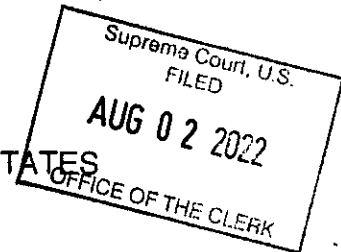


No. 22-5332

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



Jerome Mellon PETITIONER  
(Your Name)

VS.

STATE OF LOUISIANA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

LOUISIANA STATE 1<sup>ST</sup> CIRCUIT COURT OF APPEAL  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

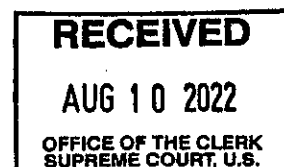
PETITION FOR WRIT OF CERTIORARI

Jerome Mellon  
(Your Name)

LA - State Penitentiary  
(Address)

Angola, LA - 70712  
(City, State, Zip Code)

none  
(Phone Number)



**QUESTION(S ) PRESENTED**

**DID THE LOUISIANA STATE SUPREME COURT VIOLATE THE FEDERAL U.S. 14TH AMENDMENT TO THE FEDERAL CONSTITUTION "EQUAL PROTECTION" OF LAW GUARANTEES WHEN IT REFUSED TO ENTER A VERDICT OF MANSLAUGHTER AND THUS SUSTAINED THE CONFLICTING RULING OF A COMPLETE IDENTICAL CASE HANDED DOWN IN STATE VS. MARTIN, 913 SO.2D 863-869 (LA.) ?**

**DID THE LOUISIANA STATE SUPREME COURT VIOLATE THE FEDERAL U.S. 14TH AMENDMENT TO THE FEDERAL CONSTITUTION "EQUAL PROTECTION" OF LAW WHEN IT SUSTAINED THE REFUSAL TO CONSIDER PETITIONER'S PROSE OUT OF TIME DIRECT APPEAL BRIEF, THUS IMPROPERLY DEPRIVING RELIEF AND EFFECTIVELY RENDERING PROSE BRIEFS FILED ON DIRECT APPEAL MEANINGLESS?**

## 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:

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## TABLE OF AUTHORITIES CITED

### CASES

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STATE VS. MARTIN, 913 SO. 2D 863,869 (LA.)

(6)

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(7)

JACKSON VS. VIRGINIA, 99 S. CT. 2781

(6)

LiljEBERG VS. HEALTH SERVICE AcQUISITION CORP.,486 U.S.874

(4)

### STATUTES AND RULES

28 U. S. C. SECTION 455(A)-(B)

LA. R.S. 14:30.1

LA. R.S. 14:27

### OTHER

NONE

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 \_\_\_\_\_ 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 LA. 1<sup>ST</sup> Circuit Court of Appeals court 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.

## JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ 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 6/22/22.  
A copy of that decision appears at Appendix B.

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

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

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

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**LA. C. CR. P. ART. 671(A)**

**LSA-R.S. 14:30.1**

**LSA R.S. 14:27**

**LA. C. CR. P. ART. 914**

**LA. CONST. ART. 5, SECTION 10**

**28 U. S. C. SECTION 455(A)-(B)**



## **STATEMENT OF THE CASE**

**PETITIONER WAS FOUND GUILTY OF 1 COUNT OF 2ND DEGREE MURDER AND 1 COUNT OF ATTEMPT 2ND DEGREE MURDER AFTER BEING TRIED BY A JUDGE HE DID NOT KNOW AT THE TIME WAS REASONABLY PREJUDICED TOWARD BLACK PEOPLE AS IT WAS LATER DISCOVERED THAT JUDGE ERWIN HAD CALLED A RESPECTED BLACK WOMAN A NIGGER SEVERAL TIMES. JUDGE ERWIN FOUND PETITIONER GUILTY OF MURDERING A WHITE WOMAN ALTHOUGH HEAT OF BLOOD AND HEAT OF PASSION WAS CLEARLY PRESENT AT THE TIME OF THE KILLING. PETITIONER FURTHER SHOWED THAT SINCE JUDGE ERWIN WAS PERMANENTLY EXPELLED FROM SAMMIE'S GRILL & BAR IN BATON ROUGE LOUISIANA WHERE THE INCIDENT OCCURRED AND NEVER EVEN ATTEMPTED TO CONTEST HIS DISBARMENT ,NOR EVEN ATTEMPTED TO COMMENT TO THE PUBLIC ABOUT THE INCIDENT THAT OCCURRED AT SAMMIE'S GRILL & BAR IT IS HIGHLY SUSPECT THAT JUDGE ERWIN WAS NOT ABOVE THE "MERE SUSPICION" OF PARTIALITY AND SHOULD HAVE BEEN RECUSED "OUT OF ABUNDANCE OF CAUTION"IN ACCORDANCE WITH THIS UNITED STATES SUPREME COURT RULING HANDED DOWN IN LILJEBERG VS. HEALTH SERVICE ACQUISITION CORP.,486 U.S. ,874 & 28 U.S.C. SECTION 455(A)-(B).**

**THE LOUISIANA STATE SUPREME COURT REFUSED TO CONSIDER THE ABOVE CLAIM CLEARLY DENYING PETITIONER FEDERAL CONSTITUTIONAL GUARANTEES TO "EQUAL PROTECTION" AND "EQUAL APPLICATION" OF PREVAILING LAWS OF THIS COUNTRY.**

**PETITIONER'S ATTORNEY IN HER COUNSELED DIRECT APPEAL BRIEF ARGUED THAT THE CONVICTION OF 2ND DEGREE MURDER AND ATTEMPT 2ND DEGREE MURDER WAS UNFOUNDED BECAUSE THE EVIDENCE CLEARLY SHOWED AT TRIAL THAT THE KILLING WAS COMMITTED IN THE HEAT OF BLOOD CAUSED BY PROVOCATION BY THE VICTIM AND HER NEW BOYFRIEND WHO HAD STOLEN MONEY FROM PETITIONER . IT WAS CLEARLY SHOWN THAT IN A COMPLETE IDENTICAL CASE IN STATE VS. MARTIN, A VERDICT OF MANSLAUGHTER WAS**

**ENTERED BY THE LA. 2ND CIRCUIT COURT OF APPEAL WHEREIN THE DEFENDANT MONEY HAD BEEN STOLEN FROM DEFENDANT BY THE VICTIM AND THE VICTIM WAS KILLED BY DEFENDANT CAUSED BY IMMEDIATE HEAT OF BLOOD UNDER THE VERY SAME IDENTICAL CIRCUMSTANCES .**

**YET , THE LOUISIANA STATE SUPREME COURT DENIED PETITIONER'S SUPERVISORY WRIT OFF OF DIRECT APPEAL CLEARLY THUS AGAIN DENYING HIM "EQUAL PROTECTION" OF LAWS GUARANTEED HIM UNDER THE U.S. FEDERAL 14TH AMENDMENT CONSTITUTION.**

**IT IS BECAUSE OF SAID UNFAIR DENIALS OF RELIEF BY THE LOUISIANA STATE SUPREME COURT VIA " OUT OF TIME "DIRECT APPEAL BRIEFS , PETITIONER SEEKS WRIT OF CERTIORARI TO THIS UNITED STATES SUPREME COURT AND PRAYS FOR REVERSAL & THUS "EQUAL JUSTICE" UNDER THE LAWS OF THIS COUNTRY**

## **REASONS FOR GRANTING THE PETITIONER**

**IN STATE VS. MARTIN, 913 SO.2D 863,869, THE LA. 2ND CIRCUIT COURT OF APPEAL IN A EXACT SIMILAR CASE REVERSED A JURY'S VERDICT OF ATTEMPTED 2ND DEGREE MURDER HOLDING THAT:**

**" THE JURY COULD HAVE REASONABLY BELIEVED THAT THE OFFENSE WAS COMMITTED IN SUDDEN PASSION OR HEAT OF BLOOD IMMEDIATELY CAUSED BY PROVOCATION SUFFICIENT TO DEPRIVE AN AVERAGE PERSON OF HIS SELF-- CONTROL AND COOL REFLECTION BECAUSE THE DEFENDANT TESTIFIED THAT THE VICTIM HAD STOLEN HIS WALLET FOR DRUG MONEY AND CUT HIS NECK".**

**LIKEWISE HEREIN, THE VICTIM AND HER NEW BOYFRIEND HAD STOLEN MONEY FROM HIM TO BUY DRUGS AND PETITIONER ON SEVERAL OCCASIONS TRIED TO MEET UP WITH THE VICTIM TO GET HIS MONEY BACK BUT EACH TIME HE ATTEMPTED THE VICTIM WOULD CALL THE POLICE AND FINALLY ONE DAY HE DID MEET UP WITH THE VICTIM WHEN PETITIONER IN HEAT OF BLOOD LOST HIS COOL REFLECTION AND KILLED THE VICTIM AS IS CORROBORATED IN A JAILHOUSE CALL TO A FRIEND , PETITIONER STATED THAT HE NEVER MEANT TO HURT THE VICTIM NOR THE MAN WHO ATTEMPTED TO INTERVENE AND STATED FURTHER THAT HE ACTED OUT IN A RAGE THAT HAD BUILT UP OVER THE VICTIM AND HER NEW BOYFRIEND WHO HAD STOLEN MONEY FROM HIM TO BUY DRUGS AS WERE THE IDENTICAL CASE IN STATE VS. MARTIN, "SUPRA"**

**IN REVIEWING THE SUFFICIENCY IF THE EVIDENCE TO SUPPORT A CRIMINAL CONVICTION, THE DUE PROCESS CLAUSE OF THE FEDERAL 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION REQUIRES THE COURT TO DETERMINE WHETHER THE EVIDENCE IS MINIMALLY SUFFICIENT. A COMPLETE READING OF THE TRANSCRIPT OF THIS TRIAL SHOWS THAT THE STATE FAILED TO MEET THE BURDEN OF PROOF ENUNCIATED BY THIS US. SUPREME COURT IN JACKSON VS. VIRGINIA, 99 S. CT. 2781, THE RELEVANT QUESTION IS WHETHER , AFTER VIEWING THE EVIDENCE IN A LIGHT MOST FAVORABLE TO THE**

**PROSECUTION ,ANY RATIONAL TRIER OF FACT COULD HAVE FOUND THE  
ESSENTIAL ELEMENTS OF THE CRIME BEYOND A REASONABLE DOUBT.**

**IT IS CLEAR FROM THE EVIDENCE THAT THIS WAS INDEED A CRIME OF  
PASSION. THE FACT THAT THE VICTIM WAS STABBED 33 TIMES IS  
INDICATIVE OF AN EMOTIONALLY CHARGED OFFENSE. IN ANOTHER  
SIMILAR CASE ,WHERE THE DEFENDANT WAS CHARGED WITH ATTEMPTED  
2ND DEGREE MURDER WHEN HE STABBED HIS GIRLFRIEND 17 TIMES  
AFTER HAVING HAD A ARGUMENT 4 DAYS EARLIER, THE JURY FOUND HIM  
GUILTY OF ATTEMPTED MANSLAUGHTER. SEE: STATE VS. SIMON,617 SO.2D  
153(LA. APP.3RD CIRCUIT,1993). LIKEWISE AGAIN IN ANOTHER SIMILAR  
CASE IN STATE VS. MARTIN, LA. APP. 2ND CIRCUIT, 8/17/0;913 SO.2D  
863,"MARTIN" WAS TRIED FOR ATTEMPTED 2ND DEGREE MURDER FOR  
STABBING HIS GIRLFRIEND ONCE IN THE CHEST AND 6 TIMES IN THE BACK,  
BUT WAS FOUND GUILTY BY A JURY OF ATTEMPTED MANSLAUGHTER.**

**THE CIRCUMSTANCES SURROUNDING THE RELATIONSHIP AND EVENTS  
PRIOR TO THE NIGHT OF THE STABBING SUPPORT THAT THIS WAS AN OFFENSE  
COMMITTED IN SUDDEN PASSION OR HEAT OF BLOOD CAUSED BY PROVOCATION  
SUFFICIENT TO DEPRIVE PETITIONER OF HIS SELF CONTROL AND COOL REFLECTION  
UNDER THE PREVAILING LAW OF MANSLAUGHTER IN THE STATE OF LOUISIANA ,THUS  
PETITIONER WAS DEPRIVED OF THE GUARANTEED RIGHT TO FEDERAL "EQUAL  
PROTECTION" OF THE LAWS GUARANTEED HIM UNDER THE FEDERAL 14TH  
AMENDMENT , AND THUS PETITIONER PRAYS FOR REVERSAL OF CONVICTION AND  
SENTENCE OF 2ND DEGREE MURDER AND THE ENTERING OF THE CONVICTION OF  
MANSLAUGHTER UNDER COMPARATIVE SIMILAR FACTS AND SIMILAR  
CIRCUMSTANCES OF OTHER LOUISIANA CASES AS HAS BEEN CITED HEREIN.**

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jerome Wellen

Date: July 27, 2022