

22-5818

ORIGINAL

Supreme Court, U.S.
FILED

NO.

SEP 16 2022

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Rev. Errol Victor, Sr.

Aggrieved Petitioner on Remand

VERSUS

State of Louisiana

Respondent

ON PETITION FOR A WRIT OF MANDAMUS
EX PARTE INTERIUM TEMPORARY RESTRAINING
ORDER TO THE COURTS OF LOUISIANA WITH
"EXPEDITIOUS CONSIDERATION" PETITION FOR
DECLARATORY JUDGMENT

Respectfully Submitted,

Rev. Errol Victor

Rev. Errol Victor, Sr. #2509806

3000 Perdido St., 2-F, O.J.C.
New Orleans, La. 70119

RECEIVED

SEP 20 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Rev. Errol Victor, Sr.

VERSUS

STATE OF LOUISIANA

MOTION TO PROCEED INFORMA PAUPERIS

NOW INTO COURT, COMES, Rev. Errol Victor, Sr.;
who moves this honorable Court to proceed in
"In forma Pauperis" status, as Petitioner is Indigent
and Incarcerated for the last twelve (12) years
Petitioner Petition Warrants Expeditions Emergency
Consideration and request broad consideration as a
Pro-Se Litigant on 23/1 lockdown falsely imprisoned.
Thank you for your kindness and sincere consideration.

Respectfully Submitted

I do certify that I

am Indigent this 9th
day of September, 2022

Rev. Errol Victor, Sr.

Rev. Errol Victor, Sr. #2509806

3000 Perdido St. F-2, O.J.C.

New Orleans, La. 70119

* Proprietary Person

I QUESTIONS PRESENTED

1.

Whether due to "government oppression", this United States Supreme Court should grant a Declaratory Judgment of Acquittal "for all African Americans entitled to the retroactivity to this Court's holding in Ramos v. Louisiana, 140 S.Ct. 1390 at 1394 as cited, for the States' violation of the United States of America Sixth Amendment, "privileges and immunities" Clause of the Fourteenth Amendment of the United States Constitution and relevant Civil Rights ?

2.

Whether an unconstitutional non-unanimous jury conviction "denies the defendant(s) of the "valued" right" to have his trial completed by a particular tribunal And Prohibits Retrial of same case, cause, issue"?

3.

Whether it deprived defendant of his Sixth Amendment Right to a Speedy Trial" when denied "right to self-representation" for 2 years, without a "Faretta" hearing, while held without bond incarcerated, on Remand from this United States Supreme Court's Vacate of his conviction and sentence?

(ii)

II PARTIES TO THE PROCEEDINGS

All Parties appear in the caption of the case on cover

Petitioner:

1. Rev Errol Victor, Sr. #2509806
3000 Perdido St., 2-F, OJC
New Orleans, La. 70119

Respondent:

2. State of Louisiana
c/o Attorney General
Jeff Landry
P.O. Box 94005
Baton Rouge, La. 70804

III TABLE OF CONTENTS

PAGE:

Affidavit "Motion to Proceed in Forma Pauperis	ii
Cover Page	1
Question(s) Presented	iii
List of Parties	IV
Table of Contents	V
Index of Appendix	VI
Table of Authorities	VII, VIII
Opinions Below	1
Jurisdiction	2
Constitutional and Statutory Provisions Involved	2
Statement of the Case	2, 3-5
Reason for Granting the Petition	6-16
Conclusion	16-17
Certificate/Proof of Service	18

IV INDEX OF APPENDIX

Appendix (1)	Ruling United States Supreme Court
Court :	United States Supreme Court
Docket Number:	19-5989 .. U.S .. (2020) WL1978934(MEM)
Date Decided :	U.S. April 27, 2020
Disposition :	Granted - Vacate Conviction - Remand
Appendix (2)	Ruling on Remand, Louisiana
Court :	Fifth Circuit Court of Appeal
Docket Number:	15-KA-339
Date Decided :	June 19, 2020
Disposition :	Conviction and Sentence "VACATED"

IV TABLE OF AUTHORITIES

<u>God's Law</u>	<u>PAGE</u>
5 TH Amendment	9, 13, 15
6 TH Amendment	i, 5, 14, 15
8 TH Amendment	8
13 TH Amendment	8
14 TH Amendment	i, 8, 13, 15
 <u>Exhibits</u>	
Exhibit "A" w/10 page attachment	8, 11
Exhibit "B" and "C"	5
Exhibit " " thru " "	14
Cause of Action #2 w/Exhibit 13-29	17
 <u>Federal Cases</u>	
Ramos v. Louisiana, 590 U.S. -- (2020)	4
Victor v. Louisiana, 19-5989 - U.S. -- (2020)	4, 1, IV.
Ramos v. Louisiana, 140 S.Ct. 1390 at 1394 (2020)	4
Victor v. Louisiana, 22-1539 "T" (3) U.S.E.D.	5, 8, 10, 11, 16, 17
Fain v. Duff, 488 F.2d. 218, 224 (5 TH Cir. 1973)	4, 9
Green v. U.S., 355 U.S. 184, 78 S.Ct. 221 (1957)	8

Federal Cases Cont.

Page(s)

<u>U.S. v. Scott</u> , 437 U.S. 82 (1978)	8
<u>Robinson v. Wade</u> , 686 F.2d 298, 303n.8 (5 th Cir.)	9
<u>STOW v. Murashige</u> , 389 F.3d 880 (9 th Cir 2009)	10
<u>Arizona v. Washington</u> , 434 U.S. 497 (1978)	12
<u>U.S. v. Perez</u> , 9 Wheat. 579, 580, 6 L.Ed. 165	12
<u>Benton v. Maryland</u> , 395 U.S. 784, 89 S.Ct. 2056	13
<u>Fong Foo v. U.S.</u> , 369 U.S. 141-43, 82 S.Ct. 671-72.	13
<u>Faratta v. California</u> , 422 U.S. 806 (1972)	15
<u>Barker v. Wingo</u> , 407 U.S. 514, (1972)	15

State Statutes

<u>Louisiana Criminal Code of Procedure</u> 511	15
<u>La. Declaration of Rights Article 1</u> , Section 2, 3, 22, 15 and 16	15
<u>Louisiana Criminal Code of Procedure</u> 582	15

State Cases

<u>STATE v. Victor</u> , 15-KA-339	<u>IV, 1</u>
<u>STATE v. Victor</u> , 2010-CR-172, Div. "B"	10, 16
<u>STATE v. Sorden</u> , 45 So.3d 181 (La.App 2010)	15
<u>STATE v. Revish</u> , 2019-01732	15

VI (OPINIONS LISTED)

APPENDIX "1" Eprol Victor, Sr. v. State of Louisiana
(United States Supreme Court #19-5989 -Citation Available)

APPENDIX "2" State of Louisiana v. Eprol Victor, Sr.
(Fifth Circuit, #15-KA-339 on Remand -Citation Available)

REVIEW APPENDIX "1"

United States of America, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

19-5989

ERROL VICTOR, SR.,

Petitioner

v.

LOUISIANA

To the Honorable the Judges of the Court of Appeal of Louisiana, Fifth Circuit.

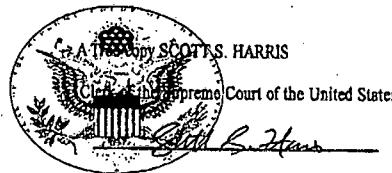
GREETINGS:

Court of Appeal of Louisiana, Fifth Circuit case, STATE OF LOUISIANA, Appellee v. ERROL VICTOR, SR., Defendant-Appellant, No. 16-KA-339, was submitted to the SUPREME COURT OF THE UNITED STATES on the petition for writ of certiorari and the response thereto; and the Court having granted the petition.

It is ordered and adjudged on April 27, 2020, by this Court that the judgment of the above court in this cause is vacated, and the cause is remanded to the Court of Appeal of Louisiana, Fifth Circuit for further consideration in light of *Ramos v. Louisiana*, 590 U. S. ___ (2020).

THIS CAUSE IS REMANDED to you in order that such proceedings may be had in the said cause, in conformity with the judgment of this Court above stated, as accord with right and justice, and the Constitution and Laws of the United States.

Witness the Honorable JOHN G. ROBERTS, JR., Chief Justice of the United States, the 27th day of April, in the year Two Thousand and Twenty.



Case No. 20-KH-174 Appx 1 of 79

Exhibit 3

APPENDIX I
Exhibit 1

REVIEW APPENDIX "2"

Case 2:20-cv-03194-JCZ-JVM Document 1-3 Filed 11/24/20 Page 5 of 5

EXHIBIT
A-Z (3 of 3)

STATE OF LOUISIANA
VERSUS
ERROL VICTOR, SR.
COURT OF APPEAL
STATE OF LOUISIANA

NO. 15-KA-339

FIFTH CIRCUIT

COURT OF APPEAL

STATE OF LOUISIANA

ON REMAND FROM THE UNITED STATES SUPREME COURT
AN APPEAL FROM THE FORTIETH JUDICIAL DISTRICT COURT
PARISH OF ST. JOHN THE BAPTIST, STATE OF LOUISIANA
NO. 10,172, DIVISION "B"
HONORABLE MARY H. BECQUEL, JUDGE PRESIDING

June 19, 2020

JUDGE G. GRAVOIS
JUDGE

Panel composed of Judges Susan M. Chehاردی,
Judge G. Gravols, and Marc E. Johnson

CONVICTION AND SENTENCE VACATED, REMANDED

JGG
SMC
MEJ

Exhibit 4

APPENDIX 2

VII JURISDICTION

The jurisdiction of this Honorable Court is hereby invoked pursuant to 28 § 1254 (1) and/or 28 U.S.C. Section 1257 (a) and/or 28 U.S.C. Section 2101(e)

VIII. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED FIRST, FOURTH, FIFTH, SIXTH, EIGHT, THIRTEEN AND FOURTEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION

IX STATEMENT OF THE CASE

THERE WAS NO MURDER.

The Victor's were one happy family. As with every family with a large amount of children issues will arise, be addressed and dissipate. In this respect, this family was no different. The Rev. Mr. Errol Victor, Sr. and wife Tonya Victor, came from different worlds (upbringing), but they met, fell in love and brought all their children under one roof. The Rev. Mr. Errol Victor, Sr. had six (6) sons from his marriage to his deceased wife (whom died of breast cancer), and Mrs. Tonya Victor had (5) five sons from several previous relationships. Mrs. Tonya Victor birthed two (2) additional sons to the marital union between her and Rev. Errol Victor, Sr., thereby creating of this blended family of fifteen (15). An African American father

and mother with thirteen (13) African American sons, whom were all well cared for.

Trying to make a smooth transition on from her previous life, Mrs. Tonya Victor did not inform Rev. Errol Victor, Sr., that, their son M.L. from one of her prior relationships had asthma and associated breathing complications at times. A condition Mrs. Victor also severely has and is veritably hereditary in her family. At all times M.L. as did the other children, enjoyed full acceptance as one family unit.

After an incident of disobedience, Mrs. Tonya Victor admittedly spanked M.L. shortly thereafter, M.L. had an unforeseen reaction, his breathing had become shallow and he was lethargic but conscious. Mrs. Victor instructed one of her sons to call Rev. Errol Victor, Sr., and inform him that there was a medical/family emergency to return home from his work immediately. Mr. Victor did and found that M.L. seemed to be without energy and soon after his arrival fainted. Rev. Victor instructed his eldest son to start the vehicle as they prepared to rush the child to the nearby hospital. Upon arrival, the child was brought into the emergency room, the mother (Tonya Victor and the eldest Victor son left the hospital to return the eldest son home to look after the minor children still at the home.) Between leaving the hospital and arriving home, hospital staff rushed M.L. into the emergency room where he was pronounced dead. Child Services

was asked to investigate. Rev. Errol Victor, Sr. was taken into custody at the hospital without investigation and Mrs. Victor would be taken into custody later.

Mrs. Victor, acknowledged that she was the only person who chastised the child and that Mr. Victor was not even home when any of this occurred. She proclaimed his innocence and maintains it today. The Victors during the six (6) years they were pretrial detained pretrial, were forced to represent themselves pro se after being defrauded and robbed of several million dollars of legally earned money and legally purchased property. The Court system gave way to the "fixing" of various judicial processes which are supposedly inviolate aims of Justice. However, in this case "justice" and "fairness" remain absent from the equation.

X PROCEDURAL HISTORY ON REMAND

On April 27, 2020, the United States Supreme Court this Court, granted certiorari and "vacated" the May 26, 2016 judgment of the Louisiana Fifth Circuit Court of Appeal and remanded for further consideration in light of Ramos v. Louisiana, 590 U.S. (2020) See, Victor v. Louisiana, 19-5989... U.S. (2020), WL 1978934 (Mem) (U.S. Apr. 27, 2020) See. App. "A" (ONE)

On June 19, 2020, the Louisiana Fifth Circuit Court of Appeals "VACATED" Rev Victor's August 1, 2014 Sentence and Conviction pursuant to this Court's holding Judgment and Mandate. See App. "1" (two)

Aggrieved petitioner on remand invoked his Sixth Amendment right to proceed Pro-se in self-representation capacity on August 05, 2020 still held incarcerated without bond after a vacate of his conviction and sentence. See, Exhibit (B), (40TH ISC, ST. JOHN PARISH, LOUISIANA)

On August 2020 petitioner on remand was denied self-representation PRO-SE Sixth Amendment U.S.C rights without a "Farella" hearing. See, Exhibit (B)

On May 27, 2022, after 23 months held hostage on remand, incarcerated without bond, conviction or sentence, and 21 months denied access to Court Pro Se without a Farella hearing, exceeding time-limitation by state Statute to Retry, Petitioner filed in the U.S. Eastern District Court, Civil Action 22-1539, "J".

(3), for a temporary restraining order, preliminary ; permanent injunction and Declaratory Judgment for "Intervention" to protect petitioner's double Jeopardy and Speedy Trial rights, and to prevent irreparable harm. Petitioner on Remand avers the following ;

XI. REASON FOR GRANTING THE PETITION

The aggrieved petitioner Victor, on remand from this honorable United States Supreme Court contends, that the lower courts have grossly departed from proper constitutional proceedings in light of this Court's Judgment in the case of *Victor v. Louisiana* *Infra*, in light of *Ramos v. Louisiana*, *Infra*.

Petitioner seeks relief by Mandamus for the relief sought is prescribed by the Constitution of the United States on the merits of double jeopardy and speedy trial issues raised.

It is likely that a majority of this Court will vote to grant petitioner's Writ of Mandamus and mandate the lower courts sub judice to issue an *ex parte* interim temporary restraining order to the Courts of Louisiana as "Intervention" is mandatory as a matter of Federal Question of Law which affects the rights of those accused of crimes throughout the State of Louisiana and the United States of America.

This mandatory action is to restrain criminal prosecution and unconstitutional punishment of African Americans in particular, and indispensable parties, when petitioners will suffer irreparable harm if denied equitable relief regarding double jeopardy claims recognized as properly raised due to government oppression.

Victor v. La.

WIT OF MANDAMUS

XII EXPEDITIOUS CONSIDERATION

Herein your aggrieved petitioner on remand seeks to enforce the United States of America Double Jeopardy Clause prohibition.

Further, Petitioner's Double Jeopardy and Speedy trial claims/Issues, *Infra*, entitles Petitioner to the right to be left alone, which he seeks to enforce against the [government.] See, e.g. *Fain v. Duff*, 488 F.2d 218, 224 (5th Cir. 1973)

THE ISSUE NO 1 QUESTION NO 1

THE STATE OF LOUISIANA ACKNOWLEDGMENT THAT UNLAWFUL DISCRIMINATION AGAINST AFRICAN AMERICANS BASE ON RACE WAS A MOTIVATING FACTOR IN ITS ADOPTION OF THE NON-UNANIMITY RULES FOR CRIMINAL CONVICTIONS AS GOVERNMENT OPPRESSION

This probative fact was cited by this honorable United States Supreme Court with certainty. See e.g. *RAMOS v. LOUISIANA*, 140 S. Ct. 1390 at 1394 (2020)

Petitioner Victor's overturned unconstitutional non-unanimous conviction should operate as an acquittal given its undisputed foundation to clearly institutionalize racism compounded by the compelling

evidence set out by petitioner's Exhibit "A" (with 10 page attachment), that it aligns with a consistent pattern of organized Louisiana legal system abuse facilitated by uncheck judicial misconduct for which petitioner Victor, an African American, a suspect known classification of citizens, who have been proven to be historically powerless in a majoritarian process and are in need of extraordinary protection, has no effective domestic/state avenues of redress. Strict scrutiny is warranted by Higher Supervision.

In fact, the harm imposed is fairly considered to be persecution in a global sense, tantamount at least for Rev. Victor and those similarly situated, to psychological torture violating the 8th and 13th Amendments incorporated against the States by the 14th Amendment U.S.C.

1. Convictions rooted in Governmental Oppression is stated in the holding of Green v. United States, 355 U.S. 184, 78 S. Ct. 221, 2 L Ed. 199 (1957), and United States v. Scott, 437 U.S. 82 (1978), bars/prohibits reprocsecution of the same case/case/issue and accused, the functionally equivalency to an Implicit Acquittal.

2. Petitioner Victor filed a civil action, 22-1539, "J" (3) seeking to have his "right to be left alone to be enforced against the [government]", a fortiori

the State of Louisiana, et al. See, e.g. Fair v. Duff, *supra*, in the United States Eastern District Court of La.

3. It is the constitutional right to be free from a second-illegal-trial and free from a second-illegal punishment/sentencing for the same offense acquitted by operation of law. The non-unanimous unconstitutional conviction is of certain not ~~simply~~ trial error, Nay, but certainly governmental purposeful oppression based upon race discrimination as stated by this Ramos Court.

4. ("Because the double Jeopardy clause protects against multiple prosecution as well as multiple convictions and punishments/sentencing . . . its infringement cannot adequately be remedied by post-conviction review") See, e.g. Robinson v. Wade, 686 F. 2d 298, 303 n.8 (5th Cir. 1982)

5. Petitioner aforementioned protection guarantee of the United States of America Double Jeopardy Clause requires a Mandamus and Federal Court INTERVENTION "before" trial/sentencing can commence in the lower Louisiana Courts, or a vitally important aspect of the Fifth

and Sixth Amendments of the United States
guarantee is forever lost (irreparable injury)
and the "risk of conviction" although one
may be actually innocent. See, e.g. Stow v.
Murashige, 389 F.3d 880 (9th Cir. 2009)

6. No action has been taken by the United States
Eastern District Court in Louisiana in the case
22-1539 "J" (3) to prevent petitioner Victor
from irreparable harms, jury selection
began on July 11, 2022, (a second-illegal-trial
double Jeopardy attached) on July 20, 2022,
trial defacto culminated with a purported
unanimous jury second-illegal-trial, verdict of
guilty against aggrieved petitioner has been imposed
in State v. Victor, no. 2010-CR-172 before the 40th
JDC for the Parish of St. John the Baptist in the
STATE OF LOUISIANA ("the risk of conviction
although one may be actually innocent) of which
the double Jeopardy clause was designed to
protect,

7. Petitioner Victor, African American male, on
remand seeks and is entitled to the above
protection aforesaid, to stop the sentencing

Phase and continual governmental oppression
See, Exhibit "A" (with 10 page attachment) supra,
perspective irreparable injury schedule for
September 09, 2022, if not "STAYED" and
September 14, 2022 [Now Rescheduled]

8. Petitioner Aggrieved is entitled to the relief
sought and is likely to prevail on the merits of
the Injunction and Declaratory Judgment
sought in case no 22-1539 "J" (3), and before
this Honorable United States Supreme Court
as pleaded in this Writ of Mandamus, and
request for a declaratory Judgment of
Acquittal, and release petitioner as a matter
of the rights, laws and constitution of the United States.

ISSUE NO 2

QUESTION NO 2

An Unconstitutional Non-Unanimous Jury Verdict
Conviction deprive /denies defendant(s) of the
"valued" right to have his/their trial completed
By A Particular TRibunal

ARIZONA v. WASHINGTON

Petitioner Victor on remand in this instant
Claim/request for a Mandamus, contends that a

non-unanimous jury verdict, absent a mistrial properly declared, is not a completed trial. See, e.g., Arizona v. Washington, 434 U.S. 497 (1978), 98 S.Ct 824, 54 L.Ed. 2d 717

Petitioner was deprived of (the "valued" right" to have his trial completed by a particular tribunal), a fortiori, jury selected in the first trial, jurors who after reviewing state's evidence was not persuaded beyond a reasonable doubt to sustain a valid conviction and found the state's evidence insufficient and was discharged improperly absent an acquittal or mistrial properly declared.

Any Retrial, absent a judge's authority/power to properly discharge the first trial 12 jurors, the convening of another or different tribunal to be presented the same case, cause, issue unresolved by the previous 12 jurors selected, sworn and improperly judicially discharge, constitutes, as stated by the Arizona v. Washington Court, [] double Jeopardy, citing, United States v. Perez 9 Wheat, 579, 580, 6 L.Ed. 165.

The previous (First trial) jurors selected who "rejected" the state's evidence while deliberating cannot be discharged, absent an Acquittal or judicial declaration of a proper mistrial. Such an act

is so abhorrent to every principal of safety and security that it ought not to receive the least countenance in the courts of this country. The prohibition against Double Jeopardy unquestionably forbids the prosecution / state to use the "first" trial proceedings, trial jury as a trial run of his case. See, Benton v. Maryland, 395 U.S. 784, 89 S.Ct 2056, 23 L.Ed. 707,

An improperly judicially declared unconstitutional conviction based upon an egregiously erroneous foundation (i.e. an unconstitutional state statute) is the functionally equivalency to an non-defence requested dismissal, improper procedural Nolle Pros, implied consent to an Acquittal. See, third category of Acquittal State v. Courtney, 831 S.E. 2d 260 (N.C. 2019).

The bell cannot be unrun in the case of such an egregiously erroneous improper procedural judicial unconstitutionally declared conviction and by operation of law implicit Acquittal. See, Fong Foo v. United States, 369 U.S. 141, 143, 82 S.Ct 671, 672, 7 L.Ed. 2d 629. Such an Acquittal by operation of law is "final" and cannot be cured.

Petitioner was entitled to a completed trial and was denied this "valued right" the newly convened jury violated/violates the Double Jeopardy Clause of the Fifth Amendment of the U.S. Constitution. Petitioner is entitled to an Acquittal.

ISSUE NO 3

Petitioner/Aggrieved Plaintiff was Deprived Of His Sixth Amendment "Right To A Speedy Trial" when Denied "Right To Self-Representation" For 2 years Without a "Faretta" Hearing, While Held Without Bond Incarcerated, On Remand From This United States Supreme Court's Judgment to "VACATE" His Unconstitutional Non-Unanimous Verdict Conviction.

Aggrieved Plaintiff, Victor, on remand to the Louisiana lower Courts mandated by this United States Supreme Court, requests this Writ of Mandamus as pleaded herein, incorporates Exhibits "B" thru "D" for ^{Ex.} common sense prima facie proof evidence for probative facts of the denial of Aggrieved Petitioner Rev. Errol Victor, Sr.'s Sixth Amendment Rights. The Right to Self-Representation to access the Louisiana Courts for redress was denied petitioner without the required Faretta hearing. Petitioner herein was denied pro-se access to defend himself without a Faretta hearing for over 23 months. This extreme delay while incarcerated and held without bond, maximize pre-trial detainment and eroded Petitioner Rev. Victor's Right to a Speedy Trial pursuant to the exceeding ^{of} the time-limitation for a Mistrial or Retrial to commence, the One-Year period established by

the Louisiana Criminal Code of Procedure Article 582, in the violation of the Sixth Amendment incorporated against the States by the Fourteenth Amendment of the United States Constitution. See, Faretta v. California, 422 U.S. 806 (1972), combined with, Barker v. Wingo, 407 U.S. 514 92 U.S.S.Ct. 2182, 33 L.Ed 101 (1972)

These violations are in light of Louisiana's established jurisprudence pursuant to Louisiana Criminal Code of procedures Art. 511 and Louisiana Declaration of Rights Article 1: 2, 3, 22, 15 and 16. See, e.g. State v. Revish, 2019-01732, relevant to the One year period to Retrial Louisiana Criminal Code of Procedure Article 582, also State v. Sorden, 45 So 3d 181 (La. App 2010) violating Speedy trial right, "No Court in the Land, after violating defendant's 'right to a speedy trial' can offer any cure, and only remedy is a dismissal and the immediate release of the aggrieved defendant. See, Barker v. Wingo, supra.

The Length of Delay 2 years, Reason for Delay as shown, is the excessive pre-trial detainment/incarceration without bond, without access to Court pro-se, without a Faretta Hearing. The Louisiana Courts requires only these two-prongs to be violated requiring the release of Petitioner, defendant for the violation of defendant's right to a Speedy Trial. Petitioner Victor's Sixth, Fifth Amendments incorporated against the State by the 14th Amend. has been violated without question. 15.

Petitioner Rev. Errol Victor, Sr. incorporates civil action 22-1539 "J" (3) filed in the United States Eastern District Court of Louisiana, specifically cause of action #2 and with Exhibits 13-29, in support for this issue before this Honorable United States Supreme Court in establishing Petitioner was irrefutable denied Right to representation without a proper Faretta hearing for 2 yrs after the Vacate of the State of Louisiana Unconstitutional Non-Unanimous Verdict Conviction Judgment by this United States Supreme Court. Petitioner is entitled to be release expeditiously.

CONCLUSION

WHEREFORE, Aggrieved Petitioner Victor pray:

- a. that this verified petition for a Mandamus proceed in accord to/with the Federal Code of Civil Procedure, and Appellate Procedures.
- b. for an Mandamus to be issued to the United States Eastern District Court in the case no 22-1539, Sect "J", Mag (3) and Louisiana Courts mandating an interim ex-parte temporary restraining order restraining the respondent(s) in the above reference case from in any way purporting to finalize and/or act in accord with the purported jury -illegal-second-

trial verdict interposed against Petitioner Rev. Errol Victor, Sr., including but not limited to entering the sentencing phase of and/or sentencing him pursuant to State of Louisiana v. Victor, No. 2010-CR-172 before the 40th Judicial District Court for the Parish of St. John the Baptist in the State of Louisiana, Division "B", at least until such time that this petition be adjudicated to finality and/or petitioner's civil actions 22-1539, "J", (3), in the United States Eastern District Court request for preliminary, permanent injunction is adjudicated to finality, in this United States Supreme Court.

c. Respondents to be restrained from causing Petitioner any other additional injury/harm through continual violations of one or more of his civil, constitutional and/or human rights and/or otherwise,

d. a Declaratory Judgment of Acquittal be issued and Petitioner/Petitioners be immediate release,

e. further the issuance of a temporary restraining order be issued prior to sentencing and perspective irreparable harm scheduled for 89-14-22 Expeditedly !!! EMERGENCY EMERGENCY TRO

VERIFICATION

Petitioner affirm under oath that all of the foregoing assertions of facts are true and correct to the best of his knowledge and belief.

Respectfully Submitted

~~15/Ref~~ ~~ER~~

~~Rev. Errol Victor, Sr. #5-~~

3000 Perdido St. 2F, #2509806

New Orleans, La. 70119

CERTIFICATE OF SERVICE

I CERTIFY HEREIN that the foregoing "Ex-PARTE TEMPORARY RESTRAINING ORDER REQUEST with/and PETITION/ Writ of Mandamus was handed to officers per "mailbox rule" and/or mailed U.S. postal service on this 12 day of September, 2022 to opposing party(ies). And Emailed to all parties.

^{Rev.} ~~ER~~ ~~11~~

~~Rev. Errol Victor, Sr. #2509806~~

BE SURE THAT WRIT OF MANDAMUS falls within
the jurisdiction on page, if not add the U.S.
Supreme Court Statute Section

IN THE
SUPREME COURT OF THE UNITED STATES

Rev. Errol Victor, Sr.

Aggrieved Petitioner on remand

VERSUS

State of Louisiana

Respondent

ON PETITION FOR A WRIT OF MANDAMUS
EX PARTE INTERIUM TEMPORARY RESTRAINING
ORDER TO THE COURTS OF LOUISIANA

EXHIBIT

A thru E

Human Rights Council
Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

**I. Information concerning the author (s) of the communication or the alleged victim (s)
if other than the author**

Individual

Group of individuals

NGO

Other

Last name: Parker-Brown

First name(s): Belinda

Nationality: American

Individual

Group of individuals

NGO

Other

Last name: Crenshaw-Legal

First name(s): Dr. Zena

Nationality: American

Address for correspondence on this complaint:

Rod Legal Center for Justice
3274 Mount Gilead Road SW
Atlanta, Georgia 30311

Tel and fax: (please indicate country and area code) (985) 503-0626 or (404) 590-5039

E-mail: info@launitedi.org

Websites: <https://www.launitedi.org>, <https://www.americaunitedinternational.net>, and
<https://www.njcdlp.org>

Submitting the complaint:

On the author's own behalf:

On behalf of other persons: (Please specify: Reverend Errol Victor, Sr., presently incarcerated at the Orleans Parish Jail @ New Orleans, Louisiana, United States of America

Exhibit

3 of 17

(USA), and all currently as well as formerly incarcerated citizens of the USA he represents, them having been, like Victor, subjected to a vindictive criminal prosecution by one or more state and/or federal USA criminal prosecutors based on a constitutionally prohibited standard and effectuated by the improperly discriminating prosecutor(s) through illegal means including apparent collusion between one or more of the prosecutors and one or more state and/or federal USA judicial officers acting in their respective official capacity to deliberately deter or thwart proof as to one or more of the referenced victims' actual innocence in regard to the crime(s) underlying their respective, improper prosecution.)

II. Information on the State concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): The United States of America and each of its individual 50 states plus the District of Columbia.

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

The statement of facts and circumstances attached hereto and incorporated herein by reference align with a consistent, national pattern of organized U.S. legal system abuse facilitated by unchecked judicial misconduct for which there is no effective, domestic avenues of redress. More specifically it sufficiently describes what appears to be a vindictive criminal prosecution based on a constitutionally prohibited standard, effectuated through illegal means including collusion between one or more prosecutors with private individuals including but not limited to lawyers acting as such and/or their respective client(s) as well as judicial officers acting in their respective official capacity to deliberately thwart proof of a criminal defendant's actual innocence. The Complainants attest that while the specifics of similar incidents vary, the corresponding violations of human rights and fundamental freedoms are "gross" and invariably entail an implicit or explicit agreement between one or more prosecutors and one or more presiding judicial officers to deny the targeted accused or convicted criminal fair and, as to the judicial officer(s), impartial pre-trial proceedings as well as trial.

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies— please provide details on the procedures which have been pursued, including recourse to the courts

Exhibit 4
A

and other public authorities as well as national human rights institutions*, the claims made, at which times, and what the outcome was:

Working together and with as well as through various non-profit organizations, the Complainants are at the forefront of addressing proliferation of organized, persistent abuse of America's legal system with the complicity of unethical judges, justices, and quasi-judicial officials as mass human rights violations. Categorical lack of relief for this particularly egregious form of human rights violation is part of its pathology. And no relief has been forthcoming, not even since October 10, 2018 when this U.N. charter body determined that allegations of such a phenomenon as well as the prospect of America acquiescing to it as a matter of *de facto* government policy are neither manifestly ill-founded nor reflective of unexhausted domestic remedies.¹ No relief has been forthcoming since U.S. President Joseph Robinette Biden Jr. was advised by letter of June 15, 2021 that related corrective action cannot be constitutionally postponed "based on civil society preferences, national convenience, and/or U.S. government executive branch priorities", especially not since January 15, 2021, *i.e.*, the date America at least implicitly acknowledged its violation(s) of the International Covenant on Civil and Political Rights at issue.²

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

Not Applicable

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

Not exactly the same matter.

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

On or about February 18, 2021, the Complainants, Parker-Brown and Crenshaw-Logal, submitted an urgent appeal exclusively for Errol Victor, Sr. to the honorable Professor Nils Melzer, United Nations Special Rapporteur on Torture, Reference Number 6a5kme2i. We supplemented that submission on March 2, 2021. And earlier this year we sought Professor Melzer's support as well as that of other U.N. Special Rapporteurs in challenging organized U.S. legal system abuse in general, *i.e.*, outside the context of specific cases and relevant human rights violations. The Complainants do not know the status of those efforts as they have not been advised of any corresponding responses. While all the outreach relates to the matter at hand, the one resort to special procedures and informal communications those previous initiatives entail are quite different from this complaint as to the specific people for

* National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

Exhibit 5
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whom it advocates, the size of their ranks, the scope and nature of human rights violations they have endured or continue enduring, plus what for them would constitute effective redress. While they are a sub-class of Americans against whom the U.S. legal system has been weaponized, those currently incarcerated, including Errol Victor, Sr., are at much greater risk of suffering bodily harm, including death, than their counterparts who the U.S. has not formally detained or no longer detain. In other words, the Complainants respectfully contend that the urgency of this communication for what could easily be a million or more people warrants its consideration separate from matters overlapping to varying extents and submitted to U.N. Special Rapporteurs plus historically unresponsive U.S. public officials and agencies.

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (Please tick as appropriate): Yes No

Please indicate which information you would like to be kept confidential



Date: July 8, 2022



Signature:

N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

Rather than copies, links and citations to the following items have been provided:

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful):
- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure):
- Any other evidence or supporting documents deemed necessary:

Exhibit 6
"A"

VIII. Where to send your communications?

Office of the United Nations High Commissioner for Human Rights
Human Rights Council Branch-Complaint Procedure Unit
OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
Fax: (+41 22) 917 90 11
E-mail: CP@ohchr.org
Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

United Nations Human Rights Council
Communication on behalf of Errol Victor, Sr. and similarly situated Americans
incarcerated or imprisoned in and by state or federal government of the United States of America

Table of Contents

This statement of facts and circumstances align with a consistent, national pattern of organized U.S. legal system abuse facilitated by unchecked judicial misconduct for which there is no effective, domestic avenues of redress. 1

More specifically this communication describes what appears to be a vindictive criminal prosecution based on a constitutionally prohibited standard, effectuated through illegal means including apparent collusion between one or more prosecutors with private individuals including but not limited to lawyers acting as such and/or their respective client(s) as well as judicial officers acting in their respective official capacity to deliberately thwart proof of a criminal defendant's actual innocence 1

An apparent collusion between one or more prosecutors with private individuals including but not limited to lawyers acting as such and/or their respective client(s) as well as judicial officers acting in their respective official capacity: 2

Race as the constitutionally prohibited standard evidenced by Victor's relevant ordeals: 2

Tactics substantially deterring if not thwarting whatever proof there is of an accused or convicted criminal's actual innocence. 7

This statement of facts and circumstances align with a consistent, national pattern of organized U.S. legal system abuse facilitated by unchecked judicial misconduct for which there is no effective, domestic avenues of redress.

More specifically this communication describes what appears to be a vindictive criminal prosecution based on a constitutionally prohibited standard, effectuated through illegal means including collusion between one or more prosecutors with private individuals including but not limited to lawyers acting as such and/or their respective client(s) as well as judicial officers acting in their respective official capacity to deliberately thwart proof of a criminal defendant's actual innocence.

"A conspiracy is defined . . . as a 'combination or confederacy between two or more persons formed for the purpose of committing, by their joint efforts, some unlawful . . . act'." *Stephens v. Bail Enforcement*, 690 So. 2d 124 at 130 (La.App. 1 Cir. February 14, 1997). Of course, "(i)n the ordinary case, 'so long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file or bring before a grand jury, generally rests entirely in his discretion'." *United States v. Armstrong*, 517 U.S. 456 at 464 (1996). This communication does not address that aspect of government action in the United States of America (USA). Instead, it sets

Exhibit 8

forth the country's *de facto* template for a vindictive criminal prosecution based on a constitutionally prohibited standard, facilitated by unchecked judicial misconduct. That form of corruption is a manifestation of organized, persistent abuse of America's legal system for which there is no effective, domestic avenues of redress no matter how it presents.¹

An apparent collusion between one or more prosecutors with private individuals including but not limited to lawyers acting as such and/or their respective client(s) as well as judicial officers acting in their respective official capacity:

Spotlighted are ordeals of Errol Victor, Sr. (*hereinafter Victor or Reverend Victor*), presently incarcerated by the State of Louisiana, USA, at the Orleans Parish jail in New Orleans, Louisiana. Victor is one (1) of no doubt a substantial number of the approximately 2.12 million people that the USA incarcerated as of this time last year, deliberately subjected to unfair plea bargaining and/or criminal trial pursuant to implicit or explicit agreements to do so among unethical court and judicial officers, perhaps in concert with laypeople and/or private entities.² It is those deliberately "unfair" processes that Belinda Parker-Brown and Dr. Zena Crenshaw-Legal (*hereinafter the Complainants*) contend substantially hinder if not thwart whatever proof there may be of an accused or convicted criminal's actual innocence in the USA. The Complainants accordingly emphasize that in the USA, "(a) prosecutor is duty bound to exercise his best judgment both in deciding which suits to bring and in conducting them in court." *Imbler v. Pachtman*, 424 U.S. 409 at 424 (1976).

Surely the *Imbler Court* does not countenance a prosecutor's out-of-court trial preparation, so to speak, becoming tantamount to conspiracies to gain undue prosecution advantages. *Cf. United States v. Goodwin*, 457 U.S. 368 at 376 (1982). And the court hardly condones implicit or explicit agreements with prosecutors, the fulfillment of which hinges on judicial misconduct to an extent. *Id.* In any event, such weaponizations of legal process would be for the USA to resolve; matters within the province of America's judiciary to be exact. However, by pretty much all indications, the USA persists in extending impunity to its judges, justices, and quasi-judicial officers for their roles in facilitating those and a myriad of other persistent, USA legal system abuses.³ As a result, Victor and surely many if not most of the more than 2 million people comprising America's incarcerated population are political prisoners, *i.e.*, their human rights and fundamental freedoms are essentially hostages to or of this *de facto* government policy; it is the politics of judicial oversight in America.

Questionable (*the Complainants would say unsavory or downright illegal*) criminal prosecution tactics to the extreme deployed against Victor seem relatively rare across the USA, but all variations from the least

¹ See, America United International. (2022, May 5). *AUI submission in support of U.S. compliance with Article 2, paragraph 3(a) and (b) of its ICCPR*, p 1, accessible as of July 7, 2022 @ <https://www.dropbox.com/s/tgk8op5jacumg2n/Finalized%20AUI%20Submission%20for%20ICCP%20compliance.pdf?dl=0> [The Third Degree] entails a literal weaponization of America's legal system with the complicity of presiding judges. Categorical lack of relief for this particularly egregious form of human rights violation is part of its pathology. And no relief has been forthcoming, not even since October 10, 2018 when the U.N. Human Rights Council determined that allegations of such a phenomenon as well as the prospect of America acquiescing to it as a matter of *de facto* government policy are neither manifestly ill-founded nor reflective of unexhausted domestic remedies.]

² Not to mention formerly incarcerated Americans who were as of 1990 to date.

³ Complainant Belinda Parker-Brown is a politically influential community organizer and as a result, has gotten audiences with U.S. public officials who could substantially help change this trend. However, so far, direct efforts by America United International (AUI) to provoke U.S. compliance with its International Covenant on Civil and Political Rights (ICCP) have been met almost invariably with silence. To learn more about AUI, visit <https://www.americanunitedinternational.net>

to most common of them involve unchecked judicial misconduct and prompt unduly extortionate plea agreements or circumvent fair trials. Unfortunately those tactics and the range of injustices they precipitate are hallmarks of America's criminal justice system. In that sense or in viewing Victor's circumstances from that perspective, his ongoing saga is one of countless, equally tragic stories.

Race as the constitutionally prohibited standard evidenced by Victor's relevant ordeals:

Victor is African American, and in his forties was a very accomplished businessman in the State of Louisiana, respected as a pastor, having been a minister since his late teens. On **April 1, 2008**, Reverend Victor, his wife Tonya, and oldest son Errol Victor, Jr. were arrested within hours of driving the wife's eight (8) year old son M.L. Lloyd, III to the emergency room of a hospital, complaining there of M.L.'s breathing difficulties. The child was pronounced dead shortly after arriving at the medical facility, *i.e.*, River Parishes Hospital in Louisiana, St. John the Baptist Parish. Reverend Victor was arrested for supposedly M.L.'s premeditated murder within minutes of the child' death being officially pronounced, well before an official cause of his death was determined. Mrs. Victor and the eldest son were arrested sometime later the same day, accused of accessory after the fact to first degree murder and cruelty to a juvenile.

At no relevant time has Reverend Victor been accused of illegal drug activity or any "(c)onduct giving rise to forfeiture" within the meaning of Louisiana state law. *Cf. La. R.S. § 40:2603.* According to the U.S. Department of Justice, the federal counterpart of Louisiana's asset forfeiture laws are "designed to deprive criminals of the proceeds of their crimes, to break the financial backbone of organized criminal syndicates and drug cartels, and to recover property that may be used to compensate victims and deter crime."⁴ The State of Louisiana has been credited with having similar motives for pursuing asset forfeitures attendant to criminal law enforcement. In other words, the practice allows state and federal government in the USA a certain criminal prosecution advantage. It is a kind of leverage that Victor's prosecutor was supplied by private bankers and lawyers, seemingly contrary to their personal as well as professional interests, not to mention ethical obligations. The corresponding financial divestment of Reverend Victor began on **April 2, 2008** while he was incarcerated, but unindicted for the death of his stepson, M.L.

By all indications what some of the referenced bankers did was freeze Victor's personal and business demand accounts, accelerate and require immediate full payment of his outstanding business loan(s), fail to offset his funds on deposit per Victor's autopayment arrangements or otherwise allow the debt to be paid by installments, accordingly trigger overdraft fees and loan default(s), disregard federally mandated debt collection practices, allow their lawyers to instead commence court proceedings to declare the default(s) then execute resulting judgments prompting distress sales of Victor's most valuable personal and all of his real estate holdings. At the time, Victor had been an "excellent customer" of the bank involved for approximately seven (7) years⁵, current on all of his financial obligations *[except there may have been a payment missed on the day he was arrested]*, with approximately \$200,000 held as cash deposits by the bank. Its efforts or those of its agents-gone-rogue reportedly lost Victor that cash balance and other assets with a hearty seven (7) figure fair market value in total, and hindered him in retaining competent legal counsel as well as posting bail for his wife, oldest son, and himself. In the meantime,

⁴ To learn more, visit <https://www.justice.gov/afms/types-federal-forfeiture>

⁵ See, *Salas Affidavit*, a copy of which was accessible as of July 7, 2022 @ <https://www.dropbox.com/s/coije72xf7bj6n/Copy%20of%20Salas%20Affidavit.pdf?dl=0>

Exhibit 10
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according to Reverend Victor, another bank allowed an attorney who represented him on charges stemming from M.L.'s death to have unauthorized access to his demand accounts from which the lawyer withdrew undeserved/unearned cash payments.

It helps to know that prior to the referenced siege on Reverend Victor, he was a relatively large-scale real estate developer headquartered in Louisiana's St. John the Baptist Parish. Victor claims that as a private citizen, Barry Landry, the parish's District Attorney (D.A.) and his prosecutor for M.L.'s death, would regularly object to his publicly proposed real estate developments. For that reason, Victor considered Landry a business and political rival long before M.L. died. Victor also perceived Landry to be racist against African Americans. So, in response to what he considers (with good reason) an otherwise inexplicable, adversarial stance as to him taken by certain local bankers, Victor credits them with having joined Landry and others to eliminate Victor's positive impact on local economics as well as his personal wealth and prowess.⁶ The deal was to be metaphorically sealed by Victor's conviction on murder charges, even if secured by unscrupulous means.

On April 15, 2008, before an autopsy of M.L. was complete and his cause of death officially determined, the State of Louisiana indicted Victor by grand jury for first degree murder of the child.⁷ Not until the case went before an apparently African American judge was the appropriateness of private or government action against Victor questioned to any avail. Following a May 29, 2008 hearing, this judge, then of the 40th Judicial District Court for the Parish of St. John the Baptist in the State of Louisiana, **Division "A"**, the Honorable Judge Madelene Jasmine, "ORDERED, ADJUDGED AND DECREED that after careful analysis of the emergency room records, the detailed autopsy report, as well as the death certificate, this court does not find that the proof is evident and the presumption great that the defendant is guilty of a capital offense." She continued, "(o)f particular importance is the coroner's failure to classify the manner of death as a homicide." Although "(a)s to the manner of death, the death certificate indicate(d) that it is pending investigation", the state conveniently changed that determination to homicide the next day being May 30, 2008.⁸

Judge Jasmine required Reverend Victor to pay all of a Two Million Dollar (\$2,000,000.00) bond to be free pending further proceedings which he paid. On February 4, 2010, Jasmine "ORDERED, ADJUDGED, AND DECREED that (Victor's) Motion to Quash the Grand Jury Indictment (of him was) GRANTED." Criminal prosecution of Victor was thereby preliminarily ended per a Grand Jury irregularity that Judge Jasmine deemed fatal to D.A. Landry's case against Victor.⁹

"After initially filing for reconsideration and/or appeal of (Jasmine's February 4, 2010) judgment, on April 6, 2010, the State (of Louisiana) filed a notice of dismissal without prejudice of all pending

⁶ It is the Complainants' understanding that Landry and at least his key cohorts against Reverend Victor are of one or another race other than African American, and appear to be Caucasian.

⁷ Mrs. Victor was charged by grand jury indictment with accessory after the fact to first degree murder and cruelty to a juvenile. Errol Victor, Jr. was also indicted, but charges against him were eventually dismissed.

⁸ A copy of the initial death certificate was accessible as of July 7, 2022 @ <https://www.dropbox.com/s/zf0eu75yplxzn1j/TR-deathcert-initial.pdf?dl=0> A copy of the final death certificate was accessible as of July 7, 2022 @ <https://www.dropbox.com/s/t0mx1wy3zrlqeys/TR-deathcert-final.pdf?dl=0>

⁹ *State of Louisiana v. Victor, et al*, Cause No. 2008 CR 165 before the 40th Judicial District Court for the Parish of St. John the Baptist in the State of Louisiana, Division "A", the Honorable Judge Madelene Jasmine presiding, Order Quashing Indictment, accessible as of July 7, 2022 @ <https://www.dropbox.com/s/cc5vypskbmifgsy/Quashed%20Indictment.pdf?dl=0>

Exhibit 11

charges" against Victor. *State v. Victor*, 15-339 (La. App. 5 Cir. May 26, 2016), 195 So. 3d 128 at 138 (*emphasis added*). "Six days later, on April 12, 2010, a newly empaneled grand jury re-indicted [Victor] with second degree murder". *Id.* Purportedly, "(t)he case was randomly allotted to Division 'B,'" *Id.*, (*emphasis added*). Recall that Judge Madelene Jasmine sat for Division "A" of the court.

Louisiana Uniform District Court Rule 14.1 provides:

(a) Unless a different method is set forth in Appendix 14.1, if a defendant has a felony case pending and previously allotted, **any new felony arrest for that defendant shall be allotted to the divisions to which the pending felony was allotted**. This 'felonies-following-felonies' rule also applies to the pending felony arrests for a co-defendant with a new arrest and billed as a co-defendant.

(b) **For purposes of this Rule, a felony case remains pending until any of the following events has occurred:**

- (1) a bill of information or indictment is filed or amended, reducing the case to a misdemeanor;
- (2) the District Attorney's Office enters a nolle prosequi in a case; or
- (3) there is an adjudication of guilty by plea or trial.

Id. (*emphasis added*).

The Complainants contend that applicable law on statutory construction defy the multiple Louisiana state court rulings that condone shifting Victor's criminal prosecution from Judge Madelene Jasmine to a Division "B" counterpart. Be that as it may, the Complainants more emphatically note this: *In arguable disregard of Louisiana Uniform District Court Rule 14.1, Reverend Victor was slated for murder trial before the now retired Judge Mary Hotard Becnel, then the wife of Daniel E. Becnel, Jr. a prominent lawyer as well as land and real estate developer in the Louisiana Parish of St. John the Baptist.* Mr. Becnel has since died but during his lifetime, well before Reverend Victor was accused of killing his stepson, Becnel and Victor were direct business competitors. Among local businesspeople of color, Victor was as prominent as Becnel was among local businesspeople who, like him and his wife, did not appear to be members of a racial minority group.

With the conspicuous interjection of Judge Mary Hotard Becnel into Reverend Victor's ordeals ostensibly occasioned by his stepson's death, "(t)he possibility of such vendetta arises" as this communication proposes. *Cf., United States v. Hughes*, 2006 U.S. Dist. LEXIS 81813, *15, 2006 WL 3246571. Judge Becnel became an obvious part of an objectively discernible, rather homogeneous group of people with theoretical if not actual motive and clear opportunity to help weaponize legal process against Reverend Victor. Admittedly, "'the conscious exercise of some selectivity in (USA criminal law) enforcement is not itself a federal constitutional violation' so long as 'the selection was [not] deliberately based upon an unjustifiable standard such as race, religion, or other arbitrary classification'." *United States v. Goodwin*, 457 U.S. 368 at 380 (1982). Moreover, "a mere opportunity for vindictiveness is insufficient to justify the imposition of a prophylactic rule"; only "those that pose a realistic likelihood of 'vindictiveness'" suffice for present purposes. *Id.* at 384.

Exhibit 12
A3

Before tackling the *Goodwin* challenge, the Complainants should note that combined, they have approximately four (4) decades of experience in surmising prospects of USA legal system weaponizations by helping organize and mobilize directly impacted, widely diverse, and numerous people throughout America and conducting related fact-finding as well as legal analyses informed by their respective personal and professional experiences plus informal as well as formal education/training. The tri-fold linked below briefly profiles the Complainants and lists websites of nongovernmental organizations with major campaigns, some of which one or the other complainant separately established but both help administer, evidencing the high caliber of their advocacy and professional competence, plus further detailing their credentials.¹⁰ Both of the Complainants are very familiar with unduly extortionate plea bargaining in the USA. They are at the forefront of addressing proliferation of organized, persistent abuse of America's legal system with the complicity of unethical judges, justices, and quasi-judicial officials as mass human rights violations. Parker-Brown has done so extensively in regard to USA criminal courts. Crenshaw-Legal is better versed on complex civil law matters, but that is what rampant criminal justice system corruption in the USA entails.

The Complainants attest that with this communication, they sufficiently detail a prototype of the classic plight of easily a million or more people incarcerated in the USA.¹¹ The travails are handiwork of variable, but always impermissible "antics". *Cf. United States v. Hughes*, 2006 U.S. Dist. LEXIS 81813, *17, 2006 WL 3246571. Those perpetrated in regard to Reverend Victor smack of historic racial bigotry against African Americans in the USA.

For one, stripping accomplished Blacks of their dignity has been a particularly favorite pastime of white racists since the USA's post-Reconstruction era, and being dignified is a trait that Reverend Victor is known to emphatically encourage. He brought five (5) sons from his first wife who died of cancer to his blended family with second wife, Tonya Victor. Including M.L. Lloyd, III, Tonya Victor brought five (5) sons to her marriage to Reverend Victor and bore with him two (2) more boys. Those of age were homeschooled and are said to have periodically accompanied Reverend Victor to his away-from-home office, all dressed in business suits.

¹⁰ The tri-fold on the Complainants, founding co-principals of Brown Vindicators, was accessible as of July 7, 2022 @ <https://www.dropbox.com/s/bdtiz0n8i5fuj0t/Co-principal%20Tri-fold.pdf?dl=0>

¹¹ The number of plea deals in America as of 2020 supports the Complainants assessment: "More than 90 percent of convictions, at both federal and state levels, are the result of guilty pleas." Vera Institute. 2020, September. *In the Shadows: A Review of the Research on Plea Bargaining*, accessible as of July 7, 2022 @ <https://www.vera.org/publications/in-the-shadows-plea-bargaining> An online blogger observes: "(k)eeping in mind that there are over 2.3 million incarcerated individuals in the United States, we can see that the number of innocent people behind bars is anywhere from 46,000 to 230,000." However, even those staggering numbers defy the actual toll of organized U.S. legal system abuse facilitated by unchecked judicial misconduct. "(A) legal system functioning properly enough to keep those ranks (of embattled people) small or relatively small while extending impunity to their assailants is never impartial and, in that sense, never fair." Presuming the U.S. legal system could be so detached from any Rule of Law but seldom lent to unethical U.S. court officers for abuse is an inherently less reliable approach to human rights protection than relying on clearly extensive (as to time, scope, and substance), fairly if not totally objective, expert assessments suggesting the situation is at crisis proportions". America United International. 2022, February 10. *An Unseen Forest: The casualties of judicial corruption in America that most U.S. public officials seem not to notice*, accessible as of July 7, 2022 @ <https://www.dropbox.com/s/1q9w0mmxvu5sw0p/An%20Unseen%20Forest.pdf?dl=0>

“(F)orced family separation was always a fixture of the lives of enslaved people”¹² in the USA. Reverend Victor and his wife were forbidden from seeing their minor children and report having not seen them since April 2, 2008. Judge J. Sterling Snowdy of the 40th Judicial District Court for the Parish of St. John the Baptist in the State of Louisiana, Division “B”, presided over termination of Reverend Victor’s parental rights. Present complainants Parker-Brown and Crenshaw-Legal are not sure of which judge supposedly made the statement, but at least one witness reports that Judge Snowdy pronounced in open court upon terminating Victor’s parental rights that he was a child murderer, an offense for which Victor had neither been tried nor convicted. It appears that Victor’s biological sons and his stepsons who were minors at the time, were all adopted by non-relatives and scattered to places unknown to Reverend Victor, his mother and siblings and, of course, Mrs. Victor. The Victors’ young adult sons went from life with a millionaire businessman father to homelessness. Their nearly One Million Dollar (\$1,000,000.00) family home was razed and leveled to concrete by the Parish of St. John the Baptist in the State of Louisiana. Shortly before or after, if not during that time, Judge Becnel’s now deceased husband was a candidate to be the parish’s president.



Reverend Victor was arraigned before Judge Becnel on May 3, 2010, but he refused to enter a plea, more or less objected to her purported jurisdiction multiple times by written motion, and never voluntarily submitted himself physically to her court. In fact, believing it was his right to do so and no longer able to live peaceably in Louisiana, Reverend Victor temporarily relocated with his wife, Tonya Victor, to the State of Georgia, USA. He was nonetheless scheduled for trial before Judge Mary Hotard Becnel on

¹² Holden, Vanessa M. 2018, July 25. *Slavery and America’s Legacy of Family Separation*, p 2, accessible as of July 7, 2022 @ <https://www.aihs.org/slavery-and-americas-legacy-of-family-separation/>

August 16, 2011. A bench warrant was issued for him and his wife on or about **August 15, 2011.** Their Two Million Dollar (\$2,000,000.00) cash bond was forfeited on **September 8, 2011.**¹³

The Victors, having not been apprehended by Louisiana authorities as of about **April 14, 2012**, suffered the humiliation of a purported reenactment of them beating M.L. Lloyd, III to death, aired by the now canceled but then popular show titled "America's Most Wanted". Reverend Victor and his wife were located and arrested by Louisiana authorities as a result and forced to stand trial before Judge Becnel starting on **August 1, 2014.**¹⁴ In the interim, they were both tried and convicted for "Bail Jumping". On **June 18, 2013**, Reverend Victor was sentenced to three (3) years of prison and "hard labor" on that charge.¹⁵

This communication is not a product of thorough government investigation. That would be part of effectively redressing the kind of collusion this communication endeavors to describe. Dramatically expanding judicial oversight in that way seems like something America is willing to undertake about as much as the State of Louisiana seems intent on fairly resolving criminal charges against Reverend Victor. The Complainants hope for and request an opportunity to expound upon those dynamics as well as the predicament of people similarly situated to Reverend Victor by supplementing this communication. As leaders of America United International (AUI), the Complainants will continue interacting with AUI constituents, encouraging them to document their relevant difficulties. The Complainants will also keep reaching out to U.S. public officials to lawfully evoke the country's compliance with its International Covenant on Civil and Political Rights (ICCPR). Of course, that human rights treaty mandates effective avenues of redress for deliberate human rights violations perpetrated by rogue government agents.¹⁶ According to the International Commission of Jurists, for a nation's avenues of redressing human rights violations to be effective, they "must be prompt, accessible, available before an independent body, and lead to reparation and, where applicable, to cessation of the wrongdoing".¹⁷

As for Reverend Victor, his presumed innocence seems only to temper intrusions on his life, liberty, and/or property through legal processes when the court and/or judicial officers involved are people of color or lack obvious motive to deny him due process and equal protection. That some Louisiana state agents and/or court officers may have treated M.L.'s death as an opportunity to destroy his stepfather, Reverend

¹³ Complainants Parker-Brown and Crenshaw-Legal are unsure of the details, but it is their understanding that Victor actually paid considerably more than the Two Million Dollars (\$2,000,000.00) due to multiple, separate bond requirements. He may have had to pay as much as Four Million Dollars (\$4,000,000.00) in cash for his wife and him to be free on bail. Whatever the total amount, it was all forfeited upon his refusal to voluntarily submit to Judge Becnel's jurisdiction.

¹⁴ Initially, three (3) out of twelve (12) jurors voted to acquit Reverend Victor and his wife. However, Judge Becnel insisted on additional deliberations, prompting the jury to convict via a ten (10) to two (2) verdict. Reverend Victor represented himself and his wife at trial.

¹⁵ The corresponding Commitment Order was accessible as of July 7, 2022 @ <https://www.dropbox.com/s/3bn4ppl8s8lnbt/Commitment%20order.pdf?dl=0>

¹⁶ Crenshaw-Legal, Zena. 2022, June 8. *Lambs that will not be silenced: The ongoing saga of persecution victims lawfully evoking U.S. compliance with its International Covenant on Civil and Political Rights*, paperback, accessible as of July 7, 2022 @ <https://www.amazon.com/dp/B0B37Z77FN> Learn more @ <https://www.stateoftheunionnews.com/article/576057662-explosive-new-book-commemorates-torture-awareness-and-america-s-alleged-violations-of-related-human-rights-treaty>

¹⁷ ICJ. 2018, *The Right to a Remedy and Reparation for Gross Human Rights Violations: A Practitioners' Guide*, p 65, accessible as of July 7, 2022 @ <https://www.icj.org/the-right-to-a-remedy-and-reparation-for-gross-human-rights-violations-2018-update-to-practitioners-guide-no-2/>

Exhibit 15
WAM

Victor, has its own troubling implications.¹⁸ At present, classic indicia of racial bigotry attendant to their treatment of him makes it impossible to exclude race as a standard on which their disputed conduct was "deliberately based". *Cf, United States v. Goodwin*, 457 U.S. 368 at 380 (1982). But it is not merely targets of race discrimination under color of law that the Complainants Parker-Brown and Crenshaw-Legal hereby seek to vindicate.

Tactics substantially deterring if not thwarting whatever proof there is of an accused or convicted criminal's actual innocence.

The *Goodwin Court* explained:

'A prosecutor clearly has a considerable stake in discouraging convicted misdemeanants from appealing and thus obtaining a trial de novo in the Superior Court, since such an appeal will clearly require increased expenditures of prosecutorial resources before the defendant's conviction becomes final, and may even result in a formerly convicted defendant's (*sic*) going free. And, if the prosecutor has the means readily at hand to discourage such appeals -- by 'upping the ante' through a felony indictment whenever a convicted misdemeanant pursues his statutory appellate remedy -- the State can insure that only the most hardy defendants will brave the hazards of a de novo trial'.

Id. at 376.

This communication proposes that "the means" of a criminal prosecutor to hold Reverend Victor or any citizen of the USA appropriately accountable prior to or upon his or her arrest should not include (1). colluding with private individuals and/or entities to impoverish him or her, specifically to impede his or her ability to post bail and secure the most zealous, competent legal representation that he or she can otherwise afford except as permitted by applicable asset forfeiture law(s); (2). circumventing "what the law plainly allows him (or her) to do", *Id. at 372*, by defying well-established law on statutory construction, whether or not pursuant to one or more judicial orders; or (3). engaging in or acquiescing to pre-trial proceedings and/or trials conducted in such a way that timely proof of a defendant's actual innocence or any prospect thereof is substantially hindered if not thwarted -- *especially when arguably due to criminal defense lawyer, prosecutorial, and/or judicial malfeasance* -- no matter the defendant's express objection(s) or lack thereof. That prosecutors themselves can be criminally prosecuted in the USA was affirmed in response to one who was '(s)hopping for a dubious expert opinion . . . (and) acquiring known false statements from a witness for use in a prosecution . . .' *Wearry v. Foster*, 2022 U.S. App. LEXIS 11969, *13, 33 F.4th 260 citing *Milstein v. Cooley*, 257 F.3d 1004 at 1011 (9th Cir. 2001) without its internal citation of *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993). As long as a proverbial longshot any such prosecution may be, an apparently longer shot is simply appropriate accountability for judges, justices, and quasi-judicial officers for their roles in facilitating such abuse of America's legal system.

¹⁸ As the Complainants explained to Professor Melzer, the U.N. Special Rapporteur on Torture: "Lest there seems room for crediting his treatment to overzealous, but well-meaning law enforcement, Parker-Brown and Crenshaw-Legal emphasize that (initially three, ultimately) two jurors and two U.S. courts, including the U.S. Supreme Court via multiple justices, disputed Reverend Victor's alleged guilt as a matter of fact or absolved him of it as a matter of law. That reality preempts any notion of Victor being or seeming to be such a monster as to evoke uncontrollable zeal to have and keep him jailed or imprisoned."

In terms of dollars and cents, Reverend Victor is no longer a wealthy man. He contends that reversal of fortune was to be sealed by his conviction for killing M.L. Lloyd, III, even if secured by unscrupulous means. However, on **April 27, 2020**, the U. S. Supreme Court invalidated Victor's 2014 conviction for that purported murder by nonunanimous jury verdict before Judge Mary Hotard Becnel. Then, on **May 29, 2020**, America's High Court remanded Victor's case for additional consideration in light of *Ramos v. Louisiana*, 590 U.S. ____ (2020). *Ramos* lambasts the State of Louisiana for abandoning unanimous juries, specifically to neutralize the influence of African American jurors. The move has even been described as one to "establish the supremacy of the white race."

The Complainants contend that by incarcerating Reverend Victor, at least in part to subvert civil liability, scandal, and embarrassment for his twice ill-fated prosecutions, the State of Louisiana, albeit at the hands of rogue agents, have made him a political prisoner. Although for more than the last two (2) years he has been a pre-trial detainee at best or worst, and has repeatedly motioned to be freed on bail, Louisiana has not released Reverend Victor pending trial at any time since 2013. His three (3) year prison sentence for supposedly Bail Jumping has essentially become a nine (9) year sentence.

A comprehensive list of illicit pre-trial and trial tactics to which Reverend Victor has been subjected since 2008 is sure to have at least doubled the length of this submission, and the list steadily warrants expansion. Reverend Victor is presently scheduled to be retried starting on **Monday - July 11, 2022**. His attorneys of record, Allison Billeaud and Shelley Deville, have not secured or prepared witnesses consistent with doing anything on the highest end of that not too metaphorical, effective-assistance-of-counsel scale. Rest assured that the Complainants will map out what they know is compelling evidence of Victor being deliberately maneuvered to that perilous trial posture. And, amazingly, it is not particularly if at all exceptional among people enduring persecution and psychological torture courtesy of organized U.S. legal system abuse.

###

Exhibit

17 of 17

Denied Pro-Sec, Self representation, ineffective
rights for more than 15 months, excluded
as First Amendment & a demand from the
GTA Ct. of Appeal of La, an demand from the U.S.S.C.

EXHIBIT

6

(2 of 3)

40TH JUDICIAL DISTRICT COURT

ST JOHN THE BAPTIST PARISH

STATE OF LOUISIANA

STATE OF LOUISIANA

CS NO. 2010-CR-172

THIRD PARTY-IN-ERROR

V.

Div. "B"

EBROL VICTOR, SR

ACCOMPLISHED DEFENDANT

FILED:

CLK of CT's

~~XX XX XX~~
MOTION TO PROCEED PROPRIA PERSONA
JULIUS JARIS, PRO-SE, SPECIAL APPEARANCE

Now into COURT comes, Errol Victor, Jr., living - Son, who moves this honorable court to proceed ~~pro~~ ^{to} 25 of the stamp date filing of this motion and overs the following:

Defendant/Petitioner invokes his constitutional 6th Amendment Right to self-representation to control the will, content and organization of his own personal defense (Farretele Rights) see, Farretele v. California, 422 U.S. 806 (1975), and move to continue" all previous schedule proceedings until his Farretele rights are recognized by this Court.

Respectfully Submitted

Easton

(1 of 2)

Rev. Ernest Victor, Sr. Pro-Se

St. CHARLES Correctional Center

EXHIBIT

"C"

U.S. SUPREME CT

EXHIBIT

"B"

(2 of 3)

40TH JUDICIAL DISTRICT COURT
 St. John The Baptist Parish
 STATE OF LOUISIANA

STATE OF LOUISIANA

CS #: 2010-CR-172

v.

ERROL VICTOR, JR.

Div: "B"



St. John the Baptist Parish

Clerk of Court

Eliana DeFrancesch

Filed: Edgard

Date: September 2, 2020

Time: 10:32 AM

Clerk:

MOTION TO WAIVE APPEARANCENOTICE TO THE COURT

NOW INTO COURT, comes Rev. Errol Victor, Jr., living-
 soul, who moves the Court to waive his appearance
 in objections to all and every motion filed by defacto
 counsel or/and any proceedings of this Court held
 prior to a farretta hearing.

On August 11th, 2020, Rev. Victor motioned this
 Court to "Proceed PRO-SE" and invoked his United
 States Constitutional Sixth Amendment right to Self-
 representation.

This Court had the blatant audacity to deny
 Rev. Victor's motion to proceed pro-se on it's face,
 without and prior to holding a Farretta hearing. This
 Court on record without fear of supervisory review, denied
 Rev. Victor a Farretta hearing entirely.

EXHIBIT
"C"
U.S.SUPREME CT

40TH JUDICIAL DISTRICT COURT
ST. JOHN THE BAPTIST PARISH
STATE OF LOUISIANA

STATE OF LOUISIANA

CS NO: 2010-CR-172

v.
ERROL VICTOR, SR

DIV: "B"

File

CLERK

ORDER

IT IS HEREBY ORDERED that a hearing be set on "MOTION TO PROCEED PROPIA PERSONA" on day of 2020 in LA.

at am/pm. Denied at this time. The Court has recently conducted proceedings with C. Brans acting as Attorney.

This day of 2020
for mover Errol Victor, Sr, and has not received a notice of
representation from a licensed legal attorney.

R. J. O'Leary

JUDGE pro tem pose

Signed 8/17/2020

(2 of 2)

EXHIBIT

"C"

(3 of 3)

Denied on
8/17/2020

EXHIBIT
"C"

U.S. SUPREME CT.

EXHIBIT

"B"

(3 of 3)

Rev. Victor avers that every action taken by this court in furtherance of the state's wayward prosecution in it's demonstration of ignorance of Substantial Rights entitled to defendant/aggrieved plaintiff, constitutes blatant purposeful attempted malicious prosecution and the contiguous malicious prosecution, harassment, oppression, by way of judicial abuse of ~~Ex parte~~ discretion, abuse of process and the arbitrary discriminatory misapplication of procedural law in the violation of Rev. Victor's United States Fourteenth (14th) Amendment constitutional protections (Equal Protection and due Process). Rev. E. Victor, Sr., OBJECTS AND WAIVE APPEARANCE to all proceedings until or unless a Farretta hearing is held.

Respectfully submitted
Rev. E. Victor, Sr.

REV. ERROL VICTOR, SR. L.S.

NECC 5061 Hwy 3127

KILLONA, LA. 70057

* PROPRIO PERSONA

1 Department of Corrections.

2 If there is some motion that I have
3 overlooked, I apologize to you, and I'll allow
4 you to address that now, please.

5 MR. VICTOR:

6 Your Honor, I'm speaking specifically
7 to the motions filed pro se. It has nothing to
8 do with Attorney Brown, Attorney Bosworth and
9 that crap. I said the motion that was filed pro
10 se while I was being denied my Faretta rights
11 while I never agreed to the Attorney Claiborne
12 Brown who hijacked my defense --

13 THE COURT:

14 All right. Let me ask you, what
15 motion in particular are you talking about?

16 MR. VICTOR:

17 All of them. All of those I filed pro
18 se --

19 THE COURT:

20 All right.

21 MR. VICTOR:

22 -- from August of 2020 to November
23 2021. None of those motions were addressed.

24 THE COURT:

25 Okay. And what motion in
26 particular -- I'll ask Ms. Duhe to tell me -- I
27 have overlooked, as I only became --

28 MR. VICTOR:

29 A failure to --

30 THE COURT:

31 Wait, wait. You're doing it again.
32 Please, sir.

1 MR. VICTOR:

2 Can I -- you're asking me --

3 THE COURT:

4 No. I'm trying -- I'm not asking you
5 a question. I'm responding to your comment by
6 asking Ms. Duhe to tell me if there are any
7 motions that were to have been heard before I was
8 appointed in this matter that I have not
9 addressed on behalf of Mr. Victor. And if there
10 are, I will take those up. Let me allow Ms. Duhe
11 to go through the screen. I can see her doing it
12 now on her computer screen to see if there's any
13 that have not been ruled upon.

14 I've asked you, and you simply say
15 that it's all of them. My question is, what is
16 encompassed within that word all. What, if
17 anything, are we to address that has not been
18 addressed? Let's see if we can find that out and
19 clear it up, please. Then we'll take whatever
20 time is necessary.

21 THE CLERK:

22 It looks like October 2020, Mr. Victor
23 -- that's my file date. Mr. Victor wrote in on
24 September 29, 2020. It was filed in my office on
25 October 2nd.

26 THE COURT:

27 Could you take your mask off for just
28 a second? I can hear much better with it off.

29 THE CLERK:

30 Yes.

31 THE COURT:

32 And I know your back is not -- is

1 toward me because you're looking up at the
2 screen.

3 **THE CLERK:**

4 So Mr. Victor has this document dated
5 September 9, 2020. It's titled a motion for
6 judgment of acquittal. It was filed in my office
7 on October 2, 2020, at 3:11 p.m. To my
8 knowledge, I don't think that was ever addressed.
9 It's called an entitlement motion for judgment of
10 acquittal.

11 **THE COURT:**

12 Does the State have a copy of that
13 motion, the motion for acquittal? If you don't,
14 I'm going to ask the -- our clerk if -- and I'm
15 sorry to have to impose on you, but could you
16 send us a copy of that electronically, and could
17 you send a copy to the State?

18 **THE CLERK:**

19 Judge, I think for the sake of
20 timeliness and to allow for both Mr. Victor and
21 the State to prepare, I'll take it upon myself to
22 comb through the records of the pro se file that
23 was filed by Mr. Victor from -- I think he
24 indicated August of 2020 --

25 **THE COURT:**

26 And that was filed August the --

27 **THE CLERK:**

28 No, that was filed October --

29 **THE COURT:**

30 October.

31 **THE CLERK:**

32 -- 2, 2020.

U.S.S. CT
(4 of 24)

1 have to be addressed that were not addressed,
2 please?

3 **THE CLERK:**

4 We have the -- we have another motion
5 that was just -- I can plainly see -- from
6 October 26, 2020. There was a failure to
7 reinstitute or reinstate prosecution in violation
8 of Louisiana Criminal Code of Procedure Article
9 701. I don't think that one was ever mentioned.

10 And then Mr. Victor in the same
11 alternative filed a November 12, 2020, and this
12 seems like it was when we had another ad hoc
13 sitting in Division B, Judge Vaughn.

14 **THE COURT:**

15 And that's November the --

16 **THE CLERK:**

17 November 12th --

18 **THE COURT:**

19 -- 12, 2020?

20 **THE CLERK:**

21 -- of 2020.

22 **THE COURT:**

23 And it's styled the motion --

24 **THE CLERK:**

25 It's entitled -- it's actually
26 entitled an --

27 **MR. VICTOR:**

28 The order --

29 **THE CLERK:**

30 -- order to vacate
31 conviction/sentence.

32 **THE COURT:**

U.S.S. CT
(6 of 24)

1 Order to vacate conviction --
2
THE CLERK:
3 Slash sentence.
4
THE COURT:
5 All right.
6
THE CLERK:
7 That's what that's entitled. Then I
8 do have a filing that was done on November 23,
9 2020. Such is entitled a plea in bar dismissal
10 for violation of speedy trial rights.
11
THE COURT:
12 Give me that again. Plea --
13
THE CLERK:
14 In bar.
15
THE COURT:
16 In bar.
17
THE CLERK:
18 Dismissal for violation of speedy
19 trial rights.
20
THE COURT:
21 Let me write that down, please. All
22 right. Are there any others that you're aware
23 of?
24
MR. VICTOR:
25 Writ of (indiscernible), writ of error
26 non pro tunc, filed in 2008, CR-165, and moved to
27 supplement in this case.
28
THE CLERK:
29 There were supplements filed.
30
THE COURT:
31 I'm sorry. There were --
32
THE CLERK:

U.S.S. CT
(7 of 24)

1 There was a supplement -- a motion to
2 supplement the failure to institute prosecution.

3 **THE COURT:**

4 Motion to supplement -- and what did
5 you say beyond the word supplement, please,
6 ma'am?

7 **THE CLERK:**

8 Failure to institute prosecution,
9 filed 12 --

10 **THE COURT:**

11 Wait. I'm writing, please, if you
12 don't mind. I apologize to you.

13 **THE CLERK:**

14 Take your time, Judge.

15 **THE COURT:**

16 Failure to institute --

17 **THE CLERK:**

18 Prosecution.

19 **THE COURT:**

20 -- prosecution pursuant --

21 **THE CLERK:**

22 Would you like --

23 **THE COURT:**

24 I can see it from here now, you have
25 it on your screen. Prosecution pursuant --

26 **THE CLERK:**

27 To Louisiana Criminal Code of
28 Procedure --

29 **THE COURT:**

30 -- Article 701 of the Code of Criminal
31 Procedure, more particularly section -- is that
32 (b) (1)?

U.S.S. CT
(8 of 24)

U.S.S. CT
(9 of 24)

U.S.S. CT
(10 of 24)

1 THE CLERK:
2 March 5, 2021.
3 THE COURT:
4 All right. It is styled?
5 THE CLERK:
6 Motion to strike and prohibit --
7 THE COURT:
8 I'm sorry. Motion to strike --
9 THE CLERK:
10 And prohibit --
11 THE COURT:
12 And prohibit.
13 THE CLERK:
14 -- the unauthorized --
15 THE COURT:
16 The unauthorized.
17 THE CLERK:
18 -- filings --
19 THE COURT:
20 Filing.
21 THE CLERK:
22 -- of Attorney Claiborne Brown.
23 THE COURT:
24 The unauthorized --
25 THE CLERK:
26 Filings.
27 THE COURT:
28 Of Attorney Claiborne Brown?
29 THE CLERK:
30 Yes.
31 THE COURT:
32 Are there any other motions beyond the

U.S.S. CT
(11 of 24)

1 date of March 5, 2021 that your record indicates
2 were filed pro se that were not addressed? I
3 have seven of them thus far.

4 **THE CLERK:**

5 There was a supplement filed on
6 March 4, 2021. And that supplement was for the
7 writ of prohibition.

8 **THE COURT:**

9 Supplement for writ of --

10 **MR. VICTOR:**

11 Prohibition.

12 **THE COURT:**

13 Prohibition you say, ma'am?

14 **MR. VICTOR:**

15 Prohibition.

16 **THE CLERK:**

17 He said prohibition.

18 **THE COURT:**

19 I'm sorry.

20 **THE CLERK:**

21 It's prohibition.

22 **THE COURT:**

23 Prohibition. Let me apologize.

24 Prohibition. Are there any other motions
25 beyond that date?

26 **THE CLERK:**

27 There is one on March 8th. That's
28 3/8/2021.

29 **THE COURT:**

30 Thank you, ma'am.

31 **THE CLERK:**

32 And that one is entitled an ex parte

~~EXHIBIT~~
~~MD~~

U. S. S. CT

(12 of 24)

1 motion reurging immediate release, failure --

2 THE COURT:

3 Reurging immediate release.

4 THE CLERK:

5 -- failure to reinstitute --

6 THE COURT:

7 Give me one second. Failure to
8 reinstitute.

9 THE CLERK:

10 -- prosecution.

11 THE COURT:

12 Prosecution. Are there any others
13 beyond that date?

14 MR. VICTOR:

15 No, that's it.

16 THE CLERK:

17 Okay. It looks like 3/15 --

18 THE COURT:

19 March 15th.

20 THE CLERK:

21 -- of '21 --

22 THE COURT:

23 March 15, 2021.

24 THE CLERK:

25 -- there was a refusal to withdraw --

26 THE COURT:

27 Refusal to withdraw.

28 THE CLERK:

29 -- writ of prohibition --

30 THE COURT:

31 Motion to withdraw writ.

32 MR. VICTOR:

U.S.S. CT
(13 of 24)

1 No, refusal to withdraw the writ of
2 prohibition.

3 THE COURT:

4 Of --

5 MR. VICTOR:

6 Prohibition.

7 THE COURT:

8 -- prohibition. Is there anything
9 after the one with prohibition, please?

10 THE CLERK:

11 It's continue to proceed pro se --

12 THE COURT:

13 Continue to proceed. And after the
14 word proceed?

15 MR. VICTOR:

16 Pro se.

17 THE CLERK:

18 Pro se.

19 THE COURT:

20 Pro se. And after the word pro se,
21 there's something else written there. I can --

22 THE CLERK:

23 Propria persona.

24 THE COURT:

25 By -- propria persona. Are there any
26 other motions beyond the date of March the 15,
27 2021 that you are aware of, please?

28 THE CLERK:

29 There is one on March 24th --

30 THE COURT:

31 March 24th.

32 THE CLERK:

U.S.S. CT
(14 of 24)

1 -- of 2021 --
2
3 **THE COURT:**
4 Of 2021.
5
6 **THE CLERK:**
7 -- entitled a motion to withdraw
8
9 **THE COURT:**
0 Motion to withdraw.
1
2 **THE CLERK:**
3 -- writ of --
4
5 **THE COURT:**
6 Writ of.
7
8 **THE CLERK:**
9 -- prohibition --
0
1 **THE COURT:**
2 Prohibition.
3
4 **THE CLERK:**
5 -- and motion/notice --
6
7 **THE COURT:**
8 What now?
9
0 **THE CLERK:**
1 And motion/notice to the Court
2 reurging writ of prohibition withdrawal.
3
4 **THE COURT:**
5 Are there any motions beyond that
6 date, please, ma'am?
7
8 **THE CLERK:**
9 It looks like one March 31st.
0
1 **THE COURT:**
2 March 31, 2021.
3
4 **THE CLERK:**
5 Yes. Mr. Victor filed supplement
6 motion to bail.

U.S.S. C.T.
(15 of 24)

U.S.S. CT
(16 of 24)

1 -- to proceedings --
2
3 **THE COURT:**
4 To proceedings.
5
6 **THE CLERK:**
7 -- held exceeding --
8 **THE COURT:**
9 Held.
10 **THE CLERK:**
11 Exceeding.
12 **THE COURT:**
13 Exceeding.
14 **THE CLERK:**
15 The scope of --
16 **THE COURT:**
17 The scope of.
18 **THE CLERK:**
19 -- remand order.
20 **THE COURT:**
21 The remaining order?
22 **THE CLERK:**
23 Remand.
24 **THE COURT:**
25 The remanding order. Thank you. Is
26 there anything further beyond April 7, 2021,
27 please?
28 **THE CLERK:**
29 Judge, it -- you can correct me if I'm
30 incorrect on this, but I believe that you are
31 aware of the filing on April 26, '21, and that
32 was the motion to recuse Your Honor.
33 **THE COURT:**
34 Yes. And I've already dealt with

U.S.S. CT
(17 of 24)

1 that.

2 THE CLERK:

3 Yes.

4 THE COURT:

5 All right. How much time, Mr. Willis,
6 will you need to respond to these, please?

7 MR. WILLIS:

8 I would --

9 THE COURT:

10 There's a significant amount of time
11 that we have -- the window of opportunity between
12 this date, January 28, 2022, and April 18, 2022,
13 which is our trial date.

14 MR. WILLIS:

15 I would probably need at least a
16 month.

17 THE COURT:

18 One month.

19 MR. WILLIS:

20 At least a month. Yes, Your Honor.

21 THE COURT:

22 The end of the month of February would
23 put us on February 28th, which would be the
24 so-called Mardi Gras observance. And the
25 following day, of course, would be Mardi Gras
26 itself.

27 The State will be given time to
28 respond, and we'll set the hearing for what day
29 at the beginning of March? And I'd like to do it
30 in the morning so in case we need most of the
31 day, we can take it.

32 What date would be available, please?

U.S.S. CT
(18 of 24)

1 THE CLERK:

2 Give me a second, Judge. We're going
3 to verify with the division secretary.

4 THE COURT:

5 Please take your time, and I thank you.
6 for your courtesy.

7 (Off the record conversation not transcribed.)

8 THE COURT:

9 Let the record reflect that our clerk
10 was kind enough to check the court calendar to
11 determine a date that we can come.

12 When would it be, please?

13 THE CLERK:

14 We have a March 18th setting, Judge.

15 THE COURT:

16 And that would be Friday morning.

17 THE CLERK:

18 Yes.

19 THE COURT:

23 THE CLERK:

24 And Judge, just a -- just for clarity
25 of the record, I'm going to hand Mr. Victor the
26 three orders of recusal and then the grand
27 recusal order.

28 THE COURT:

29 I appreciate you getting that to
30 Mr. Victor to allow him to update his record and
31 perhaps have a -- an understanding of what has
32 transpired with the judges who are here.

U.S.S. CT
(19 of 24)

1 Good luck to everyone.
2 MR. VICTOR:
3 Judge, one --
4 THE COURT:
5 Yes, sir, please. ~~please~~
6 MR. VICTOR:
7 One more thing.
8 THE COURT:
9 Let me let you be heard.
10 MR. VICTOR:
11 I want to ask one question.
12 THE COURT:
13 Yes, sir.
14 MR. VICTOR:
15 You were not privy to any of those
16 motions prior -- that was filed prior to March as
17 you sit here?
18 THE COURT:
19 I can tell you in good faith that I
20 was not privy to any of those, so please -- that
21 was not brought to my attention.
22 MR. VICTOR:
23 These were 15 months ago.
24 THE CLERK:
25 And if I --
26 MR. VICTOR:
27 And --
28 THE COURT:
29 Wait. Let -- I'm going to let you
30 finish. You go first, and then I'm going to
31 give, please, to Ms. Duhe.
32 MR. VICTOR:

U.S.S. CT
(20 of 24)

1 Okay. And I want to -- for the
2 record, to make the record perfect -- I want to
3 object to all the denials whenever the State
4 didn't have any argument whatsoever or not
5 showing any cause -- or show cause for any of
6 these motions or anything that I presented to the
7 Court whereas supporting my right to a motion to
8 recuse under grounds 671(1) and (6) (5).

9 The State has been silent through all
10 these proceedings, and I'm having to litigate
11 against a ^{Rooge} grown court, and it's violating
12 procedural application of law and the Court with
13 legal fiction while not presenting any authority.

14 THE COURT:

15 Thank you. Now, Ms. Duhe wishes to be
16 heard.

17 THE CLERK:

18 Yes. Just to clarify, you -- we had
19 an ad hoc judge sitting in Section B, who,
20 anything Mr. Victor filed before you had taken
21 the bench, he responded to. So there are some
22 things that Mr. Victor filed where Judge Kirk
23 Vaughn did sign off on --

24 THE COURT:

25 And he actually ruled on the motions?

26 THE CLERK:

27 I wouldn't really say ruled. He just
28 requested that they be placed into the record.

29 THE COURT:

30 Okay.

31 MR. VICTOR:

32 Can I answer one thing from what she

U.S.S.CT
(21 of 24)

1 said?

2 THE COURT:

3 Yes, sir. You may.

4 MR. VICTOR:

5 Kirk Vaughn denied me access to the
6 court pro se.

7 THE COURT:

8 Okay.

9 MR. VICTOR:

10 So that nullifies and moot without a
11 Faretta hearing, which is unconstitutional and
12 nullified and moot any of my motions before the
13 Court. And he did order a hearing on January the
14 6th and 4th for the judgment of acquittal and the
15 failure to restore prosecution, which was
16 circumvented by the Court.

X 17 THE COURT:

18 Thank you. In fairness to this Court,
19 I was not apprised of these filings by
20 Mr. Claiborne Brown, as far as I remember, or
21 anyone else.

22 MR. VICTOR:

23 Mr. Victor --

24 THE COURT:

25 Wait, wait.

26 MR. VICTOR:

27 Mr. Victor. I'm not Claiborne Brown.

28 THE COURT:

29 Please let me finish.

30 MR. VICTOR:

31 Well, I couldn't let you finish that.
32 I'm not Claiborne Brown.

U.S.S. CT
(22 of 24)

THE COURT:

Mr. Claiborne Brown was your attorney when I first came to the case. He was the first attorney that I met with on the record representing you, sir, and that's all I'm saying to protect the record for everyone and complete the record as I was not aware of these. Had I been, I promise you I would have taken them up much quicker.

But I promise you I'll have them done hopefully on that day. We'll spend the entire day, and we'll come back if necessary. Thank you.

Mr. Willis, is there anything further?

MR. WILLIS:

Nothing further, Your Honor. Thank

THE COURT:

Thank you.

MR. VICTOR:

He didn't have to do anything, Your Honor. You did it all for him. He didn't have to do anything. He don't have an argument, done it all for him.

THE COURT:

Thank you, everyone. I hope everyone has a good weekend. I want to thank everyone for their courtesy to the Court but, most importantly, their courtesy to each other. Good luck, everyone, and thank you.

(Whereupon, the proceeding was concluded.)

1 R E P O R T E R ' S P A G E
2

3 I, Whitney Landry, Official Certified Court
4 Reporter in and for the State of Louisiana, the officer,
5 as defined in Rule 28 of the Federal Rules of Civil
6 Procedure and/or Article 1434(B) of the Louisiana Code of
7 Civil Procedure, before whom this proceeding was taken,
8 do hereby state on the Record:

9 That due to the interaction in the spontaneous
10 discourse of this proceeding, dashes (--) have been used
11 to indicate pauses, changes in thought, and/or talkovers;
12 that same is the proper method for a Court Reporter's
13 transcription of proceeding, and that the dashes (--) do
14 not indicate that words or phrases have been left out of
15 this transcript;

16 that any words and/or names which could not be
17 verified through reference material have been denoted
18 with the phrase "(spelled phonetically)."

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U.S. S. CT
(24 of 24)

C E R T I F I C A T E

3 I, Whitney Landry, Official Certified Court
4 Reporter in and for the State of Louisiana, employed as
5 an official court reporter by the 40th Judicial District
6 Court, Parish of St. John the Baptist, do hereby certify
7 that the above 55 pages constitute a true and faithful
8 transcript executed to the best of my ability and
9 understanding; that this proceeding was reported by me in
10 the Stenomask reporting method; was prepared and
11 transcribed by me or under my personal direction and
12 supervision; and that the transcript has been prepared in
13 compliance with the transcript format guidelines required
14 by statute or by rules of the board, or by the Supreme
15 Court of Louisiana; and that I have no relation with
16 counsel or the parties herein, nor am I otherwise
17 interested in the outcome of this matter.

18

STATE OF LOUISIANA

2.0

VERSUS NUMBER-2010-CR-172

21

ERROL VICTOR, SR.

22

23 This certification is valid only for a transcript
24 accompanied by my original signature and original
25 required seal on this page.

26

26 In Faith Whereof, witness my signature 21st day of
27 February, 2022.

28

29

30

31

32

Whitney Landry
Whitney Landry, C.C.R.
Certificate Number 2016007

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDGE G. GRAVOLS
MARC E. JOHNSON
ROBERT A. CHAISSON
STEPHEN J. WINDHORST
HANS J. LILJEBERG
JOHN J. MOLATSON, JR.

JUDGES



CURTIS B. PURSELL

CLERK OF COURT

MARY E. LEGNON
INTERIM CHIEF DEPUTY CLERK

SUSAN S. BUCHHOLZ
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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FIFTH CIRCUIT

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www.fifthcircuit.org

NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN
TRANSMITTED IN ACCORDANCE WITH UNIFORM RULES - COURT OF APPEAL, RULE 4-6 THIS
DAY 07/07/2022 TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF
THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY
COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

22-K-171

E-NOTIFIED

40th District Court (Clerk)
Honorable Dennis J. Waldron (DISTRICT JUDGE)
Honorable Bridget A. Dinvaut (Respondent)

MAILED

Errol Victor, Sr. #2509806 (Relator)
Orleans Parish Prison
3000 Perdido Street
New Orleans, LA 70119

EXHIBIT "E"

Note: Proof of "Denial of Self-representation and Faretta HEARING
FOR A PERIOD OF 23 Months
FROM Aug 05, 2020 to July 07, 2022

REV. ERROL VICTOR, SR.

NO. 22-K-171

VERSUS

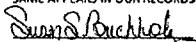
FIFTH CIRCUIT

STATE OF LOUISIANA

COURT OF APPEAL

STATE OF LOUISIANA

July 07, 2022

FIFTH CIRCUIT COURT OF APPEAL
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORDS

Susan S. Buchholz
First Deputy, Clerk of Court

Susan Buchholz
First Deputy Clerk

IN RE REV. ERROL VICTOR, SR.

APPLYING FOR SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT,
PARISH OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
DENNIS J. WALDRON, DIVISION "C", NUMBER 10,172

Panel composed of Judges Marc E. Johnson,
Stephen J. Windhorst, and Hans J. Liljeberg

GRANTED IN PART; DENIED IN PART; REMANDED

Relator/defendant, Errol Victor, Sr., filed a *pro se* writ application captioned "Writ of Prohibition [*sic*], Writ of Mandamus, 'Cease and Desist.'" Relator seeks his immediate release and a stay of all proceedings based on (1) the denial of his right to self-representation; (2) the denial of his motion to recuse the *ad hoc* judge assigned to his case; and (3) the violation of his right to a speedy trial. For the reasons stated herein, relator's writ application is granted in part, denied in part, and remanded for further proceedings consistent with this disposition.

Procedural Background

On July 22, 2014, a non-unanimous jury convicted relator of the second degree murder of his stepson, while engaged in the perpetration of the crime of cruelty to a juvenile, in violation of La. R.S. 14:30.1 A(2)(b). On appeal, this court affirmed relator's conviction and sentence. State v. Victor, 15-339 (La. App. 05/26/16), 195 So.3d 128. On April 27, 2020, the United States Supreme Court granted certiorari in relator's case, vacated this court's judgment affirming relator's conviction and sentence, and remanded to this court for further consideration in light of Ramos v. Louisiana, 590 U.S. —, 140 S.Ct. 1390, 206 L.Ed.2d 583 (2020). Victor v. Louisiana, — U.S. —, 140 S.Ct. 2715, 206 L.Ed.2d 851 (2020). On remand, this court vacated relator's conviction and sentence and remanded the matter to the trial court for further proceedings. State v. Victor, 15-339 (La. App. 5 Cir. 06/19/20), 307 So.3d 317. Relator is currently awaiting retrial in the 40th Judicial District Court.

Ex: E-2

In a prior writ application, relator sought a copy of the transcript and order from the January 28, 2022 hearing on his motion to recuse the *ad hoc* judge and requested a stay of the proceedings. This court denied the request for a stay but granted relator's writ in part, ordering the Clerk of Court for the 40th Judicial District Court to provide relator with a copy of "any order issued on January 28, 2022 related to a motion to recuse filed in his case," assuming such an order existed. Victor v. State, 22-115 (La. App. 5 Cir. 03/15/22), 2022WL906361. This court further ordered the trial court "to set a return date within which the relator can file a writ application with this court within the time frame allowed by law," if relator had a pending notice of intent at that time. Id. The trial court set a return date for April 18, 2022, in response to this court's previous order. Relator, timely filed this writ application.

❖ Self-representation and Faretta Hearing

Relator contends that he was denied the "right to self-representation without a 'faretta'" [sic] hearing for more than and in excess of 15 months on remand from this 5th Cir. [sic] Court of Appeal." Relator asserts conflicting arguments in his writ application. First, he contends that he was denied the right to self-representation without a Faretta hearing. Then he argues he was "forced" to have a Faretta hearing "over 15 months" after he was denied a hearing.² He then argues that he had a prior Faretta hearing, but complains that he does not have sufficient time to prepare for trial and lacks access to the law library and discovery, which violates his right to a speedy trial. Relator seeks an order from this court ordering his immediate release and vacating all judgments. In support of his assertions, he attached a "Motion to Proceed Propria Persona, Sui Juris" filed on August 12, 2020, denied by *ad hoc* Judge Kirk Vaughn³ on August 17, 2020, and his "Motion to Prohibit and Object to Trial" filed in the trial court March 9, 2022.⁴

Pro se filings are subject to less stringent standards than formal pleadings filed by lawyers. State ex. Rel. Egana v. State, 00-2351 (La. 09/22/00), 771 So.2d 638 (*per curiam*). Therefore, we review this record to determine whether relator was denied his right to self-representation without a Faretta hearing.

The Sixth Amendment to the United States Constitution and Article 1, §13 of the Louisiana Constitution give a defendant the right to counsel as well as the right

¹ Faretta v. California, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d 562 (1975).

² Relator mentions an alleged Faretta hearing held on November 15, 2021 and the "forced" Faretta hearing held on January 28, 2022. Relator did not include a minute entry and/or transcript showing that a Faretta hearing was held on November 15, 2021. Nevertheless, the January 28, 2021 transcript indicates that subsequent to this alleged Faretta hearing on November 15, 2021, Willard Brown "signed on and enrolled as defense counsel" on December 10, 2021, "in open court."

³ *Ad hoc* Judge Kirk Vaughn is no longer the presiding trial court judge. The current *ad hoc* judge presiding over relator's case is Judge Dennis Waldron.

⁴ Upon review, relator's "Motion to Prohibit and Object to Trial" was filed March 9, 2022, after the January 28, 2022 hearing and order that is the subject of this writ application. Because the motion was submitted to the trial court after the January 28, 2022 hearing at issue, there is no ruling as to this motion, and relator has not sought supervisory review regarding any alleged ruling as to this motion, there is nothing for this court to review at this time as to this motion. La. U.R.C.A., 1-3

to defend himself. A defendant may represent himself only if he makes an unequivocal request to represent himself and knowingly and intelligently waives his right to counsel. Faretta, supra; State v. Bridgewater, 00-1529 (La. 01/15/02), 823 So.2d 877, 894, cert. denied, 537 U.S. 1227, 123 S.Ct. 1266, 154 L.Ed.2d 1089 (2003); State v. Bruce, 03-918 (La. App. 5 Cir. 12/30/03), 864 So.2d 854, 857. Assertion of that right “must also be clear and unequivocal.” State v. Bell, 09-199 (La. 11/30/10), 53 So.3d 437, 448, cert denied, — U.S. —, 131 S.Ct. 3035, 180 L.Ed.2d 856 (2011).

Once the defendant has made an unequivocal request to represent himself, the trial court must determine whether the defendant is competent to waive counsel and is “voluntarily exercising informed free will.” State v. Santos, 99-1897 (La. 09/15/00), 770 So.2d 319, 321. The competence that is required of a defendant seeking to waive his right to counsel is the competence to waive the right, not the competence to represent himself. Id.; Godinez v. Moran, 509 U.S. 389, 399, 113 S.Ct. 2680, 2687, 125 L.Ed.2d 321 (1993).

When an accused manages his own defense, he relinquishes, as a purely factual matter, many of the traditional benefits associated with the right to counsel. Faretta, 422 U.S. at 835. For this reason, in order to represent himself, the accused must “knowingly and intelligently” forgo those relinquished benefits. Id., *citing Johnson v. Zerbst, 304 U.S. 458, 464-465, 58 S.Ct. 1019, 82 L.Ed. 1461. Although a defendant does not need to have the skill and experience of a lawyer in order to competently and intelligently choose self-representation, he should be made aware of the dangers and disadvantages of self-representation, so that the record will establish that “he knows what he is doing and his choice is made with eyes open.” Adams v. United States ex rel. McCann, 317 U.S. 269, 279, 63 S.Ct. 236, 87 L.Ed. 268. However, there is no particular formula for the trial court to follow in determining whether a defendant waived his right to counsel. State v. Harper, 381 So.2d 468, 471 (La. 1980).*

In accepting a waiver of counsel, the trial court should advise the defendant of the nature of the charges, the penalty range for the charges, and the dangers and disadvantages of self-representation, such as the failure to recognize objections to inadmissible evidence and the inability to adhere to technical rules governing trials. Bruce, 864 So.2d at 857. In addition, the court should inquire into the defendant’s age, education, and mental condition and should determine according to the totality of circumstances whether the accused understands the significance of the waiver. Id. Whether a defendant has knowingly, intelligently, and unequivocally asserted the right to self-representation must be determined on a case-by-case basis, considering the facts and circumstances of each case. State v. Leger, 05-11 (La. 07/10/06), 936 So.2d 108, 147-148, cert. denied, 549 U.S. 1221, 127 S.Ct. 1279, 167 L.Ed.2d 100 (2007). The trial court is given much discretion in determining whether the defendant’s waiver was knowing and intelligent. State v. LeGarde, 07-288 (La. App. 5 Cir. 10/30/07), 970 So.2d 1111, 1120. An appellate court should not reverse the trial court’s ruling absent an abuse of its discretion. Id.

At the January 28, 2022 hearing concerning relator's motion to terminate counsel and request to represent himself, the trial court stated:

Mr. Brown is allowed to withdraw at the request of the defendant. He does not wish Mr. Brown to represent him. He does not wish Mr. Brown to represent him even as standby counsel. He has made that clear to the Court.

He has indicated to the Court that he wishes to, again, represent himself. He has included the words "for now." I have given him instructions as to the position this Court takes as to his determination that he wants to represent himself. He is allowed to represent himself, but with the understanding that unless an attorney comes in timely with his approval and joins him either in representing him as standby counsel, co-counsel, or his counsel in general as his sole actual counsel, his Faretta rights are recognized by this Court as they were previously by the judge who heard the case originally, and he is allowed to proceed pro se.

You are allowed to represent yourself. Mr. Brown is now allowed to withdraw. He is discharged by the defendant, and the right of discharge by the defendant is recognized by the Court.

~~* The record shows that relator unequivocally requested to represent himself. At this point, the trial court was then required to determine whether relator was competent to waive his right to counsel for this trial (i.e., the retrial post-Ramos). Although there is no formula which must be followed, based on the transcript, we find that the trial court did not make a proper determination as to whether relator was competent to, and did knowingly and intelligently waive his right to counsel, "with eyes open" during the January 28, 2022 hearing. Specifically, there is no colloquy with the defendant or other evidence from which the trial court could determine or conclude that relator could knowingly and intelligently waive his right to counsel. While the trial judge stated that he gave relator "instructions as to the position this Court takes as to his determination that he wants to represent himself," the transcript does not indicate what the trial court's "instructions" were. Additionally, we find the trial court's statement that he recognized relator's "Faretta rights . . . as they were previously [recognized] by the judge who heard the case originally" is not sufficient to show that relator knowingly and intelligently waived his right to counsel as to this retrial. Because the trial court did not conduct any meaningful dialogue with relator to determine relator's competency to waive his right to counsel as to this retrial, we find that the trial court abused its discretion in allowing relator to represent himself without a meaningful Faretta hearing. Additionally, we find that the trial court's reliance on any previous determination that relator waived his right to counsel during a Faretta hearing that occurred approximately eight years ago during his first trial is insufficient.~~