

## Long N To – 29810842

### Assignment 6

#### Question 1:

- a. Policers didn't require a warrant because Tucker agreed to "permit agents of Adult Probation and Parole to search my person, residence, vehicle or any other property under my control, without a warrant, at any time, day or night, upon reasonable suspicion to ensure compliance with the conditions of my parole."

- b. Definition:

Reasonable suspicion: is merely a particularized and objective basis for suspecting criminal activity.

Distinction:

Reasonable suspicion is less demanding than probable cause.

- c. 172 F.3d 1268 (10th Cir.1999), United States v. Carey establishes that permission to search a residence does not extend to permission to search computer files therefore he argued the search wasn't permissible

d. In Carey, the defendant was suspected of selling illegal drugs. So the two cases were different because Tucker was suspected of possessing CP. While in Carey's case, policers didn't need to search computer files to find evidences of defendant's selling drugs. Therefore, unlike the consent agreement in Carey, court decided to allow policers to search his computer files.

- e. The "plain-view doctrine" for search warrant in Tucker's case was policers wasn't able to seize the items they searched. But there's exceptions for this case when these 3 three conditions are met:

1. The seizing officer must not have “violated the Fourth Amendment in arriving at the place from which the evidence could be plainly viewed.”
2. The item must be in plain view and its incriminating character must be “immediately apparent.”
3. The officer must have a lawful right of access to the object

### **Question 2:**

6 indications of contraband possessions used by courts when deciding cases:

1. the defendant's knowledge of the contraband
2. the defendant's destruction of the contraband;
3. the defendant's manipulation of and control over the contraband
4. the defendant's actions to seek out and obtain the contraband
5. the amount of contraband found
6. any other extraneous, relevant evidence

### **Question 3:**

I think the most defensible and fair definition of “possessing” is finding and downloading (storing). Viewing shouldn’t be listed as possessing because defendant can unintentionally see CP. The same with deleting case: if someone downloaded CP on defendant’s computer and he deleted it when he found out. That means he didn’t intend to store illegal stuffs.

### **Question 4:**

Questions that describe circumstances where the operation of the exploit code could be material to the defense:

1. Does the ID number uniquely identify a single user of the site?
2. What did the NIT seize from the defendant's system and send to the logging service?
3. Did the NIT correctly gather the seized information?
4. Did the NIT seize additional information from the defendant's system and send it to a different system on the internet?
5. Did the NIT introduce additional weaknesses to the defendant's computer?