



**BRITISH
EDUCATION
GROUP**
Rethinking Education

**UWE
Bristol** | University
of the
West of
England

STATEMENT OF OPINION

Case: Hunter XP Computer Image Forensic

Prepared By: Raunak Kr. Singh

Submitted To: Mukesh Tiwari

Contents

1.Introduction	3
2. Offences Committed.....	3
2.1 Stalking.....	3
2.2 Extortion	3
2.3 Conspiracy	4
2.4 Possession and Use of Anti-Forensic and Encryption Tools	4
3. UK Law-Based Punishments	4
3.1 Stalking.....	4
3.2 Extortion	4
3.3 Conspiracy	5
3.4 Possession and Use of Anti-Forensic and Encryption Tools	5
4.Conclusion.....	5
References	6

1.Introduction

The opinion is based on the examination of a forensic image of the computer that is believed to have been used during the amendment of criminal activity. The moto of this opinion is to clearly explain the history and background of the case, identify the relevant criminal offense under UK Law, and outline the potential punishments that may apply if those offences are established. This document clearly does not determine if he/she is guilty or innocent. Instead, it offers a proven and reasonable legal help of whether the given evidence by the digital artifacts is capable of meeting the legal elements of those specific offences.

2. Offences Committed

2.1 Stalking

Section 2A of the **Protection from Harassment Act 1997** defines stalking is a course of conduct that leads to harassment. In this case, the provided forensic evidence suggests that the suspect has frequently accessed victim related data and also tried to capture the victims picture without any legal consent.

Such conduct may cause a serious mental issue or may result to fear of violence, so considering these activities the offence must be treated as aggravated stalking and should fall under **Section 4A** of the Act.

2.2 Extortion

Section 21 of the **Theft Act 1968** defines extortion or blackmailing as an act of demanding an unwarranted money with the intention of gaining for oneself or causing a loss to another. In this case, the provided forensic evidence suggest that the suspect has made an unwarranted demand of money to the victim and victim's family by threatening them using online mode of communication.

2.3 Conspiracy

Section 1 of the **Criminal Law Act 1977** defines conspiracy as the act when two or more persons agree to commit a criminal offence. The conspiracy is complete at the point of agreement, even if you have committed it or not. In this case, the provided forensic evidence suggest that the suspect and his partner have made an unauthorised communication and coordination through online mode of communication.

2.4 Possession and Use of Anti-Forensic and Encryption Tools

If you try to run any anti-forensic tool after doing offensive act or try to obstruct the encryption you will have to face the **Computer Misuse Act 1990** and also **RIPA 2000**. In this case, the provided forensic evidence suggest that the suspect has tried to run various anti-forensic tools in order to temper the offensive act and suspect also tried to frustrate the forensic investigation.

3. UK Law-Based Punishments

3.1 Stalking

A conviction for stalking may result in imprisonment of up to **10 years**, precisely where the act of mental breakdown and fear of violence has occurred. (***Protection of Harassment Act 1977***)

3.2 Extortion

Blackmail or extortion is an indictable-only offence and it carries a maximum sentence of **14 years** imprisonment, reflecting the seriousness of the damage done to the victim. (***Theft Act 1968***)

3.3 Conspiracy

The penalty for the conspiracy varies according to the crime that the suspect has planned off and it can reach up to **life sentence** if the conspiracy is posing threat to the nation. (*Criminal Law Act 1977*)

3.4 Possession and Use of Anti-Forensic and Encryption Tools

The penalty can reach up to **7 years** of imprisonment. (*Computer Misuse Act 1990 and RIPA 2000*)

4. Conclusion

This legal opinion concludes that the conduct associated with Hunter XP case is capable of proving these four major offenses under the UK Law. Provided that the forensic image was lawfully obtained, preserved with integrity and all the investigations was conducted under the chain of custody.

References

1. ***Protection from Harassment Act 1977***. The Stationery Office. Available at:
<https://www.legislation.gov.uk/ukpga/1997/40/contents>
2. ***Theft Act 1968 (Section 21 -Blackmailing)***. The Stationery Office. Available at:
<https://www.legislation.gov.uk/ukpga/1968/60/section/21>
3. ***Criminal Law Act 1977 (Section 1 -Conspiracy)***. The Stationery Office. Available at:
<https://www.legislation.gov.uk/ukpga/1977/45/section/1>
4. ***Computer Misuse Act 1990***. The Stationery Office. Available at:
<https://www.legislation.gov.uk/ukpga/1990/18/contents>
5. ***RIPA 2000***. The Stationery Office. Available at:
<https://www.legislation.gov.uk/ukpga/2000/23/contents>