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### [Federal Appeals Court Rules Use of GPS Tracking Violates Fourth Amendment](#)

In a close 5-4 ruling, the US Court of Appeals for the District of Columbia decided not to do a full review of the reversal of a life sentence in the case of a man who was originally convicted of running a drug ring from a DC nightclub. A panel of three judges reversed the original sentence in the case due to a question of whether police use of GPS tracking violated defendant Antoine Jones' rights while evidence against him was gathered.

Jones' [Washington DC criminal defense lawyers](#) argued that when law enforcement officials installed GPS technology on the defendant's vehicle, his "reasonable expectation of privacy" per the Fourth Amendment was not taken into account. In an opinion, US Circuit Judge Douglas Ginsburg wrote that data collected via the GPS tracker on Jones' car was "essential to the government's case," and that a "reasonable person does not expect anyone to monitor and retain a record of every time he drives his car, including his origin, route, destination and each place he stops and how long he stays there." The American Civil Liberties Union and the Electronic Frontier Foundation both assisted in Jones' appeal of the original sentence.

One of the dissenting judges, Chief Judge David Sentelle, expressed concern that the earlier decision by the three-judge panel was ""inconsistent not only with every other federal circuit which has considered the case, but more importantly, with controlling Supreme Court precedent." Judge Sentelle was referring to the 1983 case U.S. v. Knotts, which involved police using tracking technology on a container of chloroform thought to be used in the manufacture of drugs. In part, the ruling stated that an individual "traveling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another."

Jones' appellate attorney commented on the Court of Appeals ruling. He said:

"We are pleased that the Court of Appeals has declined the Government's request for en banc reconsideration and has reaffirmed the constitutional concerns identified by Judge Ginsburg and the other members of the panel, Judges Tatel and Griffith."

This article is presented by Price Benowitz LLP, serving Virginia, Maryland and Washington DC. For more information, please visit our [Maryland Criminal Lawyers](#) and [Virginia Criminal Attorney](#) websites.