UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-2721

UNITED STATES OF AMERICA,
Appellant

v.

JASON CAIN

On Appeal from the U.S. District Court, E.D. Pa.
Judge Mitchell S. Goldberg (retired), No. 2:24-cr-00293-001

Before: PHIPPS, FREEMAN, and MASCOTT, *Circuit Judges*
Argued: May 26, 2026; Filed: Nov. 17, 2026

OPINION OF THE COURT

FREEMAN, *Circuit Judge*. Jason Cain was charged with seven counts of producing child sexual abuse material. He successfully moved to suppress the evidence police recovered when they executed warrants to search his electronic devices. For the reasons that follow, we will reverse the suppression order and remand for further proceedings.

I

In October 2023, the parents of two young children reported to police that Jason Cain repeatedly exposed himself to their children ("Victim 1" and "Victim 2") in his home while they were in his care. A Pennsylvania State Trooper sought a warrant to search Cain's home and his person for electronic devices containing evidence related to indecent exposure, unlawful contact with a minor, and endangering the welfare of a child. In the lengthy supporting affidavit, the Trooper

recounted evidence that Cain exposed himself to Victim 1 and Victim 2 several times, once used a GoPro video camera to record the victims playing, and sent the victims' mother photographs of the victims while they were in his care. The Trooper also averred that, based on her training and experience, "persons with a sexual interest in children may use electronic devices to store images and/or videos of children for the purpose of sexual gratification." App. 49.

A Chester County Assistant District Attorney approved the Trooper's warrant application, and then a magistrate approved the warrant. The warrant permitted the seizure of all electronic devices found in Cain's home or on his person. It also permitted the search of those devices for photographs or videos of Victim 1 and Victim 2.

When officers entered Cain's home to execute the warrant, they saw signs that he had been masturbating in front of a computer, had hastily ejected an external hard drive from the computer, and was using his iPhone to track his wife's location. Officers seized Cain's electronic devices that day, but they did not immediately access the content of those devices. Instead, three days later, the same Trooper who prepared the first warrant obtained a second warrant. In the supporting affidavit, the Trooper restated the original evidence and added the indications that Cain sought to hide the electronic content he was viewing while masturbating on the date of the first search. The second warrant authorized a search of Cain's devices for images of Victim 1 and Victim 2 and sexually explicit images of children.

An initial forensic analysis of the devices recovered videos and photos of Cain sexually abusing young children in his home. The videos also revealed that Cain had used hidden cameras in his home to record the victims. Those hidden cameras were not seized during the initial search of Cain's home. Based on the evidence found on the devices, plus evidence from two more children who came forward with

allegations that Cain had exposed himself to them (Victim 3) or removed their clothing and touched their genitals (Victim 4), police obtained a third warrant. The third warrant authorized a search of Cain's home for the hidden cameras he used to surreptitiously record the child victims.

Cain's wife later found additional electronic devices in the home: SD cards, a spy camera in the shape of a pen, and a power bank for a portable hidden spy camera. She voluntarily turned those items over to law enforcement. Based on all the evidence summarized above, federal law enforcement obtained a fourth search warrant, which authorized them to search the items they received from Cain's wife.

II

As the evidence against him mounted, Cain was charged in state court with various offenses. Ten months after the initial search of Cain's home, a federal grand jury returned an indictment charging Cain with nine counts: seven counts of manufacturing and attempted manufacturing of child pornography, in violation of 18 U.S.C. § 2251(a), and two counts of possession of child pornography, in violation of 18 U.S.C. § 2252(a)(4)(B).

Cain moved to suppress the evidence gathered from all four warrants. The District Court held a hearing and then granted the motion. It held that the first two warrants were not supported by probable cause, and the good faith exception to the exclusionary rule did not apply. It also held that officers' reliance on the first two warrants tainted the subsequent warrants.

The government timely appealed.

III[1]

To reverse the District Court's suppression order, we need only examine the first warrant. Even if probable cause was lacking for that warrant (a question we need not reach), the police who executed it had an objectively reasonable belief that executing the warrant did not violate the Fourth Amendment. That good-faith reliance means we will not exclude the evidence that warrant authorized police to recover. And because the first and the second warrants both authorized searches of the same electronic devices for images of children, any possible Fourth Amendment error with regard to the second warrant was harmless. Lastly, the officers' good-faith reliance on the first warrant extends to the third and fourth warrants.

A

"The Fourth Amendment forbids 'unreasonable searches and seizures' and mandates that 'no Warrants shall issue, but upon probable cause.'" *United States v. Caesar*, 2 F.4th 160, 167 (3d Cir. 2021) (quoting U.S. Const. amend. IV). But a Fourth Amendment violation "does not always guarantee suppression of evidence derived from an illegal search." *Id.*

---

[1] The district court had jurisdiction pursuant to 18 U.S.C. § 3231. We have jurisdiction pursuant to 18 U.S.C. § 3731. "We exercise plenary review over the District Court's evaluation of the magistrate's probable cause determination." *United States v. Stearn*, 597 F.3d 540, 554 (3d Cir. 2010). We conduct a deferential review of the magistrate's initial probable cause determination, asking whether the magistrate "had a substantial basis for concluding that probable cause existed." *Id*. (citation modified). Our review of the District Court's conclusion that the good faith exception did not apply is plenary. *United States v. Hodge*, 246 F.3d 301, 307 (3d Cir. 2001).

Under the good faith exception to the exclusionary rule, suppression is not warranted if evidence was "obtained in objectively reasonable reliance" on a warrant that is later invalidated for lack of probable cause. *Id.* (quoting *United States v. Leon*, 468 U.S. 897, 922 (1984)).

The good faith exception largely resolves this appeal. Even assuming probable cause for the first warrant was lacking, Cain does not contend that anything in the first warrant application was false. *See Leon*, 468 U.S. at 923. And the warrant was issued by a magistrate, which "normally suffices to establish that a law enforcement officer has acted in good faith in conducting the search." *Id.* at 922 (citation modified). That normal rule applies here.

The Trooper's affidavit was not "so lacking in indicia of probable cause as to render official belief in [the] existence [of probable cause] entirely unreasonable." *Id.* at 923 (citation modified). Among other things, the affidavit (1) detailed the information obtained from forensic interviews of Victim 1 and Victim 2, who reported that Cain repeatedly exposed himself to them in his home; (2) addressed evidence from Victim 1 and Victim 2 and their mother that Cain photographed and videorecorded the victims; (3) stated the Trooper's opinion, based on her training and experience, that individuals with a sexual interest in children may retain images of the children for viewing at a later date; and (4) and stated the Trooper's belief that Cain's devices contained photographs or videos of Victim 1 and Victim 2. Moreover, a prosecutor approved of the warrant application before the Trooper submitted it to a magistrate. *See Messerschmidt v. Millender*, 565 U.S. 535, 553 (2012) (considering an officer's submission of a warrant application to a prosecutor for approval as support for the officer's good faith in the existence of probable cause). All this demonstrates good faith.

The District Court concluded otherwise based on an erroneous reading of the warrant.[2] The first warrant said nothing about child pornography; rather, it authorized a search for "photographs and/or videos of Victim 1 and Victim 2," App. 50. Nevertheless, the District Court determined that, in truth, the Trooper was searching for child pornography. The District Court reasoned that (1) "the affidavit clearly states that police were hoping to find images of Victims 1 and 2 kept by Defendant for sexual gratification—child pornography," (2) the Trooper's "opinion connecting those with a sexual interest in children to the use of electronic devices is only necessary if police are searching for child pornography," and (3) "it is unclear what evidence—other than the pictures the Victims' mother already had on her phone—[the] Trooper . . . hoped to collect to corroborate the fact that the Victims were in fact inside Defendant's home" on the dates the children reported indecent exposures. App. 13–14 n.5.

We disagree with all three reasons. First, not all images used for sexual gratification are pornographic. So it was entirely reasonable for the Trooper to believe that someone with a sexual interest in two particular children would retain non-pornographic images *of those children* for sexual gratification.

Second, it is not unreasonable to connect Cain's apparent sexual interest in Victim 1 and Victim 2 to his

---

[2] Because we construe the warrant based only on facts within its four corners, our review is plenary. *See United States v. Wright*, 937 F.3d 8, 19 (1st Cir. 2019) (applying de novo review to the proper construction of a warrant); *United States v. Ortega-Jimenez*, 232 F.3d 1325, 1328 (10th Cir. 2000) (same, regarding the scope of a warrant); *cf. United States v. Jones*, 994 F.2d 1051, 1055 & n.5 (3d Cir. 1993) (applying plenary review where a district court's analysis was limited to what appeared within the four corners of an affidavit).

electronic devices. After all, he was reported to have exposed himself to those victims and to have used his devices to take photos and videos of those victims.

What remains is the Trooper's search for images beyond what Cain shared with the victims' mother. But that does not evince a search for child pornography either. A reasonable officer could conclude that additional images had investigatory value, not only to corroborate the victims' presence at Cain's home, but also because the images documented Cain's relationship with the victims. For instance, a large quantity of images of Victim 1 or Victim 2 on Cain's devices could corroborate Cain's sexual interest in the victims even if those images were not pornographic. So the District Court erred when it construed the warrant as searching for child pornography.

Properly construed, the first warrant authorized police to search for images of Victim 1 and Victim 2, not child pornography. And, based on the content of the affidavit and the reasonable inferences described above, it was not objectively unreasonable for the police who executed the first warrant to rely on the magistrate's determination that there was probable cause to search Cain's electronic devices for that evidence. *Leon*, 468 U.S. at 921.[3]

---

[3] As the District Court noted, we have twice held that certain allegations of sexual misconduct with children did not establish probable cause to search the defendant's home for child pornography. *See Virgin Islands v. John*, 654 F.3d 412, 414 (3d Cir. 2011) (no probable cause where an affidavit that did not allege a connection between allegations that the defendant sexually abused minors at his workplace and the search for child pornography at his home); *United States v. Zimmerman*, 277 F.3d 426, 433 (3d Cir. 2002) (same, where "there was absolutely no information in the affidavit or

Of course, our task (and the District Court's) would have been far easier if the affidavit had expressly stated how images of Victims 1 and 2 would aid the investigation or prosecution of Cain for the suspected crimes: indecent exposure, unlawful contact with a minor, and endangering the welfare of a child. When officers seek a warrant to search for "mere evidence"—as opposed to contraband or the fruits of a crime—we must assess whether they have "probable cause . . . to believe that the evidence sought will aid in a particular apprehension or conviction." *Andresen v. Maryland*, 427 U.S. 463, 483 (1976) (citation modified); *United States v. Donahue*, 764 F.3d 293, 303 (3d Cir. 2014) ("[T]he prevailing standard for establishing probable cause refers interchangeably to probable cause for the presence of both contraband and evidence of a crime."). And sometimes, as here, the connection between "mere evidence" and the investigation or prosecution is not pellucid. Still, we are persuaded that there is a connection in this case. So this is "the ordinary case" in which "an officer cannot be expected to question the magistrate's probable-cause determination." *Leon*, 468 U.S. at 921.

B

Because the officers relied in good faith on the first warrant, which authorized them to search all electronic devices they found in Cain's home or on his person, we will not suppress the evidence obtained from those electronic devices. That means we do not need to address whether the second warrant was lawful. The first and second warrants both

---

anywhere else indicating that child pornography was—or ever had been—located [in the home]"). In both cases, probable cause was so plainly lacking that, despite the issuance of warrants, the good faith exception did not apply. *Zimmerman*, 277 F.3d at 438; *John*, 654 F.3d at 417–22. But those cases are not relevant here, where the first warrant did not seek child pornography.

authorized a search of the same electronic devices for images of Victim 1 and Victim 2. The difference is that the second warrant also authorized a search for child pornography. But even if the second warrant was unconstitutional, officers' good-faith reliance on the first warrant would have yielded the same evidence. *See United States v. Caesar*, 2 F.4th 160, 178–79 (3d Cir. 2021) ("Because the initial warrant permitted both the seizure and search of the electronic devices and supported the officers' good faith reliance, the [subsequent] warrant was unnecessary to review the contents of the devices.").

We will not suppress the evidence from the third or fourth warrants, either. When officers conducted the search authorized by the first warrant, they found videos and photos of Cain sexually abusing children in his home, and they learned that there were additional electronic devices in Cain's home. They put that evidence (along with independently obtained evidence that Cain engaged in criminal sexual misconduct with Victim 3 and Victim 4) into the affidavit they used to obtain the third warrant. And "an objectively reasonable officer could have believed the information contained in the affidavit supporting the [third] search warrant had been lawfully obtained." *United States v. Curry*, 911 F.2d 72, 78 (8th Cir. 1990) (concluding that, where good faith supported reliance on a first warrant, it likewise supported reliance on a subsequent warrant); *see also United States v. Stearn*, 597 F.3d 540, 545, 567 (3d Cir. 2010) (reversing the exclusion of evidence as the "fruit of the poisonous tree" where the preceding search was upheld under the good faith exception). So the third warrant is covered by the good faith doctrine, too.

This reasoning applies equally to the fourth warrant. It was objectively reasonable for officers to believe the information in the supporting affidavit was lawfully obtained. *Curry*, 911 F.2d at 78. No suppression is warranted.

C

The District Court did not reach Cain's argument that the first and second warrants were unlawful "general warrants." Cain re-raises that argument on appeal, but his argument is unavailing.

A warrant violates the Fourth Amendment's particularity requirement if it "vest[s] executing officers with unbridled discretion to conduct an exploratory rummaging through [a] defendant's [belongings] in search of criminal evidence." *United States v. Ninety-Two Thousand Four Hundred Twenty-Two Dollars & Fifty-Seven Cents ($92,422.57)*, 307 F.3d 137, 149 (3d Cir. 2002) (citation modified)). We have provided examples of general warrants: those that authorize searches for and seizures of "such vague categories of items such as 'smuggled goods, 'obscene materials,' 'books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings and other written instruments concerning the Communist Party of Texas,' 'illegally obtained films,' and 'stolen property.'" *Id.* (citation modified). But a warrant is not general merely because it contains a broad list of items to be searched and seized. *See id.* For instance, a warrant is not general if it authorizes the search and seizure of "[c]omputers, computer peripherals, related instruction manuals and notes, and software" in pursuit of business records. *Id.* Nor is it general if it authorizes the search of a long list of electronic devices in pursuit of evidence of sexual abuse of children, as proscribed by two statutes listed in the warrant. *United States v. Tracey*, 597 F.3d 140, 154 (3d Cir. 2010). The same is true here, where the first and second warrants authorized the search and seizure of a broad category of electronic devices in pursuit of images of Victim 1 and Victim 2, as related to violations of the statutes listed in the warrant.

* * *

For the foregoing reasons, we will REVERSE the suppression order and REMAND for further proceedings.

Counsel for Appellant

Michelle Rotella
Robert A. Zauzmer [Argued]
OFFICE OF THE UNITED STATES ATTORNEY

Counsel for Appellee

Zak T. Goldstein [Argued]
GOLDSTEIN MEHTA

Thomas C. Clemens
CLEMENS LAW