

Case Brief *People v. Cobey*

People v. Cobey is the trial of Jamie Cobey, a horticulturist living in the community of Burnsley, California, a semi-rural town in the high desert. Cobey is charged with the homicide of Cobey's landlord and next-door neighbor, Erik Smith. The prosecution will argue that Cobey should be convicted of first-degree murder or the lesser-included offense of voluntary manslaughter.

In the early afternoon of April 29, 2021, Erik Smith opened his mailbox and was bitten by a Mojave rattlesnake that was within the mailbox. The relationship between Cobey and Smith had deteriorated in recent years with both engaging in unneighborly behavior. The tension between the two intensified once the pandemic eviction moratorium went into effect, and Smith wanted to evict Cobey and Cobey's elderly mother for non-payment of rent. After Smith shut off the power to Cobey's home, Cobey's mother died on April 22.

The prosecution alleges that on the morning of April 29, Jamie Cobey intentionally placed the rattlesnake with its rattle removed in Smith's mailbox so that the snake would fatally bite Smith. Prosecution witnesses include a lineworker who witnessed Cobey standing close to Smith's mailbox on that morning while Cobey held a small metal-wire cage in Cobey's hand. A neighbor will testify to seeing Cobey enraged at Smith at the funeral of Cobey's mother the day before Smith's death, as well as overhearing Cobey yell "I'm going to kill him!" later that evening in Cobey's own garden. The medical examiner will testify to the severe lethality of the snake's venom and the unlikelihood that the snake crawled by itself into the mailbox through a mail slot. The sheriff's deputy will testify to finding several snake-handling items and books about desert snakes in Cobey's home, as well as fingerprints of Cobey, Smith, and one other neighbor on Smith's mailbox.

The defense argues that Jamie Cobey lacked the specific intent for first-degree murder, the sudden quarrel or heat of passion needed for voluntary manslaughter, and the act of placing the rattlesnake inside the mailbox. Defense witnesses include a herpetologist who will testify that other circumstances superseded the causal link between the bite and Smith's death, especially Smith's willful refusal to seek medical attention. The herpetologist will also testify that the snake more than likely squeezed itself into the mailbox. Another tenant of Smith will testify to Cobey's even-tempered character and lack of hostility toward Smith before Smith's death. A different neighbor and friend of Cobey will testify to Cobey's habit of "cooling off" after outrageous actions by Smith, as well as the common knowledge about rattlesnakes crawling into mailboxes. Finally, Jamie Cobey will deny placing the snake in the mailbox and will testify that the items found by the sheriff's deputy were everyday items for desert horticulturalists.

The pretrial argument centers on the Fourth Amendment protection against unreasonable search and seizure. The question is whether Erik Smith's use of a smart camera provided by law enforcement to capture an image of snake-feeding tongs on the property of Jamie Cobey constituted a search under the Fourth Amendment and therefore required a search warrant, or whether it fell outside the warrant requirement.