

22-7767

No. _____

FILED
MAY 31 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Wesley S. Ricks — PETITIONER

(Your Name)

vs.

STATE OF LOUISIANA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS OF LOUISIANA SECOND CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Wesley Sinclair Ricks

(Your Name)

19544 TUNICA TRACE

(Address)

ANGOLA, LOUISIANA 70712

(City, State, Zip Code)

3183510227

(Phone Number)

1. WHETHER LOUISIANA REVISED STATUTES 14:42(A)(4)(2)(a) FIRST DEGREE Rape is a capital offense?
2. DO THE BILL OF INDICTMENT COUNTAINS MRS. JOURNAL OF OFFENSES; LOUISIANA REVISED STATUTES 14:42(A)(4)(2)(a) AND LOUISIANA REVISED STATUTES 14:93(A)(1)(D)(1)2 INDICTMENT QUASHED FOR MRS. JOURNAL OF OFFENSES?
3. DO DEFENDANT HAS THE RIGHT TO HAVE THE BILL OF INDICTMENT QUASHED FOR MRS. JOURNAL OF OFFENSES?
4. DO DEFENDANT RECEIVED A FAIR AND IMPARTIAL TRIAL?

QUESTION(S) PRESENTED

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:

RELATED CASES

STATE V. RICKS, NO. 12-1299, FOURTH JUDICIAL DISTRICT COURT
MOREHOUSE PARISH, STATE OF LOUISIANA JUDGMENT ENTERED
~~DEC. 12, 2013~~ JAN. 24, 2013

STATE V. RICKS, NO. 49,609, COURT OF APPEAL OF LOUISIANA,
SECOND CIRCUIT, JUDGMENT ENTERED JAN. 14, 2015.

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
KENNEDY V. LOUISIANA, NO. 07-343, SUPREME COURT OF THE UNITED STATES, JUDGMENT ENTERED JUN. 25, 2008.	
STATE V. MCZEAL, NO. 59072, SUPREME COURT OF LOUISIANA, JUDGMENT ENTERED MAY 16, 1977	
STATE V. JONES, NO. 31976, SUPREME COURT OF LOUISIANA, JUDGMENT ENTERED DEC. 31, 1945	

STATUTES AND RULES

LOUISIANA REVISED STATUTES 14:42(A)(4)(D)(2)(a) FIRST DEGREE RAPE
LOUISIANA REVISED STATUTES 14:93(A)(1)(D)(1) CRUELTY TO JUVENILES
LOUISIANA REVISED STATUTES 14:42(A)(2)(D)(1) FIRST DEGREE RAPE
LOUISIANA CODE OF CRIMINAL PROCEDURE ARTICLE 493. JOINDER OF OFFENSES
LOUISIANA CODE OF CRIMINAL PROCEDURE ARTICLE 493.2. JOINDER OF FELONIES;
FEDERAL RULES OF CRIMINAL PROCEDURE RULE 8.(a) JOINDER OF OFFENSES

OTHER

LOUISIANA CODE OF CRIMINAL PROCEDURE ARTICLE 532(3)
LOUISIANA CODE OF CRIMINAL PROCEDURE ARTICLE 485
LOUISIANA CODE OF CRIMINAL PROCEDURE ARTICLE 382

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 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 A to the petition and is

reported at STATE V. RICKS, 49609/LA, APP 201R, 1-14-15; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the PARISH OF MOROHOUSE, 4th JUDICIAL DISTRICT court appears at Appendix B to the petition and is

reported at STATE V. RICKS, 02-1299; 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 MAY 3, 2023.

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: MAY 26, 2023, and a copy of the order denying rehearing appears at Appendix A.

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 JANUARY 14, 2015. 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

LOUISIANA CONSTITUTION ARTICLE 1, SECTION 17 OF 1974
A CASE IN WHICH PUNISHMENT MAY BE CAPITAL SHALL
BE TRIED BY A JURY OF TWELVE JURORS, ALL OF WHOM MUST
CONCUR TO RENDER A VERDICT. A CASE IN WHICH THE
PUNISHMENT MAY BE CONFINEMENT AT HARD LABOR SHALL
BE TRIED BY A JURY COMPOSED OF SIX JURORS, ALL OF
WHOM MUST CONCUR TO RENDER A VERDICT.

LOUISIANA CODE OF CRIMINAL PROCEDURE ARTICLE 493
TWO OR MORE OFFENSES MAY BE CHARGED IN THE SAME INDICTMENT
OR INFORMATION IN A SEPARATE COUNT FOR EACH OFFENSE;
PROVIDED THAT THE OFFENSES JOINED MUST BE TRIABLE BY THE
SAME MODE OF TRIAL.

LOUISIANA CODE OF CRIMINAL PROCEDURE ARTICLE 493.2.
NOTWITHSTANDING THE PROVISIONS OF ARTICLE 493, OFFENSES
IN WHICH PUNISHMENT IS NECESSARILY CONFINEMENT AT
HARD LABOR MAY BE CHARGED IN THE SAME INDICTMENT OR
INFORMATION WITH OFFENSES IN WHICH THE PUNISHMENT MAY BE
CONFINEMENT AT HARD LABOR. CASES SO JOINED SHALL BE TRIED
BY A JURY COMPOSED OF TWELVE JURORS, TEN OF WHOM MUST
CONCUR TO RENDER A VERDICT.

STATEMENT OF THE CASE

ON JANUARY 24, 2013, THE PETITIONER, WESLEY S. RICKS
WAS INDICTED IN THE 4TH JUDICIAL DISTRICT COURT, PARISH OF
MOREHOUSE, STATE OF LOUISIANA, NO. 12-1299, OF FIVE COUNTS
OF FIRST DEGREE RAPE AND ~~CRUELTY TO JUVENILES~~ FOUR COUNTS
OF CRUELTY TO JUVENILES AND THE STATE FILED THE GRAND JURY
INDICTMENT AGAINST WESLEY S. RICKS.

ON AUGUST 26, 2013, THIS PETITIONER FILED HIS WRITTEN MOTION
TO QUASH THE GRAND JURY INDICTMENT FOR THE MISJOINDER OF
OFFENSES AND ON DECEMBER 12, 2013 PETITIONER WRITTEN
MOTION TO QUASH WAS DENIED BY THE STATE OF LOUISIANA.

A PETITION FOR WRIT OF REVIEW WAS MADE TO THE COURT OF
APPEAL OF LOUISIANA, SECOND CIRCUIT; SUPREME COURT OF LOUISIANA;
UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF LOUISIANA;
UNITED STATES COURT OF APPEALS FIFTH CIRCUIT; AND EACH REFUSED
TO REVIEW PETITIONER'S OBJECTIONS TO MISJOINDER. PETITIONER
NOW MAKES A PETITION FOR WRIT OF CERTIORARI TO THIS SUPREME
COURT OF THE UNITED STATES FOR RELIEF IN THE INTEREST OF
EQUAL JUSTICE UNDER THE LAW.

PETITIONER SUBMITS A COPY OF THE BILL OF INDICTMENT, AND
BILL OF PARTICULARS TO PROVE A MISJOINDER OF OFFENSES AND
TO SHOW THAT PETITIONER HAS THE RIGHT TO HAVE THE
BILL OF INDICTMENT QUASHED IN THIS MATTER.

REASONS FOR GRANTING THE PETITION

FREDDIE J. MCZEAL, AFRICAN AMERICAN MALE, DATE OF BIRTH IS MAY 28, 1950 AND WESLEY S. RICKS, AFRICAN AMERICAN MALE, DATE OF BIRTH: FEBRUARY 28, 1984 ARE SIMILARLY SITUATED.

A CAPITAL OFFENSE AND NONCAPITAL FELONY WERE JOINED IN THE SAME BILL OF INDICTMENT AGAINST FREDDIE MCZEAL AND HE FILED A MOTION TO QUASH AND THE SUPREME COURT OF LOUISIANA GRANTED FREDDIE MCZEAL'S MOTION TO QUASH.

A CAPITAL OFFENSE AND NONCAPITAL FELONY WERE JOINED IN THE SAME BILL OF INDICTMENT AGAINST WESLEY RICKS AND HE FILED A MOTION TO QUASH AND THE SUPREME COURT OF LOUISIANA DENIED WESLEY RICKS' MOTION TO QUASH.

THE CONVICTIONS AND SENTENCES OF FREDDIE J. MCZEAL WAS REVERSED AND THE CASES WERE REMANDED FOR SEPARATE TRIALS. THEREFORE, THE CONVICTIONS AND SENTENCES OF WESLEY S. RICKS SHOULD BE REVERSED AND THE CASES SHOULD BE REMANDED FOR SEPARATE TRIALS PURSUANT TO THE EQUAL PROTECTION OF THE LAWS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Wesley Sinclair Ricks

Date: June 1, 2023