NO. ____________

IN THE

SUPREME COURT OF THE UNITED STATES

MICHAEL SHAUN DAVIS,

Petitioner,

v.

UNITED STATES OF AMIERCA,

Respondent,

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

APPENDIX TO
PETITION FOR WRIT OF CERTIORARI

SCOTT A. GRAHAM
Federal Public Defender

NICOLE D. HERRON
Assistant Federal Public Defender
Counsel of Record for Petitioner
112 North 7th Street
Muskogee, Oklahoma 74401
(918) 687-2430

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FILED
United States Court of Appeals
Tenth Circuit

April 16, 2026

Christopher M. Wolpert
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL SHAUN DAVIS,

Defendant - Appellant.

No. 24-7098
(D.C. No. 6:23-CR-00178-RAW-1)
(E.D. Okla.)

ORDER AND JUDGMENT*

Before **McHUGH**, **MORITZ**, and **CARSON**, Circuit Judges.

This much is clear: Sheriff's deputies searched Michael Davis's house with a warrant and found guns he could not legally possess. What remains unclear is whether the warrant listed the correct address for the house. The warrant listed an address on McGinnis Street. But Mr. Davis says the house is on Meginnis Street. Because the warrant identified the wrong street, Mr. Davis tells us, it was invalid, requiring suppression of the evidence found in his house. We disagree. Even if the

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* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

warrant misspelled the street name, the deputies relied on it in good faith, so there was no reason to suppress evidence found in the search.

I

The Fourth Amendment demands that a search warrant describe the place to be searched with particularity. *United States v. Russian*, 848 F.3d 1239, 1244 (10th Cir. 2017). Evidence obtained through a search that violated the Fourth Amendment will generally be suppressed—that is, excluded from the government's case-in-chief. *See United States v. Suggs*, 998 F.3d 1125, 1140 (10th Cir. 2021); *United States v. Leon*, 468 U.S. 897, 900 (1984). But exceptions to this general exclusionary rule exist. Even if a search warrant is ultimately determined to violate the Fourth Amendment's particularity requirement, for example, evidence obtained by officers acting in objectively reasonable reliance on the warrant will not be suppressed. *See Russian*, 848 F.3d at 1246. This good-faith exception seeks to limit the exclusionary rule to those cases in which it will deter police misconduct. *See id.* "When an officer acts in good faith, there is nothing to deter." *Id.*

II

The events leading to this case started when Mr. Davis's neighbors reported that he had been shooting guns toward their homes. Law enforcement researched Mr. Davis's criminal history and discovered he had been convicted of a felony. A person with a felony conviction may not possess a gun. *See* 18 U.S.C. § 922(g)(1). An investigator at the sheriff's department obtained a warrant to search Mr. Davis's house for guns and related evidence. In the search they found a shotgun, a pistol, and ammunition.[1] Based on this evidence, a grand jury indicted Mr. Davis on one count of possessing a firearm and ammunition as a convicted felon.

Mr. Davis moved to suppress the evidence obtained through the search warrant. He argued the warrant violated the Fourth Amendment's particularity requirement because it listed a nonexistent address. The warrant authorized a search of 10 McGinnis Street, Eufaula, OK 74432. The correct address, Mr. Davis said, was 10 Meginnis Street, Eufaula, OK 74432. And beyond the address, the warrant contained no description of the house.

At the suppression hearing, the parties clashed over the correct street name. Mr. Davis presented a letter from the local 911 coordinator stating that she had the authority to assign addresses and that the address for Mr. Davis's house is 10 Meginnis Street. He also proffered that entering the McGinnis Street address in Google Maps would not yield directions to his house but entering the Meginnis Street address would. The government, however, presented evidence that the county assessor lists the property as sitting on McGinnis Street. In fact, the investigator who drafted the warrant used the assessor's records to determine Mr. Davis's address. Neither party presented evidence showing how any street signs or mailboxes in the area identified the street.

[1] Deputies obtained additional evidence through two subsequent warrants. The parties agree that whether the evidence obtained through the second and third warrants must be suppressed depends on whether the evidence obtained through the first warrant must be suppressed. We therefore discuss only the first warrant and search.

The district court found that "the correct address is not clear and may be context-dependent (taxable address vs. physical address)." R. vol. 1 at 81. It remained an open question, the court found, whether the street name is McGinnis or Meginnis, and neither party presented "a definitive answer or authority." *Id.* at 84. But assuming the warrant listed the incorrect street, the court concluded, the warrant still satisfied the Fourth Amendment's particularity requirement. And even if the warrant violated the particularity requirement, the court alternatively held, the evidence obtained through it still would have been admissible under the good-faith exception to the exclusionary rule.

Mr. Davis pleaded guilty but reserved the right to appeal the district court's suppression ruling.[2]

III

Mr. Davis argues on appeal that the search warrant violated the particularity requirement and that the good-faith exception to the exclusionary rule should not apply. We need not address the particularity requirement because we readily conclude that the good-faith exception applies.

We review de novo the district court's conclusion that the good-faith exception applies. *See Russian*, 848 F.3d at 1244. Our review considers the totality of the

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[2] Mr. Davis also appeals the denial of his motion to dismiss, arguing that § 922(g)(1) violates the Second Amendment. As he recognizes, however, our precedent requires us to reject this argument. *See Vincent v. Bondi*, 127 F.4th 1263, 1264–66 (10th Cir. 2025), *petition for cert. filed* (U.S. May 8, 2025) (No. 24-1155).

circumstances and views the evidence in the light most favorable to the government. *See id.*

Whether the good-faith exception applies "turns on the culpability of the police and the potential of exclusion to deter wrongful police conduct." *Herring v. United States*, 555 U.S. 135, 137 (2009). "To trigger the exclusionary rule, police conduct must be sufficiently deliberate that exclusion can meaningfully deter it, and sufficiently culpable that such deterrence is worth the price paid by the justice system." *Id.* at 144.

We agree with the district court that the record reveals "no action suppression would deter here." R. vol. 1 at 88. The investigator who sought the warrant acted reasonably when he used the county assessor's records to determine Mr. Davis's address. And one of the deputies who executed the warrant testified that he "knew exactly" where to go once he was told the warrant was for Mr. Davis's house because he had been to the house before. *Id.* at 125. We see no culpable conduct from any of the officers involved.

Yet Mr. Davis contends the good-faith exception should not apply because "any reasonable officer would have realized the address" listed in the warrant did not exist. Aplt. Opening Br. at 20. He is correct that the exception will not apply when a warrant is "so facially deficient" in describing with particularity the place to be searched "that the executing officers cannot reasonably presume it to be valid." *Leon*, 468 U.S. at 923. But the warrant in this case was not so facially deficient. Even after a full hearing on the issue, the district court remained unsure whether the address listed in the warrant was wrong. It would surely be odd to say that any reasonable officer—with far less information suggesting an error—would have known the address was wrong. Yet Mr. Davis says the error should have become clear once an officer attempted to find his house. We fail to see why that is so. After all, the record lacks any evidence about how signs in the area identified the street. And at least one of the deputies who executed the warrant "knew exactly" where Mr. Davis lived, so the deputies had no reason to consult a resource such as Google Maps that might have suggested an error in the address. R. vol. 1 at 125.

United States v. Williamson gives us no pause in concluding the good-faith exception applies here. As Mr. Davis underscores, we held in *Williamson* that the government could not benefit from the good-faith exception because the warrant in that case provided "no meaningful description of the premises" to be searched, preventing executing officers from reasonably concluding it was valid. 1 F.3d 1134, 1136 (10th Cir. 1993). But the potential flaw in the warrant here looks nothing like the problems with the warrant in *Williamson*. In *Williamson*, officers searched an office and warehouse bearing an address entirely different from the one listed in the warrant. *Id.* In fact, the warrant listed the address of a mailbox at least eight miles away from the office and warehouse. *Id.*

In his reply brief, Mr. Davis raises a new argument seeking to avoid the good-faith exception. The new argument posits that deputies improperly executed the warrant. By waiting until his reply brief to raise this issue, Mr. Davis has waived it. *See United States v. Leffler*, 942 F.3d 1192, 1197 (10th Cir. 2019).

* * *

The district court's judgment is affirmed.

Entered for the Court

Joel M. Carson III
Circuit Judge

UNITED STATES DISTRICT COURT

Eastern District of Oklahoma

UNITED STATES OF AMERICA
v.
MICHAEL SHAUN DAVIS

JUDGMENT IN A CRIMINAL CASE

Case Number: CR-23-00178-001-RAW

USM Number: 82461-510

Jarred Lucas Jennings, AFPD
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) ______ which was accepted by the court.

☐ was found guilty on count(s) ______ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18:922(g)(1) & 924(a)(8)	Felon in Possession of Firearm and Ammunition	June 15, 2023	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) ______

☐ Count(s) ______ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

December 6, 2024
Date of Imposition of Judgment

Ronald A. White
Ronald A. White
United States District Judge
Eastern District of Oklahoma

December 10, 2024
Date

DEFENDANT: Michael Shaun Davis
CASE NUMBER: CR-23-00178-001-RAW

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

77 months on Count 1 of the Indictment.

☒ The court makes the following recommendations to the Bureau of Prisons:

That the Bureau of Prisons evaluate the defendant and determine if the defendant is a suitable candidate for the Intensive Drug Treatment Program. Should the defendant be allowed to participate in the program, it is further recommended that the defendant be afforded the benefits prescribed and set out in 18 U.S.C. § 3621(e) and according to Bureau of Prisons' policy.

That the defendant be placed in FCI El Reno to facilitate family contact.

The Court shall be informed in writing as soon as possible if the Bureau of Prisons is unable to follow the Court's recommendations, along with the reasons for not following such recommendations made by the Court.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ____________ ☐ a.m. ☐ p.m. on ____________ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on ____________ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on ____________ to ____________

at ____________ , with a certified copy of this judgment.

____
UNITED STATES MARSHAL

By ____________
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Michael Shaun Davis
CASE NUMBER: CR-23-00178-001-RAW

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :
3 years on Count 1 of the Indictment.

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight (8) drug tests per month.
   ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Michael Shaun Davis
CASE NUMBER: CR-23-00178-001-RAW

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer, after obtaining Court approval, may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature ______________________________ Date ______________

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DEFENDANT: Michael Shaun Davis
CASE NUMBER: CR-23-00178-001-RAW

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation.

2. The defendant shall participate in a program approved by the United States Probation Office for the treatment of narcotic addiction, drug dependency, or alcohol dependency, which will include testing to determine if he has reverted to the use of drugs or alcohol and may include outpatient treatment.

3. The defendant shall successfully participate in a program of mental health treatment and follow the rules and regulations of the program. The probation officer, in consultation with the treatment provider, will determine the treatment modality, location, and treatment schedule. The defendant shall waive any right of confidentiality in any records for mental health treatment to allow the probation officer to review the course of treatment and progress with the treatment provider. The defendant must pay the costs of the program or assist (co-payment) in payment of the costs of the program if financially able.

DEFENDANT: Michael Shaun Davis
CASE NUMBER: CR-23-00178-001-RAW

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Restitution	Fine	AVAA Assessment*	JVTA Assessment**
TOTALS	$ 100.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

☐ The determination of restitution is deferred until___________. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss***	Restitution Ordered	Priority or Percentage
TOTALS	$______________	$______________	

☐ Restitution amount ordered pursuant to plea agreement $______________

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for ☐ fine ☐ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.
** Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.
*** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Michael Shaun Davis
CASE NUMBER: CR-23-00178-001-RAW

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☐ Lump sum payment of $ ______________ due immediately, balance due

☐ not later than ____________________ , or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or

B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or

C ☐ Payment in equal __________ *(e.g., weekly, monthly, quarterly)* installments of $ ______________ over a period of __________ *(e.g., months or years)*, to commence __________ *(e.g., 30 or 60 days)* after the date of this judgment; or

D ☐ Payment in equal __________ *(e.g., weekly, monthly, quarterly)* installments of $ ______________ over a period of __________ *(e.g., months or years)*, to commence __________ *(e.g., 30 or 60 days)* after release from imprisonment to a term of supervision; or

E ☐ Payment during the term of supervised release will commence within __________ *(e.g., 30 or 60 days)* after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F ☒ Special instructions regarding the payment of criminal monetary penalties:

Said special assessment of $100 shall be paid through the United States Court Clerk for the Eastern District of Oklahoma, P.O. Box 607, Muskogee, OK 74402, and is due immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Case Number Defendant and Co-Defendant Names *(including defendant number)*	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

☒ The defendant shall forfeit the defendant's interest in the following property to the United States:
Forfeit to the United States the personal property as set forth in the Preliminary Order of Forfeiture filed in this case.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.