24-7228

ORIGINAL

No. 25-

SUPREME COURT OF THE UNITED STATES

Eric Corder,

Petitioner,

Vs

United States of America

Respondent.

On Petition for a Writ of Certiorari to

The United States Court of Appeals
For the Seventh Circuit

PETITON FOR A WRIT OF CERTIORARI

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I. Question Presented

1. Whether government agents have an implied license to enter the curtilage of the home that is fenced and gated off thereby inaccessible to the public to knock upon and peer into bedroom windows of the home and backdoor of a residence to gather evidence pursuant to *Florida v. Jardines*, 133 **S**. Ct 1409 (2013); *Carroll* v. *Carmen*, 135 S. Ct. 348 (2014)

2. Whether voluntary consent given within minutes after and during an illegal entry of the home's curtilage is an attenuating circumstance, where government agents entered without a warrant for the express purpose to advance a drug investigation and gather evidence pursuant to *Brown v. Illinois*, 422 US 590 (1975).

PARTY TO PROCEEDING AND RELATED CASES

United States v. Eric Corder, No. 21 CR 114, U.S. District Court for the Northern District of Illinois. Judgment entered March 21, 2025.

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IV. Petition for Writ of Certiorari

Eric Corder, respectfully petitions this court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Seventh Circuit.

V. Opinion Below

The decision by the United States Court of Appeals for the 7th Circuit denying Corder' direct appeal is reported as United States v. Eric Corder Case No. 24-1430, decided December 18, 2024. (App A). Corder subsequently petitioned for En banc hearing before the Seventh Circuit which was denied January 28, 2025. The panel decision is attached at Appendix "C"

VI. Jurisdiction

Corder's petition for En banc hearing was denied on January 28, 2025. Corder timely filed this petition for a writ of certiorari within ninety days of the Seventh Circuit denying Corder an En Banc hearing. Corder invokes this Court's Jurisdiction under Article III, Section 2 of the United States Constitution.

VII. Constitutional Provision Involved

United States Constitution Amendment IV:

> 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.

VIII. Statement of the Case

In *Florida v. Jardines, 133 S. Ct. 1409 (2013)* this Court held that, "A license may be implied from the habits of the country." notwithstanding the "strict rule of the English common law as to entry upon a close." This court has stated, "We have accordingly recognized the knocker on the front door is treated as an invitation or license to attempt an entry, justifying ingress to the home by solicitors, hawkers and peddlers of all kinds." "This implicit license typically permits the visitor to approach the home by the front path, knock promptly, wait briefly to be received, and then (absent initiation to linger longer) leave. Thus, a police officer not armed with a warrant may approach a home and knock, precisely because that is "no more than any private citizen may do" id citing, *Kentucky v. King 563 U.AS. 452, 469 (2011)*. The scope of a license –express or implied- is limited not only to a particular area but also to a specific purpose, and there is no customary invitation to enter the curtilage simply to conduct a search. Id 1415-1417.

In Collins v. Virginia, 138 S. Ct. 1663 (2018), this Court held, the Fourth Amendment's protection of curtilage has long been black letter law. "When it comes to the Fourth Amendment, the home is first among equals." "At the Amendment's 'very core' stands the right of man to retreat into his own home and there be free from unreasonable governmental intrusion." "To give practical effect to that right, the Court considers curtilage - "the area immediately surrounding and associated with the home" - to be "part of the home itself for Fourth Amendment purposes". "When a law enforcement officer physically intrudes on the curtilage to gather evidence, a search within the meaning of the Fourth Amendment has occurred. " id at 1670

In *Wong Sun v. United States,371 US 471 (1963)* this Court held, "we need not hold that all evidence is fruit of the poisonous tree simply because it would not have come to light but for

the illegal actions of the police. Rather, the more apt question in such a case is whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purge of the primary taint."

In Brown v. Illinois, 422 US 590 (1975). This Court announced what has become known as the 'attenuation analysis". In determining whether evidence is obtained by exploitation of illegal conduct a court must consider (1) the temporal proximity of the illegal entry and the discovery of evidence (2) the presence of intervening circumstances, (3) and particularly, the purpose and flagrancy of the official misconduct are all relevant." The voluntariness of a statement after an illegality is a threshold requirement. Id 603-640.

This case presents the question of whether the implied license concept articulated in Jardines is satisfied when government agents bypass an unimpeded front door, where a visible doorbell, mailbox, and house address number is posted next to that door, and enter a fenced and enclosed backyard from an alley, he then knock on the backdoor for thirty seconds, and then approach a bedroom window (located within the same enclosure) where he knocks and peers in the window for seven minutes, in attempt to reach Corder to advance a drug investigation.

This case also presents the question whether voluntary consent to a government agents' presence in the home's curtilage after and during the agent's intrusion is an intervening event to purge the primary taint of the initial intrusion, where the consent was given within minutes of the intrusion, and where the government agent entered for the express purpose to gather evidence in a drug investigation.

1. The government agent warrantless entry to Corder's home to gather evidence.

On December 15, 2020 Corder resided in a single-family home in Chicago, Illinois. The front of Corder's house faces the street, where there is public parking for residents on the block. There is a public walk that leads up to Corder's front porch. Corder's front porch and front door is unimpeded by a gate or any barriers, making it fully accessible to the public. On the front of the house to the left of the front door is a visible mailbox, to the right of the door is a visible doorbell. On the front of the house is the address to the house. To the far right of the front of the house is a wire gate and fence with no trespassing sign on it that leads to a walkway that runs along the southside of the house, the backyard and the detached garage to another wire gate in the rear of the home that opens to the alley where trash is collected by the city. The rear gate has no trespassing signs on it as well. Corder also has a backdoor that sits opposite of the front door in the rear of the house. Thus, the garage, backyard, backdoor and the southside of the home all sits within the same fenced and gated enclosure. Corder uses his backyard for family gatherings and activities, such as family barbeques.

Prior to December 15, 2020, law enforcement had recruited an individual it refers to as CS2 to act as an agent of the government relating to a drug investigation of Corder. Law enforcement entered an agreement with CS2 and paid him for his services in the investigation. On December 15, 2020, law enforcement armed CS2 with an audio-video recorder, and FBI funds to purchase narcotic from Corder. Under law enforcement control and supervision law enforcement sent CS2 to Corder's residence to attempt to purchase narcotics. Under law enforcement surveillance CS2 traveled to Corder's residence and entered the enclosed backyard through the back gate from the alley. Upon CS2 entry of the backyard he approached and knocked on the backdoor waited approximately 40 seconds and then proceeded to a bedroom window located on the side of the house. For seven minutes, Higgs (CS2) knocked upon and peered into and shone lights in the bedroom window trying to reach Corder. Corder

was taking an afternoon nap. After seven minutes of Higgs knocking on the bedroom window Corder was awaken. Three minutes later Corder emerged from the backdoor of his residence where he encountered CS2 in Corder's backyard. After 15 second verbal exchange Corder gave Higgs consent to accompany him into Corder's garage. In the garage CS2 acquired the drug evidence that was used against Corder in this case. CS2 exited the property reported back to law enforcement and turned the narcotics over to law enforcement.

Subsequently Corder was indicted on one Count of distribution of fentanyl and cocaine to CS2 on December 15, 2020. Corder also was indicted on one Count of possession of fentanyl and cocaine seized by law enforcement executing a search warrant at Corder's home on February 17, 2021.

Corder moved to suppress the evidence CS2 gather after entering the curtilage of Corder's home. Corder argued the CS2 did not have a warrant, consent, or a license to enter the gated and fenced rear and side of Corder's home to gather evidence on behalf of the government while acting as a government agent. The District Court conducted an evidentiary hearing on the motion to suppress. The District Court denied Corder's motion to suppress, reasoning CS2 had an implied license to enter Corder's fenced and gated back yard to knock on Corder's backdoor and after not receiving a response at the backdoor, Cs2 had an implied license to go to the side of the house and knock and peer into Corder's bedroom window for "seven minutes" to reach Corder, because CS2 had testified that he has seen some unknown persons on two or three occasions knock on Corder's bedroom window. CS2 testified he had never purchased drugs out the window and that Corder did not tell CS2 to come to the window. At the evidentiary hearing, the District Court asked CS2, on December 15, 2020, why CS2 didn't go to Corder's front door instead of entering the backyard from the alley and then

knocking on Corder's backdoor and bedroom window. CS2 replied "*because it was quicker*" but "*he (Corder) wants us at the front door.*" (App E)

Pursuant to a conditional guilty plea Corder pleaded guilty to the one count of distribution of fentanyl and cocaine to CS2, in exchange for the government dismissal of the possession of fentanyl and cocaine seized in the execution of a search warrant. Pursuant to Corder's plea agreement, Corder preserved his right to appeal the District Courts denial of his motion to suppress, where CS2 illegally entered the curtilage of Corder's home to gather evidence while acting as a government agent.

The District Court sentenced Corder to a term of 57 months' imprisonment and 3 years of supervised release. Corder appealed the District Courts denial of his motion to suppress. The Seventh Circuit Court of Appeals affirmed the denial of Corder's motion to suppress. Subsequently Corder petitioned the Seventh Circuit for a rehearing and or En Banc hearing which the Seventh Circuit denied.

2. Direct Appeal

On direct appeal, Corder renewed his argument that his Constitutional rights secured to him by the Fourth Amendment were violated when Cs2 while acting as a government agent entered the curtilage of his home to gather evidence to advance a drug investigation against Corder. In denying Corder's appeal the Seventh Circuit Court of Appeals reasoned that, CS2 had an implied license to enter Corder's backyard to knock on the backdoor and the bedroom window because CS2 knew from previous encounters with Corder that he had permitted buyers to access his backyard and knock on his bedroom window. The Seventh circuit held because CS2 entered the curtilage of the property to purchase drugs, this was a purpose contemplated by Corder when he previously opened his home to drug buyers. The Seventh Circuit cited *Lewis v. United States*, 385 U.S. 206 (1966), to support this proposition.

In *Lewis*, an undercover federal agent telephoned the defendant and asked to purchase marijuana, the agent falsely identified himself as Jimmy the Pollack. The defendant agreed that he would sell the agent marijuana, told the agent to come over and gave the agent directions to get to his home. The agent drove to defendants' home '*knocked on the door and was admitted in by the defendant*'. After the defendant admitted the agent into his home, the defendant sold the agent marijuana. Subsequently Lewis was indicted for the sale of marijuana to the federal agent. Before this Court, Lewis argued his Fourth Amendment rights were violated and although he admitted the agent into his home the intrusion cannot be held a waiver when the invitation was induced by fraud and deception, on account of the federal agent misrepresenting his identity. Id at 208.

In Lewis, the question before this Court was do it violate the Fourth Amendment if a Federal agent misrepresent his identity and state his willingness to purchase narcotics, was invited into petitioner's home where unlawful narcotics transaction was consummated and the narcotics were there after introduced at petitioner's criminal trial over his objection. This Court held, it do not violate the Fourth Amendment, "when the home is converted into a commercial center to which outsiders are invited for purposes of transacting unlawful business" "A government agent, in the same manner as a private person, may accept an invitation to do business and may enter upon the premises for the very purposes contemplated by the occupant" id at 211.

Lewis is inapposite to the instant case. Lewis was not a question of an illegal entry of the curtilage, as is the instant case. The agent in Lewis did not illegally enter the home or its curtilage. Again, in Lewis the agent was invited over, he knocked on the door and Lewis opened the door and admitted the agent into the residence. "A police officer not armed with a

warrant may approach a home and knock, precisely because that is no more than any private citizen may do" *Kentucky v. King 563 U.AS. 452, 469 (2011).*

In the instant case CS2 had not spoken to Corder, nor received an invitation, before he came over and CS2 admitted himself into the backyard and side of Corder's house. Therefore, CS2 did not "enter upon the premises for the very purposes contemplated by the occupant." In the instant case the district court acknowledged

CS2 was not invited over and admitted himself into the backyard and side of

Corder's home.

Next, the Seventh Circuit reasoned, even if there had been an unlawful entry, the discovery of evidence was sufficiently attenuated from it because of Corder's subsequent voluntary consent to CS2 presence on the property after and during the entry. In its *Brown v. Illinois, 422 US 590 (1975),* attenuation analysis, the district Court and the Seventh Circuit acknowledge that the short few minutes that passed between CS2 entry into the backyard and Corder's consent for CS2 to enter the garage weighed more in favor of suppression than attenuation.

As for the second factor, the Seventh Circuit agreed with the district Court that Corder's voluntary consent to CS2 presence on the property after CS2 had already entered was an intervening event weighing in against suppression. The Court reasoned because there was no evidence that Corder was coerced into consenting to CS2 presence in the garage, the voluntariness of Corder's reaction and discovery of CS2 on his property in and of itself is an attenuating circumstance. As for the third and final most important factor the purpose and flagrancy of any official misconduct, the Court reasoned, the evidence does not support an inference that law enforcement acted in bad faith. Although, the Court acknowledge that indeed law enforcement set up the controlled buy to occur at Corder's house to "advance their

investigation" into Corder's illegal drug activity. But because CS2 did not use the initial entry and knock at the window for the purpose of gathering "additional" information (outside of gathering drug dealing information) his entry was not purposeful and flagrant to reach the level of bad faith.

After the Seventh Circuit three judge panel denied Corder's direct appeal Corder petitioned for a rehearing and or Seventh Circuit En Banc hearing. A rehearing and an En Banc hearing were denied by the Seventh Circuit.

IX. REASONS FOR GRANITNG THE WRIT

A. To compel respect for this Court decisions as pronounced in *Florida v. Jardines, 133 S. Ct. 1409 (2013)* and *Collins v. Virginia 584 US 586, 138 S. Ct 1663 (2018).*

Here, the Court of Appeals accepted the trial Court's findings that, On December 15, 2020, law enforcement collaborated with CS2, an acquaintance of Corder who was familiar with his drug dealing, to stage a drug transaction. Law enforcement equipped CS2 with audio video recording devices and provided $500 to complete the transaction with Corder. CS2 approached Corder's home and passed through one of the gates. CS2 walked along the walkway at the side of the house, cut through the backyard, and approached the window of Corder's bedroom. CS2 knocked on the window to get Corder's attention, but Corder did not respond. CS2 shined a cellphone flashlight into the bedroom. In total, CS2 knocked on the window intermittently for roughly seven or eight minutes until Corder answered.

The district court held, about three minutes after answering at the window, Corder emerged from the bedroom and met CS2 in the backyard. They exchanged pleasantries for about 15 seconds, and then Corder invited CS2 into his garage to purchase substances later

confirmed to be fentanyl-laced heroin and cocaine. Corder and CS-2 talked for another ten minutes about unrelated topics, and CS-2 then left the garage and returned to law enforcement to deliver the drugs.

At an evidentiary hearing on Corder's Motion to Suppress, CS-2 testified that he had known Corder for about 30 years. CS-2 testified that 'prior' to becoming an informant he would go to Corder's house to purchase drugs. CS-2 testified to visiting Corder's house 20-plus times. Going to the backyard a lot of times and entering the basement many times. To purchase drugs from Corder at his house CS-2 said he use to go to the front door but because Corder had concerns about his *"mother **and** sister"* finding out he was selling drugs, Corder wanted him to go to the backdoor[1]. (App E) CS-2 testified he had seen and or heard people enter Corder's yard "two or three" times knock on the bedroom window to buy drugs. CS-2 testified that he did not know who these people were whom he had seen knock on the bedroom window. CS-2 testified that he did not know if these individuals who knocked on the bedroom window lived in the house, but he knew they were drug customers. CS-2 testified that he personally never purchased drugs from the bedroom window. On cross examination, when Corder asked CS-2, on December 15, 2020, did Corder tell you to knock on the bedroom window, CS-2 testified "no." On cross examination CS2 was asked, on December 15, 2020, did you see anyone entering the backyard, CS-2 testified "I can't remember." Finally, on examination by the district court, the Court asked CS-2 "On December 15, 2020, why did you

[1] These alleged events and alleged observations CS2 are narrating allegedly occurred prior to CS2 becoming an informant. According to the Agent that recruited CS2, CS2 became an informant for the FBI in August of 2020. CS2 did not provide a date or year as to when these events occurred prior to him becoming an informant. The only temporal guidepost as to when these events occurred is CS2 testimony that Corder wanted him to knock on the backdoor because Corder was concerned about his "mother and sister' finding out he was selling drugs. In Corder's Presentence Investigation Report, which is part of the record, reflects that Corder's mother passed away April 30, 2011. Thus, CS2 is reporting events that happened prior to April 30, 2011, prior to Corder's mother passing away. Corder could not plausibly be concerned his mother finding out he sell drugs after she had departed this world. Regardless of what may or may not occurred prior to April 30, 2011, CS2 stated as of December 15, 2020 Corder informed him, he was to go to the front door to contact Corder.

go through Corder's backyard and back gate, instead of going to the front door, in response CS-2 testified, *"because it was quicker...but he*

(Corder) wants us at the front door." (App E). None the less the Seventh Circuit and the district concluded CS-2 had an implied license to enter the curtilage, knock on the backdoor, and knock on Corder's bedroom window for seven minutes.

The district court held, CS2 only mistake was perhaps overstaying his implied license to approach Corder's window, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave." Citing *Jardine*s 133 S. Ct. 1414. Thus, the district court conceded CS2 violated the principles this Court pronounced in Jardines but it found no Fourth Amendment violation. CS2 exceeded the scope of implied license by lingering on the property refusing accept the fact he was not getting an answer. There is no customary invitation in the United States for someone to enter your property armed with an audio-video recorder and record you in your own home, nor to knock upon, peer into, and shine lights into your bedroom window for seven minutes.

The district court held; law enforcement did not use the curtilage violation itself as an "investigatory method to discover evidence." CS2 entered the curtilage to meet Corder at his window, not to search the curtilage itself. The district court did not follow the holdings of this Court, specifically: "When the government obtains information by physically intruding on persons houses papers, or effects, a search within the meaning of the fourth amendment has undoubtedly occurred." See *Florida v. Jardines*, 133 S. Ct. 1409 at 1414 (2013).

This Court has held, when it comes to the Fourth Amendment, the home is first among equals. At the Amendment's "very core" stands "the right of a man to retreat into his own home and there be free from unreasonable governmental intrusion" ..." the right to retreat

would be significantly diminished if the police could enter a man's property to observe his repose from just outside the front window. Id at 1414

Whereas here, there is no dispute Corder had retreated into his own home to take an afternoon nap. Theres no dispute that at all times CS2 was acting as a government agent. There is no dispute that CS-2 intruded upon Corder's afternoon nap when he entered the curtilage of Corder's home through the rear gate entering the backyard, then proceeded to the backdoor knocking upon it for forty seconds. After not receiving a response at the backdoor CS2 proceeded to the side of Corder's house and knocked upon and shined lights into the bedroom window where Corder was sleeping, for a total of seven minutes.

Based upon these undisputed facts, CS2 did not follow a path on Corder's property that was open to the public, therefore, CS2 exceeded the scope of an implied license to approach the home to contact the occupants. CS2 entry on the property was a trespassory search. Because CS2 knocked upon, shone lights, and peered into a bedroom window of the home as a government agent for the express purpose to gather evidence, he exceeded the scope of an implied license. Thus, because CS2 entered a constitutionally protected area of the home as a government agent, lingered for seven minutes knocking and peering into windows of the home ,for the purpose to gather evidence on behalf of the government he violated the Fourth Amendment pursuant to the principles this Court pronounced in Florida v. Jardines .The Seventh Circuit did not follow the principles of an 'implied license" to enter the curtilage of the home as this court has pronounced in ***Florida v. Jardines, 133 S. Ct. 1409 (2013)***

A).To compel respect for decisions of this Court decisions as pronounced in *Brown v. Illinois, 422 US 590 (1975)* and *Wong Sun, 371 U.S. 471, at 486 (1963*).

Here the district court made findings that, CS2 entered the property and started knocking within a minute. CS2 knocked on and off for seven minutes at the bedroom window. After seven minutes of CS2 knocking on the bedroom window Corder was awaken and exited the house three minutes later encountering CS2 in the backyard, at which point Corder gave CS2 consent to accompany him into the detached garage. Thus, the district court found (10 to 11 minutes) passed between CS2 entry onto the property and CS2 and Corder's consent. The district court concluded because only a handful of minutes passed between CS2 entry onto the curtilage and Corder's consent, the first of the *Brown v. Illinois* factors favored suppression of evidence. The Seventh Circuit did not disturb these findings. see *Utah v. Strieff,* 136 S. Ct. 2056, at 2062 (2016) Where minutes passed between an unlawful stop and search, adhering to this Court's precedents, declining to find that that this factor favors attenuation unless "substantial time" elapses between an unlawful act and when the evidence is obtained, where minutes passed between an unlawful stop and search.

As to the second *Brown* factor, the district court made findings that, after Corder encountered CS2 in Corder's backyard, Corder gave CS2 consent to accompany him into the detached garage. The court noted that Corder's consent was voluntary and not coerced. The district court concluded because Corder's consent was voluntary this constituted an intervening event. The Seventh Circuit agreed with the district court legal conclusion. The Seventh Circuit conclusion *is contrary to the holdings of this court.*

In Brown v. Illinois 422 U.S. US 590, 601-602 (1975) and *Dunaway v. New York*, 422 US 200, at 218-219 This court firmly established that the fact that a confession may be "voluntary"' for purposes of the Fifth Amendment in the sense that Miranda warnings were given and understood, is not by itself sufficient to purge the taint of the police unlawful conduct. This court made it clear "voluntariness" of a confession (in this case consent) is only a

"threshold requirement" for the Fourth Amendment. In *Brown* and *Dunaway* this Court held that a voluntary confession given after being Mirandarized while in ongoing illegal custody is not an intervening event to break the causal connection of the illegal seizure. In this case Corder gave CS2 consent to move to a different area of the home's curtilage which CS2 already and continuously without interruption had remained illegally intruded upon when the consent was given.

Finally, as to the third *Brown* factor, the district court made findings that, the nature of the alleged misconduct is mild, and CS2 entered Corder's property without express permission and lingered there for about seven minutes after knocking. The encounter involved little or no coercion. The district court held. "And more generally, *the fact that CS2 went to Corder's home in the hope of obtaining evidence against him is not dispositive.*"

Although the district Court acknowledged that CS2 entered Corder's fenced and gated curtilage of Corder's home knocked and peered into bedroom windows for seven minutes for investigatory purposes; to gather evidence, the court concluded the conduct wasn't' purposeful or flagrant. Thus, the district court concluded the third brown factor did not weigh in favor of suppression.

The district court legal conclusion is in conflict and contrary to the holdings of this court. This Court has held fourth amendment violations are purposeful and flagrant when they are "investigatory in design" and undertaken "in the hope that something might turn up." See *Dunaway v. New York*, 422 US 200, at 218-219 (1979). In *Dunaway*, the defendant was illegally taken and held in custody in violation of the Fourth Amendment for investigatory purposes in the hopes that something may turn up. After being in custody for an insubstantial amount of time the defendant gave a voluntary confession after being mirandarized. There were no intervening events of significance. This court held, to admit petitioner's confession in

such a case would allow "law enforcement officers to violate the Fourth Amendment with impunity, safe in the knowledge that they could wash their hands in the procedural safeguards' of the Fifth."

This Court has held, even if statements in a case were found to be voluntary, under the Fifth Amendment, the Fourth Amendment issue remains. In order for the causal chain, between the illegal arrest (search) and the statements made thereto, to be broken, *Wong Sun*, 371 U.S. 471, at 486 (1963) requires not merely that the statements meet the Fifth Amendment standard of voluntariness but that it be "sufficiently an act of free will to purge the primary taint. See *Brown v. Illinois*, 422 US 590, 601-602 (1975)

Voluntary consent to a government agents' presence in the home's curtilage given within minutes after a flagrant illegal entry of the homes curtilage to gather evidence, is not an intervening event to break the chain of the illegal intrusion. If by itself voluntary consent to a government agents presence in the curtilage of the home after an unconstitutional intrusion upon the home were held to attenuate the taint of the intrusion, regardless of how "wanton and purposeful" the Fourth Amendment violation, the effect of the exclusionary rule would be substantially diluted...Arrest or searches made without warrant or without probable cause , for questioning or investigation would be encouraged by the knowledge that evidence derived therefrom could well be made admissible at trial. Quoting, *Brown v. Illinois* 422 US at 602.

The Seventh circuit has not followed the precedents of this court. The holdings of that court have allowed law enforcement to wash their hands of a purposeful and flagrant violation of the Fourth Amendment. The Court's ruling encourages law enforcement to enter the curtilage of the home without a warrant, and peer into and knock upon bedroom windows in the hopes of gathering evidence.

B.) To have uniformity of law amongst the lower courts.

As of date except for the Seventh circuit not one Appellate court has ruled a lone government agent possess an implied license to enter area of the home curtilage that is not open and accessible to the public to gather evidence without a search warrant based upon some information that he alone possesses. According to the Seventh Circuit and the district court CS2 possessed an implied license to enter Corder's yard and knock on a bedroom window because he had seen others do it on two or three prior occasions. Pursuant to the Seventh Circuit reasoning this would give CS2 a special implied license based upon he had seen others enter the yard and knock on the window. However, a girl-scout trick or treater, or the delivery man who had not seen anyone enter the yard and knock on the bedroom window would have a lesser implied license than CS2. They would be restricted to the front door/ primary entrance to the home, to attempt to contact the occupants, while CS2 meander around the curtilage knocking upon and peering into bedroom windows.

Other Federal Appellate courts recognize and follow this courts holding that an implied license to enter the curtilage extends to all society equally and everyone is restricted to the same area of the property when trying to reach the occupants of a home.

> ***Cf*** *Morgan v. Fairfield County, Ohio* 903 F.3d 553, 565 (2018). In holding law enforcement violated the Fourth Amendment, where they entered the backyard of the home and set up a perimeter within the curtilage. The Court stated, "Jardines and more recently, Collins made clear that, outside of the same implied invitation extended to *all* guest, if the government wants to enter one's curtilage it needs to secure a warrant or to satisfy one of the exceptions to the warrant requirement."
>
> ***Cf***: *United States v. Maxi, 886 F. 3d 1318, (2018)* citing *Jardines*, 133 S. Ct. at 1415. holding, "While the officers had a license "implied from the habits of the country", to approach the front door and knock they did much more than that, their physical intrusion was not geographically limited to the front door" they violated the Fourth Amendment by setting a physical perimeter within the curtilage of the entire house.

Cf: Unites States v. White, 928 F.3d 734, 739-740 (8th Cir 2019) citing Jardines, 133 S. Ct. at 1410 holding "This so called knock and talk exception to the warrant requirement is founded on the "implicit license" all of us including law enforcement officers, enjoy to "approach the home by the front path, knock promptly, wait briefly to be received, and then (absent invitation to linger longer) leave". When officers objectively exceed the scope of this license, the knock and talk exception cannot justify the warrantless intrusion of the curtilage.

The government nor its agents possess an implied license to enter a private, non-publicly accessible, constitutionally protected area of Corder's home because an agent allegedly seen some other unknown persons enter it. The implied license doctrine does not permit selective entry based on subjective observations by law enforcement. It is imperative that any entry into the curtilage of a home be evaluated under uniform standards that uphold the sanctity of private property and constitutional protections. The court must maintain that all parties, regardless of previous observations or conducted actions, are bound by the same legal expectations when engaging with private property to prevent arbitrary and unlawful intrusions.

. This Court has noted it is the appearance and layout of the property and the position of the officers on the property whether the officers followed a path or other apparently open route that would be suggestive of reasonableness. See *Carroll v. Carmen*, 135 S. Ct. 348 at 350 (2014).

The Seventh circuit and the district court said Cs2 reasonably believed Corder's bedroom window was the equivalent of a front door is not supported by the facts or evidence in the record which depicts the layout and appearance of Corder's home. However, CS2 subjective beliefs is immaterial to the inquiry before the Court.

A Fourth Amendment inquiry concerning rather a government agent entry into the curtilage of the home was reasonable, is an objective analysis. This analysis entails, where did he go on the property? For what purpose did he enter? Did his conduct conform to the "habits of the country?" ***Florida v. Jardines, 133 S. Ct. 1409 (2013)*** The application of an implied license

based on sporadic and subjective belief jeopardizes the uniformity of legal standards, as it introduces inconsistencies that could undermine the constitutional principle of equal protection under the law. The precedent set by the Seventh Circuit diverges from foundational case law that emphasizes the inviolability of the home's curtilage and the necessity for law enforcement to adhere strictly to warrant requirements or established exceptions.

This issue of importance to citizens residing within the Seventh Circuit so they can be sure of what Fourth Amendment Constitutional protection they have on their home and its curtilage. This issue is of importance to law enforcement operating within the Seventh Circuit to ensure that they have proper guidance as to what the Fourth Amendment as interpreted by this Court, requires of them when they enter a home's curtilage.

X. CONCLUSION

For the foregoing reasons, Mr. Corder respectfully requests that this Court issue a writ of certiorari to review the judgment of the Seventh Circuit Court of Appeals.

Dated this 28 day April,2025.

Eric Corder

Respectfully submitted,

/s/ Eric Corder

CERTIFICATE OF COMPLIANCE

No.

Eric Corder

Petitioner

v.

United States

Respondent.

As required by Supreme Court Rule 33.1(h), I certify that the petition for a writ of certiorari contains 6,299 words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 28, 2025.

/s/ Eric Corder

Eric Corder