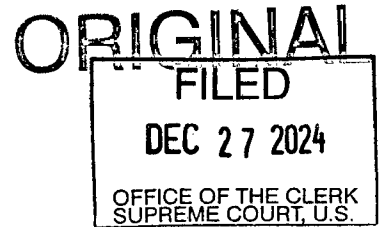


No. 24-6508



IN THE
SUPREME COURT OF THE UNITED STATES

Tyrone Lindsey — PETITIONER
(Your Name)

VS.

STATE OF LOUISIANA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

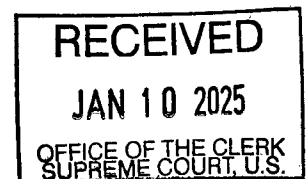
PETITION FOR WRIT OF CERTIORARI

Tyrone Lindsey #99015
(Your Name)

Mag-1
(Address)

LOUISIANA STATE PRISON
(City, State, Zip Code) Angola, La 70712

NONE
(Phone Number)



QUESTION(S) PRESENTED

- 1) whether the state trial court lacked subject matter jurisdiction.
- 2) whether the grand jury indictment for first degree murder should have been quashed when the state trial court allowed the prosecution to re-prosecute petitioner and proceed to trial under the same grand jury indictment that was secured with the same evidence that the U.S. Fifth Circuit Court of Appeal used to vacate the conviction.

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:

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Lindsey v. King</i>	769 F.2d 1134 5th Cir
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<i>U.S. v. Martin</i>	825 F.2d 754 3rd Cir 1987
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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 _____ 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☐ is unpublished.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 _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Fifth Circuit 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.

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 10-08-2024.
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

DUE PROCESS clause of the 5th
and 14th Amendment to the United
States Constitution

LOUISIANA CONST. AMEND V AND IV
LA. C.C.P. ART. 242
LA C.E.P. ART. 3

STATEMENT OF THE CASE

Petitioner Tyrone Lindsey
seeks a writ of certiorari from the
Hon. Court. In July of 1980 Lindsey
was indicted for first degree murder
by a Louisiana state grand jury.
After trial by jury on July 15, 1980
Lindsey was found guilty as charged.
On the same day the jury unanimously
recommended the death penalty to the
sentencing phase of the trial. Order
Case No. 80-220. On Sept. 8, 1980 the
Louisiana Supreme Court vacated his
death sentence and remanded the matter
to the trial court to empanel a new jury
for a determination of his penalty.
State v. Lindsey 404 So. 2d 466 La. 1981.
After remand Lindsey was again
sentenced to death on Feb. 25, 1983.
The Louisiana Supreme Court affirmed
the death sentence. State v. Lindsey 428
So. 2d 470 (La. 1983) cert. denied 464 U.S.
908, 104 S. Ct. 261, 78 L. Ed. 2d 246 (1983).
Lindsey subsequently filed a petition
for habeas corpus with the U.S. Court
for the Eastern District of Louisiana
alleging that the prosecution failed to
disclose exculpatory information. See
Lindsey v. King 769 F.2d 1034 (5th Cir.
1985). Lindsey v. (30) appealed the dis-
trict court's ruling denying habeas
corpus relief with the 1034 (5th Cir.
1985). Booth v. Brady v. Maryland, 373

U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 214 (1963) violation had occurred in that the state failed to disclose the identification of a witness and reversed Lindsey's conviction.

In Lindsey's third appeal, State v. Lindsey, 543 So. 2d 886 (La. 1989), the Louisiana Supreme Court affirmed the conviction and death sentence and noted the following procedural history after the remand by the Fifth Circuit:

In April 1987, defendant's third trial was conducted this time with the benefit of the identification witness's prior inconsistent statement. At the conclusion of the guilt phase of his bifurcated trial the jury found defendant guilty of first degree murder. Following the sentencing phase of the proceedings, the jury recommended the death penalty finding that numerous statutory aggravating circumstances were applicable to the homicide.

In Atkins, the U.S. Supreme Court held that the Eighth Amendment does not permit the execution of intellectually disabled defendants. La. C.C.P. art. 930.2 states the petitioner in an application for post conviction relief shall have the burden of proving that relief should be granted.

On April 5, 2004, on Joint motion of the State and defense, the District Court set aside the death penalty and resentence Lindsey to Life in Prison pursuant to Atkins v. Virginia 536 U.S. 304, 122 S.Ct. 2242, 153 L.Ed.2d 335 (2002).

On July 27, 2023, Lindsey filed an APCR with the 24th Judicial District Court raising three claims; 1) The Trial Court lacked "subject matter jurisdiction" to impose a life sentence; 2) The grand jury indictment was based on false testimony; and 3) La's non-Uniformed Services Verdict Law for non-capital cases were unconstitutional. The District Court denied relief stating the strict requirements mandated by La. C.C.P. art. 930.8 are not met. And that Lindsey failed to meet his heavy burden of proof under La. C.C.P. art. 930.8.

On March 27, 2024, the Louisiana Fifth Circuit Court of Appeal denied writs under case no: 24-KH-061. Lindsey then filed an application for supervisory writs into the Louisiana Supreme Court.

On Oct. 8, 2024, that Court denied relief under docket no: 2024-KH-00532.

Lindsey now respectfully seeks a writ of certiorari to issue out of this Hon. Court.

REASONS FOR GRANTING THE PETITION

This petition should be granted for the following reasons:

1. The U.S. Fifth Circuit Court of Appeal reversed Lindsey's First Degree Murder conviction and vacated the death sentence because state witness Richard Alexander gave false perjured testimony at trial and Alexander's pre-trial statements where he said:

That he did not see the perpetrator's face, and stated he saw only what he described as a silhouette of the perpetrator. Alexander concluded that viewing a photograph would be useless because he did not see the perpetrator's face.

However this statement was withdrawn from the defense. Alexander positively identified Lindsey as the perpetrator at trial. Lindsey discovered Alexander's pre-trial statement after conviction. See *Lindsey v. King*, 768 F.2d 1034, 5th Cir. 1985. The reversal was based on a violation of *Brady v. Maryland*.

Lindsey argued in the state courts that because the grand jury indictment was secured solely upon the same false/perjured testimony of Richard Alexander that he gave

during the jury trial and because it was so serious as to result in the U.S. Fifth Circuit Court of Appeal to reverse the conviction and death sentence. The grand jury indictment must be quashed. Alexander told Lindsey's grand jury that he could positively identify Lindsey as the perpetrator. Alexander's grand jury's decision influenced the and because first degree murder only person Alexander was the as the perpetrator to identify Lindsey. The U.S. Fifth Circuit Court of Appeal concluded a Brady v. Maryland violation mandated their reversal of Lindsey's first degree murder conviction and death sentence. The same is true for the First Degree murder indictment against Lindsey. See United State v. Martin, 825 F.2d 754 3rd Cir. 1987, where the court said:

"Once the court determines that there has been proof of some prosecutorial misconduct in the process of some abuse of the grand jury whether any sanction should be determined dismissal of the indictment and suppression of the evidence is appropriate."

Lindsey respectfully ask whether
and considering the circumstances
involved did the decision in
Lindsey v. King 769 F.2d 1034 5th Cir.
1985 mandate the quashing of
Lindsey's indictment for First
Degree Murder.

Did the Louisiana Trial Court have
an obligation to quash Lindsey's
indictment knowing it was secured
solely upon the false perjured testimony
of Richard Alexander?

Did the state courts erroneously
refuse to grant Lindsey post conviction
relief?

Did the state courts erroneously refuse
to even entertain the merits of
Lindsey's claim pertaining to Richard
Alexander's false perjured grand
jury testimony? See Wood v. Georgia 370
U.S. 375, 390 (1962) Historically, the grand
jury has been regarded as a primary
security to the innocent against
malicious and oppressive persecution.
It serves the invaluable function in our
society of standing between the accuser
and the accused. To determine whether
a charge is founded upon reason or
dictated by an intimidating power or
malice and personal ill will.

The Due Process Clause of the 14th Amendment secured to Tyrone Lindsey the fundamental right to have a grand jury consider and return a finding concerning each and every element of the crime with which Lindsey was charged, prosecuted and potentially convicted.

There is an independent right to a grand jury indictment under Louisiana's Constitution, La. Const. Art. I (15) (2002):

"No person shall be held to answer for a capital crime or a crime punishable by life imprisonment except on indictment by a grand jury."

Because the indictment in Lindsey's case was obtained solely upon the false, perjured testimony before the grand jury by Richard Alexander and because Richard Alexander's false, perjured testimony substantially influenced the grand jury decision to indict Lindsey for first degree murder, and should have been quashed with the decision in Lindsey, it can never be held to be valid. This How - Court should now quash Lindsey's indictment and reverse Lindsey's conviction and life sentence.

CONCLUSION

The petition for a writ of certiorari should be granted. The State Grand
jury indictment should be quashed, the convict-
ions and life sentence set aside.

Respectfully submitted,

Tyrene L. Lindsay

Date: 12-26-24