

**Oct**

**Answer: 1**

O.C.G.A § 24-9-901(b)

Authentication by...

(4) "Appearance, contents, substance, internal patterns, or other distinctive characteristics, taken in conjunction with circumstances."

*Authentication of MySpace page...* Tienda v. State, 358 S.W.3d 633, 638  
(Tex Cim. App 2012)

"This combination of facts----- (1) the numerous photographs of the appellant with his unique arm, body and neck tattoos, as well as his distinctive eyeglasses and earring; (2) the reference to David Valadez's death and the music from his funeral; (3) the references to the appellant's "Tango Blast" gang; and the messages referring to...the user having been on a monitor for a year (coupled with the photograph of the appellant lounging in a chair displaying an ankle monitor) sent from the MySpace pages of "ron Mr. T" or "MR. SMILEY FACE" whose email address is "ronnietiendajr@"----is sufficient to support a finding by a rational jury that the MySpace pages that the State offered into evidence by the appellant."

Fourth Amendment challenges to the admissibility of electronic evidence typically fail because there is no reasonable expectation of privacy.

Though a warrant is required to search a person's computer, if the police can access the page on their own computer or that of a cooperative "friend" of the defendant, there are no constitutional problems.

See generally, Matthew Hodge, "The Fourth Amendment and Privacy Issues on the 'New' Internet", 31 S.II.U.L.J.35 (2006)