

Class Outline: Search Warrants and Requirements in Tennessee

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I. Introduction and Constitutional Framework

A. Overview of Search Warrant Purpose

- Protection against unreasonable searches and seizures
- Balance between law enforcement needs and individual privacy rights
- Presumption that warrantless searches are unreasonable

B. Constitutional Foundations

- Fourth Amendment to the United States Constitution
- Requirement of probable cause
- Supported by oath or affirmation
- Particularity in description of place and items
- Tennessee Constitution Article I, Section 7
- Identical in intent and purpose with Fourth Amendment
- Specific prohibition against general warrants
- Requirement of "evidence of the fact committed"
- Protection against searches "without evidence of the fact committed"

II. Statutory Requirements Under Tennessee Code Annotated

1. Primary Statutory Provisions

- Tennessee Code Annotated § 40-6-103: Core requirements for search warrant issuance
- Probable cause requirement
- Supported by affidavit
- Naming or describing the person
- Particularly describing the property and place to be searched

B. Additional Statutory Framework

- Magistrate authority and jurisdiction requirements
- Mandatory nature of statutory compliance

C. Consequences of Non-Compliance

- Exclusionary rule application
- Evidence suppression for statutory violations
- Strict interpretation by Tennessee courts

III. Tennessee Rule of Criminal Procedure 41

A. Procedural Requirements

- Rule 41(c): Warrant issuance standards
- Affidavit must be sworn before magistrate
- Establishment of grounds for warrant issuance
- Identification of property, place, or person to be searched/seized

B. Magistrate Responsibilities

- Rule 41(c)(3)(D): Required endorsements
- Hour, date, and name of executing officer
- Purpose of endorsement requirement to prevent pre-issuance execution

C. Technical Requirements

- Three exact copies requirement
- Official record maintenance
- Service requirements and documentation

IV. Probable Cause Standards in Tennessee

A. Definition and General Principles

- Reasonable ground for suspicion
- Supported by circumstances indicative of illegal act
- More than mere suspicion, less than absolute certainty
- Based on probabilities and practical considerations

B. Evolution of Probable Cause Test (Can eliminate if time is a factor)

- Historical Aguilar-Spinelli two-pronged test
- adoption of reliability-basis of knowledge test
- Recent adoption of totality-of-circumstances analysis in State v. Tuttle, 515 S.W.3d 282
- Overruling of Jacumin standard

C. Nexus Requirements

- Connection between criminal activity, place to be searched, and items to be seized
- Consideration of crime type and nature of evidence

- Normal inferences about evidence location
- Isolated event versus protracted pattern analysis

V. Affidavit Requirements

A. Indispensable Prerequisite

- Sworn and written affidavit required
- Cannot be waived or substituted
- Must contain factual allegations, not mere conclusions

B. Content Standards

- Facts tending to establish probable cause grounds
- Sufficient detail for magistrate's independent judgment
- Examination of complainant and witnesses under oath
- Written subscription by affiant

C. Informant Information Standards

- For criminal informants: two-pronged Aguilar-Spinelli test
- Basis for informant's knowledge
- Credibility or reliability establishment
- Independent consideration of both prongs

VI. Particularity Requirements

A. Place to be Searched

- Clear and unambiguous description required
- Legislative intent to avoid ambiguity
- Sufficient detail to guide executing officers
- Constitutional mandate for specificity

B. Items to be Seized

- Specific description or character of property
- Sufficient particularity to enable reasonable identification
- Avoidance of general warrant characteristics
- Balance between specificity and practical law enforcement needs

C. Avoiding General Warrants

- Tennessee Constitution's specific prohibition
- Consequences of overly broad descriptions
- Plain view seizures during warrant execution
- Nexus requirements for seized items

VII. Warrant Execution Requirements

A. Officer Authority and Participation

- Execution limited to designated officers
- Required presence and participation of named officer
- Authority for assistance from other persons
- Jurisdictional limitations on issuing magistrates

B. Time and Documentation Requirements

- Magistrate endorsement of execution details
- Proper service and notice requirements
- Return and inventory obligations
- Record preservation requirements

C. Detention During Execution

- Reasonable detention of occupants
- Balancing privacy concerns with evidence preservation
- Due diligence in warrant procurement
- Duration limitations and reasonableness standards

VIII. Key Tennessee Case Law

A. Foundational Decisions

- : General warrant prohibition and plain view limitations
- : Probable cause standards (now overruled)
- State v. Tuttle, 515 S.W.3d 282: Adoption of totality-of-circumstances test
- : Mandatory nature of procedural requirements

B. Recent Developments

- : Particularity in drug-related searches
- : Execution procedures and particularity standards
- : Good faith exception application
- : Reasonable detention during warrant execution

C. Suppression and Exclusionary Rule Cases

- : Jurisdictional requirements for issuing magistrates
- : Inevitable discovery doctrine limitations