No.____________

IN THE
SUPREME COURT OF THE UNITED STATES
October Term, 2026

CORNELIUS JACKSON,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI
AND APPENDIX TO PETITION

Counsel of Record:

Rosen and Holzman
ATTN: Mark S. Rosen
1009 W. Glen Oaks Lane, Ste 204
Mequon, WI 53092
(262) 544-5804
Email: roseholz@sbcglobal.net

QUESTIONS PRESENTED

This Petition presents two separate Issues that each meet the requirements for Supreme Court Review.

I. WHETHER A FRANKS VS. DELAWARE HEARING IS WARRANTED WHEN THE SUPPORTING AFFIDAVIT TO A SEARCH WARRANT FAILS TO CONTAIN EXCULPATORY INFORMATION DIMINISHING THE CREDIBILITY OF THE AFFIANT'S SOURCE WITNESS, AND LAW ENFORCEMENT KNOWS OF THOSE OMISSIONS AT THE TIME OF THE ISSUANCE OF THE SEARCH WARRANT.

II. WHETHER AN EXPERT MIGHT TESTIFY AS TO THE CREDIBILITY OF A SEX TRAFFICKING WITNESS, EVEN UNDER THE GUISE OF "GENERAL EXPERTISE TESTIMONY," WHEN THAT TESTIMONY CLEARLY RELATES TO THE TESTIMONY OF THAT WITNESS. THIS, UNDER ANY CIRCUMSTANCES, TO INCLUDE INSUFFICIENT QUALIFICATIONS ON THE PART OF THE EXPERT.

I. The Seventh Circuit has recently indicated, in its Decision in this present matter, that law enforcement's selective omission of materially exculpatory information for a supporting Affidavit in a search warrant does not legally justify a Franks vs. Delaware hearing. Defendant had filed a Fourth Amendment Motion to Suppress the Fruits of Invalid Search Warrant and request for Franks hearing. This case had been a human trafficking case, in which the Defendant had been charged with forcing individuals to prostitute. The resulting search had yielded inculpatory evidence. Here, the facts had shown that the affiant law enforcement officer had, either intentionally or recklessly, omitted material facts in his search warrant affidavit, or had materially relied upon reckless statements. Such conduct had warranted a Franks hearing, which the trial court had denied.

Here, the Seventh Circuit had deemed that the omitted material in the affiant's supporting Affidavit had not been sufficiently material to indicate that the supporting affidavit had lack sufficient probable cause. However, the omitted material had directly gone to the credibility of the one alleged victim who had been the basis for the affiant's affidavit. This one alleged victim had been AV-4. She had lied to law enforcement. She was a liar. She had earlier denied any involvement in prostitution, or any of the allegations cited by the affiant in his search warrant affidavit. Importantly, the affidavit had failed to cite any such earlier, contradictory, statements. There had not been any explanation of why she had "changed her story." There had not been any explanation as to why the affiant had failed to include this exculpatory credibility information.

Nevertheless, the Seventh Circuit had ignored its own Seventh Circuit case, U.S. vs. Glover, 756 F.3d 811 (7th Cir. 2014) that had indicated that a supporting Affidavit's failure to cite exculpatory, impeachment, evidence of the supporting witness warrants a Franks hearing. The Seventh Circuit in that case had indicated that, because vital credibility information had been omitted from the Affidavit, the magistrate had been unable to fulfill his role as a neutral arbiter and therefore provided an insufficient basis for finding probable cause to support the search warrant.

Here, the Seventh Circuit has decided an important question of federal law that has not been, but should be settled by this Court. There is no Court precedence for a situation such as exists here.

II. The Seventh Circuit has indicated in its recent Decision in this matter that an expert on sex trafficking, Special Agent Christa Jane Anderson, would testify that victims of such trafficking often initially lie to law enforcement. The Seventh Circuit had indicated that this expert could testify as to the credibility of victims of sex trafficking. The Seventh Circuit had indicated that her testimony that victims would often be unwilling to disclose all details from the start. True, the Seventh Circuit had indicated that the trial court had not allowed Anderson to testify as to the specific victims involved in this matter.

However, contrary to the Circuit, there had only been four sex trafficking victim involved in this case. Hence, Anderson's testimony had clearly been provided to materially bolster their own testimonies and to inform the jury that it should disregard their history of lying and solely believe their in court testimony.

Here, contrary to the Seventh Circuit, the Eighth Circuit has specifically indicated that credibility determinations are uniquely within the province of the trier of fact, and that one witness cannot comment as to the credibility of another witness. One such Eighth Circuit case has ruled that, even under the guise of "expertise," an expert on child sex abuse cannot testify as to the credibility of an alleged sex abuse victim. The Government in that case had argued that this expert could help in assessing the credibility of a child witness. This, due to the expert's expertise in children, and in particular how sexually abused children think and act. However, the Eighth Circuit had rejected this argument, calling such testimony as putting "...an impressively qualified expert's stamp of truthfulness on a witness's story." This Eighth Circuit case had cited case law from other Circuits, such as the Ninth, Tenth, and Third. Accordingly, in the present situation, the Circuits are in conflict concerning this standard of an expert witness testifying as to the credibility of other witnesses. Clearly, the Seventh Circuit's ruling in its Decision in this matter conflicts with that of the previously cited other Circuits. This raises a question of law, which has never been considered by the United States Supreme Court.

PARTIES TO THE PROCEEDING

The parties are Cornelius Jackson, Petitioner, and the United States of America, Respondent.

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Petition for Writ of Certiorari
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The Petitioner, Cornelius Jackson, respectfully prays that a Writ of Certiorari issue to review the decision of the United States Court of Appeals for the Seventh Circuit rendered June 22, 2026.

OPINION BELOW

The Decision and Order of the United States Court of Appeals for the Seventh Circuit has been published as 179 F.4th 545 (7th Cir. 2026). Nevertheless, it is printed in the Appendix. (A 1-24).

The relevant portions of the record, to consist of the District Court's oral and written Decisions before the United States District Court for the Eastern District of Wisconsin, are printed in the Appendix (A 25-42).

JURISDICTION

Petitioner seeks review of a Decision and Order of the United States Court of Appeals for the Seventh Circuit entered June 22, 2026. That Decision and Order affirmed the final Amended Judgment of Conviction imposed and entered by the United States District Court for the Eastern District of Wisconsin on July 9, 2024.

Jurisdiction of the United States Supreme Court to review the decision and Order of the Seventh Circuit is derived from 28 U.S.C. 1254(1).

STATEMENT OF THE CASE

Defendant Cornelius Jackson was originally charged in a five Count Indictment dated December 1, 2020. Defendant was the only Defendant charged in this Indictment. The Indictment charged Defendant with: Count One, beginning in approximately March 2014 and continuing through on or about August 27, 2020, in the State and Eastern District of Wisconsin, the State and District of Minnesota, the State and District of North Dakota, the State and District of Ohio, and elsewhere, conspiring to sex traffic, as defined in Title 18, United States Code, Section 1591(a)(1) and 1591(b)(1), in violation of Title 18 U.S.C.A. 1594c; on Count Two, beginning in approximately March 2014 and continuing through on or about April 29, 2019, in the State and Eastern District of Wisconsin, the State and Eastern District of Minnesota, the State and District of North Dakota, the State and Northern District of Ohio, and elsewhere, in an affecting interstate commerce, sex traffic AV-1; on Count Three, beginning on or about April 11, 2020 and continuing through on or about August 27, 2020, in the State and Eastern District of Wisconsin, in an affecting interstate commerce, sex traffic AV-2; on Count Four, beginning in approximately March 2020 and continuing through on or about June 30, 2020, in the State and Eastern District of Wisconsin, in an affecting interstate commerce, sex traffic AV-3; and on Count Five, beginning in approximately July 2020 and continuing through on or about August 23, 2020, in the State and Eastern District of Wisconsin, in and affecting interstate commerce, sex traffic AV-4. Counts Two through Five had all been charged in violation of Title 18, U.S.C.A. 1591(a)(1) and 1591(b)(1). The Indictment had charged that Defendant's sex trafficking conduct had been through the use of force, threats of force, fraud, and coercion, and any combination of such means.

Defendant had filed a Pretrial Motion to Suppress Fruits of an Invalid Search Warrant and Request for a Franks Hearing (henceforth "Suppression Motion"). He had filed this Motion on September 21, 2022. (DN 50). Also, along with this Motion, he had filed an Exhibit list. This Exhibit list had contained the Search Warrant in question, as well as a photo array. By this Motion, he had sought an evidentiary hearing, with the eventual ruling that law enforcement had violated his Fourth Amendment rights against unreasonable searches and seizures. He had indicated that a Franks hearing was warranted because the warrant's affidavit had contained reckless statements and material omissions. Second, he had indicated that the warrant had lacked probable cause because its affidavit had failed to establish a nexus between all electronic devices and the crime of human trafficking. Third, the affidavit had lacked specificity and was overbroad. Fourth, the search of the Defendant's vehicle was unreasonable and lacked probable cause. Lastly, given that the sole alleged victim, whose information had formed the basis for the warrant, had failed to correctly identify the Defendant in a photo array, he should never have been arrested and questioned. All fruits of the defective search warrant required suppression.

Defendant had indicated in his Suppression Motion that the search warrant had been based upon the information from alleged victim AV-4. This, based upon an interview with law enforcement. However, she had materially changed her story from an earlier interview. She later changed her story. She was a liar. None of the alleged victim's lies, or material inconsistences, had been discussed in the search warrant's affidavit. The affidavit had not even mentioned the existence of such facts and matters.

On August 27, 2020, officers had executed the search warrant at Defendant's residence at 1436 Big Bend Road, Unit A, in Waukesha, Wisconsin. Among other items, law enforcement had seized Defendants' cell phone. The listed offense for the warrant was human trafficking. The warrant's supporting affidavit had contained numerous material omissions and reckless statements regarding AV-4's involvement in prostitution. The warrant had also authorized the boundless search of cellphones and their contents with no temporal limitation. Additionally, the warrant had authorized the search of "any vehicles," yet had not required that the vehicles be associated with the premises.

Defendant's Suppression Motion had indicated that a Franks hearing was warranted due to the material omissions and reckless statements in the supporting affidavit. Specifically, the affidavit had omitted all mention of AV-4's prior denials of being involved in prostitution. These omissions had included: (1) when law enforcement had asked her if she would go on dates, she said "no;" (2) when law enforcement had asked her what's their goal, she said "no;" (3) when law enforcement had asked AV-4 whether she was going to clubs tonight, she said "no, we were just walking downtown;" (4) when law enforcement had asked her if she had done prostitution before, she had said "no;" (5) when law enforcement had asked her if they had even brought up the topic of doing dates for money, she shook her head “no;” (6) when law enforcement had asked her if the Defendant had ever used a weapon against her or threatened her with a weapon, she said “no;” (7) when law enforcement had asked her if she could leave any time she wanted, she said “probably, he told me if I wanted to go, he’d get me a greyhound ticket, but I don’t’ really believe that;” (8) when law enforcement had asked her if she had ever used her body to engage in prostitution, she replied “no” and shook her head “no;” (9) when law enforcement had asked her if she had ever done any sex dates for the Defendant, she shook her head “no.” The Motion had cited to specific portions of her interview with law enforcement.

Further, the reckless statements by AV-4, cited in the Suppression Motion, had been (1) that the Defendant and AV-2 had forced her into commercial sex acts, which statement had been contradicted by her own prior statement to the contrary; (2) that the Defendant had taken her cell phone had used unknown photos to create an escort advertisement, which had been contradicted by her own prior statement to law enforcement that the Defendant had pictures that she had consented to; (3) that she had done three dates that had consisted of thirty minutes two dates that had consisted of fifteen minutes and one date that had consisted of an hour and an additional fee for bareback. Her own prior statement had contradicted these statements. Again, the Motion had provided cites to this information.

In the Suppression Motion, Defendant had argued that the material omissions and reckless statements had mandated an evidentiary hearing, with suppression resulting. This, under the relevant and applicable case law.

The Suppression Motion had also argued that Defendant should not have been arrested based upon the warrant and affidavit. The Motion had argued that Defendant had been arrested based upon the warrant on the date of the warrant's execution, August 27, 2020. Two days prior to the execution, AV-4 had failed to correctly identify the Defendant in a photo array. She had identified photo four as being the Defendant, when Defendant's photo had been number three. Based upon this misidentification, as well as the lack of any physical description of the Defendant in the affidavit, there had been a lack of probable cause. He should never have been arrested and questioned. Accordingly, his post-arrest statements should have been suppressed.

Finally, the Suppression Motion had argued that the United States vs. Leon good faith exception to the exclusionary rule did not apply. This exception did not apply to reckless statements or omissions in an affidavit.

Finally, the District Court had issued a written Order adopting the Magistrate's Recommendation concerning Defendant's Suppression Motion. (A 25-38). With respect to Defendant's argument that he was entitled to a Franks hearing, the Order had indicated that Defendant had not shown that the affidavit had contained any materially false statements or omissions. The Order had indicated that AV-4's initial interview with law enforcement had been she had just been choked to the point of unconsciousness and in the presence of another person. Hence, the initial denials had been, thus, hardly surprising. Once questioned in private, after she had been separated from other women, she had opened up about her involvement in the Defendant's plans and had provided substantial detail concerning that involvement. The fact that she had denied initial involvement does not make her later statements untrustworthy.

Further, with respect to Defendant's request for a Franks hearing, the Order had indicated that Defendant had not shown that the affiant had intentionally acted with reckless disregard for the truth. This, even if AV-4's initial denials to law enforcement had been deemed material. Arguing that the affiant had "obvious reasons" to omit these initial denials does not provide any proof of intention or reckless disregard for the truth. Further, the suggestion that the omission was intentional is contradicted by the affidavit's simultaneous omission of other details that had bolstered AV-4's account. Given the overall context of AV-4's initial denials and subsequent testimony, the search warrant had been supported by probable cause.

On September 21, 2023, the Government had filed its Government Notice of Expert Witness. By this Notice, the Government had indicated that it would intend to call Christa Jane Anderson. She would be testifying as an expert witness on a variety of aspects of domestic sex trafficking, pursuant to Federal Rule of Evidence (henceforth "F.R.E." 702. The Government had provided thirteen bullet points of testimony. Additionally, the Government had provided her curriculum vitae. This, as Exhibit A.

In response to the Government's Notice of Expert Witness, the Defendant had filed his Defendant's Daubert Motion. By this Motion, the Defendant had objected to the Government's Notice of Expert Witness as to Ms. Anderson. The Defendant had argued that (1) she was not qualified to testify as an expert. The Defendant had argued that the Government had indicated that she was an expert solely because she had been a former prosecutor, which is insufficient experience. Her experience does not translate to expertise, based upon the specifics of the case. Her methodology was unclear. (2) Further, the Defendant had argued that her testimony would not assist the trier of fact to understand the evidence or to determine a fact in issue. According to the Defendant, F.R.E. required a valid scientific connection to the pertinent inquiry. Here, her methodology was not established. (3) Her testimony would not be based upon sufficient facts and data. The Government's Notice had not provided an actual summary of Anderson's testimony. Further, other than from her experience, it is unknown from what "sufficient facts and data" Anderson's testimony would be based upon. (4) Her testimony would not be based upon reliable principles and methods. This issue is the main issue. The reliability standard entails a preliminary assessment of whether the reasoning or methodology underlying the testimony is scientifically valid and whether that reasoning or methodology properly can be applied to the facts of this case. Defendant had argued that Anderson's testimony would fail the following Daubert factors: (I) whether the methodology can and has been tested; (II) whether the technique has been subjected to peer review and publication; (III) the known or potential rate of error of the methodology; and (IV) whether the technique has been generally accepted in the scientific community. (5) None of Ms. Anderson's principles and methods would be reliably applied to the facts of this case. Given that Ms. Anderson does not have an established methodology, she would not be able to reliably apply an alleged "principles and methods" to the facts of this case.

The trial court had conducted a final pretrial hearing on October 26, 2023. At this hearing, the matter of the Government's Notice of Expert Witness, and Defendant's responding with his Motion for a Daubert hearing, had arose. The trial court had indicated that Jane Anderson would be testifying about sex trafficking in general. She would not be offering any testimony about the specific credibility of any of the victims or witnesses. She had never met the victims. She had not reviewed any of their statements, and had not looked at any evidence or reports from the case. The trial court had indicated that the Seventh Circuit case of U.S. vs. Hall, 93 F.3d 1337 was relevant. In that case, the Seventh Circuit had discussed the proper methodology for a trial court in discussing the admissibility of expert testimony. The Seventh Circuit had talked about social science experts like the one at issue here. Further, the trial court had indicated that the Supreme Court, in Daubert, had made clear that if the proffered testimony duplicates the jury's knowledge, Federal Rule of Evidence 403 might counsel towards exclusion of the expert testimony to avoid the unduly influencing the jury. The trial court had indicated that the Government’s Notice paints with an extremely broad brush. The scope and topics are very expansive. The court did not see much effort in that notice to tie the witness’s expertise and the witness’s proposed testimony to the specific offenses charged in this case, the specific elements charged in this case, or the specific facts of this case. It sounds like the Government or the witness may attempt to define or redefine what sex trafficking is by reference to this expert witness’s prior experience without tying it to the actual statutes that have been charged. The trial court had laid out some other concerns, to include the relevance of the testimony as well as Anderson’s qualifications as a lawyer, not a social scientist, yet would be testifying as a social scientist. According to Hall, social science requires a little more caution. She had never done a peer reviewed study on sex trafficking. Her conclusions still needed to be found to be reliable and validated. The court had questions about the reliability of her experience. If she had spent her career prosecuting sex trafficking in state court, those would be different statutes. What information does she have to distinguish actual sex trafficking from cases involving sex workers who are not trafficked but are doing it for their own economic reasons.

On October 26, 2023, the Defendant had also argued that there were huge concerns that Anderson would be testifying about psychology, and psychology being involved. The Government’s exhibit list had indicated Maslow’s hierarchy of needs, which is strictly psychology. If this person testifies, the jury is going to think, well if this person is testifying as an expert, they're talking about psychology, this person must know what they're talking about, everything that this person is saying must be involved in this case. This witness is not qualified to testify into things about psychology. Further, the Defendant had concerns about how long she had been prosecuting sex cases, something like four years which is not that long. Further, the Defendant did not know if this prosecution experience had been human trafficking, meaning both labor trafficking and sex trafficking or strictly sex trafficking. The Defendant thought that her experience was a combination of both. She will be testifying, or experience, as to what she would be testifying as to, which would be psychology and how an alleged victim can think. She now just has her own company where she receives money for teaching people or talking about sex trafficking. Further, she had practiced some sex trafficking cases in Florida state court, which, guessing, had different elements than in federal court.

On October 26, 2023, the trial court had ordered, as to Ms. Anderson's testimony, that she could testify, with some limitations, but based upon her own experience, with respect to issues presented in this case. However, we don't know what those are going to be yet. The court had indicated that the fact witnesses would need to testify and lay some sort of foundation before the expert testimony would be allowed. Some factual predicate would need to be laid to make clear what the relevant issues were and then the expert witness would address and that her testimony would have to be narrowly tailored to address those issues and to protect the Defendant from unfair prejudice. The court would tentatively allow Anderson to testify, subject to a factual predicate being laid and subject to the testimony being relevant, tied to the specific offenses and specific facts of the case. Her testimony would be subject to an unfair prejudice balancing test. (A 39-42).

A jury trial had commenced on November 6, 2023.

On November 9, 2023, the trial court and parties had further discussed the issue of Jane Anderson's testimony. At that time, the Defendant had indicated that the Government had proposed limiting some of the testimony. Defendant had indicated that he was open to such. However, Defendant had indicated that he was preserving his right to challenge the admissibility of the expert testimony as a whole. The parties had agreed to four topics. These were four of the thirteen bullet points in the Government's original Notice of Expert Testimony. These were: at the top of page 5 that is bolded, the role of the "bottom bitch" within a sex trafficking organization; on page 6, the bullet point at the very bottom that carries on to page 7, the reasons why sex trafficking victims may not leave their traffickers at the first opportunity; then also on page 6, the third bullet point from the top, traffickers use of their victims to insulate themselves from criminal liability; and the progressive and piecemeal disclosure of victims of sex trafficking involvement.

In response to the parties' agreement concerning Anderson's testimony, the trial court had indicated that there was still a 403 balancing test, so the Government needed to be focused and careful. The court had also indicated that it, itself, had a gatekeeping role.

Later, still on November 9, 2023, Jane Anderson had testified on behalf of the Government. She had testified that she was currently employed for a nonprofit called Aequitas. This nonprofit provides training and technical assistance to allied professionals that were working on issues such as intimate partner violence, stalking, sexual violence, and human trafficking. Prior to her joining Aequitas in 2014, she had been an assistant state attorney in Miami-Dade County, Florida. About 2010, she had focused on human trafficking as a prosecutor. Human trafficking is generally the umbrella term that covers both sex trafficking and labor trafficking. About eight five percent of what she is doing is based on human trafficking, and of that maybe fifty percent is sex trafficking.

On cross-examination, Anderson had testified that she had never been a federal prosecutor. She had never prosecuted a federal human trafficking case. She had been the supervisor of one of the prosecutors in this case. She was getting paid $125 per hour to testify. She was getting reimbursed for her expenses, to include hotel room and plane ticket. This was a lot more money than she had made being a prosecutor in state court. As for Aequitas, this organization received funding from mostly federal grants, which are almost entirely from the Department of Justice. The Department of Justice was prosecuting the present case. (DN 192:1142-1144). With her present job, approximately forty percent is related to sex trafficking. She had only tried approximately five sex trafficking cases, and they probably were not all charged as sex trafficking. So, they would charge them as racketeering, human laundering. There was not a good statute for sex trafficking, so they had to be creative. Human trafficking would be the statute in Florida, related specifically to sex trafficking. She had tried maybe three or four of those. There are differences between the federal and Florida statutes.

Anderson had continued to testify on cross-examination on November 9, 2023. She had testified that it had been over nine years since she had been a prosecutor. She did not know of any details of this present case. She had not spoken with any of the alleged victims or law enforcement. She had not been present in court during this trial. She had only testified twice as an "expert" on sex trafficking. The first was in June of 2021, the second was over a year ago. Both cases were in the Eastern District of Wisconsin. She had never testified in sex trafficking in any other court, in the entire country. This was her third time testifying. She did not remember taking any psychology courses. She was not an expert on the neuroscience of trauma. She did not have a degree in psychology. She had not read any psychology books.

Anderson's testimony concerning her qualifications, based upon her trial cross-examination, had been consistent with her curriculum vitae attached to the Government's Notice of Expert Witness. Her testimony had also been consistent with the Defendant's concerns about her testimony, as discussed at the October 26 final pretrial hearing as well as Defendant's Motion for a Daubert hearing. This, to include that victims are extremely unlikely to disclose everything that has happened to them by the trafficker immediately, as well as rules that traffickers have for the victims, including to whom the victims may speak. Further, according to Anderson, victims who are out in public do not disclose their situations to someone right away.

Wisconsin Department of Justice Agent Melissa Fus had testified on behalf of the Government. She had testified as to materially inculpatory information found on Defendant's seized cell phone. Further, based upon the information derived from this search of Defendant's seized cell phone, law enforcement had obtained additional subpoenas for emails and social media accounts found on that phone. This information had also been introduced at trial.

On November 15, 2023, the jury had returned guilty verdicts against the Defendant as to all five Counts in the Indictment.

On April 23, 2024, after hearing arguments, and from the Defendant, the District Court sentenced Defendant to 360 months. The trial court had also imposed ten years of supervised release.

On July 9, 2024, the trial court had issued an Amended Judgement of Conviction to Reflect the Agreed upon Restitution. The Amended Judgement had indicated that the trial court had sentenced Defendant to three hundred and sixty months on each of Counts One through Five, to run concurrently to each other, for a total sentence of three hundred and sixty months. Further, the Amended Judgement had indicated that the trial court had placed Defendant on subsequent supervised release for ten years on each of Counts One through Five, concurrently to each other, for a total supervised release term of ten years.

In a Panel Decision dated June 22, 2026, the Seventh Circuit had affirmed the District Court's Amended Judgement of Conviction.

REASONS FOR GRANTING THE PETITION

I. THE SEVENTH CIRCUIT HAS DECIDED AN IMPORTANT QUESTION OF FEDERAL LAW THAT HAS NOT BEEN, BUT SHOULD BE SETTLED BY THIS COURT. THIS, CONCERNING THE NECESSITY OF A FRANKS VS. DELAWARE HEARING WHEN THE SUPPORTING AFFIDAVIT TO A SEARCH WARRANT OMITS, EITHER RECKLESSLY OR KNOWINGLY, VITAL IMPEACHMENT INFORMATION PERTAINING TO THE AFFIANT'S SOURCE FOR THE PROBABLE CAUSE DETERMINATION.

THE SEARCH WARRANT UTILIZED TO JUSTIFY THE SEARCH OF DEFENDANT'S RESIDENCE AND THE SEIZURE OF THE DEFENDANT'S CELL PHONE HAD BEEN ILLEGAL. A FRANKS HEARING HAD BEEN WARRANTED. FURTHER, ANY EVIDENCE DERIVED FROM ANY SUBSEQUENT WARRANTS OBTAINED FROM THE SEARCH OF THE ILLEGALLY SEIZED DEFENDANT'S PHONE MUST BE SUPPRESSED AS FRUIT OF THE POISONOUS TREE. THIS COURT HAS NOT SETTLED THIS IMPORTANT QUESTION OF FEDERAL LAW.

A search warrant is not valid if the police obtain it by deliberately or recklessly presenting false, material information, or by omitting material information from the affidavit presented to the issuing judge. Franks vs. Delaware, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978); U.S. vs. McMurtrey, 704 F.3d 502 (7th Cir. 2013); U.S. vs. Clark, 935 F.3d 558 (7th Cir. 2019). To invalidate a warrant on this basis, a Defendant at a so called Franks hearing must prove by a preponderance of the evidence either falsity or recklessness, as well as materiality. U.S. vs. Clark, 935 F.3d 558 at 563.

Merely to obtain a Franks hearing, however, a Defendant does not need to prove the Franks violation. A Defendant must only make a substantial preliminary showing that (1) the warrant application contained a material falsity or omission that would alter the issuing judge's probable cause determination, and (2) that the affiant included the material falsity or omitted information intentionally or with a reckless disregard for the truth. Id. at 563; U.S. vs. Glover, 755 F.3d 811 (7th Cir. 2014). Proof by a preponderance of the evidence is not required until the Franks hearing itself. U.S. vs. Glover, 755 F.3d 811 at 820.

Glover still had indicated that credibility determinations about the relied upon witness are legally crucial to a probable cause determination, and the validity of a warrant based upon that credibility. If an affidavit omits credibility information, then the magistrate has no meaningful opportunity to exercise his or her discretion to draw favorable or unfavorable inferences. Id. at 818.

In performing the probable cause inquiry, courts must keep in mind that a search warrant for a home, business, or even hotel room can authorize highly intrusive and even destructive actions by the police. U.S. vs. Lopez, 907 F.3d 472 (7th Cir. 2018).

In the realm of the search warrant affidavits based upon informants, sufficient corroboration of that informant's tip is required. This, in the face of police omission as to adverse informant credibility information. U.S. vs. Clark, 935 F.3d 558 at 565; U.S. vs. Glover, 755 F.3d 811 at 818.

Here, as indicated by the relevant and applicable law, the bar is low for obtaining a Franks hearing. Defendant had clearly met his burden. Here, Defendant had cited multiple occasions when the affiant for the search warrant had materially relied upon reckless statements, and material omissions, relating to/and from AV-4. This, based upon the affidavit itself Her statement had been the essential basis for the search warrant affidavit. However, the affidavit had been rife with material omissions and contradictions, either with her first statement or her second. She had lied to law enforcement. She was a liar. She had earlier denied any involvement with prostitution, or any of the allegations cited by the affiant in the search warrant affidavit. Importantly, the affidavit had omitted any such earlier, contradictory, statements. There had been no explanation of why she had "changed her story." Such earlier statements would have materially rebutted the statements in the affidavit itself. Further, such statements would have cast material doubt upon her credibility.

Here, clearly, the affiant had known, or should have known, of the earlier contradictory statements by AV-4. The affiant had clearly known of the inculpatory statements cited in the affidavit. Hence, clearly, there is a reasonable basis to conclude that the affiant's omission, or inclusion of reckless statements, bearing upon the adverse credibility as to AV-4 had not been merely negligent. Instead, it had been, at the very least, reckless, and most likely, intentional.

Further, the search warrant affidavit had contained no corroboration whatsoever of AV-4's alleged cited statements. There had been no statements by other witnesses, or other alleged victims. There had not been any statements by law enforcement as to potential advertisements for such services as alleged by AV-4. The affidavit had merely cited a site known as SkiptheGames, based solely upon AV-4's statement. However, the affidavit had not cited any independent information into this site, or Defendant's alleged involvement with it. There was no evidence of the recovery of hotel videos/room receipts of the hotel cited in the affidavit. This hotel had been the Green Bay Oneida hotel and casino. The only potential corroboration had been a Milwaukee police report where AV-4 herself had allegedly disclosed some such conduct, but only after the Defendant had allegedly choked her. However, such alleged choking clearly hereby created a motive for her to fabricate such conduct in retaliation. However, again, her earlier statements to law enforcement, as cited in Defendant's Motion for a Franks hearing, had materially rebutted that police report as well. In sum, the supporting affidavit relies entirely upon AV-4's inculpatory statements as to the Defendant. This, while omitting her materially relevant earlier exculpatory statements as to the Defendant. Further, the affidavit had cited materially reckless statements. Clearly, the inclusion of such earlier, contradictory exculpatory statements, would reasonably have altered the issuing judge’s decision.

Here, due to the omission of such potentially exculpatory information, and the providing of solely inculpatory information, law enforcement’s conduct with respect to the affidavit had provided an incomplete and inaccurate picture of probable cause to the determining magistrate. Clearly, this conduct had been intentional. It had not been negligent. Such conduct, under the circumstances clearly indicate that the affidavit had recklessly disregarded the truth. Such conduct had been illegal and impermissible “picking and choosing.”

Here, true, the warrant had omitted certain information that would have bolstered the witness’s account. Although this fact is partially true, the warrant relies materially and totally upon her interview. Her credibility had been paramount. Materially exculpatory information had been omitted. A <u>Franks</u> hearing is required if the false statements/omissions are material to the finding of probable cause. A <u>Franks</u> hearing had been, therefore, required.

Here, the Supreme Court has not decided the Specific Issue presented herein. This, as to the remedy, and need, for a <u>Franks vs. Delaware</u> hearing when, specifically, a supporting Affidavit to a Search Warrant relies solely upon inculpatory information, and omits impeachment evidence, related to the supporting witness. Here, under the circumstances, such a situation had occurred. Here, as the Seventh Circuit had indicated in <u>Glover</u>, the neutral and detached magistrate who had approved the warrant had not had a meaningful opportunity to exercise his or her discretion and to draw favorable or unfavorable inferences. The probable cause determination, under the Fourth Amendment, had been materially tainted and flawed. This Court has not previously decided such an Issue. Petitioner respectfully requests that the United States Supreme Court resolve this matter by determining what is the appropriate standard for such a situation.

II. CONFLICTS FOR DETERMINING WHEN AN EXPERT CAN TESTIFY AS TO THE CREDIBILITY OF A CLEARLY DETERMINED AND IDENTIFIED SEX TRAFFICKING/ABUSE VICTIM WITNESSES, ARE TO BE DETERMINED BY THIS SUPREME COURT.

THE SEVENTH CIRCUIT'S DECISION IN THIS PRESENT CASE IS IN CONFLICT WITH HOLDINGS OF OTHER CIRCUITS.

Here, Christa Jane Anderson had essentially told the jury that the testifying witnesses's lies should not be part of its credibility determination and that the jury should believe their testimonies anyway. Anderson told the jury that it should believe their trial story. Legally and factually, she had negated their massive credibility issues. However, their testimonies had shown that they were liars. There had been multiple stories at various times. Various statements to the police had involved multiple inconsistencies and lies. There had been lies to the police on multiple occasions, to include involvement in prostitution. The testimonies had been attacked by the Defendant, and had been open to serious question.

The Seventh Circuit has indicated in its recent Decision in this matter that this expert on sex trafficking, Anderson, could testify that victims of such trafficking often lie to law enforcement. The Seventh Circuit had indicated that this expert could testify as to the credibility of victims of sex trafficking. The Seventh Circuit had found admissible that her testimony that victims would often be unwilling to disclose all details from the start. True, the Seventh Circuit had indicated that the trial court had not allowed Anderson to testify as to the specific victims involved in this matter. However, contrary to the Seventh Circuit, as discussed, there had only four specific sex trafficking victims involved in this case. These victims had been identified to the jury. Anderson’s testimony, contrary to the Decision, had clearly referred to them. Any reasonable jury would so conclude. There is no reasonable inference to the contrary. Hence, Anderson’s testimony had clearly been provided to materially bolster their testimony and to inform the jury that it should disregard any history of lying and solely believe their in court testimony.

Here, the sex trafficking victims’ credibilities had been crucial to the Government’s case. They were the named victims in the Counts. Their credibilities had been the central element at the trial. This, as to what the Defendant had done <u>to them</u> as well as to their involvement in his alleged sex trafficking operation. Anderson’s testimony had simply told the jury to disbelieve any lies, and solely believe the victims’ testimonies and statements that had been inculpatory. Anderson had told the jury to believe the inculpatory portions of their testimonies and statements and disbelieve exculpatory portions. Contrary to the Seventh Circuit’s

Decision, such testimony by Anderson had been illegal and impermissible.

Here, contrary to the Seventh Circuit, the Eighth Circuit has specifically indicated that credibility determinations are uniquely within the province of the trier of fact, and that one witness cannot comment as to the credibility of another witness. One such Eighth Circuit case had indicated that, even under the guise of "expertise," an expert on child sex abuse could not testify as to the credibility of an alleged sex abuse victim. The Government in that case had argued that this expert could help in assessing the credibility of a child witness. This, due to the expert's expertise in children, and in particular sexually abused children, think and act. However, the Eighth Circuit had rejected this argument, calling such testimony as putting "...an impressively qualified expert's stamp of truthfulness on a witness's story." As indicated by the Eighth Circuit, putting an impressively expert's stamp of truthfulness on a witness's story goes too far legally. This Eighth Circuit case had cited case law from other Circuits, such as the Ninth, Tenth, and Third. U.S. vs. Azure, 801 F.2d 336 (8th Cir. 1986). See also, U.S. vs. Barnard, 490 F.2d 907 (9th Cir. 1973), cert den. 416 U.S. 959, 40 L.Ed.2d 310, 94 S.Ct. 1976 (1974). In U.S. vs. Awkard, the Ninth Circuit had indicated that under the Federal Rules of Evidence, opinion testimony on credibility is limited to character; all other opinions on credibility are for the jurors themselves to form. U.S. vs. Awkard, 597 F.2d 667, 671 (9th Cir. 1979), cert. den., 444 U.S. 885, 62 L.Ed.2d 116, 100 S.Ct. 179

and 444 U.S. 969, 100 S.Ct. 460, 62 L.Ed.2d 383 (1979). An expert may not go so far as to usurp the exclusive function of the jury to weigh the evidence and determine credibility. U.S. vs. Samara, 643 F.2d 701 (10th Cir. 1981), cert. den. 454 U.S. 829, 70 L.Ed.2d 104, 102 S.Ct. 122 (1981); U.S. vs. Ward, 169 F.2d 460 (3rd Cir. 1948). See also U.S. vs. Geddes, 844 F.3d 983 (8th Cir. 2017).

Here, contrary to the Seventh Circuit's Panel Decision, Anderson's testimony had illegally crossed the line between simple expert testimony concerning general modus operandi, and testifying as to the credibility of the Government's critical witnesses under the guise of expertise. As the Eighth Circuit had indicated in Azure, putting an impressively qualified expert's stamp of truthfulness on a witness's story goes too far legally. As discussed, the victims were the Government's key witnesses, and their credibilities had been critically important. Because their testimonies had been likely bolstered by Anderson's erroneously admitted "expert" believability opinion, the error was not harmless. Further, because the error had substantial influence upon the credibility of the key witnesses, and the importance of those witnesses to the Government's case, the error was not harmless. U.S. vs. Azure, 801 F.2d 336 at 341.

Further, contrary to the Panel, Anderson should not have been allowed to testify as to credibilities, even in a "general sense." Each witness must be evaluated individually. There had not been any indication that each victim had the same traits and characteristics of "other sex trafficking victims." Each victim's testimony should have been evaluated on its own. This, exclusive of Anderson telling the jury that, due to any status as sex trafficking victims, any prior history of lying should not have any bearing on credibility. As indicated in the cited case law, a jury can evaluate credibility. This is the sole province of the jury.

Accordingly, in the present situation, the Circuits are in conflict concerning the standard of an expert witness testifying as to the credibility of other witnesses. This, even in the context of alleged "general" testimony. As argued herein, any discussion by the Seventh Circuit that Anderson's testimony had been "general," and not specific, had been a sham. Anderson's testimony had discussed the credibility of sex trafficking victims. Here, there had only been four such victims. Hence, and clearly, the Seventh Circuit ruling in its Decision in this matter conflicts with that of the other cited other Circuits. Hence, multiple other Circuits disagree, and are in conflict, with the Decision.

Based upon the clear conflict among the Circuits as to the appropriate standard for an expert to testify as to the credibility of a sex trafficking victim, even under the guise of "general testimony" when such testimony clearly refers to another specific witness, Petitioner respectfully requests that the United States Supreme Court resolve this conflict by determining what is the appropriate standard for such a situation.

CONCLUSION

For the foregoing reasons, a Writ of Certiorari should issue to review the decision and opinion of the Court of Appeals for the Seventh Circuit.

RESPECTFULLY SUBMITTED, at Mequon, Wisconsin, this __20th____ _day of August, 2026.

__Mark S. Rosen_____________________

Attorney for Cornelius Jackson
Mark S. Rosen
Wis. State Bar No. 1019297

Rosen and Holzman
1009 W. Glen Oaks Lane, Ste 204
Mequon, WI 53092
ATTN: Mark S. Rosen
(262) 544-5804
email:roseholz@sbcglobal.net

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 2026

CORNELIUS JACKSON,

Petitioner,

vs.

UNITED STATES,

Respondent.

CERTIFICATION FOR THE PETITION FOR WRIT OF CERTIORARI
FOR THE PETITIONER CORNELIUS JACKSON

The attached Petition for Writ of Certiorari complies with all page and Petition requirements of Federal Rules of Supreme Court Procedure Rules 13, 14, 33, and 34.

Mark S. Rosen

Mark S. Rosen
Attorney for Petitioner

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