

Case No. 26-1087

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

UNITED STATES OF AMERICA,
Plaintiff-Appellee

v.

EDMUND SINGLETON,
Defendant-Appellant

On Appeal From the United States District Court
For the Northern District of Illinois, Case No. 1:24-cr-503
(Hon. Matthew F. Kennelly)

**BRIEF FOR AMICI CURIAE NATIONAL ASSOCIATION OF
CRIMINAL DEFENSE LAWYERS AND ILLINOIS ASSOCIATION
OF CRIMINAL DEFENSE LAWYERS IN SUPPORT OF
DEFENDANT-APPELLANT**

Kimball R. Anderson
Counsel of Record
Patrick G. Simonaitis
Sarah Barritt Conner
Matthew W. Woodruff
WINSTON TAYLOR LLP
300 N. LaSalle Dr.
Chicago, IL 60654
(312) 558-5600

Counsel for Amici Curiae

Appellate Court No: 26-1087

Short Caption: United States of America v. Edmund Singleton

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- ii) list any publicly held company that owns 10% or more of the party's, amicus' or intervenor's stock:
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- (5) Provide Debtor information required by FRAP 26.1 (c) 1 & 2:
N/A

Attorney's Signature: /s/ Kimball R. Anderson Date: 8/18/2026

Attorney's Printed Name: Kimball R. Anderson

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d).

Yes ☒ No ☐

Address: 300 N. LaSalle Drive, Suite 4400

Chicago, IL 60654

Phone Number: (312) 558-5600

Fax Number: (312) 558-5700

E-Mail Address: kimball.anderson@winstontaylor.com

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N/A

Attorney's Signature: /s/ Patrick G. Simonaitis Date: 8/18/2026

Attorney's Printed Name: Patrick G. Simonaitis

Please indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). Yes ☐ No ☒

Address: 300 N. LaSalle Drive, Suite 4400

Chicago, IL 60654

Phone Number: (312) 558-5600

Fax Number: (312) 558-5700

E-Mail Address: patrick.simonaitis@winstontaylor.com

APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

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Attorney's Signature: /s/ Sarah Barritt Conner Date: 8/18/2026Attorney's Printed Name: Sarah Barritt ConnerPlease indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d).

Yes

☐

No

☒Address: 300 N. LaSalle Drive, Suite 4400Chicago, IL 60654Phone Number: (312) 558-5600Fax Number: (312) 558-5700E-Mail Address: sarah.barritt@winstontaylor.com

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Attorney's Signature: /s/ Matthew W. Woodruff Date: 8/18/2026Attorney's Printed Name: Matthew W. WoodruffPlease indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d).

Yes

☐

No

☒Address: 300 N. LaSalle Drive, Suite 4400Chicago, IL 60654Phone Number: (312) 558-5600Fax Number: (312) 558-5700E-Mail Address: matthew.woodruff@winstontaylor.com

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STATEMENT OF INTEREST

Amici curiae National Association of Criminal Defense Lawyers (“NACDL”) and Illinois Association of Criminal Defense Lawyers (“IACDL”) represent thousands of advocates across the United States who are committed to advancing the interests and protecting the rights of individuals accused of crimes.

NACDL is a nonprofit voluntary professional bar association that works on behalf of criminal defense attorneys to ensure justice and due process for those accused of crime or misconduct. It has thousands of direct members nationwide, and up to 40,000 with affiliates. NACDL’s members include private criminal defense lawyers, public defenders, military defense counsel, law professors, and judges. NACDL is the only nationwide professional bar association for public defenders and private criminal defense lawyers. NACDL is dedicated to advancing the proper, efficient, and fair administration of justice.

IACDL is a nonprofit organization dedicated to defending the rights of all individuals as guaranteed by the United States Constitution and the Constitution of the State of Illinois. The organization’s membership includes private criminal defense attorneys, public defenders, and law

professors throughout the State of Illinois. IACDL's mission is to serve as a leader, alongside diverse coalitions, in identifying and reforming the criminal legal system's flaws and inequities, redressing systemic racism, and ensuring its members and the criminal defense bar are equipped to serve all accused persons at the highest level. IACDL is committed to enhancing the criminal defense bar's capacity to safeguard fundamental constitutional rights. It is an affiliate organization of NACDL.

This case directly implicates core concerns of amici: protecting the Fourth Amendment right against unreasonable searches and seizures and the scope of the Fourth Amendment's good-faith exception. Amici file numerous amicus briefs each year in the Supreme Court of the United States and in other federal and state courts in cases that present issues of broad importance to the criminally accused, criminal defense lawyers, and the criminal legal system, including the proper interpretation of the Fourth Amendment. Courts and judges routinely cite and rely on those briefs to resolve important legal issues in American criminal law.

STATEMENT PURSUANT TO FED. R. APP. P. 29(A)(4)(E)

Amici represent that: (1) no counsel for a party authored this brief in whole or in part; (2) no such counsel or party made a monetary contribution to fund the preparation or submission of the brief; and (3) no person other than amici curiae, its members, or its counsel made such a contribution.

SUMMARY OF ARGUMENT

“The warrants, as they stood, essentially allowed the search of *every file, on each phone*.” SA.6–7 (emphasis added). So the district court found. With that finding, the result should have been clear: the warrant was the sort of “general warrant” the Fourth Amendment was designed to eradicate. And because the warrant was “facially deficient” for lack of particularity, the good-faith exception could not save it, for “no reasonable officer could believe that a warrant that plainly did not comply with that requirement was valid.” *Groh v. Ramirez*, 540 U.S. 551, 563 (2004).

Yet the district court reached the opposite conclusion—committing multiple errors along the way.

As a threshold matter, the court erred by conducting a good-faith analysis at all because no reasonable officer could think that a warrant

giving such unbridled discretion to search a person's digital existence was valid, and when a warrant is "so facially deficient" in particularizing the things to be seized, "the executing officers cannot reasonably presume it to be valid." *United States v. Leon*, 468 U.S. 897, 923 (1984). This finding foreclosed any further good-faith inquiry.

Next, and critically, the district court's good-faith analysis was infected by a fundamental doctrinal confusion: it conflated the good-faith exception with qualified immunity, as explained in Section III below. Relying on *Socha v. City of Joliet*, 107 F.4th 700 (7th Cir. 2024)—a civil damages case asking whether an officer was personally liable under § 1983 for an unconstitutional search—the court treated *Socha's* qualified-immunity holding as dispositive on the question of exclusion. But these doctrines are not the same. The good-faith exception balances the truth-seeking function of the criminal justice system against deterring police misconduct, an inquiry that is simply "not as forgiving as the one employed in the *distinct context* of deciding whether an officer is entitled to qualified immunity." *Heien v. North Carolina*, 574 U.S. 54, 67 (2014) (emphasis added). The Court should correct this error to prevent further doctrinal cross-contamination.

The stakes could not be higher. Cell phones reveal not just some, but nearly *all*, of the most intimate details of a person's life. As digital searches become ubiquitous, it is critical that courts hold the line on particularity. This Court should not permit such a plainly deficient warrant to escape suppression and should reinforce the limits and boundaries of the good-faith exception.

ARGUMENT

I. Longstanding Fourth Amendment rules prohibit free-ranging searches, including searches of digital information.

A. The Fourth Amendment has long required warrants to describe searches with particularity and limit them to evidence supported by probable cause.

The Fourth Amendment protects against unreasonable searches and seizures by requiring search warrants to be supported by probable cause and describe with particularity the places and objects to be searched and seized. U.S. Const. amend. IV; *United States v. Vizcarra-Millan*, 15 F.4th 473, 502 (7th Cir. 2021). These provisions guard against general warrants, a tyrannous English practice that allowed general rummaging through the papers and property of anyone suspected of a crime. *See Stanford v. Texas*, 379 U.S. 476, 481 (1965) (general warrants were “the worst instrument of arbitrary power ... that ever was found in

an English law book”). The Fourth Amendment’s warrant provision cements “the most fundamental distinctions between our form of government, where officers are under the law, and the police-state where they are the law.” *Johnson v. United States*, 333 U.S. 10, 17 (1948).

So search warrants must be particular and narrow in scope. *See, e.g., Stanford*, 379 U.S. at 485 (“The requirement that warrants shall particularly describe the things to be seized makes general searches under them impossible and prevents the seizure of one thing under a warrant describing another.”) (citation omitted); *Berger v. New York*, 388 U.S. 41, 58 (1967) (same); *Groh*, 540 U.S. at 557 (“[T]he warrant ... was deficient in particularity because it provided no description of the type of evidence sought.”). These requirements prevent general searches by ensuring a search is “of an appropriate scope” and “carefully tailored to its justifications.” *Chatrue v. United States*, 146 S. Ct. 2193, 2215–16 (2026).

B. The immense amount of sensitive information digital devices contain makes the Fourth Amendment’s particularity requirement critically important in electronic searches.

1. Digital devices provide an unprecedented window into individuals’ private lives, revealing information far beyond comparable

physical records or objects. *See Riley v. California*, 573 U.S. 373, 394 (2014). Because computers and cell phones “collect[] in one place many distinct types of information”—for example, addresses, prescriptions, bank statements, or videos—their contents “reveal much more in combination than any isolated record” about “an individual’s private interests or concerns.” *Id.* at 394–95. Their immense capacity permits law enforcement to access years—even decades—of personal information, magnifying the risks of digital searches. *Id.*; *see also Carpenter v. United States*, 585 U.S. 296, 312 (2018); *United States v. Comprehensive Drug Testing, Inc. (CDT)*, 621 F.3d 1162, 1175 (9th Cir. 2010) (en banc) (per curiam), *overruled in part on other grounds*.

And electronic searches “typically expose to the government far *more* than the most exhaustive search of a house,” including “a broad array of private information *never* found in a home in any form” before the digital age. *Riley*, 573 U.S. at 393–97 (emphasis added). This encompasses especially sensitive categories of information, like internet browsing and location histories, medical records, emails and text messages, and privileged communications. *See id.*; *Carpenter*, 585 U.S. at 310–13 (cell-site location); *Ferguson v. City of Charleston*, 532 U.S. 67,

78 (2001) (medical tests); *United States v. Warshak*, 631 F.3d 266, 286 (6th Cir. 2010) (e-mail). Courts rightly recognize that “[s]earches of computers therefore often involve a degree of intrusiveness much greater in quantity, if not different in kind, from searches of other containers.” *United States v. Payton*, 573 F.3d 859, 861–62 (9th Cir. 2009).

2. The particularity requirement shrinks the scope of a search by reference to the object sought. A warrant authorizing a search for a rifle in a home, for example, would not allow officers to open a medicine cabinet where a rifle would not fit. *Horton v. California*, 496 U.S. 128, 141 (1990) (cleaned up). Digital searches lack these guardrails: hard drives and online accounts contain vast amounts of data, inevitably intermingling irrelevant material with potential evidence of crime. Searching such large quantities of electronic records “creates a serious risk that every warrant for electronic information will become, in effect, a general warrant rendering the Fourth Amendment irrelevant.” *CDT*, 621 F.3d at 1176.

As technology lowers the barriers to extreme privacy invasions and investigatory overreach, courts today exercise caution to ensure that technological innovation does not “erode Fourth Amendment

protections.” *Carpenter*, 585 U.S. at 320. The Fourth Amendment’s originating principles are more important than ever to maintain the balance between the power and authority of the state and the privacy and liberty of the individual. *United States v. Jones*, 565 U.S. 400, 416 (2012) (Sotomayor, J., concurring) (the Fourth Amendment asks whether police conduct threatens to disrupt the traditional “relationship between citizen and government in a way that is inimical to democratic society”). In cases involving law enforcement’s use (or exploitation) of emerging technologies, the Fourth Amendment analysis must be “informed by historical understandings of what was deemed an unreasonable search and seizure when the Fourth Amendment was adopted.” *Carpenter*, 585 U.S. at 305 (cleaned up).

Simply put, probable cause to examine *some* electronic information on a device does not justify a warrant that essentially permits a search of *all* stored data. Many courts have stressed the renewed importance of particularity and constraint.¹ Overbroad and insufficiently

¹ See, e.g., *United States v. Galpin*, 720 F.3d 436, 447 (2d Cir. 2013) (discussing the need for “heightened sensitivity to the particularity requirement in the context of digital searches”); *United States v. Otero*, 563 F.3d 1127, 1132 (10th Cir. 2009) (computers’ ability to store “a huge array” of information “makes the particularity requirement that much

particularized warrants to search and seize data from cell phones or other digital media are unconstitutional. Indeed, a warrant authorizing the search of “any” information contained in a person’s digital footprint is without doubt “a classic example of the kind of general search the Fourth Amendment is intended to prevent.” *United States v. Santiago*, 135 F.4th 1235, 1239–40 (10th Cir. 2025).

II. The good-faith exception does not apply when the warrant is plainly deficient for failing to particularize the data to be searched and seized from a cell phone.

“When the government obtains evidence in violation of an individual’s Fourth Amendment rights, the remedy is generally the exclusion—i.e., suppression—of that evidence at trial.” *United States v. Walker*, 143 F.4th 889, 899 (7th Cir. 2025) (cleaned up); *accord United States v. Lewis*, 81 F.4th 640, 647 (6th Cir. 2023) (reversing denial of motion to suppress evidence from cell phone search). Without this exclusionary rule, “the constitutional guarantee against unreasonable

more important”); *In re U.S. Application for a Search Warrant to Seize and Search Elec. Devices from Edward Cunnius*, 770 F. Supp. 2d 1138, 1139, 1150 (W.D. Wash. 2011) (warrant for “all electronically stored information ... contained in any digital devices seized from [defendant’s] residence for evidence relating to [certain crimes]” was improper because it sought “the broadest warrant possible”).

searches and seizures would be a mere ‘form of words.’” *Terry v. Ohio*, 392 U.S. 1, 12 (1968).

But in *United States v. Leon*, the United States Supreme Court recognized the utility of a prudential “good-faith exception” to the suppression of evidence obtained by a defective search warrant. 468 U.S. at 922. That exception permits the admission of evidence obtained in violation of the Fourth Amendment when officers reasonably rely on a warrant later found invalid. *United States v. Matthews*, 12 F.4th 647, 651 (7th Cir. 2021). The good-faith standard is one of “objective reasonableness,” asking whether a “reasonably well-trained officer”—that is, an officer “with reasonable knowledge of what the law prohibits”—“would have known that the search was illegal.” *Leon*, 468 U.S. at 919 n.20, 922 n.23, 924.

The good-faith exception does not shield every Fourth Amendment violation. “To hold otherwise would expand the good-faith exception to swallow, in a single gulp, the warrant requirement itself. That cannot be the law.” *United States v. Sheehan*, 70 F.4th 36, 55 (1st Cir. 2023) (rejecting good-faith exception for invalid warrant to search defendant’s cell phone). Suppression thus “remains an appropriate remedy” when “a

warrant [is] so facially deficient—i.e., in failing to particularize the place to be searched or the things to be seized—that the executing officers cannot reasonably presume it to be valid.” *Leon*, 468 U.S. at 923.

In line with *Leon*, this Court has rightly observed that the good-faith exception does not apply when a “warrant was so facially deficient in particularizing its scope that the officers could not reasonably presume it valid.” *United States v. Rees*, 957 F.3d 761, 771 (7th Cir. 2020). This makes sense. “Given that the particularity requirement is set forth in the text of the Constitution, no reasonable officer could believe that a warrant that plainly did not comply with that requirement was valid.” *Groh*, 540 U.S. at 563; *see also, e.g., United States v. Fleet Mgmt. Ltd.*, 521 F. Supp. 2d 436, 445–46 (E.D. Pa. 2007) (warrant to search computer hard drives placed “no limitation on the data to be seized” and was thus “facially deficient [as] it fails to particularize the place to be searched or the items to be seized”); *State v. Wilson*, 884 S.E.2d 298, 301 (Ga. 2023) (declining to apply good-faith exception to warrant authorizing search of “any and all stored electronic information” on two cell phones).

That is the case when a warrant purports to expansively authorize the search of “any” incriminating information contained in a cell phone;

without any “attempt to narrow” such an overbroad or unparticularized digital search, the warrant becomes “a classic example of the kind of general search the Fourth Amendment is intended to prevent.” *Santiago*, 135 F.4th at 1239–40 (refusing to apply good-faith exception to evidence obtained by a facially unparticularized search warrant for defendant’s cell phone); *see also United States v. Tew*, 171 F.4th 1210, 1232–33 (10th Cir. 2026) (distinguishing *Santiago*).

And that is precisely the situation here. The warrant used to search Singleton’s three cell phones was plainly invalid for lack of particularity. And the district court explained why: “The warrants, as they stood, *essentially allowed the search of every file on each phone*, without regard to its creation date—even files created years before the carjackings,” which occurred on a single evening in 2022. SA.6–7 (emphasis added). The court further recognized that law enforcement should have been aware of these defects, because it knew the identities “of the other suspects and thus could have limited” its search “to only those revealing communications between Singleton and the other suspects, or perhaps that along with communications on the dates immediately surrounding the car jackings.” SA.7. Ultimately, “based on what law enforcement

knew, it would have been relatively simple to provide a date and/or a date-plus subject limitation.” SA.8. Reasonable temporal requirements are not new; courts have long reminded law enforcement of the need to limit free-ranging electronic searches by date when police have that information, as here. *See, e.g., United States v. Abboud*, 438 F.3d 554, 576 (6th Cir. 2006) (“Failure to limit broad descriptive terms by relevant dates, when such dates are available to the police, will render a warrant overbroad.”) (citation omitted).

In short, the warrant’s plain lack of particularity rendered it facially invalid, as the district court found. The warrant failed to (1) include any date range (i.e., limiting searches to indicia of potential criminal conduct from November 2022); or (2) identify *any* specific categories of data tied to the officer’s stated justification for the warrant (i.e., communications between conspirators). *Supra* Section II at 13–14. Instead, it authorized a wide-ranging, unlimited search of “every file on each phone” going back years. SA.7.

This plain lack of required particularity is confirmed by the types of files that ultimately produced the improper evidence—just as you cannot fit a rifle into a medicine cabinet (*Horton*, 496 U.S. at 141), you

cannot expect to find text messages or phone calls to co-conspirators in Apple iCloud Notes, photographs, videos, or internet searches. *See Gibbs v. United States*, 355 A.3d 206, 219 (D.C. Cir. 2026) (“While the officers may not have known *exactly* where the evidence they sought was located, we can say with some degree of certainty that they would not find evidence of a stabbing on say: Mr. Gibbs’ Southwest Airlines application, the Uber application, the Amazon application, or any of the various applications without a messaging function ... on his phone.”).

Such an unparticularized, general warrant is “a classic example of the kind of general search” the Fourth Amendment prohibits. *Santiago*, 135 F.4th at 1239. Even if issued by a neutral magistrate, the warrant was so “facially deficient” that “the executing officers cannot reasonably presume it to be valid.” *Groh*, 540 U.S. at 565 (citing *Leon*, 468 U.S. at 923). “A magistrate’s erroneous approval of a warrant certainly does not immunize an officer’s subsequent search,” *Matthews*, 12 F.4th at 653 (citing *Malley v. Briggs*, 475 U.S. 335, 345–46 & n.9 (1986)), particularly where, as here, law enforcement’s preexisting ability to reasonably limit

their search of a cell phone was uniquely within their knowledge but not fully disclosed to the magistrate.²

And critically, the court recognized that law enforcement should have known of the warrant's defects and could have cured them. SA.7. It therefore was plainly clear to the officer (and any reasonable officer in his position) that the resulting search of Defendant's phones violated the Fourth Amendment, precluding any application of the good-faith justifications present in other cases. *Herring v. United States*, 555 U.S. 135, 145 (2009) (while subjective intent of officers is not relevant to the good-faith analysis, it does "frequently include a particular officer's knowledge and experience"); *see also, e.g., Tew*, 171 F.4th at 1226 ("The particularity requirement provides that 'a search warrant must describe the items to be seized with as much specificity as the government's knowledge and circumstances allow.'") (citation omitted).

At bottom, as the district court recognized, the warrant here "allowed the search of every file on each phone," without any "date" or

² *See, e.g.,* Hannah Bloch-Wehba, *Visible Policing: Technology, Transparency, and Democratic Control*, 109 Calif. L. Rev. 917, 921–22 (2021) (observing that "law enforcement techniques that rely on advanced technologies are often less visible to individual targets, the judicial branch, and the public than their physical counterparts").

“date-plus-subject limitation” to narrow its scope. SA.7–8. Such unrestrained authority to search every corner of Defendant’s digital existence embodies a modern-day general warrant. It simply was “not objectively reasonable for [the officer] to think that a warrant was valid when it gave [him] unbridled discretion to search for and seize whatever they wished.” *United States v. Winn*, 79 F. Supp. 3d 904, 924 (S.D. Ill. 2015). “If the good-faith exception is to have any limits, it cannot encompass the police conduct that occurred here.” *Sheehan*, 70 F.4th at 55 (cell phone warrant was so deficient that “no officer could reasonably rely upon it”). The fruits of this unconstitutional search should be suppressed.

III. The Court should not expand the good-faith exception to apply to all situations where an officer would be immune under Section 1983.

The district court’s finding that the warrant “allowed the search of every file on each phone, without regard” for any narrowing limitations (SA.6–7) should have been the end of the inquiry. The law is clear: it is unreasonable to rely on a wholly unparticularized warrant, so the good-faith exception cannot be invoked. *Leon*, 468 U.S. at 923; *supra* Section II at 13–14. As the Court noted in *Leon*, the good-faith exception does

not apply where “a warrant [is] so facially deficient—i.e., in failing to particularize the place to be searched or the things to be seized—that the executing officers cannot reasonably presume it to be valid.” *Leon*, 468 U.S. at 923. *Leon* contemplates no further inquiry, burden-shifting or presumptions after a judicial determination by the district court that the warrant plainly falls below the Fourth Amendment’s particularity requirements.

The district court correctly held that the warrant fell below constitutional standards for particularity. It should have stopped there. Instead, the district court imported the reasoning from two inapposite cases. First, the district court relied heavily on *United States v. Rees*, 957 F.3d 761 (7th Cir. 2020), citing it for the proposition that the officer’s “choice to seek a warrant in the first place ‘invokes a presumption that he acted in good faith.’” SA.8–10. But *Rees* concerned whether a warrant lacking *probable cause* was nonetheless executed in good faith. The question of particularity is different and subject to a different test.

More problematic, though, is the district court’s application of *Socha v. City of Joliet*, 107 F.4th 700 (7th Cir. 2024), which found an officer was entitled to qualified immunity from damages in a civil suit

under 42 U.S.C. § 1983 for exercising an overbroad digital warrant. The district court treated *Socha*'s qualified-immunity holding as dispositive on the question of good faith. SA.10–12. Such doctrinal slipperiness runs afoul of both the purposes and procedures for these two analyses.

“While there is admittedly substantial overlap” between the good-faith exception and qualified immunity, the two standards are not identical. *Manriquez v. Ensley*, 46 F.4th 1124, 1130 n.1 (9th Cir. 2022). Both may involve “the same standard of objective reasonableness” (*Messerschmidt v. Millender*, 565 U.S. 535, 545–47 & n.1 (2012) (citing *Malley*, 475 U.S. at 344)), but the “Fourth Amendment tolerates only *reasonable* mistakes, and those mistakes—whether of fact or of law—must be *objectively* reasonable” (*Heien*, 574 U.S. at 66). The Supreme Court has clarified that the good-faith “inquiry is not as forgiving as the one employed in the distinct context of deciding whether an officer is entitled to qualified immunity for a constitutional or statutory violation.” *Id.* at 67. To that end, while the good-faith exception insulates only “reasonable mistakes” (*id.* at 66), as a matter of public policy, “qualified immunity provides ample protection to all but the plainly incompetent or those who knowingly violate the law” (*Malley*, 475 U.S. at 341).

For this reason, “a court may hold that an officer’s search does not fall within the good-faith exception based on analogous case law or even directly relevant authority from a sister circuit,” yet *still* grant qualified immunity to the offending officer because “there still might not be ‘clearly established’ case law in [that] circuit to withstand immunity.” *Manriquez*, 46 F.4th at 1130 n.1.

The district court elided this distinction, and thus improperly treated *Socha*’s qualified-immunity holding as dispositive on the question of good faith. Such doctrinal imprecision contravenes both the purposes and procedures for these two analyses. This Court should take decisive steps to clarify the intersection of (and the daylight between) them.

A. The history and development of each doctrine demonstrate their differences.

1. Despite the critical guardrails imposed by the Fourth Amendment to protect people against unreasonable searches and seizures, the Amendment “contains no provision expressly precluding the use of evidence obtained in violation of its commands, and an examination of its origin and purposes makes clear that the use of fruits of a past unlawful search or seizure ‘works no new Fourth Amendment

wrong.” *Leon*, 468 U.S. at 906 (cleaned up). Throughout the twentieth century, the Supreme Court adopted and developed an exclusionary rule mandating the suppression of evidence obtained in contravention of the Fourth Amendment. *See Weeks v. United States*, 232 U.S. 383 (1914); *Silverthorne Lumber Co. v. United States*, 251 U.S. 385 (1920); *Mapp v. Ohio*, 367 U.S. 643 (1961) (extending the exclusionary rule to the states). Exclusion encompasses both “primary evidence obtained as a direct result of an illegal search and seizure” and “evidence later discovered and found to be derivative of an illegality,” the so-called “fruit of the poisonous tree.” *Segura v. United States*, 468 U.S. 796, 804 (1984).

The focus of the exclusionary rule is deterrence; it is “calculated to prevent, not to repair,” with the express purpose “to compel respect for the constitutional guaranty in the only effectively available way—by removing the incentive to disregard it.” *Elkins v. United States*, 364 U.S. 206, 217 (1960). “The rule thus operates as a ‘judicially created remedy designed to safeguard Fourth Amendment rights generally though its deterrent effect, rather than a personal constitutional right of the party aggrieved.” *Leon*, 468 U.S. at 906 (quoting *United States v. Calandra*, 414 U.S. 338, 348 (1974)).

Judge Friendly was the first to challenge the evidentiary suppression of the exclusionary rule, writing in the 1960s that “[t]he beneficent aim of the exclusionary rule to deter police misconduct can be sufficiently accomplished by a practice ... outlawing evidence obtained by flagrant or deliberate violation of rights.” Henry J. Friendly, *The Bill of Rights as a Code of Criminal Procedure*, 53 Calif. L. Rev. 929, 951–53 (1965). His message began to catch on, with individual Justices endorsing it sporadically over the next two decades. *See Brown v. Illinois*, 422 U.S. 590, 610–12 (1975) (Powell, J., concurring in part); *Stone v. Powell*, 428 U.S. 465, 498–502 (1976) (Burger, C.J., concurring); *id.* at 540–42 (White, J., dissenting) (“When law enforcement personnel have acted mistakenly, but in good faith and on reasonable grounds, and yet the evidence they have seized is later excluded, the exclusion can have no deterrent effect.”); *Illinois v. Gates*, 462 U.S. 213, 249–67 (1983) (White, J., concurring in judgment) (“Our decisions concerning the scope of the exclusionary rule cannot be divorced from the Fourth Amendment; they rest on the relationship of Fourth Amendment interests to the objectives of the criminal justice system.”).

The Supreme Court formally adopted the good-faith exception in the landmark decision, *United States v. Leon*, 468 U.S. 897 (1984), citing the “substantial social costs exacted by the exclusionary rule for the vindication of Fourth Amendment rights” such that an “unbending application of the exclusionary sanction to enforce ideals of governmental rectitude would impede unacceptably the truth-finding functions of judge and jury.” *Id.* at 907 (quoting *United States v. Payner*, 447 U.S. 727, 734 (1980)). The result is a “balancing approach” to the question of exclusion that “permit[s] the introduction of evidence obtained in the reasonable good-faith belief that a search or seizure was in accord with the Fourth Amendment.” *Id.* at 909. Under this test, whether the exclusionary sanction is appropriately imposed in a particular case “must be resolved by weighing the costs and benefits” of exclusion. *Id.* at 907.

Over the next half-century, subsequent developments to the doctrine emphasized the importance of deterrence. *E.g.*, *Arizona v. Evans*, 514 U.S. 1, 14–15 (1995) (no deterrence for errors by court clerk); *Illinois v. Krull*, 480 U.S. 340, 359–60 (1987) (no deterrence when officers relied on then-valid statute later found unconstitutional); *Herring*, 555 U.S. at 137 (no deterrence when officer pulled over defendant on

information that there was a valid arrest warrant); *Davis v. United States*, 564 U.S. 229, 232 (2011) (no deterrence when arrest was made under then-binding appellate precedent). In its current form, the doctrinal bottom line is that exclusion is “applicable only ... where its deterrence benefits outweigh its substantial social costs.” *Hudson v. Michigan*, 547 U.S. 586, 591 (2006) (no deterrence for violation of “knock-and-announce rule” because of the inherent uncertainty of the “reasonable wait time” standard).

2. Qualified immunity, on the other hand, was developed as part of the Supreme Court’s interpretation of the Civil Rights Act of 1871, which through 42 U.S.C. § 1983 established a cause of action for “the deprivation of any rights, privileges, or immunities secured by the Constitution and laws” by any person acting “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory.” At the time, the Court recognized that the damages remedy offered by § 1983 was a “vital component ... for vindicating cherished constitutional guarantees.” *Owen v. City of Independence*, 445 U.S. 622, 651 (1980). Still, the Court tempered this remedy by reading it “against the background of tort liability that makes a man responsible for the natural

consequences of his actions.” *Pierson v. Ray*, 386 U.S. 547, 556–57 (1967). It thus applied the common law “defense of good faith and probable cause” to its § 1983 jurisprudence. *Id.*

Building on this common-law foundation, modern qualified immunity was first set forth in *Harlow v. Fitzgerald*, 457 U.S. 800 (1982). In announcing this affirmative defense, the Court sought to balance “the importance of a damages remedy to protect the rights of citizens” with “the need to protect officials who are required to exercise their discretion and the related public interest in encouraging the vigorous exercise of official authority.” *Id.* at 807. The Court thus concluded that “government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.” *Id.* at 818.

Since its inception, qualified immunity has developed into an extremely demanding—and nearly insurmountable—hurdle. Today, “[g]overnment officials enjoy qualified immunity from suit under § 1983 unless their conduct violates clearly established law.” *Zorn v. Linton*, 146 S. Ct. 926, 930 (2026). For a right to be “clearly established,” it must

be “sufficiently clear that *every* reasonable official would have understood that what he is doing violates that right.” *Id.* (emphasis added) If “existing precedent does not place the constitutional question ‘beyond debate,’” the “right is not clearly established.” *Id.* To that end, the “relevant precedent must define the right with a ‘high degree of specificity.’” *Id.*

And the requisite degree of specificity is at an all-time high when it comes to the Fourth Amendment. *Mullenix v. Luna*, 577 U.S. 7, 12 (2015). Given the complex contours of Fourth Amendment jurisprudence, it “is sometimes difficult for an officer to determine how the relevant legal doctrine” will ultimately “apply to the factual situation the officer confronts.” *Id.* Accordingly, the Court has recognized that the “specificity” demanded by qualified immunity “is especially important in the Fourth Amendment context.” *Id.*

B. The doctrines serve fundamentally different purposes through fundamentally different processes.

Against this historical backdrop, the good-faith exception and qualified immunity doctrines have developed into related but different

analyses. The district court improperly collapsed these doctrines into one.

1. The exclusionary rule and good-faith exception sit on opposite sides of a balancing test: “the benefits of exclusion must outweigh the costs” to warrant suppression. *Herring*, 555 U.S. at 145 (“To trigger the exclusionary rule, police conduct must be sufficiently deliberate that exclusion can meaningfully deter it, and sufficiently culpable that such deterrence is worth the price paid by the justice system.”). The hope is that exclusion will “deter deliberate, reckless, or grossly negligent conduct, *or in some circumstances recurring or systemic negligence.*” *Id.* (emphasis added). The aim of the good-faith exception is to ensure that the truth-seeking function of the criminal justice system is not sacrificed when exclusion would not facilitate deterrence. For “when the police act with an objectively ‘reasonable good-faith belief’ that their conduct is lawful, or when their conduct involves only simply, ‘isolated’ negligence, the ‘deterrence rationale loses much of its force,’ and ‘exclusion cannot ‘pay its way.’” *Davis*, 564 U.S. at 238 (citations omitted).

Qualified immunity is not concerned with striking this same truth-versus-deterrence balance. Instead, it aims to reconcile “the need to hold

public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.” *Pearson v. Callahan*, 555 U.S. 223, 231 (2009). The focus is “free[ing] officials from the concerns of litigation” (*Ashcroft v. Iqbal*, 556 U.S. 662, 685 (2009)), and thus qualified immunity functions as “an *immunity from suit* rather than a mere defense to liability” (*Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985)).

Despite this animating principle, qualified immunity does not, in practice, entail any weighing of interests of the sort required by the good-faith exception. Instead, the sole question governing application of qualified immunity is whether the officer’s “conduct violates clearly established law,” meaning “existing precedent” has “place[d] the constitutional question ‘beyond debate.’” *Zorn*, 146 S. Ct. at 930. Indeed, “the touchstone of qualified immunity is the clarity of the state of the law in relation to the defendant’s conduct at the time the conduct occurred.” *Triad Assocs., Inc. v. Robinson*, 10 F.3d 492, 496 (7th Cir. 1993).

2. Qualified immunity is an extremely demanding standard that “makes it next to impossible to recover damages.” *United States v. Jewel*, 947 F.2d 224, 239 (7th Cir. 1991) (Easterbrook, J., concurring). Nor is

qualified immunity concerned with deterrence; when qualified immunity is available, “the victim [of a Fourth Amendment violation] anticipates no compensation, the offender no deterrence.” *Id.*

This Court has recognized that qualified immunity requires much more from plaintiffs seeking damages for official misconduct than defendants seeking suppression:

[A]n “egregious violation” exception is not necessary to deter officers from violating the fourth amendment—and deterrence is the goal of the exclusionary rule. When a violation of the fourth amendment really *is* beyond the pale, the offending officers will be liable in damages. Qualified immunity protects officers who commit “ordinary” violations of the fourth amendment, but not those who wilfully or blatantly violate the Constitution. ***Given officers’ qualified immunity, it would be easier to conclude that ‘ordinary’ violations should lead to suppression*** in sentencing proceedings, ***in order to preserve deterrence***, than to conclude that suppression is essential to deter ‘egregious’ violations while others go unchecked.

See United States v. Sanders, 743 F.3d 471, 474–75 (7th Cir. 2014)

(citations omitted) (emphasis added) (no exclusionary rule in sentencing).

The analytical differences between the doctrines are embodied in this Court’s precedent, particularly its conclusion that the exclusionary rule does not even apply in a § 1983 suit. *See Martin v. Martinez*, 934 F.3d 594, 599 (7th Cir. 2019) (“[T]he fact that the evidence was the fruit

of an illegal detention does not make it any less relevant to establishing probable cause for the arrest because the exclusionary rule does not apply in a civil suit under § 1983 against police officers.”); *accord, e.g., Lingo v. City of Salem*, 832 F.3d 953, 958 (9th Cir. 2016); *Black v. Wigington*, 811 F.3d 1259, 1268 (11th Cir. 2016); *Est. of Taylor v. Salt Lake City*, 16 F.4th 744, 753 (10th Cir. 2021).

Key is the fact that “in a § 1983 suit, the need for deterrence is minimal.” *Lingo*, 832 F.3d at 958. In § 1983 claims, “application of the exclusionary rule would not prevent the State from using illegally obtained evidence *against* someone, but instead would prevent state actors merely from *defending themselves* against a claim for monetary damages.” *Id.* Thus, exclusion of evidence does not “remove any preexisting incentive that the government might have to seize evidence unlawfully,” but “would simply increase state actors’ financial exposure in tort cases that happen to involve illegally seized evidence.” *Id.*

3. For these reasons, whether an officer is entitled to qualified immunity for a Fourth Amendment violation involves two inquiries: first, whether there was a constitutional violation at all; and second, whether there was clearly established law demonstrating the violation.

The objective reasonableness standard inherent in the Fourth Amendment's good-faith exception is merely *step one* in the qualified-immunity analysis; the clearly established law question follows. See *Felders ex rel. Smedley v. Malcolm*, 755 F.3d 870, 882–86 (10th Cir. 2014) (first finding that the good-faith exception to the Fourth Amendment would not apply, and *then* analyzing whether that violation was “clearly established” for purposes of qualified immunity). While dispositive on exclusion, objective reasonableness is only half the inquiry in the qualified immunity context. *Id.*

To overcome qualified immunity, then, § 1983 plaintiffs must prove that the officer's conduct was both objectively unreasonable under a good-faith standard, *and* that this unreasonableness was enshrined in clearly established and binding precedent. This perfectly captures why the exclusionary rule is more “forgiving” to those claiming violations than qualified immunity. *Heien*, 574 U.S. at 67. As the Ninth Circuit has held, “a court may hold that an officer's search does not fall within the good-faith exception based on analogous case law or even directly relevant authority from a sister circuit,” yet *still* grant qualified immunity to the offending officer because “there still might not be ‘clearly established’

case law in our circuit to withstand qualified immunity.” *Manriquez*, 46 F.4th at 1130 n.1.

* * *

In short, while qualified immunity and the good-faith exception involve parallel notions of objective reasonableness, there is a substantial body of caselaw explaining why and how they differ. The good-faith exception aims to balance the truth-seeking functions of the criminal justice system with the deterrence of Fourth Amendment violations. Qualified immunity, on the other hand, serves to protect officials from liability and the burdens of litigation unless they commit an egregious violation of clearly established law, without regard for deterrence. These purposive differences are born out in distinct processes used to assess and apply each doctrine, with qualified immunity offering much more robust protections for officers facing civil liability than exclusion does for criminal defendants—particularly its demand for exacting, clearly established precedent.

C. This Court should reject the district court’s contrary decision.

The district court failed to appreciate these distinctions, instead reasoning that *Socha*’s qualified-immunity holding directly governed its

good-faith analysis. This doctrinal conflation was error, for the reasons explained above. But it is particularly improper when juxtaposed against the court's finding of zero particularity.

To start, this threshold finding forecloses a direct application of *Socha*. The district court affirmatively declared that Singleton's warrant *was not* sufficiently particularized (SA.7–8), but then recharacterized its earlier holding as a mere *claim* by Singleton of insufficient particularization and overbreadth to apply the good-faith exception. SA.10. In any event, a close reading of *Socha* shows that the court suggested, but declined to explicitly find, that the warrant was overbroad because qualified immunity applied either way. 107 F.4th at 710 (“*Even if* the search warrant was overbroad, though, we conclude that [the officer] is entitled to qualified immunity.”) (emphasis added).

This is because *Socha*'s qualified-immunity analysis asked whether the officer could be held “personally liable” for violating the Fourth Amendment, hinging on whether he sought an overbroad warrant “knowingly, intentionally, or with reckless disregard for the truth.” *Id.* at 708 (quotation omitted). Moreover, and possibly more concerning, *Socha* involved accusations of a warrant issued without sufficient

probable cause—not lack of particularity. Thus, *Socha*’s determination that the officer “manifested an objective good faith belief that the search warrant’s scope was supported by probable cause” is not even relevant. *Id.* at 710.

And this probable cause-versus-particularity confusion is manifest throughout the district court’s decision. As noted, the court repeatedly invoked *Rees*’s probable-cause standard. Further confusing matters, at one point the district court stated that Singleton invoked the “bare boned” probable-cause exception to overcome the warrant’s presumed validity. SA.9 (“Singleton says this case presents the *third* situation” identified by *Rees*, which excepts bare-boned affidavits lacking probable cause) (emphasis added). These errors confirm a muddling of doctrines in the good-faith context.

What’s left is the district court’s erroneous conclusion that the good-faith exception applied because “Detective Siegel[chose] to seek a warrant in the first place” (SA.8), which was one factor (among several) justifying qualified immunity in *Socha*. That is not—and cannot be—the law. In holding otherwise, the district court ignored the decades of

Supreme Court precedent clarifying that a plainly unparticularized warrant does not benefit from the good-faith objection.

That one officer was entitled to qualified immunity for his objective good-faith belief that a warrant was supported by probable cause does not mean that evidence obtained pursuant to another facially unparticularized warrant may be admitted under the good-faith exception. If that were so, then, theoretically, any time a defendant prevailed in suppressing evidence, he also would satisfy the test for qualified immunity. This in turn would gut the careful distinctions courts have drawn for the deterrence rationale in the Fourth Amendment context. Moreover, taken to its logical end, does *Socha* now serve as clearly established precedent *mandating* exclusion **and** § 1983 liability for officers who obtain similarly overbroad digital warrants after consulting counsel?

Given the rise in general digital warrants and growing risks to defendants' Fourth Amendment rights (*supra* Section I.B), the need to deter unparticularized and overbroad searches is more important than ever. *See Riley*, 573 U.S. at 407 (Alito, J., concurring in part and in judgment) (agreeing that the risk of intrusion in phone searches “calls for

a new balancing of law enforcement and privacy interests”); *Tew*, 171 F.4th at 1227 (“Although these types of warrants are becoming more common, our Fourth Amendment doctrine lags behind the technological advances that allow for integrated and cloud-based storage of massive amounts of personal data.”). And considering the prejudicial nature of the minimally probative evidence discovered on Singleton’s phones, exclusion would not offend the truth-seeking function of the criminal justice system. This improperly obtained evidence should have been excluded. In reversing, this Court will necessarily reinforce the proper application of the good-faith exception and clarify its similarities—and differences—from qualified immunity.

CONCLUSION

The Court should hold that the evidence obtained should have been suppressed and remand for further proceedings.

Respectfully submitted,

/s/ Kimball R. Anderson

Kimball R. Anderson

Counsel of Record

Patrick G. Simonaitis

Sarah Barritt Conner

Matthew W. Woodruff

WINSTON TAYLOR LLP

300 N. LaSalle Dr.
Chicago, IL 60654
(312) 558-5600
kimball.anderson@winstontaylor.com
patrick.simonaitis@winstontaylor.com
sarah.barritt@winstontaylor.com
matthew.woodruff@winstontaylor.com

Counsel for Amici Curiae

CERTIFICATE OF COMPLIANCE WITH RULE 32

The undersigned, counsel for amici curiae National Association of Criminal Defense Lawyers and Illinois Association of Criminal Defense Lawyers, hereby certifies that this brief contains 6,997 words, from the Statement of Interest through the Conclusion. Counsel used Microsoft Word to prepare the brief. This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5), the type-style requirements of Fed. R. App. P. 32(a)(6), and Circuit Rule 32 because Microsoft Word was used to prepare the brief and the font style is Century Schoolbook with a 14-point size of type.

Respectfully submitted,

/s/ Kimball Anderson

Kimball R. Anderson
Counsel for Amici Curiae
WINSTON TAYLOR LLP
300 N. LaSalle Dr.
Chicago, IL 60654
(312) 558-5600
kimball.anderson@winstontaylor.com

CERTIFICATE OF SERVICE

I, hereby certify that on August 18, 2026, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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/s/ Kimball Anderson

Kimball R. Anderson
Counsel for Amici Curiae
WINSTON TAYLOR LLP
300 N. LaSalle Dr.
Chicago, IL 60654
(312) 558-5600
kimball.anderson@winstontaylor.com