

No. 25-7096

ORIGINAL

Supreme Court, U.S.
FILED
DEC - 9 2025
OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

DOUGLAS DEAN SCYPHERS — PETITIONER
(Your Name)

vs.

STATE OF WASHINGTON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Court Of Appeals, Division Three, of Washington State
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Douglas Dean Scyphers
(Your Name)

D.O.C. no. 404358, GB 42 - 3u,
C.R.C.C., 1301 N. Ephrata Ave.
(Address)

Connell, Washington, 99326-0769
(City, State, Zip Code)

N/A
(Phone Number)

QUESTIONS PRESENTED

- 1). Does evidence qualify as newly discovered and material under federal standards when a defendant discovers evidence post-trial - including statements from the issuing judge that he did not sign or authorize a search warrant, that no original warrant exists, and no application was filed - corroborated by court records, requiring invalidation of the warrant, suppression, reversal of convictions, and void all further proceedings after the warrant ?

- 2). Does a search warrant bearing only a facsimile signature of a judge, without evidence of actual authorization or an original document, satisfy the Fourth Amendment's requirement for issuance by a neutral magistarte, particularly where the judge later disavows it ?

- 3). May a defendant reasonably rely on the facial validity of a search warrant bearing a judge's facsimile signature, issued by a Judicial Officer, without pre-trial investigation into its authenticity, where no basis for doubt existed until post-trial revelations ?

- 4). Does the Fourteenth Amendment's Due Process Clause require suppression of evidence and reversal of convictions where post-trial evidence reveals that state actors may have fabricated a search

QUESTIONS PRESENTED cont.

warrant by affixing a judge's facsimile signature without authorization ?

5). Under 28 U.S.C. § 2254 and this Court's precedent's, must federal courts grant an evidentiary hearing on a state prisoner's Fourth Amendment claim when state courts denied one, despite credible post-conviction evidence that the search warrant was invalid and not discoverable pre-trial ?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED CASES

- State of Washington v. Douglas D. Scyphers, No. 14-1-02950-1, Spokane County Superior Court, Judgment entered, December 17, 2017.
- State of Washington v. Douglas D. Scyphers, No. 35851-8, Court of Appeals, Div. III, Judgment entered, July 9, 2020.
- State of Washington v. Douglas D. Scyphers, No. 37953-1, Court of Appeals, Div. III, Judgment entered, April 27, 2021.
- State of Washington v. Douglas D. Scyphers, No. 14-1-02950-1, Spokane County Superior Court, Judgment entered, June 17, 2021 and Oct. 4, 2021.
- State of Washington v. Douglas D. Scyphers, No. 14-1-02950-1, Spokane County Superior Court, Judgment entered, May 31, 2022.
- State of Washington v. Douglas D. Scyphers, No. 38943-0, Court of Appeals, Div. III, Judgment entered, Jan. 11, 2023.
- State of Washington v. Douglas D. Scyphers, No. 101656-5, State Supreme Court, Judgment entered, March 15, 2023.
- State of Washington v. Douglas D. Scyphers, No. 101656-5, State Supreme Court, Judgment entered, June 6, 2023.
- State of Washington v. Douglas D. Scyphers, No. 14-1-02950-1, Spokane County Superior Court, Judgment entered, Sept. 12, 2023. (2nd CrR 7.8 and 1st CR 59).
- State of Washington v. Douglas D. Scyphers, No. 14-1-02950-1, Spokane County Superior Court, Judgment entered, Dec. 20, 2023. (bifurcated 2nd CR 59).
- State of Washington v. Douglas D. Scyphers, No. 39987-7, Court of Appeals, Div. III, Judgment entered, Dec. 20, 2023.

- State of Washington v. Douglas D. Scyphers, No. 14-1-02950-1, Spokane County Superior Court, Judgment entered, Jan. 5, 2024 and Jan. 11, 2024 (2nd CR 59 and 3rd CR 59).
- State of Washington v. Douglas D. Scyphers, No. 102688-9, State Supreme Court, Judgment entered, May 8, 2024.
- State of Washington v. Douglas D. Scyphers, No. 40224-0, Court of Appeals, Div. III, Judgment entered, Sept. 5, 2024.
- State of Washington v. Douglas D. Scyphers, No. 103495-4, State Supreme Court, Judgment entered, Feb. 7, 2025.
- State of Washington v. Douglas D. Scyphers, No. 104052-1, State Supreme Court, Judgment entered, April 9, 2025.
- State of Washington v. Douglas D. Scyphers, No. 41141-9, Court of Appeals, Div. III, Judgment entered, May 15, 2025.
- State of Washington v. Douglas D. Scyphers, No. 104227-2, State Supreme Court, Judgment entered, Oct. 7, 2025. (and on June 17, 2025).

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

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

reported at _____; or,

has been designated for publication but is not yet reported; or,

is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,

has been designated for publication but is not yet reported; or,

is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix ^A_____ to the petition and is

reported at _____; or,

has been designated for publication but is not yet reported; or,

is unpublished.

The opinion of the Court of Appeals, Division Three _____ court appears at Appendix ^B_____ to the petition and is

reported at _____; or,

has been designated for publication but is not yet reported; or,

is unpublished.

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

No petition for rehearing was timely filed in my case.

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

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was June 17, 2025.
A copy of that decision appears at Appendix C .

A timely petition for rehearing was thereafter denied on the following date: October 8, 2025, and a copy of the order denying rehearing appears at Appendix A .

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTION:

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, particularly describing the place to be searched, and the persons or things to be seized.

FOURTEENTH AMENDMENT: ... No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protections of the laws.

WASHINGTON STATE CONSTITUTION: Declaration of Rights
ARTICLE ONE, SECTION THREE, Personal Rights: No person shall be deprived of life, liberty, or property, without due process of law.

ARTICLE ONE, SECTION SEVEN, Invasion of Private Affairs or Home Prohibited: No person shall be disturbed in his private affairs, or his home invaded, without authority of law.

UNITED STATES SUPREME COURT RULE 10(a)-(c).

FEDERAL STATUTE:

TITLE 28 U.S.C.S., SECTION 2254: State Custody, Remedies in Federal Court: (d)(1) Resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or (d)(2) Resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding; and (e)(A)(ii) A factual predicate that could not have been previously discovered through the exercise of due diligence.

STATE STATUTE:

REVISED CODE OF WASHINGTON (RCW) 10.73.100, Collateral Attack, When One Year Limit Not Applicable: The time limit specified in RCW 10.73.090 does not apply to a petition or motion that is based solely on one or more of the following grounds: (1) Newly discovered evidence, if the defendant acted with reasonable diligence in discovering the evidence and filing the petition or motion.

FEDERAL RULES:

1 FEDERAL HABEAS CORPUS PRACTICE AND PROCEDURE, State Remedies, § 7.1, "Full and Fair" Proceedings: see n.1 and n.8; See also, U.S.C. Sec. 2254 Cases R. 8-Evidentiary Hearing, Rule 8(a).

STATEMENT OF THE CASE

Petitioner, DOUGLAS DEAN SCYPHERS, was convicted by a jury on December 17, 2017, in Spokane County Superior Court (Cause no. 14-1-02950-1), of multiple charges based on evidence seized from his home pursuant to a search warrant dated "June 2, 2014 10:39 a.m.", bearing the facsimile signature of Judge Michael P. Price (App. H). Scyphers was sentenced on January 26, 2018, and his direct appeal was finalized on July 9, 2020 (Washington State Court of Appeals, Division III).

Post-conviction, while seeking discovery, Scyphers received letters from Judge Price dated December 1, 2021, and January 6, 2022 (Apps. E-F). In these letters, Judge Price stated he had personally reviewed the court file and found: (1) he never signed any warrants or court orders in Scyphers' case in 2014 or any other year; (2) the case was never assigned to him; and (3) no original warrant exists. On July 10, 2023, Scyphers obtained Judge Price's docket for June 2, 2014, from the Superior Court Administrator (App. G), showing no entries for Scyphers, no warrant application, and no warrant issuance.

Based on this evidence, Scyphers filed his first collateral attack challenging the warrant, on March 10, 2022, under a CrR 7.8 motion (denied). Subsequent filings, including additional 7.8 motions, motions

for reconsiderations (CR 59's), CR 60 void motion, and personal restraint petitions (PRP's), proceeded through the Washington Court of Appeals and Supreme Court, finalizing on February 7, 2025. On April 9, 2025, No. 41141-9-III, Scyphers filed another PRP that was finalized in the State Supreme Court on October 7, 2025, No. 104227-2 (Apps. A-D).

Key timeline of events (incorporated by reference from prior state filings):

- June 3, 2014: Warrant served on Scyphers at his home.
- August 22, 2014: Information filed.
- September 8, 2014: Arraignment.
- January 13, 2017: FRANKS hearing challenging warrant staleness (denied).
- December 17, 2017: Jury conviction (four counts hung and dismissed).
- January 26, 2018: Sentencing.
- July 9, 2020: Direct Appeal finalized (ANDERS brief filed by counsel).
- April 19, 2021: Motion to compel and contempt for discovery, No. 37953-1-III. (remanded).
- June 17, 2021 and October 4, 2021: Orders compelling discovery.
- November 11, 2021: Scyphers requests warrant copy from Judge Price, due to no discovery turned over.

- December 1, 2021: Judge Price letter stating in pertinent part:

"I have personally reviewed the Superior Court File under this cause number [14-1-02950-1] and have specifically searched for a warrant which this Judicial Officer may have signed in this case in either 2014 or 2015. In fact, NO WARRANTS WERE SIGNED IN ANY FASHION IN 2014 or 2015, or, for that matter, in any other year that I was able to discover in my review of the file. As such, I am providing this correspondence to you without any enclosure since AN ORIGINAL WARRANT signed by this department in 2014 or 2015 DOES NOT EXIST." (emphasis added)(App. E).

- December 31, 2021: Discovery received, which included warrant; sent warrant copy to J., Price.

- January 6, 2022: Judge Price letter stating in pertinent part:

"[Y]ou request yet again for this Court to conduct another search for a warrant - While there are multiple Orders in the Superior Court File signed by Judicial Officers to include Judge Tompkins, Judge Sypolt, Judge Cozza, Judge Harold Clarke III, and Judge Moreno, this case was never assigned to my department and I SIGNED NO WARRANTS or Court Orders in this case AT ALL. - As before, I am providing this correspondence to you without any enclosure since THE WARRANT YOU SEEK signed by my department DOES NOT EXIST." (emphasis added)(App. F).

CHALLENGES TO THE WARRANT BASED ON THE EVIDENCE
(letters and docket):

- March 10, 2022 - June 6, 2023: First collateral attack under CrR 7.8; followed by PRP, discretionary review, and motion to modify: denied as untimely.
- February 8, 2023: CR 60 motion as void; denied.
- July 10, 2023: Received Judge Price's docket for the warrant dated June 2, 2014 (App. G).
- July 24, 2023: Refined and filed second CrR 7.8; set for oral arguments.
- September 13, 2023: (CrR 7.8) and October 15, 2023 (CR 59): Oral arguments; denied as untimely and denied a reference hearing (denied counsel).
- October 23, 2023 - February 7, 2025: Filed additional CR 59 motions, appeals (denied counsel), CR 60(b) void motion, PRP's, discretionary reviews, and motions to modify; each denied as untimely. Also ruled deficiencies were discoverable by both parties pre-trial (App. I, at 4).
- April 9, 2025: Refined and filed third PRP, No. 41141-9-III; denied as untimely (App. B).
- May 29, 2025: Discretionary Review in State Supreme Court, No. 104227-2. Deputy Commissioner denied as untimely (App. C).
- August 15, 2025: Motion to modify commissioner's ruling, No. 104227-2 (App. J).
- October 7, 2025: State Supreme Court denied the

motion to modify and denied a reference hearing,
No. 104227-2 (App. A).

The state courts consistently dismissed all claims as untimely, ruling the evidence (letters and docket) was not "newly discovered", and was discoverable pre-trial with due diligence (by both parties), despite Scyphers' reasonable reliance on the warrant's appearance of facial validity. No reference hearing was granted to assess credibility or merits. These rulings conflict with the Fourth and Fourteenth Amendments, as the original warrant does not exist, no application, and is unsigned and unauthorized - it is not just invalid but void, violating federal and state constitutions.

REASONS FOR GRANTING PETITION

Scyphers respectfully urges this Court to grant certiorari under Sup. Ct. R. 10(a)-(c), as this case presents critical questions of federal constitutional law of profound national importance amid rising concerns over warrant transparency and government misconduct. The Washington State courts' rulings conflict with this Court's Fourth and Fourteenth Amendment precedents, denying Scyphers' meritorious claims for a full and fair hearing on new, material, post-conviction evidence that undermines the validity of the search warrant

underlying his convictions, thus warranting federal review to safeguard judicial accountability nationwide. See *STONE v. POWELL*, 428 U.S. 465, 494-95 & n.37 (1976)(federal courts must hear Fourth Amendment claims not afforded full and fair state litigation). These issues of national importance involve: the integrity of judicial warrants, reasonable reliance on official documents, and newly discovered evidence. Certiorari is warranted to resolve tensions with the state rulings and federal law.

CORE FACTS: Judge Michael P. Price twice stated: he did not sign the search warrant bearing his facsimile signature, no original warrant exists, no application was filed, and is corroborated by his June 2, 2014 court docket (Apps. E-H). This evidence was discovered post-trial.

Per F.R.Civ.P. 10(c), Scyphers incorporates by reference this Writ's Statement of the Case, his recent state PRP, motion for discretionary review, motion to modify, and all relevant filings since March 10, 2022, as inclusive, as if fully cited and argued herein. Furthermore, Scyphers alleges the following: (*HAINES v. KERNER*, 404 U.S. 519, 520-21 (1972)(per curiam)(unanimous)(pro se complaint must be held to less stringent standard than formal pleadings drafted by lawyers.)).:

1. THE EVIDENCE QUALIFIES AS NEWLY DISCOVERED,
IS MATERIAL, AND REQUIRES THE SEARCH WARRANT
INVALIDATION, SUPPRESSION, AND REVERSE ALL
CONVICTIONS.

The state courts erred when dismissing Scyphers' post-conviction petitions as untimely (Apps. A-D), ruling that the evidence discovered after his trial on December 17, 2017 - two letters (December 1, 2021; January 6, 2022; Apps. E-F) from Judge Price and his docket (July 10, 2023; App. G) - could have been found pre-trial with due diligence. This posture directly conflicts with this Court's precedents. The evidence qualifies as newly discovered under state and federal standards for timeliness exemptions under 28 U.S.C. § 2254(d) (1),(2) - (e)(2)(A)(ii), and RCW 10.73.100(1). See *SCHLUP v. DELO*, 513 U.S. 298, 324 (1995)(new evidence innocence gateway if it undermines confidence in conviction); Building on *SCHLUP*, e.g., *HOUSE v. BELL*, 547 U.S. 518, 536-39 (2006) (Holding: new evidence undermining the prosecution's case can warrant relief).

The evidence is material, as it invalidates the warrant, suppresses all seized evidence, voids all further proceedings, and undermines confidence in the verdict. *KYLES v. WHITLEY*, 514 U.S. 419, 434 (1995)(materiality standard). Scyphers reasonably

relied on the warrant's facial validity pre-trial, with no basis for him or his trial counsel to investigate behind the facts (App. J, at 8-9, KURTZ v. FELLS). The state court's conclusion that this evidence was not "newly discovered" and should have been found through "due diligence", is inconsistent with STRICKLER v. GREENE, 527 U.S. 263, 289 (1999) (no duty to discover undisclosed evidence where reliance is reasonable); See also GROH v. RAMIREZ, 540 U.S. 551, 557-60 (2004)(search warrant facially invalid - breached Fourth Amendment requirements).

The letters dated December 1, 2021, and January 6, 2022 (Apps. E-F), reveal Judge Price's personal investigation of the court file: he states unequivocally that he ""signed no warrants or court Orders in this case at all" in 2014 or any other year, and "an original warrant signed by this department - does not exist"". This directly contradicts the June 2, 2014 search warrant bearing his facsimile signature (App. H, at 5). Corroborating this, Judge Price's docket for that date (discovered July 10, 2023; App. G) lacks any reference to Scyphers, a warrant application, or issuance - violating transparency norms. See RICHMOND NEWSPAPERS, INC. v. VIRGINIA, 448 U.S. 555, 574 (1980)(transparency allows the public to keep a watchful eye over the judicial system). The state courts erred, Scyphers cannot discover

documents that do not exist (Apps. E-F). See THOMPSON v. LOUISVILLE, 362 U.S. 199, 204 (1960) (a conviction based on a wholly devoid record is unconstitutional). See also UNITED STATES v. BARNES, 895 F.3d 1194, n.2 (9th Cir. 2018)(citing PARKS, 136 Wn.App. 232, at 238-40)(Holding: "the court's docket contains no record of a judicial finding of probable cause - there should have been a judicial finding of probable cause on the record - We hold that making such a finding is not only a "best practice" but also a constitutional obligation of the issuing court - warrant invalid and suppress.").

This evidence meets all five factors for newly discovered evidence: (1) it would likely change the trial outcome by voiding the warrant and suppressing the evidence; (2) it was discovered post-trial (December 17, 2017); (3) it could not have been discovered pre-trial with due diligence, as Scypers reasonably relied on the warrant's facial validity (See STRICKLER v. GREENE, 527 U.S. 263, (1999)); (4) it is material (See KYLES v. WHITLEY, 514 U.S. 419, 434 (1995)); and (5) it is not merely cumulative or impeaching because the new evidence undermines the State's case-in-chief as void. See COX v. CITY OF JACKSON, 811 Fed.Appx. 284, 291 (6th Cir. 2020)(void proceedings after a void warrant). See UNITED STATES v. HARRINGTON,

410 F.3d 598, 601 (9th Cir. 2005)(five-part test, new evidence). The evidence is new and material, undermining Scyphers' convictions and creates a "gateway" for review. Building on SCHLUP and HOUSE, e.g., McQUIGGIN v. PERKINS, 569 U.S. 383, 386 (2013)(Holding: gateway claims overcome AEDPA time bars if new evidence shows no reasonable juror would convict); COLEMAN v. THOMPSON, 501 U.S. 722, 749-50 (1991)(Holding: failure to consider the claim will result in a "fundamental miscarriage of justice."). Scyphers overcomes the statutory 1-year time limit with the newly discovered evidence, where suppression of the evidence - no reasonable juror would convict Scyphers.

2. WASHINGTON STATE'S RULINGS ARE IN TENSION WITH THIS SUPREME COURT'S PRECEDENTS ON THE FOURTH AND FOURTEENTH AMENDMENTS.)

The state court's rulings for Scyphers conflict with this Court's Fourth Amendment jurisprudence. This evidence renders the warrant void ab initio, not merely invalid, as Judge Price denied signing it, no original warrant exists, and no application or issuance is recorded. A warrant requires a neutral magistrate's actual authorization, without it, it is void. See COX v. CITY OF JACKSON, 811 Fed.Appx. 284, 291 (6th Cir. 2020)("A direct attack on an unsigned warrant would have been

successful" because "if a warrant does not meet procedural and constitutional requirements, it is invalid" - "And, [a] void warrant invalidates all subsequent proceedings emanating from the warrant."); See GROH v. RAMIREZ, 540 U.S. 551, 557-60 (2004) (warrant unconstitutional and void without proper issuance; magistrate interposed between citizen and police - McDONALD, 335 U.S. at 455); COOLIDGE v. NEW HAMPSHIRE, 403 U.S. 443, 449 (1971)(warrant void if not issued by magistrate); This violates the Fourth Amendment's 'Briteline Rule'. See SGRO v. UNITED STATES, 287 U.S. 206, 210 (1932) (government abuse of the Fourth Amendment "should be liberally construed in favor of the individual"); ILLINOIS v. GATES, 462 U.S. 213, 223 (1983) (suppression of evidence). Under Wash. Const., Art. 1, § 7, there are stricter protections: STATE v. YOUNG, 123 Wn.2d 173, 179, 867 P.2d 593 (1994) (Wash. Const. provides greater protections than Federal Const.); STATE v. IBARRA-CISNEROS, 172 Wn. 2d 880, 884-85, 263 P.3d 591 (2011)(attenuation doctrine); and STATE v. WINTERSTEIN, 167 Wn.2d 620, 624, 220 P.3d 1226 (2009)(inevitable discovery doctrine incompatible with Wash. Const.). This demands suppression as fruit of the poisonous tree, under the exclusionary rule. YOUNGBLOOD v. WEST VIRGINIA, 547 U.S. 867, 870 (2006)(per curiam) (reversal required when new evidence casts case in a different light); and MAPP v. OHIO, 367 U.S.

643, 655-660 (1961) and UNITED STATES v. LEON, 468 U.S. 897, 906 (1984)(exclusionary rule). The State cannot be afforded a "good-faith" exception to exclusion, when Judge Price denies signing the warrant, corroborated by court docket, making reliance on it unreasonable. MESSERSCHMIDT v. MILLENDER, 565 U.S. 535, 536 (2012)(Holding: no good-faith exception when the warrant is "so facially deficient"). (See APP. J, at 6-7).

Scyphers' Due Process under the Fourteenth Amendment and Wash. Const., Art. 1, § 3, was also violated: the state introduced evidence from an apparently fabricated warrant, depriving Scyphers of a fair trial - NAPUE v. ILLINOIS, 360 U.S. 264, 269 (1959)(state cannot use false evidence to convict - nor allow it to go uncorrected when it appears). The state court ruled the warrant deficiencies were discoverable before trial with due diligence by both "parties", and the court allowed it to go uncorrected, denying relief (App. I, at pg. 4) - CONE v. BELL, 556 U.S. 449, 469-70 (2009)(even "if" it was "discoverable", withholding evidence can violate due process if it affects trial fairness); Did the State fail in its duty to disclose material evidence to Scyphers pre-trial? See BRADY v. MARYLAND, 373 U.S. 83 (1963); UNITED STATES v. BAGLEY, 473 U.S. 667 (1985); GIGLIO v. UNITED STATES, 405 U.S. 150 (1972)(state has a

duty to disclose favorable evidence). Without this evidence, no reasonable juror would convict Scyphers, as it directly supports the charges. See WEARRY v. CAIN, 577 U.S. 385 (2016)(per curiam)(Holding: newly "revealed" material evidence undermined the conviction; the State's withholding violated Due Process; and no jury would convict). The evidence is newly discovered/revealed, material, credible, and corroborating. See GRIFFIN v. JOHNSON, 350 F.3d 956, 961-63 (9th Cir. 2003)(Holding: petitioners may present evidence that need not be newly discovered, but it must be "newly presented" after trial, aligning with the SCHLUP test).

The state appellate courts improperly assessed credibility - deeming Judge Price and his docket unreliable - usurping the trial court's role. See CARMELL v. TEXAS, 529 U.S. 513, 557 (2000)(J., Ginsburg, dissent)("the purpose of corroborating evidence is to show that [Judge Price and his docket] is a reliable witness and worthy of credit") (emphasis added); JACKSON v. VIRGINIA, 443 U.S. 307, 318-19 (1979)(trier of fact is to determine the record of evidence and the credibility of witnesses); See also REED v. RUNNELS, 143 Fed. Appx. 799, 801 (9th Cir. 2005)(citing UNITED STATES v. HUBBARD, 96 F.3d 1223, 1226 (9th Cir. 1996)(the reviewing court must respect the exclusive province of the fact finder to determine

credibility of witnesses, resolve evidentiary conflicts, and draw reasonable inferences from proven facts.)). The jury was never presented this evidence - it undermines the verdict, convictions, and Scyphers ability to present a defense in trial.

The state courts rulings conflicts with federal law and is an abuse of discretion. COOTER & GELL v. HARTMARX CORP., 496 U.S. 384, 405 (1990)(a court abuses its discretion if it based its ruling on an erroneous view of the law or clearly erroneous assessment of evidence). The state courts failed to follow federal law and placed procedure over substance, as attested by the state's rulings disregarding the new evidence - disavowing the warrant (Apps. E-G). BOUSLEY v. UNITED STATES, 523 U.S. 614, 620 (1998)(the distinction between substance and procedure is 'to assure that no man has been incarcerated under procedure which creates an impermissibly large risk that the innocent will be convicted'.).

3. THE STATE COURTS ERRED IN DENYING SCYPHERS AN
EVIDENTIARY HEARING TO DEVELOP THE FACTS,
REQUIRING FEDERAL REVIEW ON THE MERITS.

The state courts' refusal to grant an evidentiary hearing in Scyphers' case directly conflicts with established federal law and Supreme Court precedent

governing federal review (App. A). Under 28 U.S.C. § 2254(d)-(e) and the rules governing § 2254 proceedings, a federal court must hold an evidentiary hearing where Scyphers presents newly discovered, material evidence that was not previously available and where factual disputes exist that cannot be resolved on the existing record. See rules governing § 2254 cases in federal courts: Rule 8(a)(requires an evidentiary hearing if facts are in dispute); see also, 1 Federal Habeas Corpus Practice and Procedure, State Remedies, § 7.1, Full and Fair Proceedings: n.1 and n.8 ("pre-existing standard" still encompassed as applicable to the state, even after AEDPA; and limiting federal hearings but mandating them for undeveloped facts due to state process failures).

The "PRE-EXISTING STANDARD":

See § 7.1, n.8: "Prior to its amendment in 1996 [AEDPA], 28 U.S.C. § 2254(d) explicitly stated that "a full and fair hearing" in state court is a prerequisite to federal deference to state court findings. Although the current version of the statute (28 U.S.C. §§ 2254(d)(2), 2254(e)) no longer contains that language, the statute's requirement of "reasonable" state court factfinding procedures, *Id.* § 2254(d)(2), encompasses the preexisting standard. See *infra* § 20.2b."(emphasis added). See also, Apps. A, and J, at 6-9.

In federal habeas cases, it is well-established that Scyphers' newly discovered evidence - which directly undermines the validity of the search warrant used to convict him - constitutes a primary justification for requesting an evidentiary hearing. ARON v. UNITED STATES, 291 F.3d 708, 715 & n.6 (11th Cir. 2002)(petitioner need only allege specific facts entitling him to relief for a hearing). "Courts must grant a hearing if the petitioner alleges reasonably specific, non-conclusory facts, that, if true, would entitle him to relief. Id.". The record here speaks for itself. It is not "conclusively" against relief, and the new evidence is neither refuted by the record nor inherently incredible. Rather, it presents a clear factual dispute as to whether the search and seizure was lawful, whether Scyphers' Fourth and Fourteenth Amendment rights were violated, and whether the prosecution's evidence was the fruit of an unauthorized, and void warrant?

The criteria for granting an evidentiary hearing include: (1) Existence of factual disputes that cannot be resolved on the record; (2) Relevance and materiality of new evidence to the petitioner's claims; and (3) Potential for relief if the factual dispute is resolved in favor of the petitioner.

(See App. J, 6-8).

In this case, the lower courts denied Scyphers any

opportunity to develop the facts through an evidentiary hearing, even though the new evidence (Judge Price's admissions and docket) was not available before trial, was not discoverable through due diligence, and goes to the heart of the constitutional validity of Scyphers conviction. The denial of a reference hearing prevented full and fair consideration of these critical, factual disputes (App. A). This is contrary to the principles articulated by this Court in *TOWNSEND v. SAIN*, 372 U.S. 293, 312 (1963) (a federal evidentiary hearing is required when state procedures are inadequate or the material facts were not fully developed - state findings are not binding), and *KEENEY v. TAMAYO-REYES*, 504 U.S. 1, 10 (1992) (state courts must provide a full and fair hearing on federal claims, or federal courts must do so). See also, *STONE v. POWELL*, 428 U.S. 465, 494-95 & n.37 (1976) (federal courts must hear Fourth Amendment claims not afforded full and fair state litigation). See 1 *Federal Habeas Corpus Practice and Procedure, State Remedies*, § 7.1(a) ("requires that state post conviction proceedings must provide prisoners with **WHATEVER** fact-finding procedures are necessary to afford a full and fair hearing on **ANY** disputed and controlling factual issue in the case - [including] evidentiary hearings.") (emphasis added). Scyphers persistently and diligently pursued his federal

claims in state courts, as evidenced by the courts records and was denied the development of his facts (App. A). See WILLIAMS v. TAYLOR, 529 U.S. 420, 432-38 (2000)(federal courts must hold evidentiary hearing where petitioner was diligent but state courts failed to develop the record).

By refusing to permit Scyphers fact development on these constitutional issues, the Washington courts failed to meet the standards required under federal law. Consequently, federal review - including an evidentiary hearing - is necessary to ensure justice and resolve the disputed facts that are central to Scyphers' claims for relief. See CULLEN v. PINHOLSTER, 563 U.S. 170, 170-73 (2011)(Holding: federal review requires deference, only if state proceedings were reasonable). The state's rulings have denied Scyphers due process. TOWNSEND underscores federal due process. It was later codified and refined in AEDPA, but its core due process rationale remains fully in tact - protecting against arbitrary state procedural default, and aligning with the Fourteenth Amendment's guarantee of fundamental fairness.

In Scyphers case, he has met the higher burden imposed by Washington's standard of "actual and substantial prejudice" when he presented material post-trial evidence, which far exceeded the less

stringent prejudice standard in TOWNSEND, warranting de novo federal review of Scyphers claims. Therefore, there is "good cause" to revisit the search warrant because: (1) Scyphers' petitions are timely, based on newly discovered evidence, (2) Scyphers was not afforded a "full and fair" hearing on the merits and the issue has always been dismissed on erroneous procedural grounds, (3) Scyphers was prejudiced by an unfair trial using false evidence, which led to his conviction, absent this evidence, no jury would convict, and (4) justice requires Scyphers' claims to be resolved on the merits. See F.R.Crim.P 33(a); F.R.Civ.P 8(e); SANDERS, 373 U.S. at 15 (1963)(ends of justice are served by reaching the merits); ALAIMALO, 645 F.3d at 1050 (2011)(ends of justice).

4. CERTIORARI IS NECESSARY TO PREVENT A
MISCARRIAGE OF JUSTICE IN SCYPHERS CASE.

This case presents a clean vehicle for review, as the facts highlight broader implications for anyone in Washington or similar jurisdictions. Without intervention, such abuses could erode Fourth and Fourteenth Amendment protections nationwide. Search warrant applications and supporting documents, is a critical transparency issue of national importance, specifically where their absence undermines judicial accountability and enables fabrication -

i.e., the mystery of how the facsimile signature of Judge Price got on a warrant he said he never signed? Which is corroborated by the judge's docket, showing no court reference to any court documents for Scyphers.

In Scyphers case, the complete lack of records - prevents public verification, eroding trust in the judicial processes, and facilitating the Fourth Amendment violations. The missing application voids the warrant entirely. UNITED STATES v. VENTRESCA, 380 U.S. 102, 105-06, 111-12 (1965)(emphasizing that warrant affidavits (applications) must be based on oath and probable cause); BARNES, 895 F.3d at n.2 (citing PARKS)(no record of probable cause - unconstitutional)); See also, CARNLEY v. COCHRAN, 369 U.S. 506, 516 (1962)("Presuming waiver from a silent record is impermissible. The record must show the [application and the warrant] - anything less is not a waiver.")(emphasis added).

The state courts rulings are sending a clear message: the Executive Branch has the power to circumvent judicial authority to invade homes without oversight. UNITED STATES v. RUSSELL, 411 U.S. 423, 432 (1973)(outrageous conduct bars conviction); HAMPTON v. UNITED STATES, 425 U.S. 484, 489-90 (1976)(government misconduct (e.g., fabricating evidence) can violate due process and

bar conviction, even without entrapment). This leaves many warrants unscrutinized, heightening potential risks of further government misconduct, in violation of Due Process and Fourth Amendment privacy rights. In an era post - CARPENTER v. UNITED STATES, 585 U.S. 296, 348 (2018)(privacy rights are evolving), (e.g., GONZALEZ v. UNITED STATES, 145 S.Ct. 529, 532 (2025)(citing CARPENTER, 585 U.S. at 309 (2018)("courts today confront questions about how to apply the Fourth Amendment to a new phenomenon."))), scrutiny demands clearer judicial transparency to prevent fabrication and protect Fourth Amendment rights nationwide. Granting certiorari would deter similar abuses across federal and state systems and reinforcing democratic checks on law enforcement.

This Court's guidance is essential to harmonize judicial transparency with Fourth and Fourteenth Amendment principles, ensuring that transparency serves as a bulwark against governmental overreach in all 50 states. The state courts' procedural bars denied Scyphers a full and fair hearing, abusing discretion under broader state protections: STATE v. YOUNG, 123 Wn.2d 173, 179, 867 P.2d 593 (1994); In re Pers. Restraint of GREENING, 141 Wn.2d 687, 699-700, 9 P.3d 206 (2000). Federal review is essential in this case. See TOWNSEND v. SAIN, 372 U.S. 293, 312 (1963).

There is a public interest in preventing the government from evading judicial oversight for warrants, to invade peoples homes - See PAYTON v. NEW YORK, 445 U.S. 573 (1980)(Holding: reinforces the sanctity of home searches, requiring valid search warrants).

Justice demands certiorari in this case: Granting review will correct the state courts' errors, restore confidence in warrant processes amid national transparency crises, and resolve these critical constitutional questions on the merits - preventing similar fabrications that threaten homes and liberties across the nation. See MINCEY v. ARIZONA, 437 U.S. 385, 393, (1978)(public interest in warrantless searches). This Court's intervention applies essential checks and balances, protecting all of the people. See BELL v. MARYLAND, 378 U.S. 226, 238-39 (1964)(this Court has the power to correct errors as justice requires); and F.R.Crim.P. 33(a)(vacating judgments if justice so requires). This Court should: grant review on the merits; declare the evidence is newly discovered; invalidate the search warrant; suppress the evidence; void all proceedings; vacate convictions; and determine fabrication. See MacCLELLAND v. CELLO P'SHIP, 609 F.Supp.3d 1024, 1042 (2022)("justice delayed is justice denied".) (citing DIETRICH, 14 F.4th at 1095 (9th Cir. 2021)).

5. CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

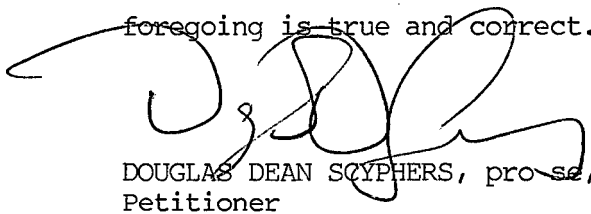
CERTIFICATE OF COMPLIANCE

Pursuant to Sup. Ct. Rule 33.1, I certify this document contains 4,918 words.

Executed on this 7th day of December, 2025.

AT: Franklin County; Connell, WA. 99326.

I, DOUGLAS DEAN SCYPHERS, hereby declares under penalty of perjury, under the laws of the United States, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.



DOUGLAS DEAN SCYPHERS, pro se,
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