

# [David it came to the digital contents search](https://assignbuster.com/david-it-came-to-the-digital-contents-search/)

David Leon Riley belonged to theLincoln Park gang of San Diego, California.

On August 2, 2009, he and his gangstarted opening fire on a rivaling gang. The shooters then got into Riley’s carand drove away. On August 22, 2009, the Police pulled Riley over driving adifferent car. His car had an expired license registration tags. Due to hislicense being suspended.

The police had the car impounded. Before a car isimpounded, police are required to perform an inventory search to confirm thatthe vehicle has all its components at the time of seizure, to protect againstliability claims in the future, and to discover hidden contraband. While searchthe vehicle, police located two guns and subsequently arrested Riley forpossession of the firearms.

Riley had his cell phone in his pocket when he wasarrested, so a gang unit detective analyzed files on his phone. Seeing thatRiley was making gang signs and other gang related activity. Riley was subsequentlytied to the shooting on August 2 via ballistics tests, and separate chargeswere brought to include shooting at an occupied vehicle, attempted murder, andassault with a semi-auto firearm. Riley was convicted and the California Courtof appeal affirmed the judgement.

The case was granted a certiorari and wasgoing to be heard by the Supreme Court. Chief Justice John Roberts was alsogoing to be involved. They ruled that searching the contents of a cell phone withouta warrant is unconstitutional.            This case related back to Chimel v. California(1969).

In this case, the court ruled that if the police arrest someone, theyhave the right to search the body of the person without a warrant in “ the areainto which he might reach” in order to protect physical evidence and for thesafety of the officers. This was all good until cell phones came into play. Courts were unsure about what to do with cases when it came to the digitalcontents search for an arrest. Lower courts were indifferent on whether or notthe 4th amendment permitted offices to search the contents of a cellphone without a warrant.

Cell phones were becoming very powerful and heldimportant information. It was time for an in-depth review and a serious decision.  Riley moved to suppress the evidence thatpolice obtained from his cell phone, but the motion was denied.

However, theCalifornia Supreme Court used a case called People v. Diaz as a precedent thatgranted the approval of a warrantless search of cell phone data incident toarrest.             Of course, the main issue in thecase was whether or not the government may conduct a warrantless search on acell phone after the arrest. The police officer has to think safety first toprotect himself.

He must search the pockets and bags of the person whom theyarrest without the warrant. Cell phones have so much personal information anddon’t have a threat as a weapon. Cell phones having all this information wasbasically like having hard evidence right in front of them. The law officialswere afraid they could lose this information by wiping it or a data encryptionwhen the phone is locked.  They decidedit was justifiable and necessary to explore and obtain this information on thespot.             The United States Supreme Courtdecided that the government must obtain a warrant before conducting a search ofcontents on a cell phone in a arrest.

It would violate the Fourth Amendment tothe United States Constitution. Chief Justice John Roberts reached theconclusion by noting “ digital data stored on a cell phone cannot itself be usedas a weapon to harm an officer.” And the officers are only conducting thissearch for safety in the first place.

However, the arresting officers areallowed to examine the physical aspects of the phone but once there are nothreats to safety there is nothing else they can do.  Roberts made an argument that cell phonesdiffer from any other objects as it contains one’s whole life and personalinformation. Our founding fathers fought to protect our personal life andprivacy.             This is a case that hit hard interms to the 4th amendment and a person’s private information. Itwas concluded that the arresting officers did draw the line when searching thephone on the spot. It was unconstitutional and a violation of a person’sprivacy.

This issue needed to be resolved. There are great arguments for bothsides and a lot of courts were indifferent on the subject. Some thought thatwhen someone is being arrested for a crime that the arresting officers has allthe rights to search any information he possibly can on the person as it couldhelp a lot with the arrest. On the other side Chief Justice John Roberts knewthat there was a line to be drawn when it came to search physical evidence andsomeone’s whole life on a cell phone. I agree with Chief Justice John Robertson this notion. A lot of people have their whole entire life information storedon their cell phones. Ranging from locations, contacts, interests, messages, photos and many other things.

I think a cell phone goes right in with the 4thamendment and should be treated the same as houses, papers and effects, againstunreasonable searches and seizures. Phones are basically hand-held computersand contain all the safe information of one. I think it is morally right to getthe warrant and do the search before simply invading someone’s privacy on spotlike that.

Very rarely will someone get all the data wiped before you can get awarrant.