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Writing Assignment #1

In 2011, police officers arrested four men suspected of robbing a series of Radio Shack and T-Mobile stores around Detroit. One of the men were caught, and then the suspect identified other accomplices who were involved in the heists and gave the FBI a few of their cell phone numbers. With the cell phone numbers given from the potential suspect, prosecutors applied for court orders under the Stored Communications Act to obtain the cell phone records of him and the other identified potential suspects. The Stored Communications Act permits the Government to compel the disclosure of certain telecommunications records when it offers specific and articulable facts showing that there are reasonable grounds to believe that the records sought are relevant and material to an ongoing criminal investigation. With the government and prosecution ability to identify every location the suspects were pinned at, Carpenter argued that the Government's seizure of the records violated the Fourth Amendment because they had been obtained without a warrant supported by probable cause. This is understandable of why Carpenter would believe his rights were violated, because in our Nation's history there has been clarifications within the courts that justify what exactly violating this amendment means. In *Boyd v. United States 1886*, it was found that the Fourth Amendment seeks to secure "the privacies of life" against "arbitrary power." Carpenter believed that with the technological advances happening today, it is a great of example of arbitrary power because technology has enhanced the Government's capacity to encroach upon areas normally guarded from inquisitive eyes. This type of power can be used and abused to convict a suspect, while not technically violating their right.

In *United States v. Knotts 1983*, the government used a beeper to aid in tracking a vehicle through traffic. Police officers planted a beeper on a vehicle before it was purchased by one of Knotts's co-conspirators. The police officers then followed the automobile from Minneapolis to Knotts's cabin in Wisconsin, using the beeper's signal to help keep the vehicle within eye view. Even though a lot of people would conclude this violated their Fourth Amendment and their right to privacy, the court concluded that the visual surveillance did not constitute a search because a person traveling in an automobile on public streets and areas has no reasonable expectation of privacy in his movements from one place to another. Many would believe this may have violated different constitutional principles, yet the government still would tactics like this to convict someone. Another example that is very similar to that case is *United States v. Jones 2012*. FBI agents installed a GPS tracking device on Jones's vehicle and remotely monitored the vehicle's movements for almost a full month. This type of power is easily abused making it unfair for any citizen who is supposed to be guaranteed the right to be secured in their persons, houses, papers, and effects, against unreasonable searches and seizures.

The *Carpenter v United States* 2017 case is very significant because as technology is advancing, people are unwillingly giving a third-party information and records. Even though most believe that should have a privacy interest in the data he is providing to their technology, it is not always the case. In this specific case, the government used the Third-Party Doctrine, which basically means information revealed to a third party is technically public. This case has a huge impact on the government using any type of technology, such as facial recognition because as stated before they could abuse this specific power. Using the Stored Communications Act, if there are facts showing reasonable grounds that records are relevant and material to any on-going criminal investigation, it could potentially be used to indict a suspect. If technology keeps advancing and being used for keeping storage for data and personal information, this will continue to always be a problem.

References

“Carpenter v. United States, 585 U.S. ____ (2018).” *Justia Law*,
supreme.justia.com/cases/federal/us/585/16-402/#tab-opinion-3919270.