**U.S. v. MILLER (1976)**

**Facts of the Case**

Mitch Miller was charged of carrying alcohol distilling equipment and whiskey on which liquor tax had not been paid. The Bureau of Alcohol, Tobacco, and Firearms (ATF) issued subpoenas to two of Miller's banks, The Citizens & Southern National Bank of Warner Robins and the Bank of Byron requesting records of Miller's accounts. The banks complied with the subpoenas, and the evidence was used during Miller's trial in the United States District Court for the Middle District of Georgia. Miller was convicted and appealed his conviction alleging that his Fourth Amendment rights were violated. The United States Court of Appeals for the Fifth Circuit ruled in his favor.

**Question**

Were Miller's bank records illegally seized in violation of the Fourth Amendment?

**Conclusion**

No. In a 6-3 opinion, the Court reversed the Fifth Circuit and held that Miller had no right to privacy in his bank records. Writing for the majority, Justice Lewis F. Powell asserted that the "documents subpoenaed are not [Miller's] 'private papers'," but instead, part of the bank's business records. Consistent with Hoffa v. United States, Miller's rights were not violated when a third party - his bank - transmitted information that he had entrusted them with to the government.

**SMITH v. MARYLAND (1979)**

**Facts of the Case**

On March 5, 1976, Patricia McDonough was robbed in Baltimore, Maryland. She was able to give the police a description of the robber and the 1975 Monte Carlo she thought the robber was driving. Within a few days, she began receiving threatening phone calls that culminated in the caller telling her to stand on her porch, from where she observed the same Monte Carlo drive past. On March 16, the police observed the car in McDonough's neighborhood. By running a search on the license plate number, the police learned the car was registered to Michael Lee Smith. The police contacted the telephone company and requested that a pen register, a device that only records numbers dialed, record the numbers dialed from the telephone at Smith's home. On March 17, the pen register recorded a call from Smith's phone to McDonough's home, so the police obtained a warrant to search Smith's house. During the search, police discovered a phone book with the corner turned down on the page on which McDonough's name was found. Smith was arrested and placed in a line-up where McDonough identified him as the man who robbed her.

**Question**

Did the use of a pen register without a warrant violate the Fourth Amendment protection against unreasonable searches and seizures?

**Conclusion**

No. Justice Harry A. Blackmun delivered the opinion for the 5-3 majority. The Court held that Fourth Amendment protections are only relevant if the individual believes that the government has infringed on the individual's reasonable expectation of privacy. This reasonable expectation of privacy does not apply to the numbers recorded by a pen register because those numbers are used in the regular conduct of the phone company's business, a fact of which individuals are aware. Because the Fourth Amendment does not apply to information that is voluntarily given to third parties, the telephone numbers that are regularly and voluntarily provided to telephone companies by their customers do not gain Fourth Amendment protections.

**U.S. v. KNOTTS (1982)**

**Facts of the Case**

Tristan Armstrong, a former employee of the 3M Company, which manufactures chemicals in St. Paul, came under suspicion for stealing chemicals that could be used to manufacture illegal drugs. The company notified a narcotics agent, and further investigation determined that Armstrong had been purchasing similar chemicals from the Hawkins Chemical Company in St. Louis. With the consent of Hawkins Chemical Company, narcotics agents installed a radio transmitter in the container of chloroform that Armstrong would receive. By tracking the radio transmitter, officers were able to track Armstrong delivering the chloroform to Darryl Petschen. Petschen drove it to a cabin owned by Leroy Carlton Knotts in Shell Lake, Wisconsin. Relying on this information, the officers obtained a search warrant for the cabin and found a fully operable drug-manufacturing lab

**Question**

Does police planting and tracking of a radio transmitter violate the Fourth Amendment?

**Conclusion**

No. Justice William H. Rehnquist delivered the unanimous opinion. The Court held that the use of the radio transmitter to track the movements of a suspect in a car falls under the privacy expectations for a vehicle, which are less than those of a house. Since the radio transmitter in this case was used primarily to ascertain where the chloroform traveled and where it stopped, the surveillance did not violate Knotts’ right to privacy in his home. Additionally, the use of the radio transmitter did not serve any function that the police could not have performed visually; the transmitter merely made the process easier.

**U.S. v. KARO (1984)**

**Facts of the Case**

Defendants James Karo, Richard Horton, and William Harley ordered fifty gallons of ether from a government informant, to be used to extract cocaine from clothes imported into the United States. Carl Muehlenweg, the informant and owner of the ether, gave consent to the police to install a tracking device into one of the cans containing the ether before delivery to the defendants.

**Question**

Does the installation of a tracking device into a container, with the permission of the original owner, constitute a seizure within the meaning of the 4th Amendment when the container is delivered to a buyer having no knowledge of the tracking device?

**Conclusion**

No. The Court found that although the cans of ether may have contained an unknown and unwanted object, no meaningful interference with the defendants' interest in their possessions occurred, as the tracking device was installed before the defendants obtained the ether. This case was an expansion of the holding announced in United States v. Knotts

**ARIZONA v. HICKS (1987)**

**Facts of the Case**

A bullet was fired through the floor of Hicks's apartment which injured a man in the apartment below. To investigate the shooting, police officers entered Hicks's apartment and found three weapons along with a stocking mask. During the search, which was done without a warrant, an officer noticed some expensive stereo equipment which he suspected had been stolen. The officer moved some of the components, recorded their serial numbers, and seized them upon learning from police headquarters that his suspicions were correct.

**Question**

Was the search of the stereo equipment (a search beyond the exigencies of the original entry) reasonable under the Fourth and Fourteenth Amendments?

**Conclusion**

No. The Court found that the search and seizure of the stereo equipment violated the Fourth and Fourteenth Amendments. Citing the Court's holding in Coolidge v. New Hampshire (1971), Justice Scalia upheld the "plain view" doctrine which allows police officers under some circumstances to seize evidence in plain view without a warrant. However, critical to this doctrine, argued Scalia, is the requirement that warrantless seizures which rely on no "special operational necessities" be done with probable cause. Since the officer who seized the stereo equipment had only a "reasonable suspicion" and not a "probable cause" to believe that the equipment was stolen, the officer's actions were not reconcilable with the Constitution.

**FLORIDA v. RILEY (1989)**

**Facts of the Case**

Michael Riley lived in a mobile home situated on five acres of rural land in Florida. Riley owned a greenhouse that was located behind his home; from the ground, the contents of Riley’s greenhouse were shielded from view by its walls and the trees on his property. In 1984, the Pasco County Sheriff’s office received a tip that Riley was growing marijuana on his property. The investigating officer tried to see into the greenhouse from the ground but could not, so he circled in a helicopter at 400 feet and saw what he believed to be marijuana growing inside. Acting on this information, the investigating officer obtained a search warrant, searched the greenhouse, and found the marijuana. Riley was charged with possession of marijuana.

**Question**

Did the police officer violate the defendant’s reasonable expectation of privacy by observing his property from a helicopter with the naked eye?

**Conclusion**

No. Justice Byron R. White delivered the opinion for the 5-4 majority. The Court held that Riley had no reasonable expectation of privacy in this case because anyone could view Riley’s property from a helicopter flying in navigable airspace and figure out what was inside. The police officer did not enter Riley’s land or interfere with it in any way. Furthermore, the manner in which he was flying the helicopter was well within the law; therefore, the police officer was within his rights to view Riley’s property from the air. The Court determined that the police action in this case did not violate Riley’s Fourth Amendment rights.

**KYLLO v. U.S. (2001)**

**Facts of the Case**

A Department of the Interior agent, suspicious that Danny Kyllo was growing marijuana, used a thermal-imaging device to scan his triplex. The imaging was to be used to determine if the amount of heat emanating from the home was consistent with the high-intensity lamps typically used for indoor marijuana growth. Subsequently, the imaging revealed that relatively hot areas existed, compared to the rest of the home. Based on informants, utility bills, and the thermal imaging, a federal magistrate judge issued a warrant to search Kyllo's home. The search unveiled growing marijuana. After Kyllo was indicted on a federal drug charge, he unsuccessfully moved to suppress the evidence seized from his home and then entered a conditional guilty plea. Ultimately affirming, the Court of Appeals held that Kyllo had shown no subjective expectation of privacy because he had made no attempt to conceal the heat escaping from his home, and even if he had, there was no objectively reasonable expectation of privacy because the imager "did not expose any intimate details of Kyllo's life," only "amorphous 'hot spots' on the roof and exterior wall."

**Question**

Does the use of a thermal-imaging device to detect relative amounts of heat emanating from a private home constitute an unconstitutional search in violation of the Fourth Amendment?

**Conclusion**

Yes. In a 5-4 opinion delivered by Justice Antonin Scalia, the Court held that "[w]here, as here, the Government uses a device that is not in general public use, to explore details of the home that would previously have been unknowable without physical intrusion, the surveillance is a 'search' and is presumptively unreasonable without a warrant." In dissent, Justice John Paul Stevens argued that the "observations were made with a fairly primitive thermal imager that gathered data exposed on the outside of [Kyllo's] home but did not invade any constitutionally protected interest in privacy," and were, thus, "information in the public domain."

**U.S. v. WONG (2003)**

**Facts of the Case**

Raymond Wong was a suspect in a murder investigation. During the course of this investigation, police executed a series of search warrants at Wong’s home and on his computers in connection with the disappearance and murder of Wong’s live-in girlfriend Alice Sin. An agent discovered child pornography on a hard drive while conducting a valid search of the drive for evidence of a murder. Mr. Wong was charged with violations of 18 U.S.C. §§ 2252(a)(2) and 2252(a)(4)(B), statutes prohibiting the receipt and possession of child pornography. On February 8, 2002, Wong was sentenced to 27 months' imprisonment.

Wong claimed the warrants lacked probable cause, were overbroad, and were fruit of the poisonous tree.

**Question**

Was there probable cause to search the defendant’s computer?

Did the search warrant adequately describe the evidence to be seized?

**Conclusion**

Yes. Because the agent was properly searching graphics files for evidence of the murder, the child pornography was properly seized and subsequently admitted under the plain view doctrine

Applying the plain view doctrine to digital evidence in this case distinguishes itself from some past rulings where the court has refused to allow exhaustive searches of a computer’s hard drive in the absence of a warrant or some exception to the warrant requirement. See United States v. Carey, 172 F.3d 1268, 1273-75 (10th Cir. 1999) (ruling that agent exceeded the scope of a warrant to search for evidence of drug sales when he “abandoned that search” and instead searched for evidence of child pornography for five hours). In particular, the Tenth Circuit cautioned in a later case that “[b]ecause computers can hold so much information touching on many different areas of a person’s life, there is greater potential for the ‘intermingling’ of documents and a consequent invasion of privacy when police execute a search for evidence on a computer.” United States v. Walser, 275 F.3d 981, 986 (10th Cir. 2001).

**CITY OF ONTARIO v. QUAN (2010)**

**Facts of the Case**

Employees of the City of Ontario, California police department filed a 42 U.S.C. § 1983 claim in a California federal district court against the police department, city, chief of police, and an internal affairs officer. They alleged Fourth Amendment violations in relation to the police department's review of text messages made by an employee on a city issued text-message pager. While the city did not have an official text-messaging privacy policy, it did have a general "Computer Usage, Internet and E-mail Policy." The policy in part stated that "[t]he City of Ontario reserves the right to monitor and log all network activity including e-mail and Internet use, with or without notice," and that "[u]sers should have no expectation of privacy or confidentiality when using these resources." Employees were told verbally that the text-messaging pagers were considered e-mail and subject to the general policy. The district court entered judgment in favor of the defendants.

**Question**

Does a city employee have a reasonable expectation of privacy in text messages transmitted on his city-issued pager when the police department has no official privacy policy for the pagers?

**Conclusion**

The Supreme Court held that the City of Ontario did not violate its employees' Fourth Amendment rights because the city's search of Mr. Quon's text messages was reasonable. With Justice Anthony M. Kennedy writing for the majority, the Court reasoned that even assuming that Mr. Quon had a reasonable expectation of privacy in his text messages, the city's search of them was reasonable because it was motivated by a legitimate work-related purpose and was not excessive in scope.

**RILEY v. CALIFORNIA (2014)**

**Facts of the Case**

David Leon Riley belonged to the Lincoln Park gang of San Diego, California. On August 2, 2009, he and others opened fire on a rival gang member driving past them. The shooters then got into Riley's Oldsmobile and drove away. On August 22, 2009, the police pulled Riley over driving a different car; he was driving on expired license registration tags. Because Riley's driver's license was suspended, police policy required that the car be impounded. Before a car is impounded, police are required to perform an inventory search to confirm that the vehicle has all its components at the time of seizure, to protect against liability claims in the future, and to discover hidden contraband. During the search, police located two guns and subsequently arrested Riley for possession of the firearms. Riley had his cell phone in his pocket when he was arrested, so a gang unit detective analyzed videos and photographs of Riley making gang signs and other gang indicia that were stored on the phone to determine whether Riley was gang affiliated. Riley was subsequently tied to the shooting on August 2 via ballistics tests, and separate charges were brought to include shooting at an occupied vehicle, attempted murder, and assault with a semi-automatic firearm.

**Question**

Was the evidence admitted at trial from Riley's cell phone discovered through a search that violated his Fourth Amendment right to be free from unreasonable searches?

**Conclusion**

Yes. Chief Justice John G. Roberts, Jr. wrote the opinion for the unanimous Court. The Court held that the warrantless search exception following an arrest exists for the purposes of protecting officer safety and preserving evidence, neither of which is at issue in the search of digital data. The digital data cannot be used as a weapon to harm an arresting officer, and police officers have the ability to preserve evidence while awaiting a warrant by disconnecting the phone from the network and placing the phone in a "Faraday bag." The Court characterized cell phones as minicomputers filled with massive amounts of private information, which distinguished them from the traditional items that can be seized from an arrestee's person, such as a wallet. The Court also held that information accessible via the phone but stored using "cloud computing" is not even "on the arrestee's person." Nonetheless, the Court held that some warrantless searches of cell phones might be permitted in an emergency: when the government's interests are so compelling that a search would be reasonable.