

No. 24-7496

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IN THE  
SUPREME COURT OF THE UNITED STATES

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ALLEN ODELL WOODS  
*PETITIONER*

V.

WARDEN SETH SMITH, et al.  
*RESPONDENT*

ON PETITION FOR A WRIT OF CERTIORARI TO  
THE U.S. FIFTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

ALLEN ODELL WOODS #215279  
*PRO SE*

DIXON CORRECTIONAL INSTITUTE

P. O. BOX 788/UNIT II: DORM - 6

JACKSON, LA 70748

PHONE # 225-634-1200

## QUESTIONS PRESENTED

Was counsel's performance deficient when counsel failed to raise a *Brady* claim concerning *Cellphone Transcripts, Fingerprint Analysis Reports, and Suppressed Medical Records*?

Was counsel's performance deficient when counsel failed to locate important witnesses?

Was counsel's performance deficient when counsel failed to impeach state witnesses and challenge perjured testimony?

Was counsel's performance deficient when counsel failed to challenge the faulty indictment?

## LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is subject of this petition is as follows:

District Attorney, Hillar C. Moore, III  
East Baton Rouge Parish  
222 St. Louis St. 5<sup>th</sup> Floor  
Baton Rouge, La. 70802

Warden Seth Smith  
Dixon Correctional Institute  
5568 Hwy. 68  
Jackson, LA 707748

## RELATED CASES

*Woods v. Smith*, NO.24-30246, U. S. Court of Appeals for the Fifth Circuit. Judgment. (March 28, 2025.).

*Woods v. Smith*, NO.21-159-SDD-RLB Denial of § 2254 Petition and Adopting Report and Recommendation. (USDC, M.D. La, 3/28/2024)

*Woods v. Smith*, NO.21-159-SDD-RLB Magistrate Report and Recommendation. (USDC, M.D. La, 2/26/2024)

*Woods v. Smith*, NO.21-159-SDD-RLB Order Denying Petition and Hold on abeyance. (USDC, M.D. La, 7/29/2021)

*State v. Woods*, NO. 370 So.3d 1072 (La. 10/3/2023)

*State v. Woods*, NO. 2021 WL 2368307 | Not reported in So. Rptr (La. App. 1 Cir. 3/6/2023)

*State v. Woods*, NO. 2021 WL 3335978 | Not reported in So. Rptr (La. App. 1 Cir. 8/12/2022)

*State v. Woods*, NO. 2021 WL 6331401 | Not reported in So. Rptr (La. App. 1 Cir. 12/30/2021)

*State v. Woods*, NO. 310 So.3d 552 (La. 2/17/2021)

*State v. Woods*, No. 2020 WL 4435789 | Not reported in So. Rptr (La. App. 1 Cir. 8/23/ 2020)

*State v. Woods*, NO. 2020 WL 2736409 | Not reported in So. Rptr (La. App. 1 Cir. 5/26/2020)

*State v. Woods*, NO. 268 So.3d 294 (La. 4/22/2019)

*State v. Woods*, NO. 2018 WL 6718517 | Not reported in So. Rptr (La. App. 1 Cir. 12/21/2018).

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**APPENDIX A:** The U.S. Fifth Circuit Court of Appeals denial of Motion for Rehearing is attached as **Appendix “A”**. No. No. 20-30318.

**APPENDIX B:** The opinion of the U.S. Fourth Circuit Court of Appeals and denial of Certificate of Appealability is attached as **Appendix “B”**. No. No. 20-30318.

**APPENDIX C:** The Order of the United States Eastern District Court dismissing Petition and denying issuance of Certificate of Appealability is attached hereto as **Appendix “C”**. No. 19-12891 Section "A" (4)

**APPENDIX D:** The Report and Recommendation by the U. S. Magistrate Judge in the Eastern District of Louisiana is attached as **Appendix “D”**, No. 19-12891 Section "A" (4)

**APPENDIX E:** Louisiana Supreme Court order denying post-conviction application for relief is attached as **Appendix “E”**. NO. 2019-KH-0001, (La. S. Ct. Sept. 17, 2019).

**APPENDIX F:** Opinion of the Louisiana Fourth Circuit Court of Appeals denying writ of review of Post-Conviction Application is attached as **Appendix “F”**. NO. 2018-K-0925 (La. 4<sup>th</sup> Cir., Nov. 11, 2018).

**APPENDIX G:** Opinion of the Orleans Criminal District Court denying Post-Conviction Relief is not available; *see* **Appendix “G”**. NO. 519-505. (Sept. 18, 2018).

**TABLE OF AUTHORITIES CITED**

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**STATUTES AND RULES**

- 18 USC §2252.
- 28 U. S. C. § 1254(1).
- 28 U. S. C. § 1257(a).
- 28 U.S.C. 2254 (a).
- La. R.S. 14:41 (B)
- La. R.S. 14:42.1
- U. S. Constitutional Amendment V.
- U. S. Constitutional Amendment VI.
- U. S. Constitutional Amendment XIV. Sec. 1.
- Louisiana Constitution Art. I, § 2.

Louisiana Constitution Art. I, § 13.

Louisiana Constitution Art. I, § 16.

La. Const. Art. 1, 9.

Louisiana Constitution Art. I, § 19.

LA. R.S 14: 42

LA. R.S 14:44.1

La C. Cr. P. art. 578

La C. Cr. P. art. 579

**OTHER:**

**VOLUMES:**

**ONE:** Appendixes.

**TWO:** State Review.

**THREE:** § 2254.

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts:**

The opinion of the United States Court of Appeals denial of COA appears at **Appendix “A”** to the petition and is,

not yet published or reported.

The opinion of the United States District Court appears at **Appendix “B”** to the petition and is

Reported only at Westlaw at *Woods v Smith*, 2020 WL 2024-WL-1335628, U. S. District Court for the Middle District of Louisiana. (March 28, 2024).

The Report and Recommendation by the U. S. Magistrate Judge in the Eastern District of Louisiana appears as **Appendix “C”**, to the petition and is,

Reported only at Westlaw at *Woods v Smith*, 2020 WL 2024-WL-1340658, U. S. District Court for the Middle District of Louisiana. (February 26, 2024).

For cases from **state courts:**

**Collateral Review:**

The opinion of the highest state court to review the merits appears at **Appendix “D”** to the petition and is,

Reported at *State v Woods*, 370 So.3d 1072 (La. 10/3/2023).

The opinion of the Louisiana First Circuit Court of Appeals appears at **Appendix “E”** to the petition and is,

Unpublished.

The opinion of the 19<sup>th</sup> Judicial District Court appears at **Appendix “F”** to the petition and is,

Unpublished.

The opinion of the highest state court to review the merits appears at **Appendix “G”** to the petition and is,

Reported at *State v Woods*, 310 So.3d 552 (La. 2/17/2021).

The opinion of the Louisiana First Circuit Court of Appeals appears at **Appendix “H”** to the petition and is,

Unpublished.

The opinion of the 19<sup>th</sup> Judicial District Court appears at **Appendix “I”** to the petition and is,

Unpublished.

**Direct Appeal:**

The opinion of the highest state court to review the merits appears at **Appendix “J”** to the petition and is,

Reported at *State v Woods*, 268 So.3d 294 (La. 4/22/2019).

The opinion of the Louisiana First Circuit Court of Appeals, appears as **Appendix “K”** to the petition and is,

Reported only at Westlaw 2018-WL-6718517, (12/21/2018)

## **JURISDICTION**

The date on which the United States Fifth Circuit Court of Appeals decided the case was March 25<sup>th</sup>, 2025, and the jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

The date on which the Louisiana Supreme Court decided the case was October 3, 2023 , and the jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

The following statutory and constitutional provisions are involved in this case.

### **U. S. Constitutional Amendment VI. Rights of the accused.**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

### **U. S. Constitutional Amendment XIV. Sec. 1. [Citizens of the United States.]**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

### **Louisiana Constitution Art. I, § 2, Due Process of Law**

No person shall be deprived of life, liberty, or property, except by due process of law.

**Louisiana Constitution Art. I, § 13. Rights of the Accused.**

When any person has been arrested or detained in connection with the investigation or commission of any offense, he shall be advised fully of the reason for his arrest or detention, his right to remain silent, his right against self-incrimination, his right to the assistance of counsel and, if indigent, his right to court appointed counsel. In a criminal prosecution, an accused shall be informed of the nature and cause of the accusation against him. At each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment. The legislature shall provide for a uniform system for securing and compensating qualified counsel for indigents.

**Louisiana Constitution Art. I, § 16. Right to a Fair Trial**

Every person charged with a crime is presumed innocent until proven guilty and is entitled to a speedy, public, and impartial trial in the parish where the offense or an element of the offense occurred, unless venue is changed in accordance with law. No person shall be compelled to give evidence against himself. An accused is entitled to confront and cross-examine the witnesses against him, to compel the attendance of witnesses, to present a defense, and to testify in his own behalf. However, nothing in this Section or any other section of this constitution shall prohibit the legislature from enacting a law to require a trial court to instruct a jury in a criminal trial that the governor is empowered to grant a reprieve, pardon, or commutation of sentence following conviction of a crime, that the governor in exercising such authority may commute or modify a sentence of life imprisonment without benefit of parole to a lesser sentence which includes the possibility of parole, may commute a sentence of death to a lesser sentence of life imprisonment without benefit of parole, or may allow the release of an

offender either by reducing a life imprisonment or death sentence to the time already served by the offender or by granting the offender a pardon.

**Louisiana Constitution Art. I, § 19. Right to Judicial Review**

No person shall be subjected to imprisonment or forfeiture of rights or property without the right of judicial review based upon a complete record of all evidence upon which the judgment is based. This right may be intelligently waived. The cost of transcribing the record shall be paid as provided by law.

**28 U.S.C. 2254: (a):**

The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.

**STATEMENT OF PROCEEDINGS**

Petitioner was charged by amended bill of information with one count of home invasion (count I) and one count of intentional exposure to AIDS virus (count II), and two counts of second degree rape, (counts III and IV). He pled not guilty on all counts. After a jury trial, Petitioner was found guilty as charged on all four counts. On Count I, he was sentenced to twenty-five years at hard labor. On count II, he was sentenced to ten years at hard labor. On counts III and IV, for each count, he was sentenced to forty years at hard labor without the benefit of probation, parole or suspension of sentence. The trial court ordered that the sentences on counts I, III and IV would run concurrently with each other, but that the sentence on count II would run consecutively to the other sentences.

Petitioner appealed the conviction to the La. First Circuit Court of Appeal<sup>1</sup>, the State filed its answer,<sup>2</sup> and on December 21, 2018, the court denied Petitioner's appeal.<sup>3</sup> Petitioner filed an Application for Writ of Certiorari to the Louisiana Supreme Court<sup>4</sup> and on April 22, 2019, and was denied.<sup>5</sup> On May 1, 2019, Petitioner timely filed an Application for Post-Conviction Relief to the 24th Judicial District Court of Louisiana.<sup>6</sup> On February 14<sup>th</sup>, 2020 the 19th Judicial District Court denied Petitioner's Application for Post-Conviction Relief.<sup>7</sup> Petitioner filed an Application for Supervisory Writ of Review to the First Circuit Court of Appeals.<sup>8</sup> On August 30<sup>th</sup>, 2020, the First Circuit Court of Appeal denied Petitioner's application.<sup>9</sup> The Petitioner timely filed an Application for Writ of Certiorari to the Louisiana Supreme Court.<sup>10</sup> The Louisiana Supreme Court denied Petitioner's application on February 17, 2021.<sup>11</sup>

Petitioner filed a second application for post conviction relief<sup>12</sup> and was denied.<sup>13</sup> which was denied. He sought writ in the Louisiana First Circuit<sup>14</sup> and was denied.<sup>15</sup> He then sought writ in the Louisiana Supreme Court<sup>16</sup> and was denied.<sup>17</sup>

Petitioner filed an Application and Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus on March 14, 2021.<sup>18</sup> He filed a petition to stay<sup>19</sup>, and several supplemental motions,<sup>20</sup>.

<sup>1</sup> Exhibit 1: Original & *Pro se* Briefs. *See Volume Two*.

<sup>2</sup> Exhibit 2: State's Answer

<sup>3</sup> Exhibit 3: Appendix K Denial of Writ. *See Volume One*.

<sup>4</sup> Exhibit 4: Writ of Certiorari. *See Volume Two*.

<sup>5</sup> Exhibit 5: Appendix J: Denial of Certiorari. *See Volume One*.

<sup>6</sup> Exhibit 6: PCR Application and Memorandum. *See Volume Two*.

<sup>7</sup> Exhibit 7: Appendix I: Denial of PCR. *See Volume One*.

<sup>8</sup> Exhibit 8: Writ to LA 1<sup>st</sup> Circuit. *See Volume Two*.

<sup>9</sup> Exhibit 9: Appendix H: Denial of Writ. *See Volume One*.

<sup>10</sup> Exhibit 10: Supervisory Writ of Review. *See Volume Two*.

<sup>11</sup> Exhibit 11: Appendix G: Denial of Writ. *See Volume One*.

<sup>12</sup> Exhibit 12: Second Application with Memorandum for DNA

<sup>13</sup> Exhibit 13 Appendix F Denial of Application *See Volume One*.

<sup>14</sup> Exhibit 14: Writ to LA 1<sup>st</sup> Circuit. *See Volume Two*.

<sup>15</sup> Exhibit 15 Appendix E: Denial of Writ. *See Volume One*.

<sup>16</sup> Exhibit 16 Supervisory Writ of Review. *See Volume Two*

<sup>17</sup> Exhibit 17 Appendix D: Denial of Writ. *See Volume One*.

<sup>18</sup> Exhibit 18: 28 §2254 Application and Petition. *See Volume Three*.

<sup>19</sup> Exhibit 19: Stay in Abeyance. *See Volume Two*

<sup>20</sup> Exhibit 20: Motions to Supplement with Index. *See Volume Two*

On February 26, 2024, the Magistrate Judge recommended Petitioner's § 2254 petition be denied with prejudice.<sup>21</sup> Petitioner filed objection to the Report and Recommendation on March 5, 2024.<sup>22</sup> On March 28, 2024, the United States District Court for the Eastern District of Louisiana adopted the Magistrate Judge's Report and Recommendation and the denied the motion to amend.<sup>23</sup> Thereafter, Petitioner timely filed Notice of Appeal.<sup>24</sup> He sought a Certificate of Appealability,<sup>25</sup>

On March 25<sup>th</sup>, 2025, the U.S. Fifth Circuit Court of Appeals denied his application for Certificate of Appealability.<sup>26</sup> Petitioner now comes before this Honorable Court seeking its discretion and imploring it to consider the reasons and grant Certiorari.

He now comes before this Honorable Court seeking Certiorari.

#### **STATEMENT OF THE CASE**

Petitioner was found guilty of one count of home invasion, one count of intentional exposure to AIDS virus, and two counts of second degree rape. The court imposed consecutive sentences totaling fifty (50) years.

#### **REASONS FOR GRANTING THE WRIT**

- (a) The State of Louisiana has departed from the usual course of judicial proceedings *as well as* the Louisiana Federal Middle District Court and the United States Fifth Circuit Court of Appeals have accepted and sanctioned such a departure by the lower court, as to call for an exercise of this Courts supervisory power.
- (b) The State Court, the Louisiana Federal Middle District Court and the United States Fifth Circuit Court of Appeals have misapplied federal law and this Honorable Court should intervene.

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<sup>21</sup> Exhibit 21: Appendix C: Magistrate Report and Recommendation. *See Volume One.*

<sup>22</sup> Exhibit 22: Objections to Report and Recommendations. *See Volume One.*

<sup>23</sup> Exhibit 23: Appendix B: District Court Adoption of R & R. *See Volume One.*

<sup>24</sup> Exhibit 24: Notice of Appeal. *See Volume Three.*

<sup>25</sup> Exhibit 25: Memorandum Seeking COA. *See Volume Three.*

<sup>26</sup> Exhibit 26: Appendix A: Denial of COA. *See Volume One.*

## GROUNDS

The conviction was obtained in violation of the Fifth, Sixth and Fourteenth Amendments of the U.S. Constitution. The right to effective assistance of counsel and due process of law were violated and Petitioner was prejudiced through counsel's deficient representation.

## CLAIMS

### **CLAIM 1: Failure to raise *Brady* violations**

Petitioner asserts that counsel was ineffective for failing to raise a *Brady* claim where the State withheld cell phone transcripts, fingerprint analysis and suppressed medical records.

#### *Cellphone Transcripts*

During the probable cause hearing it was noted that a text message conversation between Petitioner and the victim and that the cell phone data had been downloaded and placed into evidence. *See* R. Doc. 11-20,p. 45. Petitioner tried to get the court to subpoena all the victim's phone records, not only to reveal conversations/text messages between himself and the victim, but to show conversations/text messages between the victim and a Chris and Christine, two former residence of the rehab center. Petitioner asserts the victim told her she had invited Chris and Christine over that evening but, called them to cancel because Petitioner would be coming over and she didn't want Chris and Christine to know that she was involved in a non-professional relationship with Mr. Woods.

These phone conversations/text messages were material because it substantiates Petitioner's claim that he was invited to the victim's house and that he did not arrive unexpectedly.

If the State possesses exculpatory evidence revealed in discovery but does not intend to introduce it at trial, there is no *Brady* violation because it is up to counsel to search for such evidence in the open discovery files.

However, if the State knew exculpatory evidence existed and withheld it, then there is a *Brady* violation and the accused is denied due process. *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963)

It is obvious the State had already retrieved and analyzed the victims phone conversations/text messages because it was noted in the probable cause hearing. For counsel merely to seek a "phone dump" is vague and counsel should have specified dates provided by Petitioner to show the victim had initiated communication with Mr. Woods on several occasions.

#### *Fingerprint Analysis Reports*

The lack of fingerprints on the evidence may not be enough to raise a reasonable doubt, but because the victim said Petitioner grabbed her by the arm and later grabbed her by the throat, photos of the bruises on the victims arm and neck they could have been compared with the fingerprint analysis to see if they matched Petitioner's in size and length.

If fingerprints on the coins inside a sock, which was used as a weapon, and any fingerprints on the door knob had been lifted, they could have been compared to Petitioner and to the bruises on the victim's arm and neck. If a comparison could not be positively made it would have been enough to raise a reasonable doubt in the minds of the jury. Counsel performance was ineffective for not following this line of investigation.

#### *Suppresses Medical Records*

United States Magistrate Judge Richard L. Bourgeois, Jr. stated in his Report and Recommendation that the decision not to introduce medical records was a reasonable trial strategy where Petitioner asserted he was not HIV positive and the records likely state otherwise.

The State charged Petitioner not only with rape, but with intentional exposure to the AIDS virus. Petitioner's medical records would prove he is not HIV positive, nor has he ever tested positive for HIV, yet the State refused to produce this evidence at trial.

No expert was called to testify, only the victim testified she knew Petitioner was HIV positive after viewing his chart. For Judge Bourgeois to say that the records likely state Petitioner was HIV positive is speculative.

Obviously the State didn't have Petitioner's medical records to prove he was HIV positive or the defense would have been provided a copy during discovery.

However, if counsel knew the State intended to introduce this through the victim's testimony, a sound trial strategy would be to seek subpoena duces tecum for the victim or the District Attorney to bring the evidence to court.

Furthermore, the State introduced and published DNA evidence to the jury through the testimony of the district attorney and not through a qualified expert in the field of DNA or HIV.

Petitioner has been trying to get his medical records through prison officials to prove he is not HIV positive and that the evidence to support the conviction is insufficient.

Petitioner was not afforded effective assistance of counsel as guaranteed in the Sixth Amendment of the U. S. Constitution.

**CLAIM 2: Failure to Locate Witnesses**

The failure of counsel to locate Christine Burris and "Chris" denied him his right to compel witnesses. These two witnesses would have testified that the victim and Petitioner were seen together on numerous occasions. On one of those occasions the victim and Petitioner were together when they picked up Christine Burris and "Chris" and they all went to the victims house.

The victim testified she had outside interactions with patients sometimes. Christine Burris and "Chris" were valuable witnesses to Petitioner's assertion of an ongoing consensual relationship between him and the victim.

Counsel knew the defense hinged on this and was ineffective by not seeking more information to find these witnesses.

**Claim 3: Failure to Impeach Witness and Challenge Perjured Testimony**

The victim admitted that some of the statements she made to the operator during the 911 call were not true. The prosecution said that the victim was probably suffering from post traumatic stress, causing her to lie, but the State presented no expert on post traumatic stress to corroborate this theory.

Counsel failed to challenge the victim testimony and the State's assertion that she lied due to post traumatic stress when there was no expert to corroborate the theory.

**Claim 4: Failure to Assert Indictment Defectiveness**

The indictment includes rape and the intentional exposure to the AIDS virus. Counsel's failure to file a motion to quash the indictment constituted ineffective assistance of counsel because the defects in the indictment were of such magnitude reversal is required.

## SUMMARY

Petitioner has attempted to supplement his § 2254 petition exhibit. *See* Exhibit 13

When a conviction is based on both direct and circumstantial evidence, the reviewing court must resolve any conflict in the direct evidence by viewing that evidence in the light most favorable to the prosecution. When the direct evidence is thus viewed, the facts established by the direct evidence and the facts reasonably inferred from the circumstantial evidence must be sufficient for a rational juror to conclude beyond a reasonable doubt that the defendant was guilty of every essential element of the offense.

Petitioner was charged and convicted of second degree rape and intentional exposure to AIDS, but there is a conflict between the witness testimony and the evidence. The victim testified that Petitioner's penis did make contact with her vagina but, that it did not enter because he did not have an erection. Also, the sexual assault nurse, Angela Shaw Ellzey, testified she found no vaginal injuries.

Louisiana. Revised Statute 14:41 defines rape:

A. Rape is the act of anal, oral, or vaginal sexual intercourse with male or female person committed without the person's lawful consent.

B. Emission is not necessary, and any sexual penetration when the rape involves vaginal or anal intercourse, however slight, is sufficient to complete the crime.

In this case, Louisiana. Revised Statute 14:41 (B) is relevant because the victim testified there was no sexual penetration. when the rape involves vaginal or anal intercourse, however slight, is sufficient to complete the crime.

To obtain a conviction for Second Degree Rape under Louisiana. Revised Statute 14:42.1, the State is required to prove (1) sexual intercourse regardless of the degree of penetration, (2) lack of consent of the victim, (3) a victim who was prevented from resisting by

force or threat of physical violence, and (4) a victim who reasonably believed that resistance would not prevent the rape.

Generally, a victim's testimony alone is sufficient to support a conviction. *Peters v. Whitley*, 942 F.2d 937, 941-42 (5<sup>th</sup> Cir. 1991); See also *Fetterly v. Whitley*, No. 94-30310, 1994 WL 708655, at \*1n. 6 (5<sup>th</sup> Cir. Dec. 6, 1994).

The section of La. R. S. 14:42.1 (1) sexual intercourse regardless of the degree of penetration, is unambiguous. There had to be penetration, however slight, to complete the crime and according to the victim herself, there was none.

If believed, the testimony of the victim alone, with no other evidence, is sufficient to prove the elements of the offense. *State v. Alexander*, 182 So.3d 126, 131 (La. App. 1<sup>st</sup> Cir. 9/18/15) Also, if believed, and in the absence of internal contradiction or irreconcilable conflict with the physical evidence, the testimony of one witness is sufficient to support a factual conclusion. *State v. Higgins*, 898 So.2d 1219, 1226 (La. 4/1/05).

In this case, despite the victim's own testimony that she was not been penetrated and the sexual assault nurse's testimony there was no vaginal injuries,, the jury ignored their testimony and weighed inconclusive DNA evidence to find Petitioner guilty of Second degree rape. *Jackson v. Virginia*, 443 U.S. 309, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979)

If the victim's testimony alone had been presented, according to law, Petitioner could have only been found guilty of attempted second degree rape.

The verdict returned by the jury is contrary to both state and federal opinion and law because it is speculatively based on debatable evidence.

CONCLUSION

Petitioner, Allen Odell Woods, prays this Honorable Court will agree that the nexus of his conviction and the incomplete state court record for review are due to ineffective assistance of counsel and appellate counsel and that these issues are debatable among reasonable jurists. He further asserts he has shown exceptional circumstances justifying relief and prays that this Honorable Court will grant Writ of Certiorari and remand this to the district court for an evidentiary hearing to expand the record to allow Petitioner a full and fair judicial review.

Allen Odell Woods  
Allen Odell Woods