24-7229

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

DEANDRE JACKSON — PETITIONER
(Your Name)

vs.

UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

DEANDRE JACKSON 32414-509
(Your Name)

FCI-Fort Dix PO Box 2000
(Address)

Joint Base MDL, NJ 08640
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

WHETHER the Third Circuit's ruling that an officer's mere suspicion of a suspect's dangerousness absent any additional facts supports an arrest rather than an investigatory traffic stop falls outside the bounds of the Fourth Amendment.

WHETHER the circuit split regarding the reasonableness of an arrest absent articulable facts demonstrating dangerousness should be resolved in favor of the Ninth Circuit Court of Appeal's holding that such a set of circumstances does not conform with boundaries established by the Fourth Amendment.

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:

Quintel Martins, Defendant in the lower Court

RELATED CASES

US v. JACKSON, No. 2:21-CR-00054, US District Court for the Eastern District of Pennsylvania. Judgement entered July 15, 2022.

US v. JACKSON, No. 23-1707, US Court of Appeals for the Third Circuit. Judgment entered November 6, 2025, Request for Reconsideration denied on January 14, 2025.

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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

[X] For cases from **federal courts**:

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

[X] reported at 120 F.4th 1210 (CA3, 2024); 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[ ] is unpublished.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,
[X] is unpublished.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

[X] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was November 6, 2024.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: January 14, 2025, and a copy of the order denying rehearing appears at Appendix A.

[ ] 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

US Constitution, Amendment 4: 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 person or things to be seized.

XII - Statement of the Case

In the early morning hours of October 2, 2019, a police officer was on patrol with a rookie trainee just outside of Philadelphia, Pennsylvania. He observed a red Nissan with a non-working taillight. As the officer began to run the car's license plate, the car pulled into a well-lit Wawa gas station where the driver began to fuel the vehicle. The officer parked across the street and watched the vehicle. He saw no crime being committed. He observed no weapons or actions by any of the passengers that would indicate any sort of threat to the general public. The driver paid for the gas and calmly pulled back out into traffic safely. The officer did not mark the vehicle's speed nor did he observe the vehicle commit any motor vehicle infractions.

By this point, however, the officer had learned the Massachusetts registration attached to the vehicle was expired. That registration was also not assigned to any specific make or model vehicle. Although this officer did not know anything about how Massachusetts vehicle registrations occur, this led him to suspect the vehicle was stolen. Without activating his lights or siren and without requesting any sort of back-up assistance, the officer pulled-out into traffic to follow the vehicle. By the time he had done so, however, he had lost sight of the red Nissan.

The officer and his trainee then spent the next 40 minutes patrolling the streets looking for this car. When he finally reencountered it, the vehicle was using its turn signal to pull onto a side street on which several housing units were located.

During this 40-minute search, the officer had received no reports the owner of the vehicle was wanted for any crimes. He received no reports of any gang-related activity in the area. He received no reports that the vehicle he was pursuing was stolen. The only information available to him at the time he watched the red Nissan pull onto that sidestreet was that the affixed registration was expired and one of its tail lights was not working.

Yet frustrated by the long search and losing sight of the vehicle in front of his trainee, the officer blocked the egress of the red Nissan, exited his vehicle, and pointed his firearm at the car and its occupants. He radioed that he was conducting a "felony stop" and needed additional officers on the scene. He ordered the passengers to show their hands. They all immediately complied and were held that way until additional law enforcement officers arrived.

After those officers arrived, the driver complied with the instructions to slowly open his car door and exit the vehicle. He complied with the order to walk backwards toward the officers with his hands in the air. He complied with the order to lower himself to his knees. He allowed himself to be handcuffed. These same commands were then issued to the front passenger. He complied fully. Those same commands were then issued to Petitioner, seated in the rear of the vehicle. He complied fully. Throughout this entire process the original arresting officer observed no furtive movements from any of these men. He observed no felonies being committed. Neither he nor the half-dozen other

officers present holstered their weapons until all three suspects were in handcuffs.

After taking these three suspects into custody, an officer pat-searched Petitioner, discovering a magazine to a firearm in his front pocket. Upon questioning, Petitioner told law enforcement he had a gun on the cup holder of the car. Searching the vehicle, officers found that firearm and, after claiming to notice a smell of marijuana, discovered a bag of items in the trunk linking the three suspects to a string of robberies in the area.

Petitioner and his two co-defendants were subsequently indicted in federal court in February, 2021 on multiple counts of committing and conspiring to commit Hobbs Act robbery and multiple counts of using, carrying, and brandishing a firearm in the commission of a crime of violence. Petitioner filed a motion to suppress the evidence recovered from the red Nissan but that motion was denied on July 15, 2022. Petitioner later pled guilty pursuant to a conditional plea agreement and was sentenced on April 3, 2023 to 84 months imprisonment and three years supervised release. He timely appealed and his conviction was affirmed by the Third Circuit Court of Appeals on November 6, 2024. His request for reconsideration and en banc review was denied on January 14, 2025.

This Petition for a writ of certiorari was placed into the official Inmate Legal Mail system of FCI-Fort Dix on Monday, April 14, 2025 and is, therefore, timely. See Houston v. Lack, 487 US 266 (1988). Petitioner also takes this opportunity to

remind this Court of his pro se status and requests it grant this petition a liberal construction "however inartfully pleaded." Haines v. Kerner, 404 US 519, 520 (1972).

VIII - Reasons for Granting the Petition

To warrant the exercise of Supreme Court supervisory power, a court of appeals must have entered a decision that either conflicts with existing Supreme Court precedent or "has so far departed from the accepted and usual course of judicial proceedings" that it cannot be allowed to stand. See USSC Rule 10(a). Not only does the underlying decision of the Third Circuit meet both of these criteria, it also creates a district split within the circuits that must be resolved. See Rule 10(b).

Fourth Amendment jurisprudence is robust and there exist clear guardrails regarding searches and seizures in a traffic stop context. It has long been understood that a law enforcement officer may conduct a brief stop when he has a "particularized and objective basis" to suspect wrongdoing. United States v. Cortez, 449 US 411, 417 (1981). See also Terry v. Ohio, 392 US 1 (1968). But an officer must articulate "more than just an inchoate and unparticularized suspicion or 'hunch' of criminal activity" to effectuate a stop. Illinois v. Wardlow, 528 US 119, 125 (2000) quoting Terry, 392 US at 27. Although the "concept of reasonable suspicion is somewhat abstract," United States v. Arviso, 534 US 266, 274 (2002), he must base his decision on both facts and rational inferences from those facts. United States v. Briani-Ponce, 422 US 873, 880 & 884 (1975).

Moreover, there is a stark difference in deprivations of liberty between a brief routine traffic stop and an arrest. While a traffic stop may be premised merely on a "reasonable suspicion"

of wrongdoing or the observation of minor infractions, "probable cause is a necessary condition for an arrest." Atwater v. City of Lago Vista, 532 US 318, 362 (2001) citing Dunaway v. New York, 442 US 200, 213-4 (1979). But this is always a fact-intensive inquiry. "The reasonableness of a seizure, [therefore], depends on what the police in fact do." Rodriguez v. United States, 575 US 348, 191 L.Ed. 2d 492, 500 (2015) citing Knowles v. Iowa, 525 US 113, 115-7 (1998).

This is the crux of what Petitioner asks this Court to resolve. Two different circuit courts of appeal have ruled differently about the reasonableness of an arrest in cases with nearly identical factual patterns. He humbly asserts that the analysis and holding by the Ninth Circuit Court of Appeals is correct and that the Third Circuit Court of Appeals was wrong when it upheld the reasonableness of his arrest and the denial of his motion to suppress. For the following reasons, the ruling by the Third Circuit must be reversed and the matter remanded for further proceedings.

In Green v. City of San Francisco, 751 F.3d 1039 (CA9, 2014), the plaintiff was observed by law enforcement driving her car on the city streets. Id, 1043. Their automated license plate scanner mis-identified her license plate as one belonging to a stolen vehicle. Id, p. 1044. Via a radio call to other units, Green was later found by another officer. Id. This officer decided to conduct a "felony stop" based only on the belief he was encountering a car thief and, therefore, that she posed a risk. Id.

When officers pulled her over, she immediately complied. Id. When they pulled their guns and pointed them at her, they ordered her out of her vehicle with her hands in the air. She immediately complied. Id. They ordered her to her knees and they handcuffed her. Multiple officers kept their weapons trained on her even after she was handcuffed. Id. It was only after a more careful observation of her actual license plate that law enforcement realized their error and acknowledged the vehicle was not stolen. Id.

The Ninth Circuit Court of Appeals held that the highly intrusive methods of handcuffing Green at gunpoint and handcuffing her violated the Fourth Amendment because law enforcement had only the reasonable suspicion necessary to conduct an investigatory stop, not the probable cause needed to effect a felony arrest. Id at 1047. That Court reasoned all of the circumstances of that incident "exceeded the limits of an investigative detention under Terry." Id. Green was fully compliant. There was no specific indication she was armed. No violent crime had been committed. There was no indication that any violent crime was about to be committed. Id., p. 1047-8. Absent any of these kinds of factors, the highly intrusive methods of arrest used by law enforcement against Green fell outside what is considered "reasonable" under the Fourth Amendment. Id.

More specifically, the Ninth Circuit Court of Appeals held that "the fact that Green was stopped on suspicion of a stolen vehicle does not by itself demonstrate that she presented a

danger to the officers." Id, p. 1048. Indeed, the Court reasoned that the factors available to law enforcement at that time (ie - the lack of any indication she was armed, her total compliance, a total lack of any evidence of violence, the significant outnumbering of her by law enforcement) weighed against any assumption of dangerousness. Id. Absent probable cause, therefore, Green's arrest was unlawful. Id, p. 1049.

Yet under nearly identical circumstances, the Third Circuit Court of Appeals came to precisely the opposite conclusion. Just like in Green, Petitioner and his co-defendants were pursued by law enforcement on suspicion of a stolen motor vehicle. United States v. Jackson, 120 F.4th 1210 (CA3, 2024) attached hereto as "Appendix A", p.3. This belief was based only on the fact that the observed registration had expired and was not assigned to any specific vehicle. Just like in Green, the reporting officer did not observe anything that would have led him to believe Petitioner was armed. He had no knowledge that any violent crime had just been committed. He had no indication any violent crime was about to be committed. Upon stopping, Petitioner and all his co-defendants were fully compliant throughout the arrest. With their guns drawn, law enforcement outnumbered Petitioner and his co-defendant's. All of these factors, ones nearly identical to those that led the Ninth Circuit Court of Appeals to negate such an arrest, seemed to held no sway with their Third Circuit brethren.

The Third Circuit Court of Appeals instead categorized this arrest as merely an "investigative stop." Id, p. 15. It refused

to declare any Fourth Amendment violation because the District Court had found the arresting officer "reasonably believed the car was evading him and offered substantial justification for his suspicion that the defendants may be armed." Id. There are several problems with this analysis. First, the actions taken by law enforcement amount to far more than just an "investigatory stop." Requesting a driver and occupants to exit a vehicle in the name of officer safety are reasonable measures. See Pennsylvania v. Mimms, 434 US 106, 111 (1977) and Maryland v. Wilson, 519 US 408, 415 (1997) respectively. But while no "per se" rule that handcuffing a person at gunpoint constitutes an arrest, see Baker v. Monroe Twp, 50 F.3d 1186, 1193 (CA3, 1994) (collecting cases), "handcuffs and drawing weapons remain hallmarks of a formal arrest." United States v. Patterson, 25 F.4th 123, 143 (CA2, 2022) (internal quotes omitted).

Absent something more than merely "reasonable suspicion to make an investigatory stop, drawing weapons and using handcuffs and other restraints will violate the Fourth Amendment." Washington v. Lambert, 98 F.3d 1181, 1187 (CA9, 1996). See also Wardlow, 528 US at 123-4 and Terry, 392 US at 27. Given how little the arresting officer knew when he affected the stop, such a gross intrusion on Petitioner's liberty was not justified by the circumstances and amounted to a violation of the Fourth Amendment.

Which leads us to the second problem with the Third Circuit's analysis. That Court correctly stated it could overturn the factual findings of the lower court unless "the District

Court's account of the evidence is not plausible in light of the record viewed in its entirety." Jackson, "Appx A" at p.15 citing United States v. Williams, 898 F.3d 323, 329 (CA3, 2018). But it then went on to completely ignore the facts contained in the record. The Third Circuit's reliance on the arresting officer's description of the "erratic driving" and "evasive maneuvers" of Petitioner's vehicle is nonsensical because evidence of that "erratic driving" does not exist outside that self-serving testimony. The dashcam footage from the police car does not show the suspect vehicle after it left the gas station parking lot. Indeed, the only footage of that vehicle comes mere seconds before the arrest when it was seen driving normally and even using its turn signal to enter the dead-end street where the arrest occurred. Id at p.27-28. The officer admitted he did not observe Petitioner's vehicle commit any motor vehicle violations. Id, N.1. He did not see the vehicle occupants run from the car after his arrival on the scene. Id, p.30, N.6. He saw no actions by the occupants that would constitute a crime. Id. Importantly, he repeatedly testified he had no specific knowledge or reason to believe the occupants were armed or dangerous at the time. Id, p.31, No.7. Indeed, the record of this police encounter, viewed in its entirety, wholly lacks any articulable facts that would justify the kind of invasive seizure Petitioner suffered here.

Moreover, this arrest cannot be justified on the idea that additional force and restraint was necessary because law enforcement believed Petitioner's car to be a stolen vehicle. As this Court has made clear, "a felon is not always more dangerous

than a misdemeanant." Lange v. California, 594 US 295, 305 (2021). Although it is true "roadside encounters between police and suspects are especially hazardous," Michigan v. Lang, 463 US 1032, 1049 (1983), an arrest must still be supported by probable cause. As the record here clearly demonstrates, the arresting officer admitted repeatedly that he had no information available to him that would have supported his actions. He acted on a "hunch", a "mere suspicion" that the car driven by Petitioner and his co-defendants must be stolen. This falls far afield of what Fourth Amendment jurisprudence allows.

For the last half-century, the powers of police have steadily grown and courts, including this one, have repeatedly strengthened the protections for law enforcement actions that occur on the roadways. From ordering occupants from the vehicle, to searching the passenger compartment, to impounding and inventorying the vehicle, the long-standing pattern has been to justify and validate the actions of police taken during traffic stops. But as Justice O'Connor warned a quarter century ago, "unbounded discretion carries with it grave potential for abuse." Atwater, 532 US at 372 (O'Connor, dissenting). At the time, such a warning was assuaged by the then-lack of an "epidemic of minor offense arrests." Id at 353. But as the underlying matter demonstrates, arrests during minor traffic arrests are now common indeed.

Even more recently, Justice Sotomayor echoed this warning in her dissent from Kansas v. Glover, 589 US 376 (2020). Focusing on the idea that more than a "hunch" is needed to form reasonable

suspicion, she reminded us that while "a logical gap as to any one matter in this analysis may be overcome by a strong showing regarding other indicia of reliability," gaps in that logic may not go unfilled. Id at 427. Justice Sotomayor took umbrage with the majority's holding which seemingly stretched the authority of police to stop and arrest nearly any motorist they encounter without the need to formulate the requisite reasonable suspicion or conduct even a de minimus investigation. Id at 428-9. In hauntingly prescient prose, she asks "who could meaningfully interrogate an officer's action when all the officer has to say is that the vehicle was registered to an unlicensed driver?" Id at 431.

Such concerns were themselves echoed by the dissent in the underlying case. Circuit Judge Rendell agreed that the holding in Petitioner's appeal was yet another that "steadily increased the constitutional latitude of the police." Jackson, "Appx A" at p. 25 quoting United States v. Mosley, 454 F.3d 249, 252 (CA3, 2006) (internal punctuation omitted). He believed the holding significantly departed from the ordinary bounds of what the Fourth Amendment allows and that it significantly increased the likelihood that law enforcement officers will now be permitted to dispose of the need for an individualized reasonable suspicion, instead merely relying on their "hunch." Id, p. 1-2.

Circuit Judge Rendell's analysis of the record is the correct one. A reasonable review of the record in its entirety demonstrates the arresting officer had absolutely no facts on which he could substantiate his belief the occupants of

Petitioner's car were armed, dangerous, or in the act of committing a violent crime. Indeed, he cites the far more likely reason for why the officer acted as he did: he was frustrated at having lost sight of his suspects and, in the presence of a rookie officer, decided to take out his frustrations by showing-off and arresting Petitioner at gun-point rather than conducting the routine traffic stop the circumstances called for.

Using a remarkably similar sets of facts, two Courts of Appeal arrived at decidedly different holdings regarding the reasonableness of arrests absent articulable facts about a motorist's dangerousness. This split between the Third and Ninth Circuit Courts of Appeal demonstrates these kinds of circumstances fall within a still "fuzzy" zone of Fourth Amendment jurisprudence. Does the handcuffing of a kneeling or prone person subsequent to a traffic stop absent articulable and specific facts about dangerousness rise to the level of an arrest? Does law enforcement need to articulate more than a reasonable suspicion of dangerousness or wrongdoing before employing the intrusive step of arresting a person during a lawful traffic stop? These are questions that need a more robust and clear answer from this Court in order to ensure uniformity across the nation. Until such clarification is issued, motorists of all stripes will face the onerous and terrifying prospect of an arrest for even the most mundane of traffic violations. That idea falls far afield of what the Founders envisioned when they declared citizens would be free from "unreasonable seizures." A writ of certiorari should issue.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: April 14, 2025