Paul was stopped for speeding by Patrol Officer Meadows, who asked Paul for a valid license and current regis tration. Paul had neither, so Officer Meadows had him step out of the car and arrested Paul, but did not immediately handcuff him for the misdemeanor traffic violations.

Officer Meadows then patted Paul down and, when feeling a hard object in his jacket, reached into the jacket and removed a bright red smart phone. Officer Meadows handcuffed and locked Paul in the back seat of his cruiser. While waiting for backup and a tow truck outside his cruiser, Officer Meadows began to manipulate Paul's smart phone, first looking through pictures and then text messages.

Officer Meadows saw two pictures of a dead body with gunshot wounds. A notation under the pictures said "dead rat." A further search of the phone revealed text messages contemporaneous with the pictures. The text message of concern said, "Boss, rat is dead; payment needed."

The phone was eventually turned over to a homicide detective who, unbeknownst to Officer Meadows, was investigating Paul for the death of a police informant. On the strength of the phone and other evidence, Paul was charged with murder. Paul's attorney moved to suppress the phone and its contents, contending the seizure of the phone and the search of its contents violated Paul's Fourth Amendment rights because no search warrant had been issued.

The prosecutor responded no warrant was necessary because the seizure of the phone and the search of its contents were justified by the search incident to arrest exception to the warrant requirement. The prosecutor added that both the phone and its contents had independent significance to the murder prosecution.

1.   Can the seizure of the phone be justified by the search incident to arrest exception?

2.   Can the search of the phone's contents be justified under the same exception?

Fully explain your answers.