NO. 2025CR00000

STATE OF TEXAS	)	IN THE DISTRICT COURT
VS.	)	226TH JUDICIAL DISTRICT
JO SMITH	)	BEXAR COUNTY, TEXAS

MOTION TO SUPPRESS EVIDENCE
FROM WARRANTLESS SEIZURE AND SEARCH OF CELL PHONE

TO THE HONORABLE VELIA J. MEZA, JUDGE OF THIS COURT:

Jo Smith moves to suppress all evidence obtained as a result of the illegal, warrantless seizure of her cell phone on July 15, 2020, and the subsequent search of that device, because this evidence was obtained in violation of Article I, § 9 of the Texas Constitution, article 38.23(a) of the Texas Code of Criminal Procedure, and the Fourth and Fourteenth Amendments to the United States Constitution.

I.
The Pertinent Facts

What Detective Carlisle learned on July 14, 2020.

San Antonio Police Detective Brent Carlisle was assigned on July 14, 2020 as lead investigator into the death of Brianna Franklin, and he was dispatched to a home on Oak Crest Drive, where Ms. Franklin resided, and where her body was found. Shortly after arriving Carlisle learned that Ms. Franklin had picked up Ms. Smith and Nia Franklin and driven them to her home on July 13, where the three friends spent the night. He was also told that text messages had been sent from Ms. Smith's phone to Ms. Franklin's boyfriend

and her sister. Carlisle and other officers on the scene concluded that Ms. Franklin had been murdered. Viewing home surveillance videos obtained from several neighbors, Carlisle saw that a small car drove onto Oak Crest Drive around 11:00am on July 14 and parked a few houses down from Ms. Franklin's home. Three men got out, walked towards the home, and the car drove away and parked around the corner. Not long after that, the three men left Ms. Franklin home, trailed by two women, later identified as Ms. Smith and Ms. Carter-Franklin, and one male, Devin Hart. These six people walked around the corner, and got into the small car, which drove away.

The interrogation on July 15, 2020.

The next day, July 15, at 2:33 pm, Ms. Smith and her aunt Tameka were ushered into a small, windowless interview room at police headquarters by Detective Carlisle, who introduced himself as the lead detective in this case. Carlisle had no jacket on and was wearing a shoulder holster with a firearm plainly visible. After noting that she had just experienced a "very traumatic couple of days,"[1] he launched into an interrogation that continued, on and off, for the next four and a half hours. By 7:00pm, when the video ended, although the detective had brought up Ms. Smith's cell phone multiple times, not once did she say or do anything that would suggest to a reasonable, objective person that she was freely and voluntarily, positively and unequivocally, consenting to his seizure of the phone. At no time during this lengthy session did the detective advise Ms. Smith of

[1] [2:34:24pm]

any of her constitutional rights, including that she had the right to leave, or to refuse consent to the warrantless seizure of her cell phone.

Ms. Smith did not consent when the phone was first mentioned.

Ten minutes into the interview, Carlisle asked Ms. Smith if she had the instagram page of "AK" on her phone, and she said she did not have her phone, that it was at home.[2] Carlisle continued the conversation for another half-hour before he confronted Ms. Smith, asking her, "why weren't you honest about [the phone]". She responded that there was "nothing in there to hide, I just don't see why ya'll need my phone."[3] Clearly this 17-year old did not want to hand over her cell phone. And no reasonable, objective person could possibly have thought otherwise.

The detective told Ms. Smith that he did not want her get "jammed up," that he wanted to help her, and, falsely. that "the people responsible can be put to death."

At 3:22pm Carlisle told Ms. Smith that if she did not tell him the truth and was "any part of covering this up," she could get "jammed up," and he did not want that to happen to her. "[I]f you lie to me, I can't help you."[4] Minutes later he warned Ms. Smith that this was a capital murder case, and if she lied to him it would look like she was a part

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[2] [2:43:30pm – 2:43:52pm] "AK" was one of the three males whom the home surveillance videotapes showed exiting the car parked on Oak Crest Drive and walking toward Ms. Franklin house, and then, after a few minutes, exiting Ms. Franklin's residence, and returning to the car which had moved to another location. Ms. Smith identified him as the shooter.

[3] [3:12:06pm – 3:12:18pm]

[4] [3:22:17pm – 3:22:40pm]

of it. Then he falsely advised her that "the people responsible can be put to death."[5]

Ms. Smith did not consent the second time the phone was mentioned, but continued to protest that the phone had nothing on it and that seizure was pointless.

At 3:30pm Carlisle left the room, saying he was going to talk to two others – Carter-Franklin and Devin Hart – who were being interviewed in separate rooms. Carlisle returned 30 minutes later. He explained he had been talking to Devin, and he asked her about "AJ."[6] He told Ms. Smith that most people would think her story "too big of a coincidence," to believe.[7] And he brought up her cell phone for the second time:

> "So . . . *I need something to show that you're no part of this at all, and I think the key is your phone*. I think, no communication on your phone, and then I take her phone, I think I'm gonna find communication between her and JoJo.[8] *I think it clears you*, and . . . I think it's not gonna be good for her. And I know its an inconvenience when you're without your phone, but murder is inconvenient sometimes. And what we can do is, I can have our tech unit make a mirrored copy of everything that's on it. It doesn't destroy it, it doesn't erase anything, all it does is, its like putting it in a copy machine. It just makes an exact copy of what's on it. And then I give it back to you. That's what I need from you. You okay with

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[5] [3:25:25 – 3:25:36] All three persons Carlisle interviewed at the police station on July 15 – Ms. Smith, Ms. Carter-Franklin, and Mr. Hart – were under the age of 18 and were therefore categorically ineligible for the death penalty. TEX. PENAL CODE § 12.31(a)(1). Surely homicide detective Carlisle knew this.

[6] Adrian Joel James, indicted on December 21, 2021 for the capital murder of Brianna Franklin, has the nickname, "AJ." [Carlisle's Prosecution Guide, p. 12]

[7] [4:34:52pm – 4:35:17pm]

[8] Josiah Jordan, indicted on December 17, 2020 for the capital murder of Brianna Franklin, has the nickname, "JoJo." [Carlisle's Prosecution Guide, p. 4]

that?

On the video, Ms. Smith appears to give a barely perceptible affirmative nod, but she did not say "yes," or "no," or give any verbal response at all, and Carlisle did not request one. Instead of seeking the positive, unequivocal consent required by our law, he said "we're about done," and that he would "have one of our detectives walk down with ya'll, so you don't have to come back up here. And he'll just get the phone from you in the car."[9]

Assuming that this experienced homicide detective was initially inclined to interpret Ms. Smith's non-verbal responses as the sort of consent contemplated by our laws (namely, "positive and unequivocal . . . not to be lightly inferred"), Ms. Smith's immediate verbal response would have convinced any reasonable person otherwise: She absolutely was *not* freely and voluntarily consenting to give up possession of her cell phone. Instead, she asked if they were going to "keep the phone." When he acknowledged they were, she repeated what she had told Carlisle earlier, the first time he had mentioned her phone — there was nothing there and it was "pointless" for her to give it to him.[10]

Ms. Smith explained that her phone had important information, including her daughter's doctor's appointments.

The detective pushed on, challenging her last statement: "It's not pointless.

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[9] [4:35:18pm – 4:36:57pm][emphasis supplied]

[10] [4:37:06pm – 4:37:34pm]

Nothing being on it *is what puts you in the clear*.[11] Once again, Ms. Smith said nothing that a reasonable person would take as consent. Instead, she protested that her phone contained her daughter's doctor's appointments and other persons she had to call.[12]

When the detective repeated that "sometimes murder is inconvenient," Ms. Smith told him he was not seeing her point of view.

Recognizing the obvious – that she was consenting to nothing – but unwilling to accept that, Carlisle persisted, and repeated himself: "Like I said, sometimes murder is inconvenient. I mean, there's a family that don't have their mother and daughter any more." Ms. Smith told Carlisle he was not seeing her point of view.[13]

The detective's responded that she was not seeing his point of view, and Ms. Smith once again insisted that she needed her phone.

Carlisle said, "I kinda do. But I'm not sure you're seeing mine." Ms. Smith denied that she was concerned about anything on the phone, but insisted, "I need my phone though." Ms. Smith asked if they were keeping "her phone" [obviously referring to Carter-Franklin] Carlisle said, "she doesn't know it, but yeah..... " [14] It is unclear how the detective was able to predict at that time that Ms. Carter-Franklin, a teenager like Ms. Smith, would later decide to give "verbal consent" to seize her phone.

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[11] [4:38:04pm – 4:38:11pm][emphasis supplied]

[12] [4:38:27pm – 4:38:32pm]

[13] [4:38:32pm – 4:38:48pm]

[14] [4:38:39pm – 4:39:26pm]

For the third time, the detective fell back on the inconvenience of murder, falsely suggesting that her freedom depended on her giving up her phone.

He then went back to the inconvenience of murder:

> I know it's an inconvenience. But consider, weigh it out. Inconvenience, evidence that goes against anything that anybody else is gonna say about you. I know, our phones, they're, everybody's got stuff on their phone, that they're not ready for everybody to see. Some, worse than others. Trust me. We've seen it all. But *I'm talking about something very serious here. And that's you're freedom*. And it's also for your friend who was killed. Okay. So when you look at the weight of those two, when you weigh it out, that should be a no brainer for you. Okay. And I won't keep it any longer than I have to. It usually takes them a couple of days. Okay? I'm gonna get ya'll out of here, and one of the detectives will walk down with you. Save you from having to come back up. They'll just get it from you."[15]

When this approach failed, the detective came up with "another reason" he needed her phone, one that would help her, one that "could mean all the difference in the world".

At 4:56pm, Ms. Smith told Carlisle that she had texted Ms. Franklin's sister the morning of the 14th that she was going to the detectives but she needed to get away from the others because they were threatening to kill her. Carlisle said, "*That's another reason I need your phone*. To show you were trying to get away from there and tell the police. *It helps. It could mean all the difference in the world. . . .*" [16] In other words, after spending almost two and a half hours without getting her consent, Carlisle tried again, offering up still "another reason" why he needed the phone, namely that it would help her,

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[15] [4:40:20pm – 4:42:08pm][emphasis supplied]

[16] [4:56:25pm – 4:56:50pm][emphasis supplied]

and "*could mean all the difference in the world*." He added:

> Well, they put you in a bad spot. I don't know that anybody would have done anything different. I mean, I'm sure you saw it as your life. *I think you were just trying to survive this situation. Which is understandable. We've just gotta be able to show that*.[17]

Carlisle next told Ms. Smith that he needed to put the shooters in jail, that it was the only way to keep her safe. She said she had an instagram photo of AJ on her phone, and Carlisle and aunt Tameka left to get the phone, and a charger for the aunt's phone. At 5:01pm they closed the interview room door behind them, leaving Ms. Smith alone.[18]

The detective chose not to ask for consent again, instead telling Ms. Smith "they are going down to get your phone."

At 5:13pm, Carlisle returned. Despite his repeated efforts to persuade Ms. Smith to consent to him seizing her phone, she had not. He did not ask this time, but instead just told her, "they're going down to get your phone."[19] Previously he had told Ms. Smith that he would have a detective walk her down to the car so she could get the phone and leave from there. He gave no reason for changing his mind and not allowing Ms. Smith to get her phone herself, and then leave. He left the room at 5:20pm, saying he was going to talk to Ms. Carter-Franklin. Ms. Smith remained in the room until 6:30pm when she knocked on the door and received permission to use the restroom. Three minutes later

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[17] [4:56:58pm – 4:57:22pm][emphasis supplied]

[18] [5:00:06pm – 5:01:21pm]

[19] [5:13:10pm – 5:13:18pm]

she was escorted back to the room.[20]

At 6:55pm Tameka and Detective Serrano, wearing a visible firearm returned, and Tameka showed some photos on a phone; Ms. Smith identified a picture of AJ.[21] At 6:57pm, Detective Carlisle returned and said: "I thought ya'll were gone. I told them to get the picture from you, and then cut ya'll loose. But somehow we dropped the ball on that." Carlisle was holding some photos which he asked Ms. Smith to identify, but she could not.[22] Detective Serrano asked Detective Carlisle if he could "cut 'em loose" after they found the picture of AJ on the phone. Carlisle agreed, but made it clear to Serrano that their release was contingent: "yeah, yeah, as long as they, get a picture, yeah."[23] Serrano stood beside Ms. Smith and her aunt while Ms. Smith looked through the phone. Serrano asked, "is that him," and when Ms. Smith said it was, he used his phone to take pictures off the phone. At 7:00pm Detective Serrano said, "okay, let's get you out of here," and escorted the two women out, much like the way they had been brought in to the same room more than four hours earlier. Ms. Smith left without a cell phone.[24]

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[20] [6:30:33pm – 6:33:22pm]

[21] [6:55:30pm – 6:56:37pm]

[22] [6:57:05pm – 6:57:37pm] If Carlisle really thought they were "gone" and "cut loose," as he claimed, and that "somehow we dropped the ball on that", why did he bring pictures to have Ms. Smith identify?

[23] [6:57:38pm – 6:57:52pm]

[24] [6:57:58pm – 7:00:29pm]

In his prosecution guide, Detective Carlisle wrote that Ms. Smith gave "verbal consent (on DVD) to conduct a forensic download on" her cell phone, and that SAPD Technical Investigations Unit began processing it on July 16, 2020. [Carlisle's Prosecution Guide, p. 49].

II.
The Applicable Law

Cell phones occupy "such a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude they were an important feature of human anatomy" *Riley v. California*, 573 U.S. 373, 385 (2014). "Searching a person's cell phone is like searching his home desk, computer, bank vault, and medicine cabinet all at once." *State v. Granville*, 423 S.W.3d 399, 415 (Tex. Crim. App. 2014).

A. The general rule requires the police to obtain a warrant based on probable cause to seize and search a cell phone.

Searches and seizures "conducted outside the judicial process, without prior approval by judge or magistrate, are *per se* unreasonable under the Fourth Amendment —subject only to a few specifically established and well-delineated exceptions." *Katz v. United States*, 389 U.S. 347, 357 (1967). Because of its "immense storage capacity . . . police officers must generally obtain a warrant before searching the contents of a phone." *Carpenter v. United States*, 138 S. Ct. 2206, 2214 (2018).

B. Consent cannot be inferred, but must be proven by the State with clear and convincing evidence.

One specifically established exception to the warrant requirement is a seizure to which the defendant freely and voluntarily consents. *Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1973). Consent must not be coerced "by explicit or implicit means by implied threat or covert force." If any coercion is used, "no matter how subtly the coercion was applied, the resulting 'consent' would be no more than a pretext for the unjustified police intrusion against which the Fourth Amendment is directed." *Id*. at 228.

> The burden requires the prosecution to show the consent given was positive and unequivocal and there must not be duress or coercion, actual or implied ..... Consent to search is not to be lightly inferred. It should be shown by clear and convincing evidence, and any consent must be voluntary and neither physically nor psychologically coerced. . . .

Meeks v. State, 692 S.W.2d 504, 509 (Tex. Crim. App. 1985); *see also State v. Villarreal*, 475 S.W.3d 784, 799 (Tex. Crim. App. 2014)("a waiver of Fourth Amendment rights through consent to search must ordinarily be *carefully scrutinized* for its free and voluntary character")(emphasis supplied). The burden – "clear and convincing" – is mandated by Article I, § 9 of the Texas Constitution, and is higher than the "preponderance" standard used in a Fourth Amendment analysis. *Montanez v. State*, 195 S.W. 3d 101, 105 (Tex. Crim. App. 2006).

C. The totality of circumstances must be carefully sifted and balanced.

Whether the accused's consent was freely and voluntarily made is "a question of

fact that is determined by analyzing all of the circumstances of a particular situation."

Meekins v. State, 340 S.W.3d 454, 459 (Tex. Crim. App. 2011).

> The trial judge must conduct a *careful sifting and balancing* of the unique facts and circumstances of each case in deciding whether a particular consent search was voluntary or coerced . . . . The ultimate question is whether the person's will has been overborne and his capacity for self-determination critically impaired, such that his consent to search must have been involuntary.

Id. (emphasis supplied)(internal quotes and brackets omitted). "The prosecution's burden . . . cannot be discharged by showing no more than acquiescence to a claim of lawful authority." *Meeks v. State*, 692 S.W.2d at 509. When evaluating whether consent was freely and voluntarily given, the following factors are among those that must be considered:

- the youth, education, and intelligence of the accused;
- the use of deception and promises by the officer seeking consent;
- the length of the encounter, and whether the questioning was repetitive or prolonged;
- the constitutional advice given to the accused, including her right to refuse consent;
- what kind of psychological impact the questioning had on the accused.

See Tucker v. State, 369 S.W.3d 179, 185 (Tex. Crim. App. 2012); *Reasor v. State*, 12 S.W.3d 813, 818 (Tex. Crim. App. 2000); *Paulea v. State*, 2010 WL 1068176, at *9 (Tex. App.–San Antonio 2010, pet. ref'd)(not designated for publication).

III.
The Law Applied To The Facts

A. The video of Ms. Smith's interrogation captured the totality of circumstances, and "presents indisputable visual evidence" that the "consent" the State relies on here was neither free nor voluntary.

In *Carmouche v. State*, Franklin testified that the defendant freely and voluntarily consented to the search of his person. The Court of Criminal Appeals held otherwise after viewing a videotape of the encounter that presented *"indisputable visual evidence* contradicting essential portions of Franklin' testimony." 10 S.W.3d 323, 332 (Tex. Crim. App. 2000)(emphasis supplied). Likewise, the videotape here depicting more than four hour of interrogation "presents indisputable visual evidence" that Jo Smith's consent was not freely or voluntarily given. Instead, the video plainly shows that she provided her cell phone and password only after her will was overborne by detectives who, lacking probable cause for a search warrant, employed a combination of well-known coercive psychological techniques to obtain evidence from a young, uneducated and inexperienced person. Considering the totality of circumstances in this case, it is far from clear and convincing, and by no means positive and unequivocal, that Jo Smith freely and voluntarily consented to the warrantless seizure of her cell phone on July 15, 2020.

B. The relevant factors considered.

1. ***Ms. Smith was young, uneducated, and inexperienced***.

On July 15, 2020, Ms. Smith was a 17-year old youth with an 8th grade education,

and no adult criminal record. With all due respect to our client, there is nothing that can be gleaned from the facts of this case or the video interview, that suggests that her actual level of intelligence exceeded that of the average 17-year old with comparable schooling and life experience. These factors – youth, lack of education, and inexperience – have all been recognized as relevant to determining the voluntariness of consent, and each militate in favor of a determination that Ms. Smith did not freely and voluntarily consent to the seizure of her cell phone. *E.g.*, *Reasor v. State*, 12 S.W. 3d at 818 (noting "the Supreme Court has taken into consideration in past cases are: the youth of the accused, the education of the accused, the intelligence of the accused").

2. The detective combined false statements with false promises to coerce consent from Ms. Smith.

Detective Carlisle falsely told Ms. Smith that the persons responsible for Ms. Franklin's murder could be sentenced to death, though he had to have known that she was not eligible for the death penalty due to her age. And again and again, the experienced homicide detective, who was investigating a murder case, falsely suggested to Ms. Smith that he wanted to help her, and that "the key is your phone": "it is what puts you in the clear. . . . It could mean all the difference in the world ..... We just gotta be able to show that." *E.g., Meekins v. State*, 340 S.W.3d at 464 (stating that "evidence of factors that would tend to show coercion" include "threats, promises, deception").

The facts are that Detective Carlisle knew from surveillance videos that Ms. Smith had been at the scene of the murder and that she had walked away from the scene with

those who had actually murdered Ms. Franklin. Detective Carlisle was bent on getting her cell phone and it blinks reality to believe that his goal was to help Ms. Smith, or to do anything other than establish her guilt with the contents of that phone.

3. Ms. Smith was subjected to repetitive questioning over a prolonged period of time in an inherently coercive environment.

Over the course of more than four hours, Ms. Smith was questioned by two detectives, both wearing visible firearms, in a small, windowless interrogation room at the San Antonio Police Department. *See Meekins v. State*, 340 S.W.3d at 464 (stating that "evidence of factors that would tend to show coercion" include "an officer's display of a weapon"). Ms. Smith clearly rejected multiple attempts by Detective Carlisle to procure her consent. *cf. State v. Weaver*, 349 S.W.3d 521, 531 (Tex. Crim. App. 2011)(State failed to prove a "positive and unequivocal consent" after the property owner "indicated that he had had enough"). Finally, at 5:13pm, after almost three hours of repetitive questions falsely threatening the death penalty and offering help, when he realized that he would never get from her the positive and unequivocal consent required by the law, Carlisle chose not to ask again, and instead summarily declared, "they're going down to get your phone." And they did.

4. Ms. Smith was not advised of her constitutional rights, including that she had a right to refuse to consent to the seizure of her phone.

As Judge Kevin Yeary of the Texas Court of Criminal Appeals has observed: "Any parent or teacher can confirm how difficult it can be to separate a teenager from his cell phone." *Butler v. State*, 459 S.W.3d 595, 601 n. 3 (Tex. Crim. App. 2015). It would

have been clear to any objective, reasonable person that Jo Smith was just such a teenager, and that she did not want to part with her cell phone on July 15, 2020. Not once during the lengthy interrogation did Detectives Carlisle or Serrano mention any constitutional right to Ms. Smith, including that she had the right to refuse to consent. Although such warning is not required, it would have been both simple and fair to make this clear to Ms. Smith, and the case law establishes that a "subject's knowledge of right to refuse consent is one factor to be taken into account when considering voluntariness." *Carmouche v. State*, 10 S.W.3d 323, 332–33 (Tex. Crim. App. 2000); *see also Meeks v. State*, 692 S.W.2d 504, 510 (Tex. Crim. App. 1985)(this "warning is of evidentiary value in determining whether a valid consent was given").

Once it became apparent that Ms. Smith did not want to part with her cell phone, a fair investigator interested in complying with constitutional law would have stopped badgering her about it. Instead, the detectives here chose to ignore multiple explicit statements that clearly expressed Ms. Smith's will.

IV.
Conclusion
The State Cannot Meet Its Burden Of Proving, By Clear And Convincing Evidence, That Jo Smith Freely And Voluntarily Consented To The Seizure And Search Of Her Cell Phone

The totality of facts in this case do not amount to clear and convincing evidence that Jo Smith positively and unequivocally consented to the seizure of her cell phone. To the contrary, the interrogation video is indisputable evidence of a 17-year old youth with an 8th grade education who consistently and clearly expressed her unwillingness to part

with her cell phone, until her will was overborne by an experienced officer who falsely told her that she faced the death penalty, and then, repeatedly, that her only hope was to hand over the phone.

In *Riley v. California*, the police seized and searched the defendant's cell phone and attempted to use a different exception – search incident to arrest – to circumvent the Fourth Amendment's warrant requirement, but the Court rejected the effort. As Chief Justice Roberts said in that case: the answer "is accordingly simple—get a warrant." In our case, though, the detective knew he could not get a warrant because "specific facts connecting the items to be searched to the alleged offense are required for the magistrate to reasonably determine probable cause." *State v. Baldwin*, 2022 WL 1499508, at *11 (Tex. Crim. App. May 11, 2022), *cert. denied*, 143 S. Ct. 777 (2023)(recognizing that the cell phones of parties suspected of participating in an offense are not subject to search "merely because they owned cell phones").

The Court in *Riley* rejected law enforcement's attempt to do an end run on the Fourth Amendment, and this Court should reject the State's attempt to do so here. The warrantless seizure of Jo Smith's cell phone on July 15, 2020 was not justified by consent, or any other exception, and violated the Fourth and Fourteenth Amendments to the United States Constitution, Article I § 9 of the Texas Constitution, Article 38.23 of the Texas Code of Criminal Procedure, and Chapter 14 of the Texas Code of Criminal Procedure. Accordingly, Ms. Smith respectfully moves the Court to set the matter for a pretrial hearing pursuant to article 28.01 of the Texas Code of Criminal Procedure, and,

after hearing evidence, that the Court suppress all evidence obtained as a result of this illegal seizure, and the subsequent warrantless search of the phone.

Respectfully submitted:

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CERTIFICATE OF SERVICE

I certify that a copy of Defendant's Motion to Suppress Evidence from Warrantless Seizure and Search of Cell Phone has been electronically delivered to the Bexar County District Attorney's Office on April 20, 2025.

/s/ Mark Stevens
MARK STEVENS

NO. 2025-CR-00000

STATE OF TEXAS	)	IN THE DISTRICT COURT
VS.	)	226TH JUDICIAL DISTRICT
JO SMITH	)	BEXAR COUNTY, TEXAS

ORDER

On this the _____day of _____, 2025, came on to be considered Defendant's Motion To Suppress Evidence From Warrantless Seizure And Search Of Cell Phone, and said Motion is hereby

(GRANTED) (DENIED).

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PRESIDING JUDGE