

Cell Phones as Tools of the Modern Criminal

U.S. v. Finley, 477 F.3d 250 (5th Cir. 2007), cert. denied,
127 S. Ct. 2065 (2007)

Articulate DATA and not the Phone

U.S. v. Thompson, 2009 U.S. Dist. LEXIS
13153 (S.D. Fla. Feb. 6, 2009)

U.S. v. Corleto, 2009 U.S. Dist. LEXIS 10826
(D. Utah Feb. 5, 2009)

Exigent Circumstances

Cupp v. Murphy, 412 U.S. 291 (1973)

Illinois v. McArthur, 531 U.S. 326 (2001)

Carroll Doctrine (Mobile Conveyances)

Carroll v. U.S., 267 U.S. 132 (1925)

Carroll Doctrine and Cell Phones

U.S. v. Fierros-Alvarez, 547 F.Supp 2d 1206
(D.Kan., 2008)

U.S.v. De Jesus Fierros-Alavarez, 547 F.
Supp. 2d 1206, 1213 (D. Kan. 2008)

Inventory Exception

South Dakota v. Opperman, 428 U.S. 364
(1976)

Florida v. Wells, 495 U.S. 1 (1990)

No Inventory for Data

U.S. v. Park, 2007 U.S. Dist. LEXIS 40596
(D. Cal. 2007)

U.S. v. Wall, 2008 U.S. Dist. LEXIS 103058
(S.D. Fla. Dec. 22, 2008).

SIA

Generally: *U.S. v. Chadwick*, 433 U.S. 1
(1977)

Vehicles: *New York v. Belton*, 453 U.S. 454
(1981)

Recent Occupants and Vehicle SIA

Thornton v. U.S., 541 U.S. 615 (2004)

Circuit Court Cases Recognizing SIA of Cell Phones

U.S. v. Finley, 477 F.3d 250 (5th Cir. 2007), cert. denied, 127 S. Ct. 2065 (2007)

U.S.v. Young, 278 Fed. Appx. 242 (4th Cir., 2008), cert. denied, 2008 U.S. LEXIS 8016 and *U.S.v. Murphy*, 552 F.3d 405 (4th Cir. 2009)

Silvan W. v. Briggs, 2009 U.S. App. LEXIS 1520 (10th Cir. 2009)

Articulate Destructibility Of Evidence for SIA

Generally: *United States v. Meyers*, 308
F.3d 251 (3d Cir. 2002)

Cell phone case: *U.S. v. Wall*, 2008 U.S.
Dist. LEXIS 103058 (S.D. Fla. Dec. 22,
2008).

No Articulation Necessary for Cell Phones

United States v. Murphy, 552 F.3d 405 (4th Cir. 2009)

Data can be deleted remotely: *United States v. Urbina*, 2007 U.S. Dist. LEXIS 96345 (E.D. Wis. Nov. 6, 2007), adopted by, motion denied by, sub nomine at *United States v. Kruschke*, 2008 U.S. Dist. LEXIS 9296 (E.D. Wis., Feb. 7, 2008)

Must Evidence be Connected to the Crime of Arrest?

No, but see U.S. v. Quintana, 2009 WL 129603
(M.D. Fla., 2009)

Too Much Data for an SIA?

U. S. v Park, 2007 U.S. Dist. LEXIS 40596 (N.D. Cal. 2007)

U.S. v. Arnold, 454 F. Supp. 2d 999, 1004 (C.D. Cal. 2006)

U.S. v. James, 2008 U.S. Dist. LEXIS 34864 (E.D. Mo. Apr. 29, 2008).