

IN THE UNITED STATES SUPREME COURT

Randolph Armstead

Civil No: 21-5677

v.

Keith Deville, Warden

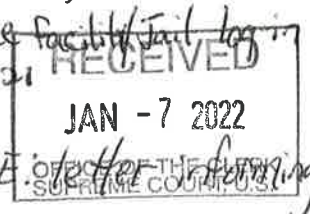
Petition For Rehearing

Now into court comes petitioner Randolph Armstead indigent in prose capacity, who petitions this Honorable US Supreme Court for a rehearing "granting" Armstead's petition for a Writ of Certiorari on the following grounds to wit:

Armstead is being held incarcerated in violation of his constitutional rights, where in essence the state "created law" that the state prosecutors is under no obligation to make the victim able for trial (if) the case is relying on DNA evidence and the ages of the victim and the defendant at the time of the offense [relying on zero case precedent]; LA Constitutional rights and the laws of the state of Louisiana. (Please see Attorney at law "Notary Public letters attached)

Note: petitioner has been in conflict with facility/jail administration due to the holidays and short of staff for incoming and outgoing mailing and/or prepaid postage services. (please see Facility/Jail log of my signature for Dec. 23, 2021) received RE: letter for Dec. 10, 2021

On December 23, 2021, petitioner received a RE: letter informing



petitioners "Motion for Consideration" was returned for failure to comply with Rule 44 of the rules of court.

However, petitioner was ordered to correct and resubmit to office in corrected form within 15 days to the date. (Please see RE: letter dated December 10, 2021, attached)

On August 3, 2021, petitione filed into US Supreme Court and was placed on the docket September 16, 2021, case No. 21-5677 petition for a Writ of Certiorari.

However, on November 23, 2021, petitioner received a RE: letter informing that his petition for Writ of Certiorari has been denied on November 15, 2021

Note: petitioner has never received an actual ruling in ref. to case No. 21-5677 and/or never received written reasons or judgement of the denial. (please see RE: letter, November 15, 2021).

Grounds

- I.** The due process clause of the 14th Amendment, due process of 5th Amendment and the 6th Amendment "Fair Trial" of the United States Constitution is violated, when further proceedings including a trial were held "applicable" after apparent Divestiture of jurisdiction. USDC, Eastern adopted that petitioner has not demonstrated a violation of his constitutional right arose from the actions of state courts.
- II.** The 6th Amendment of the United States Constitution is violated, when it was held the confrontation clause was not violated

and a trial proceeded without testimony of the alleged victim. USDC, Eastern adopting the prosecution introduced no out-of-court statement from the victim to convict the petitioner.

III. The due process clause of the 14th Amendment and 6th Amendment "Fair Trial" of the US constitution is violated, when held the trial courts decision not to admit the statement by the victims mother into evidence was appropriate. USDC, Eastern adopting "concluded this issue is of state law."

IV. The due process clause of the 14th Amendment and 6th Amendment "Fair Trial" of the US Constitution is violated, when held that the trial court did not abuse it's discretion denying the defendant a new trial; holding the victim testimony wouldn't probably produce a different verdict. USDC, Eastern adopting that this doesn't involve const. law and failed to prove the victim's appearance and testimony isn't a question for Habeas Corpus review.

V. The 5th Amendment, 14th Amendment due process clauses and 6th Amendment "Fair Trial" of the US Constitution is violated, when held the state proved every element of it's case beyond a reasonable doubt, USDC, Eastern adopted that the jury was well-within the ambit of its authority to resolve and consider the amount of evidence brought before it to prove that petitioner had sexual intercourse with the victim.

VI. The 6th Amendment "Fair Trial" of the United States Constitution is violated, when held the defendant failed to show Ineffective Assistance of Counsel. USDC, Eastern adopting "petitioner suffered no prejudice from his counsel failure to seek pretrial review."

VII. The US District Court, Eastern committed manifest and harmful error, when "ruled" petitioner is not entitled to Fed. Habeas relief on claim that the state trial court was

Without jurisdiction to reconsider it's ruling on the motion to quash the indictment; finding no plain error in the portion of the report and recommendation to which petitioner does not object, that petitioner's claims be denied and dismissed without prejudice.

VIII. The US District Court, Eastern and US Court of Appeals, Fifth Circuit committed manifest and harmful error, when adopting the Magistrate Judge's recommendation that petitioner has not demonstrated a violation of his constitutional rights and Denying Certificate of Appealability (COA) and request and Denial of an Evidentiary Hearing.

CONCLUSION

Wherefore, the petitioner prays he is "granted" a Rehearing.

Respectfully submitted,
Randolph Armistead
Claiborne Parish Detention
1415 Highway 520
Homer, LA 71040

CERTIFICATE OF SERVICE

I Randolph Armstead do hereby certify that I have forwarded a true and correct to the best of knowledge copy of the foregoing Petition for Rehearing to the following; And is presented in good faith and not for delay to the following:

Orleans Parish District Attorneys office
619 South White Street
NEW Orleans, LA 70119
Tel: (504) 658-9320

By placing the same in the US mail postage pre-paid at:

Claiborne Parish Detention
1415 Highway 520
Homer, LA 71040

On this 27th day of December 2021.



LAW OFFICE OF ROSHELL JONES, APLC

405 W. Main Street, Suite 107 Lafayette, LA 70501

Tele: (337) 504-3437

Fax: (337) 504-3937

Attorney at Law

Notary Public

February 16, 2015

Via U.S. Mail

Randolph Armstead
Winn Correctional Center
180 CCA Blvd.
Atlanta, LA 71483

RE: State of Louisiana vs. Randolph Armstead
Docket No.: 502-727J

Dear Mr. Randolph:

Please find enclosed a copy of the Fourth Circuit's decision. I am appealing this decision to the Louisiana Supreme Court. I strongly believe the Fourth Circuit is in error. It has in essence created new law that the constitutional right to confront your accuser does not exist as long as the District Attorney's Office is using DNA evidence. This ruling is a total disregard to the Constitution, and it requires review by the State's High Court. I will forward you a copy of my brief to the Supreme Court upon completion.

Moreover, the issue with the correctional facility keeping you after the Fourth Circuit's reversal of your conviction is a moot issue now since the Supreme Court reinstated the conviction. I do not believe filing a complaint against the correctional facility has merit at this point.

Should you have any questions, please feel free to contact my office at the number above.

Sincerely,

Rosshell Jones
Attorney at Law

RFJ/bds

Enclosure(s)



LAW OFFICE OF ROSHELL JONES, APLC

405 W. Main Street, Suite 107 Lafayette, LA 70501

Tele: (337) 504-3437

Fax: (337) 504-3937

Attorney at Law

Notary Public

September 25, 2014

Via U.S. Mail

Randolph Armstead
Winn Correctional Center
180 CCA Blvd.
Atlanta, LA 71483

RE: State of Louisiana vs. Randolph Armstead
Docket No.: 502-727J

Dear Mr. Armstead:

Enclosed please find a copy of the decision from the Louisiana Supreme Court. The decision overturned the ruling by the Court of Appeal which reversed your conviction. I was very disappointed and shocked with the decision. I filed a Motion with the Supreme Court asking them to remand your case back to the Court of Appeal in order for the Appeals Court to address the issues in our appeal. The Court of Appeal reversed your conviction based on an error the Appeal's Court found on their own. Therefore the Court did not address our brief at all.

For this reason, I am requesting the Supreme Court send your case back to the Appeal Court to address the appeal we filed. The law entitles you to have your full appeal heard, which has not been done. I am sorry for the delay in this process. I will keep you and your family informed with the results of the Motion I filed. If the Supreme Court denies the Motion, there is nothing else I can do in the case. I have advised your family that they can get a Federal Lawyer to request the Federal Courts review your case because there are some major constitutional violations here. Stay encouraged.

Sincerely,

Roshell Jones
Attorney at Law

RFJ/elb

Enclosure(s)

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

November 15, 2021

Mr. Randolph Armstead
Claiborne Parish Detention
1415 Highway 520
Homer, LA 71040

Re: Randolph Armstead
v. Keith Deville, Warden
No. 21-5677

Dear Mr. Armstead:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk