

22-5155

ORIGINAL

UNITED STATES OF AMERICAN
UNITED STATES SUPREME COURT

Supreme Court, U.S.

FILED

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DONALD R. WILLIAMS

PETITIONER

CIVIL ACTION:

NO: _____

VERSUS

FILED: *DKS/L, 22*

STATE OF LOUISIANA, ET AL
RESPONDENTS

CLERK

APPLICATION FOR WRIT OF HABEAS CORPUS
FROM THE FIFTH CIRCUIT JUDGMENT DENYING
LEAVE TO FILE A SECOND WRIT UNDER DOCKET NO:
22-3000,30

Donald Williams
Donald Williams #93824
Louisiana State Penitentiary
Angola, La., 70712

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MAY 27 2022

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QUESTIONS FOR REVIEW

- 1) Whether the facts of Cockerham and Petitioner Williams are exactly the same for purpose of out of time appeal and application of Cage to their conviction and sentence.

In Cockerham v. Cain, 283 F. 3d 657 (5th Cir. 2002).

- 2) Whether petitioner has showed "caused and prejudice to obtain evidentiary hearing in Federal habeas court.

In Keeney v. Tamayo- Reyes, 504 U. S. 1 (1992).

- 3) Whether 930.8 applies to petitioner claim of ineffective assistance of counsel in Martinez v. Ryan, 132 S. Ct. 1309, 182 L. ed. 2D 272 (March 2012)

INTERESTED PARTIES

- 1) **Jason Williams**
District Attorney
619 So. White St.
New Orleans, La., 70119

- 2) **Jeff Landry**
Attorney General
La. Dept, of Justice
P. O. Box 94095
Baton Rouge, La.,

- 3) **Laurie White- Judge**
Criminal District Court
2700 Tulane Ave
New Orleans, La., 70119

TABLE OF CONTENTS

Anders v. California, 18 L. ed 2d 493, 386 U.. S. 738 (May 8, 1967)

Cage v. Louisiana, 498 U. S. 39, 111 S. ct., 388 1112 L. ed. 339 (1990)

Martinez v. Ryan, 566 U. S. 1

Madison v. Ward, 825 So. 2D 1245 (La. App. 1 Cir. 2002 (en banc)

Cockerham v. Cain, 283 F. 3d 675 (5th Cir. 2002)

Comier v. State, 680 So. 2D 1168 (1990)

La. C. Cr. P. Article 814 ©

State v. Brown, 214 La., 18, 36 So. 2D 624 (1940).

Neder v. U. S. 527 U. S. 1-7 (1999)

Idho v. Wright, 496 U. S. 805, 822 (1990)

Jackson v. Virginia, 443 U. S. 307 (1979)

State v. Knowles, 392 So. 2D 651 (La. 1980)

State v. Cooded, 448 So. 2D 100, 102 (La. 1984)

Bounds v. Smith, 430 U. S. 817 (1979)

Casey v. Lewis, 518 U. S. 343 (1996)

LSA C. Cr. P. Art. 804

JURISDICTION

Jurisdiction of this court is invoked pursuant to Article III of the constitution of the United States 28 U. S. C. 1251 and 1651 (A),, since this petition is being filed within 90 days of the March 2, 2022 mandate denying leave to file a second successive writ of habeas corpus under docket number 22-300,30 U. S. 5th Cir.

STATEMENT of the Case

The defendant Donald Williams stated he was driving home, smoking Marijuana with friends early that afternoon when he met ~~Mr. Coffie~~ at 16, 1/2 3/4 block ~~from~~ ~~Mr.~~ ~~Coffie~~ ~~He~~. ~~His~~ friends soon left them alone. ~~Mr. Coffie~~ expressed the desire to finish driving and proceeded with the defendant to the 1833 S. 1/2 1/4 block ~~from~~ ~~Mr.~~ Upon arriving both listened to music and smoked Marijuana. ~~Mr. Coffie~~ then addressed and performed ~~consensual~~ sex with the defendant.

Reason For Continuing Appeal

The issue of Donald Williams attorney Craig Co/West not appearing Donald Williams at the 5th hearing a post of Donald Williams Jeff captive assistance of Counsel argument. Perision of Donald Williams attorney Craig Co/West never were furnished a transcript of testimony Donald Williams trial. This is a must for consideration of Direct Appeal/ An post-conviction relief

To ~~reject~~ or ~~affirm~~ an appeal, ~~Williams~~
was required to show that the state
court decision: (1) was contrary to
or an unreasonable application of
clearly established federal law, or
(2) was based on an unreasonable
determination of the facts.

28 U.S.C. § 254(d). * State court
decision is contrary to federal law
when it applies a rule different from
that set forth by the U.S. Supreme Court
or if it decides a materially different
case differently than the
Supreme Court.

~~Williams v. Taylor~~, 529 U.S. 362
(2000).

• Habers ~~Defection~~ Need of y
Show that the claims are
substantial to excuse procedure of
Default under ~~markman~~.

Donald Williams ~~Defection~~ the fifth
Circuit Court to file a second
successive ~~Writ~~ of habeas corpus
for purpose of out of time ~~Defect~~
Appeal. That ~~Defection~~ was denied
without allowing ~~Defection~~ holding an
evidentiary hearing or enjoining ~~markman~~ a
~~markman~~ v. Rign, 366 U.S.,
Indus.

The Fifth Circuit Court denied
Writ of habeas corpus out of
Time. ~~Defect~~ Appeal March 2, 1979
No. 78-30030 Williams ~~had~~ ~~had~~ claimed
were procedurally defaulted and
denied relief. The Supreme Court
of the United States (Scotus) in
~~the~~ ~~1978~~ established an equitable
exception for those who have ~~had~~ claims
that are procedurally defaulted.
Scotus in that case ruled that the
absence of ineffective assistance of
counsel at an initial hearing collateral
proceeding can establish cause to
excuse a defendant procedurally
default of substantial claims.

Williams argued to the Fifth Circuit that he could show cause and prejudice as required by Martinez. In order to excuse a procedural default, Martinez requires a petitioner to show

- ① that his ineffective assistance of trial counsel was substantial; ② that he had no cause during his state collateral review proceeding or that his counsel during that proceeding was ineffective under the standards of Strickland v. Washington, 466 U.S. 688 (1984);

(3.) That the State Collateral Review proceeding with the initial review proceeding with respect to the ineffective assistance of trial counsel, and (4) that state law requires ineffective assistance of trial counsel claims to be raised in initial review collateral proceeding.

Louisiana law requires
plaintiffs to raise the claims
for the first time in ~~initial~~
written collateral proceedings. Williams
noted the court spoke without
counsel during his initial written
collateral proceeding. Thus, he
was not required to show prejudice
but instead only had to show that
the claims were substantial.
The failure to conduct a ~~thorough~~
~~analysis~~ prevented the fifth
district court from making a finding
of whether or not the claims of
the were substantial.

analyzing the record as to
Fifth Coast's failure, the court
will find that on the present record
it could not conclude that Williams
etc. claim were met/less with
regards to strict/ind's first
prong of deficient performance.

As a result of the fifth coast
court's failure to allow discovery
or hold an evidentiary hearing, the
evidence in the fifth coast court
record was far too limited for the
court to conclusively evaluate
the substantiality of Williams
claim.

Accordingly, the court demanded
the case with ~~instructions~~ to the
fifth circuit court,

Respectfully submitted
Donald Williams

Office #93824
B&P Aug. 10, 1962

CERTIFICATE OF SERVICE

Donald Williams #93824 hereby certify that a copy of the foregoing application for Writ of Habeas Corpus has been served upon all parties.

Donald Williams
Donald Williams #93824
General Delivery
Louisiana State Penitentiary
Angola, La., 70712