



FOURTH AMENDMENT · RESOURCES

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Detailing the Details: Addressing Warrant Particularity in *United States v. Kirtdoll*

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In an interesting case, the Sixth Circuit recently tested the limits of the particularity requirement for search warrants under the Fourth Amendment, focusing on how courts assess errors within warrants to determine the impact that such errors may have on the validity of the warrant. *United States v. Kirtdoll* is a case out of the United States Court of Appeals for the Sixth Circuit, that began after a multi-jurisdictional task force commenced its' efforts to dismantle a far-reaching drug-trafficking organization.

The person of interest in this case is Tommy Kirtdoll, who came under the microscope of law enforcement officials after receiving word that Kirtdoll was the alleged kingpin of the drug distribution organization. Following several covert drug transactions involving undercover agents, a search warrant was eventually issued for Kirtdoll's residence. During the execution of the warrant, law enforcement officials uncovered both narcotics and paraphernalia associated with drug distribution, resulting in Kirtdoll's arrest and indictment based upon several drug charges.

After he was charged, the defendant challenged the legality of the search warrant, relying on three discrepancies within the warrant, to argue that these errors violated the Fourth Amendment's particularity requirement for search warrants, and therefore the warrant was unconstitutional. Specifically, he cited an incorrect address, a misstated tax identification number, and an inaccurately listed property owner. Unpersuaded by the defendant's particularity argument, the district court denied the defendant's motion, finding that the warrant's other accurate descriptors were particular enough to pass Fourth Amendment muster. Receiving an unfavorable outcome at the district court, the defendant appealed to the Sixth Circuit Court of Appeals, urging the Court to find that the warrant was unconstitutional.

As established in *Steel v. United States*, the Fourth Amendment requires search warrants to particularly describe the place to be searched. That means they need enough detail for the executing officer to "ascertain and identify the place intended" with "reasonable effort." While it is crucial for officers to ensure they include detailed, accurate, and specific information within their warrants, the Court reminds us that this requirement doesn't mandate perfection. However, it is best practice to always hold our warrants to the highest standards to ensure validity if the warrant is challenged.

Hearing the case on appeal, the Sixth Circuit affirmed the lower court's decision denying the defendant's motion to suppress the evidence. On review, the Court examined the warrant's particularity, and held that the Fourth Amendment does not require absolute perfection to meet the Fourth Amendment standard as to particularity of search warrants. Instead, the question considered by the Court asks "whether the warrant was so flawed that it created a "reasonable probability" officers would search the wrong premises. The Court here explained that it will almost never be the case when the warrant contains some information that "indisputably applies" only to the target premises, even if other descriptors in the warrant are inaccurate.

As applied to these facts, this warrant was adequate because it contained three different descriptions that indisputably applied only to Kirtdoll's house and clearly identified it as the premises to be searched. These included the house's geographic location, a detailed description of the house, and a unique identifier – a red star affixed to its west side of the home. The court concluded that the warrant for Kirtdoll's house was specific enough to meet the Fourth Amendment's particularity requirement, and thus, the district court properly denied Kirtdoll's motion to suppress. The court affirmed the district court's decision to deny the defendant's motion to suppress the evidence.

The Court's decision here highlights the Fourth Amendment's particularity requirement for search warrants, reminding us that while precision in detailing the premises to be searched is crucial, the law does not demand flawless warrants.

The main takeaway for officers is to remember the necessity of including sufficient detail in warrants to confidently identify the intended search location, thereby minimizing the risk of constitutional violations. Ensuring that every warrant is crafted with the highest degree of accuracy possible not only supports the legality of searches but also strengthens the trust between law enforcement and the community. This case underscores the importance of diligent attention to detail in the preparation of search warrants, reinforcing our responsibility to conduct searches that are both effective and constitutionally sound.

As we conclude today's session, remember the balance between the need for particularity in search warrants and the practical challenges of achieving absolute perfection. These lessons are fundamental in navigating the complexities of the Fourth Amendment and in performing our duties with integrity and respect for the rights of all individuals.

***United States v. Kirtdoll*, No.23-1585 (6th Cir. 2024)**