

Jenner & Block Wins Landmark Supreme Court Victory in *Chatrnie v. United States*

News

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Jenner & Block Partner Adam Unikowsky has secured a landmark victory at the Supreme Court of the United States in *Chatrnie v. United States*, with the Court holding by a 6-3 vote that accessing a person's location data in the cloud is a "search" under the Fourth Amendment, requiring law enforcement to obtain a warrant satisfying the Constitution's probable cause and particularity requirements. The Court remanded the case to the US Court of Appeals for the Fourth Circuit to determine whether the specific geofence warrant used against Mr. Chatrnie met those requirements.

The case centered on a geofence warrant served on Google by law enforcement following a 2019 armed robbery of a federal credit union in Midlothian, Virginia. Using the warrant, police compelled Google to produce location data for every device within a 150-meter radius of the bank during a one-hour window around the robbery—without identifying a specific suspect. Police then compelled Google to turn over additional location data outside the 150-meter radius for certain devices. The data led officers to Mr. Chatrnie, who was subsequently charged with bank robbery. Although the district court found the geofence warrant was not supported by probable cause, it permitted the evidence under the good-faith exception to the exclusionary rule. The US Court of Appeals for the Fourth Circuit affirmed.

The Jenner team argued before the Supreme Court that sweeping the location data of every individual in a defined area during a specified time constitutes a search under the Fourth Amendment. The Court agreed. In an opinion by Justice Kagan, joined by Chief Justice Roberts and Justices Sotomayor, Kavanaugh, and Jackson, with Justice Gorsuch concurring separately in the judgment, the Supreme Court ruled that people have a reasonable expectation of privacy in their location history in the cloud.

"We are gratified by the Court's ruling, which recognizes that the Fourth Amendment's protections extend to the digital location data that technology companies collect about millions of Americans every day," said Adam. "This decision establishes that geofence warrants must meet the Fourth Amendment's particularity and probable cause requirements."

The matter was led by Adam, who argued the case before the Court, with support from Associates Laurel Raymond and Annie Warnke, Paralegal Supervisor Cheryl Olson and

Paralegal Mary Frances Patston.

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