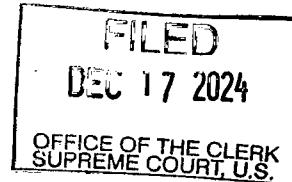


24-6423

ORIGINAL

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES



DAVONTE LARON CHANEY — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AMERICA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR TENTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Davonte Laron Chaney  
(Your Name)

FCC-Forrest City-Low, P.O. Box 9000  
(Address)

Forrest City, Arkansas 72336  
(City, State, Zip Code)

(Phone Number)

RECEIVED  
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**QUESTION(S) PRESENTED**

1. DID THE SEARCH WARRANT AFFIDAVIT ESTABLISH PROBABLE CAUSE WHEN THE AFFIANT MADE MATERIALLY FALSE STATEMENTS IN THE AFFIDAVIT?

## LIST OF PARTIES

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

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:

## RELATED CASES

United States v. Davonte Laron Chaney, Case No. 2:21-cr-200059-HLT-1 (D. Kan. 2021)

United States v. Davonte Laron Chaney, Case No. 22-3143 (10th Cir. 2024)

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## **INDEX TO APPENDICES**

**APPENDIX A** A copy of the Tenth Circuit opinion in this case.

**APPENDIX B** A copy of the District Court's opinion in this case.

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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Franks v. Delaware</u> , 438 U.S. 145, 155-56 (1978)	5

## STATUTES AND RULES

## OTHER

The Fourth Amendment to the United States Constitution.

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 2023 U.S. App. LEXIS 16151 (10th Cir. 2023); 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[ ] is unpublished.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 2022 U.S. Dist. LEXIS 43856 (D.Kan. 2022); 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 June 27, 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 11, 2024, 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 \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. 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**

The Fourth Amendment provides: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

### **STATEMENT OF THE CASE**

On October 20, 2021, Appellant was indicted by a federal Grand Jury for bank robbery under 18 U.S.C. §2113(a) and (d), and for brandishing a firearm during the bank robbery, pursuant to 18 U.S.C. §924(c)(1)-(A)(ii).

During the process of acquiring the affidavit for the search warrant, Officer Ryan Padilla gave materially false information in the application of the search warrant for Appellant's home and car. It is believed that without those materially false statements, there was insufficient evidence to support either search warrant. Notwithstanding that a motion to suppress was filed, the district court still allowed to the Government to go forward with its' case by denying the relief requested.

## REASONS FOR GRANTING THE PETITION

To maintain uniformity in this Court's opinions and rulings. As the District Court and the Court of Appeals for the Tenth Circuit has violated the long-held rule of stare decisis. The law is clear that whenever an affidavit in support of a search warrant made, it cannot include materially false statements, recklessly or knowingly. See Franks v. Delaware, 438 U.S. 145, 155-56 (1978).

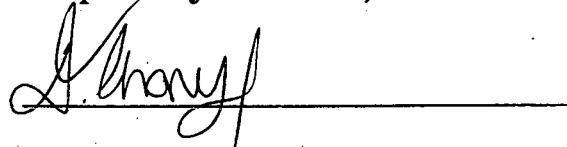
This is what occurred in this case. The affidavit included false statements that were material to the case. And the evidence should have been suppressed for violation of the Fourth Amendment. If we are to be true to stare decisis.

### **CONCLUSION**

In conclusion, this Court should overturn Appellant's conviction and sentences, and remand him back to the District Court for further proceedings.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 12/16/24