FILED
APR 07 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 26-5999

CORRECTED

IN THE

SUPREME COURT OF THE UNITED STATES

William Hudson, pro se — PETITIONER

VS.

State of Delaware — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of the State of Delaware

PETITON FOR WRIT OF CERTIORARI

William Hudson #688958

James T. Vaughn Corr. Ctr

1181 Paddock Road

Smyrna, DE 19977

QUESTION PRESENTED

1.) Mr. Hudson's trial counsel was ineffective for failing to object to an illegal general warrant. Mr. Hudson was convicted, in large part, on evidence collected from an illegal general warrant authorizing search of the entire contents of his computers. The Delaware state courts persistently ignore the general warrant claim and deflect to extraneous reasoning causing conflict within itself, as well as other state and federal jurisdictions.

Does a Fourth Amendment particularity violation occur rendering a warrant general when expansive digital searches allow search of the entire contents of a computer? Do Fifth Amendment Due Process and Sixth Amendment effective assistance of counsel violations occur when counsel and the courts fail to address this Fourth Amendment issue?

LIST OF PARTIES

[☐] All parties appear in the caption of the case on the cover page.

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

William Hudson - petitioner and State of Delaware - respondent

RELATED CASES

Hunter v. State, 89 A.3d 477, 2014 Del. LEXIS 141 (Del. Supr. Ct. March 24, 2014)
State of Delaware Supreme Court Direct Appeal Denial

State v. Hunter, 2017 Del. Super. LEXIS 645, 2017 WL 5983168 (Del. Super. Ct. Sept. 29, 2017)
State of Delaware Superior Court Postconviction Denial

State v. Hunter, 2018 Del. Super. LEXIS 184 (Del Super. Ct. April 25, 2018)
State of Delaware Superior Court Supplemental Postconviction Commissioner's Report

State v. Hunter, ID No. 1104009274, Rennie, J. (Del. Super. Ct. July 10, 2018) (ORDER)
State of Delaware Superior Ct. Supplemental Postconviction Commissioner's Report Adoption

Hudson v. State, 225 A.3d 316, 2020 Del. LEXIS 28, 2020 WL 362784 (Del. Supr. Ct. Jan. 21, 2020 reargument denied Feb. 14, 2020)
State of Delaware Supreme Court Postconviction Appeal Denial

Hudson v. May, et al., 2023 U.S. Dist. LEXIS 173659 (D. Del. Dept. 27, 2023)
Delaware District Court Federal Habeas Corpus and Certificate of Appealability Denial

Hudson v. Warden JTVCC, et al., 2024 U.S. App. LEXIS 8101 (3rd Cir. March 15, 2024 rehearing denied May 8, 2024)
3rd Circuit Court of Appeals and Certificate of Appealability Denial

Hudson v. Emig, et al., 2024 U.S. LEXIS 4955 (U.S. Dec. 9, 2024)
Application for Writ of Certiorari Denial

State v. Hudson, 2025 Del. Super. LEXIS 219 (Del. Super. Ct. April 30, 2025)
State of Delaware Superior Court Supplemental Postconviction Commissioner's Report

State v. Hudson, ID No. 1104009274, Rennie, J. (Del. Super. Ct. June 6, 2025) (ORDER)
State of Delaware Superior Ct. Supplemental Postconviction Commissioner's Report Adoption

Hudson v. State, 2025 Del. LEXIS 438 (Del. Supr. Ct. Nov. 24, 2025)
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IN THE

SUPREME COURT OF THE UNITED STATES

PETITON FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

[☐] For cases from **federal courts**:

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

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

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

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

[☒] For cases from **state courts**:

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

[☒] reported at Hudson v. State, 2025 Del. LEXIS 438; or,
[☐] has been designated for publication but is not yet reported; or,
[☐] is unpublished.

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

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

JURISDICTION

[☐] For cases from **federal courts**:

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

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

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

[☐] An extension of time to file the petition for a writ of certiorari was granted to and including [date] on [date] in Application No.

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 November 24, 2025. A copy of that decision appears at Appendix A.

[☐] 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 April 23, 2026 on February 13, 2026 in Application No. 25A909

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution, Amendment 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.

United States Constitution, Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution, Amendment VI:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

STATEMENT OF THE CASE

In April 2011, Mr. Hudson (the Petitioner, hereafter Hudson) was arrested for sexual abuse of his daughter. The New Castle County Police executed two warrants, one of them for Hudson's entire digital universe – specifically the contents of his computers.

Hudson was appointed counsel to represent him at trial. Trial counsel never objected to the general warrant and ultimately Mr. Hudson was convicted at trial in February 2012.

Trial counsel withdrew as counsel and new counsel was appointed to represent Hudson at sentencing. Hudson was sentenced in January 2013 to 122 years of prison time.

Counsel appealed the judgment to the Delaware Supreme Court. Counsel raised a prior bad acts argument in the brief. *Hunter v. State*, 89 A.3d 477, 2014 Del. LEXIS 141 (Del. Supr. Ct. March 24, 2014).

Hudson submitted a pro se Motion for Postconviction Relief to the Delaware Superior Court and was appointed new counsel. Counsel filed a Motion to Withdraw as Counsel citing no appealable issues. Hudson submitted his own pro se brief in which the issue of ineffective assistance of counsel for failing to object to the general warrant was raised amongst other issues. The Delaware Superior Court denied the motion and even though it acknowledged the ground of an overbroad or general warrant, the response ignored it, instead discussing probable cause. *State v. Hunter*, 2017 Del. Super, LEXIS 645, 2017 WL 5983168 (Del. Super. Ct. Sept. 29, 2017).

Hudson appealed the postconviction motion t the Delaware Supreme Court. The general warrant issue was raised again. The Delaware Supreme Court denied the appeal. Addressing the general warrant, it never addressed the issue, but noted that the evidence found outside the time frame listed in the warrant affidavit was generally within the time frame of the abuse, so the warrant was sufficient. *Hudson v. State*, 225 A.3d 216, 2020 Del. LEXIS 28 (Del. Supr. Ct. Jan.

21, 2020 reargument denied Feb. 14, 2020).

Hudson then filed a Writ of Habeas Corpus in the Delaware District Court. The District Court denied the motion and denied a Certificate of Appealability It denied the general warrant claim claiming the warrant was sufficiently particularized. *Hudson v. May, et al.*, 2023 U.S. Dist. LEXIS 173659 (D. Del. Sept. 27, 2023).

Hudson appealed to the Third Circuit Court of Appeals and requested a Certificate of Appealability. This request was denied without opinion. *Hudson v. Warden JTVCC, et al.*, 2024 U.S. App. Lexis 8101 (3rd Cir. March 15, 2024 rehearing denied May 8, 2024).

Hudson filed in this court for a Writ of Certiorari, which was denied. *Hudson v. Emig, et al.*, 2024 U.S. LEXIS 4955 (U.S. Dec. 9, 2024).

Hudson filed a second Motion for Postconviction Relief because developing Delaware case law created new law regarding general warrants and the general warrant issue was re-argued pursuant to the new law. In a heavily conflated recommendation report, a Delaware Superior Court commissioner recommended denying the motion. *State v. Hudson*, 2025 Del. Super. LEXIS 219 (Del. Super. Ct. April 30, 2025).

Hudson filed objections to the commissioner's report and was denied. *State v. Hudson*, ID No. 1104009274, Rennie, J. (Del Super. Ct. June 6, 2025) (ORDER).

Hudson appealed to the Delaware Supreme Court and was denied. *Hudson v. State*, 2025 Del. LEXIS 438 (Del. Supr. Ct. Nov. 24, 2025).

This petition for Writ of Certiorari followed.

REASONS FOR GRANTING THE WRIT

I.) The Delaware Supreme Court improperly analyzed a Fourth Amendment general warrant and particularity violation as it pertains to expansive digital searches.

The Delaware state courts fail to recognize Hudson's trial counsel was ineffective for failing to object to an illegal general warrant and despite newly developed case law within the Delaware Supreme Court, they refuse to admit that an error occurred and that their own subsequently decided case law confirms constitutional violations occurred.

Hudson's case contained a search warrant that authorized the search of the entire contents of his computers, despite available limiting information that would prevent the warrant from being a general warrant.

Hudson raised this argument once he was allowed to proceed pro se on his postconviction motion and on subsequent state appeals and subsequent federal habeas corpus proceedings and appeals. The state courts never analyzed the issue of a general warrant and particularity. See *State v. Hunter*, 2017 Del. Super. LEXIS 645 (Del. Super. Ct. Sept. 29, 2017); *Hudson v. State*, 225 A.3d 316, 2020 Del. LEXIS 28 (Del. Supr. Ct. Jan. 21, 2020 reargument denied Feb. 14, 2020); *Hudson v. May, et al.*, 2023 U.S. Dist. LEXIS 173659 (D. Del. 27, 2023); *Hudson v. Warden JTVCC, et al.*, 2024 U.S. App. LEXIS 8101 (3rd Cir. Mar. 15, 2024); *Hudson v. Emig, et al.*, 2024 U.S. LEXIS 4955 (U.S. Dec. 9, 2024).

Subsequent to new Delaware case law that changed how a warrant that was allowed in Hudson's case is now considered illegal, Hudson filed a second motion for postconviction relief. The Delaware Superior Court rejected the argument by stating the ruling did not apply because the new case, "is limited to its facts and does not create a new rule of law requiring all postconviction cases to be reversed." *State v. Hudson*, 2025 Del. Super. LEXIS 219 (Del. Super.

Ct. Apr. 30, 2025). It did not deny that the case Hudson cited (*Matthews v. State*, 319 A.3d 891 (Del. Supr. Ct. 2024)) provided that counsel is now ineffective when he fails to object to a warrant similar to Hudson's, just that the new ruling applied only to *Matthews* and was somehow precluded from applying to any other cases.

Upon appeal to the Delaware Supreme Court, the Delaware Supreme Court simply adopted the lower court's conclusions for the reasons in their decisions and summarily dismissed the motion. *Hudson v. State*, 2025 Del. LEXIS 438 (Del. Supr. Ct. Nov. 24, 2025).

The warrant in question is clearly illegal and current federal law proves this. The warrant authorized the search of the contents of the computers for evidence used during the sexual abuse of a child with no other limitations and therefore lacked particularity and constituted a general warrant. When the only limiting language states it is sufficient to search an entire computer of a crime, the warrant is a general warrant despite the complexities of an electronic search because it vests the officer with the discretion as to what is and what is not allowable. *Anderson v. Maryland*, 427 U.S. 463, 480 (1976) (particularity requirement "prevents the seizure of one thing under a warrant describing another. As to what is to be taken, nothing is left to the discretion of the officer executing the warrant." (quoting *Marron v. United States*, 275 U.S. 192, 196 (1927)).

The Fourth Amendment requires a warrant describe with "particular[ity] ...the place to be searched and the persons or things to be seized" and has been clarified in several cases. This limitation safeguards the individual against "the wide ranging exploratory searches the Framers intended to prohibit." *Maryland v. Garrison*, 480 U.S. 78, 84 (1987). See also *Coolidge v. New Hampshire*, 403 U.S. 443, 467 (1971) (plurality opinion) (particularity requirement protects against "general, exploratory rummaging in a person's belongings"). Additional case law describing particularity and general warrants can be found with *Steele v. United States*, 267 U.S.

498 (1925) and *Stanford v. Texas*, 379 U.S. 476 (1965).

Warrants in the pre-electronic era to search for evidence of an unadorned statute/crime have been found to be insufficiently particular. See, e.g. *United States v. Cardwell*, 680 F.2d 75 (9th Cir. 1982) (warrant describing search of business papers that required evidence to be the instrumentality or evidence of a general tax evasion statute is not enough to satisfy particularity requirement); *United States v. Abrams*, 615 F.2d 541, 542-43 (1st Cir. 1980) (warrant limited only by reference to records and federal fraud statute is overbroad); *Rickert v. Sweeney*, 813 .2d 907, 909 (8th Cir. 1987) (warrant limited only by references to general conspiracy and tax evasion statutes did "not limit the search in any substantive manner"); *United States v. Spilotro*, 800 F.2d 959, 965 (9th Cir. 1986) ("effort to limit discretion solely by reference to criminal statutes was inadequate"); *United States v. Leary*, 846 F.2d 592 (10th Cir. 1988) (warrant for records limited to those in violation of the Arms Export Control Act and Export Administration Act of 1979 is not sufficiently particular).

When search applications in the electronic era became more prevalent, the modern complexities became more and more apparent.

The modern development of the personal computer and its ability to store and intermingle a huge array of one's personal papers in a single place increases law enforcement's ability to conduct a wide-ranging search into a person's private affairs, and accordingly makes the particularity requirement that much more important. *United States v. Otero*, 563 F.3d 1127, 1132 (10th Cir. 2009). Courts that have addressed the permissible breadth of computer-related searches have grappled with ow to balance two interests that are intension with each other. On one hand, it is clear that because criminal can – and often do – hide, mislabel, or manipulate files to conceal criminal activity, a broad, expansive search of the hard drive may be required. On the other hand,

granting the Government a carte blanche to search every file on the hard drive impermissibly transforms a limited search into a general one. *United States v. Stabile*, 633 F.3d 219, 239 (3rd Cir. 2011).

This Court addresses the complexities of an electronic search in *Riley v. California*, 573 U.S. 373, 134 S. Ct. 2473 (2014), when it realized the enormous potential for privacy violations flowing from unconstrained searches of cell phones. "cell phones differ in both a quantitative and qualitative sense from other objects that might be kept on an arrestee's person. The term 'cell phone' is misleading shorthand; many of these devices are in fact minicomputers that also happen to have the capacity to be used as telephones." *Id.* at 2489. The Court observed that" [a cell] phone not only contains in digital form many sensitive records previously found in the home; it also contains a broad array of private information never found in a home in any form..." and that digital searches permit the government access to "far more than the most exhaustive search of a house..." *Id.* at 2491.

Despite the rulings, the state and federal jurisdictions have struggled to be consistent with rulings and as such, have created conflict between jurisdictions and in the case of Delaware, conflict within its own jurisdiction.

II. The Delaware Supreme Court decision conflicts with its own decisions and there is conflict within other state and federal court jurisdictions on this issue.

Some jurisdictions have ruled that a digital search that is limited only to evidence relating to a crime/statute is sufficiently particular.

See, e.g., the instant Delaware case, *Hudson v. State*, 2025 Del. LEXIS 438 (Del. Supr. Ct. Nov. 24, 2025) (and all previous related Hudson cases), a warrant authorizing search of the contents of computers limited by evidence used during the commission of SACPPT and continuous was deemed sufficient.

See also, *United States v. Tracy*, 597 F.3d 140 (3rd Cir. 2010); *United States v. Riccardi*, 405 F.3d 852 (10th Cir. 2005); *Commonwealth v. Green*, 264 A.3d 541, 2021 Pa. LEXIS 4283 (Pa. Supr. Ct. Dec. 22, 2021) (but note the dissent disagrees); *People v. Herrera*, 357 P.3d 1227 (Colo. 2015); *People v. Hughes*, 2020 Mich. LEXIS 2307 (Mich. Dec, 28, 2020); *Prince v. State*, 119 N.E.3d 212, 2019 Ind. App. LEXIS 82 (Ind. Feb. 22, 2019).

Other jurisdictions have ruled that a digital search limited only to evidence relating to a crime/statute is insufficiently particular.

In Delaware, *Matthews v. State*, 319 A.3d 891 (Del. 2024), a warrant was deemed illegal for cell phone search for all information related to the crime. (citing to *State v. Matthews* 2023 Del. Super. LEXIS 7 (Del. Super. Ct. Oct. 20, 2022)). In *Terreros v. State*, 312 A.3d 651 (Del. 2024), a warrant was deemed illegal for a cell phone search for information used or intended to be used for Rape 2nd.

See also, *United States v. Galpin*, 720 F.3d 436 (2nd Cir. 2012); *In re Edward Cunnius*, 770 F. Supp. 2d 1138 (W.D. Wash. 2011); *State v. Castagnola*, 46 N.E. 3d 638 (Ohio 2015); *State v. Henderson*, 2014 Neb. LEXIS 162 (Neb. Oct. 17, 2014); *Burns v. United States*, 235

A.3d 758 (D.C. 2020); *Commonwealth v. Snow*, 138 N.E. 3d 418 (Mass. 2019) (further clarified in *Commonwealth v. Snow*, 160 N.E. 3d 277 (Mass. 2021)).

Taking both sides into account, "the proper metric of sufficient specificity is whether it was reasonable to provide a more specific description of the item at that juncture of the investigation." *United States v. Meek*, 366 F.3d 705, 716 (9th Cir. 2004). "Specificity is a relative matter. A warrant may be thought too general if some more-specific alternative would have done better at protecting privacy interests while permitting a legal investigation." *United States v. Bishop,* 910 F.3d 335, 339 (7th Cir. 2018). When a warrant fails to describe the items to be seized with as much specificity as the government's acknowledge and circumstances allow, it fails to specify as nearly as possible the distinguishing characteristics of the goods to be seized. See, e.g., *United States v. Fuccillo*, 808 F.2d 173 (1st Cir. 1987); *Guest v. Leis*, 255 F.3d 325 (6th Cir. 2001). The whole reason of the warrant requirement is to ensure that "those searches deemed necessary [are] *as limited as possible.*" *Coolidge v. New Hampshire*, 403 U.S. 443, 467 (1971) (emphasis added).

One such means of particular limits, warrants that discuss whether temporal limitations, specifically when one is available, are dispositive to participants appear to be more consistent regarding digital and non-digital searches but disparities still continue to exit from jurisdiction to jurisdiction. Most jurisdictions argue that warrant applications that lack temporal constraints where relevant dates are available are general warrants. See, e.g., *Terreros*, 312 A.3d at 666-670).

See also *United States v. Blake*, 868 F.3d 960, 974 (11th Cir. 2017); *United States v. Ford*, 184 F.3d 566, 576 (6th Cir. 1999); *United States v. Kow*, 58 F.3d 423, 427 (9th Cir. 1995); *Burns v. United States*, 235 A.3d 758, 774 (D.C. 2020); *In re Search Warrant*, 195 Vt. 51, 89, 2012 Vt.

LEXIS 100 *72 (Vt. 2012); *State v. Manor*, 2016 Ore. App. LEXIS 952 (Ore. July 27, 2016); *Castagnola*, 46 N.E. 3d at 659 (Ohio 2015); *Commonwealth v. Snow*, 160 N.E. 3d 277 (Mass. 2021).

A few jurisdictions deem warrants lacking temporal limitations are not always fatal and are, at most, overbroad. See, e.g., *United States v. Ninety-Two Thousand Four Hundred Twenty Two Dollars & Fifty-Seven Cents (92,422.57)*, 307 F.3d 137, 156 (3rd Cir. 2002); *Commonwealth v. McDermott*, 2007 Mass. LEXIS 257 (April 13, 2007); *United States v. Triumph Capital Group*, 211 F.R.D. 31, 58 (D. Conn. 2002); *United States v. Purcell*, 967 F.3d 159 (2nd Cir. 2020); *United States v. Canady*, 2024 U.S. Dist. LEXIS 65500 (N.D. Ala. Feb. 27, 2024); *United States v, Deppish*, 994 F. Supp. 2d 1211, 1220 (D. Kan. 2014); *United States v. Cohan*, 628 F. Supp. 2d 355, 365-66 (E.D.N.Y. 2009); *United States v. Carroll*, 886 F.3d 1347, 1352 (11th Cir. 2018).

In some jurisdictions, there are alternate rulings or a lack of consensus within the jurisdiction leading to even more confusion. The Delaware Supreme Court previously ruled in *Terreros* that temporal restraints were needed, but in the instant case, the court ignored the temporal argument despite being raised.

Because the Fourth, Fifth, and Sixth Amendment and the particularity requirement were violated, Mr. Hudson respectfully requests this Court to issue a Writ of Certiorari to review the judgment of the Delaware Supreme Court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William D. Hudson

William Hudson

Date: June 8, 2026