

Critical Analysis of the Loveall Report

I, Mark Daniel Bowling, retired FBI and OIG Special Agent, declare under penalty of perjury, under 28 U.S.C. 1746, that the following is true and correct.

INTRODUCTION

In my professional opinion, David Loveall, a senior FBI expert, produced a **knowingly false, misleading, and scientifically incorrect** digital forensics report, which was used to intentionally cover up **government tampering** in *United States v. Keith Raniere* (EDNY, 18-cr-204). This report presents my analysis, with key findings:

- Loveall's main conclusion was intentionally misleading, falsely implying he addressed all the findings of evidence tampering – a point that the judge erroneously relied upon; in fact, he left ~30% of them unchallenged.
- None of Loveall's rebuttals provided any technical proof – only authoritative-sounding technical terminology and conjecture – and they have since been proven technically false.
- Loveall knowingly avoids directly stating or providing any proof that two disputed copies of allegedly tampered evidence are identical, while giving the appearance of doing so.
- Loveall submitted the report undated, a deliberate omission likely designed to avoid penalty of perjury, given the false and misleading assertions he makes throughout.

In the past four years, Loveall has served as an expert in only one other case: *United States v. Trump*, under Special Counsel Jack Smith.¹

PROFESSIONAL BACKGROUND

I served nearly 20 years in the FBI, including as a Special Agent and Assistant Special Agent in Charge. During this time, I also served as an Assistant Inspector in Place on multiple occasions. I also served as an Assistant Special Agent in Charge and as a Forensic Examiner for the Department of Education (DOE) Office of the Inspector General, investigating misconduct within the DOE, serving over twenty years in total as a Special Agent. As such, I have expertise in digital forensics, cyber investigations, and investigative criminal process, as well as uncovering and investigating malfeasance by government personnel.

CASE BACKGROUND

Just nine weeks before trial, the FBI “accidentally discovered” alleged child pornography² on a hard drive seized nearly a year earlier. This resulted in new charges and came to be, according to the government, “at the heart of [their] racketeering case.”³

Seven post-conviction digital forensic experts, including four former FBI examiners (myself included), found that **the original hard drive, where the alleged illicit photos were located,**

¹ See Loveall Expert Notice, *United States v. Trump*, Southern District of Florida, 23-cr-80101, [Doc. 257-6](#), Pg 2.

² **The government kept changing** the number of alleged illicit photos from “approximately 15” before trial, to “18 or so” during trial, and “at least nine” after trial. See Doc. 485 at 9; Trial T. (6/12/19) at 4861:7-9; Doc. 1213 at 5.

³ See Pre-trial Transcript (3/18/19) at Pg. 19, Lines 15-16.

and the memory card of the camera allegedly used were falsified, including: the photos were both planted and the corresponding timestamps were manipulated to create a false timeframe, which the government relied on in their narrative to claim the photos depicted a 15-year-old subject and thus were illegally produced.

To counter these findings by the seven forensic experts, the government brought in FBI Senior Computer Scientist David Loveall II, a Quantico expert. His report⁴ addressed only *one* of the 7 experts' technical reports, that of retired FBI Special Agent Dr. J. Richard Kiper, Ph.D. EDNY Senior Judge Garaufis credited Loveall's report without cross-examination and used it to deny a new trial, an evidentiary hearing, and defense access to critical evidence.

ANALYSIS

Finding 1: Loveall's Main Conclusion Was Designed to Mislead the Court

Loveall's main conclusion is misleading; it falsely implies he debunked all of Kiper's findings:

“[M]any of the conclusions set forth in the Kiper Report are misleading or erroneous. The Kiper Report repeatedly ignores plausible explanations for observed phenomena in favor of allegations of tampering.” (Loveall Report, Pg. 2, ¶ 4)

To a non-technical person this statement suggests Loveall challenged **all** of Kiper's findings.

Judge Garaufis interpreted it that way in his ruling:

“Loveall responds to each of the key findings in the Kiper Report ... [and] concludes that the report ‘repeatedly ignores plausible explanations for observed phenomena in favor of allegations of tampering.’” (Doc. 1224 at 4)

This is false. Loveall only attempted to dispute 5 out of Dr. Kiper's 7 key findings:⁵

(1) Loveall Agreed with Finding 3 out of 7

Loveall indirectly **confirmed** Finding 3 (alteration of the memory card in FBI custody): “[T]he camera card was accessed ... without a write-blocker.” (Loveall Report, Pg. 5, ¶ 10)

A “write-blocker” is a device used by forensic examiners that prevents altering the data of the device being examined. By asserting that one was not used, Loveall admits data was altered in FBI custody—without saying it outright.

In my opinion, this is the most damning finding, as it reveals multiple intentional breaches of FBI protocol, resulting in the alteration of critical evidence. Since the evidence was not yet preserved by the FBI's digital forensics unit (CART), the full extent of the alteration is unknown.

To draw a parallel, it is like a blood sample, before it was “accidentally discovered” to be key evidence, being diverted from the lab, handled by unauthorized individuals, and ultimately tainted.

⁴ See Loveall Report, Doc. 1213-3, at: <https://www.usvranriere.com/docket/loveall-report.pdf>

⁵ Dr. Kiper's report lists 7 findings under “Key Findings”. See Kiper Report, Doc. 1169-1 at PageID #: 21352.

Loveall indirectly agrees that this violation occurred but does not acknowledge its severity. In fact, his tone seriously minimizes the severity of these actions which completely invalidated the integrity of the original evidence.

(2) Loveall Did Not Challenge Finding 6 out of 7

Loveall did not contest Finding 6 (manipulation of folder names) at all, offering only a generic statement: “[I]t is of course possible to rename files and folders and any computer user may do so.” (Loveall Report, Pg. 6, ¶ 16). In fact, his statement was completely and technically consistent with Kiper’s findings.

Loveall knew he agreed with one key finding and left another unchallenged, yet he never stated this clearly in his report. Instead, these points read like challenges to a non-expert.

Therefore, I conclude his main conclusion—implying full refutation—was a **knowingly false and misleading statement**, by omission, intended to mislead the court.

Finding 2: Loveall’s ‘Identical Copies’ Claim Is False and Intentionally Misleading

A second copy of the memory card, created in violation of FBI policy⁶ in the last days of trial, shows 37 additional photo files on its report, raising the probability that these files were planted⁷ in FBI custody after the first copy was created months earlier.⁸

Loveall responded to the 37-file discrepancy:

“Although both reports used the same processing tool—AccessData Forensic Toolkit 6.3.1.26—there are numerous configurations and setting options... The fact that additional files appeared in one report is a result of the use of different settings. I have examined the disk images created of 1B15 and 1B15a and determined that they are identical.” (Loveall Report, Pg. 4-5, ¶ 9).

To a non-technical person, this sounds like a clear refutation. However, it is misleading for three reasons:

(1) The “different settings” explanation is baseless.

Loveall claims “different settings” caused the extra files to appear, but he provides no proof or specifics, naming the software version “6.3.1.26” as if that were enough. *This is like a DNA expert claiming conflicting results were due to “different lab conditions” without explaining or proving what those conditions were.*

(2) He misidentifies the evidence.

Loveall says he compared the “disk images” (forensic copies) of “1B15 and 1B15a,” but 1B15 is the camera, which has no storage, so it cannot be forensically copied. *This is as meaningless as a forensic expert claiming the suspect and his house have the same blood type.* The correct identifiers for the forensic copies of the memory card are

⁶ See FBI Digital Evidence Policy Guide § 3.3.11.2.

⁷ 28 of the 37 files were tampered with and 20 of them planted; See 2nd Joint Report, Doc. 1273-7, Summary of Key Findings, Pg 2 and Finding 3, Pg. 10.

⁸ Neither copy has been produced to the defense and continues to be withheld by the government.

NYC024299.001 (first copy) and NYC024299_1B15a.E01 (second copy), but Loveall never compares them.

(3) He avoids the required proof—hash values.

To confirm that the copies are identical, hash values (unique digital fingerprints) must be used, yet Loveall provides none. *This is akin to a ballistics expert for a murder suspect claiming the bullet does not match the defendant's gun without providing any test results.*

Not only is the universal and basic requirement for hash values something a forensic examiner would be aware of, but **Loveall was specifically brought into the Trump case as an expert on hash values.**⁹

If the copies were truly identical, he could have easily verified their hash values *within seconds*¹⁰ and stated so. As a senior FBI technology expert, for Loveall to not have provided any proof of scientific or technical analysis to support his assertions, in this instance, is knowingly negligent and a dereliction of his professional responsibilities.

Yet, he did not. Instead, he resorted to vague, unsupported assertions, misidentified the evidence, and omitted the one forensic test that could have definitively confirmed the truth.

Thus, I conclude that Loveall's response was deliberately crafted to create the **false** impression that he had confirmed the two memory card copies were identical—while carefully avoiding directly making that claim or performing a basic, standard technical examination which would have provided technical certainty. If the copies are not identical (a fact he could have easily verified), such a claim could constitute perjury.

Finding 3: Loveall's Rebuttals are Proofless and Demonstrably False

Loveall's responses, though filled with technical terminology, lack the key element forensic science requires: proof. His claims are unsupported and demonstrably incorrect.¹¹ Below are two of his most seemingly credible rebuttals that fall apart upon scrutiny.

- **Manipulated Metadata on the Camera Card (Finding 1)**

To address this finding, Loveall fills 2.5 pages with complex explanations and custom diagrams about file systems. (Loveall Report, Pg. 2-4, ¶¶ 5-8). To a non-technical person, this might seem convincing, but the issue is simple: his claim is both proofless and wrong. He provides no testing or data to support his theory, whereas we tested the exact camera model and firmware and disproved his theory.¹²

- **The Planted Photos on the Hard Drive (Finding 7)**

⁹ See Loveall Expert Notice, Pg. 3.

¹⁰ The memory card stored at most 120 MB of content; computing the hash of each copy using an industry standard algorithm for hash values such as "SHA-256" would take a fraction of a second. See benchmark testing at : <https://hostkey.com/blog/62-test-build-supermicro-x13sae-f-intel-core-i9-14900kf-60-ghz/>.

¹¹ For a full technical debunking of all of Loveall's rebuttals, see the 2nd Joint Report, *supra*.

¹² See 1st Joint Report, Doc. 1253-1, Appendix B and 2nd Joint Report, *supra*, Section IV (8), Pg. 17-19

Loveall's response to this finding is highly misleading. He claims to have tested a "Dell Dimension 8300-20090330"—but this is just a folder name, not a real computer model. (Loveall Report, Pg. 7, ¶ 17)

He suggests a dead clock battery could explain why more recent files have an older 2003 timestamp, stating: "[A] file date of 2003-07-26 could be consistent with using a Dell Dimension 8300 with a bad battery." (Loveall Report, Pg. 7-8, ¶ 18)

However, this is irrelevant to the issue at hand.

The issue is the contradiction between two dates:¹³

- The backup folder containing the alleged contraband has a file creation date in **2009**, suggesting an automatic backup in 2009.
- The files inside, including the alleged contraband, have file creation dates in **2003**—six years earlier.

This is like finding a sealed soda can labeled "Coca-Cola" but filled with lemonade. Because it is an automatic process, the label (backup date) and contents (file dates) should match; the same clock that sets the folder's creation date to 2009 should set the dates of the files being backed up to 2009 as well.

Since they do not match, it provides clear and convincing technical evidence that the backup folder is a forgery. Someone, almost certainly with either the knowledge of the FBI, or in direct collaboration with the FBI, manually placed the files inside the fraudulently generated folder to make it look like the photo files had been automatically placed on the hard drive nearly a decade before the FBI reportedly seized it.

Loveall does not address this issue, offering a proofless explanation about dead clock batteries causing 2003 dates, again while conducting no verifiable or documented scientific testing. He never explains how 2003 dates could result from an automated 2009 backup with a functioning clock set to 2009.

Put simply, Loveall explained how lemonade could end up in a Coca-Cola can but never addressed how that could happen during the automated canning process in the Coca-Cola factory, which is the finding at issue.

Finding 4: Loveall's Report is Undated, an Omission Likely to Avoid Penalty of Perjury

The statute that Loveall cites to place his report under penalty of perjury, 28 U.S.C. § 1746, requires a date.

In my 20 years as a Special Agent in both the FBI and the DOE OIG, I cannot recall a single instance where I left an evidentiary or testimonial statement undated; doing so could call into question the document's authenticity, integrity, and validity. All statements, including affidavits, signed sworn statements, investigative reports, and confessions, must be dated.

¹³ See 2nd Joint Report, Section IV (1), Pg. 4-7 for a detailed discussion of the planting finding.

Despite this, Loveall's report—the government's sole technical defense against claims of government tampering—was submitted **without a date**. Then, AUSA Tanya Hajjar cited specific portions of this undated report **six times**¹⁴ in a critical brief.

This monumental error and omission leaves only two possibilities:

1. Loveall, whose only role in this case was to produce this report, forgot to date it, and Hajjar—an experienced prosecutor with 7 years in the EDNY —missed or ignored this critical legal requirement while heavily citing to the report in her brief.
2. They intentionally omitted the date.

Given the multiple false and misleading statements in Loveall's report—claims a senior forensic scientist would have known were baseless— it is my professional opinion that this omission was likely deliberate: a calculated effort to **shield his knowingly false, misleading, and negligent claims** – which have since been scientifically disproven by the seven defense experts – **from the penalty of perjury**.

CONCLUSION

While some flaws in the Loveall Report could be due to incompetence, based on my analysis, I conclude the report was structured to be intentionally deceptive:

- It falsely implies it is a full refutation, while not even disputing ~30% of the findings – in fact verifying them from a scientific perspective.
- Loveall, as a senior scientist, knows proof is required, yet instead of providing proof for any of his claims, he offers technical-sounding, speculative, and false explanations, which were later scientifically demonstrated to be false by the seven defense experts.
- His claim about two forensic copies being identical is nonsensical, yet written in a way that could mislead a non-technical person.
- The report was submitted undated, likely to avoid perjury.

If the copies differ and the 37 additional image files are only found on the second copy, it will conclusively provide clear and convincing technical evidence of falsification while that evidence was in FBI custody. This would, in turn, implicate Loveall and AUSA Hajjar in knowingly covering it up.

As recently as January 27, 2025, the EDNY prosecution continues to block access.¹⁵ Congress or the new Attorney General has the authority to obtain these copies.

The resulting analysis could have broader implications on the integrity of the FBI in its handling of digital evidence in high profile investigations, especially considering Loveall was specifically selected to assist Special Counsel Jack Smith's case against President Trump.

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¹⁴ See Doc. 1213, Pg. 9, 11, 16, 17.

¹⁵ See Gov't Opposition, *United States v. Keith Raniere, et. al.*, 2nd Circuit, 24-778, DktEntry: 61.1.