

COURT OF APPEALS OF OREGON

State v. Baker

350 Or. App. 710 (2026) · No. A182049 · Decided June 17, 2026

SUMMARY

The Oregon Court of Appeals held that a search warrant lacked probable cause under Article I, section 9, of the Oregon Constitution because a seven-month-old report of a single child sexual abuse material video in the defendant’s Dropbox account was stale. The affidavit did not provide sufficient case-specific evidence that the defendant was a persistent consumer or collector of such material or that evidence would probably be found at his residence or on his electronic devices. The court reversed the convictions and remanded.

CASE DETAILS

COURT	Court of Appeals of Oregon
WRITING FOR THE COURT	O'Connor, J.; Ortega, Presiding Judge; Hellman, Judge; O'Connor, Judge
JURISDICTION	Oregon Court of Appeals
DECIDED	June 17, 2026
DOCKET	A182049
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant appealed from a judgment of conviction entered after conditional guilty pleas, challenging the denial of his motion to suppress evidence obtained through a search warrant.
STANDARD OF REVIEW	The court reviewed for legal error whether the warrant affidavit established probable cause. Because it was in the same position as the trial court in reviewing the magistrate's warrant determination, it did not defer to the trial court's findings or conclusions.
PRECEDENTIAL VALUE	Published precedent
PARTIES	Zachary James Baker v. State of Oregon

TOPICS

- suppression of evidence
- probable cause
- warrant requirement
- search and seizure
- criminal procedure

PRACTICE AREAS

criminal procedure

constitutional law

evidence

appellate procedure

QUESTIONS PRESENTED

1. Whether the seven-month-old information that a Dropbox account associated with defendant had contained a single CSAM video was too stale to establish probable cause for a search of defendant's residence.
2. Whether the affidavit otherwise established probable cause to believe that CSAM or related evidence would be found on defendant's electronic devices.
3. Whether the invalidity of the first warrant required suppression of evidence obtained thereafter, including evidence connected to the second warrant.

HOLDINGS

1. The information in the affidavit was stale at the time the warrant issued and did not establish probable cause to search defendant's residence.
2. The affidavit did not establish probable cause that CSAM or related evidence would probably be found on any of defendant's devices or in his residence.
3. Because the first warrant lacked probable cause, it was invalid, and the trial court erred by denying defendant's motion to suppress.

KEY QUOTATIONS

“Probable cause exists “when the facts set out in the affidavit would lead a reasonable person to believe that seizable things will probably be found in the location to be searched.”” (714-15)

“The durable nature of digital evidence makes it probable the image exists somewhere. But the affidavit in this case established that it no longer existed in the location where it was originally observed—defendant’s Dropbox account.” (720)

“Without that connection, the seven-month-old tip was stale, and the affidavit was insufficient to supply probable cause based on the upload of a single video, which no longer existed in defendant’s Dropbox account.” (723)

FACTUAL BACKGROUND

A National Center for Missing and Exploited Children report stated that a video depicting child sexual abuse material had been uploaded on May 16, 2021, to a Dropbox account associated with defendant. The report identified an email address, username, and three IP addresses, one of which Comcast records connected to defendant's residence. When law enforcement obtained a warrant for the Dropbox account in December 2021, Dropbox reported that it had no records because its 90-day preservation period had expired. Based largely on the seven-month-old tip and general assertions about the retention of digital evidence and CSAM, a magistrate issued a warrant authorizing seizure of electronic devices from defendant's residence; officers seized six devices and later obtained a second warrant after defendant revoked consent to search their contents.

PROCEDURAL HISTORY

The Yamhill County Circuit Court denied defendant's motion to suppress evidence from two search warrants. Defendant entered conditional guilty pleas under ORS 135.335(3), reserving the right to appeal the adverse suppression ruling, and was convicted of 10 counts of second-degree encouraging child sexual abuse and 10 counts of encouraging sexual assault of an animal. The Oregon Court of Appeals held that the first warrant lacked probable cause because the information in the supporting affidavit was stale and reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of conviction was reversed and the case was remanded. The opinion did not provide more specific remand instructions.

CASES CITED

- State v. Meyers, 338 Or. App. 59, 62, 565 P.3d 463 (2025)
- State v. Castilleja, 345 Or. 255, 264, 192 P.3d 1283, adh'd to on recons., 345 Or. 473, 198 P.3d 937
- State v. Klingler, 284 Or. App. 534, 540, 393 P.3d 737 (2017)
- State v. Gustafson, 300 Or. App. 438, 444, 452 P.3d 962 (2019), rev. den., 366 Or. 493, cert. den., 141 S. Ct. 858 (2020)
- State v. James, 336 Or. App. 55, 63, 560 P.3d 747 (2024)
- State v. Ulizzi, 246 Or. App. 430, 437-38, 266 P.3d 139 (2011), rev. den., 351 Or. 649 (2012)
- State v. Van Osdol, 290 Or. App. 902, 909-10, 417 P.3d 488 (2018)
- State v. Corpus-Ruiz, 127 Or. App. 666, 670, 874 P.2d 90 (1994)
- State v. Velez, 37 Or. App. 235, 238, 586 P.2d 1130 (1978), rev. den., 285 Or. 1 (1979)
- State v. Daniels, 234 Or. App. 533, 540-41, 228 P.3d 695 (2010), rev. den., 349 Or. 171
- State v. Chase, 219 Or. App. 387, 393-94, 182 P.3d 274 (2008)
- State v. Edwards, 2024 ME 55, ¶ 14, 320 A.3d 387, 392-93 (2024)
- United States v. Ebert, 61 F.4th 394, 401 (4th Cir.), cert. den., 144 S. Ct. 149 (2023)
- United States v. Raymonda, 780 F.3d 105, 117 (2d Cir.), cert. den., 577 U.S. 968 (2015)
- United States v. Frechette, 583 F.3d 374, 381 (6th Cir.), cert. den., 562 U.S. 1053 (2010)

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