

Discover PLUS Research Topics – Cell Phone Evidence

Discover PLUS is a great place to begin your research because all PLI publications are secondary sources that contain expert analyses of today's legal controversies. Our publications, form templates, and program transcripts provide users with authoritative background information, as well as insights into the positions of leading practitioners from law firms, corporations, government, and academia.

Scenario: After listening to the "Serial" podcast, a legal researcher is interested in learning more about using cell phone records as trial evidence.

Search: "Cell phone" /s evidence

Results: Search results include publications such as *Electronic Discovery in Criminal Investigations and Trials 2014* and *Trial Evidence Brought to Life: Illustrations from Famous Trials, Film and Fiction*; and PLI program transcripts, such as "Supreme Court and Informational Privacy: Bringing the Fourth Amendment into the 21st Century".

Expert contributors to PLI materials on this topic:

Doug Koff – Paul Hastings LLP; Professor Martin A. Schwartz – Touro Law Center; Georgene M. Vairo – Loyola Law School

The screenshot shows the Practising Law Institute Discover PLUS search results page. The search query is "Cell phone" /s evidence. The results are filtered by Date (After 2012), Format (Answer Books, Forms, Course Handbooks, Transcripts, Treatises), and Date (2015, 2014, 2013, 2012, 2011). The results are sorted by Relevance and show 55 total results, with 1-10 displayed. The first three results are:

- Paul Hastings, Stay Current, Client Alert: District Court Holds that Rule 10b-5 Insider Trading Provisions Apply to Credit Default Swap (CDS) Contracts**
Title: Understanding the Securities Laws 2012
Author(s): Douglas Koff
Published: 2012
CHB Chapter
... That's all I have to f---ing say." Rorech asked whether they would "go out soon or what?" Negrin replied, "Yeah, I'm going to have to take you out" and mentioned that he now owned 20 million Euros worth of VNU CDSs, which Rorech called "a nice little kiss." Id., at *21. But because both Rorech and Negrin testified at trial that they could not recall the substance of the **cell phone** conversations at issue, the SEC had no **evidence** of what was actually said on those calls. In rejecting the SEC's argument that the circumstantial **evidence** surrounding the **cell phone** calls permitted the court to draw an inference of wrongdoing, the court focused on the fact that Rorech, as a salesman for the underwriter for the VNU transaction, was properly speaking to potential investors at the time about interest in a possible bond offering. ...
- Riley v. California: The Dawn of a New Digital Age of Privacy**
Title: Electronic Discovery in Criminal Investigations and Trials 2014
Author(s): Justin P. Murphy, Louisa K. Marion
Published: 2014
CHB Chapter
... On review, the First Circuit panel reversed, eschewing a fact-specific approach in favor of a bright-line rule: "The search-incident-to-arrest exception does not authorize the warrantless search of data on a **cell phone** seized from an arrestee's person." The panel held that the **evidence** should have been suppressed and vacated Wurle's conviction. Riley. The search in Riley was much broader. Police stopped Riley for driving with expired registration tags. ...
... , the government argued for warrantless searches whenever it is reasonable to believe that the **cell phone** contains **evidence** of the crime of arrest. Chief Justice Roberts noted that cell phones do not bear the Gant ...
- Selected Federal Evidence Decisions 2013 (January 5, 2014)**
Title: Trial Evidence 2014: Advocacy, Analysis, Illustrations
Author(s): Martin A. Schwartz
Published: 2014
CHB Chapter
The court was concerned that emails are "typically a more casual form of communication than other records