ORIGINAL

DOCKET NUMBER: 21-62

SUPREME COURT OF THE UNITED STATES

(TERM: OCTOBER 2020-2021)

PAUL M. POUPART

versus

STATE OF LOUISIANA, ET AL.
C/O: JEFFREY LANDRY, ATTORNEY GENERAL

ON PETITION FOR A WRIT OF CERTIORARI TO
THE LOUISIANA SUPREME COURT NO. 2021-KH-00210

"PETITION FOR WRIT OF CERTIORARI"

FILED BY:

LOUISIANA DEPARTMENT OF
PUBLIC SAFETY & CORRECTIONS
ELAYN HUNT CORRECTIONAL CENTER
INMATE, PAUL M. POUPART, #357073
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(Pro se Counsel of Record)

QUESTIONS PRESENTED FOR REVIEW

Has the State of Louisiana and its Judicial Officers created and/or imposed an ex post facto law violating the Petitioner's federal due process rights under the Constitution and would this conduct be considered as fraud upon the court subjecting the Petitioner to cruel and unusual punishment from a state statute that has been determined unconstitutional which should be settled as 'retrospective' on state collateral review?

PARTIES TO THE PROCEEDINGS

The Petitioner is Paul M. Poupart, the inmate and the inmate/petitioner in the Courts below. The respondent is the Attorney General of the State of Louisiana, Jeffrey Landry, who is the defendant/appellee in the Courts below.

24th Judicial District Court
Parish of Jefferson
State of Louisiana
Case No. 09-4796

Fifth Circuit, Court of Appeal
State of Louisiana
Case No. 20-KH-360

Louisiana Supreme Court
State of Louisiana
Case No. 21-KH-210

CORPORATE DISCLOSURE STATEMENT

I, Paul M. Poupart, do not own any parent corporations in these United States of America, nor do I own 10% of any corporation or publicly held company in any foreign jurisdiction.

Paul M Poupart
Paul M. Poupart

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CITATIONS OF REPORTS

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State v. Poupart, 98 So.3d 867 (La. 2012)

with:

State, ex rel., Poupart v. State, No. 09-4796 (2020)
State, ex rel., Poupart v. State, No. 2020-KH-360
State, ex rel., Poupart v. State, No. 2021-KH-210

from:

State, ex rel., Poupart v. State, Mo. 09-4796 (2019)
State, ex rel., Poupart v. State, No. 2019-KH-255
State, ec rel., Poupart v. State, No. 2019-KH-1679

BASIS FOR JURISDICTION

On March 23, 2021, the Louisiana Supreme Court denied the Petitioner's Application for Post-Conviction Relief affirming the decision by the Fifth Circuit, Court of Appeal made on November 16, 2020, and re-affirming the decision of the 24th Judicial District Court, Parish of Jefferson to deny relief on August 19, 2020. Petitioner did not seek any rehearing in the Louisiana Supreme Court due to the 'one word' denial.

The statutory provision believed to confer this Court's jurisdiction on this petition is Title 28 U.S.C. S. 1257(a), which states:

> "Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

See Page 8a for further Jurisdiction Statement.

Article III § 2. cl. 1

This Court to have original jurisdiction Pursuant to Article III § 2 cl. 1, A Petitioner must demonstrate: (1, 2, 3)

(1) They have suffered an "injury in fact." which is an invasion of a legally protected interest that is concreat and particularized rather than conjectural or hypothetical; (2) there is causual connection between the injury and the conduct complained of such that the injury is fairly traceable to the defendant's challenged action, and not the result of the independent action of some third party not before the Court; and (3) the injury likely will be rendressed by a favorable decision. U.S. Const. Art. 3, § 2, cl. 1.

Injury in Fact:

Pursuant to the Fifth Amendment to the U.S. Constitution, it states, in pertinant part, that " No Person shall... be deprived of life liberty, or property, without due process of law ..."

The due process clause, found in the Fourteenth Amendment to the United States Constitution States, in Pertient part, ".... No State shall make or enforceany law which shall abridge the Priviliges or immunties of citizens of the United States, nor shall any state deprive any person of life, [liberty], or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

This Court's Jurisdictionprudence clearly advises that a personcannot be prosecuted or imprisoned for, an unconstitutional and/ or invalid statute. However, that is exactly what has happened in this case.

According to the First Amendment to the United States Constitution: "Congress shall make no law.... abridging the freedom of speech..." This Constitutional right extends to state congress(es).

In Seal's v. McBee, 898 F.3d 587 (5th Cir. 2018), The Attorney General of Louisiansa

CONSTITUTIONAL PROVISIONS INVOLVED

The constitutional provisions involved are as followed:

House Bill 307
La.C.Cr.P., Art. 930.8(A)(2)
LSA-R.S. 14:122
United States Constitution
United States Constitution, Art. 1, S. 10
U.S. Constitution, First Amendment
U.S. Constitution, Fourteenth Amendment

These provisions are somewhat lengthy and their citation is provided in compliance with U.S. Supreme Court Rule, 14(1)(f).

May it please the Bench.

CONCISE STATEMENT OF THE CASE

On August 14, 2009, Petitioner was billed for a criminal violation of state statute LSA-R.S. 14:122. Petitioner was tried andconvicted. Petitioner timely appealed his conviction which was affirmed. Thereafter, Petitioner sought Post-Conviction RElief which was also denied raising federal questions. Petitioner then sought a timely 2254 Habeas Petition in the federal forums which was denied at all levels.

While seeking Habeas Review, the state statute Petitioner was convicted of was held unconstitutional by a federal appellate court. Petitioner then filed a timely Post-Conviction to establish its retrospective application under state procedure La.C.Cr.P., Article 930.8(A)(2), which was denied at all state levels. After that denial, Petitioner, with diligence, found that the state courts committed fraud upon the court and imposed an ex post facto law against him and he exhausted these federal questions within one year of the retroactive application.

Hence, the application stems from the timely PCR filed in the state courts under the procedure above. These federal questions were timely raised for this Court's jurisdiction. See, Appendix.

DIRECT ARGUMENTS

Today, Petitioner, Paul M. Poupart, hereinafter referred to as the "federal citizen", will argue the reason why this United States Supreme Court should grant certiorari in this case and to consider whether a state court of last resort has decided an important federal question that conflicts with the decision of a United States Court of Appeals and whether a state court has decided an important question of federal law that has not been, but should be, settled by this Court.

These arguments will establish whether: (1) the State of Louisiana and its judicial officers created and/or imposed an ex post facto law; (2) whether this conduct violated federally protected due process of law rights; (3) whether this conduct could be considered as fraud upon the court; (4) whether this conduct has subjected the federal citizen to cruel and unusual punishment; and (5) whether a state statute determined by a federal judiciary to be unconstitutional should be settled today as 'retrospective' on state collateral review.

May these arguments please the Supreme Justices.

QUESTION #1: HAS THE STATE OF LOUISIANA AND ITS JUDICIAL OFFICERS CREATED AND/OR IMPOSED AN EX POST FACT LAW VIOLATING THE PETITIONER'S FEDERAL DUE PROCESS RIGHTS UNDER THE CONSTITUTION AND WOULD THIS CONDUCT BE CONSIDERED AS FRAUD UPON THE COURT SUBJECTING THE PETITIONER TO CRUEL AND UNUSUAL PUNISHMENT FROM A STATE STATUTE THAT HAS BEEN DETERMINED UNCONSTITUTIONAL WHICH SHOULD BE SETTLED AS 'RETROSPECTIVE' ON STATE COLLATERAL REVIEW?

On August 3, 2018, the United States Court of Appeals for the Fifth Judicial Circuit held that the State of Louisiana criminal statute of LSA-R.S. 14:122, is facially unconstitutional as it violates the First Amendment to the Constitution.

On August 1, 2019, the State of Louisiana enacted House Bill 307 (Act 311), to comply with the federal court's ruling in Seals v. McBee, 898 F.3d 587 (5th Cir. 2018). (Appendix III at 112-113)

The Seals Court stated:

> "This, insofar as it criminalizes 'threats', Section 14:122, is unconstitutionally overbroad."

The Louisiana Supreme Court Justice Provosty stated for 1920 Bench: "An unconstitutional statute is null and void, has no legal existence whatever, is no statute." Parker v. Skinner v. Dameron, No. 26271, 148 La. 143, 86 So. 716, 1920 La. LEXIS 1685 (La. 1920).

Today the federal citizen presents his application in request of the great writ of certiorari to seek this Court's intelligent considerations on whether the state and its judicial officers imposed an ex post facto application of LSA-R.S. 14:122, and has condemned the federal citizen's federally protected 'rights and privileges' under the Constitution.

Article 1, Section 10, of the Constitution states that: "no state shall...pass any...ex post facto law...".

These 'rights and privileges', as this Court intelligently understands, stem from the now 14th Amendment of the Constitution's Fifth Article. This Bench of 2010, held:

> "Although courts may construe statutes to avoid constitutional doubts, they may not rewrite a ... law to conform it to constitutional requirements." United States v. Stevens, 559 U.S. 460 (2010).

The federal citizen's arguments today reflect a deprivation of liberty. LSA-R.S. 14:122, was held unconstitutional by a

federal judiciary authorized to protect the Constitution amongst all citizens of these lands.

In accord with common law that a statute which is declared unconstitutional is void 'ab initio' - that citizen accused of a crime and convicted under an unconstitutional statute is entitled to a reversal and as a consequence, his freedom. See, Ex parte, Siebold, 100 U.S. 376 (1879).

Does the federal citizen today deserve his liberty as a consequence of the nulled and voided state statute?

The federal citizen directs this and these holdings as a denial of the Due Process Clause. The 'due diligence' that the federal citizen has had to undergo found that Louisiana cannot pass an ex post facto law, whether by its own constitution or by the federal constitution.

Your Supreme Honor(s), the Courts very naturally must come to regard themselves as the guardians of the rights of the people which are in constant danger of being invaded by the legislature or by the executive branches of government.

Seeing this, in 2019, the Louisiana Legislature 'rewrote' LSA-R.S. 14:122, and enacted certain provisions to meet the Seals decision, as it is evidenced. The enactment of House Bill 307, supplemented previous provisions, and although the federal citizen has earnestly petitioned for relief, Louisiana has chose to impose these 'new' provisions to the federal citizen's case.

Shouldn't the rule in the Constitution prevail for the federal citizen today? Did the Louisiana Legislature overstep its activities? According to United States v. Stevens?

The federal citizen's argument is whether Louisiana has imposed an ex post facto law and whether that 'inference' is a deprivation of the LibertyClause of the 14th Amendment.

If this Court will now see the opinions of the state courts in this instant matter. (Appendix III Page's 70, 95-102)

These decisions should constitute an imposition of the newly enacted House Bill 307, to a petition seeking state coll-

ateral relief.

On April 17, 2019, the state district court announced its ruling that the federal citizen used 'corrupt intent' when making his threats to a third party. The Seals Court stated that 'corrupt intent' was not found in the text of the statute anywhere, but Louisiana argued that 'corrupt intent' is a gloss and was conclusive on the federal judiciary. The Seals Court accepted the gloss (although not explicit) only for the purpose of Seals.(Appendix III, at 70)

The federal citizen today argues that regardless of the gloss not explicitly in the text of the statute, the Seals Court only accepted it for Seals, not for other cases. Was it proper for the state district court to announce that the federal citizen used a 'corrupt intent' to a third party to take lawful action to publish a photograph? This action is not a violent or unlawful act, even if associated with a promise. The federal judiciary, in its holding, enjoined Louisiana from enforcing LSA-R.S. 14:122's prohibition on 'threats'. By enjoining the entire State of Louisiana, the federal citizen at this Supreme Bench today is the only citizen left in the penal system that has not been afforded this 'liberty' defined by the 14th Amendment.

Continuing on, the federal citizen shows this Court that on July 8, 2019, less than (30) days before HB 307, became effective as law and on a timely Post-Conviction Application, the state appellate court used the terms: 'extortionate threats', 'true threats', 'extortion', and 'corrupt intent' to deny the federal citizen's counsel's claim that Seals should be applied to his case and conviction. These opinions are clearly the newly amended provisions of LSA-R.S. 14:122, and not the specific elements of the statute in 2011, which do not apply to the federal citizen without a new trial. Collins v. Youngblood, 497 U.S. 37 (1990).(Appendix III, at 95-101)

In 1798, this Supreme Court outlined four categories of ex

post facto laws. They were:

a.) a law making criminal and subject to punishment an activity which was innocent when originally done;

b.) a law aggravating a crime or making it a greater crime than it was when originally committed;

c.) a law aggravating a crime's punishment;

d.) a law altering the rules of evidence to require less or different testimony than was required at the time of the commission of crimes.

(See, Calder v. Ball, 1 LEd 48 (1798).)

One hundred and twenty seven years later this Court also determined that 'changing the burden of proof' was also ex post facto. The federal citzen today is in a stable with so many federal rights and privileges that are being ignored. Beazell v. Ohio, 269 U.S. 167 (1925).

To conclude whether Louisiana has imposed an ex post facto law, the federal citizen argues that the effect of the Seals decision as it correlates to 'threats' was overbroad and the federal citizen was convicted of an overbroad and unconstitutional state statute. With that, the decisions of the state appellate court, which were affirmed by the Louisiana Supreme Court, advances a wanton disregard for the rights of others and shows that the state appellate court was wrongly applying LSA-R.S. 14:122's new provisions to a 2011, provisional trial.

Today, the federal citizen requests the great writ of certiorari to issue to the Louisiana Supreme Court regarding this and these decisions by the State of Louisiana. (See, United States v. Gould, 568 F.3d 459 (4th Cir. 2009), and Weaver v. Graham, 450 U.S. 24 (1981).

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The federal citizen now continues on with the second part of his question, which is: Would this conduct of the State of Louisiana be considered as 'fraud upon the court'?

The Louisiana Legislature re-enacted LSA-R.S. 14:122, outside of United States v. Stevens, supra; where again this Court held that: "Courts may construe statutes to avoid constitutional doubts, but they may not rewrite a law to conform it to constitutional requirements." Not only did Louisiana rewrite LSA-R.S. 14:122, its state judiciary applied its newly enacted provisions before the new provisions were effective as state law and six Justices of the Louisiana Supreme Court failed to recognize this adjudication. The Honorable Justice Jefferson HUghes was the only Judge that would have reversed the federal citizen's case.(Appendix III, at 13)

The federal citizen before this Bench recognizes that 'fraud upon the court' is a scheme to interfere with the judicial machinery performing tasks of partial adjudication. This fraud consists of conduct so egregious that if undermines the integrity of the judicial process.

The United States Court of Appeals for the Tenth Circuit held that 'fraud upon the court' is fraud which is directed to the judicial machinery itself, and not fraud between the parties. This federal judiciary also described 'fraud' as:

> "Whenever any officer of the court commits fraud during a proceeding in the court, he or she is engaged in fraud upon the court."
> (See, Bullock v. United States, 763 F.3d 1115 (1985).

The federal citizen argues that the State of Louisiana and its judicial officers have acted in 'bad faith' to adjudicate him and consider that his case is final, encompassing the standard of 'true finality'. That finality is contradicted today by the July 8, 2019, ruling by the state appellate court, which can never be final according to the decisions of Kenner v. CLR, 387 F.2d 689 (7th Cir. 1968).

Some standards of 'fraud' were:

People of Illinois v. Sterling, 357 Ill. 354 (1934),
('...fraud vitiates every transaction into which it applies to judgments as well as to contracts and other transactions...')

Moore v. Sievers, 366 Ill. 316 (1929),
('...fraud vitiates every transaction into which it enters...')

In re, Village of Willowbrook, 27 Ill. App. 2d 393 (1962),
('...it is axiomatic that fraud vitiates everything...')

Bearing in mind these facts of other citizens and the fact that the State of Louisiana and its officers participated in the following acts causes the federal citizen today to seek this Supreme Bench's interpretation of his federal 'rights and privileges' protected by the federal constitution;

a.) the state trial court applied a non-existant provision to aid in its judicial ruling;
b.) the state appellate court applied a non-existant provision to aid in its judicial ruling;
c.) the state supreme court failed to correct its officers conduct;
d.) the state legislature 'rewrote' LSA-R.S. 14:122;

Seeing these acts, the federal citizen is requesting a 'release' by the standards in Siebold, supra; a very important precedent still active today and prospective to the federal citizen's case and conviction. The states of Indiana, Texas, Minnesota, Kansas, Nebraska, and Kentucky have supported this standard that 'freedom is deserved' to one convicted of an unconstitutional statute; as this Supreme Court held. May these arguments consider that the federal citizen is being subjected to cruel and unusual punishment, a cel jour.

The 8th Amendment to the Constitution protects the citizens of this country from cruel and unusual punishment. Because the federal reporters have such a vast array of case law on the subject, the federal citizen today puts this determination to its provisions and prays that this Court see this cruel and unusual punishment by this state's government. The federal citizen is of this belief and requests release from custody from this one Supreme Bench. May it so be.

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If Your Supreme Honor(s) would continue with the federal citizen, he will address the 'unconstitutional' rule rendered by the federal judiciary concerning LSA-R.S. 14:122, and he will give direct statements for reason why this statute's determination should be settled as 'retroactive' on state collateral review. This and these statements concern a state court's ruling in conflict with a ruling by the United States Court of Appeals.

To begin, this Bench intelligently understands that a State of Louisiana criminal statute has been held as unconstitutional by its own federal judiciary. This federal judiciary through the United States District Court for the Eastern District of Louisiana "enjoined" the entire State of Louisiana from enforcing LSA-R.S. 14:122's prohibition on 'threats'.

For many years the State of Louisiana has been criminalizing speech. On August 14, 2009, the State of Louisiana criminalized the federal citizen for allegedly speaking to a third party. Earlier the federal citizen argued that these alleged statements were not unlawful or an act of violence. Was the federal citizen's conduct as alleged criminal? The citizen today believes it was the third party's choice to repeat the alleged statements to the off-duty officer. Had the third party chose to keep this conversation to himself, would this petition be before this Bench today?

The standard that creates 'true threats' is a federal one.

The implied choice of the third party to repeat these alleged statements that was neither unlawful nor stated to commit an unlawful violent act. Where is the crime of intimidation without the third party?

If this Bench would now see Virginia v. Black, 538 U.S. 343 (2003) it would summarize that this statement to a third party considers the federal citizen to be actually innocent of a state criminal law. The federal citizen never once made a serious expression of an intent to commit an act of unlawful violence toward any specific person, therefore, the State of Louisiana is continuing to "enforce" LSA-R.S. 14:122, against the federal judiciary's directives. Seals, supra.

The ruling by the U.S. Court of Appeals is somewhat lost inside federal procedure for the failure of the State to seek U.S. Supreme Court adjudication. The federal citizen cannot achieve a federal review because this Bench has not explicitly ruled that LSA-R.S. 14:122, is 'retrospective' on state collateral review.

Because of this failure of the Attorney General of the State of Louisiana to challenge the Seals decision, the federal citizen is at a fork in the road that leads only to finality or a 2241 Petition. Both paths are strenuous for the citizen because finality is presumed upon an unconstitutional state statute and 2241 Petitions are difficult to meet without this Bench's approval.

The standard in Tyler v. Cain, addressed that 2244(b) states: "...a state prisoner can prevail under AEDPA only if the state court's decision was contrary to or involved an unreasonable application of clearly established federal law, as determined by the Supreme Court of the United States..."; at 533 U.S. 656 (2001).

For the federal citizen - the decision in Seals has never reached this Bench's adjudication save the citizen's recent denial by this Court on his Heck claims. That decision was overwhelming for the citizen because its effect contradicts Siebold, where the citizen only demanded 'release'. However, the issue today is whether Seals should be 'retrospective' to state collateral re-

view, explicitly. The federal citizen believes this matter of 'retroactivity' should be settled today, for he is the only citizen serving a punishment under LSA-R.S. 14:122.

This question presented to this Bench is of detrimental importance. First, we have constitutional rights violations by public officers and courts; and, secondly, a federal citizen is being confined by a state law that is void. The federal citizen humbly requests that this Bench determine with reasons that Seals v. McBee, and its dictum should be 'retrospective' on state collateral reviews in accordance with Tyler v. Cain, supra.

Your Supreme Honor(s), again, the federal judiciary opined that the Supremacy Clause of the Constitution secures federal rights by according them 'priority' whenever they come in conflict with state law. Golden Years Homestead Inc. v. Buckland, 466 F.Supp.2d 1059 (SD Ind. 2006).

Today, the federal citizen requests this same 'priority' to settle the 'retroactivity' of Seals. Is not the U.S. Court of Appeals an 'inferior court' with appellate jurisdiction? Albeit that the State of Louisiana is claiming a privilege under its state common law by invalidating this 'constitutional interpretation'; this persuasive authority cannot continue to be ignored.

Teague v. Lane, 489 U.S. 288 (1989), the uncontested present rule on retroactivity for state and federal inmates brings two definite exceptions on whether a new rule should be retroactive.

The federal citizen believes Seals meets both prongs. The new rule is substantive and was held unconstitutional. This Bench should be inclined by the citizen's argument to determine that Seals be retroactive for state prisoners because there is no other federal court (appellate) that has held this rule as 'true retoractivity'. The holdings in Seals could necessarily dictate a retrospective application of the former state statute.

The case of Hines v. Davidowitz, 312 U.S. 52 (1941), ruled and opined that such a conflict arises when compliance with both federal and state regulations is a physical impossibility, or when 'state law' stands as an obstacle to the accomplishment

and executions of the full purposes and objectives of Congress.

Congress passed the 14th Amendment and the federal citizen's liberty is at stake here today. Louisiana's laws stand today as an obstacle against Seals, and this creates a constitutional conflict. Does the First Amendment not supersede laws of the States? Does the Constitution prevail over laws of the States? United States v. Wheeler, 435 U.S. 313 (1978), with Florida v. Mellon, 273 U.S. 12 (1927).

The lasting precedent of Ableman v. Booth, 62 U.S. 506 (1859), determined that: "while a state is sovereign...that sovereignty is limited and restricted by the Constitution." This Bench's Court has continued to use Ableman in support of its decisions for many years. The direct approach that Seals should be retroactive to the federal citizen's conviction and liberty is a vital restriction that the State of Louisiana has yet to enforce, by order. Although the results of individual cases have varied, this Supreme Court has recognized the general principles of retroactive applications of law to state:

> "...no distinction is to be drawn between civil and criminal litigation."

If this is a positive application of federal law, then Teague is a standard that contradicts civil and criminal law as well as the 1789-1791 Constitution; sentiments considered. Habeas petitions are considered civil; shouldn't a constitutional application be available in the very courts that protect the Constitution - over a state court's jurisdiction? Linkletter v. Walker, 381 U.S. 618 (1965).

How come habeas petitions submitted by state and federal inmates be wholly prospective? Is a state or federal court incapable of deciding a retroactive operation of the Constitution? This illusion seems incorrect. The Constitution protects rights and privileges beginning in 1789 and 1791, and is supposed to protect all citizens forward - prospectively. By deciding a

retroactive application that concerns constitutional provisions that protect this government's people from 1789 to the present seems that retroactivity should be 'true retoactivity', and only in certain cases that do not involve the Constitution would quasi-retroactivity apply; not the vise versa. See, Meador, "Habeas Corpus and the Retroactivity Illusion", 50 Va. L.Rev. 1115 (1964), with Torcia and King, "The Mirage of Retroactivity", 66 Dick.L.Rev. 269 (1962).

Schriro v. Summerlin, gave the dictum that ..."a retroactive rule only applies to convictions, in limited circumstances, that are already final...", at 124 S.Ct. 2519 (2004). The federal citizen is quite a limited circumstance being the only person still serving a sentence for conviction of an unconstitutional state criminal law. In re, Holladay, 331 F.3d 1169 (11th Cir, 2003).

In HB 307, the State of Louisiana changed the criminal law for their interests in federalism, as it seems. But, allowing the federal citizen to remain in custody from a statute that became null and void to 'threats' is wholly unconstitutional; therefore, all 'threats' under the date of the enactment of LSA-R.S. 14:122, must be reversed, correct? The U.S. Supreme Court has said: "That act was therefore as inoperative as if it had never been passed, for an unconstitutional act is not a law, and can neither confer a right or immunity nor operate to supersede any existing valid law." See, Chicago, Indianapolis & Louisville Ry. v. Hackett, 227 U.S. 559 (1912).

If the doctrine of ab initio' would be applied, the state statute of 2011, should be rendered inoperative from the date of its attempted passage by the state legislature. Should this Bench not treat the statute of LSA-R.S. 14:122, as a matter that cannot cure its defective statute and release the citizen today? Los Angeles v. Los Angeles Water Co., 177 U.S. 558 (1899).

In the following case an inmate was set free because a state statute was declared unconstitutional as ex post facto was held

to have repealed the previous statute's subject. In re, Medley, 134 U.S. 160 (1889).

In these arguments the federal citizen understands that Danforth v. Minnesota, held that state courts are authorized to make new rules retroactive on state collateral reviews, but Teague excepts the federal courts. Confusingly, shouldn't a prospective application of the Constitution include a citizen's petition that is conferred on him by the Constitution of 1789 and 1791? The decision in Seals should be settled today as retrospective to the citizen's case because of the arguments in the body of this brief and because 'true threats' are quite different than the provision that existed under a 'broad' statute. See, Cooley, "Constitutional Limitations" (5th Ed.), where He opined:

> "When a statute is adjudged to be unconstitutional, it is as if it had never been. Rights cannot be built up under it; contracts which depend upon it for their considerations are void; it constitutes a protection to no one who has acted under it, and no one can be punished for having refused obedience to it before the decision was made."

Your Supreme Honor(s), Bousley v. United States, determined that if a new rule changes the scope of the underlying criminal proscription ... a change of that character will necessarily carry a significant risk that a defendant stands convicted of an act that the law does not make criminal; at 523 U.S. 614 (1998), quoting Davis v. United States, 417 U.S. 333 (1973). Also, in the case of Penry v. Lynaugh, 492 U.S. 302 (1989), it was determined that: "...a new rule of constitutional law is a rule that forbids criminal punishment of certain conduct or prohibits a category of punishment for a class of defendants because of their status or the type of offense committed;" See also, Sawyer v. Smith, 497 U.S. 227 (1990), and

Saffle v. Parks, 494 U.S. 484 (1990). (58 citizens were served notice of the Seals decision - 57 have been released from custody.)(Appendix III, at 11)

Today the federal citizen requests that this One Supreme Court grant 'certiorari' to these extraordinary matters and after review RELEASE him to his family, respectively.

May it so be by the Supreme Minds of these Lands.
(See, Field, Oliver P., "Effect of an Unconstitutional Statute", In.L.Journ., Vol. I, Issue I, Art. I, (1926).

The End.

PRAYER FOR RELIEF

WHEREFORE, I, Paul M. Poupart, now humbly pray that this One United States Supreme Court grant me the equitable relief that is conferred on him by the Constitution, by granting the great writ of certiorari in this instant case and reversing the conviction for him and releasing me to my family and friends. May it so be in the interests of justice. Carr v. State, 127 Ind. 204, 11 L.R.A. 370 (1890).

Humbly Submitted,

Paul M Poupart

June 9, 2021

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