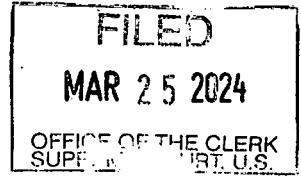


ORIGINAL

23-1064
No.

In The
Supreme Court of the United States



JUAN LUIS LEONOR,

Petitioner,

vs.

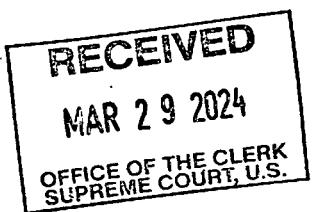
DIANA SABATKA-RINE, Interim Director of
Nebraska Department of Correctional Services,

Respondent.

**On Petition For Writ Of Certiorari
To The Nebraska Court Of Appeals**

PETITION FOR WRIT OF CERTIORARI

JUAN LUIS LEONOR, pro se
DOC# 54664
NEBRASKA CORRECTIONAL YOUTH FACILITY
2610 North 20th Street East
Omaha, Nebraska 68110



QUESTION PRESENTED

1. Whether, under the Due Process Clause of the 14th Amendment, Petitioner, imprisoned under a sentence imposed by a Nebraska Court, upon convictions of which the crime's criminal liability – as applied to him – was defined by a judicial legislation, may be discharged from imprisonment.

LIST OF PARTIES

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

RELATED CASES

- Leonor v. Sabatka-Rine, No. CI 23-895, District Court of Douglas County, Nebraska. Judgment entered on July 6, 2023.
- Leonor v. Sabatka-Rine, No. A-23-0539, Nebraska Court of Appeals. Judgment entered on September 14, 2023.
- Leonor v. Sabatka-Rine, No. A-23-0539, Nebraska Supreme Court. Judgment entered on October 30, 2023.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR A WRIT OF CERTIORARI

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

OPINIONS BELOW

The opinion of the highest state court (Nebraska Court of Appeals) to review the merits appears at Appendix A to the petition and is not reported. The opinion of the trial court appears at Appendix B to the petition and is not reported. The opinion of the state court (Nebraska Supreme Court) denying further review appears at Appendix C to the petition and is not reported.

JURISDICTION

The date on which the Nebraska Court of Appeals decided my case was on September 14, 2023. A copy of that decision appears at Appendix A. A timely petition for further review was thereafter denied on October 30, 2023, and a copy of the order denying further review appears at Appendix C.

An extension of time to file the petition for a writ of certiorari was granted on January 31, 2024, and the

time was extended until March 28, 2024, in Application 23A706.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONST. AMEND. XIV, § 1:

“No State shall . . . deprive any person of life, liberty, or property, without due process of law.”

U.S. CONST. ART. VI, CL. 2:

“This constitution, and the Laws of the United States which shall be the supreme law of the Land, and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.”

Neb. Const. Art. II, Sec. 1 (1):

“The powers of the government of this state are divided into three distinct departments, the legislative, executive, and judicial, and no person or collection of persons being one of these departments shall exercise any power properly belonging to either of the others except as expressly directed or permitted in this Constitution.”

Neb. Rev. Stat. § 28-304(1) & (2) (Reissue 1995 & 2016):

“A person commits murder in the second degree if he causes the death of a person intentionally, but without premeditation. . . . Murder in the second degree is a Class IB felony.”

Neb. Rev. Stat. § 28-305(1) & (2) (Reissue 1995 & 2016):

“A person commits manslaughter if he or she kills another without malice upon a sudden quarrel. . . .” Manslaughter is a Class IIA felony.”

Neb. Rev. Stat. § 28-105(1) (Reissue 1995 & 2016):

“For purposes of the Nebraska Criminal code . . . the following penalties . . . are authorized:

...

Class IB felony[:] Maximum – life imprisonment[,] Minimum – twenty years imprisonment[;]

Class IIA felony[:] Maximum – twenty years imprisonment[,] Minimum – none[.]”

STATEMENT OF THE CASE

This is the fifth time that Mr. Leonor seeks review in this Court from a judgment entered by the Nebraska Supreme Court in which the common denominator is State v. Ronald Smith, 282 Neb. 720 (2011). Although this is true, the legal aspect of the question at hand differs from the legal aspect of the questions that Mr. Leonor presented in the four previous petitions.

To be exact, the primary question in all four previous petitions was whether the Federal Constitution required Nebraska to apply its new rule announced in Ronald Smith retroactively to Mr. Leonor's case on collateral review. And to be sure, this primary question was decisive of any other secondary question raised in all four previous petitions.

The secondary question presented in the first and second previous petitions was whether the Federal Constitution allowed Mr. Leonor to collaterally attack the statute of his conviction as unconstitutional. See Leonor v. Frakes, 137 S.Ct. 668 (2017); Leonor v. Frakes, 139 S.Ct. 383 (2018). And as far as the third and fourth previous petitions is concerned, the secondary question presented was whether Mr. Leonor's convictions were insufficient under the 14th Amendment. In re Leonor, 142 S.Ct. 326 (2021); Leonor v. Nebraska, 144 S.Ct. 320 (2023).

Here, in his current petition, Mr. Leonor relies on Ronald Smith especially because in that holding it was revealed that the criminal liability of the crime of his conviction had been judicially legislated. Under that premise, the question here involves whether Mr. Leonor's sentences derived from an unconstitutional law in violation of the Due Process Clause of the 14th Amendment.

In 2000, Mr. Leonor was convicted by a jury of, among others but only relevant here, two counts of second degree murder in violation of Neb. Rev. Stat. § 28-304(1), and two counts of related charges of use of

a weapon. State v. Leonor, 263 Neb. 86, 92 (2002) (“docket 149 page 834”). For each of the murder convictions, Mr. Leonor received a sentence of 20 years to life imprisonment, and for each of the use of a weapon convictions, he received a sentence of 5 to 10 years’ imprisonment. Id. All sentences were ordered to run consecutively. Id.

On February 3, 2023, Mr. Leonor brought a state habeas corpus petition in the Douglas County District Court, in Nebraska. St. Hab. Pet., Case No. CI 23-895, pp. 1-28. The sole claim raised by Mr. Leonor was that he is entitled to be discharged from custody, St. Hab. Pet., 27-28, on the ground that the trial court lacked legal basis to impose sentence. St. Hab. Pet., 10-17. In particular, Mr. Leonor argued that the sentences had derived from an unconstitutional law. Id.

The foundational aspect of Mr. Leonor’s claim, as he argued it in his habeas petition at pp. 4-10, will be hereinafter summarized for simplicity as follows: Mr. Leonor’s claim involves the interplay of two criminal offenses: second degree murder (the offense of which he was convicted and sentenced for), and voluntary manslaughter (one of the two theories under Neb. Rev. Stat. § 28-305(1), to wit, manslaughter “upon a sudden quarrel”).

Since 1977, it has been the Nebraska Legislature’s intent that second degree murder and voluntary manslaughter operate as intentional killings and that they be distinguished by the presence or absence of a sudden quarrel provocation. Ronald Smith, 282 Neb. at

732; State v. Pettit, 233 Neb. 436, 469 (1989). Generally, if a person commits an intentional killing as the result of a sudden quarrel, the Nebraska Legislature's intent is that he or she be charged, convicted, and sentenced under voluntary manslaughter. Ronald Smith, *supra*; Pettit, *supra*.

However, the Nebraska Legislature's intent is different for the class of persons who commit an intentional killing as the result of a sudden quarrel, but whom the State charge with second degree murder. Under such circumstance, for a person to be held criminally liable of second degree murder, a jury shall consider "second degree murder simultaneously . . . [with] sudden quarrel manslaughter[.]" State v. Glass, 298 Neb. 598, 610 (2018). And consistent with that, the State must also prove, beyond a reasonable doubt, the absence of the sudden quarrel provocation. State v. Abdulkadir, 286 Neb. 417, 427-428 (2013) (holding, as the law, a jury instruction requiring the State to prove the lack of the sudden quarrel beyond a reasonable doubt in a second degree murder case).

Mr. Leonor's case falls within the class of persons that the State charges with second degree murder, but in which the State's evidence establishes that the intentional killing was the result of a sudden quarrel provocation, as he argued in his habeas petition, at 17-20. Yet, at the time that Mr. Leonor was charged, tried, convicted, and sentenced, the Nebraska Legislature's intent – as described above, and as argued in his habeas petition, at 10, 15, was not the law.

It was not the law because, from 1994 to 2011, voluntary manslaughter had been defined as an unintentional offense in State v. Jones, 245 Neb. 821, 830 (1994). Under Jones, therefore, the class of persons who committed an intentional killing as the result of a sudden quarrel provocation, but whom were charged with second degree murder, were held criminally liable under second degree murder.

Then, in 2011, the Nebraska Supreme Court announced, by admission, that, in Jones, it had “essentially” rewritten voluntary manslaughter, which, as that Court acknowledged it, it was constitutionally prohibited. Ronald Smith, 282 Neb. at 732. It is under this premise that Mr. Leonor brought his state habeas petition, and under which he now seeks review in this Court.

In his habeas petition, Mr. Leonor argued that the “Constitution of Nebraska, art. II, § 1 – Separation of Powers, . . . prohibited the Jones Court from judicially legislat[ing] the definition of the criminal liability of the interplay between [second degree murder and voluntary manslaughter].” St. Hab. Pet., 9. It was prohibited because “the judicial legislation of the Court in Jones[] had given an interpretation of the law contrary to the actual intent of the Legislature. . . .” St. Hab. Pet. 9. And since Mr. Leonor was convicted and sentenced under Jones’s definition of the law, then his sentences were prohibited by the “U.S. Constitution, amendment 14th – Due Process[.]” Therefore, Mr. Leonor sought to “be discharged because, under the . . . Due Process . . . [of the U.S. Constitution], the trial

court had no legal basis to have imposed sentence on the convictions under the statute of conviction that had been defined by the judicial legislation in State v. Jones." St. Hab. Pet., 21-22; 10-13 (lack of subject-matter jurisdiction); 13-17 (lack of legal basis).

On July 6, 2023, the state habeas court denied relief. Appendix B. In so doing, that Court found:

Leonor argues that his convictions and sentences for the two counts of second degree [murder] are void because the Nebraska Supreme Court has changed their interpretation of the crime of manslaughter. In [Ronald Smith] . . . the Nebraska Supreme Court overruled their previous decision in [Jones] . . . , and held that manslaughter is the intentional killing upon a sudden quarrel[.] The Court fails to see how this makes Leonor's convictions for second degree murder void. [Citing to State v. Glass, *supra*]

Appendix B, 2.

In other words, the state habeas court denied relief reasoning that Mr. Leonor could not have relied on Ronald Smith as the basis for relief because, in Glass, the Nebraska Supreme Court had already held that Ronald Smith does not apply retroactively to final cases. Appendix B, 2.

On appeal to the Nebraska Court of Appeals, Mr. Leonor again argued that:

The sentences are void because, by the Nebraska Supreme Court admitting in Ronald Smith that the interpretation given in Jones of the interplay between second degree murder and sudden quarrel manslaughter had been a judicial legislation and because the interpretation in Jones had been “the law upon which [he] was convicted and sentenced[,]” then, “under the . . . Due Process [Clause of the] . . . U.S. . . . Constitution[], the trial court had no legal basis to have imposed sentence[.]”

...

[The sentences] are void because the statement of law at the time he was charged, tried, and convicted was under Jones’s definition of the law[,] . . . [which] was prohibited by the . . . U.S. Constitution, Amendment 14th – Due Process Clause.

Brief of Appellant, Case No. A-23-0539, at 19 & 27.

The State filed a Motion for Summary Affirmance. In it, the State argued that Mr. Leonor ha[d] not shown that the district court lacked jurisdiction over the offenses, . . . or lacked lawful authority to sentence him.” Mot. Summ. Aff., Case No. A-23-0539, at 3. In support, the State argued that the sentences were not void because “the changes announced in [Ronald] Smith do not apply retroactively to final convictions.” Mot. Summ. Aff., at 3.

On October 30, 2023, the Nebraska Supreme Court denied further review. Appendix C.

Mr. Leonor now seeks review in this Court from the judgment below.

REASONS FOR GRANTING THE WRIT

I. THIS COURT HAS CLEARLY ESTABLISHED THAT THE CONSTITUTION PROHIBITS A STATE COURT FROM IMPOSING A SENTENCE THAT DERIVED FROM AN UNCONSTITUTIONAL LAW

“[I]f the laws are unconstitutional and void, the circuit court acquired no jurisdiction of the causes.” Ex parte Siebold, 100 U.S. 371, 376-377 (1880).

“[T]he same logic,” this Court has held, “governs a challenge to a punishment that the Constitution deprives states of authority to impose.” Montgomery v. Louisiana, 577 U.S. 190, 203 (2016) (citing Penry v. Lynaugh, 492 U.S. 302, 330 (1989) and Friendly, Is Innocence Irrelevant? Collateral Attack On Criminal Judgments, 38 U. Chi. L. Rev. 142, 151 (1970)). Also, this Court has held that “[i]f the law which defines the offense and prescribes its punishment is void, the court [is] without jurisdiction, and the prisoners must be discharged.” Ex parte Yarbrough, 110 U.S. 651, 654 (1884).

Moreover, “[u]nder the Supremacy Clause of the Constitution, state collateral review courts have no

greater power than federal courts to mandate that a prisoner continue to suffer punishment barred by the Constitution.” Montgomery, 577 U.S. at 204.

II. MR. LEONOR’S INCARCERATION IS IL-LEGAL BECAUSE THE TRIAL COURT HAD NO SUBJECT-MATTER JURISDICTION OR LEGAL BASIS TO HAVE IMPOSED SENTENCES THAT DERIVED FROM AN UNCONSTITUTIONAL LAW

A. The Sentences Imposed Upon Mr. Leonor Derived From An Unconstitutional Law

Since 1977, it has been the Nebraska Legislature’s intent that the offense of second degree murder under Neb. Rev. Stat. § 28-304(1), which is the offense that Mr. Leonor was convicted of, and manslaughter upon a sudden quarrel (which is one of the two offenses under Neb. Rev. Stat. § 28-305(1), also known as “voluntary manslaughter”), are to operate as *intentional* killings. Ronald Smith, 282 Neb. at 725, 732; State v. Pettit, 233 Neb. at 460. “[T]he only element that distinguishes [them] . . . is the element of the sudden quarrel. . . .” State v. Jones, 245 Neb. at 829 (citing Pettit).

Generally, one who commits an intentional killing as the result of a sudden quarrel provocation, he or she is guilty of voluntary manslaughter, which is a Class IIA felony, see Neb. Rev. Stat. § 28-305(2), and carries a punishment of no more than 20 years’ imprisonment. See Neb. Rev. Stat. § 28-105(1).

However, in the circumstances in which a defendant commits an intentional killing as the result of a sudden quarrel provocation, but yet he is charged with second degree murder instead, the Nebraska Legislature's intent promises that a person shall not be held criminally liable of second degree murder unless "a jury [is] given the option to convict of second degree murder or voluntary manslaughter upon its resolution of the fact issue regarding provocation." State v. William Smith, 284 Neb. 636, 656 (2012). This means that the State is required to prove the absence of the sudden quarrel provocation beyond a reasonable doubt, State v. Abdulkadir, 286 Neb. at 427-428, as an "additional element." State v. Hinrichsen, 292 Neb. 611, 634 (2016). The intent of the Nebraska Legislature in this set of circumstances is legally bound because second degree murder is a Class IB felony, see § 28-304(2), and carries a significant punishment of 20 years to life imprisonment. See § 28-105(1).

Mr. Leonor's case falls within the category of persons who get charged with second degree murder, but in whose case the State's evidence established that the intentional killing was the result of a sudden quarrel provocation, a showing that he will make further below. Yet, the Nebraska Legislature's intent for the category of persons as Mr. Leonor, was absent when he was held criminally liable for second degree murder.

The Legislature's intent was absent in Mr. Leonor's case because, in 1994, six years before Mr. Leonor was charged, tried, convicted, and sentenced, the Nebraska

Supreme Court had judicially legislated the interplay between second degree murder and voluntary manslaughter, by making voluntary manslaughter an *unintentional killing*. Jones, 245 Neb. at 830 (“... there is no requirement of an intention to kill in committing manslaughter. The distinction between second degree murder and manslaughter upon a sudden quarrel is the presence or absence of an intention to kill.”). In other words, under Jones, an intentional killing as the result of a sudden quarrel constituted only second degree murder.

Nevertheless, in 2011, in Ronald Smith, the Nebraska Supreme Court admitted that in Jones it had judicially legislated the offense of voluntary manslaughter. Ronald Smith, 282 Neb. at 732 (citing § 28-305(1)). It is under this premise, that is, the judicial legislation in Jones – as applied to Mr. Leonor’s case, that he argues that his sentences were imposed based on an unconstitutional law.

The judicial legislation in Jones was an unconstitutional law because it was prohibited by the Separation of Powers of the Nebraska Constitution, art. II, § 1. See Ronald Smith, 282 Neb. at 732 (“It is the province of the Legislative branch, not the judiciary, to define criminal offenses within constitutional boundaries. “[J]udicial construction is constitutionally permissible, but judicial legislation is not.””) (original internal quotations). Indeed, “under Nebraska law all crimes are statutory and no act is criminal unless the Legislature has in express terms declared it to be so.” State v. Burlison, 255 Neb. 190, 194 (1998).

It follows that, given the judicial legislation in Jones, it was not then the Nebraska Legislature that had defined the criminal liability for the category of persons, as Mr. Leonor, who was charged with second degree murder but committed an intentional killing as the result of a sudden quarrel. For those reasons given above, therefore, the sentences imposed upon Mr. Leonor derived from an unconstitutional law.

B. The Trial Court Had No Legal Basis To Impose Sentence Against Mr. Leonor From An Unconstitutional Law

An “unconstitutional law is void, and is as no law.” Montgomery, 577 U.S. at 204 (quoting Ex parte Siebold) (original quotations). And “if the laws are unconstitutional and void, the circuit court acquired no jurisdiction of the causes.” Ex parte Siebold, 100 U.S. at 376-377.

Here, as previously argued, the law that defined the criminal liability for the class of persons who get charged with second degree murder but who committed an intentional killing as the result of a sudden quarrel provocation, was judicially legislated in Jones and was contrary to the Nebraska Legislature’s intent. As such, that law was unconstitutional and void.

Mr. Leonor was charged, tried, convicted, and sentenced under that unconstitutional law. However, he argues that the Due Process Clause of the 14th Amendment prohibited the imposition of those sentences because they were product of an

unconstitutional law. For those reasons, therefore, Mr. Leonor asks the Court to hold that the trial court was either without subject-matter jurisdiction or without legal basis to have impose sentences upon him on the convictions for second degree murder and the related sentences for the convictions of use of a weapon.

C. The State's Evidence In Mr. Leonor's Case Established That The Intentional Killing Was The Result Of A Sudden Quarrel Provocation

In Nebraska, a "sudden quarrel provocation" is defined as follows:

A "sudden quarrel" is a legally recognized and sufficient provocation which causes a reasonable person to lose normal self-control. It does not necessarily mean an exchange of angry words or an altercation contemporaneous with an unlawful killing and does not require physical struggle or other combative corporal contact between the defendant and the victim. The question is whether there existed reasonable and adequate provocation to excite one's passion and obscure and disturb one's power of reasoning to the extent that one acted rashly and from passion, without due deliberation and reflection, rather than from judgment.

See State v. Trice, 286 Neb. 183, 190 (2013) (original internal quotations).

Based on the State's evidence alone, Mr. Leonor's case fits squarely under the definition of "sudden quarrel provocation." That is, as will be shown below, the State's evidence establishes that there was a provocation and that there existed no pause in the line of events between the provocation and the very act causing death.

The State's evidence showed that "[s]ince the middle of 1998, there was a marked increase in violence in South Omaha[, Nebraska] involving Lomas and Surenos [gangs]." Trial Transcript, 44. As an example of the extent of violence involved, the State offered testimony that a mother of one of the Surenos members had been shot by a Lomas member. Trial Transcript, 114. Also, the State offered evidence showing that gang members "do violent crimes such as homicides or drive-by shootings." Trial Transcript, 42.

The State's case in chief was that the victims were members of the Lomas gang, and Mr. Leonor and his co-defendant, David Gonzales, were members of the Surenos gang. That, on the night of the incident, Mr. Leonor and Gonzales were driving in Mr. Leonor's car, and the victims in their respective car. Then, at a street intersection, both the victims and Mr. Leonor and Gonzales encountered each other upon which "they all looked at each other[.]" State v. Leonor, 263 Neb. at 95 (testimony of State witness Jose Hernandez). At this point, the victims threw "a Lomas gang sign at" Mr. Leonor and Gonzales. Id. (testimony of State witness Gerardo Ortiz).

Suddenly, led by the victims' provocation, Mr. Leonor got "in front of the [victims'] car to block their way. When [the victims] tried to reverse Leonor reversed and got right beside [them]. Gonzales then shot his gun at the [victims]. Leonor raced the [victims'] car down the street until it crashed." See Leonor, 263 Neb. at 95-96 (testimony of Jose Hernandez). Above all, the State established that, because of the victims' provocation of throwing rival gang signs at Mr. Leonor and Gonzales, it was the reason that Mr. Leonor and Gonzales "did what they did." Trial Transcript, 181.

In affirming Mr. Leonor's convictions and sentences, the Nebraska Supreme Court held:

We determine that the evidence was sufficient to support the guilty verdicts. The evidence showed that Leonor . . . and Gonzales had shot someone who had thrown a Lomas gang sign at them; . . . They began to follow the victims' car aggressively and chased the victims' car, shooting at it, until the victims' car hit the pole.

Leonor, 263 Neb. at 97.

In sum, the evidence presented by the State, and unrebutted in the proceedings below, showed that the killing was the result of a sudden quarrel provocation. That is, the State's evidence established that the victims provoked Mr. Leonor and Gonzales. Also, the provocation, the shooting, and the car chasing until the victims' car crashed, were all in one line of continuous

events in which there was no pause or time for reflection.

Moreover, the State's evidence established that Mr. Leonor and Gonzales had acted from passion. That is, given the circumstances in that there was an ongoing warfare between the victims' gang and Mr. Leonor's gang, the victims' provocation could have meant that they wanted to shoot or kill Mr. Leonor and Gonzales, for "it is common knowledge that gang members have guns, that gang members use guns." State v. Foster, 286 Neb. 826, 850 (2013). Stated differently, the State's evidence established that Mr. Leonor and Gonzales had acted with passion to the victims' provocation.

Therefore, the State's evidence established that the intentional killing was the result of a sudden quarrel provocation.

For the reasons given above within Section II, Mr. Leonor's incarceration is in violation of the Due Process Clause of the 14th Amendment. The sentences imposed upon him for the convictions of second degree murder were the product of an unconstitutional and void law. Under those circumstances, the trial court was either without subject-matter jurisdiction or lacked legal basis to have imposed those sentences.

III. THE NEBRASKA COURT OF APPEALS ERRED IN DENYING MR. LEONOR'S FEDERAL CLAIM BASED ON THE NON RETROACTIVITY OF RONALD SMITH UNDER STATE LAW

The non retroactive change in Ronald Smith involves a jury instruction. Glass, 298 Neb. at 610 ("it is improper for a jury to consider second degree murder without simultaneously considering sudden quarrel manslaughter. . ."). This change, as a matter of state law, was found to be no retroactive to final cases. Id.

The non retroactivity of Ronald Smith's jury instruction was used by Nebraska courts to deny Mr. Leonor's claim. Appendix B, 2 (the trial court applied Glass); Appendix A (the Nebraska Court of Appeals affirmed the State's proposed argument that the changes in Ronald Smith were non retroactive in final cases, Mot. Summ. Aff., 3); Appendix C (on further review, the Nebraska Supreme Court upheld the Nebraska Court of Appeals' judgment).

Contrary to the Nebraska courts' approach, Mr. Leonor's claim is purely a federal one. Within his claim, Mr. Leonor did not ask Nebraska courts to apply Ronald Smith's jury instruction in his case. Rather, Mr. Leonor relies on Ronald Smith solely as being a substantive decision in which the judicial legislation in Jones was invalidated.

This Court has held that “[a] sentence imposed in violation of a substantive rule is not just erroneous but contrary to law and, as a result, void[.]” See Montgomery, 577 U.S. at 203 (citation omitted). Consistent with that, under the Federal Constitution Nebraska courts have “no authority to leave in place a . . . sentence that violates a substantive rule, regardless of whether the . . . sentence became final before the rule was announced.” Id.

It was thus error of the Nebraska Court of Appeals to deny Mr. Leonor’s federal claim on the basis of the non retroactivity of Ronald Smith’s jury instruction.

CONCLUSION

For the reasons stated above, Mr. Leonor respectfully prays this petition for a writ of certiorari be granted; that the judgment below be reversed; and that this Court order the release of Mr. Leonor from custody on the sentences imposed against him for the convictions of second degree murder and related charges, or as this Court may deem just and equal.

DATE: March 25, 2024

Respectfully submitted,

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