

APPENDIX

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The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KP-00142

VS.

JAMES SKINNER

IN RE: James Skinner - Applicant Defendant; Applying For Supervisory Writ,
Parish of Livingston, 21st Judicial District Court Number(s) 15992, Court of Appeal,
First Circuit, Number(s) 2023 KW 0170;

February 25, 2025

Writ application denied.

JDH

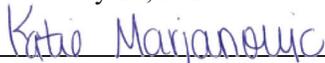
JTK

WJC

JBM

Weimer, C.J., would grant and docket.
Griffin, J., would grant and assigns reasons.
Guidry, J., recused.

Supreme Court of Louisiana
February 20, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-KP-00142

STATE OF LOUISIANA

VS.

JAMES SKINNER

On Supervisory Writ to the 21st Judicial District Court, Parish of Livingston

GRIFFIN, J., would grant and assigns reasons.

I would grant this writ application and remand for a new trial in accordance with *Wearry v. Cain*, 577 U.S. 385, 136 S. Ct. 1002 (2016) (per curiam). There is no legitimate basis to treat the two co-defendants differently.

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2023 KW 0710

VERSUS

JAMES SKINNER

DECEMBER 27, 2023

In Re: James Skinner, applying for supervisory writs, 21st
Judicial District Court, Parish of Livingston, No.
15992.

BEFORE: GUIDRY, C.J., McCLENDON AND LANIER, JJ.

WRIT DENIED.

PMc
WIL

Guidry C.J., dissents in part and concurs in part. I would grant the application for the sole purpose of remanding the matter to the district court to conduct a full evidentiary hearing on relator's claims under *Brady v. Maryland*, 373 U.S. 83, 86-87, 83 S.Ct. 1194, 1196-97, 10 L.Ed.2d 215 (1963), and *Napue v. Illinois*, 360 U.S. 264, 269, 79 S.Ct. 1173, 1177, 3 L.Ed.2d 1217 (1959), in light of *Wearry v. Cain*, 577 U.S. 385, 136 S.Ct 1002, 194 L.Ed.2d 78 (2016) (per curiam), as previously ordered by the Louisiana Supreme Court in *State v. Skinner*, 2019-01427 (La. 2/26/20), 347 So.3d 870. Based on the claims presented in his application for postconviction relief, relator is entitled to a full evidentiary hearing, as his claims cannot be resolved based on the filing of documents and transcripts into the record. I concur in the denial of relator's claim of ineffective assistance of counsel. See *State v. Brumfield*, 2009-1084 (La. 9/2/09), 16 So.3d 1161 (per curiam).

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT

IN THE 21ST JUDICIAL DISTRICT COURT
PARISH OF LIVINGSTON
STATE OF LOUISIANA

JAMES SKINNER,)	Case No. 15992
)	Division E
v.)	Judge Brenda Bedsole Ricks
)	
DARREL VANNOY,)	
Warden)	

ORDER

Upon consideration of the foregoing Post-Hearing Memorandum(s) submitted by the Petitioner and the State, IT IS HEREBY ORDERED that James Skinner's Application for Post-Conviction Relief is GRANTED on the basis of La. C. Cr. P. art. 930.3(1).

His conviction is hereby vacated and he is granted a new trial.

*Denied
see reasons*

It is so ordered on 23rd of June 2023.


The Honorable Judge Brenda Bedsole Ricks
Judge, Division E
21st Judicial District Court

Please serve:

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STATE OF LOUISIANA : NUMBER 15992, DIV. "E"
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 : 21st JUDICIAL DISTRICT COURT
 VERSUS :
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 : PARISH OF LIVINGSTON
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 : STATE OF LOUISIANA
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 STATE OF LOUISIANA

REASONS FOR JUDGMENT

This matter came before the Court on August 22, 2022, for an Evidentiary Hearing regarding an *Application for Post Conviction Relief* stemming from a conviction of second-degree murder. The Court took this matter under advisement on that date and later established a schedule for the filing of post-hearing memoranda. Memoranda for both the State and Defendant have been filed. After considering the pleadings and memoranda filed in this matter, as well as arguments by counsel, the Court renders Judgment as follows, with accompanying reasons.

Defendant argues that his rights to due process and effective counsel were violated in the events leading up to and during trial, and that he was prejudiced during trial as a result of such violations. The State argues that Defendant has not met the burden of proof required to overturn the jury verdict. This Court finds that Defendant has failed to prove any of his claims warranting relief.

Defendant’s claim of a violation of his right to due process through *Brady* violations relies upon statements made by multiple parties over two decades ago. Additionally, Defendant asserts that the Supreme Court’s decision to grant post-conviction relief in *Weary* necessitates a like decision in the instant case. The statements presented, on their face, without further evidence of credibility, are not sufficient to undermine confidence in the outcome of the trial. Defendant failed to present any evidence as to the credibility of these statements. Further, the *Weary* case is distinguishable enough from the instant case that its decision does not compel this Court to follow suit.

Defendant’s claim of a violation of his right to due process pursuant to *Napue* asserts that the State failed to “volunteer” further information regarding Eric Brown’s testimony, to correct the testimony of Richard Rogers regarding the timeline of events, and to correct the testimony of Ryan Stinson regarding whether he “cut a deal” prior to testifying. Failure to volunteer information does not fall under the protection of *Napue* because it is wholly unrelated to the correction of false

testimony. Defendant failed to show that the errors in Richard Rogers' testimony were the result of a willful intent to provide false testimony, rather than as a result of confusion, mistake, or faulty memory. Lastly, Defendant provided no evidence that Ryan Stinson entered into a deal with the State prior to his testimony.

Defendant lastly argues that his right to effective counsel was violated due to his counsel's failure to call an expert witness, investigate a witness's whereabouts, and investigate another witness's criminal history. Defendant failed to show that such inaction fell below an objective standard of reasonableness or that such inaction undermines confidence in the result of the trial.

Even considering Defendant's claims collectively in the light of the totality of the circumstances, Defendant has failed to meet the burden of proof required. The statements alleged to be *Brady* violations are not sufficient to undermine confidence in the outcome of the trial without establishing their credibility. The alleged *Napue* violations either did not fall under *Napue*, were not shown to be the result of willful intent to provide false testimony, or were not shown to be false testimony. Finally, the alleged *Strickland* violations do not fall under an objective standard of reasonableness. Therefore, this Court rules that Defendant failed to show that any of his claims warrant relief. Defendant's Application for Post Conviction Relief is **DENIED**

A judgment conforming to this ruling will be signed upon submission.

Livingston, Louisiana, this 23rd day of June, 2023.


Honorable Brenda Bedsole Ricks
Judge, 21st Judicial District Court
Division "E"

Please send notice to all parties.