

From: [California District Attorneys Association](#)
To: [Greg Chiarella](#)
Subject: CDAA News and Updates Digest for Wednesday December 16, 2020
Date: Thursday, December 17, 2020 3:07:17 AM



CDAA News and Updates

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started 9 hours ago, [Suzanne Hunter](#) (0 replies)

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started 2 days ago, [Aron DeFerrari](#) (6 replies)

Foundational Issue: Vehicle Infotainment system data



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Dec 16, 2020 8:21 PM
[Suzanne Hunter](#)

Answering the Call--Avoiding Bias in Prosecution

December 18, 2020 • 10:00 a.m. - 12:00 noon This two-hour

session will introduce prosecutors to AB 2542, discussing its parameters, the remedies available for violations, best practices for compliance, and the mechanics involved in proving or disproving discriminatory conduct. In addition, the panelists will address questions and ideas for implementation in the varied settings of California prosecutors' offices. Attendees will be encouraged to ask questions during the Q & A segment.

Join knowledgeable panelists for the training and discussion! Tuition is only \$25!

Space is limited. Registration will close at 5:00 PM on December 17.
Click [HERE](#) to register.

Suzanne Hunter
Director of Grant Training
California District Attorneys Association
(916) 443-2017
shunter@cdaa.org

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Dec 16, 2020 12:34 PM
[Aron DeFerrari](#)

Hello Brian,

Thank you very much for the legal citations – those will be extremely helpful and they are much appreciated!

-Aron DeFerrari
DDA

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Original Message:
Sent: 12/15/2020 2:46:00 PM
From: Brian Keats
Subject: RE: Foundational Issue: Vehicle Infotainment system data

Hi Aron,

You shouldn't need an expert on the accuracy of the data. The data is treated as a business record. It's defendant's burden to prove that the recorded data is inaccurate. See Evidence Code section 1271; *People v. Lugashi* (1988) 205 Cal.App.3d 632; and *People v. Rodriguez* (2017) 16 Cal.App.5th 355.

Good luck!

Brian Keats
Deputy Attorney General
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Sacramento CA
(916) 621-1797

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Dec 16, 2020 12:39 PM



Aron DeFerrari

Hello Chris,

Thank you very much for your thoughts, I actually ended up finding two experts in the field who I think can get me where I need to go. I like your idea a lot – and I discussed with more than one person I ended up talking to about this.

Thanks again!

-Aron DeFerrari
DDA

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Original Message:

Sent: 12/15/2020 7:41:00 AM

From: Christopher Bouffard

Subject: RE: Foundational Issue: Vehicle Infotainment system data

Hi Aron,

The first thing I would do is contact the company in Stamford, CT and see if they're willing to cooperate. In my experience this is hit or miss (maybe more misses than hits). Sometimes with a subpoena they will cooperate.

I think the easiest and most compelling solution (from a jury perspective) is to get an investigator to use the vehicle (ideally the same vehicle, but not necessarily so) and run it through tests to see how the system actually performs. For example, the vehicle might be driven consistently with your theory of the case, and the system's resulting data compared with what it "should have" recorded.

Good luck,

Chris Bouffard

Christopher Bouffard

Senior Deputy District Attorney
Riverside County District Attorney's Office
(951) 955-5531

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Dec 16, 2020 2:33 PM

[Aron DeFerrari](#)

Hello All,

Thanks to multiple incredibly helpful emails and referrals from all of you, I found the two statewide subject matter experts in this field, they are:

CHP Investigator A.G. Speake, his email is: alspeake@chp.ca.gov

Forensic Collision Investigator / Reconstructionist Wes Vandiver, his email is: wvandiver@collisionforensics.us

Thank you all, very much, for your help and assistance in this, I truly appreciate it.

Sincerely,
Aron DeFerrari
DDA

Aron DeFerrari
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Martinez CA
(925) 957-2200

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Original Message:
Sent: 12-14-2020 12:16
From: Aron DeFerrari
Subject: Foundational Issue: Vehicle Infotainment system data

Hello All,

I am looking for a reference - does anyone know of a technical expert who can testify about the accuracy of time/date/mileage information generated by vehicle information systems (car computers such as a Harman Infotainment System)?

Facts: I have a witness murder case wherein the killer uses a rental car (Jeep Cherokee) to set up and lie-in-wait for the victim. He kills the victim, then drives the vehicle a short distance away and stops the car. The vehicle is recovered by police a few days later. The Detective, very cleverly, got a warrant for the Jeep's Infotainment system (the onboard computer) and, when downloaded, the system showed movements of the vehicle on the date and time of the murder exactly consistent with where we know killer came from and where he left the vehicle.

Issue: I need an expert to lay the foundation for the accuracy of the data collected by the Infotainment System (it's a Harman Infotainment System). I have the proper witnesses to verify the accuracy of the downloading (and "chip-off") processes used to get the information from the device itself, the issue is establishing the accuracy of the information collected by the device (date/time/mileage) while in use.

Thank you all for the help, I appreciate it.

-Aron DeFerrari
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