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January 11, 2008

Christopher Straub, Esq.  
**OFFICE OF THE  
PIMA COUNTY ATTORNEY**  
32 North Stone Avenue #2100  
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**Via Facsimile**

**RE: *Democratic Party of Pima County v. Pima County Board of Supervisors***

Dear Chris:

The iBeta report contained the following conclusion:

Test 2 - the date and time stamp checks of the files did turn up what appeared to be evidence of tampering as the files pertinent to the investigation showed a pattern of irregularities in either the date/time created or modified. John Moffat did some investigation on his end and discovered that there were some issues in the backup, installation, and recovery of data during a July 20<sup>th</sup> 2006 GEMS system update. This explained the oddities discovered in the file timestamps.

Dr. Moffatt's "explanation" was that a data transfer using a "portable USB drive" had corrupted the data. You may recall that he testified under oath about the alleged poor practice of using such a thumb drive.

We have proposed a plan that includes a secure transfer of data. Dr. Moffatt's plan is a repeat of a prior attempt to explain "evidence of tampering." It is not acceptable to the Democratic Party.

If you wish a court hearing on this issue you may file your motion.

Sincerely,

**RISNER & GRAHAM**



William J. Risner, Esq.

WJR/ml