

No. \_\_\_\_\_

---

---

**In The  
Supreme Court of the United States**

—◆—  
STATE OF IOWA,

*Petitioner,*

v.

MARVIS LATRELL JACKSON,

*Respondent.*

—◆—  
**On Petition For Writ Of Certiorari  
To The Iowa Supreme Court**

—◆—  
**PETITION FOR WRIT OF CERTIORARI**

—◆—  
THOMAS J. MILLER  
Attorney General of Iowa

JEFFREY THOMPSON  
Solicitor General

KEVIN CMELIK  
Division Director, Criminal Appeals  
*Counsel of Record*  
Hoover Bldg., 2nd Floor  
1305 E. Walnut  
Des Moines, Iowa 50319  
(515) 281-5976  
kevin.cmelik@iowa.gov

---

---

COCKLE LEGAL BRIEFS (800) 225-6964  
WWW.COCKLELEGALBRIEFS.COM

**QUESTION PRESENTED**

When an individual consents to the search of a room he occupies, when may a law enforcement officer, consistent with the Fourth Amendment, search a closed container found within that room?

## TABLE OF CONTENTS

	Page
Question Presented .....	i
Table of Contents .....	ii
Table of Authorities .....	iv
Opinions Below .....	1
Jurisdiction .....	1
Constitutional and Statutory Provisions .....	1
Statement of the Case .....	1
A. Factual Background .....	3
1. The Crimes .....	3
B. The Search .....	5
C. Procedural Background .....	6
Reasons for Granting the Writ .....	10
I. The Courts are Deeply Divided on Whether Officers, Consistent with the Fourth Amend- ment, May Search Closed Containers Lo- cated in Areas to Which Consent to Search has been Given .....	12
II. The Question Presented is Recurring and Important .....	20
III. This Case is an Ideal Vehicle to Resolve the Question Presented .....	24
IV. The Iowa Supreme Court's Decision was Incorrect .....	25
Conclusion .....	29

## TABLE OF CONTENTS – Continued

## Page

## APPENDIX

Supreme Court Opinion, filed April 29, 2016 ..... App. 1

Court of Appeals Opinion, filed May 6, 2015 .... App. 87

District Court Ruling on Motion to Suppress,  
filed July 5, 2013 ..... App. 98

District Court Findings of Fact, Conclusions  
of Law and Verdicts, filed November 20,  
2013 ..... App. 122

## TABLE OF AUTHORITIES

## Page

## CASES

<i>Commonwealth v. Brooks</i> , 388 S.W.3d 131 (Ky. Ct. App. 2012) .....	19
<i>Fernandez v. California</i> , 134 S.Ct. 1126 (2014).....	12, 20
<i>Florida v. Jimeno</i> , 500 U.S. 248 (1991) .....	13, 14
<i>Georgia v. Randolph</i> , 547 U.S. 103 (2006).....	24
<i>Glenn v. Commonwealth</i> , 654 S.E.2d 910 (Va. 2008) .....	17
<i>Illinois v. Rodriguez</i> , 497 U.S. 177 (1990) .....	<i>passim</i>
<i>Katz v. United States</i> , 389 U.S. 347 (1967).....	12
<i>Norris v. State</i> , 732 N.E.2d 185 (Ind. Ct. App. 2000) .....	19
<i>Pennington v. State</i> , 913 P.2d 1356 (Okla. Crim. App. 1995).....	17
<i>People v. Adams</i> , 422 N.E.2d 537 (N.Y. Ct. App. 1981) .....	20
<i>People v. Gonzalez</i> , 667 N.E.2d 323 (1996).....	19
<i>People v. James</i> , 645 N.E.2d 195 (Ill. 1994).....	20
<i>People v. McKinstrey</i> , 852 P.2d 467 (Colo. 1993) .....	20
<i>People v. Trevino</i> , 2011 WL 9692696 (Ill. Ct. App. May 27, 2011) .....	15, 16, 25
<i>Schneckloth v. Bustamonte</i> , 412 U.S. 218, 93 S.Ct. 2041, 36 L.Ed.2d 854 (1973) .....	20
<i>State v. Edwards</i> , 570 A.2d 193 (1990) .....	19

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.