No. 26-5967

FILED
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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

DARRYL FELDER — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Darryl Felder
(Your Name)

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Atlanta, GA 30315
(City, State, Zip Code)

n/a
(Phone Number)

QUESTION(S) PRESENTED

WHETHER THE EVIDENCE WAS INSUFFICIENT TO PROVE FELDER BELIVED HE WAS SOLICITING AN ACTUAL MINOR WHEN HE MET THE PURPORTED VICTIM ON AN ADULTS-ONLY DATING APPLICATION REQUIRING AGE VERIFICATION, CONDUCTED INTERNET SEARCHES THAT REVEALED NO MATCHING STUDENT AT THE CLAIMED SCHOOL, AND TESTIFIED THAT HE BELIEVED HE WAS ENGAGING IN CONSENTUAL ADULT ROLE-PLAY WITH A WILLING PARTICIPANT ?

WHETHER THE DISTRICT COURT ABUSED ITS DISCRETION BY REFUSING TO INSTRUCT THE JURY THAT ATTEMPTED PERSUASION, INDUCEMENT, ENTICEMENT, OR COERCION UNDER 18 U.S.C. § 2422(b) REQUIRES THE DEFENDANT'S INTENT TO TRANSFORM OR OVERCOME THE WILL OF ANOTHER PERSON, WHERE THE DEFENDANT'S ENTIRE DEFENSE WAS THAT HE BELIEVED BOTH PARTIES WERE CONSENTING ADULTS ENGAGING IN ROLE-PLAY ?

LIST OF PARTIES

[X] 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:

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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

[X] 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,
[x] is unpublished.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[ ] is unpublished.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 _____ 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

[X] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was March 31, 2026.

[X] 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

18 U.S.C. § 2422(b)- Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces,entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

Federal Rules of Criminal Procedure Rule 29(a) - Before submission to the Jury. After the government closes its evidence or after the close of all the evidence, the Court on defendant's motion must enter a judgment of acquittal of any offense for which the evidence is insufficient to sustain a conviction. If the court denies a motion for a judgment of acquittal at the close of the government's evidence, the defendant may offer evidence without having reserved the right to do so.

U.S. Constitution First Amendment - Congress make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble; and to petition the Government for a redress of grievances.

STATEMENT OF THE CASE

The instant case arises from a federal undercover operation conducted on "Pure", an adults-only dating app that requires age verification and prohibits minor users. Agent Jared Tauzier created an undercover profile on Pure for a fictional character named "Andrea" by affirmatively confirming that he was not a minor to the Pure App. Nothing about Andrea's profile on this adults-only app indicated that she was underage. Agent Tauzier created a post that was geographically limited to the Middle District of Louisiana. The defendant, Felder, was one of many adults using an adults-only platform who responded to a post from what appeared to be another verified adult user. Communication between Agent Tauzier posing as Andrea and Felder began on the Pure app platform and later moved to text messages.

During the exchange of text messages between the two parties, Agent Tauzier posing as Andrea sent the defendant an image depicting a woman's legs rather than that of an underage teen's legs. The Agent sent the defendant an image of Patrick Mahomes wearing his number fifteen jersey to convey that Andrea was a fifteen year old teenager. The Agent posing as Andrea sent other altered/filtered images of a decoy posing as Andrea later on. These pictures were outdated low-quality images and they appeared to be "old & blurry" to the defendant. These types of coy or misleading images were common exchanges in adult role-play text messages.

During this period of exchanging text messages prior to the defendant's arrest, the defendant attempted a number of internet searches to verify whether or not "Andrea" was a real [teenage] Walker High School student. The defendant found no one matching the name or images of Andrea, thus these searches confirmed the defendant's belief that he was communicating with an adult acting out a role-play scenerio. In addition, Andrea claimed to not have either Snapchat or Instagram which was uncommon for [most] actual teenagers.

The two parties had discussed meeting in person at a McDonald's location in Walker, Louisiana. On 1/2/2023, the defendant was arrested after arriving at the mentioned McDonald's location. The defendant was indicted and his case proceeded to trial. The Government relied on the testimony of Agent Tauzier and two other agents at trial. Agent Tauzier admitted not being able to preserve all the text communications between Andrea and Felder on the Pure app. The defendant called two rebuttal witnesses, one of which was a former adult role-player he had romantic relationship with. Defense counsel moved for a judgment of acquittal under Federal Rules of Criminal Procedure Rule 29, which the district court denied. The defense requested a special jury instruction regarding the actus reus verbs in § 2422(b), which the district court denied and overruled his objections. The defendant was convicted by the trial jury and he proceeded on his direct appeal after sentencing. The judgment of conviction was affirmed on direct appeal, on 3/31/26.

REASONS FOR GRANTING THE PETITION

I.

THE EVIDENCE WAS INSUFFICIENT TO PROVE FELDER BELIVED HE WAS SOLICITING AN ACTUAL MINOR WHEN HE MET THE PURPORTED VICTIM ON AN ADULTS-ONLY DATING APPLICATION REQUIRING AGE VERIFICATION, CONDUCTED INTERNET SEARCHES THAT REVEALED NO MATCHING STUDENT AT THE CLAIMED SCHOOL, AND TESTIFIED THAT HE BELIEVED HE WAS ENGAGING IN CONSENTUAL ADULT ROLE-PLAY WITH A WILLING PARTICIPANT

This claim raised the defendant's arguments that there was insufficient evidence to support that 1) he took a substantial step towards enticing or coercing a minor, and 2) that he [ever] intented to use any means of interstate commerce to communicate with a person under the age of 18; as the instant case stems from the parties meeting on an adult fetish website with age verification for account members. Recently, Undercover Agents have been joining adult dating sites/apps posing as young adults to lure or entrap unknowing targets with romantic and/or sexual conversations, only for the UA to change there age on their target suspects for an arrest. Cf. U.S. v. Suher, 2025 U.S. App. LEXIS 23823 (UA created profile of 23 year old Jack on Badoo to later tell defendant that he was actually 14 years old); U.S. v. Anderson, 55 F.4th 545 (7th Cir. 2022) (UA created post on dating app for an 18 year old woman named

Bailey and later told defendant that she was 15 years old). The question presented to this Supreme Court addresses the growing sting operations targetting and entrapping men using online platforms to find relationships with other consenting adults in this modern era of telecommunication.

This Supreme Court of the United States had determined, over a hundred years ago, that attempted enticement must involve a communication (or message) to a minor for prostitution or an illegal sexual act using means of interstate commerce such as a telephone call that crosses state lines. See Hoke v. United States, 227 U.S. 308 (1913). The FBI have been creating fictional "adults and minors" using altered photos of adult decoys to lure unaware applicants off adult [fetish] dating apps (e.g. KinkD, Pure) for an arrest that leads to a conviction and a sentence between ten to forty years of imprisonment. Cf. U.S. v. Bright, 2022 U.S. App. LEXIS 386 (2nd Cir. 2022) (UA posed as fictional mother "Liz" on age-regression fetish app KinkD and defendant believed fictional minors were adult role-players he would sexually interact with at meet-up).

The Supreme Court of the U.S. has never addressed the legal impossibility to persuade, induce, entice, and/or coerce an underage person that does not exist. Nor has this Supreme Court addressed how the federal government can superced state criminal offense statutes when the defendants in numerous cases

like the instant case of Felder never used any means of interstate commerce with the intent to (directly or indirectly) communicate with a minor for illegal sexual acts. The petitioner raised at trial that he conducted internet searches to confirm his belief that he was communicating with a consentual role-playing adult and not a "Walker High School" underage student. The defense of "legally insufficient evidence" is raised before this Supreme Court in similiar fashion as U.S. v. Montgomery, 746 F. Appx. 381 (5th Cir. 2018), except this claim was preserved on a Fed. R. Crim. P. Rule 29 Motion for acquittal of jugment (rather than a Pretrial Motion to dismiss the indictment) following a pragmatic raised defense.

The growing Circuit precedent resulting from Undercover Sting Operations for arrests and convictions of 18 U.S.C. § 2422(b), attempted enticement, is in conflict with Supreme Court precedent such as Hoke v. United States, supra , and the safeguards of due process of law. See U.S. Const. Amend. 5. For this question of law raised, the defendant's Petition for a Writ of Certiorari should be granted. And granted such other and further relief this Court deems just and proper.

II.

THE DISTRICT COURT ABUSED ITS DISCRETION BY REFUSING TO INSTRUCT THE JURY THAT ATTEMPTED PERSUASION, INDUCEMENT, ENTICEMENT, OR COERCION UNDER 18 U.S.C. § 2422(b) REQUIRES THE DEFENDANT'S INTENT TO TRANSFORM OR OVERCOME THE WILL OF ANOTHER PERSON, WHERE THE DEFENDANT'S ENTIRE DEFENSE WAS THAT HE BELIEVED BOTH PARTIES WERE CONSENTING ADULTS ENGAGING IN ROLE-PLAY

The transformation-of-will instruction serves the critical function of preventing absurd results that would criminalize constitutionally protected conduct. Without this clarification, 18 U.S.C. § 2422(b) could theoretically be applied to two adults engaging in consentual age-regression role-play in the privacy of their home, simply because one adult temporarily adopts a young persona fantasy. Such a reading would raise serious First Amendment concerns, as it would criminalize private consentual sexual speech between adults based solely on the content of their fantasy. See U.S. Const. Amend. 1.

The U.S. Court of Appeals for the Fifth Circuit has held that a district court errs in rejecting a requested jury instruction if the instruction "... is not substantially covere ed in the charge given to the jury and concerns an important point in trial so that the failure to give it seriously impairs

the defendants ability to present effectively a particular defense." See U.S. v. Bennett, 874 F.3d 236, 243 (5th Cir. 2017). The denial of the transformation-of-will jury instruction deprived Felder of his right to a fair trial by abrogating trial counsel's raised defense. See U.S. Const. Amend. 6. The decision by the Circuit Court rendered in Felder is contrary to Bennet, id., and supports that their is no legal defense any defendant can raise against § 2422(b) in a trial court, including the right of protected speech between two adult role-players.

The Circuit Court decision in the instant case is contrary to the Supreme Court decision in Free Speech Coal., Inc. v. Paxton, which held that a Texas statute was subject only to intermediate scrutiny under the First Amendment as it simply required adults to verify their age before they could access speech that was obscene to children. See 606 U.S. 461, 482, 145 S.Ct. 2291, 2309, 2025 U.S. LEXIS 2497 (No. 23-1122). In the Supreme Court's opinion "content-based laws- those that target speech based on its communicative content- are presumptively unconstitutional and may be justified only if they satisfy strict scrutiny." See id. Fetish Apps such as Pure require members to verify age including using a credit card for age-verification. Yet the decision in Felder held

that "age verification" means nothing and a defendant is not entitled to any jury instruction as a legal defense against the government criminalizing sexual speech between adults. For this raised question of law presented, the defendant's Petition for a Writ of Certiorari should be granted. And granted such other and further relief this Supreme Court deems just and proper.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: June 8, 2026