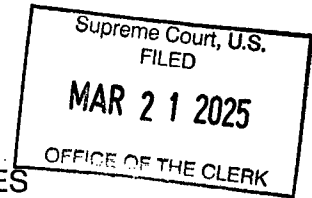


24-6923 ORIGINAL
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Christopher Alexander — PETITIONER
(Your Name)

vs.

State of Louisiana — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeal of Louisiana, Fourth Circuit No. 2023-KA-0540
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Christopher Alexander #773643
(Your Name)

Louisiana State Penitentiary
(Address)

Angola, Louisiana 70712
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Whether there was sufficient evidence to sustain a conviction for 2nd Degree Murder where state failed to prove that Mr. Alexander killed anyone, the first and most important element of Crime charged La. Rev. 14:30.1
2. Whether evidence chain should be reviewed under a less stringent standard than Jackson v. Virginia since this is a direct review claim and Jackson was decided during Federal Collateral Review.
3. Whether a taxpaying U.S. Citizen with no prior criminal convictions can be convicted on Circumstances alone? where there's no proof of criminal conduct in evidence introduced at trial.

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

State of Louisiana v. Christopher Alexander, No. 2023-KA-0540, COA Louisiana Fourth Circuit. Judgement Entered April 23, 2024

State of Louisiana v. Christopher Alexander, No. 2024-KO-00665, Louisiana Supreme Court. Judgement entered December 11, 2024

State of Louisiana v. Christopher Alexander, No. 541-296, Orleans 4th IDC, Judgment entered March 24, 2022

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La. R.S. 14:30.1

La. R.S. 14:130.1

La. R.S. 15:438

La. Constitution, Article V, Section 10 (A)

U.S. Constitution Amendment 14

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 _____ 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.

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 12-11-24.
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

La. R.S. 14:30.1

La. R.S. 14:130.1

La. R.S. 15:438

La. Constitution, Article V, Section 19 (A).

U.S. Constitution 14 Amendment

STATEMENT OF THE CASE

Christopher Alexander was charged by indictment with one count of second degree murder, in violation of La. R.S. 14:30.1, and one count of Obstruction of justice, in violation of La. R.S. 14:130.1. On May 15, 2018, petitioner entered pleas of not guilty and on July 11, 2018, a hearing was held on the motion to suppress the evidence and statement. The trial court requested memos from both parties, and on 7-25-18, denied the motions. The defense sought writs with the 4th cir. court of Louisiana, which were denied on 10-15-18. The defense sought review with the Louisiana Supreme Court, which was granted in part on 12-3-18.

After numerous pre-trial conferences and continuances due to Covid, on 3-30-21, the defense filed a motion in limine to exclude jail calls of the appellant. On 4-19-21, the trial court denied the motion. The defense sought writs with ~~the~~ the 4th circuit COA Louisiana, which vacated the trial court's order and granted the writ to exclude the jail phone calls. The state sought review with the Louisiana Supreme court, which denied the State's writ on 8-9-21.

On 3-21-22, petitioner proceeded to trial by jury. On 3-24-22, at the conclusion of the four-day trial, the jury found petitioner guilty as charged on both counts.

On 8-12-22, the trial court denied the defense motion for post verdict judgment of acquittal and motion for ~~new~~ trial. On 11-4-22, petitioner was sentenced to life in prison for second degree murder and 25 years at hard labor for obstruction of justice, to run concurrently. A motion for appeal was granted that same day.

Statement Of The Facts

On January 8, 2018, Idrick Brister was shot outside his house at 8015 Troplor street in New Orleans East. Tr. T. 3-23-22, p. 15, 19.

Three forty-five caliber shell casings were located at the scene. Tr. T. 3-23-22, p. 18, 19. The casings were examined by firearms examiner Sean McElroth and determined to been fired from the same weapon. Tr. T. 3-21-22, p. 7.

There were no eyewitnesses to the shooting and the gun was never recovered. Tr. T. 3-23-22, p. 19.

NOPD Homicide Detective Rayoll Johnson was assigned as the lead detective. Tr. T. 3-23-22, p. 14. Because surveillance cameras outside the house did not capture anyone approaching from the front or driving up to the residence, Johnson deduced the perpetrator approached the house from a side alleyway that led to Shubrick St. Id. at 39, 47. He located a shoe print in the alley, but it was never matched to a suspect. Id. at 39.

Brister had a large amount of cash in his wallet, as well as his phone and keys, leading Johnson to the conclusion robbery was not the motive of the shooting. Id. at 49.

Johnson interviewed Jatrice Mims, who was Brister's girlfriend and Mr. Alexander's ex-girlfriend. Mims and her two children were living with Brister at the time of the shooting. As a result of the interview, Johnson developed the petitioner as the primary suspect. Tr. T. 3-23-22, p. 35.

On January 10, 2018, petitioner voluntarily met with Johnson for an interview. The ~~video~~ interview was audio and video recorded. In the portion of the video played for the jury, the petitioner stated he had called a cab on the night in question to take him to meet an exotic dancer named Cherry he had met on Instagram. Initially, he indicated the address Cherry had given him was next door to his Aunt's house at 7726 Shubrick, but later said Cherry had provided his aunt's address. He also ^{dis}qualified his earlier statement about meeting Cherry on Instagram to say he had never contacted her on the social media platform only that he met her there. St. Ex. 37.

When he realized Cherry had given him a bogus address, he knocked on his Aunt's door. Because it was around 4 a.m., she did not answer, so he remained

The state presented no physical evidence inculcating the petitioner. The evidence retrieved from the scene consisted of three shell casings and a photo of a footprint in a muddy alley that could have been anyone's. Petitioner would have had to be only other human being on Earth besides victim in order to link the muddy footprint to him. Tr. T. 3-23-22, p. 18, 19, 39. No fingerprints, DNA, or any other testing or evidence linked the shell casings to the petitioner. Further, the firearm was never recovered. Id. at 19.

Likewise, there were no eyewitnesses to the shooting, nor was petitioner observed on any video surveillance. Id. at 39, 47.

Johnson developed petitioner as a suspect after speaking with Jontice Mims, who was petitioner's ex-girlfriend. Id. at 35.

The state's case was based completely on circumstantial evidence; much of it premised on those things the case detective could not prove.

Petitioner admitted he was in the area around the time of the shooting. He advised Detective Johnson that he called a cab to meet a stripper named Cherry on Shubrick St., next door to his Aunt's residence. St. Ex. 37. Petitioner volunteered this information. Id.

Yet when Johnson could not find evidence of a stripper named Cherry, he concluded petitioner was lying, and advised the jury of the same. Tr. T. 3-23-22, p. 60. Johnson concluded this based upon the fact that Cherry was not mentioned on the petitioner's Facebook or Instagram, nor were any calls or texts from or to anyone named Cherry located in the extraction report from petitioner's phone. Id. at 60.

However, in his statement, Mr. Alexander clarified that he did not contact Cherry on Instagram; the detective did not follow up and ask the petitioner how he did in fact contact her. St. Ex. 37. As noted by defense, there are many other apps in existence that can be used for contacting another individual, such as What's App, Snap chat, Google Chat, etc. No evidence was presented that anyone searched petitioner's phone for apps where Cherry may have contacted him. The detective's convenient inability to find proof of Cherry's contact with the appellant does not disprove her existence, nor prove that petitioner's statement was false.

The state presented Facebook records of Instant Messages between the petitioner and Mims, which revealed only that Petitioner still had feelings for his ex-girlfriend

and was feeling somewhat depressed. No threats against anyone, Idriok Brister in particular, appear in any of these records, St. Ex. 7, 7A.

The state's theory was that the shooting was done out of jealousy, premised upon the contact between petitioner and Mims, and the fact that the detective did not believe the shooting was motivated by robbery, since Brister's wallet full of cash, keys, and cell phone were not taken. Tr. T. 3-23-22, P. 49. This ignores the fact that robbery and jealousy are not the only two motives that exist for murder and the fact that some robberies occasionally are botched ending in someone being killed for nothing.

Additionally, the state argued that Petitioner went to the range with Sanders to practice shooting in anticipation of committing murder. In an attempt to bolster this theory, the state presented a video of the appellant and Sanders checking out at the range. St. Ex. 4

In contradiction of the state's premise, Sanders testified that going to the range was her idea, that she had invited the petitioner to shoot with her because she had gotten a new gun, and that Petitioner was so unfamiliar with the gun they rented from the range that he had trouble loading and clearing it. Tr. T. 3-23-22, P. 49.

The state asserted through Detective Johnson that the gun used to shoot Brister was similar or the same as the gun Petitioner shot at the range. Tr. T. 3-23-22, P. 66. The defense stipulated that three .45 caliber shell casings were located at the scene. Tr. T. 3-21-22, p. 7. The gun Petitioner used at the range was a .9 millimeter, and does not shoot .45 caliber rounds. Tr. T. 3-21-22, p. 48. In fact, while the state attempted to portray the guns as the same, the only thing they had in common was that they were both semi-automatic weapons and not revolvers. Thus, this circumstantial evidence was not probative of anything.

When confronted with the testimony from Sanders that Mr. Alexander was completely inexperienced with loading, shooting, and clearing the semi-automatic and Ms. Mims testimony that she had never known him to have a gun, the state argued that the petitioner's inexperience was the reason one of the bullets missed Brister. Id at 49. This, however, does not take into account the two bullets that did not miss.

Finally, the evidence presented through Detective Johnson regarding the location of Shubrick St. in relation to the crime scene was very misleading. Johnson testified that the alleyway next to Brister's residence on Troper led to Shubrick St.

which was directly behind Trapier, Id at 45 Detective Johnson lied intentionally to mislead jurors. While Shubrick does run parallel to Trapier, it does not do so in the block before Brister's residence and there is an apartment complex between the two. Thus, the detective's description of the location as being a few houses down or around the corner misstates the distance between the two locations. This circumstantial evidence was not only misleading, but also did not establish Petitioner's presence at the crime scene on Trapier.

In an attempt to bolster the completely circumstantial evidence, in addition to the three shell casings and crime scene photos, the State admitted an audio recording of the appellant's call to United Cab Company but didn't follow up and confirm if the cab was actually taken by Petitioner or anybody at all. A receipt and video from the shooting range, a social media post with a photo of the petitioner's shooting range target, the appellant's phone records, and a recording of the 911 call.

None of this evidence proved petitioner was the individual who shot Idrick Brister. In fact, the only thing the physical evidence proved beyond a reasonable doubt was that Brister was shot and killed. None of the evidence connected petitioner to the murder.

The circumstantial evidence presented did not exclude every reasonable hypothesis of innocence and specifically failed to prove Mr. Alexander was the shooter. Thus, the conviction must be reversed.

B. Obstruction of Justice

To uphold the conviction for obstruction of Justice, pursuant to La. R.S. 14:130.1, in this case, the State was required to prove beyond a reasonable doubt that: (1) Mr. Alexander knew or had good reason to believe his act may affect an actual criminal proceeding; (2) that he tampered with evidence; (3) that he had the specific intent to distort the results of an actual criminal proceeding or investigation; and (4) the evidence was reasonably likely to be relevant to an actual criminal proceeding or investigation.

The state failed to establish that petitioner tampered with evidence in this case or that he had the requisite intent to commit obstruction of justice.

The state asserted that a comparison of the extraction report and the call detail

report from the phone company indicated Petitioner had deleted his call to the cab company and offered this as proof of obstruction of justice.

Mr. Alexander told Johnson that he called the cab company for a ride to Shubrick St. St. Ex. 37. In fact, the state would not have obtained the recording of the call the petitioner made to the cab company if he had not voluntarily provided the information, including the cab company's name. As a result, the State was able to obtain a recording of the cab dispatch and play it for the jury, St. Ex. 42.

While the state provided proof that petitioner called the cab company and may have deleted the phone call at some point, the fact that he volunteered the information tends to negate any intent for obstruction of justice. If petitioner's goal was to hide the fact that he called a cab company for a ride, he would not have provided the information to the detective in his statement, St. Ex. 37.

The state also suggested that because Petitioner took a cab instead of an Uber or a Lyft, that he was somehow attempting to hide his trip to Shubrick St. Again, Petitioner himself provided the information to the detective regarding the cab, and taking a cab instead of paying for a car service is not a crime.

Additionally, the state did not present any evidence that Petitioner was familiar with Uber or Lyft, had either app on his phone, or had taken a car service before in his life. Had the state proven the appellant frequently took car services but only called for a cab in this one instance, some additional sliver of circumstantial evidence of obstruction might be present. The state did not present any such evidence nor can it refute that the police only knew about the cab call and ride because Petitioner volunteered the information, which contradicts the state's theory.

The State also asserted that the fact that the murder weapon was never retrieved was direct evidence that proved Petitioner had discarded it in an attempt to obstruct justice. However, this theory only holds true if Petitioner is the one proven to have committed the murder. There is no direct evidence that the appellant was ever in possession of the weapon, much less that he discarded it to prove obstruction of justice.

The State further argued that because the appellant's phone did not ping off a cell tower between the time he made the call to the cab company and 9:45 A.M. the next morning, he had intentionally turned his phone off to avoid giving away his location.

The state presented absolutely no evidence that Mr. Alexander intentionally turned his phone off in an attempt to obstruct justice. There are any number of reasons a cell phone does not ping off a tower that are not probative of obstruction of justice, like a dead battery, and the state did not attempt to exclude any of them.

The state failed to establish that petitioner tampered with evidence or that he ~~had~~ had the intent to distort the results of a criminal investigation or proceeding. As such, the conviction and sentence must be vacated.

REASONS FOR GRANTING THE PETITION

Petitioner was convicted of Second Degree Murder and Obstruction of Justice in a case that was based entirely on circumstantial evidence. In cases where there is no direct evidence linking a defendant to the crime he was accused of, every reasonable hypothesis of innocence must be excluded if the conviction is to stand.

Although the state court is not allowed to act as a "thirteenth juror", it must intervene if the jury returns a verdict that contravenes state and federal law, when a statutory provision is clear and unambiguous and its application does not lead to absurd consequences, its language must be given effect, and its provisions must be construed so as to give effect to the purpose indicated by a fair interpretation of the language used. Petitioner contends that the Fourth Circuit Court of Appeal has neglected its duty to uphold the laws of this state and the laws of the Constitution of the United States of America. It is for that reason petitioner seeks this court's intervention pursuant to Rule 10 1(a) and 1(c) of the rules of this court.

1. Erroneous Interpretation or Application of Constitution or Laws.

The district court and the court of appeal ~~un~~unmistakenly misapplied the legal reasoning found in statute § 15:438 of the Louisiana Revised Statutes. The reasoning put forth by the Fourth Circuit Court of Appeal unequivocally proves that the courts did not apply the legal reasoning found in the plethora of cases pertaining to circumstantial evidence.

2. Gross Departure from Proper Judicial Proceedings.

All courts located in the continental U.S. and its surrounding territories are subjected to the legal interpretations that are decided by the Supreme Court of the United States. The way in which judicial proceedings are to be carried out is governed by Supreme Court decisions also. Courts must be mindful that their role is to apply the law, not rewrite it. Department of Agricultural Rural Development Rural Housing Service v. Reginald Kirtz, 144 S.Ct. 457.

Co-existing with this legal mandate, is the statutory requirements that courts in the state of Louisiana have "The duty to require that criminal proceedings be conducted with dignity and in an orderly and expeditious manner and to control the proceedings that justice is done. Consequently, it was the duty of the courts to ensure that he as a citizen of this country was afforded all the constitutional protections he was guaranteed as a citizen of this country. One right particular is the right to not be convicted of a crime unless the prosecution proves his guilt beyond a reasonable doubt. All the elements which constitute a crime must be proven. If not the conviction should not stand.

There are spoken and unspoken duties that the courts of this country must adhere to. For if they do not the legal system will no longer be a bastion of justice but instead a citadel of corruption. One of these unspoken rules is that they must give equal consideration to both sides of the controversies before them. The legal arguments petitioner presented to the courts for review were ignored. The Fourth Circuit Court of Appeals practically adopted the states version of the "facts" word for word. When in fact his arguments were to be consciously reviewed by the courts with a view that it is their job to ensure that justice was done in the proceedings before their courts.

It should be furthermore noted that cited in the State's opposition brief is the case *State v. Rose*, 955 So.2d 270, which according to the State's viewpoint says "The finder of facts must determine, from facts gleaned from direct evidence and inferred from circumstantial, whether the body of preliminary facts exclude every reasonable hypothesis of innocence." As *Rose* does not actually state this, it is assumed by petitioner that the state is amalgamating the holdings of two different cases. *Rose* quoting *State v. Chism*, 436 So.2d. 464, states "When evaluating circumstantial evidence, the trier of fact must consider the circumstantial evidence in light of the direct evidence, and vice versa, the trier of fact must decide what reasonable inferences may be drawn from the circumstantial evidence, the manner in which competing inferences should be resolved, reconciled or compromised, and the weight and effect to be given to each permissible inference. From facts found from direct evidence and inferred from circumstantial evidence, the trier of fact should proceed, keeping in mind the relative strength and weakness of each inference and finding

to decide the ultimate question of whether this body of preliminary facts excludes every reasonable hypothesis of innocence." This is the standard the Fourth Circuit Court of Appeal should have applied and upheld in this case not the amalgated standard put forth by the State.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Christopher Alexander

Date: 3-10-25