



IN THE SUPREME COURT OF THE STATE OF DELAWARE

JUSTIN CHAFFIER,)
)
Defendant Below,)
Appellant,)
) No. 209, 2023
v.)
)
STATE OF DELAWARE,)
)
Plaintiff Below,)
Appellee.)

APPELLANT'S OPENING BRIEF

ON APPEAL FROM THE SUPERIOR COURT IN AND FOR
NEW CASTLE COUNTY

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NATURE AND STAGE OF THE PROCEEDINGS

On August 2, 2021, Justin Chaffier (“Chaffier”) was indicted on charges of stalking and murder first degree. D.I. #1.

On September 16, 2022, Chaffier filed a motion to suppress challenging the search warrants to his residence, vehicle, his electronic devices and the information seized therein. Motion. The State responded on October 14, 2022 and a suppression hearing was held on December 19, 2022. D.I. #31. The court reserved decision and issued a memorandum opinion on February 9, 2023, denying Chaffier’s motion. (See written opinion attached as Ex. A).

A six-day jury trial commenced on March 6, 2023. At the conclusion, Chauffeur was convicted on both counts. D.I. #50.

Chaffier was sentenced on June 2, 2023, to life in prison. (See sentence order as Ex. B). Chaffier filed a timely Notice of Appeal. This is his Opening Brief as to why his convictions must be reversed.

SUMMARY OF THE ARGUMENT

1. Police submitted and executed warrants for Chaffier's cell phone and laptop. The search warrants were general warrants because they lacked particularity, were overbroad as to temporal limitation and failed to establish probable cause. The warrants authorized a search of "any and all" categories of data and did not exclude categories that lacked relevancy to the investigation. The warrants also contained an overbroad temporal range and should have been appropriately narrowed to the relevant time period so as to mitigate the potential for unconstitutional exploratory rummaging. Thus, reversal is now required.

STATEMENT OF THE FACTS

For purposes of the instant appeal, the record is limited to the procedural posture of the suppression motion that was litigated and denied. The facts are thus largely drawn from the Superior Court's findings in its written Opinion dated February 9, 2023.¹

On February 26, 2021, officers were called to 28 Evergreen Drive, Newark, Delaware in reference to a medical assist for an unresponsive female. Upon arrival at the scene, the female subject was pronounced dead. Police had been investigating Chaffier for stalking the decedent in the weeks prior. On March 3, 2021, police executed an arrest warrant for Chaffier in connection with the stalking and harassment allegations. On March 4, 2021, in furtherance of the stalking allegation only, police obtained search warrants on Chaffier's car and apartment. During the execution of the car and apartment searches, officers seized various electronics including: a blue Samsung phone, a gray iPhone, a black Lenovo laptop, WYZE camera, and external hard drives. Following an interview with police, additional warrants were issued that executed searches of Chaffier's cell phone, iPad, laptop, and to retrieve certain data from Google and Verizon.²

¹ *State v. Chaffier*, 2023 WL 1872284 (Del. Super. Ct. Jan. 17, 2023).

² *Id.* at *1.

A suppression hearing was held on December 19, 2022. At the hearing, Chaffier limited his suppression challenge to the apartment, cell phone, laptop, Google, and Verizon warrants. On appeal, the challenge to the search of the apartment has been abandoned.

Given the Superior Court's denial of Chaffier's motion to suppress, the State was permitted at trial to present the fruits of any and all searches of his electronic communication devices and any evidence obtained as a result of the data collected. This evidence formed the basis of the State's case-in-chief and as a result, Chaffier was convicted of murder first degree.

I. THE SUPERIOR COURT ABUSED ITS DISCRETION IN REFUSING TO SUPPRESS ALL INFORMATION SEIZED FROM CHAFFIER'S ELECTRONIC DEVICES BECAUSE THE WARRANTS THAT AUTHORIZED THOSE SEARCHES ARE INVALID GENERAL WARRANTS IN VIOLATION OF CHAFFIER'S RIGHTS UNDER THE FOURTH AND FOURTEENTH AMENDMENTS OF UNITED STATES CONSTITUTION AND ARTICLE I, SECTION 6, OF THE DELAWARE CONSTITUTION.

Question Presented

Whether warrants of Chaffier's phone and laptop, which authorized a search of "any and all" electronic data comprising of nearly the entirety of the devices, without proper temporal limitation and probable cause, are general warrants requiring suppression of all evidence seized? The issue was preserved by defense counsel's motion to suppress. A16.

Standard and Scope of Review

Alleged constitutional violations and legal conclusions regarding the denial of a motion to suppress are reviewed *de novo*.³ Factual findings on a motion to suppress are reviewed to determine whether there is sufficient evidence to support the findings and whether those findings were clearly erroneous."⁴

³ *Taylor v. State*, 260 A.3d 602, 612 (Del. 2021).

⁴ *Id.*

Argument

After executing the search of Chaffier's apartment and based upon the evidence seized there, Detective Michael McNasby, of the New Castle County Police Department authored and executed a search warrant for Chaffier's cell phone. A100. That search warrant sought:

Photographs of the blue Samsung Galaxy S10E cell phone taken by New Castle County Police personnel that was possessed by Justin Chaffier (WMN 05-11-1986); **any and all** incoming and outgoing phone calls made from this phone or any applications on this phone; **any and all** incoming and outgoing video phone calls or any applications with the ability to make incoming and outgoing video phone calls; **any and all** incoming and outgoing text messages or drafts of text messages; **any and all** incoming and outgoing data or records for any other form of communication found on this phone to include but not limited to social media applications; **any and all** GPS coordinates which may be associated with applications or content; **any and all** incoming and outgoing multi-media messages or drafts of multi-media messages; **any and all** internet history, searches, or stored data photographs and videos, internet searches, and WIFI connections; **any and all** call logs or contacts, **any and all** device identification data found on this phone collected from Justin Chaffier's residence related to the cellular phone identified above on the following dates **January 22, 2021 at 0000(EST) through March 4, 2021 at 1100(EST)**; any and all documents or evidence pertaining to the planning and motive for the crime of Stalking Delaware Title 11/1312 F/G **(emphasis added)**. A100.

On March 25, 2021, McNasby, authored and executed another search warrant for Chaffier's laptop. A134. That search warrant sought:

Photographs of the black Lenovo laptop taken by New Castle County Police personnel that was possessed by Justin Chaffier (WMN 05-11-1986); the collection and analysis of **the entire** digital contents of the laptop computer (including any attached storage devices), **any and all** device identification data found on this laptop computer that was collected from Justin Chaffier's residence, during the dates of January 22, 2021 at 0000(EST) through March 4, 2021 at 1100(EST); **any and all** digital documents or evidence pertaining to the planning and motive for the crime of Stalking Delaware Title 11/1312 F/G.... **(emphasis added)**. A134.

On July 13, 2021, perhaps realizing the flawed first laptop warrant, McNasby, authored and executed a second search warrant for Chaffier's laptop. A123. That warrant sought:

Photographs of the black Lenovo laptop taken by New Castle County Police personnel that was possessed by Justin Chaffier (WMN 05-11-1986); a forensic examination for the digital contents and **all** attached storage devices of the black Lenovo laptop, specifically for address book & contact list, videos, pictures, internet and search history, emails, SMS (text) messages, MMS (Media) messages, chats, incoming and outgoing data or records for any other form of communication found on this laptop to include but not limited to social media applications, **any and all** device identification data found on this laptop computer that was collected from Justin Chaffier's residence, during the dates of January 22, 2021 at 0000(EST)

through March 4, 2021 at 1100(EST); **any and all** digital documents or evidence pertaining to the planning and motive for the crime of Stalking Delaware Title 11/1312 F/G **(emphasis added)**....A123

Finally, following the search of the aforementioned, McNasby authored search warrants for Google, Wyze Surveillance, and Verizon. A54;A65;A82.

The Fourth Amendment to the United States Constitution protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures” and specifically prohibits the issuance of general warrants.⁵ Article I, Section 6 of the Delaware Constitution provides even broader protection than the Fourth Amendment from unreasonable searches and seizures and includes a particularity requirement to be met before issuance of a search warrant.⁶ Moreover, 11 *Del.C.* 2307 mandates that a “warrant shall designate the house, place, conveyance or person to be searched, and shall describe the things or persons sought *as particularly as possible*.”⁷ Delaware Courts use a “four-corners test” to determine if, within the four corners of the affidavit

⁵ U.S. Const. amend. IV.

⁶ “The people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and no warrant to search any place, or to seize any person or thing, shall issue without describing them as particularly as may be; nor then, unless there be probable cause supported by oath or affirmation.” Del. Const. art. I, § 6.

⁷ 11 *Del. C.* § 2307(a) (emphasis added).

of probable cause, there are sufficient facts to create a reasonable belief that evidence exists within a particular place.⁸ “An affidavit establishes probable cause to search only where it contains a nexus between the items sought and the place to be searched.”⁹

“Our nation’s constitutional history and jurisprudence reflects a long-standing hostility towards general warrants.”¹⁰ The Supreme Court of the United States has described a general warrant as a “specific evil . . . abhorred by the colonists,” for which “the problem is not that of intrusion, per se, but of a general, exploratory rummaging in a person’s belongings.”¹¹ The Fourth Amendment “was the founding generation’s response.”¹²

The search warrants here constituted general warrants. They lacked particularity, were overbroad and failed to establish probable cause. Here, the warrants granted the State unrestricted access to rummage through every single file/document/text/email/financial information/application message Chaffier had ever sent, and every single photograph or video he had ever taken or been sent, without the requisite temporal limitation or probable cause.

⁸ *Illinois v. Gates*, 462 U.S. 213, 238 (1983).

⁹ *State v. Adams*, 13 A.3d 1162, 1173 (Del. Super. 2008).

¹⁰ *Wheeler v. State*, 135 A.3d 282, 297 (Del. 2016).

¹¹ *Coolidge v. New Hampshire*, 403 U.S. 443, 467 (1971).

¹² *Riley v. California*, 573 U.S. 373, 402–03 (2014).

In *Wheeler v. State* this Court recognized that “[t]he manifest purpose of th[e] particularity requirement [i]s to prevent general searches,” which the Court described as “wide-ranging exploratory searches.”¹³ To satisfy the particularity requirement, a warrant application “must describe what investigating officers believe will be found on [the device] with as much specificity as possible under the circumstances,” and narrowly tailor the search to a relevant time frame.¹⁴

The most blatant constitutional infirmity that the warrants exhibit here is that nearly each category of data to be searched was preceded by the prohibited “any and all” language.¹⁵ A100; A123; A124. “This is the very exploratory rummaging that the founders intended to prohibit under the Fourth Amendment.”¹⁶ “[L]aw enforcement must provide a description of the items to be search and seized that is as specific as possible at the current investigative juncture.”¹⁷ That was absent here. Instead, “the warrant[s] authorized the very type of unbounded fishing expedition that the particularity requirement is intended to prevent.”¹⁸ The warrants at issue

¹³ *Wheeler*, 135 A.3d at 299.

¹⁴ *Id.* at 304.

¹⁵ *Buckham v. State*, 185 A.3d 1, 18 (Del. 2018)(quoting *Riley v. California*, 573 U.S. 373, 396 (2014)).

¹⁶ *Terreros v. State*, 2024 WL 193104, at *13 (Del. Jan. 18, 2024).

¹⁷ *Id.* at *8 (citing *Wheeler*, 135 A.3d at 300).

¹⁸ *Id.* at *11.

gave police the authority to conduct an indiscriminate search of nearly Chaffier's entire phone and laptop.¹⁹

The warrants also contained an overbroad temporal range. The search of Chaffier's electronic devices should have been appropriately narrowed to the relevant time period so as to mitigate the potential for unconstitutional exploratory rummaging.²⁰ Here, the warrants seek the review of Chaffier's devices over a six-week period for the crime of Stalking. The decedent passed on February 26, 2021, yet police sought to investigate Chaffier for stalking for another two weeks.

Ultimately, the warrants "allowed investigators to conduct an unconstitutional rummaging through all of the contents of [Chaffier's devices] to find whatever they decided might be of interest to their investigation."²¹ A warrant that met constitutional particularity requirements would have authorized a search of Chaffier's devices and only specific relevant data categories during the time up until the stalking allegations were moot. Instead, the warrant permitted law enforcement to search nearly every

¹⁹ *Id.* at *10.

²⁰ *Wheeler*, 135 A.3d at 301; 305.

²¹ *Taylor*, 260 A.3d at 615.

major category of data contained within the phone and laptop without regard to proper temporal limitation.²²

Materials obtained *via* general warrants require complete suppression.²³ The challenged warrants were general warrants. Rather than enforcing the particularity requirement to prevent a general search of Chaffier’s phone and laptop, it did the opposite. Moreover, given that law enforcement sought to search for evidence outside of the relevant time frame, their examination of that data is well described as “exploratory rummaging.”

Even if the warrant had the proper temporal limitations, it would still have enabled law enforcement to rummage through vastly expansive categories of data despite the absence of any conceivable probable cause, or any direction as to what police would be looking for. In the aggregate, the “categories” listed in the warrant make up almost the entire phone and laptop, and contain information, which is far more private, and “far more than the most exhaustive search of a house.”²⁴ But the warrant not

²² *Wheeler*, 135 A.3d at 304 (citing cases and stating “Federal Courts of Appeal have concluded that warrants lacking temporal constraints, where relevant dates are available to the police, are insufficiently particular”).

²³ *Taylor*, 260 A.3d at 617 (“There is no room [] for limited suppression of evidence seized under a general warrant.”)

²⁴ *Riley*, 573 U.S. 373, 396 (2014); *see People v. Coke*, 461 P.3d 508 (Col. 2020) (given “cell phones’ immense storage capacities,” search warrant that

only failed the particularity requirement as to the places to be searched, it also failed to describe what evidence was being sought within those places.²⁵

Because this Court has consistently made clear that the evidence seized under a general warrant must be suppressed in its entirety, the Superior Court abused its discretion when it denied Chaffier's Motion to Suppress. Reversal is now required.

permitted “search [of] all texts, videos, pictures, content lists, phone records, and any dates that showed ownership or possession violates the particularity demanded by the Fourth Amendment”).

²⁵ 11 *Del.C.* § 2307(a) (recognizing particularity requirement applies to, both, locations to be searched and the evidence sought within those locations).

. **CONCLUSION**

For the reasons and upon the authorities cited herein, the undersigned counsel respectfully submits that Justin Chaffier's convictions and sentences must be reversed.

Respectfully submitted,

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DATED: April 1, 2024