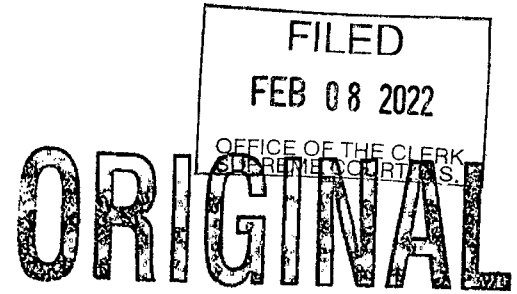


21-7235  
No. \_\_\_\_\_



IN THE  
SUPREME COURT OF THE UNITED STATES

WESLY S. RICKS-PETITIONER

vs.

TIM HOOPER-RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

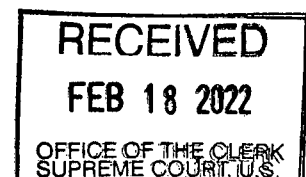
UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT LOUISIANA  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR CERTIORARI

WESLEY SINCLAIR RICKS

17544 TUNICA TRACE

ANGOLA, LOUISIANA 70712



### **QUESTION(S) PRESENTED**

1. Whether Capital and NonCapital Offenses may be Joinder of Offenses for Trial?
2. Whether The Constitution of the State of Louisiana of 1974, Article I, Section 17 (A)(B) Permits Joinder of Offenses: Capital and Non Capital Offenses?
3. Whether The Petitioner Has A Right To All And Singular Procedural Safeguards Which Accompany A Capital Offense?

### **LIST OF PARTIES**

- ☐ All parties appear in the caption of the case on the cover page.
- ☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- State of Louisiana, Parish of Morehouse, Fourth Judicial District Court;
- Second Circuit, Court of Appeals, State of Louisiana
- Supreme Court of The State of Louisiana
- United States District Court, Western District of Louisiana, Monroe Division
- United States Court of Appeals, Fifth Circuit

### **RELATED CASES**

- State v. Ricks, No. 12-1299F, Fourth Judicial District Court, Parish of Morehouse, State of Louisiana, Judgment entered January 24, 2013.
- State v. Ricks, No. KH 20-53835, State of Louisiana, Court of Appeal, Second Circuit, Judgment Entered November 18, 2020
- State v. Ricks, No 2021-KH-00175, State of Louisiana, Supreme Court of The State of Louisiana, Judgment Entered March 23, 2021
- Ricks v. Vannoy/Hooper, No. 3:21-cv-00831, United States District Court, Western District of Louisiana, Monroe Division Judgment Entered July 21, 2021
- Ricks v. Hooper, No 21-30565, United States Court of Appeals, Fifth Circuit, Judgment Entered January 19, 2022

## **TABLE OF AUTHORITIES CITED**

<b>CASES</b>	<b>PAGE</b>
<b>NUMBER:</b>	
State of Louisiana versus Freddie J. McZeal, 352 So. 2d 592 (May 16, 1977)	
United States of America versus Don Marionneaux, 514 F. 2d 1244 (June 19, 1995)	
Harold S. Cross versus United States of America, 35 F. 2d 987, 118 United States Court of Appeals, District of Columbia Circuit (March 26, 1964)	
 <b>STATUTES AND RULES</b>	
Louisiana Revised Statute 14:42 (A)(4)	
Louisiana Revised Statute 14:42 (A)(2)	
Louisiana Revised Statute 14:93 (A)(1)	
Federal Rules of Criminal Procedure, Rule 8(A)	
The Constitution of The State of Louisiana of 1974, Article I, Section 17 (A)(B)	
Louisiana Code of Criminal Procedure Article 493	
 <b>OTHER</b>	
The Constitution of The State of Louisiana of 1974, Article I, Section 2	
The Constitution of The United States of America Amendment 14	
The Constitution of The United States of America Amendment 5	

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; or,  
☒ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at \_\_\_\_\_; or,  
☒ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the STATE OF LOUISIANA COURT OF APPEAL SECOND CIRCUIT  
FOURTH JUDICIAL DISTRICT COURT PARISH OF MOREHOUSE court  
appears at Appendix C to the petition and is

☒ reported at STATE V. RICKS 194 So.3D 614, 49,609 LA. APP. 2 CIR 11/14/16; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was JANUARY 19, 2022.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was MARCH 23, 2021.  
A copy of that decision appears at Appendix B.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

"The Constitution of The State of Louisiana of 1974, Article I, Section 17. Jury Trial in Criminal Cases; Joinder of Felonies; Mode of Trial (A)(B) Etc."

**Section 17. (A) Jury Trial In Criminal Cases.** A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case for an offense committed prior to January 1, 2019, in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. A case for an offense committed on or after January 1, 2019, in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, all of whom must concur to render a verdict.

A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, all of whom must concur to render a verdict. The accused shall have a right to full voir dire examination of prospective jurors and to challenge jurors peremptorily. The number of challenges shall be fixed by law. Except in capital cases, a defendant may knowingly and intelligently waive his right to a trial by jury but no later than forty-five days prior to the trial date and the waiver shall be irrevocable.

**(B) Joinder of Felonies; Mode of Trial.** Notwithstanding any provisions of law to the contrary, offenses in which punishment is necessarily confinement at hard labor may be charged in the same indictment or information with offenses in which the punishment may be confinement at hard labor, provided, however, that the joined offenses are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan; and provided further, that cases so joined shall be tried by a jury composed of twelve jurors, ten of whom must concur to render a verdict.

"Louisiana Code of Criminal Procedure Article 493. Joinder of Offenses Etc."

LSA-C.Cr. P. Art.493.

**Art. 493. Joinder of Offenses.** Two or more offenses may be charged in the same indictment or information in a separate count for each offense charged, whether felonies or misdemeanors, are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan; provided that the offenses joined must be triable by the same mode of trial.

### **STATEMENT OF THE CASE**

On or about the Time, Date, and Domicile of January 24, 2013, in The Fourth Judicial District Court, Parish of Morehouse, State of Louisiana, The Petitioner, Wesley S. Ricks was illegally charged in the same Bill of Indictment of a Grand Jury with Capital and NonCapital Offenses, on the Record of Docket Number: 12-1299F. On or about the Time, Date, and Domicile of April 13, 2013, in the State of Louisiana, Petitioner was seized by arrest for the Capital and NonCapital Offenses. For more than Eight years, Petitioner is continued in physical Custody in Prison in the State of Louisiana Subsequent to The arrest on the Date Certain of April 13, 2013.

### **REASONS FOR GRANTING THE PETITION**

On or about The, Time, Date, and Domicile of March 23, 2021 in The Supreme Court of The State of Louisiana, petitioner was given a Wrongful Denial for Relief against Petitioner's Claim(s): Right To A Separate Trial(s) and Due Process Rights. The Constitution of The State of Louisiana of 1974, Article I, Section 17 (A)(B) do not permit The Joinder of Offenses: Capital and NonCapital Offenses. Additionally, The Supreme Court of The State of Louisiana have a "Leading Case" that is holding that the Joinder of Capital and NonCapital Offenses is improper. Joinder Thereby Granted Convictions and Sentences Reversed and Cases Remanded for Separate Trial(s). Petitioner's Due Process Rights has been ignored for more than Eight year(s) which The Constitution has Disregard for Equal Justice under The Law and The Truth. Petitioner is under Slavery, involuntary Servitude, and Hard Labor without Due Process in the State of Louisiana, State Prison.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: FEBRUARY 03, 2022