

## ADEQUATE

### Foundation for Surveillance Video\*

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#### **State v. Jones, 288 N.C. App. 175 (2023)**

##### **Officer testified that:**

1. Video was same as footage she saw on night of incident;
  2. Homeowner's description of events matched the video;
  3. Surveillance system was working correctly "to [her] knowledge."
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#### **State v. Snead, 368 N.C. 811 (2016)**

##### **Loss prevention manager testified that:**

1. He was familiar with recording equipment and it was in working order;
  2. He viewed the footage on the recording equipment and video was same as the footage he viewed.
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#### **State v. Fleming, 247 N.C. App. 812 (2016)**

##### **Corporate investigator testified that:**

1. He was familiar with the recording system, it was functioning properly, and he made a copy of footage;
  2. Video was the same as footage he copied, unedited, and same as that created by system.
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#### **State v. Ross, 249 N.C. App. 672 (2016)**

##### **Store manager testified that:**

1. Cameras were working properly because time and date stamps were accurate;
  2. A security company manages the system and routinely checks to make sure cameras are online;
  3. The video was same as footage he saw immediately following the incident and was not edited nor altered in any way.
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#### **State v. Cook, 218 N.C. App. 245 (2012)**

##### **Facilities manager testified that:**

1. He viewed the footage as a technician made a copy immediately after incident and video showed the same footage;
  2. He didn't know how it worked, but the recording device live-streamed footage to a server.
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#### **State v. Mewborn, 131 N.C. App. 495 (1998)**

**Officer testified that** video was the same as footage he saw on the day of the incident and had not been edited.

**Another officer and an assistant store manager testified that** the recording equipment was working properly.

## INADEQUATE

### Foundation for Surveillance Video\*

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#### **State v. Moore, 254 N.C. App. 544 (2017)**

##### **Officer testified that:**

1. The day after the incident, since store manager was unable to make a copy of the footage, officer recorded footage on the store's equipment with his cell phone;
2. The video, which was a copy of the cell phone recording, accurately showed footage he had reviewed at the store.

**Store clerk testified that** the defendant was seen on video, but did not testify as to whether the video accurately depicted events he observed on day in question.

**No testimony** pertaining to type of recording equipment and whether it was in good working order/reliable.

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#### **State v. Mason, 144 N.C. App. 20 (2001)**

**Two store employees testified** that surveillance system was in working order but were unfamiliar with maintenance, testing, or operation.

**Store employee testified** to the accuracy of a portion of the video for which he was present, but not to another more significant part.

**Chain of custody was not established** as a store employee gave a tape to an officer on the night of offense but the officer who testified at trial did not get tape from a police locker until several days after the robbery.



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\*The term "video" refers to the exhibit introduced at trial.