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Riley v. California

134 S. Ct. 2473 (2014)

CAITLIN VANCUREN*

BACKGROUND

The Supreme Court consolidated the following two cases for appeal: While driving with outdated vehicle registration tags, a police officer stopped Petitioner Riley and subsequently discovered that Riley was also driving with a suspended license. Riley's car was impounded and loaded handguns were discovered while law enforcement conducted its routine vehicle inventory inspection. Upon Riley's arrest on weapons charges the officer conducted a search of him and seized his cell phone. Riley's cell phone contained evidence linking him to gang activity. Ultimately, the officers connected Riley to previously committed crimes and charged him with firing at an occupied vehicle, assault with a semiautomatic firearm, and attempted murder. Furthermore, his cell phone's photographic and video evidence of gang association enhanced his criminal sentence.

An officer observed Respondent Wurie participating in what looked like a drug sale. Two cell phones were confiscated from Wurie after his arrest. Using pictures and a phone number labeled "my home," the police unearthed Wurie's home address. The police subsequently obtained a search warrant for Wurie's house, and found drugs and drug paraphernalia inside. Wurie was charged with distributing crack cocaine, possessing crack cocaine with the intent to sell, and being a felon in possession of a firearm and ammunition.

PROCEDURAL HISTORY

During Riley's trial, officers testified regarding the contents of his phone, and admitted certain items into evidence. Riley was sentenced to fifteen years in prison. The Court of Appeals affirmed the trial court's decision, and the California Supreme Court denied Riley's petition. Wurie was sentenced to a 262-month prison sentence for his crimes. The Court of Appeals vacated the district court's opinion, finding the search illegal.

ISSUE

Whether the Fourth Amendment's¹ ban against unreasonable searches and seizures is violated by a warrantless search of a cell phone upon arrest.

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1. U.S. CONST. amend. IV.

DECISION

The U.S. Supreme Court reversed and remanded the decision of the California Court of Appeals, finding that the search of Riley's cell phone was illegal. Additionally, the Court affirmed the decision of the First Circuit, agreeing that the search of Wurie's cell phone was unlawful. In a unanimous decision, with a concurrence by Justice Alito, the Court held that government officials must obtain a search warrant before searching a cell phone, absent exigent circumstances.

REASONING

The Fourth Amendment protects persons from unreasonable searches and seizures. An inquiry into whether a search was reasonable under the Fourth Amendment is usually circumvented by the issuance of a search warrant.² However, case law recognizes exceptions to warrantless searches when the search is "incident to a lawful arrest."³ Analyzing these exceptions under the present circumstances, the Court turned to the balancing test outlined in *United States v. Robinson*⁴ that weighs an individual's privacy against the legitimate government interests for the intrusion.⁵

The Court found the usual test of weighing an individual's privacy against the legitimate government interests not suitable in the case of a cell phone that contains such an enormous amount of personal information.⁶ In examining the government's position, the Court analyzed its interests in preventing (1) harm to an officer, and (2) the destruction of evidence.

The Court began by assessing the weight of the legitimate government interest of preventing harm to an officer. The Court found that after an officer assesses that there is no weapon or danger hidden in the cell phone or cell phone case, the cell phone and the information contained therein cannot cause harm to the police officer. The Court further determined that any indirect harm caused by the cell phone to the officer is not strong enough to outweigh the need for a search warrant.

Second, the Court considered concerns regarding the destruction of evidence. Generally, a police officer's custody of a cell phone prevents a criminal defendant from erasing any potential evidence. However, the Court examined the circumstances more broadly. The Court found that the concerns for leaving the cell phone data vulnerable to remote data wiping or data encryption were distinct from the original evidentiary concern of a

2. *Riley v. California*, 134 S. Ct. 2473, 2482 (2014).

3. *See Chimel v. California*, 395 U.S. 752, 763 (1969) (finding that it is reasonable to search an arrested person incident to arrest in order to protect the officer or to prevent the loss of evidence); *Arizona v. Gant*, 556 U.S. 332, 343 (2009) (authorizing the search of the vehicle's passenger compartment when the "arrestee is unsecured and within reaching distance").

4. 414 U.S. 218 (1973).

5. *Id.* at 254.

6. *Riley*, 134 S. Ct. at 2484–85.

defendant who responds to arrest by trying to conceal or destroy evidence. Additionally, there are methods to stop remote deletion from occurring, such as taking out the battery or turning the cell phone off. If either of the preventative measures does not solve the problem, and the situation is truly an emergency, the Court noted that a police officer might be able to rely on exigent circumstances to search the phone immediately.⁷

However, weighing the interest in an individual's privacy, the Court discussed how searching a cell phone is a substantial infringement on a constitutional right. Noting that smart phones are minicomputers with the ability to store large volumes of pictures, emails, web search history, apps, text messages, and other very personal information, the Court concluded that the search of a cell phone could not be compared to the search of physical records.⁸ The Court additionally stated that dealing with smart phones incorporates an additional risk of letting officers engage in discretionary searches of cloud storage systems—widening the potential scope of the search.

Lastly, the Court addressed other arguments for allowing warrantless cell phone searches, but found them unconvincing. The Court rejected ideas of extending precedent, proposals for an “analogous test” which would allow officers to search a cell phone if they could find analogous information from a pre-digital source, and the notion of restricting the scope of the search to the call log. The Court viewed these alternatives as unsatisfactory because they do not sufficiently consider the broad range of information stored on a cell phone. For example, in Respondent Wurie's case, the officer's access to his call log alone allowed the police to discover his home address.

The Court held that in the specific case of cell phones, the normal interest-balancing test would generally tip in favor of protecting an individual's privacy. Furthermore, the Court established that absent exigent circumstances, police officers must obtain a search warrant prior to searching an individual's cell phone during or after an arrest.

CONCURRENCE

In Justice Alito's concurrence, he first disagreed with the majority's analysis of the longstanding rule allowing searches incident to arrest. Justice Alito felt that majority mistakenly based the rule on the need to protect the safety of an officer and the need to prevent the destruction of evidence. Second, he felt that the decision of how to constitutionally handle technology should not be the sole responsibility of the federal court system, but rather legislatures should also address the changing circumstances.

7. *Id.* at 2487.

8. *Id.* at 2490.

