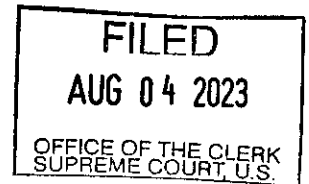


23-5372

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

Larry David Davis — PETITIONER
(Your Name)

vs.

Amy Jackson Douglas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS for the 8th Cir
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Larry David Davis
(Your Name)

880 East Gaines
(Address)

Dermott, ARKANSAS 71638
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. whether Public defenders act under the color of state law for assuming responsibility for having their client fingerprinted and investigated in court for the state prosecutors when the client have never been served a warrant, and there is no probable cause?

2. whether Public defenders get absolute immunity for directing police to gather illegal evidence from a client in court for investigation for the state prosecutors to gain a tactical advantage against their client?

3. whether Davis' Public defender was suppose to have Davis fingerprinted and investigated on February 5th, of 2019 for the prosecution on Davis' set trial day, then after the fingerprinting continue Davis' trial date for 4 months for the state prosecutors over Davis' objections?

QUESTIONS PRESENTED

4. Will you Junction and Consolidate this Davis V. Douglas case with Davis V. Payne rule 37 Petition for Post conviction relief 2254 Habeas Corpus case?

5. Whether Larry Davis Public defender was suppose to be influenced by the prosecutor to have Davis fingerprinted in court then investigated, or was Davis Public defender suppose to act in opposition to the prosecutors fingerprinting and investigation inside the courtroom, without Davis ever being served a warrant for the charges, while there was no probable cause?

6. Whether a public defender who act in concert with the prosecutors in depriving a defendant of his fourth amendment right in court by having the defendant fingerprinted by the investigating police officer and investigated for clues and evidence of a theft get absolute immunity?

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APPENDIX A Judgement of the 8th circuit court of appeals Affirmed

APPENDIX B order of the U.S. District Court of Arkansas Dismissed without prejudice.

APPENDIX C

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APPENDIX E

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Polk County v. Dodson 445 U.S. at 334

Tower v. Glover 467 U.S. at 921

Dennis v. Sparks 449 U.S. at 28 at 29

Briscoe v. Lahue, 460 at 39

STATUTES AND RULES

OTHER

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:

Amy Jackson Douglas, Deputy Public Defender.

William R. Simpson, Jr, Chief Public Defender.

Kent C. Krause, Public Defender.

RELATED CASES

Davis, V. Payne, 421-CV-00462-KGB

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 B 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 _____ 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 May 10, 2023.

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

I sent petition to U.S. District Court on time and District Court sent it back to me a week later.

☐ 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).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment 4. The right of the people to be secure in their person houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or thing to be seized.

Amendment 14 All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the the privileges or immunities of citizens of the United States, nor shall any state deprive any person

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protections of the laws Amendment 14.

Amendment 5: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury except when in cases arising in the land or naval forces or in militia, nor shall be compelled to be a witness against himself in any criminal case, nor be deprived of life, liberty, or property, without due process of law.

STATEMENT OF THE CASE

on the 5th, day of february 2019 Larry Davis Public defender Mrs Amy Jackson Douglas intentionally deprived Larry Davis of his fourth Amendment right not to be subjected to being fingerprinted and investigated inside 7th Division 6th circuit courtroom for the state prosecutors on the Day of Larry Davis set trial Date of february 5th, of 2019, without Larry Davis ever being served a warrant for these charges, and when there was no probable cause for this fingerprint investigation. then Davis Public defender continued Davis trial for four month later until June 5th, of 2019 for the state prosecutors. See COURT Appearance transcript of february 5th, 2019.

STATEMENT OF THE CASE

There was a prior agreement made to decide in favor of the State prosecutors in advance of Larry Davis Court appearance to subject Davis to a fingerprint investigation for the State prosecutors because Larry Davis refused to plead guilty to a theft that he said that he did not commit, which Ryan Childers the investigating officer alleged occurred in Lonoke County, at 8106 T.P. White Drive Cabot, ARKANSAS 72023.

for prior order made in advance see Exhibit Z1, and Exhibit 33, Larry Davis was not there for this prior agreement made to compel fingerprint samples, which was made February 4, of 2019. The State prosecutors Scott Duncan The Deputy Prosecutor, and Larry Davis Public defender Amy Jackson Douglas both reached an understanding with Judge Barry A. Sims to fingerprint and investigate Davis February 4, 2019 to predetermine the outcome of a court appearance held for Larry Davis to violate Larry Davis fourth Amendment right, *Tower V*

STATEMENT OF THE CASE

Glover 467 914, 104 S.Ct. 2820, 81 L.Ed.2d 758 (1984). A private person acts under color of State law when engaged in a conspiracy with State officials to deprive another of federal rights. *Pennis v. Sparks* 449 U.S. 24, 101 S.Ct. 183, 66 L.Ed.2d 185 pp. 919-920, say that State public defenders are not immune from liability under 1983 for intentional misconduct by virtue of alleged conspiratory action with State officials to deprive clients of federal rights. *Tower v. Glover* 467 U.S. at 921, *Briscoe v. Lohue* Supra 460 at 339-329 103 S.Ct. at 1115-1117 the United States Supreme Court concluded that public defenders have no immunity from 1983 for intentional misconduct with State officials to deprive clients of their constitutional rights. The District court erred in their order that Public defenders is entitled to absolute immunity in Davis

STATEMENT OF THE CASE

CASE, because Larry Davis Public defender was engaged in a conspiracy with the state prosecutors in Davis case to deprive Davis of his federal Fourth Amendment right to the united States constitution to not be fingerprinted and investigated without ever being served a warrant, without probable cause, Larry Davis has never been arrested. The Affidavit supplied by the Deputy prosecuting attorney Nathan McCarroll show and describe that there was no probable cause, on page 2 of 3 of the Prosecuting attorney affidavit, the third line state that the suspect was 6 Ft tall and 2 hundred and 30 pounds, on line 20 state that the crime lab analysis did not yield any suspect identification. line twenty nine state that no leads were developed from the Bolos, therefore the case was inactivated. Then fourteen months later July 20th of 2018 The prosecutor filed a information on no probable cause, then February 5th of 2019

STATEMENT OF THE CASE

The state prosecutors influenced Larry Davis Public defender fingerprint and investigate Davis inside of 7th Division 6th circuit crowded courtroom where the prosecutor Affidavit state on the 3rd line of page 2 of 3 that the black man was 6 feet tall and 2 hundred and 30 pounds. Larry Davis is a black man but his height is 5 feet 7 inches, and Davis weight is 1 hundred and 90 pounds. See Larry Davis drivers license, Larry Davis is from Memphis, Tennessee and was illegally taken from his home and brought to Clark County Arkansas Jail May 19, of 2017 four month after this alleged theft occurred. This fingerprinting investigation that took place inside 7th Division 6th circuit courtroom in Pulaski County that Amy Jackson Douglas subjected Larry Davis to was not a Public defender's traditional function as a counsel to a defendant in a Criminal Proceeding

STATEMENT OF THE CASE

The state prosecutors had no right to direct Larry Davis public defender to assume responsibility for having Larry Davis fingerprinted and investigated for the state prosecutors in 7th Division 6th circuit crowded courtroom by the investigating officer Ryan Childers:

See Court appearance transcript of February 5th, of 2019: where Larry Davis Public defender Mrs Amy Jackson Douglas told the Judge Barry Sims: your honor, we are set for trial today in 2635 on line 23, 24, and line 25, on page 7 of Davis court appearance: Amy told the judge that the State has requested and Done an order and it has been completed to get the defendant's fingerprints, after Amy Jackson Douglas had directed Ryan Childers from Jacksonville, AR to Little Rock, AR Pulaski County crowded courtroom, and the investigating officer Ryan Childers had completed fingerprinting Larry Davis at the
Page 6.

STATEMENT OF THE CASE

direction of Larry Davis court appointed Public defender. next on Page 8, line 2, 3, 4 and line 5, Larry Davis court appointed Public defender told the Judge Barry Sims: The State is requesting a continuance in 2635, this case on petition for certiorari. And Speedy trial is not an issue. I think they want a may date. Larry Davis court appointed attorney continued Davis trial date in this case until four months later from February 5, of 2019 until June 5, of 2019 over Davis objection to the fingerprinting investigation, and continuance for the State prosecutors, Larry Davis hey your honor, on page 9, line 12, 13, 14 Larry Davis told the judge at his court appearance on February 5th, 2019 after his Public defender Subject Davis to getting fingerprinted in court, Hey your honor, They had just took my fingerprints in your courtroom, That aint legal, is it? The Judge told Davis what now on line 15, Davis then told

STATEMENT OF THE CASE

the judge on page 9, line 16, 17, 18, They said that's how they got my probable cause because they had got my fingerprints and then they just took my fingerprints in your courtroom. That's against the constitution, fourth Amendment, isn't it? on page 10 line 1, 2, The judge told Davis: There's nothing wrong with that. Why would you think that's unconstitutional?

Larry Davis court appointed attorney told the judge on page 10, line 8, 9, and line 10, I tried to explain to the defendant that is not in Violation of any of his rights. Amy, Judge Barry Sims, and the state prosecutors came to a mutual understanding, and a agreement to fingerprint and investigate Davis, they all shared the same conspiratorial objective to fingerprint and investigate Davis inside 7th Division 6th circuit pulaski County courtroom on 2-5-19 without Davis ever being served a warrant, and without probable cause to accomplish a unlawful plan, in Violation of the fourth

STATEMENT OF THE CASE

Amendment, and to deprive Larry Davis of his fourth Amendment right to the United States Constitution intentionally, Larry Davis court appointed Public defender Mrs Amy Jackson Douglas, and Judge Barry A. Sims, and the prosecutors knew that they was violating a constitutional right of Larry Davis that was clearly established, at the time that they fingerprinted and assumed responsibility for investigating Larry Davis in court on February 5, 2019. Larry Davis court appointed Public defender was not entitled to absolute immunity. The Public defender is obligated to serve the undivided interest of his client Glover V. Tower, 700 F.2d 556, 599 (9th Cir 1983) for this reason Public defenders is not a state actor capable of being sued under Section 1983, so long as the Public defender performs a traditional role of an attorney for his client, Davis did not have the assistance of his Public defender guaranteed by 6th amend.

REASONS FOR GRANTING THE PETITION

The reason Larry Davis should be granted certiorari is because the United States district court judge decision and order that court appointed attorney's is entitled to absolute immunity is in conflict with United States Supreme Court decision in Polk County v. Dodson 445 U.S. at 334: that a public defender may act under color of state law when performing unspecified administrative and investigative functions or even acting as an advocate if his conduct is nontraditional, or if the plaintiff pleads and proves that the state influenced the attorney's representation. Larry Davis made claims on pages 8 through page 11, stating that Davis court appointed attorney Amy Jackson Douglas on February 5, 2019 assumed responsibility for having Larry Davis

REASONS FOR GRANTING THE PETITION

Fingerprinted in the courtroom and investigated for the state prosecutors on Davis scheduled set trial date without Davis ever being served a warrant for these charges, and without probable cause, Then Larry Davis court appointed attorney Mrs Amy Jackson Douglas continued Davis trial for four months later until June 5, 2019, for the state prosecutors over Davis objections to the fingerprinting in court, and over Davis objection to Amy Jackson Douglas to the continuance of Larry Davis trial. Larry Davis had been asking for a fast and speedy trial, it had already been two years since the warrants issued on May of 2017, but the warrants were never served on Davis, on 5-22-2017 while Davis was in the custody of Clark County Arkansas Jail, Christopher Hicks a Jacksonville detective had notified Jacksonville Police Department warrants Division and a hold was placed on Davis. The warrants was never served on Davis see Add. 16, Larry Davis court appointed Amy Jackson

REASONS FOR GRANTING THE PETITION

Douglas refused to make Davis' Speedy trial motions to the judge for Davis, although Davis' court appointed attorney Amy Jackson Douglas knew that the State prosecutors was in violation of Larry Davis' fifth AMENDMENT due process for the fourteen month delay of the warrants and between the filing of the prosecutor's information that was filed on July 20, 2018, instead of Amy filing Davis' Speedy trial due process motion Davis' court appointed attorney Amy Douglas had assumed full responsibility for having Larry Davis fingerprinted inside of 7th Division 6th circuit courtroom by Detective Ryan Childers the investigating officer of the Jacksonville Police department on February 5, 2019 for the State prosecutors, to help the State prosecutors gain a tactical advantage against Davis. Investigating Davis on his trial day by directing the detective on the case to come and meet Davis in the courtroom, and arranging for Davis to be brought to the courtroom to be fingerprinted

REASONS FOR GRANTING THE PETITION

and investigated for the prosecutors, and having Davis a court appearance just for to be fingerprinted and investigated is not where the public defender performs a lawyer's traditional function as counsel to a defendant in a criminal proceeding.

The second reason Larry Davis's petition should be granted certiorari is The United States District Court Judge also entered a decision in conflict with the decision of the United States Supreme Court in *Tower v. Glover*, 467 at 921 that public defenders have no immunity from 1983 liability for intentional misconduct. No immunity for public defenders as such existed at common law in 1871. at 922 *Tower v. Glover*, 467 at 922 Immunity would not have covered a conspiracy by defense counsel and other state officials to secure the defendant's conviction. The threat of 1983 actions based on alleged conspiracies among defense counsel and other state officials may deter counsel from engaging

REASONS FOR GRANTING THE PETITION

in activities that require some degree of cooperation with prosecutors negotiating pleas, and expediting trials and appeals, and so on. In Larry Davis case on certiorari The state prosecutors influenced Davis court attorney appointed by the circuit court Amy Jackson Douglas intentionally on behalf of the state prosecutors to deprive Davis of his fourth Amendment right by fingerprinting and investigating Larry Davis inside the circuit courtroom without probable cause, and without Davis ever being served a warrant, and this fingerprinting investigation was not a lawyers traditional function, of entering pleas, making motions, and objecting at trial, or cross examining witnesses or making closing arguments. Amy Jackson Douglas was acting under the color of state law, she never pursued motions for no search warrant, and no probable cause, or the wrong jurisdiction, or speedy trial fifth Amendment due process, Amy worked hand and hand with the state, and provided no assistance for Davis.

I hope and pray this Court stand by the
court decision in Polk County V. Dodson 445
U.S. at 334 and find that Davis Public defender
acted under color of state law when performing
investigative functions on February 5, 2019 in court
for the state prosecutors when fingerprinting Davis
and reverse. **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Larry David Davis

Date: August 4, 2023