

No. 25-1

IN THE
Supreme Court of the United States

JAMES SKINNER,

Petitioner,

v.

LOUISIANA,

Respondent.

On Petition for a Writ of Certiorari
to Louisiana's 21st Judicial District

REPLY FOR PETITIONER

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INTRODUCTION

In *Wearry v. Cain*, 577 U.S. 385 (2016), this Court summarily reversed based on the same *Brady* violations as in this case. Tasked with backfilling a state-court decision dismissing *Wearry* in a one-sentence *ipse dixit*, the State instead tries to divert attention from *Wearry*. Four of its attempts are worth refuting up front:

First, the State argues that this case is distinguishable from *Wearry* because witnesses other than Sam Scott and Eric Charles Brown testified against petitioner James Skinner. BIO 16–30. But in *Wearry*, too, there were witnesses other than Scott and Brown. 577 U.S. at 400 (Alito, J., dissenting). Three testified they saw Mr. Wearry driving the victim’s blood-spattered car and trying to sell the victim’s class ring; three more overheard him confess to being at least a “bystander” at the crime scene. *Id.* This Court nonetheless summarily reversed. *Id.* at 386.

The additional evidence in this case was shakier than in *Wearry*. The State insinuates the jury heard Mr. Skinner himself confess. *See, e.g.*, BIO i, 3, 16. What it actually heard was two informants (themselves the subject of *Brady* violations) *claim* Mr. Skinner confessed. One testified to a purported confession that was exactly two lines long. Pet. 6. The State itself described the other as a “problem child” at closing: “Is there a bunch of stuff in [the testimony] that’s inconsistent with the other things you heard? Absolutely.” Supp.App.B.2.1026. And Mr. Skinner’s *juries* seemed to find these witnesses’ testimony shaky, too: Whereas Mr. Wearry’s first jury convicted

him unanimously, Mr. Skinner's first jury hung, and his second convicted non-unanimously. Pet. 27.

Second, the State's brief at best argues that a jury *could* convict based on the testimony of witnesses other than Scott and Brown. *See, e.g.*, BIO 9, 18. As just explained, even that proposition is dubious. And in any event, it's irrelevant: *Brady* materiality "is not a sufficiency of evidence test." *Kyles v. Whitley*, 514 U.S. 419, 434 (1995). As *Wearry* admonished, the *Brady* standard isn't whether a jury "*could* have voted to convict," but whether this Court can have "confidence that it *would* have done so." 577 U.S. at 394 (internal quotation marks omitted).

Third, the State urges this Court to wait on federal habeas. BIO 14–15. *Wearry* rejected that argument, refusing to force Mr. Wearry to serve more of his sentence "in service of a conviction that is constitutionally flawed." *Id.* at 395–96. Mr. Skinner has *already* endured nearly a decade longer in prison than Mr. Wearry, "in service of a conviction that" this Court has all but already held is "constitutionally flawed." *See id.*

Fourth, the State urges this Court to refrain from intervening because "there is no comprehensive decision below." BIO 14. The State is referring to the fact that, in response to hundreds of pages of briefing, supported by thousands of pages of exhibits, the Louisiana trial court offered exactly one sentence to explain why *Wearry* does not control: "[T]he *Weary* [sic] case is distinguishable enough from the instant case that its decision does not compel this Court to follow suit." Pet.App.3a.

The State’s argument on this score is perverse, to put it mildly. As justices of this Court have warned, the rule that this Court’s decisions must “command[] respect in lower courts” is undermined when those courts distinguish Supreme Court precedent with an unconvincing explanation. *Nat’l Insts. of Health v. Am. Pub. Health Assoc. (NIH)*, 145 S. Ct. 2658, 2663 (2025) (Gorsuch, J., concurring in part and dissenting in part). How much worse, then, when a court declares one of this Court’s cases “distinguishable enough” with *no* explanation whatsoever. This Court should intervene in this case, at this juncture, to make clear it “cannot be so easily circumvented.” *See id.* at 2664.

I. *Wearry* dictates the outcome in this case.

As in *Wearry*, Mr. Skinner’s case featured no physical evidence. 577 U.S. at 387. As in *Wearry*, the key witnesses in Mr. Skinner’s case were Scott and Brown: In closing, the prosecution described Scott as the “hero” who cracked the case, and it invoked Brown 35 times. *See id.*; Supp.App.B.2.1023–30, 1050–59. And as in *Wearry*, the State withheld three sets of evidence impeaching Scott and Brown. *See* Pet. 18–21.

The same crime, the same star witnesses, the same *Brady* violations: That should decide this case. The State quibbles with additional *Brady* evidence that Mr. Skinner has unearthed impeaching Scott and Brown. But those arguments fail and are in any event irrelevant—the evidence withheld in *Wearry* alone undermines Scott’s and Brown’s testimony.

1. The State says nothing about withheld medical records that rendered Scott’s account of the crime physically impossible. Pet. 19–20 Those records—proving codefendant Randy Hutchinson couldn’t

physically participate in the crime—were even more material in Mr. Skinner’s trial than in *Wearry*. Mr. Wearry’s jury at least knew that “Scott had attributed significant strength and mobility to a man nine days removed from knee surgery.” *Wearry*, 577 U.S. at 400 (Alito, J., dissenting). Still, withholding the medical records violated *Brady*. *Id.* at 393. Mr. Skinner’s jury heard nothing about Hutchinson’s surgery, Pet. 20, so those withheld records were even more material.

2. Next consider the evidence about how Scott’s testimony came to be. Pet. 18–19.

a. The State says nothing about much of the undisclosed evidence the Court relied on in *Wearry*: that Scott received a sweetheart deal in exchange for his testimony and coached another prisoner to do the same. Pet. 7–8, 19. Those revelations alone impeach Scott.

The State’s only argument against the *Wearry* evidence is that Scott’s admission to testifying so Mr. Wearry would “get[] the needle” is immaterial because Scott didn’t say he wanted Mr. *Skinner* executed. BIO 30–31. That claim is astounding: Per the State, the jury wouldn’t have cared that Scott came forward to *lie to get someone executed*. Surely that knowledge would’ve “further diminished” Scott’s testimony and status as the State’s “hero.” *Wearry*, 577 U.S. at 393.

b. Otherwise, the State quarrels only with evidence Mr. Skinner unearthed that is *beyond* what this Court found sufficient for summary reversal in *Wearry*. BIO 32–33. The State doesn’t dispute it withheld two of Scott’s statements revealing that police fed him details about the crime. *See* Pet. 12. The State also doesn’t dispute the materiality of one

statement, in which police prompted Scott to add Hutchinson’s knee injury to his story to match medical records. *Id.* As for the other statement—showing that police fed Scott the name of the street where the murder happened (*id.*)—the State says the jury knew Scott added details to his story over time. BIO 32–33. But the jury did not know that *police* fed him those details. Armed with those statements, trial counsel could have impugned not only Scott’s credibility but the integrity of the State’s whole investigation.

3. The State says nothing about the evidence that Brown twice sought a deal in exchange for his testimony. Pet. 13–14.

It also has no response to most of the additional *Brady* evidence Mr. Skinner unearthed. The State ignores the withheld evidence that Brown initially identified a different man in a line-up—a man who committed a similar armed robbery weeks later and confessed to killing “the Walber boy.” Pet. 12. It also ignores withheld evidence that Brown continued to change his story for over a year—Mr. Skinner had a gun, then he didn’t; the confrontation took place in the woods, then on a gravel road. Pet. 13; *see also id.* 14.

The State disputes only that Brown actually *received* a deal. BIO 31. To be clear, Mr. Skinner need not prove as much: This Court vacated Mr. Wearry’s conviction based on withheld evidence that Brown *sought* a deal. 577 U.S. at 399 (Alito, J., dissenting). But Mr. Skinner has now proven that Brown has been treated unusually well since testifying. Charges that were pending against Brown when he first implicated Mr. Skinner still haven’t been prosecuted. Pet. 13. And Brown’s 15-year sentence was commuted over the

State’s one-line objection, Supp.App.F.3.479—the kind of pro forma protest, supported by no argument and followed by no appeal, that indicates the State had already agreed to the reduction. *See* Aff. of Jack Largess, *Skinner v. Vannoy*, No. 3:25-cv-211 (M.D. La. Mar. 13, 2025) (documenting prosecutorial practice).

II. Distinctions between Mr. Skinner’s case and *Wearry* only make Mr. Skinner’s case stronger.

The State latches onto the witnesses who testified in Mr. Skinner’s trial and not Mr. *Wearry*’s. There are two problems with that strategy. First, this Court can have “no confidence” the jury would have convicted based on those witnesses. *See Wearry*, 577 U.S. at 394 (internal quotation marks omitted). Second, those witnesses’ testimony was tainted by *more* withheld evidence.

1. Start with what the jury heard from those witnesses. Remember, the test for *Brady* materiality is whether there is “any reasonable likelihood” the withheld evidence “could have affected the judgment of the jury.” *Wearry*, 577 U.S. at 392 (internal quotation marks omitted). That is a different question than whether the evidence at trial sufficiently sustains a conviction. *Supra* at 2. After all, in *Wearry*, the witnesses other than Scott and Brown may well have supplied enough evidence to survive a sufficiency challenge. *See supra* at 1. But this Court still summarily reversed. *Wearry*, 577 U.S. at 386.

In this case, the State rests primarily on the testimony of “problem child” Ryan Stinson. BIO 18; *supra* at 1. But to credit Stinson, a jury had to believe that Mr. Skinner confessed to Stinson—a total stranger—the night they met. Pet. 6. It also had to

believe that Stinson hid his notetaking from Mr. Skinner by yanking a mattress over his notes every time Mr. Skinner turned around in their tiny, single-person cell. Pet.App.68a. And as the prosecution itself acknowledged at closing, “a bunch of stuff” in Stinson’s testimony was “inconsistent” with the State’s case. Supp.App.B.2.1026. For example, the State theorized that the victim was killed to cover up a carjacking. *Id.* 1055. In Stinson’s version, Mr. Skinner and the victim were on a late-night drive, and Mr. Skinner committed the murder because he was annoyed the victim wouldn’t let him drive. BIO.App.91a–92a.

The other witnesses the State relies on are even weaker. Raz Rogers testified only that Mr. Skinner said he and some people from Oakland “did that”—no corroborating details. BIO 22. Melvin Tillman claimed to have encountered people driving the victim’s car but couldn’t identify Mr. Skinner among them. Supp.App.B.2.499. And the remaining witnesses testified only that they saw Mr. Skinner with Brown on the day of the crime—not that they were together at the time and place of the murder. BIO 26–28.

The State’s suggestion that the evidence in Mr. Skinner’s case was somehow *stronger* than in *Wearry* thus cannot pass muster. Were there any doubt, just compare the verdicts in the two cases. Pet. 27. In Mr. Wearry’s case, the prosecution secured a unanimous conviction on its first try. Mr. Skinner’s prosecutors

never could: His first jury hung, and his second convicted non-unanimously. *Id.*¹

2. Even if Mr. Skinner’s brief were to end here, reversal would be warranted. As in *Wearry*, after discounting Scott’s and Brown’s testimony, this Court cannot be confident a jury would have convicted.

The additional *Brady* evidence Mr. Skinner has uncovered only reinforces that result. There’s the parade of alternative suspects, about whom the State is silent. To name just a few, consider the suspect whom Brown picked out of a lineup; the suspect whose confessions were reported by a probation officer, guidance counselor, and Boy Scout leader; and the suspect who was seen covered in blood the night of the murder and called police to ask whether he “was a prime suspect.” *See* Pet. 26–27. Trial counsel could’ve used those suspects to further discredit the State’s convoluted case.

Then there’s the evidence that Stinson expected that he and his romantic partner would be transferred to a different prison in exchange for his testimony. Pet.App.71a–73a. Stinson and his romantic partner attested to that promise in letters to the DA within weeks of the State’s breach. Supp.App.F.2.550–56. Stinson went on to swear a civil complaint to that

¹ To compensate for its scant evidence at trial, the State opens its brief with statements Mr. Wearry made in the plea that set him free. BIO 1–2. As the State well knows, those statements have no bearing on this case. A plea allocution the jury never heard cannot cure a flawed jury verdict, and Mr. Wearry had every incentive to say whatever would secure his freedom after over a decade in prison. That’s presumably why those statements make zero appearances in the State’s legal analysis.

effect. *Id.* 6–10. That expectation of a deal alone calls the jury’s verdict into question. *See Wearry*, 577 U.S. at 394. But here, the State made good on its promise, transferring Stinson rather than turning over discovery in the civil case. Supp.App.F.2.670–72.²

And there’s the slew of withheld evidence impeaching Rogers. The State concealed a report that Rogers himself had confessed to the crime. Pet.App.76a. The State complains that the police note containing the confession is too “brief” to be a “serious *Brady* argument.” BIO 25. But the State proclaimed at closing that there wasn’t “even one shred of evidence” that Rogers was involved in the murder. Supp.App.B.2.1025. Surely a police note recording a confession—even a “brief” one—is a “shred of evidence.” And besides, the note listed witnesses who could corroborate Rogers’s confession—witnesses Mr. Skinner could’ve contacted had the police note been disclosed. Pet.App.76a.

The State also failed to disclose statements in which Rogers’s account of the crime didn’t include Mr. Skinner. Pet. 25. The State asserts that those statements wouldn’t have mattered because the jury knew Rogers had changed his story. BIO 23–24. Nonsense. As far as the jury knew, Rogers incriminated Mr. Skinner as soon as he was hooked up to a polygraph. *Id.* The withheld statements show that Rogers was polygraphed multiple times over five

² The State makes much of the fact that the jury knew about the prosecutor’s meeting with Stinson. BIO 2, 18, 19, 20. The *fact* of the meeting was disclosed—as the petition made clear, *see* Pet. 14 (citing trial transcript page Pet.App.64a)—but the *deal* made during the meeting was not, *see* Pet.App.70a.

months without ever implicating Mr. Skinner. *See* Supp.App.D.2.673–75; Supp.App.D.3.913; Supp.App.E.1.199.

Finally, the State failed to disclose that Rogers was arrested for marijuana possession—the day before testifying that he had not smoked marijuana in eight years. Pet. 14–15. The State protests that prosecutors might not have known of the arrest. BIO 25. But they had a duty to learn of any evidence known to the police. *Kyles*, 514 U.S. at 437; *see also* Pet. 14–15.

Just the withheld evidence in *Wearry* would, “[b]eyond doubt,” have “undermine[d] confidence” in Mr. Skinner’s verdict. *See* 577 U.S. at 392. The additional withheld evidence only gives this Court more reason to intervene.

III. This Court should intervene now to vindicate *Wearry*.

The State’s vehicle arguments were already rejected by *Wearry*.

First, the State argues that this Court should await federal habeas. BIO 14–15. But this Court rejected that path in *Wearry*. 577 U.S. at 395–96. And there’s even more reason to do so here: Mr. Skinner has served more time than Mr. Wearry had; he would have to meet a higher standard than Mr. Wearry would have; and only this Court can make clear that *Wearry* “cannot be so easily circumvented.” *See NIH*, 145 S. Ct. at 2664; Pet. 31–35.

Second, the State claims that—in addition to thousands of pages of record evidence, synthesized in hundreds of pages of briefing—Mr. Skinner should’ve offered witnesses at his postconviction hearing. BIO

13–14. But that misunderstands Mr. Skinner’s claim: that withheld evidence would have *impeached* the State’s witnesses. It’s hard to see how more testimony from now-discredited witnesses would be helpful. That’s presumably why the *Wearry* Court didn’t need new testimony from Scott and Brown to reverse.³

Third, the State claims this Court cannot summarily reverse because it has “only the parties’ brief, cert-stage papers” to guide it. BIO 34. But *Wearry* rejected that argument, finding that where “the State devoted the bulk of its 30-page brief in opposition” to the merits, “the chances that further briefing or argument would change the outcome are vanishingly slim.” 577 U.S. at 395. This time, this Court also has the benefit of *Wearry*’s analysis of precisely the same *Brady* violations. And if this Court has any hesitation about summary reversal, the proper course is to grant certiorari, not to condone the Louisiana courts’ refusal to grapple with *Wearry*. *See* 577 U.S. at 403 (Alito, J., dissenting); *Flowers v. Mississippi*, 588 U.S. 284 (2019); *Foster v. Chatman*, 578 U.S. 488 (2016).

* * *

Had Mr. Skinner’s case come before this Court at the same time as Mr. *Wearry*’s, this Court surely

³ The only testimony *Wearry* mentioned was, first, expert testimony that Hutchinson’s knee injury rendered Scott’s testimony physically impossible (a point that the State does not here dispute and that Mr. Skinner supported with the transcripts from *Wearry*) and, second, testimony from Mr. *Wearry*’s trial counsel for his ineffective-assistance-of-counsel claim (a claim not before this Court here). BIO 13–14 (citing 577 U.S. at 389–91 & n.4).

would have reversed both convictions. Mr. Skinner comes to this Court a decade later only because the State could not manage to convict him of capital murder, which meant he didn't receive counsel until this Court's reversal in *Wearry*. *See* Pet. 7, 11–12. It would be a cruel irony if the State's shakier case against Mr. Skinner deprived him of the relief this Court granted to Mr. Wearry.

CONCLUSION

For the foregoing reasons, this Court should summarily reverse or grant certiorari.

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