

1.03-Activity 7

Read the U. S. Supreme Court cases, research using the internet and then give your response to the questions.

Case Law on Privacy**1. Alaska vs Smith-1973 and California v GREENWOOD and VAN HOUTEN**

The Alaska Supreme Court recognized that almost every human activity ultimately manifests itself in waste products and ... any individual may understandably wish to maintain the confidentiality of his refuse.

When garbage is placed in a dumpster located outside an apartment building that accommodates garbage from the other apartments, the owner should not have a reasonable expectation of privacy in his/her discarded garbage. The dumpster in this case was located in the parking area outside the building and was routinely collected by the municipality. It was also in "plain view" of the officers. The evidence seized from the garbage was properly cited in the affidavit in support of a search warrant for the defendant's residence.

Do you have an expectation of privacy when you place your garbage out on the curb or in this case a dumpster? Why or why not?

2. United States vs Jones, 2012

The key holding in *Jones* is a big enough deal. Investigators had applied for a search warrant to attach a GPS tracking device to Jones's car that would let them track its location 24/7. The warrant they received was good for 10 days, but for some reason they didn't get around to attaching the device until the warrant had expired. Despite the absence of a warrant, they nonetheless tracked his movements for 28 days.

The investigators discovered information that led to Jones's arrest on drug charges, but when the case went to District Court, his lawyers moved to suppress the GPS information because they argued it was the product of an illegal, warrantless search. Jones was later convicted of the drug charges and appealed his case ultimately to the Supreme Court.

Can police attach a GPS tracker to your car, or is that an invasion of your privacy? Why or why not?