

Case Summary

United States v. Stokes

U.S. Dist. LEXIS 45366 (N.D. Ill. 2010)

Defendant Argues that Timestamps are Inaccurate and Therefore Inadmissible

In a criminal case charging a violation of a federal statute prohibiting interstate or foreign commerce for the purpose of engaging in sexual conduct with a minor, the defendant sought to exclude evidence of timestamps on incriminating digital photographs. The government intended to admit the testimony of a customs agent who had conducted a forensic analysis of digital photographs stored on the defendant's computer and digital camera. The agent's testimony would include a description of the photographs' individual timestamps.

The defendant argued that the timestamps were unreliable because they were based only on the internal clocks of the computer and digital camera and might not be accurate.

Decision

On the defendant's pretrial motion to exclude the timestamp evidence, the court found the evidence admissible. The agent would testify only as to the facts of what the timestamps showed, while the jury would determine whether the timestamps were reliable.