

“Do You Have To Have The Phone?”

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This article is a response after having received numerous calls all asking the same thing,

***“For you to get the needed data off of my phone,
do you need the actual phone in your possession to get what I need?”***

Now without sounding sarcastic, name calling, making unkind gestures or going into a rant about someone’s lack of sense, let me just ask you a couple questions:

- If your Uncle Herbert unexpectedly died and you wanted an autopsy done; does the Medical Examiner need your uncle’s actual *body* so that he can perform the autopsy?
- If your car stopped working, would your Mechanic need the actual *car* in his shop for diagnostics and repairs?

If you answered YES to any of the above questions, then you now have the proper answer to the first question; “Do you need the actual cell phone to get the data?” The answer is unequivocally, “YES”! Case closed.

Now, let’s clear another hurdle about another related matter: ***“How long does the cell phone service provider keep my data?”*** We examiners have been told “Between 3-30 days depending on the provider”. I was even told recently by an employee of a very large provider, “about 5 minutes.” Right now, the providers are not required to hold on to your data. If you want it, I recommend you find an attorney and get a subpoena to the provider with haste.

Folks, this is what it is: the truth. I don’t make the rules, I just live with them. If you want data, present or deleted, from your cell phone, you are going to have to get it to the Examiner quickly before other data “treads” all over the deleted data. If you want records from the cell phone companies, you have to get them the necessary paperwork quickly.

Sorry, it is what it is. Time IS of the essence when it comes to cell phones!

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