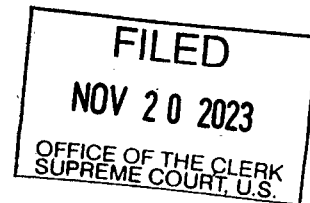


No. 23 - 6906



IN THE  
SUPREME COURT OF THE UNITED STATES  
of America

Thomas D. Thornton — PETITIONER  
(Your Name)

vs.

Michael Gans et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Courts of Appeals for the EIGHTH Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Thomas D Thornton  
(Your Name)

19351 US HWY 49 N  
(Address)

Tutwiler, Ms. 38963  
(City, State, Zip Code)

662 345 6567  
(Phone Number)

**QUESTION(S) PRESENTED**

Why are the lower Courts not following these Supreme Court Rulings, and overlooking these decisions, and Laws?

## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[x] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Bart Dickens / Chris Givens (Prosecutors)  
United States District Court  
600 W. Capital Ave Suite A-149  
Little Rock, AR 72201

## RELATED CASES

Arizona v. Gant 556 U.S. 332 (Supreme Court 2009)

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	5
CONCLUSION.....	6

## INDEX TO APPENDICES

### APPENDIX A

(Reported) United States Courts of Appeal for the Eighth Circuit

### APPENDIX B

(Reported) United States Circuit Court Eastern District of Arkansas

### APPENDIX C

Order for Petition for rehearing Denied

### APPENDIX D

### APPENDIX E

### APPENDIX F

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Arizona V. Grant

5

### STATUTES AND RULES

Due Process

3

### OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Aug 4<sup>th</sup> 2023.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: October 27<sup>th</sup>, 2023, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including Nov. 2<sup>nd</sup> 2023 (date) on Dec. 06<sup>th</sup> 2023 (date) in Application No. 11 A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Fourth Amendment  
Dye Process



# Writ of Certiorari

A search incident to Arrest may only include the arrestee person and the area within his immediate control - that phrase is construed to mean the area from within which he might gain possession of a weapon or destructible evidence that limitation which continues to define the boundaries of the exception ensures that the scope of a search incident to arrest is commensurate with its purpose of protecting arresting officers and safe guarding and evidence of the offense of arrest that an arrestee might conceal or destroy. Search incident to arrest are reasonable in order to remove any weapon the arrestee might seek to use and in order to prevent the concealment of evidence.

If there is no possibility that arrestee could reach into the area that law enforcement officers seek to search both justifications for the search incident to arrest exception are absent and the rule does not apply.

Arizona V. Gant 556 U.S. 332 (Supreme Court 2009)

Police may search incident-to-arrest only the space within an arrestee's immediate control meaning the area from within he might gain possession of a weapon or destructible device.

## OVERVIEW

Arizona V. Gant: <sup>I</sup> After respondent was arrested for driving with a suspended license, handcuffed in the back of a patrol car.

Case No. 22-2790: After Mr. Thornton was arrested for outstanding warrants handcuffed and locked in the back of Officer Morris's patrol car.

Arizona V. Gant: <sup>II</sup> Police officers searched his car and discovered cocaine in the pocket of a jacket on the backseat.

Case No. 22-2790: Police officers searched Mr. Thornton's car and discovered a bag containing PCP and MDMA in the front seat of his car.

Arizona V. Grant: <sup>III</sup> The Court determine that the search incident-to-arrest exception to the 4<sup>th</sup> amendment warrant requirement did not justify the search because 1) Police could not reasonably have believed that respondent could have access his car at the time of the search since (5) five officers out numbered the (3) three arrestees all of whom had been handcuffed and secured in separate patrol cars before the officers searched respondent car.

Case No. 22-2790: Police could not reasonably have believed that Mr. Thornton could have access his car at the time of the search since the (3) three officers out numbered Mr. Thornton which whom had been handcuffed secured in the back of officer Morris patrol car before the officers searched Mr. Thornton's car.

Arizona V. Grant: 2) Police could not have believed that evidence of the offense for which respondent was arrested in light have been found in the car since he was arrested for driving with a suspended license an offense for which police could not expect to find evidence in the passenger compartment of his car.

Case No. 22-2790: Police could not have believed that evidence of the offense for which Mr. Thornton was arrested might have been found in the car since he was arrested for out standing warrants an offense for which police could not expect to find evidence in the passenger compartment of his car.

IV Also the Doctrine of Stare decision did not require adherence to a broad reading of Belton, the safety and evidentiary interest that supported the search in Belton were not present in the instant case.

### Procedural Due Process

#### Bad Faith: Not Preserving (MVR) Evidence

Officer Morris acted in Bad Faith when he failed to ask his Supervising officer to preserve a copy of the MVR because not only did officer Morris state in his report that his vehicle had a working MVR, he also knew that the video was and would be inconsistent with his report and with the sole reason for stopping MR. Thornton, and would show that the Traffic violation never occurred as well. Also it would show that officers Morris MVR was turned on before the actual contact of MR. Thornton's vehicle. Officer Morris knew that as a law enforcement officer his word would be believed over MR. Thornton's. So officer Morris made a decision not to request the MVR to be preserved for the courts, out of Bad Faith. Officer Morris never had probable cause to stop MR Thornton. Officer Morris took it upon himself to stop MR Thornton to search for evidence. This was not a mistake nor was it a policy of the Little Rock Police Department (LRPD) that destroyed evidence that was favorable to the defendant. It was Officer Morris knowingly letting this policy destroy evidence intentionally to cover up these violations of MR Thornton's Due process rights as well as Constitutional rights.

The courts knew that a video did exist and was semi-viewed by one of the other officers after the arrest. It's hard to understand why so many professionals of law would make such a major mistake by letting a video of a Traffic Stop turned felony, would be erased in this manner. These type of incidents by agencies are signs of a cover up and condone police misconduct. These incidents is the sole reason why the constitution was written in the first place. To ignore these violation is a disrespect to that Constitution and our founding fore fathers, And is a violation of Law.

This case that is being presented to the courts :  
Arizona V. Gant Is a supreme ruling, and is exactly like Mr. Thornton's case. Please take it into consideration to uphold the laws set by the Supreme Court.

Sincerely

Thomas Thornton

## STATEMENT OF THE CASE

After Mr Thornton was Arrested for outstanding warrants handcuffed and locked in the back seat of officers Morris Patrol Car. Police officer search Mr. Thornton car and discovered a bag containing P.C.P. and MDMA in the front seat of his car

Police could not have reasonably have believed that Mr. Thornton could have access his car at the time of the search since (3) three officer out numbered Mr. Thornton which whom had been handcuffed secured in the back of officers Morris patrol before the officers searched Mr. Thornton's car. Police could not have believed that evidence of the offense for which Mr. Thornton was Arrested might have been found in the car since he was Arrested for outstanding warrants an offense for which police could not expect to find evidence in the passenger compartment of his vehicle.

## REASONS FOR GRANTING THE PETITION

To Ignore these Violation is a disrespect to the United State's Constitution, as well as our founding fore fathers, and what Congress intends to be fair. Also it Condones Misconduct in the worst of ways. These incidents was the sole reason the U.S. Constitution was written in the first place. Please take it into Consideration to uphold the Laws set by the Supreme court. This case being presented to the courts Arizona V. Grant is a Supreme Court Ruling and is exactly like MR. Thornton's case.

Sincerely

Thomas Thornton

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Thomas Thornton #24768-509

Date: Jan. 27<sup>th</sup> 2024