

18-9571 ORIGINAL

FILED
MAR 03 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Willie Carl Jones Jr — PETITIONER
(Your Name)

vs.

Darrel Vannoy, Warden
Louisiana State Penitentiary — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Fifth Circuit Court of Appeals (Judge Oldham)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Willie Carl Jones Jr # 357531
(Your Name)

Elayn Hunt Correctional Center
P.O. Box 174
(Address)

St. Gabriel, Louisiana 70776
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) WHETHER The Denial Of Petitioner Motion To Suppress Bullets Conflicts with relevant decisions of this Court in violation of Petitioner Fourteenth Amendment Right To Due Process? Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684 (19)
- 2.) WHETHER Petitioner Sixth and Fourteenth Amendment Constitutional Rights were violated when jurors were influenced by external sources, or 2) when an inquiry into the external influences on the jury should have been conducted? Remmer v. United States, 347 U.S. 227 (1954)
- 3.) WHETHER Petitioner Fourteenth Amendment Constitutional Right To Due Process was violated when there was insufficient evidence to prove that petitioner was guilty beyond a reasonable doubt of the offense of second degree murder of Mark Lioy? see In re Winship, 397 U.S. 358 364 (1970)
- 4.) WHETHER Petitioner Fourteenth Amendment Constitutional Right To Due Process was violated when there was insufficient evidence to prove that petitioner was guilty beyond a reasonable doubt of the offense of second degree murder of Amy Foster
- 5.)
 - A) WHETHER Petitioner Fourteenth Amendment Constitutional Right To Due Process was violated when State Prosecutor's committed misconduct soliciting false/perjured testimony from State witness Amber Thorn In conflict with relevant decisions of this Court in Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173 (1959)
 - B) WHETHER Petitioner Fourteenth Amendment Constitutional Right To Due Process was violated when State Prosecutor's committed misconduct by failing to correct false testimony from state witness detective Brian Griffith. In conflict with relevant decisions of this court in Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173 (1959)

CONT.

ADDITIONAL
QUESTIONS PRESENTED FOR REVIEW

C.) WHETHER Petitioner Fourteenth Amendment Constitutional Right To Due Process And Sixth Amendment Constitutional Right To Equal Protection of the Law And The Confrontation Clause Was Violated When State Prosecutor's Conspired To Deter State Witnesses From Attending and Testifying At Petitioner Trial In An Effort To Save The Parish Of Bossier Time And Money, see Chambers V. Mississippi, 410 U.S. 284, 93 S.Ct. 1039 (U.S. Miss. 1973)

6.A) WHETHER Petitioner Trial Attorney's Denied Petitioner His Sixth Amendment Right To Effective Assistance Of Counsel by failing to file pre-trial motions to quash petitioner invalid indictments. Strickland V. Washington, 466 U.S. 668 104 S.Ct. at 2069 (1984)

B.) WHETHER Petitioner Trial Attorney's Denied Petitioner His Sixth Amendment Right To Effective Assistance Of Counsel by failing to Ask The Trial Court For An Continuance. Strickland V. Washington, 466 U.S. 668, 104 S.Ct. at 2069 (1984)

C.) WHETHER Petitioner Trial Attorneys Denied Petitioner His Sixth Amendment Right To Effective Assistance Of Counsel by Conspiring To Deprive Petitioner The Equal Protection of the Law Under the Sixth Amendment and Fourteenth Amendment Due Process Right.

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:

*United States Fifth Circuit Court Of Appeal
600 S. Maestri Place
New Orleans, Louisiana, 70130*

*John M. Lawrence
Assistant District Attorney
P.O. Box 69
Benton, Louisiana, 71006*

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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 No. 17-30861; 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 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 Louisiana State Second Circuit Appeal court appears at Appendix D to the petition and is

reported at State V. Jones, 81 So.3d 236; 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 December 7, 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: _____, 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 October 24, 2014. 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).

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OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONST. 4th Amendment

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.

U.S. CONST. 6th Amendment

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses ~~against him~~, in his favor, and to have the Assistance of Counsel for his defence.

U.S. CONST. 14th Amendment 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 deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

On March 25, 2009 petitioner Willie Carl Jones, Jr. was arrested and charged with the first degree murder of Mark A. Lioy in violation of La. R.S. 14:30(A). Charging that on or between March 19, 2009 and March 21, 2009 Petitioner robbed, murdered and transported Mr Mark A. Lioy and dumped his body in a rural cemetery road. Then murdered Amy Foster in violation of La. R.S. 14:30.1 between March 22nd, 2009 and March 23rd, 2009.

On August 3, 2010, the state amended the indictment, charging petitioner with second degree murder for the death of Mark A. Lioy in that, when petitioner killed Mr. Lioy 1) he had the specific intent to kill and inflict great bodily harm; or 2) he was engaged in the perpetration or the attempt perpetration of the armed robbery of Mr. Lioy, in violation of La. R.S. 14:30.1(A)(1)(2). And charged petitioner with second degree murder for the death of Amy Foster alleging that petitioner had the specific intent to kill and inflict great bodily harm to Amy Foster in violation of La. R.S. 14:30.1. On August 3, 2010 and September 14, 2010 petitioner entered a plea of not guilty after formal arraignment.

On September 13, 2010 Jury selection commenced, and a jury trial followed from September 14, 2010 until September 17, 2010, the jury returned a verdict of guilty as charged, with (10) ten jurors voting guilty and 2 jurors voting not guilty.

On December 7, 2018, the United States Fifth Circuit Court Of Appeals denied petitioner Certificate Of Appeal ability.

On March 3rd 2019 petitioner mailed his Petition for Writ Of Certiorari into this honorable Court.

On March 29, 2019 this honorable Court returned petitioner Petition, instructing petitioner to correct and resubmit it within 60 days.

REASONS FOR GRANTING THE PETITION

Rule 10.

c) A state court or a United States Court of Appeals has decided an important question of Federal law that has not been, but should be, settled by this Court, or has decided an important Federal question in a way that conflicts with relevant decisions of this Court.

The 5th Circuit Court of Appeals has decided important Federal questions in this case in ways that conflict with relevant decisions of this Court. Which petitioner is now seeking writ's in this Court to Grant Certiorari. As petitioner has been denied of his 4th, 5th, 6th and 14th Amendment constitutional rights.

LAW AND ARGUMENT

ISSUE NO. 1 THE DENIAL OF PETITIONER MOTION

TO SUPPRESS BULLETS VIOLATED PETITIONER FOURTEENTH AMENDMENT RIGHT TO DUE PROCESS

During the execution of a search warrant for 714 Kings Hwy, Shreveport, Louisiana which included all our buildings, exterior structures, movable and non-movable vehicles in and on the curtilage of the property. Officers searched a vehicle on the property of 716 Kings Hwy, Shreveport, La, not under the umbrella of the search warrant issued March 23, 2009, see exhibit E, locating bullets under the wheel well of the trunk of the vehicle. Because the vehicle in question was outside of the jurisdiction of the search warrant petitioner counsel's filed a Motion To Suppress all evidence located at 716 Kings Hwy, which the trial court erred by denying.

No officer testified at the Motion To Suppress hearing that he or she reasonably believed that the Dodge Intrepid was on 714 Kings Hwy, i.e., the property subject to the search warrant. Nor did anyone (officer) testify that they believed 716 Kings Hwy, to be a public area.

The purpose of the particularity requirement is to assure that the search will be carefully tailored to its justifications and will not take on the character of the wide-ranging exploratory searches the Framers of the

Constitution) intended to prohibit, see Maryland v. Garrison, 480 U.S. 79-84, 107 S.Ct. 1013, 1016, 94 L. Ed. 2d 72 (1987).

The State failed to carry its burden of showing that the blue vehicle (Dodge Intrepid) was searched pursuant to a valid warrant or that petitioner had no expectation of privacy on the property of 716 Kings Hwy, Shreveport, Louisiana.

For these reasons when the State Courts denied petitioner Motion To Suppress, allowing the 6 live .38 cartridges, which were illegally seized, to be admitted into petitioner trial. The Trial Court created fundamental unfairness that violated petitioner Fourteenth Amendment Right To Due Process, see Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684 (Evidence obtained by unconstitutional search was inadmissible in state prosecution and vitiated conviction under the Fourteenth Amendment U.S.C. A. Const. Amends 4, 14).

Had the state courts granted petitioner Motion To Suppress, the 6 live .38 cartridges would not have been admitted into trial causing a substantial injurious effect or influencing in determining the jury verdict, as .38/.357 fragments with similar characteristics were recovered from the bodies of Mark Hoy and Amy Foster.

Because the Fifth Circuit Court Of Appeals has decided an important federal question in a way that conflicts with relevant decisions of this Court, this Court must grant certiorari.

ISSUE No. 2

THE DECISION OF THE FIFTH CIRCUIT IS
IN CONFLICT WITH THE DECISIONS OF THIS
COURT AND OTHER CIRCUIT COURTS

When Petitioner Sixth and Fourteenth Amendment
Constitutional Rights Were Violated When Juror's
Were Influenced by external sources; or 2) When
an inquiry into the external influences on the
jury should have been conducted.

In Remmer v. United States, 347 U.S. 227 (1954) The
Supreme Court held that any unapproved private communication,
contact or tampering with a juror during a criminal trial
is presumptively prejudicial and trial courts should
investigate juror's exposed to extraneous influences to
determine whether there has actually been any prejudicial
impact, see also United States v. Humphrey, 208 F.3d 1190,
1199 (10th Cir. 2000)

In this instant case during a restroom break
of petitioner trial, juror number (6) six informed a
baliff that she overheard several juror's in the restroom
discussing some aspect of the case. The trial court
decided to interview juror number 6.

Before the hearing, petitioner requested to speak to
juror number (6) six and to all juror's who had been engaged
in improper discussions regarding the case. Since juror number
6 heard only and remembered only part of the improper
discussions. To which she (Juror number 6) stated that while she
was in the rest room, she overheard at least (4) four more

lady juror's discussing the case, saying how they were disturbed by the blood and gore in the video, and another mentioned that she could not sleep and that she has discussions with her husband.

The trial court found only one violation, the discussions that a juror had with her husband. However, it did not believe that it needed to do anything to address that matter, denying petitioner request to speak to juror number 6 and all juror's who had been engaging in improper discussions. Instead, the trial court decided to admonish the juror's, for a third time that they should not discuss the case with anyone.[†]

Rule 606(b) of the Federal Rules Of Evidence allows a juror to testify about the introduction of extraneous information or influence.

In this instant case the trial court failed to conduct an investigation to locate and question the juror who had been having discussions with her husband (a non-juror), to determine if "extraneous influence" was or was not established, and if the "extraneous influence" resulted in her (juror) being bias.

Thus, the Sixth Amendment requires that the jury guaranteed to petitioner be impartial.

1.) Moreover, on the first day of trial, the trial court admonished the juror's not to discuss the case with anyone. On the second day of petitioner trial, the trial court admonished the juror's not to discuss the case with anyone including themselves.

Because the Fifth Circuit Court of Appeals has decided an important federal question in a way that is in conflict with relevant decisions of this Court, and Circuit Courts, This Court must grant certiorari.

ISSUE No. 3 THE DECISION OF THE FIFTH CIRCUIT IS
IN CONFLICT WITH THE DECISIONS OF THIS
COURT.

Petitioner Fourteenth Amendment Constitutional Right To Due Process Was Violated When There Was Insufficient Evidence To Prove That Petitioner Was Guilty Beyond A Reasonable Doubt Of The Offense Of Second Degree Murder Of Mark Lioy.

The evidence introduced at the trial in this case, when viewed under the Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781 61 L.Ed. 2d 560 (1979) standard, was insufficient to prove all of the elements of the offense of second degree murder beyond a reasonable doubt. When a conviction is based on circumstantial evidence, assuming every fact to be until time for deliberation, yet on the third day of petitioner trial, after learning of juror's openly discussing the case in the ladies restroom, and that at least one of the juror's discussed the case at home with her husband. The Court imposes no sanctions to resolve the violation and did not investigate to see what influence did the juror husband have during their discussions of the case.

proved that the evidence tends to prove, in order to convict, ... [the circumstantial evidence] must exclude every reasonable hypothesis of innocence.

In this instant case petitioner was charged with the second degree murder of Mark A. Liroy and that when he (petitioner) murdered Mark Liroy it was in the commission of an arm robbery La. R. S. 14:30.1(A)(1)(2).

During petitioner trial the states case agent Detective Charles Owens testified that while investigating Mark Liroy homicide he learned that Mark Liroy received a 600⁰⁰ pay check Friday March 20, 2009, that Mr. Liroy always wore a imitated Rolex watch, that Lorri Lee Philips last seen Mr. Liroy moments after he cashed his check entering a vehicle driven by petitioner. Mr. Owens further testified that on March 21, 2009 Mr. Liroy watch body was discovered by two woman, that Mr. Liroy was shot seven times, Mr. Liroy watch was missing, cell phone missing, wallet and money was missing, that Mr. Liroy front pants pockets were turned inside out, and from his years of investigating homicides, Mark was killed else where then transported and dumped at the location where his body was discovered.

Under the Due Process Clause the state is required to prove beyond a reasonable doubt every element of the crime with which a defendant is charged in an indictment, see *In re Winship*, 397 U.S. 358, 364 (1970).

In this instant case there was no evidence from which a rational juror could have found beyond a reasonable doubt that the state had proved the existence of all the

elements of the offense charged petitioner La.R.S. 14:30
1(C)(1)(2) That petitioner had a specific intent to kill Mark
Lioy and that the killing of Mark Lioy occurred during the comm-
ission of an arm robbery by petitioner.

No weapon was introduced into trial, no eye witnesses,
none of Mark Lioy belongings were ever located, none of Mark Lioy
blood or DNA was located from any vehicle owned or driven by petitioner.
There was no physical evidence as to when or where Mr. Lioy was
murdered nor who robbed him.

There was no physical evidence introduced at petitioner
trial that proved that petitioner was with or near Mr. Lioy when
he was robbed of all his values and shot seven times and lost
or was losing a substantial amount of blood,

Thereby the state failed to prove all the elements of the crime
charged in petitioner indictment La.R.S. 14:30.1(C)(1)(2)² which is
a violation of due process, see Fiore v. White, 531 U.S. 225 (2001)
(per curiam) which held "due process violated by conviction of defendant
without proving each element of crime beyond reasonable doubt".

Because the Fifth Circuit Court of Appeals has decided an import-
ant federal question in a way that is in conflict with relevant decisions
of this Court. Petitioner asks that Certiorari be granted in regards to
this issue.

2.) Moreover the Second Circuit Court Of Appeal, recognized that the
evidence might not support the conclusion that petitioner (Mr. Jones)
robbed Mr. Lioy, Ct. App. decision, 12-13. State v. Jones, 81 So. 3d 239

ISSUE NO. 4 THE DECISION OF THE FIFTH CIRCUIT IS
IN CONFLICT WITH THE DECISION OF
THIS COURT

Petitioner Fourteenth Amendment Constitutional Right
To Due Process Was Violated When There Was Insufficient
Evidence To Prove That Petitioner Was Guilty Beyond A
Reasonable Doubt Of Second Degree Murder Of Amy
Foster

In this issue petitioner asserts that the evidence
introduced at trial in this case, when viewed under the
standard of Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781
(1979), was insufficient to prove all of the elements of the
Second degree murder offense beyond a reasonable doubt.

Louisiana R.S. 14:30.1(A) defines second degree murder as "the
killing of a human being" i) When the offender has a specific intent to
kill or to inflict great bodily harm.

The evidence at petitioner trial failed to establish beyond a
reasonable doubt that petitioner murdered Ms Amy Foster.

Petitioner asserts that during his trial the state alleged
that petitioner murdered Amy Foster at 3:59 a.m, when neigh-
bors reported hearing gunshots in old Bossier

Thus, the evidence introduced at petitioner trial reflect that
Amy Foster was not murdered at 3:59 a.m on March 23, 2009
(The time that the state alleged). As detective Bridges (state cell
phone expert) testified that at 4:19 a.m Amy Foster cell phone
pinned off towers on Greenwood Road in West Shreveport,
Louisiana.

The trial testimony of Detective Joey Cleveland was that
mexicans on Tritchell Street (Bossier Annex) confirmed that petitioner

was at the residence (Trinchell Street) with Amy Foster, then the Mexican instructed detectives where Amy Foster may be.

The evidence at trial did not exclude the reasonable possibility that someone other than petitioner murdered Ms. Amy Foster.

Because the Fifth Circuit Court of Appeals has decided an important federal question in a way that conflicts with relevant decisions of this Court. This Court is asked to grant Certiorari on this issue.

ISSUE NO. 5 THE DECISION OF THE FIFTH CIRCUIT IS
IN CONFLICT WITH THE DECISIONS OF THIS
COURT

A.) Petitioner Fourteenth Amendment Constitutional Right To Due Process Was Violated When State Prosecutor's Committed Misconduct Soliciting False/Perjured Testimony From State Witness Amber Thorn.

"The Due Process Clause of the Fourteenth Amendment forbids the government from knowingly using or failing to correct false testimony. For the jury's estimate of the truthfulness and reliability of a given witness may well be determinative of guilt or innocence, and it is upon such subtle factors as the possible interest of the witness in testifying falsely that petitioner life or liberty may depend," see *Napue v. Illinois*, 360 U.S. 264 at 271, 79 S.Ct. 1173 (1959).

An evidentiary hearing was never held on this issue so that it could have been fully developed, and the state courts never reached the merits of this claim.

Thus, petitioner contends that state witness Amber Thorn gave trial testimony that she was never facing any charges, and state prosecutor's solicited Amber Thorn testimony during closing arguments, arguing that state witness Amber Thorn was never facing charges and has only been a material witness in this case.

In accordance to the Bossier Parish Sheriff Office Offense Report, State witness Amber Thorn was a primary suspect for the Arm Robbery of victim Mark Lioy, see exhibit F.

Thereby petitioner is seeking writs in this Court, of the state prosecutor's violating his Fourteenth Amendment rights under the Due Process Clause through their failure to correct and soliciting false/perjured testimony from state witness Amber Thorn.

Because the Fifth Circuit Court of Appeals has decided an important federal question in a way that conflicts with relevant decisions of this court. Petitioner asks this Court to Grant Certiorari as to this issue, as petitioner was entitled to a jury that is not laboring under a government sanctioned false impression of material evidence, which lead to his conviction.

B.) Petitioner Fourteenth Amendment Constitutional
Right To Due Process Was Violated When State
Prosecutor's Committed Misconduct Failing To
Correct False Testimony From State Witness
Detective Brian Griffith.

The Fourteenth Amendment forbids the government from knowingly using or failing to correct false testimony, see *Napue v. Illinois*, 360 U.S. 264, 271, 79 S.Ct. 1173 (1959)

Again state prosecutors failed to correct false testimony from it's witness Detective Brian Griffith.

State witness Detective Brian Griffith testified that witnesses heard gunshots on Wyche Street at 3:59 a.m. and saw a white / light colored car leave the area. (Clearly indicating to the jury that the silver vehicle that petitioner drove is the vehicle witnesses seen after hearing gunshots at 3:59 a.m.

Thus, in accordance to the Bossier City Police Department Incident Report, no one has ever gave a description of a vehicle leaving Wyche Street after gunshots were fired at 3:59 a.m. on March 23, 2009.

Thereby again the prosecutor failed to correct the false testimony from it's witness, in violation of petitioner Fourteenth Amendment Rights, especially being that state prosecutors had a copy of the same Incident Report and knew that no such information existed.

Had the state prosecutors corrected the false testimony from its witness, the jury would not have been laboring under a government sanctioned false impression of evidence, and petitioner would not stand convicted.

Because the Fifth Circuit Court Of Appeals has decided an important Federal question in a way that conflicts with relevant decisions of this Court, Petitioner is asking this Court to consider granting Certiorari as to this issue.

C.) Petitioner Fourteenth Amendment Constitutional Right To Due Process Clause And Sixth Amendment Constitutional Right To Equal Protection Of The Law And The Confrontation Clause Was Violated When State Prosecutor's Conspired To Deter State Witnesses From Attending And Testifying At Petitioner Trial In An Effort To Save The Parish Of Bossier Time And Money.

In this issue, two days prior to petitioner trial, petitioner trial counsels provided petitioner with a list of all the witnesses that the state intended to put on the stand during petitioner trial.

However during petitioner trial, defense counsels came to the conclusion that it would save the parish time and money if the state cut some of its witnesses. Defense counsels then consulted with state prosecutor's and the trial judge to cut some of the state witnesses. Eventually

Cutting a number of it's witnesses including but not limited to Liserra Robinson, Eric Churchwell, Crime Lab analysis Jessica Espanza and Cassandra Hernandez all were deterred from attending and testifying.

Had the state not conspired to save time and money, Crime lab analysis Jessica Espanza would have testified to her report which states that Willie Jones Jr (petitioner) is excluded as a possible donor of the DNA of multiple items recovered and tested, see exhibit G. Eric Churchwell would have testified to a interview that he conducted with investigating detectives that he heard 6-8 gunshots being fired between 4:30-4:45 a.m., then he heard two car doors slam and seen a (4.) four door brown acura or Oldsmobil '94 or '95 model speed away. Testimony to that extent would have clearly shown the jury that the silver and gray Toyota Camry that petitioner drove on March 23, 2009 is not the vehicle witness described.

The jury did not hear such viable testimony due to State Prosecutors conspiring to deter State witnesses from attending and testifying at petitioner trial in an effort to save the Parish of Bossier time and money. Depriving petitioner of a fundamentally fair trial, violating petitioner fourteenth amendment due process right to a fair opportunity to defend against the state accusations, see *Chambers v. Mississippi*, 410 U.S. 284, 93 S.Ct. 1038 (U.S. Miss. 1973) and denied petitioner the equal protection of the law and violated petitioner sixth amendment rights under the confrontation

clause, see *Crawford v. Washington*, 511 U.S. 36 (2004).
Because the Fifth Circuit Court of Appeals
has decided an important federal question in a
way that conflicts with relevant decisions of this
court, petitioner is asking this court to grant
certiorari.

D) Petitioner Fourteenth Amendment Constitutional

Right To Due Process Was Violated When State
Prosecutors Made Improper Comments Of State
Witness Benito Vasquez And Admitted State Witness
Benito Vasquez Edited Recorded Statement Into
Evidence.

It has been held that "A prosecutor may not
give a personal opinion about the veracity of a witness
see *United States v. Young*, 470 U.S. 1, 17-19 (1985).
In this instant case after state witness Benito

Vasquez testified that his recorded statement to detectives
is false and made to curry favor from prosecutor's state
prosecutors admitted Mr. Vasquez recording into trial then
solicited the false recorded statement as proof of petitioner
guilt, arguing to the jury during closing arguments that
"Mr. Vasquez 32 minute statement is factual details of
what happened in this case. Then stated that if Mr. Vasquez

ever get out of jail and i'm going to see to it that he
doesn't, psychic shops need to hire him or else they'll be out
20.

of business, because he's the best dang psychic I know, because he knew it all.

The prosecutor clearly put his credibility against that of state witness Benito Vasquez credibility, which is prohibited in accordance to U.S. v. Young, supra, as well as the La. C.C.P. Art 802.

The jury alone is to determine the weight and credibility of the evidence.

Because the 5th Circuit Court of Appeals has decided an important question in a way that conflicts with relevant decisions of this court. This Court is asked to grant certiorari on this issue.

ISSUE No. 6: THE DECISION OF THE FIFTH CIRCUIT
IS IN CONFLICT WITH THE DECISION
OF THIS COURT.

A.) Petitioner Trial Attorneys Denied Petitioner His Sixth Amendment Right To Effective Assistance Of Counsel By Failing to file pre-trial motions To Quash Petitioner Invalid Indictment's.

The Fifth Amendment provides that "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury".

For an indictment to be valid, the fifth Amendment requires the grand jury be legally constituted and unbiased, see Costello v. U.S., 350 U.S. 359.

In this instant case the record reflects that Grand Jury proceedings never took place... A true certified copy of petitioner court minutes reflect that the Grand Jury never returned appellant indictments in open court, that the grand jury was never duly empaneled, that at least nine grand jurors did not concur. All in which deprived the trial court of jurisdiction to prosecute petitioner, had petitioner trial counsel's filed a timely objection / motion to quash said invalid indictments. H

Thus, due to petitioner trial counsel's being ineffective for failing to file timely objections / motion to quash petitioner invalid indictments. Petitioner stands convicted although the trial court lacked subject matter jurisdiction to prosecute petitioner.

Because the Fifth Circuit Court of Appeals has decided an important federal question in a way that conflicts with relevant decisions of this Court. Petitioner is asking this Court to Grant Certiorari on this issue, under the standard of Strickland v. Washington, 466 U.S. 668 (1984)

B.) Petitioner Trial Attorneys Were Ineffective
For Failing To Ask The Trial Court For An
Continuance.

Petitioner trial counsels received an (123) one hundred and twenty three page police report from the Bossier City Police Department three days prior to petitioner trial. Within said police report Eric Churchwell gave an statement stating that between 4:30-4:45 he heard 6-8 gunshots, heard two car doors slam, looked out of the window and saw a four door brown Acura or Oldsmobile '94-95 year range speed off, and at 4:50 a.m he left to go to wal-mart and did not see anything else see Appendix I.

Petitioner trial counsels failed to ask the trial court for an continuance, so that they could locate, investigate, interview and subpoena the potential defense witness. Knowing that petitioner drove Sheilla Horton four door Silver Toyota Camry "99 model, and was being interviewed by officer's at 4:45 a.m in Shreveport Louisiana.

Petitioner trial counsels were not functioning as counsels guaranteed petitioner under the Sixth Amendment, and their representation fell below the standard of reasonableness and competency as required by prevailing professional standards demanded for attorney's in criminal cases, see Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984).

When petitioner trial counsel's made the sound decision not to ask the trial court for an continuance, which clearly hindered petitioner from presenting a defense and denied petitioner his Sixth Amendment Right to effective assistance of counsel,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Willie Carl Jones Jr

Date: March 3, 2019

May, 28, 2019

x Willie Carl Jones Jr

Willie Carl Jones Jr # 357531

Fox 3-C-Tier

Elayn Hunt Correctional Center

P.O. Box 174

St. Gabriel, LA. 70776