

Case Summary

People v. Superior Court

2004 WL 1468698 (Cal. Ct. App. 2004)

Computer Forensic Evidence Reveals Defendant's Practice of Creating Antedated Documents in Preparation for an Audit

A computer forensic expert was able to uncover the fact that the defendant had antedated letters and invoices in preparation of an audit. One of the letters pertained to the announcement of a "future meeting", which the expert was able to show was actually created months after the meeting date. The trial court dismissed the charges on summary judgment because the defendant had antedated the documents in question days before he was aware of the audit, and before he was served with the subpoenas for documents.

Decision

On appeal however, the government argued that since another board member became aware of the audit a day before the defendant began to create the antedated documents, it is conceivable that the trier of fact could find that the defendant had actually created the antedated documents in anticipation of the audit. The appellate court reversed the trial court's decision and held that it would have been possible for the trier of fact to find that the defendant was aware of the audit when he created the antedated documents.

Recovered Computer Forensic Evidence