

SUMMARY STATEMENT
State of Idaho v. Nickolas D. Jacobson
Docket No. 51454

Nikolas D. Jacobson appeals from his judgment of conviction following a guilty verdict for trafficking in methamphetamine. During a search of his living quarters, officers seized a GoPro video camera and obtained a search warrant for video footage within certain dates. Jacobson argues the district court erred in admitting the GoPro video footage of him inside his basement because the video was outside of the dates authorized by the search warrant.

The Court of Appeals held the district court did not err in admitting the GoPro video footage because the video was not beyond the scope of the warrant authorizing the search of the GoPro camera. The GoPro video contained a timestamp that was erroneous. In the absence of a timestamp indicating when the video was taken, the district court looked to other evidence to determine the likely time frame in which the video was taken. The district court concluded that other evidence, including the testimony of the officer that executed the search warrant, indicated the GoPro video evidence was likely taken within the dates authorized by the search warrant.

Jacobson also argues the district court erred in permitting the State's fingerprint expert to testify via Zoom pursuant to Idaho Criminal Rule 43.2 because the State did not timely disclose the request for video testimony and admitting such testimony was a violation of Jacobson's right to confront witnesses provided by the Sixth Amendment to the United States Constitution. The Idaho Court of Appeals held the district court did not err in permitting the fingerprint expert to testify via Zoom because in adopting I.C.R. 43.2, the Idaho Supreme Court concluded that in narrow circumstances, permitting testimony by video teleconference does not violate the Sixth Amendment.

***This summary constitutes no part of the opinion of the Court but has been prepared
by court staff for the convenience of the public.***