lating to changes in the Earth's surface. This information can aid in understanding previous environments, reviewing existing conditions, preparing for potential disasters, and predicting potential outcomes. As such, it can be invaluable for litigation purposes.

A. Digital Photographic Evidence

The most fundamental difference between traditional and digital photographs is how they are captured and stored. Digital image data are stored in electronic pixels, which are digital values conveying position and specific value (usually color). Analog images are captured and stored in film negatives, which are analog values captured in physically tangible media.

As with traditional photographs, digital images are admissible in court if they are relevant to an issue, accurately portray the scene, and are established by a proper foundation.[53] It would normally be sufficient, as it is with traditional photographs, to present a witness's testimony that the photograph is a fair and accurate portrayal of the scene, regardless of how the image was captured.[54] As the Supreme Court of Georgia stated in *Almond* v. *State*: "we are aware of no authority, and appellant cites none, for the proposition that the procedure for admitting pictures should be any different when they were taken by a digital camera."[55] However, since a witness is almost never able to testify as to whether the digital data received by USGS/EROS is a fair and accurate portrayal of the scene, the foundation must be established using other methods. A proper foundation may include proving the authenticity of the image and its contents, showing that accepted processing techniques were used, or detailing a chain of custody.

B. Previous and Current Procedures

Beginning in the 1970s, USGS/EROS collected image data from satellites, stored the data collected in a secure location,

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[53] RYCHLAK, *supra* note 3, at 505.
[54] State v. Wilson, 135 N.J. 4, 15, 637 A.2d 1237 (1994).
[55] Almond v. State, 274 Ga. 348, 553 S.E. 2d 803 (2001).