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From Snapchat to Searches: Social Media Post Leads to Fourth Amendment Violation

By **Daigle Law Group**

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In the case of *United States v. Banks*, the Seventh Circuit Court of Appeals reviewed the issue of whether a law enforcement officer's warrantless entry onto a convicted felon's porch violated their Fourth Amendment rights.¹

An officer was using his Snapchat social media when he came across a post by the defendant, a convicted felon by the name of Banks. In the photograph, the officer noticed a gun in the background of the scene which indicated that Banks was in possession of a firearm. Officers knew of the defendant's status as a felon and responded to the post by approaching Banks' residence. The officers entered the defendant's front porch without obtaining a warrant and engaged in a struggle with the defendant, resulting in his arrest and a pat-down search. The pat down turned up a 9mm semi-automatic pistol in Bank's pocket, and officers noticed a box of 9mm rounds located in the same room.

Banks was charged pursuant to 18 U.S.C. § 922(g)(1) with felon-in-possession of a firearm. The defendant moved to suppress the evidence recovered, arguing that the officer's warrantless entry onto his property violated his Fourth Amendment rights. The district court denied the defendant's motion to suppress, stating that the officer's reasonable suspicion justified their actions.

The issue before the Seventh Circuit was whether the officers' entry onto the defendant's porch without a warrant violated his Fourth Amendment rights and whether the evidence obtained as a result should be suppressed.

The court emphasized that curtilage, the area immediately surrounding a home associated with daily activities of life, is treated as an extension of the home itself. Here, the front porch of a private residence is considered part of the home's curtilage and thus is afforded Fourth Amendment Protection. To lawfully enter a person's home or curtilage, officers must obtain a warrant, secure consent from the resident, or rely on a valid exception. Valid exceptions to the warrant requirement include exigent circumstances or consent from the resident.

The court reasoned that because the officers failed to obtain a warrant and no valid exception to the warrant requirement applied in this case, the police officer's entry onto the defendant's porch violated his Fourth Amendment rights. As demonstrated here by the court, Officers must understand when these exceptions apply and when they do not.

The court held that the officers' actions unquestionably violated the defendant's Fourth Amendment rights and that the evidence obtained from the unconstitutional search should be suppressed. The Seventh Circuit reversed the district court's decision and remanded for further proceedings.

Conclusion

The Seventh Circuit Court of Appeals' decision in *United States v. Banks* highlights the significance of following proper procedures in carrying out law enforcement duties, particularly when dealing with private property. Law enforcement officers must respect the privacy rights of individuals and adhere to the Fourth Amendment's requirements to maintain trust in the justice system and uphold the foundations of our justice system.

¹*United States v. Banks*, 60 F.4th 386 (7th Cir. 2023)

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