

No. 26-5947

ORIGINAL

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Darnell Keith Jones — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The Eighth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Darnell Keith Jones
(Your Name)

P.O. Box 1034
(Address)

Coleman, FL, 33521
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) How long can law enforcement retain seizable and non-seizable data of bit-by-bit downloads of an individual cell phone extractions in police data base server? That is no longer evidence of a crime (but is not itself evidence) after obtaining a warrant, to be used in a secondary investigation?
- 2) Is it lawful for law enforcement to obtain and utilize server downloads of an individual's cell phone extractions, from a previous investigation, to establish probable cause to obtain a search warrant in a new investigation, unrelated to the previous investigation?
- 3) Whether the plain view doctrine applies to "digital searches"?

List Of Parties

- 1) Darnell Keith Jones
- 2) United states of America
- 3) Solicitor General Of The united states

Related Cases

- 1) United states V. Jones, NO. 4:23-cr-00126,
U.S. Court for the Southern District of Iowa - Central.
Judgment entered Sept 6, 2024
- 2) United states V. Jones, No. 24-2922,
U.S. Court of Appeals for the Eighth Circuit.
Judgment entered Apr 3, 2026

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18 U.S.C § 2422	4
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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 A to the petition and is

☒ reported at Unknown; 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☐ is unpublished.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 _____ 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☐ is unpublished.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 _____ 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.

Opinion Below

The United States Court of Appeals for the Eighth Circuit issued an opinion affirming the Eighth Circuit Magistrate Court decision to deny defendant motion to suppress cell phone evidence. The United States Court of Appeals for the Eighth Circuit issued their opinion and judgement to petitioners timely file Appeal Brief on April 3, 2026. (04/03/2026) (see Appendix A).
See United States v. Darnell Keith Jones, Appeal No.: 24-2922

Petitioner filed a timely Petition for Panel Rehearing which the Eighth Circuit Court of Appeals denied in an order dated June 10, 2026. (06/10/2026) (see Appendix B).

Jurisdiction Statement

The United States District Court had Jurisdiction over all aspects of Mr. Jones federal criminal prosecution pursuant to 18 U.S.C. § 3231 (2012)

The Eighth Circuit Court of Appeals had Jurisdiction of the appeal pursuant to 28 U.S.C. § 1291 (2012)

This court's Jurisdiction is invoked under Title 28 U.S.C. § 1254 (1).

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 3, 2026.

☐ 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: June 10, 2026, and a copy of the order denying rehearing appears at Appendix B.

☐ 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 _____. A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourth Amendment to the United States Constitution
Provides:

The right of the people to be secure in their persons, houses,
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: (Emphasis Added).

Statutory Provisions: See Appendix (C)

18 U.S.C. § 1591	-----	4
18 U.S.C. § 1954	-----	4
18 U.S.C. § 2422	-----	4
18 U.S.C. § 1952	-----	4
U.S. Const. amend. V	-----	3

STATEMENT OF THE CASE

The Nature Of The Case: Mr. Jones timely filed a direct appeal following conviction on two counts of Sex trafficking by force, fraud, and Coercion in Violation of 18 U.S.C. §§ 1591(a)(1), (B)(1)(B) and 1594(a); Sex trafficking of a minor, in Violation of 18 U.S.C. §§ 1591(a)(1), (b)(1)(B)(2) and 1594(a); two counts of Enticement and attempted enticement of a minor, in Violation of 18 U.S.C. § 2422(b); and a count of Violating the travel act of facilitate Prostitution, in Violation of 18 U.S.C. § 1952(a)(3)(A); Mr. Jones appealed the denial of the motion to Suppress evidence in the Case, Pursuant to the term of his conditional plea agreement.

Factual and Procedural Background: In February of 2023, law enforcement officers with the Ottumwa Police Department responded to a disturbance call at a local apartment made by a neighbor at 12:30 pm. The neighbor reported hearing the occupant of the residence J.C., shout at someone to "get out" before her voice became muffled. The neighbor knew that J.C. had a no-contact order with Mr. Jones, and it was suspected that Jones may be in the residence. After officers arrived to the scene, the neighbor informed them that no one had left J.C.'s residence since the call. Officer attempted to make contact with anyone inside J.C.'s residence, but no one answered the door. Hearing movement inside, the officers advised they were going to force entry, and then forced open the door after getting no response. Officers were met by J.C., standing in the kitchen door way, blocking the entrance to the living room. The officers moved J.C. aside, and found Mr. Jones in the living room, sweating and with what appeared to be debris on his clothing. Mr. Jones was arrested for the Violating the no-contact order with J.C., and his cellular phone was seized incident to that arrest.

Mr. Jones' Cell phone was seized incident to his arrest, for violating the no-contact order. It was returned to him on February 20, 2023.

Prior to the return, on February 16, 2023, law enforcement obtained a search warrant for Mr. Jones' phone. The warrant alleges, in addition to the circumstances from the February 12, 2023, incident noted above, that the marijuana found in the residence was consistent with distribution, that Mr. Jones had a prior 2019 conviction ~~for~~ possession of marijuana, and sought to download the phone to seek specific messaging regarding sales and distribution of illegal narcotics. The warrant allowed them to obtain a bit-by-bit download of the phone, with the Southeast Iowa Drug Task Force then retained on their servers.

Mr. Jones was never charged with a marijuana distribution offense related to the February 12, 2023, incident, nor with possession of marijuana stemming from it. However, as the investigation related to the federal case occurred, on April 27, 2023, after reviewing the downloaded copy of Mr. Jones' phone Facebook and Snapchat accounts based on that information. Then, in July of 2023, law enforcement officers obtained another search warrant to access the bit-by-bit downloaded copy of Mr. Jones' phone that had been retained by the Southeast Iowa Inter-Agency Drug Task Force that they had previously viewed.

They also applied for and obtained another search warrant for the same meta and snapchat server information they had previously sought and obtained.

Mr. Jones was arrested on a federal criminal complaint on August 25, 2023. An indictment and superseding indictment were returned on September 14, 2023, and October 18, 2023. On February 28, 2024, Mr. Jones filed a motion to suppress the evidence obtained from the searches of his phone. The district court denied motion on April 11, 2024. On April 26, 2024, Mr. Jones entered into a conditional plea agreement with the government on all the charges in the superseding indictment, while preserving (5)

the right to appeal the denial of the motion to suppress and recommending that the district court impose a sentence of no more than 480 months of imprisonment, a \$600.00 special assessment, \$18,441.60 in restitution, to be followed by 10 years of supervised release. Mr. Jones filed timely notice of appeal on September 20, 2024.

Arguments

February 12, 2023 law enforcement seized Mr. Jones' cell phone third Party, United States v. Waldrip, No. 4:18-cr-00163-RGE-CFB-2, 2019 U.S. Dist. Lexis 241573, 2019 WL 13143479, at *7 (S.D. Iowa April 3, 2019) without permission or consent from Ottumwa County Jail. There was no first warrant that justified the initial seizure of the device. United States v. Fife, 356 F. Supp. 3d 790, 806 (N.D. Iowa 2019). The seizure of Mr. Jones' phone was unreasonable, because the seizure was remote in time or place from the arrest. See *Chimel v. California*, 395 U.S. 752, *Id.* at 764 (emphasis added) (quoting *Preston v. United States*, 376 U.S. 364, 367, 84 S. Ct. 881, 11 L. Ed. 2d 777 (1964)). The exigencies which give rise to the exception for searches incident to arrest no longer applied to Mr. Jones' phone when it was recovered because Jones had already been arrested and removed from J.C.'s residence. And the search warrant for J.C.'s residence is insufficient particular to justify the search of the already seized cell phone in police custody. See *Russian*, 848 F.3d at 1243, see also *Russian*, 848 F.3d at 1245.

The warrantless seizure of Mr. Jones' cell phone "was a fishing expedition," and that, "no valid exception to the warrant requirement" applied. See *United States v. Edwards*, 415 U.S. 800, 94 S. Ct. 1234, 39 L. Ed. 2d 771 (1974). February 16, 2023 law enforcement obtained a search warrant to search Mr. Jones' cell phone for drug trafficking. On February 20, 2023 the phone was returned to Mr. Jones. The four day warrantless seizure was unreasonable. See *Cf. United States v. Waldrip*, No. 4:18-cr-00163-RGE-CFB-2, 2019 WL 13143479, at *7 (S.D. Iowa April 3, 2019). The officers did not have probable cause that the phone contained evidence of a crime. *United States v. Place*, 462 U.S. 696, 709, 103 S. Ct. 2637, 77 L. Ed. 2d 110 (1983). No evidence of drug trafficking was ever found on Mr. Jones' cell phone.

Consequently February 16, 2023 Search warrant allowed ottumwa law enforcement officers to retain bit-by-bit downloads of Mr. Jones' cell phone extraction, storing them in ottumwa County Jail data base server.

Later, subsequent search warrants were issued in April and July after law enforcement reviewed bit-by-bit downloads of the non-seizable data of Mr. Jones' cell phone extraction saved in ottumwa police data base server.

Two months after the drug trafficking investigation ended.

Ottumwa law enforcement officers used February 16, 2023 Search warrant cloned copied downloads from ~~ottumwa~~ ottumwa Police data base as the foundation to establish Probable Cause in obtaining the subsequent warrants in April and July sex trafficking investigation. See (Appendix D)(pg. 6) Which led to August 25, 2023 federal Complaint warrant.

I. The District Court Erred In Finding That Probable Cause Existed For The Intial Warrant To Search Mr. Jones' Cell Phone For Evidence Of Marijuana Trafficking:

To obtain a valid warrant, the affiant need "to make a showing to the issuing magistrate of facts sufficient to create a fair Probability that evidence of a crime would be found," On Mr. Jones' phone. United states V. Saddler, 19 F. 4th 1035, 1039 (8th cir. 2021) (quotation omitted). The affidavit included in whrch the affiant Simply expressed his belief that a search will yeld evidence of Criminal Conduct. The Information in the affidavit is Conclusory in nature and therefore cannot establish probable cause. It is true that an affidavit that is "wholly Conclusory" cannot establish Probable Cause. United states V. colbert, 605 F. 3d 573, 576 (8th cir. 2010) (Citing Gates, 462 U.S. at 239)).

In *Gates*, the Supreme Court explained that such affidavits provides the issuing magistrate with no independent basis for making a probable cause determination. *Id.* at 239; see also *Summage*, 481 F.3d at 1077-78.

Probable cause exists depends on the totality of circumstances. *Gates*, 462 U.S. at 238; see also *United States v. Gabrio*, 295 F.3d 880, 882-83 (8th Cir. 2002). Based on the totality of circumstances, the evidence presented by the affiant as a whole does not provide a substantial basis for finding probable cause to support the issuance of the search warrant. *Terry*, 305 U.S. at 823.

There was no evidence presented suggesting that drug trafficking was taking place at J.C.'s residence.

Finding distribution quantity in a residence does not establish probable cause to believe drug trafficking is taking place at a residence, without material such as cash, drug ledgers, scales, packaging materials; or other indicia of a drug trafficking enterprise. See e.g., *United States v. Bates*, 614 F.3d 490, 495 (8th Cir. 2010); see also *United States v. Thomas*, 593 F.3d 752, 760 (8th Cir. 2010); see also *United States v. Blakey*, 449 F.3d 866, 869-70 (8th Cir. 2006);

The information found within the four corners of the affidavit does not provide the issuing magistrate with substantial evidence that the search warrant would uncover evidence of wrong doing. *United States v. Solomon*, 432 F.3d 824, 827 (8th Cir. 2005) (citation quotations omitted); *United States v. Petruk*, 929 F.3d 952, 959 (8th Cir. 2019).

The affiant search warrant rest solely upon mere affirmance or belief without disclosure of supporting facts or circumstances establishing Mr. Jones cell phone would uncover evidence of drug trafficking, *United States v. Dubrofsky*, 581 F.2d 208, 212 (9th Cir. 1978).

Although the affiant description is a sufficiently detailed allegation, it ~~lacks~~ a nexus with drug trafficking and therefore does not support the conclusion that Mr. Jones is a drug dealer. Underwood, 725 F.3d at 1082-83.

Or that Mr. Jones' phone would contain evidence of drug trafficking.

The affiant affidavit was "completely devoid" of facts to support the affiant judgment that probable cause exists, United States v.

Carpenter, 360 F.3d 591, 595-96 (6th Cir. 2004) (En Banc); providing nothing more than a mere "guess that contraband or evidence of a crime would be found" on Mr. Jones' phone.

United States v. Schultz, 14 F.3d 1093, 1098 (6th Cir. 1994).

An affidavit cannot rely on "wholly conclusory statements" that probable cause existed based on the affiant's mere belief, "without detailing any of the underlying circumstances upon which that belief is based". United States v. Ventresca, 380 U.S. 102, 108-09, 85 S. Ct. 741, 13 L. Ed. 2d 684 (1965) (internal quotations omitted);

See also United States v. Martin, 297 F.3d 1308, 1314 (11th Cir. 2002) (internal quotation marks omitted); also see Gates, 462 U.S. at 239.

The affiant "effectively usurped the (magistrate judge) duty to conduct an independent evaluation of probable cause". Perkins, 850 F.3d at 118-19; Furthermore, the magistrate judge abandoned his judicial role by rubber stamping February 16, 2023 search warrant for Ottumwa police law enforcement officers. United States v. Ortiz-Cervantes, 868 F.3d 695, 703 (8th Cir. 2017). See also Pruett, 501 F.3d at 980-81 (quoting United States v. Hallam, 407 F.3d 942, 946 (8th Cir. 2005)).

The Search Warrant does not establish a nexus between the marijuana found inside J.C.'s residence and Mr. Jones.

The affiant does not establish that Mr. Jones possessed control, ownership or dominion over the marijuana found inside J.C.'s residence itself or over the premises in which the Contraband is Concealed. Schubel, Supra, 912 F. 2d at 955; ~~Matra~~ Matra, Supra, 841 F. 2d at 840.

Mr. Jones mere presence or arrest at J.C.'s residence is too insignificant a connection with that residence to establish that relationship necessary to a finding - of - Probable Cause. United States v. Savoca, 761 F. 2d 292, 297 (6th Cir. 1985) (quoting United States v. Flores, 679 F. 2d 173, 175 (9th Cir. 1982)). See also Zurich v. Stanford Daily, 436 U.S. 547, 556 (1978).

Mr. Jones was arrested for a non-drug offense within the Proximity of user amount of marijuana. See McPhearson, 409 F. 3d at 524; In the absence of any facts connecting Mr. Jones to drug trafficking, the affidavit in this case cannot support the inference that evidence of wrongdoing would be found on Mr. Jones phone, because drugs were found inside a residence not connected to Mr. Jones. United States v. Taylor, 471 F. App'x 499, 513 (6th Cir. 2012) (quoting McPhearson, 409 F. 3d at 525)); See also United States v. Garcia Rodriguez, 93 F. 4th 1162, 1167 (10th Cir. 2024) (Finding no Probable Cause where drugs were found in a hidden compartment and there was no evidence that the owner of the drugs had told the defendant where they were).

The affidavit does not establish that Mr. Jones had any Knowledge of the marijuana found inside J.C.'s residence.

In this brief, the following abbreviation will be used: "R. Doc" -- district Court clerk's record, followed by docket entry and page number, where noted.

- R. Doc. 64, R. Doc. 69:

(10) - J.C.: Minor Victim # 1:

Nothing within the four corners of the affidavit connects Mr. Jones to the marijuana or the residence, outside of his mere presence inside the residence itself.

Nor, was marijuana found on Mr. Jones persons.

A search warrant can only be issued when the affidavit presents evidence of a sufficient nexus between the crime and the place to be searched. *United States v. Perry*, 531 F. 3d 662, 665 (8th cir. 2008).

The affidavit in support of the cell phone search warrant failed to establish probable cause as there was no evidence of the cell phone being used in criminal activity.

The affidavit failed to show evidence that Mr. Jones used his cell phone to purchase the marijuana found inside J.C.'s residence. The affidavit is insufficient because there is nothing in the affidavit asserting that the affiant knew Mr. Jones used his cell phone as a tool of drug trafficking.

United States v. Ramirez, 180 F. Supp. 3d 491, 496 (W.D. Ky 2016) (insufficient evidence to establish a nexus between the cell phone and the alleged crime). See also *United States v. Cole*, No. 23-CR-175 (DWF/DJF), 2023 U.S. Dist. Lexis. 231763, 2023 WL 9547891, at *8 (D. Minn. Oct 25, 2023), Report and Recommendation adopted, No. CR-23-175 (DWF/DJF), 2024 U.S. Dist. Lexis. 752, 2024 WL 35471 (D. Minn. Jan 3, 2024).

The affidavit did not explain why the affiant held the belief that Mr. Jones cell phone would contain a "high likelihood" that the phone would contain evidence of drug trafficking. *Armstrong*, 2022 U.S. Dist. Lexis 208736, 2022 WL 17417901, at *9; *Cole*, 2023 U.S. Dist. Lexis 231763, 2023 WL 9547891, at *3-4, *8.

The affidavit did not allege that Mr. Jones used his cell phone to arrange narcotics transactions or that the search of his social media accounts revealed any connection between his phone use and drugs, or other illegal activity.

The affidavit does not present any evidence to the issuing magistrate connecting drug trafficking to Mr. Jones cell phone for probable cause to exist.

Therefore, there is no nexus between drug trafficking and Mr. Jones Cellphone evident before the issuing magistrate to issue the search warrant.

In February 16, 2023 affidavit supporting the search warrant of Mr. Jones cell phone. The affiant asserts his training and experience while stating that drug dealers and buyers deal in real time, and that individuals use cellphone to electronically communicate the content and/or details of criminal enterprises by means of voice mail, text messages, and emails.

These insertments are "insufficient information to establish Probable Cause within the four corners of the affidavit to issue the search warrant". Ramirez, 180 F. Supp. 3d at 493, 496.

Again, because there's nothing in the affidavit asserting that Mr. Jones used his cell phone as a tool of drug trafficking. Ramirez, 180 F. Supp. 3d at 496.

The affiant affidavit does not present sufficient evidence to the issuing magistrate that Mr. Jones cell phone itself is being used in committing the offense of drug trafficking. United States v. Sims, 508 F. App'x 452, 460 (6th Cir. 2012) (citing United States v. Gracalone, 858 F.2d 470 (6th Cir. 1988)). See also Armstrong, 2022 U.S. Dist. Lexis 208736, 2022 WL 17417901, at *9. Or enough to establish a nexus.

The affiant including his "training - and - experience" statement and the mere fact that Mr. Jones possessed a phone when he was arrested inside a residence containing distribution quantity, is not enough to establish a nexus between drug trafficking and Mr. Jones cell phone. United States V. Rowland, 145 F.3d 1194, 1204 (10th Cir. 1998). See also United States V. Cole, No. 23-Cr-175 (DWF/DJF), 2023 U.S. Dist. lexis. 231763, 2023 WL 9547891, at *8 (D. Minn. Oct. 25, 2023), report and recommendation adopted, No. Cr. 23-175 (DWF/DJF), 2024 U.S. Dist. lexis 752, 2024 WL 35471 (D. Minn. Jan. 3, 2024). And the affiant failed to provide something more.

The only fact relied on by the affiant as a potential ground for suspicion is the computer-generated information about Mr. Jones prior arrest for a narcotics violation. Mr. Jones 2019 possession of marijuana conviction.

("Even knowledge of a person's prior criminal involvement (to say nothing of a mere arrest) is alone insufficient to give rise to the requisite reasonable suspicion"), to justify a shift in investigatory intrusion from the disturbance call to a drug trafficking investigation. United States V. Lee, 73 F.3d 1034 at 1039 (quoting United States V. Sandoval, 29 F.3d 537, 542 (10th Cir. 1994)). See also United States V. Santillanes, 848 F.2d 1103, 1107-08 (10th Cir. 1988) and of United States V. Oates, 560 F.2d 45, 59-60 (2d Cir. 1977) (adhering to United States V. Fields, 458 F.2d 1194, 1198 (2d Cir. 1972)).

The facts relied upon by the affiant are insufficient to create the probable cause necessary to justify the illegal search of Mr. Jones cell phone in this case.

The Fourth Amendment "does not forbid all searches and seizures but only such as are unreasonable". *Lawson v. United States*, 254 F.2d 706, 708 (8th Cir. 1958) see also *Robbins v. Des Moines*, 984 F.3d 673, 680 (8th Cir. 2021). The illegal search and seizure without probable cause violates the Fourth Amendment. Conducted by the government of Mr. Jones cell phone (13)

II. The District Court Erred In Finding That Law Enforcement officers Could Rely In Good-Faith On The Initial Search Warrant For Mr. Jones Phone;

The Good Faith Exception does not apply to the search warrant of Mr. Jones cell phone. Because the affidavit to the Search Warrant was so lacking indicia of Probable Cause, that no reasonable officer would rely on it. Leon, 468 U.S. at 914; See also Gonzales, 399 F.3d at 1230;

The affidavit did not "establish the minimal nexus that has justified application of the good faith exception" because "the only connection in the affidavit between the (residence) and (drug trafficking) was that officers arrested Mr. Jones inside a residence containing marijuana."

The warrant application was "deficient" in that it did not establish a nexus between Mr. Jones and his cell phone, Mr. Jones cellphone and drug trafficking and the suspects location in protected areas, rather than merely Probable Cause that Mr. Jones is engaged in drug trafficking.

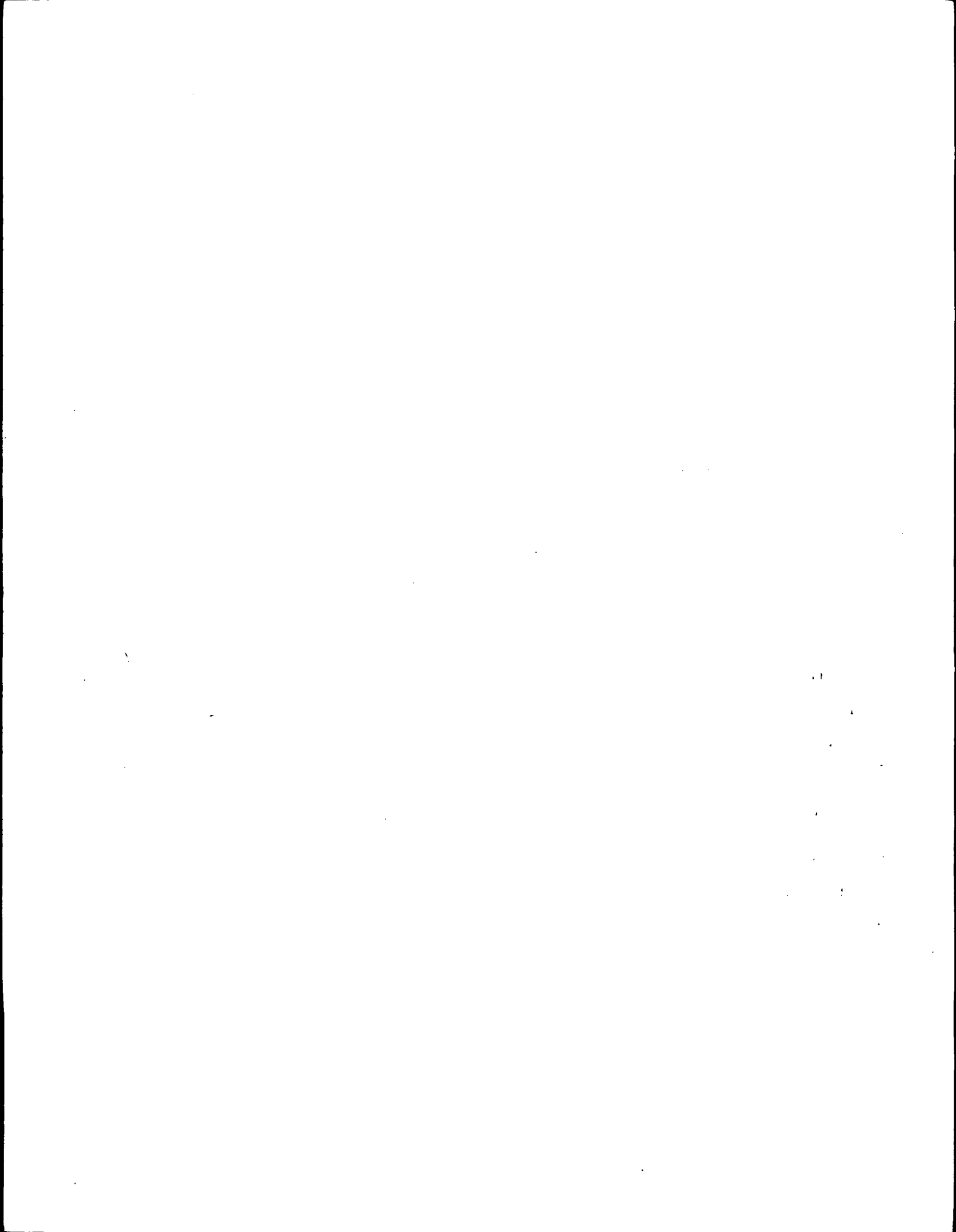
United States v. Williams, 544 F.3d 683, 686 (6th cir. 2008).

See also United States v. Brown, 828 F.3d 375 (6th cir. 2016);

United States v. Fitzgerald, 754 Fed. App'x 351 (6th cir. Nov 1, 2018);

United States v. Roach, 582 F.3d 1192 (10th cir. 2009);

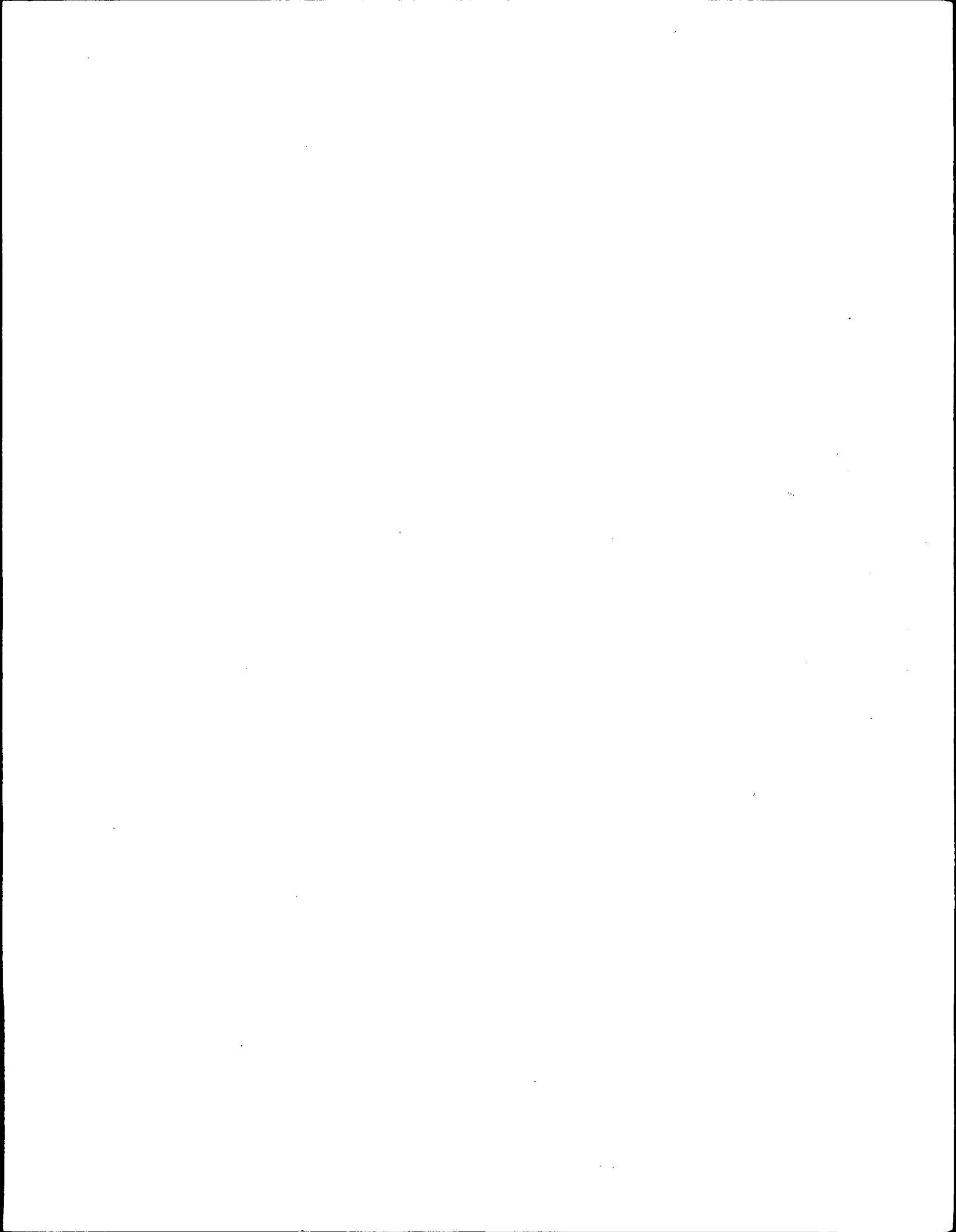
See also United States v. McPhearson, 409 F.3d 518, 526 (6th cir. 2006) (no good faith if there is no nexus between the residence and drug trafficking); See also United States v. Gonzales, 399 F.3d 1225, 1229 (10th cir. 2005) (no good faith if the "factual basis connecting the place to be searched to defendant" is "wholly absent").



There was no allegation in the cellphone warrant to suggest Mr. Jones had any involvement whatsoever in illicit drug trafficking activity. A reasonable well-trained officer would have known that the search of Mr. Jones phone was illegal despite the issuing magistrate authorization. United States v. Hudspeth, 525 F.3d 667, 676 (8th Cir. 2008). See also Herron, 215 F.3d at 815;

The warrant was so "obviously deficient" in establishing Probable Cause that any reasonable officer would have known that it was constitutionally fatal, then such behavior by law enforcement would fall under the "reckless" or "grossly negligent" categories which would not be entitled to the benefit of the good-faith exception. United States v. Szczerba, 897 F.3d at 938-39; see also Davis, 564 U.S. at 238.

The search warrant does not provide any information as to what the affiant knew but did not include in the affidavit regarding the probable cause to search Mr. Jones cell phone. Therefore, based on the evidence presented to the magistrate judge issuing the search warrant, was so lacking indicia of probable cause as to render the officials belief in its existence entirely unreasonable. United States v. Proell, 485 F.3d 427, 431 (8th Cir. 2007). See also Leon, 468 U.S. 897 at 923; See also United States v. Herron, 215 F.3d 812, 814 (8th Cir. 2000) (citing and quoting Leon, 468 U.S. 897, 922-23 (1984)). Probable Cause to search a cell phone is not established by the mere presence of a criminal suspect there; something more is required linking the cell phone to the crime (actual evidence related to the crime). United States v. Rowland, 145 F.3d 1194, 1204 (10th Cir. 1998), and the affidavit failed to provide that "something more" for officers to rely on it.



United States V. Herron, 215 F.3d 812, 814 (8th Cir. 2000) (citing and quoting United States V. Leon, 468 U.S. 897, 922-23 (1984)). The additional factors noted in the affidavit and cited by the district court still left the warrant so lacking in probable cause that it was unreasonable for the executing officers to rely on the issued warrant.

The affiant affidavit misled the magistrate by including false information. Leon, 468 U.S. at 923 (citation omitted);

The affiant states that he knows that drug dealers and or/buyers deal in real time. But provides no evidence to the issuing magistrate that Mr. Jones is a drug dealer or use his cell phone to buy or deals drug in the affidavit. Brown, 828 F.3d at 383; see also Nathanson v. United States, 290 U.S. 41, 44, 78 L. Ed. 159, 54 S. Ct. 11 (1933);

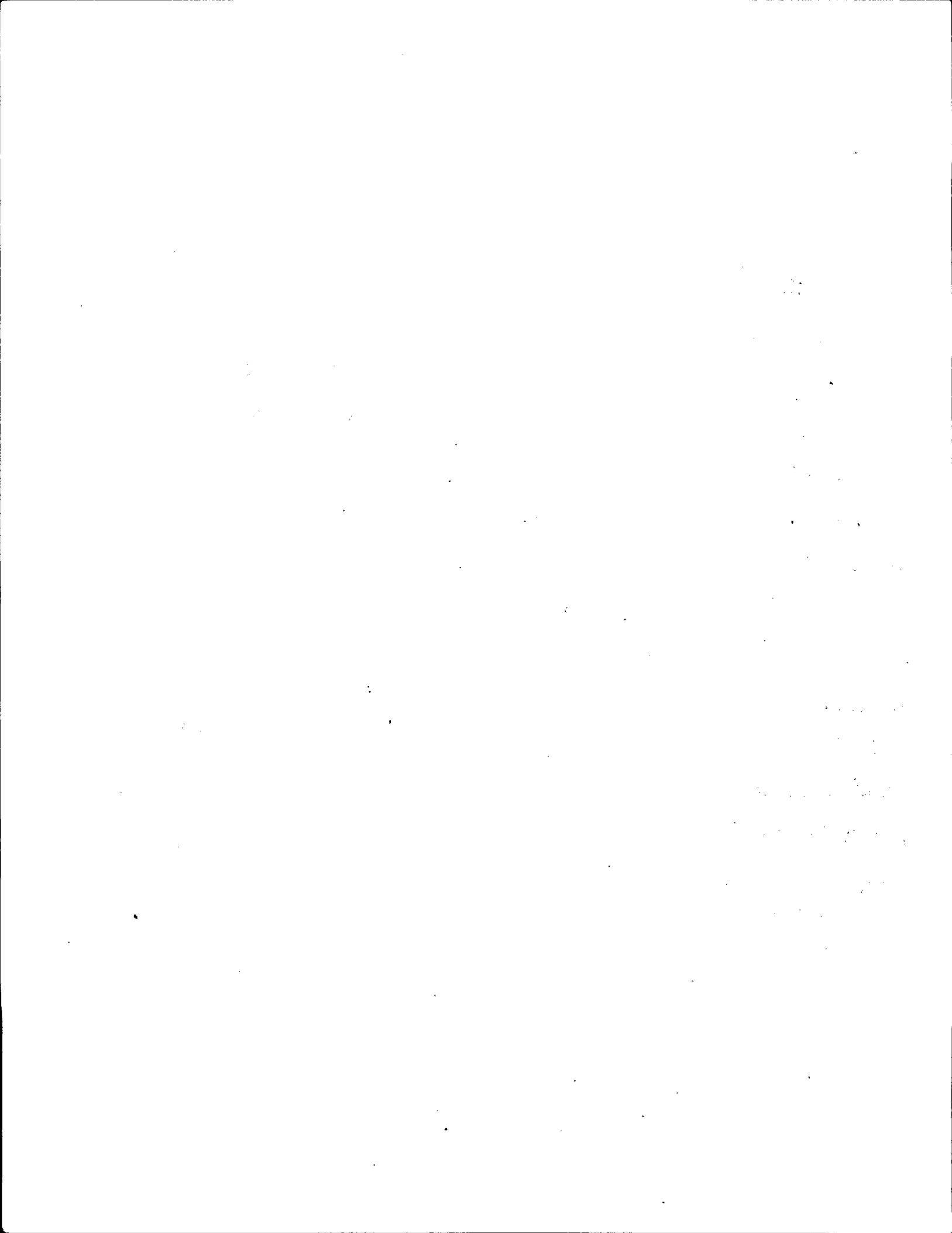
The affidavit relies on mere suspicion that Mr. Jones cell phone would contain illegal evidence of drug trafficking. Schultz, 14 F.3d 1093, 1098 (6th Cir. 1994). Rendering February 16, 2023 affidavit supporting the search warrant to be "bare-bones" and so lacking indicia of probable cause as to render the affiant reliance on it objectively unreasonable. For the Good-Faith Exception to apply. Laughton, 409 F.3d 744, 748 (6th Cir. 2005) (quoting Weaver, 99 F.3d at 1378)).

The affiant conclusory statement fails to give the issuing magistrate a substantial basis for determining probable cause exists. United States V. Summage, 481 F.3d 1075, 1077-78 (8th Cir. 2007). Or whether probable cause existed to begin with. Crow, 608 F.3d at 435; see also Perkins, 850 F.3d at 1119 (quoting Ruiz, 758 F.3d at 1149)).

The warrant was overbroad and insufficiently Particular because the government "did not limit the scope of the seizure to a time frame within which the suspected criminal activity took place," even though the government was aware of the relevant time period when it sought the warrant. *United States v. Kow*, 58 F.3d at 425-30. Because the warrant was overbroad and insufficiently Particular, rendered the particular search warrant into a general search warrant. *United States v. Wright*, 667 F.2d 793, 797 (9th Cir. 1982) (quoting *Coolidge v. New Hampshire*, 403 U.S. 443, 467, 91 S.Ct. 2022, 29 L. Ed. 2d 564 (1971)). Any and all evidence seized pursuant to illegal general warrant must be suppressed. *United States v. Espinosa*, 827 F.2d 604, 610 (9th Cir. 1987).

Because "the warrant to search Mr. Jones Cell phone should have been limited by time, location and relationship to specifically described suspected criminal conduct," it was "wholly deficient" and could not be salvaged by the good-faith exception. *Kow*, 58 F.3d at 430.

When Probable Cause to search is limited to a particular location, suspect, time period, or type of evidence, any warrant provision that is "wholly lacking in any corresponding limitation is overbroad" and therefore "facially deficient" under the Fourth Amendment. An officer who relies on any such provision while executing a search warrant does not act in good faith. *Holcomb*, 2025. U.S. App. lexis 12,36. See also *Decker*, 956 F.2d at 779 (quoting *United States v. Marvin*, 732 F.2d 669, 674-75 (8th Cir. 1984)).



As part of its effort to investigate the drug trafficking, the government executed a search warrant ~~authorizing~~ authorizing the seizure of various categories of documents.

Those various categories of documents were invalid because they lacked limitation that would have restricted the scope of the government's search to the relevant studies. SDI, 568 F.3d at 693, 704-06.

Although the warrant in Mr. Jones case delineated various categories of evidence, it "contained no limitations on which documents within each category could be seized or suggested how they related to criminal activity" and therefore the warrant was indistinguishable from the general warrants repeatedly held by this court to be unconstitutional. Kow, 58 F. 3d at 427 (citing CTR. Art Galleries - Hawaii, Inc. v. United States, 875 F. 2d 747, 750 (9th Cir. 1989)); United States v. Stubbs, 873 F. 2d 210, 211 (9th Cir. 1989). Search warrants lacking any temporal or other limitation and allowed officers to search any file from any time period, contrary to established precedent requiring warrants to be appropriately limited to scope. United States v. Winn, 79 F. Supp. 3d 904 (S.D. Ill. 2015). Authorizing every piece of data to be seized in the cell phone. Id. 912, 19-20. ~~It~~ becomes "facially deficient," that no executing officer could presume it valid.

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The affidavit is devoid of factual support for officers to rely on it establishing Probable Cause for the issuing Magistrate determination. United States v. Campbell, 603 F.3d 1218, 1230 (10th Cir. 2010).

When a Search Warrant is not supported by Probable Cause, any evidence obtained as a result is generally inadmissible. Mapp v. Ohio, 367 U.S. 643, 655-57, 6 L.Ed. 2d 1081, 81 S. Ct. 1684, 16 Ohio Op. 2d 384, 86 Ohio Law Abs. 513 (1961).

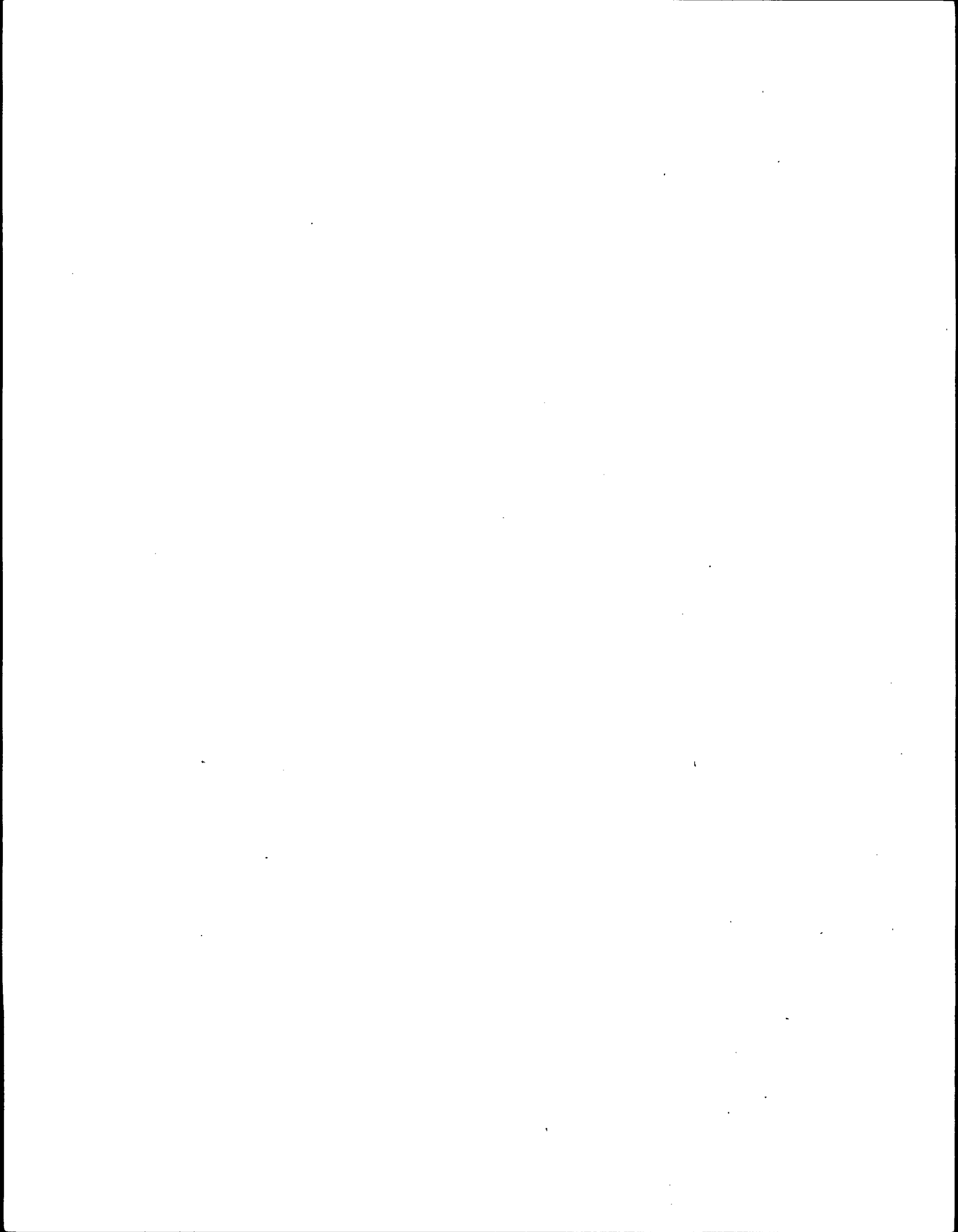
The Fourth Amendment requires that the Issuing Magistrate had a substantial basis for concluding that the Search Warrant would uncover evidence of wrongdoing.

United States v. Maccari, 49 F.4th 1126, 1130 (8th Cir. 2022) (quoting Gates, 462 U.S. at 236)).

February 16, 2023 affidavit to support the search warrant failed to supply the issuing magistrate with a substantial basis to determine Probable Cause to search Mr. Jones' cellphone. Suppression is specifically appropriate if law enforcement officials demonstrate deliberate, reckless or grossly negligent disregard for the Fourth Amendment rights. Herring, 555 U.S. at 144.

All evidence deriving from the unsupported search warrant of Mr. Jones' cellphone should be suppressed under the Fourth Amendment requirement, subject to the exclusionary rule.

Establishing, the Fourth Amendment, requires that search warrants be issued only upon Probable Cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. Dalia v. United States, 441 U.S. 238, 255, 99 S. Ct. 1682, 60 L. Ed. 2d 177 (1979). United States v. Wallace, 550 F.3d 729, 732 (8th Cir. 2008) (quoting United States v. Summage, 481 F.3d 1075, 1077 (8th Cir. 2007)).



The warrant may only be issued upon a showing of Probable Cause to believe that the evidence sought will aid in a Particular apprehension or conviction" for a "Particular offense".

Warden v. Hayden, 387 U.S. 294, 307, 87 S. Ct. 1642, 18 L. Ed. 2d 782 (1967).

February 16, 2023 Search warrant affidavit failed to provide evidence or showings of Probable cause to the issuing magistrate. Nor, was the affidavit sufficiently valid for the officer to rely on its validity in good faith.

Relevant factors for the Court to consider when evaluating whether Leon applies include, among other things, whether the warrant was issued by an unbiased Judge, whether the officer who requested the was the same officer who executed the warrant, and whether, in context of the warrant, the officer had a reasonable belief the warrant was limited to the seizure of more particular items. See. E.g., Henderson, 416 F.3d at 695; Curry, 911 F.2d at 78; United States v. Bryant, No. 19-cr-29 (ADM/ECW), 2019 U.S. Dist. lexis 122588, 2019 WL 3307393, at * 8 (D. minn. June 7, 2019), report and recommendation adopted, No. Cr-19-29 ADM/ECW, 2019 U.S. Dist. lexis 122125, 2019 WL 3308220 (D. minn. July. 23, 2019).

In this case the Good Faith Exception does not apply to the illegal search of Mr. Jones cell phone data. Because it lacked a nexus between drug trafficking and Mr. Jones phone, was lacking indicia to render official belief and because the affidavit supporting the search warrant lacked temporal limitation and was overbroad within the scope of the search warrant. See United States v. Cole, No. Cr-23-175 (DWF/DJF), 2024 U.S. Dist. lexis 752, 2024 WL 35471, at *2 (D. minn. Jan. 3, 2024).

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III. The Subsequent Warrants To Search The Copied Information From Mr. Jones phone Were Tainted By The Initial Illegal Search And Exclusion Of The Evidence Is Required:

Evidence obtained in violation of the Fourth Amendment is subject to the exclusionary rule, and "cannot be used in a criminal proceeding against a victim of the illegal search and seizure" when no exception to the exclusionary rule applies. *United States v. Calandra*, 414 U.S. 338, 347 (1974).

"The exclusionary rule reaches not only primary evidence obtained as a direct result of an illegality or 'fruit of the poisonous tree.'" *Segura v. United States*, 468 U.S. 796, 804 (1984) (citations omitted). Evidence should only be excluded if the "illegality is at least a but-for cause of obtaining the evidence". *United States v. Olivera-Mendez*, 484 F.3d 505, 511 (8th Cir. 2007).

Because law enforcement officer were not legally justified in searching and cloning his phone in the first instance, all evidence obtained from that search must be suppressed as fruit of the poisonous tree. *Wong Sun v. United States*, 371 U.S. 471, 484 (1963); *New York v. Harris*, 495 U.S. 14, 19 (1990) (holding that "the indirect fruits on an illegal search or arrest should be suppressed when they bear a sufficiently close relationship to the underlying illegality");

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United States v. Villa-Gonzalez, 623 F.3d 526, 523 (8th Cir. 2010) (observing that the exclusionary rule "reaches not only primary evidence obtained as a direct result of an illegal search or seizure... but also evidence later discovered and found to be derivative of an illegality or fruit of the poisonous tree"). (Citing Segura v. United States, 468 U.S. 796, 804 (1984) (internal marks omitted); United States v. Yousif, 308 F.3d 820, 832 (8th Cir. 2002) ("Verbal statements obtained as a result of a Fourth Amendment violation are as much subject to the exclusionary rule as are items of physical evidence discovered during an illegal search.").

In this case, the initial unlawful search of Mr. Jones' phone led to it being cloned and retained by law enforcement officials in a law enforcement server, even after the phone was physically returned to Mr. Jones.

Although law enforcement later obtained an additional search warrant in July of 2023 to again search the cloned and copied forensic data from the phone for additional evidence to support the federal charges against Mr. Jones, the fact that they still retained the information in a server is not a basis to circumvent the initial illegality and the consequences of the exclusionary rule.

The later warrants and authorized searches "cannot be independent of the initial illegal search and seizure, because the forensic copy existed only because of that search." United States v. Smith, 673 F. Supp. 3d 381, 400 (S.D.N.Y. May 11, 2023) (emphasis in original).

The Cellphone Search of Mr. Jones cellphone on the day Feb of 2023.

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Even if the subsequent search warrant identified independent probable cause to search Mr. Jones' phone at the time the warrant was issued, the search it authorized was for an illegal copy containing different data than was on Mr. Jones' phone in July when the warrant was obtained, and the subsequent search cannot then be independent of the initial unlawful search. See *id.* (finding the independent source doctrine inapplicable where the government searched a copy of a phone in its possession from prior illegal border search).

The fact that the subsequent search warrant asked to search law enforcement's own database instead of a phone seized anew from Mr. Jones further illustrates this reality. See (appendix D) (July 2023 search warrant) (pg 1, 6.)

In a typical scenario, once seized and searched property has been returned to a person, a subsequent warrant would then be necessary to again obtain and search that property. Here, however, because the initial illegal search included permission to clone Mr. Jones' phone, law enforcement retained all that information in their own databases, with no apparent limitation on how long they could keep it and no check on what they might do with it in the future.

The problem remains that because the later search warrant authorized search of the retained data could not have occurred but-for that initial illegality. See *Smith*, 673 F. Supp. 3d at 400 (noting that the search of the forensic copy rather than the search of the current data contained on the defendant's phone at the time the later warrant was issued, "would not probably have occurred but for the initial unlawful search." (23)

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Put more simply, because the copy of Mr. Jones' phone would not have existed but-for the initial illegal search, the later warrant to search that information again contains the same taint of the initial illegality.

Law enforcement needed to obtain a new warrant to search Mr. Jones' phone in its current state, rather than rely on searching the illegally cloned copy of the data it retained in its own servers.

See also *id.* ("Since the copy of Smith's cell phone containing the data existing as of the ~~date~~ and time of the border search would not have existed but for the unlawful search - and since the data contained on Smith's actual phone as of the time the warrant issued may have materially differed from the data contained on the copy - the warranted search of the phone copy was not inevitable.").

The attempt to cure the initial and subsequent illegal searches of the copy of the phone cannot be salvaged by the subsequent search warrants sought and obtained by law enforcement, because they are predicated on the initial illegality.

Repeatedly, the additional searches of Mr. Jones' Facebook and Snapchat accounts pursuant to warrants later obtained April and July of 2023 are likewise predicated on the information gleaned from the illegal search of the February copy of his phone.

See R. Docs 64-2, 4 (Search warrants and affidavits for Meta platform and Snapchat servers from April and July 2023).

Illegally obtained evidence may not be used as the basis for Probable Cause in a subsequent warrant. See *United States v. Williams*, 604 F.2d 1102, 1122 (8th Cir. 1979) (fruits of a prior illegal warrantless search may not be used as the basis for a subsequent search warrant).

Striking the references to Mr. Jones' phone copy information from the warrant affidavits results in a lack of nexus linking his Facebook and Snapchat accounts to the crimes in this case, meaning no probable cause to search them exists. *United States v. Brooks*, 22 F. 4th 773, 778 (8th Cir. 2022) (noting that when a defendant claims a warrant affidavit contains illegally obtained information and then evaluate whether the remainder establishes probable cause).

Also reminding the court, Evidence obtained as a result of an unconstitutional search or seizure must be suppressed as well as any evidence later discovered to be an illegal "fruit of the poisonous tree". *Segura v. United States*, 371 U.S. 471, 484, 83 S. Ct. 407, 9 L. Ed. 2d 599 (1984) (citing *Wong Sun v. United States*, 371 U.S. 471, 484, 83 S. Ct. 407, 9 L. Ed. 2d 441 (1963)).

"Any evidence secured through an unreasonable, hence, illegal, search and seizure may not be used in a federal prosecution, nor may the fruit of such tainted evidence be admitted against the defendant whose privacy rights were originally violated." *United States v. Conner*, 948 F. Supp. 821, 829 (N.D. Iowa 1996) (citing *Weeks v. United States*, 232 U.S. 383, 34 S. Ct. 341, 58 L. Ed. 652, T.D. (1964); *Wong Sun*, 371 U.S. at 484-88).

Rakoff, District Judge; This case raises variation of the familiar but always troubling issue of whether someone can be prosecuted for "despicable criminal conduct," Based on evidence obtained in violation of the United States Constitution. In the circumstances of this case, respect for the constitution and the rule of law requires an answer of no.

"(This opinion applies to Mr. Jones Case)" (25)

The fact that the Subsequent Search Warrant seek to search law enforcement's own databases further illustrates this reality. See Def.'s Ex. C (requesting to search law enforcement "[S]ervers" for the "bit-by-bit download" copy of Mr. Jones' phone). In a typical scenario, once seized and searched property has been returned to a person, a subsequent warrant would then be necessary to again obtain and search that property. Here, however, because the initial illegal search included permission to clone Mr. Jones' phone, law enforcement retained all that information in their own data-bases, with no limitation on how long they could keep it and no check on what they might do with it. The problem remains that because the later search warrant authorized search of a cloned copy of the initially illegally searched phone, the search of the retained data could not have occurred but for that initial illegality. Law enforcement needed to obtain a new warrant to search Mr. Jones' phone in its current state, rather than rely on the illegally cloned copy it retained in its own servers. The attempt to cure their initial and subsequent illegal searches of the copy of the phone cannot be salvaged by the subsequent warrants, as they are predicated on the initial illegality and what was viewed in Mr. Jones' phone.

Due to Ottumwa, IA illegal activity, the exclusionary rule and the fruits of a poisonous tree applies to this specific case, which give great reason for the Supreme Court to suppress all evidence from the illegal search of Mr. Jones' phone.

For the reasons discussed above, the evidence found in Mr. Jones' phone, and additional evidence obtained based off the illegal search of it must be suppressed as fruits of the initial illegal search and cloning of its contents. *Dunaway v. New York*, 442 U.S. 200, 218-19 (1979); *United States v. Wheat*, 278 F.3d 722, 726 (8th Cir. 2001) (citing *Wong-Sun*, 371 U.S. at 484).

REASONS FOR GRANTING THE PETITION

1. Certiorari should be granted because its resolution will control the outcome of the case. This court's decision will effectively resolve an issue on a nationwide basis, making it impossible or unlikely that a conflict among the lower courts can arise, as where a federal regulation is struck down on its face.
2. Certiorari should be granted because these questions possess a credible argument that a decision will have widespread, deleterious effects, particularly on law enforcement and the conduct of government agencies. The court's perception of importance may reflect ideological leanings of the Justices.
3. Certiorari should be granted because the practical importance of these issues matter to the criminal justice, civil justice and to litigants who repeatedly face the issues at question.
4. Certiorari should be granted because Technocratic Advantages has advanced so much over the years and the law has not adapted to those technical changes. These technical changes needs to be addressed by the Supreme courts.

Overall Reason

This petition is of sufficient important to merit review. Because no law has been established, reviewed or finalized whether law enforcement can retain seizable and non-seizable downloads of cloned copies of cell phone extractions in their data base server for an unlimited time frame, having no statute of limitation. Which allows law enforcement to utilize downloads that itself is no longer evidence to be used in a new investigation or in a secondary investigation. Leading to federal charges.

This Court must also determine "the efficacy of the rule in deterring Fourth Amendment violations in the future". *Id.* *Herring v. United States*, 555 U.S. 135 at 141 (citing *United States v. Calandra*, 414 U.S. 338, 347-355, 94 S. Ct. 613, 38 L. Ed. 2d 561 (1974); *Stone v. Powell*, 428 U.S. 465, 486, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976)). The Court must weigh the benefits of applying the exclusionary rule against its costs. *Id.* when weighing competing values, the balance tips toward excluding iPhone data (digital data). See, *Id.* (citing *Leon*, 468 U.S. at 910).

If the exclusionary rule is not applied, law enforcement agencies will have carte blanche authority to obtain a warrant for all digital data on a cell phone, keep the unresponsive data forever, and then later use the data for criminal prosecutions on unrelated charges - erasing the protections specifically contemplated in *Riley*. As law enforcement have done in this case against Mr. Jones.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Darnell Keith Jones

Date: July 23, 2026

Reason For Granting Certiorari

As imposed in regards to question 3, whether the plain view doctrine applies to digital searches. Merit important review by the Supreme Court. Concluding no case law by the Supreme Court Counsel whether the plain view doctrine applies to digital searches.

It is important for this court to establish a reliable law, rule and guidance for all circuits to apply.

The Eighth circuit has not yet explicitly adopted or rejected plain view doctrine with respect to digital searches, and circuits that have wrestled with the question are some what split. See
2024 U.S. Dist. Lexis 93123:: United States V. Warren Sam
2018 U.S. Dist. Lexis 194267:: United States V. Eggerson

The concerning issue with applying the plain view doctrine to digital searches, effects the criminal justice and litigants who repeatedly face the issue at question.

Who suffer prosecution at the abuse of government agents who violates the personal rights to be free from unreasonable search and seizures of digital data.

The government can't be sure whether data may be concealed, compressed, or booby-trapped without carefully examining the contents of every file -- and we have no cavil with this general proposition -- then everything the government choose to seize will ~~Under this theory~~, automatically come ~~into~~ plain view.

This would make a mockery of *Tamura* and render carefully crafted safeguards a nullity.

Applying the plain view doctrine to digital searches run the risk of allowing government agents to count on digital searches to bring Constitutionally protected data into the plain view of the investigating agents, to be preused later to see if anything above and beyond that which was authorized for seizure in the initial warrant, be used in obtaining additional warrants to further the initial investigation. Which would be wholly unnecessary for government agents to view any data for which the government did not already have probable cause.

As I Darnell Keith Jones am a victim of the issue in regards to the plain view doctrine applying to digital searches.

Having non-seizable data use against me in prosecution as of means of law enforcement utilizing non-seizable data from police data base server to acquire additional warrants unrelated to the previous initial investigation.

See Comprehensive Drug Testing, 513 F.3d at 1134-35 (Thomas, J. dissenting) in digital searches and plain view doctrine.

See also

"(Callahan, J., Concurring) in-part and dissenting in-part) Comprehensive Drug Testing, 579 F.3d at 1013)"

Considering the importance of the question of whether the plain view doctrine applies to digital searches, merits the Supreme Court attention and decision between the split circuits as well as establishing a law or guidance of apply the plain view doctrine to digital searches.