In the Iowa Supreme Court

No. 24–1563

Submitted September 9, 2026—Filed October 9, 2026

State of Iowa,

Appellee,

vs.

Max Amyda,

Appellant.

On review from the Iowa Court of Appeals.

Appeal from the Iowa District Court for Woodbury County, Steven J. Andreasen, judge.

The defendant seeks further review of a court of appeals decision affirming his conviction for sexual abuse and rejecting his arguments that admission of a video depicting the abuse violated Iowa Rules of Evidence 5.901 and 5.1002. **Court of appeals decision and district court judgment affirmed.**

Mansfield, J., delivered the opinion of the court, in which all justices joined.

Martha J. Lucey, State Appellate Defender, and Mary K. Conroy (argued), Assistant Appellate Defender, for appellant.

Brenna Bird, Attorney General, and Joshua Henry (argued), Assistant Attorney General, for appellee.

Mansfield, Justice.

I. Introduction.

In this sexual abuse case, we are asked to decide whether the district court erred in admitting a video. The video graphically shows the defendant abusing the victim. However, there was no chain-of-custody evidence connecting the video to the defendant. The victim was asleep at the time and could not personally attest to the abuse shown in the video. And the defendant claimed "deepfake."

On our review, we conclude that the district court did not abuse its discretion in admitting the video. The video came to the victim's attention about a month after the defendant had been in the victim's bedroom. The video appears to be taken by the perpetrator of the abuse at close range using a cellphone. It shows the victim sleeping, but she testified in detail that she recognized her bedroom, her bed and furnishings, the clothing she had been wearing, her legs and genitalia, and the defendant's tattooed hand—all as they had been that evening. Collectively, these circumstances were enough to admit the video. And the defendant's mere speculation that the video was a deepfake was not enough to bar its admission.

II. Facts and Procedural History.

A. Facts. On May 5, 2023, Clara tried to make plans with her close friend, Aria.[1] Aria was unavailable, so instead she suggested that Clara get together with Aria's uncle, Max Amyda. Clara knew Amyda through Aria and had previously spent some time with him. Based on Amyda's connection to Aria, Clara believed she could trust Amyda despite "not really" being friends with him. She messaged

[1]Clara and Aria are both pseudonyms.

Amyda on Facebook to make plans. Clara was staying at her sister's house, and Amyda arrived there after dark.

Amyda had been to that house once before. On that occasion, he had hung out with Clara and another person in the garage. This time, Amyda and Clara were alone. Together, they drank a bottle of rum in the garage while listening to music. After a while, they moved to a small bedroom in the house that served as Clara's room while she stayed with her sister. The two of them talked and kissed, but when Amyda took off his clothes and said he wanted to have sex, Clara refused. Eventually, Amyda put his clothes back on. Clara, fully clothed but having consumed a lot of alcohol, fell asleep.

When Clara awoke about noon the next day, "everything seemed fine." Amyda was still there but both of them were wearing their clothes as before. Clara wanted Amyda to leave, so she pretended to get sick in the bathroom. Amyda left later that day with the assistance of Clara's brother-in-law.

About a month later, Clara's sister forwarded a video to her. The video was about a minute long and showed Clara lying asleep on her back in the bedroom. Her shorts and underwear were off, and a man's hand was manipulating her vagina. The video appeared to have been taken at close range by the person whose hand was molesting her. As Clara testified,

> I saw myself being manipulated or touched by [Amyda], and I knew it was [Amyda] because [Amyda] has a tattoo on his hand, so I knew it was he, and we were the only ones in the room at the time, and there was a video of him touching me or manipulating me all over in that video.

Clara and her sister were extremely upset by the video. Clara reached out to Amyda "to find out why he did this kind of thing to [her]," but he blocked her communications. The next morning, Clara and her sister went to the Sergeant Bluff police station and provided law enforcement with the video. After receiving

Clara's formal complaint, Officer Andrew Hansen attempted to set up a meeting with Amyda. He told Amyda that he wanted to discuss an allegation of sexual abuse, although he did not identify the accuser. Amyda agreed to meet, but then repeatedly failed to appear.

At that point, Officer Hansen decided to have Amyda arrested. Yet Officer Hansen never obtained a search warrant for Amyda's electronic devices. Officer Hansen explained that Amyda did not have his cellphone on his person at the time of his arrest. Officer Hansen also was unable to retrace the digital footprint of the video.

When Amyda was arrested, his left hand had a different tattoo from the one shown in the video. But a tattoo artist who examined a booking photo of the hand testified at trial. According to his testimony, the tattoo appeared to have been freshly applied within the last eight to twelve days.

B. Procedural History. A trial information was filed in the Woodbury County District Court charging Amyda with third-degree sexual abuse, a class "C" felony, in violation of Iowa Code section 709.4(1)(*a*) (2023).

Before trial, Amyda filed a motion in limine opposing the video's admissibility. Amyda argued that the video was not properly authenticated, was vulnerable to "deepfake" technology, and furthermore was not admissible under the best-evidence rule because it was a copy and not the original. The State resisted.

The district court held a pretrial evidentiary hearing. There Clara testified that she recognized the room depicted in the video as her bedroom. She identified her bed, her blanket, her pillowcases, and the top that she had been wearing on May 5. Clara confirmed that her genital area had the characteristics shown in the video. She recognized that part of her body being crudely manipulated by the

hand shown in the video. She identified her stretch marks and unshaven legs. Overall, she confirmed that her appearance in the video matched how she would have looked on the night of May 5. She also recognized the hand appearing in the video as Amyda's based on the tattoo, scars, and other features. At the conclusion of the hearing, the district court issued a detailed ruling denying Amyda's motion in limine.

On August 13, 2024, the case went to trial. When the State sought to introduce the video into evidence, Amyda renewed his objections. They were again overruled. On August 16, the jury returned a verdict finding Amyda guilty. The district court denied Amyda's posttrial motions and imposed a ten-year indeterminate prison sentence and a special sentence of lifetime parole. *See* Iowa Code § 902.9(1)(*d*); *id.* § 903B.1.

Amyda timely appealed, renewing his arguments that the video should not have been admitted at his trial. We transferred the case to the court of appeals. The court of appeals affirmed. As that court summarized,

> The path to authentication of a video is not so narrow as Amyda contends. Circumstantial evidence based on the "distinctive characteristics" and other contents of the video and all the surrounding circumstances can also be sufficient to support a finding that the video is what it claims to be—a depiction of the victim being sexually abused by Amyda in early May 2023. Iowa R. Evid. 5.901(*b*)(4). So the court was within its discretion to conclude that the State made such a showing with the victim's detailed testimony that she recognized her body, her partial clothing, the room, and Amyda's hand—all consistent with the only time that he was in her room in early May 2023.
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> So too was the court within its discretion to reject Amyda's best-evidence challenge. Assuming the rule applies to this video and that the video is not an original, it was still admissible as a duplicate because Amyda's speculative claims that the video was a "deepfake" without any evidentiary support did not raise a genuine question about the video's authenticity.

We granted Amyda's application for further review.

III. Standard of Review.

"We review the district court's evidentiary ruling for an abuse of discretion." *State v. Manning*, 26 N.W.3d 385, 390 (Iowa 2025). "An abuse of discretion occurs when the district court exercises its discretion on grounds that are clearly untenable or unreasonable because they are based on an erroneous application of the law or not supported by substantial evidence." *Id.*

IV. Analysis.

A. Authentication. To authenticate the video, the State had to "produce evidence sufficient to support a finding that the item is what the proponent claims it is." Iowa R. Evid. 5.901(*a*). According to Iowa Rule of Evidence 5.901, one example of sufficient evidence is "[d]istinctive characteristics and the like." *Id.* r. 5.901(*b*)(4). That is, evidence such as a video may be authenticated by its "appearance, contents, substance, internal patterns, or other distinctive characteristics of the item, taken together with all the circumstances." *Id.*

We applied this circumstantial-evidence principle in *State v. Holderness*, 293 N.W.2d 226 (Iowa 1980). *Holderness*, which predated the adoption of the Iowa Rules of Evidence, was a burglary case involving the admissibility of a photograph. *Id.* at 227, 230. There the victim awoke to find that his garage doors were open and some of his property was missing. *Id.* at 228. One of the missing items was a briefcase that contained, among other things, an Instamatic camera. *Id.* Two hours later a boy in the neighborhood brought by a roll of Instamatic film that he had found. *Id.* The film was developed. *Id.* It turned out to have eight photographs the victim had taken recently in the course of his work and two additional photographs. *Id.* at 227–28. One of those two photographs showed the defendant on his knees in the victim's backyard, near the garage, holding the briefcase partially open. *Id.* at 228.

We held in *Holderness* that the photograph portraying the defendant with the briefcase outside the garage was properly admitted even though no one could directly confirm its accuracy or testify as to how it was taken. *Id.* at 231, 234. We began our discussion by observing,

> Conventionally these foundation elements [for admission of a photograph] are shown by the direct testimony of a person who, although perhaps not connected with the photography, observed the scene and testifies that the picture fairly shows it, or who describes the photographic process employed and testifies it produces accurate pictures. These of course are the easier cases.
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> The harder cases are those in which direct testimony is not available and the proponent must rely on circumstances to lay a foundation for admission.

Id. at 230 (citations omitted). This, of course, was one of the "harder cases."

We quoted Federal Rule of Evidence 901(b)(4), *id.* at 230–31, which later became the model for Iowa Rule of Evidence 5.901(*b*)(4). And we canvassed cases from other jurisdictions. *Id.* at 231–34. Ultimately, we held that the photograph could be authenticated based on a series of circumstances. *Id.* at 234. The roll of film had been recovered nearby, the morning after the burglary. *Id.* The victim had taken the previous photographs on the roll but not the ninth and tenth ones. *Id.* The victim could identify his boat and his trash-can rack in the photograph in question. *Id.* He testified that—apart from the presence of the defendant—the scene corresponded to the outside of his garage at the time of the burglary. *Id.* And the victim further testified that the camera in the past had taken reliable photographs that had never come back modified, altered, or changed. *Id.*

A few years later, *after* the Iowa Rules of Evidence had been adopted, we applied a combination of rule 901(*b*)(3) and (4) (now rules 5.901(*b*)(3) and (4)) to uphold the admission of photographs in another case. *See State v. Farnum*, 397 N.W.2d 744, 746 (Iowa 1986). There the defendant was charged with having

committed sexual abuse on three children—two girls and one boy. *Id.* at 745. At trial, a number of photographs depicting the sexual activity were admitted into evidence. *Id.* Several of the photographs were admitted through the testimony of the two girls. *Id.* They testified that the defendant, or one of them at the defendant's direction, had taken those photographs. *Id.* They identified the defendant in the photographs. *Id.* However, five of the photographs were admitted through the testimony of a *detective*, who had been neither a photographer nor a firsthand observer. *Id.* at 746. We summarized as follows:

> Although the detective was not, like the girl victims, a direct witness to the depicted activities, he had observed the defendant's bedroom where other photographs were taken and testified that the decor of the room pictured in some of the photographs was that of the defendant's bedroom. Moreover, the five photographs in question were graphically similar to the many photographs properly admitted during the victims' testimony.

Id. We concluded that "[t]he detective's testimony about the decor of the room, together with the photographs authenticated by the victims, satisfied the foundational requirements for admissibility of the five photographs admitted during the detective's testimony." *Id.*

Despite what we held in *State v. Holderness* and *State v. Farnum*, Amyda argues that *State v. Manning*, 26 N.W.3d 385 (Iowa 2025), recently limited the grounds for authenticating a video. In Amyda's view, *Manning* recognized only two ways to establish the foundation for admitting a video: (1) a "firsthand witness" who testifies that the video accurately portrays the event, or (2) a "silent witness" who describes the photographic process and testifies that it produces accurate recordings. *Id.* at 390–91. We disagree.

In *Manning*, a police officer's bodycam recorded a store surveillance video that purported to show the victim being assaulted by the defendant. *Id.* at 389. The State introduced the bodycam video at trial as proof of the assault because

the underlying surveillance video was not available. *Id.* We concluded that the police officer's testimony could not establish the process or system that produced the original surveillance video. *Id.* at 391. Yet we determined that the victim's testimony was enough to authenticate the scene as shown on the bodycam video until the moment when the victim was knocked out, and "the minimal additional footage shown to the jury from after that second hit to the ground was harmless." *Id.* at 392–93.[2]

Manning does not say, however, that a firsthand witness and a so-called silent witness are the *only* ways to authenticate a video. There is no special codicil to the rules of evidence governing videos. *See State v. Deering*, 291 N.W.2d 38, 39 (Iowa 1980) ("A motion picture film to be admissible must be authenticated, but we do not believe that this necessitates a particularized methodology. The prevailing view, with which we agree, is that the basic principles which govern the admission of photographs also apply to the admission of motion picture films taken without artificial reconstruction."); *see also Hutchison v. Am. Fam. Mut. Ins.*, 514 N.W.2d 882, 890 (Iowa 1994) ("A motion picture (or a videotape) to be admissible must be authenticated, although no particular methodology is required."). To the contrary, *Manning* affirms that "circumstantial evidence" can be a basis for admitting evidence, including a video. *See Manning*, 26 N.W.3d at 392.

Turning to the facts of this case, we agree with the district court and the court of appeals that the State presented sufficient evidence to authenticate the video.

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[2]When using the word "harmless," we did not intend to suggest that it was necessarily error to admit the portion of the video showing what happened after the victim was knocked out, but only that its admission could not be sustained under the two theories we were discussing that had been advanced by the State.

The video appears to be taken with a cellphone held in the right hand of the person whose left hand is visible committing sexual abuse. Clara had communicated with Amyda by messaging him that evening; presumably, he would have brought his cellphone to their encounter. Also, Clara fell asleep in her bedroom with Amyda after they both had been drinking; the video shows her face and closed eyes as she is sleeping soundly. Further, Clara identified Amyda's tattooed hand, her bedroom, her bed and pillows, her clothing, and her legs and genitalia in the video. Indeed, the only thing in the video that Clara couldn't personally verify was the abuse itself. Moreover, the video surfaced a little over a month after May 5, and when Clara tried to communicate with Amyda about it, he blocked her.

Amyda argues that "[a]llowing an individual to authenticate a video that portrays an event by simply identifying 'distinctive characteristics' of items in the video, without more, effectively erases any protection that Rule 5.901 provides against the admission of fabricated evidence." But the circumstantial evidence here went beyond just the distinctive characteristics of items in a video. Furthermore, the distinctive characteristics here ranged from the private (Clara's bedroom) to the shockingly private (her genitalia). What third-party fabricator would have access to all that?

As the court of appeals noted, appellate cases from other jurisdictions have upheld the authentication of videos even without a firsthand or a silent witness. *State v. A.S.*, from New Jersey, presents a similar scenario to ours. *See* No. A-5420-13T1, 2015 WL 6442387 (N.J. Super. Ct. App. Div. Oct. 26, 2015) (per curiam). In *A.S.*, the victim's grandmother discovered a link to a video in an email sent to her daughter, the defendant's girlfriend. *Id.* at *1. The video depicted the victim—who was both the grandmother's granddaughter and the

girlfriend's niece—sleeping in a bed while a man's hand pulled her underwear down and exposed her vagina. *Id.* The defendant went to trial and was convicted of photographing a child in a prohibited sexual act and endangering the welfare of a child. *Id.* at *1–2. He appealed, arguing that the video should not have been admitted because no witness testified that they had recorded the video or identified the hand shown in the video as his. *Id.* at *3–4. The appellate court rejected that argument and upheld admission of the video. *Id.* at *4. The court noted that the victim identified herself in the video and independently recalled being sexually assaulted by the defendant that night while she was awake—even though she was sleeping at the time of the video. *Id.* at *1, *4. Other circumstantial evidence, such as the fact that the defendant was the only adult male in the home that night, further corroborated the authenticity of the video. *Id.* at *4.

Other recent appellate authorities concur. *See Mooney v. State*, 321 A.3d 91, 107 (Md. 2024) ("We . . . hold that a video can be authenticated through circumstantial evidence under Maryland Rule 5-901(*b*)(4)."); *State v. King*, 626 S.W.3d 828, 841 (Mo. Ct. App. 2021) ("The party offering a video as evidence must lay a proper foundation and establish it is an accurate representation of the person, place, or subject it purports to portray. However, a witness testifying to such matters need not be familiar with the specific circumstances surrounding the creation of the video itself, nor does the witness need to have observed the exact view of the subject matter depicted in the video." (citation omitted)); *Pittman v. Commonwealth*, No. 0681-22-1, 2023 WL 3061782, at *6 (Va. Ct. App. Apr. 25, 2023) (disagreeing with the dissent's view that "a video can only be authenticated in one of two ways: '*either* to illustrate a witness's testimony *or* to serve as an "independent silent witness" of matters depicted in

the video' "); *State v. Sapp*, 332 P.3d 1058, 1060, 1062 (Wash. Ct. App. 2014) (finding proper authentication in a case where the victim did not testify but the victim's grandmother "identified the individuals in the exhibits, the victim's approximate age, and the location depicted in the exhibits").

We note one other recent decision. In *State v. Leggett*, 926 S.E.2d 173 (N.C. Ct. App. 2026), the defendant—who had been convicted of three counts of rape—challenged the admission of the three videos that provided the basis for those convictions. *Id.* at 177–78. The videos depicted a man engaging in various sex acts while the victim was unconscious. *Id.* at 176–77. The defendant urged that the videos had not been properly authenticated because no evidence was presented regarding the recording process, nor could a first-hand witness testify that the videos accurately depicted what the witness had observed. *Id.* at 178. The North Carolina Court of Appeals disagreed:

> Here, [the victim] recognized distinctive characteristics based upon her knowledge of the people, location, and approximate time of the videos. During [the victim's] testimony she recognized herself in the videos lying on the bed, and identified the location of the videos as her and Defendant's townhouse in Raleigh based on the location of a computer in relation to the bed. She also identified the date as prior to 2010, likely 2009, based on when the couple lived in that townhouse, which corresponded with the expert's testimony that the videos were created on 20 June 2009. In addition, [the victim] also recognized the hands, penis, and ejaculation in the video, testifying that they were Defendant's, to whom she had been either dating or married to for approximately nine years. Further, [the victim] testified she first observed the videos on Defendant's email address, "rorysuggs3," which bore a similar name to the email of which [the victim] was aware Defendant used, "rorysuggs." [The victim] also accessed this previously unknown email using Defendant's password. Moreover, [the victim] testified she never altered, nor did she know how to alter, the videos. Therefore, [the victim's] knowledge of various distinctive characteristics within the videos was "sufficient to support a finding that the matter in question is what its proponent claims."

Id. (quoting N.C. R. Evid. 901(a)). The court added that "Defendant's allusions to the possibility the videos could be altered are not backed by any evidence in the record nor does Defendant make any specific claim to such effect." *Id.* at 179.

We are not oblivious to the risks of video evidence. Like the New York Court of Appeals, we recognize that "most fabricated videos 'leverage' real details from real photos and videos of real places and people, then alter the pieces the person wishes to alter to create a realistic, but manipulated, video." *In re M.S.*, No. 7, 2026 WL 436359, at *5 (N.Y. Feb. 17, 2026). In *In re M.S.*, New York's highest court ruled, over two separate dissents, that videos of sexual abuse obtained by a self-described hacker and provided to law enforcement well after the events in question—had not been sufficiently authenticated and should not have been admitted in a family court case. *Id.* at *5–6. But here, by contrast, there are no identifiable circumstances to suggest that the video might be a deepfake.

For all these reasons, we agree that the video was properly authenticated under rule 5.901.

B. Best-Evidence Rule. Amyda next argues that the State's introduction of the video violated the best-evidence rule. That rule provides, "An original writing, recording, or photograph is required to prove its content, unless these rules or a statute provides otherwise." Iowa R. Evid. 5.1002. The rules also contain the following qualification: "A duplicate is admissible to the same extent as the original unless a genuine question is raised about the original's authenticity or the circumstances make it unfair to admit the duplicate." *Id.* r. 5.1003.[3]

[3]In its briefing, the State suggests that a video is not covered by the best-evidence rule because it is neither a "recording" as defined in Iowa Rule of Evidence 5.1001(*b*) nor a "photograph" as defined in rule 5.1001(*c*). We disagree.

Until 2017, Iowa Rule of Evidence 5.1001 defined "photographs" as including "still photographs, X-ray films, video tapes, and motion pictures." Iowa R. Evid. 5.1001(2) (2016)

The State relies on this qualification to rebut Amyda's best-evidence argument. The State maintains that the video here was admissible as if it were the original because Amyda failed to raise a genuine question of authenticity. *See* Iowa R. Evid. 5.1003. We agree with the State that Amyda didn't raise a genuine question, only conjecture.

Much of the closing argument made by Amyda's counsel urged the jury to conclude that the video was a deepfake. Yet his advocacy rested on popular culture rather than any of the evidence in the case. The closing argument began, "Is it fake? Is it real? Ladies and gentlemen, we live in the age of artificial intelligence." It continued, "In this state of artificial intelligence, people can manipulate a video to look like whatever they want to look -- they want it to look like." Amyda's counsel proceeded to refer to various news stories about celebrities and other people who had been the subject of deepfake videos, including deepfake pornography.

(amended 2017). This had been the wording of the corresponding Federal Rule of Evidence, after which our rules of evidence were modeled. Fed. R. Evid. 1001(2) (2010) (amended 2011). However, the Federal Rules of Evidence underwent a nonsubstantive restyling in 2011. At that time, Federal Rule of Evidence 1001(c) was reworded to define "photograph" as "a photographic image or its equivalent stored in any form." Fed. R. Evid. 1001(c). According to the Advisory Committee Note, the changes were "intended to be stylistic only," and there was "no intent to change any result in any ruling on evidence admissibility." Fed. R. Evid. 1001 advisory committee's note to 2011 amendment.

We then performed the same nonsubstantive restyling of our evidence rules in 2016, effective January 1, 2017. Iowa Sup. Ct. Order, *In the Matter of Adoption of the Nonsubstantive Restyling of the Iowa Rules of Evidence* (Sep. 28, 2016) [hereinafter *Restyling Order*]. We adopted the identical Federal Rules definition of "photograph" as "a photographic image or its equivalent stored in any form." Iowa R. Evid. 5.1001(*c*). Yet we too made clear that this was merely a nonsubstantive restyling. Our order stated,

> The Iowa Supreme Court adopts the nonsubstantive restyling of the Iowa Rules of Evidence contained in chapter 5 of the Iowa Court Rules. The Iowa Rules of Evidence have historically patterned the Federal Rules of Evidence, and the restyling makes the Iowa rules more consistent with the restyled federal rules that became effective in 2011.

Restyling Order at 1.

Thus, a video is a continuous "photographic image" and is covered by the best-evidence rule. Indeed, we applied that rule to a video in *Manning*, 26 N.W.3d at 393.

But apart from trying to cash in on the so-called "liar's dividend," Amyda's counsel had little to work with.[4] The prosecutor countered as follows in her rebuttal argument:

> So when [defense counsel] is wa[]ving around articles and talking about deepfake porn, that is not evidence, ladies and gentlemen. That is not evidence. What is evidence is what you heard from that stand.
>
> Fake video, imagine someone to make a fake video in this matter would have to know, as [Clara] described, the intrinsic details of her body.
>
> Unfortunately, we had to talk a lot about private matters, right? They had her stretch marks on her legs that she identified. They had her vagina and the unshaven position as she recollected. They had stubble on her legs. They had her hair positioned as such.
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> They had her exact clothing that she would have been wearing the night she was with the defendant, and even more so, when he parted her labia, you can see that she has coloration down there. They would have to know all those intrinsic details to make up this video. Who would know that?

Accordingly, the district court did not abuse its discretion in overruling Amyda's best-evidence objection. *See State v. Christian Church*, No. 2403005415, 2025 WL 1411722, at *11 (Del. Super. Ct. May 15, 2025) ("The mere suggestion that a video may have been altered does not create such a genuine issue."); *Perry v. United States*, 359 A.3d 155, 162–63 (D.C. 2026) (indicating that the defendant needed to provide "some basis" to think that the Instagram video was an inaccurate reproduction).

[4]The term "liar's dividend" refers to the possibility that public awareness of deepfakes will make it easier to raise doubts about legitimate evidence. *See* Bobby Chesney & Danielle Citron, *Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security*, 107 Cal. L. Rev. 1753, 1785–86 (2019) ("[A] skeptical public will be primed to doubt the authenticity of real audio and video evidence. This skepticism can be invoked just as well against authentic as against adulterated content.").

The State notes that the Advisory Committee on Evidence Rules has been considering a possible new Federal Rule of Evidence 901(c). Advisory Comm. on Evid. Rules, *Agenda Book* 5 (May 7, 2026), https://www.uscourts.gov/sites/default/files/document/2026-05-evidence-rules-agenda-book.pdf [https://perma.cc/YB89-W688]. This rule would provide that "a party challenging the authenticity of an item of evidence on the ground that it has been fabricated, in whole or in part, by generative artificial intelligence . . . must present evidence sufficient to support a finding of fabrication to warrant an inquiry by the court." *Id.* at 221. At that point the proponent would have to demonstrate to the court that the item "is more likely than not authentic." *Id.* at 222.

In a sense, Federal Rule of Evidence 1003 and Iowa Rule of Evidence 5.1003 already work this way. The video admitted in this case was, clearly, a duplicate of *something*. The State maintained that it accurately reproduced the original video of an actual scene from the night of May 5. *See* Iowa R. Evid. 5.1001(*e*). Amyda maintained that it was based on a fake, computer-generated composite. Yet to block its admission under rule 5.1003, Amyda had the initial burden to raise a genuine question about the authenticity of the original. He failed to do so. Moreover, while the State didn't have to prove that the video probably was genuine to get it admitted under the existing rule 5.901, as a practical matter, it had to convince the jury beyond a reasonable doubt that the video was legitimate to obtain a conviction. Simply stated, the State's case depended on the video.

V. Conclusion.

For the foregoing reasons, we affirm the decision of the court of appeals, the judgment of the district court, and Amyda's conviction and sentence.

Court of appeals decision and district court judgment affirmed.