No. ____________________

IN THE

SUPREME COURT OF THE UNITED STATES

WRIT of CERTIORARI
SUPPLEMENT

ALLEN JAMEL ROBINSON — PETITIONER
(Your Name)

vs.

STATE OF LOUISIANA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

united states Fifth circuit court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ALLEN JAMEL ROBINSON
(Your Name)

Louisiana State Prison
(Address)

Angola, Louisiana, 70712
(City, State, Zip Code)

N/A
(Phone Number)

IN THE

SUPREME COURT OF THE

UNITED STATES

NO: ________

ALLEN JAMEL ROBINSON - PETITIONER

VS.

DARRYL VANNOY, WARDEN
STATE OF LOUISIANA - RESPONDENT

Petitioner would like to address to this Honorable court that this Petition is the supplement brief that was added to the ineffective assistance of counsel claim to the writ of review that the united States court of Appeals Fifth circuit received. I'm attaching this supplement to the writ of certiorari to this Honorable court for Proper Filing.

S/ Allen Jamel Robinson

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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[✓] is unpublished.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[✓] is unpublished.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 C, F 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[✓] is unpublished.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 second circuit court of Appeals court appears at Appendix D, G 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[✓] is unpublished.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 2-26-2018.

[✓] No petition for rehearing was timely filed in my case. Because I thought they Granted my supplement.

[ ] 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 1-13-2017. A copy of that decision appears at Appendix C, F.

[ ] 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).

STATEMENT OF THE CASE

on or about october 1st 2010, Petitioner was illegally indicted by a grand jury of ouachita Parish on charges of attempted second degree murder. A superceding indictment was filed on september 19th, 2011 charging Petitioner with aggravated second degree battery and second degree kidnapping that was not returned in open court by a grand jury. Petitioner suffered ineffective assistance of counsel on many ocassions ultimately resulting to an unnecessary extraordinary sentence of a illegal 110 years by way of multi-build enhancement which he was or only can get multi-build on one charge not both charges as judge manning did Petitioner. The ouachita Parish, 4th JDC made some errors when they did-not follow the procedural Due Process Clause being in violation of state statutes and articles by violating states constitutions. Defense counsel ineffectiveness and trial courts jurisdictional defects, where an "arrest of judgement", and a mistrial should have been ordered. Petitioner was sentenced under R.S.15:529.1. Habitual offender law. Petitioner asserts that retained counsel was beyond ineffective and there are a number of "constitutional Errors". Petitioner worked on communication towers and was employed with the same tower company for twelve years, a job that kept him out of state working months at a time, due to a unfaithful mate that did not respect Petitioner by having other men in his home having sex while Petitioner would be working and risking his life climbing Towers, there is no element of any kind of kidnapping charge on the defected, unbalance, invalid and illegal indictments, Trial court lost all sub-ject matter jurisdiction in this case.

Petitioner direct appeal review timely and was denied 11-20-2013. Petitioner writ of certiorari on direct appeal to the Louisiana Supreme Court was timely and denied 5-23-2014. Petitioner Post conviction relief to the 4TH JDC Trial court was timely 5-18-2015 and denied 7-29-2015. Petitioner appealed decision timely with supervisory writ of review to the 2ND circuit Court of appeal on 8-26-2015 and denied 9-24-2015. Petitioner timely sought writ of certiorari to the Louisiana Supreme Court on 10-27-2015 and denied on 1-13-2017. Petitioner timely to the U.S. western district Federal court scanned and filed on 2-7-17 and denied on 7-6-2017. Petitioner timely appealed with <COA> to the United-States Fifth circuit Court of appeal notice on 7-13-2017, followed with <COA> on 7-27-2017, a supplement was added to support the <COA> writ of Review for the indictment<S> and ineffective assistance of counsel claim<S>, the <COA> writ of review was denied on 2-26-2018, supplement was granted for review. Note:

The supplement has been reviewed as a motion to correct illegal sentence To the trial court 4TH JDC on 1-22-2018 and denied 1-22-2018, Then sent to 2ND circuit court of appeal on 3-7-2018 and denied 4-12-2018, Then sent to by E-File scanned to the Louisiana Supreme court on 4-23-2018 and is Yet Pending. So Yes the lower courts have reviewed the supplement as a motion to correct illegal sentence. want to be honest and truthful with this Honorable Court.

LAW AND ARGUMENT

Claim-1 State Lost All Jurisdiction on Bill of Indictments. The Fourth Judicial District court, Parish of Ouachita, State of Louisiana, In case No. 10-F2546-1 exceeded it's jurisdiction. Pursuant to La. C.Cr.P. Article 362 <1 and 7>, the court violated La. C.Cr.P. Article-382; 383; 872 and 882. Because of the indictment Pursuant to LA. C.Cr.P. Article 920. Trial, conviction, and sentence rest upon an an invalid bill of indictment in violation of constitution rights of due Process and without jurisdiction, via defected indictment [not] signed by a grand jury Fore Person nor the head main District Attorney, as required by law and violated due Process of grand jury Procedures. La. C.Cr.P. Art. 431-483 or Chapters <1> and <2> of title XIII [8]. The court has no jurisdiction of the offense that is charge. La. C.Cr.P. Art. 532; 382; 463. However, Asst. D.A. indorsed indictment making it factually useless and illegal. in violation of La. C.Cr.P. Art. 384. where only cheif head D.A. shall sign indictment for it to be constitutionally effective, on Petitioner indictment <S> there **are** two different Asst. D.A. signature on them making it unconstitutional to try Petitioner of any crime without subject matter jurisdiction. This is an error on the face of the record **where** it is "clear and obvious" by mere inspection and affects Petitioner's "substantial right to equal Protection clause of the united states constitution" 8TH Amendment", and affected the out come of the district court Proceeding that Produced a conviction that is void and must be dismissed - vacated, lesser charge's does not cure the defect in any indictment. To institute trial with a useless, defected, other wise uncon-stitutional method constitutes gross error of miscarriage of justice on the Part of Petitioner Ineffective trial counsel that was retained, the district attorneys and the judge who Presided over trial and Knew it was illegal and intended to inflict unness-ary Pain and suffering and this case should be reversed and va-cated as a matter of law in accord with the U.S. 6TH, 8TH - and 14TH Amendments; La.c.cr.P. Art. 382, 383, 384; La.c.cr.P. - 532.(1) - (2) of title XIII; 5TH Amendment and La.c.cr.P. Art. - 463; see (EX-A1, Rec. PGS. 9, 393, 394.) Defense counsel truly in-effective in grand jury indictment inspection.

Procedure, Jurisdiction Pursuant to La.c.cr.P. Article 920; error Patent on the face of the record. Pursuant to La. Const. Art. 1. - section 19, right to judicial review. The Fourth Judicial District Court, Parish of Ouachita, State of Louisiana grand jury ForePerson

Failed to sign the alleged true bill in open court Pursuant to La.C.Cr.P. Article 383. The indictment was never presented in open court neither was one thrown out in open court when they dropped one charge and keeping the charge of no crime the same. The second circuit court of appeals denied Petitioner a fair review of a complete record. Pursuant to La.Const.Art.1.Sec.19. They aided the Fourth Judicial District court, in their acts of surpation while acting under the color of state law, Error vs. usurpation: Pursuant to La.C.Cr.P. Article 383; La.Const.Art.1.Sec2; La.Const.Art.1.Sec.3. Petitioner contends that he was denied equal Protection of the state laws, he was denied due Process of law: Petitioner contends that all of the Louisiana criminal code Procedures was violated, La.Const.Art.1.Sec.15. The Fifth constitutional amendments. Pursuant to La.C.Cr.P. Art.382,383. It was manifestly designed and intended for the security of personal rights. It is an essential to the jurisdiction of the court and being a constitutional right of a party cannot be waived by him so as to preclude him from subsequently setting up want of jurisdiction in the court to try him. A party cannot waive a constitutional right when it's effect is to give the court jurisdiction.

Petitioner contends that the trial court in case No. 10-F2546-1 lacked jurisdiction to affirm the conviction and sentence, Pursuant to Renigar VS. U.S., 172 F.649 (C.C.A4 (VA) 1909.) The Fifth constitutional amendment in providing that "No Person shall be held to answer for a capitol or otherwise infamous crime unless on a presentment or indictments of a grand jury" intends not merely an indictment in for as in case No. 10-F2546-1 but a valid indictment found and presented according to the settled usage and established mode of procedure. To constitute a valid indictment for a famous crime in a state court. Pursuant to La.C.Cr.P. Art.383. An indictment **is a written** accusation of crimes made by a grand jury. It must be concurred in by not less than nine of the grand jury, **indorsed** "A True Bill" and the indorsement must be signed by the foreperson. All indictments shall be returned into open court in district court at that, this was not done in case No. 10-F2546-1. In Hopt vs. Utah, 110 U.S. 579, 4 Sup.Ct. 204-28 L.ed. 262, the court after holding that it was not within the power of the accused to dispense with certain statutory requirements says: the public has an interest in his life and liberty. Neither can be lawfully taken except in the mode Prescribed by law that which the law makes essential in Proceeding involving deprivation of life or liberty cannot be dispensed with or affected by the 'consent' of the accused to object to unathorized methods. Does a Paper Purporting to be an indictment upon which the Foreman has indorsed "A True Bill", but Forgot to sign it handed to the clerk, when the court is not in session, and when none of the grand jury except the Foreman are present, conform to those settled usage and modes of the La.C.Cr.P. Art. 383 which From the earliest days have governed the mode of the indictment? In section 696 in his treatise on criminal law Mr. Chitty states that when the indorsement "A True Bill" is made upon the bill, it becomes a Part of the indictment and renders it a complete accusation against the Prisoner, this must be understood with the qualification that the record Further shows the indictment to have been Publicly returned into open court as required by law. This recital is Positively essential to establish the identity of the indictment Found by grand jury which the defendant is arraigned. the omission to make the Proper entry of the return of the indictment can not be cured by the Production of a Paper

Purporting to be the indictment duly indorsed and signed by the Foreperson of the grand jury nor will this defect be cured by the Petitioner Pleading upon merits by a verdict of guilty. In Regina vs. Heane, 9 coke, C.C. 433 Cheif Justice cockburn:- says 658; "As regards the object that the motion to quash can not be made after plea pleaded, I think if it is made to appear clearly that there was no jurisdiction, we have power to quash the indictment at any stage, and even for matter not apparent on the face of the indictment brought to our notice by extraneous evidence upon affidavits pursuant to La. C. Cr. P. Art. 382, 383, 872. where the institution of the grand jury is preserved, nothing is more clear than that the established mode of procedure La. C. Cr. P. — Art. 383, is for grand jurors being present and answering to there names to reflect on the record. It follows that a paper purporting to be an indictment handed by the fore-man to the clerk when the clerk is not in session in the court room, and in this absence of the grand jury is no indictment. this is not a question of irregularity but of substantive law based upon the direct terms of the constitutional guarantly that no man shall be held to answer for an infamous offense except on an indictment by a grand jury. The indictment ---- and that means of course a valid indictment found and presented according to the settle usage and established mode of procedure of La.C.Cr.P. Art.383. Is a prerequisite to the jurisdiction of the court to try the person accused, an indespensable condition and requirement, the absence of which render the proceeding not simply voidable but absolutely void.

Petitioner Illegal sentence of 110 years requires to reverse conviction and sentence, everything was illegal in this case. Dismissal of prosecution after conviction. The trial court made reversible error when they tried petitioner on an "DEFECTIVE INDICTMENT" petitioner would like to mention that, the only way to amend a indictment filed, by a Grand Jury, the "District Attorney" must send it back to the grand jury for that amendment, but, in the state of Louisiana it is well known that a trial judge can order a indictment amended (only) before the "commencement" of a trial, see: State vs. Marcotte, sup. 1956, 229 La. 539, 86 So. 2d. 186. Therefore it must also be mentioned that, it must be done in "open court" to a lesser responsive verdict see: La. C. Cr. P. Art. 814. - Responsive verdict in particular - Title 26. Trial Procedures: As amended by Acts 1973:

"under these circumstances a motion to proceed on the reduced charge made in open court in the presence of the accused and entered on the minutes would have been sufficient to amend the indictment." Due too a matter of law, and the procedure thereof, the trial court must deal in the guidelines of the rules and regulation of the procedural due process clause, of the 5th Amendment; And the due process clause of the 14th Amendment; The trial courts failed to stay in line with it's own state law, in, State vs. Bourgeois, 158 La. 713, 104 So. 627. State vs. Kelly, 176 La. 405, 146 So. 6, 147 at Sol.

> "A motion in open court, in the presence of the accused and entered on the minutes prior to the beginning of the trial is sufficient."

WhereFore, Petitioner's "Indictment" was amended on (September 19th 2011) and his trial date was over a year later or 13 months later in (October of 2012). See: State vs. Gilmore, 332 So.2d 789 (La. 1976). "An oral amendment in open court of an indictment to charge a lesser responsive verdict, or included offense has been permitted". "Trial procedures and all trial proceedings must be placed on the trial transcripts, and all the court minutes by court reporter." No where in Petitioner's trial transcripts will the court find that the trial court properly amended Petitioner's indictment in open court to a lesser responsive verdict. (NOT TO MENTION THE "ACCUSED" WASN'T PRESENT FOR AMENDMENT.) The Louisiana Supreme Court has also stated in State vs. Lynch, 441 So.2d 732, 734 (La. 1983.) "Held that in any event of a decrepancy between the hearing minutes and the trial's transcripts prevail". The united state's supreme court has held in such cases as, United States vs. Cotton: That courts dealing with the "plain error test", should go by the following number of rules to due so on review:

"A court may correct an error not raised at trial if."

1.) It's an error.
2.) that is plain
3.) That effects substantial rights
4.) the error seriously affects the fairness, integrity or public reputation of judicial proceedings.

All state laws, where it is a "statute, Article, Code of Evidence, Childrens code, rules, regulation guidelines, or Provision, they must Properly be administrated by law, if not, a liberty interest is violated, and liberty interest are Fundal mental rights, that governed by the 5TH and 14TH Amendment, that's applicable to the state, by way of the due Process Clause." Making it "constitutional Law", and Petitioner's sole Purpose is to show that not only did trial court fail too Properly amend, they violated a "state-created liberty interest", As well violating 5TH and 14TH Amendments of the united states Constitutions, and federal courts only review united states constitutional violations. Another matter of law Pretaining to this case, is the fact that, trial courts committed reversible error when, they failed to maintain their jurisdiction over the subject matter. The most important aspect of any "criminal, or civil" Proceeding in law is, the Proper venue and jurisdiction. when a trial court improperly amends an indictment, to a lesser responsive verdict in open court, they not only have violated the Procedural due Process clause, but they have lost their jurisdiction. A trial court has to maintain it's jurisdiction at all fazes of a trial, if a trial court has lost it's jurisdiction, and the proceeding continue, and the defendant is convicted of a crime charged, that court has exceeded it's jurisdiction, and without it's jurisdiction, the trial courts actions is an absolute nullity. A courts departure from recognized and estabished requirements of law despite apparent adherence to procedural form, the effect of which is a deprivation of ones constitutional rights. If the trial court has made an error of this magnitude, it has lost it's jurisdiction if the courts has made an error of this kind, it's a constitutional one. Jurisdictional defects, discoverable as error patent on face of the record. Because subject matter jurisdiction involves a courts power to hear a case, it can never be forfeited or waived, and courts have a constitutionally bound duty to stay in compliance with the rules of the court, thus it must be mentioned that, even if the issue wasn't brought up, or raised at trial an error as error, it requires correction. Judge Thomas M. Cooley states in his writings and rulings in "A Treatise on the Constitutional Limitations", that: Jurisdiction in terms of authority of a

Court is of two <2> main types. The proceedings in any court are void if it wants jurisdiction of the case in which it has assumed to act. Jurisdiction is first, of the subject matter; And second, of the persons whose rights are to be passed upon. Both types of matters are required in criminal matters. To try a man for the commission of a crime, the trial court must have jurisdiction of both, the subject matter, and the person of the defendant. <u>21 American Jurisprudence</u>, "<u>Criminal law</u>." <u>§.388.P.</u>

It is elementary that the jurisdiction of the court over the subject matter of the action is the most critical aspect of the courts authority to act. without it the court lacks any power to proceed; Therefore a **defense based** on this lack cannot be waived. and may be asserted at anytime. Even if one fails to raise the issue of lack of subject matter jurisdiction at trial, he can still raise the issue upon Appeal. <u>Matters of Green, 313 S.E. 2d 193, 195</u> - <u><N.C. App. 1984></u>. No authority need to be cited for **the** proposition that, when a court lacks jurisdiction, any judgement rendered by it is void and unenforceable and without any force or effect what-so ever. <u>Hooker vs. Boles, 346 F.ed. 2d 285, 286 <1965></u> —

Honomichl vs. State, 333 N.W. 2d 797, 799 (S.D. 1983).

CLAIM-2
LAW AND ARGUMENT

In every aspect of Mr. Robinson Due Process Protections, Trial counsel failed to hold the state to adversarial process Mandated by the constitution of the united States and the state of Louisiana. Mr. Robinson offers the Following in support of his being denied proper assistance of counsel: LEGAL STANDARDS, as accused 6th-Amendment right to the assistance of counsel is one of the most fundamental components of our criminal justice system. Through legal representation, the defendant's other pretrial rights are secured. United States vs. Cronic, 466 U.S. 648, 104 S.Ct. 2039, 80 L.Ed. 2d 657 (1984). The right to counsel means the right to the effective assistance of counsel. McMann vs. Richardson, 397 U.S. 759, 90 S.Ct. 1441, 25 L.Ed. 2d 763 (1970).... The adversarial process protected by the 6th Amendment requires that the accused have "counsel acting in role of an advocate." (citation omitted). The right to the effective assistance of counsel is thus the right of the accused to require the prosecution's case to survive the crucible of meaningful adversarial testing. When a true adversarial criminal trial has been conducted - even if defense counsel may have made demonstrable errors - the kind of testing envisioned by the 6th Amendment has occurred. But if the process loses it's character as a confrontation between adversaries, the constitutional guarantee is violated. As Judge Wyzanske has written: "while a criminal trial is not a game in which the participants are expected to enter the ring with a near match in skills, neither is it a sacrifice of unarmed prisoners to gladiators". Cronic, 466 U.S. at 656-657. In the instance of Martinez vs. Ryan, 132 S.Ct. 1309, 182 L.Ed.2d 272 (2012). The court stated that "where as here, the initial-review collateral proceeding is the first designed proceeding for a prisoner to raise a claim of ineffective assistance of trial counsel, the collateral proceeding is in many ways the equivalent of a prisoner's direct appeal as to the ineffective assistance claim". This is because the state habeas court "looks to the merits of the claim of ineffective assistance no other court has addressed the claim, and 'defendant's pursuing first tier review.... are generally ill equipped to represent themselves' because they do not have a brief from counsel or an opinion of the court addressing their claim of error." Douglas vs. California, 372 U.S. 353, 357-58, 83 S.Ct. 814, 9 L.Ed. 2d 84 (1963). ANALYSIS; In the past instant case, the first question to be determined here is whether counsel's representation was so inadequate that it "entirely failed to subject the prosecution's case to a meaningful adversarial testing" thus, constituting a denial of Allen J. Robinson's 6th Amendment right without the necessity of finding specific prejudice. Cronic, 466 U.S. at 659. To this question, the answer is unequivocal and overwhelmingly, "Yes". In addition, the actions and inactions of counsel in this case were such that a "reasonable probability" exists that "but for counsel's unprofessional errors, the result of the proceedings would have been different." Strickland, 466 U.S. at 694. Thus, under both the Cronic and Strickland criteria Allen Robinson was denied the adversarial process and the right to a fair trial due to the ineffective assistance of his trial counsel. Ineffectiveness of counsel is clear if the attorney fails to investigate a plausible line of defense or interview available witnesses. In the instant matter, counsel did not so much as consult with his client to discuss a defense, "counsel's actions are usually based, quite properly.... on information supplied by the defendant. In particular, what investigation decisions are reasonable depends critically on such information." Strickland, 104 S.Ct. At 2066. "Effective counsel includes familiarity of counsel with case and an opportunity to investigate it if necessary in order to meaningfully advise the accused of his options." Windom vs. Cook, 423 F.2d 721 at 721 <5th cir. 1970>, quoting from Calloway vs. Powell, 392 F.2d 886 <5th cir. 1968>. Counsel "simply failed to make the effort to investigate, therefore did not choose, strategically or otherwise, to pursue one line of defense over another, instead, simply abdicated his responsibility to advocate his client's cause." Nealy vs. Cabana, 764 F.2d 1173, 1178 <5th cir. 1985>.

Petitioner did not "TESTIFY" when he strongly desired to do so and let the truth be told of what really happened on October 1st 2010. Trial counsel lied to his client about a plea deal. Petitioner agreed to take the deal because the kidnapping was never a charge From start plus that was the main reason Mr. - Robinson was going to take the stand and testify to prove his innoncence of that along with the unfaithfullness of Ms. Freeman. trial counsel lied all the while to get his client to not take the stand and tell his side to the court, when he really wanted to, instead he got violated his rights. see: State vs. Hampton, 818 So.2d 720, 2000-0522 La. <3-22-2002>. writ granted; United States vs. Teague, 953 F.2d 1525, 1531 - <11th cir. 1992>. Reverse and remanded; Faretta vs. California, 422 - U.S. 806, 819, 95 S.Ct. 2525, 45 L.ed.2d 562 <1975>. vacated and remanded. A careful examination of the trial court records reveals that the state prosecutors used before the jury parts of the initial statements that Petitioner gave to arresting **officers** and detectives and this should show full support to this claim and why he strongly wanted to testify. See: Ex. D-2; Rec Pgs. 440, 441 / Ex. D-3; Rec. Pgs. 48 thru 61 / Ex. D-5 - Rec. Pgs. 1341 thru 1349 / Ex. D-6; Rec. Pgs. 1350 thru 1353. The statement of facts as revealed by Petitioner to the arresting officers and detectives of Ouachita Parish is made clear that Petitioner was over-charged with kidnap, the Petitioner took off to go get help for the victim also Petitioner took victim to hospital to get proper medical treatment. Trial counsel was clearly misleading Petitioner not to take the stand and testify and bring his statement up to the jury. Kidnapping however was no where in Petitioner's actions nor his mind. Therefore, your Petitioner had every reason to testify in his own defense, in his own behalf, and trial counsel was clearly in error for advising and preventing him from presenting his testimony to simply tell the honest truth, and was no indication that he wanted to perjure himself in any way, counsel for defense usurped Petitioner decision-making power. Petitioner right to testify on his own behalf is a necessary corollary of his <u>6th Amendment</u> right to compulsory process, the most important witness is the Petitioner. Petitioner was prevented from testifying after unequivocally expressing his desire to do so. Petitioner has been denied a fundamental right and suffers ditrimental prejudice by ineffective assistance of his counsel as he convinced Petitioner not to testify. Petitioner repeatedly requested to counsel that he wanted to testify and ended up violating Petitioner's constitutional rights.

Petitioner herein seeks to compel this honorable court to take proper judicial corrective action of this matter in the interest of justice. In the matter at bar Petitioner alleges that due to extreme error(s), Prejudices, due Process violation and total "ABUSE" of discretion by this court of ouachita Parish, State of Louisiana, in the above title Proceedings Petitioner has been denied his basic right (s) to a fair and impartial trial and essential Pre-Trial disturbance on matter of cause herein and he did not have HIS DAY in court, due to a Ineffective assistance of his trial counsel and had a unfair Trial. The standard for determining whether Petitioner was denied effective assistance of counsel is articulated in Strickland vs. Washington, 466 U.S. 668-(1984). The Strickland test require the demonstration that counsel's performance was deficient and that the deficient Performance prejudice the client. Id At 687. It was most recently reaffirmed by the supreme court in wiggins vs. smith, 539 U.S.-510 (2003). To establish deficient performance, appealate must demonstrate that counsel's representation "fell below an objective standard or reasonableness". 466 U.S. at 688. To establish prejudice, a "defendant must show that there is a reasonable probability for counsels unprofessional error", the result of the proceedings would have been **different**. Id. At 694. In Rompilla vs. Beard, 545 U.S. 374 (2005), the supreme court of the united states reaffirmed it's earlier holding in wiggin vs. smith supra. The Rompilla court specifically found that defense counsel has a duty to conduct a proper investigation, in the case of petitioner that did not happen. As in wiggins, 123 S.Ct. 2545-2546, delineated a proper investigation constitutes ineffective assistance of counsel when it was a failure to do so. See: united states vs. Scott, 24 M.J. 186 (1987). Defense counsel must engage in a reasonable amount of pretrial investigation and at a minimum....... Nealy vs. Cabana, 764 F.2d. 1173, 1177 (5TH cir 1985). Petitioner defense counsel did not do any of the instance. Adequate investigation is for effective assistance of counsel. Rummel vs. Estelle, 590 F.2d. 103 (5TH cir 1979). It is a duty by trial counsel that he is ethically bound to follow a competent client's decision regarding the defense of his case, **See:** Tafero, 791 F.2d. At 1320. Petitioner Protest that trial counsel at Pre-trial and trial error's by not doing the Following; Petitioner Protest that counsel Failed to allow Petitioner requested to Plea Not guilty by reason of insanity at time of the offense for trial on the matters of cause. Petitioner Protest that counsel Failed to object to a crucial "Blood-Issue" that was brought out at trial by expert testifying to a <3RD Person blood DNA that was Present> and never was submitted into evidence on matter of cause. <EX. D-9; Rec. PGS. 1312-Thru 1326>. Petitioner Protest that trial counsel Failed to object to Prosecutor of the state using two Police officers to testify about a state-ment From Petitioner related to the offense and said D.A. had a notice of intent to use defendant statement that never got brought up at trial to the jury. (EX. D-2; Rec. PGS.-440, 441; EX. D-3; Rec. PGS. 48 thru 61; EX. D-5, D-6; Rec. PGS. 1341-1353.) Petitioner Protest that his trial counsel did not object to state Prosecutor using two Faulty, invalid illegal Indictments causing double jeopardy.

Indictments never got thrown out in open court, neither signed by the grand jury foreperson. <EX. D-1, D-1A; Rec. PGS. 9, 393, 394; 482, 483.> The special value of the right to counsel is the right to effective assistance of counsel. McMann vs. Richardson, 90 S.Ct. 1441 <1970>. A serious risk of error infects the effect of the trial itself, Cuyler vs. Sullivan, Supra. The Pre-Trial investigation principally because it proves basis upon which most of defense must rest is perhaps the most critical stage of an attorney preparation. Von Moltke vs. Gillies, 68 S.Ct. 316, 322-23; Davis vs. Alabama, 596 F.2d. 1214 <5th cir. 1979.> Notice it is not a requirement that the evidence be helpful to defense just the probability that it "may" be helpful proves counsel ineffective for not investigating. Counsel for the defendant clearly has a duty to familiarize himself with the discovery materials provided by the State, Williams vs. Washington, 59. F.3d. 673 <7th cir. 1995>. And counsel may not sit by thinking investigation would be "Fruitless". Powell vs. Alabama, 53. S.Ct. 55. Petitioner has shown without a doubt counsel's failures to work to his prejudice and absent said error's/Failures that exist a reasonable Probability of a different out come especially if Petitioner would of testified. As stated by the New York court of appeal in People vs. Savides;- 1 NY, 2d. 554, 557, 154 NY, S. 2d. 885, 887, 136 N.E. 2d. 853, 854, 855. A case very similar to Petitioner, this conviction was obtained through these conditions. It is the duty of this Court to make it's own independant examination of the record when Federal constitution deprivation are alleged is clear, resting as it does on our solemn responsibility for maintaining the constitution inviolate. Martin vs. Hunter <U.S.> Wheat, 304, 4 L.2d. 578 S.Ct. 1401. The Principal was well stated in Nie Motko vs. Maryland, 340 U.S. 268-271, 95 L.ed. 267, 71 S.Ct. 325, 328. Accordingly, Petitioner conviction was obtained through false testimony by D.A. misleading victim to lie on witness stand. (Ex. D-7, D-8; Rec. Pgs. 1361 Thru-1406.) The Prosecutor secured their case and violated due Process of law requiring automatic reversal. In Napue vs. - Illinois, 360 U.S. 264, 269, 79 S.Ct. 1173. The Supreme Court

Judge noted; it is of no consequence that the falsehood bore upon the witness's credibility, rather than directly upon a defendant's guilt, a lie is a lie no matter what is the subject. Agurs, 427 U.S. at 103, 96 S.Ct. at 2397. This sort of capitalization misleading testimony by the state to the jury clearly runs a foul of Napue and Giglio; see: U.S. vs. San-Fillippo, 564 F.2d. 176, 179 <5th cir 1977>. If this court may please look at <EX. D-4>, this will show that Petitioner wrote up counsel to the Disciplinary Board of Louisiana Bar Associations right after trial to let them know that retained / state PD was ineffective seriously, and unfairness that stem from blatently incompetent counsel. Fitzgerald vs. Estelle, 505 F.2d-1334 <5th cir. 1974>.

CLAIM(S) A, B, C
TO SUPPORT
CLAIM - 2

LAW AND ARGUMENT

(A.) The Petitioner argue that he suffered ineffective assistance of counsel during the initial stage. The counsel was ineffective on several fronts: where counsel for Petitioner waived an arraignment and bill of particulars, Forfeiting chance to observe if the state is charging his client statutorily and constitutionally correct, where the state optioned to charge offense through grand jury.... This was omission that prejudiced 6th Amendment, and could not be observed as best interest of client's strategy by trial counsel nor harmless error. Anders vs. California, 87 S.Ct. 1896-1396, 386, U.S. 738 (U.S.)-1967. The omission complained of here is that counsel waived Pre-Trial Procedure of arraignment and bill of Particulars, forfeiting best interest of client's life and liberty. State vs. Duhon, 674 So.2d 944, 95-2724 (La. 5-21-96.) The Petitioner argue that this is simply not the way the adversarial Process works in interest of due Process. Especially in cases like this where state optioned to charge offense through grand jury that does not carry life in Prison. Counsel failed in waiving opportunity to check and challenge if the state is charging his client statutorily and constitutionally correct. <u>Gerstein vs. Pugh, 420 U.S. 103, 123-124 (1975)</u> while in any sheriff's custody all detainees have due process right to be informed (via) through certified priority mail of Bill of Indictments that pose substantive liberty concerns. Counsel forfeited all mechanisms of opportunities to quash these indictments that has subjected the aggrieved Petitioner to basically life imprisonment needlessly there can be no amendment that would allow the state to correct defaulted pre-trial procedure and petitioner should be granted relief. <u>U.S.C.A.-Const.-Amends. 6th and 14th.</u> Best interest in life or liberty required not only as constitutions rights but also required through ABA mode code of Professional responsibility, canon 7-1 compendium of rules and standards (2008) that state in pertinent part:

Petitioner's indictments could have been quashed and Petitioner could have recieved far less time than current sentence of 110-years. The Petitioner assert that his "extraordinary sentence" was a direct result of counsel's omissions of investigating all possible Extenuating and mitigating circumstances; Strickland vs. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.ed. 2d 674 (1984). U.S.C.A.-Const. Amends. 6th And 14th, LA. Const. of 1974 Art. 1 §15. The Petitioner assert the court emphasize under its precedent once the adversary judicial process has been initiated, the 6th Amendment guarantees a defendant the right to have counsel present at all critical stages of the criminal proceeding. United States vs. Massiah, 377 U.S. 201, 204, 205, 84 S.Ct. 1199, 12 L.ed. 2d 246 (1964). In the light of this holding, Petitioner respectfully re-assert there was two different custodial interrogations involved here once at hospital by arresting officers of the city police, and once by the Ouachita Parish Sheriff's department. The Petitioner argue counsel was defected in omission of investigation to did agents of the state have proper jurisdiction to interrogate pursuant to client miranda rights.

Harvey, supra at 350; 110 S.Ct. 1176. In this country once a citizen is taken into custody, You have a right to have counsel present during custodial interrogation is a automatic. McNeil vs. Wisconsin, 501 U.S. 171, 177, 111 S.Ct. 2204, 115 L.ed.2d 158 (1991). As to client was in custody of two different agencies of the state and interrogated. counsel should have moved to dismiss charges pursuant to the prophylastic rules.... Texas vs. Cobb, 532 U.S. 162, 175, 121 S.Ct. 1335, 149 L.Ed.2d 321 (2001). Post assertion statements are to be involuntary even where suspect executes a signed waiver. Harvey, supra, at 350, 110 S.Ct. 1176. Petitioner emphasize there is no signed waiver in this case from either agency and under Minnick, 498 U.S. at 161, 111 S.Ct. 486. Prophylastic protection rule of the Miranda Edwards Minnicks rights and no subsequent interrogation may take place until counsel is present whether or not the accused has consulted with his attorney. 498 U.S. at 153, 111 S.Ct. 486. The United States Supreme Court holds against court's acceptance of good faith offerings and predicate inquiry is needed especially in this case where either agencies cannot produce a waiver signed by Petitioner: Miranda vs. Arizona, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d. 694. U.S.C.A. Const Amends. 5th And 6th.

CLAIM 2-<B> / Provide effective assistance at trial when counsel ceasted his obligated adversial process against the state's case in allowing the state to prejudice his client with double jeopardy standards as to Petitioner was not charged with a capitol or infamous crime warranting that his case constitutionally or statutorily appear before a grand jury. LSA-const. Art. 1. Sec. 15; La. C.Cr.P. Arts. 382, 920-(2), U.S.C.A. Const. Amends. 6TH, 14TH. The accused in custody of the sheriff department shall be served a certified copy of the indictment through priority mail for the face of record. Jurisdiction was essential to the district court and being a constitutional right of the Petitioner and without proper procedure. U.S. vs. crain, 162 U.S. 625, 16, 952, 40 L.ed.-1097. Trial counsel should have challenged the indictments with motion to quash and motion for bill of particulars as to indictments fell to pass clearly with no elements **Purtaining** to a charge of second degree kidnapping. (EX: D-1; Rec. PGS. 9, 393, 394.) This caused double jeopardy and should have dismissal of all indictments after conviction, pursuant-to La.C.Cr.P. Art.692 (2). The double jeopardy clause of the 5TH Amendment thru the 14TH Amendment. North Carolina vs. Pearce, 395 U.S. 711, 717, 89 S.Ct. 2072, 2076, 23 L.ed.2d. 656 (1969).

CLAIM-2 (C) / Trial counsel failed to provide effective assistance of counsel when counsel ceasted his obligated adversarial process against the states case in allowing discrimination in jury selection. LSA-C.Cr.P. Art.843; U.S.C.A.- Constitution Amendments. 6TH, 14TH. The right to jury trial guarantees to the criminally accused a fair trial by a panel of impartial, "indifferent" jurors. "The theory of the law is that a juror who has formed an opinion cannot be impartial". Reynolds vs. United States, 98 U.S. 145, 155, 25 L.ed. 244. At Petitioner trial prosecution used their challenges in an unconstitutional way striking all african american jurors on panel except one also D.A. was a friend with juror #136. Rec. Pg. 1066- #22 thru 27, also (EX: D-10.) Equal Protection of discrimination castaneda Test - Castaneda vs. Partido, 430 U.S. 482, 494 (1977).

CLAIM-3, LAW AND ARGUMENT

Prosecutorial Misconduct: Petitioner asserts his conviction and sentence are in a major violation of his 5TH, 6TH and 8TH Amendment rights under the united states constitution and toward these ends the united states supreme court has several core principles and duties concerning suppression of facts favorable to a defendant. 8.4 (C); United States vs. Bagley, 473 U.S. 667, 676, 105 S.Ct. 3375, 87- L.ed.2d 481 (1985). In the light of brady doctrine have uniformly condemed the prosecution's deliberate presentation of facts that create a false impression. United States vs. Berger, 295 U.S. 78, 88 Prosecutors deliberately mislead the jury about (DNA) Blood samples that did not belong to victim or Mr. Robinson, and it was the male that the victim had in Petitioner house. (EX: D-9; Rec. Pgs. 1312- Thru 1326). Prosecutors also mislead jury into believing the victim injuries was worser than the original medical report by adding 30% making it 70% when the medical reports only say 40% <Ex: D-11; Rec.Pg:371>.

CLAIM-4 LAW AND ARGUMENT

The united states supreme court in, Martinez vs. Ryan, 566 u.s. 1, 132 S.Ct. 1309, 182 L.ed. 2d 272 (2012). Held that Inadequate assistance of counsel at initial review Collateral Proceedings may establish cause for a Person in Prison For Procedural default of a claim of ineffective assistance of counsel at trial. The court modified the coleman vs. Thompson standard. In a recent ruling, the united states supreme court addressed the standard for overcoming procedurally defaulted ineffective assistance of counsel claims.

CLAIM-5 LAW AND ARGUMENT

Petitioner was sentenced to 110 years at hard labor without any kind of benefits, Mr. Robinson had no Prior Felony convictions and the trial court imposed a constitutionally excessive sentence. Petitioner received the maximum sentence on both counts by way of multi-Build enhancement which is illegal because he was only suppose to get multi-Build on one charge not both. See: (Supplement Brief). The 8th Amendment to the constitution of the united states Provides that no law shall be in subject to any Person to a excessive Punishment and Keeping in mind that the maximum sentences should be reversed for the Petitioner background and conduct. The circumstances result in the conclusion that this illegal sentence of 110 years is constitutionally excessive in this case. Weems vs. United States, 30 S.Ct. 544.

CLAIM-6 LAW AND ARGUMENT

The evidence presented was insufficient to support the verdict of second degree Kidnapping. The 5th Amendment of the u.s. constitution Provides that no Person shall be "deprived of life, liberty, or Property without due Process law". The 14th Amendment imposes the same due Process requirement on the states. Implicit in due Process clause is the Protection of an accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged. Jackson vs. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.ed. 2d 560 (1979). Mr. Robinson was convicted of second degree kidnapping, under the circumstance of this case, it's requested that the court evaluate the indictments that does not show any elements to a charge of second degree kidnapping. (EX: D-1; Rec. PGS. 9, 393, 394.) It was not sufficient to sustain the conviction. when a conviction is reversed for insufficient of evidence, the double jeopardy provision of Article 1, Sec. 15. of the Louisiana constitution and the 5TH And 14TH Amendments to the united states constitution prohibit a retrial of the defendant. Burks vs. United States, 437 U.S. 1, 98 S.Ct. 2141, 57 L.ed. 2d 1 (1978). the records reflect and illustrate that no taking of a human being ever happened, victim was taken to the hospital by petitioner and Tonia to get proper medical treatment. while at hospital petitioner did not run or try to leave the victim after the incident occured Petitioner asserts that upon his return home from working out of state on communication net work Tower sites he found his spouse and a unknown man that he never seen in his home commiting gross sex acts. whereas, Petitioner confronted the man with an attack, that lead to the man getting away out of the home, then and only then Petitioner and his spouse got into a assault, blood was already on the floor and walls from the man petitioner attack also that was the (DNA) Blood samples that the csi forensic found but the prosecutor withheld the evidence from the jury and not once was it brought up for evidence or review at trial along with Petitioner's statement he gave to detectives about the truth that took place in his home. (EX: D-3; Rec. PGS. 48-61; EX: D-9; Rec. PGS. 1312 thru 1326.) I could never in a million years see by any means where the "elements" of this case could match a kidnapping charge; IF You look at (EX: D-1; Rec. PGS. 9, 393, 394.) the second degree kidnapping is not even a charge of a crime on the invalid and illegal defective indictments, there is no element of a crime like count 1. How can a man get 110 years for having a domestic violence charge turn into a second degree kidnapping in their own home. After the altercation with the victim Petitioner left his residence to get medical supplies from a drug store and returned even though he knew the hospital was the only choice for proper medical treatment he and tonia took victim, "the place where he knew he would get arrested". Also Petitioner co-operated with Authorities, and told them they had a domestic dispute. Then he recieved 15 years for Aggravated second degree battery plus he was multi-buil'd illegally and given 110 years. (See:- supplement attach at end of writ and exhibits.) "A manslaughter" charge in the state of Louisiana is 40 years Max. The victim is still alive and well and the incident derived from the (Love of sudden heat of passion), this Petitioner wasn't railroaded - he was - AMTRAK; I state that, to state this, the 4TH JDC Trial Court did-not stay in any of the guidelines of law. When Petitioner "Allen Jamel Robinson" was brought up for trial, he was guilty before the jury was selected! For trial courts error, of not allowing the elements of the charge to match there trial preparation, and IF You look at the indictments there is not no element of a charge of second degree kidnapping. So I can state if not at any time did trial counsel for defense do any investigation for trial. By no means is Petitioner suppose to ever be charged with "second degree kidnapping". Counsel performance fell far below that of a professional practitioner of the law he was beyond ineffective which is one of the reasons the supplement was added too support the ineffective assistance counsel claim. one man received 40 years for a "manslaughter" charge the killing of his wife and that's the max you can receive, and that out of "love and passion". while Petitioner does the total opposite, A domestic dispute and he received 110 years, in this case. Justice can't be and aint blind, it's dead! And they have the audacity to say that the ineffective assistance of counsel claims should be dismissed, Petitioner filed on his counsel to the Louisiana Bar Association because he knew his retained / state counsel as well was ineffective. <see: EX: D-4> The victim is at home living well and Mr. Robinson is in Louisiana State Prison with a illegal 110 year sentence for a domestic dispute when he had a good well providing job to take care of his household.

REASONS FOR GRANTING THE PETITION

Petitioner's writ of certiorari should be granted for the following reasons:

There has been a state court adjudication of all the issues presented in this petition;

The issues in question involve Federal LAW;

The issues were adjudicated in formal state court proceedings;

The adjudication resulted in a decision that was contrary to clearly established Federal law under the 4TH, 6TH, and 14TH Amendments to the united States Constitution. As discussed below on the following merits this case has major constitutional errors from state and the united states and should be reviewed to the up most fullest.

Petitioner has made the best effort to get this case examined and looked at correctly, these issues are major constitutional violation that the courts have been denying and they have violated every constitutional right there is possible in the books, specially the illegal enhancement multi-build.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Alan Jamal Robinson

Date: 7-13-2018