

CARPENTER VS. UNITED STATES

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Abstract

The lawsuit of Carpenter vs. the United States on June 22, 2018, in the Supreme Court was one of the most salient cases from the current moment. Carpenter claims that using personal data acquired through a third party without a legal search warrant violates the Fourth Amendment's constitutional search and seizure and privacy rights. The Supreme Court attempted to figure out how current technology applies to our fourth amendment rights for search and seizure cases. The Supreme court decided that for law enforcement to ingress a cell phone company information, they must present probable cause for a search warrant to proceed. It evaluates the Supreme Court's preponderance opinion to educate law enforcement officers on the authorized verdicts about how the legal process for acquiring cell site location information (CLSI) sustains an investigation.

Introduction

April 2011 Four men were apprehended in connection with various armed robberies of Radio Shacks and T-Mobile stores throughout Detroit, Michigan. One of the men whom law enforcement arrested admitted that they were responsible for those crimes and confessed that fifteen other co-conspirators participated in different heists as their getaway and lookouts. One of the men arrested gave the FBI his cell phone number and the numbers of others that participated in the robberies. The FBI used the phone number that the man arrested gave out to the FBI to identify the numbers he called at the time of the robberies.

Under the Stored Communications Act law enforcement, the prosecutors obtained Mr. Carpenter's phone records were pinpointed in every site using the cell-site towers to show every robbery location and time he robbed, including several other suspects. The Federal Magistrate Judges issued two orders ordering Carpenter's wireless carriers, MetroPCS and Sprint, to divulge access to their cell site information. FBI obtained all his data and saw his location over the past four months, with over 12,898 CSLI recording pings. CSLI means when a cell phone is online or new location, and it pings a cell tower or a cell site that produces a stamped record. It captured Carpenters' every movement, location, and time where Carpenter made cell phone calls connecting those calls to the cell site towers to the robbery sites. Mr. Carpenter was charged with six counts of robbery and six counts of carrying firearms during a federal crime of violence.

he way CSLI (Cell site location information) works is when Cell phone companies use CSLI to store and collect data. In large cities, numerous cell phone companies use buildings and lamp posts to place these cell sites' locations. It has shown that using these cell site towers is exceedingly accurate in large cities and intriguing that it can allocate the person within fifteen feet of a given CSLI. The only concern is whether this should be obtained using a search warrant

without showing proof of probable cause or not; this falls under the Stored Communications Act of 1994.

Mr. Carpenter moved to subdue the cell site data because he claims it violated the fourth amendment right to take this case to the district court and Sixth Circuit Court of Appeals. The District Court denied the motion because it showed Carpenter's phone was near the robberies when they occurred, even though the Court did mention how the fourth amendment violated his case during this trial.

Carpenter stated that ordering of Federal Magistrates in the Sixth Circuit Court of Appeals to retain a third-party source's personal information without a search warrant violated the search and seizure rights under the fourth amendment. He claims that his cell site location information's confiscation was an immediate invasion of privacy. The Sixth Circuit Court of Appeals ruled that Carpenters lacked a reasonable expectation of privacy information because he shared it voluntarily with wireless carriers; consequently, his case was dismissed before the Supreme Court.

The Supreme Court *Miller v. Maryland* ended that the defendant did not have the right to privacy in his financial information because the documents belonged to the bank record. He voluntarily provided that information to the cell phone companies. Like the case *Smith v. The United States*, the Court decided that law enforcement did not need a search warrant to monitor the suspect's incoming and outgoing phone calls. Because the suspect had a third-party phone service, the legal principle states that when an individual voluntarily gives out information to a third party, the individual's private information is renounced. Therefore, Carpenters did not have any claim of ownership to the phone records of T-Mobile and Metro PCS; this also meant that the police could acquire these records without breaking any privacy rights. The case of *Katz v. The United States* laid the preliminary for the "appropriate expectation of privacy" still used today when deciding whether law enforcement needs a search warrant to conduct a search. In the case of *Katz* expanded the protections against outrageous searches and seizures to electronic wiretapping devices. In the *Riley v. California* case, a warrantless search and seizure of someone's cell phone contents during the time of the rest is unconstitutional.

Technology is growing at rapid rate cases like *Katz*, *Riley*, *Miller*, and *Smith* all come into play with current and future technology; How can we protect people's right to privacy. In this case of *Carpenter v. The United States*, the Court decided it did not have a "reasonable expectation" of privacy for CSLI information collected on Carpenter. The Court encountered new ways to protect the fourth amendment privacy from the third-party source that holds information from a particular person must have a reasonable expectation of privacy, which means someone can claim privacy. Meaning the point of view of the Supreme Court, as in the case of *Carpenter v. The United States* is eligible for the regulations and guidelines of the Shared Communication Act. Therefore, law enforcement must follow the requirements of the Fourth

Amendment and be able to acquire a search warrant and have probable cause before confiscating CLSI information.

Conclusion

In my opinion, the Court did the right thing by ordering to acquire a search warrant before attaining a person's personal information from a third-party source. Although I feel there should be more restrictions on what exactly should be given to third-party sources when they collect data from us and then give it to law enforcement whenever they present a warrant. In cases like these, the Supreme Court did the right thing in how they ruled this case and protecting our fourth amendment privacy right. Therefore, I believe that legally, these documents are the third party's property to some extent. Establishing the standard to obtain a search warrant is moving in the right direction for the continuing development of the cyber world.

Work Cited

Carpenter v. the United States, U. S. 16-402. Supreme Court of the United States. 2018