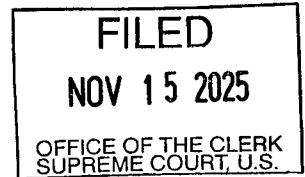


25-6721

ORIGINAL



**In the Supreme Court of the
United States**

Palma Jefferson, Jr.

v.

United States of America

On Petition for a Writ of Certiorari to the United States Court
of Appeals for the Fifth Circuit

PETITION FOR A WRIT OF CERTIORARI

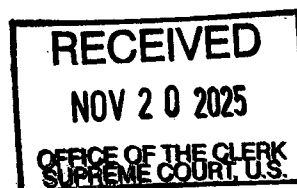
Palma Jefferson, Jr.

Petitioner Pro Se

FCI Pollock

PO Box 4050

Pollock, LA 71467



QUESTIONS PRESENTED

I. Fourth Amendment: Warrant and Entry Defects

1. Whether the Fourth Amendment's probable cause requirement is satisfied when a search warrant issues based on an affidavit lacking objective facts, and whether a district court's refusal to address this constitutional challenge conflicts with this Court's precedents requiring meaningful judicial review of Fourth Amendment claims, including *Beck v. Ohio*, 379 U.S. 89 (1964); *Johnson v. United States*, 333 U.S. 10 (1948); and *Ybarra v. Illinois*, 444 U.S. 85 (1979).

2. Whether the Fourth Amendment is violated when law enforcement officers gain entry to a residence by falsely representing to a property manager that they possessed a warrant when in fact no warrant had been applied for or issued, and subsequently obtain evidence before execution of any warrant, as substantiated by photographic timestamps, corroborating police dispatch logs, and sworn testimony; and whether due process is violated when the government falsely attributes the warrantless search to a "daylight savings setting" not found in the camera's user manual, contradicted further by VeriPic's metadata confirmation that the internal camera clock was accurate at the time of upload, and the district court refuses to conduct any legal analysis or fact-finding of this challenge.

3. Whether the Fourth Amendment and the Sixth Amendment Confrontation Clause are violated when a warrant affidavit, and suppression-hearing testimony describe information from a "reliable source," even further supported by the police reports as a "reliable confidential source," and the government later recharacterizes that source as an "anonymous tip" at trial, and the district court upholds the warrant without addressing the contradiction or affording the defendant an opportunity to confront or test the credibility of the source—even though the information attributed to that source never materialized and demonstrated unreliability—contrary to this Court's precedents in *Illinois v. Gates*, 462 U.S. 213 (1983); *Florida v. J.L.*, 529 U.S. 266 (2000); *Crawford v. Washington*, 541 U.S. 36 (2004); and *Napue v. Illinois*, 360 U.S. 264 (1959).

II. Due Process and Fair Trial: Judicial and Evidentiary Failures

4. Whether due process is violated when the government's lead witness testifies at the suppression hearing that he contacted the source at his captain's instruction because the source supposedly knew of a drug run that never occurred, yet at trial identifies the basis as an anonymous tip, and the district court rules on suppression as if it were an anonymous tip without acknowledging the police reports referred it to a reliable confidential source, and the affidavit's sworn statement that it was a reliable source.

5. Whether a defendant is denied the constitutional right to a fair trial under the Fifth and Sixth Amendments when the presiding district judge declares in open court during trial, before the jury's verdict, that the defendant is guilty, thereby undermining judicial neutrality and the appearance of impartiality required under this Court's precedents, as confirmed by the trial transcripts that the district court failed to address.

III. Sixth Amendment: Ineffective Assistance of Counsel

6. Whether the Sixth Amendment right to effective assistance of counsel is violated when trial counsel fails to raise or preserve fundamental constitutional challenges—including a warrant affidavit lacking probable cause, unlawful pre-warrant entry obtained by false representation, government misrepresentations regarding evidence irregularities, contradictions in key witness testimony, and judicial bias—that, if properly litigated, would have undermined the validity of the conviction.

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TABLE OF AUTHORITIES

Alabama v. White, 496 U.S. 325 (1990)
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Napue v. Illinois, 360 U.S. 264 (1959)
Payton v. New York, 445 U.S. 573, 586 (1980)
Strickland v. Washington, 466 U.S. 668 (1984)
Tumey v. Ohio, 273 U.S. 510 (1927)
Ybarra v. Illinois, 444 U.S. 85 (1979)

Constitutional Provisions

U.S. Const. amend. IV
U.S. Const. amend. V
U.S. Const. amend. VI

Statutes and Rules

28 U.S.C. § 1254(1)
La. Code Crim. Proc. Art. 162.2
Sup. Ct. R. 13
Sup. Ct. R. 14

OPINIONS BELOW

The order of the United States Court of Appeals for the Fifth Circuit denying a certificate of appealability is unpublished and is reproduced in Appendix A. The opinion and orders of the United States District Court for the Eastern District of Louisiana are unreported and reproduced in Appendix B.

JURISDICTION

The judgment of the United States Court of Appeals for the Fifth Circuit was entered on June 19, 2025. This Court's jurisdiction rests on 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment:

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.

Fifth Amendment (Due Process Clause):

No person shall ... be deprived of life, liberty, or property, without due process of law.

Sixth Amendment:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury ... to be confronted with the witnesses against him ... and to have the Assistance of Counsel for his defence.

28 U.S.C. § 1254(1):

Cases in the courts of appeals may be reviewed by the Supreme Court by writ of certiorari

STATEMENT OF THE CASE

Officers of the Jefferson Parish Sheriff's Office sought to search petitioner's residence. The warrant affidavit, sworn under oath, stated that probable cause rested on a "reliable source" who allegedly possessed information about petitioner's activities. At the suppression hearing, the lead officer testified that his captain instructed him to contact this source, who claimed knowledge of an imminent drug run. That run never occurred. At trial, however, the same officer recharacterized the basis for the warrant as an anonymous Crime Stoppers tip. Despite the affidavit's plain language and the suppression hearing testimony, the district court ruled on suppression as though the affidavit had always relied on an anonymous tip.

Before any warrant was issued, officers obtained keys to petitioner's residence by falsely representing to the property manager that they already possessed a warrant as revealed by the property manager's testimony at trial, and the lead officer's own testimony. They entered the residence and collected evidence. Photographic timestamps of the contraband seized, corroborated by dispatch logs and sworn testimony, established that this evidence was taken prior to the execution of any search warrant. The government attempted to explain this warrantless search by claiming the camera's clock was mis-set due to daylight savings time. The camera's user manual confirmed that no such setting existed, and police dispatch logs confirmed the timestamp's accuracy. Moreover, VeriPic, the digital evidentiary management system used by law enforcement, independently authenticated that the internal clock on the camera was accurate at the time of seizure. VeriPic's media metadata, generated when the photographs were uploaded, verified that the camera's clock properly interfaced with the system, leaving no doubt as to the accuracy of the timestamps. The district court refused to acknowledge this evidence and solely took the government at their word.

At trial, the presiding judge publicly declared petitioner guilty in the middle of trial in deliberations between the prosecution and defense counsel before the jury returned a verdict. Trial counsel failed to preserve objections to the defective warrant, the unlawful pre-warrant entry, the government's contradictory narratives regarding the source of probable cause, the false explanation for the timestamp irregularities, and the trial judge's declaration of guilt.

The result was a conviction obtained through a warrant affidavit unsupported by probable cause, evidence seized in violation of the Fourth Amendment, government misrepresentations unaddressed by the courts, and a trial conducted under circumstances incompatible with due process and the Sixth Amendment's guarantees of confrontation, impartial adjudication, and effective assistance of counsel.

TRANSITIONAL PARAGRAPH

This case presents a convergence of fundamental constitutional violations that were properly raised yet never adjudicated in the courts below. The district court declined to address grave challenges to the validity of the search warrant, including that the supporting affidavit lacked objective facts, that officers falsely claimed to have a warrant to obtain keys from the property manager, that evidence was seized before any warrant issued as confirmed by photographic timestamps, corroborating police dispatch logs, and sworn testimony at trial by the lead officer admitted to commencing authorship of the search warrant while inside petitioner's home, and that the government's "daylight savings" explanation was demonstrably false under the camera's user manual. Moreover, VeriPic, the digital evidentiary management system employed by law enforcement, independently authenticated that the internal clock on the camera was accurate when interfaced with the system, as reflected in VeriPic's media metadata at the time the photographs were uploaded—further eliminating any doubt about the accuracy of the timestamps. The affidavit itself described a "reliable source," police reports by the lead officer described a "reliable confidential source," reaffirmed at the suppression hearing when the lead officer testified that the captain directed him to contact this source regarding a drug run that never occurred. Yet at trial the government rebranded the basis as an "anonymous tip," and the district court ruled as if it had always been anonymous, ignoring the sworn affidavit and the contradiction. The district court further disregarded trial transcripts confirming that the presiding judge declared petitioner guilty in the middle of trial before the jury returned its verdict. Trial counsel compounded these errors by failing to raise or preserve them, depriving petitioner of the effective assistance of counsel guaranteed by the Sixth Amendment. The court of appeals then denied a certificate of appealability, leaving these violations of the Fourth, Fifth, and Sixth Amendments wholly unreviewed. This Court's intervention is necessary to ensure that constitutional safeguards are not nullified by government misrepresentations, judicial abdication, and ineffective defense representation.

REASONS FOR GRANTING THE WRIT

I. The Fourth Amendment Issues Present Grave Constitutional Questions That Were Ignored Below

A. The Affidavit Failed to Establish Probable Cause.

The affidavit relied on three elements:

First, it identified a confidential "reliable source" who allegedly provided information about an imminent drug run. Even on its face, the affidavit conceded that the predicted drug run never occurred, which undercuts the source's credibility. At the suppression hearing, the lead officer admitted he contacted the source only because his captain instructed him to, without describing any basis for reliability. At trial, the government abandoned the "reliable source" label and instead recast the information as an anonymous tip. This inconsistency fatally undermines probable cause. See *Illinois v. Gates*, 462 U.S. 213, 238-39 (1983); *Florida v. J.L.*, 529 U.S. 266 (2000).

Moreover, the alleged tip, per the affidavit, contained nothing predictive of illegal activity that law enforcement could corroborate to establish reliability. In *Alabama v. White*, 496 U.S. 325, 332 (1990), this Court held that an anonymous tip may support probable cause only when it includes predictive information that officers can independently verify, thereby demonstrating the tipster's inside knowledge. Here, by contrast, the tip, per the affidavit, provided no predictive facts whatsoever—only a vague claim of a supposed drug run that never occurred. Without predictive detail capable of corroboration, the tip falls below the constitutional threshold for probable cause.

Second, the affidavit contained only the conclusory assertion that "an investigation was conducted." At the suppression

hearing, the lead officer admitted the "investigation" lasted less than 24 hours, produced no observations of illegal conduct, and that petitioner was merely seen outside with his daughter before he was arrested. This bare statement adds nothing toward probable cause. See *Beck v. Ohio*, 379 U.S. 89, 97 (1964).

Third, the affidavit alleged that petitioner admitted to possessing drugs. The affidavit offered no corroboration for this claim. Without substantiation, this element cannot bear the weight of probable cause. See *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979).

Taken together, the affidavit rests on speculation, a prediction that never came true, and an uncorroborated accusation. These do not amount to "reasonably trustworthy information" required by the Fourth Amendment. The district court nonetheless refused to analyze these defects, abdicating its duty under *Johnson v. United States*, 333 U.S. 10, 14-15 (1948).

B. Officers Gained Entry by False Representation and Obtained Evidence Before Any Warrant Issued.

The Fourth Amendment forbids warrantless entry into the home. *Payton v. New York*, 445 U.S. 573, 586 (1980). Here, officers falsely told petitioner's apartment manager they already had a warrant and obtained keys. They entered the residence before applying for or receiving judicial authorization. At trial the lead officer admitted that they commenced authorship of the search warrant while inside petitioner's home.

This is not conjecture: photographic timestamps on the seized contraband, corroborated by dispatch logs and sworn testimony, confirm the evidence was taken before any warrant was issued. The government's explanation—that the timestamps were inaccurate by a nonexistent daylight savings feature—was disproven by the user manual and by corroborating dispatch logs. In addition,

VeriPic's evidentiary software validated the timestamps: when the photos were uploaded, VeriPic's metadata confirmed that the internal camera clock was accurate and synchronized, thereby independently authenticating the reliability of the photographic record.

Under *Mapp v. Ohio*, 367 U.S. 643 (1961), and *Segura v. United States*, 468 U.S. 796 (1984), evidence obtained from warrantless entry must be suppressed. Yet the district court refused to address this evidence, permitting unconstitutional conduct to go unchecked.

C. The Informant's Contradictory Characterization Violated Both the Fourth Amendment and the Confrontation Clause.

The affidavit and suppression hearing testimony consistently referred to a "reliable source." At trial, the government recharacterized the basis as an "anonymous tip."

This contradiction implicates both the Fourth and Sixth Amendments:

- If the tip was truly anonymous, it lacked reliability and could not establish probable cause under *Florida v. J.L.*, 529 U.S. 266 (2000).

- If it was a "reliable source," then petitioner had a right to confront the source's credibility under *Crawford v. Washington*, 541 U.S. 36 (2004).

The government's shifting narrative deprived petitioner of both protections. The district court ignored the inconsistency entirely, permitting the conviction to rest on unreliable and untested evidence. See *Napue v. Illinois*, 360 U.S. 264 (1959).

D. Additional Defects in the Warrant's Issuance Further Undermine Its Validity.

Louisiana law requires that electronic warrants comply with La. C. Cr. P. art. 162.2. Here, the warrant was retroactively signed, bore the wrong affiant, and no proper reproduction was ever filed. These procedural violations stripped the warrant of validity.

Even apart from state law, the Fourth Amendment requires that a neutral magistrate make a genuine determination of probable cause. *Coolidge v. New Hampshire*, 403 U.S. 443, 449-50 (1971). A warrant that is retroactively completed or improperly issued is void. At trial the lead officer admitted that they commenced authorship of the search warrant while inside petitioner's home. The district court refused to address these defects, exemplifying its broader pattern of ignoring constitutional challenges.

II. Due Process and the Right to a Fair Trial Were Compromised by Judicial and Evidentiary Failures

A. The Government's Lead Witness Contradicted Himself on the Source of Information.

At the suppression hearing, the lead officer testified he contacted the source at his captain's instruction because the source knew of a drug run. Ergo, the lead officer and law enforcement set up a highway patrol and stake out. The drug run never occurred. At trial, the officer testified instead that the tip came from an anonymous Crime Stoppers call.

The district court nonetheless ruled as if the affidavit had always been based on an anonymous tip, disregarding the affidavit's plain language, suppression testimony, and police

reports. Allowing this contradiction to stand violated due process and the Confrontation Clause. See *Giglio v. United States*, 405 U.S. 150, 153-54 (1972); *Napue*, 360 U.S. at 269.

B. The Presiding Judge Declared Guilt Before Verdict.

A fair trial requires judicial neutrality. In *re Murchison*, 349 U.S. 133, 136 (1955). Here, the presiding judge declared in open court that petitioner was guilty before the jury rendered a verdict which cannot be refuted by the trial transcripts themselves. Such conduct is a structural error: it destroys the appearance of impartiality and undermines public confidence. See *Tumey v. Ohio*, 273 U.S. 510 (1927). The district court refused to confront this transcript evidence, leaving an unchecked violation of due process.

C. The District Court Ignored Objective Evidence Disproving the Government's False Timestamp Explanation.

Dispatch logs and the camera's user manual confirmed that the timestamps were accurate and that the government's "daylight savings" excuse was false. VeriPic's metadata analysis further removed any ambiguity by affirming that the camera's internal clock was correctly set and fully synchronized when the images were uploaded. The district court ignored this objective evidence, permitting misrepresentation to remain uncorrected. This contravenes due process under *Napue* and *Giglio*.

III. Trial Counsel's Failure to Raise or Preserve These Issues Violated the Sixth Amendment Right to Effective Assistance of Counsel

Under *Strickland v. Washington*, 466 U.S. 668 (1984), counsel is ineffective when performance is deficient and prejudicial.

Deficient performance. Trial counsel failed to:

- challenge the affidavit's lack of probable cause;
- confront the government's false timestamp explanation;
- object to warrantless entry by false representation;
- expose contradictions between a "reliable source" and "anonymous tip";
- impeach the lead witness's shifting testimony;
- object when the judge declared petitioner guilty before verdict;
- preserve these issues for appeal.

Prejudice. But for counsel's failures, evidence would likely have been suppressed, the government's case collapsed, or judicial bias preserved as structural error. See *Kimmelman v. Morrison*, 477 U.S. 365, 375 (1986).

Structural breakdown. Counsel's omissions compounded judicial abdication, leaving petitioner without adversarial testing of the prosecution's case. This denied petitioner the effective assistance guaranteed by the Sixth Amendment.

IV. The Court of Appeals' Denial of a Certificate of Appealability Leaves These Grave Questions Unreviewed

The Fifth Circuit denied a certificate of appealability despite petitioner raising substantial constitutional claims.

Under *Slack v. McDaniel*, 529 U.S. 473, 484 (2000), and *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003), a COA should issue when jurists of reason could debate the resolution of constitutional

claims. Here, reasonable jurists could certainly debate warrantless entry by false representation, contradictory government testimony, judicial bias, and ineffective counsel. The denial of a COA insulated grave constitutional errors from review.

This Court's intervention is necessary to prevent the nullification of fundamental constitutional rights through procedural denial.

CONCLUSION

Petitioner respectfully submits that this case presents multiple grave constitutional violations that were properly raised yet left unaddressed in the courts below. The Fourth Amendment's warrant and entry requirements, the Fifth Amendment's guarantee of due process, and the Sixth Amendment's rights to confrontation, a fair trial, and effective assistance of counsel were all compromised. The district court ignored these defects, the court of appeals denied a certificate of appealability, and petitioner has been left without any forum to vindicate fundamental constitutional protections.

Only this Court can resolve the conflicts between the decisions below and this Court's precedents, and ensure that constitutional safeguards are not nullified by government misrepresentation, judicial abdication, and ineffective defense representation.

For the foregoing reasons, the petition for a writ of certiorari should be granted. At a minimum, this Court should grant, vacate, and remand with instructions that the lower courts properly address petitioner's unresolved constitutional claims, including Fourth Amendment warrant and entry defects, the government's evidentiary misrepresentations, and the denial of due process and impartial adjudication.