
**IN THE
SUPREME COURT OF THE UNITED STATES**

LAWRENCE WILLIAMS

VS.

STATE OF LOUISIANA

W. SANDY McCAIN

**MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
ON PETITION FOR A WRIT OF HABEAS CORPUS**

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Phone

REASONS FOR SEEKING HABEAS CORPUS RELIEF

Petitioner Williams seeks to file a Successive Writ of Habeas Corpus under 28 U.S.C. § 2254 in which 28 U.S.C. § 2254(b)(3)(A) deprives all district court's of the jurisdiction to entertain said application by requiring Petitioner Williams to seek authorization from the relevant Court of Appeals. In re Cain, 137 F. 3d 234, 235 (5th Cir. 1998)

The U.S. Court of Appeals, for the Fifth Circuit denied authorization to file a successive writ based upon newly discovered evidence (DA's file) in light of a pending application for successive writ which sought relief from the prior judgment via Rule 60(b), Federal Rules of Civil Procedure before this court via Writ of Certiorari, Docket Number 17-8680. A denial of authorization to file a successive writ by the Courts of Appeal is not reviewable by a Writ of Certiorari a successive writ by the Court of Appeals is reviewable in this court by a Writ of Habeas Corpus only and not a Writ of Certiorari and/or any other extraordinary writ(s) under this court's original jurisdiction.

QUESTION(S) PRESENTED

1. The 5th Circuit Court of Appeal's decision dismissing a properly filed "Writ of Habeas Corpus" after exhaustion of all state court remedies based upon facts and law obtained VIA District Attorney's file not considered in the previous is contrary to Wilder v. Cockrell, 274 F.3d 255, 259 [5th Cir. 2001]; O'Sullivan v. Boerckell, 565 U.S. 838, 119 S.ct. 1728, 144 L.Ed. 2d 1 [1999]; and Picard v. Connor, 404 U.S. 270, 276, 92 S. Ct. 509, 512, 30 L. Ed. 2d 438 [1971].
2. Petitioner Williams "2nd Federal Habeas Corpus" based upon newly discovered evidence clearly established ed all state witnesses committed perjury as to petitioner Williams being the robber resulting in the convictions without due process. [Wrongful description at trial].

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of Habeas Corpus issue to review the Judgment below or
an alternative writ.

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 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

☐ For cases from **state 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 court of Appeals 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

JURISDICTION

☒ For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was February 21, 2018. Williams v. McCain # 17-30965 9 [U.S. 5th Cir. 3/17/18]

☐ 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: March 7, 2018, and a copy of the order denying rehearing appears at Appendix A.

☐ 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 _____.
A copy of that decision appears at Appendix E.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: November 28, 2018, and a copy of the order denying rehearing appears at Appendix F.

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. § 12574 (a).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED

28 U.S.C. § 2254

28 U.S.C. § 2254 (b) (1) (A)

28 U.S.C. § 1254 (1)

Reasons for Granting the Writ of Habeas Corpus

STATEMENT OF CASE

On May, 2015 Petitioner Williams purchased his Criminal File from the "District Attorney's Office" for \$87.00. I then caused a 2nd PCR to be filed based upon Newly Discovered Evidence on the ____ day of September, 2015 pursuant to La. C.Cr.P. art. 930.8(A)(1)(2) raising the following claims:

- (a) Counsel failed to interview the initial officers concerning what the alleged victims of these armed robberies told them including but not limited to the descriptions as I requested to impeach Detective Baldwin's and the victim's trial testimony is substantially different. What was said and done by the victims and the robber. Rather than give the State more ammunition on identification by giving the victims the opportunity to deny making the contradictorily statements in the initial reports and counsel could not introduce the reports into the record due to the state's objection as hearsay since the officers who report the reports were not subject to confrontation and cross-examination in order for the jury to assess the credibility of the officers who interviewed the victims on the dates of the robberies.
- (b) The trial court failed to order an evidentiary hearing under La. C.Cr.P. Art. 930.8.(A)(1) and (B) whereas said claims are based upon Brady prior to summarily dismissed under La. C.Cr.P. Art. 928.
- (c) The trial court denied Petitioner Williams due process on his 1st and 2nd application for post-conviction relief summarily without holding an evidentiary hearing and appointing counsel despite raising numerous constitutional claims if established would entitle Petitioner to relief and to appoint counsel for seeking writs to the appellate courts from any adverse judgments, whereas substantial ineffective counsel claims are alleged.

- (d) Petitioner Williams was deprived of a fair and impartial decision maker throughout the trial and post-conviction proceedings due to Kevin Landrum-Johnson having served in the capacity as the District Attorney who brought these charges against me and being the trial judge over the same offense.

The State District Court denied the 2nd PCR pursuant to La. C.Cr.P. Art. 930.8(A). On January 8, 2016, and February 17, 2016. The 4th Circuit Court of Appeal denied writs. The "La. Supreme Court" denied writs on 9-17-17 # 2016-KH-1008 and rehearing on 11/28/17 thus petitioner Williams clearly exhausted his State court remedies on his 2nd PCR based upon newly discovered evidence.. Petitioner sought Leave to File Successive Writ based on facts and claims not presented in the 1st Federal Habeas Corpus which the U.S. 5th Circuit denied leave to file it on the 21st day of February 2018 under #2017-30965 stating that I previously filed for Authorization under #17-30408¹. Petitioner sought reconsideration and was told by letter dated March 7, 2018 said review is prohibited by 28 U.S.C. § 2244(b)(3)(E).

REASONS FOR GRANTING THE WRIT OF HABEAS CORPUS

DISCUSSIONS

As relevant to Petitioner's right to seek Leave to File a 2ND "Federal Habeas corpus" based on newly discovered evidence via the District Attorney's file which I purchased for ^{\$ 87.00} [REDACTED] dollars and received it in early May 2015 after exhaustion of his State judicial remedies is to compare the claims and the factual basis:

1st Federal Habeas Corpus:

¹ This is petition for COA to review the denial of a Rule 60(b) as successive contrary to *Gonzalez v. Crosby*, supra, which was denied on April 3 2018.

- 1). The trial court erred in denying the motion to suppress the unduly suggestive identifications;
- 2). Petitioner was denied effective assistance of counsel where counsel failed to adequately investigate and prepare for trial; and
- 3). Petitioner was denied a fair trial when the State knowingly used perjured testimony of Detective Baldwin and failed to correct it.²

Request to Leave to File a “Federal Habeas Corpus”:

- (a) Counsel failed to interview the initial officers concerning what the alleged victims of these armed robberies told them including but not limited to the descriptions as I requested to impeach Detective Baldwin’s and the victim’s trial testimony is substantially different. What was said and done by the victims and the robber. Rather than give the State more ammunition on identification by giving them the opportunity to deny making the statements in the initial reports and could not introduce the reports for impeachment purpose due to the States objection as hearsay since the officers who wrote the reports were not subject to confrontation and cross-examination in order for the jury to assess the credibility of the officers interviewing them on the dates of the alleged armed robberies and Detective Baldwin’s follow-up some two months after the last robberies were done;
- (b) The trial court failed to order an evidentiary hearing under La. C.Cr.P. Art. 930.8(A)(1) and (B) when said claims are based upon Brady prior to summarily dismissal under La. C.Cr.P. Art. 928.

² Williams v. McCain, 13-145 “F” (4) United States District Court - Eastern District of Louisiana

- (c) The trial court denied Petitioner due process on his 1st and 2nd Application for PCR when he summarily dismissed them without holding an evidentiary hearing and appointing counsel despite raising numerous constitutional claims if established would entitle him to relief and to appoint counsel for seeking writs to the appellate courts from any adverse judgments, whereas substantial ineffective assistance of counsel are raised and support in part by the trial records and those from the District Attorney's office in May 2015.
- (d) Petitioner was deprived of a fair and impartial decision maker throughout my trial and both post-conviction proceedings due to Keva Landrum-John having served in the capacity as District Attorney for the Parish of Orleans and as my trial judge contrary to my federal and state due process rights.
- (e) The State District Court denied my 2nd PCR³ pursuant to La. C.Cr.P. Art. 930.8(a) on January 8, 2016 and February 17, 2016. The Fourth Circuit Court of Appeal denied writs under 2016-K-0335, the Louisiana Supreme Court denied writs on September 17, 2017 under 2016-KH-1008. A Request for Reconsideration was denied on October 2, 2017.

Exhaustion of State Remedies:

The federal habeas corpus statute and decades of federal jurisprudence require a Petitioner seeking federal habeas corpus relief to exhaust all available State court remedies prior to filing his federal petition. 28 U.S.C. § 2254(b)(1)(A); Rose v. Lundy, 455 US 509, 102 S. Ct. 1198, 71 L. Ed. 2d 379 (1982); Mercadel v. Cain, 179 F. 3d 271, 275 (5th Cir. 1999); Fisher v. Texas, 169 F. 3d 295, 302 (5th Cir. 1999). In order to satisfy the exhaustion requirement, the Petitioner must have fairly presented the substance of his federal constitutional claims to the State court in a procedural proper manner. Wilder v. Cockrell, 274 F. 3d 255, 259 (5th Cir. 2001); O'Sullivan v.

³ PCR means Post Conviction Relief

Boerckell, 565 US 838, 119 S. Ct. 1728, 144 L. Ed. 2d 1 (1999); Maguire v. Phillips, 144 F. 3d 348, 360 (5th Cir. 1998) (citing Richardson v. Procnier, 762 F. 2d 429, 431-32 (5th Cir. 1985)). Moreover, each claim must be presented to the State's highest court, even when review by that court is discretionary. O'Sullivan v. Boerckell, 526 US 838, 119 S. Ct. 1728, 144 L. Ed. 2d 1 (1999); Maguire, 144 F. 3d at 360, citing Richardson, 762 F. 2d at 431-32. In Louisiana, the highest court is the Louisiana Supreme Court. See La. Const. Art. 5, § 5(a) ["The Louisiana Supreme Court has general supervisory jurisdiction over all courts..."]

Thus, in order for a Louisiana prisoner to have exhausted his state court remedies, he must fairly present the substance of his federal constitutional claims to the Louisiana Supreme Court in a procedurally correct manner. Nobles v. Johnson, 127 F. 3d 409, 420 (5th Cir. 1997), cert. denied,, 523 US 1139, 118 S. Ct. 1845, 140 L. Ed. 2d 1094 (1998). Exhaustion requires that any federal constitutional claims presented to the State courts be supported by the same factual allegations and legal theories upon which the Petitioner bases his federal claims. Picard v. Connor, 404 US 270, 276, 92 S. Ct. 509, 512, 30 L. Ed. 2d 438 (1971)

...It is obvious that Petitioner's "2nd Writ of Habeas Corpus" is based upon different factual allegations and legal theories than his 1st federal habeas corpus.

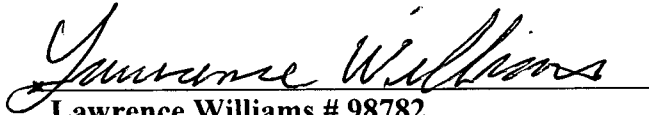
Wherefore, Petitioner requests the following relief to issue:

This court to grant petitioner Williams a "Writ of Habeas Corpus" and or remand to the lower courts with instructions.

CONCLUSION

The petition for a Writ of Habeas Corpus should be granted.

Respectfully submitted,

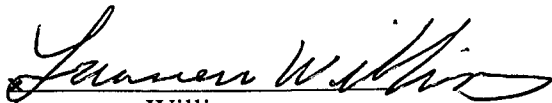


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CERTIFICATE OF SERVICE

I, Lawrence Williams, do hereby state that I caused to be mailed and one copy of the foregoing to the Attorney General for the State of Louisiana at 1885 North 3rd Street, P.O. Box 94005, Baton Rouge, Louisiana 70804-9005 after having placed same under separate cover and attaching (pre-paid) sufficient first class postage, and causing same to be mailed on the date appearing, infra.

Dated this 23 day of April, 2018.



Lawrence Williams

**Additional material
from this filing is
available in the
Clerk's Office.**