

**CASE NO. \_\_\_\_\_**  
**SUPREME COURT OF THE UNITED STATES**

**CLIFFORD IDRIS BELL**

**PETITIONER**

**V.**

**UNITED STATES OF AMERICA**

**RESPONDENT**

---

**PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF  
THE UNITED STATES**

---

**JARROD J. BECK**  
**LAW OFFICE OF JARROD J. BECK, PLLC**  
**101 WEST SHORT STREET**  
**LEXINGTON, KENTUCKY 40507**  
**270.860.2025**  
**JARROD.BECK@GMAIL.COM**

**COUNSEL FOR CLIFFORD IDRIS BELL**

## **QUESTIONS PRESENTED FOR REVIEW**

- I. Whether the Fourth Amendment prohibits the issuance of a warrant and the subsequent search of a personal residence based solely on a confidential informant's tip that did not identify the place to be searched?

## **LIST OF ALL PARTIES TO THE PROCEEDINGS**

Petitioner/Appellant/Defendant – Clifford Idris Bell

Respondent/Appellee/Plaintiff – United States of America

## TABLE OF CONTENTS

Questions Presented for Review. . . . .	i
List of All Parties to the Proceedings. . . . .	ii
Table of Contents. . . . .	iii
Index to Appendices. . . . .	iv
Table of Authorities. . . . .	v
Opinions Below. . . . .	2
Jurisdiction. . . . .	2
Constitutional and Statutory Provisions Involved. . . . .	3
Statement of the Case. . . . .	3
Reasons for Granting the Writ. . . . .	6
I. The Fourth Amendment prohibits the issuance of a warrant and the subsequent search of a personal residence based solely on a confidential informant's tip that did not identify the place to be searched. . . . .	6
Conclusion. . . . .	12
Certificate of Service. . . . .	13

## INDEX TO APPENDICES

### **Appendix A**

Judgment from the Western District of Michigan in *United States v. Clifford Idris Bell*, 19-CR-262-JTN, filed on September 8, 2020.

### **Appendix B**

Unpublished Opinion of the United States Court of Appeals for the Sixth Circuit in *United States v. Clifford Idris Bell*, No. 20-1884, filed on January 6, 2022.

## TABLE OF AUTHORITIES

<b>I. Cases</b>	<b>Page No.</b>
<i>Collins v. Virginia</i> , 138 S.Ct. 1663 (2018).....	6
<i>Florida v. Jardines</i> , 569 U.S. 1 (2013).....	6
<i>Illinois v. Gates</i> , 462 U.S. 213 (1983).....	6
<i>Johnson v. United States</i> , 333 U.S. 10 (1948).....	6
<i>Riley v. California</i> , 573 U.S. 373 (2014).....	6
<i>Silverman v. United States</i> , 365 U.S. 505 (1961).....	6
<i>United States v. Brown</i> , 828 F.3d 375 (6 <sup>th</sup> Cir.2016).....	11
<i>United States v. Carpenter</i> , 360 F.3d 591 (6 <sup>th</sup> Cir.2004).....	10
<i>United States v. Ferguson</i> , 252 Fed.Appx. 714 (6 <sup>th</sup> Cir.2007).....	7, 11
<i>United States v. Hython</i> , 443 F.3d 480 (6 <sup>th</sup> Cir.2006).....	9, 11
<i>United States v. Lumpkin</i> , 159 F.3d 983 (6 <sup>th</sup> Cir.1998).....	7
<i>United States v. McKnight</i> , 665 F.3d 786 (7 <sup>th</sup> Cir.2011).....	9

<i>United States v. Rodriguez-Suazo</i> , 346 F.3d 637 (6 <sup>th</sup> Cir.2003).	11
---	----

### **Statutes, Rules, and Guidelines**

U.S. Const. amend. IV.	3
28 U.S.C. § 1254(1).	2

**CASE NO. \_\_\_\_\_**  
**SUPREME COURT OF THE UNITED STATES**

**CLIFFORD IDRIS BELL**

**PETITIONER**

**V.**

**UNITED STATES OF AMERICA**

**RESPONDENT**

---

**PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF  
THE UNITED STATES**

---

Clifford Bell, by court-appointed counsel, respectfully requests that a Writ of Certiorari issue to review the unpublished opinion of the United States Court of Appeals for the Sixth Circuit in the case of *United States v. Clifford Bell*, No. 20-1884, filed on January 6, 2022 and attached to this Petition as Appendix B.



## **OPINIONS BELOW**

Mr. Bell's appeal to the Sixth Circuit was taken from a Judgment entered following his guilty plea to being a felon in possession of a firearm. *See* Appendix A. On January 6, 2022, the Sixth Circuit issued an unpublished opinion affirming the district court's denial of Mr. Bell's motion to suppress. *See* Appendix B. This petition for a writ of certiorari now follows.

## **JURISDICTION**

The Sixth Circuit issued an unpublished opinion affirming the district court's denial of Mr. Bell's motion to suppress on January 6, 2022. *See* Appendix B. Mr. Bell invokes this Court's jurisdiction pursuant to 28 U.S.C. § 1254(1).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**U.S. Const. amend. IV:** “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

## **STATEMENT OF THE CASE**

On October 29, 2019, Clifford Bell was indicted for firearms offenses in the Western District of Michigan. Law enforcement searched Mr. Bell’s residence on September 5, 2019 pursuant to a search warrant. This warrant was based on a tip to police provided by an unidentified confidential informant (CI). The search warrant affidavit read in pertinent part:

In this regard your affiant met with a reliable and credible informant who indicated from personal knowledge that Cocaine could be purchased from a B/M named “Biff AKA Clifford Idris Bell”. This informant advised that the suspect could be contacted to place an order for Cocaine. This subject was identified using multiple police databases as Clifford Idris Bell [redacted] who resides at [redacted] Hazen St SE which was confirmed through multiple databases.

This reliable and creditable informant observed a quantity of cocaine being sold from [redacted] Hazen St SE along with a firearm within the last 72 hours. The reliable and creditable informant stated that there was cocaine still for sale at [redacted] Hazen St SE upon their departure from the residence.

The informant has been known to the VICE Unit for just under a year and has made multiple controlled purchases which have tested positive on

several drug traffickers in the community, said information having been verified by the Grand Rapids VICE Unit through police records, personal observations, other police officers and other informants.

Bell has a criminal history that includes 4 felonies arrest for narcotics and an assault with the intent to do great bodily harm involving a firearm.

[R. 19-1: Search Warrant Affidavit, Page ID # 56].<sup>1</sup>

Mr. Bell filed a motion to suppress arguing the search warrant affidavit was insufficient to establish probable cause to search his residence. *See* [R. 19: Motion to Suppress, Page ID # 43-53]. Among other points, Mr. Bell emphasized that officers did nothing “to corroborate any of the [CI]’s tip.” *Id.* at Page ID # 44. Mr. Bell also noted the affidavit failed to establish the CI’s reliability. *Id.*

Following briefing and a non-evidentiary hearing, the district court overruled Mr. Bell’s motion to suppress. [R. 56: Transcript, Suppression Hearing, Page ID # 284]. The court held that the magistrate who issued the search warrant “did not arbitrarily exercise his discretion in authorizing” the search and said the search warrant affidavit contained “sufficient detail of the informant’s past reliability[.]” *Id.* The court said it was not “necessary that the informant specifically identify who was selling drugs” at the location and insisted it was clear from “the language in the affidavit that Mr. Bell” was present at the residence, thus it was “more than a reasonable inference that he participated in the sale of the

---

<sup>1</sup> Mr. Bell’s date of birth and specific address are redacted from the search warrant affidavit filed at [R. 19-1] in the district court record.

cocaine, particularly [because] there was cocaine still there when the informant left.” *Id.* at Page ID # 285. Even so, the court also held that the good faith exception would apply because the affidavit was not “bare bones[.]” *Id.* at Page ID # 287.

Mr. Bell entered a conditional guilty plea reserving his right to appeal the district court’s denial of his motion to suppress. *See* [R. 33: Corrected Plea Agreement, Page ID # 106]; [R. 43: Transcript, Rearraignment, Page ID # 197-98]; [R. 55: Transcript, Sentencing, Page ID # 249-50]. The court subsequently sentenced Mr. Bell to 180 months of incarceration. *See* Appendix A.

On appeal, Mr. Bell argued the search warrant affidavit failed to establish probable cause because it was based on a tip provided by a CI unidentified to the magistrate who issued the warrant, and police failed to corroborate the CI’s veracity, reliability, and basis of knowledge. Moreover, Mr. Bell noted the CI failed to identify the target address or otherwise describe the residence as part of his tip, thus the affidavit failed to establish the requisite nexus between the criminal activity at issue and the place to be searched.

The Sixth Circuit affirmed the district court’s denial of Mr. Bell’s motion to suppress. *See* Appendix B. In doing so, the court held that the affidavit “showed the [CI’s] basis of knowledge[.]” the informant’s “trustworthiness[.]” and that the affiant “had corroborated the [CI’s] tip[.]” *Id.* at Page 1. The court concluded

“this collective information sufficed for a state judge to find probable cause and issue the warrant.” *Id.* at Pages 1-2.

## REASONS FOR GRANTING THE WRIT

### **I. The Fourth Amendment prohibits the issuance of a warrant and the subsequent search of a personal residence based solely on a confidential informant’s tip that did not identify the place to be searched.**

“[W]hen it comes to the Fourth Amendment, the home is first among equals.” *Collins v. Virginia*, 138 S.Ct. 1663, 1670 (2018) (citing *Florida v. Jardines*, 569 U.S. 1, 6 (2013)). “At the Amendment’s ‘very core’ stands ‘the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion.’” *Id.* (quoting *Silverman v. United States*, 365 U.S. 505, 511 (1961)). The Fourth Amendment’s warrant requirement protects that privacy interest by mandating that “the inferences to support a search are drawn by a neutral and detached magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime.” *Riley v. California*, 573 U.S. 373, 381-82 (2014) (citing *Johnson v. United States*, 333 U.S. 10, 14 (1948)) (internal quotation marks omitted).

“Informants’ tips, like all other clues and evidence...may vary greatly in their value and reliability[.]” *Illinois v. Gates*, 462 U.S. 213, 232-33 (1983). Courts “have identified three categories of informants”: (1) named informants; (2) confidential informants; and (3) anonymous informants. *See, e.g., United States v.*

*Ferguson*, 252 Fed.Appx. 714, 720-21 (6<sup>th</sup> Cir.2007). “Whereas naming an informant is often, but not always, an indicator of reliability,” law enforcement “must find other ways to bolster the tips of other, confidential or anonymous, informants.” *Id.* See also *United States v. Lumpkin*, 159 F.3d 983, 986 (6<sup>th</sup> Cir.1998) (“Probable cause may come from a confidential informant’s tip, when sufficiently detailed and corroborated by the independent investigation of law enforcement officers.”). In such cases, a search warrant affidavit must “demonstrate more than simply blind faith in the words of an affiant who claims his unnamed informant is reliable.” *Ferguson*, 252 Fed.Appx. at 721.

In this case, the affiant sought a search warrant for Mr. Bell’s home based solely on a tip provided by a CI not identified to the magistrate. As such, the affiant was required to bolster the veracity of the CI’s tip to establish probable cause. This did not occur, rendering the search warrant invalid.

According to the affidavit, the CI only told the affiant:

Cocaine could be purchased from a B/M named “Biff AKA Clifford Idris Bell”. The informant advised that the suspect could be contacted to place an order for Cocaine.

[R. 19-1: Search Warrant Affidavit, Page ID # 56]. The affidavit then states that the affiant used “multiple police databases” to identify the subject as “Clifford Idris Bell” and to determine that he resided at the specific address on “Hazen St SE[.]” *Id.*

To be clear, the affidavit does not state that the CI provided Mr. Bell's address to the affiant, or even that the CI identified his residence by describing its general location or appearance. Nor does the affidavit say anything about the CI confirming information about Mr. Bell's home or background during the affiant's subsequent investigation. As a result, the additional information does nothing to bolster the veracity of the CI's tip.

This Court has counseled that probable cause determinations based on a CI's tip must be assessed under the "totality of the circumstances" and "a deficiency in one [relevant consideration] may be compensated for, in determining the overall reliability of [the] tip, by a strong showing as to the other, or by some other indicia of reliability[.]" *Gates*, 462 U.S. at 233, 239. But the search warrant affidavit in this case lacks additional information to compensate for its complete absence of any bolstering of the CI's tip.

The affidavit here contains no indication that the affiant had ever interacted with the CI previously, much less that he had first-hand knowledge of the CI's reliability as an informant. The affidavit also says nothing about the CI providing information to police leading to controlled buys in the past, only that the CI "has made multiple purchases which have tested positive for a controlled substance." [R. 19-1: Search Warrant Affidavit, Page ID # 56]. But a successful controlled buy does little to establish the reliability of information provided by a CI. After all,

controlled buys are called “controlled” for a reason—Law enforcement directs a CI to make a purchase from a target previously identified and approved by police, not the other way around. *See United States v. McKnight*, 665 F.3d 786, 788 (7<sup>th</sup> Cir.2011). Likewise, it would not have been permissible for the magistrate to draw an inference that the controlled buys by the CI were based on prior tips provided by the CI. Inferences may only be drawn “between facts that are contained in the affidavit..., and not on assumptions about standard police practices or unasserted by hypothetically possible facts.” *United States v. Hython*, 443 F.3d 480, 489 (6<sup>th</sup> Cir.2006).

This Sixth Circuit’s opinion below ignores this principle. Mr. Bell’s argument on appeal focused on how little information the CI provided to police and the affiant’s failure to meaningfully corroborate any of it. Yet the Sixth Circuit dismisses his complaints as “nitpicking[.]” Appendix B, Page 8. In doing so, the Sixth Circuit incorrectly claims the CI told the affiant he “had been to the house” identified in the search warrant and had “seen the drugs and firearms firsthand.” *Id.* at Page 7. But the CI’s tip did not identify the residence. The CI provided no address and no description.

This lack of specificity undermines the Sixth Circuit’s opinion regarding corroboration, but it also calls into question whether the search warrant affidavit sufficiently establishes the requisite “nexus between the place to be searched and



the evidence sought.” *United States v. Carpenter*, 360 F.3d 591, 594 (6<sup>th</sup> Cir.2004) (citing *Gates*, at 238-39). “[T]he connection between the residence and evidence of criminal activity” described in an affidavit cannot be “vague” or “generalized[.]” *Id.* at 595. But here the CI’s tip was about a person, not a place. According to the affidavit, the affiant, not the CI, identified Mr. Bell’s residence using a police database. The affidavit does not even establish that the CI confirmed the location of Mr. Bell’s home after the affiant found the address.

Based on this false premise about the CI’s tip, the Sixth Circuit then concludes the affiant “engaged in independent police work to corroborate the tip” because he “confirmed that Bell lived at the address and had prior drug-related arrests.” Appendix B, Page 7. But again, a review of the search warrant affidavit establishes that the CI did not provide the affiant with an address or other description of the residence. Nor did the CI mention anything about Mr. Bell having prior drug-related arrests.

Simply put, it is impossible for police to corroborate information from a CI that was never provided by the CI. The opinion below ignores this reality and the underlying facts of the case to reach a conclusion contrary to law. The Sixth Circuit ostensibly recognized the need for police to bolster the veracity of the CI’s tip in some way, yet it drew inferences based on “unasserted but hypothetically

possible facts” rather than focusing solely on what is contained within the affidavit itself. *Hython*, 443 F.3d at 489. This was error.

Based on full consideration of the “totality of the circumstances[,]” the search warrant affidavit in this case establishes neither the CI’s “veracity, reliability, and basis of knowledge” nor the required nexus between Mr. Bell’s residence and the criminal activity referenced in the CI’s tip. *Ferguson*, 252 Fed.Appx. at 721; *United States v. Brown*, 828 F.3d 375, 382 (6<sup>th</sup> Cir.2016). It follows that the information contained within the “four corners” of the affidavit was insufficient to establish “probable cause to believe that the evidence would be found at the place cited.” *United States v. Rodriguez-Suazo*, 346 F.3d 637, 643 (6<sup>th</sup> Cir.2003).

The Fourth Amendment issue in Mr. Bell’s case is a question of exceptional importance. Law enforcement agencies throughout our country conduct thousands of searches every year, many based on uncorroborated tips by confidential informants. The frequency of these searches and the reflexive nature of reviewing courts to approve them without meaningful consideration of the underlying circumstances threatens to undermine the Fourth Amendment’s continued existence in our constitutional framework. This Court should grant Mr. Bell’s petition to ensure law enforcement and judges alike are reminded that the Fourth

Amendment's probable cause and nexus requirements are sacrosanct and cannot be ignored.

### **CONCLUSION**

For the foregoing reasons, Mr. Bell respectfully asks this Court to grant his petition for the issuance of a writ of certiorari for the purpose of vacating his conviction.

Respectfully submitted,

---

JARROD J. BECK

LAW OFFICE OF JARROD J. BECK, PLLC  
101 WEST SHORT STREET  
LEXINGTON, KENTUCKY 40507

COUNSEL FOR CLIFFORD BELL

## **CERTIFICATE OF SERVICE**

I, Jarrod J. Beck, counsel for Petitioner Clifford Bell, do hereby certify that the original and ten copies of this Petition for Writ of Certiorari were mailed to the Office of the Clerk, Supreme Court of the United States, Washington, DC 20543. I also certify that a true copy of the Petition was served by mail with first-class postage prepaid upon Assistant United States Attorney Patrick Castle, 330 Ionia Avenue, N.W., Suite 501, Grand Rapids, Michigan, 49503-0208.

This 5<sup>th</sup> day of April, 2022.

---

JARROD J. BECK

COUNSEL FOR CLIFFORD BELL