

No. 19-5547

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.
FILED

JUL 26 2019

OFFICE OF THE CLERK

RONNY WILLIAMS — PETITIONER
(Your Name)

vs.

LORIE DAVIS — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FIFTH CIRCUIT COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

RONNY WILLIAMS

(Your Name)

2665 Prison Rd 1

(Address)

Waco, Texas 76781

(City, State, Zip Code)

936-636-7321

(Phone Number)

RECEIVED

AUG - 7 - 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

RECEIVED

JUL 16 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Whether COA should have been granted based on petitioner's right to autonomy when his counsel abandoned petitioner's claim of not guilty when counsel stated petitioner was guilty ?

Whether COA should have been issued based on petitioner's constitutional claim of ineffective 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 CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2.
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3.
STATEMENT OF THE CASE	4.
REASONS FOR GRANTING THE WRIT	5-6
CONCLUSION.....	7.

INDEX TO APPENDICES

APPENDIX A	Decision of Fifth Circuit Court of Appeals
APPENDIX B	Decision of U.S.District Eastern District (LUFKIN)
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Black V. Davis 902 F.3d 541,545-47 (5th Cir.2018)
McCoy V. Louisiana 138 S.Ct 1505 200 L.Ed 2d (2018)
Trevino V. Thaler, 133 S.Ct 1911,185 L.Ed.2d 1044 (2013)

STATUTES AND RULES

28 U.S.C. 2253 (c)(2)
U.S.Const. 6th Amendment
U.S. Const.14th Amendment

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 _____; 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☒ is unpublished.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 _____ to the petition and is

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☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

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☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 4-24-2019.

☒ No petition for rehearing was timely filed in my case.

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

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

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

☐ For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional provision involved is the U.S. Constitution 6th Amendment and 28 U.S.C. § 2254 challenging conviction and sentence in the State Court. Provision 28 U.S.C. § 2253(c)(2) is involved in regards to obtaining COA.

STATEMENT OF THE CASE

Petitioner Ronny Williams moved for certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. §2254 application challenging his conviction and sentence. on April 24, 2019 The Fifth Circuit issued a mandate and denied petitioner's COA.

REASONS FOR GRANTING THE PETITION

The United States Court of Appeals has decided an important question of federal law in a way that conflicts with relevant decisions of this Court. In the instant case petitioner filed for a certificate of appealability in the 5th Circuit when his constitutional claims were denied.

The Fifth Circuit refused to address petitioner's claim of ineffective assistance of counsel when Mr. William's counsel abandon his case by stating "My client is guilty to the jury".

The record clearly shows injustice by the U.S. Court of Appeals by not addressing petitioner's right to autonomy which Mr. Williams was denied.

In Irevino V. Thaler, 133 S.Ct 1911, 185 L.Ed.2d 1044; it was stated "[A] procedural default will not bar a federal habeas court from hearing a substantial claim of ineffective assistance of trial if in the [state] initial-review collateral proceeding; there was no counsel (or counsel in that proceeding was ineffective". I.d at Irevino, 132, S.Ct 1309, 182 L.Ed 2d 272, 278, 288).

In this matter the 5th Cir cited Black V. Davis, 902 F.3d 541, 545-47 (5th Cir 2018) which is in conflict with the holding in Irevino supra . The record clearly shows a constitutional violation based on the 6th Amendment guarantee of effective counsel; yet Mr. Williams counsel stood in the presence of the jury and stated "MY CLIENT IS GUILTY". The U.S. Court of Appeals did not address this claim which is clearly a substantial showing of denial of constitutional rights 28 U.S.C. §2253(c)(2).

The Fifth Circuit ruling is in conflict with the Supreme Court Trevino V Thaler, 133 S.Ct 1911 as well as McCoy V. Louisiana; 138 S.Ct 1505 200 L.Ed 2d 821 (2018) by not granting petitioner Certificate of Appealability with respect to Mr. William ineffective assistance of counsel claim based Mr. Williams counsel overruling his assertion of innocence; in analogous context as McCoy supra; which clearly is a violation of U.S. Const. 6th Amendment. A COA should have been granted and reasonable jurist would find it debatable whether COA should have been granted. The Authority of this Court is required to substantiate the conflicting ruling by the lower court which is clearly contradictory to this Court's ruling and the U.S. Constitutional guarantee.

WHEREFORE AFTER PREMISES CONSIDERED Petitioner's writ of certiorari should be granted in the interest of Justice .

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

RONNIE WILLIAMS
2665 Priosn Rd 1

Lovelady, Texas 75851

Date: 7-28-19, Ronnie Williams