

No. _____

18-8028

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

RONALD REEL

(Your Name)

PETITION FILED

JAN 25 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

vs.

DARREL VANNOY, WARDEN

Louisiana state penitentiary — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO the
State Court of Appeals For the Fourth Circuit, NO:
2010-KA-1737, And the UNITED STATES DISTRICT Court
For the Eastern District, NO. 15-5156

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

PETITION FOR WRIT OF CERTIORARI

RONALD REEL #356002

(Your Name)

Louisiana state penitentiary

(Address)

Angola, La. 70712

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Petitioner deprived of his 5th Amendment right to the Reasonable Doubt Clause.
2. Petitioner 6th Amendment right to a Speedy trial was violated.
3. Petitioner Denied 6th Amendment right to SELF-Representation.
4. Petitioner Denied 14th Amendment right to DUE PROCESS.
5. Ineffective Assistance of Counsel (two claims)
6th Amendment right to Counsel Violations.

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:

DARREL VANNOY, WARDEN
Louisiana state penitentiary
Angola, LA. 70712

LEON A. CANNIZZARO, JR.
District Attorney
619 South White Street
NEW ORLEANS, LA. 70119

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TABLE OF AUTHORITIES CITED

CASES

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Jackson v. Virginia, 443 U.S. 207, 319 (1979)

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Strickland v. Washington, 466 U.S. 668 (1984)

STATUTES AND RULES

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 is unpublished.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 is unpublished.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 _____ 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 State Court of Appeals _____ court 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 10-09-18.

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: 10-14-18, 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 _____ (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 4-12-13.
A copy of that decision appears at Appendix B.

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

STATEMENT OF THE CASE

On September 23, 2008, petitioner was arrested by the New Orleans Police Department. On January 23, 2009, the Grand Jury returned a Bill of Indictment For Aggravated Rape (count one), and unauthorized entry of an inhabited dwelling (count two). On March 16, 2010, a Jury by a 10-2 vote Found petitioner guilty of the lesser included offense Forcible Rape (count one) and guilty as charged to the unauthorized entry (Count Two).

On October 24, 2011, petitioner Filed his Direct Appeal with the Louisiana Fourth Circuit Court of Appeal alleging 1.) The evidence was insufficient, 2.) Insufficient adjudication as a Third Offender, 3.) The prosecutor improperly Amended the Bill of Indictment, 4.) The prosecutor presenting False evidence at trial and, 5.) The prosecutor Solicitating and allowing False testimony to go uncorrected at trial. On October 3, 2012, the Fourth Circuit affirmed Convictions. On April 12, 2013, the Louisiana Supreme denied writs.

On February 21, 2014, petitioner Filed an application For post-Conviction Relief with the Following Claims: 1.) He was denied his right to a Speedy trial, 2.) He was denied his right to Self-Representation, 3.) He was denied his

right to Confrontation and Cross-examination and, 4.) Four Claims of Ineffective assistance of Counsel. The State trial Court denied application on June 30, 2014. The State Fourth Circuit Court of appeals denied writs on July 22, 2014 and the Louisiana Supreme Court denied application for review without stated reasons on October 2, 2015.

Petitioner Filed habeas Corpus petition with the U.S. District Court for the Eastern District of Louisiana on October 12, 2015. The U.S. District Court denied petition on October 31, 2017. Petitioner Filed his notice of appeal with the U.S. District Court on November 27, 2017.

Petitioner Filed his Certificate of appealability with the U.S. Court of Appeals for the Fifth Circuit on January 23, 2018. The U.S. Court of appeals denied C.O.A. on October 9, 2018. Petitioner Filed a timely motion for a Re-hearing. The Court of appeals denied the motion on November 2, 2018.

Now, petitioner is proper before this Honorable Court.

REASONS FOR GRANTING THE PETITION

The State Courts and the UNITED States District Court For the Eastern District has decided important Federal questions in a way that Conflicts with relevant decisions OF the U.S. Supreme Court and review is warranted

1.) In petitioner's denial OF his 5th Amendment Reasonable Doubt Claim, the prosecution Failed to prove all OF the essential elements, beyond a reasonable doubt, to the charged crime. The prosecution did not prove, by any OF the evidence, that sexual intercourse occurred to constitute any sex crime under Louisiana Law. This is in conflict with the decisions reached by this Court in Jackson v. Virginia and In re Winship.

Further, For the sake OF arguement, the State Louisiana, effective January 1, 2019, amended its Constitutional Law requiring unanimous Jury verdicts For all Felony Cases. Petitioner's verdict was non-unanimous. This Amendment is applied prospectively, but it should be applied retroactive to petitioner's case be-

cause it falls under one of the two exceptions by Justice HARLAN in MACKAY V. UNITED STATES, as it directly relates to petitioner's guilt and disrupts a practice long accepted and widely relied upon for the accuracy of a court's determination of guilt, which seriously diminishes the likelihood of obtaining an accurate conviction and undermines fundamental fairness.

2.) Petitioner's speedy trial right was violated where the length of the delay was prejudicial, the delay was caused by the prosecution, petitioner asserted his speedy trial right on three different occasions, and petitioner was prejudiced by the delay. This is in conflict with the decision reached by this court in BARKER V. WINGO.

3.) Petitioner was denied his 6th Amendment right to self-representation, where the trial held a Ferratta colloquy, petitioner elected to proceed pro se, and the trial court granted petitioner the right to proceed pro se and petitioner was not allowed to represent himself.

This is in conflict with the decision reached by the U.S. Supreme Court in California v. Faretta.

4.) Petitioner trial Counsel rendered ineffective assistance of Counsel on two different occasions: (1) Counsel Failed to interview or call to trial material Alibi witness, and (2) Counsel Failed to object when the prosecutor, in closing Arguments, referred directly and indirectly to petitioner's failure to testify on his own behalf, where petitioner did not testify at the trial. These errors by trial Counsel was serious and the out-come of trial would have been different without Counsel's errors. This is in conflict with the decisions reached by the U.S. Supreme Court in Strickland v. Washington and Griffin v. California.

Also, this honorable Court should grant review to correct these Constitutional violations for the importance to the public on these issues, and for other defendants' in similar situations.

ARGUMENTS

Petitioner does not have the Record on Appeal to properly brief and argue claims. Therefore, petitioner request this Honorable Court to adopt the arguments to all of his claims that were presented in his direct appeal briefs and application for post-conviction relief and federal court petitions.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronald Reed

Date: January 25th, 2019