



**IN THE SUPREME COURT OF THE STATE OF DELAWARE**

**JUSTIN CHAFFIER,** )  
 )  
Defendant-Below, )  
Appellant, )  
 )  
v. )  
 )  
**STATE OF DELAWARE,** )  
 )  
Plaintiff-Below, )  
Appellee. )

**No. 209, 2023**

ON APPEAL FROM THE SUPERIOR COURT  
OF THE STATE OF DELAWARE

**STATE’S ANSWERING BRIEF**

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## NATURE AND STAGE OF PROCEEDINGS

On February 25, 2021, a New Castle County grand jury indicted Justin Chaffier for Murder First Degree and Stalking. (A14). On September 16, 2022, Chaffier filed a motion to suppress. (A4, at 25; A15-A30). On January 17, 2023, the Superior Court denied the motion to suppress. (A5, at 37).<sup>1</sup> On March 13, 2023, following a six-day trial, a jury found Chaffier guilty of Murder First Degree and Stalking. (A8, at 50). On June 2, 2023, the Superior Court sentenced Chaffier: (1) for Murder First Degree to life at Level V imprisonment; and (2) for Stalking to two years at Level V imprisonment. (A10, at 68).<sup>2</sup> On June 13, 2023, Chaffier filed a notice of appeal. (A11, at 70). On April 1, 2024, Chaffier filed his Opening Brief. This is the State's Answering Brief.

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<sup>1</sup> *State v. Chaffier*, 2023 WL 1872284 (Del. Jan. 17, 2023).

<sup>2</sup> See Opening Brief ("Op. Br.") at Ex. B.

## **SUMMARY OF THE ARGUMENT**

I. DENIED. The Superior Court did not err when it denied Chaffier's motion to suppress the evidence. The cell phone search warrant and the laptop search warrant were not general warrants. Both warrants identified the specific types of data to be searched, the attached affidavits provided sufficient facts to establish probable cause that evidence of the crime of stalking would be found in the specified types of data, and both warrants identified an appropriate temporal limitation.

## STATEMENT OF FACTS

During February 2021, police were investigating reports that Chaffier was stalking his ex-girlfriend Nicole Crawford. (A17, B71-B72, B154-B159). On February 12, 2021, Crawford called the police because she saw footprints in the snow leading up to her house, informing the police that it could have been Chaffier who made the footprints. (B111-B112, B115-B116). Crawford also told a friend that the footprints in the snow looked like they had been made by Chaffier's boots. (B87-B88). On February 17, 2021, Crawford told her friend that she saw Chaffier looking through her window. (B88). Crawford subsequently covered her windows so that nobody could look inside her residence. (B89). On February 20, 2021, Crawford's neighbor called the police to report that Chaffier was walking around Crawford's property. (B128, B139). Upon arriving at Crawford's property, officers observed that a snow shovel had been placed in front of Crawford's Ring camera. (B129). During this time period, Chaffier also sent friend requests and messages to Crawford's friends and family members. (B80, B108, B237).

On Sunday, February 25, 2021, Crawford texted Chaffier letting him know that he could come over to her residence. (B233). Crawford's Ring camera recorded that Chaffier arrived at Crawford's residence at 9:20 p.m. (B233, B246). A subsequent search of Crawford's cell phone showed that at 10:39 p.m. an instant message was sent from Crawford's phone to Chaffier's phone stating: "I miss you,

I truly do.” (B233). A few seconds later, a message was sent from Crawford’s phone to Chaffier’s phone stating: “I hope we can see one another again and you aren’t mad at me.” (B233). And beginning at 10:51 p.m., messages were sent from Crawford’s phone to several male contacts listed in her phone, stating that Crawford had decided to work things out with Chaffier. (B233-B234). At 11:27 p.m., another message was sent from Crawford’s phone to Chaffier’s phone, stating “goodnight I guess.” (B234). Chaffier did not respond to the messages from Crawford’s phone, nor did he call Crawford at the time. (B235). Less than an hour later, at 12:17 a.m. on Monday, February 26, 2021, Crawford’s co-worker received a Facebook message from Crawford’s Facebook account that read: “I’m calling out. I don’t feel well. My abdomen is killing me.” (B91).

Later that morning, Crawford’s place of employment called Crawford’s mother informing her that they had been trying to get a hold of Crawford. (B14). Crawford’s mother called Crawford, but Crawford did not answer. (B14). Crawford’s mother then drove to Crawford’s residence, attempted to enter the residence with a key, but the front door was locked with a chain lock. (B14). Crawford’s mother went to a neighbor for assistance, the neighbor cut the chain, and Crawford’s mother entered the residence and went to Crawford’s bedroom. (B14-B15). Crawford’s mother saw Crawford in her bed, face up, and that Crawford had purple dots on her face and her eyes were purple. (B16). The neighbor called 911.



(B16). Crawford was pronounced dead by the emergency responders. (B27). Police arrived at the scene at approximately 10:07 a.m. to 10:08 a.m. (B26). At that time, an officer noted that Crawford's body was cold and rigor mortis had set in. (B27). Police initially investigated her death as a suspicious death. (B63).

After Crawford's death, the police obtained and executed search warrants on Chaffier's vehicle and apartment in relation to the stalking investigation.<sup>3</sup> The police also obtained and executed an arrest warrant for Chaffier, who was arrested at his Pennsylvania apartment.<sup>4</sup> Thereafter, the police searched Chaffier's vehicle and apartment pursuant to the search warrants.<sup>5</sup>

The police interviewed Chaffier, and he admitted to: following Crawford from her place of employment; blocking her Ring camera at her residence; looking through her windows; and calling her six-year-old child to ask for Crawford's location.<sup>6</sup> In addition, Chaffier told the police that he was in a relationship with Crawford and evidence of that relationship and his presence in Crawford's home would be found on his cell phone. After the interview, Detective Michael McNasby of the New Castle County Police obtained additional search warrants, including search warrants for Chaffier's cell phone and laptop and to receive certain data from

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<sup>3</sup> *State v. Chaffier*, 2023 WL 1872284, at \*1 (Del. Jan. 17, 2023).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

Verizon and Google, in relation to the stalking investigation. (A65-A81, A82-A86, A100-A108, A122-A132).

On June 8, 2021, the medical examiner determined that the cause of Crawford's death was strangulation, and her death was ruled a homicide. (A149, B343-B344, B389). On August 2, 2021, Chaffier was indicted for murder and stalking. (A14-A15).

At trial, the medical examiner testified that he had observed petechia, which are ruptures of capillaries, on Crawford's face and lip. (B339-B341). The medical examiner testified that he does not usually see petechia on the face unless there was a "significant compression of the neck that's recurring that causes petechia to occur on the lips and central face." (B341). He also testified that it takes twelve hours for full rigor mortis to set in. (B382-B383).

At trial, Detective McNasby testified on the text messages from February 15, 2021 to February 25, 2021 that were seized from Chaffier's cell phone pursuant to the search warrant. (B223-B235). The text messages showed that, while Crawford engaged in Chaffier's messages initially, she later told him several times to stop contacting her. (B223-B225, B227, B231). The text messages showed that Chaffier continued to try to communicate with Crawford through text messages despite Crawford's objections. (B227, B231). Chaffier also complained several times to Crawford about Crawford blocking him on social media. (B225-B226). On one

occasion, Crawford texted Chaffier telling him to leave her property, explaining that her neighbors called her to tell her that someone is lurking on her property. (B231).

Also found on Chaffier's phone were Crawford's internet and social media passwords and usernames, her work schedule, and photographs of her debit card. (B239-B240). The phone also shows multiple messages to Crawford's family members, acquaintances, and her ex-husband. (B240). Chaffier also sent text messages to Crawford's phone following Crawford's death. (B242). Additionally, Chaffier's phone included messages sent on March 2, 2021 to Crawford's acquaintances in which Chaffier indicated that he had not known of Crawford's death until that date. (B241-B242).

In addition, Detective McNasby testified as to incriminating searches found on Chaffier's cell phone during the relevant time. (B258). Searches were made for: "which chemical can burn the skin," "in movies what is the acid they pour on humans," "alkaline hydrolysis," "chicken wire," "how do police identify a dead body," "how do the police charge someone with murder," and "ways to get rid of a body." (B259).

Detective McNasby also testified on the evidence recovered from the search of Chaffier's laptop. (B243). The search of the laptop, and cell phone, revealed that Chaffier had sent Ring camera links showing video of Crawford's Ring camera to his email. (B243-B244). One of the videos showed police officers at Crawford's

residence investigating her death, one officer states “OD,” and Chaffier wrote in the email subject line “OD possible.” (B244-B245). Detective McNasby also located numerous internet searches from the laptop made during the authorized temporal time limit for “types of murders,” “what is the acid you pour on humans to burn,” ways to get rid of a body,” and searches of Crawford’s name following her death. (A149). And Chaffier’s laptop contained multiple pictures for hydrochloric acid. (B259).

Detective McNasby also testified on the Google search warrant for a search of Chaffier’s Gmail accounts, some of which were found on Chaffier’s laptop. (B252-B253). The search revealed incriminating Google inquiries made during the relevant time period. For example, there were searches for: “Ring cameras,” “can you call 911 from an Apple watch,” “effects of a stun gun on humans,” “how stun guns affect the brain and body,” and “how getting struck by a taser affects the human body.” (B253-B254). On February 20, 2021, there was a search for “how to choke someone.” (B256). The following day Chaffier’s account watched a Youtube video for “five ways to choke someone even when their chin is down.” (B257). At 5:37 a.m. on February 26, 2021, there was a search for “what happens when you are strangled,” and a visit to the cite “what happens to your body when you are strangled slowly to death,” which describes what being strangled feels like. (B257). On February 28, 2021, there was a search for “Newark, Delaware Homicide,” and on

March 3, 2021 there were searches for “how do police charge someone with murder” and “defense against homicide charges in Delaware.” (B255).

The search warrant for Chaffier’s cell phone service also provided incriminating evidence that was used at trial. (B264). Most notably, it established that Chaffier’s cell phone left Crawford’s residence sometime between 3:14 a.m. and 3:29 a.m. on February 26, 2021. (B278).

## ARGUMENT

### I. THE SUPERIOR COURT PROPERLY DENIED CHAFFIER'S MOTION TO SUPPRESS EVIDENCE.

#### Question Presented

Whether the Superior Court abused its discretion or otherwise erred by denying Chaffier's motion to suppress.

#### Standard and Scope of Review

This Court reviews the grant or denial of a motion to suppress for an abuse of discretion.<sup>7</sup> However, the Court applies a *de novo* standard of review to the trial judge's legal conclusions.<sup>8</sup> The Court reviews the trial judge's factual findings "to determine whether there was sufficient evidence to support the findings and whether those findings were clearly erroneous."<sup>9</sup> This Court generally declines to review arguments or questions not raised below and not fairly presented to the trial court for decision "unless the interests of justice require such review."<sup>10</sup>

#### Merits of the Argument

Although Chaffier initially appeared to challenge all search warrants in his

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<sup>7</sup> *Lopez-Vazquez v. State*, 956 A.2d 1280, 1284-85 (Del. 2008).

<sup>8</sup> *Taylor v. State*, 260 A.3d 602, 612 (Del. 2021) (citing *Lopez-Vazquez*, 956 A.2d at 1284-85).

<sup>9</sup> *Id.* (citing *West v. State*, 143 A.3d 712, 715 (Del. 2016) (citing *Lopez-Vazquez*, 956 A.2d at 1285)).

<sup>10</sup> *Hardin v. State*, 844 A.2d 982, 990 (Del. 2004) (citing Supr. Ct. R. 8); *Chance v. State*, 685 A.2d 351, 354 (Del. 1996).

motion to suppress, at the suppression hearing he clarified that he was only challenging the apartment, cell phone, laptop, Google, and Verizon warrants.<sup>11</sup> Chaffier argued that each of these warrants was a general warrant.<sup>12</sup> The Superior Court denied Chaffier’s motion to suppress, finding that all the challenged search warrants were valid and that “the evidence gathered via execution of those warrants [would] not be suppressed.”<sup>13</sup>

On appeal, Chaffier challenges only two search warrants—the March 7, 2021 cell phone search warrant and the July 13, 2021 laptop search warrant.<sup>14</sup> Chaffier argues that the cell phone search warrant and laptop search warrant constituted general warrants in violation of the Delaware Constitution and the Fourth Amendment of the United States Constitution.<sup>15</sup> He asserts that “the warrants granted the State unrestricted access to rummage through every single file/document/text/email/financial information/application message Chaffier had ever sent, without the requisite temporal limitation or probable cause.”<sup>16</sup> He claims that “[t]he 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

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<sup>11</sup> A16-A30; A170-182; *Chaffier*, 2023 WL 1872284, at \*1.

<sup>12</sup> A16-A30; A170-182;

<sup>13</sup> *Chaffier*, 2023 WL 1872284, at \*4.

<sup>14</sup> Op. Br. at 2, 10 (citing only the March 7, 2021 cell phone search warrant and the July 13, 2021 laptop search warrant as violating the Fourth Amendment).

<sup>15</sup> Op. Br. at 9.

<sup>16</sup> Op. Br. at 9.

all’ language.”<sup>17</sup> He further argues that the search warrants contained an overbroad temporal range and that they “should have been appropriately narrowed to the relevant time period so as to mitigate the potential for unconstitutional rummaging.”<sup>18</sup> He explains that the warrants wrongly sought review of Chaffier’s devices for a period that extended “two weeks” beyond the date that Crawford had died.<sup>19</sup>

Although Chaffier briefly cites Article 1, Section 6 of the Delaware Constitution, he “has not fairly presented any separate argument under the Delaware Constitution.”<sup>20</sup> This Court has stated that “the proper presentation of an alleged violation of the Delaware Constitution should include a discussion and analysis of one or more of the following criteria: textual language, legislative history, pre-existing state law, structural differences, matters of particular state interest or local concern, state traditions, and public attitudes or other applicable criteria.”<sup>21</sup> “As a matter of course, this Court does not address state constitutional claims when a party ‘does not specifically brief an argument under the Delaware Constitution or indicate why the outcome would be different under the Delaware Constitution as opposed to

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<sup>17</sup> Op. Br. at 10.

<sup>18</sup> Op. Br. at 11.

<sup>19</sup> Op. Br. at 11. Chaffier incorrectly contends the warrant sought review for two weeks after Crawford died. Both search warrants have an end date of March 4, 2021, which is only six days after she died. A100; A122.

<sup>20</sup> *Thomas v. State*, 305 A.3d 683, 696 (Del. 2023).

<sup>21</sup> *Id.*



the Fourth Amendment.”<sup>22</sup>

In any event, the Fourth Amendment forbids general warrants.<sup>23</sup> “General warrants, when employed by the government, afford officials ‘blanket authority’ to indiscriminately search persons, houses, papers, and effects.”<sup>24</sup> As this Court has recognized, “[w]arrants directed to digital information present unique challenges in satisfying the particularity requirement, given the unprecedented volume of private information stored on devices containing such data. The expansive universe of digital and electronic information, and the intermingling data, complicates balancing the privacy interests of our citizens and the legitimate efforts of law enforcement in investigating criminal activity.”<sup>25</sup> “A key principle distilled from the jurisprudence in this area is that warrants, in order to satisfy the particularity requirement, must describe what investigating officers believe will be found on electronic devices with as much specificity as possible under the circumstances.”<sup>26</sup>

When reviewing a search warrant, “[c]ourts must avoid a hypertechnical approach by heeding the admonition that ‘the Fourth Amendment’s commands, like

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<sup>22</sup> *Id.* at 696-97.

<sup>23</sup> *Wheeler*, 135 A.3d at 295 (citations omitted).

<sup>24</sup> *Id.* at 296 (citations omitted).

<sup>25</sup> *Wheeler*, 135 A.3d at 299 (citing *Riley v. California*, 573 U.S. 373, 402 (2014); *Kyllo v. United States*, 533 U.S. 27, 33–34 (2001) (other citations omitted)).

<sup>26</sup> *Id.* at 304.

all constitutional requirements, are practical and not abstract.”<sup>27</sup> “Affidavits and warrants ‘must be tested by courts in a commonsense and realistic fashion.’”<sup>28</sup> And, “no tenet of the Fourth Amendment prohibits a search merely because it cannot be performed with surgical precision.”<sup>29</sup> “Nor does the Fourth Amendment prohibit seizure of an item . . . merely because it happens to contain other information not covered by the terms of the warrant.”<sup>30</sup>

In *Wheeler v. State*, this Court first considered the particularity requirement of search warrants for digital data.<sup>31</sup> This Court held that where police can obtain “a more precise description of the alleged criminal activity that is the subject of the warrant, such information should be included in the instrument, and the search and seizure should be appropriately narrowed to the relevant time period so as to mitigate the potential for unconstitutional exploratory rummaging.”<sup>32</sup> The *Wheeler* Court found that the warrant in Wheeler’s case was an unconstitutional general warrant.<sup>33</sup> The warrant did not meet the particularity requirement because it authorized a search of all digital content in the device, but did not contain sufficient probable cause to

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<sup>27</sup> *United States v. Christine*, 687 F.2d 749, 760 (3d Cir. 1982)(quoting *United States v. Ventresca*, 380 U.S. 102 (1965)).

<sup>28</sup> *Id.*(other citation omitted).

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* (citing *United States v. Beusch*, 596 F.2d 871, 876-77 (9th Cir. 1979)).

<sup>31</sup> 135 A.3d 282 (Del. 2016).

<sup>32</sup> *Id.* at 305.

<sup>33</sup> *Id.* at 285.

support a search of all digital content.<sup>34</sup>

In *Buckham v. State*, this Court also found that the search warrant of the defendant's cell phone constituted a general warrant.<sup>35</sup> In that case, investigators were searching for GPS information about the defendant's location during a six-week period.<sup>36</sup> But instead of authorizing a search for GPS data for the six-week period, the search warrant authorized a search for "[a]ny and all store[d] data contained within the internal memory" of the cell phone."<sup>37</sup> Although the affidavit provided probable cause to search for GPS data, it did not provide probable cause to search all other stored data.<sup>38</sup>

In *Taylor v. State*, this Court found that the search warrant for a search of a cell phone constituted a general warrant.<sup>39</sup> The search warrant "authorized 'a top-to-bottom search' of '[a]ny and all store[d] data' of the digital contents of the devices" and "used the open-ended language 'including but not limited to' to describe the places to be searched."<sup>40</sup> The warrant "allowed investigators to conduct an unconstitutional rummaging through all of the contents of Taylor's

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<sup>34</sup> *Id.* at 305-06.

<sup>35</sup> 185 A.3d 1 (Del. 2018).

<sup>36</sup> *Id.* at 6.

<sup>37</sup> *Id.* at 18.

<sup>38</sup> *Id.* at 19.

<sup>39</sup> 260 A.3d 602 (Del. 2021).

<sup>40</sup> *Id.* at 615.

smartphones...”<sup>41</sup>

Most recently, in *Terreros v. State*, this Court found that the search warrant of a cellular phone failed to meet the particularity standard and that it was a general warrant.<sup>42</sup> This Court explained that “[t]aken together, *Wheeler*, *Buckham*, and *Taylor* instruct that reviewing courts should consider whether the warrant's explicit language and its practical effect allow law enforcement to search categories of digitally stored information that lack a sufficient nexus to their investigation.”<sup>43</sup> The Court in *Terreros* found that although the search warrant affidavit only contained a nexus between the crime and Terreros’s internet history, the search warrant allowed the police to search nearly every category, including messages, messaging apps, photos, videos, call logs, and GPS data, which had no nexus to the crime.<sup>44</sup> Furthermore, the search warrant did not contain a temporal range.<sup>45</sup>

In contrast, this Court in *Thomas v. State* recently found that the search warrant of a cell phone was not a general warrant.<sup>46</sup> In *Thomas*, the cell phone was

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<sup>41</sup> *Id.*

<sup>42</sup> 2024 WL 193104 (Del. Jan. 18, 2024).

<sup>43</sup> *Id.* at \*9.

<sup>44</sup> *Id.* at \*10-11.

<sup>45</sup> *Id.* at \*11-12.

<sup>46</sup> 305 A.3d 683 (Del. 2023). The trial court in *Thomas* concluded that the search warrant was overbroad, and not a general warrant. In finding that the search warrant was overbroad, the trial court limited the date range for the search of “cell phone call logs, text message call logs, and applications or social media capable of receiving text messages or calls and their storage devices” and limited the “scope of the phone

believed to be the instrumentality in the crime of stalking.<sup>47</sup> This Court held that “the Search Warrant describes what investigating officers believed would be found on Thomas's electronic device with as much specificity as possible under the circumstances.”<sup>48</sup> This Court also found that the search warrant was limited temporally.<sup>49</sup>

Since *Thomas*, this Court has emphasized the difficulties that investigators face when trying to identify a precise description of the places to be searched in a digital device in a stalking investigation where the digital device was an instrumentality in the crime.<sup>50</sup> In *Terreros*, this Court noted that the investigation in *Thomas* was a stalking investigation and that “[c]ritically” the cell phone was “an instrumentality in the stalking crime.”<sup>51</sup> This Court suggested that in such a case, and “unlike in *Wheeler, Buckham, and Taylor*,” investigators may “not have a more precise description of the place to be searched when applying for the warrant.”<sup>52</sup> In any case, law enforcement are expected to provide “a description of the items to be searched and seized that is *as specific as possible at the current investigative*

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calls and messages to be searched to those to and from the victims, or referencing them.” *Id.* at 691-692, 703.

<sup>47</sup> *Id.* at 702.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 703.

<sup>50</sup> *See Thomas*, 305 A.3d at 703. *See, also, Terreros*, 2024 WL 193104, at \*11.

<sup>51</sup> *Terreros*, 2024 WL 193104, at \*11.

<sup>52</sup> *Id.*

*junction.*”<sup>53</sup>

Like the warrant in *Thomas*, the investigators here were conducting a stalking investigation in which Chaffier’s cell phone and laptop were used as “instrumentalit[ies] in the stalking crime.”<sup>54</sup> As discussed below, the affidavits supporting the warrants here show that the nature of Chaffier’s stalking crime, in which he contacted members of Crawford’s family and exhibited an alarming knowledge of Crawford’s activities despite witnesses stating that Crawford took measures to prevent Chaffier from knowing her activities, required extensive use of his electronic devices to engage in stalking Crawford.<sup>55</sup> Furthermore, as recounted in the search warrants’ affidavits, Chaffier himself told the police that his electronic devices contained data that would, instead, show that Crawford was contacting him through various electronic methods.<sup>56</sup> Necessarily, an investigation into this stalking

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<sup>53</sup> *Terreros*, 2024 WL 193104, at \*8 (emphasis added).

<sup>54</sup> A103-A108; A125-A132; *Chaffier*, 2023 WL 1872284, at \*5 (“No doubt the warrant's averments well-support a fair probability that Mr. Chaffier's cell phone, laptop, and other electronic devices were the instruments of his alleged stalking.”).

<sup>55</sup> A103-A108; A125-A132. See *United States v. Stabile*, 633 F.3d 219, 237 (3d Cir. 2011) (“[I]t is clear that because criminals can—and often do—hide, mislabel, or manipulate files to conceal criminal activity, a broad, expansive search of the hard drive may be required.”); *United States v. Burgess*, 576 F.3d 1078, 1092–94 (10th Cir.2009) (“[T]here may be no practical substitute for actually looking in many (perhaps all) folders and sometimes at the documents contained within those folders, and that is true whether the search is of computer files or physical files.”); *United States v. Mann*, 592 F.3d 779, 782 (7th Cir.2010) (relevant files are often hidden and can be mislabeled and “manipulated to hide their true contents”).

<sup>56</sup> A107; A129.

crime, in which the cell phone and laptop would have been instrumentalities of the crime, coupled with an investigation into Chaffier’s assertions that data saved in his electronic devices would support his claims, required an extensive search of Chaffier’s electronic devices.<sup>57</sup>

Even though the search warrants necessarily allowed investigators to search several categories of data for relevant evidence in Chaffier’s cell phone and laptop, unlike in *Wheeler*, *Buckham*, *Taylor*, and *Terreros*, the descriptions of the items to be searched and seized here were as specific as possible at the then-current investigative juncture in the investigation of the crime of stalking.<sup>58</sup> And each search warrant’s annexed affidavit contains a nexus between the crime of stalking and each of the category of data specified to be searched. Importantly, unlike *Terreros*, both the cell phone and laptop warrants here provided relevant temporal limitations, which further prevented general rummaging of the cell phone and laptop.<sup>59</sup>

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<sup>57</sup> *Turner v. State*, 826 A.2d 289, 291 (Del. 2003) (“[A] warrant may issue for anything ‘of an evidentiary nature pertaining to the commission of a crime or crimes.’”).

<sup>58</sup> *See United States v. Johnson*, 93 F.4th 605, 615 (2d Cir. 2024) (“[S]o long as a warrant seeking digital evidence is sufficiently particular—as this one is—it may *properly* ‘be broad, in that it authorizes the government to search ... for a wide range of potentially relevant material.’”) (emphasis in the original).

<sup>59</sup> *United States v. McCall*, 84 F.4th 1317, 1328 (11th Cir. 2023) (“By narrowing a search to the data created or uploaded during a relevant time connected to the crime being investigated, officers can particularize their searches to avoid general rummaging.”).

## *The Cell Phone Search Warrant Was Not a General Warrant*

The warrant authorizing the search of Chaffier's cell phone provides:

Upon the annexed affidavit and application or complaint for a search warrant, as I am satisfied that there is probable cause to believe that certain property namely, collection of Photographs of the blue Samsung Galaxy S10E cell phone taken by New Castle County Police personnel that was possessed by Justin Chaffier [...]; 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 [sic] 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 is being concealed in the cell phone described in the annexed affidavit and application or complaint; and that search of the premises is necessary in order to prevent the escape or removal of the person or thing to be search for[.]<sup>60</sup>

The cell phone search warrant limited the categories of data to be searched, and the annexed affidavit in support of the warrant provided operative facts to establish probable cause that evidence of the crime of stalking would be found in

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<sup>60</sup> A100.



each of those categories of data.<sup>61</sup> The cell phone search warrant also limited the search to evidence related to the crime of stalking.<sup>62</sup>

The cell phone search warrant permitted a search of all incoming and outgoing phone calls, video phone calls, text messages and drafts of text messages, incoming and outgoing data or records for other forms of communication on the phone, multi-media messages or drafts of multi-media messages, and call logs or contacts.<sup>63</sup> A search of each of these categories was supported by probable cause in the affidavit.

According to the affidavit, a witness reported seeing an individual believed to be Chaffier “looking into the front windows” of Crawford’s residence, the individual “walked back and forth across the property line looking into various doors and windows and remained outside the home for several hours,” the individual “placed a shovel in front of a RING camera that was next to [Crawford’s] entry door to block the lens,” and the individual was “using a cell phone during the incident.”<sup>64</sup> Chaffier later admitted this conduct to the police, a fact that was included in the affidavit.<sup>65</sup>

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<sup>61</sup> A103-A108.

<sup>62</sup> See *United States v. Cobb*, 970 F.3d 319, 329 (4th Cir. 2020), *as amended* (Aug. 17, 2020) (“[A] warrant may satisfy the particularity requirement *either* by identifying the items to be seized by reference to a suspected criminal offense *or* by describing them in a manner that allows an executing officer to know precisely what he has been authorized to search for and seize.’ The warrant need not satisfy *both* criteria.”) (emphasis in original).

<sup>63</sup> A100.

<sup>64</sup> A103, at ¶ 6.

<sup>65</sup> A107, at ¶ 32.

Additionally, Crawford reported that she “blocked [Chaffier’s] phone and social media[,] however[,] he continued to call her from blocked numbers,” and police observed that Chaffier had posted a photo and comment on social media pertaining to or appearing to pertain to his relationship with Crawford.<sup>66</sup> And Crawford confirmed to the police that “he communicated with [Crawford] through text messages, phone calls and social media.”<sup>67</sup>

Furthermore, the affidavit states that Crawford’s family members told the police that Chaffier “had been calling [Crawford’s] six-year-old son asking for his mother prior to her being deceased;” a witness told police that Chaffier “has continued to contact the child to the point where he/she had to take the phone and turn [it] off;” “various family members and friends of [Crawford] have reported receiving suspicious messages, social media friend requests, social media direct messages and phone calls from [Chaffier] inquiring about [Crawford];” and Chaffier admitted to the police that he had been “calling [Crawford’s] six-year-old child to ask for [Crawford’s] location” and that he “would call and Facetime [Crawford’s] son.”<sup>68</sup> These facts establish probable cause that evidence of Chaffier’s using his cell phone to stalk Crawford would be found in his cell phone’s call logs, call data, and messaging data.

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<sup>66</sup> A104, at ¶¶ 9-10.

<sup>67</sup> A107, at ¶ 33.

<sup>68</sup> A106, at ¶¶ 20, 24; A107, at ¶¶ 32, 33.

Moreover, in an apparent attempt to show that he was not stalking Crawford, Chaffier told the police that Crawford had voluntarily communicated with Chaffier over the phone prior to her death, that the communication included messages and photographs, that Crawford had invited him to come over to her residence the night before her murder, that they engaged in sex and watched TV at Crawford's residence the night before her murder, and that he was at Crawford's residence for several hours that night.<sup>69</sup> He also told the police that Crawford had texted him throughout that night sending "pictures, confirmation for their trip, and apology messages."<sup>70</sup> The affidavit further states that Chaffier "kept stating [to police] that communications between he and [Crawford] was documented in his cellular device" and that this communication "include[d] photographs and messages."<sup>71</sup>

The search warrant also allowed the search of GPS coordinates, which was supported by probable cause in the affidavit.<sup>72</sup> In the affidavit, Detective McNasby explained that "analyzing location data from content associated with the cellular phone can assist in locating where crimes occurred, [...] and/or identifying a subject's presence at reported location."<sup>73</sup> He further explained that "[t]he GPS coordinates can aid law enforcement in identifying the probable locations of the

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<sup>69</sup> A107, at ¶ 31.

<sup>70</sup> A107, at ¶ 35.

<sup>71</sup> A107, at ¶ 34.

<sup>72</sup> A100.

<sup>73</sup> A108, at ¶ 38.

individual in possession of a specific cellular telephone at a specific time period.”<sup>74</sup>

The affidavit provided that Crawford had reported that Chaffier followed her to public places and that Chaffier stalked her on her property.<sup>75</sup> Indeed, Chaffier admitted to the police “to following [Crawford] from her place of employment, to blocking her ring camera, [and] to looking through her windows...”<sup>76</sup> Crawford reported to several witnesses that “Chaffier was bumping into her at public locations unannounced.”<sup>77</sup> Several witnesses reported seeing Chaffier, or someone fitting Chaffier’s description, on Crawford’s property, with one witness, who called 911, observing Chaffier with his phone while he was looking through Crawford’s windows.<sup>78</sup> The affidavit also provides that on one occasion Crawford called 911 to report a suspicious person on her property and stated that footprints in the snow appeared to have been made by Chaffier’s distinctive footwear.<sup>79</sup> On another occasion, Crawford told an acquaintance that she “caught [Chaffier] peeping through [her] window.”<sup>80</sup> Detective McNasby explained that the GPS coordinates could be used to identify Chaffier’s location at the times in question.<sup>81</sup> For example, the GPS

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<sup>74</sup> A108, at ¶ 42.

<sup>75</sup> A104-A107

<sup>76</sup> A107, at ¶ 32.

<sup>77</sup> A105, at ¶ 10.

<sup>78</sup> A103, at ¶ 6; A104, at ¶ 7; A105, at ¶ 17.

<sup>79</sup> A104, at ¶ 8.

<sup>80</sup> A104, at ¶ 9.

<sup>81</sup> A108, at ¶ 42.

coordinates “could specify the location of the phone during the reported 911 calls made for [Crawford’s] residence and the days she contacted acquaintances in reference to [Chaffier] looking through her window.”<sup>82</sup>

GPS coordinates would also have been relevant to Chaffier’s claim that he was at Crawford’s residence several hours during the night before Crawford’s death.<sup>83</sup> Detective McNasby explained that “location data could place Justin Chaffier at specific scenes to help confirm or deny his statements.”<sup>84</sup> As such, the affidavit provided probable cause to believe that the GPS coordinates would provide evidence on Chaffier’s location in relation to Crawford’s location during the times in question.

Finally, the search warrant allowed the search of the cell phone’s internet history, searches, stored data photos and videos, and WIFI connections.<sup>85</sup> A search of these data categories was supported by probable cause found in the affidavit.<sup>86</sup> As discussed above, the affidavit provided probable cause that there would be photographs and video related to the investigation of stalking.<sup>87</sup> The fact that family members reported that Chaffier was sending them messages through social media

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<sup>82</sup> A108, at ¶ 42.

<sup>83</sup> A107, at ¶ 31.

<sup>84</sup> A108, at ¶ 38.

<sup>85</sup> A100.

<sup>86</sup> A103-A108.

<sup>87</sup> A103-A108.

would provide probable cause to search Chaffier's internet history and searches.<sup>88</sup> The fact that Chaffier was reported to be on Crawford's property with his cell phone, that Chaffier followed Crawford to public locations, and that Chaffier used the internet to further the crime of stalking provided probable cause to search his WIFI connections.<sup>89</sup>

Moreover, the fact that Chaffier was able to follow Crawford's activities despite Crawford attempting to prevent Chaffier from knowing her activities provides further probable cause that evidence of the crime could be found in Chaffier's internet history, searches, and WIFI connections.<sup>90</sup> According to the affidavit, Crawford told a witness: "I don't understand how he keeps finding me when I go to Target."<sup>91</sup> She also stated "it was unknown how he was finding her."<sup>92</sup> In the affidavit, Detective McNasby stated that Crawford "was confused on how [Chaffier] was able to locate her at specific public locations."<sup>93</sup> In the affidavit, Detective McNasby explained that "there are multiple mobile applications for

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<sup>88</sup> A106, at ¶¶ 20, 24; A107, at ¶¶ 32, 33. *See* A108, at ¶ 43 ("During this investigation you affiant is aware that [Chaffier] contacted multiple friends, family members and coworkers of [Crawford's]. Your affiant is aware information such as this could have been searched for on internet search engines or on various social media applications.").

<sup>89</sup> A103-A108.

<sup>90</sup> A104, at ¶¶ 9, 10; A105, at ¶¶ 10, 11; A106, at ¶ 26; A107, at ¶ 36.

<sup>91</sup> A105, at ¶ 11.

<sup>92</sup> A105, at ¶ 10.

<sup>93</sup> A107, at ¶ 36.

tracking a subject's cell phone to include; Find my phone, Find my friends, mSpy, Life360, Spyzie, Glympse, Hoverwatch” and that “[a]pplications such as these can be downloaded as applications and stored/saved to cellular telephones and mobile devices.”<sup>94</sup>

The cell phone search warrant also set a proper temporal limit on the search.<sup>95</sup> The search warrant limited the search to the period from January 22, 2021 through March 4, 2021.<sup>96</sup> The January 22, 2021 start date is appropriate because Crawford and Chaffier broke up near that date and multiple incidents involving Chaffier were reported at Crawford's residence following that date.<sup>97</sup> Chaffier does not complain about the start of the date range, only the end date.<sup>98</sup> Rather, he contends the temporal range was “overbroad” because it sought review for an additional two weeks beyond Crawford's death.<sup>99</sup> Chaffier's argument misapprehends the facts. The search warrant extended to March 4, 2021, which was only six days after Crawford's death – not two weeks.<sup>100</sup> Moreover, the March 4, 2021 end date was appropriate because that was the day after Chaffier told the police that he learned

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<sup>94</sup> A107, at ¶ 36.

<sup>95</sup> A100.

<sup>96</sup> A100.

<sup>97</sup> A104-A105.

<sup>98</sup> Op. Br. at 11.

<sup>99</sup> Op. Br. at 11.

<sup>100</sup> A100.

that Crawford was deceased.<sup>101</sup>

The cell phone search warrant here did not allow for an unconstitutional exploratory rummaging of Chaffier's cell phone, and there was a sufficient nexus between the investigation and the listed categories authorized to be searched.

### ***The Laptop Search Warrant Was Not a General Warrant***

The search warrant of Chaffier's laptop provides:

Upon the annexed affidavit and application or complaint for a search warrant, as I am satisfied that there is probable cause to believe that certain property namely, collection of Photographs of the black Lenovo laptop taken by New Castle County Police personnel that was possessed by Justin Chaffier [...]; 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 the laptop that was collected from Justin Chaffier's residence, during the dates of January 22, 2021 at 0000(EST) through March 4, 2021 at 11:00(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 is being concealed in the computer described in the annexed affidavit and application or complaint; and that search of the premises is necessary in order to prevent the escape or removal of the person of thing to be searched for[.]<sup>102</sup>

The laptop search warrant limited the categories of data to be searched, and a search of each of those categories was supported by probable cause provided in the

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<sup>101</sup> A107, at ¶ 31.

<sup>102</sup> A122.



annexed affidavit.<sup>103</sup> The laptop search warrant contained a temporal limit and limited the search to items related to the crime of stalking.<sup>104</sup>

The laptop search warrant specifically limited the search to any address book & contact list, videos, pictures, internet and search history, emails, text messages, media messages, chats, incoming and outgoing data or records for any other form of communication.<sup>105</sup> A search of each of these categories was supported by probable cause in the affidavit.<sup>106</sup>

The affidavit provides that, during the search of Chaffier's cell phone, made pursuant to the cell phone search warrant and conducted prior to the laptop search, investigators located "images, videos and weblinks for [Crawford's] Ring camera stored in [Chaffier's] cellular phone" and determined that Chaffier "utilized email to send the Ring links to his email account."<sup>107</sup> As such, there was sufficient probable cause to believe that evidence of stalking would be found in Chaffier's email account.<sup>108</sup>

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<sup>103</sup> A125-A132.

<sup>104</sup> *See Cobb*, 970 F.3d at 329 ("[A] warrant may satisfy the particularity requirement *either* by identifying the items to be seized by reference to a suspected criminal offense *or* by describing them in a manner that allows an executing officer to know precisely what he has been authorized to search for and seize.' The warrant need not satisfy *both* criteria.") (emphasis in the original).

<sup>105</sup> A122.

<sup>106</sup> A122.

<sup>107</sup> A130, at ¶ 42.

<sup>108</sup> A131-A132.

Also found on Chaffier's cell phone were "internet searches" of Crawford's name "on various dates and times," Crawford's "usernames and passwords," and "personal information" of another male that Crawford was seeing.<sup>109</sup> Detective McNasby wrote that he is aware that Chaffier "kept written and digital notes of [Crawford's] personal information and may have accessed her personal accounts and social media platforms," and he "is aware that [Chaffier] may have further used his laptop computer to conduct additional searches and save/back up information or data related to [Crawford]."<sup>110</sup>

The affidavit provides that Chaffier used the social media to stalk Crawford. Detective McNasby stated that he "is aware the [Chaffier] has active social media accounts on various social media platforms including Instagram and Facebook."<sup>111</sup> Detective McNasby wrote that he "is aware that multiple pictures of [Crawford] were located [Chaffier's Instagram and Facebook] usernames to include a photo where she is photographed in her bedroom only wearing underwear."<sup>112</sup> Additionally, Crawford told the police that he communicated to Crawford through "social media," in addition to texts and phone calls.<sup>113</sup> The affidavit also states that Chaffier contacted Crawford's family through social media, messages, and texts

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<sup>109</sup> A130, at ¶¶ 42; 45.

<sup>110</sup> A131, at ¶ 52.

<sup>111</sup> A131, at ¶ 51.

<sup>112</sup> A131, at ¶ 51.

<sup>113</sup> A129, at ¶ 33.

inquiring about Crawford.<sup>114</sup> In the affidavit, Detective McNasby stated that he is “aware that [Chaffier] contacted multiple friends, family members and coworkers of [Crawford’s]” and that “information such as this could have been searched for on internet search engines or on various social media applications.”<sup>115</sup>

The warrant further allowed a search for device identification data found on the laptop.<sup>116</sup> The affidavit provided that the laptop was possessed by Chaffier and located in his apartment.<sup>117</sup> As such, there would be probable cause to believe that identification data relating to Chaffier would be found on the laptop.<sup>118</sup>

Finally, like the cell phone search warrant, the laptop search warrant set a proper temporal limit on the search.<sup>119</sup> The search warrant limited the search to the period from January 22, 2021 through March 4, 2021.<sup>120</sup> Again, Chaffier does not complain about the start of the date range, which the affidavit provides was reasonably chosen because on or near that date Crawford and Chaffier broke up and multiple incidents involving Chaffier were reported at Crawford’s residence following that date.<sup>121</sup> Chaffier, instead, argues that the search warrant was

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<sup>114</sup> A128, at ¶ 20.

<sup>115</sup> A131, at ¶ 50.

<sup>116</sup> A122.

<sup>117</sup> A129, at ¶ 30; A132, at ¶ 54.

<sup>118</sup> A131-A132.

<sup>119</sup> A122.

<sup>120</sup> A122.

<sup>121</sup> Op. Br. at 11; A131, at ¶ 53.

overbroad because it extended two weeks beyond Crawford's death, when it actually only extended six days beyond her death.<sup>122</sup> In any case, the March 4, 2021 end date was appropriate because that was the day after Chaffier told the police that he learned that Crawford was deceased.<sup>123</sup>

As was true of the cell phone search warrant, the laptop search warrant likewise did not allow for an unconstitutional exploratory rummaging and there was a sufficient nexus between the investigation and the listed categories authorized to be searched.

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<sup>122</sup> Op. Br. at 11; A100.

<sup>123</sup> A129, at ¶ 31.

**CONCLUSION**

For the foregoing reasons, the judgment of the Superior Court should be affirmed.

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Dated: May 3, 2024

**IN THE SUPREME COURT OF THE STATE OF DELAWARE**

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

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DATE: May 3, 2024