

CHATRIE V. UNITED STATES

A cut-and-insert update to The Affiant's Standard, New York Edition, reflecting the Supreme Court's June 2026 geofence decision.

How to use this memo. This is Manual Update Memo NY-01 for The Affiant's Standard, New York Edition. It updates the digital-evidence discussion in Part 6. Print it and insert it at the geofence and location-data subsection, or note the update in your margin. It reflects the law as of the decision date below. Verify against the slip opinion before relying on it in a contested matter.

What changed

On June 29, 2026, the United States Supreme Court decided *Chatrie v. United States*, No. 25-112. In a 6 to 3 decision written by Justice Kagan, the Court held that when law enforcement obtains a person's stored cell-phone location history through a geofence warrant, it conducts a search under the Fourth Amendment, because an individual has a reasonable expectation of privacy in records of the phone's location even when the government seeks only a limited time period and obtains the data from a third-party provider such as Google. The Court did not decide whether the warrant in the case satisfied probable cause and particularity; it left the reasonableness of the geofence warrant to the lower courts on remand.

Why it matters for the affiant

Chatrie settles the threshold question that had divided the lower courts: a geofence request for location history is a search, so it requires a warrant supported by probable cause and described with particularity. It does not hand affiants a template for a valid geofence warrant. The open questions the Court expressly left unresolved, whether a given geofence warrant establishes probable cause and whether it is particular enough, are precisely the questions this manual exists to help you answer. The decision raises the bar for the affidavit; it does not lower it.

What to do differently

- ☐ Treat every geofence or location-history request as a Fourth Amendment search requiring a warrant. Do not rely on a subpoena, a court order short of a warrant, or a third-party-consent theory.
- ☐ Establish probable cause that the location data will produce evidence of this specific crime, tied to time and geography, not a general hope that a device was nearby.
- ☐ Narrow the geographic radius and the time window to what probable cause supports. The tighter the geofence, the stronger the particularity.
- ☐ Build in the staged, minimizing protocol courts increasingly expect: an initial anonymized list, then narrowing, then identification only of accounts for which additional cause has developed.
- ☐ Preserve the reasoning on the face of the affidavit. Chatrie's remand turns on whether the warrant showed particularized probable cause; write so that a reviewing court can find it in the four corners.
- ☐ Note the practical caveat from the dissent: the provider has modified its location-history service in a way that may foreclose the specific geofence procedure used in Chatrie. Confirm what data the provider still retains and can produce before drafting.

Cross-references in this edition

Read this memo together with the Part 6 discussion of *Carpenter v. United States*, 585 U.S. 296 (2018), which Chatrie extends from cell-site location information to stored location history, and with the staleness and particularity checklists in the same Part. The ASC Suppression Database entry for *Chatrie* carries the current status and the related lower-court history.

Status. Decided by the United States Supreme Court, June 29, 2026. Remanded for a determination of the warrant's reasonableness. Watch for the remand decision, which will be the subject of a future update memo.