

## Criminal Justice Highlights of the Supreme Court's October Term 2013



State Public Defender Conference 2014  
Cecelia Klingele

### Search & Seizure



- *Fernandez v. California*

QP: Whether a defendant must be personally present and objecting when police officers asks a co-tenant for consent to conduct a warrantless search or whether a defendant's previously-stated objection, while physically present, to a warrantless search is a continuing assertion of 4th Amendment rights which cannot be overridden by a co-tenant?

Held: Co-tenant's prior objection to entry and search does not bar police entry and search when the objecting co-tenant is absent and a different co-tenant is present and gives consent.

Why it matters: Narrows the reach of *Randolph v. Georgia*



### Search & Seizure



- *Navarette v. California*

QP: Whether the Fourth Amendment requires an officer who receives an anonymous tip regarding a drunken or reckless driver to corroborate dangerous driving before stopping the vehicle to stop a vehicle?

Held: Under the totality of the circumstances, the anonymous 9-1-1 call in this case bore sufficient indicia of reliability to provide the officer with reasonable suspicion that the driver of the reported vehicle was driving while intoxicated.

Why it matters: Reduces the scrutiny given to 9-1-1 reports by motorists alleging driving violations by other vehicles.



### What Made the Tip Sufficiently Reliable?

- Eyewitness description of details
- Predicted location confirmed
- Contemporaneous reporting of a "startling" event
- Use of 9-1-1 (recordable, traceable)





## Search & Seizure

Riley v. CA; U.S. v. Wurie:



QP: Whether the Fourth Amendment permits the police, without obtaining a warrant, to review the digital contents (*Riley*)/call log (*Wurie*) of a cell phone found on a person who has been lawfully arrested

Held: The police generally may not, without a warrant, search digital information on a cell phone seized from an individual who has been arrested.

Why it matters: Resolves division among lower courts, strengthens protection for digital information.



## Cell Phones Are Different Because...

- “A cell phone collects in one place many distinct types of information . . . that reveal much more in combination than any isolated record.”
- “A cell phone’s capacity allows even just one type of information to convey far more than previously possible. The sum of an individual’s private life can be reconstructed . . .”
- “The data on a phone can date back to the purchase of the phone, or even earlier.”
- “There is an element of pervasiveness that characterizes cell phones but not physical records.



## Other Cases

### *United States v. Castleman*

Defendant’s conviction for having “intentionally or knowingly cause[d] bodily injury to” the mother of his child qualifies as a “misdemeanor crime of domestic violence” under the ACCA.

### *McCullen v. Coakley*

Massachusetts “buffer zone” law burdened speech more substantially than necessary to promote gov’t interest in public forum speech.

### *Kansas v. Cheever*

The Fifth Amendment does not prohibit the government from introducing evidence from a court ordered mental evaluation of a criminal defendant to rebut that defendant’s presentation of expert testimony in support of a defense of voluntary intoxication.



## Criminal Justice Highlights of the Supreme Court’s October Term 2013



State Public Defender Conference 2014  
Cecelia Klingele