No.

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2025

NICHOLAS CRAIG WOOZENCROFT,
***Petitioner*,**

v.

UNITED STATES OF AMERICA,
***Respondent*.**

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Generally, relevant evidence is admissible at trial. Evidence is relevant—in civil and criminal cases alike—if "it has any tendency to make a fact more or less probable than it would be without the evidence," and "the fact is of consequence in determining the action." Fed. R. Evid. 401. *See also* Fed. R. Evid. 1101(a)-(b). Under Seventh Circuit precedent, evidence need not tend to disprove every claim within an action to satisfy Rule 401. But that appears to be precisely what the Eleventh Circuit's decision below requires, particularly where a jury is presented with alternative theories of a crime.

The petitioner therefore asks whether evidence can satisfy Rule 401's relevance standard in criminal jury trials even if the evidence would not tend to disprove every alternative theory of guilt?

PARTIES TO THE PROCEEDINGS

The case caption contains the names of all parties to the proceedings.

RELATED PROCEEDINGS

The following proceedings are directly related to this petition:

- *United States v. Woozencroft*, No. 23-cr-60094 (S.D. Fla.) (judgment entered Oct. 27, 2023).
- *United States v. Woozencroft*, No. 23-13617 (11th Cir.) (judgment entered Mar. 12, 2025).
- *United States v. Woozencroft*, No. 25-12322 (11th Cir.) (judgment entered Oct. 6, 2025, and rehearing denied Nov. 13, 2025)

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Petitioner, Mr. Nicholas Craig Woozencroft, respectfully petitions for a writ of certiorari to review a judgment of the United States Court of Appeals for the Eleventh Circuit.

OPINION BELOW

The Eleventh Circuit judgment to be reviewed was rendered on October 6, 2025. The supporting opinion is reproduced herein as Appendix ("App.") A-1.

STATEMENT OF JURISDICTION

Mr. Woozencroft brings this petition following the Eleventh Circuit's rendition of a final judgment. This Court therefore has jurisdiction under 28 U.S.C. § 1254(1). This petition is timely. The Eleventh Circuit issued its opinion below on October 6, 2025, but did not deny the timely rehearing petition until November 13, 2025—thus making any petition for a writ of certiorari due by February 11, 2026.

RULE PROVISION INVOLVED

> Evidence is relevant if:
>
> **(a)** it has any tendency to make a fact more or less probable than it would be without the evidence; and
>
> **(b)** the fact is of consequence in determining the action.

Fed. R. Evid. 401.

STATEMENT OF THE CASE

I. Proceedings in the district court.

In May of 2023, Mr. Woozencroft was indicted in the Southern District of Florida on two counts of purchasing firearms by means of false statements about the actual buyer, in violation of 18 U.S.C. § 922(a)(6). *United States v. Woozencroft*, No. 23-cr-60094 (S.D. Fla.) (hereinafter, "S.D. Fla.") ECF No. 3. He posted bond shortly thereafter. S.D. Fla. ECF No. 8.

At trial in August of 2023, a jury found Mr. Woozencroft guilty of the second count. S.D. Fla. ECF No. 58. With respect to the first count, however, the jury inquired six times about the relationship between two conflicting firearms transaction records, one of which the government relied upon to prove the alleged statement. S.D. Fla. ECF No. 56. Following instruction from the district court and still unable to reach a unanimous verdict, the jury hung the first count. S.D. Fla. ECF No. 56; ECF No. 58; ECF No. 59.

In October of 2023, the district court sentenced Mr. Woozencroft to forty-one months' imprisonment, to be followed by twelve months' supervised release. S.D. Fla. ECF No. 80.

Ultimately, the district court entered an order dismissing the indictment's first count with prejudice, making the judgment on the second count final for appellate purposes. S.D. Fla. ECF No. 117.

II. Proceedings in the court of appeals.

Mr. Woozencroft timely appealed the judgment to the Eleventh Circuit. S.D. Fla. ECF No. 118.

Mr. Woozencroft, in his merits briefs, argued that the district court's judgment must be reversed because the court prevented the jury from considering evidence that was relevant and necessary for him to establish a valid defense to Count 2 (and the only remaining count) of the Indictment. *United States v. Woozencroft*, No. 25-12322 (11th Cir.) (hereinafter, "11th Cir.") ECF No. 17, ECF No. 20. More specifically, Mr. Woozencroft asserted that the district court erred by excluding, and instructing the jury to ignore, evidence concerning firearms dealer Commercial Pawn's and Commercial Pawn salesman Bob De Agua's compliance with certain ATF regulations that governed the alleged firearm sale. 11th Cir. ECF No. 17 at 45-67. That evidence included the regulations themselves. It also included testimony and other evidence concerning (1) De Agua's failure to countersign the firearm transaction record (Form 4473) containing the statement at issue; (2) De Agua's admissions about his paperwork errors and concern that stemmed from the errors; (3) De Agua's awareness of a third party's involvement in the sale, which is a known "red flag" of illegal straw purchases; and (4) Commercial Pawn's awareness of De Agua's paperwork errors.

The Eleventh Circuit affirmed, holding that this evidence was properly excluded "as irrelevant" because it was "not probative of any consequential fact" and, therefore, had "no bearing" on Mr. Woozencroft's Count 2 conviction. *United States v. Woozencroft*, No. 25-12322, 2025 WL 2827233, at *2 (11th Cir. Oct. 6, 2025) (per

curiam). To that end, the Eleventh Circuit framed Mr. Woozencroft's claim solely as whether the evidence was "relevant to show the bias of De Agua." *Id.* It then rejected that claim on two grounds. Specifically, the intent-to-deceive prong of Count 2's deception element was "easily satisfied" by Mr. Woozencroft's admission that he completed a Form 4473 indicating that he was the alleged firearms' actual buyer, though in fact he was buying the firearms for other people. *Id.* Meanwhile, neither "De Agua's failure to sign the form [n]or his knowledge of a third party" would have "impact[ed]" that prong. *Id.*

Alternatively, the Eleventh Circuit held that even if the district court abused its discretion by "excluding the evidence as irrelevant, the court was otherwise allowed to exclude evidence" under Federal Rule of Evidence 403's jury-confusion provision. *Id.* at *3. Finally, the Eleventh Circuit noted that any error would have been harmless because the record "established [Mr. Woozencroft's] intent to deceive under 18 U.S.C. § 922(a)(6)." *Id.* at *3 n.2.

Mr. Woozencroft timely petitioned for panel rehearing, which the Eleventh Circuit denied. 11th Cir. ECF No. 28, ECF No. 30.

REASONS FOR GRANTING THE PETITION

I. The Eleventh Circuit's decision conflicts with the decision of another United States court of appeals on the same important matter.

A. The decision below conflicts with the Seventh Circuit's decision in *Smith v. Hunt*.

Under Seventh Circuit precedent, evidence need not refute every claim within an action to satisfy Rule 401. *Smith v. Hunt*, 707 F.3d 803 (7th Cir. 2013), illustrates this point.

Smith upheld a district court's determination that evidence of heroin use by the plaintiff, Gregory Smith, just before his arrest was relevant to his excessive-force action against the arresting police officers. *Id.* at 808-09. Importantly, the Seventh Circuit rejected Smith's "relevance argument." *Id.* at 809. That argument "focuse[d]" on whether the drug-use evidence "had any tendency to make [Smith's] excessive force claims more or less probable." *Id.* The Seventh Circuit held that "[e]vidence, however, does not need to be relevant to each and every claim to qualify as 'relevant' for purposes of admissibility." *Id.* In Smith's case, it was "enough" that (i) the parties also disputed the level of pain Smith experienced and "could be compensated for," and (ii) the drug-use evidence "might [have] ma[d]e a specific level of pain more or less probable." *Id.* at 808-09. *See generally id.* (explaining the basis for this determination).

By contrast, as the decision below shows, the Eleventh Circuit permits exclusion of evidence on relevancy grounds where the evidence would not refute "each and every claim." *See id.* at 809. As a matter of law, 18 U.S.C. § 922(a)(6) prohibits

the act of knowingly making a false statement that is "intended or likely to deceive" a licensed firearms dealer with respect to the "identity of a gun's purchaser." *Abramski v. United States*, 573 U.S. 169, 193 (2014); 18 U.S.C. § 922(a)(6). The statute's plain language "permits the Government to carry its burden of proof with respect to the [deception] element in either of two ways." *United States v. Rahman*, 83 F.3d 89, 93 n.1 (4th Cir. 1996). "It may prove that a defendant's statement was intended to deceive the dealer." *Id.* Alternatively, it may prove "that the statement was likely to deceive the dealer." *Id.*

As a matter of fact, here the government placed both prongs of § 922(a)(6)'s deception element at issue. Count 2 of the Indictment alleged that Mr. Woozencroft's chargeable statement was "intended and likely to deceive the dealer," Commercial Pawn. (DE 3:2). And at trial, the prosecution argued to the jury that it could find Mr. Woozencroft guilty under either prong.

With these facts, the excluded evidence could have satisfied Rule 401's relevancy standard in the Seventh Circuit even if it would not have tended to make Mr. Woozencroft's alleged "inten[t] to deceive" less probable. *See Rahman*, 83 F.3d at 93 n.1. Because the government sought to prove that his "statement was ***likely*** to deceive the dealer," *see id.* (emphasis added), the defense's showing that the evidence "might make [such likelihood] less probable" would have been "enough for [a] court to admit the" evidence under *Smith*. *See* 707 F.3d at 808-09.

But the Eleventh Circuit, like Gregory Smith, "focused [its] relevance [determination] on whether the evidence [in question] had any tendency to make [the

prosecution's intent-to-deceive] claim[] . . . less probable." *See id.* at 809. It essentially ruled that the evidence was irrelevant to both prongs of § 922(a)(6)'s deception element merely because it did not "impact" the intent-to-deceive prong. *United States v. Woozencroft*, No. 25-12322, 2025 WL 2827233, at *2 (11th Cir. Oct. 6, 2025) (per curiam). Presumably, the *Smith* court would have found this all-or-nothing rationale equally "misplaced." *See* 707 F.3d at 809. *See also* Fed. R. Evid. 1101(a)-(b) (noting that the Federal Rules of Evidence apply to civil and criminal cases and proceedings before United States district courts and courts of appeals).

B. The decisions address the same important matter.

The Eleventh Circuit and *Smith* addressed a legal standard that impacts every federal case across this country. Rule 401's relevance standard is a "cornerstone of the federal evidentiary system." Glen Weissenberger & James J. Duane, *Federal Rules of Evidence: Rules, Legislative History, Commentary & Authority* § 401.1 (6th ed. 2009). And it "serve[s] as a filter in every case." Katharine Traylor Schaffzin, *Is Evidence Obsolete?*, 36 REV. LITIG. 529, 550 (2016). So resolution of the question presented here could change the standard currently used to evaluate basic evidentiary disputes in the 33,000 to 44,000 cases simply ***commenced*** each year in district courts of the Seventh and Eleventh Circuits. *See U.S. District Courts—Civil Cases Commenced, by Nature of Suit and District, During the 12-Month Period Ending September 30, 2025*, https://www.uscourts.gov/sites/default/files/document/jb_c3_0930.2025.pdf (last visited Feb. 6, 2026) (showing 29,689 civil cases commenced in the Seventh Circuit,

and 37,003 civil cases in the Eleventh Circuit); *U.S. District Courts-Criminal Defendants Commenced (Excluding Transfers), by Offense and District, During the 12-Month Period Ending September 30, 2025*, https://www.uscourts.gov/sites/default/files/document/jb_d3_0930.2025.pdf (last visited Feb. 6, 2026) (showing 2,215 criminal cases commenced in the Seventh Circuit, and 6,395 criminal cases in the Eleventh Circuit).

For the same reasons, the one-to-one circuit split is not too shallow to warrant certiorari review. Indeed, two relatively recent grants in Florida cases were one-to-one splits. *See Shular v. United States*, 589 U.S. 154, 160 (2020) (resolving split between the Ninth and Eleventh Circuits); *Stokeling v. United States*, Br. for U.S. in Opp. 14, 16-17 (U.S. No. 17-5554) (Dec. 13, 2017) (arguing—unsuccessfully—that an admitted one-to-one split between the Ninth and Eleventh Circuits was too "shallow" to warrant review). Those cases involved application of a particular statute only within the criminal context. Given that Rule 401's relevance standard applies to criminal and civil cases and proceedings, *see* Fed. R. Evid. 1101(a)-(b), resolution of the one-to-one split here carries far greater implications.

II. The Eleventh Circuit's decision is wrong.

The Eleventh Circuit upheld the exclusion of Mr. Woozencroft's evidence on relevance grounds, reasoning that because the evidence would not have "impact[ed] Woozencroft's intent to deceive," it was "not probative of any consequential fact." *Woozencroft*, 2025 WL 2827233, at *2. Not so.

The "basic standard of relevance . . . is a liberal one." *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 587 (1993). To satisfy it, evidence need only form "a link in the chain of proof" with respect to some "question in issue." *Thompson v. Bowie*, 71 U.S. 463, 471 (1866). As explained, Mr. Woozencroft's alleged "intent to deceive" was not the only "question at issue." *See id.* The government sought to convict Mr. Woozencroft under the independent theory that his allegedly false statement was "likely to deceive the dealer." S.D. Fla. ECF No. 3 at 2. Such likelihood is a "consequential fact." *See Woozencroft*, 2025 WL 2827233, at *2. Sufficient evidence of it enables "the Government to carry its burden of proof with respect to [§ 922(a)(6)'s deception] element." *Rahman*, 83 F.3d at 93 n.1.

Pages 56-67 of Mr. Woozencroft's Initial Brief below addressed the likely-to-deceive prong as follows:

- The excluded evidence reasonably supported an inference that Bob De Agua knew or had reasonable cause to believe Mr. Woozencroft had been acting as a strawman for the person who actually intended to purchase the firearms referenced in Count 2. 11th Cir. ECF No. 17 at 63-64.
- Such knowledge and cause undermined any notion that Mr. Woozencroft's written statement about the actual buyer's identity reasonably could have been expected to mislead Commercial Pawn—that is, that the statement was "likely to deceive such dealer." *Id.* at 56, 65.

- So the excluded evidence tended to "negate" Count 2's "likely to deceive" allegation, *see* S.D. Fla. ECF No. 3 at 2, making the evidence relevant to a valid defense. 11th Cir. ECF No. 17 at 56, 65.

Absent any determination of whether the excluded evidence tended to negate that prong, the Eleventh Circuit could not have reasonably decided that such evidence was not probative of "any" consequential fact. *See Woozencroft*, 2025 WL 2827233, at *2.

Tellingly, however, the Eleventh Circuit did not mention this claim—let alone declare that it was wrong on the merits. It instead appears that the Eleventh Circuit simply ignored the claim, in violation of the party-presentation principle. *See United States v. Sineneng-Smith*, 590 U.S. 371, 375-76 (2020) (under our adversarial system's party-presentation principle, courts "rely on the parties to frame the issues for decision and assign to courts the role of neutral arbiter of matters the parties present"; courts "wait for cases to come to [them], and when [cases arise, courts] normally decide only questions presented by the parties" (alterations in original) (citations omitted)).

Moreover, the Eleventh Circuit's bias determination—that evidence of Bob De Agua's bias toward the government "has no bearing on Woozencroft's conviction," *Woozencroft*, 2025 WL 2827233, at *2—is wrong. "A successful showing of bias on the part of a witness," *United States v. Abel*, 469 U.S. 45, 51 (1984), necessarily satisfies Rule 401's definition of relevant evidence. The showing "would have a tendency to

make the facts to which [the witness] testified less probable in the eyes of the jury than it would be without such testimony." *Id.*

Here, De Agua was an important government witness. He was the only person from Commercial Pawn who testified for the government and the only witness with personal knowledge of the alleged firearm sale and Mr. Woozencroft's completion of the Form 4473 at the heart of this case. And importantly, the Eleventh Circuit did not dispute Mr. Woozencroft's claim that the excluded evidence has some tendency to prove that De Agua was biased in the government's favor. So had the defense been permitted to introduce the bias evidence, the jury might have found De Agua untrustworthy and rejected "the facts to which he testified." *See Abel*, 469 U.S. at 51.

Reliance on Federal Rule of Evidence 403 was misplaced. The Eleventh Circuit held that "[e]ven if the district court did abuse its discretion in excluding the evidence as irrelevant," the evidence still was excludable because it "does not help to prove or disprove any element of § 922(a)(6)." *Woozencroft*, 2025 WL 2827233, at *3. And so the evidence likely "would confuse the jury as to the main issue of the case."

But again, this reasoning rests on the Eleventh Circuit's erroneous position that the only "issue of the case" was whether Mr. Woozencroft intended to deceive Commercial Pawn. As explained, however, at trial the government presented a theory of guilt under the likely-to-deceive prong of § 922(a)(6)'s deception element. And the Eleventh Circuit did not contest argument that the excluded evidence was independently probative of facts which disprove that theory. Curative instructions—

which the government successfully requested at trial—could have clarified this distinction.

Finally, the Eleventh Circuit held that the district court's errors were "harmless" and, thus, did not demand reversal of the judgment. *Woozencroft*, 2025 WL 2827233, at *3 n.2.

The supporting rationale, however, is legally deficient. The Eleventh Circuit noted only that Mr. "Woozencroft's own admissions along with additional testimony of De Agua and ATF Agent Boya established his intent to deceive." *Id.* This assertion reflects the sufficiency of the remaining incriminating evidence. But "the harmless-error inquiry is entirely distinct from a sufficiency-of-the-evidence inquiry." *United States v. Lane*, 474 U.S. 438, 450 n.13 (1986). The former "inquiry cannot be merely whether there was enough to support the result, apart from the phase affected by the error. It is rather, even so, whether the error itself had substantial influence. If so, or if one is left in grave doubt, the conviction cannot stand." *Kotteakos v. United States*, 328 U.S. 750, 764 (1946). The Eleventh Circuit did not conduct any "substantial influence" analysis.

And in any event, such analysis would have militated against affirmance. As this Court instructed in *Kotteakos*, "[i]f, when all is said and done, the conviction is sure that the error did not influence the jury, or had but very slight effect, the verdict and the judgment should stand, except perhaps where the departure is from a constitutional norm or a specific command of Congress." 328 U.S. at 764-65. "But if one cannot say, with fair assurance, after pondering all that happened without

stripping the erroneous action from the whole, that the judgment was not substantially swayed by the error, it is impossible to conclude that substantial rights were not affected." *Id.* at 765.

As explained, the prosecution charged both prongs of § 922(a)(6)'s deception element. The prosecution presented evidence of the likely-to-deceive prong. According to De Agua, when a customer wishes to buy a firearm from Commercial Pawn, a salesperson would receive a completed Form 4473 from the customer. S.D. Fla. ECF No. 95 at 37-39, 56. Whether the sale can proceed from there depends on how the customer answers Question 21A of the Form, about the "actual transferee/buyer." *Id.* at 54. If the customer answers that he or she is not the actual buyer, then the salesperson must terminate the sale. *Id.* at 54, 115. Otherwise, the salesperson would request a background check and, upon approval, sign the Form 4473 and transfer the firearm to the customer. *Id.* at 37-38.

While visiting Commercial Pawn in December 2021, Mr. Woozencroft completed and signed a Form 4473 as the actual buyer. S.D. Fla. ECF No. 69-7, ECF No. 95 at 72-73. De Agua then transferred twenty-one firearms to Mr. Woozencroft. S.D. Fla. ECF No. 95 at 73. De Agua would not have sold any firearms "in December had [Mr. Woozencroft] not completed this form." S.D. Fla. ECF No. 96 at 21. De Agua "s[old] the guns . . . [b]ased on what [Mr. Woozencroft] filled out in that form"—including the representation that he was the actual buyer. *Id.* at 23.

Significantly, in their general verdict form and responses to post-verdict polling, the jurors did not specify which § 922(a)(6) prong they found had been

violated. S.D. Fla. ECF No. 58 at 1, ECF No. 102 at 3-4. It is therefore impossible to determine the factual theory on which Mr. Woozencroft was convicted. *See Emich Motors Corp. v. General Motors Corp.*, 340 U.S. 558, 569 (1951) ("A general verdict of the jury or judgment of the court without special findings does not indicate which of the means charged in the indictment were found to have been used in effectuating the conspiracy. And since all of the acts charged need not be proved for conviction, *United States v. Socony-Vacuum Oil Co.*, 1940, 310 U.S. 150, 60 S. Ct. 811, 84 L. Ed. 1129, such a verdict does not establish that defendants used all of the means charged or any particular one."); *Cramer v. United States*, 325 U.S. 1, 36 (1945) (holding it was "not possible to identify the grounds on which Cramer was convicted" because the verdict "was a general one of guilty, without special findings as to the acts on which it rests"); *Williams v. North Carolina*, 317 U.S. 287, 291-92 (1942) ("[T]he verdict against petitioners was a general one. Hence even though the doctrine of *Bell v. Bell*, *supra*, were to be deemed applicable here, we cannot determine on this record that petitioners were not convicted on the other theory on which the case was tried and submitted, *viz.* the invalidity of the Nevada decrees because of Nevada's lack of jurisdiction over the defendants in the divorce suits. That is to say, the verdict of the jury for all we know may have been rendered on that ground alone, since it did not specify the basis on which it rested.").

Given these circumstances, as well as the fact that the government needed only to satisfy one deception-element prong to "carry its burden of proof," *see Rahman*, 83 F.3d at 93 n.1, there is no way to eliminate the possibility that the jury found Mr.

Woozencroft guilty under Count 2's likely-to-deceive prong only. The record, in other words, does not provide "fair assurance" that the jury found Mr. Woozencroft guilty under the intent-to-deceive prong. *See Woozencroft*, 2025 WL 2827233, at *3 n.2. *See also Kotteakos*, 328 U.S. at 765.

CONCLUSION

For the foregoing reasons, the Court should grant this petition for a writ of certiorari.

Respectfully submitted,

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