



E-BRIEFS



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Special Points of Interest:

- *Grady v. North Carolina– Electronic Privacy Gets a Boost*
- *I Got a Traffic Ticket– Should I Get a Lawyer?*
- *Essay Contest Deadline*

GRADY V. NORTH CAROLINA– ELECTRONIC PRIVACY

The Supreme Court did something fairly rare in its history in late March– it issued a summary order in a case without having it briefed or argued before the court.

The issue related to the sex offender monitoring program in North Carolina. North Carolina requires any person convicted of a crime which places them on the sex offender registry to wear an ankle bracelet for the purposes of tracking their movements for the rest of their lives. Grady challenged that statute and the Supreme Court of North Carolina ruled against him finding that the requirement was not a search as contemplated by the Fourth Amendment. That is, that law enforcement could place a tracking device on Grady, with or without his knowledge, and without a warrant because it wasn't a search.

The interesting part to this case is that the ankle monitor is a form of electronic surveillance and the court, including the United States Supreme Court, have been struggling with how to handle electronic data for many years now. One of the crucial, and undecided



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RECENT NEWS– ESSAY CONTEST DEADLINE

The Tenth Annual Law Day Essay Contest was announced in February and the deadline for entries is rapidly approaching.

This year's topic focuses on the First Amendment and asks students of the five protections of the First Amendment (Religion, Speech, Press, Assembly and Petition for Redress) which is the most important– and why?

Entries are due by April 15, 2015. Winners will be announced on Law Day, May 1, 2015.

Full details, and some materials explaining the topic are available on our website: www.warrencaswelllaw.com



GRADY— CONTINUED FROM PAGE 1

questions, is whether electronic data is even entitled to Fourth Amendment protection. Many courts have ruled that it is not, at least not in all cases. For example, in many states if you send your mother a letter via the postal service then law enforcement cannot read that letter without a search warrant signed by the judge. However, in the same state, the same letter can be read by law enforcement without a warrant if you send the letter by email or as an attachment to an email. In short, anything that is converted to electronic data (and what isn't these days) is open ground for the government.

Here, the Supreme Court is offering a rule that at least *sometimes* electronic data is entitled to protection. The Supreme Court found that the monitoring program while not *per se* unconstitutional does involve the Fourth Amendment and a privacy analysis is required. Such a statement from the Supreme Court indicates, that there *may* be a time when our electronic data (our cell phones, emails, etc) will be as secure as the papers in our briefcase (remember those) and our telephone calls over a land line (remember those?). Such a ruling may also give hope to

I GOT A TRAFFIC TICKET, SHOULD I GET A LAWYER?

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Driving along you are making good time to your destination, all of a sudden you look up and see a police car, you look down and your speedometer is higher than you remember— or intended! You keep watch and sure enough, the cop is pulling out now and next thing you know you are pulling to the side of the road with blue lights flashing behind you. Should you just pay the ticket or get a lawyer. The answer is clear— in today's day and age you need that lawyer.

It wasn't long ago that getting a traffic infraction was no big deal, you were out a small wad of cash, but no ill and lasting harmful effects beyond a few months of increased insurance premiums. Nowadays that ticket can lead to permanently increased insurance rates, a criminal record, a lowered credit score and a suspended license. Increasingly States, including Georgia, are including traffic offenses on criminal records because they are misdemeanors, this can affect your ability to get a job. And in certain circumstances the ticket, even if it is your first in a lifetime could lead to the suspension of your driver's license— which could definitely affect your ability to KEEP your job. What if you need time to pay— more and more that means being placed on probation. Probation means monitoring and a monthly fee on top of your fine. Worse, a violation of probation (like another speeding ticket) can mean jail.

A lawyer, at least a good one, knows the consequences of a traffic conviction and better— knows how to avoid them. Fees for traffic tickets are usually less than what most people might believe also. This is because the work involved is, while complicated, usually quick to complete. While more serious traffic offenses, like DUI and Hit and Run, can cost in the multiple thousands of dollars, a run of the mill speeding

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privacy activists concerned by warrantless searches by police using infrared detectors and other technology to see through walls and into private residences, etc. Many such searches have been upheld on the basis that if citizens expect to have privacy in the heat emissions of their homes they must take active steps to block such emissions.

The summary order in the Grady case was unsigned, but we can presume that a majority of the justices were on board with the order. Likely, we will see this case again in a future term of the court— possibly for a full analysis and opinion.

As our society moves to storing, and interacting, in an electronic medium more and more the state of law as to what we can expect to be private and what we must acknowledge is public will have to be better addressed by the law. If the legislature, or the people, don't make those decisions then they will be made for us by the Courts.

Traffic Ticket— Cont'd from P. 2

ticket will be a fraction of that cost in total. Given the money that will be saved in increased insurance, extra fines and fees imposed by the state and reinstatement fees the lawyer's fee ends up being a Dollar Store bargain by comparison.

Next time you receive a ticket it is, at the very least, worth it for a consult with a lawyer to make sure that there are no hidden landmines or other dangers to just "paying the ticket and getting it over with" because once that is done you have pled guilty and it's hard to undo that— even if the lawyer is great!