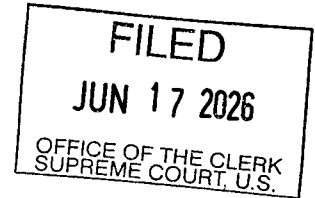


26-5608 ORIGINAL
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



Jesus A. Manzano-Legarda — PETITIONER
(Your Name)

vs.

State of Kansas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Kansas
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jesus A. Manzano-Legarda #2100158263
(Your Name)

P.O. Box #1568
(Address)

Hutchinson, KS 67504-1568
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- I. Whether the petitioner has standing to challenge the search and seizure of his mother's vehicle.
- II. Whether the petitioner's Fourth Amendment and right to Due Process were violated when the District Court deprived him of the opportunity to establish an expectation of privacy in his mother's vehicle.
- III. Whether the prosecution failed in meeting its burden of showing that the petitioner had no expectation of privacy in his mother's vehicle.
- IV. Whether the petitioner's continuous usage of the vehicle and relationship to its registered owner constitutes a reasonable expectation of privacy to challenge the search and seizure of it.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

- Jesus Antonio Manzano-Legarda
- The State of Kansas

RELATED CASES

Table of Contents

Opinions below	1
Jurisdiction	2
Constitutional and Statutory Provisions Involved	3
Statement of the Case	4
Reasons for Granting the Writ	9
Question I	10
Question II	15
Question III	19
Question IV	20
Conclusion	23

Index to Appendices

Appendix A State v. Manzano-Legarda, 586 P.3d 242 (2026)

Table of Authorities Cited

Cases	Page Number
Jones v. United States, 362 U.S. 257 (1960)	10, 15
Hatch v. Reardon, 204 U.S. 152 (1907)	10, 11
State v. Culotta, 343 So. 2d 977 (La. 1976), ...	11, 14
Rakas v. Illinois, 439 U.S. 128 (1978)	11, 11, 14
Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)	12
United States v. Verdugo - Urquidez, 494 U.S. 259 (1990)	12
Weeks v. United States, 232 U.S. 383 (1914)	12, 13
Mapp v. Ohio, 362 U.S. 643 (1961)	13, 14
United States v. Leon, 468 U.S. 897 (1984)	14
United States v. Calandra, 414 U.S. 338 (1974)	14
Silverthorne Lumber Co. v. United States, 251 U.S. 355 (1920), ...	14
Commonwealth v. Hawkins, 718 A.2d 265 (Pa. 1998)	14
State v. Alston, 440 A.2d 1311 (N.J. 1981)	14
Waring v. State, 670 P.2d 357 (1983).	14
United States v. Payner, 447 U.S. 727 (1980)	14
United States v. Valdez-Hocker, 333 F.3d 1206 (10th Cir. 2003)	15, 18
State v. Dannebohm, 308 Kan. 528 (2018)	15
Katz v. United States, 389 U.S. 347 (1967)	16, 18
Byrd v. United States, 584 U.S. 395 (2018).	16, 18, 19, 20
United States v. Castellanos, 716 F.3d 828 (4th Cir. 2013)	16, 17, 19
United States v. Smith, 978 F.2d 171 (5th Cir. 1992)	17
Rawlings v. Kentucky, 448 U.S. 98 (1980)	17, 19
State v. Davis, 31 Kan. App. 2d 1078 (2003)	17
Cardwell v. Lewis, 417 U.S. 583 (1974).	20

Table of Authorities Cited Cont.

Cases	Page Number
South Dakota v. Opperman, 428 U.S. 364 (1976)	20
New York v. Class, 475 U.S. 106 (1986)	20
Carpenter v. United States, 555 U.S. 296 (2018)	21
United States v. Matlock, 415 U.S. 164 (1973)	21
Kyllo v. United States, 533 U.S. 27 (2001)	21
United States v. Burke, 506 F.2d 1165 (9th Cir. 1974)	22
State v. Soto, 35 P.3d 304 (N.M. App. 2001)	22

Statutes and Rules

Federal Rules of Criminal Procedure 41(e)	10
---	----

Other

Louisiana Constitution Article I, Section 5	11
Fourth Amendment of the United States Constitution	12
Fifth Amendment of the United States Constitution	13
Fourteenth Amendment of the United States Constitution	13
Merriam-Webster Dictionary	13
6 LaFare Search and Seizure, Section 11.3(c) (5th ed. 2014)	16

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

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

- ☒ reported at State v. Manzano-Legarda, 586 P.3d 242 (2026); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

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

☐ No petition for rehearing was timely filed in my case.

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

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was March 26, 2026.
A copy of that decision appears at Appendix A.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Constitution, Amendment IV : The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized

U.S. Constitution, Amendment V : No person shall ... be deprived of life, liberty, or property, without due process of law...

U.S. Constitution, Amendment XIV : ... No State shall ... deprive any person of life, liberty, or property, without due process of law...

STATEMENT OF THE CASE

This petition comes after the Supreme Court of Kansas affirmed the District Court's ruling that the petitioner does not have standing to challenge the search and seizure of his mother's vehicle. The District Court found that the petitioner was not the "owner" of the vehicle nor present at the time of the search. On appeal, it was held that the petitioner showed neither a possessory interest nor a reasonable expectation of privacy (*State v. Manzano-Legarda* 586 P.3d 242 (2026)). The relevant facts of the case are as follows:

On September 8th, 2021, Jacquez Carter was shot at a busy intersection after a vehicle pulled up next to his in the oncoming lane. Jacquez drove off and crashed into a utility pole, he was pronounced dead at the scene by paramedics.

Witnesses at the scene of the shooting gave two descriptions of the possible suspect vehicle: A white SUV (R.V.8 pg 88) and a black truck (R.V.10 pg 33-35). The description of the shooter given to law enforcement was a "black man" (R.V.10 pg 35-36). Near the intersection, a witness described seeing a white SUV being driven the wrong way on a one way by a "Hispanic male, with Black hair, and a beard" (R.V.8 pg 158).

The next day, Officer Carson and Officer Fisher, as a two-man unit, were tasked with conducting a follow-up investigation. Specifically, they were tasked with looking at video footage in the surrounding area of the scene. They were given a time frame and told

that "[t]he possible suspect vehicle was a white Traverse." (R.V.8 pg 242-243). There is no mention how the possible suspect vehicle became a white Traverse.

Through their investigation the two officers discover a white Traverse registered to Maria Legarda-Banda (R.V.9 pg 247-248). Carson and Fisher then head to the listed address in an attempt to make contact with Maria or any other occupant, but fail to do so. They next try her last known place of employment, but she no longer worked there. Later that day, the two officers head back to her residence to try again (R.V.9 pg 165-167).

At the same time, Maria is stopped by law enforcement (R.V.9 pg 100). Officer Carson and Officer Fisher had found who they were looking for (R.V.9 pg 167-168). Maria was then asked if she'd be willing to come downtown and talk to detectives. She said she couldn't because she had a doctor's appointment and then asked if she could go at another time. The Officer Maria was talking to got upset and started yelling at her. Maria asked if she could call her husband to let him know what's going on and that she won't be making their appointment, but the officer said no. Maria then asked "well, can you let me at least send him a text [?]", to which the officer relented to. As soon as she finished, the Officer took her phone away without asking (R.V.9 pg 100-108).

Though Carson and Fisher were not present when Maria spoke with detectives and signed a search waiver (R.V.9 pg 108), her phone was not returned to her until she left (R.V.9 pg 101). There after, officers searched the vehicle, swabbed for gunshot residue, and took pictures of an indentation on the passenger side door that was introduced in

trial as a bullet strike.

Later that same day, officers showed up to Maria's residence to look for petitioner (R.V. 10 pg 43-44). Once the house was cleared, a warrant was obtained based on the information gathered there. Law enforcement seized various calibers of ammunition, a gun holster, a 9mm magazine, amongst other things from the petitioner's room (R.V. 10 pg 44). The petitioner was arrested that night without a warrant.

Prior to trial, defense counsel moved to suppress the evidence seized in the vehicle and residence, to which was alleged the petitioner had an expectation of privacy in, on the basis that it was done without a warrant or the petitioner's consent (R.V. 1 pg 47-48). In addition, it was alleged that no exception applied to either the search of the vehicle or residence. A hearing was set for July 20th, 2022 (R.V. 1 pg 53).

In the prosecution's written response, it was alleged that the petitioner "was neither the owner nor present to have an expectation of privacy". No argument was made as to the search of the residence (R.V. 1 pg 61). The hearing took place on August 19th, 2022 (R.V. 6 pg 1).

At the pre-trial hearing, the District Court placed the burden of proof on the prosecution to show that the petitioner had no expectation of privacy. There is no mention whether a reasonable interest was established in the vehicle by the petitioner. No evidence was presented and no stipulations were made by the parties (R.V. 6 pg 2-3).

To show that the petitioner was not present at the time of the search of the vehicle, the prosecution relies on defense counsel's written motion (R.V. 6 pg 3-5, 14 & 16-17). Defense counsel counters

that an "expectation of privacy is not hinged on whether a person is present or not present" (R.V.6 pg 17-18), and before the District Court Denies the motion he further argues that the Court is now assuming facts in favor of the prosecution. He then draws from experience relating to the Court that he is the registered owner of his kids' vehicles (R.V.6 pg 21-23). The District Court denies the prosecution's request to bifurcate and call Officer Arpin to testify, instead taking the motion under advisement (R.V.6 pg 27-29).

At recess, during jury voir dire, further argument was heard regarding the motion to suppress (R.V.7 pg 119-120).

Prior to the introduction of the challenged evidence, the District Court holds an evidentiary hearing for an allegation of witness intimidation made by Maria. It is here that the Court receives for the first time evidence on the issue of standing and the actual search and seizure of the vehicle (R.V.4 pg 87-125). By the end of the hearing, the Court finds the allegation without merit and rules against the motion to suppress (R.V.9 pg 110-125).

Before the evidence from both the vehicle and residence is introduced, defense counsel objects and renews his pre-trial motion to suppress (R.V.9 pg 129; R.V.10 pg 45). The District Court overrules the objections and allows the challenged evidence to enter. At the end of the trial, the petitioner is found guilty of felony murder and criminal discharge of a firearm at an occupied vehicle (R.V.15 pg 162-165).

On October 14th, 2022, defense counsel files both a motion for acquittal and a motion for new trial (R.V.2 pg 36-39).

The District Court denies both motions and sentences the petitioner to life in prison with an additional 13 months running consecutively (R. V. 14 pg 34 & 38). A notice of appeal is filed on November 2nd, 2023 (R. V. 2 pg 88).

Pursuant to Kansas Statute, this case on appeal directly reaches the Supreme Court of Kansas. The petitioner files a supplemental brief on his own behalf arguing that no opportunity was provided to establish an expectation of privacy in the vehicle and that both the search and seizure of the vehicle were unlawful. None of the petitioner's contentions were addressed by the Court in its opinion filed March 20th, 2026. Instead, the Supreme Court of Kansas rules on the issue of standing based on its own findings from the record.

REASONS FOR GRANTING THE PETITION

Several States have expanded the Fourth Amendment Federal standing rule for various different reasons. As a result, there is an incongruity as to who the Fourth Amendment protects. Now, more than ever, it is in the Nation's best interest that Fourth Amendment claims be considered on their merits, rather than be lost to legal technicalities and ambiguous phrases. Through the use of semantics we've confused ourselves about our most sacred principles and have ripped the spirit out of the rights that protect us. This is an attempt to scale back the government intrusion into our Constitution.

Argument

I. Petitioner has standing to challenge the search and seizure of his mother's vehicle.

In *Jones v. United States*, 362 U.S. 257 (1960), this Court decided the issue of standing by referring to Rule 41(c) of the Federal Rules of Criminal Procedure. Rule 41(c) reads that "[a] person aggrieved by an unlawful search and seizure may move the district court ... to suppress for use as evidence anything so obtained ..." *id.* at 260.

Thereafter, it is found that:

"... to qualify as a 'person aggrieved by an unlawful search and seizure' one must have been a victim of a search and seizure, one against whom the search was directed, as distinguished from one who claims prejudice only through the use of evidence gathered as a consequence of a search or seizure directed at someone else." *id.* at 261.

It is this definition of "aggrieved" that the Court uses to limit who can benefit from the exclusionary rule, and it was done without proper consideration of the purpose of the rule.

The Court states that "Rule 41(c) applies the general principle that a party will not be heard to claim a constitutional protection unless he 'belongs to the class for whose sake the constitutional protection is given'". *id.* at 261 (Quoting *Hatch v. Reardon*, 204 U.S. 152, 160 (1907)). Yet the class of people who are protected by the Fourth Amendment are the people of the

United States. In *Hatch v. Reardon*, the petitioner challenging the constitutionality of a State tax law was not a resident in that State, and as such did not have standing to challenge

The State of Louisiana, in 1974, revised the search and seizure provision of its Constitution. The revised version gave standing to anyone against whom evidence is presented in court. The language used there is similar to that used in Rule 41(c). The provision reads as follows: "Any person adversely affected by a search and seizure conducted in violation of this section shall have standing to raise its illegality in the appropriate court." La. Const. Article I, Section 5 (2025).

The Louisiana Supreme Court held that the provision was intended to give standing to third persons adversely affected, stating that "...if evidence is obtained by an improper search and seizure, it cannot be used against anyone whose guilt it would tend to prove and thus practically cannot be used at all. The scope of the exclusionary rule is thus enlarged; with the expectation that its deterrent effect will be increased." *State v. Culotta*, 343 So. 2d 977, 981-982 (La. 1976). There is no difference between how the two confer standing, a person aggrieved is a person adversely affected.

Thus, under these two provisions, to challenge the introduction of evidence from an unlawful search or seizure in a court, a person need only show traditional standing, being "that a person seeking relief must allege such a personal stake or interest in the outcome of the controversy as to assure the concrete adverseness which Article III requires." *Rakas v. Illinois*, 439 U.S. 128, 133 n.2 (1978). For the

petitioner in this case, the deprivation of liberty as a result of the erroneous admission of the challenged evidence is sufficient enough personal stake and interest to give standing.

The Court in *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992) established a three-pronged test for standing: 1) the alleging party must have suffered an "injury in fact"; 2) there must be a causal connection between the injury and the conduct complained of; and 3) the likelihood of redress by a favorable decision. In this present case, the petitioner has standing to challenge the admission of evidence seized from his mother's vehicle in that a) it violated the Fourth, Fifth, and Fourteenth Amendments of the United States Constitution and deprived him of his liberty; b) the admission of the challenged evidence in the petitioner's trial violated his rights and deprived him of his liberty; and c) a favorable decision would have cured those injuries.

The Fourth Amendment of the United States Constitution begins with "[t]he right of the people...". In *United States v. Verdugo-Urquidez*, 494 U.S. 259 (1990), the Court stated that "the purpose of the Fourth Amendment was to protect the people of the United States..." *id.* at 266. The Court in *Weeks v. United States*, 232 U.S. 383 (1914), who created the exclusionary rule, said that the Fourth Amendment protects "all alike, whether accused of crime or not..." *id.* at 392. Furthermore, the courts "are charged at all times with the support of the Constitution" and "people of all conditions have a right to appeal for the maintenance of such fundamental rights." *id.* at 392. "[C]onviction by means of unlawful seizures and enforced confessions... should find no sanction in the judgments of the

courts..." id. at 392.

The Due Process clause of the Fifth Amendment reads that "No person shall be... deprived of life, liberty, or property, without the due process of law". Nothing in the Amendment reads as a personal right, but rather as a requisite for criminal proceedings. The Fourteenth Amendment reads similarly except that it specifies its requirement to the States: "No State shall... deprive any person of life, liberty, or property without due process of law..."

It is true that some of the Amendments exists solely to protect the accused and some to protect the public, but the Due Process clause does not distinguish between them and requires that the Constitution be adhered to at all times. Without the Due Process clause, the Government can dispense with the rights that protect the public in attempting to prosecute a person, and the courts could justify those acts on the basis that their not explicitly required in adjudicating the accused. Yet the Framers of the Constitution foresaw as much and thus demanded from the Government that it be upheld at all times. "There is no war between the Constitution and common sense," *Mapp v. Ohio*, 367 U.S. 643, 657 (1961). Any government that deals in justice must do so with clean hands.

The Merriam-Webster dictionary defines due process as "the rule that a legal case must be done in a way that protects the rights of all the people involved." (Merriam-Webster 2026). For all intents and purposes, to give meaning and effect, the Due Process clause should be viewed as a jurisdictional limitation to the Government attempting to deprive any person of life, liberty, or property.

Thus, in the context of the question presented, should

the Government offend the Constitution by an unlawful search and seizure in adjudicating the petitioner, then Due Process is violated. The petitioner has standing to challenge that conduct on both those basis. The Court in *Mapp* held similarly, "... the exclusionary rule is an essential part of both the Fourth and Fourteenth Amendments..." *Mapp*, 367 U.S. 643, 655-657 (1961).

Though the exclusionary rule is not a constitutional right, it operates to protect and effectuate the Fourth Amendment through deterrence. *United States v. Leon*, 468 U.S. 897, 906 (1984); *United States v. Calandra*, 414 U.S. 338, 347-348 (1974). "The essence of a provision forbidding the acquisition of evidence in a certain way is that not merely evidence so acquired shall not be used before the Court but that it shall not be used at all." *Silverthorne Lumber Co. v. United States*, 251 U.S. 385, 392 (1920).

It should be noted that many states have extended the Federal standing rule for the same reason of deterrence. (See *State v. Culotta*, 343 So.2d 977, 981 (La. 1976); *Commonwealth v. Hawkins*, 718 A.2d 265, 269 n.6 (Pa. 1998); *State v. Alston*, 440 A.2d 1311, 1319 (N.J. 1981)). The Supreme Court of Alaska, in *Waring v. State*, 670 P.2d 357, 362-363 (1983), held that if intentional unlawful acts by law enforcement were directed at another party then the targetted party has standing to challenge. This Court should consider extending the current standing rule. The dissenting opinion in *United States v. Payner*, 442 U.S. 727, 738 (1980) stated that in failing to deter intentional illegal and unconstitutional conduct the Court effectively turns the standing rule into a weapon for law enforcement. This case is an example of that weaponization.

II. Petitioner's Fourth Amendment and right Due Process was violated when the District Court deprived him of the opportunity to establish an expectation of privacy in his mother's vehicle.

Although this argument contradicts defense counsel's legal strategy (R.V.6 pg 22), the District Court is bound by law not legal strategy. The District Court failed to uphold the Constitution. Fourth Amendment jurisprudence has been clear as to whose burden it is to establish an expectation of privacy.

"Ordinarily, then, it is entirely proper to require of one who seeks to challenge the legality of a search as the basis for suppressing relevant evidence that he allege, and if the allegation is disputed that he establish, that he himself was the victim of an invasion of privacy." Jones, 362 U.S. 257, 261 (1960).

(See also United States v. Valdez-Hocker, 333 F.3d 1206, 1209 (10th Cir. 2003); State v. Dannebohm, 308 Kan. 528, 533 (2018)). "To establish 'standing', Court of Appeals have generally required that the movant claim either to have owned or possessed the seized property or to have had a substantial possessory interest in the premises searched," Jones, 362 U.S. 257, 261 (1960).

At the pre-trial suppression hearing, the District Court asks the prosecution whether evidence will be presented today regarding

the pending motion to suppress. There is no mention whether the defense has established an expectation of privacy (R. V. 6 pg 2-4).

In *Katz v. United States*, 389 U.S. 347, 351 (1967), the Court states that "... the Fourth Amendment protects people, not places." Justice Harlan in his concurrence creates the current two-pronged test for determining an expectation of privacy. The first prong examines whether an individual "exhibited an actual (subjective) expectation of privacy", and the second, whether "the expectation be one that society is prepared to recognize as reasonable." (quotations omitted) *id.* at 361.

By not requiring from the petitioner that he establish an expectation of privacy, after the allegation was disputed by the prosecution, the District Court violated his Fourth Amendment and right to Due Process.

The complexity for determining an expectation of privacy has been recognized by this Court. As a result, "the Court has not set forth a single metric or exhaustive list of considerations to resolve the circumstances in which a person can be said to have a reasonable expectation of privacy..." *Byrd v. United States*, 584 U.S. 345, 405 (2018). Yet the central focus has not changed, the inquiry must always be with the individual. *Katz v. United States*, 389 U.S. 347, 361 (1967); *United States v. Castellanos*, 716 F.3d 828, 847 (dissenting opinion) (4th Cir. 2013).

During the pre-trial hearing, the prosecution refers to the inquiry for an expectation of privacy as a legal determination (R. V. 6 pg 17). This Statement is incorrect. The first prong of the Katz test focuses on the acts made by an individual and as such is based on evidence presented; and although the second prong can refer to property law, the focus is one of

reasonableness. *Rakas v. Illinois*, 439 U.S. 128, 143-144 n.12 (1978). "Any determination of the reasonableness of an individual's expectation of privacy is necessarily fact intensive." *Castellanos*, 716 F.3d 825, 846 (4th Cir. 2013) (citing *United States v. Smith*, 978 F.2d 171, 180 (5th Cir. 1992)). The question of an expectation of privacy is thus one based on the totality of circumstances, and wherever reasonable, one of law.

The prosecution argued that because the petitioner was neither the registered owner of the vehicle nor present at the time of the search he does not have an expectation of privacy (R.V. 1 pg 61; R.V. 6 pg 2-4; R.V. 7 pg 119-120; R.V. 9 pg 111-112). This Court has made it clear though, neither ownership *Rawlings v. Kentucky*, 448 U.S. 98, 105-106 (1980), nor presence *Rakas*, 439 U.S. 128, 143, 148 (1978), makes or breaks an expectation of privacy.

As to a possessory interest, the District Court relies on *State v. Davis*, 31 Kan. App. 2d 1078, 1082 (2003) to decide that in order to have a possessory interest in a vehicle you must be present (R.V. 6 pg 20). The issue with that is that the petitioner could have had a possessory interest in the items seized from the vehicle, regardless of presence. "The owner of such a container cannot be said to have lost standing merely because he is not openly exercising direct control of it at the time of the search." 6 *LaFare Search and Seizure*, Section 11.3 (4f) (5th ed. 2014). Had the petitioner been given an opportunity to establish an expectation of privacy, he would have testified to have left a toolbox in his mother's vehicle. The petitioner's mother, in her interview with detectives, also mentioned the toolbox (*Bates - Stamped discovery* pg 845-847).

Furthermore, by leaving property in his mother's vehicle, the petitioner demonstrates his ability to control and exclude others from it, second only to his mother. *Byrd*, 584 U.S. 395, 405 (2018). An individual who leaves his effects somewhere would, under reasonable circumstances, also have a possessory interest in that area. *Katz*, 389 U.S. 347, 351 (1967). At the very least, an individual can expect some privacy in that area and his effects. Simply because the petitioner's mother was using the vehicle, and thus had exclusive control and possession of it at the time, does not eliminate his interests in the vehicle nor make them unreasonable. The Fourth Amendment protects against government invasions, that protection does not disappear under the circumstances of this case.

Case law is clear, a reasonable interest in a vehicle for a nonowner will turn on their relationship to the owner or the person with authority over the vehicle. *Byrd*, 584 U.S. 395, 398-399, 407, 409 (2018); *Valdez-Hocker*, 333 F.3d 1206, 1209 (10th Cir. 2003). For the petitioner, who lives at home with the registered owner of the vehicle (*R.V.9* pg 181), has a relationship with that person that reasonably affords enough privacy to keep property with, and uses the vehicle whenever possible (*R.V.9* pg 105, 108 & 185-186), he would have a reasonable expectation of privacy in the vehicle.

Without the opportunity for the petitioner to be meaningfully heard, the District Court is missing the relevant circumstances he could have testified to for the expectation of privacy determination. Not only did the petitioner leave property in the vehicle, but he also put gasoline in it, which would equate to a proprietary interest. The petitioner could

have testified to his continuous usage of the vehicle in his social and work life, to not having a vehicle of his own, and his relationship to the registered owner. Without the opportunity to establish an expectation of privacy, the petitioner's Fourth Amendment right and right to Due Process were violated.

III. The prosecution failed in meeting its burden of showing that the petitioner had no expectation of privacy in his mother's vehicle.

The District Court, in placing the burden of proof on the prosecution at the pre-trial suppression hearing, inadvertently recognized that the petitioner does have a reasonable expectation of privacy in his mother's vehicle. The question that the Court posed to the prosecution was whether they could produce evidence that would contradict the petitioner's expectation of privacy (R. V. 6 pg 2-4). With this understanding, it is clear that the prosecution failed in meeting its burden.

Under current Fourth Amendment jurisprudence, neither possession *Byrd*, 584 U.S. 395, 404 (2018); presence *Rakas*, 439 U.S. 128, 143 (1978); nor ownership *Rawlings*, 448 U.S. 98, 105-106 (1980) alone are determinative for an expectation of privacy. In making a determination the courts look at the totality of the circumstances. *Castellanos*, 716 F.3d 828, 846 (4th Cir. 2013); *Byrd*, 584 U.S. 395, 405 (2018). Specifically, the courts look at the steps an individual took to secure his interests. *Katz*, 389 U.S. 347, 351, 361 (1967).

Without specifying from the petitioner what interest he has in his mother's vehicle, the prosecution would have to disprove all of them, either

by showing abandonment or unreasonableness. In this present case, the prosecution failed to show that the petitioner did not have items seized or searched from inside the vehicle, or that he abandoned his interests in the vehicle when he parked it at his house. As such, the prosecution failed in meeting the burden the District Court placed on them.

Although district courts are given deference in the way they carry out their proceedings, due process expects a certain level of uniformity, even more so in protecting the Constitutional Amendments. As such, if a court were to break away from tradition, it must do so with full respect to the Constitution and its requirements. In this present case, the prosecution failed to meet its burden because it did not ask the petitioner to establish first his expectation of privacy.

IV. The petitioner's continuous usage of the vehicle and relationship to its registered owner constitutes a reasonable expectation of privacy to challenge the search and seizure of it.

First, this Court on multiple occasions has recognized the diminished privacy in an automobile, but the idea has only allowed for a limited exception to the warrant requirement and specific (government regulations, *Byrd*, 584 U.S. 345, 403 (2018) (See also *Cardwell v. Lewis*, 417 U.S. 583, 590 (1974); *South Dakota v. Opperman*, 428 U.S. 364, 368 (1976); *New York v. Class*, 475 U.S. 106, 112 (1986)). "While the interior of an automobile is not subject to the expectations of privacy that exist with respect to one's home,

a car's interior as a whole is nonetheless subject to Fourth Amendment protection..." (Class, 475 U.S. 106, 114-115 (1986)).

Secondly, the third party doctrine recognizes that any information or property shared with others is also expected to have a diminished expectation of privacy. *Carpenter v. United States*, 585 U.S. 296, 314 (2018) (see also *United States v. Matlock*, 415 U.S. 164, 171-172 n.7 (1973)).

Both of these notions combined might suggest that the petitioner challenging the search and seizure of his mother's vehicle would not have a reasonable expectation of privacy, but that thinking is circular. *Carpenter*, 585 U.S. 296, 358-359 (dissenting opinion) (2018) (See also *Kyllo v. United States*, 533 U.S. 27, 34 (2001)).

At one point, the petitioner was equated to a stranger by the District Court (R.V. 6 pg 20). In making its ruling, the District Court refused to consider that the petitioner's relationship to the registered owner of the vehicle would allow for him to use the vehicle when he asked (R.V. 9 pg 117-118). At trial, the petitioner's mother related to the jury how she let him use the vehicle again after being asked (R.V. 9 pg 185-186). It is unreasonable to think the petitioner would not have an expectation of privacy in a vehicle his mother lets him use, even more so when its considered that he lives at home with his parents and doesn't have a vehicle of his own.

At an evidentiary hearing, the petitioner's mother was asked whether the petitioner had a vehicle of his own (R.V. 9 pg 108).

Q. And that he actually had a different car, it was just broken?

A. Yes, it was broken.

The Supreme Court of Kansas relied on this, and the fact that the petitioner has to ask his mother for permission to use her vehicle, to rule that he does not have an expectation of privacy. In pages 852-853 of the Bates-stamped discovery, the petitioner's mother tells detectives that the vehicle he had was broken and then sold for \$500. The petitioner did in fact sell his vehicle and used his mother's vehicle in his own social and work life.

In *United States v. Burke*, 506 F.2d 1165 (4th Cir. 1974), it was held that the appellant had a reasonable expectation of privacy as a result of his repeated use of the van. *id.* at 1170-1171. In *State v. Soto*, 35 P.3d 304 (N.M. App. 2001), the defendant, who did not own the vehicle nor was present for the search, had a reasonable expectation of privacy because he was frequently allowed to use it by his girlfriend. *id.* at 305-307. There's plenty on the record to hold that the petitioner's continuous usage of the vehicle and his relationship to the registered owner allowed him to have a reasonable expectation of privacy to challenge the search and seizure.

The District Court in this case ruled on the merits of the Search and Seizure, denying the motion to suppress the evidence from the vehicle (R. V. 9 pg 115-118). The ruling was made after only hearing Maria's testimony. No AXON body camera footage was shown and no meaningful opportunity to cross-examine the officers was given. This case should be remanded back for a full hearing on the search and seizure.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jesus Hernandez-Segunda

Date: June 17th, 2026

Jesus Hernandez-Segunda

Aug. 4th, 2026