No. _____

SUPREME COURT OF THE UNITED STATES

JAISON L. COLEMAN,

Petitioner,

-against-

UNITED STATES OF AMERICA,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

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QUESTIONS PRESENTED

I. Having already expressly denied consent for police to enter the residence, does the occupant's "okay" in response to the officer's statement that police "almost need" to enter the residence amount to voluntary consent for police to enter the residence?

II. Having already expressly denied general consent for police to enter the residence, does the occupant's "okay" in response to the officer's statement that police "almost need" to enter the residence to check on the welfare of the children limit the scope of consent to checking on the welfare of the children?

PARTIES TO THE PROCEEDING

The parties to these proceedings are Jaison L. Coleman and the United States.

TABLE OF CONTENTS

QUESTIONS PRESENTED i

PARTIES TO THE PROCEEDING ii

TABLE OF AUTHORITIES vi

OPINIONS BELOW 1

BASIS OF JURISDICTION 2

CONSTITUTIONAL PROVISION INVOLVED 3

STATEMENT OF THE CASE 4

REASONS FOR GRANTING THE WRIT 12

I. The court of appeals decision failed to fairly address the clear error in the district court's opinion. 12

a. The district court and court of appeals left out important facts that are revealed in the body camera recording. *13*

b. Finding that Lisa's words and actions qualify as consent to enter the house greatly expands the consent exception to the warrant requirement *15*

c. *Lisa's alleged nod when she said, "Okay" is a far cry from unequivocal consent to enter the residence.* 19

d. At most, Lisa acquiesced to the officer's claim of lawful authority *20*

e. The officers exceeded the scope of any consent to search. *21*

CONCLUSION 25

APPENDIX-TABLE OF CONTENTS A-1

APPENDIX-decision of the court of appeals A-2

APPENDIX-decision of the district court A-3

APPENDIX-Affidavit of Service A-4

TABLE OF AUTHORITIES

Cases

Anderson v. City of Bessemer City,
470 U.S. 564, 105 S. Ct. 1504, 84 L. Ed. 2d 518 (1985) 24

Bumper v. North Carolina,
391 U.S. 543, 20 L. Ed. 2d 797, 88 S. Ct. 1788 (1969) 20

Florida v. Jimeno,
500 U.S. 248, 111 S. Ct. 1801 (1991) 21, 24

Lietzow v. Vill. Of Huntely,
No. 17 CV 05291, 2023 WL 2954989 (N.D. of Ill. April 14, 2023) 17

Michael C. v. Gresbach,
526 F.3d 1008 (7th Cir. 2008) 21

United States v. Coleman,
154 F.4th 558 (7th Cir. 2025) 1

United States v. Gonzalez-Ruiz,
794 F.3d 832 (7th Cir. 2015) 17

United States v. Jackson,
598 F.3d 340 (7th Cir. 2010) 21

United States v. Long,
425 F.3d 482 (7th Cir. 2005) 21

United States v. Queen,
847 F.2d 346 (7th Cir. 1988) 15

United States v. Sabo,
724 F.3d 891 (7th Cir. 2013) 15-16

United States v. Turner,
169 F.3d 84 (1st Cir. 1999) 22

Other Authority

4th Amendment, United States Constitution 3

Title 18, U.S.C. § 922(g) 2

Title 28, U.S.C. § 1254(1) 2

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Petitioner, Jaison L. Coleman, respectfully prays that a writ of certiorari issue to review the decision of the United States Court of Appeals for the Seventh Circuit entered in this action on October 7, 2025.

OPINIONS BELOW

The decision of the district court is not published. The decision of the court of appeals is published at re *United States v. Coleman*, 154 F.4th 558 (7th Cir. 2025). The decisions of the court of appeals and district court are reproduced in the appendix to this petition.

BASIS FOR JURISDICTION

The final judgment of the court of appeals was entered October 7, 2025, when the court of appeals issued its order affirming the district court's denial of Coleman's motion to suppress. This Court has jurisdiction to review this judgment pursuant to Title 28, U.S.C. § 1254(1).

CONSTITUTIONAL PROVISION INVOLVED

> 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.

4th Amendment, United States Constitution.

STATEMENT OF THE CASE

The grand jury charged Jaison L. Coleman with being a prohibited person in possession of a firearm in violation of Title 18, U.S.C. § 922(g). The firearm in question was found during a warrant search of Coleman's residence on April 20, 2023, but the evidence that supported probable cause for the warrant was discovered during a warrantless search of the house earlier in the day.

Coleman moved to suppress the results of the warrantless search and the warrant search. The district court found that the search was justified under the consent exception to the warrant requirement. The parties eventually entered into a plea agreement wherein Coleman agreed to plead guilty to the one count indictment but reserved the right to appeal the denial of the motion to suppress. Coleman pleaded guilty to the indictment on August 13, 2024, and on October 30, 2024, the district judge sentenced him to 102 months prison and three years of supervised release. The court of appeals affirmed, finding that the district court did not commit clear error. The order denying the motion to suppress and the appellate decision to affirm were based on the following facts.

Lisa and Jaison Coleman lived at 307 W. McMillian Street, Marshfield, Wisconsin. On April 20, 2023, Wood County Dispatch received a 911 call from

a female later identified as Lisa's daughter who said that her stepfather had threatened to kill her mother. Officers Jamie Kizer, Libby Abel (now Libby Maxson) and various other officers were dispatched to the Coleman residence. According to Kizer, a threat to kill could potentially amount to the misdemeanor crimes of disorderly conduct or harassment. Officer Kizer testified that he arrived at the house to investigate whether the alleged threat had been made and whether these misdemeanor crimes were committed.

Officer Kizer knocked on the door and announced, "Marshfield Police, open the door." About 20 seconds after the first knock, Lisa came to the door. With dogs barking behind her, Lisa opened the door partially and stood between the door and the jamb. Officer Kizer asked Lisa if she was okay, but Lisa did not respond. Kizer then said, "Come on out." Lisa stepped out of the house and closed the door behind her.

The following exchange occurred between Lisa and Kizer outside the house:

> Kizer: Ok. Who else is inside?
>
> Lisa: My daughter…my son and my daughter.
> [*Lisa folds arms across chest*]
>
> Kizer: Ok. Are they ok?
>
> Lisa: They are in my room right now.
>
> Kizer: Are they gonna be ok?

> Lisa: I hope so.
>
> Kizer: Where is he at?
>
> Lisa: I don't know.
>
> Kizer: Can I come in?
>
> Lisa: I prefer that you *not* [emphasis on the word "not"].

The district court described the initial exchange between Kizer and Lisa as follows:

> …Lisa Coleman, came to the door, opening it Officer Kizer then inquired about her children's wellbeing, her husband's whereabouts, and whether he could come into the house. Lisa responded that she "hope[d]" her kids, who were in her bedroom, would "be okay," but she "would prefer [Kizer] not" come into her home. (*id.* at 1:50-2:10.) She then reentered the house to retrieve a pair of shoes.

The district court found that after this initial exchange between Lisa and Kizer, Lisa reentered the house to retrieve a pair of shoes. This is a correct statement, but it leaves out the fact that Lisa asked Kizer if she could get her shoes and she did not reenter the house until she had Kizer's permission. Specifically, Lisa turned toward the door and said, "I need to get some shoes." Then she asked, "Can I get some shoes?" and Kizer responded, "Yeah. I'm just gonna…ok. Get some shoes and come out." At that point Officer Kizer permitted Lisa to reenter the residence.

Lisa left to get the shoes at about 2:25 on the Kizer video recording and returned at about 4:20, so she was gone for almost two minutes. After about 40 seconds Kizer cracked the door open and asked if everything was okay. He claims that he heard the sound of "mild arguing," but no such conversation is apparent in the recording.

While Lisa was gone Officer Kizer told one of the other officers on the scene that it appears that the situation has calmed down. Kizer also told an officer on scene that, "She didn't want me to come in." The district court makes no mention of these statements by Kizer in the findings, but the statements clearly appear on the recording. Officer Kizer explained in his testimony that he permitted Lisa to return to the residence because at that time, "things were not at the point where we necessarily need to, I guess, barge into the house or get in there quickly."

Lisa returned to the front door, exited the house, and closed the door behind her. The following exchange occurred between Lisa and Kizer on the front stoop:

> Kizer: Alright. How's everything going in there?
>
> [*Lisa folds her arms across her chest*]
>
> Lisa: (Shrugs her shoulders and shakes head side to side)
>
> Kizer: What's your name?

Lisa: Lisa Coleman

Kizer: Lisa?

Lisa: Ah huh

Kizer: Okay. My name's Jamie. So, we just want to help if we can. Ok. Obviously, what got our attention is... umm... somebody said that he was threatening to harm you.

Lisa: [No verbal response. Nods head up and down.]

Kizer: Ok. What's his name?

Lisa: Jaison Coleman

Kizer: Okay. So Lisa and Jaison. Okay. Is Jaison more calm right now? And are your kids okay?

Lisa: I ... I....They're okay right now...(inaudible).

Kizer: Okay. I'm sensing that we almost need to come inside to make sure of that.

Lisa: Okay.

Kizer: Okay.

Lisa: They're in my bedroom.

The district court made multiple factual findings on Lisa's body language at the moment where Lisa said "okay" after Kizer said that "we almost need to come inside...". In one section of the Order the court asserts that Lisa "Nods her head in a 'yes' motion" when she said 'Okay.'" Elsewhere,

however, the district court describes Lisa's head movement as a "slight up-and-down head nod" and that Lisa "appears to nod her consent."

There were several dogs in the residence. Lisa and Kizer discussed whether the dogs were dangerous. Another officer on the scene asked, "Does he have any weapons?" Lisa responded, "Not that I know of." Lisa then Lisa entered the residence and the officers followed her in. As far as what happened after the police entered the residence, the district court found that:

> Lisa then led the officers down the hallway to the back, right bedroom and gestured to where her minor children were sitting on the bed. Officer Kizer then noticed Jaison sitting in the dark in the corner of the back, left bedroom and made contact with him, while Officer Abel spoke with Lisa's minor children, who reported that Jaison may have hit Lisa, pointed a gun at her, and threatened to shoot her. The children, who officers later testified looked as if they had "just been through a traumatic incident," also confirmed seeing the gun. Jaison was then arrested and taken to a police station.

The district court ultimately denied the motion to suppress based on its conclusion that Lisa voluntarily consented to the law enforcement entry into the residence and to the subsequent search of it that led to the evidence that gave rise to the warrant. The court also considered it important that "Lisa *voluntarily* came back to her doorstep" after she retrieved her shoes. The fact that Lisa's arms were crossed in a defensive manner did not make much difference to the court. The court said that even though "Lisa's physical

posture, with arms crossed" could present as "unwelcoming," "it just as easily could reflect a wide range of emotional states to a reasonable police officer." The district judge noted that Officer Kizer did not ask for consent to enter after he was denied the first time, but that issue did not weigh heavily in the decision. The court addressed *Ivory*[1], where the defendant's response of "okay" to the officers' "directive to submit to a pat-down" did not constitute voluntary consent. Ultimately, however, the court was not persuaded by *Ivory* because the court concluded that "whether an officer's 'need' to do something constitutes a command or a request is highly contextual." Finally, the court reasoned that Lisa not only "appears to nod her consent," her "additional actions" support the "officer's reasonable basis to believe that he was acting with her permission."

The district court found that officers kept within the scope of Lisa's consent. According to the district judge, Lisa gave officers permission to enter the home and speak to others present. The court considered the fact that Lisa "provided officers with information as to where the defendant might be found" and that Lisa did not "limit her initial general consent to enter, as was her right."

---

[1] *United States v. Ivory*, 56 F. Supp. 3d 953, 955 (E.D. Wis. 2014).

The court of appeals affirmed without addressing most of the flaws in the district court's review of the case. Rather than address the flaws in the district court's opinion, the court of appeals focused on the fact that "Officer Kizer's tone and demeanor throughout was that of someone concerned, not someone coercing." The court also found that "Lisa showed that she had the ability to deny consent to entry" but "chose to let Officer Kizer enter after he asked again."

REASONS FOR GRANTING THE WRIT

I. *The court of appeals decision failed to fairly address the clear error in the district court's opinion.*

With her arms folded across her chest, Lisa Coleman stood outside her residence with Marshfield police officer Jamie Kizer. When Officer Kizer asked for consent to enter the house Lisa said, "I prefer that you *not*" with emphasis on the word "not." A few minutes later, rather than asking again, Kizer asserted that police "almost need to come inside" to check on the welfare of the children. Still with her arms folded across her chest, Lisa merely said, "Okay" and thereafter opened the door and permitted officers into the residence. Multiple officers entered the residence and spent about 90 minutes rummaging about the place and questioning the occupants.

In the context of Lisa's unequivocal denial of consent for police to enter her residence, the fact that Lisa said, "Okay" when Officer Kizer said that officers "almost need" to check on the children does not amount to voluntary consent for officers to enter the residence. Simply put, it takes more than an ambiguous word like "okay" in response to the officer's assertion about what officers "almost need" to do to undo the previous denial of consent. Even assuming *arguendo* that Lisa's words and actions amount to consent for police to enter the residence, any consent is necessarily limited to the officer's stated purpose of the entry, *i.e.*, to check on the welfare of the children. The

officers exceeded the scope of Lisa alleged "consent" almost immediately as they commenced an investigation into what happened that evening and where they might find evidence of a crime rather than inquire into the welfare of the children.

Coleman concedes that he faces an uphill battle under Supreme Court Rule 10. The rule provides that a petition "is rarely granted when the asserted error consists of [...] the misapplication of a properly stated rule of law." In this case, however, where the court of appeals declined to squarely address the facts that matter the most, the order affirming the district court's order effectively denies Coleman meaningful appellate review. That is why this Court must step in.

a. The district court and court of appeals left out important facts that are revealed in the body camera recording.

First, the officers looked around the house for about two minutes before they made contact with the children. As soon as officers walked into the bedroom where the children were located it was clear that they were safe and unharmed.

Second, the officer who spoke to the children did not inquire about their welfare. Instead, she questioned the children about the details of what happened that evening, their relationship with Coleman, and where officers

might find evidence of a crime. The first mention of a firearm occurred at about 10:36 on the Abel video – about four minutes after police entered the residence and about one and a half minutes after Officer Abel first asked the children what happened that evening. At one point, Lisa's daughter explained that during the incident Lisa fired a "warning shot" into the ceiling. Lisa's son pointed out the hole in the ceiling.

Third, Officer Kizer admitted at the evidentiary hearing that his main reason for entering the residence that evening was to investigate potential crimes, not to check on the welfare of the children.

Fourth, within about one minute of entry into the residence, Officer Kizer found Jaison in a bedroom. After Kizer patted down Jaison, his first question to Jaison was "...so what happened?" From here, Kizer questioned Jaison for almost fifteen minutes about what happened that evening and eventually arrested him.

The court of appeals ignored all of the above and concluded that the lack of coercive tone by the officers essentially shifted the burden to the homeowner the more forcefully deny consent for the search the way that she did the first time that they asked.

b. Finding that Lisa's words and actions qualify as consent to enter the house greatly expands the consent exception to the warrant requirement.

Any exception to the warrant requirement must be "narrowly drawn" and "carefully delineated to accommodate only those interests it was created to serve." *United States v. Queen*, 847 F.2d 346, 352 (7th Cir. 1988). As such, if police want to rely on voluntary consent instead of the warrant, the consent must be specific and unequivocal. It is worth noting, however, that neither the government, nor the district or appellate court, cited to any precedent that holds that once a request to search is unequivocally denied, the government can prove voluntary consent by a vague statement like, "okay" in response to the officer's claim that he needs to enter the residence.

Consent may be given by actions, but not subtle or equivocal actions, only actions that clearly and unequivocally convey voluntary consent. For example, stepping back and to the side in response to a request to enter in some contexts may show consent. *See United States v. Sabo*, 724 F.3d 891 (7th Cir. 2013). Sabo's actions, however, occurred in the context of a police request to enter, not in the context of the officer expressing a need to enter. In *Sabo*, United States Marshals questioned Sabo on his doorstep and Sabo

responded, "Get the fuck out of here" and slammed the door shut. *Id.* at 892. The marshals contacted the local sheriff's department, and a deputy who knew Sabo arrived. *Id.* at 893. The sheriff's deputy knocked on the door and said, "Terry, it's the Sheriff's Department. Open the door." *Id.* Sabo opened the door and stood in the doorway, physically preventing the officer's entry. The sheriff's deputy then asked, "Terry, do you mind if I step inside and talk with you?" *Id.* Sabo said nothing. Instead, he stepped back and to the side and let the door open. *Id.* Sabo then engaged in a casual conversation with the officer inside the house. The *Sabo* Court emphasized that "Sabo's actions came in direct response to [the officers'] request to enter. In other words, [the officer] asked and Sabo answered, albeit nonverbally." *Id.* at 894.

Sabo and the present case are similar insofar as both cases involve the denial of consent and subsequent nonverbal actions that may imply consent. The difference is that Sabo's nonverbal actions consistent with consent occurred in response to the officer's specific request to enter the residence. Lisa's actions that may imply consent occurred in response to Officer's Kizer assertion that police "almost need" to enter the residence. A response to the officer's assertion of a need (particularly after a denial of consent), whether verbal or nonverbal, is acquiescence to the officer's

claimed need, not voluntary consent.

Statements like, “I guess” and “sure” may show consent in the context of a request to search. *See United States v. Gonzalez-Ruiz*, 794 F.3d 832, 834 (7th Cir. 2015). In *Gonzalez-Ruiz*, no one ever denied consent. Also, the officer in *Gonzalez-Ruiz* asked three times for consent to search. In response to the first request to search the defendant said, "You can, you can ... yeah." *Id.* In response to the second request the defendant said, "I guess," then raised his right hand and nodded in affirmation. *Id.* In response to the third request the defendant said nothing, but neither did he object when he saw the officer start the search. *Id.* In the present case the officer only asked for consent once, and Lisa expressly denied the request. She said, “Okay” when the officer expressed a need to check on the welfare of the children. In this context, the statement “okay” is far too vague and uncertain to qualify as “unequivocal” consent to search the house after consent to enter was expressly denied.

Responses like “yeah” or “okay,” plus opening the garage door, may amount to voluntary consent when they occur in the context of the officer asking the homeowner to open the garage door so officers could speak to her husband inside the residence. *Lietzow v. Vill. Of Huntely*, No. 17 CV 05291, 2023 WL 2954989 (N.D. of Ill. April 14, 2023)). Like *Gonzalez-*

Ruiz, *Lietzow* addresses whether words or actions in a particular context may qualify as consent. In *Lietzow*, it was undisputed that officers told the occupant of the home that they wanted to speak to her husband and they asked her to try to open the garage door so that they could do so. *Id*. at 17. In other words, the officers did not say that they needed the home occupant to open the garage door; they asked her to try to open the garage door so that they could speak to her husband. Once the garage door was open, the officers told the home occupant that they were going to speak to her husband. *Id*. That is when the home occupant responded "yeah" or "okay." *Id*. The court found that “when a person agrees to open a garage door and agrees to allow an officer to speak with another individual who is inside a home, that person is consenting to the officer entering the home itself through the garage to have that conversation.” *Id*. at 26. In other words, the consent occurred when the home occupant agreed (in response to a request, not a statement of need) to open the garage door and agreed to allow the officer to speak to her husband, not when she said, “yeah” or “okay.” In the present case, Lisa did not agree to officer entry when it was presented to her as a question. In fact, she expressly denied the consent to enter. She only “agreed,” or at least did not put up a fight, when the officer informed her that he needed to enter the house to check on the children.

c. *Lisa's alleged nod when she said, "Okay" is a far cry from unequivocal consent to enter the residence.*

At one point the district court notes that when Kizer said, "we almost need to come inside to make sure of that" and Lisa responded, "Okay," that Lisa "Nods her head in a 'yes' motion." The court backs off this claim elsewhere, however, describing Lisa's head movement as a "slight up-and-down head nod" and that Lisa "appears to nod her consent."

It is a serious exaggeration of Lisa's response to say that Lisa "Nods her head in a 'yes' motion" when she stated, "Okay." Lisa never nodded her head in a "yes" motion. She moved her head up slightly one time and back to its original position, but the movement is so tiny that it cannot fairly be described as anything close to a "yes" motion." So, it is entirely unfair to suggest that Lisa said "yes" to Officer Kizer's statement through her body language. When Officer Kizer said, "I'm sensing that we almost need to come inside to make sure of that" Lisa, still with her arms folded across her chest, merely responded, "Okay." That is the entire exchange. In the light of her previous denial and the fact that Kizer now stated entry into the residence as a need rather than a request, Lisa's "okay" is really nothing more than Lisa saying, "I guess you are going to do it whether I like it or not." There is no "yes" via body language or otherwise. There is certainly

no "yes" that could possibly override her express denial of consent and qualify as specific and unequivocal consent to enter the house for a full-blown investigation.

It is also worth noting that the alleged head nod by Lisa occurred in response to Officer Kizer's statement about what he needed to do, not in response to a question. If Kizer would have asked to enter the house and Lisa would have said, "okay" and nodded her head, it might be fair to take that as a "yes." But, in this case, when Kizer asked to enter the house Lisa gave a flat denial. In the context of this express denial of consent, Lisa's tiny head movement in response to Kizer's assertion that he needs to enter the residence, cannot qualify as unequivocal consent to enter.

d. *At most, Lisa acquiesced to the officer's claim of lawful authority.*

Acquiescence to a claim of lawful authority is not voluntary consent. *See, e.g., Bumper v. North Carolina*, 391 U.S. 543, 548-49, 20 L. Ed. 2d 797, 88 S. Ct. 1788 (1969). In *Bumper*, the police approached the occupant of a residence claiming that they had a warrant to search the house. The occupant said, "[G]o ahead." This Court held that what appeared to be consent was mere acquiescence to the officer's claim of lawful authority, not voluntary consent. At most, after expressly denying consent, Lisa's "Okay"

in the face of the officer's statement about what he needed to do, amounts to acquiescence to the claim of lawful authority, not voluntary consent.

e. *The officers exceeded the scope of any consent to search provided by Lisa.*

A consensual search is reasonable under the Fourth Amendment so long as it remains within the scope of consent. *United States v. Jackson*, 598 F.3d 340, 348 (7th Cir. 2010), citing *Michael C. v. Gresbach*, 526 F.3d 1008, 1015 (7th Cir. 2008). "The scope of consent is 'limited by the breadth of actual consent, and whether the search remained within the boundaries of the consent is a question of fact to be determined from the totality of all the circumstances.'" *Id.* , (quoting *United States v. Long*, 425 F.3d 482, 486 (7th Cir. 2005)).

The standard for measuring the scope of a suspect's consent under the Fourth Amendment is that of "objective" reasonableness -- what would the typical reasonable person have understood by the exchange between the officer and the suspect? *See Florida v. Jimeno*, 500 U.S. 248, 251, 111 S. Ct. 1801, 1803-04 (1991). When the officer names an object of the search, however, the scope of consent is limited to that object. *Id.* The same limitation on scope applies when the officer states a purpose of the search. *See United States v. Turner*, 169 F.3d 84, 88 (1st Cir. 1999), citing 3 Wayne

R. LaFave, Search and Seizure § 8.1(c), at 620 (3d ed. 1996)("When a purpose is included in the [officer's] request, then the consent should be construed as authorizing only that intensity of police activity necessary to accomplish the stated purpose.").

Assuming *arguendo* that Lisa voluntarily consented for officers to enter her house, any such consent was limited to the officer's stated purpose, *i.e.*, checking on the welfare of the children. That is all that Kizer said that he needed to do. Plus, it is essential to note that Kizer said that he needed to check on the children after Lisa denied him general consent to enter. In the context of a denial for general consent to enter, when the officer subsequently limits his purpose to checking on the children, it should be abundantly clear that the entry is limited to that purpose. *See Jimeno*, 500 U.S. at 251 (scope of consent is limited to the object of the search).

The officers in this case, however, did not limit themselves to their stated purpose of checking on the children. They were in the house about two minutes before they even looked in on the children. When Officer Abel stepped into the room where the two children were located it was obvious within seconds that both children were safe and unharmed. At that point, about two minutes after entry into the house and before any incriminating

evidence was found, officers commenced an investigation into what happened that night.

It is noteworthy that Kizer now admits that the criminal investigation was the main reason why he wanted to enter the house. When Lisa denied consent for officers to enter, Kizer decided that to conduct his desired investigation he had to change his approach. Rather than asking again or telling Lisa his main reason for wanting to get inside the house, Kizer said that he needed to check on the children. That half-truth worked at least enough to get Lisa to let him in the house, but when officers obtain access based on a half-truth, they have to face the fact that their entry is limited by that half-truth.

The district court and the court of appeals ignored the fact that the scope of consent is limited to the object or purpose of the search. Thus, without addressing the object or purpose of the search the court found that the scope of Lisa's consent included permission to enter the home and speak to others present. This is clearly erroneous. Officer Kizer did not say that he needed to enter the residence to speak to the people inside, he said that he needed to enter the residence to check on the welfare of the children. Checking to see if the children are safe and unharmed may include speaking to them, but it does not reasonably include speaking to

them on topics unrelated to whether they are safe and unharmed. It certainly does not include questioning them on whether a crime was committed that evening and where officers might find evidence of that alleged crime.

This is not a situation where the district court chose between two permissible views of the evidence. *See Anderson v. City of Bessemer City*, 470 U.S. 564, 574, 105 S. Ct. 1504, 84 L. Ed. 2d 518 (1985)("Where there are two permissible views of the evidence, the factfinder's choice between them cannot be clearly erroneous."). There is no question that Officer Kizer declared that the purpose of the entry was to check on the welfare of the children. Specifically, the district court found that Lisa said that the children "were okay right now" and Kizer declared, "I'm sensing that we almost need to come inside to make sure of that." Additionally, there is no question that the scope of any search is limited to the object (or purpose) of the search. *See Jimeno*, 500 U.S. at 251. Thus, it was clearly erroneous for the district court to gloss over this legal requirement and conclude that Lisa's alleged consent to allow Kizer into the residence to check on the welfare of the children includes consent to interrogate the children on topics unrelated to their welfare.

CONCLUSION

For the reasons stated herein the Petitioner urges this Court to grant the Petitioner's writ of certiorari.

Dated this 5th day of January 2025.

Respectfully submitted,

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