

STATE OF MINNESOTA
COUNTY OF OLMSTED

DISTRICT COURT
THIRD JUDICIAL DISTRICT
CRIMINAL DIVISION

State of Minnesota,

Court File No. 55-CR-23-7149

Plaintiff

v.

ORDER AND MEMORANDUM

Connor Fitzgerald Bowman,

Defendant.

On February 10, 2025, the above-captioned matter came on for a Contested Omnibus Hearing before the Honorable Kathy M. Wallace in Olmsted County District Court. Michael Schatz and Graham Henry, Esqs., appeared on behalf of Defendant Connor Fitzgerald Bowman, who was personally present. Eric Woodford, Joseph Rosholt, and Arianna Whitney, Esqs., appeared on behalf of the State of Minnesota.

At the hearing, the Court heard testimony from Ms. Tara Olson, an investigator with the Public Defender's Office, and Rochester Police Department Detective Brock Neumann. The Court also admitted three additional exhibits into evidence. The Court took three issues under advisement: whether the search warrants in Exhibits 1, 4, 7, and 8 are unconstitutional due to a lack of particularity resulting in exploratory rummaging by and unbridled discretion for law enforcement; whether the search warrants in Exhibits 1, 4, and 9 violate medical privilege; and whether the search warrants in Exhibits 1, 4, 7, and 8 are unconstitutional for failing to follow the scrupulous exactitude standard. This current order only addresses the

issue of particularity as to Motions 1, 4, 7, and 8. Based on all of the files, records, proceedings, and arguments of counsel, the court hereby makes the following:

ORDER

1. Defendant's Motions to Suppress based on the particularity of the search warrants is **DENIED** as to Defendant's Motions 1 and 7.
2. Defendant's Motions to Suppress based on the particularity of the search warrants, whereby the warrants permit exploratory rummaging and grant law enforcement unbridled discretion, are **GRANTED in part**, and **DENIED in part**, as to Defendant's Motions 4 and 8.
3. The search warrants in Exhibits 4 and 8 are sufficiently particular in describing the items to be searched and seized regarding data indicating ownership, possession, and use of the devices. Therefore, Defendant's Motions to Suppress based on the particularity of warrants in Exhibits 4 and 8 regarding the search of the devices as to data showing ownership, possession, or use of the devices is **DENIED**. Any evidence obtained pursuant to these clauses in Exhibits 4 and 8 shall not be suppressed.
4. The search warrants in Exhibits 4 and 8 lack particularity as to the remaining clauses describing the data to be searched for and seized by law enforcement.
5. The search warrants in Exhibits 4 and 8 shall be severed such that the clauses listed below are stricken from the warrants:

- Media including texts, emails, photographs, notes, and/or audio files and videos, including media regarding toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information.
 - Text messages/communication including conversations about toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information.
 - Web/Internet browsing history including searches/websites/articles etc. about toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information.
6. Any evidence obtained pursuant to the stricken clauses in Exhibits 4 and 8 shall be suppressed.
7. Defendant's Motions to Suppress based on the issues of scrupulous exactitude and medical privilege are **RESERVED** and shall be addressed in a forthcoming order by the Court.
8. The attached Memorandum is incorporated and made part of this Order.

By the Court:

Wallace, Katherine

Kathy M. Wallace

2025.04.16

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Honorable Kathy M. Wallace
Judge of District Court

MEMORANDUM

PROCEDURAL HISTORY

On October 23, 2023, Defendant Connor Fitzgerald Bowman was charged by complaint with Second-Degree Murder, in violation of Minnesota Statute § 609.19, subd. 1. On January 5, 2024, Defendant was charged by grand jury indictment with First-Degree Murder, in violation of Minnesota Statute § 609.185(a)(1), and Second-Degree Murder, in violation of Minnesota Statute § 609.19, subd. 1. Defendant filed thirteen (13) motions to dismiss on June 6, 2024. Twelve (12) of Defendant's motions relate to issues concerning specific search warrants and/or searches conducted pursuant to those search warrants. The thirteenth motion is a motion to dismiss the grand jury indictment. On August 13, 2024, the State filed correspondence (hereinafter *Needham* Letter), seeking clarification from Defendant regarding Defendant's omnibus motions. In the *Needham* Letter, the State requested clarification on a few separate issues, one of which being clarification as to Defendant's expectation of privacy in the place searched or items seized for Motions 2-5 and 9-11.

On September 4, 2024, a Contested Omnibus Hearing was held, addressing whether specific search warrants were invalid due to a failure to state a crime and whether Defendant had a reasonable expectation of privacy in the area searched or items seized whereby he could challenge some of the search warrants and searches conducted. At the Hearing, the Court heard testimony from Ms. Teresa Keller and Mr. Chad Nelson. The Court also admitted nineteen (19) exhibits into evidence. Exhibits 1-12 were received without objection and consist of the following:

- Exhibit 1—Application for Search Warrant and Search Warrant, dated August 30, 2023, for any of Betty Bowman’s electronic devices, any of Defendant’s electronic devices, any documents or research referencing death or substances that can result in death, and any evidence of deadly substances, located in Defendant’s home, Defendant’s vehicles, or on Defendant’s person;
- Exhibit 2—Application for Search Warrant and Search Warrant, dated August 30, 2023, for Mayo Clinic internal investigation records related to Defendant’s unauthorized computer access of Betty Bowman’s protected patient health information;
- Exhibit 3—Application for Search Warrant and Search Warrant, dated October 3, 2023, for property, data, and things from the University of Kansas Hospital Authority, including any physical workstations accessed by Defendant during August 2023, Defendant’s emails, and Defendant’s personnel file;
- Exhibit 4—Application for Search Warrant and Search Warrant, dated October 9, 2023, to search fourteen (14) electronic devices previously seized by law enforcement during the August 30 search of Defendant’s residence;
- Exhibit 5—Application for Search Warrant and Search Warrant, dated October 17, 2023, for Betty Bowman’s Mayo Clinic records;
- Exhibit 6—Application for Search Warrant and Search Warrant, dated October 20, 2023, for any evidence of colchicine and all of Defendant’s and

Betty Bowman's financial documents, located in Defendant's home, Defendant's vehicles, or on Defendant's person;

- Exhibit 7— Four (4) separate Applications for Search Warrant and Search Warrants for Apple, Inc. (dated October 30, 2023), Google LLC (dated October 30, 2023), Meta Platforms, Inc. (dated December 1, 2023), and Bumble Trading LLC (dated May 6, 2024);
- Exhibit 8—Application for Search Warrant and Search Warrant, dated November 2, 2023, to search an iPhone seized during the October 20 arrest of Defendant;
- Exhibit 9—Two (2) separate Applications for Search Warrant and Search Warrants, both dated November 6, 2023, for searches of Mark Cuban Cost Plus Drugs and TruePill, for Defendant's account information, administrative notes made on Defendant's accounts as well as any access, use, or transactions made by Defendant from July 9, 2023 until October 20, 2023. The warrants also sought any information about a transaction that occurred on August 11, 2023;
- Exhibit 10—Application for Search Warrant and Search Warrant, dated November 16, 2023, for Defendant's Mayo Clinic employment records, specifically for employment records from July 9, 2023 through October 20, 2023, including emails received and sent by Defendant and any notes or documentations related to Defendant's ordering of prescriptions for himself;
- Exhibit 11—Application for Search Warrant and Search Warrant, dated November 30, 2023, for a search of two (2) University of Kansas Medical Center

(“KUMC”) remote access computers, provided by KUMC to law enforcement on October 11, 2023;

- Exhibit 12—Three (3) separate Applications for Search Warrant and Search Warrants regarding the search, seizure, and freezing of Betty Bowman’s and Defendant’s US Bank accounts as well as the search and seizure of Betty Bowman’s and Defendant’s Emprise Bank account information from the dates of July 9, 2023 through October 30, 2023.

Exhibits 13 and 14 were received over objection and contain the Mayo Clinic Internet Use Policy (Exhibit 13) and Mayo Clinic Acknowledgment Letter (Exhibit 14). Exhibits 15 and 16 were received without objection and consist of the University of Kansas Hospital Employment Confirmation Letter (Exhibit 15) and the University of Kansas Health System Internet Use Policy (Exhibit 16). Exhibits 17-19 were received over objection and consist of: the 2021 Mayo Clinic Information Security Training Information (Exhibit 17), the 2022 Mayo Clinic Information Security Training Information (Exhibit 18), and Defendant’s Mayo Clinic Learning History covering the years 2021-2022 (Exhibit 19).

During the Hearing, the Court informed parties that the various issues raised in Defendant’s motions will be addressed through a series of orders from the Court, with parties providing separate written briefing for the specific issues being addressed. The Court gave parties the deadline of end of business on September 23, 2024, to file their written submissions addressing the issues of whether specific search warrants (Exhibits 1-5 and 10-11) are invalid due to a failure to state a crime

and whether Defendant had a reasonable expectation of privacy in the areas searched or items seized in Exhibits 2-5 and 9-11. Parties filed written submissions on September 23, 2024 and the Court took these issues under advisement on September 24, 2024.

On October 21, 2024, the Court issued an Order based on the September 2024 Contested Omnibus Hearing. In the Order, the Court denied Defendant's Motions to Suppress regarding the search warrants' failure to state a crime and also denied Defendant's Motions 2, 3, 5, 10, and 11 on the grounds that Defendant did not have an expectation of privacy in the areas searched and/or items seized. The Court found that Defendant had a reasonable expectation of privacy as to the areas searched and items seized in Motion 9, as well as the areas searched and items seized in Motion 4, aside from the KUMC laptop.

In the October 21, 2024 Order, the Court ordered parties to submit simultaneous briefs on the issues of whether the search warrants meet the heightened "scrupulous exactitude" standard (Motions 1, 4, 7, and 8), whether the search warrants provide law enforcement with unbridled discretion and allow exploratory rummaging (Motions 1, 4, 8), and whether the execution of the search warrants violated medical privilege (Motions 1, 4, 9), unless either party sought to present testimony on any of those issues. On October 29, 2024, Defendant requested a hearing to present testimony on those issues. A Hearing was set for December 2, 2024. On November 19, 2024, Defendant requested a continuance of the December hearing. The State objected to the continuance request on November 20, 2024. On

November 21, 2024, the Court issued a Judicial Directive stating that the continuance was granted, but the December hearing date would remain on the schedule to address concerns raised by the State regarding issues of admissibility of testimony to be offered by Defendant's witness.

On December 2, 2024, a hearing was held during which the Court heard argument from parties regarding the admissibility of testimony the Defendant intended to elicit from an investigator with the Public Defender's Office. At the hearing, the State withdrew its objection to Defendant's continuance request. The Court directed Defendant to provide relevant items of discovery to the State as those items came in, rather than waiting until Defendant had gathered all of the evidence it may use to address issues of scrupulous exactitude, unbridled discretion, exploratory rummaging, and medical privilege in the search warrants.

On December 17, 2024, a review hearing was held during which Defendant indicated that the defense investigator should be able to provide the State with a full analysis of what she found by mid-January. The State asked for an additional two weeks after receiving the material from Defendant to review the investigator's analysis. A Contested Omnibus Hearing was then set for February 10, 2025. On January 27, 2025, the State filed correspondence indicating that it had not yet received any discovery material from defense counsel. No later objection was made by the State regarding not receiving discovery materials in preparation for the Contested Omnibus Hearing.

On February 10, 2025, a Contested Omnibus Hearing was held, addressing the issues of particularity, scrupulous exactitude, and medical privilege in the search warrants contained in Exhibits 1, 4, and 7-9. At the Hearing, the Court heard testimony from Ms. Tara Olson, an investigator with the Public Defender's Office, and Rochester Police Department Detective Brock Neumann. The Court also admitted three (3) exhibits into evidence. Exhibits 20 and 21 were received over objection and consist of spreadsheets, compiled by Ms. Olson and Defendant, listing categories and specific items of data obtained by the State from the search of the Google (Exhibit 20) and iCloud (Exhibit 21) accounts of Defendant and Ms. Bowman. Exhibit 22, which was also received over objection, consists of a zip file containing individual files obtained from Defendant's and Ms. Bowman's iCloud accounts.

The Court gave Defendant the deadline of end of business on March 10, 2025, to file their written submission addressing the issues of whether specific search warrants (Exhibits 1, 4, and 8) are invalid due to a lack of particularity, whether specific search warrants are invalid for failure to meet the scrupulous exactitude standard (Exhibits 1, 4, 7, and 8), and whether specific search warrants violate medical privilege (Exhibits 1, 4, and 9). The Court gave the State the deadline of end of business on April 1, 2025, to file their written response. Defendant filed three separate written submissions on March 10, 2025: a Memorandum in Support of Motion regarding the particularity of the search warrants in Exhibits 1, 4, 7, and 8; a Memorandum in Support of Motion to Dismiss—Medical Privilege; and a Defense Brief in Support of Motion to Suppress—Scrupulous Exactitude. In the Memorandum

regarding the particularity of the search warrants, defense counsel included Exhibit 7 in the particularity analysis, although the particularity of Exhibit 7 was not initially part of the Court's briefing order. As a result, the Court filed a Judicial Directive on March 21, 2025, requesting that the State also address the particularity of the search warrant in Exhibit 7 in its written submission. The State filed a Memorandum of Law Opposing Motion to Suppress on April 1, 2025. The Court took these issues under advisement on April 2, 2025.

FACTUAL BACKGROUND

Through the criminal complaint, exhibits, and testimony provided at the Contested Omnibus Hearing, the State has presented evidence tending to show the following:

On August 21, 2023, the Southeast Minnesota Medical Examiner's Office alerted the Rochester Police Department ("RPD") to the suspicious death of an adult female, Ms. Betty Bowman, who died at a Rochester, Olmsted County, Minnesota hospital on August 20, 2023. Following further investigation and information received by law enforcement, RPD Detective Alex Kendrick obtained a search warrant for Defendant's home, vehicles, and person on August 30, 2023 (Exhibit 1). The search warrant was executed by law enforcement on the afternoon of August 30, 2023.

After Defendant's University of Kansas Health System laptop was seized pursuant to the August 30 search warrant, the University of Kansas Health System became aware of the seizure. Ms. Teresa Keller, who was an Assistant Chief Legal

Officer at the University of Kansas Health System, was concerned about information security and patient data contained within the laptop. Ms. Keller emailed Detective Kendrick on September 5, 2023. Ms. Keller told Detective Kendrick that she would be the contact person at the University of Kansas Health System for any further law enforcement needs. Ms. Keller put a “legal hold” on the data on Defendant’s laptop to preserve any data contained on the laptop and directed the University of Kansas Health System Information Technology Department (“IT Department”) to preserve as much laptop data as possible. The IT Department later informed Ms. Keller about suspicious data found on the laptop. Ms. Keller then contacted Detective Kendrick regarding the data found on the laptop and Detective Kendrick travelled to Kansas. On October 3, 2023, Detective Kendrick obtained a search warrant for data, property, and things from KUMC, including any physical workstations accessed by Defendant during August 2023, Defendant’s emails, and Defendant’s personnel file (Exhibit 3).

On October 9, 2023, Detective Kendrick obtained a search warrant to search fourteen (14) electronic devices seized from Defendant’s residence during the August 30, 2023 search. These fourteen (14) devices included computers, iPhones, hard drives, a smartwatch, and data storage devices. The search included saved, deleted, back-up, and hidden data, as well as data contained within computer applications that related to ownership, possession, and use of the devices, as well as web browsing data, media, text messages, or other communications contained in the devices (Exhibit 4).

On October 20, 2023, Defendant was arrested for the alleged murder of Ms. Betty Bowman. When law enforcement officers conducted a search of Defendant pursuant to his arrest, a cellular device was located on Defendant's person. Defendant was then transported to the Olmsted County Adult Detention Center ("ADC"). The cellular device found on Defendant was also taken to the ADC, logged as evidence, and placed into a secure evidence locker.

On October 30, 2023, Detective Kendrick obtained two (2) separate search warrants, one for Defendant's Apple account and the other for Defendant's Google account (Exhibit 7). On November 2, 2023, Detective Kendrick obtained a search warrant to search an iPhone, the cellular device seized from Defendant during his October 20 arrest, for any saved, deleted, back-up, and hidden data, as well as data contained within applications that related to ownership, possession, and use of the device from August 30, 2023 until November 2, 2023, and any web browsing data, media, text messages, or other communication contained on the phone (Exhibit 8).

On November 6, 2023, Detective Kendrick obtained two (2) separate search warrants, for searches of Mark Cuban Cost Plus Drugs and TruePill, respectively, for any of Defendant's account information, any administrative notes made on Defendant's accounts as well as any access, use, or transactions made by Defendant from July 9, 2023 until October 20, 2023 (Exhibit 9). The warrants also sought any information about a specific transaction that occurred on August 11, 2023. On December 1, 2023, Detective Kendrick obtained a search warrant for Defendant's

Facebook account (Exhibit 7). On May 6, 2024, Detective Kendrick obtained a search warrant for Defendant's Bumble account and associated data (Exhibit 7).

LEGAL ANALYSIS

Unreasonable searches and seizures are prohibited by both the United States and Minnesota Constitutions. U.S. CONST. amend. IV; MINN. CONST. art. I, § 10. "A search is presumptively unreasonable unless it is conducted under a valid warrant or a specific exception to the warrant requirement applies." *State v. McNeilly*, 6 N.W.3d 161, 175 (Minn. 2024) (citing *State v. Othoudt*, 482 N.W.2d 218, 221-22 (Minn. 1992)). In general, evidence discovered pursuant to an unreasonable search or seizure "must be suppressed." *State v. Jackson*, 742 N.W.2d 163, 177-78 (Minn. 2007) (citations omitted). Determining whether an unreasonable search or seizure occurred depends "on the facts of each particular case" requiring a "particularized inquiry." *State v. Davis*, 732 N.W.2d 173, 178 (Minn. 2007) (citations omitted). In moving for the suppression of evidence on constitutional grounds, the defendant "bears the threshold burden of proving that he or she has a right protected by the constitution" while "[t]he State bears the burden of establishing that the challenged evidence was obtained in accordance with the constitution." *State v. Edstrom*, 916 N.W.2d 512, 517 (Minn. 2018) (citations omitted).

Both the Minnesota and the United States Constitutions require that a search warrant only be issued upon a showing of probable cause and that the warrant describe with particularity the place to be searched and the person or items to be seized. U.S. CONST. amend. IV; MINN. CONST. art. I, § 10. The purpose of the search

warrant particularity requirement is to “prevent law enforcement officers, in their sole discretion unlimited by the detached and neutral judgment of a magistrate, from engaging in general or exploratory searches.” *State v. Mathison*, 263 N.W.2d 61, 63 (Minn. 1978). “[E]xploratory rummaging through a person’s belonging is likewise prohibited” by the United States Constitution. *State v. Hannuksela*, 452 N.W.2d 668, 672 (Minn. 1990). Further, “[t]he particularity requirement also ‘prevents the seizure of one thing under a warrant describing another. As to what is to be taken, nothing is left to the discretion of the officer executing the warrant.’” *State v. McNeilly*, 6 N.W.3d 161, 175 (Minn. 2024) (quoting *Marron v. United States*, 275 U.S. 192, 196 (1927)).

“[T]he State cannot overcome the argument that a warrant is not sufficiently particular by claiming that other constraints deter the police from carrying out the search in an overbroad manner.” *Id.* at 177. Therefore, the constitutionally required particularity must be found within the search warrant, “not in the supporting documents.” *Groh v. Ramirez*, 540 U.S. 551, 557 (2004) (citations omitted); *See also State v. Fawcett*, 884 N.W.2d 380, 387 (Minn. 2016). “A court may, however, ‘construe a warrant with reference to a supporting application or affidavit if the warrant uses appropriate words of incorporation, and if the supporting document accompanies the warrant.’” *Fawcett*, 884 N.W.2d at 387 (quoting *Groh*, 540 U.S. at 557–58). Additionally, there may be some “flexibility” to construe a search warrant with reference to a supporting application or affidavit if “the officer who prepared the warrant and application also executed the search warrant.” *State v. Balduc*, 514

N.W.2d 607, 610 (Minn. Ct. App. 1994) (citations omitted). Furthermore, “[s]ufficient particularity may also be provided even if the affidavit is merely present at the search. In any event, some measure must be taken not only to limit the discretion of the executing officer *but also to inform the subjected person what the officers are entitled to take.*” *Id.* (quoting *Rickert v. Sweeney*, 813 F.2d 907, 909 (8th Cir.1987)) (emphasis added in original).

In examining the particularity of a search warrant, the court considers the totality of the circumstances including “the circumstances of the case . . . as well as the nature of the crime under investigation and whether a more precise description is possible under the circumstances.” *State v. Miller*, 666 N.W.2d 703, 713 (Minn. 2003) (citations omitted). The court is to make “a case-by-case examination” of the particularity of a search warrant. *State v. Sardina-Padilla*, 7 N.W.3d 585, 601 (Minn. 2024) (citing *Miller*, 666 N.W.2d at 713). Given the fact-specific analysis required in examining the particularity of a search warrant, courts “afford ‘a degree of flexibility to the particularity requirement.’” *Id.* at 599 (quoting *State v. Poole*, 499 N.W.2d 31, 34 (Minn. 1993)).

The “general remedy” for the issuance and execution of a search warrant that lacks the constitutionally required level of particularity “is the suppression of the evidence seized under the warrant.” *State v. McNeilly*, 6 N.W.3d 161, 176 (Minn. 2024) (citing *United States v. Calandra*, 414 U.S. 338, 347 (1974)). However, pursuant to the severance doctrine, a warrant that contains both invalid and valid clauses is not deemed invalid in its entirety. *Id.* The severance doctrine states that “the

insufficient portions of the warrant are stricken and any evidence seized pursuant thereto is suppressed, but the remainder of the warrant is still valid.” *State v. Hannuksela*, 452 N.W.2d 668, 673 (Minn. 1990) (citation omitted).

The main issues addressed by the Court at this time are the preliminary issue of what documents the Court can consider in analyzing the particularity of the search warrants in question, and the underlying issues of whether the search warrants contained in Exhibits 1, 4, 7, and 8 meet the constitutional particularity requirement, and whether for Exhibits 1, 4, and 8 specifically, the warrants allow unconstitutional exploratory rummaging by law enforcement and provide law enforcement with unbridled discretion in determining what may be searched or seized pursuant to the warrants.

I. As none of the search warrants in question incorporate the search warrant affidavits and applications, the Court shall analyze only the search warrants to determine particularity.

As a preliminary matter, the issue of what documents can be considered by the Court in its analysis of the particularity of the search warrants must be addressed. As discussed above, the particularity requirement generally requires particularity in the warrant itself, not in any “supporting documents,” such as a search warrant application or affidavit. *Groh v. Ramirez*, 540 U.S. 551, 557 (2004) (citations omitted). However, “if the [search] warrant uses appropriate words of incorporation, and if the supporting document accompanies the warrant,” the search warrant may be construed with “reference to a supporting application or affidavit.” *State v. Fawcett*, 884 N.W.2d 380, 387 (Minn. 2016) (citing *Groh*, 540 U.S. at 557–58). Additionally, some flexibility may be afforded to construe the search warrant along with the search

warrant application or affidavit when “the officer who prepared the warrant and application also executed the search warrant” or “even if the [search warrant] affidavit is merely present at the search.” *State v. Balduc*, 514 N.W.2d 607, 610 (Minn. Ct. App. 1994) (quoting *Rickert v. Sweeney*, 813 F.2d 907, 909 (8th Cir.1987)).

Here, no testimony or other evidence was presented regarding whether the search warrant applications and affidavits accompanied the search warrants in question. None of the search warrants contained in Exhibits 1, 4, 7, and 8 use any words of incorporation to incorporate the search warrant applications and affidavits into the search warrant. There was no evidence offered to show that the law enforcement officers who prepared the search warrant and search warrant application were the same law enforcement officers who executed the search warrants. Furthermore, there is no evidence regarding what documents law enforcement provided to Defendant during the searches, leaving it unclear whether the search warrant applications and affidavits were present along with the search warrant at the time the searches were conducted. As such, there has been no evidence introduced to allow the Court to construe the search warrants with reference to the search warrant applications and affidavits.

As there is no evidence to support the Court’s ability to construe the search warrants with reference to the search warrant applications and affidavits, the Court shall consider only the search warrants themselves in determining whether the warrants are sufficiently particular. Therefore, any lack of particularity in the search

warrants in question may not be cured by particularity contained within the search warrant applications or affidavits.

II. The search warrant in Exhibit 1 contains sufficient particularity in describing the places to be searched and the items law enforcement may search for and seize.

The search warrant in Exhibit 1 permits the search of a residence in southwest Rochester, Olmsted County, Minnesota, with the search to include “any detached buildings such as sheds or garages directly associated with the address,” as well as the search of two vehicles, identified by each vehicle’s VIN, and Defendant’s person.¹ Exhibit 1. The search warrant authorizes the search of those locations and Defendant’s person for “Evidence of deadly substances such as toxic, hazardous, and/or controlled substances; Documents referencing death, and/or research involving substances that can result in death; [and] Computers, tablets, and or cellular devices belonging to or accessible by” either Ms. Bowman or Defendant. *Id.* The search warrant also stated that the search was “in regards to an active death investigation reported to the Rochester Police Department which began on 8/21/2023.” *Id.*

Defendant challenges the search warrant in Exhibit 1 on the grounds that the search warrant lacks particularity as to the items to be seized and is facially invalid as a general warrant. Defendant additionally argues that the search warrant in Exhibit 1 grants law enforcement unbridled discretion to determine what qualifies as

¹ While Defendant does not contest the particularity of the locations and areas to be searched, the Court finds that the search warrant describes the locations and areas to be searched with sufficient particularity.

evidence to be seized, and leads to an invitation for law enforcement to engage in exploratory rummaging. For the reasons discussed below, the Court finds that the search warrant in Exhibit 1 is sufficiently particular.

While general warrants are unconstitutional based on a lack of particularity, *State v. Mathison*, 263 N.W.2d 61, 63 (Minn. 1978) (citations omitted), “[a] warrant permitting a broad search can be sufficiently particular if greater specificity is not possible because officers do not know all the circumstances surrounding the alleged crime.” *State v. Sardina-Padilla*, 7 N.W.3d 585, 599 (Minn. 2024). Furthermore, “the description of items in a warrant must only be ‘as specific as the circumstances and the nature of the activity under investigation permit.’” *State v. McNeilly*, 6 N.W.3d 161, 175-76 (Minn. 2024) (quoting *State v. Hannuksela*, 452 N.W.2d 668, 674 (Minn. 1990)). Therefore, utilizing a description of a “generic class of items” within a search warrant may be sufficiently particular, especially in situations “[w]here the precise identity of goods cannot be ascertained at the time the warrant is issued.” *State v. Miller*, 666 N.W.2d 703, 713 (Minn. 2003) (quoting *United States v. Wayne*, 903 F.2d 1188, 1195 (8th Cir. 1990)).

A. Given the circumstances of the case and what was known by law enforcement at the time the search warrant was issued, the clauses seeking evidence of various substances, documents referencing death, and research regarding deadly substances are sufficiently particular.

The search warrant in Exhibit 1 was issued only ten (10) days after Ms. Bowman’s death. At the time the search warrant was issued, law enforcement had limited knowledge regarding how Ms. Bowman died. Various aspects of the

circumstances surrounding Ms. Bowman's death, including Ms. Bowman's lack of response to standard medical interventions while hospitalized, Defendant's behavior during Ms. Bowman's illness, and issues in the marriage between Defendant and Ms. Bowman, indicated to law enforcement that Ms. Bowman's death was suspicious. Some witnesses had mentioned to law enforcement that they suspected Ms. Bowman had died from unnatural causes and additional concerns were brought to law enforcement regarding beverages Defendant allegedly prepared for Ms. Bowman before her death. However, as of the date of the search warrant in Exhibit 1, law enforcement had few specifics regarding any direct causes of Ms. Bowman's death, including whether her death may have been self-inflicted. While the descriptions of "Evidence of deadly substances such as toxic, hazardous, and/or controlled substances; [and] Documents referencing death, and/or research involving substances that can result in death" may describe categories of evidence, these clauses are sufficiently particular given the limited information known by law enforcement at the time the search warrant was issued.

Additionally, the circumstances and nature of the activity under investigation permitted a reasonable category of items to be listed in the search warrant. At the time the Exhibit 1 search warrant was issued, while law enforcement was investigating whether Ms. Bowman's death involved any foreign substances, they had no knowledge regarding what, if any, foreign substances might have caused her death. The search warrant indicated that the search was regarding "an active death investigation," as at that time, law enforcement had no further certainty about the

causes or nature of Ms. Bowman's death. Considering the circumstances of the case at that time and the nature of the crime under investigation, the items listed in the search warrant were sufficiently particular.

Defendant further argues that while the term "controlled substances" used in the search warrant is a sufficiently particular generic class of items, the terms toxic substance and hazardous substance are insufficiently particular and provide law enforcement without limits in executing the search. Defendant's argument is unpersuasive. Despite Defendant's arguments to the contrary, the terms hazardous and toxic substances have defined meanings whereby they are a generic class of items similar to controlled substances. For example, Minn. Stat. § 609.684, subd. 1 contains a definition of "toxic substance."² Minn. Stat. § 609.684, subd. 1. Similarly, hazardous substances have been defined by federal statutes, which provide a list of substances designated as hazardous substances. 40 C.F.R. § 116.4; 40 C.F.R. § 302.4. While Defendant argues the terms "toxic and hazardous substances" are conclusory and not descriptive, the fact that the terms are defined and delineated in state and federal statutes undermines that argument. Contrary to Defendant's assertion, toxic and hazardous substances are equally sufficiently particular generic classes of items similar to "controlled substance." The use of those terms in the Exhibit 1 search warrant provides appropriate direction to law enforcement in terms of what can be searched for and seized whereby law enforcement is prevented from undertaking

² While that definition pertains specifically to section 609 of the Minnesota Statutes, the definition provided clearly articulates what qualifies as a toxic substance.

exploratory rummaging and using unbridled discretion in executing the search warrant.

The broad descriptions of these generic class of items are sufficiently particular given that at the time the search warrant was issued, the precise identity of any foreign substance Ms. Bowman may have ingested or been exposed to was unknown by law enforcement. Because law enforcement could not yet ascertain the precise identity of which foreign substance, if any, may have caused Ms. Bowman's death, the descriptions contained in the search warrant were as specific as the circumstances and nature of the activity under investigation permitted. As a result, these descriptions, though broad, were sufficiently particular.

B. Given the circumstances of the case and what was known by law enforcement at the time the search warrant was issued, the clauses seeking electronic devices are sufficiently particular.

The search for and seizure of electronic devices, including any of Ms. Bowman's or Defendant's computers, tablets, or cellular devices, is also sufficiently particular given the circumstances and nature of the investigation at the time the search warrant was issued. The description of the items was sufficiently particular, as the only items listed in the warrant were computers, tablets, or cellular devices. There was no broad or generic category, such as "electronic devices," but rather a narrow description of specific items. No other devices were allowed to be searched for or seized pursuant to the warrant. Given the information known by law enforcement at that time, including relationship issues between Defendant and Ms. Bowman mentioned to law enforcement by multiple witnesses, Defendant's behavior during

Ms. Bowman's illness, including accessing her medical records, as well as text conversations between Defendant and other individuals simultaneous to Ms. Bowman's illness and death, the search for and seizure of these devices in relation to RPD's death investigation is reasonable. Additionally, while the warrant permitted the search for and seizure of specific electronic devices, the warrant in Exhibit 1 did not permit the further search of the contents of these devices. The subsequent searches of the content of these devices occurred more than one month later pursuant to a separate search warrant (Exhibit 4). Therefore, with regards to the electronic devices mentioned in the search warrant, the search warrant was sufficiently particular in limiting the warrant to the search for and seizure of the devices while not authorizing any search of the contents of the devices. Given the specific electronic devices listed in the warrant and the specific locations to be searched to discover these devices, as well the circumstances and nature of the investigation at the time the search warrant was issued, the search warrant was sufficiently particular in listing the electronic items to be searched for and seized.

Examining the totality of the circumstances, including the circumstances of the case, the fact that the warrant was issued only ten (10) days after Ms. Bowman's death, and the lack of information known to law enforcement regarding the cause of Ms. Bowman's death, it is not clear that a more precise description was possible at the time the search warrant was issued. As the search warrant in Exhibit 1 described with sufficient particularity the places and persons to be searched, as well as the

items to be searched for and seized, the search warrant in Exhibit 1 is constitutional and Defendant's Motion 1 regarding the particularity of the search warrant is denied.

III. The search warrants in Exhibits 4 and 8 contain several clauses which lack particularity and are thus unconstitutional.

The two search warrants in Motions 4 and 8 will be addressed together as both warrants authorized the search of electronic devices, the warrants contained nearly identical language, and the warrants were issued less than one month apart. Exhibit 4 sought to search fourteen (14) devices previously seized during the August 30, 2023 search of Defendant's residence. In an Order dated October 21, 2024, this Court held that Defendant did not have an expectation of privacy in the University of Kansas laptop seized from his residence. Therefore, Defendant cannot challenge the search of his University of Kansas laptop pursuant. However, the Court held that Defendant had an expectation of privacy in the other thirteen (13) items to be searched pursuant to the Exhibit 4 search warrant, so the particularity of the search warrant as to these items will be addressed below. Exhibit 8 sought to search an iPhone found on Defendant's person during his arrest on October 20, 2023.

Both search warrants contain identical language apart from the temporal limit listed in the clause regarding possession and use of the devices. The temporal limit contained the clause regarding use and possession of the thirteen devices in Exhibit 4 restricts the search and seizure of "[d]ata indicating possession and/or use of the device" to the dates of July 9, 2023 through October 9, 2023. Exhibit 4. The temporal limit in Exhibit 8 regarding the search and seizure of "[d]ata indicating possession and/or use of the device" restricts the search of this data to the dates of August 30,

2023 through November 2, 2023. Otherwise, the two warrants contain identical language, seeking to search the electronic devices for “[d]ata contained within the seized electronic device(s) described below to include data that is:

- Saved or deleted;
- Contained within phone/computer applications;
- Contained in back up files;
- Contained in log files or data bases
- Contained in hidden files.”

Exhibits 4 and 8. The warrants then state, “Specific data to be searched for includes:

- Data showing ownership of the device;
- Data indicating possession and/or use of the device from [July 9, 2023 until October 9, 2023 for Exhibit 4 and August 30, 2023 until November 2, 2023 for Exhibit 8] including identification information . . . ;
- Media including texts, emails, photographs, notes, and/or audio files and videos, including media regarding toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information.
- Text messages/communication including conversations about toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information.
- Web/Internet browsing history including searches/websites/articles etc. about toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information.

Data may be found in either the native applications installed on the electronic device(s) or other 3rd party applications downloaded to the device(s).”

Id. As previously discussed in Section I, the search warrants in Exhibits 4 and 8 do not incorporate the search warrant applications or affidavits, so the Court shall solely consider the search warrants in examining the issue of particularity.

The particularity requirement requires that a search warrant describe with particularity the place to be searched and the person or items to be seized. U.S. CONST. amend. IV; MINN. CONST. art. I, § 10. The particularity requirement prevents law enforcement from having unbridled discretion in determining what items should be searched or seized and from engaging in general searches and exploratory rummaging. *Arizona v. Gant*, 556 U.S. 332, 345 (2009); *State v. Mathison*, 263 N.W.2d 61, 63 (Minn. 1978) (quotations and citations omitted); *State v. Hannuksela*, 452 N.W.2d 668, 672 (Minn. 1990). In examining the particularity of a search warrant, the court considers the totality of the circumstances including “the circumstances of the case . . . as well as the nature of the crime under investigation and whether a more precise description is possible under the circumstances.” *State v. Miller*, 666 N.W.2d 703, 713 (Minn. 2003) (citations omitted). Additionally, “[a] warrant permitting a broad search can be sufficiently particular if greater specificity is not possible because officers do not know all the circumstances surrounding the alleged crime.” *State v. Sardina-Padilla*, 7 N.W.3d 585, 599 (Minn. 2024). Furthermore, temporal limits contained with a search warrant “may make a warrant sufficiently particular, even if the authorized search is otherwise broad as to subject matter.” *Id.* at 600.

A. The last three clauses of the warrants in Exhibits 4 and 8 lack temporal limits and other restrictions on the data to be searched for and seized, thereby making these clauses unconstitutional for lack of particularity.

As the language of the last three bullet points in the search warrants in Exhibits 4 and 8 demonstrates, the warrants sought broad categories of information from the devices to be searched. The wording of the warrants provides for the search of all media, all text messages, all communication, and all Internet browsing history found in the devices, as the clauses seeking this information contain no limits on the data to be searched for and seized. While the clauses state that media, text messages, communications, and Internet browsing history about toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information may be searched for, the clauses do not limit the search to solely these topics. The warrants state that the media, text messages, communications, and Internet browsing history is to be searched, *including* media, conversations, and Internet searches about toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information. Exhibits 4 and 8 (emphasis added). The language of the warrants does not limit the searches to this information, but includes this information as part of an overall search of the media, text messages, communication, and Internet browsing history contained in the devices. Therefore, the search warrants sought all media, text messages, communication, and Internet browsing history from the devices.

Broad categories of information to be searched pursuant to a search warrant may be sufficiently particular, specifically in situations “[w]here the precise identity

of goods cannot be ascertained at the time the warrant is issued.” *State v. Miller*, 666 N.W.2d 703, 713 (Minn. 2003) (quoting *United States v. Wayne*, 903 F.2d 1188, 1195 (8th Cir. 1990)). Here, the precise identity of goods, or data, to be sought was ascertainable at the time the warrants were issued. The warrants themselves contained reference to categories of data that law enforcement was seeking pursuant to their investigation, namely data about toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information. However, the language of the search warrants does not limit the searches to solely this data. The data to be searched includes, but is not limited to, these categories of data. Therefore, the last three clauses in the warrants are not sufficiently particular as the precise identity of data sought was ascertainable when the search warrants were issued.

Broad categories in a search warrant may also be sufficiently particular where “greater specificity is not possible because officers do not know all the circumstances surrounding the alleged crime.” *Sardina-Padilla*, 7 N.W.3d at 599. At the time the Exhibit 4 search warrant was issued, on October 9, 2023, law enforcement did not know all of the circumstances surrounding Ms. Bowman’s death and any criminal activity involved in her death. However, law enforcement’s lack of knowledge regarding the circumstances of Ms. Bowman’s death did not make it impossible to include greater specificity in the search warrants. When the search warrant in Exhibit 4 was issued, law enforcement knew the following: (1) issues in the marriage between Ms. Bowman and Defendant, (2) Defendant’s alleged financial issues, (3) information regarding smoothies prepared by Defendant and given to Ms. Bowman,

(4) the temporal proximity between Ms. Bowman ingesting a smoothie and the commencement of her physical symptoms and Defendant's alleged online searches involving the drug colchicine, with additional knowledge that Defendant had not needed such information for his employment with Poison Control. Exhibit 4. This knowledge demonstrates that law enforcement could have provided more specificity in the Exhibit 4 search warrant by searching *exclusively* for data concerning toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information. In this case, greater specificity was possible, despite the limited knowledge possessed by law enforcement regarding the circumstances of the case.

By the time the search warrant in Exhibit 8 was issued, law enforcement's investigation had progressed substantially from the time the Exhibit 4 warrant was issued. However, the Exhibit 8 search warrant contained no further specificity or particularity. Specifically, at the time the Exhibit 8 warrant was issued, Defendant had been arrested on suspicion of second-degree murder, law enforcement had discovered information regarding a life insurance policy for Ms. Bowman and found a receipt for a significant deposit made to Defendant's bank account. Law enforcement also knew more information regarding the circumstances of Ms. Bowman's death, including information received from the Medical Examiner indicating the presence of the drug colchicine found in Ms. Bowman's blood with no history of Ms. Bowman being prescribed colchicine or otherwise receiving it while hospitalized. Law enforcement had also obtained information regarding an alleged

purchase of colchicine made by Defendant nine (9) days before Ms. Bowman's death. While law enforcement still may not have known all of the circumstances surrounding Ms. Bowman's death and any criminal activity causing her death, law enforcement had the knowledge to be significantly more particular in the Exhibit 8 search warrant. The search warrant could have been tailored to *exclusively* search for information regarding colchicine, but it was not so tailored. As with Exhibit 4, the warrant also could have been made more particular by searching *exclusively* for data concerning toxic/hazardous/controlled substances, financial matters, divorce and/or personal relationship information. Law enforcement possessed enough knowledge regarding the circumstances of the case at the time the Exhibit 8 search warrant was issued to make the warrant substantially more particular. Instead, the final three bullet points of the search warrant contained no limits and therefore allowed the search for and seizure of all media, messages, communications, and Internet browsing history.

It has previously been held that temporal limits contained with a search warrant "may make a warrant sufficiently particular, even if the authorized search is otherwise broad as to subject matter." *Sardina-Padilla*, 7 N.W.3d at 600. However, none of the last three clauses in the Exhibit 4 and 8 search warrants contained temporal limits. As previously mentioned, the only temporal limits in the search warrants were regarding "[d]ata indicating possession and or use" of the electronic devices. Exhibits 4 and 8. While it is not clear that temporal limits alone would have made the last three bullet points in the two search warrants sufficiently particular,

the lack of such temporal limits combined with the limitless general search for data provided by these clauses establish that these three clauses lack sufficiently particularity as to the items to be searched for and seized.

Despite the State's claims that these warrants are models of particularity, containing precise descriptions of the items to be searched for, and containing temporal limits whereby the warrants are not overbroad requests, the plain language of the last three clauses in the search warrants contradicts these assertions. Considering the totality of the circumstances, including the circumstances of the case, law enforcement's knowledge when the warrants were issued, and whether a more precise description was possible under the circumstances, the last three clauses of the search warrants in Exhibits 4 and 8 lack the sufficient particularity constitutionally required of search warrants.

B. The remaining clauses of the Exhibit 4 and 8 search warrants are sufficiently particular.

The remaining two bullet points of specific information to be searched for pursuant to the search warrants in Exhibits 4 and 8 include the search of "data showing ownership of the device; and data indicating possession and/or use of the device," with specific temporal limits contained in each warrant as to the search of data for use and possession of the devices. These two bullet points are sufficiently particular due to the specificity of data sought by both bullet points and the temporal limits contained in the second bullet point.

The first bullet point contains no temporal limits, but seeks only "data showing ownership of the device." This clause is reasonable, given the substantial number of

electronic devices seized pursuant to the warrant in Exhibit 4 and the implied need by law enforcement to determine who owned the devices in order to establish any additional issues with access or searches of the device. Additionally, while law enforcement had some knowledge, law enforcement did not know who owned each specific device that was to be searched. The information sought is particular, relating solely to data showing ownership of the device. This clause allows for no further searches of these devices aside from data regarding who owned the device. Even without a temporal limitation, this clause is significantly particular as to the information to be searched for pursuant to the warrants.

The second bullet point provides for a broader search related to “data indicating possession and/or use of the device . . . including identification information such as user accounts, user names, screen names, email accounts and passwords.” Exhibits 4 and 8. This clause allows for a broad search, but is reasonable considering that at the time the devices were seized, it was not entirely evident to law enforcement who used or possessed each device. Law enforcement needed more information regarding use and possession of the devices to determine which devices, if any, may contain data of evidentiary value. Should it turn out that the devices were merely found in Defendant’s residence, but were neither possessed or used by Ms. Bowman or Defendant, law enforcement need not further explore the devices. It is reasonable for law enforcement to determine use and possession of the electronic devices before engaging in a more invasive search of the device.

Furthermore, this bullet point contained a temporal limit in both search warrants. The temporal limit in Exhibit 4 was dated from approximately one month prior to the date when Defendant allegedly first provided Ms. Bowman with a smoothie and extended for three months after that date. The temporal limit in Exhibit 8 began on August 30, 2023, the date of the search of Defendant's home and seizure of Defendant's previous iPhone and ended two weeks after Defendant's arrest. These temporal limits were reasonable given law enforcement's knowledge about smoothies provided to Ms. Bowman which were allegedly made by Defendant and knowledge regarding the timing of Defendant's ownership of new devices. The temporal limits extended no earlier nor later than what was reasonable given the circumstances of the case and what was known by law enforcement at that time. Additionally, given the circumstances of the investigation, it was reasonable for law enforcement to assume, as stated in *Sardina-Padilla*, "that some degree of preparation and communication preceded" any alleged criminal activity and similarly reasonable that evidence of alleged criminal activity may be found in "a search of content produced for a period of time after the crime." *Sardina-Padilla*, 7 N.W.3d at 601. Therefore, the temporal limits contained within Exhibits 4 and 8 were reasonable as they were limited to short periods of time preceding and following Ms. Bowman's death.

Temporal limits contained with a search warrant "may make a warrant sufficiently particular, even if the authorized search is otherwise broad as to subject matter." *Id.* at 600. As a result, while the second bullet point may have sought a broad category of material, the temporal limits contained within that bullet point restricted

law enforcement's search to two specific time periods. Law enforcement was not allowed to search beyond these temporal limits for use or possession data. Therefore, the temporal limits contained within the second bullet point limited a broad category of data to a specific period. This temporal limit provided the clause with sufficient particularity as to the data to be searched for and seized by law enforcement.

While the last three bullet points of the search warrants in Exhibits 4 and 8 lack sufficient particularity, the first two bullet points are sufficiently particular. The bullet points are limited to searches for specific data, namely data indicating ownership, possession, or use of the devices. Additionally, the clause seeking data related to possession and use of the devices contains appropriate and reasonable temporal limits in both the Exhibit 4 and Exhibit 8 search warrants. These temporal limits provide further particularity as to what is to be searched for and seized by law enforcement. For the reasons stated above, the first two bullet points of data to be searched for in the Exhibit 4 and Exhibit 8 search warrants are sufficiently particular.

C. Pursuant to the severance doctrine, the unconstitutional portions of the search warrants in Exhibits 4 and 8 shall be stricken, while the sufficiently particular portions of the warrant remain valid.

As previously discussed, the last three bullet points in the Exhibit 4 and 8 search warrants lack sufficient particularity and are unconstitutional. The “general remedy” for the issuance and execution of an insufficiently particular search “is the suppression of the evidence seized under the warrant.” *State v. McNeilly*, 6 N.W.3d 161, 176 (Minn. 2024) (citing *United States v. Calandra*, 414 U.S. 338, 347 (1974)). Therefore, as previously indicated, any evidence seized pursuant to the

unconstitutional clauses in the search warrants is suppressed. However, the first two bullet points regarding specific data to be searched for in Exhibits 4 and 8 are sufficiently particular and therefore constitutional.

According to the severance doctrine, “if some parts of a warrant are not particular enough and others are particular enough, ‘insufficient portions of the warrant are stricken and any evidence seized pursuant thereto is suppressed, but the remainder of the warrant is still valid.’” *Id.* (quoting *State v. Hannuksela*, 452 N.W.2d 668, 673 (Minn. 1990)). Pursuant to the severance doctrine, the first two bullet points remain valid, as they are sufficiently particular, while the final three bullet points are struck from the warrant, with the suppression of any evidence seized pursuant to those unconstitutional bullet points. Therefore, while evidence seized pursuant to the insufficiently particular final three bullet points in the Exhibit 4 and 8 search warrants is suppressed, any evidence seized pursuant to the first two, sufficiently particular bullet points is not suppressed and may be utilized by law enforcement.

The search warrants in Exhibits 4 and 8 contain nearly identical language, both sought to search data contained on electronic devices, and were issued within one month of each other. While the first two bullet points of data to be searched are sufficiently particular, given the limited categories of data to be searched and the temporal limits contained regarding the search for data of possession and use of the devices, the remaining three bullet points lack any temporal limits and contain broad language providing for a general search of all media, text messages, communication data, and Internet browsing history contained within the devices. Given the lack of

limits provided to law enforcement in searching the devices pursuant to these final three bullet points, the warrants allow for a general search, permitting both exploratory rummaging and the use of unbridled discretion by law enforcement in determining the data to be searched for and seized pursuant to the warrant. As the final three bullet points lack constitutionally required particularity, the clauses are unconstitutional and any evidence obtained from searched conducted pursuant to those clauses is suppressed. However, pursuant to the severance doctrine, the first two bullet points, which are sufficiently particular, remain valid and any evidence seized pursuant to these bullet points is not suppressed.

IV. The search warrants in Exhibit 7 are constitutional as the temporal limits contained in the warrants make the warrants sufficiently particular as to the places to be searched and the items law enforcement may search for and seize.

Exhibit 7 contains four (4) separate search warrant applications and search warrants to search Apple, Inc. (“Apple”), Google LLC (“Google”), Meta Platforms, Inc. (“Facebook”), and Bumble Trading LLC (“Bumble”). As discussed in Section I, the Court shall only consider the search warrants, and no supporting materials such as search warrant applications or affidavits, in analyzing the particularity of these four (4) search warrants. Defendant specifically cites to the use of catch-all phrases within the separate warrants in arguing that the warrants lack sufficient particularity. Defendant additionally argues that any temporal limits contained within the warrants do not in actuality limit the items to be searched for and seized by law enforcement.

The law to be applied by the Court in determining the particularity of the four (4) search warrants in Exhibit 7 is the same for each warrant, in that the constitutional requirement is that a search warrant describe with particularity the place to be searched and the person or items to be seized. U.S. CONST. amend. IV; MINN. CONST. art. I, § 10. The Court is to consider the totality of the circumstances including “the circumstances of the case . . . as well as the nature of the crime under investigation and whether a more precise description is possible under the circumstances” in evaluating the particularity of a specific search warrant. *State v. Miller*, 666 N.W.2d 703, 713 (Minn. 2003) (citations omitted). Broad categories or generic classes of items described in a search warrant may be sufficiently particular, specifically when “greater specificity is not possible because officers do not know all the circumstances surrounding the alleged crime.” *Sardina-Padilla*, 7 N.W.3d at 585.

The *Sardina-Padilla* case is especially illustrative in the Court’s analysis of the four search warrants in Exhibit 7. In that case, the Minnesota Supreme Court addressed the particularity of a search warrant that sought “‘all content’ from April 1, 2019 through June 24, 2019” from two Facebook accounts associated with the defendant. *Id.* at 591. The Minnesota Supreme Court acknowledged the “risk to individual privacy” in searching an individual’s social media accounts, given the “extensive amounts of private information” extending to both personal and professional information of a social media account holder. *Id.* at 599. While recognizing that “tailored searches of social media accounts are possible in some circumstances. . . . [and] law enforcement officers should tailor their searches to the

contours of their investigation whenever possible,” the Court also acknowledged that temporal limits contained with a search warrant “may make a warrant sufficiently particular, even if the authorized search is otherwise broad as to subject matter.” *Id.* at 600.

The Court found that the search warrant in *Sardina-Padilla* was sufficiently particular, though it “approache[d] the outer edge of the particularity requirement.” *Id.* at 602. In making the determination that the search warrant was sufficiently particular, the Court cited “the circumstances of the case, nature of the crimes alleged, and whether a more precise description was possible.” *Id.* (citing *State v. Miller*, 666 N.W.2d 703, 713 (Minn. 2003)). Specifically, given the crimes being investigated, kidnapping and attempted murder, the Court found it “reasonable for investigators to believe that some degree of preparation and communication preceded the crimes,” and similarly reasonable that evidence of a crime may be found in “a search of content produced for a period of time after the crime.” *Id.* at 601. The Court also cited the fact that “[b]ecause investigators did not know the extent or timing of planning activities or relevant communication, they reasonably fashioned a limited request for content from roughly two months before the crime to two weeks after it.” *Id.* Further citing to facts from the search warrant application suggesting that information from Facebook could provide evidence of motive and planning of criminal activity, the Court found the search warrant to be sufficiently particular. *Id.* at 602. Therefore, despite seeking a broad amount of information (all Facebook content from two separate Facebook accounts), the fact that the search was limited to an

approximately three-month period surrounding the time the crime was committed, the search warrant was found to be sufficiently particular and constitutional. *Id.*

A. The Apple and Google search warrants are sufficiently particular given the temporal limits contained in the warrants and considering the circumstances of the case and the nature of the crimes under investigation.

The first two search warrants in Exhibit 7, both dated October 30, 2023, sought data from Apple and Google. Specifically, the Apple search warrant sought digital content from Apple for the date range of July 9, 2023 until October 30, 2023, including any and all account information, purchases and financial instrument information, iCloud files, iMessaging logs, sign-in logs, and encryption keys. Exhibit 7. The Google warrant sought “Digital content for the Google LLC account(s)” associated with Defendant and associated with an email address containing Defendant’s name, for the date range of July 9, 2023 until October 30, 2023. *Id.* The digital content sought by the Google warrant includes electronic content associated with the listed email account, account content, emails, audio and video recordings, photos, Gmail data and copies of emails including “any drafts, sent, received or deleted messages,” mobile device information for the Gmail accounts, location information, and “Google search history and activity.” *Id.* As both the Apple and Google search warrants were issued on the same day and contained the same temporal limit, the two search warrants will be addressed together.

At the time the Apple and Google search warrants were issued, Defendant had been arrested for the alleged murder of Ms. Bowman. Law enforcement had determined that the drug colchicine had been detected in Ms. Bowman’s blood,

without further evidence of Ms. Bowman having a prescription for colchicine or Ms. Bowman having received that drug while hospitalized. During a search of Defendant's residence, law enforcement had located bank deposits for a life insurance policy covering Ms. Bowman. Additionally, law enforcement had spoken with multiple witnesses regarding the relationship between Defendant and Ms. Bowman, including witnesses who provided information to law enforcement that Defendant had provided Ms. Bowman with a smoothie on August 10, 2023 and that the smoothie tasted bad. At the time the Apple and Google search warrants were issued, law enforcement was investigating Ms. Bowman's death as a murder allegedly committed by Defendant.

Similar to *Sardina-Padilla*, where the serious crimes being investigated were kidnapping and attempted murder, *Sardina-Padilla*, 7 N.W.3d at 602, here law enforcement was investigating an alleged premeditated murder. Given the nature of premeditated murder, law enforcement sought "online activity regarding . . . the planning of [Ms. Bowman's] death." Exhibit 7. It was reasonable for law enforcement to believe that evidence of planning may be found on Defendant's Apple and Google accounts. Further, the time period listed in the search warrants was reasonable, given that law enforcement requested data from one month prior to the date Defendant allegedly first provided Ms. Bowman with a smoothie until October 30, 2023. Assuming that any criminal activity had been planned, it was reasonable for law enforcement to assume, as stated in *Sardina-Padilla* "that some degree of preparation and communication preceded" any alleged criminal activity and similarly

reasonable that evidence of allegedly criminal activity may be found in “a search of content produced for a period of time after the crime.” *Sardina-Padilla*, 7 N.W.3d at 601.

While the Apple and Google search warrants sought broad categories of data including any and all Apple account information, purchases and financial instrument information, iCloud files, iMessaging logs, and encryption keys, as well as emails, photos, and recordings from Google, the warrants limited this data to approximately one month prior to Ms. Bowman’s death until ten days after Defendant’s arrest. This time period was reasonable given the nature of the crime being investigated and the circumstances of the case. The temporal limits contained in the warrants sufficiently limited law enforcement’s search such that the otherwise broad search for data was sufficiently particular.

Defendant argues that the temporal limits in the Apple and Google search warrants do not actually provide any limits on the searches, as the searches can obtain any Apple or Google data stored during the temporal limit, rather than data solely created, uploaded, or modified during that time frame. Defendant’s argument is unpersuasive. The same argument could be applied to the Facebook warrants in *Sardina-Padilla* that sought “all content” from two Facebook accounts over an approximately three month period. The search warrant in *Sardina-Padilla*, in seeking all content, could have acquired Facebook data that was stored during that three month period, rather than just data that was uploaded, created, or modified. Older Facebook posts present on the account during the three month period may have

been included in “all content” seized from the Facebook accounts. The Court did not address this concern in *Sardina-Padilla*, but nevertheless found the search warrants to be sufficiently particular, despite any possibility the warrant may access Facebook data merely stored during the three month period. Similarly, this Court does not find the possibility that law enforcement may access Apple and Google data stored during the temporal limit, but not otherwise created, uploaded, or modified during that period, to negate the particularity of the search warrants considering the presence of the temporal limits in the search warrants, what was known by law enforcement at the time the warrants were issued, the circumstances of the case, and nature of the criminal investigation.

Based on the circumstances of the case, what was known by law enforcement when the Apple and Google search warrants were issued, and the temporal limits contained in the Apple and Google warrants, the Apple and Google warrants were sufficiently particular in describing the locations to be searched and items to be seized. As a result, the Apple and Google search warrants are constitutional and evidence obtained from these warrants shall not be suppressed.

B. The Facebook search warrant is sufficiently particular given the temporal limits contained in the warrant and considering the totality of the circumstances.

The third search warrant in Exhibit 7, dated December 1, 2023, sought data from Facebook. Specifically, the Facebook search warrant sought electronic content associated with Defendant, and account content for the dates of July 9, 2023 and October 20, 2023. Exhibit 7. The “account content” sought included “all contact and

personal identifying information,” activity logs, photos and videos, profile information, records of communication, “check-in” data, IP logs, friend lists, and searches performed on Facebook. Considering the circumstances of the case, whether a more precise description of the evidence sought was possible, and relying on the holding in *Sardina-Padilla*, the Facebook search warrant is sufficiently particular.

At the time the Facebook search warrant was issued, law enforcement had additional information regarding possible motive and details surrounding Ms. Bowman’s death than law enforcement had on October 30, 2023, though law enforcement still did not have knowledge of all of the circumstances surrounding Ms. Bowman’s death. While some specifics regarding possible causes of Ms. Bowman’s death and Defendant’s alleged involvement in her death were known, law enforcement had not gathered data from all possible sources where Defendant had communications with others during and immediately after Ms. Bowman’s death. Therefore, though the Facebook warrant sought broad categories of Facebook data, these broad categories were permissible given that the categories were as specific as the circumstances of the investigation permitted.

Additionally, the categories of data sought in the Facebook search warrant were further constrained by the temporal limit in the warrant. The warrant sought “account content . . . for the dates of 07/09/2023-10/20/2023.” Exhibit 7. This limit applied to all of the account content as well as the electronic content sought in the Facebook search warrant. This temporal limit was reasonable given that law enforcement requested data from one month prior to the date Defendant allegedly

first provided Ms. Bowman with a smoothie until the date of Defendant's arrest. As previously addressed with the Google and Apple search warrants, it was reasonable for law enforcement to assume "that some degree of preparation and communication preceded" any alleged criminal activity surrounding Ms. Bowman's death and that evidence of alleged criminal activity may be found in "a search of content produced for a period of time after the crime." *Sardina-Padilla*, 7 N.W.3d at 601. The temporal limit in the Facebook warrant prevented law enforcement from conducting exploratory rummaging or having unbridled discretion in searching and seizing the Facebook data. As "temporal limits may make a warrant sufficiently particular, even if the authorized search is otherwise broad as to subject matter," *Id.* at 600, the temporal limits in the Facebook search warrant limit the broad categories of data sought such that the warrant is sufficiently particular.

The Minnesota Supreme Court's holding in *Sardina-Padilla* that a search warrant that sought "all content" from two Facebook accounts was sufficiently particular is particularly applicable here. In *Sardina-Padilla*, the search warrant covered an approximately three month period, with the dates covering the time before and subsequent to alleged criminal acts. The Facebook search warrant at issue here covered slightly more than three months, but the temporal limits of the warrant were limited to one month prior to alleged criminal activity and ended on the date of Defendant's arrest. Given the Minnesota Supreme Court's ruling that the warrant seeking "all content" from two Facebook accounts is sufficiently particular as the warrant had temporal limits, it would be illogical to find that the similar Facebook

search warrant at issue here, which rather than seeking “all content,” provides more detail and specificity regarding the Facebook data sought, is not likewise sufficiently particular. The Facebook warrant provided explicit details in the information it sought, listing two bullet points and ten sub-sections of data sought by the warrant. The Facebook warrant here, though seeking numerous categories of data, was constrained by the temporal limits in the warrant, which were proximately related to the time period before and after Ms. Bowman’s death. The temporal limit therefore made the Facebook warrant at issue here sufficiently particular.

Given what was known to law enforcement at the time the Facebook search warrant was issued, the circumstances of the case, and the nature of the investigation at that time, as well as the temporal limitations contained within the Facebook search warrant, the Facebook warrant is sufficiently particular. As a result, the Facebook search warrant is constitutional and evidence obtained from this warrant shall not be suppressed.

C. The Bumble search warrant is sufficiently particular given the temporal limits contained in the warrant and considering the totality of the circumstances.

The fourth search warrant in Exhibit 7, dated May 6, 2024, sought data from a Bumble account associated with Defendant’s name, email, phone number, and address. Exhibit 7. The Bumble search warrant specifically sought “all account information” for Defendant’s use and access of Bumble between August 1, 2023 and October 20, 2023; Defendant’s status on Bumble as of October 20, 2023; any profile changes of Defendant’s Bumble profile between July 9, 2023 and October 20, 2023;

and all communication data from Defendant's Bumble account between the dates of July 9, 2023 and October 2023. *Id.* Considering the circumstances of the case, the nature of the crimes under investigation, and the temporal limits contained within the Bumble warrant, the Bumble search warrant is sufficiently particular.

By May 2024, law enforcement had collected significant information and evidence regarding Ms. Bowman's death and Defendant's alleged involvement in her death including information about the alleged causes of Ms. Bowman's death, prescription drug purchases allegedly made by Defendant within the month before Ms. Bowman's death, and suspicious internet searches allegedly conducted by Defendant. Additionally, Defendant had been arrested on suspicion of committing second degree murder and indicted on suspicion of committing first-degree murder for alleged acts causing Ms. Bowman's death.

The Bumble search warrant reflects law enforcement's progress in their investigation by explicitly seeking narrow categories of data that were further limited by temporal limits. The Bumble warrant only sought four categories of narrowly tailored data. One of the bullet points sought only one item of data from one specific date: Defendant's Bumble account status as of the date of his arrest. The warrant limits the search of and seizure of Defendant's Bumble account access and use data to a less than three month time frame: beginning the first of the month when Ms. Bowman died and ending on the date of Defendant's arrest. The longest temporal limit in the warrant, slightly longer than three months, is limited to any of Defendant's Bumble profile status changes and any communication data. These

temporal limits are reasonable in that they restrict the data to no more than one month prior to any alleged criminal conduct committed by Defendant against Ms. Bowman and ending the search on Defendant's date of arrest. Given the circumstances of the law enforcement investigation, it was reasonable for law enforcement to assume "that some degree of preparation and communication preceded" any alleged criminal activity surrounding Ms. Bowman's death and that evidence of alleged criminal activity may be found in "a search of content produced for a period of time after the crime." *Sardina-Padilla*, 7 N.W.3d at 601. The temporal limits and specific categories contained in the Bumble warrant prevented law enforcement from conducting exploratory rummaging or having unbridled discretion in searching and seizing Bumble data. Law enforcement was limited to a search and seizure of Bumble data from July 9, 2023 until October 20, 2023 for two categories of information, with further temporal restrictions on the other two categories of information sought pursuant to the search warrant.

As stated in *Sardina-Padilla*, "temporal limits may make a warrant sufficiently particular, even if the authorize search is otherwise broad as to subject matter." *Id.* at 600. It is arguable whether the Bumble warrant is "broad as to subject matter" given that the warrant seeks only four specific categories of information. The Bumble search warrant is significantly more particular in the information sought than the search warrant in *Sardina-Padilla* that sought "all content" from two Facebook accounts. *Id.* at 591. Rather than seeking "all content," the Bumble search warrant solely seeks Defendant's use and access of Bumble over a less than three

month period, Defendant's Bumble account status on the date of his arrest, any Bumble profile changes made during an approximately three month period, and Bumble communication data over this same time period. However, even if the Bumble search warrant were construed as being as broad as to subject matter, the temporal restrictions in the Bumble search warrant limited the data to be searched. Given the temporal limits contained in the Bumble search warrants, these limits sufficiently restrict the ability of law enforcement to conduct a search of Defendant's Bumble data.

Examining the totality of the circumstances, including the temporal limits contained in each of the warrants, the circumstances of the case, and the information known to law enforcement regarding the circumstances of Ms. Bowman's death at the time the warrants were issued, the four (4) search warrants in Exhibit 7 are sufficiently particular. As the search warrants in Exhibit 7 described with sufficient particularity the places to be searched as well as the items to be searched for and seized, the search warrants in Exhibit 7 are constitutional and Defendant's Motion 7 regarding the particularity of the search warrants is denied.

CONCLUSION

The search warrants contained in Exhibits 1 and 7 are sufficiently particular as to the items to be searched for and seized. Therefore, Defendant's Motion to Suppress based on a lack of particularity as to the search warrants in Exhibit 1 and Exhibit 7 is **DENIED**.

The search warrants in Exhibits 4 and 8 contain some clauses that meet the constitutional particularity requirement, while other clauses within those warrants are insufficiently particular and permit exploratory rummaging and the use of unbridled discretion by law enforcement in determining the data to be searched for and seized. Pursuant to the severance doctrine, the insufficiently particular clauses in Exhibits 4 and 8 are stricken from the warrant. Any evidence seized pursuant to these invalid clauses shall be suppressed. The remaining portions of Exhibits 4 and 8 are sufficiently particular and do not allow for exploratory rummaging or unbridled discretion by law enforcement in the execution of the search warrants. As a result, the remaining clauses in Exhibits 4 and 8 are valid and any evidence seized pursuant to those clauses shall not be suppressed.

K.M.W.