

SEARCH WARRANTS



ADRIAN BREEDLOVE

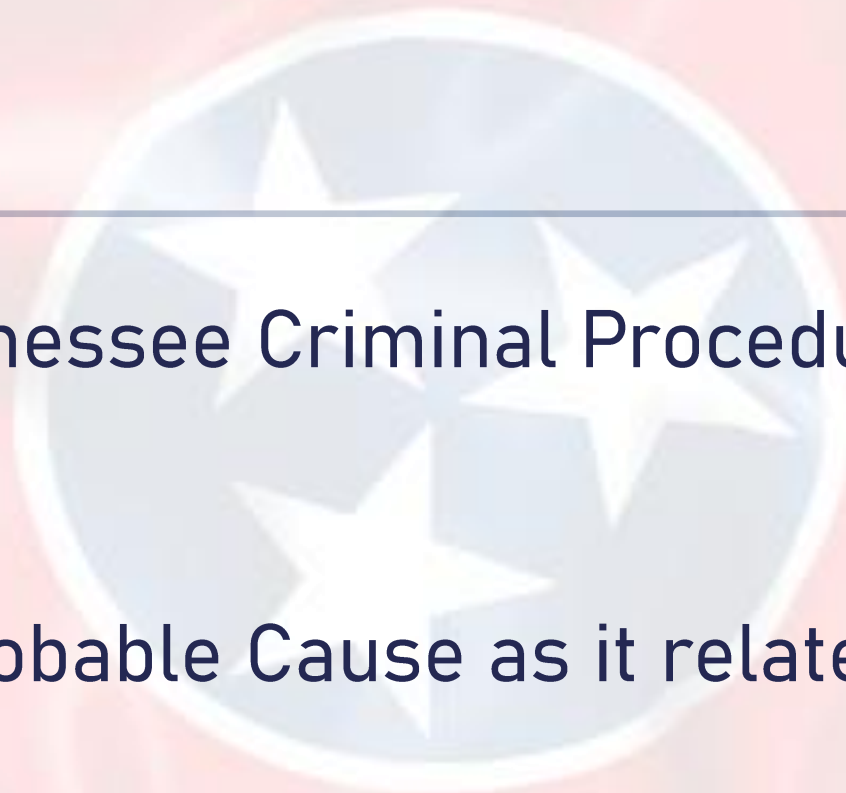


COURSE OBJECTIVES



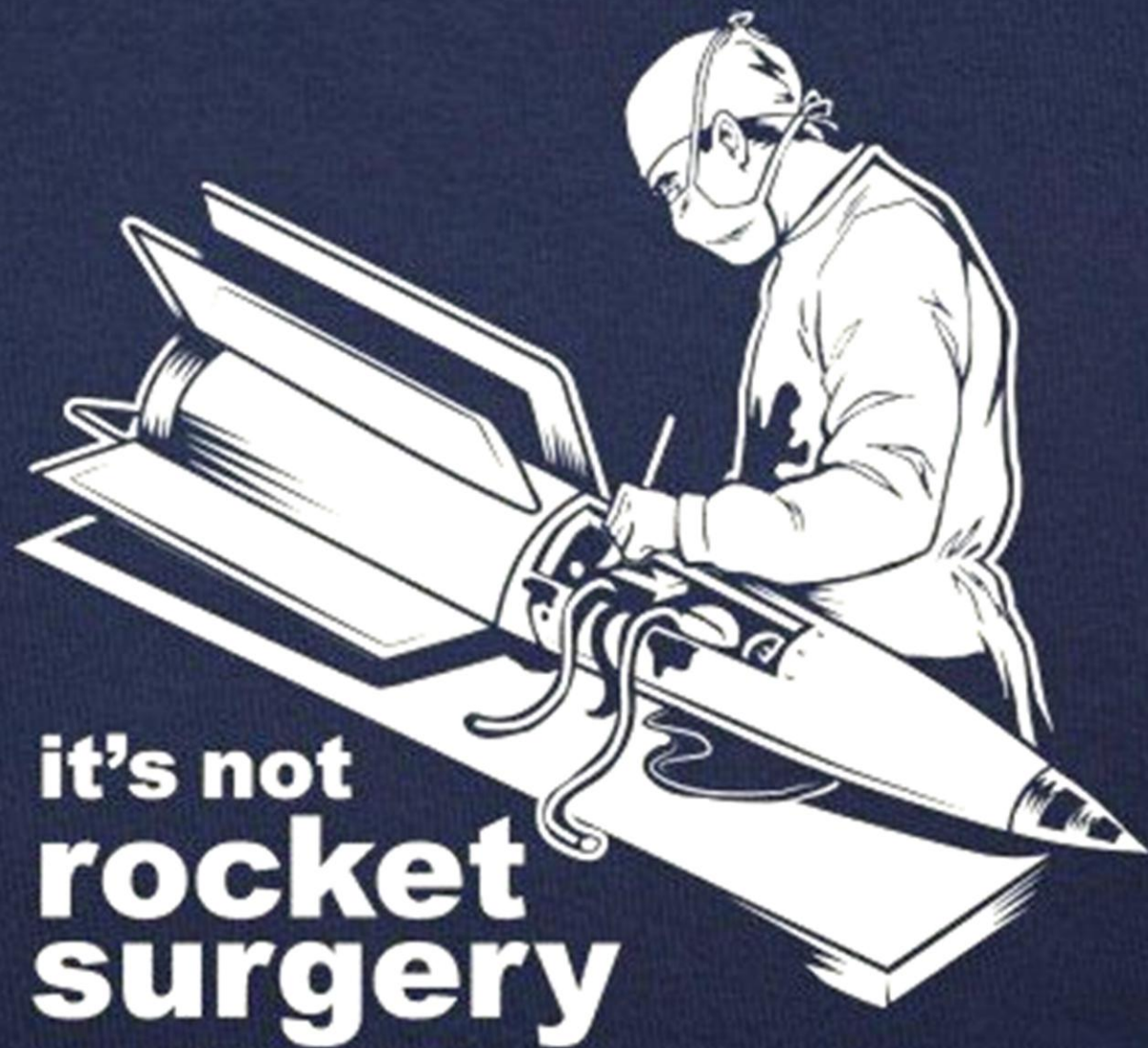
- Define Search Warrants
- Describe where the authority to issue comes from
- Know the essentials necessary to issue Search Warrants

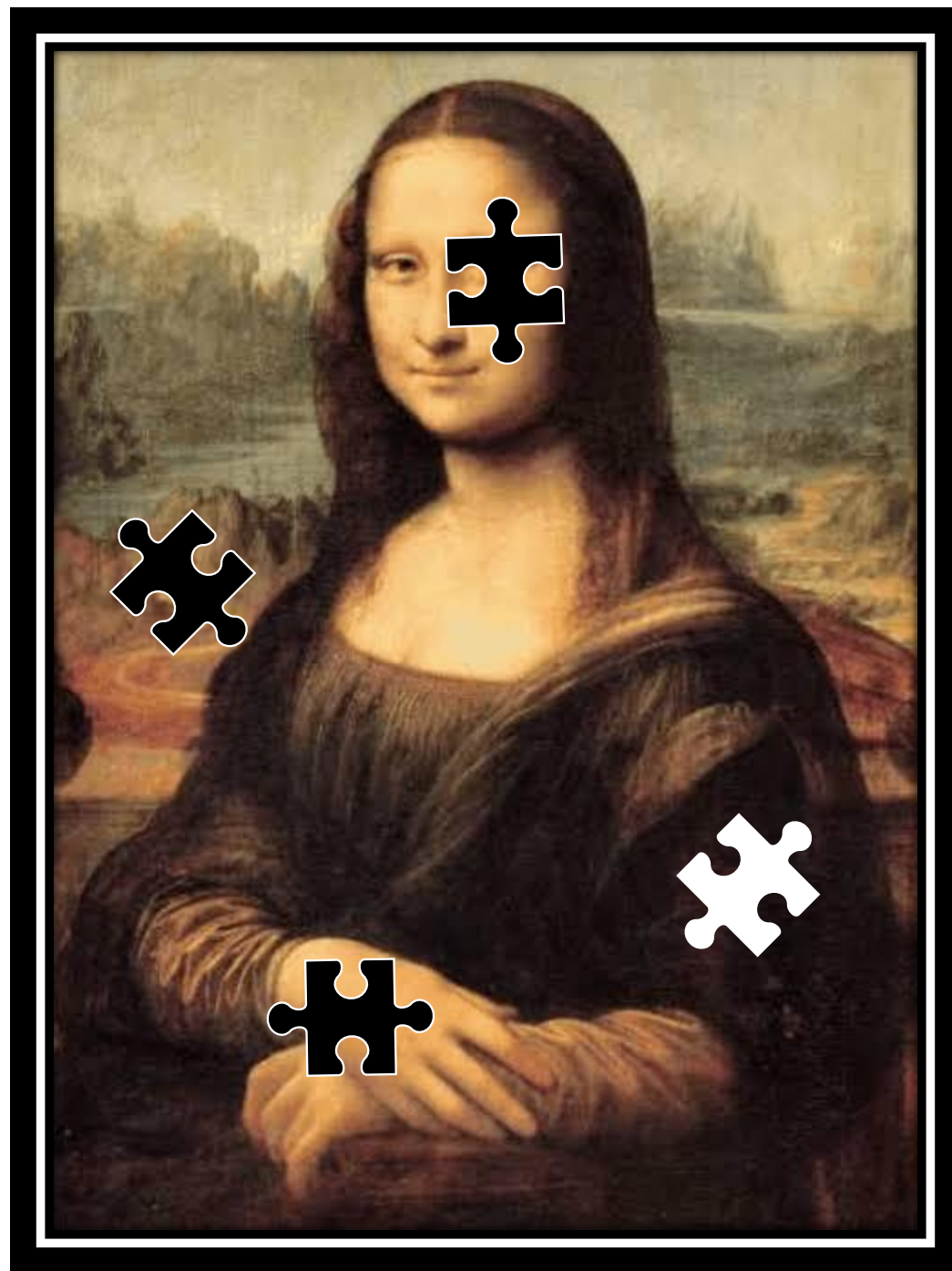
COURSE OBJECTIVES



-
- 
- Recognize Tennessee Criminal Procedures for Search Warrants
 - Understand Probable Cause as it relates to Search Warrants
 - Discuss landmark case law specific to search warrants and magistrates







A small, light-colored ceramic pot containing a plant with dried, brownish-orange leaves and thin, branching stems. It sits on a grey stone step to the left of the door.

COME BACK WITH A
Warrant

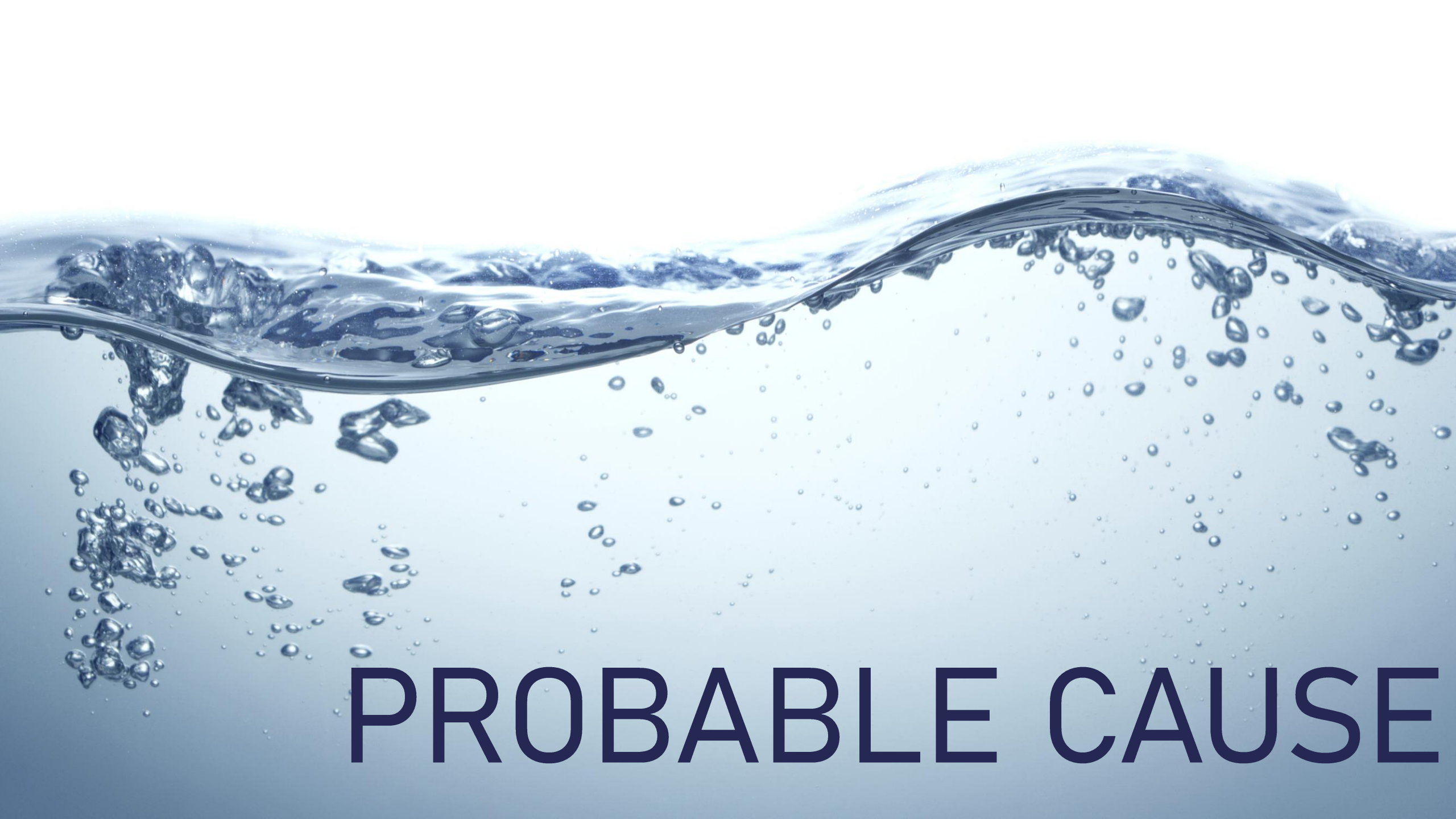
A small, light-colored ceramic pot containing a plant with dried, brownish-orange leaves and thin, branching stems. It sits on a grey stone step to the right of the door.

The 4th Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

UNREASONABLE





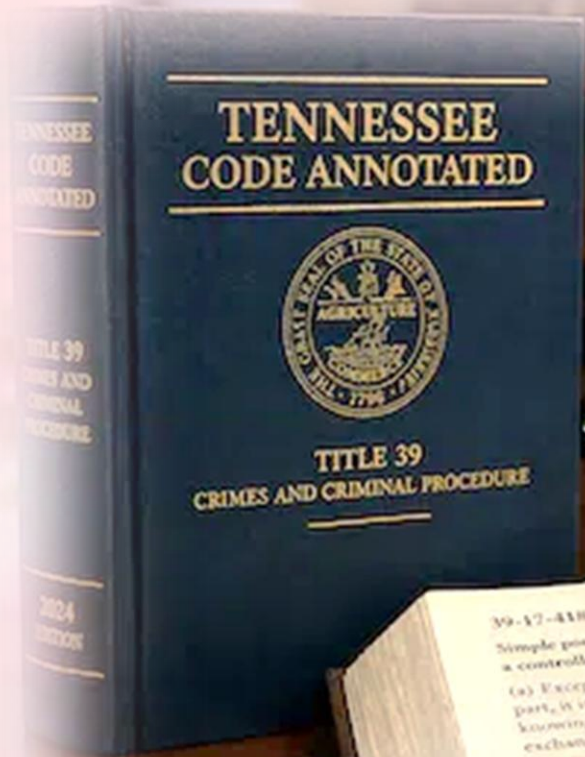
PROBABLE CAUSE

OATH or AFFIRMATION

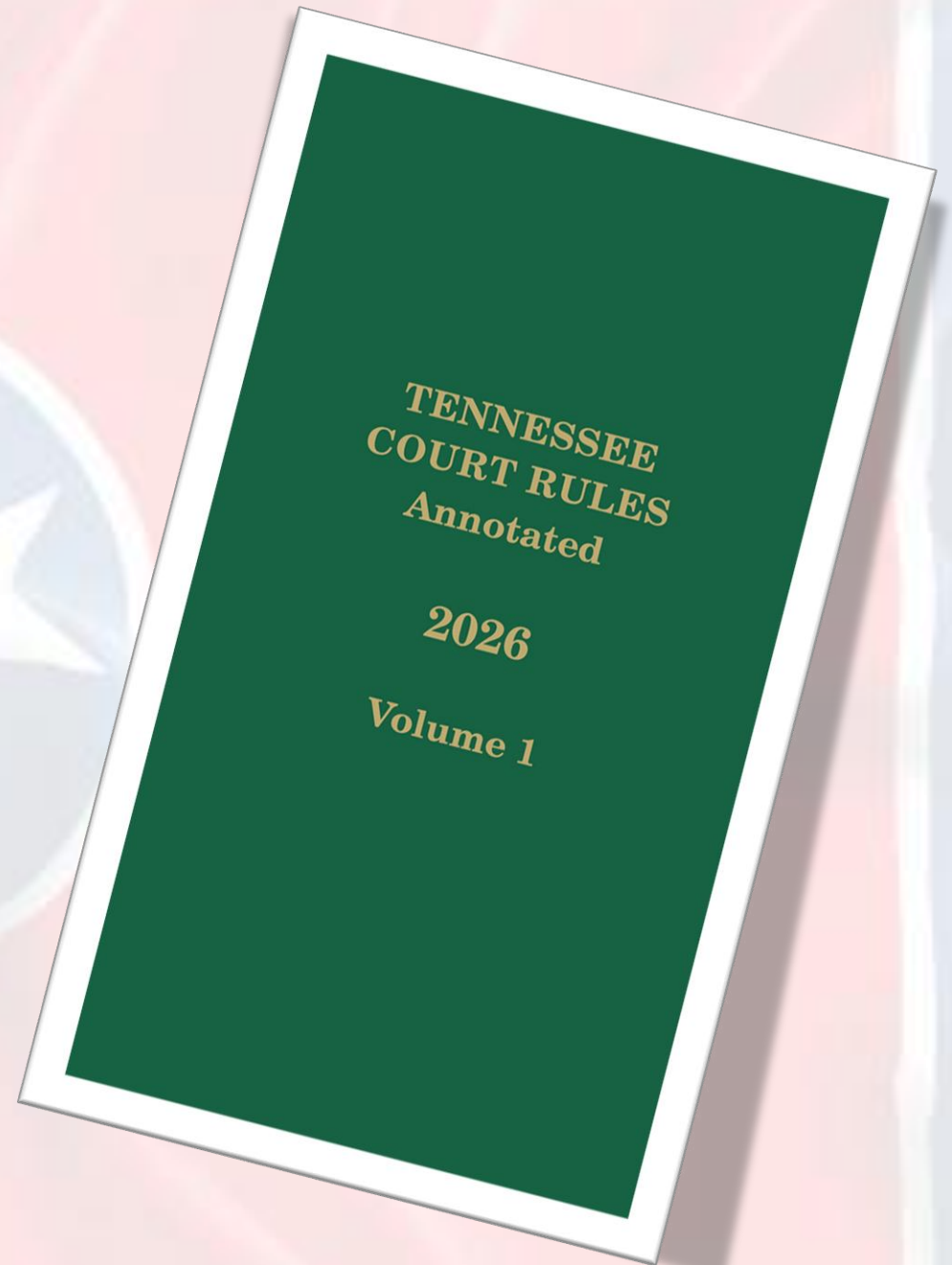


PARTICULARITY





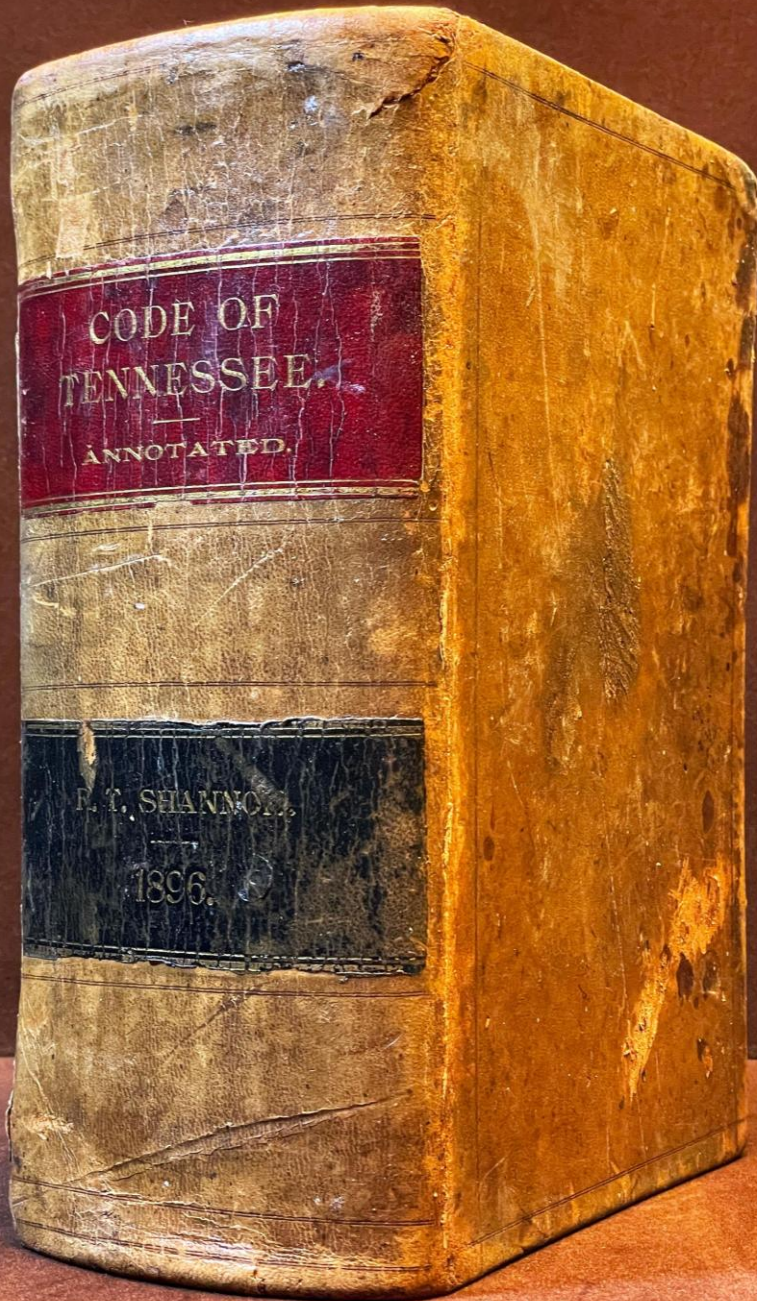
- Simple Possession
- Knowledge
 - Possession
 - Controlled Substance
 - Exceptions



TCA § 40-6-101

A search warrant is an order in writing in the name of the state, signed by a magistrate, directed to the sheriff, any constable, or any peace officer of the county, commanding the sheriff, constable or peace officer to search for personal property, and bring it before the magistrate.

**Emphasis added*



TCA § 40-1-106 – Officials defined as Magistrates

The judges of the supreme, appellate, chancery, circuit, general sessions and juvenile courts throughout the state, judicial commissioners and county mayors in those officers' respective counties, and the presiding officer of any municipal or city court within the limit of their respective corporations, are magistrates within the meaning of this title.

**Emphasis added*

TCA § 40-1-106 – Officials defined as Magistrates *(continued)*

The judges of chancery and circuit courts have statewide jurisdiction to issue search warrants pursuant to chapter 6, part 1 of this title in any district.

State v. Frazier, (Tenn. 2018)



TCA § 40-1-106 – Officials defined as Magistrates *(continued)*

All other magistrates have statewide jurisdiction to issue search warrants pursuant to chapter 6, part 1 of this title in any district, county, or jurisdiction, if at least one (1) element of the alleged crime on which the search warrant is based is committed within the jurisdiction of the magistrate.

**Emphasis added*

AUTHORITY TO ISSUE

A magistrate with jurisdiction in the county where the property sought is located may issue a search warrant authorized by this rule. The district attorney general, assistant district attorney general, criminal investigator, or any other law-enforcement officer may request a search warrant.

**TENNESSEE
COURT RULES
Annotated**

2026

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TCA § 40-7-118(a)(2) –Magistrates

“Magistrate” means any state judicial officer, including the judge of a municipal court, having original trial jurisdiction over misdemeanors or felonies





TCA § 40-7-118(a)(3)

(A) “Peace officer” means an officer, employee or agent of government who has a duty imposed by law to:

- (i) Maintain public order;
- (ii) Make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; and
- (iii) Investigate the commission or suspected commission of offenses;

and *

**(B) Forestry Officers*

TCA § 39-11-106(24)



(A) “Law enforcement officer” means an officer, employee or agent of government who has a duty imposed by law to:

- (i) Maintain public order; or
- (ii) Make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses; and
- (iii) Investigate the commission or suspected commission of offenses;

(B) “Law enforcement officer” includes a sheriff, sheriff's deputy, and, only for purposes of the enhancement of a crime, a deputy jailer;

RULE 41

**TENNESSEE
COURT RULES**
Annotated

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Search & Seizure

PERSONS OR PROPERTY SUBJECT TO SEIZURE

A magistrate may issue a warrant under this rule to search for and seize any of the following:

- (1) evidence of a crime;
- (2) contraband, the fruits of crime, or items otherwise criminally possessed;
- (3) property designed or intended for use, or that has been used in a crime;
- (4) a person whose arrest is supported by probable cause; or
- (5) a person who is unlawfully restrained.

**TENNESSEE
COURT RULES
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TCA § 40-6-104 Examination of Complainant

The magistrate, before issuing the warrant, shall examine on oath the complainant and any witness the complainant may produce, and take their affidavits in writing, and cause them to be subscribed by the persons making the affidavits. The affidavits must set forth facts tending to establish the grounds of the application, or probable cause for believing the grounds exist.

**Emphasis added*

TCA § 40-6-103 Probable Cause & Affidavit

A search warrant can only be issued on **probable cause**, supported by affidavit, naming or describing the person, and **particularly describing** the property, and the place to be searched.

**Emphasis added*

COMMON SEARCH WARRANTS



COMMON SEARCH WARRANTS



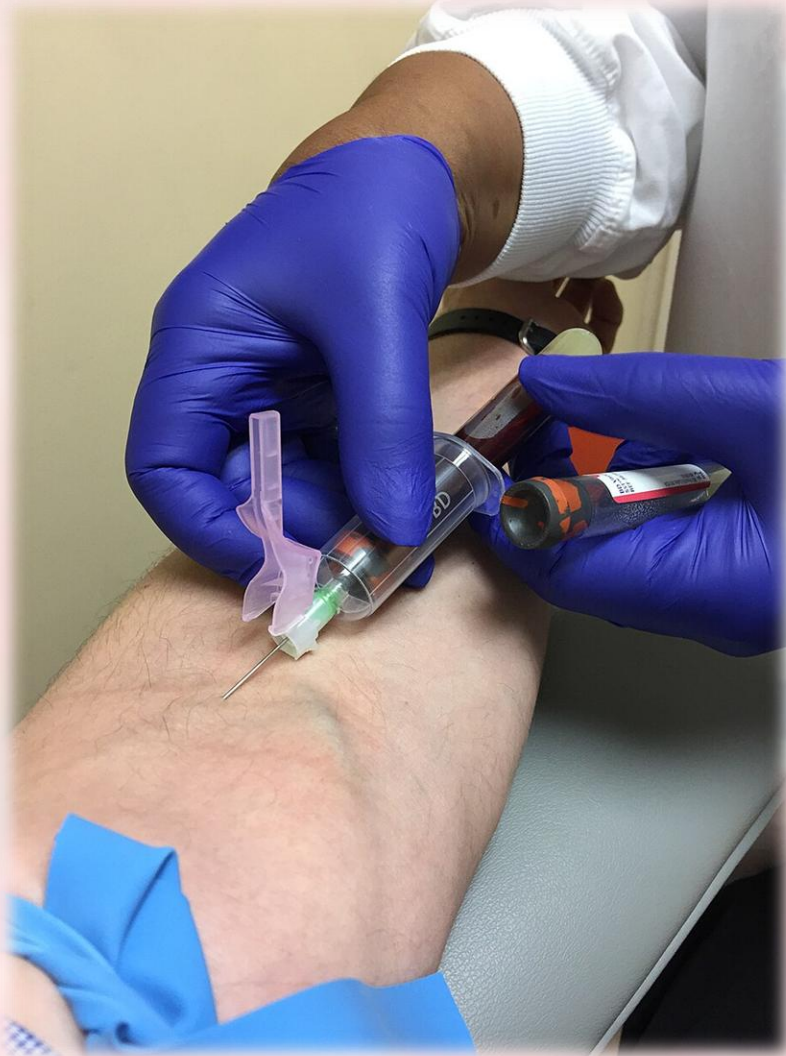
COMMON SEARCH WARRANTS



COMMON SEARCH WARRANTS



COMMON SEARCH WARRANTS



COMMON SEARCH WARRANTS



COMMON SEARCH WARRANTS



OTHER SEARCH WARRANTS



OTHER SEARCH WARRANTS



ORIGIN ID: BNAA (615) 506-2 [REDACTED]
TRAVIS CAMPBELL
3100 VAILVIEW DR
NASHVILLE, TN 37207
UNITED STATES US

SHIP DATE: 19 JUN 14
ACTWGT: 9.2 LB
CAD: 6990498/SSFO1501
DIMS: 12x12x18 IN

Part # 156297-400 RPT US14
52265/9BC4/T220

TO **STEPHANI SIDERS**
409 HOPKINS AVE
SEAGOVILLE TX 75159
(615) 506-2 [REDACTED]
REF: [REDACTED]
DEPT: [REDACTED]
INVT: [REDACTED]
PO: [REDACTED]

FedEx Express
[E]
REL# 3785346
J141014020/0126

TRK# 7703 6402 3 [REDACTED]
0201

X1 CRSA

**FRI - 20 JUN 8:30A
FIRST OVERNIGHT**

75159
TX-US DFW

OTHER SEARCH WARRANTS



AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

COUNTY OF WILLIAMSON
STATE OF TENNESSEE

Detective Adrian Breedlove personally appeared before Michaela Lindsey, Judge of the Court and county), State of Tennessee, and now makes oath in due form of law that there is probable cause to believe that **Jerry Matthews** Date of Birth **09/27/1963**, and the premises at **28 Governor's Way, Brentwood, Williamson County, Tennessee**, is now in possession and control of certain evidence of a crime, to wit: violations of state laws as set forth in Tenn. Code Ann. § 39-13-201 (Criminal Homicide), and that the evidence to be searched for is as follows:

Any and all knives or other instruments capable of producing stab wounds with apparent blood and/or bodily fluids present, any and all firearms that may have or most likely were used in the killing of **Jerry Matthews**, any and all bloody clothing, towels, washcloths, fibers, or other materials containing DNA evidence, and any other thing and/or effect that tends to prove means and/or motive of the crime of criminal homicide, and any evidence or items, which could be used to conceal the foregoing or prevent its discovery.

The Affiant further testifies that the said evidence is now located and may be found in the possession **Jerry Matthews**, Date of Birth **09/27/1963**, or on the premises of **28 Governor's Way, Brentwood, Williamson County, Tennessee**.

Statement of Facts and Circumstances In Support of Probable Cause

This affidavit is made by Detective Adrian Breedlove. Since this Affidavit is being submitted for the limited purpose of searching the scene of a homicide to gather evidence of an apparent homicide, wherein the dead body of **Jerry Matthews** was found on the date of this Affidavit at **28 Governor's Way, Brentwood, Williamson County, Tennessee**, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish the foundation for an order authorizing the crime scene search of the residence. I now testify herein, based upon personal investigation, as well as information received from other law enforcement officers, unless otherwise stated, which I believe to be true, and is as follows:

On November 20, 2018 members of Brentwood Fire and Rescue and Brentwood Police Department responded to a single-family residence located at **28 Governor's Way, Brentwood, Williamson County, Tennessee** to a reported stabbing. A female at the residence told Brentwood Police Communications her daughter had been stabbed. When officers arrived, a woman told the officers her daughter had been stabbed. While speaking to the woman, Brentwood Police officers heard gunshots from inside the home. When officers went inside the home, they discovered a man with a stab wound to his neck, but alive, a man identified as **Jerry Matthews** deceased, and a woman with stab wounds. A bloody knife and two guns were discovered in the area where the body was found.

When officers were checking the residence for other potential victims, they discovered blood in many rooms inside the house.

Emergency personnel began life-saving measures on the two stabbed patients, who were transported via ambulance to Vanderbilt University Medical Center in Nashville. While writing this affidavit, your Affiant learned that one of the patients died either during transport or upon reaching the hospital.

Once officers determined no other victims needed medical assistance, they secured the residence to preserve evidence in anticipation of a search warrant for the residence.

Experience and Basis of Knowledge of Affiant

Your Affiant is a twenty-one year veteran of the Brentwood Police Department, and has been a Detective for the last sixteen years. I have several hundred hours of specialized training in criminal investigations, homicide investigations, and drug investigations. I was assigned to the Drug Enforcement Administration as a Task Force Officer from 2008 to 2016, where I participated in hundreds of state, local, and federal drug investigations, including long term and wiretap investigations into numerous drug trafficking organizations. I am a certified instructor for the Drug Enforcement Administration and have taught approximately one thousand state, local, federal, and international law enforcement agents various drug trafficking methods. I have participated in numerous homicide investigations during my career with Brentwood Police Department. I know the preceding investigative information within this Affidavit from personal observance and from information relayed to me by other police officers.

CONCLUSION

Therefore, considering the foregoing, I believe, based on my training, knowledge, and experience, that evidence of violations of Tenn. Code Ann. § 39-13-201 (Criminal Homicide) will be found on the premises to be searched. Specifically, I believe evidence found at the crime scene will assist officers in determining the course of events that led to and occurred during the stabbing of two victims and the shooting of **Jerry Matthews**.

All information noted in this affidavit for search warrant has been related to me by the person(s) and/or source(s) attributed or referenced. I further believe in good faith that the information provided herein to be true and correct. Because the sole purpose of this affidavit is to establish probable cause that a criminal offense has occurred, not every relevant fact known to me, or to other investigators, is included within. Rather, only those facts necessary to establish probable cause have been discussed.

Wherefore, based on the facts, circumstances, my training and the information noted in this document, I respectfully ask for issuance of a warrant that will authorize me to search said suspected place and premises for said data/information and seize the same.

I SWEAR THE FORGOING IS TRUE UNDER PENALTY OF PERJURY.

Det. Adrian Breedlove
AFFIANT

Sworn to and subscribed before me this 20th day of Nov, 2018.

[Signature]
JUDGE

11/20/2018
DATE

THE JUDGE LOOKS ONLY AT WHAT IS WRITTEN (FOUR CORNERS DOCTRINE)



ITEMS TO BE SEIZED



ITEMS TO BE SEIZED



TCA § 40-6-105 Issuance of Search Warrant

The magistrate, if satisfied of the existence of the grounds of the application, or that there is probable ground to believe their existence, shall issue a search warrant signed by the magistrate, directed to the sheriff, any constable, or any peace officer, commanding the sheriff, constable, or peace officer immediately to search the person or place named for the property specified, and to bring it before the magistrate.

NO
MORE
NO-
KNOCK



ISSUANCE

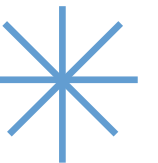
A warrant shall issue only on an affidavit or affidavits that are sworn before the magistrate and establish the grounds for issuing the warrant.

**TENNESSEE
COURT RULES
Annotated**

2026

Volume 1

IN-PERSON OR ELECTRONIC?



WARRANTS BY ELECTRONIC MEANS

- Telephone or other reliable electronic means
- Proposed warrant, signed affidavit, supporting documents can be sent by fax or electronic means to the magistrate
- Magistrate may act upon the transmitted documents as if they were originals



TCAS 40-6-106.

The warrant may be substantially in the following form:

State of Tennessee, County of _____.

To the sheriff or any constable of the county:

Proof by affidavit having been made before me by A. B., that
(stating the particular grounds of the application; or, if the affidavits are not
positive, "that there is probable cause for believing that," stating the
particular grounds of the application):

You are therefore hereby commanded to make immediate search on the
person of C. D. (or "in the house of E. F.," or "in the house situated,"
describing it, or any other place to be searched, with reasonable particularity,
as the case may be), for the following property (describing it with
reasonable particularity); and if you find the same, or any part thereof, to
bring it forthwith before me at (stating the place).

This _____ day of _____, 20____.

L. M., Magistrate

SEARCH WARRANT

COUNTY OF WILLIAMSON
STATE OF TENNESSEE

TO ANY PEACE OFFICER WITHIN OR OF SAID COUNTY:

Proof by Affidavit having been made before me by Task Force Agent/Detective Adrian Breedlove that there is probable cause to believe certain evidence of a crime, to wit: violations of state laws as set forth in Tennessee Code Annotated § 39-13-309 [Trafficking for a Commercial Sex Act], § 39-13-515 [Promoting Prostitution], § 39-14-903 [Money Laundering], § 39-17-1003 *et al* [Sexual Exploitation of a Minor], and/or § 39-13-503 [Rape] will be found on the person of [REDACTED]

[REDACTED] and the property of [REDACTED]
[REDACTED] **Franklin, Williamson County, Tennessee**, more particularly described as follows: *a single family two story house with red brick exterior, white trim, black shutters, two side-facing white garage doors, and a black rectangular mailbox on a black metal post with the number [REDACTED] in large high contrast numbers affixed to it, photos of said residence shown in **Attachment A** of this Search Warrant*, and that the evidence to be searched for is as follows:

- Items of evidentiary value particularly described in **Attachment B**

YOU ARE HEREBY COMMANDED to make an immediate search on the person of [REDACTED]
[REDACTED] and premises located at [REDACTED] **Franklin, Williamson County, Tennessee**, more particularly described as follows: *a single family two story house with red brick exterior, white trim, black shutters, two side-facing white garage doors, and a black rectangular mailbox on a black metal post with the number [REDACTED] in large high contrast numbers affixed to it, photos of said residence shown in **Attachment A** of this Search Warrant*, including all outbuildings, outhouses, and storage buildings, and all vehicles found thereon, for the aforesaid evidence; and if you find the same or any part thereof, seize the evidence and make lawful disposition thereof.

RETURN DATE

TCA § 40-6-107

(a) A search warrant shall be executed and returned to the magistrate by whom it was issued within five (5) days after its date, after which time, unless executed, it is void.

(b) All search warrants in this state may be executed either in the daytime or in the nighttime.



STALENESS – *US v BROWN (2015)*

Character of the crime: A single, isolated drug buy goes stale quickly, while an ongoing, regenerating conspiracy lasts much longer.

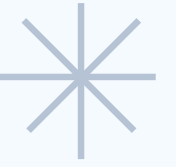
The criminal: Is the suspect nomadic or entrenched in a secure operational base at that location?

The items seized: Perishable and easily transferable items (like drugs or cash) go stale fast, whereas enduring items (like business ledgers, digital media, or photographs) may be retained for long periods.

The place searched: A temporary hangout goes stale faster than a permanent, secured headquarters.

STATE v JERRY TUTTLE (2017)





Scrutiny

Illinois v Gates

ILLINOIS V GATES (1983)

- “A magistrate's ‘determination of probable cause should be paid great deference by reviewing courts.’ *Spinelli, supra*, at 419.”
- “A grudging or negative attitude by reviewing courts toward warrants,’ *Ventresca*, 380 U. S., at 108, is inconsistent with the Fourth Amendment's strong preference for searches conducted pursuant to a warrant;”
- “[C]ourts should not invalidate warrant[s] by interpreting affidavit[s] in a hypertechnical, rather than a commonsense, manner.” *Id.*, at 109.”

EXCLUSIONARY RULE REFORM ACT



TCA 40-6-108

“any evidence that is seized as a result of executing a search warrant issued pursuant to this part or pursuant to Tennessee Rules of Criminal Procedure Rule 41 that is otherwise admissible in a criminal proceeding and not in violation of the constitution of the United States or Tennessee shall not be suppressed as a result of any violation of this part or any violation of Tennessee Rules of Criminal Procedure Rule 41 if the court determines that such violation was a result of a good faith mistake or technical violation made by a law enforcement officer, court official, or the issuing magistrate”

**Emphasis added*

GOOD FAITH MISTAKE OR TECHNICAL VIOLATION

(1) An unintentional clerical error or clerical omission made by a law enforcement officer, court official or issuing magistrate in the form, preparation, issuance, filing and handling of copies, or return and inventory of a search warrant;

GOOD FAITH MISTAKE OR TECHNICAL VIOLATION

(2) When the officer to whom the warrant is delivered for execution is not present during the execution but an officer with law enforcement authority over the premises does otherwise execute the search warrant;

GOOD FAITH MISTAKE OR TECHNICAL VIOLATION

(3) A reasonable reliance on a statute that is subsequently ruled unconstitutional; or controlling court precedent that is overruled after the issuance of a search warrant, unless the court overruling the precedent orders the new precedent to be applied retroactively.



DAVE
SANTIA