

No. 22-7328

ORIGINAL

Supreme Court, U.S.
FILED

FEB 06 2023

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

CARROLL W. HAYNES — PETITIONER
(Your Name)

vs.

M. BOFFEL DUKE - P.A. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

5TH CIRCUIT COURT OF APPEALS ON 12-30-22 (GRANTED)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CARROLL W. HAYNES
(Your Name)

P.O. Box 788
(Address)

JACKSON, LA 70748
(City, State, Zip Code)

NOT AVAILABLE
(Phone Number)

QUESTION(S) PRESENTED

(1) DID THE COURT VIOLATED THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERAL COURT CIVIL RIGHT "CONSENT DECREE" BY TAKING FURTHER STEPS IN THE PROSECUTION UNDER ART. 648, SEPARATE OF THE MERIT CLAIMS? (PAGE NO. 10)

(2) DID THE JURY KNOW THE FORENSIC FACILITY WAS IN VIOLATION OF A BROKEN MANDATORY CIVIL RIGHTS "CONSENT DECREE" BY THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERAL COURT CONCERNING PRE-TRIAL, DUE-PROCESS, AND CONSTITUTIONAL VIOLATIONS? (PAGE NO. 11)

(3) IS THE COLLATERAL ORDER DOCTRINE SEPARATE OF THE MERITS OF RELATOR'S CLAIMS. (REVIEWABLE U.S.C. § 2254)

(4) DID THE DISTRICT ATTORNEY'S VIOLATED HIS "DATH OF OFFICE WILLINGFULLY UNDER LSA-CONST. 10 § 30?"

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

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

(1) THE RESPONDENT IS THE 16th JUDICIAL DISTRICT ATTORNEY OFFICE COURTHOUSE, 300 IBERIA STREET, NEW IBERIA, LA 70560.

RELATED CASES

- (1) ART. 926.2 B(1)(a)
- (2) U.S. V. FILIPPI, 211 F. 3d. 649, 651 (1st Cir. 2000).
- (3) COHEN V. BENEFICIAL INDUS CORP, 337 U.S. 541, 546-47 (1949).
- (4) LA. R.S. 14:30.1.
- (5) LA. ART. 648
- (6) U.S. DONDFRID, 896 F. 2d 1301, 1203 (11th Cir. 1990).
- (7) BRECHT V. MARYLAND, 507 U.S. 619, 637, 113, S. 1170 123 L 3d 2d (1993).
- (8) U.S. V. LOUGHNER, 672 F. 3d. 731, 743 (9th Cir. 2012).

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

SEE ATTACHMENT

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

U.S.C.A. CONST. AMEND. 1	5
U.S.C.A. CONST. AMEND. 5	5
U.S.C.A. CONST. AMEND. 6	5
U.S.C.A. CONST. AMEND. 10	5
U.S.C.A. CONST. AMEND. 14	5

STATUTES AND RULES

28 U.S.C. 2244	
28 U.S.C. § 2254	
LSA-C.C.R.P. ART. 648	2
LSA-C.C.R.P. ART. 926.2 (B)(1)(a)	1
LSA-C.C.R.P. ART. CONST. X § 30	7
LSA-C.C.R.P. ART. CONST. 10 § 30	13
LSA-C.C.R.P. ART. 718 (A)	14
LSA-C.C.R.P. ART. 719 (A)	14
LSA-C.C.R.P. ART. 722	14
U.S. SUP. COURT RULE 29	29
OTHER	
U.S. SUPREME COURT, BRADY V. MARYLAND, 373 U.S. 93 (1963)	1
POINTER V. CRAIG, 380 U.S. 400-410 (1965)	15
MD. V. CRAIG, 497, 836, 846 (1990)	15

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A(1) to the petition and is

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

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

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

☐ For cases from **state courts**:

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

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

The opinion of the 16TH JUDICIAL DISTRICT COURT court appears at Appendix _____ to the petition and is

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

JURISDICTION

☐ For cases from **federal courts**:

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

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

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

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

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

→ THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES IN PERTINENT PART AS FOLLOWS: "CONGRESS SHALL MAKE NO LAW RESPECTING AN ESTABLISHMENT OF RELIGION, OR PROHIBITING THE FREE EXERCISE THEREOF, ABRIDGING OF SPEECH, OR OF THE PRESS; OR THE RIGHT OF THE PEOPLE PEACEABLY TO ASSEMBLE, AND TO PETITION TO GOVERNMENT FOR A REDRESS OF GRIEVANCE." U.S.C.A. CONST. AMEND. I.

→ THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES IN PERTINENT PART AS FOLLOWS: "TO HAVE THE ASSISTANCE OF COUNSEL FOR HIS DEFENSE," "THE RIGHT TO A FAIR AND IMPARTIAL JURY." U.S.C.A. CONST. AMEND. 6.

→ THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES IN PERTINENT PART AS FOLLOWS: "NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, EXCEPT BY DUE PROCESS OF LAW." U.S.C.A. CONST. AMEND. 5.

→ THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES IN PERTINENT PART AS FOLLOWS: "THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, OR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES, OR TO THE PEOPLE." U.S.C.A. CONST. AMEND. 10.

→ THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES IN PERTINENT PART AS FOLLOWS: "NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAW." U.S.A. CONST. AMEND. 14.

STATEMENT OF THE CASE

→ ON OCTOBER 10, 1989, PETITIONER IN THIS CASE WAS ARRESTED FOR THE OFFENSE OF SECOND DEGREE MURDER, "WHICH IS A VIOLATION OF LA. R.S. 14.30.1. PETITIONER WAS TAKEN AND FORMALLY ARRAIGNED AND ENTERED A PLEA OF NOT GUILTY AND NOT GUILTY BY REASON OF SANITY." ON DECEMBER 22, 1989, JUDGE EDWARD A. DELAHOUSSARY, III, ISSUED AN ORDER FROM STIPULATION BY AND BETWEEN COUNSEL'S FOR THE STATE AND DEFENSE THAT THE REPORTS OF DOCTOR JAMES H. BLACKBURN AND JOSEPH C. MUSSO, WAS APPOINTED TO THE SANITY COMMISSION, BE SUBMITTED IN LIEU OF THEIR TESTIMONY. UPON REVIEW BY THE COURT THAT DEFENDANT, CARROLL WAYNE HAYNES "BE COMMITTED TO THE FELICIANA FORENSIC FACILITY IN ACCORD WITH C.C.P. ART. 648 FOR AN COMPREHENSIVE EVALUATION, WHICH WAS ORDERED BY THE COURT. (SEE EX-1).

→ NEVERTHELESS, FURTHER STEPS WERE TAKEN BY THE DISTRICT ATTORNEY'S OFFICE (SEE BOGUS AND FRAUDULENT MOTION/ORDER EX-1). EVEN AFTER A "CONSENT DECREE" WARNING BY THE DEPARTMENT OF JUSTICE AND THE FEDERAL COURT (SEE NEWLY DISCOVERED BRADY MATERIAL), THEREFORE, THE PRECEEDING TO THE COURT ORDER TO COMMIT DEFENDANT IS STILL-OPEN, PENDING, UNRESOLVED, CONVICTION AND SENTENCE UNCONSTITUTIONALIZED.

→ DESPITE THE COURT ORDER TO COMMIT THE DEFENDANT TO FELICIANA FORENSIC FACILITY UNDER ART. 648, THE WRONGLY IGNORED A "CONSENT DECREE" WHICH WAS AGREED AFTER THE U.S. DEPARTMENT OF JUSTICE FILED A CIVIL RIGHTS INSTITUTIONALIZED PERSON ACT (CRIPA) SUIT AGAINST FORENSIC FACILITY. EVENTUALLY, DEFENDANT WAS CONVICTED OF SECOND DEGREE MURDER, WITHOUT EVER GOING TO FORENSIC BECAUSE OF THE "DISTRICT ATTORNEY AND FORENSIC BREAK/VIOLATING "CONSENT DECREE".

REASON FOR GRANTING THE PETITION

→ NOW INTO COURT, COMES CARROLL WAYNE HAYNES, AS PRO-SE PETITIONER, WITH NEW RULING OF LAW ON "FACTUAL INNOCENCE" TIMELY FILED IN ACCORDANCE WITH LA. C. CR. P. ART. 926.2 B(1)(a). (SEE EXHIBIT-D). ALSO, "NEWLY DISCOVERED EVIDENCE" AND INDISPUTABLE FACTS UNDER BRADY V. MARYLAND, 373 U.S. 83, 10 ED. 2D 215 83 S. CT. 1194 (1963). THE DISTRICT ATTORNEY'S OFFICE SKILLFULLY, MECHANICALLY, AND CRAFTILY MANIPULATED [WITHHELD] VITAL EXCULPATORY EVIDENCE THAT WAS "FAVORABLE" TO RELATOR'S CASE, UNDER U.S.C. § 2254 AND 28 U.S.C. 2244(b)(2)(B).

→ WITH GREAT RESPECT, THE HONORABLE "SUPREME COURT OF THE UNITED STATES OF AMERICA, AFTER A FULLY COMPLETE INVESTIGATION ON APPLICANT'S "COLLATERAL ORDER DOCTRINE" REVIEW, SEPARATE OF AND FROM MERITS CLAIMS, WILL CLEARLY SHOW THAT THE "U.S. DEPARTMENT OF JUSTICE" AND ALSO THE "FEDERAL COURT" HAD A "CONSENT DECREE" AGAINST THE FORENSIC FACILITY IN JACKSON, LA. (SEE NEW BRADY

MATERIAL OF EXHIBIT-2). DEFENDANT "COLLATERAL DOCTRINE REVIEW" WILL PROOF THAT INSTEAD OF OBEYING THE "CONSENT DECREE," BROKE ART. 648 AND A CONSENT DECREE AGREEMENT CIVIL RIGHTS LAW SUIT OF "INSTITUTIONALIZED PERSON ACT" (CRIPA).

→ FURTHERMORE, A DETERMINATION OF INCOMPETENCE IS GENERALLY REVIEWABLE ON A "COLLATERAL ORDER DOCTRINE REVIEW." SEE, E.G., U.S. V. FELIPPI, 211 F. 3d. 649, 651, (1ST CIR. 2000). UNDER COLLATERAL ORDER DOCTRINE IN RELATOR'S PRE-TRIAL AND DUE PROCESS VIOLATIONS ARE CLEARLY SEPARATE FROM THE MERITS IN THE "CONSENT DECREE VIOLATION." LOOK AT THE TIMELINE, LONG BEFORE APPLICANTS' MERITS IN DEFENDANT'S CASE, BOTH THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERAL COURT WERE PLEADING WITH THE FORENSIC HOSPITAL FACILITY AND THE IRERIA PARISH JUDICIAL COURTHOUSE STATING, "PLEASE SEND DOCUMENTS TO HAVE THE SCHEDULED DEFENDANT (RELATOR) FOR ADMISSION WHEN AN OPENING OCCURS. (SEE EXHIBIT-2, WHICH NEVER OCCURRED, "BROKEN CONSENT DECREE").

→ THE CONSENT DECREE WAS "BROKEN AS AGREED ON BY BOTH THE "U.S. JUSTICE DEPARTMENT AND THE FEDERAL COURT," WHICH MEANS THEY TOOK AN "INSANE MAN TO TRIAL." THEREFORE, DEFENDANT'S CASE IS STILL OPEN AND ALSO STILL UNRESOLVED. THE LOUISIANA CONSTITUTIONS AND ALSO THE U.S. CONSTITUTIONS "LAWS WERE BROKEN." WITHIN DEFENDANT "COLLATERAL REVIEW DOCTRINE", THE FEDERAL COURT, WHICH HAD FULL JURISDICTION WAS ALSO CONCERNED ABOUT INFORMATION BEING CONFIRMED WHICH STATED, "PLEASE SEE THAT THE ABOVE NOTED DOCUMENTS ARE MAILED AS SOON AS POSSIBLE SO THAT WE CAN APPROVE AND SCHEDULE THE DEFENDANT FOR ADMISSION," AS STATED PREVIOUSLY, * THAT NEVER HAPPEN *

→ WITH MUCH HONOR AND RESPECT, DEFENDANT WOULDN'T WASTE THIS POWERFUL PRESTIGIOUS COURT TIME, ** IF ANY PAPERS WERE "MAILED" TO THE "U.S. DEPARTMENT OF JUSTICE" OR "THE FEDERAL COURT," THEY ARE ILLEGAL AND ANOTHER FRAUDULENT DOCUMENT AS "EXHIBIT-3". THE U.S. DEPARTMENT OF JUSTICE FILED A CIVIL RIGHT OF INSTITUTIONALIZED PERSON ACT (CRIPA)

SUIT AGAINST FELICIANA FORENSIC FACILITY, WHERE EVEN
THE "FEDERAL COURT" WAS ALSO CONCERNED WITH REGARDS
TO THEIR UNLAWFUL BEHAVIOR OF THE "ADMISSION OF WAITING
LIST" (AGAIN: SEE EXHIBIT-2). THEY NOT ONLY VIOLATED
DEFENDANT'S PRE-TRIAL AND DUE-PROCESS RIGHTS, BUT TOTALLY
WILLINGFULLY IGNORED AND BROKEN A "CONSENT DECREE" BY
THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERAL COURT."

→ AS STATED IN COHEN V. BENEFICIAL, LOAN CORP,
337 U.S. 541-546 (1949): WHICH READS, "THE COLLATERAL
ORDER DOCTRINE ALLOWS APPEALS COURTS FINAL DETERMINATION
ON A MATTER SEPARATE FROM MERITS OF THE CLAIM, IF IT IS
"TOO IMPORTANT" TO BE DENIED AND REVIEWED EFFECTIVE,
IF IT IS DELAYED OF THE "FINAL ORDER ON THE MERITS." IN
APPLICANT'S CASE AT HAND, RELATOR'S CERTIORARI BRIEF
APPLICATION VIOLATIONS WERE PRIOR TO DEFENDANT'S
CLAIMS. LOOK AT ART. 648 AND BROKEN CONSENT DECREE
"TIMELINE," SEPARATE LONG BEFORE ANY MERIT OF CLAIMS.
(AGAIN: SEE EXHIBIT-2 OF U.S. DEPARTMENT OF JUSTICE,
FEDERAL COURT VIOLATION, AND ART. 648 COURT ORDER TO HAVE
DEFENDANT COMMITTED. (EX-4). - (4) -

→ PETITIONER, PURSUANT TO THE FIRST, FIFTH, SIXTH, TENTH, AND FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION OF 1974, AS AMEND, AND THE LOUISIANA CONSTITUTION. WHO ALSO RESPECTFULLY SUBMITS THE FOLLOWING IN SUPPORT OF THE CLEARLY "UNCONSTITUTIONAL VERDICT" AND UNLAWFUL CONVICTION IN WHICH WAS ALL "IMPEDED" ON BY THE "STATE ACTIONS" AND FORENSIC DIRECTOR OF ADMISSIONS AT THE FORENSIC FACILITY.

→ WHAT IS MOST DISTURBING TO SAY THE LEAST, EVEN AFTER NEWLY DISCOVERED BRADY EVIDENCE MATERIAL, THE SUPREME COURT JUDICIAL ADMINISTRATOR, THE U.S. DEPARTMENT AND THE FEDERAL COURT EXPRESSED THEIR DEEP CONCERNS ABOUT THE ADMISSION OF FORENSIC FACILITY "ADMISSION WAITING LIST", "WHICH RELATOR WAS ON" AT THE TIME FORENSIC WAS OPERATING OF CONSENT DECREE, "BUT WAS BROKEN". THE "IMPEDIMENT" OF THE "STATE ACTIONS" HINDER ART. 648, WHICH IS ABSOLUTELY A STATE CONSTITUTIONAL VIOLATION AND U.S. CONSTITUTIONAL VIOLATION.

→ MOST IMPORTANTLY, SEVERAL INDIVIDUALS WERE INVOLVED WITH INFORMING FORENSIC FACILITY TO COMPLY

WITH THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERAL COURT WHICH THEY WERE "OPERATING UNDER A "CONSENT DECREE" CIVIL RIGHTS OF INSTITUTIONALIZED PERSON ACT (CRIPA) SUIT AGAINST FELICIANA FORENSIC FACILITY. (SEE EXHIBIT-2 OF BRADY V. MARYLAND VIOLATIONS).

→ NOTICE BRADY MATERIAL DISCOVERY, THE ACTING CHIEF EXECUTIVE OFFICE, MR. MARK OTT, THE R.N. MULTI-SERVE MANAGER MS. GAIL E. PARRENTOR, AND THE SUPREME COURT JUDICIAL ADMINISTRATOR, ALSO MS. GERALDINE R. PALMER, HOSPITAL ASSOC, ADMINISTRATOR AT THE TIME. ASTONISHINGLY, ALL WERE INFORMING THE HEAD DISTRICT ATTORNEY RUD LEE AND FORENSIC TO "APPROVE AND SCHEDULE" THE (DEFENDANT) CARROLL WAYNE HAYNES FOR ADMISSION WHEN AN OPENING OCCURS AT THE FACILITY. (AGAIN: SEE EXHIBIT-2). OF COURSE, THE "UNITED STATE SUPREME COURT OF AMERICA CAN SEE THAT NEVER EVER HAPPEN BECAUSE THE "STATE ACTIONS", ALONG WITH FORENSIC ADMINISTRATOR "IMPEDED" AND "HINDERED" ART. 648. HOW, THE DISTRICT ATTORNEY OFFICE FILED A "FRAUDULENT AND Bogus MOTION AND ORDER", INTO THE COURT, GOT A JUDGE WHO SIGNED IT, INFORMING TO THE COURT, THAT RELATOR WAS IN CUSTODY AT THE

-61-

FELICIANA FORENSIC FACILITY. (SEE EXHIBIT-3 OF FRAUDULENT AND BOGUS "MOTION AND ORDER").

→ THE "STATE ACTIONS" CLEARLY "IMPEDED AND HINDERED" THE PROCESS OF ART. 648 PROCESS AND WAS A VIOLATION OF THE LOUISIANA CONSTITUTION OF LAW AND OF THE UNITED STATES CONSTITUTION OF LAW. NEVERTHELESS, AFTER YEARS OF THE 16TH JUDICIAL DISTRICT ATTORNEY CONTINUALLY MISLEADING IMPLYING RELATOR WAS AT THE FORENSIC FACILITY. THE DEFENDANT WROTE TO THEM, *SEE EXHIBIT 5. IN THEIR RESPONSE, RELATOR QUOTE VERBATIM, "WE HAVE SEARCHED OUR FILES AND FOUND "NO" RECORD" FOR THE ABOVE NAMED INDIVIDUAL." (SEE EX-6).

→ IN OTHER WORDS, THE STATE OF LOUISIANA, THE 16TH JUDICIAL DISTRICT COURTHOUSE, PARISH OF IBERIA, TOOK AN INSANE DEFENDANT TO TRIAL, CONVICTED HIM, SENTENCED HIM, THEN BROKE THE "CONSENT DECREE OF A CIVIL SUIT AGREEMENT AND BROKE THEIR SWORN IN "OATH OF OFFICE" IN ACCORDANCE WITH LA. CONST. ART. X § 30, WHICH IS CLEARLY "MALFEASANCE AND MISCONDUCT OF A PUBLIC OFFICIAL". THE "STATE ACTIONS" IMPEDED DEFENDANT FROM "MEDICAL CARE".

(7)

AS THE HIGHEST COURT IN THE LAND, THE UNITED STATES OF AMERICA CAN NOTICE, THEY'RE STILL TRYING TO "SILENCE" DEFENDANT WITH THE CORRUPTION THAT IS STILL NOT BEING CORRECTED BY THEIR UNLAWFUL AND UNPROFESSIONAL TACTICS. THIS COURT, THE HIGHEST COURT IN THE LAND, HAS THE POWER AND AUTHORITY TO "INTERVENE", THE UNITED STATES OF AMERICA, CAN STOP THEM. * NO JUDICIAL SYSTEM OR ELECTED OFFICIAL IS "ABOVE THE LAW," NOT EVEN THE 16TH JUDICIAL DISTRICT COURTHOUSE.

→ QUESTIONS TO PONDER DEEPLY, "ARE THEY, THE 18TH JUDICIAL DISTRICT ABOVE THE LAW? WHO CAN STOP THEIR UNCONSTITUTIONAL CORRUPTION? DID THEY BRAKE THE CONSENT DECREE BY BOTH THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERAL COURT? WAS DEFENDANT COUNSEL EFFECTIVE? DID THEY VIOLATED THEIR "SWORN IN OATH OF OFFICE? DID THEY "TAKE FURTHER STEPS" IN THE PROSECUTION UNDER ART. 648? THEY 16TH JUDICIAL DISTRICT COURTHOUSE, MOVED DEFENDANT BY FRAUDULENT DOCUMENTATION OF MOTION AND ORDER, BUT SHIPPED DEFENDANT PHYSICIAN, AS ORDERED BY THE COURT. (SEE EX-4)

→ AT THE TIME, DEFENDANT DIDN'T UNDERSTAND NOTHING ABOUT THE LAW OR PROCEDURES AS A "FIRST OFFENDER", NEVER EVER IN TROUBLE BEFORE "IN TROUBLE", HAD A "MENTAL BRAKE DOWN, PRIOR TO THIS SITUATION. THE 16TH JUDICIAL DISTRICT COURTHOUSE, PUBLIC DEFENDANT LAWYER, AND THE FORENSIC ADMISSION ADMINISTRATOR TOOK ADVANTAGE OF APPLICANT PRE-TRIAL AND DUE-PROCESS RIGHTS. HOWEVER, THEY LEFT A "PAPER TRAIL AND TIMELINE" WHICH SHOWED HOW THEY "IMPEDED, HINDERED, AND SUPPRESSED" THEIR UNLAWFUL CORRUPTION OF DISCRIMINATION AGAINST APPLICANT. WHAT THEY DID IN THE DARK, FINALLY CAME TO THE "LIGHT," WHEN RELATOR'S FAMILY HIRED DEFENDANT AN ATTORNEY ON 1-18-22. AFTER REVIEWING RELATOR'S D.A.'S FILES, HE DISCOVERED THAT THE 16TH JUDICIAL DISTRICT AND FORENSIC WAS OPERATING UNDER A "CONSENT DECREE," WITH BOTH THE UNITED STATES DEPARTMENT OF JUSTICE AND THE FEDERAL COURT. (SEE EX-2). ALSO, THE FOLLOWING DOCUMENTS WERE TO BE BROUGHT TO THE FACILITY BY THE SHERIFF'S DEPUTY WHEN THE PATIENT IS ADMITTED, "DEFENDANT NEVER MADE, "FRAUDULENT TACTICS." (EX-3).

QUESTION(S) PRESENTED (1. THRU 4)

(1) DID THE COURT VIOLATED THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERAL COURT CIVIL RIGHTS "CONSENT DECREE" BY TAKING FURTHER STEPS IN THE PROSECUTION ART. 648, WHICH IS SEPARATE OF THE MERIT CLAIMS? (ABSOLUTELY). THE "TWO TIMELINES" ARE CLEAR AND UNDISPUTED, THE "CONSENT DECREE" AND DEFENDANT BEING COMMITTED TO FORENSIC, WERE HAPPENING "SIMULTANEOUSLY" AT THE SAME CONSTITUTIONAL VIOLATION. (SEE EXHIBITS-2 AND 4 OF ORDER COMMITTING DEFENDANT TO FORENSIC).

→ THE "TIMELINE" OF THE "MANDATORY" CONSENT DECREE WAS VIOLATED PRIOR TO THE MERIT OF APPLICANT'S CLAIMS. FURTHERMORE, EVEN AFTER BEING WARNED CONCERNING THE ADMISSION OF THEIR WAITING LIST AGREEMENT, THEY IMPEDED AND HINDERED DEFENDANT CONSTITUTION RIGHTS. SEE U.S. OF DONOFRIO, 896 F. 2d 1301, 1203 (11TH Cir. 1990) STATED: COMMITMENT ORDER APPEALABLE UNDER COLLATERAL ORDER DOCTRINE, BECAUSE ORDER WAS CONCLUSIVE, RESOLVED AND ISSUES SEPARATE FROM MERITS, AND WAS EFFECTIVELY UNREVIEWABLE OTHERWISE.

-10-

THIS MEANT THAT ALL CRIMINAL PROCEEDINGS THAT WERE AGAINST DEFENDANT UNDER ART. 648, WERE TO BE CLEARLY SUSPENDED, UNTIL INPATIENT CARE FROM THE FORENSIC HOSPITAL IN JACKSON, LA.

(2) DID JURY KNOW THAT THE COURT AND FORENSE WAS IN VIOLATION OF A "MANDATORY CIVIL RIGHTS 'CONSENT-DECREE'" BY THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERAL COURT CONCERNING PRE-TRIAL AND DUE-PROCESS VIOLATIONS? (ABSOLUTELY NOT). THE JURY WAS NEVER EVER INFORMED, NOR WAS IT MADE KNOW THAT THE UNITED STATES DEPARTMENT OF JUSTICE FILED A CIVIL RIGHTS OF INSTITUTIONIZED PERSON ACT (CRIPA) SUIT AGAINST FELICIANA FORENSIC FACILITY. AT THE SAME "SIMULTANEOUS" TIMELINE OF THE CIVIL SUIT, THE FEDERA COURT HAD FULL JURISDICTION OF THE MATTER ON "ADMISSION OF WAITING LIST." (SEE NEWLY DISCOVERED BRADY OF EXHIBIT-2).

→ AS STATE IN LOVE, 556 U.S. AT 452 ALSO STATED: EVIDENCE IS MATERIAL WHERE THERE IS "REASONABLE AND PROBABILITY THAT THE VERDICT OF [WITHHELD] WOULD HAVE

-(11)-

ALTERED ONE MORE JUROR'S ASSESSMENT [OF THE CASE]. IN DEFENDANT'S CASE, THE JURY RETURNED A VERDICT OF "10-2" WITHOUT BEING INFORMED OF A CIVIL RIGHTS LAW SUIT. ALSO, INFORMING THEM [JURY], DEFENDANT WAS NEVER EVALUTED AS ORDERED BY THE COURT, U.S. DEPARTMENT OF JUSTICE, AND THE FEDERAL COURT. THE RIGHT TO CONFRONTATION OF WITNESS, UNDER THE 6TH AMENDMENT WAS CLEARLY A VIOLATION OF THE UNITED STATES CONSTITUTION. (SEE BRECHT V. MARULAND, 507 U.S. 619, 637, 113 S. 1170 123 L. 3d. 2d. 1993. WHICH IS ABSOLUTELY A VIOLATION OF DEFENDANT DUE-PROCCE, PRETRIAL AND CONSTITUTIONAL RIGHTS

(3) IS THE COLLATERAL ORDER DOCTRINE REVIEW SEPARATE FROM THE MERIT OF RELATORS CLAIMS? (ABSOLUTELY). THE U.S. DEPARTMENT OF JUSTICE AND THE FEDERAL COURT HAD ALSO COMMANDED, WARNED, AND INFORMED FORENSIC FACILITY TO DO THE RIGHT PROCEED, CONCERNING THEIR "ADMISSION OF THE WAITING" LIST. EVEN AFTER TWO (2) OF THE MOST POWERFULEST BRANCHES IN THE JUDICIAL SYSTEM OF AUTHORITIES, THEY STILL "VIOLATED ART. 648 AND A CONSENT DECREE."
(12)

→ IN CONE, 556 U.S. AT 452 AND KYLES, 514 U.S. AT 434-35, THE COURT EXPLAINS, "THE QUESTION IS NOT WHETHER THE DEFENDANT WOULD MORE LIKE THAN NOT TO HAVE A DIFFERENT VERDICT WITH THE DISCLOSE FACTS AND EVIDENCE, BUT WHETHER IN ITS ABSENCE HE RECEIVED A TRIAL THAT WAS FAIR. IN THE ABSENCE OF ART. 648 VIOLATION, FRAUDULENT MOTION AND ORDER, CONSENT DECREE BROKEN, "THE JURY STILL RETURN A "VERDICT OF 10-2."

(4) DID THE DISTRICT ATTORNEY'S OFFICE VIOLATED HIS "OATH OF OFFICE" ⁹⁰WILLINGFUL UNDER LSA-CONST. 10:30? (YES). WORTH NOTHING, AS A PUBLIC OFFICIAL'S OATH OF HIS SWORN WAS TO UPHOLD THE LAW THAT THE CONSTITUTION OF LOUISIANA AND THE U.S. CONSTITUTION IMPOSED HIM. ALSO, NOT TO OBSTRUCT OR INTERFERE WITH EXECUTION OF THE LAWS (SEE LSA-CONST. ART. 10:30). IN THE CASE AT HAND, THE HEAD DISTRICT ATTORNEY "IMPEDED" ART. 648 BY HINDERING DEFENDANT FROM RECEIVING MEDICAL ATTENTION FROM THE FORENSIC FACILITY.

→ THE "STATE ACTIONS" OF IMPEDIMENT" INTERFERED AND OBSTRUCT A "CONSENT DECREE BY BOTH THE U.S. D.O.J. AND THE FEDERAL COURT."

(SEE LA. CONST. ART. 10 § 30 OF PUBLIC OFFICIAL DUTIES). THE
PRESCRIBES TO THE "OATH OF OFFICE" IS TO SUPPORT THE CONSTITUTION
AND LAW OF THE UNITED STATES AND THIS STATE AND TO FAITHFULLY AND
IMPARTIALLY DISCHARGE AND PERFORM ALL THE DUTIES ATTENDANT
THERE TO. THESE OFFICIALS TOOK AN "SWORN OATH OF THEIR OFFICE,
NOT TO OBSTRUCT, IMPEDE, OR INTERFERE WITH EXECUTION OF
THE LAWS. YET, CLEARLY THEY VIOLATED A "CONSENT DECREE"
IN ACCORDANCE WITH ART. 648 AND A "CIVIL RIGHTS LAW SUIT
AGREEMENT AGAINST THE FORENSIC FACILITY. (SEE EXHIBITS: 2 AND 4).

→ AS A GENERAL MATTER OF LAW, THE DISCOVERY ARTICLES
IN THE CODE OF CRIMINAL PROCEDURE IMPOSED ON THE
PROSECUTOR IN LOUISIANA STATUTORY DUTY TO [DISCLOSE]
EXCULPATORY EVIDENCE TO THE DEFENDANT. SEE C. CR.
P. ART. 718(A): LA. C. CR. P. ART. 719(A): LA. C. CR. P. ART.
722. ALSO, UNDER LSA-CONST. 10 § 30, THE PROSECUTOR
AND COORDINATOR OF ADMINISTRATOR AT THE FORENSIC:
"BREACHED THEIR DUTIES IN THEIR OFFICES," WHICH WAS A
RESULT IN THE DENIAL OF THE DEFENDANT RIGHT TO A FAIR
TRIAL AND RIGHT TO THE CONFRONTATION CLAUSE OF DUE-
PROCESS OF LAW.

→ THE SIXTH AMENDMENT PROVIDES IN PERTINENT PART THAT "[I] ALL CRIMINAL PROSECUTION, THE ACCUSED SHALL ENJOY THE RIGHT TO BE CONFRONTED WITH THE WITNESS THAT IS AGAINST HIM OR HER. U.S. CONST. AMEND VI. THIS RIGHT EXTEND TO THE STATE PROSECUTIONS THROUGH DUE-PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT. SEE POINTER V. CRAIG, 380 U.S. 400, 403 (1965). ALSO SEE MD. V. CRAIG, 497, 836, 846 (1990). "[E] FACE TO FACE CONFRONTATION ENHANCE THE ACCURACY OF 'FACTFINDING'" BY REDUCING THE RISK OF A WITNESS WRONGLY IMPLICATING AN INNOCENT PERSON. IN DEFENDANT CASE, APPLICANT WASN'T AFFORDED THE OPPORTUNITY AND PRIVILEGE TO CONFRONT, NOR SUBPENAO VIOLATION OF ART. 648 AND BROKEN "CONSENT DECREE BY "FRAUDULENT DOCUMENTATION," ETC.

CONCLUSION

→ PETITIONER HUMBLY PRAY THAT RELATOR'S WRIT OF CERTIORARI BE "GRANTED" UNDER COLLATERAL ORDER DOCTRINE REVIEW WHICH ARE CLEARLY "SEPARAT FROM THE MERITS. AGAIN AS STATED IN COHEN V. BENEFICIAL INDUS LOANS CORPS, 337 U.S. 541, 546-47 (1947). THE COLLATERAL ORDER DOCTRINE

ALLOWS THE "SUPREME COURT OF THE UNITED STATES TO HAVE A FINAL DETERMINATION OF A MATTER," SEPARATE OF THE MERITS CLAIMS, IF THE DETERMINATION IS CLEARLY TOO IMPORTANT TO BE DENIED AND REVIEWED. ALSO SEE IN

U.S. V. LOUGHNER, 672 F. 3d 731, 743 (9th Cir. 2012):
COURT ORDER TO COMMIT AND MEDICATE DEFENDANT WERE APPEALABLE BECAUSE CLAIMS ORDER "SEPARATE FROM THE MERITS ACTION."

→ THE COURT FOR APPLICANT'S ADMITTANCE TO THE FORENSIC FACILITY AND MEANS TO OBSTRUCT AN COURT ORDER BY COVERING-UP THE DETAILS WITHIN A CONSENT DECREE WITH THE UNITED STATES DEPARTMENT OF JUSTICE. THESE ACTIONS, FOUNDED BY APPLICANT'S NEW COUNSEL HIRED JANUARY 18, 22, BASED ON "FACTS PREVIOUSLY NOT KNOWN AND "MISCARRIAGE OF JUSTICE". THE BASIS OF THE "BRADY" CONCERNS, AS WELL, WHERE THE DISTRICT ATTORNEY [WITHHELD] INFORMATION AND THAT COULD HAVE EXCULPABLE ON BEHALF OF THE APPLICANT WHILE CAUSING AND HAVING A "SUBSTANTIAL AND INJURIOUS, THE JURY VERDICT, AS WELL AS DENY THE RELATOR DUE-PROCESS, EQUAL PROTECTION, AND DENIAL OF RIGHT OF CONFRONTATION OF THE WITNESS. SEE BRECHT V. ABRAHAMSON, 507 U.S. 619, 637 CT (1993). FOR ALL THE ABOVE, DEFENDANT'S WRIT OF HABEAS CORPUS SHOULD BE "GRANT".

AS STATE BY THE "HONORABLE UNITED STATES OF AMERICA,
THE SUPREME COURT," THE PRIMARY CONCERN OF THE SUPREME
COURT IS NOT TO CORRECT ERRORS IN LOWER COURT DECISIONS,
BUT TO DECIDE CASES PRESENTING "ISSUES OF IMPORTANCE
BEYOND THE PARTICULAR FACTS AND PARTIES INVOLVED" (SEE
NATURE OF SUPREME COURT REVIEW). PETITIONER'S WRIT OF
REVIEW ON CERTIORARI "PRESENTING ISSUES OF IMPORTANCE
BEYOND THE PARTICULAR FACTS AND PARTIES INVOLVED IN
VIOLATION OF A "BLATANT AND DELIBERATELY "CONSENT DECREE
AGREEMENT THAT WAS BROKEN.

→ NOT ONLY DID THEY "VIOLATE A CONSENT DECREE"
BY THE UNITED STATES JUSTICE DEPARTMENT AND THE
FEDERAL COURT, "THIS BRANCH," THE SUPREME COURT
JUDICIAL ADMINISTRATOR ABOUT ADMISSION OF WAITING
OF DEFENDANT APPROVAL AND SCHEDULE ADMISSION (SEE
EXHIBIT-2). YET, THE 16TH JUDICIAL IGNORED THE LAWS OF
THE LOUISIANA CONSTITUTION AND U.S. CONSTITUTION, AND
CHOSE A "PATH OF CORRUPTION AS ELECTED OFFICIAL" FOR THE
FOLLOWING "FACTUAL REASONS, PETITIONER BRIEF SHOULD BE"
"GRANTED"
(17)-

WESTLAW

POST CONVICTION RELIEF

LOUISIANA 2021 SESSION LAW SERVICE 2021 Regular Session (Approx. 3 pages)

Ex-1
E

APPENDIX E
OF
EXHIBIT-1

2021 La. Sess. Law Serv. Act 104 (S.B. 186) (WEST)

LOUISIANA 2021 SESSION LAW SERVICE

2021 Regular Session

Additions are indicated by **Text**; deletions by
~~Text~~.

Vetoed are indicated by ~~Text~~ ;
stricken material by ~~Text~~.

ACT NO. 104

S.B. No. 186

POST CONVICTION RELIEF

BY SENATOR SMITH AND REPRESENTATIVES BRYANT, GOUDEAU, MARCELLE AND MARINO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT to amend and reenact Code of Criminal Procedure Article 930.3 and 930.8(A)(1) and to enact Code of Criminal Procedure Articles 926.2, 926.3, 930.4(G), 930.8(A)(5) and (6) and (D), and 930.10, relative to post conviction relief; to provide for a petitioner's claim of factual innocence; to provide for exceptions; to provide for evidence; to provide for appointment of judges; to provide for motions of testing evidence; to provide for grounds for relief; to provide for burden of proof; to provide for joint motions; to provide for waiver; to provide for time limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 930.3 and 930.8(A)(1) are hereby amended and reenacted and Code of Criminal Procedure Articles 926.2, 926.3, 930.4(G), 930.8(A)(5) and (6) and (D), and 930.10 are hereby enacted to read as follows:

<< LA C.Cr.P. Art. 926.2 >>

Art. 926.2 Factual Innocence

A. A petitioner, who has been convicted of an offense, may seek post conviction relief on the grounds that he is factually innocent of the offense for which he was convicted. A petitioner's first claim of factual innocence pursuant to this Article that would otherwise be barred from review on the merits by the time limitation provided in Article 930.8 or the procedural objections provided in Article 930.4 shall not be barred if the claim is contained in an application for post conviction relief filed on or

before December 31, 2022, and if the petitioner was convicted after a trial completed to verdict. This exception to Articles 930.4 and 930.8 shall apply only to the claim of factual innocence brought under this Article and shall not apply to any other claims raised by the petitioner. An application for post conviction relief filed pursuant to this Article by a petitioner who pled guilty or nolo contendere to the offense of conviction or filed by any petitioner after December 31, 2022, shall be subject to Articles 930.4 and 930.8.

B. (1)(a) To assert a claim of factual innocence under this Article, a petitioner shall present new, reliable, and noncumulative evidence that would be legally admissible at trial and that was not known or discoverable at or prior to trial and that is either:

(i) Scientific, forensic, physical, or nontestimonial documentary evidence.

(ii) Testimonial evidence that is corroborated by evidence of the type described in Item (i) of this Subsubparagraph.

(b) To prove entitlement to relief under this Article, the petitioner shall present evidence that satisfies all of the criteria in Subsubparagraph (a) of this Subparagraph and that, when viewed in light of all of the relevant evidence, including the evidence that was admitted at trial and any evidence that may be introduced by the state in any response that it files or at any evidentiary hearing, proves by clear and convincing evidence that, had the new evidence been presented at trial, no rational juror would have found the petitioner guilty beyond a reasonable doubt of either the offense of conviction or of any felony offense that was a responsive verdict to the offense of conviction at the time of the conviction.

(2) A recantation of prior sworn testimony may be considered if corroborated by the evidence required by Subsubparagraph (1)(a) of this Paragraph. However, a recantation of prior sworn testimony cannot form the sole basis for relief pursuant to this Article.

(3) If the petitioner pled guilty or nolo contendere to the offense of conviction, in addition to satisfying all of the criteria in this Paragraph and in any other applicable provision of law, the petitioner shall show both of the following to prove entitlement to relief:

(a) That, by reliable evidence, he consistently maintained his innocence until his plea of guilty or nolo contendere.

(b) That he could not have known of or discovered his evidence of factual innocence prior to pleading guilty or nolo contendere.

C. (1) A grant of post conviction relief pursuant to this Article shall not prevent the petitioner from being retried for the offense of conviction, for a lesser offense based on the same facts, or for any other offense.

(2) If the petitioner waives his right to a jury trial and elects to be tried by a judge, the

district judge who granted post conviction relief pursuant to this Article shall be recused and the case shall be allotted to a different judge in accordance with applicable law and rules of court.

(3) If the district judge denied post conviction relief pursuant to this Article and an appellate court later reversed the ruling of the district judge and granted post conviction relief pursuant to this Article, and if the petitioner waives his right to a jury trial and elects to be tried by a judge, upon the petitioner's motion the district judge who denied post conviction relief shall be recused and the case shall be allotted to a different judge in accordance with applicable law and rules of court.

<< LA C.Cr.P. Art. 926.3 >>

Art. 926.3 Motion for testing of evidence

A. Upon motion of the state or the petitioner, the district court may order the testing or examination of any evidence relevant to the offense of conviction in the custody and control of the clerk of court, the state, or the investigating law enforcement agency.

B. If the motion is made by the petitioner and the state does not expressly consent to the testing or examination, a motion made under this Article shall be granted only following a contradictory hearing at which the petitioner shall establish that good cause exists for the testing or examination. If the state does not expressly consent to the testing or examination and the motion made under this Article is granted following the contradictory hearing, the district attorney and investigating law enforcement agency shall not be ordered to bear any of the costs associated with the testing or examination.

<< LA C.Cr.P. Art. 930.3 >>

Art. 930.3 Grounds

If the petitioner is in custody after sentence for conviction for an offense, relief shall be granted only on the following grounds:

(1) The conviction was obtained in violation of the constitution of the United States or the state of Louisiana; .

(2) The court exceeded its jurisdiction; .

* (3) The conviction or sentence subjected him to double jeopardy; .

(4) The limitations on the institution of prosecution had expired; .

(5) The statute creating the offense for which he was convicted and sentenced is unconstitutional; or .

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Carroll Wayne Mayne

Date: APRIL 12, 2023