ORIGINAL

No. 20-7311



SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 2020

JUAN MATTHEWS, PETITIONER

VERSUS

STATE OF LOUISIANA, RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI TO

THE UNITED STATES SUPREME COURT

CRIMINAL DISTRICT COURT PARISH OF ORLEANS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE

# PETITION FOR WRIT OF CERTIORARI

JUAN MATTHEWS
(Your Name)

17544 Tunica Trace, Louisiana State Penitentiary
(Address)

Angola, La. 70712
City, State, Zip Code)

N/A
(Phone Number)

## QUESTION PRESENTED FOR REVIEW

Was Louisiana's Jury verdict Scheme that convicted petitioner in violation to the U.S.C.A. 14th Amendment of the Louisiana's Constitution? Standard set forth in *Arlington Heights v. Metropolitan Housing Corp.*, 429 U.S. 252 (1977); see also *Hunter v. Underwood*, 471 U.S. 222, 228-31 (1985) and *U.S. v. Fordice*, 505 U.S. 717, 732, n.6 (1992), because Louisiana's majority verdict scheme, introduced in 1898 to discriminate against black people, continues to have a discriminatory effect against black people, which is demonstrated by its disparity impact on both black jurors and black defendants. For the reasons that exist within Juan Matthews new facts and the finding of the United States Supreme Court in Ramos v Louisiana, 140 S.Ct. 1390 (2020). Proves without doubt the system employed against petitioner violates the 14th amendment to the United States Constitution.

**Louisiana District Court devised a method to uphold Louisiana's unconstitutional discriminatory verdict scheme by denying on the merits without applying the rule of law provided by the United States Supreme Court under *Arlington Heights v. Metropolitan Housing Corp.*, 429 U.S. 252 (1977).**

## LIST OF PARTIES:

[ X ] 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:

## RELATED CASES

1. **State v. Webb**, 2013-0146 (La. App. 4th Cir. 01/30/14) 133 So.3d 258

2. **State v. Hankton**, 2012-375 (La. 4th Cir. 2013); 122 So.3d 1028.

3. **State v. Melvin Maxie.** Decided (unconstitutionality of Art 1 § 17 La. Const. 1974)

4. **Arlington Heights v. Metropolitan Housing Corp.**, 429 U.S. 252 (1977);

5. **Hunter v. Underwood**, 471 U.S. 222, 228-31 (1985).

6. **Ramos v Louisiana**, 140 S.Ct. 1390

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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 appear at Appendix N/A to the petition and is

[ ] reported at N/A ; 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 N/A to the petition and is

[ ] reported at N/A ; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[X] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix "A" to the petition and is

[X] reported at *State v. Juan D.Matthews*, 2019-KH-01636 ; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the Fourth Circuit Court of Appeals appears at Appendix _____ to the petition and is

[X] reported at, *State v. Matthews 2019-KH-0087*; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

## JURISDICTION

[ N/A ] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was N/A.

[ N/A ] No petition for rehearing was timely filed in my case.

[ N/A ] 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 _____.

[N/A ] 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).

[X] For cases from state court:

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

[N/A ] 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. §1257(a).

## CONSTITUTIONAL AND FEDERAL PROVISION INVOLVED

Fourteenth Amendment, Section 1, to United States Constitution: "..nor shall any state deprive any person of life, liberty, or property without due process of law.."

Equal Protection under the Fourteenth, to United States Constitution

## STATEMENT OF THE CASE

Juan Matthews filed his Post Conviction into the Orleans Parish Criminal District Court under the new facts exception, Docket number # 356-486, upon a one word denial, La.C.Cr.P. art 928, he filed a writ application, La.C.Cr.P. art 930.6; to the Louisiana Court of Appeals, Fourth Circuit, numbers 2019-K-0716, that was subsequently denied review. Finally he sort Supervisory writ into the Louisiana Supreme Court, La.S.Ct. Rule 10 under numbers, 2019-KH-01636, that was denied review but Chief Justice would grant and assigns reasons.

## REASONS FOR GRANTING THE WRIT

**Words from the petitioner:**

> Senator John C. Calhoun, of So. Carolina: this racist idea gave birth to the unanimous 10-2 grand jury mentality, a son of rich planters, who served as vice President of the United States, under two former presidents, John Quincy Adams and Andrew Jackson. Calhoun shared his latest and greatest pro-slavery strategy on the floor of Congress, 2nd session February 6, 1837, Speech on Slavery." Agitated by a Virginia Senator's earlier reference to slavery as a "lesser evil," Calhoun, rose to "take higher ground." Once and for all, Calhoun wanted to bury that old antislavery Jeffersonian concept! *"I hold that... the relation now existing in the slave holding states between the two [races], is . Instead of an evil; good and positive good,* "he said. Calhoun went on to explain that it was both a positive good for society and a positive good for subordinate Black people, . Slavery, Calhoun suggestion, was "**racial progress**."

Within *State v. Webb*, 2013-0146 (La. App. 4th Cir. 01/30/14); 133 So.3d 258; *State v. Hankton*, 2012-375 (La. 4th Cir. 2013); 122 So.3d 1028, Louisiana Courts were introduced to an issue, that Louisiana Jury verdict Scheme, was created to purposefully discriminate against black people. Even that this illegal practice was clearly understood, the above indicated defendants were denied because the court held under the ***Arlington Hebights standard***, not enough evidence was provided to establish Louisiana Jury verdict Scheme was created to purposefully discriminate against black people.

Juan, the petitioner in the instant case, discovered new facts[1] that were used in ; ***State v. Melvin Maxie***, ***Melvin Maxie*** who contested the Constitutionality of Louisiana Jury verdict Scheme in the District Court, Parish of Sabine, Won?. With legal scholars and expert testimonies during an evidentiary hearing in the Sabine Parish District Court, found under the ***Arlington Hebights*** standard; Louisiana jury verdict scheme was unconstitutional.

However, Juan Matthews **could not** rely on ***Melvin Maxie*** findings, because it was only found unconstitutional in the District Court, Parish of Sabine. This case failed to move to the Louisiana Supreme Court, in the same manner this Honorable court lost jurisdiction to decide juvenile retroactivity in ***Toca vs Louisiana,*** *135 S.Ct. 1197.* Whenever a case exist to correct Louisiana's erroneous application of law, side deals are made, for that person, and unconstitutionality are continued to be practiced. Hon. Gorsuch, in ***Ramos v Louisiana,*** reached the same conclusion as the District Court held in Maxie ,found in ***Ramos,*** Louisiana Jury verdict Scheme was created to discriminate against black people since 1898. In 41 of the 42 Judicial Districts in Louisiana upheld this practice. All (5) Louisiana Circuit Courts of Appeals upheld this practice and Juan case denied review in the Louisiana Supreme Court with only the Chief Justice Johnson dissenting to grant review, shows the complaisance in the application of illegal and discriminatory practices.

With Juan new evidence, which writ reads like a story from history. Its ugly, sad and its time: the poor that are limited in education and resources, such as petitioner and Offender Counsel's, pro se Writ of Certiorari be granted to demonstrate everyone rights in this country should be secured. That justice is not for only the free, rich or whites but even two guys

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1 The same evidence Hon. Gorsuch relied on to conclude Louisiana practice was in violation of the 14th Amendment to the United States Constitution. See **Ramos v Louisiana,** 140 S.Ct. 1390, footnote (1) Official Journal of the proceedings of the Constitutional Convention of the State of Louisiana 374 (H Hearsey ed 1898); Eaton, The Suffrage Clause in the New Constitution of Louisiana, 13 Harv. L. Rev 279, 286-287 (1899), Louisiana v United States, 380 U.S. 145, 151-153, 85 S.Ct. 817, 13 L.Ed 2d 709 (1965)

(petitioner and his Offender Counsel) whom are incarcerated over 60 years that better themselves and now attempting to repair a system of injustice not only for themselves but all citizens and incarcerated people alike, in the Great State of Louisiana. We asked because under the *Arlington Heights v. Metropolitan Housing Corp.*, 429 U.S. 252 (1977); see also *Hunter v. Underwood*, 471 U.S. 222, 228-31 (1985). Standard. Louisiana Const. 1974, Art 1 § 17 and La.C.Cr.P. art 782 both were unconstitutional prior to 2017. The statutes with a disparate racial impact violates the Equal Protection Clause when a substantial or motivating factor behind the statute was racial discrimination, unless the statute's defenders can show that it would have been enacted for race-neutral reasons. *Arlington Heights v. Metropolitan Housing Corp.*, 429 U.S. 252 (1977); see also *Hunter v. Underwood*, 471 U.S. 222, 228-31 (1985).

It is not necessary to establish that the challenged legislative action rested solely on racially discriminatory purposes to demonstrate unconstitutionality. *Arlington Heights v. Metropolitan Housing Corp.*, 429 U.S. 265. It can rarely be said that a legislative body "made a decision motivated solely by a single concern, or even that a particular purpose was the 'dominant' or 'primary' one." *Id.* It is sufficient to establish a constitutional challenge that "a discriminatory purpose has been a motivating factor in the decision." *Id.* at 265-6.

"Determining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstances and direct evidence of intent as may be available." *Id.* at 266. Under *Arlington Heights*, courts must consider five factors to determine whether discriminatory purpose was a substantial or motivating factor behind a statute: (1) historical background of the enactment; (2) sequence of events leading to the enactment; (3) legislative history of the enactment; (4) statements by decision makers; and (5) discriminatory effect. 429 U.S. at 267-68.

"Once racial discrimination is shown to have been a 'substantial' or 'motivating' factor

behind enactment of the law, the burden shifts to the law's defenders to demonstrate that the law would have been enacted without this factor." *Hunter, 471 U.S.* at 228; *Arlington Heights*,429 U.S. at 270, n.21; *Washington v. Davis*, 426 U.S. 229, 241, (1976).

Petitioner obtain his new facts from **Maxie.** The same evidence Hon. Gorsuch, relied on to conclude Louisiana practice was in violation of the 14th Amendment to the United States Constitution. See Ramos v Louisiana, 140 S.Ct. 1390, footnote (1) Official Journal of the proceedings of the Constitutional Convention of the State of Louisiana 374 (H Hearsey ed 1898); Eaton, The Suffrage Clause in the New Constitution of Louisiana, 13 Harv. L. Rev 279, 286-287 (1899), Louisiana v United States, 380 U.S. 145, 151-153, 85 S.Ct. 817, 13 L.Ed 2d 709 (1965).

The greatest issue before the court is, Criminal District Court, Parish of Orleans, with the presentation of "New Facts" evidence made by the petitioner was denied by the District Court without, the court: " ***the burden shifts to the law's defenders to demonstrate that the law would have been enacted without this factor."***

This part of the *Arlington Heights* standard was never a determination in denying petitioner's post conviction application. The Louisiana Court of Appeals, Fourth Circuit and Louisiana Supreme Court allowed petitioner's 14th amendment U.S.C.A from ever being reviewed.

## CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully Submitted

Date: October 19, 2020