

AFFIDAVIT OF JEBESSA MOSISA

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

I Jebessa Mosisa, the undersigned, being duly sworn, depose and state:

- 1. I am currently employed by the District Attorneys Council (“DAC”). I have worked for the DAC for three years as the Technology Division Director.
- 2. The DAC hosts and manages the computer infrastructure and technology service needs for most District Attorney Offices, including District 22, with offices in Hughes, Pontotoc, and Seminole counties.
- 3. In my position as Technology Division Director, I am responsible for overseeing the management of the network and each District’s server.
- 4. Each District under the DAC’s network has their own individual file server. All employees assigned a computer are assigned their own User Drive (“U Drive”), which allows them to create and store documentation that only they and the DAC IT can access. The servers also host Shared or Group Drives that can be set up to enable multiple people to create, store, or view the same documents contained on the Drive set up.
- 5. Prior to August 2021, the DAC performed file-based backups by copying files to an archive server, which is now considered the legacy archive (i.e., backup) server. In August of 2021, the DAC switched to Veeam, an industry leading backup and recovery solution that allows DAC IT to backup and restore entire servers. Due to storage limitations, Veeam only allows the DAC to keep incremental backups for twenty-one days, and after that time, the information is not recoverable.

6. When an employee leaves a District Attorney's Office, it is a customary practice to keep the employee's files and documents contained on the U Drive intact. When a replacement is hired, the new employee will be given access to the work product stored on the previous employee's U Drive.
7. Paul Smith's access to the DAC network and his User drive and any Shared Drives ended on December 31, 2022, when he left his position as the District Attorney for District 22.
8. On January 12, 2023, I was notified by Kenny Dunn, DAC IT employee, that Paul Smith's U Drive contained empty folders containing no documents. The only folders and files that existed were thumb files that contained no relevant data. Kenny Dunn also reported the documents and download folders on the hard drive of Paul Smith's computer, appeared to have been deleted. The Desktop folder was absent of the normal program icons, which was a good indication it had been erased.
9. On January 12, 2023, the DAC IT team attempted to restore Paul Smith's U Drive from the new archive system, which backs up Drives for twenty-one days. The DAC IT team reviewed the back-up of Paul Smith's U Drive as it existed on December 20, 2022, and found it contained only empty folders, looking the same as when the DAC IT team reviewed his U Drive on January 12, 2023. Next, the DAC IT team reviewed the legacy archive server from August 24, 2021, to compare what folders and files were stored on Paul Smith's Drive at that time. DAC IT found Paul Smith's U Drive contained approximately ten gigabytes of folders and files, compared to the empty U Drive they found on December 20, 2022, and January 12, 2023.
10. Kenny Dunn reviewed the U Drive of Jennifer Foster, who was the Finance Manager for District 22 under Paul Smith. Jennifer Foster left employment with District 22 on

December 30, 2022. Erik Johnson, the new District Attorney for District 22, was sworn in and took over the office on January 3, 2023. On January 3, 2023, Kenny imported Jennifer Foster's U Drive into the new Finance Manager Kevin Turney's U Drive. DAC IT cannot verify if information was deleted prior to DA Erik Johnson taking office; however, Jennifer Foster's U drive did contain folders with documentation.

11. Jason Scroggins left employment with District 22 on January 3, 2023. Kenny Dunn reviewed Jason Scroggins' U Drive on May 2, 2023, and Kenny found it contained several folders and files with intact documentation.

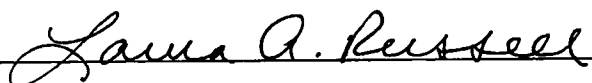
12. Jennifer Conn left employment with District 22 on January 3, 2023. Kenny Dunn reviewed Jennifer Conn's U Drive on May 2, 2023. Kenny found Jennifer Conn's U Drive contained only empty folders with no files or documents. Kenny also discovered Jennifer Conn's U Drive was last modified on the afternoon of Friday, December 30, 2022.

Dated this 09 day of May 2023.



Jebessa Mosisa, AFFIANT

Subscribed and sworn to before me, the undersigned Notary Public in and for the County of Oklahoma, State of Oklahoma, on this 09 day of May 2023.



NOTARY PUBLIC

[SEAL]



My Commission Expires: 06/25/25 My Commission Number: 13005833