

In the  
Supreme Court of the United States

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ANTHONY VETRI,

*Petitioner,*

v.

UNITED STATES OF AMERICA,

*Respondent.*

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On Petition for a Writ of Certiorari to the  
United States Court of Appeals for the Third Circuit

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REPLY BRIEF FOR PETITIONER

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**SUPPLEMENTAL**

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February 19, 2021

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## ARGUMENT

This petition presents an important question concerning the nation's Fourth Amendment law applied to digital data, on which there is a growing conflict among the state and federal courts of last resort; Whether the Fourth Amendment compels more stringent policy considerations for warrants that involves the seizure of digital data in cellphones and other devices capable of storing digital content.

In fact, while the government has elected to waive its response, petitioner has submitted this reply brief to inform this Court since the instant petition has been placed in this Court's docket, the Supreme Court of Pennsylvania has granted a petition for allowance of appeal on the current issues presented in the instant petition in *Commonwealth v. Green*, 2021 Pa., WL 236043, LEXIS 308 (Jan 25, 2021).

The Pennsylvania Court of last resort will address whether a warrant which allowed the state authorities to search all digital contents of a person computers and cell phones with no apparent restrictions was overbroad, insufficiently particular and lacking in probable cause. It is highly probable that it will set forth a test to regulate how warrants for digital data must be tailored to meet

constitutional requirements. Like many courts around the nation, guidance from this Court will be critical in crafting such a test.

The government cannot dispute the need for this Court to set forth a specific test to determine whether a warrant meets Fourth Amendment requirements. It also cannot dispute the instant petition presents an appropriate vehicle for resolving the question, as there are no apparent obstacles to the Court's review and the case directly implicates the critical split in our nation's courts.

*Green* illustrates that the question presented in the instant case is in fact a significant one and this Court's guidance is needed to ensure Pennsylvania courts, as well as others around the Country, are properly uniformed to comport with this Court's precedent on warrants involving digital data. Accordingly, the issues presented in the instant case are ripe for review from this Court.

## CONCLUSION

For the foregoing reasons, as well as those contained in the Petition for Certiorari, the petition should be granted.

Respectfully Submitted,  
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*February 19, 2021*