

Class 18: The Fourth Amendment and Networks, Part II

Administrative

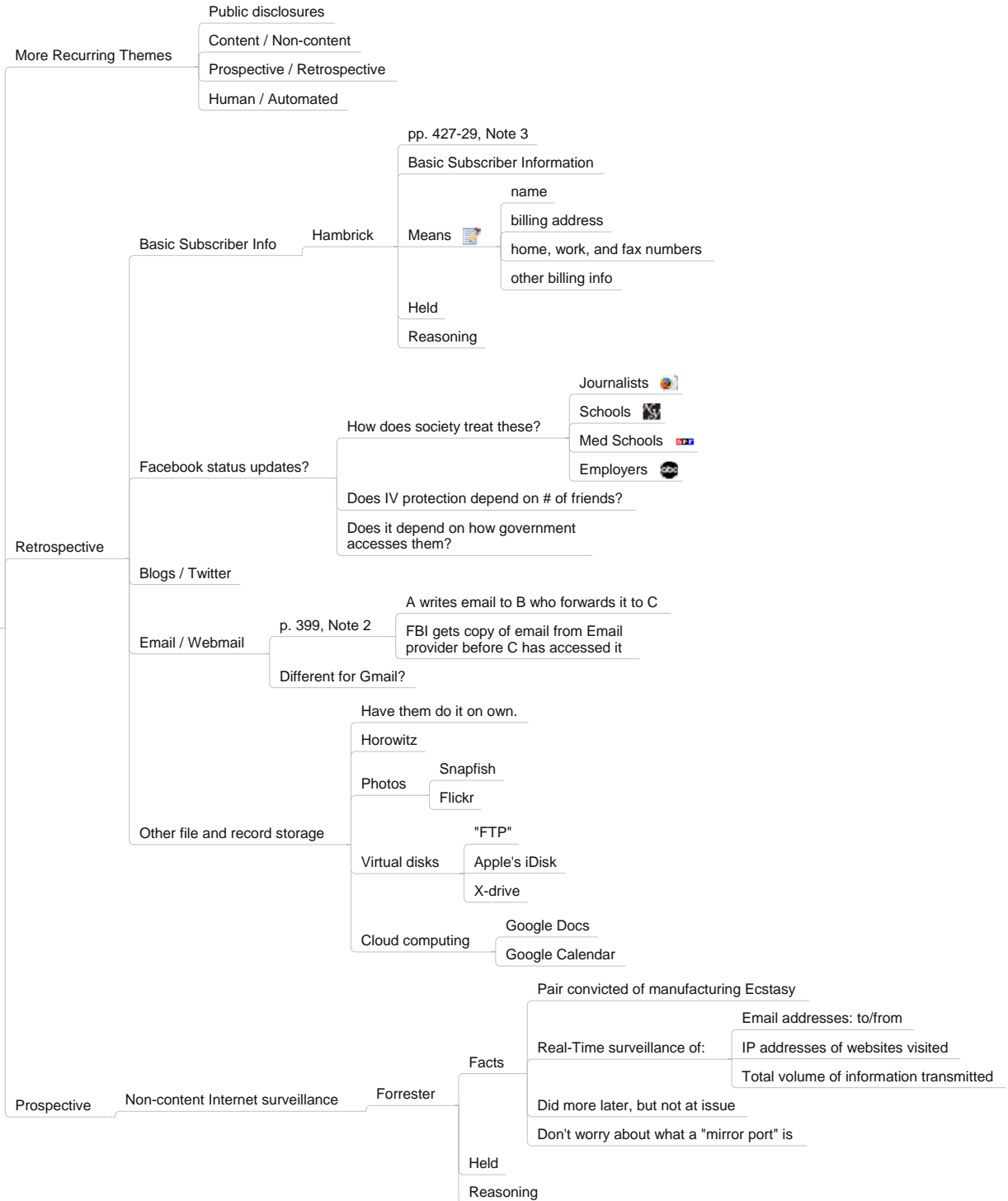
- Next Time
 - 446-463
 - Several statutory sections
- News Wednesdays
- No Office Hours today
- A bit more on upcoming conferences
 - New "two hour" rule
 - DU: 11/20, 9 AM - 4:30 PM
 - CU: 12/4, 1 PM - 5:45 PM
 - 12/4, ECPA Tutorial
 - I speak in 10 AM hour
 - Great Finals review
 - Reading will be posted for DU conference soon.

Last Time

- Katz / REP
 - REP
 - Overturning Olmstead's trespass approach
 - Subjective Prong
 - Objective Prong
- Analogies and Themes
 - Misplaced Trust
 - Hoffa
 - Bailor / Bailee
 - Ex Parte Jackson
 - 1877 case
 - Other e.g.'s listed on 408
 - private carriers
 - store clerks
 - airport baggage carriers
 - friends for safekeeping
 - Envelope versus Contents
 - The "Third Party Doctrine" cases
 - 408-09
 - U.S. v. Miller
 - Facts
 - Subpoenas to banks for bank records
 - Including checks and deposit slips filled out by suspect
 - Held
 - Reasoning
 - Assumption of Risk
 - What is a pen register? (FN1)
 - mechanical device
 - attached to a particular phone number
 - Records on a paper tape, all numbers dialed from the line.
 - Victim robbed
 - 75 Monte Carlo near scene
 - Robber began calling her at home on telephone, making threatening and obscene comments
 - Facts
 - "Step out onto front porch"
 - Saw Monte Carlo drive by
 - Police found 75 Monte Carlo in neighborhood,
 - From license plate, identified suspect, Michael Lee Smith.
 - Pen register at Smith's home.
 - No warrant or court order
 - 3/17: Smith called Victim
 - Warrant to search house
 - Further evidence (fruits)
 - Held
 - Reasoning
 - Dissent

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Specific Internet Technologies and the Fourth Amendment



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