ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

NO: 21-5648

O.B. DAVIS, JR.

VERSUS

KEITH DEVILLE, WARDEN, WINN CORRECTIONAL CENTER;
JOHNNY SUMLIN,WARDEN,CLAIBORNE PARISH DETENTION CENTER,

ON PETITION FOR APPLICATION FOR WRIT OF CERTIORARI
TO THE UNITED STATES SUPREME COURT FROM THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT'S DENIAL OF APPEALABILITY

No.: 20 -30631

PETITION OF DEFENDANT, O.B DAVIS, JR.,

Respectfully submitted by:

s/ O.B DAVIS JR

O.B. Davis, Jr., Petitioner, *pro se*
Claiborne Parish Detention Center
1415 Hwy. 520
Homer, LA 71040

Question and Issues presented:

1. Whether the Court's adjudication of this case ensue from a decision that was to, or involve an unreasonable application of, clearly established law as recognized by the United States Supreme Court under Schulp v. Delo?

2. Whether the Court has deviated materially from established jurisprudence by allowing prosecutor's to withhold evidence from the petitioner that was favorable to the proving of his innocence and further use it against him in order to ensue a conviction?

3. Whether the Constitutional requirement of due process is satisfied where a conviction is obtained on the sole basis of a witness' testimony that was admitted by this witness to be presented under false pretense?

4. Whether the Appellate Court acutely determine that the circumstantial evidence used against this petitioner was sufficiently reasonable in its application?

5. Whether the Court's affirming of petitioner's conviction violate his due process rights under the Fourteenth Amendment of the United States Constitution and the Eight Amendment's prohibition against cruel and unusual punishment?

STATEMENT OF JURISDICTION:

Jurisdiction is vested in this Honorable Court by virtue of Article V, Section 10 of the Louisiana Constitution of 1974, and by Rule X and Rule XIII of the Rules of the Supreme Court of the United States.

NOTICE OF PRO-SE FILING:

Petitioner request that this Honorable Court view these Claims in accordance with the rulings of Haines v. Kerner, 404 U.S. 519, 92 S. Ct. 594, 30 L. Ed. 2d. 652 (1972); State v. Moak, 387 So.2d. 1108 (La. 1980)(Pro-se petitioner not held to same stringent standards as a trained lawyer); State v. Egana, 771 So.2d. 638 (La. 2000)(less stringent standards than formal pleadings filed by lawyers). Petitioner is a layman of the law and untrained in the ways of filings and proceedings of formal pleadings in this Court.

MAY IT PLEASE THIS HONORABLE COURT:

NOW INTO COURT COMES, Petitioner,O. B. Davis, in pro-se' capacity, who respectfully applies to this Honorable Court to issue a Writ of Certiorari to review the judgement of the United States Court of Appeal, for the Fifth Circuit, for the denial of his petition for writ of habeas corpus pursuant to U.S.C. § 2254 @ USDC No. 2:19-CV-1107; in accordance with this Court's Rule X and Rule XIII, petitioner presents the following reasons in support of the granting of this writ;

STATEMENT OF FACTS:

1. On June 17, 2013 before the Thirty-First Judicial District Court, with his attorney of record, W. J. Riley, III. Through counsel, Mr. Davis withdrew his previous plea of not guilty and entered a pea of *nolo contendre* or "No Contest" to the lesser included offense of Forceable Rape, **La. R.S. 14:42.1**. The state at this time was represented by Bennett R. Lapoint, Asst. District Attorney. Mr. Lanpoint stated the factual basis for the record and offered for filing into evidence as state's exhibit S-1, the CAC interview with the drawings: as State's exhibit S-2, in globo, the medical reports; and State's exhibit S-3, the written statement by witness Krystal Mallet. The court ordered the state's exhibits filed into the record and placed under seal. The victim in this matter whose initials are T. P., a minor, wrote an impact statement in which Mr. Lanpoint read into open court. Upon completion, he offered the impact statement for filing into record. The court ordered the offering filed into record. Whereupon, the court sentenced Mr. Davis to serve twenty (20) years at hard labor with the Louisiana Department of Public Safety and Corrections. (DOC, 7, p. 1.) The court then ordered that the first two (2) years of the sentence be served without the benefit of probation, parole, or suspension of sentence and that the sentence run concurrently to Petitioner's probation revocation in CR – 1804 – 07. The court also gave Petitioner credit for all time previously served. Prior to accepting the nolo contendere plea, the court Boykinized the defendant. Throughout these proceedings, Petition was represented by Mr. W. J. Riley, III.

2. Mr. Davis then filed motions for production of documents into the trial court, which were subsequently denied in part. Petitioner sought review in the Third Circuit court of appeal on September 19, 2013. (Davis v. State of Louisiana, 2:15 – cv – 2564, DOC . 1, attorney. 1, p. 14).

The Third Circuit Denied his application as deficient on November 18, 2013. Id. Davis sought review in the Louisiana Supreme Court, which denied same on August 28, 2015. Id. at 20.

3. Petitioner's Uniform Application for Post Conviction Relief was filed into the Thirty-first Judicial Court. An evidentiary hearing was granted and scheduled for September 8th, 2016.

4. On November 4, 2016 Petitioner appeared in court with court appointed counsel Mr. Tim Cassidy for a post-conviction relief hearing to admit and/or present newly discovered evidence. Petitioner was denied relief in said hearing.

5. Indigent inmates must be provided with a free copy of the following documents: transcripts of their guilty plea colloquies, copies of the Bill of Information or Grand Jury Indictment charging them with an offense, copies of the district court minutes for various portions of their trials, copies of the transcripts of evidentiary hearings held on their applications for post-conviction relief, and copies of documents committing them into custody.

6. Petitioner was deemed to be an indigent inmate who was not previously provided with a copy of the transcripts from the evidentiary hearing held on his post-conviction relief application on November 4, 2016.

7. On March 7, 2017, 31st Judicial District Judge The Honorable Craig Steve Gunnell ordered petitioner a copy of the hearing transcripts.

8. On May 17, 2018, the Third Circuit court of Appeal denied Petitioner's writ of review. (NO: KH 17-00512). The Third circuit's reasons for denying petitioner's post-conviction was that it was deficient, and that it did not comply with **La. C. Cr. P. Art. 912.1(C)**, Uniform Rules – Court of Appeal, Rule 4-5, Third Circuit Internal Rule 16, and **City of Baton Rouge v. Plain**, 433 So.2d 710 (La.), *Cert. Denied*, 464 U.S. 896, 104 S. Ct. 246 (1983).

9. On May 6, 2019, the Louisiana Supreme Court, in a Per Curiam decision, denied Petitioner's supervisory and/or remedial writs. (2018 -KH- 1156) Stating that Petitioner failed to show he was denied access to the courts by an unjustified enforcement of the uniform rules governing the filing of applications in the court of appeal, and thus shows no error in the court of appeal's denial of writs on technical grounds. **La. C.Cr.P. Art. 912.1(C)**.

10. On the 25th day of November, 2019, Magistrate Judge Kay issued a report and recommendation, asserting that petitioner's habeas be denied on basically procedural issues.

11. On or about December 14, 2019, Petitioner filed an objection to Magistrate Judge Kay's recommendation.

12. On December 26, 2019, Petitioner received a judgment order Denying petitioner's writ and Dismissing it with prejudice.

13. Petitioner filed motion for Certificate of Appealability.

14. On January 9, 2020 Motion was denied.

15. On January 15, 2020 Petitioner was notified by United States Court of Appeals that before he

must apply for Certificate of Appealablity to comply with 28 U.S.C. & 2253.

16. On June 11, 2021 the court entered judgment under **FED. R. APP. P.** 36 and now petitioner petitions for panel rehearing.

17. On June 23, 2021 the Petitioner was advised by the court that the there will be no action taken on his petition for rehearing under **FED. R. APP. P.** 40 has expired.

18. On June 24, 2021 the court dismissed Petitioner's writ of habeas corpus without prejudice for lack of subject matter jurisdiction.

19. Your Petitioner now submits this Application for Writs of Review so that this Court may make determination of whether the issues cited herein would have had a significant impact on the outcome of these proceedings.

STATEMENT OF THE CASE:

The petitioner, hereinafter Mr. Davis, pleaded nolo contendere to the charge of forcible rape. He was sentenced to twenty years' imprisonment and did not appeal his sentence or conviction. On April 28th, 2016, Mr. Davis received a letter from Ms. Krystal Mallet -a witness who made inculpatory statements prior to Mr. Davis's plea. In her letter, Ms. Mallet asserts that Mr. Davis's victim admitted to lying to her about the rape. Mr. Davis submitted this letter into the court's arguing that his conviction was obtained using Ms. Mallett's false testimony in violation of the Fourteenth Amendment of the United State's Constitution.

ARGUMENT SUFFICIENCY

I. Petitioner argues that if the knowledge of Ms. Mallet's testimony being false were to be presented before the court prior to the plea agreement the out come of the proceedings would have been different.

Mr. Davis, has discovered, since the date of his conviction, a prejudicial error in the proceedings that, not withstanding the exercise of reasonable diligence, was not known to him until he had been given an affidavit from the state's witness, hereinafter Ms. Mallet, recanting testimony that had been crucial to the prosecution's case. In the event of, Mr. Davis raised a claim which fell under the Newly Discovered Evidence Requirement. The A.E.D.P.A.'s Sec. 2253 (c) codified the standard, announced in **Barefoot V. Estelle,** 463 U.S. 880 (1983), for determining what constitutes the requisite showing to obtain leave to appeal a district courts denial of Habeas Corpus Relief. Under the controlling standard, a petitioner must "show that reasonable jurist could debate whether or, for that matter agree that the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further", **Slack v. McDaniel,** 529 U.S. 473 at 484 (2000) quoting Barefoot, Supra at 893.....

The United States Supreme Court has recognized an exception to the requirement that a petitioner demonstrate both "cause" and "prejudice," where the Petitioner can demonstrate that failure to consider the procedural defaulted claims will result in a fundamental miscarriage of justice because he is actually innocent of the crimes when he was convicted. See, e.g., **Noltie v. Peterson**, 9 F.3d 802, 806 (9th Cir. 1993). However, in order to qualify for this "miscarriage of justice" exception, the

petitioner must "support his allegations of constitutional error with new reliable evidence—whether it be exculpatory scientific evidence, trustworthy eyewitness accounts, or critical physical evidence that was presented at the trial. **Schulp v. Delo**, 513 U.S. 298, 130 Ed 2d 808, 115 S. Ct. 851, (recognized that such evidence "is obviously unavailable in the vast majority of cases"). Further, to establish the requisite probability that a constitutional violation probably has resulted in the conviction of one who is actually innocent, "the petitioner must show that it is more likely than not that no reasonable juror would have convicted him in light of the new evidence.: id. at 327.

In **McQuiggin v. Perkins**, __ U.S.__, 133 S. Ct. 1924, 1928, 185 L. Ed. 2d 1019 (2013), the Supreme Court held that a "convincing showing" of actual innocence under **Schulp**, *supra,* also can overcome the AEDPA state of limitations. In **Schulp**, the Supreme Court has recognized that the "case and prejudice" requirement has an "actual innocence" exception, sometimes known by other name as the "fundamental miscarriage of justice" exception. A fundamental miscarriage of justice exception is narrowly construed and is equivalent to actual, as opposed to legal, innocence. **Sawyer v. Whitley**, 505 U,S. 333, 339, 120 L. Ed.2d 269, 112 S. Ct. 2514 (1992). In **Murray v. Carrier** (1986) 477 U.S. 478, 91 L. Ed.2d 397, 106 S. Ct. 2639, the Supreme Court held that, in order to invoke this exception, the Petitioner is required to show that a constitutional violation has "probably" resulted in the conviction of one who is actually innocent.

In the case *sub-judice*,

On April 28th, 2016 Ms. Mallet wrote Mr. Davis a letter recanting her previous testimony. In that she stated she lied on Mr. Davis, she expressed her reasons and apologies for doing so.

On November 4, 2017, Mr. Davis was afforded an evidentiary hearing. During the hearing Ms. Mallet presented to the court her testimony. At this time, Mr. Davis was represented by State appointed counsel Mr. Tim Cassidy, hereinafter Mr. Cassidy who asked Ms. Mallet a crucial question in discernment of her truthfulness. In that, he asked her in so many words why did she write the letter and her response was that she felt that an innocent man was not supposed to be in jail.

However, later on in this hearing Ms. Mallet contended to the court that everything in the letter was a lie. In Juxtapose, this clearly connotes impeaching testimony. In her initial statement at time of arrest Ms. Mallet testified to one thing. In a notarized document she testifies that what she stated in her initial statement was fabricated and during the aforementioned hearing she asserts that her notarized letter is a lie. Of which leaves the finding of guilt an enigma; while the innocent Mr. Davis resides behind bars.

In **State v. Neslo**, Sup.1983, 433 So.2d. 73 the State was allowed to impeach the defendant with a prior inconsistent statement that was made to the police with respect to the facts surrounding his arrest and questioning was not improper in ground that the statement was not freely and voluntarily given.

In **State v. Washington**, App. 5 Cir. 1999, 727 So.2d 673, 98-69 (La. App. 5 Cir. 1/26/99) a police officer's hearsay testimony about a statement made by defendant's alleged fiancee regarding her relationship to defendant was admissible to impeach alleged fiancee's trial testimony that was inconsistent with her prior statement and that affirmatively damaged prosecution's case.

In **State v. Redwine**, Sup.1976, 337 So.2d 1041, Defense counsel could not protect his own witness from impeachment by State use of prior inconsistent statement by eliciting from witness during his direct examination an admission that such witness had given a prior statement which was entirely different from his trial testimony.

The due process standard in **U.S. Const. Amend. XIV** and **La. Const. Art. I, 2** does not require the reviewing court to determine whether it believes the witness or whether it believes the evidence establishes guilt beyond a reasonable doubt. Rather, review is limited to determining whether the facts established by the direct evidence and inferred from the circumstances established by that evidence are

sufficient for any rational trier of fact to conclude beyond a reasonable doubt that the defendant was guilty of every essential element of the crime. The basis of this conviction was established by means of an untruthful testimony of which clearly connotes an act of perjury. Perjury that stemmed prior to the November 4, 2017 hearing. Perjury that A.D.A Mr. Bennet R. Lapoint was aware of, and not only aware of it, but he implemented coercing tactics to ensure it's validity.

Ms. Mallet stated that at the time she provided her initial statement she was unaware of the truthfulness of its contents. And that she remained unaware of the fabrications until years later.

Upon finding out that she had contributed to the "locking up" of an innocent man – Ms. Mallet located the whereabouts of Mr. Davis and mailed to him a handwritten letter of which is submitted into evidence as an affidavit.

The Constitution prohibits the imprisonment of one who is innocent of the crime for which he was convicted. The central purpose of any system of criminal justice is to convict the guilty and free the innocent. See **United States v. Nobles**, 422 U.S. 225, 230, 45 L. Ed. 2D 141, 95 S. Ct. 2160 (1975). With respect to the standard of proof in a criminal case, the proposition is firmly established in the nation's legal system that the line between innocence and guilty is drawn with reference to a reasonable doubt. The district court must make a probabilistic determination about what reasonable, properly instructed jurors would do, and it is presumed that a reasonable juror would consider fairly all of the evidence presented and would conscientiously obey the trial court's instructions requiring proof beyond a reasonable doubt. According to the majority, under **Schulp**, "the petitioner is required to present 'evidence of innocence' such that a court cannot have confidence in a trial." What Mr. Davis now submits into this court as newly discovered evidence is the same evidence the state used against him in order to obtain a conviction, only now contradicted and thereby proven to be false. The question still remains that if the jurors were aware that the testimony of Ms. Mallet was false, would they have found him guilty? On the same note this extends to would his lawyer, in light of this evidence, have persuaded him into the acceptance of a guilty plea on the pretense of falsified testimony?

It is an unalterable fact that our judicial system, like the human beings who administer it, is fallible. But history is replete with examples of wrongfully convicted persons who have been pardoned in the wake of after-discovered evidence establishing their innocence. In his classic work, Professor Edwin Borchard compiled 65 cases in which it was later determined that individuals had been wrongfully convicted of crimes. Clemency provided the relief mechanism of 47 of these cases; the remaining cases ended in judgments of acquittals after new trials. E. Borchard, Convicting the Innocent (1932).

II. Petitioner further avers that the Court has deviated materially from established jurisprudence by allowing prosecutor's to first withhold evidence of which is in direct violation of Brady v. Maryland and further present it i.e., Ms. Mallet's testimony and use it to their advantage while being aware of its fabrications.

Mr. Davis, alleges that the state prosecutors were aware that the testimony of Ms. Krystal Mallet consisted of falsified information and that as prosecutors, each attorney should be familiar with the Prosecutor's creed as articulated in **Berger v U.S.** (1935);

> The District Attorney is the representative not of ordinary party to a controversy, bit sovereignty, whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definitive sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffers. He may prosecute with earnestness and vigor – indeed, he should do

so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction, as it is to use very legitimate means to bring about a just one.

Moreover, these concepts have also been embodied in Rule 38 of the Louisiana Rules of Professional Conduct, entitled Special Responsibilities of a Prosecutor.

In Rule 38 (d) the prosecutor in a criminal case shall:

(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that the prosecutor knows, or reasonably should know, either tends to negate the guilt of the accusal or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.

The United States Supreme Court in Brady v. Maryland held that the suppression, after a request, of any evidence favorable to a defendant, where the evidence is material either to guilt or punishment, regardless of the prosecutors good faith or bad faith, faith, violators Due Process. **Brady v. Maryland,** infra. In Giglia v. U.S., 405 U.S. 150 (U.S. 1972)."

Mr. Davis contends that the state withheld this falsified information in direct violation of **Brady V. Maryland**, 373 U.S. 83, 10 L. Ed.2d 215, 83 S. Ct. 1194 (1963)(and its progeny). Brady material is information or evidence that: impeaches a prosecution witness; tends to exonerate a defendant; involves dishonesty; shows improper use of force; or tends to show bias. Favorable evidence includes both exculpatory evidence and evidence impeaching the testimony of a witness when the reliability or credibility of that witness may be determinative of the defendant's guilt or innocence. **United States v. Bagley**, 473 U.S. 667, 105 S. Ct. 3375, 87 L. Ed. 2D 104 (1972). Examples of possible impeachment evidence of a material witness include but are not limited to: (1) False reports by a prosecution witness (2) Pending criminal charges against a prosecution witness (3) Parole or probation status of the witness; (4) Evidence contradicting a prosecution witness' statements or reports (5) Evidence undermining a prosecution witness' expertise (6) A finding of misconduct tht reflects on the witness' truthfulness, bias or moral turpitude (7) Evidence that a witness has a reputation of untruthfulness (8) Evidence that a witness has a racial, religious or personal bias against the defendant individually or as a member of a group (9) Promises, offers, inducements or payments to a witness, including an implied grant of immunity, and (10) An employee presently under suspension. When Brady is withheld, a defendant is entitled to a new trial, if, the evidence is material. Meaning, if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. A 'reasonable probability' is a probability sufficient to undermine confidence in the outcome. **United States v. Bagley, supra, at 678.**

Mr. Davis avers that the truthfulness of Ms. Mallet's testimony should be allowed to be determined by the jurors. A recantation is a confession to perjury which destroys the credibility of the witness. **State v. Link** letter, 345 so.2d 452 (la 1977), cert denied. 434 U.S. 1016, 98 S. Ct. 733, 54 L. Ed 2d 760 (1978). In this case, the falsified "testimonies" of Ms. Mallet could have more than likely "would have" affected his decision as to whether or not he would have accepted the prosecutors plea agreement.

III. Mr. Davis further avers that the Eight Amendment's prohibition against cruel and unusual punishment and the Fourteenth Amendment's guarantee of the right to due process of law therefore forbid his incarceration, because he is "Actually innocent" of the charge of Forceable rape.

Mr. Davis was convicted on circumstantial evidence, predominantly on the testimony of the state's witness Ms. Mallet. The standard for the sufficiency of the evidence is whether, viewing the evidence in a light most favorable to the prosecution, a rational trier of fact could have found that the state proved the essential elements of the crime beyond a reasonable doubt. The rule as to circumstantial evidence is that, assuming every fact to be proved that the evidence tends to prove, in order to convict, it must exclude every reasonable hypothesis of innocence, **La. Rev. Stat. Ann. 15:438**. However, this statutory rule for circumstantial evidence does not provide a separate test from the **Jackson v. Virginia** sufficiency of the evidence test whenever the state relies on circumstantial evidence to prove an element of the crime. Although the circumstantial evidence rule may not establish a stricter standard of review than the more general reasonable juror's reasonable doubt formula, it emphasizes the need for careful observance of the usual standard and provides a helpful methodology for its implementation in cases which hinge on the evaluation of circumstantial evidence, both direct and circumstantial, must be sufficient under **Jackson v. Virginia** to satisfy a rational jury that the defendant is guilty beyond a reasonable doubt.

In evaluating the sufficiency of the evidence to support a conviction, a reviewing court must determine whether, viewing the evidence in the light most favorable to the prosecution, any trier of fact could have found proof beyond a reasonable doubt of each of the essential elements of the crime charged. **Jackson v. Virginia,** 443 U.S. 307, 99 S. Ct. 2781, 61 L. Ed. 2D 560 (1979); **State v. Captville**, 448 So. 2D 676, 678 (La. 1984). Additionally, where circumstantial evidence forms the basis of the conviction, the evidence must exclude every reasonable hypothesis of innocence, "assuming every fact to be proved that the evidence tends to prove." **La. R.S. 15: 438**; See, **State v. Neal**, 200-0674 p.9 (La. 6/2 9/01), 796 So. 2D 649, 657, cert. Denied, 535 U.S. 940, 122 S. Ct. 1323, 152 L. Ed. 2D 231 (2002). The statutory requirement of La. R.S. 15:438 " works with the Jackson constitutional sufficiency test to evaluate whether all evidence, direct or circumstantial, is sufficient to prove guilt beyond a reasonable doubt to a rational jury." **Neal**, 2000-0674 p.9, 796 So. 2D at 657. **State v. Draughn**, 05-1825, p.7 (La. 1/1 7/07), 950 So. 2d. 583, 592, cert. Denied, 522 U.S. 1012, 128 S. Ct. 537, 169 L. Ed. 2D 377 (2007).

In the matter at hand, Ms. Mallet's testimony was the "linchpin" of the prosecution's case; without it the state would not have had the inculpatory evidence needed to support even a showing of probable cause for the arrest of Mr. Davis, let alone proof of guilt beyond a reasonable doubt. When dealing with circumstances in regard to witness or victim testimony, absent internal contradiction or irreconcilable conflict with physical evidence, one witness's testimony is sufficient to support a defendant's conviction of a sex offense. Even where the state does not introduce medical, scientific, or physical evidence to prove the commission of the offense. However, once a subject area on direct-examination is opened, the principle that a witness should testify truthfully prevails; cross examination of the witness to determine if she made similar statements previously is logically necessary in evaluating her truth or credibility."

CONCLUSION:

Mr. Davis request that this Court give careful consideration and survey the use of tactics administered by ADA Mr. Lapoint in his endeavor towards the obtaining of this this conviction. At this time it is clear that everything changed and what resulted was an act of duress, coercion at it's finest – all of a sudden, Ms. Mallet's testimony makes a shift ensuing another falsified statement. What complicated this matter is that these conflicting statements are being denied the right of being presented before a jury. When a persons statement consistently changes in contradictory methods who knows which one of these statements possesses the truth.

PRAYER:

WHEREFORE, Petitioner respectfully prays that for the reasons presented herein, that this Honorable Court GRANT the instant writ application and therefor GRANT petitioner the relief he is entitled to as a matter of both federal and state constitutional law.

Respectfully submitted the 23rd day of August, 2021.

Submitted by:

O.B. DAVIS JR

O.B. Davis Jr. #106316
Claiborne Parish Detention Center
1415 Hwy. 520
Homer, Louisiana 71040

VERIFICATION

STATE OF LOUISIANA
PARISH OF CLAIBORNE

I, **O.B. Davis Jr.**, do hereby verify under penalties of perjury that I am the petitioner in the foregoing petition for "Application for Writ of Certiorari ", that I have read and/or prepared all the matters contained therein, and that all matters contained therein, are true and/or correct to the best of my knowledge and/or belief.

O.B. DAVIS JR

O.B. DAVIS JR