Chatrie v. United States: The Court Brings Geofence and Cell-Phone Location Data Squarely Within the Fourth Amendment

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Cert. to the U. S. Court of Appeals for the Fourth Circuit

The bottom line

Police conduct a Fourth Amendment search when they obtain a person's cell-phone location data from a tech company. That is the holding. It does not matter that the data covers only two hours. It does not matter that a third party stored it. *Carpenter v. United States*, 585 U. S. 296 (2018), now reaches Google's Location History, and the Court read it for all it is worth.

But read the holding for what it is. The Court decided only that a *search* occurred. It did not decide whether this geofence warrant was *reasonable* — whether it met probable cause and particularity at each step. That question goes back to the Fourth Circuit. So does the good-faith question that may yet sink Chatrie's suppression motion. The defense won the doctrine. Chatrie has not yet won his case.

Vote: 6–3 that a search occurred. Kagan, J., wrote for a five-Justice majority (Roberts, C. J., and Sotomayor, Kavanaugh, and Jackson, JJ.). Jackson, J., concurred (joined by Sotomayor, J.). Gorsuch, J., concurred in the judgment on a property theory — the sixth vote for the judgment. Alito, J., dissented (Thomas, J., joining only Part I; Barrett, J., joining Parts II–B, II–C–1, and II–C–2). Barrett, J., also dissented separately.

How the case got here

On May 20, 2019, a man robbed a credit union in Midlothian, Virginia. Slip op., at 6 (maj.). Witnesses and surveillance footage showed the robber approaching from a corner of an adjacent church, appearing to talk on a cell phone. Id., at 6–7. The trail went cold.

So the police turned to Google. They obtained a geofence warrant — a warrant that asks Google to identify the cell phones inside a mapped area during a set window. Id., at 5–8. The data source was "Location History," a Google service that logs a phone's position roughly every two minutes, pinpoints it within about twenty meters, and can even estimate which floor of a building the phone is on. Id., at 3–4. Over 500 million users worldwide had enabled it. Id., at 3.

The warrant ran in three steps. Step one: Google produced anonymized location data for all phones inside a 150-meter geofence during the hour around the robbery — 19 devices. Step two: officers narrowed the list, and Google produced expanded data (two hours, inside and outside the geofence) for nine devices. Step three: officers narrowed again to three, and Google handed over identifying information. Id., at 7–8. One of the three was Chatrie. Id., at 8.

The District Court found the warrant "plainly violate[d]" the Fourth Amendment but admitted the evidence under the good-faith exception. Id., at 8–9; *see* 590 F. Supp. 3d 901, 905, 937–938

(ED Va. 2022). A divided Fourth Circuit panel affirmed on different ground — no search at all. The *en banc* court affirmed in a one-sentence per curiam, splitting 7–7 on whether a search occurred. Slip op., at 9. The Court granted certiorari on that single question. Id., at 9.

The majority (Kagan, J.): accessing cell-phone location data is a search — full stop

Carpenter controls, and Location History is the easier case.

The majority started where the defense would want it to start: *Carpenter*. That case held that accessing seven days of cell-site location information (CSLI) is a search because people have a reasonable expectation of privacy "in the whole of their physical movements." Slip op., at 13–15 (quoting *Carpenter*, 585 U. S., at 310). Everything that made CSLI a search applies to Location History — and then some. Id., at 16.

Location History is more precise: twenty meters versus a cell sector of one-eighth to four square miles. Id., at 16. It is more frequent: roughly 720 fixes a day versus 101. Id., at 16–17. It can read elevation — a doctor's office on the first floor, a private apartment on the tenth. Id., at 17. And it is more personal. CSLI is the carrier's business record; most users never see it. Location History is the user's own diary of his travels, like his emails, photos, and calendars. Id., at 17–18. The resemblance to Carpenter, the Court said, "practically leap[s] off the page." Id., at 16.

Two hours is enough. There is no Fourth Amendment grace period.

The Government's lead argument was duration: two hours is too short to count. The Court rejected it on three levels. First, short windows still expose private life — the trip to "the psychiatrist, the plastic surgeon, the abortion clinic, the AIDS treatment center, the strip club, the criminal defense attorney, [or] the by-the-hour motel." Id., at 19–20 (quoting *Jones*, 565 U. S., at 415 (Sotomayor, J., concurring)). Second, the Fourth Amendment does not switch on only once an intrusion "goes too far"; where it applies, it applies regardless of how much the search turns up. Id., at 20–21. Third, *Knotts*'s public-roads beeper case does not save the Government, because Location History reaches into private spaces a beeper never could. Id., at 21–23.

The Government even conceded that tracking someone into a home "would 'probably' be a search" — but argued it didn't matter because Chatrie went to a residential area, not home. Id., at 23. The Court turned the concession against it: whether something is a search "does not depend on what it finds." Id., at 23 (citing *Di Re*, 332 U. S., at 595 ("In law it is good or bad when it starts")). The duration argument collapsed.

The third-party doctrine does not apply — and the Government's "opt-in" line proves too much.

The Government's fallback was the third-party doctrine of *Miller* and *Smith*: share data with a company, lose your Fourth Amendment claim. *Carpenter* already refused to apply that rule to CSLI, and the majority refused again. Slip op., at 24–26. Location History is more revealing than CSLI and is "not truly 'shared'" in any ordinary sense — it is the automatic byproduct of using a modern phone. Id., at 25–26.

The Government tried to distinguish Location History as a voluntary "opt-in" add-on that only a third of users enable. Id., at 26. The majority found that proof too much. Almost everything on a smartphone — Gmail, Google Photos, Google Calendar — requires an affirmative opt-in and shares data with a third party. Id., at 28. If opting in forfeits Fourth Amendment protection, then "all of us are living in dumb flip-phone days." Id., at 28. A user does not surrender his privacy "just by doing the ordinary things cell-phone users do." Id., at 28–29.

The Court also flagged the unworkable line-drawing the Government invited: What percentage of users makes a feature "non-voluntary"? Eighty percent? How would anyone know in advance? Id., at 27–28. The whole approach was "on the wrong track." Id., at 28. The Court closed on Brandeis's *Olmstead* dissent and the duty to keep the "progress of science" from eroding the Fourth Amendment. Id., at 32–33.

What the Court expressly left open.

The reasonableness question — whether this multi-step warrant satisfied probable cause and particularity at each step — goes back to the Fourth Circuit. Id., at 29–32. So does the good-faith exception, which the Court declined to touch. Id., at 10, n. 4. And a footnote preserves warrantless geofence searches under exigent circumstances. Id., at 29, n. 11.

Jackson, J., concurring (with Sotomayor, J.): the warrant itself was defective

Justice Jackson would have gone further and held the search unreasonable. Jackson, J., concurring, at 1. Steps two and three handed officers a "roving commission." The warrant said only that officers would "attempt to narrow down the list," with no requirement that they do so and no criteria for how. Id., at 1–2 (quoting *Berger v. New York*, 388 U. S. 41, 59 (1967)). That let police gather sensitive data — expanded location histories and identities — without ever returning to a magistrate for probable cause. Id., at 2.

And the facts proved the danger. Officers initially sought unbounded data on all 19 devices and narrowed only because Google insisted. Id., at 2. Three of the nine devices showed trips to residences, a school, and a hospital. Id., at 2. The warrant supplied no "judicial check." Id., at 2. This concurrence is a roadmap for attacking multi-step geofence warrants on remand and elsewhere.

Gorsuch, J., concurring in the judgment: forget Katz — Location History is your "effect"

Justice Gorsuch agreed Chatrie won but rejected the *Katz* "reasonable expectation of privacy" test root and branch. Gorsuch, J., concurring in judgment, at 1–4. He calls it untethered from text and history, unworkable in application, and saddled with the "indefensible" third-party doctrine. Id., at 1–4. His verdict on the current state of the law: we know a reasonable expectation of privacy "when we see it." Id., at 3–4.

His alternative is property. Location History is one of Chatrie's "effects" under the Fourth Amendment's text. Id., at 4–7. Google's own terms called it "your information," which Chatrie could review, edit, export, and delete — the "sticks in the bundle" of property, including the right to exclude. Id., at 5. State computer-crime statutes in Virginia, Texas, Georgia, and a majority of States treat digital data as personal property. Id., at 5–6. Entrusting an effect to a third party "for certain agreed purposes doesn't mean [it is] no longer yours." Id., at 7–8. The search happened when the Government enlisted Google as its agent to rummage through that effect. Id., at 7–8 (citing *Skinner*, 489 U. S., at 614).

For defenders, the takeaway is tactical: plead the property theory alongside Katz. Gorsuch notes that litigants too often forfeit the traditional argument by relying on Katz alone. Id., at 6. Don't.

Alito, J., dissenting: an "advisory" opinion that unshackles Carpenter

Part I — justiciability. Justice Alito would have dismissed the writ as improvidently granted or affirmed on good faith. Alito, J., dissenting, at 1–7. His point: nothing in the majority opinion disturbs the Fourth Circuit's good-faith holding, so the decision changes nothing for Chatrie and is effectively advisory. Id., at 2–6. He also notes Google has since changed Location History to store data on-device, so it can no longer answer this kind of geofence warrant — making the question one "that time [will] soon bury." Id., at 6 (quoting *Darr v. Burford*). (Justice Thomas joined this Part.)

Part II — the merits. On the substance, Alito would find no search. Under 19th-century doctrine, compelled document production was never a search and the records were a third party's. Id., at 8–10. Under 20th-century doctrine, *Miller*'s third-party rule controls: Chatrie voluntarily conveyed his location to Google, which was "no neutral custodian," so he assumed the risk of disclosure. Id., at 10–13. And *Carpenter* itself, Alito argues, does not reach this case — its holding was keyed to seven-plus days of comprehensive data, while this was two hours centered on a public place, from a service most users decline. Id., at 14–17.

His central charge is that the majority "announces a new rule": a warrant for *any* cell-phone location data, "however brief the duration, however innocuous the request, and however voluntarily" disclosed. Id., at 18. The "location information" limit, he warns, "might as well be written on the dissolving paper sold in magic shops." Id., at 18 (quoting *Fulton*). Then comes the parade defenders should note — and use. If Location History is protected, why not Amazon purchase history, Google search history, Venmo logs, Apple Pay, or bank records? Id., at 19–20. Alito means it as a reductio. Defenders should read it as a brief bank.

Barrett, J., dissenting: short, and pointed

Justice Barrett's dissent is one paragraph. She has "no quarrel" with *Carpenter* or with the decision to grant certiorari — distancing herself from Alito's justiciability attack and his broader assault on *Carpenter*. But she agrees with Alito on the merits: under existing precedent, including *Carpenter*, Chatrie had no reasonable expectation of privacy "in data about his public movements

that he voluntarily disclosed to Google." Barrett, J., dissenting, at 1. That is why she joined only the narrow merits Parts of Alito's opinion, not Part I.

What this means for privacy law

Carpenter is now a principle, not a card with a seven-day expiration date. The Court rejected any durational floor. The trigger is no longer "how long" or "how comprehensive" but whether the technology lets police cheaply and retrospectively reconstruct movements that an officer of an earlier age could not. Slip op., at 16–18, 20–21. That is a far broader reading than the Government and the dissent wanted.

The third-party doctrine keeps shrinking for digital data. Miller and *Smith* survive, but the "not truly shared" carve-out now plainly covers data generated by ordinary smartphone use — not just CSLI. Slip op., at 24–29. The opt-in/opt-out distinction the Government pressed is dead as a Fourth Amendment line.

A property theory is now live at the Court. Gorsuch's concurrence, plus the majority's own "a user reasonably views as his own" language, gives the data-as-effects argument real traction. Watch for it to surface in cases about emails, cloud files, and search history.

The open questions are the next decade of litigation. Alito's list — Amazon history, Google searches, Venmo, Apple Pay, bank records, aggregated cross-service data — marks the battle lines. The majority pointedly refused to draw them. Slip op., at 21, n. 9.

What this means for your cases

1. Treat any government acquisition of cell-phone location data as a search — and demand a warrant.

Geofence data, Location History, CSLI, and likely GPS-style app data all qualify. If the government got it without a warrant, move to suppress. The two-hour window is no longer a defense for the prosecution.

2. The search holding is not the suppression holding. Mind the good-faith trap.

Chatrie established the search. He has not yet beaten the good-faith exception of *United States v. Leon*, 468 U. S. 897 (1984), which the Court left untouched. Slip op., at 10, n. 4. For warrants already executed in reliance on pre-*Chatrie* law, expect the Government to argue good faith hard. Build your suppression record around warrant defects that no reasonable officer could overlook — not just the abstract search question.

3. Attack multi-step geofence warrants step by step — Jackson wrote your outline.

Probe whether the warrant required narrowing, set criteria for it, and put a magistrate between the police and the expanded data at steps two and three. A warrant that gives officers a "roving commission" fails particularity and probable cause. Jackson, J., concurring, at 1–2; *see Berger v. New York*, 388 U. S. 41 (1967). The reasonableness fight is wide open after the remand.

4. Plead the property theory in the alternative.

Argue both *Katz* (reasonable expectation of privacy) and the property/"effects" theory Gorsuch laid out, citing your state's computer-data-as-property statute where one exists. Gorsuch, J., concurring in judgment, at 4–8. Preserving both lines costs nothing and hedges against the Court's long-term direction.

5. Push the holding outward to other digital records — carefully.

Where the government obtained Amazon history, search history, payment-app logs, or aggregated cloud data without a warrant, use Chatrie's reasoning — granular, retrospective, "not truly shared" — and Alito's own catalog of analogies. The majority did not extend the holding there, but it did not foreclose it either. These are good-faith litigation targets, not settled wins.

6. Note the practical wrinkle: Google changed Location History.

Since July 2025, Google stores Location History on the user's device and represents it can no longer respond to geofence warrants. Slip op., at 4, n. 2. The doctrine is what matters going forward; the specific Google geofence procedure at issue here is largely obsolete. Expect the fight to migrate to other providers, other data types, and direct-to-device acquisition.

In a sentence

Chatrie is a major win for digital privacy and a strong new tool for the defense — but it decides only that a search occurred, leaves the warrant's validity and the good-faith question for remand, and sets up the next wave of fights over everything else a smartphone knows about your client.

Prepared for circulation to the criminal defense listserv. Pin cites are to the slip opinion (609 U. S. ___ (2026)); verify against the official reporter before relying in a filing.