

Before returning the cell phone, the police looked at the images on it and found “compromising” photos of his girlfriend, who was two months shy of her 16th birthday.

The photos had been taken by his girlfriend and emailed to him. That’s it. I’m not condoning any of this, but this young man is labeled for life.

I don’t have to tell you how hard this conviction will make it for him to get a job in the future. He will be on the sex offender registry, and in today’s world of instant communication and online databases, his neighbors will always know that he is a sex offender.

This is a good time to have a discussion with your teens — both sons and daughters — about smart phone safety.

Additional information
Blocking calls to cell phones

The easiest and cheapest way to block a phone is to call your cell phone service provider and ask they block texting access on a certain number. Some plans can do this for specific hours in the day. Or, for a price, try one of these apps:

- Textecution — disables texting when a GPS device detects the phone is travelling at more than 10mph.
- DriveSafe.ly — reads texts out loud.
- TXTBlocker — set time and location restrictions for texting or talking on the phone.



Do you need a referral?

Chances are we can refer you to an excellent local attorney outside our area of practice: call us at 770.338.2338 or email jtowne@clarktowne.com.

WWW.CLARKTOWNE.COM

Volunteer Spotlight

Keep North Fulton Beautiful
knfb.org
470 Morgan Falls Rd., Sandy Springs
770-551-7766

Since its formation as a non-profit organization in 1984, Keep North Fulton Beautiful has served Sandy Springs and the areas of North Fulton now known as the Cities of Johns Creek and Milton. As an affiliate of Keep America Beautiful, we share the vision of making our communities cleaner and more beautiful places to live, work, and play.

Work involves customer service and sorting of recyclables.

Additional Charities

Click “Law Links & Resources” on the DUI Information page of the clarktowne.com website for a detailed listing of charity web addresses and contact information.

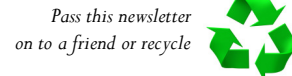
Let Me Know

If you’ve worked with any non-profit in the area, let me know what you think of the organization and if I should continue to suggest it as a worthy place to volunteer. I’d also like suggestions of other local non-profits to add to this list.

Email: jtowne@clarktowne.com

Clark & Towne Believes...

We strongly believe that education is the first step in the prevention of any type of legal crisis. We’ve proudly worked to resolve our clients’ dilemmas since 1990. We are in your community, have the experience and resources required to work toward your goals, and we’re here to help. We also accept a limited number of injury cases each year resulting from serious auto, truck or motorcycle accidents.



WE’RE HERE TO GUIDE YOU THROUGH ANY UNEXPECTED LEGAL CRISIS

1755 NORTH BROWN RD NW
SUITE 200
LAWRENCEVILLE, GA 30043

(770)338-2338
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Smart Phones and the Law Issue

Seems like nearly every day I read an article or come across a new case where smart phones play a key role. One article I read recently reported how a man broke the law by using his smart phone to make appointments to sell drugs; another was about how police obtain evidence from phones without a judge’s permission. Of course, smart phones also help law

enforcement when they are used to report an aggressive driver speeding or helping police find a missing person.



Law makers are frantically trying to find ways to curtail the use of smart phone technology in what they perceive as dangerous situations while app makers are swiftly turning out new products which can be used in part to elude the law. In the limited space of this newsletter, I will touch on ways the legal landscape is changing thanks to smart phones.

“Let us not look back in anger, nor forward in fear, but around in awareness.”
—James Thurber

Inside this issue:

Driving Safety Tip

From Our Blog

Ask Jessica

Thank You!

Ask Jessica Continued

Volunteer Spotlight

Police and Smart Phones

Police have a love/hate relationship with drivers using smart phones. State lawmakers generally see them as a public danger. Much of the county has passed laws banning their use either as telephones or as messaging devices while the user is driving a car. However, police are relishing the ease of gathering evidence from phone records and tracking people via smart phones.

Because the technology is so new, legal guidelines are not yet in place to protect cell phone users from being tracked by the police. I hope that last sentence shocked you. It should have. Yes, there are NO clear standardized rules governing cell phone tracking. Since all cell phones, when turned on, are connected to multiple cell

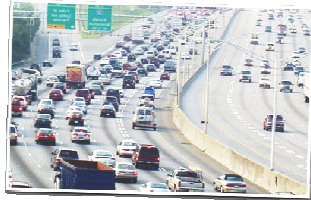
phone towers via signals, it is quite simple for cell phone services to know approximately where a caller or texter is using a process called triangulation. If a cell phone has GPS turned on, the user’s location can be known with even greater accuracy. Police regularly ask cell phone providers to track suspects via cell phones. Yes, the police need subpoenas to track an individual, but they often request information on all the people that person calls. While the phone industry is happy to help out in an emergency, their lawyers have real problems with wider tracking, as do I.

There are other methods police use to get information from your phone. In February’s Clark & Towne newsletter I alerted you the decision by the California

Supreme Court. That court allows police to search an individual’s cell phone without a warrant, saying defendants lose their privacy rights for any items they’re carrying when taken into custody. So far, this is just for California, but it won’t be long before other states consider adopting this policy too. Once the police open your smart phone, they can read all your text messages, see who you’ve called and access any other information you have stored there.

Frankly, I find it frightening that our law makers are so quick to pass laws banning phoning and texting while driving and allowing the police to search our smart phones, but have yet to pass laws protecting us from being excessively tracked by law enforcement.

Driving Safety Tip of the Month Avoiding Traffic Jams



Is it possible to avoid traffic jams?

Remember when courteous drivers flashed their headlights at oncoming traffic to warn them of speed traps or a dangerous situation up the road? An app for I-phones called PhantomAlert has taken that approach to a new level. Using GPS technology, this app can track a driver's location and point out upcoming speed traps and roadblocks, traffic cameras, school zones, accidents, railroad tracks, speed bumps, and dangerous curves and intersections. Sounds like a brilliant idea to me—if I didn't have an app telling me about this,

I'd be looking at my phone and clicking on old fashioned map apps to figure out where all the slow traffic is. And that would be distracted driving, which by the way, is against the law (as is texting while driving). Use this app while you can because several legislators are trying to get it banned since it shows roadblock locations.

For those using non-Apple smart phones, or for those who don't want to pay for an app that may soon be banned, I recommend Google Maps which shows where road construction, accidents, and likely

roadblocks have slowed traffic. This app can't tell what problem has caused traffic congestion, but it's still quite useful since most people will avoid an area just because they want the fastest route home.

Texting While Driving from Our Blog



This is illegal

Remember the warmth of last summer? As these last few days of a chilly wet spring fade away, I recall July as a lovely month full of sunshine and... the texting while driving law. July 1 was the start date prohibiting texting while driving, as well as using (that means *any* use, not just calling) a cell phone while driving for those under 18 with a provisional license.

The Georgia Peace Officers Standards and Training Center has likely used dwindling tax resources to provide extra training to teach troopers how to identify a driver who is texting and how to tell if a

person talking on a cell phone in a passing car is, in fact, a teenager — with a provisional license. Heck, I'd like to know that myself. Perhaps they've recouped training expenses with the new \$150 fine texting drivers receive.

I've had a few people come to me with texting tickets. I encourage people to fight precisely because it is so difficult for an officer to prove a driver was texting; you have the right to quash a subpoena to your cell service provider. The law is in your favor if you get pulled and want to dispute the officer's accusation.

It will cost you attorneys' fees, but it may avoid a fine.

Texting while driving legal consequences:

- \$150 fine
- 1 point deduction from the driver's license points

Plus more for those under 18:

- illegal to text **or talk** on a cell phone while driving
- 90 days license suspension, or until the offender turns 18, for a first offense.

Ask Jessica Teens & Smart Phones



Question: My teens' social lives revolve around their smart phones. How can I make sure they aren't using them when they are driving? How can I make sure their phones can't be used against them by the police?

Answer: As parents you want your kids to learn to be independent. In today's world, it seems independence too soon can cost them a lot. It's not just your imagination: frankly, getting caught drinking beer under age when you were a teen back in the 70's just wasn't that big of a deal. Today, kids can lose their license and get kicked out of school. The adult providing the beer can be put in jail. And

problems with smart phones just didn't exist. You have to protect your teens the best you can, and in this case it involves both new-fangled technology and old-fashioned talking.

First, the new-fangled technology: install software on your children's phones that keeps the phone from being used in a moving car or during times you know your children are driving. Then, make sure your teens' phones are password protected and set to erase all information on them if the password is entered incorrectly too many times. You may also want to set up a "remote swipe" on the phones. Don't know how to do any of this? Ask

your kids or your phone's service provider. They'll have it done in no time. Just make sure you know your children's passwords.

Now, for old-fashioned talking part. Here's a recent case to discuss with your teens: just last month, a 19-year-old Georgia teen entered a plea to possession of child pornography that was found on his phone.

What did this teen actually do? According to the court, his cell phone was seized by the police who were serving a search warrant at the house where he lived. The raid itself had nothing to do with him.

Continued on back page...

You have to protect your teens the best you can, and in this case it involves both new-fangled technology and old-fashioned talking.

Find Us Online

We're on the big three social networking sites. Check us out on:

Twitter: twitter.com/jessicatowne

Facebook: companies.to/clarktowne/

LinkedIn: www.linkedin.com/in/clarktowne.

You Tube: www.youtube.com/user/ClarkTowneAttorneys



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Thank You!

My staff and I welcome the new clients who've joined the Clark & Towne family this past month, and we send our personal thanks to all those who referred

friends and family and went out of their way to send notes of appreciation. Thanks also to all of you who took the time to request topics they would

like to see addressed in this newsletter and on the clarktowne.com blog. Thank you and please feel free to call the office if we can be of help.