

No. 18-8135

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

FEB 05 2019

OFFICE OF THE CLERK

JERRY LEE WILLIAMS JR. —PETITIONER
(Your Name)

vs.

Jerry E. Smith "et al." —RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

JERRY L. WILLIAMS #523820
(Your Name)

Louisiana State Penitentiary
(Address)

Angola LA. 70712
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Was the clerk of court in error for not applying with LSA-R.S. 13:1885(A) and LSA-C.Cr. P. art. 843?
2. Whether the clerk of court in error for not adequately sending Mr. Jerry Williams a copy of the ruling within (30) days under L.C.Cr. P. 930.1?
3. Whether Mr. Williams should be afforded a new Full trial recorded ruling in the interest of justice LSA-Const. Art. 7 § 10. LSA-Const. 1974, art. 5 § 5 (D)(2): LSA-C.Cr. P. Art. 843. (State v. Ford, 338 So. 2d 107, (La. 1976))

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:

SMITH, HIGGINSON and DUNCAN circuit Judges
PER CURIAM:

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	2
STATEMENT OF THE CASE.....	3
REASONS FOR GRANTING THE WRIT.....	4
CONCLUSION.....	5

INDEX TO APPENDICES

APPENDIX A.....	<i>United States 5th Circuit Court of Appeals</i>
APPENDIX B.....	<i>United States Western District Court</i>
APPENDIX C.....	<i>United States magistrate Judge</i>
APPENDIX D.....	<i>Petition for rehearing</i>
APPENDIX E.....	
APPENDIX F.....	

TABLE OF AUTHORITIES CITED

PAGE NUMBER

CASES

State v. Ford, 338 So. 2d 107, (La. 1976)

STATUTES AND RULES

LSA-R.S. 13:1885(A)

ii

LSA-C. Cr. P. art 843

ii

L.C. Cr. P. art. 930.1

ii

Const. Art. 7 § 10

ii

LSA-Const. art. 5 § 5 (1) (2)

ii

U.S.C. 2254(d)(1)(2)

2

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at Fifth Circuit; 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 _____ 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 December 17, 2018

☐ 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: January 10, 2019, and a copy of the order denying rehearing appears at Appendix B.

☐ An extension of time to file the petition for 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

☐ An extension of time to file the petition for a writ of certiorari was granted to any including _____ (date) on _____ (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The ~~Sixth~~ Amendment to the U.S. Constitution provides in pertinent part as follows.... to have the assistance of counsel for his defense. The right to a fair and impartial jury. The 14th Amendment to United States Constitution provides in part as follows... nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of law....

The State courts and lower courts opinions have resulted in a decision that was contrary to, or involved an unreasonable application of clearly established federal law, as determined by the Supreme Court of the United States, or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the state court proceedings. U.S.C. § 2254(d)(1)(2).

STATEMENT OF THE CASE

Mr. Jerry L. Williams was indicted by a Caddo Parish Grand Jury Nov. 15, 2005 for first degree murder (LSA R.S. 14:30) of Alonzo Mims and the attempt first degree murder (LSA-R.S. 14(27)30) of Sarah Mims. On May 4, 2006 the indictment was amended to lesser offense(s) (LSA-R.S. 14:30.1) second degree and (LSA-R.S. 14:27)30.1) attempt second degree respectively. March 19, 2007 through March 23, 2007 a jury trial commenced in the 1st JDC section "4" where petitioner was found guilty as charged on both counts. Petitioner was subsequently sentenced on May 15, 2007 to life and (37) years. Appeals were timely sought.

Furthermore; petitioner was Granted an evidentiary-hearing under newly discovered and actual innocence.

The Trial court denied Petition on May 1st 2013.

Meanwhile; while pursuing appeals the trial court neglected its duty to provide Petitioner with copy of judgment May 1, 2013.

REASONS FOR GRANTED THE PETITION

There can be no appeal without a ruling from the prior denial. Petitioner has had no other way to substantiate his issues properly without a copy of judgment. The La.C.Cr.P. Art. 930.1 gives (30) days from the date of the original ruling to appeal to the next court.

Furthermore; the lower courts opinions have resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established federal law, as determined by the Supreme Court of the U.S., or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented. The lower courts has caused material injustice significantly affecting the public interest to administer criminal punishment in strict conformity to the Constitution. Significantly, petitioner argues that his Due Process of Law was procedurally and Constitutionally violated without ruling.

CONCLUSION / PRAYER

WHEREFORE, considering the arguments, facts, evidence and jurisprudence included herein, PETITIONER PRAYS that this Honorable U.S. Supreme Court overturn his conviction and sentence and/or, the lower courts U.S. Fifth Circuit Court of Appeals decision and provide just, necessary, adequately relief it deems fit under the circumstances.

WHEREFORE, the lower courts failure to comply has so far resulted in a manifest injustice.

In addition; considering the magnitude of the Trial court errors, and following courts, this Honorable Should Grant Writ of Certiorari in the Interest of Justice to have his case revisited.

Respectfully submitted,
Joseph W. Morris

Date: 2-5-2019