

## Court Rejects Facial-Insufficiency Challenge To Overbroad Wiretap Orders

14 May 2018

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A federal judge is only authorized to issue a wiretap order for wiretaps conducted within his or her jurisdiction. In [Dahda v. United States](#), a Kansas federal judge issued wiretap orders authorizing wiretaps in Kansas, but also contained language permitting wiretaps in Missouri. Federal investigators conducted the wiretaps in Missouri, and the evidence they gathered led to Los and Roosevelt Dahda being indicted for a drug conspiracy. The Dahdas argued that the orders were facially insufficient and therefore the evidence garnered through them (including the wiretaps in Kansas) should be suppressed, but the trial court denied the motion and the Tenth Circuit affirmed. The Court, in a unanimous opinion by Justice Breyer (with Justice Gorsuch recused), affirmed again, holding that since the wiretap orders did not lack any information required by law, and were legally sufficient absent the overbroad language, they were not facially insufficient. In other words, not every legal defect in a wiretap order will make that order facially insufficient. However, the Court did reject the Tenth Circuit's application of the "core concerns" test from *United States v. Giordano*, 416 U.S. 505 (1974), to wiretap orders.

**TAGGED:** [scotus](#), [Facial-Insufficiency Challenge](#), [Wiretap Orders](#), [Dahda v. United States](#)