

United States Court of Appeals
For the Eighth Circuit

No. 25-1788

United States of America

Plaintiff - Appellee

v.

Nicholas Joseph Peterson

Defendant - Appellant

Appeal from United States District Court
for the Western District of Missouri - Kansas City

Submitted: April 15, 2026

Filed: August 17, 2026

Before KELLY, GRASZ, and KOBES, Circuit Judges.

GRASZ, Circuit Judge.

Nicholas Peterson pled guilty to attempted production, possession, and receipt of child pornography and was sentenced to 262 months of imprisonment followed by a lifetime of supervised release. Before pleading guilty, Peterson filed a motion to suppress evidence, arguing extraterritorial search warrants issued by a Nebraska

judge violated his constitutional rights. The district court¹ denied the motion, and Peterson appeals. We affirm.

I. Background

Peterson met Minor Victim through an online virtual reality game. At the time, Peterson was 21 years old, and he was aware that Minor Victim was 15 years old. Peterson and Minor Victim communicated through Snapchat, where Peterson used the username “kingnoob9000.” Peterson and Minor Victim engaged in sexually explicit conversations and exchanged sexually explicit images over Snapchat.

In March 2021, Minor Victim’s father and stepmother discovered her Snapchat messages with kingnoob9000. They filed a police report with the Sheriff’s Office in Sarpy County, Nebraska (SCNSO), and provided Minor Victim’s phone and Snapchat information. In response, SCNSO Investigator Rachel Spurgeon opened a child enticement investigation and attempted to identify kingnoob9000.

Investigator Spurgeon sent preservation of records requests to Snap Inc. (Snap), in Santa Monica, California, for kingnoob9000’s and Minor Victim’s Snapchat accounts. *See* 18 U.S.C. § 2703(f). Then, Investigator Spurgeon prepared an affidavit and application for issuance of a search warrant, seeking kingnoob9000’s basic subscriber information,² communication logs, and messaging content from Snap. In the affidavit and application, Investigator Spurgeon stated she was investigating a “violation of Nebraska State Statute 28-833 Electronic Child [E]nticement.” She did not reference any federal laws. A county attorney reviewed

¹The Honorable David Gregory Kays, United States District Judge for the Western District of Missouri.

²Specifically, Investigator Spurgeon requested the username, email address, phone number, user vanity name, account creation date, timestamps, and IP addresses associated with the kingnoob9000 account.

the affidavit and application and presented it to a Sarpy County judge, who signed the search warrant.

In June 2021, Snap responded to the search warrant by providing an email address, phone number, and IP address associated with the kingnoob9000 account. Snap also stated, “[its] response is made in accordance with state and federal law, including the Stored Communications Act, 18 U.S.C. [§] 2701, *et seq.*”³ Investigator Spurgeon discovered the IP address was linked to a Google Fiber account.⁴ So she prepared another affidavit and application for issuance of a search warrant seeking account records for the IP address from Google Inc. (Google), located in Mountain View, California. As she did in the first affidavit and application, Investigator Spurgeon stated she was investigating Electronic Child Enticement. On September 8, 2021, a Sarpy County judge signed the search warrant.

In response to this warrant, Google provided information about the IP address that led to a residence in Kansas City, Missouri, and to a subscriber named Renee Peterson. Therefore, Investigator Spurgeon inferred that kingnoob9000 was living in Missouri, and, due to the obstacles inherent in a cross-state investigation, Investigator Spurgeon sent the case file to the FBI office in Omaha, Nebraska, which, in turn, sent the case to the FBI office in Kansas City.

The FBI office in Kansas City continued the investigation and conducted surveillance at the Kansas City residence. It discovered Renee Peterson’s son, Nicholas Peterson, was living at the residence and he was most likely kingnoob9000. An FBI task force officer prepared an affidavit with information obtained by

³The warrant was not issued under the Stored Communications Act, and Investigator Spurgeon did not reference it in her application or affidavit.

⁴Investigator Spurgeon also discovered that the email address was registered with Microsoft Corporation USA (Microsoft) in Redmond, Washington. As a result, a county attorney prepared a County Attorney Subpoena to Microsoft, seeking subscriber information associated with the email account. Microsoft, however, only provided the date the email address was created.

Investigator Spurgeon, seeking a federal search warrant for the residence. The search warrant was signed by a federal magistrate judge in the Western District of Missouri, and it was executed on May 27, 2022.

During the search, the FBI seized Peterson's electronic devices and interviewed him. Child pornography was found on Peterson's cellphone, and he admitted to exchanging child pornography and requesting images of sexually explicit conduct from children.

A federal grand jury indicted Peterson on five counts: (I) Attempted Production of Child Pornography, 18 U.S.C. § 2251(a) and (e); (II & III) Distribution of Child Pornography, 18 U.S.C. § 2252(a)(2); (IV) Receipt of Child Pornography, 18 U.S.C. § 2252(a)(2); and (V) Possession of Child Pornography, 18 U.S.C. § 2252(a)(4). Relevant here, Peterson moved to suppress all the evidence seized in his case, including any statements he made during the interview. In his motion, Peterson argued the warrants issued by the Sarpy County judges violated his Fourth, Fifth, Sixth, and Fourteenth Amendment rights because the warrants sought information held by Snap and Google in California, which is outside of the judges' territorial jurisdiction. A federal magistrate judge held a hearing on the motion and issued a report and recommendation (R&R), suggesting the motion should be denied. The district court adopted the magistrate judge's R&R and denied Peterson's motion.

Peterson and the government entered into a plea agreement, by which Peterson pled guilty to Counts I, IV, and V and "reserve[d] the right to file a direct appeal from his conviction to obtain appellate review of the denial of his pretrial motion to suppress evidence." The district court sentenced Peterson to 262 months of imprisonment and a lifetime of supervised release. Peterson now appeals the denial of his motion to suppress.

II. Discussion

We apply “a mixed standard of review to the denial of a motion to suppress,” “review[ing] the district court’s factual findings for clear error and the denial of the suppression motion de novo.” *United States v. Stevenson*, 66 F.4th 1143, 1145 (8th Cir. 2023). We “may affirm the district court’s denial of a motion to suppress on any ground supported by the record.” *Id.* (quoting *United States v. Mays*, 993 F.3d 607, 614 (8th Cir. 2021)).

Peterson argues the district court erred by denying his motion to suppress. Specifically, he claims the Snap and Google search warrants were void because they were issued in excess of the Sarpy County judges’ territorial jurisdiction and, thus, violated his Fourth Amendment rights. As a direct result, he also argues that the FBI’s subsequent search and interview must be suppressed as fruit of the poisonous tree because the FBI’s warrant application and affidavit included information obtained from the Snap and Google search warrants. We disagree.

The Fourth Amendment prohibits “unreasonable searches and seizures” U.S. Const. amend. IV. A search or seizure based on an invalid warrant is “the constitutional equivalent of a warrantless search” and is presumptively unreasonable. *United States v. Horton*, 863 F.3d 1041, 1049 (8th Cir. 2017); *see also United States v. Krueger*, 809 F.3d 1109, 1123 (10th Cir. 2015) (Gorsuch, J., concurring in the judgment) (“[A] warrant issued for a search or seizure beyond the territorial jurisdiction of a magistrate’s powers under positive law was treated as no warrant at all — as *ultra vires* and *void ab initio* . . . as null and void”). Any evidence obtained from an unreasonable search or seizure must be suppressed, unless an exception applies. *United States v. Scott*, 876 F.3d 1140, 1143 (8th Cir. 2017) (“The ultimate touchstone of the Fourth Amendment is reasonableness, [so] the warrant requirement is subject to certain exceptions.” (cleaned up)).

The district court concluded the Snap and Google warrants were valid because the Sarpy County judges had express jurisdiction to issue out-of-state search warrants. We agree. Nebraska law plainly authorizes Nebraska state court judges,

including the Sarpy County judges, to issue search warrants “for service upon any publicly or privately held corporation . . . located within or *outside* the State of Nebraska.” Neb. Rev. Stat. § 29-812 (emphasis added). In accordance with this extension of jurisdiction, the Sarpy County judges lawfully issued the Snap and Google warrants.

Peterson neither disputes the existence of the relevant Nebraska statute nor claims there was a lack of probable cause to issue the warrants. Instead, he argues the Nebraska statute does not apply and that extraterritorial search warrants violate the Fourth Amendment.⁵ Neither argument is persuasive.

First, Peterson claims the Nebraska statute “only authorize[s] service upon out-of-state entities, but not necessarily the jurisdiction to compel production of physical or electronic items based upon a search warrant.” This argument ignores the statute’s prefatory clause, which states, “[a] *search warrant* authorized by sections 29-812 to 29-821 *may be issued* by any judge of the county court . . . for service” Neb. Rev. Stat. § 29-812 (emphasis added). Read in its entirety, the statute concerns the issuance of search warrants, not just service. The statute directly states that a Nebraska county court judge has the authority to *issue* a search warrant for service on an out-of-state entity. *Id.*

Second, Peterson argues our decision in *Horton* and the Tenth Circuit’s decision in *Krueger* mandate reversal because they hold that out-of-state search warrants must adhere to Criminal Rule of Federal Procedure 41, and the warrants issued here did not do so. Peterson’s argument is misplaced. *Horton* and *Krueger* both concern *federal* magistrate judges’ jurisdiction. *See Horton*, 863 F.3d at 1047–48 (holding that a search warrant issued by a federal magistrate judge in Virginia for

⁵Peterson also claims the warrants violate the “Fifth, Sixth, and Fourteenth Amendments,” but Peterson only mentions these amendments in headers and a single sentence and does not develop any related arguments. “This court regularly declines to consider cursory or summary arguments unsupported by facts or legal authorities,” so we do not address any such arguments here. *Butler v. Crittenden Cnty.*, 708 F.3d 1044, 1051 (8th Cir. 2013) (cleaned up).

a computer in Iowa violated Rule 41 and was unconstitutional); *Krueger*, 809 F.3d at 1113–14 (holding that a search warrant for property in Oklahoma issued by a federal magistrate judge in Kansas violated Rule 41, which limits a magistrate judge’s warrant-issuing authority). The warrants at issue were issued by Nebraska judges, not federal magistrate judges. And Nebraska judges are not constrained in the same manner as federal magistrate judges, as discussed above. So, even though the investigation eventually became “federal,” the Sarpy County judges were not retroactively bound by Rule 41.

To the extent Peterson argues state court judges must have the same territorial limitations as federal magistrate judges, he is incorrect. States “have great latitude to establish the structure and jurisdiction of their own courts.” *Howlett ex. rel. Howlett v. Rose*, 496 U.S. 356, 372 (1990); *see also Haywood v. Drown*, 556 U.S. 729, 749 (2009) (Thomas, J., dissenting) (“The states, in providing their own judicial tribunals, have a right to limit, control, and restrict their judicial functions, and jurisdiction, according to their own mere pleasure.” (citation omitted)). Therefore, Nebraska may permit its judges to issue out-of-state search warrants, and Peterson does not argue that the state court here exceeded the authority the state of Nebraska granted it. And for the same reason, California’s requirement that Snap and Google must comply with search warrants issued out of state is constitutional. *See* Cal. Penal Code § 1524.2(c)(1) (“A California corporation that provides electronic communication services or remote computing services to the general public, when served with a warrant issued by another state to produce records . . . shall produce those records as if that warrant had been issued by a California court . . .”). Such comity does not offend the Constitution. *See Illinois v. Wolgemuth*, 370 N.E.2d 1067, 1070 (Ill. 1977) (“Whether a valid foreign warrant is effective in Illinois is a matter of State, not constitutional, law. A suspect’s constitutional right to have a neutral magistrate determine whether probable cause exists for his arrest is not undermined by Illinois’ choice to extend comity to the determination of a magistrate from another State.”).

We also agree with the district court that the *Leon* good-faith exception applies, regardless of the warrants’ validity. *See United States v. Leon*, 468 U.S. 897,

922 (1984). “Under the *Leon* good-faith exception, disputed evidence will be admitted if it was objectively reasonable for the officer executing a search warrant to have relied in good faith on the judge’s determination that there was probable cause to issue the warrant.” *United States v. Norey*, 31 F.4th 631, 635 (8th Cir. 2022) (quoting *United States v. Mayweather*, 993 F.3d 1035, 1041 (8th Cir. 2021)). “[The] good-faith inquiry is confined to the objectively ascertainable question whether a reasonably well trained officer would have known that the search was illegal’ in light of ‘all of the circumstances.’” *Herring v. United States*, 555 U.S. 135, 145 (2009) (quoting *Leon*, 468 U.S. at 922 n.23)).

It was objectively reasonable for Investigator Spurgeon to rely on the search warrants issued by the Sarpy County judges, and there is no evidence she acted in bad faith or that there was a lack of probable cause. Peterson argues that law enforcement officers should know extraterritorial search warrants are unconstitutional. But extraterritorial search warrants are constitutional in certain circumstances, including in this instance. And this aside, we have repeatedly “declined to impose an obligation on law enforcement to ‘know the legal and jurisdictional limits of a judge’s power to issue interstate search warrants.’” *Horton*, 863 F.3d at 1052 (quoting *United States v. Houston*, 665 F.3d 991, 996 (8th Cir. 2012)).

III. Conclusion

Peterson enjoys Fourth Amendment rights regardless of the forum. But Peterson’s arguments before us only concern whether the warrants were void for lack of jurisdiction. And because the Sarpy County judges had jurisdiction to issue the warrants under Nebraska law, the warrants were not void and the search was not presumptively unreasonable. Therefore, we affirm.