

24-5368

No.

FILED

JUL 15 2024

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES
WASHINGTON, DC

Joseph Roach

— PETITIONER

(Your Name)

vs.

WARDEN, AMY ROBEY

— — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS FOR THE SIXTH CIRCUIT

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

PETITION FOR WRIT OF CERTIORARI

Joseph Roach

(Your Name)

LUTHER LUCKETT CORR. COMPLEX P.O. BOX 6

(Address)

LAGRANGE, KENTUCKY 40031

(City, State, Zip Code)

(Phone Number)

QUESTIONS PRESENTED

WAS MR. ROACH DENIED THE UNANIMOUS JURY VERDICT REQUIRED BY KENTUCKY LAW WHEN HE WAS TRIED UNDER A THEORY THAT HE ACTED ALONE, AND INDEPENDENTLY, BUT ALLOWED TO BE FOUND GUILTY UNDER A THEORY THAT HE ACTED AS AN ACCOMPLICE?

WAS MR. ROACH DENIED DUE PROCESS OF LAW WHEN THE SIXTH CIRCUIT AFFIRMED HIS CONVICTION BASED ON A CHARGE IN WHICH HE WAS NEVER TRIED?

DID THE SIXTH CIRCUIT EVALUATE THE SUFFICIENCY OF THE EVIDENCE CONTRARY TO JACKSON V. VIRGINIA?

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 Robey, Warden, Luther Luckett Correctional Complex, 1612 Dawkins Rd., P.O. Box 6, Lagrange, Kentucky 40031.; Russell Coleman, Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601.

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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 22-5879; 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 is unpublished.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 No. 3:16-cv-300-DJH-HBB; 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 is unpublished.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 C to the petition and is

reported at 2005-SC-0211-MR; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Kentucky Court of Appeals court appears at Appendix D to the petition and is

reported at No. 2011-CA-001319-MR/2012-CA-000541-MR; 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 2/22/2024.

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: _____, and a copy of the order denying rehearing appears at Appendix E _____.

An extension of time to file the petition for a writ of certiorari was granted to and including July 21, 2024 (date) on May 24, 2024 (date) in Application No. 23 A 1051.

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 10/19/2006. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

An extension of time to file the petition for a writ of certiorari was granted to and including July 21, 2024 (date) on May 24, 2024 (date) in Application No. —A —.

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

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

Amend. V

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 in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, ***nor be deprived of life, liberty, or property, without due process of law.***

Amend. VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein which the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusations; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense (competent counsel).

Amend. 14, Section 1

All persons 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 that will abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within jurisdiction the Equal Protection of the Law.

STATEMENT OF THE CASE

On Friday 18, 2002, officers from the Louisville, Kentucky police department responded to a call about a murder in an apartment unit. Inside the apartment, Renee Robinson's dead body lay on her bed. She had been beaten and strangled.

The jury heard testimony from the detective who interviewed Roach after his arrest. Roach told the detective that Robinson was looking for some dope and wanted to buy some from him. He said that he and Drake wanted to holla at her (see what she wanted). Roach said the three of them went to her apartment and drank alcohol. Robinson wanted to have sex in exchange for drugs. So, she asked Drake to leave so she and Roach could have sex. After some time had passed, Roach noticed Drake had left. Ten minutes later, after Roach and Robinson messed around Roach left the apartment. Roach did not admit that he was in Robinson's apartment when she was injured or deceased, or tried to clean up the apartment. (Drake's testimony will be fully developed in pleading).

As for physical evidence, there was no DNA from Roach or Drake at the crime scene. An expert testified that samples of blood taken from a rug, a wall, a pair of long underwear, and the base of the toilet in the apartment were consistent with genetic markers present in Robinson and Drake's blood, but not Roach.

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REASON FOR GRANTING THE PETITION

Mr. Roach was found guilty of an offense in which he was never tried, the Sixth Circuit misapplied Jackson v. Virginia in evaluating the sufficiency of the evidence, and affirmed his conviction based on this untried charge.