

Criminal Investigation in a Digital Age
University of Florida Levin College of Law
Spring 2026 Syllabus & Course Policies
Law 6930 – 2 credits

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Office Hours: TBD Other weekdays by appt.
Class location: HH 285-D
Class time: Thursdays from 6:00-8:00pm.

1. Course Description. This course will explore the interplay between digital data and devices and the current legal framework for federal criminal investigations. The course will cover federal statutes concerning electronic evidence gathering and surveillance (such as the Electronic Communications Privacy Act (as amended)), the Fourth Amendment, the Federal Rules of Criminal Procedure and the Federal Rules of Evidence, and federal executive branch policy. The course will involve in-depth statutory analysis as well as discussion of the practical and legal implications of criminal investigations and judicial process at the intersection of existing law and emerging technology.

This course will **not** provide an opportunity to satisfy the Advanced Writing Requirement.

2. Student Learning Outcomes. After completing this course, students should be able to:

- Describe the constitutional, statutory, administrative, and ethical framework of federal criminal investigations.
- Distinguish between the legal standards involved in obtaining evidence via subpoena, court order, and search warrant.
- Elucidate legal and policy issues surrounding the gathering of content and non-content data across varying temporal axes (historical, real-time, prospective), including by determining the necessary cause for gathering such data as well as whether given factual scenarios satisfy the requisite cause.
- Identify constitutional, statutory, policy, and ethical limitations on gathering evidence and using the evidence gathered.
- Engage in critical interpretation of selected statutes and rules discussed during the course; in particular, the Electronic Communications Privacy Act (as amended), the Federal Rules of Criminal Procedure, and the Federal Rules of Evidence.
- Based on a given fact pattern, craft a legal and ethical plan to investigate and, if appropriate, prosecute suspected illegal activity or defend a person accused of such activity.
- Elucidate the judicial role in federal criminal evidence gathering as well as the defense-side analysis concerning how to approach such evidence, including the potential suppression of electronic evidence.

3. Assessment of Student Learning and Grading Evaluation. I will assess your attainment of competency in these learning outcomes through a final examination. Your grade in the course will reflect the following:

- 85% of grade: cumulative final exam
- 15% of grade: participation in class, which reflects your “good faith completion” of assigned reading, assigned videos, any assigned problems and discussion questions, and any assigned quizzes.

4. Required Instructional Materials. No textbook is required. Instead, you are required to read and prepare materials that will be posted on Canvas, or available on Westlaw/Lexis or the Internet. Please be sure to register for the Canvas course and have any required materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments.

5. Attendance Policy. Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed two absences during the semester. To be “present,” a student must arrive to class on time. A student who fails to meet the attendance requirement may be dropped from the course. The law school’s policy on attendance can be found here: [UF Law Student Handbook and Academic Policies - Levin College of Law](#).

6. Class Preparation, Participation, and Experience. Consistent with ABA Standard 310, you should expect to spend at least four hours per week preparing for this two-hour course. Our time in class will focus on case explications and discussion of problems, big-picture questions, and hypotheticals. The tentative syllabus at the end of this document sets forth the topics we will cover in each class, as well as anticipated readings, videos, problems, and any occasional (ungraded) quizzes. Much of this material can be found on Canvas.

I expect each of you to attend class prepared. A portion (15%) of your grade is for class participation, which will reflect your good faith completion of all assigned work, including all assigned problems and discussion questions. To ensure meaningful participation from all class members and to help you build lawyering skills, **I will cold-call students using the Socratic method.**

7. Discourse, Inclusion, and the Classroom Ethos. As a law student and future lawyer, it is important that you can engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions.

As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—

the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions;
- speak honestly, thoughtfully, and respectfully;
- listen carefully and respectfully;
- reserve the right to change our mind and allow for others to do the same;
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers; and
- analyze and argue legal and ethical issues from different points of view, and not necessarily from a point of view held by you, me, or any person in class.

8. Exam. There will be a final exam in this course, which will account for 85% of your total grade. The remainder (15%) will be awarded for class participation reflecting good faith completion of all assigned problems, discussion questions, and quizzes.

The final examination will be an in-class, limited open book examination. It will likely contain multiple choice, short answer, and traditional law school essay questions. The exam will focus on material discussed in class, but all material and concepts covered in the course may be tested to some degree. Exams will be graded anonymously by exam number. The law school policy on exam delays and accommodations can be found here: [Exam Delays & Accommodations - Levin College of Law](#).

9. UF Levin College of Law Standard Syllabus Policies. Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found here <https://ufl.instructure.com/courses/427635/files?preview=98226140>

10. Other information about UF academic policies and resources can be found at [this link](#).

Criminal Investigation in a Digital Age

Spring 2026 Tentative Syllabus and Readings

This syllabus is offered as a guide to the direction of the course. Our pace will depend in part on the level of interest and the level of difficulty of each section and is subject to change.

A weekly syllabus of required reading for class preparation will be maintained on Canvas and updated each weekend.

Included at the end of the syllabus is a list of materials from which many of the weekly readings will be drawn. Not all these readings will be assigned, and others will be added, but these materials provide a resource as well as supplementary materials for additional enrichment.

Weeks	Topics	Assignments
1	An introduction: <ul style="list-style-type: none">- What makes an investigation federal?- Is electronic evidence gathering different?	
2	Grand jury, subpoenas, parallel proceedings, and humans	
3	Overview of the Supreme Court framework	
4	The tools available: statutes, rules, and polices	
5	Probable and other causes	
6	Searching devices	
7	The content of past communications	
8	Historical cell site and other location information	
9	Prospective and real-time location information	
10	Interception of communications	
11	FISA	
12	Suppression and other defense issues	
13	Jurisdiction, extraterritoriality, and other considerations	
14	Review	

Statutes, Acts, and Rules:

- ECPA - Pub. L. No. 99-508, 100 Stat. 1848, codified as amended at 18 U.S.C.A. §§2510 to 2521, 2701 to 2710.
 - Title III - 18 U.S.C. §§ 2510 to 2521.
 - SCA - 18 U.S.C. §§ 2701 to 2710.
- PR/TT - 18 U.S.C.A. §§ 3121 to 3127.
- FISA - (50 U.S.C.A. §§ 1801 et seq., 18 U.S.C.A. § 3121(a))
- USA PATRIOT Act of 2001, Pub. L. No. 107–56.
- Federal Rule of Criminal Procedure 41
- Federal Rule of Evidence 901
- Federal Rule of Evidence 1101

Administrative and Primary Materials:

- The Justice Manual, Title 9, Criminal.
- Florida Bar Rules 4-3.4, 4-3.8, 4-4.1, 4-4.2, and 4-4.3.
- Primary documents will be made available via Canvas and will include publicly available search warrants, affidavits, court orders, subpoenas, and responses to process.

The Supreme Court Framework:

- *Katz v. U.S.*, 389 U.S. 347 (1967) (reasonable expectation of privacy)
- *U.S. v. Miller*, 425 U.S. 435 (1976) (third party exception)
- *Smith v. Maryland*, 442 U.S. 735 (1979) (third party exception)
- *U.S. v. Knotts*, 460 U.S. 276 (1983) (the beeper case)
- *Kyllo v. U.S.*, 533 U.S. 27 (2001) (the thermal imager case)
- *U.S. v. Grubbs*, 547 U.S. 90 (2006) (anticipatory search warrants)
- *U.S. v. Jones*, 565 U.S. 400 (2012) (the GPS tracker case)
- *Riley v. California*, 573 U.S. 373 (2014) (cell phones are different)
- *Carpenter v. U.S.*, 585 U.S. 296 (2018) (where we are now)

The Grand Jury:

- *U.S. v. Calandra*, 414 U.S. 338 (1974)
- *In re Subpoena to Testify Before Grand Jury Directed to Custodian of Records*, 864 F.2d 1559 (11th Cir. 1989) (grand jury secrecy).
- *In re Grand Jury Subpoena (T-112)*, 597 F.3d 189 (4th Cir. 2010) (FISA / subpoena interplay and subpoena enforcement)

Parallel Proceedings:

- *Sec. & Exch. Comm'n v. Dresser Indus., Inc.*, 628 F.2d 1368 (D.C. Cir. 1980)
- *U.S. v. Lot 5, Fox Grove, Alachua Cty., Fla.*, 23 F.3d 359 (11th Cir. 1994) (parallel proceedings re civil forfeiture)
- *U.S. v. Gutierrez*, 931 F.2d 1482 (11th Cir. 1991) (use of IRS revenue agent for criminal investigation)

Probable Cause and Search Warrant Concerns:

- *Illinois v. Gates*, 462 U.S. 213 (1983)
- *U.S. v. Jiminez*, 224 F.3d 1243 (11th Cir. 2000)
- *U.S. v. Sigouin*, 494 F. Supp. 3d 1252 (S.D. Fla. 2019) (algorithm as probable cause)
- *Dalia v. U.S.*, 441 U.S. 238 (1979) (on the execution of the warrant)
- *U.S. v. Maali*, 346 F. Supp. 2d 1226 (M.D. Fla. 2004) (on specificity)
- *U.S. v. Wuagneux*, 683 F.2d 1343 (11th Cir. 1982) (on seizures pursuant to a warrant)
- *U.S. v. Schandl*, 947 F.2d 462 (11th Cir. 1991) (on seizures pursuant to a warrant)

The Stored Communications Act:

- *U.S. v. Warshak*, 631 F.3d 266 (6th Cir. 2010)
- *In re Search of Info. Associated with the Facebook Account Identified by the Username Aaron.Alexis*, Inc., 21 F. Supp. 3d 1 (D.D.C. 2013) (the multi-step process)

Prospective geo-location information:

- *U.S. v. Hammond*, 996 F.3d 374 (7th Cir. 2021)
- *U.S. v. Ackies*, 918 F.3d 190 (1st Cir. 2019)
- *In re Search Warrant Application for Location Info.*, 754 F. Supp. 3d 1099 (D.N.M. 2024)
- *Matter of Search of a Cellular Tel.*, 430 F. Supp. 3d 1264 (D. Utah 2019)
- *The Cell Phone Donut Hole in the Tracking Device Statute*, 14 Fed. Cts. L. Rev. 1 (2021)

Geofences:

- *U.S. v. Chatrie*, 107 F.4th 319 (4th Cir. 2024), reh'g en banc granted, No. 22-4489, 2024 WL 4648102 (4th Cir. Nov. 1, 2024), and on reh'g en banc, No. 22-4489, 2025 WL 1242063 (4th Cir. Apr. 30, 2025)
- *U.S. v. Smith*, 110 F.4th 817 (5th Cir. 2024)
- *U.S. v. Chatrie*, 590 F. Supp. 3d 901 (E.D. Va. 2022)
- *In the Matter of the Search of: Information Stored at Premises Controlled By Google*, 2020 WL 4931052 (N.D. Ill. Aug. 24, 2020) (Fuentes, J.) (denying application)
- *In the Matter of the Search Warrant Application for Geofence Location Data Stored at Google Concerning an Arson Investigation*, 2020 WL 6433084 (N.D. Ill. Oct. 29, 2020) (Harjani, J.) (granting application)

Tower Dumps:

- *U.S. v. Spurlock*, 2025 WL 1095512 (D. Nev. Apr. 11, 2025)
- *In re Four Applications for Search Warrants Seeking Info. Associated with Particular Cellular Towers*, 2025 WL 603000 (S.D. Miss. Feb. 21, 2025)
- *Matter of Tower Dump Data for Sex Trafficking Investigation*, 2023 WL 1779775 (N.D. Ill. Feb. 6, 2023)
- *In re U.S. ex rel. Ord. Pursuant to 18 U.S.C. Section 2703(d)*, 930 F. Supp. 2d 698 (S.D. Tex. 2012)

Cell Site Simulators:

- *U.S. v. Woodson*, 2018 WL 7150388 (E.D. Mo. Nov. 21, 2018)

NIT Warrants, Remote Installation, and Jurisdiction:

- *U.S. v. Taylor*, 935 F.3d 1279 (11th Cir. 2019)
- *U.S. v. Werdene*, 883 F.3d 204 (3d Cir. 2018)
- *U.S. v. Horton*, 863 F.3d 1041 (8th Cir. 2017)
- *U.S. v. McLamb*, 880 F.3d 685 (4th Cir. 2018)

PR/TT:

- *In re U.S. for an Ord. Authorizing Installation & Use of a Pen Reg. & Trap & Trace Device*, 846 F. Supp. 1555 (M.D. Fla. 1994)

Title III Wiretaps:

- *U.S. v. Van Horn*, 789 F.2d 1492 (11th Cir. 1986) (section I of the opinion only)
- *U.S. v. Montemayor*, 2018 WL 4517634 (N.D. Ga. Aug. 27, 2018)

FISA:

- *In re Sealed Case*, 310 F.3d 717 (Foreign Int. Surv. Ct. Rev. 2002)
- *U.S. v. Hendricks*, 2018 WL 1033272 (N.D. Ohio Feb. 22, 2018) (disclosure of FISA materials)
- *U.S. v. Turner*, 840 F.3d 336 (7th Cir. 2016) (denying suppression of FISA evidence)

Aerial and “Programmatic” Surveillance:

- *Leaders of a Beautiful Struggle v. Baltimore Police Dep’t*, 2 F.4th 330 (4th Cir. 2021)

Suppression and *Leon* Good Faith:

- *Franks v. Delaware*, 438 U.S. 154 (1978)

Considerations Surrounding the Use of Deception:

- *U.S. v. Bagley*, 473 U.S. 667 (1985)
- *U.S. v. Mohamud*, 843 F.3d 420 (9th Cir. 2016) (national security investigation / entrapment)
- *U.S. v. Gray*, 626 F.2d 494 (5th Cir. 1980) (participation of informants)
- *U.S. v. Gutierrez*, 931 F.2d 1482 (11th Cir. 1991) (confidential informant privilege)
- *U.S. v. Spivey*, 861 F.3d 1207 (11th Cir. 2017) (deception in conducting search / consent)

Other Issues:

- *U.S. v. Microsoft Corp.*, 584 U.S. 236 (2018) (extraterritoriality of SCA – CLOUD Act)
- *U.S. v. Valencia-Trujillo*, 2006 WL 1793547 (M.D. Fla. June 26, 2006) (taint team procedure)
- *U.S. v. Gallego*, 2018 WL 4257967 (D. Ariz. Sept. 6, 2018) (search warrant at a law firm)
- *U.S. v. Taylor*, 764 F. Supp. 2d 230 (D. Me. 2011) (filtering attorney-client communications)
- *U.S. v. Yannotti*, 358 F. Supp. 2d 289 (S.D.N.Y. 2004) (organized crime “house counsel”)
- *U.S. v. House*, 120 F.4th 1313 (7th Cir. 2024) (pole camera on a house)