

Class 15: Consent

Administrative

Next Time

Wednesday: 351-64; 366-69 (Note 4);
379-80 (Note 5); 381-89; Excerpt from
Comp. Drug Testing (website)

Last Time

Roadmap +

Seizures of Computer Data

Supreme Court's Definition

"Meaningful Interference with an individual's possessory interest in the property."

When is computer data seized?

Fact patterns

Full bitstream copy at border; hold indefinitely

consent to search; bitstream copy made;
kept after consent withdrawn

David: Was the "fortune" password seized?

Cases: Each ruled not a seizure

Hicks Copying serial number from bottom of phonograph

Aseltine Photographs of the scene

Gorshkov remote account accessed and all contents
copied (but not viewed)

Thomas FBI made photocopies, held not a seizure

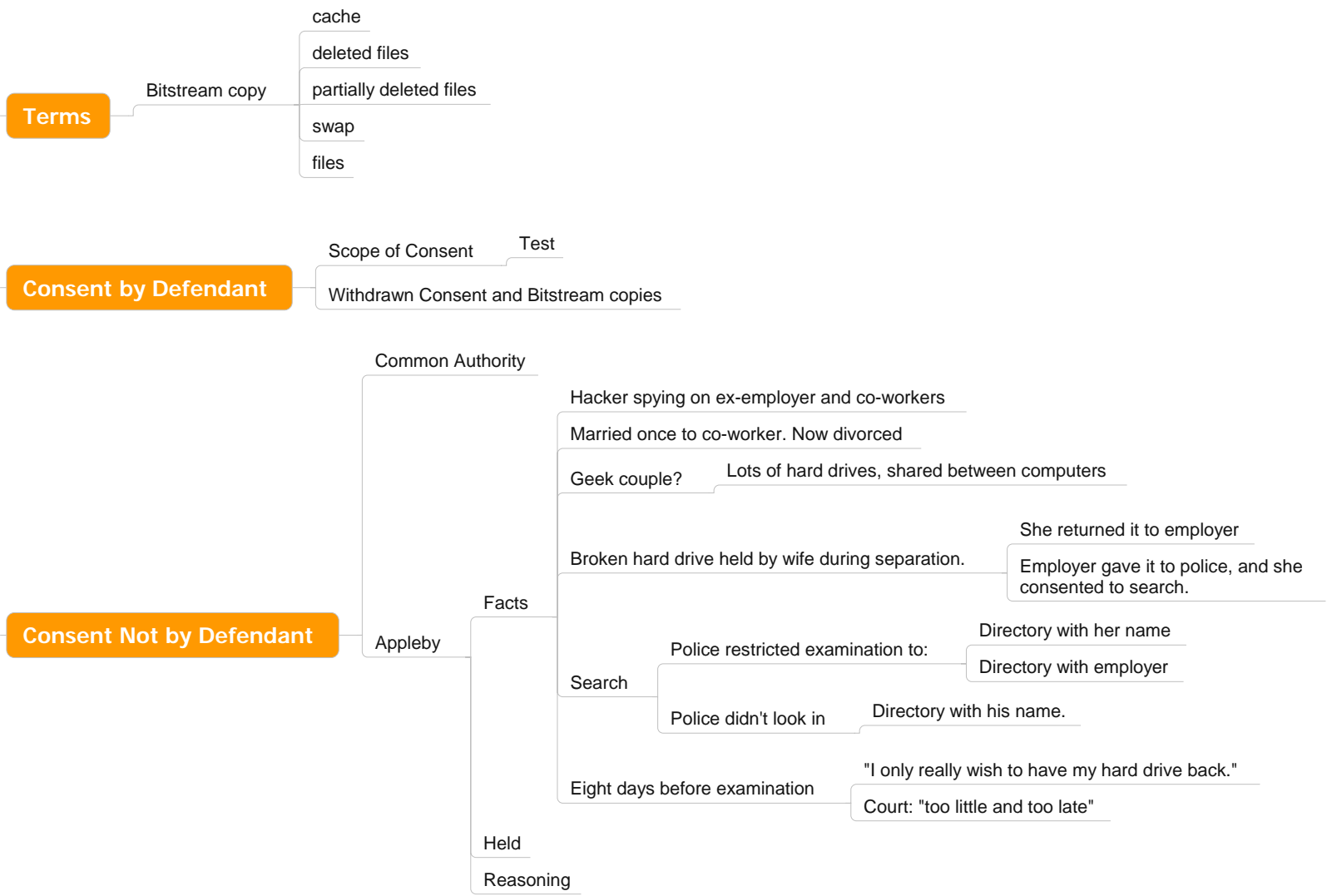
Scholars' Tests

Kerr +

Brennan +

Me +

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Consent Not by Defendant

