

No. 25-112

IN THE

Supreme Court of the United States

OKELLO T. CHATRIE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ON WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

**BRIEF OF IOWA, MICHIGAN, 29 STATES
AND THE DISTRICT OF COLUMBIA AS
AMICI CURIAE IN SUPPORT OF
RESPONDENT**

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INTEREST OF AMICUS CURIAE

Amici curiae States of Iowa, Michigan, and the States of Alabama, Alaska, Arizona, Arkansas, the District of Columbia, Georgia, Kansas, Louisiana, Maryland, Maine, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas and Washington (“Amici States”) submit this brief in support of Respondent United States and urge this Court to affirm the judgment of the United States Court of Appeals for the Fourth Circuit.

Modern technology has transformed criminal investigations. New tools allow law enforcement to identify perpetrators and secure convictions in cases that only a decade ago might have remained unsolved.

One such tool is the geofence warrant, like the warrant issued by a Virginia magistrate judge in this case. Geofence warrants are judicially supervised tools that allow law enforcement to obtain location-history information from third-party providers tied to a specific geographic area and time window. Investigators typically seek this information when a crime has occurred at a known location but the perpetrator is unknown. By identifying devices present at the scene during the relevant period, these warrants help investigators generate leads and identify suspects who would otherwise remain unknown. In practice, geofence warrants have become an important investigative tool for law enforcement, particularly in cases where traditional methods yield few leads or where perpetrators leave little physical evidence.

When supported by probable cause and appropriately tailored, geofence warrants can be more

precise than many traditional investigative methods. Nothing in the Fourth Amendment prohibits courts from authorizing warrants limited to time and place. The warrant process provides the traditional check by a neutral magistrate on governmental overreach through the familiar requirements of probable cause, particularity, and reasonableness.

Amici States have a strong interest in both respecting the constitutional rights of their citizens and ensuring that law enforcement has the tools needed to keep those citizens safe. States routinely investigate and prosecute criminal activity and depend on stable, predictable Fourth Amendment doctrine to guide officers in the field and courts adjudicating suppression issues.

Amici States, as their sovereigns' chief law enforcement officers, also have an institutional interest in the faithful application of this Court's Fourth Amendment precedents. This Court has repeatedly recognized that digital tools capable of revealing information about individuals' movements and associations demand careful constitutional scrutiny. See *Carpenter v. United States*, 585 U.S. 296, 305–06 (2018); *Riley v. California*, 573 U.S. 373, 393–97 (2014). Clarifying that properly tailored geofence warrants may satisfy traditional Fourth Amendment requirements will assist States in developing lawful investigative practices that protect both privacy and public safety.

Finally, States have a sovereign interest in preserving constitutional rules that are both clear and balanced. Uncertainty in Fourth Amendment doctrine serves neither individual rights nor effective law enforcement. The traditional warrant framework—requiring probable cause, particularity, and prior

judicial approval—strikes the proper balance. This Court should affirm that this framework applies to geofence warrants.

SUMMARY OF ARGUMENT

Geofence warrants are a modern investigative tool used to identify unknown perpetrators tied to a specific place and time. Courts across the country are now grappling with how to apply traditional Fourth Amendment principles to that new technology. This Court should make clear that the Constitution does not categorically ban those investigative methods. Instead, longstanding doctrine requires courts to evaluate whether a warrant is supported by probable cause, sufficiently particular, and reasonably executed.

Petitioner seeks a sweeping constitutional rule treating geofence warrants as categorically invalid. But that approach conflicts with this Court's precedents and risks severe consequences for public safety. The Fourth Amendment does not regulate technology categories; it regulates law enforcement's conduct through requirements of probable cause, particularity, and reasonableness. See *Illinois v. Gates*, 462 U.S. 213, 236 (1983); *Riley*, 573 U.S. at 386.

Two principles should guide the Court's resolution of this case. First, new investigative techniques do not conflict with the Fourth Amendment's prohibition of general warrants. The constitutional inquiry turns on whether specific warrants satisfy traditional requirements, including warrants issued using new technologies. Second, a categorical ban on warrants limited to the time and place of criminal activity would harm States' sovereign interests in public safety by eliminating a judicially supervised tool that can be more precise than traditional alternatives.

States have a vital interest in exercising their police powers to protect residents and solve crimes. Geofence warrants do just that—and law enforcement agencies across the country use them responsibly, subject to judicial oversight. These warrants involve ample judicial process to ensure that constitutional rights are respected.

This Court should affirm the *en banc* Fourth Circuit’s judgment and decline to adopt a categorical rule against geofence warrants—a rule that would be untethered from the Fourth Amendment’s history, doctrine, and practical realities.

ARGUMENT

I. THE FOURTH AMENDMENT QUESTION TURNS ON PARTICULARITY AND DISCRETION, NOT A TECHNOLOGY CATEGORY.

This Court has repeatedly grounded Fourth Amendment analysis in two foundational principles: (1) warrants are constitutionally favored, and (2) the “general warrant,” which leaves too much to executive discretion, is the core constitutional vice to be avoided. See *Stanford v. Texas*, 379 U.S. 476, 485–86 (1965); *Carpenter*, 585 U.S. at 303–05. That framework properly governs geofence warrants. The relevant inquiry for determining the constitutionality of “geofence” warrants is whether the warrants are supported by probable cause and meaningfully limits what the government may obtain and do.

A. The Fourth Amendment’s historical target is discretionary rummaging in searches; particularity is the preventative doctrinal tool.

The Fourth Amendment requires warrants to issue with probable cause and to “particularly describ[e] the place to be searched, and the persons or things to be seized.” U.S. Const. amend. IV. That particularity command seeks to prevent general warrants—authorizations that leave too much to the discretion of the officer executing the warrant. See *Stanford*, 379 U.S. at 485–86; see also *Groh v. Ramirez*, 540 U.S. 551, 557–58 (2004).

General warrants were objectionable not because they authorized searches that might incidentally affect multiple persons, but because they vested open-ended discretionary power in executive officers untethered to judicially defined limits. English and colonial practices, like writs of assistance, permitted officials to search broadly for evidence without meaningful constraints, often authorizing entry into any house or premises at the officer’s choosing and without particularized justification. See *Stanford*, 379 U.S. at 481–85. Those instruments were reviled because they enabled officers to conduct exploratory rummaging in search of evidence without neutral oversight. *Id.* at 482.

The Fourth Amendment was designed to eliminate such arbitrary executive authority. See *Boyd v. United States*, 116 U.S. 616, 625–30 (1886) (tracing the Amendment’s origins to opposition to general warrants and writs of assistance); *Riley*, 573 U.S. at 403 (same); *Carpenter*, 585 U.S. at 303–05 (same). Colonial opposition to writs of assistance reflected the Founding generation’s concern with searches that vested broad, discretionary authority in executive officers. See *Stanford*, 379 U.S. at 481 (1965).

Historical scholarship confirms that the central evil the Fourth Amendment was enacted to remedy

was the delegation of discretionary search authority to executive officers without prior judicial limitation. See Akhil Reed Amar, *Fourth Amendment First Principles*, 107 Harv. L. Rev. 757, 771–76 (1994); William J. Cuddihy, *The Fourth Amendment: Origins and Original Meaning, 602–1791*, 770 (Oxford Univ. Press 2009) (referring to general warrants as the “overriding threat to privacy” during the founding era).

The Framers responded to that central evil by requiring a prior judicial authorization defining the scope of a search through probable cause and particular description, thereby transferring control from the police officer to the magistrate and preventing discretionary rummaging. See *Maryland v. Garrison*, 480 U.S. 79, 84 (1987).

Properly tailored geofence warrants bear little resemblance to the historical general warrants the Fourth Amendment was designed to forbid. Rather than authorizing exploratory searches wherever officers choose to look, geofence warrants are anchored to judicially approved constraints: a defined geographic area, a defined time window, and a defined investigative objective supported by probable cause. The magistrate—not the police officer—approves those parameters in advance. Geofence warrants also typically employ a staged disclosure process in which the provider first produces anonymized device identifiers within the defined area and time window, and investigators must make additional justified requests before any identifying information is disclosed.

This Court’s precedent confirms that the Fourth Amendment permits warrants affecting multiple unknown persons so long as neutral judicial standards

reasonably constrain the search. In *Camara v. Municipal Court of San Francisco*, the Court held that administrative inspection programs authorizing area-wide searches could satisfy the Fourth Amendment even though they affected occupants not suspected of wrongdoing. 387 U.S. 523, 534–39 (1967).

This Court explained that probable cause in that context may rest on “reasonable legislative or administrative standards” rather than individualized suspicion as to each affected person, provided that a neutral magistrate defines the scope of the search in advance. *Id.* at 538. The principle underlying *Camara* is directly relevant here: the Fourth Amendment’s core protection lies in judicially imposed limits on executive discretion, not in a requirement that every affected individual be identified beforehand. Properly structured geofence warrants operate within the same basic framework by tying the search to objective criteria—place, time, and investigative purpose—approved in advance by a magistrate.

That a warrant may initially implicate unknown persons does not render it “general.” Warrants have long been permitted to obtain evidence from third parties and to affect persons not yet identified so long as the search remains particularized and tethered to the offense under investigation. See *Zurcher v. Stanford Daily*, 436 U.S. 547, 555–56 (1978) (“the State’s interest in enforcing the criminal law and recovering evidence is the same whether the third party is culpable or not”). *Cf. Illinois v. Lidster*, 540 U.S. 419, 427 (2004) (affirming an investigative stop where “the police appropriately tailored their checkpoint stops to fit important criminal investigatory needs” to assist in “find[ing] the

perpetrator of a specific and known crime,” i.e., a hit-and-run accident resulting in a death). The constitutional inquiry therefore turns on whether the warrant meaningfully limits government discretion, not whether it touches multiple individuals. When judicial supervision defines the scope of the search in advance—as with a properly structured geofence warrant—the historical concerns animating the Fourth Amendment are satisfied.

That same principle applies even when a warrant seeks evidence from a third-party custodian. Warrants frequently involve third parties and may involve initially unknown persons. After all, the Fourth Amendment demands reasonable tailoring, not pre-identification of every affected individual. See *Zurcher*, 436 U.S. at 555–56. The constitutional question is whether the warrant’s terms and execution procedures cabin discretion and maintain a nexus to the offense.

B. Geofence warrants are conceptually closer to traditional warrant practice than to long-term tracking.

This Court has repeatedly confronted new investigative technologies by applying traditional Fourth Amendment principles rather than imposing categorical bans on new technologies that may have different scopes than other traditional mechanisms to engage in searches. See *Kyllo v. United States*, 533 U.S. 27 (2001) (thermal imaging technology); *United States v. Jones*, 565 U.S. 400 (2012) (GPS tracking); *Carpenter v. United States*, 585 U.S. 296 (2018) (historical cell-site location information). Those decisions reflect a consistent approach: courts

evaluate the scope of government authority and the limits imposed by the warrant process rather than invalidating investigative tools that rely on emerging technologies. Geofence warrants should be evaluated under the same framework.

Geofence warrants are typically used when a crime occurs at a known location but the perpetrator is unknown. This brief addresses the situation in which such a warrant is sought and received, as it was in this case—it does not address the question as to whether such warrants are constitutionally required. But when such a warrant is sought, it is “practical, commonsense” to infer that the perpetrator was physically present at the crime scene and that evidence identifying devices present during that discrete window may bear a nexus to the offense. *Gates*, 462 U.S. at 238. That inference does not convert the warrant into a dragnet. Rather, it provides the nexus that makes the request reasonable so long as the warrant is narrowly bounded in space and time and includes procedures designed to limit the exposure of irrelevant information.

A geofence warrant is a form of reverse-location search warrant that compels a service provider to disclose information about devices present within a defined geographic area during a specified time window. As one judge below explained, such a warrant “requires a service provider to produce location data from cell phone users who were near the scene when a crime occurred.” *United States v. Chatrue*, 136 F.4th 100, 102 (4th Cir. 2025) (Diaz, J., concurring).

When law enforcement obtains a geofence warrant, the warrant must specify both the geographic boundary and the temporal window associated with the offense. In this case, the detective drew a geofence

with a 150-meter radius in an urban environment and sought data for devices present within that area for a one-hour period. *Id.* at 103.

Service providers typically respond to geofence warrants through a structured three-step process. *Id.* at 102–03. At the first step, the provider searches its location-history database and produces an anonymized list of devices—identified only by pseudonymous numbers—whose location points fall within the geofence. The provider returns associated location coordinates and timestamps for each device. *Id.*; see also *United States v. Smith*, 110 F.4th 817, 824–25 (5th Cir. 2024).

At the second step, investigators may request additional location-history information for a smaller subset of devices identified during the initial review. This step does not expand the search; instead, it allows investigators to determine whether particular devices moved in ways consistent with the crime while narrowing the pool of devices under consideration. See *United States v. Chatrie*, 136 F.4th at 103.

At the third step, after investigators identify the most relevant devices, the provider may disclose subscriber information associated with those accounts. *Id.* This step reveals identifying information only after the dataset has been twice narrowed.

This staged disclosure process limits unnecessary exposure of information about uninvolved individuals by requiring progressive narrowing before any identifying information is produced. Investigators thus “attempt to narrow down the list of users for which the government would obtain the most invasive information.” *Id.* (quoting *United States v. Chatrie*, 590 F. Supp. 3d 901, 918 (E.D. Va. 2022)).

Courts analyzing geofence warrants have therefore focused on whether the warrant’s geographic, temporal, and procedural limits sufficiently constrain executive discretion. See *United States v. Rhine*, 652 F. Supp. 3d 38, 73–89 (D.D.C. 2023); *People v. Meza*, 90 Cal. App. 5th 520, 537–40 (2023); *Price v. Superior Court*, 93 Cal. App. 5th 13, 27–30 (2023).

Properly structured geofence warrants therefore bear little resemblance to the sweeping general warrants the Fourth Amendment forbids. Instead, they operate through a constrained process that narrows a dataset tied to a specific crime scene and time window before identifying individuals. The Constitution does not forbid such warrants categorically.

C. *Carpenter* does not establish a categorical rule prohibiting collecting location data.

This Court in *Carpenter v. United States* held that acquiring an extended span of historical cell-site location information (CSLI) constituted a search, emphasizing how such data enables “near perfect surveillance” and a “detailed chronicle of a person’s physical presence compiled every day, every moment, over several years.” 585 U.S. at 309–10 (internal quotation marks omitted). The Court’s reasoning built upon earlier technological-surveillance decisions recognizing that the Fourth Amendment must adapt to new investigative tools without abandoning its traditional analytical framework. See *United States v. Jones*, 565 U.S. 400, 404–05 (2012); *Kyllo v. United States*, 533 U.S. 27, 34–35 (2001).

But the Court also emphasized the narrowness of its holding and declined to “call into question” other investigative techniques involving digital

data. *Carpenter*, 585 U.S. at 316–17. Those decisions confirm that the constitutional inquiry turns on the scope and intrusiveness of the surveillance technique—not on the type of digital technology involved.

Geofence warrants differ in both purpose and structure from the long-term tracking at issue in *Carpenter*. They are designed to identify unknown perpetrators tied to a specific crime occurring at a known place and time, not to follow a known individual’s movements for weeks or months. Cf. *Lidster*, 540 U.S. at 427 (investigative stop permissible where officers sought information to identify the perpetrator of “a specific and known crime”).

That framework reflects this Court’s recognition that movements in public ordinarily carry reduced expectations of privacy. See *United States v. Knotts*, 460 U.S. 276, 281–82 (1983); *Carpenter*, 585 U.S. at 309–10. Geofence warrants operate within those principles. They are limited to a short window surrounding a specific crime scene and typically involve a staged narrowing process before any identifying information is produced. Service providers first return anonymized device identifiers within the defined area and time window, and investigators must make additional justified requests before any identifying information is disclosed. See *Chatrue*, 136 F.4th at 102–03 (Diaz, J., concurring); *United States v. Smith*, 110 F.4th 817, 824–25 (5th Cir. 2024).

Unlike the prolonged tracking at issue in *Carpenter*, such warrants identify devices present at a particular place and time rather than reconstructing a person’s movements over months or years. Properly tailored geofence warrants therefore

resemble traditional investigative techniques designed to identify unknown perpetrators at a crime scene—not the sweeping, long-term surveillance that concerned the Court in *Carpenter*.

D. Bystander effects do not render a properly tailored warrant unconstitutional, and suppression is not a proper remedy for third-party generalized grievances.

The fact that a search may incidentally reveal information about individuals not suspected of wrongdoing does not transform a warrant into a general warrant. Law enforcement routinely encounters information about innocent people when executing otherwise lawful warrants.

For example, when officers execute a warrant to search a home, they may encounter roommates, family members, or guests who are not themselves suspected of wrongdoing. Likewise, searching a residence may expose the private effects of individuals who are not targets of the investigation. Warrants for business records may reveal information about customers or associates who have no connection to criminal activity. See *Zurcher*, 436 U.S. at 555–56 (recognizing that searches for evidence may be conducted at premises of third parties not suspected of wrongdoing); *Garrison*, 480 U.S. at 84 (lawful searches may incidentally affect persons not suspected of criminal activity); *Andresen v. Maryland*, 427 U.S. 463, 482 n.11 (1976) (recognizing that searches for papers necessarily require examination of some innocuous documents). The Fourth Amendment has never required investigative methods that reveal information only about guilty parties and no one else.

The constitutional inquiry instead focuses on whether the warrant is supported by probable cause and sufficiently tailored to limit executive discretion. That principle is particularly important where, as here, investigators seek to identify unknown perpetrators tied to a specific crime committed at a known place and time. The Fourth Amendment has long tolerated warrants that may initially implicate individuals not suspected of wrongdoing so long as the search remains particularized and tethered to the offense under investigation.

This Court's precedents likewise recognize that lawful searches may incidentally affect innocent third parties. In *Maryland v. Garrison*, for example, the Court explained that officers executing a valid warrant may encounter circumstances affecting individuals beyond the original target of the search without thereby rendering the search unconstitutional. 480 U.S. at 84. Similarly, in *Camara v. Municipal Court*, the Court recognized that certain warrant-authorized inspections may involve individuals not suspected of criminal wrongdoing yet remain reasonable where the search is governed by neutral judicial standards. 387 U.S. at 534–39.

The same structural logic applies to geofence warrants. Properly tailored geofence warrants do not authorize exploratory rummaging. Instead, they begin with a dataset tied to a defined geographic area and time window associated with a specific crime. Service providers initially return anonymized device identifiers, and investigators must make additional justified requests before any identifying information is disclosed. See *Chatrie*, 136 F.4th at 102–03 (Diaz, J., concurring); *Smith*, 110 F.4th at 824–25. This staged narrowing process reduces the exposure of irrelevant

information and limits identification of individuals until investigative relevance is established.

Fourth Amendment rights are also personal. Remedies such as suppression turn on whether the defendant's own constitutional rights were violated, not on generalized concerns about the privacy interests of others. See *Rakas v. Illinois*, 439 U.S. 128, 133–34 (1978); *Alderman v. United States*, 394 U.S. 165, 174 (1969). A defendant therefore cannot invalidate an otherwise particularized warrant by invoking the hypothetical privacy interests of unknown third parties.

Nor does the fact that a warrant may initially collect information affecting individuals not suspected of wrongdoing render it an unconstitutional general warrant. Courts have long recognized that lawful searches may incidentally affect third parties when officers seek evidence tied to a particular offense. See *Garrison*, 480 U.S. at 84; *Zurcher*, 436 U.S. at 559–60. The constitutional inquiry instead focuses on whether the warrant meaningfully constrains executive discretion and remains tethered to the crime under investigation.

For these reasons, the possibility that a geofence warrant may initially capture information about uninvolved individuals does not render the warrant unconstitutional. When the warrant is supported by probable cause, limited in time and place, and structured to narrow the dataset before identifying individuals, the Fourth Amendment's protections against general warrants remain fully satisfied.

II. STATES' SOVEREIGN INTERESTS AND ADMINISTRABILITY COUNSEL AGAINST A CATEGORICAL RULE.

States bear primary responsibility for investigating and prosecuting criminal activity within their borders. In doing so, state law enforcement officers rely on the Fourth Amendment's established warrant framework—probable cause, particularity, and judicial supervision—to ensure that investigative tools are used in a manner consistent with constitutional protections. A categorical rule forbidding geofence warrants would disrupt that framework and interfere with States' ability to investigate crimes while still protecting individual rights.

A. Categorical bans impair state law enforcement investigations.

When a crime occurs at a known place and time but the perpetrator is unknown, geofence warrants can be one of the few investigative tools capable of generating leads while remaining subject to judicial supervision from the outset. That is especially true for offenses in which perpetrators have limited connections to known victims, act quickly, or leave minimal physical evidence.

Recent experience confirms that States are already employing location-based investigative techniques in precisely this targeted, crime-specific manner. For example, litigation arising from a state sports-wagering investigation in Iowa involved geolocation filtering tools used to identify devices present within defined athletic facilities during specified periods, followed by additional legal process to determine whether identified individuals were engaged in unlawful conduct. According to the pleadings, investigators filtered device data associated with

wagering applications at sports facilities and then issued subpoenas seeking identifying information tied to those devices. See *Uwazurike v. Jobes*, No. 4:24-cv-00146-RGE-SBJ, Dkt. 89 at 2 (S.D. Iowa Nov. 5, 2025).

Other investigations likewise demonstrate how geofence warrants can generate critical leads when perpetrators are otherwise unknown. In *People v. Handrich*, No. 22-10584-FC (Mich. Cir. Ct. Dec. 18, 2023), investigators used a geofence warrant during a homicide investigation in Mecosta County, Michigan. The victim, Ashley Godfrey, had been strangled and beaten to death and her body concealed in a wooded area, and there were no eyewitnesses to the crime. Investigators obtained a geofence warrant covering the wooded area during the relevant time window and followed the provider's staged disclosure process. The resulting location-history data revealed that the defendant's device was present in the wooded area at the time of the homicide—and that no other device appeared within the geofence during that period. That information placed the defendant at the crime scene and corroborated other evidence obtained during the investigation, including his admission that he caused the victim's death. A jury subsequently convicted the defendant of first-degree murder.

Judicial consideration of these investigations illustrates how courts already evaluate location-based investigative techniques under traditional Fourth Amendment principles rather than imposing categorical prohibitions based solely on the technology used. When suspects are unknown but suspected wrongdoing is tied to a specific place and time, location-based data can provide one of the narrowest available tools for generating investigative leads while

remaining subject to judicial supervision from the start.

A constitutional rule prohibiting geofence warrants would disrupt investigations operating within the warrant framework and force reliance on less precise alternatives. The Fourth Amendment has never required that result.

B. The traditional warrant standard provides an administrable framework.

Magistrate judges evaluate warrant applications every day. The Fourth Amendment’s familiar requirements—probable cause, particularity, and reasonableness—provide workable standards for evaluating geofence warrants just as they do for other searches.

A categorical rule triggered merely by the use of a particular technology would depart from that framework. Some geofence warrants may be narrowly tailored to minimize intrusion on third parties, while other investigative techniques that do not involve geofencing could operate far more broadly.

By contrast, applying traditional warrant principles allows courts to tailor searches to the circumstances of a particular investigation. Magistrates may shorten the relevant time window, narrow the geographic search area, limit the categories of data sought, require staged disclosure procedures that delay identification of individuals until investigative relevance is established, impose retention limits, or require renewed judicial authorization before expanding the search.

This scope-based approach aligns with the Fourth Amendment’s historical focus on limiting executive

discretion while preserving the warrant process that the Constitution favors.

CONCLUSION

This Court should affirm the Fourth Circuit Court's judgment.

Respectfully submitted,

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