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US court OKs computer searches for child porn



Reuters Photo: A policeman carries a pile of CDs, which include pornographic material, in an apartment in...

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SAN FRANCISCO (Reuters) - Police may search computer hard drives for child pornography if their owners subscribe to Web sites selling the images, a U.S. appeals court ruled on Thursday.

There is a "fair probability" customers of child pornography Web sites receive or download the illegal images, opening the door for police searches, according to the ruling by the U.S. 9th Circuit Court of Appeals.

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The ruling affirmed a lower court's decision supporting an affidavit by the Federal Bureau of Investigation for its probe of Lolitagurls.com Web site and subscriber Micah Gourde.

Gourde had sought to suppress more than 100 images of child pornography seized from his home computer, arguing an **FBI** affidavit did not establish probable cause he had violated child pornography laws to justify a search of his computers.

The San Francisco-based court took up his appeal. The panel voted nine to two in ruling that a district court had properly declined to suppress the evidence.

The majority opinion by Judge M. Margaret McKeown held there was a "reasonable inference" that supported a "fair probability" Gourde had downloaded banned images.

She noted the owner of Lolitagurls.com admitted to selling child pornography over the Web site and Gourde subscribed to it with a credit card and had unlimited access to its images. Additionally, she held computer technology assured any images he received would leave a trail for investigators.

"It neither strains logic nor defies common sense to conclude, based on the totality of these circumstances, that someone who paid for access for two months to a Web site that actually purveyed child pornography probably had viewed or downloaded such images onto his computer," McKeown added.

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Gourde's attorney, Assistant Federal Public Defender Colin Fieman, said he would discuss with Gourde whether to appeal it to the [U.S. Supreme Court](#) .

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