

23-5778

No. \_\_\_\_\_

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

SEP 01 2023

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Larry David Davis — PETITIONER  
(Your Name)

vs.

Dexter Payne — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Larry David Davis  
(Your Name)

860 East Gaines  
(Address)

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

\_\_\_\_\_  
(Phone Number)

## QUESTION(S) PRESENTED

1. Whether Larry Davis was prosecuted in the wrong geographical and territorial jurisdiction?

2. Whether Larry Davis plea was intelligently and knowingly and voluntarily made?

3. Whether Larry Davis was coerced into pleading guilty?

4. Whether Larry Davis should have been allowed to amend his 2254 petition in the District court to add that his plea was not knowingly and intelligently made, and coerced plea, and to delete his unexhausted claims and to proceed with his exhausted claims in the United States District court?

## QUESTIONS PRESENTED

5. Whether Larry Davis Court appointed Public defender provided Larry Davis any assistance at all in this case?

6. Whether the Boykin, V. Alabama 395 U.S. at 242, and the McCarthy V. United States, 394 U.S. 459, 89 S.Ct. 1166, 22 L.Ed.2d 418 rule of When a guilty plea is accepted have to be afforded rule 11 procedural safeguards of Fed. rules, of crim. procedures rule 11(c) apply to Larry Davis?

7. Whether Larry Davis was entitled to a evidentiary hearing in the State courts, ~~to~~ determined the territory and geographical jurisdiction?

8. Whether Larry Davis was entitled to a evidentiary hearing to determine if his plea was intelligently and understandingly made of his constitutional rights being waived?

## 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

Larry David Davis V. Amy Jackson  
Douglas, et al case no. 4:21-cv-00360-K  
G.B. on certiorari to Docket in U.S.S.C.

Larry David Davis V. Cargile no 23-  
5204 on Docket in U.S.S.C.

## TABLE OF CONTENTS

|                                                        |   |
|--------------------------------------------------------|---|
| OPINIONS BELOW.....                                    | 1 |
| JURISDICTION.....                                      | 2 |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED ..... | 3 |
| STATEMENT OF THE CASE .....                            | 4 |
| REASONS FOR GRANTING THE WRIT .....                    | 5 |
| CONCLUSION.....                                        | 6 |

## INDEX TO APPENDICES

|            |                                                                                          |
|------------|------------------------------------------------------------------------------------------|
| APPENDIX A | <u>May 3, 2023 8th circuit dismissed petition.</u>                                       |
| APPENDIX B | <u>January 26th, 2023 United States District Court order.</u>                            |
| APPENDIX C | <u>June 6, 2023 8th circuit denied petition for rehearing.</u>                           |
| APPENDIX D | <u>May 5, 2021 Arkansas court of appeals opinion.</u>                                    |
| APPENDIX E | <u>June 1st, 2020 circuit court of pilaski county Arkansas denying rule 37 petition.</u> |
| APPENDIX F | <u>June 19, 2020 notice of appeal.</u>                                                   |

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

|                                                                                       |        |
|---------------------------------------------------------------------------------------|--------|
| <u>Ex Parte Crow Dog, 109 U.S. 556 35 S.Ct. 396 27 L.Ed. 1030 (1883).</u>             |        |
| <u>United States, V. Pidgeon 153 U.S. 48, 14 S.Ct. 746, 38 L.Ed. 631 (1894).</u>      |        |
| <u>Boykin, V. Alabama, 395 U.S. 238 5.Ct. 1709, 23 L.Ed.2d 274 (1969) at 242.</u>     |        |
| <u>McCarthy, V. United States, 394 U.S. 459, 89 S.Ct. 1166, 22 L.Ed.2d 418 at 465</u> |        |
| <u>Halliday, V. United States, 394 U.S. 831, 89 S.Ct. 1498, 23 L.Ed.2d 16. at 833</u> |        |
| <u>Parke, V. Raley 506 U.S. 113 S.Ct. 517.</u>                                        | at 28. |
| <u>Schulp 513 U.S. at 317, 115 S.Ct. 851</u>                                          | at 317 |
| <u>Kimmelman V. Morrison, 477 U.S. 365, 106 S.Ct. 25 74, 91.</u>                      |        |
| <u>Klopfert, V. North Carolina 386 U.S. 213, 87 S.Ct. 988, 18 L.Ed.2d</u>             |        |
| <u>Smith, V. Hoey, 393 U.S. 374, 377-378, 89 S.Ct. 575, 576-577</u>                   |        |
| <u>Gravitt, V. United States 526 F.2d 378 (5th Cir 1976)</u>                          |        |
| <u>United States, V. Cronin, 466 U.S. 104 S.Ct. 2039 (1984) at 654, 659.</u>          |        |

### STATUTES AND RULES

- 
- 11(c) Federal rules of criminal procedures.
  - 51(b) Federal rules of criminal procedures.
  - 24.6 Arkansas rules of criminal procedures.
- 

### OTHER

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 D to the petition and is

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

The opinion of the Circuit Court of pulaski. County court appears at Appendix E 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 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: June 6, 2023, and a copy of the order denying rehearing appears at Appendix B.

☒ 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 May 5, 2021.  
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).

2.



## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Sixth Amendment to the United States

Constitution: Which the geographical and territorial district-jurisdiction shall have been previously ascertained by law to know the county line separating Lenoire county from Pulaski county, and to have the assistance of counsel for my defense?

2. A guilty plea is not valid under the due process clause of the Fourteenth Amendment to the United States Constitution unless it is knowingly and intelligently made and voluntary?

3. The fifth Amendment due process of law?

## STATEMENT OF THE CASE

Larry Davis exhausted his claim of wrong jurisdiction in all state courts, and federal courts. Larry Davis was convicted in Pulaski County, but this liquor store is inside Lonoke County inside the town of Cabot, Arkansas. In response to Larry Davis rule 37 Brief to the Arkansas court of APPEALS case no CR-20-496 the Assistant Attorney General Rachel Kemp said in her reply brief on page 4 that Larry Davis on February 11, 2019 filed an unsuccessful pro se motion to dismiss on jurisdictional grounds, arguing, as he does here to the Arkansas court of appeals that the theft occurred in Lonoke County and not Pulaski County. Kemp said Larry Davis assertion is wrong. because the theft occurred at Ace Liquor center, located at 8106 TP White Drive, Cabot, Arkansas

## STATEMENT OF THE CASE

which is in pulaski county not Lonoke County, and that the ARKANSAS court of appeals should affirm the denial of Davis' postconviction relief. The assistant attorney general Mrs Rachel Kemp admitted that ace liquor center is located at 8106 TP White Drive, Cabot, Arkansas See Exhibit A, census map of all the counties in Arkansas the two arrows demonstrate that the town of Cabot, Arkansas is located inside of Lonoke County, and not inside of pulaski County. pulaski County was without jurisdiction to hear Larry Davis' guilty plea and pronounce judgement outside boundaries of judicial district where crime occurred, Larry Davis prays for a writ of habeas corpus to issue so that Davis may be delivered from this illegal sentence EX Parte Crow Peg, 109 U.S. 556, 35.Ct 396, 27 L.Ed. 1030 (1883). United States V. Priggeon 153 U.S. 48, 14 S.Ct. 746, 38 L.Ed. 631 (1894) prayed for a writ of habeas corpus to be discharged because the court which tried, convicted, and sentenced him had no jurisdiction

## STATEMENT OF THE CASE

in the premises and therefore Void. Larry Davis court appointed public defender failed to make Davis motion to the court that pulaski county was without jurisdiction. Larry Davis plea was not knowingly and intelligently made. Davis court appointed attorney did not explain to Davis that he was losing his constitutional right to appeal. Davis told the judge at the plea proceeding that he did not know that he was losing his constitutional rights to appeal when the judge asked Davis did he know that he was losing his constitutional rights to appeal and the judge asked Davis: you mean your lawyer did not explain to you that you was losing your constitutional rights, and Larry Davis told the judge, no my lawyer did not explain to me that I was losing my constitutional rights, and this is on the record at Davis plea proceeding. Larry Davis plea was entered without the effective assistance of counsel. Davis court appointed lawyer

## STATEMENT OF THE CASE

Walked away and did not come back to assist Davis after she introduced Davis to the Judge at the plea proceeding, which made Larry Davis plea get entered without the assistance of counsel there at his plea proceeding. Larry Davis exhausted his claim that his plea was not knowingly and intelligently made in his rule 37 to the state courts, and Davis also made his claim that his plea had no factual basis for his plea to both state courts. *Boykin v. Alabama* 395 U.S. at 242 This Supreme Court of the United States said in *Boykin's* that it was error plain on the face of the record for the trial Judge to accept Boykin's guilty plea without an affirmative showing that it was intelligent and voluntary. Larry Davis's guilty plea was obtained in violation of Davis's due process the record do not show that Larry Davis had knowingly and intelligently pleaded guilty. The *Boykin's* rule should be applied to this plea proceeding of Larry Davis because Davis was coerced into

## STATEMENT OF THE CASE

this plea by his court appointed attorney then rushed through the plea proceeding to get Larry Davis to plea because Larry Davis had filed a 1983 civil rights complaint and this plea was accepted to Kill Larry Davis 1983 complaint on the judge, and the prosecutors and the investigating officer who fingerprinted and investigated Larry Davis inside Seventh Division 6th circuit courtroom on Larry Davis trial Date of February 5th, of 2019 for the State prosecutors when Larry Davis had never been served a warrant for these charges and there was no probable cause, to have Larry Davis brought to court, Larry Davis was never arrested, this exact same court appointed Public defender Amy Jackson Douglas was having Larry Davis brought from the Arkansas state prison in Dermott, Arkansas at 880 East Gaines 71638 where Larry Davis is held now, Larry Davis court appointed Public defender knew that Larry Davis had never been served a warrant and that there was no probable cause, Larry Davis court appointed

Page 5.

## STATEMENT OF THE CASE

Public defender Amy Jackson Douglas was conspiring against Larry Davis and working hand in hand with the state prosecutors against Davis to convict Davis however they could convict Davis, it did not make the state prosecutors, and Davis court appointed attorney, and the judge any difference whether they secured Larry Davis conviction in violation of the United States Constitution.

The first time that Larry Davis seen his court appointed attorney Amy Jackson Douglas, Larry Davis told his attorney that he needed her to make a motion for no arrest warrant, and no probable cause, because Larry Davis had never been served nor given an arrest warrant for these charges, and that there was no probable cause for the charges, Larry Davis told his court appointed attorney Amy about no warrant had been served on him, and that there was no probable cause for these charges from the first time that he seen her in October or November of 2018, and Amy told Davis in court that Arkansas don't need a warrant or

## STATEMENT OF THE CASE

probable cause to bring him to court, Larry Davis told his court appointed attorney Amy Jackson Douglas that because he had not been served a arrest warrant and because there was no probable cause, the pulaski county court was violating his fourth and fourteenth Amendments rights because he had never been arrested or served a warrant for these charges to be brought to court, and Davis court appointed attorney told Davis that no warrant is not in violation of any of his rights, and Arkansas does not need probable cause, on January 22nd of 2019 Larry Davis court appointed attorney failed to make Davis motion for a probable cause determination for Larry Davis at his omnibus hearing see omnibus hearing transcript included in certiorari, you have to look to the record in order to get the full truth of Davis omnibus hearing because Davis omnibus transcript is altered at some part to favor the court.



## STATEMENT OF THE CASE

See Court appearance transcript  
included in certiorari.

on the 5th day of February of 2019 Larry Davis  
Court appointed attorney Amy Jackson Douglas without  
probable cause assumed full responsibility for having  
Larry Davis fingerprinted and investigated inside of  
Seventh Division 6th circuit pulaski county court  
room for the state prosecutors on page 7, on line  
18, 19, and line 20, of Court appearance the judge  
say okay what's up on Mr Davis? and  
Larry Davis Court appointed attorney Amy Jackson  
Douglas tell the Judge: your Honor we are set  
for trial today in 2635, this case on certiorari.

on page 7, line 23, 24, and line 25 of Davis  
Court appearance his Court appointed attorney Amy  
Jackson Douglas tell the judge: The state has  
requested and done an order and it has been completed  
Page 8.

## STATEMENT OF THE CASE

to get the defendant's fingerprints. on page 8, line 2, 3, 4, and line 5, of Davis court appearance Larry Davis court appointed attorney Amy Jackson Douglas told the Judge that: the state is requesting a continuance in 2635, while Larry Davis had objected to the state continuance to his attorney Amy because Davis wanted to have his trial that day of February 5th, of 2019, Davis wanted a speedy trial, and Davis filed a pro se motion that same day on February 5th, of 2019 but Davis court appointed attorney would not make Davis speedy trial motion. on page 8, line 3, 4, and line 5, Amy, Davis attorney told the Judge: and 2636 is set next week for trial. That should stay on. And speedy trial is not an issue. I think they [the State want a mag date. on page 8, line 10, the Judge said: So now I need a new jury trial date before July. on page 8, line 16, and line 17, the Judge ask Davis attorney: Do I need a new omnibus hearing on this? referring to this case that's

## STATEMENT OF THE CASE

on certiorari. an omnibus hearing is like a preliminary hearing in Arkansas a probable cause determination, on page 8, line 18 Davis Attorney told the judge in response to the omnibus hearing (probable cause determination) Amy told the judge I don't think so. Although Amy knew that Larry Davis had been crying to her to make a motion for his preliminary hearing (probable cause determination), so on page 8, on line 23, and 24 Amy Jackson, Davis Attorney agreed to continuing Davis trial for four months for the state. Amy told the judge: Just not the last week in May is my only request. So the Judge set Davis trial for June 5, of 2019 for a different term. four months later after Larry Davis court appointed attorney Amy Jackson Douglas had Davis fingerprinted inside the courtroom by the Jacksonville Arkansas investigating officer Ryan Childers on the case to gain a tactical advantage against Davis at trial for the state prosecutors, on page 9, line 6, and line 7, Davis  
Page 10.

## STATEMENT OF THE CASE

court appointed attorney Amy Jackson Douglas told the Judge: your Honor, if there is an issue or anything with the fingerprints we will (let you know) inform the court before the trial next week, on page 9, line 13, 14, and line 15, Davis told the judge Hey your Honor. They had just took my fingerprints in your courtroom. That aint legal is it? the judge asked Davis what now, and on page 9, on line 16, 17 and 18, Davis told the judge They said that's how they got my probable cause because they had got my fingerprints.

See Exhibit #6 for Laboratory analysis for fingerprint results taken February 15th of 2017 two years before Davis attorney had him fingerprinted for the state prosecutors for investigation of fingerprints, there was no probable cause. yet on page 10, line 8, 9, 10, Amy Jackson Douglas, who was Davis court appointed attorney told the judge, I tried to explain to the defendant that is not in violation of any of his rights. when Davis had told the judge that

## STATEMENT OF THE CASE

taking his fingerprints without probable cause was against the Constitution Fourth Amendment isn't it? While Larry Davis court appointed attorney knew that there was no probable cause.

See Prosecuting attorney's Form Affidavit Exhibit # 19 on line 20 of 2nd page of a 3 page document state that the crime lab analysis did not yield any suspect identification.

Then see line 28, 29 of the same page of the Affidavit which state Detective Helton distributed a Bofo and a video of the suspect was posted on social media. and no leads were developed from the Bofo's, therefore the case was inactivated.

of the same page of the prosecutor Affidavit. line 3 of the Affidavit of the same page 2 of 3 say that the black male was 6 Ft tall and 2 hundred and 30 pounds Larry Davis is 5 Feet 7 inches tall and Davis weighed 2 hundred and 90 Pounds. see Larry Davis Drivers' Page 12.

## STATEMENT OF THE CASE

License on line 7 state Larry Davis is 5-7, which is Exhibit N. See Exhibit 43 line 13 show that Larry Davis is 1 hundred 90 Pounds which was the Arkansas prison current information as of 5-4-2018 at the time that they booked me in. See Memphis, Tennessee Booking Sheet Inmate Lookup tool Line 6 and line 7 where they had Larry Davis brought from his home state where Larry Davis is from, Davis was brought from 5-19-17 Memphis, Tennessee to Arkansas 6 months after this theft occurred and taken to Clark County jail in Arkansas then to prison, then in September of 2018 pulaski County Arkansas started coming and picking Larry Davis up taking him to court on this theft in pulaski county, there was never an arrest of Larry Davis, and Davis has never been served a warrant or no charges since he been in Arkansas, other than bench warrants and Davis never had any court date to miss, and there was no probable cause and Davis court appointed attorney never made any motions for no warrant, or no probable

Page 13.

## STATEMENT OF THE CASE

cause to legally arrest and detain, the Government must assert probable cause to believe the arrestee has committed a crime. *Klopfer v. North Carolina* 386 U.S. 213, 87 S.Ct. 988, 18 L.Ed.2d 1 (1967) *Smith v. Hooey* 393 U.S. 374, 377-378, 89 S.Ct. 575, 576-577, 21 L.Ed.2d 607 (1969) say that it is formal indictment, or information or else the actual restraints imposed by arrest. There was to be counted a delay between the criminal scheme charged and the indictment of a suspect not arrested. *Gravitt v. United States*, 526 F.2d 378 (5th Cir. 1976) Sixth Amendment started prior to the return of the indictment when he was in state custody when authorities knew where to locate him, formal complaint had been filed, and a arrest warrant had issued, 523 F.2d 378 (5th) at 125) Davis court appointed attorney Amy Jackson Douglas would not never make Davis motion for the delay of the warrant Violated Davis due process of the 5th Amendment to the 6th Amendment Speedy trial. The court appointed Amy Jackson Douglas to assist Davis, instead of assisting Davis, Amy Jackson Douglas joined with the conspirators prosecutors to thwart Davis attempts to prepare Davis defense, and deprived Davis of his 4th amendment right.

## STATEMENT OF THE CASE

Amy Jackson Douglas provided no actual assistance for Davis' defense in this case, which converted Larry Davis' appointment of counsel into a sham. *United States v. Cronin* 466 U.S. at 654 said that the constitution guarantee of assistance of counsel cannot be satisfied by the mere formal appointment of counsel. The state prosecutors interfered with Larry Davis' Sixth Amendment right to counsel and influenced Larry Davis' court appointed counsel Amy Jackson Douglas into assuming full responsibility for having Davis' fingerprinted inside the courtroom on Davis' trial date February 5, of 2019 then continued Davis' trial date for four months later until June 5, of 2019 over Davis' objections to Amy about the continuance. Amy did all this for the state prosecutors in court, and the state did not say a single word. *United States v. Cronin* 466 ~~US~~ at 654 said that only when surrounding circumstances justify a presumption of ineffectiveness can a Sixth Amendment claim be sufficient without inquiry into counsel's actual performance at trial. A pretrial proceeding is a critical stage if the presence of counsel is necessary to preserve the



## STATEMENT OF THE CASE

Davis right to argue that the fingerprints was and should be excluded, and is inadmissible at trial, because they was fruit of the poisonous tree, because there was no probable cause, and Davis had never been served a warrant, in that 2-5-19 fingerprinting inside the courtroom was in violation of Davis's Fourth Amendment right to the United States Constitution, instead Davis's attorney fabricated the right and told the Judge 2-5-19 that she had explained to Davis that the fingerprinting in court was not in violation of any of Davis's rights, on page 10, line 8, 9, and line 10, of Davis's court appearance transcript of February 5, 2019 in *Kimmelman v. Morrison* 477 U.S. 365, 106 S.Ct. 2574, 91 L.Ed.2d 305 (1986). This court said that there is no reason not to correct what was a manifest error. Larry Davis's court appointed attorney Amy Jackson Douglas was not suppose to trade in Davis's best interest, and get Davis and advise Davis to plead guilty for a theft that Davis did not commit.

## STATEMENT OF THE CASE

on no evidence and no witness, and no victims for the state prosecutors, and the judge and the investigating officers best interests in order to get Davis 1983 civil rights complaint dismissed in order to get Davis to stop from petitioning the government for redress, because Davis had filed a 1983 civil rights complaint on April 15, 2019 on Davis being fingerprinted in court and investigated without a warrant ever being served on Davis for these charges, and that there was no probable cause, and depriving Davis of his constitutional rights on both cases in pulaski county 2636 trial and this plea case 2635 which both is on certiorari in this court. and this 1983 was in the Eighth circuit court of appeals in St Louis, mo. this plea was a retaliation plea to interfere with Davis receiving justice in the federal court of appeals for the eighth circuit see Exhibit 52, where May 14, 2019 The 8th circuit ordered the record the less than a month later Davis was

## STATEMENT OF THE CASE

brought back to court for the June 5th trial Date on this case here. The Judge even filed an Amended Sentencing order after Davis filed this 1983 April 15, 2019 saying that the 45 years that the Judge gave Davis February 13, 2019 was to run consecutive after the Judge had seen the 1983 Davis had Filed against the Judge and prosecutors, that the prison had ran the 45 years concurrent See Amended Sentencing order Filed May 6, 2019. This plea was a retaliation plea because if Davis would have went to trial like he wanted to do the 8th circuit would have looked at both cases and Davis would have won the 1983 civil rights complaint. Davis's court appointed attorney wanted Davis to take this plea. She did not explain to Davis he was losing his constitutional rights, and there is no factual basis for Davis plea *McCarthy v. United States* 394 U.S. 459, 89 S.Ct. 1166, 22 L.Ed.2d 419 at 466. *Halliday v. United States*, 394 U.S. 831, 89 S.Ct. 1498, 23 L.Ed.2d 16 (1969) at 833. *Parke v. Raley* 506, Page 18.

## STATEMENT OF THE CASE

U.S. at 28 113 S.Ct. 517. De Roo, 223 F.3d at 923. A defendant must enter into a plea agreement and waiver knowingly and voluntarily for these agreements to be valid that this court has required for all guilty pleas, if it was not for Davis attorney, Davis would have went to trial. Davis was not allowed to Amend this claim of his guilty plea was not intelligently and knowingly made in the ~~115~~ District Court. Davis attorney used trickery and deceit to get Davis to plead guilty. It was Davis' intention to go to trial until his attorney coerce Davis into this plea, and Davis told her that he was going to trial on this trial date and the day before, and that he was not taking the stand. She was acting in concert with the State prosecutors. There would be a miscarriage of justice if Davis' case is not looked at Schulp 513 U.S. at 317, 115 S.Ct. 851. Constitutional violations has caused Davis to be convicted, there was a conflict of interest for Davis court appointed attorney to be working with the State prosecutors, and appointed to represent Davis at the same time.

## REASONS FOR GRANTING THE PETITION

1. Larry Davis court appointed Public defender Amy Jackson Douglas provided no assistance at all for Larry Davis, instead Davis court appointed attorney Amy Jackson acted in concert with the state prosecutors to violate Davis 4th, 14th, and 6th, Amendment rights to the United States constitution, and to deprive Davis of these 4th, and 14th, Amendment rights early in these proceedings on February 5, of 2019 by acting on behalf of the state Amy Douglas had Larry Davis fingerprinted by the investigating officer in the inside of the courtroom on Davis trial date, which show that the state interfered with Davis sixth Amendment right to counsel, Larry Davis court appointed attorney was under the influence of the state prosecutors, that was worse than Larry Davis having no counsel at all. Larry Davis counsel was not independent of the state.

## REASONS FOR GRANTING THE PETITION

2. The Judge failed to comply with rule 11 of The Federal rules of criminal procedures. There is not an affirmative showing on the record that Larry Davis waived his constitutional rights to appeal this conviction, and there is not an affirmative showing on the face of the record to show that at the time of Larry Davis plea that the plea was entered intelligently and knowingly and the absence of such an affirmative showing entitles Larry Davis to plead anew relying on *Boykin v. Alabama* 395 U.S. 238, 89 S.Ct. 1166, 22 L.Ed.2d 418 and Larry Davis raised the claim below in the state courts, of coerced Plea Larry Davis court Appointed attorney Amy Jackson Douglas insisted that Larry Davis take this plea on no evidence, and no witness and that was not competent advice demanded by the Sixth Amendment of effective assistance of attorneys. and Davis made the claim below in the state courts that his attorney never explained to him that he was losing

## REASONS FOR GRANTING THE PETITION

his constitutional right to appeal, Larry Davis would have went to trial if it was not for Larry Davis court appointed attorney Amy Jackson Douglas coercing and tricking Larry Davis into pleading guilty,

Davis was prejudiced by his court appointed attorney not explaining to him that he was waiving his constitutional rights to a jury trial, and losing his right to confront to confront witnesses against him, and his right against self incrimination, not explaining to Larry Davis that he was waiving these substantial rights constitute a miscarriage of justice, Larry Davis have never been served a warrant, there was no probable cause, the blackman was 6 Ft tall, and 2 hundred and 30 pounds, Larry Davis is 5 Ft 7 inches tall and weighed 1 hundred 90 pounds, The prosecuting Attorney's Affidavit state on page 2 of 3 The state crime Lab analysis did not yield any suspect identification, see page 2 of 3, on line 20, also see Exhibit #6 which is the Arkansas State Crime Laboratory results of February 1, 2017  
Page 3

## REASONS FOR GRANTING THE PETITION

This theft occurred November 18, of 2016 in Cabot, Arkansas in Lonoke County, Larry Davis was taken from his home in Memphis, Tennessee April 21, of 2017 five months and three days after this theft occurred the distance between this theft and Larry Davis home where he was taken from in Memphis, Tennessee is between one hundred and one hundred and 20 miles, and also The prosecuting Attorney's Affidavit state on line 29, and line 30, of page 2 of 3 that no leads were developed from the bolos, therefore the case was inactivated this is the Prosecuting attorney's Affidavit issued May of 2017 that have never been served, Larry Davis court appointed Attorney Amy Jackson knew all of this, still Davis court appointed attorney did not pursue making any motion and arguing any of these important and obvious issue that was in Larry Davis favor that would have established Davis innocence. if Larry Davis court appointed attorney



## REASONS FOR GRANTING THE PETITION

would have made these motions and arguments the outcome would have been different. *Mayo v. Henderson* 13 F.2d 528, 533 (2nd cir 1994) relief may be warranted when a decision by counsel cannot be justified as a result of some kind of plausible trial strategy, see *Kimmelman v. Morrison*, 477 U.S. 365, 385, 106 S.Ct. 274 91 L.Ed.2d 305 (1986) There is no reason not to correct what was a manifest error, Larry Davis' incarceration on this case is fundamentally unfair and unjust and the miscarriage of justice exception to the procedural default should apply *Calderon v. Thompson* 523 U.S. 538, 559-60, 118 S.Ct. 1489, 140 L.Ed.2d 728 (1998) Stating that a prisoner, where he can show by clear and convincing evidence that no reasonable juror would have found him guilty miscarriage of justice applies.

## REASONS FOR GRANTING THE PETITION

3. Wrong territorial Jurisdiction: Larry Davis could not waive venue by pleading guilty in court in which charged offense did not occur because circuit court lacked jurisdiction to hear guilty plea and pronounce judgement outside boundaries of judicial district where crime occurred, Pulaski county is the 6th judicial district where Larry Davis pleaded guilty, and where the alleged theft occurred is inside of Cabot, Arkansas which is inside of Lonoke county which is the 23rd judicial district, Larry Davis court appointed attorney would not make motion to dismiss for wrong territorial jurisdiction, Larry Davis made pro se motions for wrong jurisdiction, Davis court proceedings cannot be relied on to produce a fair and just result

Larry Davis hope and pray that this court  
reverse Davis conviction and remand this  
case back to the circuit court for Davis  
to plead anew.

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Larry David Davis

Date: 8-16-23