b)(6), (b)(7)(C)



**NAVY CRIMINAL INVESTIGATIVE SERVICE
FORENSIC EXAMINATION REQUEST**

To : NCIS Regional Lab
9079 Hampton Blvd
Norfolk, Virginia 23505-1098

From : Special Agent (b)(6), (b)(7)(C)
(Address) H-32 Julian C. Smith
Camp Lejeune, NC

Attn : Special Agent (b)(6), (b)(7)(C)

Brief description of case facts which would pertain to the requested examination and which may assist laboratory personnel in processing the evidence. Include date and place of crime.

On 05Jan04, S/WRIGHT and (b)(6), (b)(7)(C) exited Marine Corps Base, Camp Lejeune, NC in (b)(6), (b)(7)(C) vehicle; a white Honda Accord. Apparently, this vehicle is seen exiting MCB, at 0408 and then entering at 0439 on 05Jan04.

Evidence Submitted:

ECD No.	Item	Item Description
139-04 TNO120.04	A	One brown paper bag containing one CD-R

Examinations and/or comparisons requested (attach separate sheet if additional space needed):

Enhance video, and provide still photographs.

Type of Offense:	DEATH
Suspect(s)	Victim(s)
S/WRIGHT, RUBEN WORLEY/CWO4 USMC (b)(6), (b)(7)(C) /CIV EYSGTUSMC	V/TAULBEE, JAMES PATRICK/CIV

One copy of Evidence Custody Document enclosed? Yes No
Other evidence previously submitted for this case? Yes No

If Yes, list Laboratory Report No.:

Agency Case Control Number: 06JAN04-CALE-0007-7HMA

Investigator's Name: (b)(6), (b)(7)(C)

E-Mail Address : (b)(6), (b)(7)(C)@ncis.navy.mil

Office Telephone (Comm/DSN): (b)(6), (b)(7)(C)

Fax Number (b)(6), (b)(7)(C)

Disposition of evidence after analysis/comparison:

Return Retain at RFL Forward to another field element

Considered priority of requested examination(s): Routine As soon as possible Urgent*

* IF URGENT SUPERVISOR'S EXPLANATION AND SIGNATURE REQUIRED *

X/WRIGHT AND (b)(6), (b)(7)(C) ARE PLACED IN PRE-TRIAL CONFINEMENT AT ONSLOW COUNTY JAIL. NO COURT DATE HAS BEEN SET.

Signature of Supervisor

The above-mentioned evidence has not been subjected to examination by other experts for the prosecution in the same scientific field as requested herein.

(b)(6), (b)(7)(C)

Date of Request: March 23, 2003

Signature of Requestor

DVD Located in LAB FILE

Exhibit - 10

Enclosure - B

INVESTIGATIVE ACTION

Review of Coleman's Video Files

19Dec16

1. On 19Dec16, Reporting Agent (RA) reviewed the video files received by Mr. Coleman on 09Dec16 (enclosure a); The DVD contained two folders, labeled "CAMP LEJEUNE 1 AND 3 1-5-04" and "CAMP LEJEUNE 2 1-5-04".
2. The folder labeled "CAMP LEJEUNE 1 AND 3 1-5-04" contained a word document titled, "LABEL," and two videos, which were titled, "Piney Green Cam 1.mov," and "Piney Green Cam 3.mov". The document described the videos as "EXIT Traffic Piney Green Gate Cameras 1 and 3." A review of the videos revealed an apparent vehicular check point where vehicles were exiting; they were not being stopped for identification checks. Additionally, there were missing gaps of recordings as stated by Mr. Coleman; however, RA noted the missing recordings appeared to correlate with instances when no vehicular or foot traffic crossed in front of the cameras.
3. The folder labeled "CAMP LEJEUNE 2 1-5-04" contained a word document titled, "LABEL," and a video, which was titled, "Piney Green Camera 2 1-5-04.mov." The document titled, "LABEL" described the video as "Exiting Traffic Piney Green Gate Camera 2." A review of the video revealed an apparent vehicular check point where vehicles were entering; they were being stopped for identification checks. As a note, it appears as though the aforementioned word document conflicts with the content of the video in that the video depicts vehicles entering Camp Lejeune vice exiting. Additionally, there were missing gaps of recordings as stated by Mr. Coleman; however, RA noted the missing recordings seemed to correlate with times when no vehicular or foot traffic crossed in from of the cameras.

ENCLOSURE

(A) DVD labeled: Ruben Wright Investigation-Videotape made at Camp Lejeune EXIT Traffic Piney Green Gate Cameras 1 and 3 January 5, 2004 Relevant time periods missing Inbound Piney Green Gate Camera 2 January 5, 2004 @ 4:00 am - 5:30 am 4:05:45 to 4:10:35 missing/undated

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS

Exhibit - 11
ENCLOSURE - A

VIDEOS Received From Coleman

Exhibit - 11
ENCLOSURE - A

INVESTIGATIVE ACTION

Results of Interview (b)(6), (b)(7)(C)

19Dec16

1. On 19Dec16, Reporting Agent (RA) interviewed Ms (b)(6), (b)(7)(C) at NCISFO Carolina pertaining to the video files provided by Mr. Coleman. Ms (b)(6), (b)(7)(C) reviewed the videos and confirmed the videos in question were of the Piney Green Gate in 2004 and confirmed the video's imbedded labeling (ex/ Piney Green Cam 1) and time stamp were consistent with how the videos were maintained in 2004. Ms (b)(6), (b)(7)(C) confirmed that Cameras 1 and 3 monitored outbound traffic, while cameras 2 and 4 monitored incoming traffic at Piney Green Gate. Additionally, Ms (b)(6), (b)(7)(C) explained that the video system was configured to record only when a pixel in the camera's view was changed. In times when the pixels remained the same, the camera would stop recording to save storage space and limit the traffic on the network.
2. Ms (b)(6), (b)(7)(C) also reviewed and confirmed the separate still photo of the white Honda titled, "Main gate Outbound Honda.jpg" (mentioned in Exhibit 1) was taken from the outbound camera system of the Main Gate.

REPORTED BY: (b)(6), (b)(7)(C) Special Agent
OFFICE: NCISFO CAROLINAS