No. _____

In the Supreme Court of the United States

JOSEPH HEID,
Petitioner,

v.

MARK RUTKOSKI, ET AL.,
Respondent.

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

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether Petitioner Heid's two grounds for challenging the arresting officers' defense of qualified immunity defense constitute *a valid* "*Franks challenge*" pursuant to this Court's holding in *Franks* v. *Delaware*, 438 U.S. 154 (1978)[1]?

2. Whether the Eleventh Circuit evaded Heid's "Franks challenge" and, as such, must be reversed and remanded?

* * *

In an excessive use of force case, an arresting officer may establish a defense of qualified immunity only on the basis of evidence that is competent or admissible and objectively reasonable. Here the Eleventh Circuit reversed the district court's finding the arresting officers were not entitled to qualified immunity, but it did so without relying upon competent or admissible evidence or evidence that is objectively reasonable.

First, the arresting officer's qualified immunity defenses are based upon sworn affidavits that are *false,* or were made with callous indifference toward truth.[2]

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[1] This issue goes to the heart of the law of American evidence jurisprudence. See, e.g., Fed. R. E. 101 (purpose) and 102 (scope). It also goes to the heart of The Civil War Amendments—i.e., the prohibition of tyrannical abuse, involuntary servitude, and the like; as well as the nature of police misconduct being enabled through tyrannical manipulation of material evidence.

[2] See, *e.g.*, *Franks* v. *Delaware*, 438 U.S. 154 (1978).

Second, the arresting officer's qualified immunity defense gives rise to a reasonable inference of *Brady*/*Giglio* "evidence suppression" violations.[3] Relying on these two grounds, Petitioner Heid has vigorously impeached the arresting officers' qualified immunity defense in written briefings or oral argument at the district court and Eleventh Circuit. Nevertheless, without addressing these two grounds, the Eleventh Circuit reversed the district court's order denying the arresting officer's claim of qualified immunity.

[3] See, *e.g.*, *Brady* v. *Maryland*, 373 U.S. 83 (1963); *Giglio* v. *United States*, 405 U.S. 150, 153–154 (1972); *Strickler* v. *Green*, 527 U.S. 263 (1999). These violations are the subject of pending litigation in two state courts. See, Pet. at iii.

RELATED PROCEEDINGS

Florida Circuit Court (9th Jud. Dist.):

State of Florida v. *Joseph Heid IV*, No. 16-CF-05268 (Feb. 7, 2018) (convicted)

State of Florida v. *Joseph Heid IV*, No. 16-CF-05268 (Apr. 2, 2023) (post-conviction relief on grounds of ineffective assistance of counsel denied)

State of Florida v. *Joseph Heid IV*, No. 16-CF-05268 (pending post-conviction relief motion on grounds of newly discovered evidence)

Florida District Court of Appeal (6th Dist.):

Joseph Heid IV v. *State of Florida*, No. 6D2024-0016 (pending adjudication)

United States District Court (M.D. Fla.):

Joseph Heid v. *Mark Rutkoski, et al.*, No. 6:20-cv-00727-RBD-DCI (Dec. 19, 2023) (respondents' motion for summary judgment denied)

United States Court of Appeals (CA11):

Joseph Heid v. *Mark Rutkoski, et al.*, No. 24-10068 (Jul. 10, 2025) (district court judgment reversed)

Joseph Heid v. *Mark Rutkoski, et al.*, No. 24-10068 (Aug. 26, 2025) (rehearing denied)

Supreme Court of the United States:

Joseph Heid v. *Mark Rutkoski, et al.*, No. 25A604 (Nov. 21, 2025) (time to petition certiorari extended)

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OPINIONS BELOW

The Eleventh Circuit's opinion is reported at 143 F.4th 1255, and is reproduced in the Appendix at App.1-16. The Middle District of Florida's opinion is reproduced in the Appendix at App.19-35.

JURISDICTION

The Eleventh Circuit's decision was entered on July 10, 2025. The Eleventh Circuit denied rehearing *en banc* on August 26, 2025. This Court has jurisdiction under 28 U.S.C. §1254(1). Justice Thomas extended the time to petition for certiorari.

STATEMENT OF THE CASE

On May 27, 2016, Mr. Heid was charged by Information with four felony counts in *State* v. *Heid*, 16-CF-05268 (Fla. Cir. Ct. 9th Jud. Dist.). A trial was conducted on February 5, 2018, and the jury returned verdicts of guilty. Heid was subsequently sentenced to life without parole. Mr. Heid timely filed a subsequently unsuccessful appeal in the state criminal case on April 12, 2018. Mr. Heid then hired Attorney Peter Lombardo to file a petition for postconviction relief, pursuant to Florida law, on February 24, 2022. This postconviction petition alleged, *inter alia*, that Heid's trial counsel went to trial without obtaining all of the video evidence from the state. This postconviction petition is now on appeal before the Florida Sixth District Court of Appeals.

Heid initiated his section 1983 case in the United States District Court for the Middle District of

Florida, on April 27, 2020. Throughout these proceedings, up through the close of discovery, the several Defendants failed to *turn over video evidence* that had been requested in the state criminal proceeding, several years prior to the initiation of the said section 1983 proceedings in the Middle District of Florida. Not until March 23, 2023 did the Defendants turn over that video evidence, at which time the discovery period in the federal case had closed.[4]

This petition must be seen in this larger context. Heid alleges that at least two deputy sheriffs made substantial false statements in their affidavits, and that the district court's reliance upon those affidavits in upholding these officers' qualified immunity defenses constitutes "Franks violations."[5] The Eleventh Circuit's failure to treat Petitioner Heid's contentions as "Franks challenges" resulted in a misapplication of the law.

Notably, in the Middle District of Florida, Heid's *first* "Franks challenge" was vigorously asserted in his Response to Motion for Summary Judgment,[6] particularly within his Statement of Undisputed Facts.[7] Specifically, Petitioner Head argued:

> In addition, in vindicating this position, Plaintiff Heid brings to this honorable Court's attention, the following evidence:

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[4] In this connection, vigorous advocacy by Heid's trial counsel on his behalf ultimately led to unfair *sanctions* and disciplined being imposed, but which are themselves subject to future appeal to this court.

[5] See, *e.g.*, *Franks* v. *Delaware*, 438 U.S. 154, 155–156 (1978).

[6] M.D. Fla. ECF No. 139.

[7] *Ibid* at 5–13.

> A. Video Tape Evidence: 'Video 6.264' has been presented to this honorable court, and it is again attached here as Exhibit A.
>
> B. Affidavit of Deputy Sheriff Mark Rutkoski; [8]
>
> C. Affidavit of Deputy Sheriff Forest Best.[9]
>
> Because 'Video 6.264' plainly and clearly contradicts the Affidavits of Deputy Sheriffs Rutkoski and Best, and demonstrates that these two Affidavits are **clearly false**; and because the said Deputy Sheriffs used deadly force, under circumstances that give rise to a reasonable inference that they subjected Plaintiff Heid to an 'unreasonable seizure,' in violation of the Fourth Amendment, this Court should … not hold that these officers are entitled to qualified immunity or that there are no genuine issues of material fact.

M.D. Fla. ECF No. 139, 11–13.

Heid's *second* "Franks challenge" was vigorously asserted in his Response to Appellants' Opening

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[8] *Id.*, pp. 5-9.
[9] *Id.*, pp. 9-11.

Brief in the Eleventh Circuit. On page 12 that brief, he argued:

> Video evidence refutes the Appellants' contentions (a) that Appellee Heid had an object or a weapon in his hands; (b) that Heid threw a foreign missile or projectile as he exited the front door of his home; and (c) that Heid lunged towards the Appellants' position. Rather, the said video evidence clearly demonstrates that when Heid exited the front door of his home, he was unarmed. Notwithstanding, the Appellants elected to immediately employ deadly force by shooting Heid.

On pages 14–15 of the same, he further argued:

> Most troubling, the video evidence fully demonstrates that the Appellants' asserted reasons for being in reasonable fear for their safety—e.g., the Appellee's alleged throwing of a projectile—was clearly *untruthful*. Therefore, there is a genuine issue of material fact as whether the Appellants' violated Heid's Fourth Amendment Right to be free from an unreasonable seizure. And the District Court's order denying the Appellants' motion for summary judgment should not be reversed.

Continuing to page 20 of the same:

> Ostensibly, the jury may very well rely upon this same 'video evidence' to find that the said Deputy Sheriffs' were untruthful, and that they fabricated this part of their defense in order to establish a 'qualified immunity defense.'

And, finally, Heid in his Response Brief vigorously asserted additional "Franks challenges" to several of the key cases which the Respondents relied upon in their opening briefs, as follows:

> *Jean-Baptiste* v. *Gutierrez*, 627 F.3d 81 (CA6 2010);[10]
>
> *Torres* v. *Howell*, 2022 WL 1664355 at *4 (CA11 2022);[11]
>
> *Crenshaw* v. *Lister*, 556 F.3d 1283, 1293 (CA11 2009);[12]

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[10] *Id.*, pp. 17-18 , "Appellee's Response Brief," stating, "but, note, in the Gutierrez case, there was no serious challenge to *the arresting officer's credibility of the description of the arrest, use of deadly force, and detention.*"

[11] *Id.*, pp. 18-19 of "Appellee's Response Brief," stating "[h]ere, a reasonable jury may very well determine that the said "video evidence" seriously impeaches the Appellants' credibility— but in the Howell case, there was no serious challenge to *the arresting officer's credibility of the description of the arrest, use of deadly force, and unfortunate killing of the suspect.*"

[12] *Id.*, pp. 19-20 of "Appellee's Response Brief," stating: "But in Appellee Heid's case, deadly force was used; there is video evidence; and the said *video evidence demonstrates that*

Lee v. *Ferraro*, 284 F.3d 1188, 1197-98 (CA11 2002);[13]

Flowers v. *City of Melbourne*, 557 Fed. Appx. 893, 895 (CA11 2014);[14] and,

Crosby v. *Monroe Cty.*, 394 F.3d 1328 (CA11 2004).[15]

REASONS FOR GRANTING THE PETITION

I. The Eleventh Circuit Based Its Opinion Upon Evidence that is Clearly False

When Respondent-Appellants deputy sheriffs Best and Rutkoski shot Petitioner Heid six times, they swore under oath, in *the form of two affidavits*, as to *their specific reasons* for using deadly force. Petitioner Heid's "Response to Motion for Summary

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Appellants lied about a material fact upon which they based their decision to use the deadly force."

[13] *Id.*, pp. 20-21 of "Appellee's Response Brief," stating: "But in Appellee Heid's case, deadly force was used; there is video evidence; and the said *video evidence demonstrates that Appellants lied about a material fact* upon which they based their decision to use the deadly force."

[14] *Id.*, pp. 21-22 of "Appellee's Response Brief," stating "But in Appellee Heid's case, deadly force was used; there is video evidence; and the said *video evidence demonstrates that Appellants lied about a key material fact* upon which they based their decision to use the deadly force."

[15] Id., p. 22 of "Appellee's Response Brief," stating, "there was … no *video evidence*; and no demonstratable proof of the arresting officers having lied about the nature of, or reasons for, the use of force."

Judgment," filed in the district court, and his subsequent "Response to Appellants' Opening Brief," filed in the Eleventh Circuit, both painstakingly impeached these two deputy sheriffs' affidavits. Significantly, the application of evidentiary standards under Fed. R. Civ. P. 56 and, generally, under the Federal Rules of Evidence, *clearly* demonstrates that these two deputy sheriffs' affidavits were clearly exaggerations; or were clearly made with reckless disregard for truth; and/or were clearly *false*.

Congressional history and legislative intent, which undergird the Civil Rights Act of 1871, 42 U.S.C. §1983, reveal the objective of the applicable law in this case—namely, the prohibition of official deprivations of fundamental rights under color of law. *Monroe* v. *Pape*, 365 U.S. 167, 175-177 (1961); *Patsy* v. *Board of Regents of State of Florida*, 457 U.S. 496, 503 (1982). Through judicial means, such official deprivations have been known to occur under the guise of knowing and clear presentations of false testimony and false evidence against the wrongfully accused. See, *e.g.*, *Franks* v. *Delaware*, 438 U.S. 154 (1978).

The Eleventh Circuit's opinion below, unconstitutionally *adopted clearly false statements* within the two deputy sheriffs' sworn affidavits. Moreover, a review of the record demonstrates that the Eleventh Circuit did so almost peremptorily and without any serious scrutiny or legal review of Heid's several objections. Hence, the Eleventh Circuit's opinion clearly violated Heid's fundamental rights that are safeguarded under the Fourth and Fourteenth Amendments of the United States Constitution, as set forth in *Franks*, 438 U.S. at 155-156, and its progeny.

II. The Eleventh Circuit's Opinion is Wrong

The Eleventh Circuit's broad outline of the applicable law within the Eleventh Circuit is correct. To be entitled to the qualified-immunity defense within the Eleventh Circuit, a government official must demonstrate that the acts complained of were committed within the scope of the officer's "discretionary authority." See, *e.g.*, *Lee*, 284 F.3d at 1232. Within the Eleventh Circuit, once the officer has done so, "the burden shifts to the plaintiff to show that qualified immunity is not appropriate. *Id.*; see also *McClish* v. *Nugent*, 483 F.3d 1231, 1237 (CA11 2007) and *Montoute* v. *Carr*, 114 F.3d 181, 184 (CA11 1997) ("[O]nce an officer or official has raised the defense of qualified immunity, the burden of persuasion as to that issue is on the plaintiff." (alteration added; citations omitted)). This general law on qualified immunity is embodied within the Eleventh Circuit's two-part *Zeigler/Rich* analysis, to wit:

> 1. The defendant public official must first prove that "he was acting within the scope of his discretionary authority when the allegedly wrongful acts occurred."
>
> 2. Once the defendant public official satisfies his burden of moving forward with the evidence, the burden shifts to the plaintiff to show lack of good faith on the defendant's part. This burden is met by proof demonstrating that the defendant pub-

> lic official's actions "violated clearly established constitutional law."

See, *e.g.*, *Courson* v. *McMillian*, 939 F.2d 1479, 1487 (CA11 1991) (quoting *Rich* v. *Dollar*, 841 F.2d 1558, 1563–64 (CA11 1988)); *Zeigler* v. *Jackson*, 716 F.2d 847, 849 (CA11 1983) (per curiam).

In this case, however, the Eleventh Circuit applied its law on qualified immunity in a manner that violated this Court's holding in *Franks,* 438 U.S. 154. The Eleventh Circuit's Opinion *evaded* Mr. Heid's "Franks" argument which alleged that the two deputy sheriffs relied upon perjury in order to establish their qualified immunity defense. On page 8 of the Eleventh Circuit's Opinion, the panel merely referenced the deputies' affidavits *in passing*, but without any meaningful analysis as whether those affidavits were false or constituted perjury. For instance, the Eleventh Circuit's Opinion states:

> A moment later, Deputies Best and Rutkoski claim *they saw an object thrown* from the front door toward the patrol vehicle. *Heid disputes that anything was thrown*, and no such object is visible on the video recorded by a neighbor's surveillance camera….

Moreover, the Eleventh Circuit failed to take the deputy sheriffs at their word, regarding the alleged factors that led to their uses of deadly force; the video evidence demonstrated that those alleged factors asserted in the two sworn affidavits constituted

perjury.[16] Deputy Sheriff Rutkoski's sworn affidavit states, inter alia, that:

> A moment later, I saw some object originate from near the front door of the house and arc through the air toward the patrol vehicle that I was taking cover behind. My immediate thought was that the object was an explosive device such as a pipe bomb or some object thrown as a diversion. The object, later determined to be a beer can, landed within several feet of the vehicle that I was taking cover behind. …
> A moment later, I observed Mr. Heid appear from behind the corner of the garage and charge towards my position while he angrily shouted something indiscernible. As I started to issue verbal commands to Mr. Heid, he closed on my position causing me to fear that he intended to continue the gunfight with law enforcement; therefore, I discharged my firearm.[17]

The newly-discovered video evidence revealed that this statement is clearly false; or that it was made with reckless disregard for truth; or that it was a material misrepresentation that is unworthy of the

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[16] See, *e.g.*, pp. 5-13, Statement of Undisputed Facts, in Mr. Heid's Response to Motion for Summary Judgment, filed 09/05/2023, M.D. Fla. ECF No. 139.

[17] Affidavit of Deputy Sheriff Mark Rutoski: See, Def. Mot. S.J., M.D. Fla. ECF No. 136-4.

defense of qualified immunity. See, *e.g.*, *Franks*, 483 U.S. 154.

Furthermore, Deputy Sheriff Best's sworn affidavit state, *inter alia*, that:

> About 20 seconds after the gunfire stopped, Mr. Heid exited quickly through the front door in a threatening manner and threw an unknown object in my direction which I thought was a grenade or a distraction. My attention was momentarily diverted to the object….
>
> I turned my attention back to Mr. Heid and saw that he was continuing to quickly close in on my position as he brought both hands back towards his waist which caused me to believe that Mr. Heid was reaching for a weapon.
>
> *In that moment I believed* that Mr. Heid, who had already engaged in a gunfight with deputies in the back yard, was intending to continue the gunfight in the front yard, causing me to fear for my life and Deputy Rutkoski's life.[18]

The newly-discovered video revealed that this statement is also *clearly false*; or that it was made with *reckless disregard for truth*; or that it is a

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[18] Affidavit of Deputy Sheriff Forest Best: See, Def. Mot. S. J., M.D. Fla. ECF No. 136-5.

material misrepresentation unworthy of the defense of qualified immunity. See, e.g., *Franks*, 483 U.S. 154.

The Eleventh Circuit has thus unconstitutionally *evaded* Heid's "Franks challenges" which contended that two deputy sheriffs had relied upon *false statements* within their sworn affidavits in order to justify their *use of deadly force* against him.

III. Perjured Testimony and False Statements cannot, as a Matter of Law, be relied upon to Establish Qualified Immunity

This petition respectfully requests the Supreme Court to clarify and establish its law on the use of false testimony when establishing a "qualified immunity" defense for the Eleventh Circuit. Here, the Eleventh Circuit's opinion should be reversed and remanded because it (1) conflicts with the prior holdings of this Court and (2) conflicts with the prior holding of other Eleventh Circuits.

A. The Eleventh Circuit's Opinion Conflicts with This Court's Precedent

This Court has previously held that "qualified immunity" does not apply whenever a police officer's conduct violates "clearly established statutory or constitutional rights of which a reasonable person would have known." See, e.g., *Hope* v. *Peizer*, 536 U.S. 730, 742 (2002). More specifically, this Court has previously held that a "reasonable person" and (or) a "reasonable police officer" should know that *perjured*

testimony violates clearly established statutory or constitutional rights. See, *e.g.*, *Franks*, stating:

> Does a defendant in a criminal proceeding ever have the right, under the *Fourth* and *Fourteenth* Amendments, subsequent to the ex parte issuance of a search warrant, to challenge *the truthfulness of factual statements made in an affidavit* supporting the warrant?
>
> In the present case the Supreme Court of Delaware held, as a matter of first impression for it, that a defendant under no circumstances may so challenge the veracity of a sworn statement used by police to procure a search warrant.
>
> We reverse, and we hold that, *where the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally*, or with *reckless disregard for the truth*, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, *the Fourth Amendment requires that a hearing* be held at the defendant's request.
>
> In the event that at that hearing *the allegation of perjury or reckless disregard* is established by the defendant by a preponderance of the evidence, and,

> with the affidavit's false material set to one side, the affidavit's remaining content is insufficient to establish probable cause, the search warrant must be voided and the fruits of the search excluded to the same extent as if probable cause was lacking on the face of the affidavit.

Franks, 483 U.S. at 155–156. Thus, the Eleventh Circuit's opinion conflicts with the prior holdings of this Court, and should be reversed on this ground.

B. The Eleventh Circuit's Opinion Conflicts with Other Courts of Appeals

In addition, the Eleventh Circuit's opinion conflicts with other United States courts of appeals. For instance, applying *Hope* and *Franks* to various types of police misconduct cases, several district courts have concluded that qualified immunity does not apply when a police officer relies on false statements. See, e.g., *Parker* v. *City of Philadelphia*, 2005 U.S. Dist. LEXIS 31346, 8–9 (E.D. Pa. 2005), stating:

> A plaintiff who asserts that police officers intentionally provided falsehoods and misrepresentations in an affidavit of probable cause alleges a constitutional violation. See, *e.g.*, *Franks* v. *Delaware*, 438 U.S. 154, 155–156 (1978).
>
> It is inconceivable that defendants could reasonably believe that such conduct -- intentionally providing false statements

> and misrepresentations in an affidavit of probable cause–was legal. These officers can be held liable for their conduct, if proved, because they would have had 'fair notice' that it was impermissible. *Hope* v. *Pelzer*, 536 U.S. 730, 742 (2002).

In *Liakopoulos* v. *Welch*, 2025 U.S. Dist. Lexis 132184 (N.D. Ill. 2025), the court held that where a police officer's sworn statement clearly contradicts what he actually and reasonably believed, then he is not entitled to qualified immunity).[19]

The Second Circuit in *Golino* v. *City of New Haven*, 950 F.2d 864, 870 (CA2 1991), applied the holding in *Franks*, and held that the "*Franks* standard, established with respect to suppression hearings in criminal proceedings, also defines scope of qualified immunity in civil rights actions."[20] The Sixth Circuit has, in *Sykes* v. *Anderson*, 625 F. 3d 294, 308 (CA6 2010), while also citing the *Franks* standard, denied qualified immunity to a police officer

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[19] See, *e.g.*, *Liakopoulos* at 6 , stating "[b]ased on the allegation of Welch's report to other Chicago Police officials, the Court reasonably infers that Welch actually believed that Plaintiff was in fear for his life and in turn that Plaintiff had legal justification to discharge his weapon. Despite this belief, Welch testified to the contrary. Welch is thus not protected by qualified immunity."

[20] Moreover, the *Golino* court also held, "[i]ntentional or reckless omissions of material information, like *false statements*, may serve as the basis for a *Franks challenge*, see *United States* v. *Campino*, 890 F.2d 588, 592 (CA2 1989), and *recklessness may be inferred where the omitted information* was critical to the probable cause determination…." (emphasis added)

under circumstances including a police officer's false affidavit, which was contradicted by a videotape.[21]

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[21] The analysis in *Sykes* v. *Anderson*, is as follows:

> In the instant case, a reasonable jury could have concluded that the evidence introduced at trial showed that Sgt. Anderson *deliberately made false* or *misleading statements* and omitted material information from his *warrant application* in order to manufacture probable cause. Most strikingly, Sgt. Anderson's warrant request made several assertions as to what the store's *surveillance video revealed about the robbery that were plainly misleading, if not entirely false*.
>
> For example, Sgt. Anderson asserted that although Urquhart "stated that she handed the perpetrator" a money bag from the safe, she did not, in fact, "hand[ ]" the money bag "to the perpetrator." Doc. 231-16 (Warrant Request at 3). Sgt. Anderson also claimed that "*[t]he videotape* revealed that Ms. Urquhart never had contact with the perpetrator in the safe room or at any time during the robbery." Id. Although those statements are not obviously false, they certainly are misleading: the video shows Urquhart engage in movements indicating that she "slid," as opposed to "handed," the money bag to the perpetrator, which Sgt. Anderson did not acknowledge in his investigation materials; moreover, despite the fact that the perpetrator never made physical "contact" with Urquhart, *the video clearly* shows him standing in the doorway while Urquhart was forced to remove the money bag.
>
> In addition to these misleading statements, some of Sgt. Anderson's claims were simply fal-

IV. This Issue is Vitally-Important

Where a circuit court permits a police officer to rely upon perjured testimony in order to avail him-

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> se. For instance, although the warrant request stated that "Holmes was . observed to remove [one] large money bag from the safe and toss it under the table where [the] defendant's [sic] Urquhart and Sykes were hiding" and that "Urquhart was also observed to exit from under the table and place an item (possibly the money bag) into the trashcan," the video shows no such thing. Id. First, the video does not show Holmes tossing anything under the table, let alone a bag of money, and, second, Sgt. Anderson inexplicably misrepresented the chronological order of the video by stating that Urquhart emerged from under the table to put something in the trash can after Holmes had removed the money bag from the safe. In fact, however, the video time stamps indicate that Urquhart emerged from under the table and crawled to the trash can well before Holmes opened the safe....
>
> In short, we affirm the judgment of the district court as to Sykes's claim of false arrest because probable cause was lacking at the time Sgt. Anderson submitted a warrant application for Sykes, and Sgt. Anderson cannot rely on the warrant's facial validity because it contains his deliberate material misrepresentations and omissions....
>
> For the foregoing reasons, we AFFIRM the judgment of the district court as to liability under 42 U.S.C. § 1983 for false arrest, malicious prosecution, and withholding of evidence in violation of the Plaintiffs' due-process rights.

self of qualified immunity when using deadly force against an unarmed civilian such as Heid, the whole scope and objective of § 1983, the Fourth Amendment, and the Fourteenth Amendment are wholly jeopardized and abandoned. The effects of this are clear: the deprivation of life or liberty of our most vulnerable citizens without due process of law. See, *e.g.*, *Monroe*, 365 U.S. at 175-177; *Patsy*, 457 U.S. at 503. For this reason, this Court should grant certiorari.

V. This Case is an Ideal Vehicle

The district court originally denied the two deputy sheriff's defense of qualified immunity. The Eleventh Circuit ought to have affirmed the district court's denial of qualified immunity, because Fed. R. Civ. P. 56 required the Eleventh Circuit, in its *de novo* review, to construe the facts in the light most favorable to Heid.[22] But the most serious constitutional issue raised here is the Eleventh Circuit's adoption of clearly false testimony which the two deputy sheriffs relied upon to justify their use of deadly force against Heid. Therefore, the evidence in this case makes it an ideal vehicle whereby this Court may reaffirm is long-standing rulings against the use of perjury in proceedings involving the defense of qualified immunity. See, *e.g.*, *Franks*, 438 U.S. 154.

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[22] At oral argument, Heid's counsel rightly argued that the Eleventh Circuit's holding in *Hunter* v. *City of Leeds*, 941 F.3d 1265 (CA11 2019) ought to have guided that court's opinion in affirming the district court's original denial of the two deputy sheriff's defense of qualified immunity.

CONCLUSION

This Court should grant certiorari.

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