No. 21-5549

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

WILLIAM D. LAUGA-PETITIONER

Vs.

STATE OF LOUISIANA-RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

LOUISIANA FIRST CIRCUIT COURT OF APPEAL

PETITION FOR WRIT OF CERTIORARI
DIRECT COLLATERAL REVIEW

WILLIAM D. LAUGA, #568149

LOUISIANA STATE PENITENTIARY
ANGOLA, LOUISIANA. 70712

QUESTION(S) PRESENTED

1. **IS THE STATE OF LOUISIANA VIOLATING THE DUE PROCESS CLAUSE OF THE SIXTH AMENDMENT BY NOT ADDRESSING CLAIMS RAISED BY PETITIONER ON A LAW THAT IS BASED ON RACIAL DISCRIMINATION, AND CAN THE STATE OF LOUISIANA PROCEDURALLY BAR A PETITIONER ON A LAW THAT IS UNCONSTITUTIONAL BASED ON RACIAL DISCRIMINATION AND IS VOID ACCORDING TO THE FOURTEENTH AMENDMENT'S PRIVELEGE AND IMMUNITIES CLAUSE.**

LIST OF PARTIES

[X] All parties appear in the caption of the case on the cover page.

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES CITED

U.S. Constitutional Provisions

State Constitutional Provision

Federal Statutes

State Statutes

La. Code of Criminal Procedure Article 782

Cases

Petitioner respectfully prays that a writ of certiorari (Direct Collateral Review) issue to review the order of the First Circuit Court of Appeal, State of Louisiana; denying petitioner's successive post-conviction application regarding a constitutional question of law.

OPINIONS BELOW

The order of the First Circuit Court of Appeals, 2012-KA-0842 , denying Mr. Lauga's Post-Conviction Application appear in Appendix A. The opinions of the United States Supreme Court Justices appear in Appendix D. (Within the Evangelisto Ramos case).

JURISDICTION

The First Circuit Court of Appeal, State of Louisiana denied the timely Application for Post-Conviction on January 14, 2021. App. A. This Court therefore has jurisdiction under 28 U.S.C. § 2254 and Rule 10 of the Supreme Court of the United States.

STATUTORY PROVISION INVOLVED

Section 2254 of Title 28 of the United States Code provides in relevant part:

> (d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim—
>
> (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Suprem Court of the United States....

STATEMENT OF THE CASE

William D. Lauga was charged by Bill of Information with Armed Robbery in violation of La. R.S. 14:64. Mr. Lauga was arraigned and pled not guilty to the charge on November 3, 2009. On April 26, 2010, jury trial commenced.

Trial continued until April 28, 2010, on which date the jury returned a verdict of guilty as charged. Mr. Lauga filed motions for Post-Verdict Judgment of Acquittal and for new trial which were denied by the trial court on August 16, 2010. On that date, Mr. Lauga was sentenced to 65 years imprisonment in the Louisiana Department of Corrections at hard labor without benefit of probation, parole, or suspension of sentence. Mr. Lauga also filed a motion to reconsider sentence on October 15, 2010 which was denied by the trial court on October 19, 2010.

On December 28, 2010 Mr. Lauga filed an appeal into the First Circuit Court of Appeal under docket number 2010-KA-2209. On June 10, 2011 the First Circuit Court of Appeal vacated the sentence and remanded the case back to the trial court for sentencing.

On June 10, 2011 the Louisiana 1st Circuit Court of Appeals affirmed Petitioner's conviction and sentence on direct appeal. ***State v. William D. Lauga,*** No: 2010 KA 2209 (unpublished decision). Mr. Lauga had ninety (90) days to seek review by the U.S. Supreme Court, thus Mr.

Lauga's conviction and sentence became final on November 28, 2013. The Louisiana Supreme Court denied relief on August30, 2013, ***State v. William D. Lauga,*** No: 2013-KO-0157.

Mr. Lauga's conviction became final for the purpose of the Anti-Terrorism and Effective Death Penalty Act on November 28, 2013, after the 90 day period for seeking relief in the United States Supreme Court expired. ***Roberts v. Cockrell,*** 319 F. 3d 690(5th Cir. 2003).

Mr. Lauga timely filed his *Application for Post-Conviction Relief* into the trial court (208) days later on June 24, 2014, within one year of the affirmation of his conviction and sentence, preserving both his state post-conviction rights and the federal habeas deadlines established by the Anti-Terrorism and Effective Death Penalty Act, 28 U.S.C. & 2244. The trial court denied relief on July 16, 2014. Petitioner was served a copy of that denial on July 21, 2014. Petitioner then filed to the First Circuit Court of Appeals (23) days later on August 14, 2014.

The First Circuit Court of Appeals denied Mr. Lauga's Post-Conviction Application on October 23, 2014. (NO. 2014-KW-1203).

Mr. Lauga timely sought writs in the Louisiana Supreme Court (29) days later on November 21, 2014. The Louisiana Supreme Court denied Mr. Lauga relief on September 25, 2015 (Dkt. No. 2014-KH-2438), through the Louisiana State Penitentiary legal mail delivery system, signing for same in accordance with penitentiary rules and procedures.

Mr. Lauga then filed a Second or Successive Post-Conviction Relief Application after the Supreme Court's decision in ***Ramos v. Louisiana, 140 S.Ct. 1390*** into the 22nd Judicial District Court, Parish of St. Tammany on August 27, 2020, which was then denied by the Honorable Judge Scott Gardner of division "G" on September 30, 2020, and filed by the Clerk of Court October 06, 2020.

Mr. Lauga then filed his Writ of Appeal to the First Circuit Court of Appeal on October 21 , 2020. The First Circuit Court of Appeal's denied Mr. Lauga's Writ on January 14, 2021, under **Docket Number 2020-KW-1067** with a one word denial.

Mr. Lauga then filed his Writ of Certiorari into the Louisiana Supreme Court on February 01, 2021, which was then denied on **May 25th** , under **Docket Number 2021-KH-00373**.

QUESTION OF LAW NUMBER 1.

IS THE STATE OF LOUISIANA VIOLATING THE DUE PROCESS CLAUSE OF THE SIXTH AMENDMENT BY NOT ADDRESSING CLAIMS RAISED BY PETITIONER ON A LAW THAT IS BASED ON RACIAL DISCRIMINATION, AND CAN THE STATE OF LOUISIANA PROCEDURALLY BAR A PETITIONER ON A LAW THAT IS UNCONSTITUTIONAL BASED ON RACIAL DISCRIMINATION AND IS VOID ACCORDING TO THE FOURTEENTH AMENDMENT'S PRIVELEGE AND IMMUNITIES CLAUSE.

ARGUMENT NUMBER 1.

The United States Court of Appeals for the Fifth Circuit held in ***Alexander v. Cockrell, 294 F.3d 626*** " an Unconstitutional statute is void ***ab initio***, having no effect, as though it had never been passed." Any law passed on the basis of ***Racial Discrimination*** is in direct violation of the Privileges and Immunities Clause to the Fourteenth Amendment to the United States Constitution.

Mr. Justice Thomas stated in his concurring opinion of the judgment in ***Ramos v. Louisiana, 140 S.Ct. 1390***, that The Privileges or Immunities Clause provides that "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." ***Amendment 14 § 1***. [T]he ratifying public understood the Privileges or Immunities Clause to protect constitutionally enumerated rights" against abridgment by the States.

" I would accept petitioner's invitation to decide this case under the Privileges or Immunities Clause. The Court conspicuously avoids saying which clause it analyzes. See, e.g., ante, at 1394-

95, 1397. But one assumes from its silence that the Court is either following our due process incorporation precedents or believes that "nothing in this case turns on" which clause applies,

Timbs, supra, at--, 139 S.Ct. , at 691 (Gorsuch, J., concurring).

Mr. Justice Gorsuch stated in the court's opinion that "the fact that Louisiana and Oregon may need to retry defendants convicted....but new rules of criminal procedure usually do." Further he went on to state, "Though it's hard to say why these laws persist, their origins are clear. Louisiana first endorsed non-unanimous verdicts for serious crimes at a constitutional convention in 1898. According to one committee chairman, the avowed purpose of that convention was to "establish the supremacy of the white race," and the resulting document included many of the trappings of the Jim Crow era: a poll tax, a combined literacy and property ownership test, and a grandfather clause that in practice exempted white residents from the most onerous of these requirements."

"We took this case to decide whether the Sixth Amendment right to a jury trial....it's necessary to say a bit more about the merits of the question presented, the relevant precedent, and, at last, the consequences that follow from saying what we know to be true."

Madam Justice Sotomayer wrote: "Finally, the majority vividly describes the legacy of racism that generated Louisiana's and Oregon's laws... but also because the States' legislatures never truly grappled with the laws' sordid history in re-enacting them."

Clearly this most Honorable Court and all of the Justices that sit upon it have realized and verbalized the fact that Louisiana's Legislators founded a Constitutional law that was based on racial discrimination abridging the Fourteenth Amendment's Privileges and Immunities Clause.

The prohibition against the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution and laws of the United States was introduced by the revisers in 1874. R.S.s 5510, 18 U.S.C.A.s 52. This effort of congress renewed several times, to protect the important rights of the individual guaranteed by the Fourteenth Amendment cannot be an Idle Gesture.

The fact that the State of Louisiana may not have been thinking in Constitutional terms is not material where their aim was to deprive citizens of a right and that right was protected by the Constitution, when they acted in this way it was in reckless disregard of constitutional prohibitions or guarantees.

Generally state officials know something of the individual's basic legal rights. If they do not, they should, for they assume that duty when they assume their office. Ignorance of the law is no excuse for men in general. It is less an excuse for men whose special duty is to apply it, and therefore to know and observe it.

At any rate, when their actions exceed honest error of judgment and amounts to abuse of their office and its function, they enter such a domain in dealing with a citizen's rights; they should do so at their peril for their sworn oath and their first duty are to uphold the Constitution, then only the law of the State which too is bound by the charter.

To the Constitution state officials and the state them-selves owe first obligation. The federal power lacks no strength to reach their malfeasance when it infringes constitutional rights. If that is a great power, it is one generated by the Constitution and Amendments. The right not to be deprived of life or liberty by a state official who takes it by abuse of power and office is such a right.

The right not to be deprived of life without due process of law is distinctly and lucidly protected by the Fourteenth Amendment. American principles of law and our constitutional guarantees mean something more than pious rhetoric.

No State can empower an official to commit acts which the Constitution forbade the State from authorizing, whether such unauthorized command be given for the state by its legislative or judicial voice.

In ***Yick Wo v Hopkins, Sheriff etc. 6. S.Ct. 1064***, it clearly states:

A conviction under an unconstitutional law "is not merely erroneous, but is illegal and void and cannot be legal cause of imprisonment. This case was heard by the Supreme Court 10 years before Louisiana's Constitutional Convention was held in 1896.

At that constitutional convention, President John B. Knowles stated in his opening address:

"And what is it that we want to do? Why it is within the limits imposed by the Federal Constitution to establish white Supremacy in this state."

While it is one thing to deprive a citizen of his rights, it is quite another to emasculate an Act of Congress designed to secure individuals their Constitutional rights by spinning distinctions concerning the scope of authority entrusted to its lawmakers.

There could be no clearer violation of the Amendment. No act could be more final or complete, to denude Mr. Lauga of rights secured by the Amendment's very terms. Those rights so destroyed cannot be restored. Nor could the part played by the state's power in causing their destruction be lessened.

The United States Supreme Court held in ***Wong Sun, Byers v. United States, 273 U. S. 28, 47 S. Ct. 248,*** thus we conclude that the court of appeals "finding that the officers" uninvited entry into Toy's living quarters was unlawful and that the bedroom arrest which followed was likewise unlawful.... It is conceded that Toy's declarations in his bedroom are to be excluded if

they are to be "fruits" of the agents' unlawful actions.

The Constitution of the United States specifically says that no law may be enacted based on racial discrimination. There is no doubt that Louisiana's Article 1 subsection 17 and La. C. Cr. P. Art. 782 are the "fruits" of a racially motivated law. However, the tainted soil from which that tree sprung was laced with the toxic fertilizer of advancing white supremacy and this tree has born not only rotten, but unconstitutional fruit. It should be this honorable Courts duty to purge the primary taint of an unlawful enactment and vacate the Petitioner's conviction and sentence, order a new trial without his constitutional rights being violated, and remove the racist nature by which he was convicted. It is a well-established tenet of statutory construction under the rule of lenity....Thus, criminal statutes as written are resolved in favor of the accused and against the state.... The rule of lenity applies to penalty provisions as well as substantive.

Louisiana's own legislative intent under the 1997 resolution states the following:

"WHEREAS, the preamble and the Declarations of Rights, as set forth in Article 1 of the Constitution of Louisiana, establish certain guaranties and protections for individual rights and liberties; and

"WHEREAS, this constitutional declaration of rights is not a duplicate of the Constitution of the United States of America or merely coextensive with it; the citizens of Louisiana have choses a higher standard of individual liberty than that afforded by the Constitution of the United States of America and the jurisprudence interpreting the federal constitution; and

"WHEREAS", the Supreme Court of Louisiana gives careful consideration to the United States Supreme Court's interpretations of relevant provisions of the federal constitution, it **cannot** and **should not** allow those decisions to replace the independent judgment in construing our state's constitution, which affords Louisiana's citizens **greater freedom** and **protection** of Individual Liberties.

Clearly the Legislators in 1997 were concerned with not only following the Constitution of the United States, but also in guaranteeing its citizens greater freedom and protection. However it took the legislators until January of 2019 to end a law that was based on racial discrimination, and then only as an Amendment that the citizens of Louisiana voted to change when those same legislator's could have removed the racial taint themselves by declaring it unconstitutional.

The Fourteenth Amendments Equal Protection Clause states: racially motivated laws are presumptively unconstitutional. Facially race neutral laws will be deemed unconstitutional when on the motivating factors in its adoption is racial discrimination. ***Arlington Heights v. Metropolitan Housing Corp., 429 U.S. 252 (1977);*** See also ***Hunter v. Underwood,*** **471 U.S. 222, 228-B1 (1985).**

The Court held that five factors would be used to determine if a facially race neutral law was motivated by invidious racial discriminatory intent, in violation of the 14th Amendment's Equal Protection Clause: 1) the 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. @ 267-68,*** "Determining whether invidious discriminatory purpose was a motivating factor demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available. "Id. @ ***266.***

If a showing can be made that the law was passed with racial motivation and has a disparate impact, the burden shifts to the defender of the law to show that the law would have passed despite the racial impact. ***Hunter, 471 U.S. @ 22-228.***

However, the Court in ***Hunter***, held that a facially race neutral law was motivated by invidious racial discrimination and was unconstitutional under the 14th Amendment where the law continued to have a racially disparate impact despite technical amendments since adoption. ***471 U. S. @ 233.*** The Supreme Court found the following evidence sufficient to hold that the original enactment at issue in ***Hunter*** was adopted with invidious racial discrimination and therefore invalidated the "new" law.

Although understandably no "eyewitnesses" to the 1901 proceeding testified, testimony and opinions of historians were offered and received without objection. These showed that the Alabama Constitutional Convention of 1901 was part of a movement that swept the post reconstruction south to disenfranchise blacks... the delegates to the all-white convention were

not secretive about their purpose. John B. Knox President of the Convention, stated in his opening address:

"And what is it that we want to do? Why it is within the limits imposed by the Federal Constitution, to establish white supremacy in this state." Official Proceedings of the Constitutional Convention of the state of Alabama, May 21, 1901 to September 03, 1901, p. 8 (1940)

Indeed, neither the district court nor the appellant's seriously dispute the claims that this zeal for white supremacy ran rampant at the conventions.***471 U. S. @ 228-29.*** The Court also adopted the analysis of the Court of Appeal that minority voters were 1.7 times more likely to be removed from the voter rolls than white voters, and that this disparate impact was sufficient to prove an equal protection clause violation. ***471 U. S. 227.*** The Court in ***Hunter*** finally held that it was immaterial to the analysis if the law at issue would have been passed "today", without the racial discrimination because the law as adopted was motivated by racial animus and therefore violated the standard in ***Arlington Heights, 471 U. S. @ 223.***

The Court in ***Arlington Heights*** decided the case on the grounds that challenges of the law had failed to prove racially motivated intent. ***429 U. S. @ 270-71.*** The current matter is

distinguishable on its face from ***Arlington Heights.*** The five factors outlined in the adoption of the non-unanimous jury verdict rule. The racial motivations of the conventioneers in 1898 has been persuasively demonstrated by the uncontested testimony of Professor Aiello and Professor Frampton in the ***Maxie*** case. The testimony clearly establishes that the delegates convened to stop political and legal rights from the African American population of Louisiana.

Applying the factors in ***Arlington Heights,*** it is clear that the non-unanimous jury verdicts were motivated by racial animus. The uncontroverted expert testimony of Professor Aiello in ***Maxie*** shows that the Post - Reconstruction South intended to remove African Americans from the political and legal process. There is evidence in the form of news articles, the main source of societal belief in this era, that white supremacist saw African American Jury Service as counterproductive to the cause of Redeemers. The evidence also indicates that that white supremacist in Post Reconstruction Louisiana viewed African Americans as a homogeneous group whose beliefs were antithetical to those of the whites and that African Americans would "thwart" justice at every opportunity.

Shortly before the opening of the convention of 1898, the federal government had invitiated, or at least threatened to invitiate an investigation into the jury practices throughout Louisiana in response to the ***THEZN*** case. While the Department of Justice never really undertook the

endeavor, the conventioneers were keenly aware that any enactments regarding the jury process would be watched carefully. As a result, the nonetheless adopted a facially race neutral law that was designed to ensure that African Americans jury service would be meaningless by constructing a non-unanimous jury verdict system based on relative demographics of the population. That is, it would be highly unlikely that one jury would have more than three African Americans, and therefore, their service would be silenced. This was all predicated on the belief that the races voted as groups and African Americans as a group could not be trusted with the administration on justice.

At the onset of the 1898 Convention, the President of the Convention, E.P. Struttschnitt made the following remarks:

> "We know that this convention has been called together by the people of the state to eliminate from the electorate the mass of corrupt and illiterate voters who have the last quarter of the century degraded our politics..... with unanimity unparalleled (sic) to the Democratic Party of this State the solution to the question of the purification of the electorate. They expect that the question to be solved, and to be solved quickly."

Official Journal of the Proceeding of the Constitutional Convention of the State of Louisiana, held in New Orleans 1898, p.3. At the closing of the Convention, Thomas Semmes, the Chair of the Judiciary Committee, offered the following statement:

> "When we eliminate the Democratic Party or the democracy of the State, what is there left that which we came here to suppress? I don't allude to the fragments of what is called the Republic Party. We met here to establish the Supremacy of the White Race which constitutes the Democratic Party of the State."

Official Proceeding, p. 374. It is abundantly clear from the documentary evidence and the uncontroverted testimony in the ***Maxie*** trial that the motivating factors behind the constitutional convention of 1898 was to establish white supremacy throughout the State of Louisiana. Regardless of what society might have felt at the time, the leaders of the convention openly and on the record endorsed racial discrimination and white supremacy as the goal and outcome of the convention.

While the record of discriminatory disparate impact coming from the original 1898 enactment requiring a majority 9-3 to convict has not been empirically established. The Court in ***Maxie*** took judicial notice that a 10-2 majority verdict rule can create comparative racial disparities that are

statistically significant, the old rule of 9-3 must by logic and definition create at a minimum an equally disparate racial impact.

Under the analysis of ***Arlington Heights,*** the initial enactment of 1898 is unconstitutional under the Fourteenth Amendment's Equal Protection Clause. However, the analysis does not end there. The Question is whether current policy prior to the January 01, 2019 amendment is also unconstitutional as applied. The case in ***Maxie*** was substantially similar to the original enactment in 1898. It continues to violate anyone's right who was convicted and sentenced under that law since it had a disparate impact. As the uncontroverted testimony offered by Professor Frampton and Mr. Simmerman in the ***Maxie*** case, the comparative disparities are significant and startling. African American defendants are being convicted by non-unanimous juries 30% more frequently than white defendants. The original enactment from 1898 was unconstitutionally motivated by race and the current enactment continues to have a discriminatory impact. Under the ***Hunter*** analysis, the original non-unanimous jury verdict scheme is unconstitutional.

While it is clear that the 1898 non unanimous jury verdict schemes are Un-constitutional, it does not answer the question with respect to the Amendment prior to January 01, 2019 enacted by the legislature. This is a different issue to analyze. The Supreme Court has a line of

jurisprudence dealing with the perpetuation of racially discriminatory policies that have cleansed the past discrimination. ***U.S. v Fordice, 505 U.S. 717 (1992). Fordice*** stands for the proposition that if a new policy is enacted that is rooted in or fairly traceable to a policy motivated by invidious racial discrimination and the new enactment continues to have discriminatory effects, the new policy violates the Fourteenth Amendment. ***505 U.S. @ 737.*** The new policy is not rooted in or fairly traceable to a prior enactment, then it must be shown that the enactment is itself violative of the Fourteenth Amendment under the ***Arlington Heights*** standard. ***505 U.S. @ 737.***

Following from ***Fordice,*** was the recent case in June 2018, ***Abbott v. Perez, 138 S. Ct. 2305 (2018). Abbott*** is a voting rights case dealing with Texas redistricting plans. A 2011 plan adopted by the legislature was never allowed to go into effect by a three judge panel of a federal district court. ***128 S. Ct. 2313.*** The district court created and adopted a plan for use in 2012, id., the Texas legislature later adopted the plan developed by the district court with minor changes in 2013. Id, The three judge panel of the district court in 2017 invalidated the plans adopted by the state in 2017 and held that the plans were based on the enacted 2011 plans and the 2013 adoption had not cleansed the enactment of its racial motivation. Id.

The ***Abbott*** court held in pertinent part, that the burden of proof to challenge a new policy never before enacted lies with challengers of the law. ***138 S. Ct. 2325.*** The case before the court

in ***Abbott*** was about new policy, drafted by the legislature based on district courts maps. The reason the state was not required to show that the "first taint" of racial discrimination had been cleansed was because there was no indication that the district court plans adopted, albeit with small changes, by the legislature had been motivated by discriminatory intent or by the 2011 legislative plan, id. The Supreme Court took great pains to distinguish ***Abbott*** from the perpetuation cases stemming from ***Fordice*** because the enactment in ***Abbott*** was not fairly traceable to any previous discrimination because the legislature reported off the maps given it by the district court. If a policy can be traced to a previously discriminatory enactment, the correct standard of review is that announced in ***Fordice.***

In the ***Maxie*** case the court answered the question that the 1973 convention of the Louisiana Legislature did not sufficiently cleanse the provision of its discriminatory past and intent to pass constitutional muster under ***Fordice.*** The court also held that there was still taint of invidious racial discrimination and legislature wanted to continue the majority verdict scheme as enacted in 1898 because the Supreme Court had affirmed the policy in ***Jackson v. Louisiana, 406 U. S. 365 (1972).*** In the ***Maxie*** case it was also shown to the court under ***Arlington Heights*** and ***Fordice*** analysis that the empirical analysis conducted showed statistically significant results that demonstrated disparated impacts to African Americans.

It should therefore be clear to this court based on the uncontroverted testimony in the ***Maxie*** case that Article 1 subsection 17 of the Louisiana Constitution and Art. 782 of the Louisiana Code of Criminal Procedure prior to the January 01, 2019 Amendment are unconstitutional based on racial discrimination and violated the Petitioner's Sixth and Fourteenth Amendments Right's to the United States Constitution.

Since it is abundantly clear that Louisiana's Art. 1 subs. 17 and Art. 782 of the Louisiana Code of Criminal Procedure as enacted prior to January 01, 2019 are unconstitutional based on racial discrimination, it should also be clear that the Petitioner's 14th Amendment Right under the Privileges and Immunities Clause were violated and his conviction and sentence should be set aside.

A conviction under an unconstitutional law "is not merely erroneous, but is illegal and void and cannot be a legal cause of imprisonment. It is true, if no writ of error lies, the judgment may be final but... if the laws are unconstitutional and void, the circuit court acquired **no jurisdiction** of the cause. It follows then that a court has no authority to leave in place a conviction and sentence that violates a constitutional right, regardless of whether the conviction or sentence becomes final before the rule was announced."

denying them what is guaranteed them by the Constitution and laws that have been enacted even prior to the State of Louisiana taking that right from them in direct conflict to United States Supreme Court precedent.

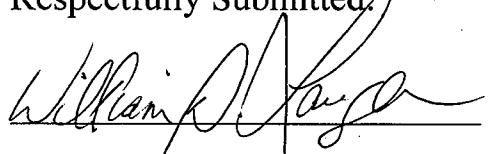
Not even the Solicitor General for the State of Louisiana could deny that the law stemmed from racial discrimination, and in fact conceded to that point in ***Ramos***. All nine Justices in ***Ramos*** understood that the law was based on racial animus, now the only issue left to resolve is one of a solution. An issue that can only be cured by giving back the same Rights that were violated in the first place.

No matter how painful it may be to admit what was done, how much more so would it be to continue to deny that a wrong was committed? Or do we as a population have the ability to be resilient and overcome past errors in an attempt to be greater as a whole now and in the future?

If this Honorable Court determines that a citizen can never be procedurally barred on an unconstitutional law, it would be restoring faith that the Constitution as written should be followed by all; especially those who are elected to uphold the law. The State of Louisiana cannot claim to be simply upholding law that was good at the time when that law was wrong at the onset.

The maxim, Sir Thoma More said, is ***qui tacet consentire*** videtur. The Court can still rectify the worst of this shameful complicity. For these reasons Mr. Lauga humbly request this Honorable Court grant certiorari (direct collateral review), vacate his conviction and sentence, and end once and for all Louisiana's reasons for denying Constitutional Rights.

Respectfully Submitted:



William D. Lauga, # 568149
L.S.P. MPEY/Spruce 3
Angola, Louisiana. 70712

Date: August 25th, 2021