

MICHIGAN COURT OF APPEALS

People of the State of Michigan v. Kenneth McDonald

No. 375243 (Mich. Ct. App. Feb. 17, 2026) (unpublished) · No. 375243 · Decided February 17, 2026

SUMMARY

The Michigan Court of Appeals affirmed the trial court’s order suppressing evidence obtained from Kenneth McDonald’s cell phone. The court held that the search warrant lacked sufficient particularity and failed to establish an adequate nexus between the broad categories of digital data sought and suspected criminal conduct. The court also concluded that the good-faith exception to the exclusionary rule did not apply because the warrant was facially deficient.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                      |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Michigan Court of Appeals                                                                                                                                                                                                                            |
| WRITING FOR THE COURT | Kathleen A. Feeney, P.J.; Kristina Robinson Garrett, J.; Mariam S. Bazzi, J.                                                                                                                                                                         |
| JURISDICTION          | Michigan Court of Appeals                                                                                                                                                                                                                            |
| DECIDED               | February 17, 2026                                                                                                                                                                                                                                    |
| DOCKET                | 375243                                                                                                                                                                                                                                               |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE    | The prosecution appealed by leave granted, following a Michigan Supreme Court remand, from the trial court's order suppressing data obtained from McDonald's cell phone.                                                                             |
| STANDARD OF REVIEW    | The ultimate decision on a motion to suppress based on an alleged constitutional violation is reviewed de novo. Factual findings from a suppression hearing are reviewed for clear error, and application of law to those facts is reviewed de novo. |
| PRECEDENTIAL VALUE    | unpublished and generally nonprecedential                                                                                                                                                                                                            |
| PARTIES               | People of the State of Michigan v. Kenneth McDonald                                                                                                                                                                                                  |

TOPICS

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

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the search warrant for McDonald's cell phone satisfied the Fourth Amendment and Michigan Constitution's particularity requirement.
2. Whether the good-faith exception to the exclusionary rule rendered the evidence admissible despite the warrant's constitutional deficiencies.
3. Whether portions of the warrant could be severed so that some cell-phone data could be admitted.

## HOLDINGS

1. The warrant was constitutionally invalid because it authorized an essentially unrestricted search of McDonald's cell-phone data without identifying the offense under investigation, establishing a sufficient nexus between the data sought and suspected criminal conduct, or limiting the search by relevant data categories or time periods.
2. The good-faith exception to the exclusionary rule did not apply because the warrant was so facially deficient in particularity that executing officers could not reasonably have presumed it valid.
3. The Court declined to sever portions of the warrant because the prosecution failed to provide an adequately briefed severance analysis showing that valid categories were distinguishable from invalid categories and constituted the great part of the warrant.

## KEY QUOTATIONS

*“As in Carson, the search warrant in this case was insufficient to satisfy the particularity requirement of the Fourth Amendment because it essentially authorized the collection of all data from McDonald’s phone since the phone’s first use.” (at 8)*

*“Such deficiencies run directly contrary to the core protections of the Fourth Amendment, which exist to prevent precisely this type of unfettered governmental intrusion.” (at 11)*

## FACTUAL BACKGROUND

Kenneth McDonald and his wife, Grace, found Grace's mother, Stella Maltese, dead in her home with a cord around her neck. McDonald and Grace initially stated that they had been at home during the period when surveillance footage indicated that the van they used had returned to the area of Maltese's home. Police also observed marks on McDonald's hands that appeared consistent with pressure from the cord. A search warrant authorized extraction of an extensive range of data from McDonald's cell phone, including location data, communications, photographs, videos, e-mails, calendar information, Internet history, and information from installed applications.

## PROCEDURAL HISTORY

McDonald was charged with second-degree murder and moved to suppress cell-phone data obtained under a search warrant. After an evidentiary hearing, the Macomb Circuit Court ruled that the affidavit and warrant

failed to establish a sufficient nexus to criminal conduct and lacked particularity, and it suppressed the evidence. The Court of Appeals initially denied the prosecution's application for leave to appeal. The Michigan Supreme Court remanded the matter for consideration as on leave granted. The Court of Appeals affirmed the suppression order.

## DISPOSITION

affirmed

## CASES CITED

- People v. McDonald, unpublished order of the Court of Appeals, entered July 2, 2025 (Docket No. 375243)
- People v. McDonald, 25 N.W.3d 377 (Mich. 2025)
- People v. Gingrich, 307 Mich. App. 656, 661; 862 N.W.2d 432 (2014)
- People v. Sammons, 505 Mich. 31, 41; 949 N.W.2d 36 (2020)
- People v. Horton, 345 Mich. App. 612, 616; 8 N.W.3d 622 (2023)
- People v. Brcic, 342 Mich. App. 271, 277-278; 994 N.W.2d 812 (2022)
- Riley v. California, 573 U.S. 373, 403; 134 S. Ct. 2473; 189 L. Ed. 2d 430 (2014)
- People v. Hughes, 506 Mich. 512, 527, 541-542; 958 N.W.2d 98 (2020)
- People v. Bogucki, unpublished opinion of the Court of Appeals, issued 2025 (Docket No. 372629)
- People v. Unger, 278 Mich. App. 210, 245; 749 N.W.2d 272 (2008)
- Steele v. United States, 267 U.S. 498, 503; 45 S. Ct. 414; 69 L. Ed. 757 (1925)
- People v. Hellstrom, 264 Mich. App. 187, 192-193; 690 N.W.2d 293 (2004)
- People v. Carson, unpublished opinion of the Court of Appeals, issued May 16, 2024 (Docket No. 355925)
- People v. Carson, 25 N.W.3d 377 (Mich. 2025) (Docket No. 166923)
- People v. Keller, 479 Mich. 467, 475-479; 739 N.W.2d 505 (2007)
- People v. Russo, 439 Mich. 584, 603-604; 487 N.W.2d 698 (1992)
- People v. Hughes (On Remand), 339 Mich. App. 99, 110-111; 981 N.W.2d 182 (2021)
- People v. Hawkins, 468 Mich. 488, 498-499; 668 N.W.2d 602 (2003)
- People v. Woolfolk, 304 Mich. App. 450, 478; 848 N.W.2d 169 (2014), *aff'd*, 497 Mich. 23 (2014)
- Blackburne & Brown Mortgage Co. v. Ziomek, 264 Mich. App. 615, 619; 692 N.W.2d 388 (2004)