

## **SUMMARY STATEMENT**

*State v. Jayson L. Woods*

Docket No. 45094

A jury found Jayson L. Woods guilty of first degree murder, robbery, conspiracy to commit robbery, and accepting the earnings of a prostitute. On appeal, Woods argues the district court erred in allowing testimony of the witness who downloaded evidence from Woods's cell phone via two-way Skype video in violation of the Confrontation Clause. Woods also argues his convictions of conspiracy to commit robbery and first degree murder constitute double jeopardy amounting to fundamental error.

The Idaho Court of Appeals found that any error in admitting the two-way Skype testimony was harmless because a review of the entire record and the evidence produced at trial established beyond a reasonable doubt that Woods would have been convicted absent the admission of his cell phone records and the testimony related to those records.

The Court also concluded the robbery charge was not a lesser-included offense to the conspiracy to commit robbery charge and thus, the conspiracy to commit robbery was not the means by which the first degree murder was committed. Accordingly, Woods's convictions for conspiracy to commit robbery and first degree murder do not violate the Double Jeopardy Clause of the Idaho Constitution. Accordingly, the judgments of conviction for first degree murder, conspiracy to commit robbery, and accepting the earnings of a prostitute and sentences are affirmed.