No. 25-399

In the Supreme Court of the United States

RONELL MOSES, JR., PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

BRIEF FOR THE UNITED STATES IN OPPOSITION

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QUESTION PRESENTED

Whether a portion of the driveway several dozen feet away from petitioner's garage constituted curtilage of petitioner's home.

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OPINIONS BELOW

The opinion of the court of appeals (Pet. App. 1a-42a) is reported at 142 F.4th 126. The opinion of the district court (Pet. App. 43a-59a) is available at 2023 WL 3408574.

JURISDICTION

The judgment of the court of appeals was entered on July 3, 2025. The petition for a writ of certiorari was filed on October 1, 2025. The jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

STATEMENT

Following a guilty plea in the United States District Court for the Western District of Pennsylvania, petitioner was convicted on one count of possessing a firearm and ammunition following a felony conviction, in violation of 18 U.S.C. 922(g)(1). Judgment 1. He was sentenced to 40 months of imprisonment, to be followed by

three years of supervised release. Judgment 2-3. The court of appeals affirmed. Pet. App. 1a-42a.

1. On April 23, 2020, a police officer was patrolling Penn Hills, Pennsylvania, with his windows rolled down, when petitioner drove past while traveling in the opposite direction. Pet. App. 2a, 44a. As the cars passed one another, the officer smelled burned marijuana. *Id.* at 2a. The officer made a U-turn, caught up with petitioner's car, and continued to smell marijuana. *Ibid.*

Petitioner reached his home and began to pull the car into the driveway. Pet. App. 2a. The officer activated his vehicle's lights "seconds before the [car] turned into the driveway," but after petitioner had activated his turn signal. *Id.* at 45a. Petitioner parked about 20 feet into a 70-foot driveway, several dozen feet from the garage. *Id.* at 8a. The driveway "was not secluded, but plainly visible from the street" and "connected to the public street." *Id.* at 8a-9a; see *ibid.* (body-camera photographs).

The officer parked his patrol vehicle at the driveway's entrance and walked up the driveway to petitioner's car. Pet. App. 2a, 46a. He could smell the marijuana as he approached the car, and the smell became stronger when petitioner rolled down the car's window. *Id.* at 46a. The officer also saw a burning marijuana cigarette in the center console cup holder. *Ibid.* Upon questioning by the officer, petitioner provided his license and a medical marijuana card, and then produced a bag of marijuana. *Id.* at 18a. Petitioner denied having any other drugs or firearms in the car. *Id.* at 46a-47a.

The exchange occurred as the officer stood 30 to 40 feet in front of petitioner's home in an exposed area of the driveway, on the path that led from the public street to the front door. Pet. App. 9a. The officer subse-

quently searched petitioner's car and found a loaded, stolen pistol in the center console. *Id.* at 47a. He then arrested petitioner. *Ibid.*

2. A grand jury in the Western District of Pennsylvania returned an indictment charging petitioner with one count of possessing a firearm and ammunition following a felony conviction, in violation of 18 U.S.C. 922(g)(1). Indictment 1. Petitioner moved to suppress the firearm and ammunition, arguing that the officer had unlawfully invaded an area protected by the Fourth Amendment. Pet. App. 43a. The district court denied the motion. *Id.* at 43a-59a.

The district court stated that the Fourth Amendment prohibits the government from "violat[ing] a person's reasonable expectation of privacy or physically intrud[ing] on the Fourth Amendment's protected areas to gather information." Pet. App. 49a-50a (citation and internal quotation marks omitted). And the court recognized that "'the home'" and its "curtilage—the area 'immediately surrounding and associated with the home,'" receive "heightened Fourth Amendment[] protection." *Id.* at 51a (quoting *Florida* v. *Jardines*, 569 U.S. 1, 6 (2013), and *Collins* v. *Virginia*, 584 U.S. 586, 592 (2018)).

The district court explained that "[t]he question of the extent of curtilage is essentially factual." Pet. App. 51a. And in assessing the relevant facts, the court looked to the four factors articulated in *United States* v. *Dunn*, 480 U.S. 294, 301 (1987): "[1] the proximity of the area claimed to be curtilage to the home, [2] whether the area is included within an enclosure surrounding the home, [3] the nature of the uses to which the area is put, and [4] the steps taken by the resident to protect the

area from observation by people passing by." Pet. App. 51a (quoting *Dunn*, 480 U.S. at 301).

After examining the police officer's body-camera footage of the search, the district court found that "the portion of the driveway at issue was not intimately linked to the home and, therefore, not curtilage." Pet. App. 56a; see *id.* at 52a-53a. With respect to the first *Dunn* factor, the court took the view that "the proximity of the area" where petitioner had parked his car favored a curtilage finding, noting that it "was approximately twenty feet into the driveway" and "past the stairs to the walkway leading to the front porch." *Id.* at 53a. But the court found that the second, "enclosure," factor weighed against a curtilage finding, because there was "[n]o evidence * * * that the [car] was within an enclosure." *Id.* at 54a. Instead, "[t]he area of the driveway where the [car] was parked was readily visible from the street and from neighbors' yards." *Ibid.*

The district court also found that the third *Dunn* factor—"the nature of the area's usage"—weighed against a curtilage finding. Pet. App. 54a-55a. The court noted the absence of "'no trespass'" or "'private property'" signs and observed that "[a] visitor approaching the front door would have to walk up the driveway, walk up three to four stairs, follow a fenced pathway that turns to the right, and then walk up eight steps to the front porch" to reach the front door. *Id.* at 55a (citation omitted). The court further noted that the area was "devoid of playground equipment, toys, outdoor furniture, or a grill." *Ibid.* And the court reasoned that petitioner's evidence of usage—specifically, testimony regarding family gatherings on the driveway once or twice a month—"does not transform the visible and

accessible driveway into an extension of the daily intimate activities of the home." *Ibid.*

Finally, with respect to the fourth *Dunn* factor, the district court found that "[n]othing about the driveway area precluded curious neighbors, members of the public, or government agents" from entering the property. Pet. App. 56a. It emphasized that "the area is * * * clearly visible to a person standing on the public street" and "[t]here was no * * * barrier to an individual entering the front yard or driveway." *Ibid.* And after balancing the factors, the court found "that the portion of the driveway at issue was not intimately linked to the home and, therefore, not curtilage." *Ibid.* Therefore, because probable cause supported the officer's search of petitioner's car, the court declined to suppress the firearm evidence. *Id.* at 57a-59a.

Petitioner entered a conditional guilty plea to the charged count, preserving his right to appeal the district court's denial of his claim that his car was parked on his home's curtilage. Pet. App. 3a. The district court subsequently sentenced petitioner to 40 months of imprisonment, to be followed by three years of supervised release. Judgment 2-3.

3. The court of appeals affirmed. Pet. App. 1a-42a. The court explained that "[t]hree lines of reasoning" support the district court's conclusion that the officer "did not step into the house's curtilage": a holistic view of the "patch of driveway"; the four *Dunn* factors; and the purpose of the curtilage rule. *Id.* at 7a.

With respect to the holistic analysis, the court of appeals emphasized that, as documented by the body-camera footage of the officer's entry onto the driveway and encounter with petitioner, the officer stood several dozen feet from the garage at a location that was

"plainly visible from the street," and stayed "thirty to forty feet in front of [petitioner's] home." Pet. App. 8a-9a. The court noted that the officer stood several dozen feet from the garage at a location that was "plainly visible from the street," *id.* at 8a, and stayed "thirty to forty feet in front of [petitioner's] home," *id.* at 9a. And the court found that petitioner "did not have a reasonable expectation of privacy in that part of his driveway," which was "on the path that any stranger might take to the front door." *Id.* at 8a-9a.

Turning to the *Dunn* factors, the court of appeals observed that, "[a]lthough * * * not very illuminating here," the four factors "reinforce[d] [its] holding" that the disputed area of the driveway was not curtilage. Pet. App. 10a. The court explained that the first factor (proximity to the home) "does not favor [petitioner] much" because "the officer did not get close to [petitioner's] house." *Id.* at 11a. As to the second factor (enclosure), the court emphasized the absence of a "fence, wall, or other enclosure clearly separating the part of the driveway where the officer stood from the property's open fields." *Id.* at 11a-12a. On the third factor (whether "the homeowner appeared to use the area for private, home activities") the court explained that the only relevant evidence is "objective evidence"—*i.e.*, "whether a reasonable officer would believe that the space was used for domestic activities"—and found that "[a]ll objective evidence was that [petitioner] used this part of the driveway to park cars." *Id.* at 12a. And on the fourth factor (concealment), the court observed that "anyone walking by the street could see clearly into the driveway." *Id.* at 13a.

The court of appeals also reasoned that a finding of curtilage here did not further the purpose of protecting

curtilage, which is tethered to the "residents' privacy in their houses." Pet. App. 13a (emphasis omitted). The court noted that the "police may peer into someone's house from a public street," but if they "sneak onto the homeowner's property to learn more about its interior than they could by observing it from a public place, then they have breached an area that protects the home's privacy—the curtilage." *Id.* at 13a-14a. And the court found that "[a]n officer" in this case "would not expect to see much more through the front windows [of petitioner's home] when standing forty feet away from the house than he could when standing on the street," "[n]or would he think that by getting this close, he could better hear or smell what was going on inside." *Id.* at 14a.

Judge Ambro dissented in relevant part. Pet. App. 16a-42a. In his view, the relevant portion of the driveway was close to and connected to the house to constitute curtilage, the *Dunn* factors favored such a conclusion, and that the purpose of the curtilage doctrine extends beyond keeping the home itself private. *Id.* at 26a-35a. In the course of analyzing the third *Dunn* factor, he noted that he would have considered evidence of uses to which the area was put, even if no objective evidence would have apprised a reasonable officer of those uses. *Id.* at 30a-32a.

ARGUMENT

Petitioner renews (Pet. 12-32) his contention that a police officer walking partway up his driveway violated his Fourth Amendment rights. The court of appeals correctly rejected that contention, and its decision does not conflict with any other court of appeals. In particular, petitioner overstates the extent of any disagreement in the courts of appeals concerning the factors for discerning a home's curtilage under *United States* v.

Dunn, 480 U.S. 294, 301 (1987), and this case does not present a suitable vehicle for addressing that issue. Further review is accordingly unwarranted.

1. This Court "considers curtilage—'the area immediately surrounding and associated with the home'—to be part of the home itself for Fourth Amendment purposes." *Collins* v. *Virginia*, 584 U.S. 586, 592 (2018) (quoting *Florida* v. *Jardines*, 569 U.S. 1, 6 (2013)) (internal quotation marks omitted). Accordingly, "[w]hen 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 593. The central inquiry in determining whether a particular area is curtilage is "whether the area in question is so intimately tied to the home itself that it should be placed under the home's 'umbrella' of Fourth Amendment protection." *Dunn*, 480 U.S. at 301.

Here, the court of appeals correctly determined that the police officer did not intrude on the curtilage of petitioner's home. The portion of the driveway on which the officer stood was "several dozen feet from the garage," in a place "plainly visible from the street and on the path that any stranger might take to the front door." Pet. App. 8a. Such an area does not "harbor the 'intimate activity associated with the "sanctity of a man's home and the privacies of life,"'" *Dunn*, 480 U.S. at 300 (quoting *Boyd* v. *United States*, 116 U.S. 616, 630 (1886)), so as to be classified as curtilage.

As the court of appeals recognized, the location here therefore differs from the driveway section that the Court found to be curtilage in *Collins* v. *Virginia*. See Pet. App. 9a. *Collins* emphasized that the driveway section there sat "behind the front perimeter of the house," with a "side door provid[ing] direct access between th[e]

partially enclosed section of the driveway and the house," and in a location that a visitor would not naturally walk when "endeavoring to reach the front door." 584 U.S. at 593.

2. None of the decisions from the courts of appeals and state supreme courts that petitioner cites calls that straightforward determination into question.

In some of the driveway-curtilage decisions favorably cited by petitioner (Pet. 17-19), for example, police officers ventured beyond the path to the front door and into other areas of the property. See *Chong* v. *United States*, 112 F.4th 848, 853 (9th Cir. 2024) (per curiam) ("The deputies * * * approached [the defendant's] home by entering the next-door neighbor's yard," "hopping over the retaining wall and bushes on the left side of the property line," and "approach[ing] the open garage by walking between the left-side doorframe and a car parked on the driveway" while "hugg[ing] a white lattice fence"), cert. denied, 145 S. Ct. 1218 (2025); *State* v. *Chute*, 908 N.W.2d 578, 588 (Minn.) (officer impermissibly entered defendant's backyard and inspected a parked camper), cert. denied, 586 U.S. 981 (2018); *United States* v. *Wells*, 648 F.3d 671, 677 (8th Cir. 2011) (officers walked on "unpaved driveway extending past the rear of [the defendant's] home," including "pas[t] both the paved walkway leading to [the defendant's] front door and the door in the carport").

In other cases petitioner cites, the parties did not dispute whether the driveway was curtilage at all. In *State* v. *Calabrese*, 268 A.3d 565 Vt. 2021), for example, the officer claimed only that he acted within "the scope of the welfare check that authorized his presence in the curtilage of the home." *Id.* at 578. Similarly, in *Hardin* v. *State*, 148 N.E.3d 932 (Ind. 2020), cert. denied, 141

S. Ct. 2468 (2021), neither party "ask[ed] [the court] to address whether the vehicle was parked within the home's curtilage," so the court "assume[d] without deciding that the trial court correctly resolved that issue." *Id.* at 939.*

Additional cases cited by petitioner that arose in the context of execution of a warrant authorizing a search of a home and its curtilage are likewise inapposite. In some of those cases, the court did not extensively analyze the particular location to determine its status, presumably because the search would have been lawful either under the automobile exception to the warrant requirement (if not curtilage) or the warrant (if on curtilage). See *United States* v. *Coleman*, 909 F.3d 925, 930 (8th Cir. 2018). In others, the property at issue differed markedly from the driveway at issue here, warranting a different outcome. See *Peacock* v. *State*, 878 S.E.2d 247, 258 (Ga. 2022) (noting the "relative seclusion of the area" and that the home was "bordered by trees, which created a natural barrier separating the home * * * from the road and surrounding area"). And while the court in *Landers* v. *State*, 301 S.E.2d 633 (Ga. 1983), stated that "a driveway is properly considered within the curtilage of the dwelling it services," that was dicta, as the court concluded that the search at issue did not occur on the curtilage because the vehicle "was parked in the driveway of a vacant lot adjoining" the residence at issue. *Id.* at 634.

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* Petitioner additionally cites (Pet. 18) *State* v. *Bovat*, 224 A.3d 103, 106-107 (Vt. 2019), cert. denied, 141 S. Ct. 22 (2020), overruled by *State* v. *Calabrese*, 268 A.3d 565 (Vt. 2021) , which found that the curtilage included the defendant's *garage*, not his driveway. The court stated only in passing and without analysis that driveways may be considered "[p]ortions of the curtilage." *Id.* at 108.

As those cases illustrate, petitioner's assertion (Pet. 17) that there is a "growing conflict as to the treatment of driveways" is an overgeneralization. Courts do not hold that all driveways (or no driveways) are curtilage. They instead analyze the particular driveway—or portion of driveway—at issue, and the particular circumstances of the alleged intrusion. See, *e.g.*, *Wells*, 648 F.3d at 677 (holding that "the portion of [the defendant's] unpaved driveway extending past the rear of his home" was curtilage); *State* v. *Pinkham,* 679 A.2d 589, 591 (N.H. 1996) (recognizing that "some driveways, or some portions thereof" may warrant more protections); *Chute*, 908 N.W.2d at 584 (noting that a "driveway of a home [is] *often* considered to be within the curtilage of a home") (emphasis added); see also *United States* v. *Beene*, 818 F.3d 157 162 (5th Cir.) (analyzing particular driveway and determining that it is not curtilage), cert. denied, 580 U.S. 850 (2016); *United States* v. *Coleman*, 923 F.3d 450, 456-457 (6th Cir.) (same), cert. denied, 589 U.S. 1083 (2019).

The lower courts' fact-specific determination that the police officer's particular location on a particular driveway did not constitute an intrusion on the curtilage of petitioner's home does not warrant this Court's review. This Court "do[es] not grant certiorari to review evidence and discuss specific facts." *United States* v. *Johnston*, 268 U.S. 220, 227 (1925); see Sup. Ct. R. 10. Indeed, "under * * * the 'two-court rule,' the policy * * * has been applied with particular rigor when district court and court of appeals are in agreement as to what conclusion the record requires." *Kyles* v. *Whitley*, 514 U.S. 419, 456-457 (1995) (Scalia, J., dissenting) (citing *Graver Tank & Mfg. Co.* v. *Linde Air Prods. Co.*, 336 U.S. 271, 275 (1949)).

3. Petitioner contends (Pet. 12) that this Court should nonetheless grant certiorari to address the more general issue of whether "evidence of how an area was actually used by the homeowner is []relevant to the curtilage inquiry," even if that use "would [not] have been apparent to the officer conducting the search." But petitioner overstates both the level of disagreement in the lower courts and the practical implications of that disagreement under the circumstances at issue here.

a. In *United States* v. *Dunn*, this Court described four factors that can help to guide the determination whether an area adjacent to a home is "curtilage": (1) proximity to the home; (2) whether the area is included within an enclosure surrounding a home; (3) the nature and uses of the area; and (4) steps taken by the resident to protect the area from observation. 480 U.S. at 301. The court of appeals considered those factors here and found that they weighed against a finding that the disputed area was curtilage. See Pet. App. 10a-13a. The court observed that "the officer did not get close to [petitioner's] home," *id.* at 11a, there was no "fence, wall, or other enclosure clearly separating the part of the driveway where the officer stood," *id.* at 11a-12a; "there was no sign of [private domestic activities] to alert the officer," *id.* at 13a; and "anyone walking by on the street could see clearly into the driveway," *ibid.*

Consistent with decisions from the Sixth and Eighth Circuits, the court of appeals reasoned that the third *Dunn* factor assesses how the disputed area "looks objectively to a reasonable officer." Pet. App. 12a; see *United States* v. *Gerard*, 362 F.3d 484, 488 (8th Cir.), cert. denied, 543 U.S. 928 (2004); *Daughenbaugh* v. *City of Tiffin*, 150 F.3d 594, 599 (6th Cir. 1998). That approach is also consistent with this Court's decision in

Dunn, which, in applying the third factor, noted that "law enforcement officials possessed objective data indicating that the barn was not being used for intimate activities of the home." 480 U.S. at 302; see *id.* at 305 (Scalia, J., concurring in part) (recognizing that portion of the opinion relied on "[t]he officers' perceptions" and declining to join it).

The approach is additionally consistent with the fact that "Fourth Amendment doctrine, given force and effect by the exclusionary rule, is primarily intended to regulate the police in their day-to-day activities and thus ought to be expressed in terms that are readily applicable by the police in the context of the law enforcement activities in which they are necessarily engaged." *New York* v. *Belton*, 453 U.S. 454, 458 (1981); see *Atwater* v. *City of Lago Vista*, 532 U.S. 318, 347 (2001) (similar). The Fourth Amendment's "command of reasonableness" requires "standards [that are] sufficiently clear and simple" for officers to "appl[y] with a fair prospect of surviving judicial second-guessing months and years after an arrest or search is made." *Atwater*, 532 U.S. at 347.

An approach that turns on facts that are unknown—or, worse yet, unknowable—to an officer on the scene does not supply a workable standard. Such an approach would find unreasonableness where the officers acted reasonably based on objective evidence. And it could potentially work to defendants' own detriment, if it turned out that an area that appeared private was in fact not put to private use—such as an area of someone's property that, as it turns out, neighbors and others are free to come and use. See, *e.g.*, *Gerard*, 362 F.3d at 488 (rejecting government's reliance on evidence not apparent to officer up front).

b. Petitioner asserts (Pet. 14) that four circuits decline to limit the third *Dunn* factor to "objective evidence of intimate uses possessed by officers," *United States* v. *Diehl*, 276 F.3d 32, 40 (1st Cir.), cert. denied, 537 U.S. 834 (2002), and further consider "the actual use to which the property was put," *United States* v. *Reilly*, 76 F.3d 1271, 1278 (2d Cir. 1996); see *United States* v. *Ronquillo*, 94 F.4th 1169, 1174 (10th Cir. 2024); *United States* v. *Depew*, 8 F.3d 1424, 1427 (9th Cir. 1993), overruled on other grounds by *United States* v. *Johnson*, 256 F.3d 895 (9th Cir. 2001) (en banc) (per curiam). But review of any such narrow disagreement is unwarranted because petitioner's Fourth Amendment claim would have failed even if actual-use evidence were considered. See *Supervisors* v. *Stanley*, 105 U.S. 305, 311 (1882) (explaining that this Court does not grant a writ of certiorari to "decide abstract questions of law * * * which, if decided either way, affect no right" of the parties).

The third *Dunn* factor looks to whether "intimate activities of the home" occurred at the disputed location. 480 U.S. at 302; see, *e.g.*, *Ronquillo*, 94 F.4th at 1175 ("Defendant used the detached garage as a living quarter."). On that issue, petitioner tendered evidence that his family used the driveway as a children's play area and a location for twice-monthly family gatherings. See Pet. App. 20a (Ambro, J., concurring in part and dissenting in part). Such "'occasional[]'" use would weigh only "slightly" in petitioner's favor. *United States* v. *Alexander*, 888 F.3d 628, 633 (2d Cir. 2018) (occasional barbecue hosting) (citation omitted). Because the location was still "plainly visible from the street and on the path that any stranger might take to the front door," Pet. App. 8a, such use would not make a difference in

the result even in the circuits whose approaches petitioner embraces, see *United States* v. *Brown*, 510 F.3d 57, 65 (1st Cir. 2007) ("If the relevant part of the driveway is freely exposed to public view, it does not fall within the curtilage."); *United States* v. *Cousins*, 455 F.3d 1116, 1123 (10th Cir.) (looking to area's "primary" or "significant" use and reasoning that "the presence of the electric meter and paved walkway belie any claim that the sideyard was intended as a private space"), cert. denied, 549 U.S. 866, and 549 U.S. 1070 (2006); *Depew*, 8 F.3d at 1428 (observing that area "was not visible from the highway below due to the long driveway, a row of thick trees blocking the view, and the lower elevation of the highway," defendant had posted "'No Trespassing' signs," and "uninvited guests had never previously entered the property").

In all events, as the court of appeals explained, the *Dunn* factors are simply a "heuristic[]" aimed at assisting courts in determining "'whether the area in question is so intimately tied to the home itself that it should be placed under the home's 'umbrella' of Fourth Amendment protection." Pet. App. 7a (quoting *Dunn*, 480 U.S. at 301). Those factors need not be applied in every curtilage case, as this Court's decisions illustrate. See *id.* at 8a (noting that *Jardines* and *Collins* did not apply the *Dunn* factors). Any circuit disagreement as to the application of one out of four heuristic factors, concerning an issue that need not even be dispositive as to that factor, does not warrant this Court's review.

4. Finally, this case is not a suitable vehicle for addressing petitioner's Fourth Amendment challenge because, as the government argued below, see Gov't C.A. Br. 43-47, suppression of evidence resulting from any intrusion onto petitioner's curtilage would be unwar-

ranted. Indeed, petitioner appears to acknowledge that "the officer's perception" would be relevant to the officer's "'good faith'" for purposes of establishing an exception to the exclusionary rule. Pet. 24 (quoting Pet. App. 31a (Ambro, J., concurring in part and dissenting in part)). That apparent acknowledgment undermines the significance of the issue as a general matter and in the specific context of this case.

The exclusionary rule is a "judicially created remedy" designed to "safeguard Fourth Amendment rights generally through its deterrent effect." *United States* v. *Leon*, 468 U.S. 897, 906 (1984) (citation omitted). This Court has emphasized, however, that suppression is an "extreme sanction," *id.* at 916, because the "exclusion of relevant incriminating evidence always entails" "grave" societal costs, *Hudson* v. *Michigan*, 547 U.S. 586, 595 (2006). Most obviously, it allows "guilty and possibly dangerous defendants [to] go free—something that 'offends basic concepts of the criminal justice system.'" *Herring* v. *United States*, 555 U.S. 135, 141 (2009) (quoting *Leon*, 468 U.S. at 908).

This Court has thus held that, "[t]o trigger the exclusionary rule, police conduct must be sufficiently deliberate that exclusion can meaningfully deter it, and sufficiently culpable that such deterrence is worth the price paid by the justice system." *Herring*, 555 U.S. at 144. Suppression may be warranted "[w]hen the police exhibit 'deliberate,' 'reckless,' or 'grossly negligent' disregard for Fourth Amendment rights." *Davis* v. *United States*, 564 U.S. 229, 238 (2011) (citation omitted). "But when the police act with an objectively reasonable good-faith belief that their conduct is lawful, * * * the deterrence rationale loses much of its force, and exclusion cannot pay its way." *Ibid.* (citations and internal quota-

tion marks omitted). Reliance on binding appellate precedent can establish the applicability of the good-faith exception. *Id.* at 239-241.

Under those principles, suppression would not be appropriate here even if the police officer's actions were held to violate the Fourth Amendment. The officer "approach[ed] the home by the front path," just as the "Girl Scouts and trick-or-treaters" might. *Jardines*, 569 U.S. at 8. And because nothing on that path put the officer on notice that it was associated with any "intimate activities of the home," *Dunn*, 480 U.S. at 302, petitioner has not demonstrated that the officer displayed the sort of "'deliberate,' 'reckless,' or 'grossly negligent' disregard for Fourth Amendment rights" that is required to justify the high costs of suppression. *Davis*, 564 U.S. at 238 (citation omitted).

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted.

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DECEMBER 2025