

OLD DOMINION UNIVERSITY

CYSE 406 CYBER LAW

Writing Assignment #1

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Writing Assignment 1

To: Audience of Law Enforcement Officers

From: Rahil Patel

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Subject: The Rights of Citizens

Every citizen in the United States believes that the rights made by the United Constitution are there to protect each citizen of the country. According to the United Constitutional right, “The fourth amendment is the right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. Moreover, it shall not be violated, and the warrants shall not be issued unless there is discrimination and probable cause. It must be supported by Oath or affirmation and particularly describing the place to be searched, and the persons or things to be seized (Congress.gov).” Nonetheless, many times unexpected things happen and discrimination occurs, and it violates the fourth amendment right. Therefore, the law enforcement officers may take steps, which may violate the right of citizens, to acquire the information and find the probable cause.

Nowadays, humans are relying more on technology than anything else, and they are diving furthermore into the digital world, which is making human work easier and allows to save time. Nonetheless, everything has advantages and disadvantages, so digital technology has merits and demerits as well. Digital technology has opened the eyes of law enforcement officials during the case of *Carpenter v. United States*. In April 2011, four men were engaged in the armed robberies of T-Mobile stores and Radio Shack in Michigan and Ohio, and the police arrested them in connection with the armed robberies. The FBI was able to retrieve the phone number of

one of the men and after confessing, he provided the number of other participants as well.

According to the Stored Communication Act, 18 U.S.C. 2703(d), the magistrate judges provided the permission to the FBI after the FBI used the information provided by the victims to apply to get three orders from magistrate judges to retrieve transactional records of individual victims. The transactional records of victims had all call information including the location, date, and time of calls with connections to cell-site location information (Oyez, 2022).

Timothy Carpenter and other victims were charged by the government based on the cell-site evidence. It was described as a violation of Hobbs Act, 18 U.S.C. 1951 for attempting the robberies, which resulted in interstate commerce. Therefore, Timothy Carpenter opposed and stated that the FBI violated the fourth amendment right and obtained the information without a warrant. It was affirmed by the Sixth Circuit court after the denial from the district court. The opinion was offered with the 5-4 majority by chief justice John Roberts. The majority acknowledged that the Fourth Amendment protects the expectations of privacy and the property interests against the searches and seize made by the government without the warrant. While the other four judges have acknowledge the dissenting opinion against the majority and stated that it was right to search for the information (Oyez, 2022).

The majority of judges made the decision based on the cases *Kyllo v. United States* and *Riley v. United States*, in which it was required to have the warrant to acquire the information, or else it would be a violation of the fourth amendment. After seven years, on Friday, June 22, the conclusion was made on the case of *Carpenter v. United States*. The result described that from now on if government officials would like to search or seize the information of a citizen, they must have the warrant to access the cell site location information from a cell phone company, or any personal information that belongs to a citizen. It may make an impact on other technologies

like facial recognition and biometrics. The technology is developed to improve the security standard, and it helps to make the processes faster. It is considered personal information, so it would require to have a warrant before accessing someone's biometrics and facial recognition (McCubbin, 2019).

References

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- McCubbin, Sabrina. "Summary: The Supreme Court Rules in Carpenter v. United States." Lawfare, 31 Oct. 2019, www.lawfareblog.com/summary-supreme-court-rules-carpenter-v-united-states.