

No. 19-5989

In The Supreme Court Of The United States

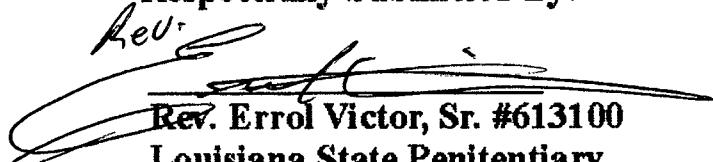
**Rev. Errol Victor, Sr.
Petitioner**

v.

**State of Louisiana
Respondent**

**ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES SUPREME COURT
RECONSIDERATION/RE-HEARING OF QUESTIONS
II, IV, V, VII**

Respectfully Submitted By:


**Rev. Errol Victor, Sr. #613100
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***PRO PERSONA SUI JURIS**

QUESTIONS PRESENTED

1.

Whether it violates defendant's Fourteenth Amendment Right when Clerk of Court violates allotment rules of the court to allow Judge-Shopping?

2.

Whether it is a nullity, Obstruction of Justice and a denial of a fair hearing when judges en banc subject to an unresolved Recusal Motion deliberately have proceedings prior to recusal hearing held interrupting time limitation for the institution of prosecution in violation of the Sixth Amendment of the U.S. Constitution?

3.

Whether it denies pro se defendant's Sixth Amendment Right to a speedy trial and right to counsel of choice when defendant is incarcerated over 120 days and denied self-representation without a Farretta Hearing?

4.

Whether it denies defendant Fourteenth and Ninth Amendment Rights reserved to the people, when the defendant's challenge to the State and Court's "status" and "jurisdiction" remains unresolved by hearing before commencement of trial?

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NOW INTO THIS HONORABLE COURT comes Rev. Errol Victor, Sr., L.S., propria persona, Sui Juris, who respectfully moves to inform the Court that this petition is timely filed pursuant to U.S. S.Ct. Rules 44.1.

If it please the court, your Petitioner grows weary of being subjected to vexation litigation, misrepresentations, Distortions of the record, and a host of interpolations told in narrations out of context. Respondent woefully burdens petitioner and this Honorable Court by failing to thoroughly peruse the record, while steadfastly attempting to legally justify a conviction manufactured by nothing more than slander.

Petitioner, Rev. Errol Victor, Sr. and wife was/are ignored by Respondent, dishonored and mocked as souls not worthy to be considered as human beings deserving any right, civil, constitutional or human, that the St. John the Baptist Parish 40th Judicial District Court was bond or obligated to recognize or respect. Respondent relentlessly fails to admit, concede, with any objectiveness, Petitioner's valid claim that, all proceeding held in case no. #2010-CR-172 (1)(2), including trial, (mock trial), was a complete nullity and unconstitutional.

“ An unconstitutional act, holds no office, imposes no duties, affords no protection, has no legal power, demands no authority, and is in legal contemplation void ab initial, null, of which the opposing party (Petitioner Rev. Victor) may treat as though it never happen.”

Subsequently, Petitioner's declaration “There can be no/will be no trial” prospectively in context in legal contemplation. Because Petitioner truthfully is a member of a historically powerless classified citizenship Almost never seen as significant in the entire State of Louisiana, your Petitioner prays for this Honorable Court's “strict scrutiny” consideration.

OBJECTION TO RESPONDENT'S APPENDIX (B) TIME-LINE
PURSUANT TO S. Ct. RULE 24-6

Petitioner moves to inform the Court that he objects to respondent's "Appendix (B)" consideration by this Honorable Court of ethics, and moves to strike pursuant to S.Ct. Rule 24-6 for the following reasons:

S.Ct. Rule 24-6 states, a brief shall be in pertinent part,

"arranged with proper headings, free of irrelevant, immaterial, or scandalous matter. The Court may disregard or strike a brief that does not comply with this paragraph."

Michelle Ward Ghetti, Deputy Solicitor General and Counsel of Record for the respondent, has proffered for this Court's review what's purported to be a chronological list entitled, "Errol Victor Time-line." However, Respondent's Appendix (B) contains over one hundred dates and varies counter-factual alleged events, a plethora of unjustifiable omissions, a record of sequences entwined with several other cases/causes/issues inconsequential to Petitioner's Writ of Certiorari before this Honorable United States Supreme Court.

Specifically, in 2008 of respondents time-line dated 3/31/ - 4/1, Ms. Ghetti inappropriately refers to as ("The Beatings"), however Petitioner steadfastly maintains that no evidence of the "Graphic Narrative" chronicled in the statement of the case nor her scandalous time-line of events was evident as presented.¹

1 State objected to the word "Aggressive" even being used or mentioned at trial (See, Page 97 Appendix "P," pg. 3937 Trial Transcript. No trauma mentioned anywhere in full autopsy testified to by pathologist, Richard Tracy, M.D. See App. "P" pg.3938-40 Trial Transcript, Reconsideration/Re-Hearing Brief. (Pages 94-100)

1B: Respondent states in opposition brief, (FN4) The following, "the only evidence of asthma was Mrs.

In fact, Rev. Errol Victor, Sr., pro-persona submits for the Court's review, "The Authenticated Emergency Room Record Intake Report," dated 4/1/2008 when the River Parish Hospital assumed liability. The intake physician official documented report, clearly evinces and establishes that Petitioner herein beloved son, M. L. Lloyd III, had no injury or trauma to neither his neck or his head. Stating, (Neck/Head, Atrumatic) (See Appendix "P" to Reconsideration Brief).

In total contradiction to that which has been dishonestly pontificated and repeatedly resuscitated in the statement of the case and time-line by respondent and the La. Fifth Circuit of Appeal, continuously and wrongfully stating "Petitioner's son was brought to the hospital with an injury to the neck." IPSE DIXIT. (unbelievable). Respondent's Appendix (B), presented to this Honorable Supreme Court, cannot survive even the slightest scrutiny or proof of facts provided by Petitioner.²

Ms. Ghetti, counsel for the respondent, alleges that the time-line was prepared from "Minutes of the Various Proceedings and/or the Louisiana Fifth Circuit." However fails to authenticate or provide any official record, transcripts of the court, minutes of the court, stamp signed dated filings of any court, official documents of any clerk of court, or affidavit.

Victor's testimony none of M.L.'s Medical Records substantiate that claim.³ Petitioner request this Honorable Court to view Appendix "P" pages 102-110 of Reconsideration/Re-Hearing Brief "Timeline" M.L.'s irrefutable medical records (Asthma). Petitioner begs the Court for "strict scrutiny" The State continues to officially misrepresent what the certified record connotes to this Higher Court.

² Appendix "P" provides Emergency Room Record Intake, Dr. M. Dale Morris, Pages 1-4. The Preliminary Autopsy Report, 4/1/08 cause of death undetermined, Det. Mitchell Appendix "P" No Evidence of Murder, Preemptive Injustice (a must read). Trial Transcript 4952-5006, Time-Line 4/1/08-07-25-14. Pages 6-59.

II.

PROCEDURAL HISTORY

(See Rev. E. Victor, Sr., Time-Line Reply Appendix "P")

REASONS FOR GRANTING PETITION FOR RECONSIDERATION

NO.19-5989

I. IT VIOLATES DEFENDANT'S/PETITIONER'S FOURTEENTH AMENDMENT RIGHT WHEN CLERK OF COURT VIOLATES ALLOTMENT RULES OF THE COURT TO ALLOW JUDGE-SHOPPING.

ISSUE NO. 5

If it please the Court, Petitioner adopts Writ of Certiorari original argument, pro se supplement by counsel of record, Claiborne Brown, Reply by counsel, Claiborne Brown. No further rendition is necessary. Motion to Defer Question I, Issue 5 pending Remand, Attached/Enclosed.

II. THE STATE COURTS IRREFUTABLY ACTED WHILE PETITIONER'S MOTION TO RECUSE WAS PENDING, WHICH IS DENIAL OF DUE PROCESS UNDER THE 14th AMENDMENT AND EIGHTH AMENDMENT CRUEL AND UNUSUAL PUNISHMENT OF THE UNITED STATES CONSTITUTION.

ISSUE NO. 4

Notice how Ms. Ghetti, counsel for the Respondent, avoided and strayed completely away from even mentioning the date of when the "Motion to Recuse all judges that sits en banc in the 40th J.D.C. for the Parish of St. John the Baptist in both civil and criminal matters (involving the Victors) and Motion to have Louisiana Supreme Court appoint special judge to hear all pending trials, Memorandum in Support and Order of Recusal" was filed. Nor does

Respondent answers the most pertinent question, "Why was the date of the filing of Petitioner's original recusal motion changed? Why is there a double dated stamped duplicate of the original authentic motion filed?

Ms. Ghetti skillfully avoids in Respondent's brief in opposition, any date of the recusal motion filed, and flip the script to discuss the Judges of the 40th JDC order, filed on May 14, 2010.³ Your petitioner is strapped with the "Race Statute" principal, a recording law providing;

That a person who records first regardless
of notice, has priority"

March 29, 2010 is the controlling date and not May 14, 2010. (See: Original Recusal Motion Filed, Stamped Dated March 29, 2010, a.m. 9:31, Certified Record No. 1703, see also, Certificate of Service signed March 29, 2010, Certified Record No. 182, Order of Recusal Form, March 29, 2010, Certified Record No. 183, (Appendix "J"). Ms Ghetti's silence, in regards to Petitioner's contention, that the original signed, stamped, filing date of the recusal motion was on March 29, 2010, evinces the court that State concedes this fact.

Louisiana Code of Criminal Procedure Title XXII Art. 673 states:

"A judge has full power and authority to act, even though
a ground for recusation exists, until he is recused, or a
motion for his recusation is filed.

Because Rev. Errol Victor, Sr., filed the above recusal motion on March 29, 2010, no judge in the 40th JDC could act in the case/causes of the Victors until a resolution of the recusal motion filed, by a recusal hearing held, Recusal Hearings were indeed held on July 01, 2014.

Ms. Ghetti fails to comprehend what prohibited the 40th Judicial District Court Judges from acting, is not the production of the 40th JDC Judges own Order signed on May 14, 2010,

³ The only date mentioned in opposition brief and not relevant to this issue.

But rather the March 29, 2010, recusal motion filed by your petitioner herein, pursuant to Title XXII, La. C. Cr. P. art. 673 (supra), and the 14th Amendment of the United States Constitution, Due Process and Equal Protection of the law afforded to all citizens of the Nation. A Fortiori, all proceedings held in the State case #2010-CR-172(1),(2), after March 29, 2010, filing of the recusal motion, and before July 01, 2010, recusal hearing was held, were all in legal contemplation, absolute nullities, void of any legal power. (See, Minutes of the Court Dates of proceedings held from March 29, 2010- July 01, 2010; **(Appendix "I" Reconsideration Brief).**

Respondent alleges Petitioner did not set forth the alleged acts that was performed by the trial court, inspite of Petitioner's (i.e., arrest warrant, 72 hr. hearing, bond setting, arraignment hearing) on page 21, Ln. 9 and 10 in his Writ of Certiorari filed. None of any of these said proceedings can be validated without a judge. A fortiori, they were all nullities. Consequently, all proceedings held in State case No. 2010-CR-172 (1),(2), against Petitioner after July 01, 2010, are all fruits of a poisonous tree. On May 12, 2010, to cover-up the truth that the proceedings held were null and void, the court re-filed, stamped, double dated the original recusal motion filed by the Victors on March 29, 2010, a.m. 9:31, changed to appear to have been originally filed on May 12, 2010, p.m. 2:53. Distorting the record (**Please See Appendix "K" Reconsideration Brief).**

The original filed recusal motion, to recuse all judges, filed by petitioner herein, pro se, on March 29, 2010, a.m. 9:31, sat dormant and as a thing of not, while these proceeding continued. Respondents lack court conscience, knowing the dignity of this Honorable Court, how do Respondent still represent, "all proceedings were explicitly stayed per the May 14,

original motion to recuse all judges, filed on March 29, 2010, empowered by La. C. Cr. P. art. 673 and U.S.C. 14th Amendment. The State of Louisiana laughs in the face of the United States Constitution, Supreme Court, and has indeed destroyed the Victor's Equal Protection of the law and reduce to nothing your petitioner herein, Due Process Rights afforded he and his loving wife by the 14th Amendment of the United States Constitution. Your petitioner and wife is entitled to both their immediate release, on the face of the record before this Honorable Court, due to the State of Louisiana's absolute nullities in this instant case. Subsequently, this violates both your Petitioner herein and wife Sixth Amendment Speedy Trial Rights.⁴ Any attempt to cure 10 years later violates C. Cr. P. art. 578 Time-Limitation⁵, all resulting in the Victors being denied due process under the Fourteenth Amendment of the United States Constitution.

Finally, Petitioner effectively disputes Ms. Ghetti's claim, suggesting that Rev. Errol Victor, Sr., has not set forth any Question raising Federal Law that proves his legal position. In fact, that suggestion wholly disregards candor, so on that point, no further rendition is necessary. This Honorable Court should order the Victors, your Petitioner and Wife, immediately released, and the State of Louisiana barred from prosecution.

⁴ Barker v Wingo, 407 U.S. 514, 92 S. Ct. 2182, 33 L. Ed.2d 101 (1972)

⁵ A. Except as otherwise provided in this Chapter, no trial shall be commenced nor any bail obligation be enforceable: (1) In capital cases after three years from the date of institution of prosecution; (2) In other felony cases after two years from the date of institution of the prosecution; and (3) In misdemeanor cases after one year from the date of institution of the prosecution.

B. The offense charged shall determine the applicable limitation.

III. THE COURT'S INTERFERENCE WITH PETITIONER'S CONSTITUTIONALLY SUBSTANTIAL RIGHT TO SELF-REPRESENTATION, WHEREIN HE WAS INCARCERATED OVER A 120 DAYS WITHOUT FARRETTA HEARING, RESULTING IN PETITIONER BEING DENIED HIS CONSTITUTIONAL SUBSTANTIAL RIGHT TO A SPEEDY TRIAL.

ISSUE NO. 2

The right of a defendant to choose a counsel of his choice is sacred. If the defendant is circumvented from invoking this right to counsel in any form or fashion, he has lost the protection that our Constitution guaranteed every citizen to be treated as equals.

The Rev. Errol Victor, Sr. and Tonya Victor, his wife, were falsely accused by way of indictment for causing the death of their beloved son, M. L. Llyod III. The events hereafter will have a chilling effect on the legal community.

Contrary to Ms. Ghetti's assertion "that a pro se petitioner who refuses the assistance of a public defender, fires eleven attorneys, and declines the assistance of stand-by counsel, may not claim his own ineptitude as grounds for a reversal" Respondent has completely failed to peruse the trial court record compiled, en route to the Victor's initial arrest by an overzealous prosecutor and having to appear in court before a Judge, who in open court usurped, both petitioner's right to counsel of choice, and right to self-representation and subsequently thereafter invoked her power by appointing counsel of her own choice to represent petitioner. (SEE: FN 5C). Ms. Ghetti's conclusions are based on various minutes account she admittedly gathered from state proceedings and the 5th Circuit Court in Appendix (B). However, Respondent omits the following:

5C. *Gideon v Wainwright*, 372 U.S. 335, 83 S. Ct 792, 9 L. Ed.2d 799 (1963); *Tumey v Ohio*, 273 U.S. 510, 47 S. Ct 437, 71 L. Ed. 749. (1927). A bias judge, structural error "Right to Counsel", *McKaskie v Wiggins*, 465 U.S. 168, 104 S. Ct 944, 79 L. Ed.2d 122 (1984) Self-Representation

Petitioner, accompanied by his wife Tonya Victor, appeared in court on May 6, 2010, before an illegally allotted Judge Becnel, and respectfully informed the court that he was invoking his right to represent himself, however, Judge Becnel made no good faith effort to question Petitioner on record regarding his substantial right to self-representation, nor did she inquire on record why Petitioner wanted to forego his constitutional right to court appointed counsel or his right to retain a counsel of his choice. (see court minutes attached herein as App. "I"). For the next 5 months, the trial court adamantly refused to respect petitioner's constitutional rights to represent himself or provide petitioner a fair opportunity to appear in open court to conduct a Farretta Hearing.

Petitioner contends that the trial court was deliberately interfering with his substantial right to self-representation, and deliberately failed to conduct a Farretta Hearing is predicated on the following factors: (1) Petitioner filed numerous motions on behalf of himself. Tonya Victor also moved to inform the trial court of her intent to adopt the same; (2) These motions were received, officially docketed to be heard by the trial court; (3) The Clerk of Court for St. John the Baptist Parish properly stamped. All motions filed on behalf of the Victors ascertaining the date filed; and (4) The most compelling motion filed by petitioner on behalf of himself, Tonya Victor, and Errol Victor, Jr., was a motion and order to recuse all judges in the 40th Judicial District Court from presiding over criminal and civil proceedings entitled State of Louisiana v Errol, Tonya, and Errol Victor, Jr., in addition, Petitioner motion for the La. S. Ct. compelling the court to appoint a special judge to preside over all court proceedings pending resolution of recusal motion filed on March 29, 2010, and the Clerk of Court seal reflects filing date. Appendix "J". Judge Becnel, judge presiding, continued conducting proceedings relating

to State v Errol and Tonya Victor until May 12, 2010, where she informed the Victors that a copy of the motion had been filed and received. The Victors were provided a copy of the motion which reflects that the motion had been doubled stamped with two filing dates. (See: Appendix "K").

However, Petitioner urges this court to cognizance of the fact that evidences that the actual filing date the Victors motion to recuse was filed and docketed on March 29, 2010. On August 16, 2010, the trial court summoned the Victors into court for an arraignment, plea hearing and still refused to acknowledge petitioner's right to self-representation, resulting in petitioner being verbally abused by the court, physically attacked, and removed from the hearing. The Sixth Amendment of the United States Constitution guarantees and affords criminal defendants the substantial right to choose to represent themselves. **Farretta v California**, No. 73-5772, 95 S. Ct. 2525, 422 U.S. 806. In **United States v Plattner**, 330 F.2d 271, emphasized that when a criminal defendant is circumvented from representing himself as a result of being denied access to court and the court ignores his right to personally manage and conduct his own defense in a criminal case, the defendant has been denied his Sixth Amendment right, a Substantial Right that the 14th Amendment of the U.S. Constitution enforces all States to adhere too.

Additionally, petitioner contends that the 5 months he was unable to access the court pro se, must be viewed and resolved by this court based on the certified documentary evidence that supports his contention raised herein. The right to a speedy and public trial has been subjected to this court's review and the court's precedent, clearly established that the 6th Amendment guarantees a criminal defendant that, "in all criminal prosecution, the accused shall enjoy the

right to a speedy and public trial." **United States v Ewell**, 383 U.S. 116, 120, 86 S. Ct. 773, 776, 15 L. Ed.2d 627 (1966). A reviewing court vested with having to decide a case presenting such a claim, initially determines when the person is accused of a crime, the period of delay commences and end when the trial begins. **United States v Marion**, 404 U.S. 307, 92 S. Ct. 455, 30 L. Ed.2d 468 (1971).

The Victors invoked their statutorily protected right, the denial of petitioner's substantive right to counsel, consequently result from Judge Becnel and Judge Snowdy, presiding judges in the 40th J.D.C., deliberate decision to ignore Petitioner after petitioner, in open court, invoked his right to self-representation, and requested a hearing based on **Farretta**. (See FN 5C). The court ascertained that they would make it difficult to honor petitioner's request. Months would elapse before his next scheduled court appearance due to the court's misrepresentation of the genuine filing date of the recusal motion filed originally March 29, 2010, Recusal Hearing held July 01, 2010, all proceeding chronicled by Respondent's own time-line after March 29, 2010 and before July 01, 2010, are all in legal contemplation, completely nullities. Respondent goes as far as attempting to mislead this Higher Honorable Court in its time-line dated 3/29.2010, stating **Farretta Hearing #1**. The record is absent of any **Farretta Hearing** held until 10-18-2010. (See: Court Minutes Appendix "I"). A deliberate attempt to distort the record on the record, and an insult to legal minds, and the legal community. The State's continued distortion will be acknowledged by this Higher Court of conscience. A judge advising a defendant to seek legal counsel and then thereafter appoints forced counsel in representation capacity over Defendant's objection is not a **Farretta Hearing**, but rather the erosion of petitioner's **Farretta Rights**.

All manifest errors of law, denial of due process, misrepresentation of what the certified record connotes must be weight against the State and not your Petitioner herein of whom they prejudiced. (1) Every proceeding held after the original genuine recusal motion of all 40th JDC Judges en banc filed on March 29, 2010 by petitioner and before the recusal hearing held on July 01, 2010, are all documented nullities. A fortiori, “all proceedings thereafter were fruits of a poisonous tree, invalidated beginning with Petitioner being falsely re-arrested, without the validation of any Magistrate/Judge Dejure; (2) Respondent’s denial of your petitioner herein, access to the court pro se May 06, 2010-October 18, 2010, without a Farretta Hearing denied petitioner’s substantial right to self-representation right to control the will and organization of his own personal defense Sixth Amendment Right; and (3) Denial of your Petitioner’s Sixth Amendment Right to self-representation for over 120 days while incarcerated is by default a denial of petitioner’s substantial right to a speedy trial. In Law and Fact, Petitioner and Wife should be “immediate released from prison and the State of Louisiana barred from prosecution.”

**IV. IT DENIES DEFENDANT’S FOURTEENTH
AND NINTH AMENDMENT RIGHTS RESERVED TO THE
PEOPLE WHEN THE DEFENDANT’S CHALLENGE TO THE
STATE AND COURT’S “STATUS” AND “JURISDICTION” REMAINS
UNRESOLVED BY HEARING BEFORE COMMENCEMENT OF TRIAL.**

ISSUE NO. 7

Be it known to Respondent and to this Honorable Higher Court, Petitioner is not confused, as suggested in Respondent’s Brief in Opposition. “All crimes are commercial”. Your petitioner herein provides *prima facie* proof evident that he did irrefutably challenge the jurisdiction of the court pre-trial (See, Appendix “M” Attached). Why is this significant?

In the opinion of the Fifth Circuit Court of Appeals, State of Louisiana, Assignment of Error Number eleven "Jurisdiction and Statute," the State's response was, "Defendant failed to raise a jurisdiction challenge pre-trial."

The certified record is littered with motions, injunctions, writs of mandamus, writs of prohibition, no right of action that will become evident once the record is peruse thoroughly by legal professionals with integrity. Until then, Petitioner provides for this Honorable Court, proof of challenge of jurisdiction, no right of action, no standing (See Appendix "N" Attached). All proceedings should have stayed (See Writ of Certiorari for law and fact).

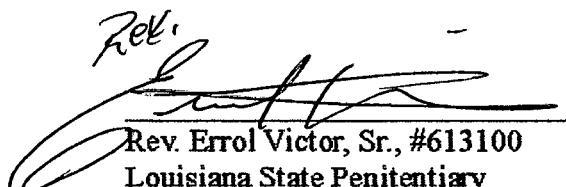
Petitioner and Wife move for an immediate release for the State's failure to conduct a hearing to show cause once petitioner and wife, Ms. Tonya Victor challenge the court's jurisdiction and the State's standing.

Time-Limitation statute bars the State from the re-institution of prosecution (See La. C.Cr.P. art. 578⁶ empowered by the United States Constitution Fourteenth Amendment Due Process Clause.⁷

CONCLUSION

Petitioner Rev. Errol Victor, Sr., submits that his petition for reconsideration of Questions II, IV, V, VII of Writ of Certiorari [SHOULD BE GRANTED].

Respectfully Submitted By:



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⁶ See, La. C. Cr. P. art. 578 *supra*.

⁷ 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 the citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

**Additional material
from this filing is
available in the
Clerk's Office.**