

Old Dominion University

Carpenter vs U.S.

Clarence V. Kimbrell Jr.

CYSE 406 Cyber Law

Professor Turner

March 20, 2020

MEMORANDUM

DATE: March 13, 2022

TO: Law Enforcement Officers

FROM: Clarence V. Kimbrell Jr.

SUBJECT: Violations of Fourth Amendment Rights with the Use of Technology.

In the year of 2011, a series of armed robberies were conducted in April. Their conviction case was so severe that it landed on the desk of the United States Supreme Court. The Supreme Court changed the interpretation of American law and policy forever. In April in the busy city of Detroit Michigan, numerous Radio Shack and T-Mobile stores were robbed. One of these men who was convicted was Timothy Carpenter. He was the main person on trial that would be the foundation of how privacy acts and laws are interpreted. Carpenter pleaded that his conviction violates the Fourth Amendment. The local police used the information provided to them by cell phone companies in the area about cellphone location data from nearby phone towers. These towers create a log of every time a phone is connected to it. So, with this information police were able to convict Timothy Carpenter of the robberies, since the cell phone location data was near these cell phone towers. Timothy stated that this act violates his Fourth Amendment rights because the police did not obtain a warrant for such a search. The police and Supreme Court concluded that if someone discloses information to a third-party source such as a company it is no longer private information. So, a search through cell phone location data was legitimate. An act was passed in the year of 1986 called the Stored Communications Act that allowed authorities to seek records that could incriminate someone if provided the facts on the case. The district court used these two crucial bits of government documents to convict Timothy Carpenter. Carpenter's main reason for plea Fourth Amendment was there was still information that was on his cell phone that we wanted to keep private. He states that you cannot have cell phones and not release private information to cellphone companies and that he has no control over how they take and store this information. So, with all that being said he was pleading that it was a breach of privacy and should still have a warrant to search his private information that had to be shared with his cellphone company. When the trial was given cert for the Supreme Court hearing the results shocked everyone to find out that the argument that Timothy used worked and they changed the interpretation of the Fourth Amendment when it comes to technology. They ruled that the local government's acquirement of Timothy Carpenter's cellphone data location did violate his Fourth Amendment rights. The expectation of privacy in our world today is much different than it was twenty years ago. Many important judicial precedents helped the Supreme Court come to this conclusion. For example, the Katz vs. Supreme Court ruling decided that the conversation of gambling information between Katz's public pay phone was protected by the Fourth Amendment. This case was very similar in that it got to the Supreme Court and then it was final decision was overturned. The Carpenter case was very significant because it changed

how searches are conducted with the use of technology. It is now mandatory that police acquire a warrant to search cellphone data location information. This case may have some impact on facial recognition software in the future. For example, if someone is unlocking their phone with facial recognition the information in the background can provide enough evidence in some circumstances to exactly where a person is located. Which can be logged and tracked then a victim could plea similarly to Timothy Carpenter and say it was an unlawful search and violates the Fourth Amendment. Timothy Carpenter is now serving a 116-year sentence for his conviction of armed robbery.

Sources:

"Carpenter v. United States." Oyez, www.oyez.org/cases/2017/16-402. Accessed 11 Mar. 2022.

"Katz v. United States." Oyez, www.oyez.org/cases/1967/35. Accessed 11 Mar. 2022.

Rotenberg, Marc. "Carpenter v. United States." *EPIC*, 14 Mar. 2017, <https://epic.org/documents/carpenter-v-united-states-2/>.