IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,	)	
	)	
Plaintiff,	)	
	)	I.D. No. 2510004337A
v.	)	
	)	
TIMOTHY ROY,	)	
	)	
Defendant.		

Submitted: November 10, 2026
Decided: November 17, 2026

On Defendant's Motion to Suppress: Granted.

Mr. Roy challenges a search warrant issued for a residence, specifically arguing insufficient nexus as that term has been defined under Fourth Amendment caselaw. The police observed Mr. Roy, a suspected drug dealer, returning to this residence after alleged drug sales on two occasions and had general information suggesting he resided at both the residence subject to this Motion and a secondary residence. For the reasons that follow, the Court GRANTS the Defendant's Motion to Suppress.

Factual Background

Because the law requires this Court engage in a four corners analysis, all facts are taken from the warrant.[1] In July of 2025, law enforcement received information

[1] The State also attached a police report as Exhibit B to its response. Given the limitation of review, the Court has not reviewed or considered the contents of Exhibit B.

from a past-proven reliable confidential informant ("CI") regarding crack cocaine sales. The CI identified the drug dealer as "Boop" and advised he lives at 1201 Oak Street. For clarity, the residence at issue in this decision is 16 Farland Way. The CI identified a photograph of Mr. Roy as Boop.

The following month, law enforcement utilized the CI to make a controlled purchase from Mr. Roy. Mr. Roy left the Oak Street address and drove to the meeting location for the drug sale. Law enforcement sought to follow Mr. Roy after the sale but were unable to determine his path of travel.

Approximately ten days later, another controlled buy was arranged. The warrant is silent as to where Mr. Roy was prior to the drug sale. After this drug sale, law enforcement followed Mr. Roy to the Smalley's Dam community. The warrant advises this is "a high crime, high drug trafficking area."[2] Again, law enforcement was unable to continue surveillance. The affidavit next advises Mr. Roy "has ties to 16 Farland Way," which is a residence in the community of Smalley's Dam. The warrant advises surveillance took place on the Farland Way residence and Mr. Roy arrived at that location five minutes after law enforcement lost sight of him.

[2] Warrant, at ¶ 14.

A third drug sale was arranged. Here too, it is unknown where Mr. Roy was prior to the drug sale.[3] After this sale, however, again police observed Mr. Roy enter 16 Farland Way—the address subject to this Motion.

Law enforcement obtained authorization for a GPS device, which was placed on Mr. Roy's vehicle. The affidavit of probable cause advises the GPS was physically placed on the vehicle at his residence but does not clarify whether that means 16 Farland Drive or 1201 Oak Street. Additionally, law enforcement received authorization for a PING on Mr. Roy's cell phone, which provided data as to its location. This electronic surveillance took place for nine days.

The final controlled purchase took place in September. Mr. Roy left 16 Farland Way after contact by the CI. He then traveled to 1201 Oak Street. Next, the warrant states he engaged in a drug sale. After completing the sale, law enforcement observed Mr. Roy enter the front door of 16 Farland Way.

In paragraph 32 of the affidavit, it states that electronic monitoring of Mr. Roy's movements suggests he "primarily resides at the two aforementioned residences of 16 Farland Way … and 1201 Oak Street…." This paragraph states "[a]dditionally, through the course of the electronic monitoring it was learned that Timothy "Boop" Roy has established a pattern of utilizing the above residences to facilitate his drug dealing as well as his vehicle." No further information is provided.

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[3] *See* Warrant, at ¶¶ 18–20.

Parties' Contentions

Mr. Roy acknowledges the affidavit provides sufficient probable cause to support his arrest for drug sales. His motion specifically addresses the nexus to search 16 Farland Way. For support, he points out the four controlled purchases all took place away from 16 Farland Way. Further, Mr. Roy points out the warrant is silent as to any allegation or inference that he sold drugs from 16 Farland Way. Mr. Roy argues the affidavit fails to detail any suspicious behavior at that residence. He points this Court to its decisions in *Cannon*[4] and *Ada*[5] for support. He also seeks to distinguish his case from *Taylor.*[6] The Court clarified at oral argument that while both the United States and Delaware Constitutions are cited as authority supporting suppression, Mr. Roy is not specifically claiming that the Delaware Constitution provides greater protection as it relates to a nexus analysis.[7]

Not surprisingly, the State disagrees. The State argues there is a sufficient nexus because Mr. Roy traveled to 16 Farland Way "immediately after the controlled buys … including one occasion where Defendant also departs from the

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[4] *State v. Cannon*, 2007 WL 1849022 (Del. Super.).
[5] *State v. Ada,* 2001 WL 660227 (Del. Super.).
[6] *State v. Taylor*, 341 A.3d 568 (Del. Super. 2025) (finding sufficient nexus where the affidavit included drug sales from the residence and evidence that a drug shipment was delivered there.)
[7] The texts are distinct, and the Delaware Supreme Court has found there may be greater protections for its citizens. *See Jones v. State*, 745 A.2d 856, 863 (Del. 1999). *See also Dorsey v. State*, 761 A.2d 807, 820 (Del. 2000) finding the Delaware constitution does not recognize the good faith exception.

location."[8] The Court called oral argument, in part, to clarify this assertion. The State clarified its assertion of this fact is linked to the final controlled buy where Mr. Roy left 16 Farland Way, travelled to 1201 Oak, and then met with the CI. The State agrees that there is a distinction between probable cause to arrest an individual and probable cause to search a residence but argues "when there exists 'probable cause to believe that someone committed a crime, then the likelihood that that person's residence contains evidence of the crime increases.'"[9]

Legal Standards

The Fourth Amendment of the United States Constitution provides:

> 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.

Article I, § 6 of the Delaware Constitution provides:

> 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.

11 Del. C. § 2306 requires:

> The application or complaint for a search warrant shall be in writing, signed by the complainant and verified by oath or affirmation. It shall designate the house, place, conveyance or person to be searched and

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[8] State's Resp. to Mot. to Suppress, at ¶ 37.
[9] *Id. at* ¶ 35 *citing United States v. Jones*, 994 F.2d 1051, 1055 (3d. Cir. 1993).

> the owner or occupant thereof (if any), and shall describe the things or persons sought as particularly as may be, and *shall substantially allege the cause* for which the search is made or the offense committed by or in relation to the persons or things searched for, and shall state that the complainant suspects that such persons or things are concealed in the house, place, conveyance or person designated *and shall recite the facts upon which such suspicion is founded*.[10]

Mr. Roy bears the burden of establishing a violation of his rights in relation to this search warrant.[11] He must establish this violation by a preponderance of the evidence.[12] "It is well settled that any finding of probable cause must be based on the information that appears within the four corners of the application or affidavit."[13] This Court must assess whether the four corners of the warrant establish a "fair probability that contraband or evidence of a crime will be found in a particular place."[14] Review of a search warrant requires a totality of the circumstances assessment with "great deference" to the magistrate's determination—this is not a *de novo* review.[15]

Analysis

Reviewing search warrants for sufficient nexus is a fact-intensive inquiry. In its argument that there is a sufficient nexus, the State cites to *United States v. Jones*,

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[10] 11 *Del. C.* § 2306 (emphasis added).
[11] *State v. Sisson*, 883 A.2d 868, 875 (Del. Super. 2005).
[12] *Id.*
[13] *Valentine v. State*, 207 A.3d 566, 570 (Del. 2019) *quoting State v. Holden*, 60 A.3d 1110, 1114 (Del. 2013).
[14] *Id.*
[15] *State v. Holden,* 60 A.3d 1110, 1114 (Del. 2013) *quoting Illinois v. Gates,* 462 U.S. 213, 237 (1983).

a Third Circuit decision, to assert that when law enforcement has obtained probable cause of a crime, "'then the likelihood that the person's residence contains evidence of the crime increases.'"[16] Further guidance from *Jones* is that probable cause can be inferred by "considering the type of crime, the nature of the items sought, the suspect's opportunity for concealment and normal inferences about where a criminal might hide stolen property."[17]

Other Circuits have addressed this issue. The First Circuit examined what is required to establish probable cause for the search of a defendant's home where the defendant is alleged to have sold drugs; the court reasoned that specific observations should be paired with general observations that may not otherwise satisfy probable cause themselves.[18] Whether a credible informant detailed evidence of illegal activity at the residence is a significant factor, which when coupled with probable cause of a crime, establishes sufficient nexus.[19]

In *United States v. Wilson*, the Fifth Circuit found insufficient nexus.[20] "[T]he notion that 'few places are more convenient than one's residence for use in planning

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[16] State's Resp. to Mot. to Suppress, at 11 n.67 citing *United States v. Jones*, 994 F.2d 1051, 1055 (3d. Cir. 1993).
[17] *Jones*, 994 F.2d at 1056 *citing United States v. Jackson*, 756 F.2d 703, 705 (9th Cir. 1985).
[18] *United States v. Roman*, 942 F.3d 43, 52 (1st Cir. 2019). *Roman* listed factors such as organized drug distribution from the residence, facts supporting that the residence is used to communicate for drug activity, and travel to and from the residence related to drug transactions. *Id.*
[19] *United States v. Singh*, 390 F.3d 168, 182 (2d Cir. 2004).
[20] *United States v. Wilson*, 153 F.4th 478, 486 (5th Cir. 2025).

criminal activities and hiding fruits of a crime' does not provide carte blanche for searching a home when one is suspected of illegal activity."[21] While it can be inferred that criminals hide firearms in their home, the Fourth Amendment requires more than generalities and mere belief.[22] The affidavit must "tether such an inference to the particular circumstances of the case."[23]

The Sixth Circuit has similarly interpreted the nexus requirement in drug cases. Judges are permitted to infer a fair probability of finding evidence in a residence absent direct observations in an affidavit, but it has never held that a suspect's drug dealer status, by itself, establishes probable cause that drugs will be found in the home.[24] Instead, there must be reliable evidence connecting the suspect's ongoing criminal activity to their residence.[25]

The consistent theme is that probable cause that a crime was committed is a factor, but it is not determinative and still requires the totality of circumstances to evidence a logical nexus between the items sought and the place searched. Specific to drug dealing allegations, these cases illustrate many ways to establish a nexus, including information from a credible source, illegal activity observed at the

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[21] *Id. citing United States v. Pace*, 955 F.2d 270, 277 (5th Cir. 1992) (quoting *United States v. Green*, 634 F.2d 222, 226 (5th Cir. 1981)).
[22] *Id.* at 486–87.
[23] *Id.* at 486.
[24] *United States v. Brown*, 828 F.3d 375, 383 (6th Cir. 2016).
[25] *Id.*

residence, or perhaps even the scale of the drug operation itself. While each case is unique, this case does not include any facts of this nature.

Coming back to Delaware caselaw, in *Dorsey,* our Supreme Court made it clear that "probable cause to search and probable cause to arrest are not fungible legal concepts, and each involves a distinctly separate inquiry. The focus of probable cause to search is upon a "place," i.e., whether contraband or evidence will be found in a particular location."[26] Therefore, the question is "whether, based upon the specific facts alleged within the four corners of the affidavit, one would normally expect to find those items at that place."[27] Of course, the *Dorsey* decision also recognized federal decisions have suggested that probable cause to arrest may increase the likelihood of finding evidence of the crime at the Defendant's home.[28]

While Mr. Roy is seen returning to 16 Farland Way after selling drugs, he is not seen at that location *prior* to the alleged drug deals. Significantly, on the singular exception, he left 16 Farland Way and traveled to another residence prior to making the alleged drug sale. The warrant makes some connection to 16 Farland through surveillance technology and, in a conclusory fashion, asserts "a pattern of utilizing the above residences to facilitate his drug dealing." Despite nine days of such

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[26] *Dorsey v. State,* 761 A.2d 807, 812 (Del. 2007).
[27] *Id.* at 813 *quoting Hooks v. State,* 416 A.2d 189, 203 (Del. 1980) (emphasis removed).
[28] *See Dorsey*; *United States v. Jones*, 994 F.2d 1051, 1055 (3d Cir.) ("[A]ccepting this premise does not mean that the information used to determine if there was probable cause to arrest is irrelevant when determining if there is probable cause to search. In fact, just the opposite is true.").

electronic surveillance, no factual information is included to support this conclusory statement.

At oral argument, the State advanced a theory that money from the drug sales might have been located at 16 Farland Way. But the four corners of the warrant do not include information suggesting law enforcement utilized marked bills to conduct their controlled buys. There are plenty of cases addressing the search of a suspected drug dealer's home when there are facts linking the suspect to the home immediately *prior* to the drug deal.[29] Such factual information leads to an inference that the drugs are stored within. Less plentiful are cases where the basis of the nexus is that the suspected drug dealer returns to a location *after* the drug deal.

Here, the CI identified a different residential address for Mr. Roy. Further the CI did not assert Mr. Roy sold drugs from any home—including 16 Farland Way. While law enforcement saw Mr. Roy at the residence after alleged drug sales, there is no specific factual information contained within the totality of the affidavit of probable cause suggesting he used that residence to facilitate drug sales, just a generic assertion, despite various forms of electronic surveillance. In the singular instance the State points to suggesting Mr. Roy was at 16 Farland Way prior to a

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[29] *See Spencer v. State,* 189 A.3d 694, at *5 (Del. 2018); *Morgan v. State*, 962 A.2d 248, 253 (Del. 2008); *State v. Aguilar*, 2016 WL 4394617, at *2 (Del. Super.) ("police observation of Aguilar leaving the Residence in the Vehicle to attend two separate controlled purchases, followed by his immediate return to the Residence…"); *State v. Lindsey,* 2011 WL 2651808 (Del. Super.).

drug sale, he stopped at the Oak Street residence before making the alleged drug delivery. Therefore, a fair inference is that Oak Street housed the drugs. A four corners analysis reflects that law enforcement had probable cause to believe that Mr. Roy was engaged in drug dealing. While this was a close case, the affidavit of probable cause does not raise sufficient evidence linking the 16 Farland Way address to Mr. Roy's alleged conduct. Mr. Roy has met his burden. This affidavit of probable cause is short on details establishing a nexus to search 16 Farland Way and does not substantially allege the cause for which the search is made or recite the facts upon which suspicion is founded—requirements under Delaware law. For these reasons, the Motion to Suppress is GRANTED.

IT IS SO ORDERED.

/s/Sonia Augusthy
Judge Sonia Augusthy