

24-6119

No:

SUPREME COURT OF THE UNITED STATES

IN THE

FILED
JUL 16 2024
OFFICE OF THE CLERK
SUPREME COURT U.S.

ORIGINAL

Logan Smith — PETITIONER

(Your Name)

VS.

State of Louisiana — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Louisiana
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Logan Smith
(Your Name)

1870 Bell Hill RD.
(Address)

Kenner, LA 71040
(City, State, Zip Code)

N/A
(Phone Number)

Questions Presented

1. Was there sufficient evidence to prove that petitioner killed Mr. Brown beyond a reasonable doubt?
2. Was Petitioner's 5th and 14th Amendment Right violated when told if he did not confess his name would be given to § 412?

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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 _____ 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[] is unpublished.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 _____ 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[] is unpublished.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 A to the petition and is
☒ reported at 384 So.2d 348; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the Second Circuit Court of Appeals court appears at Appendix B to the petition and is
☒ reported at 374 So.2d 331; 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[] is unpublished.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 _____.

[] 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 _____.

[] 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 7/2024.
A copy of that decision appears at Appendix A.

[] 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Art. I § 2, Cl. 3 of the United States Constitution.
14th and 15th Amendments of the United States Constitution
La. Const. Art I § 16 and/or La. C.C. P. Art VII (A), (B)

STATEMENT OF THE CASE

On July 27, 2020, the Webster Parish Grand Jury indicted Mr. Logan Smith, charging him with second degree murder in violation of LA R.S. 14:30.1 E. 1A. Specifically, the State alleged that, on or about June 19, 2020, Mr. Smith killed Anthony Brown when Mr. Smith had the specific intent to kill and to inflict great bodily harm. E. 9. On August 17, 2020 Mr. Smith entered a plea of Not Guilty after being formally arraigned. E. 2

On August 1, 2022, Mr. Smith filed a motion to suppress his statement. E. 10-11. After a hearing on August 4th, 2022, the trial court denied the motion to suppress. E. 4, 98, 120-133.

Jury selection occurred from October 3, to October 5, 2022. E. 5-6, 228-828-829. A jury trial followed from October 5, to October 5, 2022. E. 10-11, 85-93, 829-1128. The jury returned a unanimous verdict of Guilty. E. 7, 1129-1130.

91A-92, 1123-25.

On December 16, 2022 the trial court sentenced Mr.

Smith to life imprisonment at hard labor without the benefit of probation, parole, or suspension of sentence. E. 8, 93, 1129-30.

On January 6, 2023 Mr. Smith filed a timely written motion for appeal, and the order of appeal was entered on

January 9, 2023 E. 94-95

On November 15, 2023 the Louisiana Second Circuit

court of appeal affirmed Mr. Smith's conviction and sentence

on May 7, 2024 the Louisiana Supreme Court

affirmed Mr. Smith's conviction and sentence.

REASONS FOR GRANTING THE PETITION

The evidence was not sufficient to show that ~~to~~ Mr. Smith murdered Mr. Burns. Thus Mr. Smith's conviction should be reversed, his sentence vacated, and a judgment of acquittal should be entered.

Additionally, when Mr. Smith refused to confess in the middle of the night after being moved to a second jail, Detective Phillip Browne implied to Mr. Smith that his mother or others may have to be arrested unless Mr. Smith confessed. Detective Browne did so even though Mr. Smith's family had implicated Mr. Smith and even though Detective Browne had recovered incriminating evidence. Nonetheless, hours after removing Mr. Smith from his home state, Detective Browne subjected Mr. Smith, whom he knew was in an extremely disturbed mental state, to a deceptive interview technique meant to play on Mr. Smith's emotions. Under these circumstances, Mr. Smith's MIRANDA waiver was not knowing and voluntary, and his confession was not voluntary. For these reasons Mr. Smith's conviction must be reversed, his sentence must be vacated, and this matter must be remanded for further proceedings.

Wherefore, for the above and following reasons, the Louisiana Supreme Court erred when it affirmed Mr. Smith's conviction and sentence. Accordingly, Mr. Smith's conviction should be reversed, his sentence must be vacated, and this matter must be remanded for further proceedings consistent with this court's decision. In the further alternative, Mr. Smith prays for this court to grant the writ and to docket this matter for full briefing and oral argument.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

#729348 Lagan Smith (Lagan Smith)

Date: July 14, 2024