

SUMMARY STATEMENT

State v. Smith
Docket No. 51551

Christopher Robert Smith appealed his conviction of one count of Sexual Exploitation of a Child, a felony under Idaho Code section 18-1507(2)(c). Police seized a cell phone from Smith in the parking lot of his workplace after they asked to see his phone and Smith handed it to them. They obtained a search warrant the following morning and then searched the phone, finding incriminating evidence. Smith contended that the district court erred by denying his motion to suppress evidence obtained from the warrantless seizure of his cellphone. He also argued that the district court erred by stating the warrantless seizure was supported by “reasonable suspicion.”

On appeal, the Idaho Supreme Court affirmed the district court’s denial of the motion to suppress. It held that the warrantless seizure of Smith’s phone was proper under an exception to the Fourth Amendment in circumstances where there is a risk of imminent destruction of evidence. The Court explained that under the totality of the circumstances, law enforcement produced compelling testimony that evidence of video voyeurism involving at least two minors was on Smith’s phone. This evidence included video recordings of Smith placing a cellphone at the bedroom door of a stepchild and masturbating while looking at his phone; an unsolicited report from Smith’s wife claiming he was recording videos and photographs of the children in stages of undress; second-hand reports from Smith’s stepchildren (through the wife); and knowledge of a possible prior incident with Smith, mirroring the same conduct as depicted in the video. Detectives testified that they reasonably feared that Smith would delete that evidence because such images can be deleted on phones within seconds.

The Supreme Court also explained that its ruling did not create a per se exception for the warrantless search or seizure of cellphones. It reaffirmed that the State must prove, under the totality of the circumstances, that a reasonable officer would believe he was presented with a “now or never” situation to invoke the exigent circumstances exception to the Fourth Amendment. Finally, the Court held that the record demonstrated that the police had sufficient evidence to establish probable cause, which supported the warrantless seizure of Smith’s cell phone. Thus, notwithstanding the inadvertent misstatement of law by the trial court, probable cause was argued by the State and supported by the record.

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