

Media wants affidavit in iPhone raid unsealed

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(AP) -- The Associated Press and other news organizations asked a judge Wednesday to unseal the search warrant affidavit used to raid the home of a blogger who posted pictures and details of an iPhone prototype.

The legality of the raid is one of many unanswered questions in a saga that began when Gizmodo, a prominent technology blog owned by Gawker Media Inc., paid \$5,000 to obtain a device it says was lost by an Apple Inc. engineer in a Silicon Valley bar.

Apple is notoriously secretive about unreleased products, and Gizmodo editor Jason Chen's dissection of what may be the next-generation iPhone appears to have rubbed the company the wrong way.

After Gizmodo returned the phone to Apple in April, members of a computer crime task force raided Chen's Fremont, Calif., home, taking computers, hard drives, digital cameras, cell phones and financial documents, among other things.

Steve Wagstaffe, spokesman for the San Mateo County district attorney's office, said the company and the engineer reported the loss of the phone to the authorities.

The search warrant itself, which was made public, indicated that the search was related to a suspected felony.

No charges have been filed, but under California law, someone who

finds a lost item and doesn't make appropriate efforts to return it could be considered to have stolen it.

Court documents spelling out the legal reasons for a search are usually made public within 10 days, but the affidavit supporting the April 23 raid remains sealed.

Chen's lawyer, Thomas Burke of Davis Wright Tremaine in San Francisco, said in a recent interview with the AP that a search warrant should never have been issued because Chen is a journalist and his home is his newsroom. California law protects journalists from such searches.

Burke has represented the AP in the past.

With the motion filed Wednesday in Superior Court in California's San Mateo County, the media organizations are trying to learn whether there was a reason for the search warrant more compelling than the legal protections given to journalists.

Wagstaffe said the computers and other objects seized from Chen's home are not being examined while prosecutors consider arguments that the search was illegal.

Apple declined to comment on the matter.

Joining in the court filing are Bloomberg News, CNET News, the Los Angeles Times, Wired.com, the California Newspaper Publishers Association and the First Amendment Coalition.

Peter Scheer, executive director for the coalition, said a court hearing is scheduled for Thursday afternoon to address the motion.

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