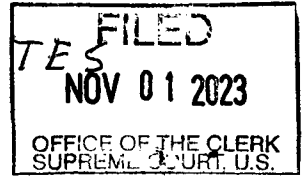


ORIGINAL

THE 23-6331
SUPREME COURT OF THE UNITED STATES



ROY JACKSON (PETITIONER)

VS.

CHARLES RIDDLE III, DISTRICT ATTORNEY
TIM HOPPER WARDEN ET AL.

ON PETITION FOR A WRIT OF CERTIORARI

LAST COURT TO RULE ON PETITIONER CASE
WAS THE COURT OF APPEALS, THIRD CIRCUIT

PETITION FOR WRIT OF CERTIORARI

ROY JACKSON # 592233

LOUISIANA STATE PRISON

T. U. - UPPER - (E) - CELL # 5

ANGOLA, LOUISIANA

70712

QUESTIONS PRESENTED

- (1). IS GUILTY PLEA CONSTITUTIONALLY
INFIRM BASED ON INADEQUATE AND
DEFECTIVE BOYKIN COLLOQUY RECORD
SEE FULL DETAIL OF CLAIM APPENDIX
E-7 CLAIMS # 1-5 PAGES 24-33
- (2). IS GUILTY PLEA CONSTITUTIONALLY
INFIRM UNINTELLIGENT, INVOLUNTARY,
DUE TO INEFFECTIVE ASSISTANCE OF
COUNSEL SEE FULL DETAIL OF CLAIM
APPENDIX # E-7 CLAIM # 6 PAGES 33-39
- (3). WAS DEFENDANT DENIED DUE PROCESS OF
THE LAW BASED ON SEE FULL DETAIL
OF CLAIMS APPENDIX # E-7 CLAIMS # 1-5
PAGES 24-33
- (4). WAS DEFENDANT DENIED EFFECTIVE
ASSISTANCE OF COUNSEL SEE FULL DETAIL
OF CLAIM APPENDIX # E-7 CLAIM # 6
PAGES 33-39 AND

~~10/11~~

(5). WAS DEFENSE COUNSEL ADVICE TO
PLEAD GUILTY REASONABLE AND COMPETENT
AND WITHIN THE RANGE OF COMPETENCE
DEMANDED OF ATTORNEY IN CRIMINAL CASES
BASED ON SEE APPENDIX # E-7 CLAIM # 6
PAGES 33-39

(6). IS GUILTY PLEA UNINFORM, UNINTELLIGENT,
INVOLUNTARY NOT A CONSCIOUS CHOICE DUE
TO DEFENSE COUNSEL FAILED TO DISCLOSE
THE VICTIM EXCULPATORY STATEMENTS
TO DEFENDANT PRIOR TO ADVISING THE
DEFENDANT TO PLEAD GUILTY SEE UNDISCLOSED
STATEMENTS APPENDIX # E-7 PAGES 6-7

(7). IS THERE A SUBSTANTIAL ALLEGATION
OF NEW EVIDENCE SEE APPENDIX # E-7
PAGES 6-7

(8). DID DEFENSE COUNSEL FAILED TO MAKE
SURE GUILTY PLEA WAS INFORMED,
KNOWING INTELLIGENT VOLUNTARY AND
A CONSCIOUS CHOICE BASE ON

~~2014~~

SEE APPENDIX # E-7 CLAIM # 6

PAGES 33-39

(9). WAS DEFENDANT DENIED RIGHT TO A
DIRECT APPEAL SEE APPENDIX # E-7
CLAIM # 4 PAGES 28-29

● FILED UNDER RULES 10; 11; 14; 12.4

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LIST OF ALL PARTIES

- (1). CHARLES RIDDLE, (DISTRICT ATTORNEY)
- (2). TIM HOPPER, (WARDEN).
- (3). INMATE, ROY JACKSON, (PRO SE).

ALL PARTIES APPEAR IN THE CAPTION
OF THE CASE ON THE COVER PAGE.

~~4 DE 4~~

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- Certificate _____
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- APPENDIX (E-2) - TRIAL COURT RULING And E-40
- APPENDIX (E-3) - COURT OF APPEALS THIRD CIRCUIT RULING.
- APPENDIX (E-4) - COURT OF APPEAL FIFTH CIRCUIT RULING.
- APPENDIX (E-5) - AGGRAVATED RAPE INDICTMENT.
- APPENDIX (E-6) - MOLESTATION INDICTMENT
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- APPENDIX (E-8) - MOTION FOR COPY OF BILL OF PARTICULARS FILED IN CONNECTION WITH POST-CONVICTION.
- APPENDIX (E-9) - WRIT OF CERTIORARI TO LOUISIANA SUPREME COURT.
- APPENDIX (E-10) - MOTION FOR BILL OF PARTICULARS TO LOUISIANA SUPREME COURT.
- APPENDIX (E-11) - MOTION FOR AUTHORIZATION TO FILE A SECOND OR SUCCESSIVE

PETITION AND INCORPORATED OR PROPOSED
PETITION TO THE COURT OF APPEALS FIFTH
CIRCUIT.

- APPENDIX (E-12) - PROPOSED PETITION TO BE FILED IN FEDERAL WESTERN DISTRICT COURT.
- APPENDIX (E-13) - MOTION TO COURT OF APPEAL FOR A COPY OF BILL OF PARTICULARS FILED IN CONNECTION WITH POST-CONVICTION.
- APPENDIX (E-14) - MINUTES OF THE COURT.
- APPENDIX (E-15) - BOYKIN COLLOQUY RECORD.
- APPENDIX (E-16) - PROOF OF SERVICE.
- APPENDIX (E-17) - STATEMENT OF NOTIFICATION
- APPENDIX (E-20) - CERTIFICATE OF COMPLYING TO RULES # 10 AND # 14.
- APPENDIX (E-19) - DECLARATION OF COMPLIANCE WITH 28 U.S.C. SECTION 1746.
- APPENDIX (E-20) - CERTIFICATE OF COMPLYING TO (40) PAGES LIMIT OF RULES 10 AND 14.
- APPENDIX (E-35) - STATEMENT OF ACCOUNT.
- APPENDIX (E-22) - AFFIDAVIT IN SUPPORT OF

REQUEST TO PROCEED IN FORMA PAUPERIS -

- APPENDIX (E-23) - AFFIDAVIT OR DECLARATION IN SUPPORT OF MOTION TO PROCEED IN FORMA PAUPERIS.
- APPENDIX (E-24) - VICTIM STATEMENT.
- APPENDIX (E-25) - VICTIM STATEMENT.
- APPENDIX (E-26) - VICTIM STATEMENT.
- APPENDIX (E-27) - VICTIM STATEMENT.
- APPENDIX (E-28) - VICTIM STATEMENT.
- APPENDIX (E-29) - VICTIM STATEMENT.
- APPENDIX (E-30) - NO GRAND JURY RECORD(S), MINUTES MADE.
- APPENDIX (E-31) - GRAND JURY PRESENTMENT NOT SIGNED.
- APPENDIX (E-32) - CASE INFORMATION RECORD.
- APPENDIX (E-33) - COMMITMENT ORDER.
- APPENDIX (E-17) - STATEMENT OF NOTIFICATION # 17
- APPENDIX (E-35) - DECLARATION IN SUPPORT OF 35 MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS.
- APPENDIX (E-36) - MOTION FOR LEAVE TO PROCEED 36 IN FORMA PAUPERIS.

TABLE OF AUTHORITIES

FEDERAL CONSTITUTION:

- UNITED STATES 5 AMENDMENT.
- UNITED STATES 6 AMENDMENT.
- UNITED STATES 14 AMENDMENT.

FEDERAL STATUTES:

- 28 U.S.C.A. SECTION 2243
- 28 U.S.C.A. SECTION 2244 (b) (2)
- 28 U.S.C. SECTION 1257 (A) SECTION 1911

FEDERAL CASES:

- NORTH CAROLINA - V - ALFORD 400 U.S. 25, 91 S.Ct. 160, 27 L. Ed. 2d 162 (1970);
- 272 F. 653 BRADEN - V - UNITED STATES C.A. 5 (G.A.) 1959;
- MURRAY - V - CARRIER 477 U.S. 478, 496, 106 S.Ct. 2639, 2649, 91 L. Ed. 2d 397 (1986); AND

• 115 S. CT. 851, 513 U.S. 298 SCHLICK-V-DELO
U.S. (MO.) 1995 ;

• MCCARTHY-V-UNITED STATES 394 U.S. 459,
472-74, 89 S. CT. 1166, 22 L. Ed. 2d 418 (1969);

• MCMAHON-V-RICHARDSON 397 U.S. 759, 770-71,
90 S. CT. 1441, 1448, 25 L. Ed. 2d 763 (1970);

• 83 S. CT. 745, 372 U.S. 293 TOWNSEND-V-SAIN
(U.S. ILL. 1963) ;

• 439 F. 2d 1084 LUMPKIN-V-SMITH CIAI 5
(GA.) 1971 ;

• STRICKLAND-V-WASHINGTON 466 U.S. 668,
685, 104 S. CT. 2052, 2063, 80 L. Ed. 2d 674 (1984);

• KUHLMAN-V-WILSON 477 U.S. 436, 454, 106
S. CT. 2616, 2627, 91 L. Ed. 2d 364 (1986);

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI
REQUEST THAT A WRIT OF CERTIORARI BE ISSUED
TO REVIEW THE JUDGMENTS BELOW:

OPINIONS BELOW

- THE OPINION OF THE UNITED STATES COURT OF APPEALS APPEARS AT APPENDIX E-4 TO THE PETITION AND IS
 - ☐ REPORTED AT _____
 - ☐ 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.

OPINIONS BELOW - CONT.

FOR CASES FROM STATE COURTS

- THE OPINION OF THE HIGHEST STATE COURT TO REVIEW THE MERITS OF THE POST-CONVICTION APPENDIX # E-3 AND APPEARS AT APPENDIX ____ AND E-3 TO THE PETITION AND IS

☐ REPORTED AT _____ OR

☐ HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT YET REPORTED, OR

☐ IS UNPUBLISHED.

JURISDICTION

JURISDICTION OF THIS CASE IS INVOKED UNDER 28 U.S.C. SECTION 1257 (A); SECTION 1911; RULE 12.4 28 U.S.C. SECT. 1257 (A).

FOR CASES FROM STATE COURTS:

THE DATE ON WHICH THE HIGHEST STATE
COURT DECIDED MY CASE WAS 09-19-2023

A COPY OF THE DECISION APPEARS AT
APPENDIX # E-1 .

☐ A TIMELY PETITION FOR REHEARING
WAS THEREAFTER DENIED THE FOLLOWING
DATE: _____ AND A COPY OF THE
ORDER DENYING REHEARING APPEARS AT
APPENDIX # _____

THE JURISDICTION OF THIS COURT IS INVOKED
UNDER 28 U.S.C. SECTION 1257 (A) .

FILED UNDER FEDERAL RULES 10, 11, 14, 12.4

CONSTITUTIONAL VIOLATIONS

JURISTS OF REASON WOULD FIND IT
DEBATABLE THAT PETITIONER WAS DENIED
DUE PROCESS OF THE LAW UNITED STATES
5 AND 14 AMENDMENTS; EFFECTIVE
ASSISTANCE OF COUNSEL UNITED STATES 6
AND 14 AMENDMENTS; AND A FAIR TRIAL
UNITED STATES 6 AND 14 AMENDMENTS

STATEMENT OF THE CASE

ON MAY 19, 2011 PETITIONER ROY JACKSON
WAS CHARGED BY BILL OF INDICTMENT WITH
ONE COUNT OF AGGRAVATED RAPE R.S. 14:42
AND MOLESTATION LSA-R.S. 14:81.2

THEREAFTER, PETITIONER WHILE REPRESENTED
BY APPOINTED COUNSEL WAIVED FORMAL
ARRAIGNMENT AND ENTERED A PLEA OF NOT
GUILTY TO THE ABOVE CHARGES.

ON NOVEMBER 14, 2011 PETITIONER ACCEPTED

~~14 OF 41~~ 4 OF 31

AN ALFORD BEST INTEREST GUILTY PLEA
AT COUNSEL ADVICE BECAUSE COUNSEL SAID
THERE WAS NO EVIDENCE FOR A DEFENSE ;
THEREFORE PLEADING GUILTY TO FORCIBLE
RAPE IN EXCHANGE TO HAVE THE MOLESTATION
COUNT DISMISSED AND THE AGGRAVATED
COUNT REDUCED TO FORCIBLE RAPE, THE
PETITIONER RECEIVED THE MAXIMUM
SENTENCE ALLOWABLE FORTY (40) YEARS ;

- ON 09-26-2022 PETITIONER FILED HIS
POST-CONVICTION BASED ON CONSTITUTIONAL
INFIRM GUILTY PLEA AND SENTENCE AND
UNINFORMED, UNKNOWING, UNINTELLIGENT,
INVOLUNTARY GUILTY PLEA AND SENTENCE
DUE TO INEFFECTIVE ASSISTANCE OF
COUNSEL SEE APPENDIX # E-7 AND SEE
TRIAL COURT RULING APPENDIX # E-2

- ON 09-30-2022 SOUGHT REVIEW IN
THIRD CIRCUIT COURT OF APPEALS SEE

~~IS OF #~~ 5 OF 31

APPENDIX # _____ AND E-3

- ON _____ SOUGHT REVIEW IN THE LOUISIANA SUPREME COURT SEE APPENDIX # E-9 AND # E-1
- AFTERWARD SOUGHT REVIEW IN THE UNITED STATES COURT OF APPEALS FIFTH CIRCUIT SEE APPENDIX # E-12 AND # E-4
- SOUGHT REVIEW IN THE UNITED STATES DISTRICT COURT SEE APPENDIX # _____ AND # _____
- PURSUANT TO _____

THIS COURT HAS JURISDICTION TO REVIEW THE JUDGEMENT ON A WRIT OF

CERTIORARI, 28 U.S.C. SECT. 1257(A), SECT. 1911, RULE 12.4

- PETITIONER ALLEGE HE IS INNOCENT OF THE CRIME(S) AND SENTENCE.

6 OF 31

~~16 OF 41~~

REASON FOR GRANTING WRIT

- (1). THE TWELFTH JUDICIAL DISTRICT COURT, THE UNITED STATES DISTRICT COURT AND STATE APPEAL COURT HAS FAILED TO RULE ON AN IMPORTANT FEDERAL QUESTIONS; ~~DOE~~ WAS DEFENDANT DENIED DUE PROCESS OF THE LAW; EFFECTIVE ASSISTANCE OF COUNSEL; AND A FAIR TRIAL BASED ON DEFENDANT CLAIMS? WHICH IS IN CONFLICT WITH RELEVANT DECISIONS OF THIS COURT.
- (2). DEFENSE COUNSEL ERRORS AFFECTED THE OUTCOME OF THE DEFENSE AND COURT PROCEEDINGS AND SUBSTANTIAL CONSTITUTIONAL RIGHTS.
- (3). THE UNITED STATES DISTRICT COURT AND THE STATES COURT OF APPEALS HAS DE-PARTED FROM THE ACCEPTED AND USUAL STANDARD OF REVIEW CONCERNING DENIAL OF DUE PROCESS OF THE LAW AND

INEFFECTIVE ASSISTANCE OF COUNSEL ;
INTELLIGENT AND VOLUNTARY GUILTY
PLEA ; RIGHT TO A FAIR TRIAL ; DOES
THE RECORD CONTAIN STRONG EVIDENCE OF
ACTUAL GUILT FOR A ALFORD GUILTY
PLEA ? OUTLINED IN FEDERAL CASES ,
McMANN-V-RICHARDSON ; STRICKLAND-V-
WASHINGTON AND NORTH CAROLINA-V-
ALFORD AND IN 28 U.S.C. SECT. 2244 (b) .

- (4). THE LOWER COURTS HAS DEPARTED FROM
ACCEPTED USUAL COURSE OF JUDICIAL
PROCEEDINGS WHICH CALL FOR EXERCISE
OF THIS COURT SUPERVISORY POWER ,
- (5). PETITIONER IS INNOCENT OF THE CRIME.
- (6). TO PREVENT MISCARRIAGE OF JUSTICE ,
- (7). TO SEEK THE END OF JUSTICE ,
- (8). TO AFFORD PETITIONER A FAIR AND
COMPLETE REVIEW OF THE CASE , AND

7
(9). THE RECORDS FAILED TO CONTAIN

STRONG EVIDENCE OF ACTUAL GUILT

FOR AN ALFORD GUILTY PLEA SEE APPENDIX
E-30 ; #E-14 ; #E-15 ; #E-5 ; #E-6 ;

(10). DEFENSE COUNSEL FAILED TO DISCLOSE

THE VICTIM EXCULPATORY STATEMENTS

TO DEFENDANT PRIOR TO ADVISING THE

DEFENDANT TO PLEAD GUILTY SEE

UNDISCLOSED EVIDENCE APPENDIX #E-7

PAGES 6-7

(11). DEFENSE COUNSEL ADVICE WAS NOT WITHIN

THE STANDARDS OF GOVERNING SUPREME

COURT DECISION MCMAHON-V-RICHARDSON ;

AND STRICKLAND-V-WASHINGTON

(12). UNINFORMED, UNKNOWING, UNINTELLIGENT,

INVOLUNTARY NOT FREELY ENTER GUILTY

PLEA AND SENTENCE .

(13). DENIED DUE PROCESS OF THE LAW, AND

EFFECTIVE ASSISTANCE OF COUNSEL

~~23 MAY 11~~ 9 OF 31

LAW AND ARGUMENT

- 28 U.S.C. SECTION 2244 "A CLAIM PRESENTED IN A SECOND OR SUCCESSIVE WRIT OF HABEAS CORPUS APPLICATION UNDER SECTION 2254 THAT WAS NOT PRESENTED IN A PRIOR APPLICATION SHALL BE DISMISSED UNLESS :

(B) (2) "THE FACTS UNDERLYING THE CLAIM IF PROVEN AND VIEWED IN LIGHT OF THE EVIDENCE AS A WHOLE WOULD BE SUFFICIENT TO ESTABLISH BY CLEAR AND CONVINCING EVIDENCE THAT BUT FOR CONSTITUTIONAL ERROR NO REASONABLE FACT FINDER WOULD HAVE FOUND DEFENDANT (APPLICANT) GUILTY OF THE UNDERLYING OFFENSE "

28 U.S.C. SECTION 2244 (b) (2) ;
PETITIONER ROY JACKSON CAN MAKE A PRIMA FACIE SHOWING THAT HE CAN

SATISFY EITHER OF THE TWO CONDITIONS
FOUND IN 28 U.S.C. SECTION 2244(b) (2)
FOR EXAMPLE SEE CONSTITUTIONAL
ERRORS AND CONSTITUTIONAL VIOLATIONS
PAGES ~~16~~¹⁶⁻²⁴ AND UNDISCLOSED
NEW EVIDENCE APPENDIX # E-7
PAGES 6-7 AND UNINTELLIGENT,
INVOLUNTARY GUILTY PLEA DUE TO
INEFFECTIVE ASSISTANCE OF COUNSEL
SEE PAGES ~~23-24~~ 23-24

- PETITIONER ALLEGE HE PLEAD GUILTY
PURSUANT TO NORTH CAROLINA-V-ALFORD
AT DEFENSE COUNSEL ADVICE
- THE COURT SAID "WHEN A DEFENDANT ENTER
A GUILTY PLEA UNDER NORTH CAROLINA-V-
ALFORD CONSTITUTIONAL DUE PROCESS
REQUIRE THAT THE RECORD CONTAIN
STRONG EVIDENCE OF ACTUAL GUILT
NORTH CAROLINA-V-ALFORD 400 U.S. 25, 91
S. CT. 166, 27 L. ED. 2D 162 (1970) AND
PAGE ~~16 OF 41~~ 11 OF 31

● A GUILTY PLEA IS CONSTITUTIONALLY
INFIRM WHEN IT IS NOT,

(1). ENTER FREELY AND VOLUNTARILY AND

(2). IF THE BOYKIN COLLOQUY RECORD IS
INADEQUATE OR DEFECTIVE,

— NORTH CAROLINA-V-ALFORD 400 U.S. 25,
91 S. CT. 160, 27 L. ED. 2d 162 (1970);

— MCMAHON-V-RICHARDSON 397 U.S. 759,
770-71, 90 S. CT. 1441, 1448, 25 L. ED. 2d
763 (1970),

● PETITIONER ALLEGES HIS GUILTY PLEA

WAS NOT AN INFORMED CONSCIOUS AND
VOLUNTARY CHOICE, COUNSEL ADVICE ON

HOW TO PLEAD WAS NOT REASONABLE AND

WAS INCOMPETENT STRICKLING-V-

WASHINGTON, MCMAHON-V-RICHARDSON

397 U.S. 759, 771, 90 S. CT. 1441, 1449, 25 L. ED.
2d 763 (1970).

● A DEFENDANT WHO PLEADS GUILTY UPON

THE ADVICE OF COUNSEL MAY ONLY

ATTACK THE VOLUNTARINESS AND THE
INTELLIGENT CHARACTER OF THE GUILTY
PLEA BY SHOWING THAT THE ADVICE HE
RECEIVED FROM COUNSEL WAS NOT WITHIN
THE STANDARDS SET FORTH IN :

MCMAHON-V-RICHARDSON 397 U.S. 759, 771,
90 S. CT. 1441, 1449, 25 L. ED. 2D 763 (1970) ;

STRICKLAND-V-WASHINGTON 466 U.S. 668,
685, 104 S. CT. 2052, 2063, 80 L. ED. 2D
674 (1984) .

- DEFENSE COUNSEL ADVICE TO PLEAD GUILTY
WAS NOT WITHIN THE RANGE OF COMPETENCE
DEMANDED OF ATTORNEY IN CRIMINAL CASES
RENDERING THE GUILTY PLEA UNINTELLIGENT,
INVOLUNTARY UNINFORMED AND NOT FREELY
ENTERED NOR A CONSCIOUS CHOICE

MCMAHON-V-RICHARDSON 397 U.S. 759, 770-71,
90 S. CT. 1441, 1448, 25 L. ED. 2D 763 (1970) ;

STRICKLAND-V-WASHINGTON 466 U.S. 668,
685, 104 S. CT. 2052, 2063, 80 L. ED. 2D 674 (1984),

NEW EVIDENCE - UNDISCLOSED

EXCULPATORY VICTIM STATEMENTS BY

DEFENSE COUNSEL SEE NEW EVIDENCE

AND FULL DETAIL APPENDIX # E-7

PAGES 6-7 ;

HAD DEFENDANT BEEN INFORMED OF SUCH
EVIDENCE DEFENDANT WOULD NOT HAD
PLEADED GUILTY BUT INSISTED ON GOING
TO TRIAL ON THE ORIGINAL CHARGES

FACING LIFE IMPRISONMENT SUCH EVIDENCE
COULD HAVE BEEN USED TO SHOW: (1). NO
FORCE INVOLVED IN CASE (2); NO THREAT
OF PHYSICAL VIOLENCE (3). NO WEAPON
(4). NO D.M.A. (5). SHOW THE VICTIM WAS NOT
RAPE (6). SHOW THE DEFENDANT DID NOT
HAVE SEXUAL INTERCOURSE WITH VICTIM

● BUT FOR COUNSEL ERROR NO REASONABLE

FACT FINDER WOULD HAVE FOUND THE

DEFENDANT GUILTY OF THE OFFENSE

AND SENTENCE AND

● BUT, FOR CONSTITUTIONAL VIOLATION

NO REASONABLE JUROR WOULD HAVE FOUND

DEFENDANT GUILTY OF THE UNDERLYING

OFFENSE AND SENTENCE.

● IT IS MORE LIKELY THAN NOT THAT NO

REASONABLE JUROR WOULD HAVE CONVICTED

DEFENDANT IN LIGHT OF THE NEW EVIDENCE

28 U.S.C. SECTION 2244 (b) (2) A-b

● IN LIGHT OF ALL THE EVIDENCE AS A

WHOLE IT IS MORE LIKELY THAN NOT THAT

NO REASONABLE JUROR WOULD HAVE

CONVICTED DEFENDANT OF THE OFFENSE

AND SENTENCE

GROUND # (A)

CONSTITUTIONALLY INFIRM GUILTY PLEA
AND SENTENCE

CLAIM # (1)

INADEQUATE, DEFECTIVE BOYKIN COLLOQUY

RECORDS, THE RECORD FAILED TO CONTAIN

STRONG EVIDENCE OF ACTUAL GUILT FOR A

ALFORD GUILTY PLEA AND FOR FACTUAL

BASIS FOR GUILTY PLEA AND SENTENCE

SEE APPENDIX #E-15, #E-14, #E-5, #E-6,

NORTH CAROLINA-V-ALFORD 400 U.S. 25,

91 S.Ct. 160, 27 L. Ed. 2d 162 (1970) SEE

FULL DETAIL OF THIS CLAIM APPENDIX

#E-7 PAGES 24-33 AND PREJUDICE

PRONG APPENDIX #E-7 PAGES 25

HAD DEFENDANT BEEN INFORMED BY THE

COURT THAT THERE WAS NO STRONG

EVIDENCE OF

ACTUAL GUILT DEFENDANT WOULD NOT
HAD ACCEPTED A GUILTY PLEA BUT WENT
TO TRIAL ON ORIGINAL CHARGES FACING
LIFE IMPRISONMENT.

CLAIM # (2)

THE RECORD FAILED TO SHOW THAT THE
DEFENDANT WAS PROVIDED WITH WRITTEN
NOTIFICATION OF THE SEX OFFENDER
REGISTRATION AND THE NOTIFICATION
REQUIREMENT PRIOR TO ACCEPTING
GUILTY PLEA SEE APPENDIXES #E-15 #E-14
#E-333, #E-15, #E-15, AND #

SEE FULL DETAIL OF THIS CLAIM IN
APPENDIX #E-7 PAGES 25-26 AND
PREJUDICE PRONG APPENDIX #E-7
PAGES 26 MCCARTHY-V-UNITED STATES
1969, 394 U.S. 459, 89 S. CT. 1166, 22 L. ED.
2d 418; HAD DEFENDANT BEEN INFORMED
DEFENDANT WOULD NOT HAD

AGREED TO THE SEX OFFENDER

REGISTRATION AND WOULD NOT HAD PLEAD

GUILTY BUT WENT TO TRIAL ON THE ORIGINAL

CHARGES FACING LIFE IMPRISONMENT

CLAIM # (3)

THE RECORD FAILED TO SHOW TRIAL COURT

INFORMED DEFENDANT OF THE SEX OFFENDER

REGISTRATION REQUIREMENT PRIOR TO

ACCEPTING ALFORD GUILTY PLEA SEE

APPENDIXS #E-15, #E-14, #E-33, #E-5;

#E-6 AS A RESULT DENIED DUE PROCESS

OF THE LAW SEE FULL DETAIL OF THIS

CLAIM APPENDIXS #E-7 PAGES 27-28

MCCARTHY-V-UNITED STATES 394 U.S. 459,

472-74, 89 S.Ct. 1166, 22 L.Ed. 2d 418 (1969),

HAD TRIAL COURT OR COUNSEL INFORMED

DEFENDANT OF THE

18 OF 31

~~28 OF 41~~

SEX OFFENDER REGISTRATION

REQUIREMENT DEFENDANT WOULD NOT

HAD AGREED TO SUCH A HARSH AND

SEVERE SEX OFFENDER REGISTRATION

REQUIREMENT BUT INSISTED ON GOING TO

TRIAL ON ORIGINAL CHARGES FACING

LIFE IMPRISONMENT.

ALSO SEE PREJUDICE PRONG APPENDIX

E-7 PAGES 27-28

CLAIM # (4)

THE RECORD FAILED TO SHOW THAT THE

TRIAL COURT FULLY INFORMED DEFENDANT

OF HIS APPELLATES RIGHTS AS DID

DEFENSE COUNSEL DENYING DEFENDANT

RIGHT TO DIRECT APPEAL THE TRIAL COURT

ONLY TOLD DEFENDANT HE COULD APPEAL

AND DEFENDANT THOUGHT DEFENSE COUNSEL

WOULD AUTOMATIC FILE A

NOTICE OF APPEAL SEE APPENDIX

#E-15 PAGE # 7 QUESTION # 4,

439 F.2d 1084 LUMPKIN-V-SMITH C.A. 5

GA. 1971;

SEE FULL DETAIL OF THIS CLAIM APPENDIX

#E-7 PAGES 28-29 AND PREJUDICE

PRONG APPENDIX #E-7 PAGE 29;

HAD TRIAL COURT AND DEFENSE COUNSEL

FULLY INFORMED DEFENDANT OF HIS

APPELLATES RIGHTS : (1). THE TIME

LIMITATION TO FILE NOTICE OF APPEAL,

(2), RIGHT TO APPOINTED COUNSEL IF

INDIGENT (3), RIGHT TO APPEAL IN

FORMA PAUPERIS (4), FAILED TO INFORM

DEFENDANT OF THE APPEAL PROCEDURE,

AND PROCESS AND EXPLAIN THE APPEAL

PROCEDURE AND PROCESS; THEN THE

DEFENDANT WOULD HAD SUBMITTED A

TIMELY NOTICE OF APPEAL, DEFENDANT

DID NOT WAIVE HIS RIGHT TO DIRECT APPEAL

ACTUAL GUILT AND WOULD HAVE BEEN
ABLE TO PREPARE A DEFENSE AND WENT TO
TRIAL ON ORIGINAL CHARGES FACING LIFE
IMPRISONMENT 272 F.653 BRADEN-V-UNITED
STATES CIA: 5 (GA:) 1959.
SEE PREJUDICE, PRONG APPENDIX #
PAGES

● BUT FOR CONSTITUTIONAL VIOLATIONS
NO REASONABLE JUROR WOULD HAVE FOUND
DEFENDANT GUILTY OF THE UNDERLYING
OFFENSE AND SENTENCE BASED ON CLAIMS
1-5 LISTED ABOVE PAGES 26-30
89 F.3d 210 CALLINS-V-JOHNSON CIA: 5
(TEX.) 1996.

● BUT FOR CONSTITUTIONAL ERRORS AT
SENTENCING NO REASONABLE JUROR
WOULD HAVE FOUND DEFENDANT GUILTY OF
THE

UNDERLYING OFFENSE AND SENTENCE

BASED ON CLAIMS # 1-5 LISTED ABOVE

89 F.3d 210 CALLINGS-V-JOHNSON C.A. 5
(TEX.) 1996 ; MURRAY-V-CARRIER

● IN LIGHT OF THE EVIDENCE AS A WHOLE

IT IS MORE LIKELY THAN NOT THAT NO

REASONABLE JUROR WOULD HAVE FOUND

DEFENDANT GUILTY OF THE OFFENSE AND

SENTENCE BASED ON CLAIMS # 1-5 ABOVE

SCHLUP-V-DELO 513 U.S. 298, 327-328, 115

S. CT. 851, 867-868, 130 L. Ed. 2d 808 (1995) .

● IN LIGHT OF THE EVIDENCE IT IS MORE

LIKELY THAN NOT THAT NO REASONABLE JUROR

WOULD HAVE FOUND DEFENDANT GUILTY BEYOND

A REASONABLE DOUBT BASED ON CLAIMS # 1-5

LISTED ABOVE SCHLUP-V-DELO 513 U.S. 298,

327-328, 115 S. CT. 851, 867-868, 130 L. Ed. 2d

808 (1995) , AND

CLAIM # (6)

UNINFORMED, UNKNOWING, UNINTELLIGENT,
INVOLUNTARY NOT FREELY ENTER GUILTY

PLEA DUE TO INEFFECTIVE ASSISTANCE

OF COUNSEL SEE FULL DETAIL OF CLAIMS

APPENDIX # E-7 PAGES 33-39

STRICKLAND-V-WASHINGTON 466 U.S. 668

104 S.Ct. 2052, 2064, 80 L. Ed. 2d 674 (1984);

MCMAHON-V-RICHARDSON 397 U.S. 759, 770-71,

90 S.Ct. 1441, 1448, 25 L. Ed. 2d 763 (1970)

- THERE IS A REASONABLE PROBABILITY THAT
BUT FOR COUNSEL ERRORS AND UNPROFESSIONAL
ERRORS THE RESULT OF PROCEEDING WOULD
HAVE BEEN DIFFERENT AND WOULD NOT HAD
PLEADED GUILTY BUT INSISTED ON GOING TO
TRIAL ON ORIGINAL CHARGES FACING LIFE
IMPRISONMENT BASED ON CLAIM # 6 IN
APPENDIX # E-7 PAGES 33-39

HILL-V-LOCKHART; STRICKLAND-V-WASHINGTON

SEE PREJUDICE PRONG APPENDIX # E-7
PAGES 39

● HAD IT NOT BEEN FOR INCOMPETENT ADVICE
OF COUNSEL TO PLEAD GUILTY AND COUNSEL
FAILING TO INFORM DEFENDANT OF THE
VICTIM EXCULPATORY STATEMENTS THE
DEFENDANT WOULD NOT HAD PLEADED GUILTY
BUT INSISTED ON GOING TO TRIAL ON THE
ORIGINAL CHARGES FACING LIFE IM-
PRISONMENT, DEFENSE COUNSEL ADVICE TO
PLEAD GUILTY WAS NOT WITHIN THE RANGE OF
ATTORNEY IN CRIMINAL CASES SET FORTH IN
MCMAHON-V. RICHARDSON 397 U.S. 759, 770-71,
90 S. CT. 1441, 1448, 25 L. ED. 2D 763 (1970)
SEE PREJUDICE PRONG APPENDIX # E-7
PAGES 39

● BUT FOR CONSTITUTIONAL VIOLATIONS
AND ERRORS NO REASONABLE JUROR WOULD
HAVE FOUND DEFENDANT GUILTY OF THE
UNDERLYING OFFENSE AND SENTENCE

CAUSE - WHY I FAILED TO RAISE THE
NEW EVIDENCE AND NEW FACTS AND CLAIMS
IN MY INITIAL POST-CONVICTION AND
WRIT OF HABEAS CORPUS ;

- (1). DEFENSE COUNSEL FAILED TO INFORM THE
DEFENDANT OF THE UNDISCLOSED EVIDENCE
DURING PRE-TRIAL STAGE AND PRIOR TO
ACCEPTING ALFORD GUILTY PLEA SEE NEW
EVIDENCE APPENDIX # E-7 PAGES
6-7
- (2). DEFENDANT HAD NO EXPERIENCE ATTORNEY
TO PREPARE AND REPRESENT HIS INITIAL
POST-CONVICTION AND WRIT OF HABEAS
CORPUS .
- (3). DEFENSE COUNSEL FAILED TO INFORM THE
DEFENDANT OF THE ELEMENTS OF FORCIBLE
RAPE SEE APPENDIX # E-15 PAGE 5
QUESTION # 6 ANSWER # 6 AND

(4), DEFENDANT FAILED TO RAISE THE
VICTIM UNDISCLOSED AND EXCULPATORY
VICTIM STATEMENTS AND CONSTITUTIONAL
ERRORS AND DEFECTS IN INITIAL POST-
CONVICTION AND WRIT OF HABEAS CORPUS
DUE TO INEFFECTIVE ASSISTANCE OF
COUNSEL STRICKLAND-V- WASHINGTON
466 U.S. 668, 104 S. CT. 2052, 80 L. Ed. 2d
674 (1984), EVITTS-V- LUCEY 469 U.S. 387,
396, 105 S. CT. 830, 836, 83 L. Ed. 2d 821 (1985).

WHY IT WOULD BE A FUNDAMENTAL

MISCARRIAGE OF JUSTICE NOT TO CONDUCT

EVIDENTIARY HEARING IN FEDERAL COURT

AND RULE ON THE MERITS OF WRIT OF

HABEAS CORPUS, NEW EVIDENCE AND

NEW FACTS :

(1). PETITIONER WOULD BE DENIED DUE PROCESS
OF THE LAW,

(2). PETITIONER WOULD BE DENIED RIGHT TO
PRESENT NEW UNDISCLOSED, EXCULPATORY
VICTIM STATEMENTS BY DEFENSE COUNSEL.
SEE NEW EVIDENCE APPENDIX # E-7
PAGES 6-7

(3). PETITIONER WOULD BE DENIED A FULL, FAIR,
ADEQUATE FACT FINDING PROCEDURE.

(4). THERE IS A SUBSTANTIAL ALLEGATION
OF NEW EVIDENCE THAT WOULD NOT BE
HEARD AND RULED ON FOR THE MERITS.

(5). A CONSTITUTIONAL VIOLATION PROBABLY
HAS CAUSE THE

CONVICTION OF ONE INNOCENT OF THE
CRIME.

(6). PETITIONER WOULD BE DENIED RIGHT TO
A DIRECT APPEAL, SEE APPENDIX # E-7
PAGES 28-29

(7). THE MERITS OF FACTUAL DISPUTE WILL
NOT BE RESOLVE.

AFFIDAVIT / VERIFICATION

I, ROY JACKSON PETITIONER AFTER FIRST
BEING DULLY SWORN HEREBY VERIFY THAT I
AM THE PETITIONER HERE IN THAT I HAVE
READ THE ABOVE AND FOREGOING PETITION
FOR A WRIT OF CERTIORARI AND THE
FACTS, ALLEGATIONS, ARGUMENT OF LAW,
AND EXHIBITS CONTAINED HEREIN ARE
TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF, UNDER THE
PENALTIES OF PERJURY, COMMITMENT ORDER
ENCLOSE SEE APPENDIX # E-33

Roy Jackson

R. D. Smith

SIGNATURE OF EX-OFF Reginald L. Admirault, #66708
NOTARY Ex-Off cio Notary
La. Dept. Of Pub. Safety & Cr. Jc.

DATE: 12/15/23

CONCLUSION

AND PRAYER

WHEREFORE, PETITIONER REQUEST THAT
THIS HONORABLE COURT ALLOW DEFENDANT
TO :

- (1). WITHDRAW-VACATE GUILTY PLEA AND
SENTENCE ,
- (2). ORDER A NEW TRIAL ,
- (3). ORDER A EVIDENTIARY HEARING WITH
APPOINTMENT OF ATTORNEY ,
- (4). ORDER A EVIDENTIARY HEARING
CONCERNING THE VOLUNTARINESS OF THE
GUILTY PLEA, REQUEST TO BE PRESENT AT
ALL HEARINGS ,
- (5). CONDUCT EVIDENTIARY HEARING IN THE
FEDERAL COURT ,
- (6). GRANT WRIT OF CERTIORARI ,