

U.S. v. Jones, --- U.S. --- (2012)
Decided January 23, 2012

FACTS: In 2004, Jones, a nightclub owner, became a suspect in a trafficking case. As part of the information gathered from other sources, the Government got a warrant for the use of an electronic tracking device on his vehicle. The Court issued a warrant and the device was to be installed within 10 days and within the District of Columbia. The device was installed on the 11th day, however, and while the vehicle was in a public parking lot in Maryland. They tracked him for 28 days, and in fact, had to replace the battery at one point, again, while it was in a public lot. They collected for than 2,000 pages of data over the four weeks.

Jones was indicted on a variety of drug trafficking charges. He moved to suppress the evidence gained through the device, and the court agreed to suppress the data while the vehicle was parked in his own garage. It concluded the remaining data could be admitted, because “a person traveling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another.”¹ The jury hung in his first trial, and he was retried. He was convicted. Jones appealed to the U.S. Court of Appeals for the District of Columbia Circuit, which reversed his conviction because of the admission of the GPS evidence. The Government appealed and the U.S. Supreme Court granted certiorari.

ISSUE: Is attaching a tracking device physically to a vehicle a trespass that required a warrant?

HOLDING: Yes

DISCUSSION: The Court agreed that the “Government’s installation of a GPS device on a target’s vehicle, and its use of that device to monitor the vehicle’s movements, constitutes a search.” The Court emphasized that the officers “physically occupied private property for the purpose of obtaining information.” The Court noted that in *Knotts*, the tracking device was on a container before it came into *Knotts*’ possession, and was placed there with the consent of the owner at the time. In the “second ‘beeper’ case,” *U.S. v. Karo*² the circumstances were much the same – the device was placed on item before it came into the possession of the suspect.

In this case, however, Jones “possessed the Jeep at the time the Government trespassorily inserted the information-gathering device,” which placed it “on much different footing.” The officers did more than just observe the vehicle, the “encroached on a protected area.”

¹ *U.S. v. Knotts*, 460 U.S. 276 (1983).

² 468 U.S. 705 (1984).

The Court noted that “situations involving merely the transmission of electronic signals without trespass,” however, would remain subject to the analysis in Katz.³ The Court found it unnecessary to consider whether Jones had a reasonable expectation of privacy, as discussed in Katz, because the officers clearly invaded his vehicle for the purpose of attaching the device.

The Court upheld the reversal of Jones’s conviction.

Full Text of Opinion: <http://www.supremecourt.gov/opinions/11pdf/10-1259.pdf>.

³ Katz v. U.S., 389 U.S. 347 (1967).