

Forensics Lab 1
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United States v. Wanjiku, No. 18-1973

Q1.

Case Outline:

The charged party, Donald Wanjiku landed at O'Hare International Airport in Chicago on return from a trip to the philippines, while going through customs, he was called for secondary check by border agents.

During this process the border agents used forensics software to scan the unallocated partitions of his phone, hard drives and laptop and discovered deleted child pornography on them.

Donald then tried to have this evidence suppressed on the basis of his 4th amendment rights, as the searches of his electronic devices were warrantless.

He also cited the recent ruling by the supreme court in Riley vs California which ruled that cellphone data was private and required a warrant to obtain.

The court however disagreed, citing the Border Security exception to the 4th Amendment which allows border agents to perform warrantless searches with reasonable cause. The court found the border agents had probable cause to search his devices.

They didn't however rule specifically on the legality of warrantless device searches at borders in general as they were expected to, only stating that The border is a location "were the government interest is at its zenith" .

The court also made some interesting observations such as suggesting that since Riley Vs California only covered Cellphones, data on other devices may not be protected.

Despite the fact the Supreme court has ruled in Riley Vs California and other cases that citizens have extraordinary privacy interest in their electronic devices and that diminished privacy interest does not negate 4th amendment rights.

In the long run hopefully this ruling will be vacated, to prevent the vast overreach of border security in the United States.

Q2.

See Attached PDF