

SUMMARY STATEMENT

State v. Russo, Docket No. 41395-2013

The Idaho Supreme Court affirmed the judgment of the district court. This is an appeal out of Canyon County from convictions for Rape, First Degree Kidnapping, and Burglary. The Defendant challenges the admission of evidence first discovered in the warrantless search of his cell phone and of evidence regarding his rape fantasies and his possession of pornography depicting rape. We hold that the information obtained during the warrantless search of his cell phone was admissible under the independent source doctrine and that the district court did not abuse its discretion in admitting evidence regarding the Defendant's rape fantasies and his pornography depicting rape. We affirm the judgment of the district court.