

No. 20-5813

In the Supreme Court of the United States

GLENN YOUNG,
Petitioner

vs.

DARREL VANNOY, WARDEN,
Respondent.

On Petition for A Writ Of Certiorari
to the United States Court of Appeals for the Fifth Circuit

REPLY TO RESPONDENT'S BRIEF IN OPPOSITION

GLENN YOUNG
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LOUISIANA STATE PENITENTIARY
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REASONS GRANTING AND STAYING THE PETITION

The respondent acknowledged that Young was convicted by a non-unanimous jury in a case where a federal magistrate judge conceded the case was not a slam dunk. Respondent also acknowledged that Young's "other challenges to his conviction [are] ... fact-intensive[.]" BIO, p.1. Even so, Respondent argues that Young's claims are not worthy of "the Court's attention because they are specific to [him] and raise no issues touching upon matters of national concern." BIO, p. 1. Young is a citizen of Louisiana and a United States citizen with certain inalienable rights, privileges and immunities which may not be contravened without due process of law. Thus Young is seeking his equal protection right as a citizen of the United States.

I. THE PETITION DOES NOT MERELY DUPLICATION THE QUESTION PRESENTED IN *EDWARDS V. VANNOY*.

The question presented in *Edwards v. Vannoy* has been submitted and argued before the Court. Neither Young, or the Respondent, has any new argument concerning the retroactivity of the Court's ruling in *Ramos v. Louisiana*, 140 S.Ct. 190. Accordingly, as the Respondent concluded, "the Court should hold Young's petition" pending the disposition of *Edwards v. Vannoy*. BIO. 6.

II. YOUNG'S LAST TWO QUESTIONS ARE COMPELLING ENOUGH TO CALL FOR AN EXERCISE OF THE COURT'S SUPERVISORY POWER AND ARE NOT JUST AN INVITATION FOR THE COURT TO FUNCTION AS A COURT OF ERROR CORRECTION.

The respondent contends Young's petition repeats the claims he presented to the lower courts and that he failed to identify split authority or unresolved

issues of federal law. The Respondent's assertion that Young's complaint is "that the lower courts misapplied ... 'settled law'" is misleading. BIO, p. 6.

A. Young's Insufficiency of the Evidence Claim is based on the standard announced in *Jackson v. Virginia*.

In its opposition, Respondent did as the lower courts have done in allegedly addressing Young's claims on their merit: the applicable standard is quoted but there is a failure to apply the standard to the issue and/or question presented for review. It is hard to imagine how a court, or a respondent, is able to quote jurisprudence and then make legal conclusions without addressing how the applicable standard precludes a petitioner from obtaining relief. It is objectively unreasonable to say Young constructively possessed cocaine when the drugs, in the first instance, were illegally seized. The State's best evidence did not establish that Young constructively possessed cocaine; and, according to Respondent, "[t]here is nothing 'rare' about this alleged misapplication of state law that warrants certiorari review." BIO, p. 7 (emphasis added).

Contrary to Respondent's misleading assertion, Young's complaint is not about the "misapplication of state law." Young's complaint is that he is entitled to relief because the lower courts decisions were either contrary to, or involved, an unreasonable application of federal law as determined by the United States Supreme Court. Under the standard announced in *Jackson v. Virginia*, 443 U.S. 307, 99 S. Ct 2781, 61 L. Ed2d 560 (1979) the state of Louisiana did not establish that Young had "sufficient control and dominion to establish constructive

possession.” BIO, p. 7. As for the allegation that Young was positively identified as a person who Illegally used a firearm, the jury’s decision to convict was irrational under the *Jackson* standard. The alleged victim, Thomas, initially identified several people whom, he claimed, were responsible for shooting at his vehicle. He did not include Young in the identification. It wasn’t until sometime later Thomas chose to include Young amongst the group who supposedly shot up his vehicle. See Attachment C, p. 4 (attached for convenience).

B. Young’s Ineffective-Assistance-of-Counsel claims are Supported by the Record and Establish Fact Driven Inquiries under Clearly Established Federal Law, as Determined by the United States Supreme Court, Dictates Should Have Been Resolved at an Evidentiary Hearing.

As a matter of principle, Young submits the warrant should have been made a part of the record, not only for appellate purposes but also when the federal district court instructed Respondent to furnish a copy of the state court record in this matter. Young is attaching a copy of the warrant and the affidavit for the search warrant as a matter of convenience. See Attachments A and B. The Respondent’s claim, that “the record contains scant details about what happened during the trial,” is a mischaracterization. And where the state court record cannot be used to resolve Young’s issues, the federal district court should have granted an evidentiary hearing to allow Young prove his “factual allegations, which, if true, would entitle [him] to federal relief.” *Schriro v. Landrigan*, 550 U.S. 465, 474-75, 127 S.Ct. 1933, 1940, 167 L.Ed.2d 836 (2012) (internal citations and quotations omitted). Cf. *Smith v. Cain*, 708 F.3d 628, 631 (5 Cir. 2013). Also, the

trial transcript does contain “details about what happened during the trial.” More importantly, rather than regurgitate a bunch of case law, Young detailed his trial counsel’s deficient performance and briefed this honorable Court, and the lower courts, of how that deficient performance prejudiced his defense.

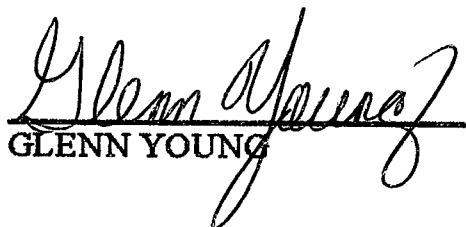
Young’s counsel failed to challenge the unlawful seizure of evidence that went beyond the scope of the warrant. The second (unlawful) search and seizure took place after Detective Smith had lawfully executed and returned on a valid search warrant: Officer Recchia made an unlawful entry into the home because he said the search was the product of a narcotics investigation he was a part of. Young’s claim, in part, is that his trial counsel rendered ineffective assistance, which prejudiced his defense, because counsel failed to object to and challenge the fruit of the unlawful search and seizure. Again, whether counsel’s attorney’s objection would have been successful or not, is irrelevant. The jury heard uncorroborated and unsolicited testimony from a law enforcement agent that drugs were the primary target of the search warrant and the guns and ammunition were secondary, which is patently false. See Attachments A and B.

Young is not inviting the Court to function as a court of errors, as Respondent suggests. He is, however, appealing to the Court’s judicial discretion to correct the lower court’s departure from the accepted and usual course of judicial proceedings. Supreme Court Rule 10.

CONCLUSION

Young respectfully asks the Court to grant his petition or, in the alternative, hold his petition pending the resolution of *Edwards v. Vannoy*.

Respectfully submitted,


GLENN YOUNG

Date: February 12, 2021