

SUPREME COURT OF OREGON

State v. Blue

374 Or. 439 (2025) · No. S071076 · Decided November 25, 2025

SUMMARY

The Oregon Supreme Court reversed Vanessa Blue’s conviction for unauthorized use of a vehicle. The court held that a party raises a genuine question as to the authenticity of an original under Oregon Evidence Code 1003(1) when there is evidence from which a jury could find that the original is not what the proponent claims it to be. Because Blue testified that she did not sign the rental agreement and the court found the evidentiary error was not harmless, the case was remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Flynn, C.J.
JURISDICTION	Supreme Court of Oregon
DECIDED	November 25, 2025
DOCKET	S071076
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	On review from the Oregon Court of Appeals, defendant challenged her convictions for unauthorized use of a vehicle based on admission of a photograph of a purportedly signed rental contract under OEC 1003.
STANDARD OF REVIEW	Whether a party raised a genuine question as to the authenticity of the original under OEC 1003(1) is reviewed for legal error. The harmless-error inquiry asks whether the evidentiary error had little likelihood of affecting the actual verdict.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Vanessa Rochelle Blue, aka Vanessa Rochelle Branton v. State of Oregon

TOPICS

- best evidence rule
- authentication
- evidence
- statutory interpretation
- criminal procedure

PRACTICE AREAS

criminal law

evidence

appellate procedure

QUESTIONS PRESENTED

1. What showing raises a genuine question as to the authenticity of an original under OEC 1003(1), thereby preventing admission of a duplicate in lieu of the original?
2. Whether defendant's testimony that she had not signed the rental contract, together with related evidence, raised a genuine question as to the authenticity of the original.
3. Whether admission of the photograph was harmless error.

HOLDINGS

1. A party raises a genuine question as to the authenticity of an original when the party presents evidence from which a reasonable jury could find that the original is not what the proponent claims it to be.
2. Defendant raised a genuine question as to the authenticity of the original contract, so the trial court erred by admitting the photograph under OEC 1003(1).
3. The error was not harmless because the photograph was central, noncumulative evidence supporting the State's proof of the knowing mental state required for both unauthorized-use-of-a-vehicle counts.
4. The determination is reviewed for legal error because the governing objective standard permits only one legally correct outcome.

KEY QUOTATIONS

“In sum, we find that the text, context, and legislative history show that a genuine question under OEC 1003(1) is raised when an opponent is able to make an evidentiary showing from which a reasonable jury could find that the original is not authentic—that is, not what the proponent claims it to be.” (455)

*“With that framework in mind, we conclude that whether a party has raised a “genuine question * * * as to the authenticity of the original” under OEC 1003(1) is a question that we review for legal error, because there is only one correct answer” (457)*

“Because the photograph of the contract was a central, noncumulative piece of evidence necessary to prove an element of both counts of UUV, we conclude that the trial court’s error in admitting the duplicate to the same extent as an original was not harmless.” (460)

FACTUAL BACKGROUND

Defendant rented a U-Haul truck in New Mexico and drove it to Oregon, where she lived in it for approximately two weeks. The State introduced a photograph of a one-day rental contract bearing a purported signature, but defendant testified that she had not been shown or signed the contract and that the signature was not hers. The U-Haul database contained only an unsigned version of the contract, and no witness with personal knowledge of the rental employee's execution of the signed document testified.

PROCEDURAL HISTORY

Defendant was charged with two counts of unauthorized use of a vehicle. Her first trial ended in a hung jury. At retrial, the circuit court admitted a photograph of a purportedly signed U-Haul contract in lieu of the original, and the jury convicted defendant. The Oregon Court of Appeals affirmed, and the Oregon Supreme Court allowed review, reversed the Court of Appeals and the circuit court judgment, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment of the Curry County Circuit Court is reversed, the Court of Appeals decision is reversed, and the case is remanded to the circuit court for further proceedings.

CASES CITED

- State v. Blue, 331 Or. App. 675, 547 P.3d 167 (2024)
- State v. Gaines, 346 Or. 160, 206 P.3d 1042 (2009)
- Seeborg v. General Motors Corporation, 284 Or. 695, 588 P.2d 1100 (1978)
- State v. Nano, 273 Or. 366, 543 P.2d 660 (1975)
- Dean Vincent, Inc. v. Stearns, 276 Or. 533, 555 P.2d 448 (1976)
- Lumbermens Mut. Cas. v. Jamieson, 251 Or. 608, 447 P.2d 384 (1968)
- State v. White, 4 Or. App. 151, 477 P.2d 917 (1970)
- State v. Jancsek, 302 Or. 270, 730 P.2d 14 (1986)
- State v. Carr, 302 Or. 20, 725 P.2d 1287 (1986)
- State v. Serrano, 346 Or. 311, 210 P.3d 892 (2009)
- State v. Cunningham, 337 Or. 528, 99 P.3d 271 (2004)
- State v. Bowman, 373 Or. 213, 564 P.3d 121 (2025)
- State v. Bement, 363 Or. 760, 429 P.3d 715 (2018)
- State v. Edmonds, 364 Or. 410, 435 P.3d 752 (2019)
- State v. Davis, 336 Or. 19, 77 P.3d 1111 (2003)
- State v. Sanchez-Alfonso, 352 Or. 790, 293 P.3d 1011 (2012)
- General Electric Co. v. Joiner, 522 U.S. 136, 118 S. Ct. 512 (1997)
- Arrowood Indemnity Co. v. Fasching, 369 Or. 214, 503 P.3d 1233 (2022)
- Yokoyama v. Midland National Life Insurance Co., 594 F.3d 1087 (9th Cir. 2010)
- Vander Veer v. Toyota Motor Distributors, 282 Or. 135, 577 P.2d 1343 (1978)
- American Reciprocal Insurers v. Bessonette, 241 Or. 500, 405 P.2d 529 (1965)
- United States v. Georgalis, 631 F.2d 1199 (5th Cir. 1980), rehearing denied, 636 F.2d 315 (5th Cir. 1981)
- United States v. Enstam, 622 F.2d 857 (5th Cir. 1980), cert. denied, 450 U.S. 912 (1981)

