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#### **Fourth Circuit Court of Appeals**

(Note: You may access the court's opinion by clicking on the case name)

#### **Court Holds That Search Warrant Is Required Under the Fourth Amendment to Obtain Historical Cell-Site Information That Covers an Extended Time Period**

[United States v. Graham](#), \_\_\_ F.3d \_\_\_, 2015 WL 4637931 (4th Cir. August 5, 2015). The defendants were convicted in federal district court of several offenses arising from the commission of multiple armed robberies. Officers obtained historic cell-site information based on two separate court orders, one covering a 14-day period and another covering a 221-day period. The court orders were obtained under the federal statutory standard (18 U.S.C. § 2703(d)) that does not require a showing of probable cause. The court held, relying on *United States v. Jones*, 132 S. Ct. 945 (2012) (government's installation of GPS device on vehicle constituted search under Fourth Amendment) and other cases, that the Fourth Amendment requires that a search warrant based on probable cause is necessary to obtain historic cell-site information over an extended time period, and both court orders in this case covered an extended time period. The court also held, however, that the information was not subject to suppression in the defendants' trial because the officers acted in good faith reliance on the court orders issued under federal statutory law, and when they were issued neither the Fourth Circuit nor the United States Supreme Court had ruled that the court orders were constitutionally deficient under the Fourth Amendment.