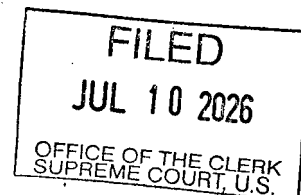


26-5609

ORIGINAL

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

RODERICK ALLEN LARKINS — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

NINTH CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

RODERICK ALLEN LARKINS # 56918-509
(Your Name)

FEDERAL CORRECTIONAL INSTITUTION, LOMPOC LOW 1
(Address)

3600 GUARD ROAD, LOMPOC, CA, 93436
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Whether the Fourth Amendment permits a criminal prosecution to proceed where the search warrant was issued without a signed oath of affirmation by the affiant, where the warrant failed to identify the defendant by name or address, and where the issuing judge later attempted to cure those constitutional defects through a post hoc declaration executed after the warrant had already been issued?
2. Whether the Fourth Amendment's Warrant Clause is satisfied when the issuing judge relies upon unrecorded and unpreseed ex parte telephone conversations with law enforcement, thereby preventing any meaningful judicial review of whether probable cause actually existed at the time the warrant was issued?
3. Whether a reviewing court may deny a motion to suppress by relying upon a post-issuance judicial declaration rather than the facts actually presented to the issuing magistrate when the warrant was originally authorized?
4. Whether the principles announced in *Franks v. Delaware*, 438 U.S. 154 (1978), require suppression where substantial evidence demonstrates that the documents relied upon to establish probable cause were created after the warrant was issued, contained inconsistent signatures, and allegedly misrepresented the facts surrounding the issuance of the warrant and affidavit?
5. Whether the good-faith exception recognized in *United States v. Leon*, 468 U.S. 897 (1984), applies where the warrant was alleged to be facially deficient, unsupported by a valid oath of affirmation, and the constitutional defects were known or should have been known to the officers seeking the warrant?
6. Whether reasonable jurists could debate the denial of Petitioner's constitutional claims, within the meaning of *Slack v. McDaniel*, 529 U.S. 473 (2000), where the underlying state prosecution had previously been dismissed with prejudice after the state court determined that the warrant proceedings failed to satisfy state constitutional and statutory requirements governing probable cause?

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.

Roderick Larkins & United States of America

RELATED CASES

Aguilar v. Texas, 378 U.S. 108 (1964)
Frank v. Delaware, 438 U.S. 154 (1978)
Illinois v. Gates, 462 U.S. 213 (1983)
Nathanson v. United States, 290 U.S. 41 (1933)
Slack v. McDaniel, 529 U.S. 473 (2000)
Johnson v. United States, 333 U.S. 10 (1948)
United States v. Larkins, 2025 U.S. APP Lexis 3515 (9th Cir. 2025)
United States v. Leon, 468 U.S. 897 (1984)
Whiteley v. Warden, 401 U.S. 560 (1971)

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OTHER

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 A to the petition and is

☐ reported at N/A; 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 B to the petition and is

☐ reported at N/A; 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 _____ to the petition and is

☐ reported at _____; or,

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

☐ is unpublished.

The opinion of the _____ court 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 June 1, 2026

☐ 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: June 25, 2026, and a copy of the order denying rehearing appears at Appendix C.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

The Fourth and Sixth Amendments of the Constitution.

STATEMENT OF THE CASE

Petitioner respectfully seeks review of a judgment affirming his federal conviction after the lower Courts denied relief on his Fourth Amendment challenge to the search warrant that initiated the prosecution.

The prosecution originated in state court. On or about May 23, 2021, a state search warrant was obtained upon an oath of affirmation purportedly submitted by Detective Tom Stuart. The warrant proceedings, however, were constitutionally defective.

The oath of affirmation relied upon to establish probable cause was never signed by the affiant detective before the warrant was issued. The declaration likewise failed to identify Petitioner by name or residential address. No contemporaneous record exists establishing the factual basis upon which the issuing judge determined probable cause existed.

At the time of the initial entrance into Petitioner's home no warrant existed because the issuing judge who authorized entrance of Petitioner's residence did so over the telephone. Once the detective entered Petitioner's home he was shown an unsigned affidavit that contained Petitioner's name "only" with no further information about the residence. After reviewing the deficiencies surrounding the warrant proceedings, the state court dismissed the criminal prosecution with prejudice on July 23, 2021, concluding that the warrant failed to comply with the governing legal requirements.

Three days before the state dismissal became final, the Government obtained a federal indictment on July 20, 2021. (CR-DE-1).

Petitioner thereafter moved to suppress all evidence derived from the search warrant in federal proceedings because the arrest and prosecution was initiated by the fruits of a poisoned tree which was the illegal search and seizure. At the suppression hearing conducted on April 21, 2022, the Government relied primarily upon the issuing judge's later declaration, together with emails introduced through Detective Tom Stuart. [Following the issuance of the warrant over the telephone, the issuing judge later executed a declaration stating that he had spoken with the detective by telephone before authorizing the warrant. Those conversations were never recorded, transcribed, or otherwise preserved. Consequently, no viewing court has been able to examine the evidence allegedly presented to the issuing judge at the time probable cause was determined].

Petitioner further demonstrated that numerous documents relied upon by the Government were never signed by Detective Tom Stuart and post-dated both the warrant proceedings and Petitioner's arrest. Petitioner additionally challenged the authen-

ticity of the issuing judge's declaration and the signature on the oath of affirmation after observing two materially different signatures appearing on the signing pages of both documents. This raised substantial questions regarding the reliability and authenticity of the documents itself. See attached documents in Appendix D.

The district court nevertheless denied suppression. The court concluded that even if probable cause had not been established under state law, the later judicial declaration independently established probable cause under the Fourth Amendment and therefore credited the issuing judge's subsequent explanation rather than examining whether probable cause actually existed when the warrant was issued.

Petitioner's convictions was affirmed on direct appeal. *United States v. Larkins*, 2025 U.S. App. Lexis 3515 (9th Cir. 2025). Petitioner subsequently filed a motion under § 2255 asserting, among other constitutional violations, that the warrant proceedings violated the Fourth Amendment. The district court denied relief and declined to issue a certificate of appealability. Petitioner sought a certificate of appealability from the Court of Appeals. The Court of Appeals denied relief, concluding that Petitioner had failed to establish a constitutional violation and citing *Slack v. McDaniel*, 529 U.S. 473 (2000). A motion for reconsideration was likewise denied in a summary order.

This Writ of Certiorari now follows:

This case presents exceptionally important questions concerning the Fourth Amendment's Warrant Clause, the continued vitality of the oath-or-affirmation requirement, the permissible scope of post hoc judicial explanations offered to validate otherwise deficient warrants, and the proper application of *Franks v. Delaware*, 438 U.S. 154 (1978), where substantial evidence suggests that the probable cause record was altered after the warrant issued.

REASONS FOR GRANTING THE PETITION

I. This case presents an important question concerning whether a constitutionally deficient search warrant may be validated through post hoc judicial declaration.

The Fourth Amendment expressly provides that "no warrant shall issue, but upon probable cause, supported by an Oath of Affirmation." This Court has consistently emphasized that probable cause must exist at the moment the warrant is issued and may not be reconstructed after the fact. *Johnson v. United States*, 333 U.S. 10 (1948); *Nathanson v. United States*, 290 U.S. 41 (1933); *Aguilar v. Texas*, 378 U.S. 108 (1964); *Illinois v. Gates*, 462 U.S. 213 (1983).

Here, the federal courts upheld the warrant by relying upon a declaration executed after the warrant proceedings that was issued over the telephone in the absence of a signed Oath of Affirmation, rather than limiting their review to the evidence actually presented to the issuing magistrate. If permitted to stand, that approach substantially weakens the Fourth Amendment's requirement that probable cause exist before governmental intrusion upon an individual's liberty. The state court found that the warrant deficiencies did not meet state requirements and dismissed the prosecution with "prejudice."

II. The decision below conflicts with this Court's Fourth Amendment jurisprudence requiring truthful, reliable, and contemporaneous warrant proceedings.

This Court held in *Franks v. Delaware*, 438 U.S. 154 (1978), that the Constitution does not tolerate warrants procured through false statements or material omissions. Likewise, *Whiteley v. Warden*, 401 U.S. 560 (1971), makes clear that officers cannot rely upon a warrant unsupported by constitutionally sufficient probable cause.

Petitioner presented evidence that the oath of affirmation was unsigned at the time the warrant was requested, then later signed when presented to the Courts. Documents were also presented which showed that relating documents post-dated the warrant, that no contemporaneous record existed of the alleged oral testimony, and that the declaration and oath of affirmation both contained irregular signatures raising serious questions concerning authenticity. Rather than conduct the searching constitutional inquiry required by *Franks*, the lower courts accepted the later declaration at face value, refused to hold a *Franks* hearing and refused to allow the detective to testify.

III. This case presents an important limitation on the good-faith exception recognized in *United States v. Leon*.

The good-faith exception announced in *United States v. Leon*, 468 U.S. 897 (1984), does not rescue warrants that are facially deficient or so lacking in constitutional requirements that official reliance cannot be objectively reasonable.

If the warrant lacked a valid oath of affirmation, failed to identify the residence of the person in which the warrant was sought, and rested upon documents created after the warrant was issued, *Leon* provides no refuge because officers cannot reasonably rely upon a warrant that fails the Constitution's express requirements.

IV. This case satisfies the standard for Supreme Court review because reasonable jurists could debate the constitutional issues presented.

The courts below concluded that Petitioner's claim were not reasonably debatable under *Slack v. McDaniel*, 529 U.S. 473 (2000). Yet the record reflects substantial constitutional questions concerning whether probable cause existed when the warrant was issued, prior to entrance of Petitioner's residence, whether the oath of affirmation requirement was satisfied, whether post hoc judicial declarations may cure defects, and whether *Franks* required suppression.

Those issues are neither insubstantial nor frivolous. They implicate the structural protections of the Fourth Amendment and affect the integrity of warrant proceedings nationwide.

CONCLUSION

Petitioner respectfully request that this Court grant the Petition for a Writ of Certiorari to resolve important and recurring questions concerning the Fourth Amendment's Warrant Clause, the constitutional requirement of an oath of affirmation, the limits of post hoc judicial declarations offered to establish probable cause, the proper application of *Franks v. Delaware*, 438 U.S. 154 (1978), and the circumstances under which reasonable jurists may debate such constitutional claims under *Slack v. McDaniel*, 529 U.S. 473 (2000).

Review is warranted to preserve the integrity of the warrant process and to ensure that constitutional protections are not diminished by after-the-fact reconstruction of probable cause.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Roderick Larkins
Roderick Larkins

Roderick Allen Larkins # 56918-509

Date: July, 12, 2026