

26-5924 ORIGINAL
No. _____

FILED

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Tralicia D. Ledesma — PETITIONER
(Your Name)

Maurice A. DeBrossard; Eric Reiman; vs.
Spencer Singer; Jeremy Thompson; City of
Elizabethtown, TN RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Sixth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Tralicia D. Ledesma
(Your Name)

940 Britton Springs Road, unit 208
(Address)

Clarksville, Tennessee, [37042], United States of
(City, State, Zip Code) America

270-307-7378
(Phone Number)

QUESTION(S) PRESENTED

1. Whether a law enforcement officer violates the Fourth Amendment by seizing a pedestrian's identity and vehicle documents without reasonable suspicion, where the officer admits in a sworn affidavit that he could not see into the vehicle to verify a safety violation?
2. Whether an initially unlawful investigative detention can be retroactively cured or justified under the Fourth Amendment by an officer's subsequent olfactory observation?
3. Whether an officer's sensory detection of an odor that is chemically and scientifically indistinguishable from federally legalized industrial hemp can serve as the sole or determinative basis to establish a "fair probability" of criminal activity under the Fourth Amendment?
4. Whether a court violates summary judgment standards and *Tolan v. Cotton* by granting qualified immunity based on an officer's subjective claim of "plain smell," where the objective video and affidavit record demonstrates that the officer initiated an unconstitutional detention before making any sensory observations?
5. Whether a criminal dismissal agreement explicitly executed with a textually qualified signature of "all rights reserved without prejudice" bars a subsequent civil rights action under 42 U.S.C. § 1983 under the public policy constraints of *Town of Newton v. Rumery*?

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.

- Tralicia D. Ledesma, Petitioner (No stock ticker symbol)
- Maurice A. DeBrossard, Respondent (No stock ticker symbol)
- Eric Reiman, Respondent (No stock ticker symbol)
- Spencer Singer, Respondent (No stock ticker symbol)
- Jeremy Thompson, Respondent (No stock ticker symbol)
- City of Elizabethtown, Kentucky, Respondent (No stock ticker symbol)

RELATED CASES

- Commonwealth of Kentucky v. Tralicia Ledesma,
No. 21-M-00502, Hardin County District Court Div. II.
Judgement entered June 01, 2022.
- Commonwealth of Kentucky v. Maurice DeBrossard,
No. 21-M-00501, Hardin County District Court Div. II.
Judgement entered June 01, 2022.
- Tralicia Ledesma and Maurice DeBrossard v. Eric Reiman
[Individually and in His official Capacity]; et al,
No. 3:22-cv-1261-DJH, Western District of Kentucky.
Judgement entered March 26, 2024; [Denied Motion to
Alter Judgement entered March 05, 2025.]
- Tralicia D. Ledesma; Maurice A. DeBrossard v. Eric Reiman;
Spencer Singer; Jeremy Thompson; City of Elizabethtown,
KY, No. 25-5289, United States Court of Appeals for
the Sixth Circuit. Judgement entered March 27, 2024.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

1. *Commonwealth of Kentucky v. Tralicia Ledesma*, No. 21-M-00502, Hardin County District Court Div. II. Judgement entered June 01, 2022.
2. *Commonwealth of Kentucky v. Maurice DeBrossard*, No. 21-M-00501, Hardin County District Court Div. II. Judgment entered June 01, 2022.
3. *Tralicia Ledesma and Maurice DeBrossard v. Eric Reiman* [Individually and in His Official Capacity]; *et al*, No. 3:22-cv-161-DJH, Western District of Kentucky. Judgement entered March 26, 2024; [Denied Motion to Alter Judgement entered March 05, 2025.]
4. *Tralicia D. Ledesma; Maurice A. DeBrossard v. Eric Reiman; Spencer Singer; Jeremy Thompson; City of Elizabethtown, KY*, No. 25-5289, United States Court of Appeals for the Sixth Circuit. Judgement entered March 27, 2026.

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Kentucky

TABLE OF AUTHORITIES CITED

Cases

United States Supreme Court

- *Carroll v. United States*, 267 U.S. 132 (1925) pg. 17
- *Florida v. Bostick*, 501 U.S. 429 (1991) pg. 22
- *Florida v. Royer*, 460 U.S. 491 (1983) pg. 16, 22
- *Illinois v. Gates*, 462 U.S. 213 (1983) pg. 19
- *Mapp v. Ohio*, 367 U.S. 643 (1961) pg. 17, 23
- *Rodriguez v. United States*, 575 U.S. 348 (2015) pg. 16, 23
- *Scott v. Harris*, 550 U.S. 372 (2007) pg. 18, 23
- *Tolan v. Cotton*, 572 U.S. 650 (2014) pg. 18, 23, 24
- *Town of Newton v. Rumery*, 480 U.S. 386 (1987) pg. 18, 24, 25
- *United States v. Di Re*, 332 U.S. 581 (1948) pg. 24
- *United States v. Mendenhall*, 446 U.S. 544 (1980) pg. 22
- *Whren v. United States*, 517 U.S. 806 (1996) [1, 2, 3, 4, 5] pg. 22

State Supreme & Appellate Courts

- *Commonwealth v. Barr*, 266 A.3d 25 (Pa. 2021) pg. 20
- *People v. Armstrong*, 995 N.W.2d 839 (Mich. 2025) pg. 20
- *People v. Rowell*, 2021 IL App (4th) 180819 pg. 20
- *State v. Teague*, 385 N.C. 396 (2023) pg. 19
- *State v. Torgerson*, 995 N.W.2d 164 (Minn. 2023) pg. 20

Statutes and Rules

United States Constitution

- U.S. Const. amend. IV (Fourth Amendment Search & Seizure) pg. 10, 18, 19, 20, 21, 24
- U.S. Const. amend. XIV, § 1 (Fourteenth Amendment Due Process & Incorporation) pg. 10, 26, 28
- U.S. Const. art. IV, § 2, cl. 1 (Privileges and Immunities Clause) pg. 21

United States Code

- 7 U.S.C. § 1639o (Agricultural Improvement Act of 2018 - Hemp Definition) pg. 10, 19
- 21 U.S.C. § 802(16) (Controlled Substances Act - Marijuana Exclusion) pg. 10, 19
- 21 U.S.C. § 844(a) (Controlled Substances Act - Simple Possession Penalty) pg. 11,
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Kentucky Revised Statutes (2021)

- KRS § 189.125(6) (Kentucky Child Restraint & Seatbelt Search Limitation) pg. 13
- KRS § 218A.010(27) (Kentucky Controlled Substances - Marijuana Definition) pg. 13
- KRS § 218A.1422 (Kentucky Penalty for Possession of Marijuana) pg. 14,
- KRS § 218A.500(2) (Kentucky Penalty for Possession of Drug Paraphernalia) pg. 14
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- KRS § 260.858 (Kentucky Status of Industrial Hemp as Agricultural Product) pg. 15

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- Fed. R. Civ. P. 56 (Summary Judgment Standard) pg. 15, 18, 23

- Sup. Ct. R. 10 (Considerations Governing Review on Certiorari)
- Sup. Ct. R. 14 (Content of a Petition for a Writ of Certiorari)
- Sup. Ct. R. 29 (Filing and Service of Documents)
- Sup. Ct. R. 33 (Document Preparation Requirements)
- Sup. Ct. R. 39 (Proceedings In Forma Pauperis) [1]

Other Authorities

Legislative History & Federal Material

- H.R. Rep. No. 115-1072 (2018) (Conference Report on the Agriculture Improvement Act of 2018)

Treatises & Secondary Sources

- 2 Wayne R. LaFare, *Search and Seizure: A Treatise on the Fourth Amendment* § 3.6(b) (6th ed. 2020)

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 _____; 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 _____; 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.

1.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 27, 2024.

☒ 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 _____.
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

I. Constitutional Provisions

The Fourth Amendment to the United States Constitution

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.

Article IV, Section 2, Clause 1 of the United States Constitution

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

The Fourteenth Amendment to the United States Constitution (Section 1)

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor shall any person within its jurisdiction deny to any person the equal protection of the laws.

II. Federal Statutory Provisions

7 U.S.C. § 1639o — Definitions

In this subchapter:

(1) Hemp

The term “hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of

isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

21 U.S.C. § 802 — Definitions

As used in this subchapter:

(16)(A) Subject to subparagraph (B), the term “marihuana” means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

(B) The term “marihuana” does not include—

- (i) hemp, as defined in section 1639o of title 7; or
- (ii) the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

21 U.S.C. § 844 — Penalties for possession

(a) Unlawful acts; penalties

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II of this chapter. Any person who violates this subsection shall be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$1,000, or both, except that if he commits such offense after a prior

conviction for any offense under this subchapter or subchapter II of this chapter, or a prior conviction for any drug, narcotic, or marihuana offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment of not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500, or both, plus the reasonable costs of the investigation and prosecution of the offense, unless the court determines that the defendant lacks the ability to pay such costs.

28 U.S.C. § 1254 — Courts of appeals; certiorari; certified questions

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

28 U.S.C. § 1331 — Federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

28 U.S.C. § 1343 — Civil rights and elective franchise

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

42 U.S.C. § 1983 — Civil action for deprivation of rights

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

III. Kentucky Statutory Provisions (As Effective in 2021)

KRS § 189.125 — Requirements for use of child restraint systems and seat belts -- Exceptions -

- Game warden enforcement -- Civil liability (2021)

(6) A law enforcement officer shall not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this section.

KRS § 218A.010 — Definitions for chapter (2021)

As used in this chapter, unless the context otherwise requires:

(27) "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. It does not include:

(a) Industrial hemp as defined in KRS 260.850;

(b) Hulled hemp seed, hemp seed component, hemp seed oil, or hemp extract and leaves and floral material from industrial hemp from which delta-9 tetrahydrocannabinol concentration has been verified to be not more than three-tenths of one percent (0.3%) on a dry weight basis;
or

(c) A prescription drug product approved by the United States Food and Drug Administration;

KRS § 218A.1422 — Possession of marijuana -- Penalty (2021)

(1) A person is guilty of possession of marijuana when he or she knowingly and unlawfully possesses marijuana.

(2) Possession of marijuana is a Class B misdemeanor, except that, notwithstanding KRS Chapter 532, the maximum term of imprisonment shall be forty-five (45) days and the maximum fine shall be two hundred fifty dollars (\$250).

KRS § 218A.500 — Definitions for KRS 218A.500 and 218A.510 -- Unlawful practices -- Penalties (2021)

(2) It shall be unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. Any person who violates this subsection shall be guilty of a Class A misdemeanor.

KRS § 260.850 — Definitions for KRS 260.850 to 260.869 (2021)

As used in KRS 260.850 to 260.869, unless the context requires otherwise:

(5) "Industrial hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of

isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis;

KRS § 260.858 — Status of industrial hemp as agricultural product -- License requirement (2021)

(1) Notwithstanding any other provision of law to the contrary, industrial hemp is an agricultural product which may be cultivated, handled, or processed in the Commonwealth.

(2) It is unlawful for a person who does not hold a license issued by the department, or who is not an agent of a licensee, to cultivate, handle, process, or market living industrial hemp plants or viable seeds, leaf materials, or floral materials derived from industrial hemp.

IV. Federal Rules of Civil Procedure

Rule 56 — Summary Judgment

(a) Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

STATEMENT OF THE CASE

I. Narrative of the Parking Lot Encounter and Groundless Seizure

On March 22, 2021, Petitioner and DeBrossard were traveling in their motor vehicle displaying lawful Tennessee registration. DeBrossard parked their vehicle in a public retail parking lot in Elizabethtown, Kentucky. Officer Reiman of the local municipality of the Elizabethtown, Kentucky Police Department and in uniform parked his cruiser in an adjacent space. At no point did Reiman activate his vehicle's emergency equipment, nor did he initiate a standard traffic stop.

As DeBrossard exited the vehicle as a pedestrian to enter the retail establishment, the officer approached him. The officer immediately initiated a series of inquiries regarding the number of children inside the stationary vehicle. Concurrently, the officer demanded that DeBrossard surrender his driver's license, vehicle registration, and proof of insurance **in the total absence of reasonable suspicion**. Reiman continues to ask about the number of children in the vehicle and if the all have seatbelts. DeBrossard soon ask Reiman if he was going to be issuing him a ticket and Reiman's response was, "it's not about a ticket but about safety."

II. Unlawful Prolongation, Delayed "Plain Smell" Allegation, and Fruit of the Poisonous Tree

While the officer retained physical custody of the pedestrian's identity and vehicle documents—rendering the occupants seized as a matter of law under *Florida v. Royer*, 460 U.S. 491 (1983)—Petitioner whose window was already partially rolled down started exiting the vehicle. Only at this post-seizure juncture did the officer claim to detect the odor of cannabis. The officer ordered Petitioner back into the vehicle. A second officer Singer arrived at the scene. Under *Rodriguez v. United States*, 575 U.S. 348 (2015), the officer's authority to maintain

the detention terminated the moment he confirmed he was not issuing a citation. Instead of concluding the encounter, the officers unlawfully prolonged the detention to conduct a drug investigation. They subjected DeBrossard to a physical frisk and ordered all occupants out of the vehicle. When Petitioner explicitly denied consent to a search and requested that the officers obtain a warrant, Reiman invoked the automobile exception (*Carroll v. United States*) and proceeded to conduct a warrantless search of the vehicle.

The officers next accused DeBrossard of operating on a suspended license. After dispatch verified that his license was entirely valid, the officer discovered an expired physical identification card belonging to Petitioner, falsely accused Petitioner of presenting a fraudulent ID, and placed both Petitioner and DeBrossard in handcuffs. After a prolonged detention, the officer released both parties from handcuffs, stating on the video record that he **"did not know how to read a Tennessee driver's license."** Prior to handcuffing the Petitioner and DeBrossard the officers permitted Petitioner's mother to drive the children from the scene without concern for all having individual seatbelts or possible booster seat. Under *Mapp v. Ohio*, 367 U.S. 643 (1961), because the initial document seizure and subsequent prolongation were executed in total absence of reasonable suspicion, the resulting "plain smell" observation and vehicle search constitute the fruit of an unconstitutional detention.

III. Criminal Dismissal and Explicit Preservation of Civil Claims

State criminal charges were subsequently initiated against Petitioner arising from the warrantless search. During the state court criminal proceedings, Petitioner negotiated a complete dismissal of the charges. Prior to executing the agreement, Petitioner explicitly notified the state court judge on the record that a federal civil rights action was already

pending. To ensure compliance with the public policy mandates of *Town of Newton v. Rumery*, 480 U.S. 386 (1987), and to ensure no waiver of civil remedies could be construed, Petitioner signed the state court dismissal document with the explicit, handwritten qualification: **"all rights reserved without prejudice."**

IV. Procedural History and the Summary Judgment Ruling

Petitioner subsequently pursued a civil rights action under 42 U.S.C. § 1983 against the officers and the municipality, alleging severe violations of the Fourth Amendment (as incorporated against the states via the Fourteenth Amendment) and the constitutional right to interstate travel. The defendants moved for summary judgment, asserting the defense of qualified immunity.

Despite the objective bodycam and dashcam video records establishing the exact sequence of events, and despite the officer's explicit affidavit admission that he could not see into the vehicle, the District Court granted summary judgment. In direct violation of *Tolan v. Cotton*, 572 U.S. 650 (2014) and *Scott v. Harris*, 550 U.S. 372 (2007), the court resolved disputed material facts in favor of the police, ruling as a matter of law that the officers possessed "arguable probable cause" based on the subsequent claim of "plain smell." The court further interpreted the underlying criminal dismissal as a waiver of civil recovery.

The United States Court of Appeals affirmed the grant of summary judgment, effectively determining that an officer's subsequent sensory claim wipes away a preceding, groundless document seizure and unlawful prolongation. This timely Petition for a Writ of Certiorari follows.

REASONS FOR GRANTING THE PETITION

I. This Court Should Grant Certiorari to Resolve a Deep and Irreconcilable Split Among State Supreme Courts and Federal Circuits Regarding The "Plain Smell" Doctrine Post-Farm Bill.

The passage of the Agricultural Improvement Act of 2018 (the 2018 Farm Bill), 7 U.S.C. § 1639o, fundamentally disrupted Fourth Amendment jurisprudence across the United States. By federally legalizing industrial hemp, Congress decoupled the botanical genus *Cannabis sativa* L. from the definition of controlled substances based strictly on a delta-9 THC threshold of 0.3% or less [7 U.S.C. § 1639o(1); 21 U.S.C. § 802(16)(B)]. Because the odor of legal hemp is chemically and sensorily indistinguishable from illegal marijuana, lower courts have fractured into two irreconcilable camps regarding whether cannabis odor alone can continue to supply probable cause. This case presents the ideal national vehicle to restore uniformity to a fractured constitutional landscape.

A. The Outdated "Odor Alone Suffices" Framework

Several jurisdictions maintain a rigid, pre-2018 framework, holding that despite the federal legalization of hemp, the odor of cannabis remains sufficient to establish probable cause for a warrantless search.

- **The Kentucky and North Carolina Approach:** Courts in these states have ruled that because marijuana remains contraband, its odor automatically suggests a "fair probability" of criminal activity under *Illinois v. Gates*, 462 U.S. 213 (1983). See *State v. Teague*, 385 N.C. 396 (2023); *KRS § 218A.010(27)* (2021).

- **The Federal Eleventh Circuit:** Continues to hold that the potential for an innocent explanation (hemp) does not defeat an officer's arguable probable cause based purely on smell within the qualified immunity analysis.

B. The Emerging "Odor Plus" Requirement

Conversely, a growing number of jurisdictions recognize that an ambiguous odor cannot automatically criminalize citizens under the Fourth Amendment when it is equally consistent with lawful behavior.

- **The Michigan Supreme Court:** Ruled in *People v. Armstrong*, 995 N.W.2d 839 (Mich. 2025) that following the state's statutory legalization of cannabis, the smell of marijuana, standing alone, does not constitute the objective probable cause necessary to justify the warrantless search of a vehicle.
- **The Minnesota Supreme Court:** Ruled in *State v. Torgerson*, 995 N.W.2d 164 (Minn. 2023) that the odor of marijuana alone is legally insufficient to provide probable cause for a warrantless vehicle search.
- **The Pennsylvania Supreme Court:** Held in *Commonwealth v. Barr*, 266 A.3d 25 (Pa. 2021) that the smell of marijuana alone cannot serve as the sole or determinative basis for a warrantless search in a legal landscape where the substance can be lawfully possessed.
- **The Illinois Appellate Framework:** Recognized in *People v. Rowell*, 2021 IL App (4th) 180819, that the wholesale legalization of industrial hemp and the decriminalization of cannabis have radically altered the constitutional calculation of probable cause,

meaning an uncorroborated, ambiguous sensory observation lacks the legal weight to single-handedly strip citizens of vehicle privacy.

This Court must step in to establish a uniform national rule. Under the current fractured framework, an interstate traveler's core Fourth Amendment rights abruptly vanish or materialize based entirely on which state line they happen to cross.

II. This Case Presents an Urgent Opportunity To Resolve a Nationwide Systemic Crisis Regarding Interstate Travel and Out-Of-State Document Seizures.

This petition transcends a localized dispute and directly impacts the fundamental right to interstate travel under the Privileges and Immunities Clause [U.S. Const. art. IV, § 2, cl. 1] and the Commerce Clause of the United States Constitution.

A. The Weaponization of Foreign State Licenses as Pretext for Detentions

Across the nation, law enforcement officers routinely weaponize their own purported inability to read or verify out-of-state identification documents as a blank-check justification to prolong detentions and escalate consensual encounters into criminal investigations. As documented in this record, the officer explicitly claimed he "did not know how to read a Tennessee driver's license" to justify hand-cuffing and detaining law-abiding citizens.

B. The Erosion of National Uniformity for Domestic Travelers

When lower courts grant qualified immunity to officers who prolong seizures based on the geographic origin of a driver's license, they create an unsustainable constitutional double standard. Millions of Americans travel across state lines daily for commerce, tourism, and family. If an officer's subjective unfamiliarity with a sister state's lawful identification format constitutes "arguable probable cause" to sustain a physical detention, the right to interstate

travel is effectively reduced to a geographic lottery. This Court must intervene to clarify that an out-of-state license cannot serve as a catalyst for expanding a groundless police encounter.

III. The Lower Court's Expansion of Pretextual "Safety Inquiries" Into Pedestrian Document Seizures Directly Conflicts with This Court's Fourth Amendment Jurisprudence.

This case addresses a dangerous, growing national trend where law enforcement bypasses the strict constitutional boundaries of *Whren v. United States*, 517 U.S. 806 (1996) by staging warrantless document seizures on stationary pedestrians under the guise of "passenger safety."

A. The Objective Limits of Pretextual Safety Checks

While *Whren* permits pretextual traffic stops based on an objective traffic violation, this Court has never extended that license to stationary vehicles where no violation has occurred. Here, the officer admitted under oath in a sworn affidavit that he **could not see into the vehicle**.

Despite this total visual blindness, the officer approached a pedestrian away from the vehicle under the pretext of checking "child seatbelts"—using a safety rule he could not possibly have seen violated to demand and physically retain identity, registration, and insurance documents.

B. The Document Demands Constituted an Arrest-Level Seizure Per Se Under *Royer*

The lower court's ruling creates a direct, irreconcilable conflict with this Court's bright-line holding in *Florida v. Royer*, 460 U.S. 491 (1983). In *Royer*, this Court held that an investigative encounter automatically escalates into an illegal, arrest-level detention the moment officers ask for and continuously retain a traveler's driver's license and travel documents without independent probable cause.

Under *Florida v. Bostick*, 501 U.S. 429 (1991) and *United States v. Mendenhall*, 446 U.S. 544 (1980), an encounter is only consensual if a reasonable person feels free to decline the requests

or terminate the encounter. Permanently retaining a pedestrian's core identification papers strips them of that choice as a matter of law.

C. The Extension of the Seizure Directly Violates *Rodriguez* and Triggers *Mapp*

Under *Rodriguez v. United States*, 575 U.S. 348 (2015), the authority to detain an individual terminates when the tasks tied to the initial mission are—or reasonably should have been—completed. Because the officer stated on the video record that he was *not* issuing a citation, any lawful authority vanished.

By permanently retaining the papers, the officer illegally prolonged the encounter to stage a drug investigation. Because this seizure was executed in total absence of suspicion, *Mapp v. Ohio*, 367 U.S. 643 (1961) dictates that any subsequent "plain smell" evidence discovered during the prolonged detention is the direct fruit of a poisonous tree and must be completely excluded from the summary judgment analysis.

IV. The Lower Court's Grant of Summary Judgment Directly Conflicts with This Court's Settled Precedents Governing Qualified Immunity and The Summary Judgment Standard Of Review.

The lower court committed a profound error of law by resolving hotly disputed material facts in favor of the moving police officers, flying in the face of this Court's strict mandates under Federal Rule of Civil Procedure 56.

A. Direct Defiance of *Tolan v. Cotton* and *Scott v. Harris*

Under *Tolan v. Cotton*, 572 U.S. 650 (2014), a court deciding a summary judgment motion based on qualified immunity must view all facts and draw all inferences in the light most favorable to the non-moving party. Furthermore, under *Scott v. Harris*, 550 U.S. 372 (2007),

where objective video evidence exists, courts must view the facts in the light depicted by the videotape.

The video record explicitly proves the officer initiated an investigative detention of a pedestrian without reasonable suspicion, openly stating he had no intent to write a ticket. By ignoring the objective physical timeline on the video and the blind spot admitted in the affidavit to credit the officer's subsequent claim of "plain smell," the lower court illegally usurped the role of the jury, violating the clear limits established in *Tolan*.

B. Extension of Qualified Immunity to Unlawful "Retroactive Justifications"

Qualified immunity does not shield an officer who violates clearly established law. It has been settled law since *United States v. Di Re*, 332 U.S. 581 (1948) that a search or seizure cannot be retroactively saved by its fruits or subsequent sensory observations. By granting qualified immunity, the lower court created a dangerous loophole allowing officers to conduct groundless document seizures on pedestrians, confident that a later sensory claim will erase their initial constitutional overreach.

V. This Court Should Grant Certiorari To Establish A Uniform National Rule Governing The Preservation Of Section 1983 Claims In Release-Dismissal Agreements.

The state cannot use a criminal dismissal agreement as a procedural shield to block civil liability for clear Fourth Amendment violations where a citizen has explicitly and textually reserved their federal constitutional rights. This Court's intervention is urgently required to resolve a silent but devastating national conflict regarding signature reservations in the wake of *Town of Newton v. Rumery*, 480 U.S. 386 (1987).

A. The Expansion of *Town of Newton v. Rumery* and the Coercion Trap

In *Rumery*, this Court established that while release-dismissal agreements are not *per se* invalid, they must be executed voluntarily, free from prosecutorial overreach, and must not offend public policy. However, *Rumery* left a critical procedural vacuum: it did not define the precise mechanism by which a criminal defendant can accept a dismissal of groundless charges while cleanly protecting a pending civil rights action under 42 U.S.C. § 1983.

When a lower court interprets a standard dismissal agreement as an automatic waiver of civil claims—despite an explicit textual reservation—it fundamentally subverts *Rumery*. It transforms the criminal justice system into a coercive tool, forcing citizens to permanently surrender their long-term constitutional remedies against police misconduct simply to secure immediate physical liberty from an initially lawless arrest.

B. A National Rule is Required to Govern "Without Prejudice" and "All Rights Reserved"

Signatures

There is currently no uniform national standard governing how federal courts must treat explicit signature qualifications on state court documents. Some lower courts rigidly apply state contract law to find an absolute waiver of Section 1983 claims, completely ignoring the federal public policy constraints mandated by *Rumery*. Other courts look to the objective record to honor the litigant's clear intent to preserve their claims.

The petitioner in this case did everything legally possible to satisfy *Rumery*: explicitly advising the state court judge on the record of the pending civil rights action, and physically writing "all rights reserved without prejudice" directly onto the dismissal document. This Court should grant certiorari to establish a clear, national rule: when a criminal defendant explicitly qualifies

their signature to reserve federal civil rights, and puts the court on notice of a pending action, federal courts cannot find a waiver of Section 1983 claims as a matter of law.

CONCLUSION

For the foregoing reasons, this case presents an ideal and urgent vehicle to resolve deep national conflicts regarding warrantless document seizures, the unlawful prolongation of safety checks, the warrantless search of a vehicle under the Fourth Amendment based on the post-Farm Bill status of the "plain smell" doctrine, and the textually explicit preservation of civil rights under 42 U.S.C. § 1983. Petitioner respectfully requests that this Court grant this Petition for a Writ of Certiorari, vacate the judgment of the Court of Appeals, and remand this case for a trial on the merits.

DECLARATION

I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that I am the Petitioner in the foregoing action, that I have read the Petition for a Writ of Certiorari, and that the factual allegations contained therein are true and correct to the best of my personal knowledge, information, and belief.

Executed on this 25 day of June, 2026.

Respectfully submitted,

 _____, Petitioner
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