

COURT OF CRIMINAL APPEALS OF ALABAMA

State of Alabama v. Kala Blakely and Bartley Evan Blakely

Blakely · No. CR-2025-0337 · Decided February 6, 2026

SUMMARY

The Alabama Court of Criminal Appeals reviews the State's appeal from a Jefferson Circuit Court order suppressing forensic evidence obtained from the Blakelys' cellular telephones and evidence obtained from Google accounts under the fruit-of-the-poisonous-tree doctrine. The opinion addresses whether an October 2021 warrant authorized the forensic examination of seized electronic devices despite language contemplating a subsequent warrant. The court concludes that the circuit court made legal errors in interpreting the warrant and in requiring a second warrant, and it reverses and remands.

CASE DETAILS

COURT	Court of Criminal Appeals of Alabama
WRITING FOR THE COURT	Anderson, Judge; Minor, Judge; Windom, Presiding Judge; Kellum, Judge; Cole, Judge
JURISDICTION	Alabama Court of Criminal Appeals
DECIDED	February 6, 2026
DOCKET	CR-2025-0337
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State brought a pretrial appeal under Rule 15.7(a), Ala. R. Crim. P., from the Jefferson Circuit Court's order suppressing evidence recovered from the defendants' cellular telephones and evidence obtained from Google under a later warrant.
STANDARD OF REVIEW	De novo review applies to a trial court's ruling on a motion to suppress when the material facts are undisputed.
PRECEDENTIAL VALUE	published
PARTIES	State of Alabama v. Kala Blakely, Bartley Evan Blakely

TOPICS

- suppression of evidence
- search and seizure
- fourth amendment
- warrant requirement
- exclusionary rule

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the October warrant authorized law-enforcement officers to search the contents of the seized cellular telephones and other digital-storage devices.
2. Whether a second warrant was required before officers could conduct a forensic search of the seized devices when the original affidavit established probable cause to believe that evidence of aggravated child abuse was contained within them.
3. Whether suppression of the Google evidence was warranted under the fruit-of-the-poisonous-tree doctrine.
4. Whether the exclusionary rule applied given the officers' good-faith, nonintentional conduct and the asserted inevitable discovery of the evidence.

HOLDINGS

1. The October warrant authorized both the seizure and search of the listed digital-storage devices, including the cellular telephones, for evidence within the scope of the probable cause stated in the affidavit.
2. A second search warrant was not required where the initial warrant was supported by an affidavit establishing probable cause to believe that the sought evidence was contained within the seized electronic devices and the search remained within the scope of that probable cause.
3. The Google evidence was not suppressible as fruit of the poisonous tree because it was obtained through information lawfully discovered during the execution of the October warrant.
4. Suppression was unwarranted because the officers acted without malicious or deliberate disregard of the defendants' Fourth Amendment rights, and the warrant authorized the relevant search.
5. The record also supported admission under the inevitable-discovery exception because the officers had probable cause and were actively pursuing an investigation that would have lawfully led to discovery of the digital evidence.

KEY QUOTATIONS

*“We hold, as the Tenth Circuit and Sixth Circuit held under similar circumstances in *Grimmett* and *Evers*, respectively, that in cases involving the seizure and search of electronic devices containing data, such as cellular telephones and computers, a second search warrant is not required to search the contents of such devices when the initial search warrant is based on an affidavit that demonstrates probable cause to believe that the evidence sought is contained within those devices.”* (at 25-26)

“In short, there was nothing poisonous about the tree that produced the fruit used to obtain the November warrant, and the circuit court clearly erred when it suppressed the responsive evidence produced by Google.” (at 34)

FACTUAL BACKGROUND

Law-enforcement officers obtained an October 2021 warrant based on probable cause to believe that digital devices at the Blakelys' residence contained evidence of aggravated child abuse. The warrant authorized the seizure and search of specified digital-storage devices and permitted limited access to determine user attribution, but it also contained conflicting language contemplating a later warrant for forensic processing. Officers forensically examined the cellular telephones without obtaining that additional warrant and used information discovered on the phones to obtain a November warrant for three Google accounts. The circuit court suppressed both the phone evidence and the Google evidence.

PROCEDURAL HISTORY

Kala Blakely was indicted for attempted murder and aggravated child abuse, and Bartley Blakely was later indicted for the same offenses. The cases were joined. The circuit court granted the defendants' motions to suppress, finding that the October 2021 warrant authorized seizure but not forensic examination of the cellular telephones without a second warrant, and that the Google evidence was fruit of the poisonous tree. The State appealed, and the Court of Criminal Appeals reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Jefferson Circuit Court must conduct further proceedings consistent with the opinion after denying suppression of the cellular-telephone evidence and the evidence obtained pursuant to the November Google warrant.

CASES CITED

- State v. Otwell, 733 So. 2d 950, 952 (Ala. Crim. App. 1999)
- State v. Cheatwood, 267 So. 3d 882, 884-85 (Ala. Crim. App. 2018)
- Smith v. State, 908 So. 2d 273, 289 (Ala. Crim. App. 2000)
- State v. Hunt, 316 So. 3d 271, 283-86 (Ala. Crim. App. 2020)
- Riley v. California, 573 U.S. 373 (2014)
- United States v. Grimmer, 439 F.3d 1263, 1266-69 (10th Cir. 2006)
- United States v. Evers, 669 F.3d 645, 650-53 (6th Cir. 2012)
- United States v. Richards, 659 F.3d 527, 539 n.10 (6th Cir. 2011)
- United States v. Upham, 186 F.3d 532, 535 (1st Cir. 1999)
- United States v. Ventresca, 380 U.S. 102, 108 (1965)
- Herring v. United States, 555 U.S. 135, 140, 143-44 (2009)
- Illinois v. Gates, 462 U.S. 213, 223 (1983)
- United States v. Calandra, 414 U.S. 338, 347-48 (1974)
- United States v. Leon, 468 U.S. 897, 905-25 (1984)

- Davis v. United States, 564 U.S. 229, 237-39 (2011)
- Nix v. Williams, 467 U.S. 431, 441-48 (1984)
- Kabat v. State, 867 So. 2d 1153, 1156 (Ala. Crim. App. 2003)
- DeMoss v. State, 12 S.W.3d 553, 558 (Tex. App. 1999)

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