

ORIGINAL

No. 18-7412

FILED  
DEC 28 2018

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Keith Ray Kennedy — PETITIONER  
(Your Name)

vs.

State of Louisiana — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Keith Ray Kennedy  
(Your Name)

1630 Prison Rd.  
(Address)

Cottonport, LA. 71327  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

QUESTION(S) PRESENTED

- 1.) Why did Judge Carl Sharp forced defendant into guilty plea?
- 2.) Did Attorney Charles Kincaide abandoned his client when Judge Sharp told him what to say to me?
- 3.) Is "shall" still mandatory language? If so, why was defendant denied Due Process of law?
- 4.) Is around 20 minutes of talk with my Attorney (The day before trial) consider effective assistance of counsel?

## 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:

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Boykins v. Alabama 295 U.S. 238, 23 <i>h.e.c.d</i> 2d 274, 89 <i>S.Ct.</i> 1709 (1969)	3

Machibroda v. U.S. 368 U.S. 487, 7 <i>h.e.c.d</i> 2d 473, 82 <i>S.Ct.</i> 510 (1962)	3
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### STATUTES AND RULES

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OTHER United States Constitution Bill of Rights Amendments: 1, 5, 6, 8, 13, 14	3 and 6
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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 \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

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

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

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

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the 1st circuit court of appeal court appears at Appendix B to the petition and is

reported at #2017 cw 1627, # 662252; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

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

No petition for rehearing was timely filed in my case.

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

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

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

For cases from **state courts**:

The date on which the highest state court decided my case was Dec. 17, 2018.  
A copy of that decision appears at Appendix A.

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

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

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Boykins v. Alabama: 295 U.S. 238, 23 hed.  
2d 274, 89 S.Ct 1709 (1969)

a plea of guilty shall not be accepted unless made voluntarily after proper advice and full understanding of the consequence of said plea.

Machibroda v. U.S.; 368 U.S. 487, 7 L.Ed.2d 473, 82 S.Ct. 510 (1962)

a plea of guilty, if induced by "promises" or threats, which deprive it of the character of a voluntary act "is void and open to collateral attack".

United States Constitution  
Bill of Rights

Amendments: # 5, 6, 8, 13, 14... and 1st

## STATEMENT OF THE CASE

ON nov. 8, 2004, I was taken to Court in what I was led to believe was to start my trial; but in fact it was to force a guilty plea by whatever means the Court saw fit to do.

Such tactics were to get my lawyer to tell me what Judge Sharp wanted. I was told by my lawyer that a Jury was ready to try this case and was waiting in another room.

I feel like the Judge exceeded his power in forcing a guilty plea.

The proof is written in trial transcripts, see Exhibit A nov. 8, 2004 transcript.

Every thing that I have put in counts have been denied on time barred.

I followed the Rules of Louisiana Criminal Code of Procedure Title IX Habeas Corpus.

Habeas Corpus is basically a test to see if a person personal freedom is being violated according to laws of both federal and states constitutions.

Louisiana state counts want to call my Habeas Corpus a post conviction. I have already done a post conviction and was denied Relief from it.

Attorney Charles Kiwade could have done a lot of things to defend me, but never did. Being abandoned at a very critical stage was not cool. a few motions should have been filed to test the evidence in this case.

The word shall is used in many Rules and Laws at both the federal and state levels.

The 4th Judicial Court went out of its way and violated many of its own state Rules and laws, as well as federal law.

## REASONS FOR GRANTING THE PETITION

a state court has decided an important federal question in a way that conflicts with relevant decisions of this court.

The 4th Judicial Court on Nov. 8, 2004 didn't follow any United States Constitutional laws or for that matter didn't even follow their own laws on Rules.

My Attorney abandoned me when I needed him the most.

I wasn't to have a fair trial or given a chance to a fair guilty plea.

I ask and pray that this court of my last resort, Review my petition, state Habeas Corpus and Exhibits A + B in the enclosed packet.

Constitution of The United States  
The Bill of Rights

- #1 To petition the Government for a Redress of Grievances
- #14 All persons born... nor shall any state deprive any person of life, liberty, or property, without due process of law....
- #6 In all criminal prosecutions, the accused shall enjoy... by an impartial jury of the State... and to have the assistance of counsel for his defense
- #5 ... nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property without due process of law.

#13 neither slavery nor involuntary servitude...  
whereof the party shall have been duly convicted,  
shall exist within the United States.

when one is broken, others will follow them  
leading to the #8 Amendment.

I just asking for a fair shake, nothing more.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kirk B. Kennedy

Date: Dec. 27, 2018