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CS 371
Assignment 11 – IRAC Analysis
12 Dec 2016

Issue

The issue here is whether or not person A could be found not guilty for the charges of using ecstasy, ketamine, and marijuana while serving in the United States Marine Corps.

Rules

According to the Uniform Code of Military Justice or UCMJ for short, any form of illegal or non-prescription use of narcotics and other controlled substance is illegal. If person A is caught using any of those drugs, they are subject to prosecution under the articles of UCMJ.

The 4th amendment protects the “right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” The protection of the 4th amendment also extends into the workplace, including Government offices.

The Supreme Court has ruled that an employee may have an expectation of privacy in the workplace. However, employers also have the right to monitor activity that is conducted on company equipment and time.

Analysis/Application

Person A was producing her private emails on a government computer and government network. Person A emailed fellow Marines about her fear of an upcoming urinalysis exam because of her recent use of illegal drugs. Person A was

also discussing different ways of masking the illegal drugs from showing up in the urinalysis. Person A's emails were found by law enforcement officials requesting the emails from a system administrator who was able to obtain those emails. Person A believes her emails were obtained in violation of the 4th amendment and her right to privacy.

Person A had a friend who testified against her. The friend stated that she had approached him and confessed her fear of the upcoming urinalysis test. The friend also stated that Person A was discussing different methods of masking the drugs from appearing in the urinalysis.

Person A was also testified against by a few fellow Marines who stated that they participated in using illegal drugs with person A. They also confessed on when, where, and how the drugs were taken.

The possible error of conviction from judge was also brought into question. The question was if there was enough incriminating evidence regardless of the illegal obtainment of person A's emails.

Conclusion

Without evidence obtained illegally through seizure of emails, it has been determined person A is guilty of the crimes she has been accused of. It has also been determined that the seizure of person A's emails was legal and within the rights of law enforcement and the system administrator.