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**\*\*\*FOR IMMEDIATE RELEASE\*\*\***

***Legal Aid Files Amicus Brief in Support of New Yorkers Against the Police's  
Unlawful Search Using Expired Warrants***

(NEW YORK, NY) - The Legal Aid Society filed an [amicus brief](#) in *The People v. Anthony Blue*, a case pending before the New York Court of Appeals, in support of Mr. Blue and all New Yorkers' right to be protected against unlawful searches by the police.

At issue is whether law enforcement may initiate a search warrant for a cell phone beyond the time period codified in statute. The New York State Legislature enacted Article 690 of the Criminal Procedure Law to safeguard the rights of New Yorkers from unreasonable searches and seizures. Among the law's many important protections, CPL 690.30 regulates law enforcement's use of a search warrant by providing a ten-day deadline for the warrant's execution. When law enforcement fails to execute a search warrant within the statutory deadline, courts must suppress the evidence obtained from the unlawful search.

In this case, the First Department created a dangerous loophole to the application of CPL 690.30 by ruling that when a search warrant for a cell phone includes "deemed executed at the time of issuance" language, it is simultaneously executed without the need for any law enforcement action. Its ruling conflicts with the law and renders the CPL's timeliness protection meaningless for cell phones already in the custody of the police. Indeed, law enforcement will have a free pass to wait weeks, months, or even years before searching a phone's digital contents. This "cellphone exception" to the CPL's time limit on search warrants removes a key protection against unreasonable searches for everyday New Yorkers.

"The law is clear: cell phones are property, and like all other property that is searched pursuant to a warrant, law enforcement has ten days to begin their search. Where law enforcement exceeds this time period, the fruits of their search must be suppressed," said **Sungso Lee, Staff Attorney in the Criminal Defense Practice's Cop Accountability Project at The Legal Aid Society**. "We hope that the Court of Appeals finds that an untimely search of a cell phone is in violation of the law - a statute that has been upheld by numerous court decisions since it was enacted - to further protect the rights of accused New Yorkers throughout the state."

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*The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For over 140 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. [www.legallaidnyc.org](http://www.legallaidnyc.org)*