No. 23A961

In The

Supreme Court of the United States

October 2023 Term

John Wesley Patton,
Petitioner,

Versus

State of Louisiana,
Respondent

Motion to Leave to Exceed the Page Limits
Required by S.Ct. Rule 33

The Petitioner, John Wesley Patton, Pro-Se, who respectfully moves for leave to exceed the page limits allowed by Supreme Court Rule 33, Document Preparation.

Petitioner would move this court to allow the Petitioner to exceed the page limits allowed.

The Petitioner would state; That due to the complexity and scope of the legal issues contained herein. The Petitioner was unable to meet the forty, (40) page requirement contained in Rule 33, document preparation and thereby requests leave to exceed that rule.

The Petitioner's Writ of Certiorari application is 105 pages long. Which includes exhibits.

Wherefore, the Petitioner prays for Motion to Leave to Exceed the Page Limits.

Respectfully Submitted,

John Wesley Patton, Esq.
D.P.S.C. No. 327902
B.B Sixty Rayburn Correctional
Wind 4
27268 Hwy 21 North
Angie, Louisiana 70426

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

JOHN WESLEY PATTON — PETITIONER
(Your Name)

VS.

STATE OF LOUISIANA — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis.*

Please check the appropriate boxes:

☑ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

24TH JUDICIAL DISTRICT COURT [JEFFERSON PARISH], 5TH COURT OF APPEALS [LOUISIANA] SUPREME COURT OF LOUISIANA [NEW ORLEANS]

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☑ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: _____
_____, or

☐ a copy of the order of appointment is appended.

_____
(Signature)

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, JOHN W. PATTON, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	**Average monthly amount during the past 12 months**		**Amount expected next month**	
	You	Spouse	You	Spouse
Employment	$ 0	$ 0	$ 0	$ 0
Self-employment	$ 0	$ 0	$ 0	$ 0
Income from real property (such as rental income)	$ 0	$ 0	$ 0	$ 0
Interest and dividends	$ 0	$ 0	$ 0	$ 0
Gifts	$ 700.00	$ 0	$ 0	$ 0
Alimony	$ 0	$ 0	$ 0	$ 0
Child Support	$ 0	$ 0	$ 0	$ 0
Retirement (such as social security, pensions, annuities, insurance)	$ 0	$ 0	$ 0	$ 0
Disability (such as social security, insurance payments)	$ 0	$ 0	$ 0	$ 0
Unemployment payments	$ 0	$ 0	$ 0	$ 0
Public-assistance (such as welfare)	$ 0	$ 0	$ 0	$ 0
Other (specify): _____	$ 0	$ 0	$ 0	$ 0
Total monthly income:	$ 0	$ 0	$ 0	$ 0

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
none			$
			$
			$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
none			$
			$
			$

4. How much cash do you and your spouse have? $ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
none	$	$
	$	$
	$	$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value NA

☐ Other real estate
Value NA

☑ Motor Vehicle #1
Year, make & model 2007 DODGE 4X4
Value $5,000

☐ Motor Vehicle #2
Year, make & model NA
Value

☐ Other assets
Description NA
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
N A	$	$
	$	$
	$	$

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
PHILIP LEVATINO	FRIEND	70
ROB ROY	FRIEND	55

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home) Are real estate taxes included? ☐ Yes ☑ No Is property insurance included? ☐ Yes ☑ No	$ Ø	$ Ø
Utilities (electricity, heating fuel, water, sewer, and telephone)	$ Ø	$ Ø
Home maintenance (repairs and upkeep)	$ Ø	$ Ø
Food [PRISON COMMISSARY]	$ $100.00	$ Ø
Clothing	$ Ø	$ Ø
Laundry and dry-cleaning	$ 8.00	$ Ø
Medical and dental expenses	$ 5.00 DEDUCTIABLE EVERY VISIT	$ Ø

	You	Your spouse
Transportation (not including motor vehicle payments)	$ 0	$ 0
Recreation, entertainment, newspapers, magazines, etc.	$ 0	$ 0
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	$ 0	$ 0
Life	$ 0	$ 0
Health	$ 0	$ 0
Motor Vehicle	$ 0	$ 0
Other: N A	$ -	$ -
Taxes (not deducted from wages or included in mortgage payments)		
(specify): N A	$ 0	$ 0
Installment payments		
Motor Vehicle	$ 0	$ 0
Credit card(s)	$ 0	$ 0
Department store(s)	$ 0	$ 0
Other: N A	$ 0	$ 0
Alimony, maintenance, and support paid to others	$ 0	$ 0
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$ 0	$ 0
Other (specify): N A	$ 0	$ 0
Total monthly expenses:	$ 113 00	$ 0

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☑ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☑ No

If yes, how much? NA

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☑ Yes ☐ No

If yes, how much? $ 100.00 OR BETTER

If yes, state the person's name, address, and telephone number:

LOUISIANA PRISON OFFENDER COUNSELS
BB SIXTY RAYBURN CORRECTIONAL
ANGIE, LOUISIANA 70426

12. Provide any other information that will help explain why you cannot pay the costs of this case.

LOUISIANA PRISONER. I RECIEVE NO PAY.
I AM ACTUALLY INNOCENT. MY ORIGINAL ATTORNEY STOLE MY
RETAINER FEE. I AM TRULY INDIGENT.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: MARCH 14, 2024

(Signature)

John W. Patton

No._____

In The

Supreme Court of the United States

October Term 2023

John Wesley Patton,
Petitioner,

Vs.

State of Louisiana
Respondent,

On Petition of Writ of Certiorari
Louisiana Supreme Court No. 2023-KO-00151

Petition for Writ of Certiorari
United States Supreme Court

John Wesley Patton, Esq.
Pro-Se Petitioner
DPSC No. 327902
BB. Sixty Rayburn Correctional
27268 Hwy 21 North
Angie, Louisiana 70426

(a)
Questions Presented for Review

Questions Number One

1. What defense tools are Louisiana pro-se defendants entitled to when they choose to represent themselves pro-se at trial?

a. Does it Violate Due Process when they are given no defense tools?

b. Is that considered a Fair Trial as guaranteed in the Sixth Amendment?

c. What is the remedy when Stand by Counsel fails to assist Pro-Se Defendants in Pre-Trial Investigations?

d. Are Pro-Se Defendants entitled to Effective Stand by Counsel?

Questions Number Two

2. Is a Freestanding Actual Innocence Claim on its Own Grounds sufficient to overturn a State felony conviction?

a. What is the Proof Required to Present that Claim?

b. Is the Louisiana One Witness Rule Constitutional even though it requires no Corroboration? As a Number of Other States Require Corroboration? When even the Bible requires conviction on two or three witnesses?

Questions Number Three

3. Do Louisiana Defendants have a Constitutional Right to have the Complete Court proceedings transcribed from indictment until sentencing?

a. Is it a Due Process Violation when the Trial Judge Intentionally removes portions of the transcripts that prove the Petitioner objected on the record?

b. Are Louisiana Court Rules that require an "order designating issues" Unconstitutional due to the fact it presents an "incomplete record for the Appellate Court?"

c. Does that rule deny a meaningful review of errors?

d. Are Pro-Se Defendant's entitled to complete trial transcripts?

e. When they elect to represent themselves?

f. Does denial of that violate Due Process?

Questions Number Four

4. Did Defendant receive a fair review on the "perjury claim" when the Record was incomplete? Did the Defendant prove perjury?

a. Was Defendant's Napue claim substantiated When Defendant repeatedly played recorded interviews of J.M. prior testimony to both 911 operators and police detectives for showing that testimony did not match her current trial testimony when in fact the recordings matched Defendant's statements to police detectives?

b. Did Louisiana District Judge, Steven C. Grefer's intentional failure to adhere to the Rules of Evidence and the fact Defendant repeatedly "objected" to the Judge's failure to follow the Rules of Evidence while Defendant was cross examining J.M. and R.D. and C.R. Lead to Defendant's failure to prove perjury?

Questions Number Five

5. Is the Fifth Amendment Provision that requires "Grand Jury" indictments for infamous crimes binding on the State of Louisiana pursuant to the Fourteenth amendment of the United States Constitution thereby abrogating Alexander Vs. Louisiana, 405 U.S. 625, 636, 92 S Ct. 1221 31 L.Ed.2d 536, (1972), and Hurtado Vs. California, 110 U.S. 516, 538, 4 S Ct. 111, 122, 28 L.Ed. 232 (1884)?

a. Does the Louisiana District Attorney's customary use of "bills of informations" to manipulate the random assignment of Louisiana District Judges in intentional efforts to rob Louisiana Defendants Constitutional Right to a fair and impartial Judge violate "due process"? Thereby requiring the Supreme Court to exercise **28 U.S.C.A. § 1251(a)** and **28 U.S.C.A. § 1257(a)** to correct the injustice?

b. Can any Louisiana Pro-Se Defendant or Louisiana criminal Defendant ever expect to receive a Fair and Impartial Trial as long as this practice remains and District Attorneys are allowed to judge shop?

c. Is an impartial gatekeeper fair? Constitutional.

d. Is Louisiana required to provide its citizens with more protection then less in regard to the United States Constitution?

e. Should this Supreme Court exercise its corrective power to redress this unconstitutional practice when this Court normally rules in favor of States rights?

Questions Number Six

6. Did Louisiana District Judge, Steven C. Grefer's repeated interference during cross-examination in itself violate the Defendant's right to Confrontation/Cross-Examination?

a. Did Defendant's inability to provide the Appellate Court a "true and correct" portion of the Transcripts when a "true sand correct" copy of said record was not available to Defendant violate Due Process? Even when the Defendant repeatedly filed valid motions and writs of mandamus that were all summarily denied by the court without written opinion thereby attributing to the Louisiana Court of Appeals for the Fifth Circuit denial of the Defendant's appeal dated December 21, 2022?

b. Did Louisiana District Judge's failure to adhere to the Louisiana Criminal Code of Evidence while the Defendant was in cross-examination of numerous State witnesses. Violate the Defendant's right to Confrontation/Cross-Examination? When the Defendant repeatedly "objected" and repeatedly asked the Judge to instruct the witness to answer the question as it was asked by defendant and Judge failed to instruct any witness to answer the questions as posed to them in itself violate the Defendant's constitutional rights?

c. Are Pro-Se Defendant's entitled to Confrontation?

d. Do Louisiana's procedural rules supersede or violate the United States Constitution?

e. Did the fact that the Defendant was Pro-Se unfairly influence the Appellate Court erroneous decision to deny the Defendant's valid claims?

Questions Number Seven

7. Did Louisiana District Judge, Steven C. Grefer's intentional interference and interruptions of Defendant's direct testimony violate the Defendant's right to testify on his behalf? When Judge Grefer abruptly said "that's it your done" right in the middle of testifying?

a. Are Pro-Se Defendants entitled to testify on their behalf?

b. Was this claim additionally prejudiced by the Trial Court's failure to approve the Defendant's numerous requests to transcribe the record truly and correctly and the Appellate Court's failure to reverse and remand due to that violation as it was unable to reach a valid conclusion without the transcripts to reference to?

c. Was the denial of Pro- Se Defendant's right to testify violation a United States Constitutional Right?

e. Did Louisiana District Judge, Steven C. Grefer's intentional interruption of the Defendant's "opening statement" violate Defendant's Constitutional Right to present a defense as the Defendant's opening statement was a road map to a very complex and complicated set of Facts, when the Trial Judge stopped the Defendant right in the middle of explaining Rachelle Dutreix's part in the massive fabrication?

Questions Number Eight

8. Did Louisiana District Judge, Steven C. Grefer's, hatred of Pro-Se Defendants and overall cumulative interference as "gatekeeper" in Defendant's Pro-Se trial violate the United States Constitution Due Process clause?

a. Did Louisiana District Judge, Steven C. Grefer's order to require all Defendants family, friends, and spectators to view the Defendant's trial in a Courtroom down the Courthouse hall by Zoom and Allow all the Courtroom seats to be filled with Assistant District Attorney's, and Jefferson Parish and Westwego police officer's and detectives violate the Defendant's Right to and Fair and Public trial?

b. What effect did that Order have on the Jury's perception of the Defendant's Guilt or Innocence?

c. Did Louisiana District Judge, Steven C. Grefer's repeated admonishments and three (3) Contempt charges affect the Jury's perception of the Defendant when done in front of the Jury?

d. Did the Judge's sealing of a Letter sent by the Jury in the beginning days of trial violate the Defendant's Right to "Due Process" when the Defendant's was never shown the letter, and the Appellate Court had no idea the letter existed and was unable to consider it in its Appellate Ruling? The letter was buried in the file?

e. Did the fact that the Defendant has repeatedly attempted to recuse the Louisiana District Judge by recusal motions violate the Defendant's Right to a Fair and Impartial Trial? As Defendant repeatedly argued the fact that Louisiana District Judge, Steven C. Grefer could not be fair nor impartial in Defendant's case? Did the Judge's failure to recuse himself violate the Defendant's Rights to a Fair and Impartial Trial, as guaranteed by the United States Constitution?

f. Did the Louisiana District Judge, Steven C. Grefer's repeated clandestine way that the Defendant was brought to Courtroom hearings when no witnesses were in the Courtroom violate the Defendant's Right to a Public Trial?

g. Did the Louisiana District Judge, Steven C. Grefer's repeated ordering of the Defendant to be brought to the Courtroom while the Defendant's stand by counsel was not there? Handing the Defendant defense documents that the Assistant District Attorney gained illegally, when those documents were actually subpoena deuces tecum's that the Defendant requested one year prior to receiving them. Violate the Defendant's Constitutional Rights to **Brady Vs. Maryland**, 373 U.S. 83, 83 S.Ct. or **Kyles Vs. Whitley**, 514 U.S. 419, 115 S.Ct.?

h. Are Pro-Se Defendant's entitled to the same considerations that Attorney's are entitled too? In that the "gatekeeper" rules fairly and unbiased and follows all Rules of Evidence and Courtroom décor?

i. Did the Louisiana District Judge, Steven C. Grefer's intentional concealment of the Issues brought up in the above questions violate the Defendant's right to a Fair review of the record for errors?

Questions Number Nine

9. Did the Jefferson Parish District Attorney's Office, Assistant District Attorneys, Laura S. Schneidau, and Zachary P. Popvich repeated Punitive remarks, laughs and joking while the Jury was in the jurybox affect the Juries perception of the Defendant's Guilt and Innocence?

a. Did the fact Louisiana District Judge, Steven C. Grefer's ordered the Defendant not to object on the prosecutor's arguments violate the Defendant's rights or the United States Constitution?

b. Did the Assistant District Attorney's repeated violations of the Rules and Décor, that it Knew to be against the "rule of law" and in violation of "rules of court" violate **Burger Vs. United States**, 55 S. Ct. 629? Only because it took clear advantage of the Defendant's Pro-Se, status a clear violation of the United States Constitution right to a Fair Trial?

c. Are Assistant District Attorneys required to follow the Rules of the Court, and the Rules of Evidence when the opposing counsel is a Pro-Se Defendant?

d. Is the fact there is no accountability of Louisiana District Attorneys in Jefferson Parish, as they violate the "rules of law" at their whim, since they handpick the Louisiana District Judge who will preside in their upcoming Trials, by and through bills of of informations in itself violate the Defendant's Rights to a Fair and Impartial Trial and Impartial Trial, as provided in the United States Constitution Sixth Amendment?

Questions Number Ten

10. Was the Defendant's Constitutional rights to a fair cross selection of Jefferson Parish citizens violated, when 180 petit jurors were subpoenaed and only 46 showed, and Louisiana District Judge, Steven C. Grefer, refused to issue attachments for the missing jurors? And the defendant objected to the missing jurors? Did that violate the United States Constitutional right to an impartial jury?

a. Did the fact that Louisiana District Judge, Steven C. Grefer, intentionally left out those specific objections and testimony out of the trial record? In itself violate the Defendant's Constitutional Right to a fair review of entire record?

b. Did the fact that the Defendant was both the first (1st) trial after the pandemic and the first (1st) trial post **Ramos Vs. Louisiana**, 140 S.Ct. 1390? Allow Louisiana District Attorney's and the Louisiana District Judge to impanel a "pro prosecution" jury? When only 46 jurors showed out of 180 subpoenaed and everyone of the 46 presented an excuse of why that Juror could not serve on the Defendant's trial of eight (8) days? Violate the Defendant's Rights?

Questions Number Eleven

11. Should the Louisiana District Judge, Steven C. Grefer, have "sua sponte" ordered testing of the evidence that the Defendant repeatedly informed the Judge was planted by the Westwego Police Detectives, since the planted evidence lead the Jury to the wrong conclusion the Defendant may have committed the fabricated rape, Is that a violation of the Defendant's Constitutional Rights?

a. Did the fact that the Louisiana District Attorney's Office did not order testing either? Violate Burger supra?

b. Did the fact that the Defendant was tricked into choosing a "speedy trial" over testing, violate the Defendant's Constitutional Rights? When the Louisiana District Judge, the "gatekeeper" was the main trickster, and the Judge knew that the Defendant had repeatedly told the Judge that the Defendant was being framed and that since no rape had occurred, explaining How could there be evidence of that fabricated fact be in the Defendant's Westwego apartment? The evidence had to have be planted by corrupt Westwego Police Detective, Christopher T. Fisher, did that violate the Defendant's Pro-Se Constitutional Rights to a Fair Trial?

c. Should defendant's conviction be reversed based on both the Judge's and the States failure to request testing? Based on the Defendant's pleas of the Defendant that he was "factually innocent" of the alleged rapes?

d. Is it a "miscarriage of justice" that Chromatography Gas testing was not done, based on the Defendant's pleas of his factual innocence?

Questions Number Twelve

12. Did the fact that the Louisiana District Judge, Steven C. Grefer, denied the Defendant's request to quash the joiner of criminal offenses, when the alleged criminal offenses allegedly occurred some two (2) years apart and Involved two (2) different victims confuse and prejudice the Jury?

a. Were the facts just to complex for a Louisiana Jury to understand based on multiple witnesses testifying for both the State and the Defense out of order, and the fact that the Defendant's defense was very complex and involved, multiple liars outright lying to protect their own selves, of incidents that occurred over years of petty fighting on Facebook and other web sites?

b. Did that increase the Jury perception of the Defendant's guilt, as to clearly violate the Defendant's Right to be innocent until proven guilty, when the Jury could have clearly thought that the Defendant must be guilty? Based on the number of charges and victims?

c. Was the Louisiana Jury able to correctly separate the various charges and evidence to afford the Defendant a Fair Trial?

d. Should the Louisiana District Judge have severed the criminal offenses to assure the Defendant's Right to a Fair Trial?

e. Does the "right to a fair trial" supersede Louisiana's procedure rule, of Criminal Rules Article 493?

Questions Number Thirteen

13. Did the fact that Louisiana Attorney, Martin E. Regan, refused to refund The Defendant's ten thousand ($10,000) dollar retainer fee, after the Defendant fired Mr. Ragan for lack of assistance of counsel, thereby Forcing the Defendant to represent himself. In fact deprive the Defendant of "Right to Counsel? Since Defendant could not Afford to hire another Louisiana Attorney?

a. Did the Defendant present a "prima facie" case of the above? When the Defendant called Attorney Martin E. Regan, as a Defense witness?

b. What is the Constitutional remedy when a Louisiana Attorney steals the Defendant's retainer fee? And the Office of Disciplinary Counsel is lied too by the Attorney? That the Attorney refunded the money? but, the refund was in fact mailed to an address that the Attorney knew the Defendant did not live? Because the Attorney knew it was legal trickery and that the Defendant was in fact in the Parish Jail right where the Attorney had in fact represented the said Defendant before being terminated by the Defendant? and where the Defendant originally paid the retainer fee to Attorney Martin E. Regan by check?

c. Does that claim rise to a Constitutional violation? Of "no counsel at all?" Because the Attorney stole the retainer fee by fraud?

Questions Number Fourteen

14. Did the overall cumulative errors complained of above in 1 – 13 Rob the Defendant of his United States Constitutional right to a Fair Trial as guaranteed by the United States Constitution?

a. Did the Defendant receive the rights to proceed Pro-Se, as this Honorable Court annotated in **McCoy Vs. Louisiana**, 138 S.Ct. 1500 (2019), in which this Honorable Court stated "the right to defend one self is the Life Blood" Of the United States Constitution, and did the overall cumulative errors Of the Defendant's counsel, the Assistant District Attorney's and the Louisiana District Judge assigned to the cause rob the Defendant of His Sixth Amendment as guaranteed by the Constitution and in **Faretta Vs. California**, 95 S.Ct. 2525 (1975).

b. Did the undue influence placed on the prosecution by Lt. Jason Hippler, and Detective Christopher T. Fisher, who were very close friends of the alleged victims thereby deny the Defendant any chance of a Fair or Impartial Trial as guaranteed by the United States Constitution?

(b)(i)
List of Parties

Petitioner's

John Wesley Patton, Esq.
DPSC No. 327902
BB Sixty Rayburn Correctional Center
Wind 4
27268 Hwy 21 North
Angie, Louisiana 70426

The Louisiana Citizens
In all Parish Prisons and State
Prisons of Louisiana.

Respondent's

Attorney General of Louisiana
Liz Murrell
Livingston Building
1885 North 3rd Street
Baton Rouge, Louisiana 70804

The Governor of Louisiana
Jeff Landry
State Capitol
900 North 3rd Street
Baton Rouge, Louisiana 70804

District Attorney
Paul D. Connick, Jr.
District Attorney for Jefferson Parish
Appellate Section
5th Floor
200 Derbigny Street
Gretna, Louisiana 70053

(b)(ii)
Proceedings

1. The Defendant was arrested by Westwego Police on September 08, 2018.

2. September 09, 2018 Louisiana Attorney, John Courtney Wilson, agrees to assist the Defendant Pro-Bono. But later the Defendant fires Mr. Wilson, after the Defendant catches Mr. Wilson in several lies. In which Mr. Wilson destroys "evidence" that proves the Defendant was innocent. And Mr. Wilson gives all the Defendant's personal property away to the very fabricators who put the Defendant in jail falsely.

3. A Louisiana Bill of Information is filed on November 30, 2018. Charging the Defendant with Rape, Sexual Battery, False Imprisonment W/Weapon and Attempted Rape. Some Eighty-Three (83) days after the Defendant's arrest. **(see Exhibit 1).**

4. Defendant is assigned to Louisiana District Judge, Steven C. Grefer, 24th Judicial District Court, Division "J" after State of Louisiana filed a untimely Bill of Information.

5. Defendant plead "not guilty" on November 30, 2018 at arraignment.

6. On December 03, 2018, Defendant is appointed indigent counsel, Price Quenin, Attorney at Law. State of Louisiana Indigent Defender Board. (IDB).

7. On February 05, 2019, Defendant hires Attorney Martin E. Regan and gives Mr. Regan, a ten thousand ($10,000) dollar retainer fee **(see Exhibit 2).**

8. On February 12, 2019, Attorney Martin E. Regan, files one "omnibus motion." The only motion Mr. Regan would file. **(see Exhibit 3).**

9. On April 2019, through September 2019 the Defendant writes several letters to the Louisiana District Judge concerning both John Courtney Wilson and Martin E. Regan's ineffectiveness. **(see Exhibit 4).**

10. On September 09, 2019, Attorney Martin E. Regan withdraws from Defendant's case number 18-7474 in Division "J". But, requests the Defendant be evaluated by mental health. This after Mr. Regan becomes upset the Defendant fired Mr. Regan in open court and Defendant requested pro-se status until repayment of Retainer fees.

11. From September 2019 until June 2020 the Defendant files multiple motions, writs and letters to the court. **(see Exhibit 5) (case management review).**

12. In March 2020 the Jefferson Parish Courts are placed on Covid 19 lockdown. Only Zoom hearings are allowed.

13. On March 18, 2020, Price Quenin, Defendant's stand by counsel files for and argues a "motion for bond reduction without the Defendant knowledge or approval. One of many secret hearings held without the Defendant present. **(see Exhibit 5).**

14. On June 03, 2020, Louisiana District Judge, Steven C. Grefer, convinces the Defendant to withdraw the Defendant's Motion to requesting testing on evidence for "Z-Chlorobezalm-Alononitrile, (CS Gas)". Based on evidence that was planted by corrupt Westwego Police Detective, Christopher T. Fisher. That hearing was by zoom. **(see Exhibit 5).**

15. On June 10, 2020 the Defendant files a motion to recuse on Louisiana District Judge, Steven C. Grefer, and that motion is heard on July 09, 2020. (denied). **(see Exhibit 5).**

16. On September 22, 2020 the Defendant was called to a Zoom hearing without notice. The hearing Involved the legality of some letters written by the Defendant to his ex-girlfriend, Christine Rorabaugh, that the Defendant filed a Motion in Limine, in regard to the letters constitutionality. In this hearing the Assistant District Attorney added to defendant's exhibits. The Defendant placed six into the record. But seven ended up in the record. **(see Exhibit 5).**

17. Between October 2020 and April 2021 the Defendant filed multiple motions, letters and writs in the above styled and number cause **(see Exhibit 5).**

18. On March 26, 2021 the Defendant was again ambushed and called to court without prior notice. In which the State by legal subterfuge filed several motions. Louisiana Criminal Code of Procedure, Articles 719 and 404(b) motions. Both had never been served upon the Defendant ever though the Defendant filed a TIMELY request's to be notified of 404(b) issues. **(see Exhibit 5).**

19. On March 24, and 26, 2021 the Defendant objected to both being ambushed and to the ADA's dumping upon the Defendant documents that were Defendant's own subpoena duces tecum, that the Defendant had filed in his defense. **(see Exhibit 5).**

20. On March 29, 2021 another ambush hearing was held in which the State was granted a 404(b) Motion over the Defendant's objection. The Defendant additionally objected to Being ambushed by the Assistant District Attorney withholding numerous Brady and Kyles Material. **(see Exhibit 5).**

21. On April 06, 2021 another ambush hear was held. As Defendant was never told of any of hearings. In this hearing the State was granted "special jury instructions" over Defendant's objections. **(see Exhibit 5).**

22. On April 12, 2021 the Defendant's trial started. The Defendant objected to the Petit Jury only being comprised of 46 members. 180 were subpoenaed. Defendant additionally objected to more Brady and Kyles material being dumped upon him on the first day of trial. And that the Defendant was overwhelmed. **(see Exhibit 5).**

23. On April 13, through April 21, 2021 the Defendant was on trial. On April 19, 2021 the Louisiana District Judge, Steven C. Grefer, placed on the Defendant several bogus contempt charges in which the Defendant was sentenced to 300 additional days to run consecutive. The Defendant "objected" to the clear interference. **(see Exhibit 5).**

24. On May 06, 13, and 17, 2021 Louisiana District Judge, Steven C. Grefer, illegally changed the record. When he ordered the clerks to Nunc Pro Tunc multiple documents put into the record by the Defendant without any notice to the Defendant. **(see Exhibit 5).**

25. On May 14, 2021. The Defendant's motion for new trial was heard. The Defendant argued the reasons the Defendant should be granted a new trial. **(see Exhibit 5).**

26. On May 18, 2021 the Defendant file a bill of exceptions pursuant to Louisiana Code of Criminal Procedure, Article 841(a)(b). After the Defendant noticed the record being changed Illegally without any notice to the Defendant. **(see Exhibit 5).**

27. On May 19, 2021 the Defendant was sentenced to 35 years for rape and 10 years for sexual battery and 10 years for false imprisonment in regard to Johanna Martinez (J.M.), And 15 years in regard to attempted rape of Rachelle Dutriex, (R.D.). The Defendant objected to the fabrication of the cases. And Repeatedly requested the Louisiana District Judge, Steven C. Grefer, have the common decency to look The Defendant in the eye. While the Judge commits such a "miscarriage of justice." Complaining the Defendant Never raped ANY woman and was in fact framed **(see Exhibit 5).**

28. On May 24, 2021 the Honorable Court signed the appeal notice. **(see Exhibit 5).**

29. On August 24, 25, and 26, 2021 the 24th Judicial District Court, Division J would once Again change the record by illegal nunc pro tunc. A common illegal practice of Louisiana District Judge, Steven C. Grefer to railroad Pro-Se Defendant's who Judge Grefer feels are "troublemakers." **(see Exhibit 5).**

30. On or about August 2021, the Court appoint the Louisiana Appellate Project to represent the Defendant in his direct appeal. The Louisiana Appellate Project is run by Bruce Whittaker, the Assistant District Attorney who outright framed John Thompson in **Thompson vs. Connick ,** 131 S.Ct. 1350. Bruce Whittaker, was very rude to the Defendant and would not even return letters or repeated attempts to explain the sham trial. (Defendant was pro-se). **(see Exhibit 5).**

31. On August 2021 the Louisiana Appellate Project and the Court appointed Baton Rouge Attorney, Prentice White, who's specialty is raising one frivolous error that will never reverse or remand the convicted individual's case. The Defendant filed a supplemental brief and argued the real errors. **(see Exhibit 5),** and **State of Louisiana Vs. John W. Patton**, 347 So. 3d 1070 **(see Exhibit 6).**

32. On November 17, 2021, he Defendant's case was reversed on a Louisiana subterfuge known as errors patent review a trick whereby the State of Louisiana can reverse and remand your case to confuse a higher court or as in my case change the sentencing transcripts. It should be noted that the Defendant and the Judge had words that made the Judge very uncomfortable. "the defendant told the judge to look the defendant in the eye when the judge railroads the defendant" "that the Defendant was being framed." The 5th Court of appeals in **State of Louisiana Vs. John**

W. Patton, 347 So.3d 1070 illegally reversed to remove the Defendant's pleas on innocence out of the record. **(see Exhibit 5).** And **State of Louisiana Vs. John W. Patton**, 347 So.3d 1070. **(see Exhibit 6).**

33. On December 14, 20, 2021, the Defendant filed motions in regard to re-sentencing. The Defendant was already in the custody of Louisiana Department of Corrections. The Defendant wrongly assumed t the Defendant Would be bench warranted back to the 24th Judicial District Court, Steven C. Grefer. This baffled the Defendant who was additionally serving 300 days, Parish Prison sentence. When Defendant's original sentences were ruled invalid. The Defendant should have been remanded back to the Parish. But, as the Defendant learns. Louisiana cares less about the rule of law. **(see Exhibit 5).**

34. On January 03, 2022 the Louisiana Appellate Project and the Court once again they appointed Appellate Attorney, Prentice White, who once again filed a one error brief. With the same error that failed before. **(see Exhibit 5).** And **State of Louisiana Vs. John W. Patton**, 355 So.3d 156.
(see Exhibit 7).

35. On January 05, 2022, Louisiana District Judge, Steven C. Grefer, denied the Defendant's request to have the complete record transcribed. Which baffled the Defendant? As the Defendant represented himself. And thereby knew wherein each and every objection and error lay. The Judge granted the Louisiana Appellate Projects motion for transcripts which covered only the witness testimony and not nearly all the errors and objections. Defendant feels this was contrived. **(see Exhibit 5).**

36. Between January 2022 and December 2022, the Defendant repeatedly motioned the courts. Both by motions and writs. For the Honorable Court order the record supplemented. That multiple parts of the entire record were intentionally left out. And that it gave a false impression that the Defendant did not "object to issues", when the opposite is true. **(see Exhibit 5).**

37. On or about March 02, 2023 the Defendant petitioned the Louisiana Supreme Court for review of the Fifth Court of Appeals for Louisiana, **22-KA-112, (355 So.3d 156).**
(see Exhibit 7) The Writ of Certiorari is a discretionary review in Louisiana's highest court. **(see Exhibit 5).** And Supreme Court brief. **(2023-KO-00151) (see Exhibit 8).**

38. On November 08, 2023, the Defendant's writ application was denied by the Louisiana Supreme Court without written order. The court refused to review any of the errors.
(see Exhibit 9).

(c)
Table of Contents

(c)(i)
Constitutional Errors to be Reviewed by the Supreme Court

1. Appellant has been denied his constitutional right to Appellate Review based upon a complete record, by the District Court withholding major portions of the trial record, in violation of Art. 1 §19 of the Louisiana Constitution and the 14th Amendment to the United States Constitution.

2. The prosecutor violated *Napue v. Illinois* when he knowingly used perjury to obtain appellant's conviction in violation of the 6th and 14th Amendments to the United States Constitution.

3. Appellant was denied his right to be charged by a Grand Jury Indictment for the infamous crimes that he is accused of in violation of the 5th and 14th amendments of the U.S. Constitution.

4. Appellant was denied his right to Confrontation/Cross-examination as guaranteed by the 5th, 6th and 14th Amendments to the United States Constitution when he was denied the opportunity to present evidence and effectively cross-examine witnesses.

5. Appellant was denied his Constitutional right to testify on his own behalf when the trial court limited his testimony in violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

6. The judge repeatedly reprimanded Appellant and held Appellant in contempt in the presence of the jury violating Appellant's Sixth and Fourteenth Amendment right to a fair trial.

7. The prosecutor made punitive remarks against Appellant for exercising his right to represent himself in violation of Faretta, and the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

8. Appellant was denied his right to a fair trial with an impartial jury in violation of the Sixth and Fourteenth Amendments to the United States Constitution.

9. The trial court erred by not granting Appellant's Motion for further testing done on State's Evidence for mixture of Z-Chlorobezalm-Alononitrile (C.S. Gas) in violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

10. Appellant was denied his right to a fair trial when the trial court refused to severe the charges for the purpose of eliminating prejudicial confusion.

11. John W. Patton, is actually innocent of the crimes of rape, attempted rape, and sexual battery, has maintained his innocence from the very beginning, and a severe miscarriage of justice has occurred in violation of Due Process and the prohibition of Cruel and Unusual Punishment.

12. Appellant was denied his right to counsel of choice through Martin Reagan in violation of the Sixth and Fourteenth Amendments to the United States Constitution.

13. Appellant was denied due process of law when Appellant was given no tools to defend himself against the State's vast resources.

(c)(ii)
Index of Authorities

Supreme Court & Federal Cases

Federal Statutes

Louisiana Cases

Louisiana Statutes

Texas Cases

(e)
Concise Statement Basis for Jurisdiction

The jurisdiction for this writ of certiorari lies in **28 U.S.C.A. 1251(a)** And **28 U.S.C.A. 1257(a).**

The Petitioner feels that this Honorable Supreme Court should and ought to exercise its original jurisdiction to correct the injustices and unconstitutional practices that the State of Louisiana is perpetrating upon it citizens that are complained herein.

(f)

Statement of the Facts

On or about October 29, 2016, John Wesley Patton, hereinafter referred to as the Petitioner discovered his then girlfriend, Rachelle C. Dutriex, hereinafter referred to as R.D. cheating with a co-worker of Petitioner's. A long internet battle ensued that included each of R.D. and Petitioner posting negative comments from 2016 until 2017. The Petitioner informed multiple state and federal authorities of R.D. illegal activities. Based on the Petitioner's information R.D. loses her job and custody of her daughter. Every report filed contained the "truth" of what the Petitioner has personally witnessed while in the tumultuous relationship. Over the next year R.D. would file no less then five police report's with the Kenner Police Department over fabricated events ranging from "criminal trespass", "criminal damage", and "over Petitioner's posts on the internet" in regard to their breakup.

In June 2017 the Petitioner's mother passed. On her deathbed she asked Petitioner to forgive R.D. In turn the Petitioner wrote R.D. and told her the war was over. "I forgive you for cheating." R.D. wrote back blasting the Petitioner for "ratting her out." Over the next few months R.D. would have other woman contact the Petitioner through dating web sites. The Petitioner hire an Attorney John Courtney Wilson of Metairie, Louisiana to write R.D. a cease and desist letter. R.D. wrote a letter back to the Attorney blasting the Petitioner and the Attorney for the letter. At no time in any police report or any letter to the Petitioner or his Attorney did R.D. ever accuse the Petitioner of raping her. The war went quiet 2017 until September 2018. Petitioner believed incorrectly that a truce was in effect. Unbeknownst to the Petitioner R.D. harbored ill feelings and a great hatred for Petitioner.

On or about January 2017, the Petitioner met Christine Rorabaugh, hereinafter referred to as C.R. At the time Petitioner met C.R., she had no work to show other then side cleaning and baby sitting jobs. The Petitioner was the sole provider for the two. C.R. and Petitioner lived at 1308 Central Avenue, Westwego, Louisiana 70094. The Petitioner met on Plenty of Fish, a dating web site that the Petitioner had run a profile on since 2014. During those days, C.R. was living with some Kenner neighbors of C.R.'s mother. Who resided at 226 Holycross Street, Kenner, Louisiana 70062. C.R. would help Petitioner's elderly mother, Sethie Pitt, who resided at 1306 Central

Avenue, Westwego, Louisiana 70094. Petitioner and his mother shared a double. C.R. and Petitioner were not without their own problems. C.R. was on ten different medications. Petitioner noticed a change in C.R. after June 2017 the month that the Petitioner's mother passed. Petitioner was a construction foreman for James Construction and worked long hours. Petitioner paid every bill and all of C.R.'s bills too. At the time C.R. was applying for Social Security Disability (SSD). C.R. and Petitioner has repeated fights in regard to C.R. ability to work. And any attempts by C.R. to collect SSD were fraudulent. And since the Petitioner was on active parole out of Texas for possession of cocaine, **State of Texas Vs. John W. Patton,** 1997 WL 164200 Criminal case number. 88-CR-2384(b). **(Exhibit 10)**. C.R. should not attempt to defraud the government. Petitioner thought C.R. In July 2018, the Petitioner discovered that C.R. had been deceptive regarding her SSD claim. Petitioner reported C.R. to the SSD fraud department, Threw C.R. out of the Central Avenue apartment, and hired Attorney John Courtney Wilson, to additionally write SSD fraud department. From August 2018 until the September 2018 fabricated arrest C.R. had been committing criminal damage, pouring water into Petitioner's boat and trucks. Terrorizing the Petitioner. She was also placing some unknown substance into the Petitioner's work truck coolers. The Petitioner became sick several times. And had to be talking to an area hospital. C.R. and her boyfriend had even robbed the Petitioner for $300 dollars. Petitioner had to call 911 multiple times on C.R. and her new boyfriend.

Unbeknownst to the Petitioner. C.R. and her new boy friend had been secretly having an affair for over a year, while the Petitioner was out worked. C.R. also had been lying to all the Petitioner's Westwego neighbor's, causing Petitioners neighbors to hate him to the point. They were plotting ways to harm Petitioner too. C.R. had close relationships with Petitioner's family. C.R. planted false ideas into the Petitioner's family minds, that the Petitioner was back on drugs. C.R. based this idea on the Petitioner's past Texas drug arrest. Unbeknownst to the Petitioner his family believed C.R.'s lies. In August 2018 the petitioner caught C.R. and her new boyfriend in a Jefferson Parish motel cheating. Based on that, the Petitioner asked C.R. to move out. Unbeknownst, to the Petitioner C.R. and her new boy friend moved in with C.R.'s mother at 226 Holycross Drive, Kenner, Louisiana 70065. It should be noted that after C.R. moved out of the Central Avenue address. The Petitioner was cleaning

the chair C.R. sat in while on her computer, when the Petitioner found his mother Sethie Pitt old cell phone. When the Petitioner turned the phone on and accessed the data, the Petitioner discovered that the affair between C.R. and the new boyfriend was new, but, had been going on for several months. This is known by the dates and volumes of text messages found in the phone. The phone was hidden way down in the chair. The messages were set on private messenger. As time went on the Petitioner read the messages and discovered that the new boyfriend and C.R. were plotting to stop the Petitioner from reporting C.R. and him for fraud to SSD. And that the two were willing to do anything to acquire the $40,000 dollars back pay from SSD the two were hoping to obtain. Over the next few weeks. The Petitioner started experiencing "criminal damage" and someone (C.R. & boyfriend), were entering the Petitioner's residence stealing items and committing unknown damage. Petitioner filed multiple police reports with Westwego Police. The Petitioner was also experiencing "sickness" from what later Petitioner would discover was contaminated water bottles. Petitioner became very sick several times while at work. In one incident, The Petitioner drink from a water bottle and felt like he was dying. This was late August 2018. Due to that illness the Petitioner sought medical attention. Three (3) days after that incident the Petitioner's lead man discovered "needle holes" in the water bottles. The lead man made a video of that incident. This was September 06, 2018. At that time the Petitioner had been transferred to another job on I-10 in Baton Rouge, Louisiana. At the same time, the Petitioner had been contacted by Johanna Martinez, hereinafter referred to J.M. J.M's real name was Johanna H. Martinez. The Petitioner and J.M. met on plenty of fish, but, unbeknownst to the Petitioner C.R. and J.M. had lived right next to each other in the past. C.R. had lived at multiple Holycross addresses, and that J.M. had a past Holycross address too. On September 07, 2018, J.M. had requested a date with Petitioner. Petitioner agreed and agreed on meeting at a bar called Route 66 located on Airline Highway in Metairie, Louisiana. The Petitioner was released from work early on September 07, 2018 due to inclement weather. The Petitioner talked with his sister on the ride home. The Petitioner's sister was experiencing a "rough time" in her current relationship. And over the past several weeks the Petitioner had been counseling his sister. The Petitioner's sister name was Patricia D. Gentry. In the September 07, 2018, during conversations with his sister

the Petitioner became very upset over his sister's cheating boyfriend., the Petitioner always was very protective of his baby sister. The Petitioner arrived home around 2:00 pm and began to shower and prepare for the upcoming date with J.M. that evening. The Petitioner and J.M. talked several times that afternoon and early evening. J.M. claimed she could not find a baby sitter for her daughter. In the mean while. The Petitioner drove to the New Orleans French Quarter. While in the quarter the Petitioner had two drinks, and several conversations with his sister. Upon leaving the quarter. The Petitioner was very upset over his sister's current situation. The Petitioner attempted to cancel the date with J.M., making J.M. became very aggressive and accusing to the Petitioner of lying and that every guy cancels dates with her. The Petitioner was somewhat caught off guard by her aggressiveness and the meanness in our conversations regarding a canceled first date. Petitioner thought she was kidding. The Petitioner drove down Jefferson Highway the usual way the Petitioner dives home from the eastbank to the Westbank of New Orleans. This was known to Westwego Police by the traffic light cameras. That seem to track the vehicles everywhere the Petitioner truck traveled in either Petitioner's work truck or personal truck. The Petitioner had several horrible conversations with J.M., and was accused of everything from being a liar to a con-artist. Petitioner arrived at his 1308 Central Avenue apartment at around 8:30 to 9:00 pm. The Petitioner noticed right away that his driveway light was on, and some unfamiliar figure was walking nearby his Central avenue residence at a fast pace. Although, the Petitioner could not make out the face, it was a male figure. Petitioner exited his 2007 black dodge 4 x 4 personal truck, Petitioner made several walks around his boat and work truck checking the doors and area. At that time the Petitioner grabbed a water bottle out of the one of the two coolers that were always in the back of the Petitioner's company work truck. The Petitioner was very thirsty due to the alcohol the Petitioner had consumed while in the Quarter. For several years the Petitioner had been prescribed "legal" testosterone, and the ex girlfriend C.R. and her new boyfriend had been contaminating the Petitioner's testosterone and stealing it, as it is a schedule III (E) drug worth a substantial sum on the black-market. The Petitioner had made several complaints to the police regarding this issue. The Petitioner drank two waters and opened the door to the apartment. At some point the Petitioner lost cognizance and made several calls to people.

J.M. would later claim she was one of the calls or texts Petitioner made. Unbeknownst to the Petitioner it was a reaction to some unknown drug. That was placed into the trucks water coolers. The Westwego Police would later claim "no water coolers" were found in Petitioner's work truck, but volumes of photographs showed those water coolers in the back of the truck. To include the polices own traffic camera pictures. At some point the Petitioner must have called J.M. and invited her over. Although it defies logic that J.M. could not have noticed the Petitioner in such distress, the police and prosecutors did provide some proof of the above. The Petitioner still does not remember making the calls or texting. The Petitioner has regained some memory of the events of September 07 through 08, 2018. The Petitioner does remember attacking J.M. upon arrival to his residence. Which amounted to "simple battery" based on J.M's injuries. J.M. had her phone with her the whole time. The Petitioner had deadbolts on all the doors. Keys were always in the deadbolts for safety. This night was no different. At some point Petitioner regained cognizance back. This was sometime early September 08, 2018. The first question was "what the sam hell" happened? The Petitioner based this on the damage at the front door. Later the Petitioner would remember the fight at the front door. J.M had become very aggressive and clearly stated to the Petitioner, "You need to run.", at which time Petitioner inquired why? [It was simple battery]? At that point J.M. was fully dressed and had both her keys and phone with her. Petitioner asked J.M. to leave. This was around 07:00 am on September 08, 2018. Petitioner was on "active parole" from a 1988 drug charge in which Louisiana police had lied and the Petitioner was sentenced to 99 years in Texas Department of Criminal Justice, (TDCJ-ID). And knew the "simple battery" would revoke his parole. As the Petitioner's mother had passed away in 2017, and the Petitioner was on "interstate compact" with Louisiana, the Petitioner waited for his Louisiana parole officer, Greg Wax, to knock and announce. At which time the Petitioner would open the door. Greg Wax knew the problems that were occurring between the C.R. and Petitioner around 09:24 a knock came at the door, but no announcement. Petitioner was scared and was waiting for his parole officer. Around 10:20 am a call came in from the Petitioner's landlord, who said the police wanted to talk to me and look around my apartment. I asked why, do they have a warrant? As we talked I explained a fight had occurred. And most likely I was heading to jail. We also

talked about me driving to an area hospital for the sickness cause by the combo of alcohol, unknown drug, and prescribed testosterone. I explained I was on my way to the hospital, but, was really awaiting my parole officer's arrival. Unbeknownst to me the landlord had the police on a three way? I waited quite a few hours. No police nor parole officer arrived Unbeknownst to the Petitioner. The Westwego Police and the Jefferson Parish Sheriff's deputies had surround the Petitioner's residence. Petitioner never knew the police were outside. No police officer nor detective ever knocked. Petitioner just figured a misdemeanor warrant would be issued for the fight.

On about 04:30 pm the Petitioner's apartment was raided by members of the Westwego police and Jefferson Parish S.E.R.T. teams. The Petitioner's apartment was flash bombed by Chlorobezalm-Alononitrile gas. Windows were broken and CS gas thrown in. The whole incident caught the Petitioner by surprise. Unbeknownst to the Petitioner. J.M. had met with her long time Jefferson Parish Sheriff Detective, friend, Jason Hippler. Jason Hippler in turn called his long time Westwego police detective friend, Christopher T. Fisher. J.M. left the Petitioner's Westwego apartment with minor injuries at 07:30 am and called 911 at 09:23. Later she would admit to visiting with Jason Hippler in that two-hour window. Hippler and Fisher went directly to work behind the scene. Petitioner would eventually discover a "police conspiracy" to frame the Petitioner had occurred. This is provable by facts that were intentionally left out of trial, by an impartial gatekeeper. Unbeknownst to the Petitioner, a lot of illegal calls, written warrants, and false police reports were being discussed. The fact of a two-hour delay by a liar. Who claimed she was brutally raped by the Petitioner, yet never informs any police in both her 911 call or her initial police interview that the Petitioner raped her, only later does she change her story. And only after both Hippler and Fisher institute the false narrative of a rape. On or about 09:50 am on September 08, 2018 both Hippler and Fisher were calling other detectives around Westwego to issue warrants to access the Petitioner's residence. Why is that of consequence? Because J.M. was still in an ambulance that had been rerouted and she had never accused the Petitioner of rape at this point. But, the two corrupt detectives were? Could they read minds? As the day progressed the plot thickened. Petitioner's residence was surrounded and no police knock or announced. At trial the police claimed they did. Petitioner proved that was a lie by the bodycams the Westwego

police wore. But, after that the Petitioner was never able to convince the "gatekeeper", Honorable Steven C. Grefer, of the admissibility of the bodycams as truth. Unbeknownst to the Petitioner his phone was being "pinged" after this court ruled that practice unconstitutional in **Carpenter Vs. United States**, 138 S.Ct. 2206 (2017), The police had plans to frame the Petitioner from the initial 07:30 am meeting between J.M. and Lt. Jason Hippler. The Petitioner would direct this court to **Wearry Vs. Cain**, 136 S.Ct. 1002 (2016) and **Connick Vs. Thompson**, 131 S.Ct. 1350 (2011). Which leads credence to the Petitioner's claims of being framed by Louisiana Police and having Assistant District Attorney's look the other way while an innocent man is sent to prison falsely. Keep in mind that police never needed any warrant! Due to the fact the Petitioner was on active parole (interstate compact) with Louisiana. And the fact that the Petitioner was expecting a knock anytime from his Louisiana parole officer. Hours went by and no knock or announcement. The Petitioner is very hard of hearing, working heavy construction since 1980. This is mentioned due to the fact the police repeatedly committed perjury by claiming they both knocked and called to Petitioner with a bullhorn. This was simply not true. All the Westwego police bodycams were mysteriously turned off while all this unfolded. So other then testimony no actual proof existed, or did it? A "facebook live video" was made without the police's knowledge. And placed on the internet. Hippler and Fisher illegal used their badge power to have that video and other damaging posts placed by the chief liars R.D., C.R. and J.M. removed from the internet. That was illegal, but, in Louisiana that's normal operating procedure of the corrupt police. When the CS gas was thrown in the Petitioner's residence. It surprised the Petitioner. Startled him. The Petitioner in efforts to breathe. Fell several times attempting to exit the residence due to the gas. The Petitioner was finally able to locate the rear exit. Once out. The Petitioner sat down on a ledge behind his apartment and read his "bible. It was alleged the Petitioner had a knife. One of many falsehoods contained in the false narrative of police and J.M. The only weapon the Petitioner had was the "sword of the lord." The Petitioner waited for what appeared to be ten to fifteen minutes. Before the police appeared. It should be noted that the Petitioner could have. If wanted. Ran off and escaped police. More credence that the Petitioner only believed he committed "simple battery." The Petitioner was walked

to a police car. His bible was thrown to the ground. Even after asking for it. The Petitioner sat in the hot police car for almost an hour. What seemed like hundreds of police were in front of Petitioner's residence. A command center was even set up. One person was missing? The Petitioner's parole officer. Bodycams would later reveal that Westwego police knew the Petitioner was on active parole! One would ask why, was his parole officer not called? Greg Wax the Petitioner's parole officer was honest and forthright and would have never stood for the planting of evidence, or frame job Hippler and Fisher were perpetrating against the Petitioner. Greg Wax was an ex Jefferson Sheriff's detective. Hippler and Fisher would have not been able to stage the crime scene. Again while all this took place. No bodycams were active. Bodycams would later reveal that the initial police would open all the Petitioner's vehicles and search all of them with out a warrant. And even revealed Fisher stealing items for the Petitioner's work truck. This was in clear violation of the Fourth Amendment.

Once the Petitioner arrived at the police station. The Petitioner was sat down in an "interview room." The Petitioner gave a statement. In the statement the Petitioner admitted the simple battery. And denied any sex act happened. At that point the Petitioner was still feeling the effects of the drugging. Petitioner could not remember some key facts. Petitioner would later remember more as time went by. Fisher left for a good two hours. One could only assume that? Detective Fisher used that time to stage the crime scene. Planting the panties. Placing blood on certain items, removing proof of the Petitioner's version of true facts. It should be noted that over time the fabricated stories became worse. More violence was added. It should be noted that no CS gas residue was on any of the planted evidence. No contamination of blood or DNA testing was discovered. Leading more credence that again Petitioner was right that none of that evidence was in that 1308 Central Avenue apartment when the police flash bombed the Petitioner's apartment based on a "created" standoff. The Petitioner was transported to the Jefferson Parish Correctional Center. Booked and charged with fabricated Rape, Sexual Battery and False Imprisonment. It should be noted that Jason Hippler, worked at the correctional center. And was in charge of "career criminal section." Once charged by this, a suspect is prosecuted more aggressively and more harshly. Petitioner was charged as a "career criminal", even though the Petitioner had no felony convictions in the State of

Louisiana. The Petitioner's only conviction was the 1988 drug conviction out of Texas. In a sense. Louisiana was responsible for that conviction too. **See John W. Patton Vs. Texas,** 1997 WL 164200 No. 04-96-00300-CR. **(See Exhibit 10).** Just days after the Petitioner's arrest. Fisher was scanning the Petitioner's social media pages. And discovers a "long standing" problem between Petitioner and R.D. That began in 2016. Fisher and R.D. met for a secret clandestine meeting. After that meeting the Petitioner would be charged with another fabricated attempted rape. **See the beginning story on R.D.** Both Westwego police and Kenner police would try the Petitioner in the news media. And print falsehood after falsehood of the alleged facts. Multiple false and factious stories are fed to the news media. This startles and alarms the Petitioner's family. The Petitioner's family believe the fabricated stories. Because they believe and trust the police. Petitioner is cut off from his family. His sister. Later Petitioner would learn Hippler and Fisher threatened the Petitioner's sister with the charge of accessory to rape. Petitioner's first thought was accessory to a fabricated crime? But police accomplished the "divide" and "conquer." My sister disappeared. Never to be heard from again. Leaving the Petitioner to face the fabricated charges alone. Sometime later after what the Attorney claimed was the news media attention in regard to Petitioner. An Attorney named John Courtney Wilson, visited the Petitioner on an unexpected visit. In that visit the Attorney convinced the Petitioner to use him to accomplish key facts. Find witnesses to prove innocence, secure Petitioner's property, secure the Petitioner's money and pay bills. The Petitioner was repeatedly assured by the Attorney, that the Petitioner's property was safe and secure. All were mere lies by John Courtney Wilson. Later the Petitioner would find out that the Petitioner's property was given to C.R. the very person who set the fabricated charges in motion. A real slap in the face. In the mean while. The Petitioner was indicted by "bill of information" on November 30, 2018. Some 80 days after the initial arrest. Louisiana law only provides 60 days. The Petitioner was appointed an "indigent attorney", (IDB), by the name of Price Quenin. Price Quenin and John Courtney Wilson, had multiple conversations about the Petitioner without the Petitioner's approval or knowledge. The Petitioner expressed his anger about being left out. And the fact both wanted the Petitioner to lie and allege that the sex was consensual. Petitioner flat out refused, due to the fact "no sex occurred" in that apartment at all.

Every police report, every narrative, was a fictional story made up by two detectives bent on framing me. And inconsistent with prior testimony and evidence in past interviews with J.M., R.D. and C.R. Mr. Wilson took some of the Petitioner's money and hired a New Orleans Attorney named Martin E. Regan, Jr. Mr. Regan represented every other prisoner in the State of Louisiana and in multiple Parish Jails. Mr. Regan could not handle the complexity of the Petitioner's frame job by police. It is said "when one is guilty", ones needs to drag the case out?" And "when one is innocent" "one needs a speedy trial." Petitioner repeatedly requested a speedy trial. Unbeknownst to the Petitioner, Mr. Wilson deleted the Petitioner's cell phone. When the Petitioner realized this fact, the Petitioner became very upset with Mr. Wilson and his continued misconduct. In one of the last conversations with Mr. Wilson, the Petitioner explained Petitioner did not care what low down dirty tricks Louisiana officials played? The phone contents were evidence and contained a treasure trove of proof that the Petitioner's stories were truth and that Mr. Wilson had just helped Louisiana ADA's falsely convict him. Petitioner warned Mr. Wilson that the Petitioner was pursuing complaints in regard to destruction of evidence. A felony in the State of Louisiana. Before Mr. Wilson left that Attorney-Client visiting room the Petitioner fired him. Requested the Petitioner's files returned immediately. And Petitioner clearly requested that Mr. Wilson was not to discuss the Petitioner's case with anyone. Mr. Wilson violated all of the above. Disgusted, the Petitioner filed multiple complaints and lawsuits against Mr. Wilson. Mr. Wilson response to the above was a smear campaign. Mr. Wilson had possession of all Petitioner's personal property. Mr. Wilson gave away most and threw out the rest. Mr. Wilson was talking with both Price Quenin and Martin E. Regan, Jr, in regard to the Petitioner's case. Mr. Wilson lied to the Attorney's and told them "that the petitioner" confessed to the fabricated rapes. Petitioner would find out later Mr. Wilson even told Petitioner's family the Petitioner was guilty. This caused the Petitioner great harm. Everybody turned on the Petitioner. Mr. Wilson was able to deflect the complaints by simply erasing all my help. Both the State Attorney Disciplinary Counsel and Federal Courts tuned on the Petitioner and favored Mr. Wilson's repeated lies. **See John Wesley Patton, et.al., Vs. City of Westwego, et.al.** 2022 WL 3716500 and 2023 WL 1965257. **(See Exhibit 11).** Based on that undue influence and the police undue

influence. The Petitioner never had a chance of the truth being heard. Attorney Martin E. Regan began to ineffectively represent the Petitioner. In several meetings regarding the Petitioner's case. Mr. Regan only appeared in one. The other three were Mr. Regan's associates. Which knew nothing "zero" about the Petitioner's case. Based on pressure from the Petitioner. Mr. Regan set the Petitioner's case for speedy trial. But, later withdrew that request. Petitioner was upset. Although, the Petitioner felt that "since Mr. Regan never visited the Petitioner" to discuss the facts of the case. That speedy trial would not materialize. Petitioner was set for a July 29, 2019 speedy trial. That seedy trial was withdrawn by Mr. Regan and no notice was given to the Petitioner. **(See Exhibit 5)**. On September 03, 2019 a year after the initial arrest. Petitioner appeared at yet another hearing. Only this time Mr. Regan walks to Petitioner who is seated in the jury box. And states to the Petitioner "I did not know you had a standoff." The Petitioner assured Mr. Regan that it was a police created standoff. This upset the Petitioner greatly. The Petitioner responded "why did I pay you and your office?" To know these things? Mr. Regan then proceeded to smart off to the Petitioner. At which time the Petitioner stood up in the jury box and openly fired Mr. Regan in court. This caught Mr. Regan off guard. And angered him. Mr. Regan proceed to counter that with a request that Petitioner be thrown into "sanity" hearings. Petitioner objected but, the Judge was clearly biased against the Petitioner and any pro-se notions in his courtroom. Petitioner was fed up with Mr. Regan's representation of the entire State of Louisiana. And his missing court dates and time deadlines on motions. Or his inability to visit the Petitioner and discuss and very complex case. Petitioner requested his $10,000 dollar, retainer fee refunded. Petitioner would battle Mr. Regan over the next few years to have material evidence and the original retainer fee returned. Neither would ever appear. Leaving the Petitioner without money to hire counsel. And with out crucial evidence. Such as a "video of the contaminated water bottles," " a statement from a material witness," "pictures of found water bottles in the petitioner's truck," and "petitioner's cell phone." All of the above would be lost by Mr. Regan's office in clear retaliation for the firing. Petitioner would file several complaints and lawsuits against Mr. Regan over the above issues. Mr. Regan's defense was that his office mailed a generous $5,000 dollar, refund to Petitioner Westwego apartment. It should be noted petitioner lost that

apartment over three (3) years prior. Mr. Regan clearly knew this information. And still sent the $5,000 dollars to an address he knew Petitioner no longer lived at. **(See Exhibit 2)**

This caused the Petitioner great harm. Forcing him to Motion to Proceed Pro-Se and unable to hire counsel to represent him or hire help for trial. The Petitioner would later find out that the retainer fee was returned to Mr. Regan's office. Petitioner requested several individuals call Mr. Regan and inquire about the fee. Each and every time the caller would be incorrectly be informed that the $5,000 dollar, check was placed into a safe. This was simply untrue. That Petitioner paid $10,000 dollars to a Louisiana Attorney to file one motion and lie about the refund? This was unacceptable. Petitioner's was forced to file pro-se motions. Petitioner repeatedly explained to the Louisiana District Judge that Mr. Regan never refunded the Petitioner's money. Would the Judge order the retainer fee refunded? Petitioner wrote numerous letters to the Judge. **(See Exhibit 5)**. The court on September 03, 2019 appointed IDB indigent Attorney, Price Quenin, once again. Only this time Mr. Quenin would be as "stand by counsel." Mr. Quenin came into the case with a "preconceived" notion that the Petitioner was guilty. Petitioner bases this on both Mr. Quenin's own actions and Mr. Quenin's consistent communication with Attorney John Courtney Wilson whom the Petitioner fired for misconduct. Due to this undue influence. Petitioner was robbed of any chance of IDB counsel's help in finding witnesses. Petitioner would have nothing but trouble with Mr. Quenin over the next few years. And even file complaints on his stand by ineffectiveness. Mr. Quenin would turn out to be the Petitioner's greatest threat. Informing both the other Attorneys and the Prosecution of every move the Petitioner made or was about to make. This sounds like a wild made up story. But is very true. And the Petitioner has solid proof of this fact. Only to be released to Petitioner's next component counsel. Months turned into years. The pandemic hit. Mr. Quenin files motions on the Petitioner's behalf. Adds evidence to the Petitioner's motion hearings. All without the Petitioner's knowledge or consent. This upsets the Petitioner. 2021 arrives. The Petitioner is still unable to secure any of his stolen retainer fee. And has filed no less the four (4) speedy trial motions. Hearing after hearing amounts to stall tactics by the State of Louisiana. It should be noted that the Petitioner has an "modi-operandi" (MO). The Petitioner discovers his girlfriend cheating. Requests she

leave. Then calls the proper authorities and informs them of crimes the ex-girlfriend is committing. In turn the ex-girlfriend counters with some lie on the Petitioner. i.e. "stalking" or "telephone harassment" or "rape." As in this case, the information the Petitioner gives police is always correct and very creditable. But in numerous occasions the police choose to believe the lying ex girlfriend. Every conviction. Every prison sentence. The Petitioner has either been arrested for or incarcerated for this MO! **(See Exhibit 10)**.

Each and every time the ex girlfriend was able to evade to criminal acts committed. At this point the trial dates are being set back over the pandemic. March 2021 the Petitioner is brought to court. On one of many unannounced and unscheduled court hearing. Starting with March 24, 2021. The Petitioner is brought to court. The ADA's assigned to the case. Have several boxes of evidence in 18-7474, State of Louisiana Vs. John W. Patton. After a thorough inspection of the evidence the Petitioner discovers mountains of withheld evidence. The ADA's assure the Petitioner, they will copy the withheld evidence and forward a copy to the Petitioner.

Unbeknownst to the Petitioner full blown trial is a month away. After the Petitioner locates all the evidence that is favorable to the Petitioner's efforts to prove his innocence. The ADA was to make the copied evidence available. Petitioner never receives the evidence marked. That evidence disappears. The Petitioner strongly objects to the evidence withheld and the fact that the Petitioner's stand by counsel was not present. This was convenient for the misconduct not to be witnessed. When the Petitioner does receive some withheld evidence, the Petitioner realizes that it is the "subpoena duces tectm's", the Petitioner had filed on his behalf some years earlier. The Petitioner objected strongly to the ADA being in possession of the defense's evidence. The Petitioner was subjected to four such hearings March 24, 26, & 29, 2021 and April 06, 2021. In each and every hearing the Petitioner was "ambushed" by motions and baseless evidence that Petitioner already was in possession of. Laura Schneidau, trial ADA for Jefferson Parish, would use the redundant mountains of baseless evidence as an argument as to her honesty and ethics. This is simply untrue. Ms. Schneidau is and remains a very unscrupulous ADA. Without any ethics required by the **Berger Court**. 55 S.Ct. 629 **(supra)**. On or about April 12, 2021 the

Petitioner would finally receive a trial. Some 39 months since the Petitioner's original arrest on multiple fabricated charges.

Petitioner's trial would start by ambush on April 12, 2021. The first day of trial, the Petitioner objected to 46 potential petit jurors showing up out of 180 subpoenaed. That objection would later disappear. Like many others, every juror had some excuse of why. They could not be impartial. Or that a two-week jury trial was just too much in the wake of a pandemic. Most jurors were "frequent flyers" of the Jefferson Parish petit jury. The Petitioner's questioned the jurors on bias. But did feel like most where not forthcoming on their true feelings. The unethical ADA's took full advantage of the Petitioner's Pro-Se status, repeatedly making comments that were either against the rules of procedure or rule of law. Every time to Petitioner would think he may have a juror that could be fair and impartial, the ADA would back strike that juror. Basically the Petitioner had absolutely no help from "stand by counsel." Price Quenin's main function was to lead the Petitioner down the wrong path. The Petitioner had complained on Mr. Quenin by letter or other avenue. Mr. Quenin's bias was apparent. The Petitioner repeatedly asked Mr. Quenin to assist the Petitioner in finding lost witnesses. It should be noted that the ADA used clerks to make sure each and every witness. (47 of them), were subpoenaed every month. This created a major problem on trial day. Those witnesses had been showing up once a month since 2019. And they were pissed. Petitioner received multiple threats via friends and letters that "they were very upset" and their testimony would reflect such. One major complaint of those witnesses. Missing work for a day. Unpaid. Every month for three (3) years.

On April 13, 2021 the Petitioner finished voir dire. The Petitioner made repeated objections to the jury selection. But as mentioned in previous statements, that part of the record was intentionally left out and objections intentionally removed. Although "instantaneous subpoenas" were issued, it was a façade. One the witness was angry. Three witnesses were called. J.M.'s Detective friend, Jason Hippler. Westwego Police Officer, Samuel Norton, First responder on scene, and finally 911 Operator, Nancy Clary. Those officers Were in fact, associated with the same police force who would attempt service for court subpoenas. A clear conflict. Each and every time the Petitioner would leave for lunch break. Upon returning the Petitioner would; 1.) Object to issues from the

earlier testimony or proceedings. 2.) Clearly find multiple documents had been rifled threw or had been misplaced or stolen. The trial began on April 13. The bill of information was read. At that time the Petitioner stood up and clearly objected to his right to be indicted by "grand juries" on any infamous crime. The Petitioner talked about infamous crimes. How the State of Louisiana was using "bills of informations" to manipulate the random assignment of Louisiana District Judge's, and thereby robbing the criminal defendants of an impartial judge and a fair trial. The Petitioner further explained that Louisiana could offer the Petitioner no less protection then the United States Constitution. The Petitioner clearly "objected" to the use of bills of information by Louisiana to rob criminal defendants of any chance of obtaining a fair trial by an impartial judge. By this juncture of the 2nd day of voir dire and 2st day of trial. The Petitioner had no clue as to the state's case. The 2st day of trial produced several witnesses. Among them were Lt. Jason Hippler. Nancy Clary, the 911 operator who received the initial call from Johanna Martinez. And Samuel Norton, the Westwego Police Officer who had first interactions with J.M. On cross-exam. Petitioner pointed out that J.M., never claimed any sort of sexual misconduct in any initial interaction with police. But that sheclaimed "that John Wesley Patton attacked her." The Petitioner repeatedly pointed out J.M. stories to police later were very inconsistent with her new stories to Westwego Detectives. And how J.M. waited some two hours to phone police. Something uncommon for a woman. Now claiming a brutal rape. The Petitioner questioned Lt. Jason Hippler concerning his meeting with J.M. prior to her calling Westwego. And how it was more then a coincidence that Westwego Detective Christopher T. Fisher was already calling Westwego Detective's to type up a search and arrest warrant of rape. At 9:50 am. Some twenty (20) minutes after the 911 call. And before J.M. officially accused the Petitioner of rape. That happened at 9:55 am while Westwego officer Norton was driving to West Jefferson hospital. It should be noted. That Christopher T. Fisher was fired from Jefferson Parish Sheriff's Office for misconduct. And that Lt. Jason Hippler confirmed he knew Fisher. But denied contacting him. The Petitioner was unable to prove that lie. Due to the fact that a previous request for subpoena deuces tecum, for Det. Fisher's and Lt. Hippler's phone records was denied. Lt. Jason Hippler was free to commit perjury at will. It should be noted that the ADA's assigned knew each and every witness was

committing outright perjury. The Petitioner additionally questioned Westwego police officer Norton in regard to 911 call and body cam footage that was in direct conflict with later testimony and body cam footage of J.M.. The Petitioner was unable to prove that Westwego officer Norton actually received a statement quite inconsistent with J.M. future statements. Which seemed to change like the direction of the wind? Petitioner showed that. The statement in that court. Was not the original statement she gave on September 08, 2018 to officer Norton. Body cam footage would have proved that. But like so much other "truth." The "gatekeeper" Louisiana District Judge, Steven C. Grefer ruled it inadmissible. The above is a very brief summary of the first day of trial.

On April 14, 2021 the 3rd day of trial was again multiple state witnesses that were nothing more that expert witness with opinions. Westwego Police Officers, Josh Brown, Detective Rivieve and Corey Boudreaux. Officer Blake Lawson, Westwego police officer was caught committing "outright perjury" That officer was repeatedly asked "if that officer [knocked and clearly announced]." To which he clearly stated "yes." That was a lie. And the one time and only opportunity the Petitioner was able to have "body cam" footage ruled admissible proved that officer committed "outright perjury." And that the ADA's knew. It should be noted that opportunity was the only time body cam footage would be allowed in trial. Even though the Petitioner would try over and over through out the eight (8) day trial. Several of the Petitioner's witnesses were allowed to testify out of sequence that day. Over the objections of Petitioner. Those objections seem to have been removed as so many others? Lead Detective Christopher T. Fisher, testified too. Detective Fisher would commit so much "perjury" that the Petitioner could spend 40 pages alone pointing it out. Petitioner did try to point it out on cross-exam. But, Detective Fisher is well trained on "test lying."

On April 15, 2021 the 4th day of trial began. Petitioner started that day off with "objections" to continued misconduct of the ADA's. And the fact that "stand by counsel" was not assisting the Petitioner with investigating and witness location. And that once again "Petitioner was missing documents" stolen at breaks and lunch. Petitioner repeatedly requested the courtroom camera be rolled back? To affirm the Petitioner's reasoning, that was denied. A note was given to the presiding judge by the jury and foreman. That letter was immediately "placed

under seal" by Louisiana District Judge, Steven C. Grefer. One can only wonder. As that letter was never seen by the Petitioner. When Petitioner asked "stand by counsel" regarding the contents of the said letter? The Petitioner was only told "it contained [juries concerns of unfair play] regarding the procedure of the ADA's treatment of the Petitioner in the courtroom." The Petitioner can nether confirm nor deny that rumor. Several state witnesses testified; Westwego Police Detective, Christopher T. Fisher, cross examination continued. Westwego Police criminalist on evidence, Angel Lopez testified. Petitioner objected to the planted evidence. It should be noted that the evidence defies logic. As stated above ALL the evidence they claim they recovered from the 1308 Central Avenue address. Should have been covered with Z-Chlorobezalm-Alononitrile Gas, (CS Gas). On cross-exam Officer Lopez could not answer why. No CS Gas residue was on the evidence recovered. That was perjury. The ADA's knew that. It should be noted that Officer Lopez no longer worked for Westwego PD. Nor would he answer why. As that line of questioning was objected to and Overruled by the Judge. The final witness and most important to me. Was Christine M. Rorabaugh. As Ms. Rorabaugh live with the Petitioner just under two (2) years. Ms. Rorabaugh answered each and every question posed to her by ADA's. But, when it came time for cross examination by the Petitioner. Ms. Rorabaugh, would not, answer any questions posed to her. The Petitioner repeatedly requested the Louisiana District Judge, Steven C. Grefer, instruct the witness to "answer the questions" in the fashion posed, Yes or no.to only that question. Ms. Rorabaugh would not answer any question. But would ramble on about facts not asked. Each and every objection made by the Petitioner was overruled by the Judge. This witness could have shown that the Petitioner was not "sexually violent" as ADA's would have the jury believe. Unresponsive was an understatement. Mr. Rorabaugh was by far the most important witness of the Petitioner's case. And the most unresponsive of them all. The two corrupt ADA's knew this. As they held a criminal charge over Ms. Rorabaugh's head. One question she did answer was in regard to the Petitioner finding C.R. in a Jefferson Parish hotel room with a man in August 2018. C.R. committed perjury. C.R. flat out denied being in any room nor with any man. When the Petitioner went to recover the Document that proved that was perjury. Lo and behold that document like many others had been stolen by the low life corrupt ADA's. Petitioner

tried to ask about this among other relevant questions. But the ADA's controlled Ms. Rorabaugh's testimony. And knew I now had no way to "impeach" C.R.'s perjured testimony. How convenient. Every time I would pose a question the Ms. Rorabaugh she would look towards the ADA's table. I would instruct her to look at me. And answer the questions. Fed up finally with the unresponsiveness and the "gatekeepers" unwillingness to sustain any of my objections. Or instruct the witness to answer the questions. Petitioner ended the cross exam. The jury never heard the truth. Because the truth was suppressed.

On April 16, 2021 the 5th day of trial began. Several key witnesses would testify. One was a surprise for the Petitioner. Chief Timothy Scanlon. As Chief was an "ambush witness" and was not on any States witness list. Chief Scanlon ran the Jefferson Parish Crime Lab. Chief Scanlon was nothing more then a "paid liar" for the ADA's. His perjured testimony was simply to bolster the "outlandish" fact that the Jefferson Parish Crime Lab had no way to test for CS Gas residue. The Petitioner pointed out the fact that "**chromatography testing** "would have proved the contamination of CS Gas." Petitioner did object to being ambushed by Chief Scanlon. But like so very many issues. Judge Steven C. Grefer was biased. And overruled each and every objection in regard to relevance. Or perjury. Next witness was the SANE Nurse, Sarah Mendoza. Right off Ms. Mendoza started committing perjury. First the documents were altered. Next came the "pictures" that were fake. How do you produce "pictures of a rape" that never happen? Ms. Mendoza was certainly a "paid liar" and Petitioner asked her that question. Ms. Mendoza completely "bamboozled" the jury with answers like. It could have happened like that. Or I guess it could. On cross examination Ms. Mendoza admitted that no DNA of the Petitioner's was recovered. The Petitioner pointed out the massive inconsistencies in J.M's story. And how Ms. Mendoza's perjured testimony only bolsters the ADA's fabricated case. It should be noted that the Judge tried to convince the Petitioner not to cross exam Ms. Mendoza. Johanna Martinez would testify on April 16, 2021 too. J.M. would be a repeat performance of the unresponsiveness to ANY line of questioning regarding the fabricated rape. Petitioner tried repeatedly to question J.M. regarding her initial 911 call. Her initial interaction with Jason Hippler and Samuel Norton and the inconsistencies therein. It should be noted that it was more then a coincidence. That J.M.

and C.R. were neighbors on Holycross. C.R. lived at 226 Holycross and J.M. lived at 224 Holycross. When questioned about the addresses. J.M. flat out committed perjury. The ADA's knew this was a lie. When the Petitioner went to obtain the proof out of a file. The document was gone. This was an ongoing issue. Stolen documents by the ADA's. Petitioner would "object" to this issue multiple times. Naming the missing documents on the record. J.M. was coached by ADA's to lie. As J.M.'s stories never matched her original 911 or initial interactions with police. The Petitioner tried to question J.M. about her inconsistencies and more. But J.M. was very unresponsive to any line of questioning and the "gatekeeper" was unwilling to change his bias towards the Petitioner. And refused to instruct ANY witness to answer the questions as posed. J.M. complete testimony was ripe of perjury. And designed to convict the Petitioner of a rape that never happened.

The 17th and 18th were on a Saturday and Sunday. The jury was ordered sequestered. It should be noted that the State's fabricated story was plastered over every newspaper and TV station in the New Orleans metro area. One could hardly believe this wasn't pre designed. Or how the jury did not see any nor read any posts on the Petitioner. Each and every story was given to the media by Christopher T. Fisher and Lt. Jason Hippler. Both had a clear vested interest in my false conviction. i.e. Long Federal prison sentences for intentionally staging a crime scene.

On April 19, 2021. The 6th day of trial. Several witnesses testified. SANE Nurse, Sarah Mendoza was called back for cross examination. I questioned her about "her opinions" not fact. The fact she was a paid liar. The altered documents. The fabricated pictures. And her perjured stating "it could have happened like this or that." Which gave the jury the false impression "Petitioner raped J.M." The ADA's called Crime Lab specialist, Sitara Shirwani. Like the others. Ms. Shirwani's testimony was peppered with just enough truth to be believable. The only true testimony was that "no DNA" of the Petitioner" was found on or in J.M. Nor X nor Y chromosomes found on either the Petitioner nor J.M. But as Ms. Mendoza. Ms. Shirwani would state "it could have happened even with no DNA. The Petitioner would point out several inconsistencies with that false narrative. One main point is that under Louisiana law. Contact is required. Even the slightest. Surely DNA would be recovered. When

questioned about leaving her panties in the Petitioner's apartment and how. That evidence would not be contaminated. Ms. Shirwani never was unable to answer. Due to the multiple objections from a number of ADA's assigned to the case. The State would call a Kenner Detective, Brian Wider who was assigned to the fabricated attempt rape case. That was placed on the Petitioner ten (10) days after the initial false rape claim. Rachelle C. Dutreix is the alleged victim. R.D. was contacted by Westwego Police Detective, Christopher T. Fisher. The two then would have a very secret meeting that was unrecorded at the Westwego police station. After that R.D. was instructed to drive to the Kenner Police Department and make a statement. Unbeknownst to the Petitioner Kenner Detective, Brian Wider and R.D. were friends too. R.D's friend was married to Det. Wider. This was never disclosed to the Petitioner at trial. R.D. even used Det.Wider's ex wife to attempt to frame the Petitioner for attempted rape back in late 2016. By contacting the Petitioner and setting up a fake date and meeting using dating web sites. Sound familiar. It should. I am in prison on the same scenario. Keep in mind R.D. and C.R. Arranged J.M. into contacting me via a dating web site. And upon the date I was drugged. The State would call last on Monday April 19, 2021. Their star liar. The beginning and the end. Rachelle C. Dutreix. R.D. has had so many last names. She could disappear tomorrow and never be found. R.D. was a problematic witness. R.D. hatred of the Petitioner was deep. Both the Petitioner and R.D. had an ongoing conflict over our October 2016 break up. Petitioner pulled all financial help from R.D. After Petitioner caught R.D. cheating red handed with Scott Banks. An employee of the Petitioners, this did anger the Petitioner. The Petitioner in turn called R.D.'s family and told them of R.D. drinking and drug use. The Petitioner chose "not to tell" R.D. that the Petitioner had served prison time in Texas. Or that the Petitioner was on active parole. As Petitioner had only just met R.D. in March 2016. And their relationship was not that advanced as of yet. Over the next few months both the Petitioner and R.D. would file police reports against each other. R.D. filed four (4) in which she refused to "press charges." Most if not all involved misdemeanors. Fabricated criminal damage. Petitioner placing R.D. and her minor daughter's picture on a web site named "report my ex.". The Petitioner would file several too include criminal damage on his dodge 4 X 4 truck. And that R.D. was having woman contact Petitioner trying to set him up. Petitioner called

R.D.'s work and complained. She was using the company computer to harass Petitioner. The Petitioner also continued to place "warnings to other men" on web sites in regard to R.D. This caused R.D. to counter with her own postings. Scam.com and Reportmyex.com were used. R.D. not only targeted the Petitioner. But also targeted C.R. While the Petitioner and R.D. were together. R.D. was experiencing great difficulty paying her bills. R.D. lived way above her means. So the Petitioner consolidated both of their phone bills. Making R.D.'s phone number the Petitioner's. This left R.D. without a phone. And when R.D.'s friends or family would call. The Petitioner would use it against her by telling them of her cheating ways. This angered R.D. R.D. wrote several letters to Petitioner Attorney, John Courtney Wilson blasting the Petitioner.

At trial R.D. was very unresponsive to any line of questioning. Again the Petitioner requested the Louisiana District Judge, Steven C. Grefer instruct the witness to answer the questions. But as usual the Judge refused to sustain that objection on R.D. The Petitioner frustrated started "asking R.D." "did that piss you off." Of course the ADA's objected. But the Petitioner saw it he was close to breaking R.D. in to admitting she filed false charges against the Petitioner on behalf of Westwego Police Detective, Christopher T. Fisher. Whose original case in regard to J.M. was riddled with inconsistencies. But once R.D. bolstered Detective Fisher's case with yet another fabricated rape. The Petitioner was now considered a "serial rapist." And would be prosecuted more vigorously. The Petitioner would be held in contempt three (3) times. For the line of questioning stating "did that piss you off." The petitioner did object to the contempt charges as "interference with his right to confront" R.D. The Judge sentenced the Petitioner to 300 days. Parish Prison. To be run consecutive of any other Department of Corrections sentence. It should be noted that the Petitioner repeatedly tried to recuse Louisiana District Judge, Steven C. Grefer over his hatred of Pro-Se Defendants. The Petitioner was never able to fully question R.D. as was the same with J.M. or C.R. All three of the Petitioner's accusers. Were unresponsive to any line of questioning. This clearly gave the Louisiana jury a negative view of the Petitioner and most certainly added fuel to a false jury verdict of guilty.

Additionally, on April 19, 2021 the Petitioner was forced over objection to call four witnesses out of order. The first two. Kristie Young and Dan Klein. Both worked with R.D. Petitioner questioned Ms. Young in regard to complaints filed on R.D. by the Petitioner. Ms. Young admitted she did not even work there when the alleged misconduct occured. Ms. Young explained that the HR Manager changed. Ms. Young confirmed the complaint process. But was unable to confirm facts about R.D. Dan Klein was R.D.'s boss. But every time the Petitioner would ask any question, the ADA's, three (3) of them. Would stand and "object" using baseless grounds. Sustained. Leaving the Petitioner unable to question any witness in regard to the truth. This happened on every "defense witness", he Petitioner could find. It had been three (3) years since the Petitioner's arrest, and that for the whole three (3) years each and every defense witness was subpoenaed every month. For three (3) years straight every defense witness was subjected to continued harassment of being subpoenaed every month. Missing a day of work every month. All were upset. Causing most if not all to dodge subpoena the week of trial. The final two witnesses were two Attorney's involved in the Petitioner's case. Attorney John Courtney Wilson and Attorney Martin E. Regan, Jr. Both were fired by the Petitioner early on for repeated misconduct. Both Attorney's would eventually admit that they stole the Petitioner's property and retainer fees. But when Petitioner tried any other line of questioning regarding R.D. or C.R. and the letters written on the Petitioner's behalf to State and Federal agencies regarding crimes by both R.D. or C.R., the ADA's objected repeatedly. Yet again the Petitioner was unable to present the truth. The baseless objections shut down any attempt to question the Attorney's regarding the lying women. Although the Attorney's would admit to losing evidence, they now claimed they retained. This conflicted their answers to the Office of Disciplinary Counsel. In which they claimed to lose all the evidence. Attorney Martin E. Regan, Jr would admit on the witness stand. The original retainer fee of $10,000 was never refunded. Attorney would try and hand me my "Samsung Galaxy phone" that he and Attorney Wilson claimed he lost to the O.D.C. by sworn affidavit. Both Attorney's flat out committed "perjury" in their filings to the State of Louisiana highest Attorney Disciplinary Tribunal. The two Attorney's would additionally claim they lost the "water bottles." Those water bottles were the crux of my involuntary intoxication defense.

On April 20, 2021, the 7th day of trial. A few of the defense witnesses would testify. The doctor that prescribed the 'legal testosterone" to the Petitioner would testify by zoom. As the Petitioner was allowed no monies for expert witnesses and Dr. Richard Paddock, board certified, urologist. Wanted $5,000 dollars to testify as an expert witness. Questions to Dr. Paddock involved the Petitioner ability to preform sex. J.M., C.R. and even R.D. falsely claimed that Petitioner took testosterone for "sex." And that the Petitioner was impotent. Both were fabrications made up. If one had the guess as why they said that? The common denominator would be Westwego Police Detective, Christopher T. Fisher. The Petitioner questioned Dr. Paddock at length about the Petitioner's original diagnosis. The doctor confirmed that Petitioner was prescribed testosterone for energy and not because the Petitioner was impotent as the woman falsely testified too. The doctor confirmed that he regularly "drug tested" the Petitioner. This he explained was due to testosterone being a schedule drug. And how people might lie to obtain it. The doctor confirmed that the Petitioner had "very low levels" of testosterone, to warrant the prescription. The doctor was asked by Petitioner what "reaction" a person might have if an? Unknown substance was introduced or mixed with the legal testosterone? Due to the Petitioner expiring a violent reaction that caused the "simple battery" of J.M.. The four ADA's jumped up with objections. And the Judge sustained all the objections. Thus, the doctor was unable to answer on the record. The doctor confirmed the Petitioner made all his appointments and that the woman were quite wrong in their diagnosis. Next Henry Oliver testified. Mr. Henry Oliver was the cleaning specialist hired by Attorney John County Wilson using the Petitioner's funds. To clean the items in Petitioner's apartment after the CS gas exposure. At the time the Petitioner was assured by Attorney Wilson that Mr. Oliver was an expert in his field. Petitioner believed this based on the price Mr. Oliver wanted. $5,000 dollars. The Petitioner read thoroughly Mr. Oliver's estimate and facts of his walk through. Mr. Oliver stated on his estimate that everything was covered with CS gas. And that it would take several employee's days to clean every item. The Petitioner had no reason not to believe this true. Based on his own knowledge of being present in 1308 Central Avenue at the time of the police created standoff and flash bombing of the CS gas. So the $5,000 dollar, estimate was very believable. The Petitioner additionally based this belief on multiple

conversations with family and Attorneys on the condition of the 1308 Central Avenue apartment. The Petitioner was unable to conduct personal interviews with any witness for the State or defense. So the very first time the Petitioner ever saw or talked with Mr. Oliver was on the witness stand. Mr. Oliver's testimony changed on the witness stand. Mr. Oliver now claimed "no visible" CS gas residue was seen by him. The Petitioner questioning the witness "if it was his normal function" to charge people $5,000 for clean up of nothing? Someone influenced this witnesses perjured testimony. If one had to guess? Stand by Counsel, Price Quenin would be my first guess. The Petitioner bases this on Mr. Quenin's repeated pattern of "running defense witnesses off." My second guess would be John Courtney Wilson who had multiple conversations with Mr. Oliver. Before and after I fired Mr. Wilson. My third guess would be Westwego Police Detectives and Lt. Jason Hippler who loved to call people under the pseudonym of Lt. Brown of the Jefferson Parish Sheriff's Office. Several of the Petitioner's close friends, and family received calls from Lt. Hippler posing as Lt. Brown. Hippler posing as Brown was able to use undue influence without any ramifications. The Petitioner questioned Mr. Oliver at length. But due to both objections sustained and direct interference from Judge Grefer. The Petitioner failed in establishing the truth. Finally, Clifton McKinney testified. Mr. McKinney was both a character witness and a lay witness. Mr. McKinney confirmed the character of the Petitioner not conforming with "sexual predator." Mr. McKinney testified that he and the Petitioner talked for hours each and everyday on their long rides home. And that he knew the Petitioner had problems with two of the States witnesses. R.D. & C.R. Most if not all the lines of questioning were completely shut down by the repeated objections by multiple ADA's. Mr. McKinney confirmed that both he and the Petitioner worked for a major construction company, Primorris Construction Services (PSC). And both were issued white company trucks. Mr. McKinney further explained that the Petitioner always had two to three water coolers in his truck daily. The was common practice. Mr. McKinney stated both he and the Petitioner would stop and prepare water daily for the employee's of PSC. Mr. McKinney would confirm that it was very suspect and very unusual for those coolers not to be in the back of Petitioner's work truck. And that each and every time Mr. McKinney saw the Petitioner those coolers were in the back of his work truck. The Petitioner attempted to

enter into evidence and. Mr. McKinney was shown multiple pictures given the Petitioner by police. Verifying that testimony. Two to three coolers in the back of the Petitioner's work truck. Those pictures were generated by police using traffic cameras. Which allows the police to go back months, tracking you by those traffic cameras, using your "license plate." When the Petitioner tried to enter those photos the objections flew. Baseless objections. But, as usual the trial Judge sustained them shutting down the truth seeking process yet again. The Petitioner attempted further questioning of Mr. McKinney but, was unable to overcome the baseless objections and the sustaining of said objections. The Petitioner requested the Judge allow the Petitioner to play for the jury all the recorded interviews with J.M. and C.R. Taken by Westwego Police Detective, Christopher T. Fisher. The Petitioner prayed the jury would realize that J.M's, C.R's and R.D's testimony at trial versus those interviews were dramatically different. And that major inconsistencies existed. Based on the Jury's false guilty verdict. That reasoning did not work. A blind man could see the railroad. But that jury did not. The Petitioner tried to locate defense witnesses. The more Stand by Counsel, Price Quenin contacted the Petitioner witnesses. The more they dodged subpoena. Price Quenin and the Petitioner never saw eye to eye. The Petitioner complained about Mr. Quenin to anyone who would listen. Judge, State Bar, and the news media. The Petitioner's case was put together by the Petitioner. Price Quenin did zero to assist the Petitioner. Mr. Quenin was a "facade." Given to the Petitioner as a "legal show piece." Good for nothing! The Petitioner could have won at trial or at the very least. Been convicted of a lesser felony. If the Petitioner was assigned a stand by counsel, who cared about truth and justice. The final witness to testify on April 20, 2021 would be the Petitioner. The Petitioner objected that his defense witnesses were unavailable. As discussed earlier, those witnesses had been subpoenaed each and every month for the last three (3) years. No wonder they refused to show. Or dodged subpoena. The same police who framed the Petitioner were the same people assigned to delivered subpoenas to witnesses. Later the Petitioner would learn that most were never delivered. Yet another façade. The Petitioner called himself as the final witness. The Petitioner was Pro-Se.

This involved a very unique situation where no one would question the Petitioner. Based on that. The Petitioner made a few notes to refresh his memory. Since the Petitioner was not testifying off those notes. The Petitioner did not provide the ADA's with a copy. Those notes were only to refresh the Petitioner's memory should he get off track on his testimony. The Petitioner relied on **Louisiana Criminal Procedure, Article 612(b),** to access and review those notes. The Louisiana District Judge saw the Petitioner's notes. And for some unknown reason. Forbid the Petitioner from accessing those notes. The Petitioner objected. That objection is one lost. Like so many others objections at trial.

On April 21, 2021, the 7th day of trial. Charles Gerard, the Petitioner's boss at PSC testified. When the Petitioner questioned Mr. Gerard on the water coolers kept in the back of the Petitioner's work. This was met with a flurry of objections by ADA's. All sustained by the Judge. Each and every time the Petitioner tried to show Mr. Gerard a picture of the water coolers or even question him in regard to the water coolers. The Judge stopped it. One might ask what is up with the water coolers. Those are the crux of the Petitioner's involuntary intoxication claim. Those coolers contained contaminated water bottles. When Westwego Police Detective, Christopher T. Fisher, questioned the Petitioner, the night of September 08, 2018. Those two large water coolers were in the back of the Petitioner's PSC work truck. After that line of questioning those coolers disappeared. The Petitioner has accused Det. Fisher of framing him. And rightly so. The ADA's objected to any questioning of Mr. Gerard in regard to water coolers. The Petitioner attempted to question Mr. Gerard about the Petitioner's past drugging at LA 1 job. But three (3) years had past and he now claimed he did not remember that fact. How could any witness, other then the States witnesses who remember their lies like yesterday, Remembering three (3) years ago. Can you? I may have been the final witness. My records are unclear and some were stolen. I do remember objecting to the large number of witnesses missing. Especially in regard to R.D. case.

The Petitioner testified to the facts. Denied any rapes. Admitted fighting with J.M. in his living room. Talked about his life. His mother. His tumultuous relationship with C.R. in the end. The problems, cheating, and the lies.

The Petitioner did not have any notes to stay on track. This created major problems. Objections flew. Non stop during the Petitioner testimony. Most were baseless and designed to stop the flow of the testimony.

The Petitioner lost track multiple times over this blatant misconduct of the ADA. The Petitioner was testifying and was unable to object to this misconduct. The Petitioners stand by counsel never lifted a finger to help or object while the Petitioner was testifying. The Petitioner handed the "Stand by Counsel" Price Quenin several documents to introduce at certain intervals of the Petitioner's trial testimony. Price Quenin failed to do this. It affected the perception of the Petitioner's testimony to the jury. The repeated objections and admonishments by both the Judge and ADA gave a very false impression to the jury.

The Petitioner's case in very complex and due to that complexity and scope of legal issues, and that the Petitioner had no help. The stand by counsel was no help. Price Quenin effectively ran every witness he spoke to off. Attorney Price Quenin was a façade. And the Petitioner repeatedly told him so. The truth was the truth. The trial had very little truth involved. Right in the middle of the Petitioner's testifying. Out of the blue. The Louisiana District Judge, Steven C. Grefer, stopped the Petitioner testimony. Stating "your done that's it." The Petitioner did object. But no court can find any of those missing objections. But the Petitioner would simply argue. That was a structural error anyway that would not require any objection? The Judge intentionally interfered with the Petitioner's testimony. Removing that part out of the record. It all seem to center around Rachelle Dutreix and her fabricated claims of a second false rape. None of her family members showed. Even though subpoenaed. Intentionally dodging subpoena. R.D. uncle is a well known liar and co artist fired by the Jefferson Parish Sherriff's Office for corruption in the FBI case known as "winkled robe." The ex warden of the Jefferson Parish Correctional Center. And long time friend of the Lt. Detective, Jason Hippler.

Closing arguments were simple. The Petitioner pointed out the inconsistencies and thanked the jury for their service. But the Petitioner saw "a bunch of citizens" just trying to get the out of there. The State committed gross misconduct in their closing. Commenting on my Pro-Se status, as a way of me hurting the alleged victims one last time. If you think the Petitioner wanted to represent himself against the corrupt machine of Jefferson Parish. You

have not been listening. When Martin E. Regan, Jr. Stole my retainer fee. John Courtney Wilson stole my property or gave it to the fabricators. Both stole any chance of me retaining an attorney to help me prove my case. The jury was given the case.

Originally the Petitioner requested his long time friend. Charles A. Badeaux to sit in the courtroom and watch for jury or witness misconduct. Why? Because in each and every trial the Petitioner was a part of in 1994 and 2010. The Petitioner's mother discovered ADA misconduct. Resulting in only misdemeanor convictions. In 1994 the Petitioner's mother discovered the ADA's directly coaching Tammy Davison. That false misdemeanor conviction. Resulted in the Petitioner's ninety- nine, (99) year sentence in Texas. You guess it. It involved yet another corrupt Jefferson Parish Detective, Susan Rushing. (See Westlaw. John W. Patton Vs. Jefferson Parish Sheriff's Office 1997-1999). The jury wasted no time returning a "guilty" verdict. The Petitioner was slightly surprised but not caught off guard. As the Petitioner lost the jury on the fourth day. The day after they sent a letter to the Judge. The Petitioner still has never seen the letter. The Petitioner would adver that the "verdict." Was a direct result of the misconduct complained of above, and that verdict defied logic.

On May 06, 2021 the Petitioner filed a "motion for new trial."

The Petitioner's cell was searched by Judge Grefer's bailiff. She would explain that "certain documents" were missing. And that I was a suspect. This was a clear subterfuge. To cover the repeated courtroom misconduct. The Petitioner would later discover. Multiple "nunc pro tunc" being filed without the petitioner's knowledge. And only after the Petitioner requested a "case management review."

On May 14, 2021. The Petitioner would argue the reasons for the granting of the "motion for new trial" at length. Covering a wide range of misconduct and cumulative errors. The Judge was unreceptive. As his mind was made up the day he received the case. As I was intentionally placed before Steven C. Grefer.

On May 18, 2021. The Petitioner filed a "bill of exceptions" on the nunc pro tunc.

On May 19, 2021 the Petitioner was sentenced. Only J.M. was in the courtroom. Lt. Hippler and Det. Fisher were both there. Stand by fraud never said a word to me. I was heavy chained. The ADA's and J.M. made

fabricated statements about harm. The Petitioner could only wonder? Harm on a fabricated rape? The arrogance of these liars. When the Judge stated sentencing the Petitioner. The Petitioner repeatedly told the Judge "look me in the eyes" when you take my life over these lies! This bothered the Judge. Petitioner saw that. The Petitioner was sentenced to 35 years for the fabricated rape, 10 years for the fabricated sexual battery, 10 years for the false imprisonment. (Johanna Martinez's case). To run consecutively with 15 years for the fabricated attempted rape. (Rachelle Dutreix case). **(See Exhibit 5).**

Who did not even bother to show. I would not show either if I just sent an "innocent man" to prison for life based on outright lies. The Petitioner gave notice of appeal. The Petitioner had already filed appeal paperwork with the clerk.

On May 24, 2021 the clerk issued appeal notice.

On August 26, 2021 the court again was issuing "nunc pro tunc." Without notice to the Petitioner.

On September 21, 2021, the first (1st) appeal is lodged. By Prentice White a Louisiana Appellate Project (LAP), Attorney. My friend would call Mr. White. My friend telling me. You are in trouble. That Attorney thinks your guilty. This bothered my friend. As he knew I would never receive a fair review. How right he was. Mr. White claimed he could only find "one error" in an eight (8) day trial? Really? That one error involved the Petitioner's Pro-Se status. The Petitioner was not impressed. The Petitioner then investigated the LAP. It turns out that the LAP is run by a corrupt ex ADA named Bruce Whittaker who had a clear history of misconduct. The Petitioner could not believe Bruce Whittaker would be allowed the run LAP. Which is responsible for the appeals of all the convicted Louisiana Defendant's after trial. To understand one must read **Connick Vs. Thompson,** 131 S.Ct., 1350 (2011) and **Thompson Vs. Cain**, 119 S.Ct., 1353 (2001). John Thompson was framed by the ADA who now allegedly write the appeals for Louisiana citizen's who may or may not be factually or legally innocent of their crime. The Petitioner thought "really." John Thompson spent decades in prison falsely on Bruce Whittaker's lies and misconduct. And this is the guy I'm pinning my freedom on? Really?

The Petitioner's first appeal was numbered 21-KA-613.

The appellate court ordered the record supplemented.

On November 17, 2021 the Fifth Circuit would vacate the Petitioner's sentences on a legal trick know as "errors patent review." To understand errors patent. It is a review of the procedural issues of the appeal. The Judge filed the original "notice of appeal" early. This divested the original jurisdiction of the court. In response to the reversal. The Petitioner filed several motions in the 24th Judicial District Court. The Petitioner expected to be remanded back to the Jefferson Parish Correctional Center, (JPCC), as the Petitioner was still serving a 300day parish prison sentence in regard to the contempt's charges discussed early in the case. Those motions were "motion to recuse Paul Connick, district attorney." "motion to recuse the trial judge, Steven C. Grefer." "motion to recuse any I.D.B. attorney." "motion for Jeff Landry to hear the case in further proceedings." To the surprise of the Petitioner and against the rule of law. The Petitioner was held in Louisiana DOC custody housed at Elayn Hunt prison located in another Louisiana parish. Instead of transferring the Petitioner back to the only valid sentence. i.e. 300 days @ JPCC. The Petitioner was resentenced by zoom hearing on December 06, 2021. The Petitioner repeatedly objected the violations of due process. Over not being remanded back to JPCC. Not having stand by counsel reappointed. Or not hearing any of the motions filed by the Petitioner in the new sentencing. .(sentence number 2).The Petitioner was sentenced to the same original sentences. The Petitioner objected. When the State of Louisiana reversed on the "errors patent" they wiped clean all my original testimony in the May 19, 2021 original sentence. (sentence number 1). The Petitioner avers this was done intentionally. To remove my statements made during sentence number 1. As the Petitioner was limited by zoom. And was cut off long before the Petitioner could cry out over the injustice. The Petitioner's complete case is filled with legal tricks, just like the one mentioned above. The Trial Court Judge, assigned the same Appellate Attorney, Prentice L. White of the Louisiana Appellate Project. Mr. White never contacted the Petitioner. In fact Mr. White filed the same brief again. A one error brief. Ever though the Petitioner requested all the trial transcripts be transcribed once again. Even laying out each and every error contained therein. Specifically, each and every time the Petitioner with

clarity, each and every court date, hearing, or trial date the Petitioner needed to prove his errors on appeal. Every time the Trial Judge denied those requests. The Appellate Attorney, Mr. White kept the Petitioner in the dark regarding his filings. The Petitioner was working on twelve (12) reversible errors. As the Petitioner was lead trial attorney. Acting Pro-Se. And knew where, each and every error was made. The new appeal was numbered 22-KA-112. The Petitioner filed multiple requests for transcripts. The Petitioner even requested several "Writs of Mandamus", **(See Exhibit 15)**, to the Louisiana State 5th Circuit, Court of Appeals. All denied. The Petitioner filed a "pro-se appellate brief" urging thirteen (13) errors. Those errors were all based on facts the Petitioner witnessed personally.

On December 21, 2022 the 5th Circuit Court of Appeals again denied the Petitioner appeal. It should be noted. That the Petitioner can find no record of the filing of his "pro-se" brief? Although the 5th Circuit heard those errors?

On or about March 2023 the Petitioner filed in the Louisiana Supreme Court. A brief re urging the same thirteen (13) errors. That appeal number was 2023-KO-00151.

Over the next few months the Petitioner would continue to file for missing transcripts. Ever requesting the costs of every hearing ever in the Petitioner's case 18-7474. November 2018 through 2023. The Petitioner never heard back on any of those requests.

On November 08, 2023 the Petitioner received notice that the writ application 2023-KO-00151 had been denied by the Louisiana Supreme Court without written order.

The Petitioner would once again fil a Motion to Recuse the Trial Judge. On the grounds the the Judge had been sued by the Petitioner. And that actual bias was present.

On January 12, 2024, the Petitioner mailed an "extension of time to file Writ of Certiorari out of time." The Petitioner requested extra time due to the sheer complexity and the scope of the legal arguments in the case. And that the Petitioner was experiencing great difficulty with the time restraints placed on him by Louisiana DOC for typing and copying of this writ. The Petitioner further stated that very wording in his extension, and that this

application contains questions of law. This court should docket. There are of extraordinary importance questions of law that should and ought to be decided for the Citizens of the State of Louisiana. If we are to remain a country of "rule of law" and of freedoms.

Statement of the Case

On November 30, 2018, the Jefferson Parish District Attorney filed a bill of information charging petitioner with attempted second degree rape, false imprisonment while armed with a dangerous weapon, second degree rape, and sexual battery. Petitioner pled not guilty to the charged offenses.

During the course of pre-trial proceedings, defendant requested to represent himself. On October 9, 2019, after a hearing, the trial court granted petitioner's request to represent himself and appointed the Public Defenders Office as standby counsel. Following the resolution of numerous pre-trial motions, the matter proceeded to trial before a twelve-person jury on April 12, 2021. After considering the evidence presented, the jury, on April 21, 2021, unanimously found petitioner guilty on all four counts.

Petitioner thereafter filed a motion for new trial and motion for appeal. On May 14, 2021, the trial court denied petitioner's motion for new trial and granted his motion for appeal. Thereafter, on May 19, 2021, the trial court sentenced defendant to imprisonment at hard labor for 15 years on count one, 10 years on count two, 35 years without benefit of parole, probation, or suspension of sentence on count three, and 10 years without benefit of parole, probation, or suspension of sentence on count four. The trial court ordered that counts two, three, and four be concurrently served "with one another" and consecutively served to count one, for a total of 50 years to be served in actual custody.

Petitioner's appeal was subsequently lodged in the 5th Circuit Court of Appeal. On November 17, 2021, the 5th Cir. Observed that upon granting petitioner's motion for appeal on May 14, 2021, the trial court was without jurisdiction to subsequently sentence petitioner on May 19, 2021. In light of its finding that petitioner's motion for appeal was prematurely granted before sentencing, the 5th Cir. vacated petitioner's sentences and remanded the matter for resentencing on all four counts.

On December 6, 2021, the trial court sentenced petitioner to the same terms of imprisonment previously imposed. In addition, the trial court ordered petitioner to comply with the sex offender registration requirements. Petitioner thereafter filed a motion for appeal. On December 16, 2021, the trial court granted the appeal and appointed the Louisiana Appellate Project to represent petitioner. On December 21, 2022, the 5th Cir. Denied petitioner's appeal.

On March 02, 2023, the defendant filed a writ of certiorari in the Louisiana Supreme Court.

On November 08, 2023 the Louisiana Supreme Court denied the Petitioner's writ of certiorari without written order. **(See Exhibit 9)**

The following United States Supreme Court, writ of certiorari is due on February 06, 2024.

On January 12, 2024 the Petitioner would mail from the B.B. Sixty Rayburn Mailroom. A Motion to Leave to Extend the time to File a Petition for Writ of Certiorari. **(See Exhibit 16)**

Assignment of Reasons for Granting of the Writ

1. Appellant has been denied his constitutional right to Appellate Review based upon a complete record, by the District Court withholding major portions of the trial record, in violation of Art. 1 §19 of the Louisiana Constitution and the 14th Amendment to the United States Constitution.

2. The prosecutor violated ***Napue v. Illinois*** when he knowingly used perjury to obtain appellant's conviction in violation of the 6th and 14th Amendments to the United States Constitution.

3. Appellant was denied his right to be charged by a Grand Jury Indictment for the infamous crimes that he is accused of in violation of the 5th and 14th amendments of the U.S. constitution.

4. Appellant was denied his right to Confrontation/Cross-examination as guaranteed by the 5th, 6th and 14th Amendments to the United States Constitution when he was denied the opportunity to present evidence and effectively cross-examine witnesses.

5. Appellant was denied his Constitutional right to testify on his own behalf when the trial court limited his testimony in violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

6. The judge repeatedly reprimanded Appellant and held Appellant in contempt in the presence of the jury violating Appellant's Sixth and Fourteenth Amendment right to a fair trial.

7. The prosecutor made punitive remarks against Appellant for exercising his right to represent himself in violation of Faretta, and the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

8. Appellant was denied his right to a fair trial with an impartial jury in violation of the Sixth and Fourteenth Amendments to the United States Constitution.

9. The trial court erred by not granting Appellant's Motion for further testing done on State's Evidence for mixture of Z-Chlorobezalm-Alononitrile (C.S. Gas) in violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

10. Appellant was denied his right to a fair trial when the trial court refused to severe the charges for the purpose of eliminating prejudicial confusion.

11. John W. Patton, is actually innocent of the crimes of rape, attempted rape, and sexual battery, has maintained his innocence from the very beginning, and a severe miscarriage of justice has occurred in violation of Due Process and the prohibition of Cruel and Unusual Punishment.

12. Appellant was denied his right to counsel of choice through Martin Reagan in violation of the Sixth and Fourteenth Amendments to the United States Constitution.

13. Appellant was denied due process of law when Appellant was given no tools to defend himself against the State's vast resources.

Argument Amplifying Reasons for Granting the Writ

1. Appellant has been denied his constitutional right to Appellate Review based upon a complete record, by the District Court withholding major portions of the trial record, in violation of Art. 1 §19 of the Louisiana Constitution and the 14th Amendment to the United States Constitution.

The 24th judicial district court was ordered by this court to provide this court with a complete trial record. The 24th JDC has provided a record that is missing an entire three days of trial and other portions throughout the trial.

The **Louisiana Constitution, Article I, Section 19** Right to Judicial Review provides:

"No person shall be subjected to imprisonment... without the right of judicial review based upon a complete record of all evidence upon which the judgment is based..."

In the interest of justice and judicial economy, appellant has filed a motion to supplement the record in this court. This Court of Appeal denied Appellant's Motion to Supplement the Record.

Material omissions from the transcript of the proceedings at trial bearing on the merits of an appeal will require reversal. **La. C.Cr.P. art. 843** requires, in all felony cases, the recording of "all of the proceedings, including the examination of prospective jurors, the testimony of witnesses, statements, rulings, orders, and charges by the court, and objections, questions, and arguments of counsel."

On June 3, 2020, Appellant filed and a Motion to preserve transcription audio and records of all proceedings. The judge granted the motion, and yet here we are missing more than half of the transcripts.

Reasons for Granting the Writ

Criminal Defendant's in Louisiana should be entitled to "a true and complete" copy of their trial transcripts. And Louisiana should offer no less protection then the United States Constitution. Those transcripts should include all hearings, trial testimony, and bench hearings. Petitioner repeatedly requested the said transcripts by motion to supplement the record. And was denied. Thus guaranteeing the Louisiana Supreme Court denial based on incomplete record. A "double edge" sword in Louisiana.

Conclusion

Appellant is raising claims challenging the legality of the composition of the jury pool, the selection of the jurors, limiting opening statements cumulatively with other severe limitations, and improper remarks of the prosecutor in closing arguments. Appellant specifically requested the missing portions of the record. Appellants convictions and sentences should be vacated, and remanded for a new—completely and accurately recorded—trial.

2. The prosecutor violated *Napue v. Illinois* when he knowingly used perjury to obtain appellant's conviction in violation of the 6th and 14th Amendments to the United States Constitution.

The prosecution allowed its witness to testify falsely on at least three instances, uncorrected, and in violation of Napue. The three instances of perjury are listed below and proven to be false by scientific evidence as follows:

a) At trial, J.M. testified that she bit Appellant's penise, causing injury. Appellant showed an enhanced photo of his penise that police took immediately after the report was made. The photo showed there were no bite marks, or any other injuries. The prosecutor knew J.M.'s testimony was false and allowed her to give the false testimony uncorrected. Appellant also introduced pictures of a bite mark on his arm which further showed perjury and inconsistent statements.

b) J.M. also testified that she threw her panties into the living room of Appellant's home before leaving. During the arrest of Appellant, the police deployed C.S. gas that saturated everything in the living room. The panties were recovered by police and turned over to the state as evidence. The crime lab tested the panties for DNA evidence, and the lab tech. testified that the panties had no residue of C.S. gas. The scientific testing and the expert witness completely contradict J.M.'s testimony and prove that she committed perjury. The prosecution knew of the lab results before J.M. gave her testimony and allowed her to testify falsely.

c) J.M. testified that Appellant held her at knife-point, and she grabbed the knife with her bare hands, attempted to take the knife from him. The police took photos of her hands, and the photos showed no injury consistent with her testimony. The police searched the house looking for the knives that she described, and they weren't there. The photos were shown to the jury at trial, and prove that the prosecution once again allowed perjury to be introduced uncorrected.

d) J.M. testified that Appellant sent her a text asking her if she has ever been with a black man, the prosecution produced all text messages between them, and that message was nowhere in the conversation. The prosecution introduced the text messages as exhibits, was fully aware of all of them, would have definitely used that message to bolster J.M.'s credibility and knew for a fact that the message didn't exist. Yet the prosecution still allowed her to testify falsely.

In **Napue v. Illinois**, 360 U.S. 264 (1959), the Court held that there is no difference between false evidence offered by the State and false evidence that goes "uncorrected when it appears" **360 U.S. at 268**. The Court accordingly held:

> "...that a State may not knowingly use false evidence, including false testimony...does not cease to apply merely because the false testimony goes only to the credibility of the witness. The jut's estimate of the truthfulness and reliability of a given witness may well be determinative of guilt or innocence, and it is upon such subtle factors as the possible interest of the witness in testifying falsely that a defendant's life or liberty may depend." ***Id*** **at 269**

In **Kirkpatrick v. Whitley**, 992 F. 2d 491 (5th Cir. 1993), the Court explained the following:

> "We observe that different standards of materiality apply to *Brady* claims and claims that the prosecution has knowingly used perjured testimony or false evidence. The materiality standard for *Brady* claims... is as follows: The evidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would be different. A "reasonable probability" is a probability sufficient to undermine confidence in the outcome. Conversely, if the Prosecutor has knowingly used perjured testimony or false evidence, the standard is considerably less onerous: **the conviction must be set aside if there is any reasonable likelihood that the false testimony could have affected the jury's verdict..."** 992 F.2d at 497 (citations and quotation marks omitted) (underline added)

Reasons for Granting Writ

The lower Louisiana court of appeals. Reasoning was contrary to the "rule of law." In that the State knowingly used perjury to contrive a fabricated conviction of an innocent man. And that those claims were defaulted by the Petitioner's failure to "object." The Petitioner did object. The Judge and court reporter intentionally removed that part of the transcription. It does happen quite regular in Louisiana. Due in part to an unknown Louisiana Law that prohibits the Petitioner or a Louisiana Citizen from obtaining the "audio" portion of the trial. Which bars either your Attorney or you from obtaining that. This in turn creates a situation where ADA's and Judge's in can control

what is placed into the transcripts. It is impossible to prove you were railroaded with this law intact. **See William A. Pesnell, Vs. Jill Sessions,** 274 So.3d 686, (La 2nd Cir 05/19).

Conclusion

The credibility of J.M. is clearly material and was relied upon by the prosecutor and the jury The evidence proves that J.M. never bit Appellant on his penise, J.M. did not cut her hands and in turn did not grab a knife, J.M. did not throw her panties into the living room, J.M. is not a reliable witness, and the panties were not in Appellant's house until at least after Appellant was arrested. The truth that J.M. testified falsely and that evidence was tampered with calls into question the reliability of the entire case. Appellant's conviction and sentence should be vacated.

3. Appellant was denied his right to be charged by a Grand Jury Indictment for the infamous crimes that he is accused of in violation of the 5th and 14th amendments of the U.S. constitution.

Appellant was charged with crimes that are infamous crimes, and under the 5th and 14th Amendments of the U.S. Constitution, the court should have obtained a presentment or indictment from the grand jury. Appellant made a timely objection to the filing of a Bill of Information, pointed out that the crimes of which he is accused are infamous crimes, and demanded a grand jury indictment.

The 5th Amendment provides, in pertinent part, "no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury."

Well over 130 years ago, SCOTUS held that the grand jury provision of the 5th amendment does not apply to state prosecutions.[1] Although the **Hurtado** court's reasoning has been specifically rejected,[2] the holding of the case continued to be cited with approval by SCOTUS.[3]

In the dissenting opinion of Ramos v. Louisiana, the dissenter pointed out that the majority's holding will also call **Hurtado** into question.[4]

---

[1] **Hurtado v. California**, 110 U.S. 516 (1884)
[2] **Powell v. Alabama**, 287 U.S. 45, 65-66, 53 S.Ct. 55, 77 L.Ed. 158 (1932)
[3] **Rose v. Mitchell**, 443 U.S. 545, 61 L.Ed.2d 739 (1979) & **Beck v. Washington**, 369 U.S. 541, 545, 82 S. Ct. 955, 8 L.Ed.2d 98 (1962)
[4] **Ramos v. Louisiana**, 140 S.Ct. 1390 (2020) "dissenting opinion" (the Grand Jury Clause of the Fifth Amendment, a provision that, like the Sixth Amendment jury-trial right, reflects the importance that the

The 5th Amendment has five clauses: **1) Grand Jury Clause** 2) Double Jeopardy Clause 3) Self-Incrimination Clause 4) Due Process Clause 5) Takings Clause. SCOTUS has repeatedly held that all apply to states through the 14th amendment, except one, the Grand Jury Clause. The courts have relied on a case that is over 130 years old, that was handed down in the Jim Crow Era following the Reconstruction Era, and that remains in direct conflict with the 14th Amendment.

A. 14th Amendment—Incorporation

The 14th Amendment states "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The intent of the 14th Amendment was clearly to incorporate the protections contained in the Bill of Rights, not just portions of it. The 5th and 14th Amendments afford the same due-process rights; the former "applies this limitation to the federal government" while the latter "imposes the same restriction on the states."[5] The Privileges or Immunities Clause is part of the 14th Amendment and is an alternative "vehicle for incorporation." **Timbs, 139 S. Ct. at 691 (Gorsuch, J., concurring)**[6] The Grand Jury requirement for infamous crimes is " a constitutionally enumerated right understood to be a privilege of American citizenship,"[7] and therefore applies in full to the states.

B. 14th Amendment Incorporates the Grand Jury Clause

"According to [Justice Hugo] Black, 'one of the chief objects that the provisions of the [Fourteenth] Amendment's first section, separately, and as a whole, were intended to accomplish was to make the Bill of Rights, applicable to the states.' In other words, the Fourteenth Amendment in general, and the due process clause in particular, incorporates all of the rights included in the Bill of Rights, nothing more nor less." [8] In considering

---

founding generation attached to juries as safeguards against oppression. In **Hurtado v. California**, 110 U.S. 516 (1884), the Court held that the Grand Jury Clause does not bind the States and that they may substitute preliminary hearings at which the decision to allow a prosecution to go forward is made by a judge rather than a defendant's peers. That decision was based on reasoning that is not easy to distinguish from Justice Powell's in **Apodaca**.... If we took the same approach to the **Hurtado** question that the majority takes in this case, the holding in that case could be called into question.)

[5] **In re Winship**, 397 U.S. 358 (1970)

[6] **Timbs v. Indiana**, 139 S. Ct. 682 (2019)

[7] *Id.* at 698.

[8] **Joshua Dressler**, Understanding Criminal Procedure, 2d Ed.

whether the 14th Amendment incorporates a protection contained in the Bill of Rights, the court must ask whether the right guaranteed—not each and every particular application of that right—is fundamental or deeply rooted.

C. The Grand Jury is a fundamental and deeply rooted right

The right of individual citizens to be secure from an open and public accusation of crime, and from the trouble, expense and anxiety of a public trial, before a probable cause is established by the presentment and indictment of a grand jury, in case of high offences, is justly regarded as one of the securities to the innocent against hasty, malicious and oppressive public prosecutions, and as one of the ancient immunities and privileges of English liberty.[9]

In summing up these privileges, as intended to be secured by the American constitutions, Chancellor Kent states them thus:

> "The right of personal security is guarded by provisions transcribed into the constitutions in this country from Magna Charta and other fundamental acts of the English parliament, and enforced by additional and more precise injunctions. The substance of them is, that no person, except on impeachment, and in cases arising in the naval and military service, shall be held to answer for a capital or otherwise infamous crime, or for any offence above the common law degree of petite larceny, unless he shall have been previously charged on the presentment or indictment of a grand jury."[10]

The 5th Amendment was recommended in 1788 by the Convention of the Commonwealth of Massachusetts which ratified the Federal Constitution, and was approved by Congress and ratified by the states in substantially the form in which it was recommended, becoming effective in 1791.

D. Louisiana is using the Bill of Information for malicious and oppressive advantages over its citizens.

i. The state is well known for maliciously adding charges by bill of information for the oppressive purpose of re-arresting a citizen in the case the citizen makes bail.

ii. The state is using the Bill of Information to select the judge of its choice. This practice has already been deemed unconstitutional in Orleans Parish, but this method is still being used in other parishes; one specifically is Caddo Parish and indirectly, Jefferson Parish.

---

[9] **Jones v. Robbins**, 8 Gray 329, 74 Mass. 329, (1857)
[10] **Kent Com. 12**

iii. The state is using the Bill of Information to hastily charge possible witnesses for the purpose of coercing favorable testimony with incarceration.

iv. **This Supreme Court Should Overrule the Controlling Precedent of the Jim Crow Era Ruling of Alexander and Hurtado**

Reasons for Granting the Writ

The ruling of the U.S. Supreme Court came at a time when some believed that none of the Fifth and Sixth Amendment rights applied to the states. Since then, all of the Sixth Amendment and all but this Clause of the Fifth Amendment have been applied to the states. The ruling of **Hurtado** has not been considered since, but it was mentioned by SCOTUS in **Ramos v. Louisiana**. In **Ramos**, a dissenting justice noted that its holding will without a doubt call into question **Hurtado**. It indeed does, and this Court should be the first to correct this blight on the Constitution and on our judicial integrity. Ramos embarrassed Louisiana in front of the entire world; don't let that happen here.

Conclusion

The SCOTUS decision in **Hurtado** is clearly erroneous. Since **Hurtado**, SCOTUS has repeatedly incorporated several other provisions of the Bill of Rights through the 14th Amendment. **Ramos v. Louisiana** has absolutely created a momentum of correcting old bad law. This issue is no different. The Grand Jury Clause is the last portion of the 5th Amendment that needs to be incorporated. The Grand Jury is fundamental and deeply rooted in our Nation's history and tradition from it's very conception.

4. Appellant was denied his right to Confrontation/Cross-examination as guaranteed by the 5th, 6th and 14th Amendments to the United States Constitution when he was denied the opportunity to present evidence and effectively cross-examine witnesses.

The trial court made numerous erroneous decisions to restrict Appellant's Sixth Amendment right to confrontation, to cross-examination, and to present a defense when it restricted Appellant's questioning of several witnesses. The specific examples are listed below to the best of Appellant's ability without the appellate record:

Restricted cross-examination/impeachment of Detective Fisher

On cross-examination of Det. Fisher, Appellant questioned Fisher about prior police misconduct, prior investigations, and prior convictions of Fisher; the state objected, and the judge sustained the objection. Almost

every other question Appellant asked was objected to and sustained. Appellant was denied his right to effectively confront and cross-examine the witness. The following line of questioning is relevant to the credibility of the witness and the reliability of the investigation:

Defense: Were you terminated?
State: Objection.
Court: Sustained.
Defense: Fired?
State: Objection.
Court: Sustained.

Restricted cross-examination/impeachment of Christina Rorabaugh

On cross-examination of Christina Rorabaugh about the medication she is on, the state objected, and the court sustained the objection. Appellant attempted to introduce the pending criminal charges of Rorabaugh for the purpose of showing bias, and showing motivation to testify falsely. The state again objected, and the court again erroneously sustained the objection. Appellant repeatedly requested the judge to instruct the witness to answer questions, and each time the judge denied the request.

Restricted cross-examination/impeachment of J. Martinez

On cross-examination of Martinez, Appellant was going through text messages (State exhibits) and questioning J.M. about them and identifying them for her to agree, disagree, or explain. This is the exact same way the prosecutor started his direct. Unlike with the prosecutor, the judge stopped Appellant and reprimanded him for commenting on the exhibits instead of asking questions.

Shortly after the judge interrupted cross-examination, Appellant asked J.M. if she ever told him her daughter's name, J.M. said she doesn't remember, so Appellant showed the prosecution's exhibit #32 & 5; the judge again interrupts and gives instructions to Appellant at a bench conference.

Appellant asked J.M. about something she said that was inconsistent with earlier testimony, the prosecutor objected, and the judge sustained the objection. This was another missed opportunity to impeach J.M.'s credibility by showing that she can't keep her story straight. The entire point of cross-examination is to expose inconsistencies within the witness's testimony.

When Appellant was questioning J.M about her statement that she made to the 911 operator, Appellant asked her, "Why didn't you say rape...or simple battery?" **The judge reprimanded Appellant, out loud, from across the courtroom, and in front of the jury** and said, "Keep planting ideas in the jury's mind. I can only assume it's intentional. If it happens in the future, you will lose your Sixth Amendment right to pro se." This planted in the jury's mind that Appellant is trying to manipulate them. Besides the constant admonishments and contempt charges in front of the jury, —which requires reversal alone—the judge erred in interfering with Appellant's right to cross-examine this witness on a legitimate question that Appellant and jury had the right to have answered.

Again, during the cross-examination of J.M. about her statement to Officer Norton, Appellant attempted to play Norton's body cam footage to show inconsistencies in her testimony and to show that she has committed perjury. Again, the prosecutor objected and claimed that there is no legal basis to just play the video, and of course the judge sustained the objection. Why did the judge ignore his constitutional duty to instruct Appellant on the proper method for introducing the evidence? The judge didn't instruct Appellant because Appellant did exactly what is required by law. Appellant asked J.M. about her statement to Norton (brought the statement to the attention of the witness), gave her the opportunity to testify truthfully about what she said (give the witness the opportunity to admit or deny making the statement), and attempted to play the video after she testified inconsistently about her statement.[11] The judge made a severely prejudicial evidentiary ruling, and the judge should have done whatever it takes for to the evidence properly admitted to ensure a fair adversary process.

Restricted cross-examination of Sitara Shirwani

Shirwani was a lab technician at the Jefferson Parish Crime Lab who was admitted as a DNA expert. Appellant asked her if she is aware of misconduct by the lab, and if she is aware of Fred Zain. The prosecutor objected and claimed the questions were irrelevant. Misconduct of the lab can never be irrelevant when the credibility of the lab results may determine guilt or innocence, especially when the lab has been caught falsifying test results to favor prosecution.

---

[11] **La. C.E. Art. 613 Foundation for extrinsic attack on credibility** (Except as the interest of justice otherwise require, extrinsic evidence of bias, interest, or corruption, prior inconsistent statements, conviction of crime, or defects of capacity is admissible after the proponent has first fairly directed the witness' attention to the statement, act, or matter alleged, and the witness has been given the opportunity to admit the fact and has failed distinctly to do so.)

Restricted cross-examination of Rachelle Dutreix

During cross-examination of Dutreix, Dutreix testified that she had no contact with Appellant after October 29th, and Appellant attempted to introduce a facebook conversation to expose her perjury. The prosecutor objected, and the judge sustained.

Dutreix testified that Appellant posted online that she was smoking marijuana, drinking and driving with her daughter in the car, and he posted her information on a site called "scamboard"; Appellant then asked her if that made her "pissed off." The judge interrupted before she could answer, reprimanded Appellant, and held Appellant in contempt. Not only did the judge prevent Appellant from getting extremely important testimony, but the judge also made Appellant look like a bad person by reprimanding him during his questioning of the witness. Appellant's defense is that these women were angry with him and colluded to falsely accuse him of these crimes to get retribution and property from his conviction. Dutreix was on the verge of expressing just how angry she was with him, and the judge suppressed that very important fact from the jury by interrupting.

Restricted direct-examination of Dr. Richard Paddock

Both accusing witnesses testified that Appellant used drugs and that Appellant could not obtain erection, so Appellant put Dr. Paddock on the stand to contradict that accusation. Dr. Paddock testified that Appellant never complained of erectile dysfunction, and if Appellant would have, the Dr. would have prescribed medication for that. Appellant asked Dr. Paddock if he noticed drug use in Appellant since Appellant was drug tested by the Doctor at every appointment, and the state objected and the judge sustained. Appellant asked Dr. Paddock about known side effects when testosterone is mixed with other meds, the state objected, and the judge sustained the objection.

Appellant was not allowed to recall Christina Rorabaugh and J. Martinez to impeach with recorded prior statements

Appellant moved to call Christina Rorabaugh and J. Martinez to testify so he could show inconsistencies and demeanor with the videos of their prior interviews. The prosecutor objected to recalling the witnesses, and claimed that Appellant had the chance to cross examine them already. **Appellant argued that his cross-examination of them was shut down by the court**, and both were subpoenaed as defense witnesses. In conclusion, the only way the judge would allow Appellant to introduce the prior statements is if the witnesses are not on the stand. This is a denial of Appellant right to cross-examine and to present a defense.

Law and Argument

Detective Fisher

In **Greene v. Wainwright**,[12] the court held that the trial court erred in preventing the defendant from cross-examining the police officer about his mental condition and about certain criminal actions in which the officer was allegedly involved in, violating the defendant's Sixth Amendment confrontation rights . The case at hand is no different. Detective Fisher is as important to the investigation and the prosecution's case as any other key witness. Police misconduct and collusion is the defense.

Christina Rorabaugh

The trial judge denied Appellant the opportunity to question Rorabaugh about medications she was taking and about pending charges she has in the same district attorney's office that she was testifying in favor of.

The medication issue is relevant to her state of mind and is the same issue mentioned above in **Greene v. Wainwright**.

Appellant has an absolute right to introduce evidence of pending charges of the witness to show motive and bias. In **State v. Vale**,[13] the Louisiana Supreme Court held, "A witness's bias or interest may arise with arrests or pending criminal charges, or the prospect of prosecution, even when he has made no agreements with the State..." This is another clear denial of Appellant's right to cross-examine.

J. Martinez

The trial judge stopped Appellant from laying a foundation for questions, from using previously introduced exhibits to impeach, from asking questions that were relevant and material, and from introducing inconsistent statements even after following the rules of the Code of Evidence.

In **Davis v. Alaska**,[14] SCOTUS observed that, "the cross-examiner has traditionally been allowed to impeach, i.e., discredit, the witness." In **Delaware v. Van Arsdall**,[15] SCOTUS reaffirmed *Davis*, and held that "a criminal defendant states a violation of the Confrontation Clause by showing that he was prohibited from engaging in otherwise appropriate cross-examination designed to show a prototypical form of bias on part of the witness, and

---

[12] 634 F.2d 272 (5th Cir. 1981)
[13] 666 So.2d 1070 (La. 1/26/96)
[14] 94 S.Ct. 1105 (1974)
[15] 106 S.Ct. 1431 (1986)

thereby 'to expose to the jury facts from which jurors... could appropriately draw inferences relating to the reliability of the witness.'" Speculation cannot justify exclusion of cross-examination with such strong potential to demonstrate the falsity of the witness.[16]

In **State v. Van Winkle**,[17] the Louisiana Supreme Court held "that hearsay evidence supporting the defendant's theory of the case and undermining the state's lead witnesses was relevant; excluding it mandated reversal."(Citing **State v. Vigee**)

Davis v. Alaska also pointed out that "the state's policy interest...cannot require yielding of so vital a constitutional right as the effective cross-examination for bias of an adverse witness."[18]

Sitara Shirwani

The question of misconduct at the lab is obviously relevant and is covered by all controlling caselaw mentioned above.

Rachelle Dutreix

Appellant was denied the right to introduce evidence to show the jury that Dutreix was committing perjury and the right to question her about motive. Then the judge went even further and charged Appellant with contempt of court to discourage Appellant from cross-examining her. Appellant was effectively showing that Dutreix was furious with him and showing that she had a great motive to fabricate these charges on Appellant, and the judge completely suppressed that from the jury. This egregious act of the trial judge absolutely requires reversal. **The judge not only stopped Appellant from cross-examining the witness, but he punished the Appellant for doing so.** No conviction obtained in this manner should stand in the United States of America.

Reasons for Granting the Writ

The 5th Cir. first ruled that there was no abuse of discretion by the trial court, which is a standard that does not apply to these confrontation violations. Then the 5th Cir. cited the five factors to be considered, and only stated that even if there were violations, they are harmless. The 5th Cir. never ruled as to whether there was or was not a violation. This ruling on these serious confrontation violations equate to no ruling at all. This Supreme Court should consider these claims de novo.

---

[16] **Olden v. Kentucky**, 109 S.Ct. 480 (1988)
[17] 658 So.2d 198 (La. 1995)
[18] 415 U.S. at 320

Conclusion

In **State v. Gibson**, 391 So.2d 421 (LA. 1980), this Court adopted the test for "harmless error," as stated in **Chapman v. California**, 87 S.Ct. 824 (1967). Under that test, the question is whether there is a reasonable possibility that the admission or exclusion of certain evidence "might have contributed to the conviction." Furthermore, the error must be "harmless beyond a reasonable doubt." The significance of each denial of cross-examination alone is enough to require reversal; the cumulative effect of each denial without a doubt mandates reversal.

5. Appellant was denied his Constitutional right to testify on his own behalf when the trial court limited his testimony in violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

Throughout the entire trial, the court refused Appellant the right to present evidence, to properly cross-examine witnesses, to impeach witnesses, to show bias and motive, and as if that where not enough to create a one sided trial, the court also severely limited Appellant's right to testify on his own behalf.

The right to testify on one's own behalf at a criminal trial has sources in several provisions of the Constitution.[19] In fact, the most important witness for the defense in many criminal cases is the defendant himself.[20] Even more fundamental to a personal defense than the right of self-representation, which was found to be "necessarily implied by the structure of the Amendment,[21] is an accused right to present his own version of events in his own words.

Just as a state may not apply an arbitrary rule of competence to exclude a material defense witness from taking the stand, it also may not apply a rule of evidence that permits a witness to take the stand, but arbitrarily excludes material portions of his testimony. SCOTUS reversed the judgment of conviction, holding that when a state rule of evidence conflicts with the right to present witnesses, the rule may "not be applied mechanistically to defeat the ends of justice," but must meet the fundamental standards of due process.[22]

---

[19] **Rock v. Arkansas**, 107 S.Ct. 2704 (1987)
[20] *Id.*
[21] **Faretta v. California**, 422 U.S. 806 (1975)
[22] **Chambers v. Mississippi**, 93 S.Ct. 1038 (1973)

In **Rock v. Arkansas**[23], the defendant exercised her right to testify in her own behalf—just as in this case—and the judge restricted portions of her testimony that she remembered after hypnosis therapy. In this case, the trial judge went ten steps further and cut Appellant off completely and said, **"That's it, you're done testifying. We've heard enough."** SCOTUS has determined that far less egregious behavior of the court "infringes impermissibly on the right of a defendant to testify on his on behalf.[24]

Simply allowing Appellant to get on the stand did not satisfy his right to testify and present a defense. From the very first SCOTUS case explicitly identifying the right to testify as a fundamental and substantial right, the trial court only restricted the defendant on specific portions of her testimony. The Louisiana Supreme Court also ruled that restricting portions of the defendant's testimony was clear error requiring reversal.

Conclusion

As demonstrated above, the right to testify on one's own behalf is such a fundamental and substantial right of the accused that a test for harmless error cannot be applied here. Such an egregious error requires a new trial. Appellant's conviction and sentence should be vacated, and remanded for a new trial.

6. The judge repeatedly reprimanded Appellant and held Appellant in contempt in the presence of the jury violating Appellant's Sixth and Fourteenth Amendment right to a fair trial.

Throughout the entire trial, from jury selection to the sixth day of an eight-day trial, the judge repeatedly reprimanded Appellant in the presence of the jury. The judge even on several occasions shouted at Appellant and charged him with contempt. This was done at the most prejudicial of times, like during cross-examination. The judge cut Appellant off during opening statements, cross-examination, and even while testifying on his own behalf. All of the was done in a sarcastic and demeaning manner, and it was done repeatedly in the presence of the jury. This severely deprived Appellant of his right to a fair trial. Appellant tried repeatedly to recuse the judge from the case, filed pretrial judiciary complaints, and requested a mistrial for this very reason.

On the third day of trial, during cross-examination of Detective Fisher, the judge reprimanded Appellant in front of the jury and told him to stop testifying. Appellant made some remark the judge didn't like and so the judge threatened to forbid Appellant from representing himself. The judge reprimanded Appellant at the bench but did so loud enough for the jury to hear the judge's threats.

---

[23] 107 S.Ct. 2704 (1987)
[24] *Id.*

On that same day, during cross-examination of Cristina Rorabaugh, Appellant tried to introduce her pending charges to show motive and bias. At some point during the discussion of admissibility, a shouting match ensued between the judge and Appellant, in the presence of the jury. The judge said he is taking away Appellant's pro se privilege. The judge told the prosecutor to call the district attorney, I'm assuming for permission, since the judge was practically working for the prosecution.

On the fourth day of trial, during cross-examination of J. Martinez, Appellant asked Rorabaugh a question to lay foundation to play her prior inconsistent statement, the state objected, and Appellant—at a bench conference—argued that her testimony is inconsistent. The judge again yelled loudly—in the presence of the jury—at Appellant and ordered him to get back to the defense table.

On the fifth day of trial, during cross-examination of Dutreix, Appellant asked her if she was "pissed off" about the things he said, and the judge immediately reprimanded Appellant and charged him with contempt. Again, the Judge did this out loud and in the presence of the jury.

Law and Argument

It is error for a district judge to reprimand the Defendant's attorney or witnesses in the presence of the jury, in the trial of a criminal case.[25] The Louisiana Supreme Court found that a trial judge abused contempt charges for doing much less than the judge in this case.

In **State v. Hammler,**[26] the Louisiana Supreme Court found that "while defense counsels' remarks and questions may have been somewhat repetitious occasionally, their conduct clearly did not merit or justify continuous reprimands of such severity... We find that the many interventions by trial judge in this case deprived the defendants of the fair trial to which they were constitutionally entitled. The cumulative effect of the judge's remarks was highly prejudicial to the defense, very possibly to the extent that the jury may have been given the impression that the judge considered the defendant's case to be of little substance. See **United States v. Coke,**[27] We note that there was not even any attempt on the part of the trial judge to cure the prejudice engendered by his remarks.[28]

Appellant did try to recuse the judge before trial, filed judiciary complaints on the judge prior to trial, moved for a recusal during trial, and even moved for a mistrial pointing to the judge's behavior as cause.

---

[25] **State v. Johns**, 65 So. 738 (La. 1914),
[26] 312 So.2d 306 (La. 1975)
[27] 339 F.2d 183, 185 (2d Cir. 1964)
[28] **State v. Hammler**

Conclusion

The judge's bizarre behavior in the presence of the jury alone requires a reversal of conviction. This judge went even further and misused his authority to hold an individual in contempt as a tool to intimidate Appellant from cross-examining and presenting a defense. The judge did not do the same to the prosecution when they made improper remarks. The judge did not interrupt the prosecutions examination of witnesses. Instead, the judge told Appellant not to make objections during the prosecutor's arguments. Appellant was completely denied his rights to present a defense, to cross-examine, and to a fair trial. Appellant has not had an opportunity to review a complete record, and therefore requests this court to review the record to see the full extent of prejudice that occurred. The numerous errors of the trial judge demand a new trial, **and vacation of all Appellant's contempt charges.**

7. The prosecutor made punitive remarks against Appellant for exercising his right to represent himself in violation of Faretta, and the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

In the prosecution's rebuttal argument, the prosecutor commented that Appellant representing himself proves that he is controlling. Appellant has a constitutional right to represent himself that is fundamental, and for the prosecutor to punish Appellant for exercising his right is extremely prejudicial and thus requires reversal.

The trial judge specifically instructed Appellant not to object during the state's arguments, so Appellant was unable to object. This claim should still be reviewed by this court, and reversal should be granted.

A prosecutor "should refrain from making personal attacks on defense strategy and counsel." **State v. Manning**, 885 So.2d 1044 (La. 2004) While jurisprudence has found that prosecutors may not refer to "personal experience or turn" their "argument into a plebiscite on crime," nonetheless prosecutors have "wide latitude in choosing closing argument tactics." **State v. Clark**, 828 So.2d 1173 (La.App. 4 Cir. 9/25/02)

In **Doyle v. Ohio**,[29] SCOTUS held that a defendant's right to due process is violated when a prosecutor uses his post-arrest silence against him at trial. In **Griffin v. California**[30], SCOTUS held that the prosecutor's comments on the defendant's failure to testify violated the self-incrimination clause of the Fifth Amendment. The rational of the above mentioned cases apply to Appellant's Faretta right.

---

[29] 426 U.S. 610 (1976)
[30] 380 U.S. 609 (1965)

Reasons for Granting the Writ

The 5th Cir. cited **C.Cr.P. Art. 774** which provides:

"The argument shall be confined to evidence admitted, to the lack of evidence, to conclusions of fact that the state or defendant may draw therefrom, and to the law applicable to the case.

The argument shall not appeal to prejudice.

The state's rebuttal shall be confined to answering the argument of the defendant."

The state's comments attacking Appellant's right to represent himself violates every portion of that law. In **State v. Manning** this Court held that "A prosecutor should refrain from making personal attacks on defense strategy and counsel." That is exactly what happened here. Prejudice is what the state was seeking, and the 5th Cir. not finding prejudice is obviously an erroneous application of the statutory law and the holding of this Court. This claim should also be reviewed in cumulation with the Denial of Self Representation claim.

Conclusion

Appellant was given his Faretta right to represent himself in theory, but in reality it was constantly used against him. The trial judge charged him with contempt and reprimanded him for cross-examining, and the prosecutor told the jury that Appellant representing himself was proof that he is a controlling person and thus guilty of controlling the women in this case. What she actually said is Defendant representing himself equals control, which equals a final way to demean the victims. Appellant was punished by the prosecutor for exercising his constitutional right that the Supreme Court described as the lifeblood of the Constitution.

8. Appellant was denied his right to a fair trial with an impartial jury in violation of the Sixth and Fourteenth Amendments to the United States Constitution.

The pandemic made a fair trial with an impartial jury impossible. The judge used the pandemic caused anomaly to maliciously select a pro-prosecution jury of his choice.

A. The judge should have granted Appellant's challenge for cause

Appellant's challenge for cause was improperly denied when the juror said she is unable to be impartial in this case because she has two daughters. The judge instructed her that she has to be impartial, she said she would "try", and the judge accepted her.

The judge did strike 33 jurors for causes such as employment obligations, school obligations, because they didn't want to wear a mask, because they didn't want to be around people, and for other impermissible causes. Any juror that specifically says that they cannot be impartial should be immediately excused by the court.

B. The pandemic made a fair trial impossible

This trial was held in the worst possible circumstances. The trial was held in the year 2021, during a pandemic, during stay at home orders, and at a time when the economy was worst than it has been since the great depression. People were losing their businesses, their jobs, their life savings, and their homes. People were unable to buy food they needed. Worst of all, people were losing family, friends, and loved ones. People were emotionally distraught and they were in no condition to participate in a trial.

On one day, 180 people were supposed to show for jury duty, and only 46 appeared. In the end, out of hundreds that were supposed to report for jury duty, only a total of 71 did. Out of that group of 71, every single person gave the same reason to get out of trial, and that reason was the pandemic. Appellant objected to not having a fair cross-selection of Jefferson Parish residents, and even requested the judge to issue attachments on the first day of jury selection.

C. The judge was able to select the entire jury himself, and so he did.

The judge excused 33 for cause out of 71. All gave the same reason that they shouldn't be there, and that reason was the pandemic. The judge was able to use this opportunity to personally select who he did and did not want. When a person the judge did not want used the pandemic as an excuse, the judge excused them for cause, even over Appellant's objections. When a person the judge wanted used the exact same excuse, the judge accepted that individual, even over Appellant's objections.

Law and Argument

A defendant is guaranteed an impartial jury and a fair trial. **LA. Const. art. 1, Section 16**, and the Sixth and Fourteenth Amendments to the United States Constitution. In unusual circumstances, prejudice against the defendant may be presumed.[31]

Prejudice is presumed when a trial court erroneously denies a challenge for cause and the defendant ultimately exhausts his peremptory challenges.[32]

---

[31] **State v. Sparks**, 68 So.3d 435 (La. 2011)

[32] **State v. Robertson**, 92-2660, p. 3 (La. 1/14/94), 630 So.2d 1278, 1280

Also, proceedings entirely lacking in the solemnity and sobriety to which a defendant is entitle, but instead utterly corrupted by press coverage and/or conducted in a carnival-like or inflammatory atmosphere, are presumptively prejudicial.[33]

Reasons for Granting the Writ

Before addressing the repeated demonstration of the 5th Circuit's error in not granting Appellant's motion to supplement the record with the audio recording of the trial, Appellant points to its additional error of accepting the court minutes over the trial transcript.

The 5th Cir. admitted that the juror stated that she could not be fair, but denies the claim anyway because the minute entry notes that the jury was already selected when she made the statement. It is well established that when there is conflict between transcripts and minute entry, transcripts always prevail. This is not new jurisprudence, yet the 5th Circuit's ruling seems to completely disregard it.

The 5th Cir. also denied the other issues in this claim based on the lack of objection. Appellant filed multiple motions to supplement the record due to its missing Appellant's objections. The 5th Circuit's denial of Appellant's motions and denial of this claim without a complete and accurate record is a Gross Departure from Proper Judicial Proceedings.

Conclusion

Appellant was obviously not given a fair trial when the judge was able to personally select the jury to fit his pro-prosecution agenda. Appellant has demonstrated one specific example of the judge's abuse of discretion. Appellant would have shown many more, but was not afforded an opportunity to review the record of the jury selection. Denial of the record should be enough for this court to reverse Appellant's conviction and order a new trial. A judge and prosecutor dictated jury selection absolutely demands a new trial in the name of justice and all that it means to be a citizen of the United States of America.

---

[33] **Murphy v. Florida**, 421 U.S. 794, 798-799 (1975); **Sheppard v. Maxwell**, 384 U.S. 333, 355-356 (1966); **State v. David**, 425 So.2d 1241, 1246 (La. 1983)

9. The trial court erred by not granting Appellant's Motion for further testing done on State's Evidence for mixture of Z-Chlorobezalm-Alononitrile (C.S. Gas) in violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution.

Appellant has claimed from the very beginning that there were never panties in his home, and the one the police claimed to have found were planted. DNA tests were done on the panties and there was no reported evidence of contamination. Appellant filed a Motion to have the evidence tested for C.S. gas contamination. Everything in Appellant's home was covered in C.S. gas, and if the panties weren't planted, then they would have the chemical on them as well.

At trial, the Jefferson Parish Lab Technician testified that she could not confirm that the panties absolutely did not contain C.S. gas, because they would have to be tested for that specifically. During the prosecutor's questioning of the Lab Technician and in closing arguments, the prosecutor repeatedly pointed out that Appellant could have gotten the evidence tested for C.S. gas on his own request. That is just not true. The trial court denied Appellant's right to have it tested, and then allowed the prosecutor to lie to the jury about Appellant's ability to have the testing done.

Appellant has a right to an adversarial process, and to present a defense. This denied Appellant his right to due process, a fair trail and to have the jury consider all the facts for an accurate truth finding trial.

Reasons for Granting the Writ

The 5th Cir. claims on June 3, 2020, Appellant discussed the motion in a Zoom hearing where Appellant indicated that he wanted to withdraw the motion to prevent it from interfering with his right to speedy trial. That is no at all true. Appellant would never withdraw a motion for scientific testing that will prove his innocence. Appellant was not provided with transcripts or any record of that hearing. This court should at the very least remand this issue back to the Appellate court to provide Appellant with a complete copy of the record.

10. Appellant was denied his right to a fair trial when the trial court refused to severe the charges for the purpose of eliminating prejudicial confusion.

On November 12, 2019, the court conducted a hearing on Appellant's motion for severance, which the court properly construed as a motion to quash. Appellant stated the following grounds for the court to sever the offenses: **1)** The jury would be confused by the various counts **2)** The jury would not be able to separate the various charges or evidence **3)** Appellant is presenting different defenses on the two main offenses **4)** Confounding and

presenting defenses pro se, it would confuse the jury between the Dutreix case and the Martinez case. **5)** The jury would infer guilt from both the charges. **6)** The jury would be hostile toward Appellant.

After Appellant gave detailed reasons on each ground, the judge denied the motion without addressing a single ground that Appellant cited. Instead, the judge referred to the offenses arising from the same transaction and two of the offenses being of the same character.

The judge never considered whether Appellant could have a fair trial, the judge never considered the prejudice to Appellant for presenting different defenses, the judge never considered whether the jury would infer guilt, the judge never considered whether the jury would be hostile toward Appellant, and the judge did not consider a single ground that Appellant raised. In fact, while the judge ignored the grounds that Appellant raised, the judge used the erroneous ruling as an attempt to intimidate Appellant from self-representation. The judge is required to consider the possibility of prejudice to Appellant by **C.Cr.P. Art. 495.1**.

In determining whether prejudice results from a joinder of offenses, the trial court should consider the following factors: **(1) whether the jury would be confused by the various counts, (2) whether the jury would be able to segregate the various charges and evidence, (3) whether the defendant would be confounded in presenting his various defenses, (4) whether the crimes charged of several crimes would make the jury hostile.**[34] No prejudicial effect occurs where the evidence as to each offense is simple and distinct and where the jury can easily keep the evidence in each offense separate in its deliberation. The judge has much discretion, and the exercise of discretion involves balancing the interest in judicial economy against the risk of prejudice to the defendant.

Reasons for Granting the Writ

The 5th Cir. denied review of this claim because it was raised in a pretrial Petition for Supervisory Writ. If the Court of Appeal would have revisited the law of the case, it would have been able to consider the undue confusion of the trial that is evident in the trial record. This Supreme Court should review this claim de novo, and grant relief

---

[34] **State v. Deruise,** 802 So.2d 1224 (La. 2001), quoting **State v. Washington**, 386 So.2d 1368 (La. 1980)

Conclusion

The judge's ruling is an abuse of discretion because he never considered balancing the interest of judicial economy against the risk of prejudice. Appellant was prejudiced by the misjoinder of offenses because appellant was clearly confounded in presenting his defense (the details of the allegations were different, the accusations of drug use were different, and the motives of these women making the false accusations are different) and the misjoinder caused the jury to be hostile and infer a criminal disposition because Appellant was guilty of simple battery on one victim. Therefore, Appellant's conviction and sentence should be vacated, and remanded for a new trial with the offense severed.

11. John W. Patton, is actually innocent of the crimes of rape, attempted rape, and sexual battery, has maintained his innocence from the very beginning, and a severe miscarriage of justice has occurred in violation of Due Process and the prohibition of Cruel and Unusual Punishment.

Appellant has maintained his innocence since before he was charged with these false accusations of rape, he continues to maintain his innocence, and his innocence is supported by DNA. All evidence besides the perjured testimonies of two women support Appellant's version of the facts.

Prior to meeting J.M., Appellant was hospitalized from some form of poisoning. Appellant has suspected somebody drugging him, and has even reported this fact to the police twice. On the night J.M. came to his home, Appellant was not himself. As soon as J.M. came to his door, due to his involuntary intoxication, Appellant attacked J.M., which is also consistent with what she first reported. The only crimes that happened that night are Appellant being drugged and a Simple Battery. After J.M. made contact with her friend at the Jefferson Parish Police Department, she changed her story and said that she was raped.

J.M. said Appellant gave her oral sex, and saliva DNA was found in her vaginal swabs, **but that DNA excluded Appellant.** She said she gave him oral and even bit his penise, but all DNA collected from his penise excluded her, and there were no injuries on his penise when examined by police. All DNA taken from each of them excluded DNA from the other. Martinez claimed that her panties were in the living room when she left, the police covered everything in the house with C.S. gas, and the lab results showed no sign of any contamination, much less C.S. gas.

J.M. testified at first that Appellant only attacked her with his hands, then changed that after speaking to her friend that he attacked her with two different knives, one plastic and the other metal. She testified that she grabbed the knife with her bare hands. When she was examined, she did not have a single cut or stab wound. When police searched Appellant's home that he never left, they did not find a single knife. J.M. testified that she urinated on the floor of Appellant's home, but police could not find evidence of that, and photos of the house show no sign of such thing.

All evidence disproves her version of the facts, and support Appellant's version. The only evidence the state produced was the dramatically inconsistent and perjured testimony of two women. The state also had a pro-prosecution judge to ensure that the flow of evidence would be in the prosecution's favor. The judge completely shut down Appellant's defense every time he tried to introduce evidence and every time he tried to cross-examine a witness. Everything Appellant tried to introduce was improper or irrelevant. Every meaningful question Appellant asked was interrupted. The judge yelled at Appellant in front of the jury and loudly accused him of trying to manipulate the jury, in the presence of the jury.

Law and Argument

The extremely likely risk that Mr. Patton is innocent of the crimes for which he is convicted justifies a new trial in this case. Due Process and the prohibition of cruel and unusual punishments under both the state and federal constitutions require that a prisoner making a persuasive showing of actual innocence should be granted a new trial. Our system fails any time an innocent person is convicted, no matter how meticulously the procedural requirements governing fair trials are followed. That failure is even more tragic when an innocent person is sentenced to a prison term... We will not elevate from so highly over substance that fundamental justice is sacrificed.[35] The Supreme Court held in **Robinson v. California** that "even one day in prison would be cruel and unusual for the 'crime' of having a common cold."[36]

---

[35] **State v. Thomas**, 586 A.2d 250, 253-54 (N.J. Super. Ct. App. Div. 1991); accord **Commonwealth v. Brison**, 618 A.2d 420, 424 (Pa. Super. Ct. 1992)

[36] 370 U.S. 600, 667 (1962); **Herrera v. Collins**, 506 U.S. 390, 398 (1993) ("The central purpose of any system of criminal justice is to convict the guilty and free the innocent.").

A persuasive showing of actual innocence acts as a doorway, allowing a petitioner to reach the merits of a claim that may otherwise be procedurally barred.[37] **Schlup** makes plain that the collateral court must consider "all the evidence," old and new, incriminating and exculpatory, **without regard to whether it would necessarily be admitted under "rules of admissibility that govern at trial."**[38] A petitioner's burden at the gateway stage is to demonstrate that, more likely than not, in light of the new evidence, no reasonable juror would find him guilty beyond a reasonable doubt—or, to remove the double negative, that more likely than not, any reasonable juror would have reasonable doubt. [39]

Reasons for Granting the Writ

The DNA evidence and the testimony of the state's own expert completely contradicted the testimonies of the victims. The 5th Cir. misconstrued the DNA results. If this Supreme Court would review the DNA evidence and the testimony of the State's expert, Appellant's innocence will be evident. This Court should fix this material injustice and vacate Appellant's convictions and sentences.

Conclusion

A review of all evidence the trial court refused to admit and the cumulative effect of all the constitutional violations presented in this appellate proceeding makes it more likely than not that if Mr. Patton would have a fair trial, no reasonable juror would find him guilty beyond a reasonable doubt of the charges for which he was convicted. The excluded evidence demonstrating extreme discrepancies of the witnesses' testimony and conflicting evidence would prove that these women had every reason to lie, and Appellant had plenty of evidence to completely contradict their perjured testimonies. Consequently, Mr. Patton requests intervention from this Court to cure the constitutional deficiencies that have resulted in his wrongful incarceration, and justice requires the same.

---

[37] **Schlup v. Delo**, 513 U.S. 298 (1995). *See also* **State v. Allen**, 10-306 (La. 1/7/11); 55 So.3d 757; **State v. Conway**, 816 So.2d 290 (La. 2002)

[38] **House v. Bell**, 547 U.S. 518, 537-8 (2006) (citing **Schlup**, 513 U.S. at 327-28 (*quoting* **Friendly**, Is Innocence Irrelevant? Collateral Attack on Criminal Judgements, 38 U. Chi. L. Rev. 142, 160 (1970))).

[39] *Id.*

12. Appellant was denied his right to counsel of choice through Martin Reagan in violation of the Sixth and Fourteenth Amendments to the United States Constitution.

A criminal defendant has a right to the counsel of his choice, as explicitly acknowledged in **Powell v. Alabama.**[40] While the right to counsel of choice is a procedural right ensuring defendants' individual autonomy and dignity, the right to effective assistance exists solely to ensure fair and reliable trials.[41]

In this case, Appellant paid $10,000 to counsel Martin Reagan, who refused to investigate the case and prepare a defense. Appellant eventually fired Mr. Reagan as a result of Mr. Reagan's refusal to participate in the case that he was hired to defend. After Mr. Reagan's withdrawal from the case, Mr. Reagan lost defense evidence and refused to return Appellant's money in the amount of $10,000. Mr. Reagan claimed that he mailed Appellant's money to his previous home address when Mr. Reagan knew—and has been corresponding with—Appellant at the Jefferson Parish jail[42]. Appellant could not hire counsel to represent him in this case as direct result of Mr. Reagan.

In the year 2019, Appellant informed the judge by mail and in court that Mr. Reagan has not returned Appellant's $10,000, and as a result, Appellant was unable to hire counsel. Appellant was forced to represent himself for the remainder of the case.

Sometime in the year 2019, Appellant filed a complaint to the state bar association on Mr. Reagan. Mr. Reagan responded to the bar that he did lose the evidence, and that Mr. Reagan did refund Appellant's money.

On April 19, 2021, Mr. Reagan came to trial and even testified that he did not refund Appellant's money. Testified that he didn't lose the phone, he didn't lose the water bottles, that he had the video of small needle holes in water bottles made by the individual that found them, and he had the affidavit from Josh Cox that said he was aware that Appellant got sick from poisoning, and that he searched for and found water bottles that had needle holes in the bottles.

---

[40] 287 U.S. 45, 53 (1932)

[41] **Gonzalez-Lopez**, 126 S.Ct. at 2563

[42] *See* **Exhibit 2** (Proof that Mr. Reagan was paid, returned money to a vacant address, and lost evidence)

Reasons for Granting the Writ

As stated above, Mr. Reagan testified at trial to mailing a check to an address where Mr. Reagan knew Appellant could not receive it due to his incarceration. The record reflects at that same moment that Appellant was unable to hire Counsel of His Choice, and was in turn forced to represent himself. This Supreme Court should decide for the first time if a previous counsel can constructively deny counsel of choice by violating the rules of professional conduct and not refund unearned fees.

Conclusion

Appellant has a Sixth Amendment right to counsel of his choice. Appellant was denied that right by Mr. Reagan robbing Appellant of $10,000. Appellant was denied a fundamental right as a result of Martin Reagan defrauding Appellant of $10,000, and by the judge allowing this to take place when asked to interfere. A denial of such a fundamental right should be remedied with a new trial regardless of who caused the denial.

13. Denial of Right to Pro se Representation in violation of Due Process.

Appellant, John Patton, maintained his innocence as these charges from the moment they were filed against him. He was an active in his defense until his hired attorney attempted to portray Patton before the court as mentally incompetent. Patton fired his attorney and became extremely skeptical of his appointed counsel until he felt his only option was to represent himself.

The trial court conducted a *Faretta* hearing, but did not inform him that he would be denied all means of financial, technological, and legal resources. Patton made numerous objections and complaints that he was denied access to the jail law library, standard office equipment, a means to view the video evidence, a means to communicate with witnesses, and secure storage to keep his paperwork during the trial. The trial court violated Patton's right to due process and by not ensuring that he had the necessary resources to provide a meaningful defense.

A fair trial was impossible while the trial court was depriving Patton of preparation and presentation of a defense. Patton was denied the right to have lab testing of evidence. He was denied the right to timely review the video interviews and police camera footage. Patton was denied the right to research caselaw. Patton was unable to communicate with witnesses. At every recess of trial, Patton was forced to leave his files in the courtroom as he was moved to holding cells, and every time he returned, the files were found to be in disarray with papers missing. Patton made objections to every time he returned to find his already court sanctioned defense had been tampered with further.

Faretta requires the court to advise the defendant of the nature of the charges, the penalty range for the charges, and the dangers and disadvantages of self-representation, "*such as the failure to recognize objections to inadmissible evidence* and *the inability to adhere to technical rules governing trial.*" The court informed Patton that he would receive no more privileges than any other pro se litigant, but Patton didn't understand that he would actually receive much less resources than other pro se litigants. Non-incarcerated pro se litigants would have had an opportunity to timely review the evidence, to research caselaw, to secure files, and much more. In fact, the trial court played games instead of informing Patton what he would be entitled to as is cited by the 5th Cir. in the following excerpt of the trial record:

MR. PATTON:

Well, what's a self—what does a self-representation [sic] litigant get?

THE COURT:

What you're entitled to.

MR. PATTON:

Which is?

THE COURT:

I—I mean, I can't give you an hour or a minute. I'm just telling you, you will get what every other self-represented litigant gets; you understand that?

MR. PATTON

Go head [sic], sir. We'll – we'll – we'll – we'll pursue that down the road. I'm going to cover that anyway.

THE COURT:

Okay. You understand you will have no extra time for preparation, no staff, or investigators?

MR. PATTON:

What do you mean?

...

...

...

MR. PATTON:

I object to that, your honor.

THE COURT:

Okay.

MR. PATTON:

Because that's not – I've read almost all the pro se cases. Although there's none out of the Fifth Circuit and there's certainly none that the Supreme Court has decided, **so I guess this is going to be a vehicle where I'm going to find out exactly what the Supreme Court says the pro se litigant can have** his tools because I need the tools – the same tools as a defense attorney and that's what the Tenth Circuit said, the Eighth Circuit, the Ninth Circuit, but we never had a ruling out of the Fifth Circuit, so I guess we will soon enough. I'm going to object to that, your honor. I'm going to takes writs on – on this – on this issue.

Reasons for Granting the Writ

What exactly is a pro se litigant entitled to? Shouldn't an incarcerated pro se litigant have the same abilities of a non-incarcerated pro se litigant? A pro se litigant should at least have the ability to perform the duties that an attorney is constitutionally required to perform, such as interviewing witnesses and examining evidence. The courts in Louisiana are requiring pro se litigants to meet all the requirements of a defense attorney, but they are not providing the means and abilities of defense attorneys. Other nations, States, and courts have required the state to specify exactly what a pro se litigant is entitled to ensure a fair trial. The Louisiana Constitution supposedly provides greater protections and rights. Louisiana needs this Supreme Court to decide this unresolved issue.

Conclusion

Appellant was not given a fair trial. His trial was not the truth seeking engine that the framers of the Constitution sought to design. Nearly every protection the Constitution and the Supreme Court have created were denied to Mr. Patton. The Code of Criminal Procedure and the Code of Evidence ceased to exist for Mr. Patton. The trial court denied preservation, examination, and introduction of every piece of evidence that Mr. Patton needed to defend himself. Mr. Patton is innocent of the charges brought against him, and a fair trial would prove exactly that. Each one of the aforementioned errors require reversal, and the cumulative effect of all of them is so prejudicial that justice demands reversal. The numerous and severe errors in this case require a vacation of Mr. Patton's conviction and sentence, and require a new—fair—trial. No Court has ever decided this issue.

Conclusion

WHEREFORE, for the reasons presented herein, that there are extraordinary reasons for the GRANTING of the Petition for Writ of Certiorari contained herein. And requests this Honorable Supreme Court invoke its original jurisdiction 28 U.S.C.A. 1251(a) and 28 U.S.C.A. 1257(a) State Court Certiorari.

Petitioner prays that this Honorable United States Supreme Court grant this Petition for Writ of Certiorari

Reversing the Petitioner's conviction and sentence and remanding for a New Trial.

Respectfully submitted on this 2nd day of February 2024 by:

John W. Patton, Pro se
DPSC # 327902
Rayburn Correctional Center
27268 Highway 21 N.
Angie, LA 70426

Verification Affidavit

I do hereby swear under the penalty of perjury that the contents of the foregoing are true and correct to the best of my knowledge and understanding.

I further swear pursuant to penalty of perjury, **28 U.S.C.A. 1746**, that I have served a true and correct copy of the foregoing upon all interested parties hereto, by handing the same to the proper prison officials to be mailed on this 2nd day of February 2024, properly addressed and postage prepaid.

John W. Patton, Affiant
DPSC # 327902
Rayburn Correctional Center
27268 Highway 21 N.
Angie, LA 70426

SWORN TO AND SUBSCRIBED, before me this 2nd day of February, 2024

John Wesley Patton, Esq.

Proof of Service

I, **John Wesley Patton**, do swear pursuant to the penalty of perjury that on February 02, 2024, as required by Supreme Court Rule 29, I have served the enclosed, Motion to Leave to Proceed In Forma Pauperis, Petition for Writ of Certiorari, and Motion to Leave to Exceed Page Limits, and Appendix, on each party to the proceeding on that party's counsel and on every other person required by law to be served, by depositing an box containing the above documents in the United States mail properly addressed and first-class postage prepaid.

Sworn this day the 2nd day of February, 2024 pursuant to 28 U.S.C.A. 1746.

John Wesley Patton, Esq.
DPSC No. 327902
B.B. Sixty Rayburn Correctional
27268 Hwy 21 North
Angie, Louisiana 70426

Exhibit 9

(Louisiana Supreme Court Order)
(Denying Petitioner without Written Order)
(State of Louisiana Vs. John W. Patton)
(2023 KO 00151)
(Dated November 08, 2023)

1 Page

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KO-00151

VS.

JOHN W. PATTON

IN RE: John W. Patton - Applicant Defendant; Applying For Writ Of Certiorari, Parish of Jefferson, 24th Judicial District Court Number(s) 18-7474, Court of Appeal, Fifth Circuit, Number(s) 22-KA-112;

November 08, 2023

Writ application denied.

PDG

JLW

JDH

SJC

JTG

WJC

JBM

Supreme Court of Louisiana
November 08, 2023

Chief Deputy Clerk of Court
For the Court