

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

DARRYL TAYLOR — PETITIONER
(Your Name)

vs.

Minnesota Appeals — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

State of Minnesota Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DARRYL TAYLOR
(Your Name)

970 Pickett St. N
(Address)

Bayport, MN 55003
(City, State, Zip Code)

N/A
(Phone Number)

Questions Presented

- 1.) Must police obtain a search warrant to search the contents of a cellphone where original search warrant only authorizes police to seize cellphone?
- 2.) Did the search warrant fail to describe the items to be seized with sufficient particularity?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	4
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	5
STATEMENT OF THE CASE	6
REASONS FOR GRANTING THE WRIT	7
CONCLUSION.....	8

INDEX TO APPENDICES

APPENDIX A	<i>Decision of State Court of Appeals</i>
APPENDIX B	<i>Decision of state Trial Court</i>
APPENDIX C	<i>Decision of state Supreme Court Denying Review</i>
APPENDIX D	<i>Order of State Supreme Court Denying Rehearing</i>
APPENDIX E	<i>Petition for Review of Decision of Court of Appeals</i>
APPENDIX F	<i>Search Warrant</i>

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Appendix-A-State v. Molnau, 904 N.W.2d 449, 452 (Minn. 2017)	pg. 4
Appendix-A Citing Riley v. California 134 S.Ct. 2482 (2014)	pg. 4
Appendix-A State v. Fawcett, 884 N.W.2d 380, 387 (Minn. 2016)	pg. 4
Appendix-A state v. Johnson, 831 N.W.2d 917, 924 (Minn. App. 2013)	pg. 5
Appendix-E Riley v. California	pg. 5-6

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
☒ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 03/26/2018.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: 05/29/2018, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

A) The federal and state constitution protect people from unreasonable searches and seizures.

The United States and Minn. Constitution protects individuals from "unreasonable searches and seizures" of their "papers, persons, and effects" by the gov. U.S. Const. amends. IV; Minn. Const. art. 1, §10. "Under the Fourth Amendment, subject only to a few exceptions, a search or seizure is unreasonable absent a valid warrant." *State v. Johnson*, 831 N.W.2d 917, 921 (Minn. App. 2013) review denied (Minn. Sept. 17, 2013).

"A 'search' within the meaning of the Fourth Amendment occurs upon an official's invasion of a person's reasonable expectation of privacy. ~~in the concealed~~ ~~digital~~ This Court has held that "a person has the same reasonable expectation of privacy in the concealed physical contents of a ~~cell~~ cellular telephone as a person has in the concealed digital contents of a container," *State v. Barajas*, 817 N.W.2d 204, 216-17 (Minn. App. 2012) review denied (Minn. Oct. 16, 2012).

B) *Riley v. California*, 134 S. Ct. 2473, 2480-81 (2014) The Supreme Court held that "officers must generally secure a warrant before conducting" a search of the digital contents of a cellphone. *Riley v. California* 134 S. Ct. 2473, 2485 (2014)

STATEMENT OF THE CASE

Appellant, Darryl Taylor was charged in Ramsey Co. Dist. Ct. with one count of promoting prostitution of complainant G.J and two sex-trafficking counts concerning complaints E.C And F.B. Appellant was charged along with his Co-defendant, LaQueshia Moran. Appellant waived his right to a jury trial (T49-52). Before trial began, the district court granted the states motion to admit evidence concerning a pending assault charge as res gestae evidence. (MH37-39; T30-33-35.) After a four-day court trial, Judge Castro issued an order finding appellant guilty of all counts (Addendum findings.) The court imposed a 240-month presumptive sentence for count 1, a 48-month sentence for count 2 consecutive to count 1, and a 48-month presumptive sentence for count 2 consecutive to count 1, a 48-month presumptive sentence for count 3 consecutive to counts 1 and 2.

Reason for Granting Petition

This case presents a constitutional issue of first impression with state wide impact that will likely recur until this matter is resolved by this court.

The district court erred in denying appellants motion to suppress evidence recovered from his cellphone because the search warrant did not authorize police to search the contents of his phone and the search warrant was not sufficiently particular. Because the admission of this evidence was not harmless beyond a reasonable doubt, this court must reverse appellants convictions and remand for a new trial. ~~The district court~~

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Darryl Taylor

Date: August 26, 2018