

SUMMARY STATEMENT
State of Idaho v. Zachariah Ray Kline
Docket No. 51696

The Idaho Court of Appeals affirmed Zachariah Ray Cline's judgment of conviction for felony intimidating a witness, misdemeanor second degree stalking, and misdemeanor intimidating a witness. After Kline separated from his wife K.F., Kline began sending her messages through Facebook that contained various complaints, slurs, and threats. K.F. obtained a temporary civil protection order against Kline, but Kline continued to send K.F. threatening messages.

At trial, the State moved to admit three exhibits, each containing Facebook messages sent from Kline's Facebook account to K.F. Kline objected to the admission of each of the exhibits on hearsay and foundation grounds; the district court overruled the objections and the exhibits were admitted. At the conclusion of the State's case, Kline made a motion for judgment of acquittal pursuant to Idaho Criminal Rule 29(a). The district court granted Kline's motion as to Count II, felony intimidating a witness, because the State failed to establish jurisdiction that either Kline or K.F. were in Idaho at the time K.F. received the message that formed the basis for the charge. The jury found Kline guilty on the three remaining counts. Kline appealed.

On appeal, Kline argued the district court abused its discretion in admitting screenshots of Facebook messages at trial because the State did not provide sufficient foundation that Kline authored the messages. Specifically, Kline argued the State did not provide sufficient direct or circumstantial corroborating evidence of authorship. The State responded that the district court did not abuse its discretion because the State presented sufficient corroborating evidence of authorship for a reasonable factfinder to find that Kline owned and administered the Facebook account the messages were sent from.

The Court of Appeals held the district court did not err in admitting the screenshots of the Facebook messages over Kline's foundation objection because the State provided sufficient circumstantial corroborating evidence of Kline's authorship. K.F. testified that she no longer had access to the Facebook account and never sent herself messages pretending to be Kline. Second, the district court found that the unique language and references within the messages was the kind of language used by Kline. Finally, the content of the messages were not mere general threats, but specific to circumstances and events involving Kline and K.F. As a result, the Court affirmed Kline's judgment of conviction.

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