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United States vs Solon (2010)

This case starts around January 18th 2007, where Mr. Solon was charged by indictment with possession of child pornography. By October 2, 2007, he didn't oppose the act and entered a plea of guilty. But during his sentencing on January 3, 2008, Mr. Solon said he was innocent and he didn't argue against the case because he didn't have the financial resources needed for the case as it would cost a lot of money to hire the forensic investigator. So court gave him a chance and provided funding to help Mr. Solon prepare a defense.

So Mr. Solon requested the court that he needs approval for hiring Tami Loehrs, an out of state expert who has experience in computer digital forensics. Court gave him an order and allowed allowances for 20,000 dollars. So Solon gave initial bill of 10,000 dollars to court for pay, which court said is very expensive for initial investigation and said to give them full record of money and wherever they spend accordingly. After that on April 16, 2008, Mr. Solon cited that he is withdrawing from his plea of guilty because Ms. Loehrs report stated that there was no evidence that the images of child pornography on Mr. Solon's computers were ever opened, viewed or saved to another location. She also mentioned that she believed that a virus may have compromised the system and allowed access to the computer by outside sources, although she had not yet determined to what extent, if any, that had actually occurred.

The court considered Mr. Solon's motion to withdraw his guilty plea, but he filed a motion to dismiss for violation of the Speedy Trial Act. The court allowed Mr. Solon to withdraw his guilty plea but denied the motion to dismiss the case. Anyways the court agreed to pay for Ms. Loehrs to testify at the trial and for four hours of pretrial consultation.

Finally the trial commenced on November 3, 2008. While closing the defense argument, judge excused himself from the bench, instructing the attorneys to "go right ahead". Anyways, the defense council did not object at all. They all decided to wait for the judge's return before closing the argument. Finally the judge returned 6 minutes later, apologized for his absence and said some silly reason. Finally the jury sentenced Mr. Solon later that day was sentenced to 72 months imprisonment.

At last Mr. Solon filed again for a new trial, because he believed the absence of the judge at the end is structural error and it should not be accepted. And the court denied the motion and said there was no error and everything followed properly.

The main theme and court's strong argument about the conviction of Solon is because it was observed on June 23, August 9, 10, and 11 2006. Forty six files with names consistent with child pornography were downloaded using Limewire, which is a peer to peer sharing program. In this Solon agreed that he downloaded two games from Limewire. While Solon played online poker

five minutes before the child pornography got downloaded. For this statement, Solon didn't give an arguable comment, so the jury got the strong hold against him.

After the higher initial bill, the court thought in a way that Loehrs was lying on the stand and had attempted to raid the federal treasury by submitting excessive bills. So after that the court was unable to bear the arguments from the defensive side and started ignoring the facts she later submitted. In which Solon mounted a defense that child pornography was placed on his computer as a result of virus or Trojan. Also Loehrs testified that Solon's computer had all the symptoms of unsecure computer like Limewire installed, no password in the system. Lots of open ports in the system and evidence of viruses and trojans in the system as well.

So in between differences of opinion, judges were changed and everything messed up in the case, but the final hearing decided that Solon's conviction is decided for 72 months and no errors in trial and all chances were given to Solon. Then it started debates between Solon and the court, which did the right thing.

Started the following questions?

Why were Solon's arguments so strong from the start?

Why did the judge leave for 6 minutes at the final hearing?

Did the court give a proper chance and be unbiased?

Any third party indirectly influenced the case?

Or did Solon download child pornography?

This Event Is important and interesting to me because.....

Recently I gained a lot of interest in digital forensics, because everything is digitalized and becoming virtual slowly. We have existing laws that have rules for what is wrong and what is right especially for actions and things humans do? But how we can give justice that happens in the software or in the byte of code. Laws are written properly for that with the consultation of developers who wrote this code and software. Or laws are really unbiased. This is the digital forensics is born, all the data going to the cloud and social media is booming. Especially in today's scenarios if the case is connected with crime from computers, computer forensics is a must and should play a major role.

In Solon's case two things intrigued me:

- Why was the Solon not strong enough to support his arguments?
- Why did the court and Loehrs claims were not getting along properly ?

From the start Solon pleaded guilty also Solon didn't seem to be strong enough that he didn't do it. As a result he claimed that he was scared and didn't have finances for hiring the defensive lawyer and forensics expert. In my point of view, he should never have accepted the case in the first place and stood strong for himself, which he didn't do.

Next thing that intrigued me was the fact that his initial bills were more than 10,000 dollars which is not reasonable at all for initial investigation. Why this happened, whether Loehrs looted all the money as it is paid by the court. But she clearly explained that the virus has been noticed and said that the system has a lot of vulnerabilities and open ports. She claimed this for some extent only and didn't get confident at all. So it gave a lot of disadvantages for the defensive side.

Whereas I think in biased way that Solon did lot of mistakes, but here is the twist that the court played their part too, judges who took this case initially were changed two to three times, which created suspiciousness, why this is happening and court didn't gave him second chance at the end as judge went out from the court for 6 minutes without proper prior notice and convicted him for 72 months just like that. After that none of the claims or cases from the solon's were accepted.

Just like amero, but more weightage of something fishy is going on in this case. Loehr's reports were not strong enough at one side with the jury being childish at other sides, which leaves this case more open to digital forensics. Because it needs to be properly analyzed once again deeper to stand for this case. Otherwise, the end of the day is the misfortune of Solon. That's all, or his negligence at the start of the case we can say.

References

<https://caselaw.findlaw.com/court/us-10th-circuit/1508118.html>

<https://casetext.com/case/united-states-v-solon-6>

<https://www.foxnews.com/story/framed-for-child-porn-by-a-pc-virus>

https://billingsgazette.com/news/state-and-regional/wyoming/a-case-of-internet-innocence/article_a349b81c-4a9f-11df-815e-001cc4c03286.html

https://trib.com/news/local/casper-man-will-appeal-child-porn-conviction-to-u-s-supreme-court/article_911fb7a5-42f4-56e8-9b07-e9a22bd1b230.html