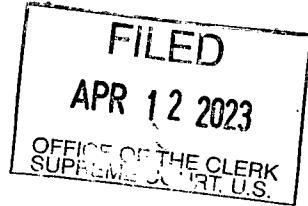


ORIGINAL

22-7506

SUPREME COURT OF THE UNITED STATES
UNITED STATES OF AMERICA



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IN RE: THE MATTER OF FELTON JAMES LEDET:

=====

STATE OF LOUISIANA

v.

FELTON JAMES LEDET

=====

FELTON JAMES LEDET
PRO SE
LOUISIANA STATE PRISON
ANGOLA, LOUISIANA

70712

TABLE OF CONTENTS

<u>ITEMS:</u>	<u>PAGE:</u>
Questions Presented for Review.....	i
Parties to the Proceedings.....	ii
Citations of Officials Reports.....	iii
Jurisdictional Statement.....	iv
Table of Authority.....	v
Table of Cases.....	vi
Reasons for Granting the Petition.....	vii
Brief on the Merits.....	1-14
Statement of the Case.....	4
Jurisprudence.....	5-7
Senate Bill 557 of 1985.....	8-12
Closing Statement.....	13-14
Certificate of Service.....	15
Appendix "A".....	A1-A9
Certificate of Service.....	A-10
Appendix "B".....	B1
Certificate of Service.....	B2
Appendix "C".....	C1-C25
Certificate of Service.....	C26
Appendix "D".....	D1-D17
Certificate of Service.....	D18

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QUESTIONS PRESENTED FOR REVIEW

- 1.) Would Acts 495 create a situation that would alter the outcome of my trial?
- 2.) Would it be fit for the court to set aside legislation and apply inappropriate unnecessary provisions of repeal special laws?

PARTIES TO THE PROCEEDINGS

1). Felton James Ledet - Petitioner:
2). State of Louisiana, et al. - Defendants:

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CITATIONS OF OFFICIAL REPORTS

1.) State of Louisiana

Vs. No. 2022-KH-~~99474~~
January 18, 2023
Felton James Ledet

Se. 3d (2023): Rehearing*

2.) State of Louisiana

Vs. No. 2022-KH-~~99474~~
September 7, 2022
Felton James Ledet

Se. 3d (2022): S.Ct.La.

3.) State of Louisiana

Versus No. KW-21-~~99465~~
January 19, 2022
Felton James Ledet

Se. 3d (2022) La. C.A. 3rd. Cir.

4.) State of Louisiana

Vs. No. 1983-CR-~~48119~~
May 3, 2021
Felton Ledet

Unpublished Opinion(2021)

JURISDICTIONAL STATEMENT

The jurisdiction of the court if being
involved pursuant to Article III of the
Constitution of the United States, Section
One(1) in conjunction with Louisiana's
Constitution, Article Five(5) et al..

TABLE OF AUTHORITY

<u>U.S. Constitution:</u>	<u>Page:</u>
14Th. Amendment.....	2
 <u>LOUISIANA'S CONSTITUTION OF 1974:</u>	
Louisiana Constitution of 1921.....	8, 12
Louisiana's Constitution Article II.....	11
Article One, Section 3.....	11
Article One, Section 16.....	10
Article One, Section 17.....	8, 9
Article Three, Section 12.....	2, 3, 5, 6, 8
 <u>Louisiana's Senate Bill:</u>	
Senate Bill 459.....	2, 5
Senate Bill 557.....	6, 8, 9, 10
 <u>Louisiana's ACTS:</u>	
Acts 495 of 1983.....	3, 6, 7, 10, 12
Acts 952 of 1985.....	6
 <u>Louisiana Code of Criminal Procedure:</u>	
Article 5.....	6
Article 799.....	3, 5, 6, 7, 8
 <u>Louisiana Revised Statute:</u>	
Revised Statute 14:30.1.....	4

TABLE OF CASES

<u>ITEM:</u>	<u>PAGE:</u>
<u>Marbury V. Madison</u> , 5 U.S. 137.....	5,7
<u>State V. Ledet</u> , 458 So.2d 1025	6,7,8,12,14
<u>Teaque V. Lane</u> , 489 U.S. 288.....	14

REASONS FOR GRANTING THE PETITION

That the citizens of the State of Louisiana will be protected from the application of having an item of legislation illegally applied in violation of their constitutional rights. The repeal of a law that was passed by a Constitutional Congress cannot be suspended by a regular session of Congress. In the instant the court of the 15th. Judicial District alone with the Court of Appeal 3rd. Circuit, State of Louisiana failed to acknowledge the procedural history of Louisiana's Constitution of 1974, Article Three, Section Twelve, et al.. The wording of "shall" is mandatory, and there should be no changes in that phrase and terminology. The State of Louisiana should equally protect all of her citizens under its' Constitution. And when there is primary legislation in support of an altered statute the altered statute should be applied in a clear and unambiguous retroactive manner without questioning the disputed newly adopted legislation illegally or legally applied. The process of judicial review did not take judicial notice that current legislation was to apply to correct the miscarriage of justice of Louisiana's 9th. Congress.

Due to the fact that the lower courts decision is erroneous but having this court correct the illegal application would protect the entire United States Department of Justice System from the mis application of legislation, that is illegal legislation such as in the instant.

SUPREME COURT OF THE UNITED STATES
UNITED STATES OF AMERICA

IN RE: THE MATTER OF FELTON JAMES LEDET:

STATE OF LOUISIANA

v.

FELTON JAMES LEDET

PETITION FOR AN EXTRAORDINARY WRIT
OF CERTIORARI TO THE SUPREME COURT
OF LOUISIANA NUMBER 2922-KH-00474,
COURT OF APPEAL-THIRD CIRCUIT No.
KW-21-00465, 15TH. JUDICIAL DISTRICT
NUMBER CR-48119-B:

MAY IT PLEASE THIS HONORABLE COURT:

Now before the Honorable Supreme Court of the United States of America comes the petitioner, Felton James Ledet, in proper person as his own pro-se counsel who shall request that this honorable court issue an order of remand to the Supreme Court for the State of Louisiana seeking a more positive response to the order that was issued by that Court

on January 18, 2023 (see exhibit "A"). The petitioner in this litigation shall address the constitutional facts that were mis applied based on primary legislation. This court shall be requested to look into legislation, Louisiana's Ninth Congressional Congress of 1983. The petitioner shall be addressing violations under the Constitution of the United States Amendment XIV where it states in part...

14Th. Amendment - U.S. Const.

..."No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; 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 laws. ..."

This courts attention is being requested to turn to Appendix "B" which holds a xerox copy of Louisiana's Constitution of 1974, Article Three(3), Section Twelve(12). This item is primary legislation that was to be respected in all forms of its application, which will be a key factor throughout this address for certiorary.

The petitioner shall prove that the State of Louisiana did make and enforce a law that abridge the privileges a citizen had in Louisiana during its 9Th. Congressional Congress naming Senate Bill 459 of 1983 as a Senate Bill that

changed the citizens of Louisiana rights to have a fairly selected and impaneled petit jury (see: Art. 799, La. C.Cr.P. Acts 495 of 1983). This will be up for later discussion. The fact stands alone that during the 9th. Congress of Louisiana the entire selection of a jury trial was tinted by the passage of Senate Bill 459 of 1983, the selection of any jury pool during that period was illegal according to Louisiana's Constitution of 1974, Article Three(3), Section Twelve(12) (see: attach~~1~~ law);

Based on the framers of our Constitution they took care to provide that the laws shall bind equally to all, and especially that those who make them shall not exempt themselves from their operation, and in this matter the Constitution of Louisiana's 1974 constitution clearly states that ;

Louisiana Constitution of 1974
Article III Legislative
Branch

Section 12(A) - Prohibitions. Except as otherwise provided in this constitution, the legislature shall not pass a local or special law.(La. Const.1974, Art.3 - Sec. 12):

STATUS OF THE CASE:

The petitioner in this matter filed a Post-conviction Application via his paid attorney, Mr. Justin Cain Herrell, Louisiana Bar No. 31471. The application was filed into the

records of the 15th. Judicial District Court, Parish of Lafayette, Louisiana. That matter was denied on May 3, 2021. Mr. Herrell then sought writs before the Court of Appeal, Third Circuit - State of Louisiana. A decision was rendered on January 19, 2022. The petitioner "without" counsel then filed pro se his request for Supervisory Writs to the lower State court in Louisiana's Supreme Court of Louisiana, No.2022-KH-00474. Louisiana's Supreme Court would not consider the application which was denied on September 7, 2022. The petitioner then filed a petition for rehearing/reconsideration which was also denied on January 18, 2023.

The petitioner is now before this court with a request to have this matter remanded based on violations of Louisiana's parliamentary proceedings of the 9th. Congressional Congress of 1983.

STATEMENT OF THE CASE:

The petitioner was arrested in January 1983 for a crime of 2nd. Degree Murder, La. R.S. 14:30.1. I elected a trial by petit jury. When I was arrested the law allowed me to have 12 peremptory challenges. When I went to trial I was denied four (4) challenges. There was an objection to this one violation. When my attorney challenged the change in peremptory challenges the trial judge denied the challenge. And based on the statute that was adopted in the constitution of 1974 which was a law of constitutional proportion which should have been applied to my criminal case.

JURISPRUDENCE:

The petitioner in this matter would like to turn this Court's attention to Louisiana's Constitution of 1974, Article Three(3), Section Twelve(12) Prohibited Local and Special Laws. This item of legislation prohibits the partial repeal or suspension of a general law. And in this matter there was a repeal of a general law under the original adoption of the Code of Criminal Procedure, Article 799. By the Office of Legislative Affairs suspending the original law violated the provisions of La. Const. Article 3, Section 12 in turn effected the petitioner. Article 799 was altered to the point if deprived all of the citizens of Louisiana the right to legally select petit jury. The application of Senate Bill 459 of 1983 to "any" Grand or Petit Jurors would be illegal from the 9th. Congress to the 11th. Congress of Louisiana. The selection process was tainted, it not only effected the petitioner but every citizen who appeared before the judiciary from 1983 to 1985.

The petitioner in this matter is requesting that the court take Judicial Notice of the provisions of Louisiana's Constitution of 1974. In the case of Marbury V. Madison, 5 U.S. 137, 2 L.Ed.60(1803) it was noted that where there is a legal right there is a legal remedy whenever that right is invaded. And to deprive the petitioner of the right to have a legally impaneled petit is a violation of his right to a fair trial.

The petitioner must assert that under the privilege section of the Jeffersons Manual of Parliamentary Practice, the acts of Louisiana's 9th. Congress did reach outside of the well established policies of Louisiana's Constitution of 1974. This allegation is supported by the fact that the item in question(Art.799) was repealed under Senate Bill 557 of 1985. Act 952 was introduced under Senate Bill 557 of 1985. (La.'s 11th. Congress). When primary legislation says "shall" that would be a mandatory language without any exceptions(see: La. C.Cr.P. Art.5). In the case of State V. Ledet, 458 So.2d 1025(1984) Assignment III there was a mis-application of Acts 495 which was never legally applicable to my petit jury.

The fact that the petit jury was within itself illegally sworn in according to the application of Louisiana's Const. of 1974, Article Three(3), Section Twelve(12)(A)(B) when a general law was repealed that would have made the entire petit jury pool venire unconstitutionally selected. In the matter of Ledet, supra there was an objection to the application of Senate Bill No. 459, Act 495 prior to trial. That objection was overruled based on procedure's. I was arrested January 8, 1983, Act 495 came into existence on July 6, 1983. Would Act 495 create a situation that would alter the outcome of my trial? The trial court applied a very clear and ambiguous law that did not apply to the petitioners trial. There is no doubt that the application of La. Code of Criminal Procedure, Article 799 of 1974 was not illegal within itself, it was a

statute that was adopted from Louisiana's Constitutional convention of 1974. Article 799, La. C.Cr.P. was at that time a clear and unambiguous law that was bonded by constitutional application which was to have been applied retroactively. In the absence of contrary legislation that expresses otherwise wise a well settled rule of statutory interpretation, procedural and interpretative laws apply both prospectively and retroactively unless they violate vested rights or obligations under Louisiana's Constitution of 1974. In the matter of Ledet, supra the only contrary legislation was that of the application of Acts 495 of 1983 when the number of peremptory challenges were reduced from twelve(12) to eight(8).

In the matter of Marbury V. Madison, 5 U.S. 137(1803) Mr. Madison was seeking his commission that was awarded to him, as in the case of Ledet, supra he has a right to the application of the law as it was instituted at the time of his arrest dated January 8, 1983. My right have been violated and the laws of the State of Louisiana must afford me a legal remedy. A vested legal right afforded by the 14Th. Amendment U.S. Constitution is warranted. The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right as in the instant. And one of the first duties of the government is to afford that equal protection of the laws in a very impartial manner to all.

SENATE BILL 557 of 1985:

The petitioner in this area shall address the merits of primary legislation of Louisiana's 11th. Congressional Congress of 1985 - Senate Bill 557 (Acts 952, § 1). - Number of peremptory challenges; TITLE XXVI TRIAL PROCEDURE, Louisiana Code of Criminal Procedure, Chapter 3 Trial by Jury-Section 2, Challenges - Article 799 Number of peremptory Challenges.

In this area of litigation the petitioner shall attempt to correctly address legislation of Louisiana's Constitution of 1974, Article III. The members of the House of Representatives for Louisiana adopted from there earlier Constitution of 1921 Article Four(4) - subsections 4,5 which in turn was addressed and was labeled Article 3, Section 12 - Prohibited Local and Special Laws. This item of legislation prohibit the legislature of Louisiana from repealing or suspending a general law.

This court is once again being requested to turn its attention to the case of State V. Ledet, 458 So.2d 1024(1985), Assignment of Error Three(3). By this assignment I, the petitioner objected to the reduction of the number of peremptory challenges he was allowed to have. Under the law of Louisiana's Constitution Article One, Section Seventeen - Jury Trial in Criminal Cases; that constitutional provision states in part as follows;

Louisiana's Constitution of 1974

Article One Section 17

Section 17(A) - Jury Trials in Criminal

Cases: "...The accused shall have a right to full voir dire examination of prospective jurors and to challenge jurors peremptorily.

The number of challenges shall be fixed by law. ..."

The law at the time of the commission of the noted offense the law states that ,I, the petitioner was to have Twelve Peremptory Challenges which was the general law in effect. The court found that the law in effect at that time was no longer applicable. This was a Constitutional statute that was adopted by a constitutional convention, it became a "general" law for the people of Louisiana, one that affected all of the State's citizens.

Louisiana's Congress convened for the 11th. Congress and Senator William Jefferson introduced Senate Bill 557 for consideration. The matter was placed before the full Senate, and the House of Representatives for a vote, the "Bill" was passed. It(the bill) was presented before the Criminal Justice Committee which approved the item of legislation(see: S.B. 557 attach) with instructions that ;

"...This bill restored the number of peremptory challenges allowed prior to 1983. In 1983 the number of challenges was reduced by the legislatures from 12 to eight. ..."

The matter then proceeded before the Senate Committee on Judiciary, Section C - May 14, 1985 the meeting went as noted;

Senate Bill No. 557 by Senator Jefferson

Senator Jefferson explained that this bill raises peremptory challenges from eight to twelve. Mr. Lewis O. Unglesby of the Louisiana Trial Lawyers spoke in support of the bill. Senator Jefferson moved that Senate Bill No. 557 be reported favorably, and without opposition it was so reported.

This court have before it a matter that deals with a petit jury selection process. The petitioner was deprived of the right to have four(4) peremptory challenges. His petit jury came back with a ten(10) guilty verdicts, and two(2) not guilty verdicts. The issue of a legally selected petit jury is the basis for this litigation. The entire petit jury venire that was composed under Acts 495 of 1983 was in fact illegal, it effected the petitioner who is addressing this issue of being deprived of the right to a fair trial by an impartial jury. La. Const. of 1974, Art. 1, Section 16 - Right to a Fair Trial states in parts as follows;

"Section 16 - Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred.,"

The decision that was rendered by the petit jury on October 14, 1983 was a decision by a petit jury that was unconstitutionally instituted according to La.'s Const. of 1974. The dispute was the application, but the remedy is the protection of Senate Bill 557 of 1985, Acts 952. The equal protection of the 14Th. Amendment in association with La.'s Const. 1974, Article 1, Section 3 - Right to Individual Dignity is what the petitioner is seeking. It has been noted by this court that "this solemn decision of the people should not be disturbed by the judiciary, whose role as a co-equal branch of government is to interpret the laws, not to announce policy more rightfully reserved to the legislature. La. Const. Art. II, §§ 1-2. And in the instant legislation is primary authority. Would it be fit for the court to set aside legislation and apply inappropriate unnecessary provision of repeal special laws? Statutes are generally presumed to be constitutional and when a party proves that the statute is primary legislation then those who oppose must prove by an abundance of proof that the assertion is false.

It has been noted that Louisiana jurisprudence prohibits courts from *sua sponte* striking down constitutional and statutory laws. All acts of legislation are constitutional until declared otherwise, a provision under the constitution is a more basic, fundamental provision than a statutory enactment. In fact if a proper evaluation of legislation would have been taken this matter would not be before the court at

this time. In the matter of Ledet, supra the appraisal of applying the provisions that were adopted from the 1921 Constitution was not properly evaluated. The State lower court knew that there was a change in the law due to legislation, I can stipulate for the record that whoever reviewed the briefs, memorandums, whether it was a law clerk, research clerk, the courts own writer, the librarian somebody did less legal research than what the petitioner did. With all due respect to the above members of the Department of Justice, the one subject matter of peremptory challenges was overlooked.

The petitioner must assert that when a law is clear and unambiguous and its application does not lead to absurd consequences, it shall be applied as written with no further inquiry made in search of the legislative intent, the court must take into account the basic history of the statute in addition the statutory or codal provision enacted by the legislature and not disregard the letter of the law.

In the matter of Ledet, supra the law that was applied Senate Bill 459 of 1983 was an ambiguous law. It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other the courts must decide on the operation of each. The case of Ledet, supra is a case on point due to the fact that there would be two different items of legislation that have been presented, legislation not evidence of other crimes.

CLOSING STATEMENT:

In concluding this address to the United States highest court, the petitioner shall request that this court take into legal consideration that he is not fully trained in the area of constitutional law, and as a laymen he can apply only the plain language doctrin in this litigation. Louisiana's laws were changed on the petitioner by the Office of Legislative Affairs, and after four decades of cruel, excessive and unusual punishment the petitioner is seeking not only the equal protection of the laws of the United States of America, but his freedom, liberty and his right to seek the justice he was was so deprived of. The Continental Congress of the Unitede States of America states "We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic Tranquility, provide for the commin defence promote the general Welfare, and secure the Blessings of Liberty to ourselfs and our Posterity, do ordain and establish this Constitution for the United States of America. ..."

The petitioner in this litigation could have addressed the cases this court have published on the unanimous jury issue, but this matter is not on the watershed rule, it exceeds the watershed exception. The illegally impaneling of a petit jury pool is the object of this litigation, not a jury verdict.

This court have addressed the cases of Ramos, supra; Teague's, supra; Edward, supra; Duncan, supra; Crawford, supra; and Batsen, supra. Not one of the above cases deal with a direct change in legislation. A direct application of a Congress that itself changed not procedure but the substantial application of legislation without a Constitutional Congress being assemble to amend the statutes, the alteration to the statute was so gross that in a committee meeting the notation had to be made that reenstated the rights of the citizens of Louisiana. The watershed rule that was addressed in the matter of Teague V. Lane, 489 U.S. 288, 109 S.Ct. 1060, 103 L.Ed.2d 334(1989) clearly states a new rule of law. In the case of Ledet, supra primary law, not a new rule of law is the subject question. The statutory law in question was illegally repealed in violation of the State's Const. . .

The petitioner shall pray that this matter is taken under advisement for consideration and further review, in order to maintain laws worth having and enforcing this court must continue to ensure the laws of this land can provide definitive answers to the questions a litigant like myself present. This is his final Prayer.

Dated this 31st. day of March, 2023.

Felton James Ledet #104002
Felton James Ledet
Pro se
Louisiana State Penitentiary
Camp "C" Bear One(1)
Angola, Louisiana
14. 70712
D.O.C. No.104002

APPENDIX "A"
TABLE OF CONTENTS

<u>ITEM:</u>	<u>PAGE:</u>
La.S.Ct. Rehearing Order No. 2022-KH-00474....	A-1
La.S.Ct. P.C.R. Order No. 2022-KH-00474.....	A-2
Ct. App.La.3Rd.Cir. P.C.R. No. KW-00465.....	A-3,4
15th. J.D.C. P.C.R. Court Order.....	A-5 to A-9
Certificate of Service.....	A-10

* * * * *

*(P.C.R. = Post Conviction Relief)

(J.D.C. = Judicial District Court)

(Ct. App.= Court of Appeal)

(La.S.Ct.= Louisiana Supreme Court)