No. 25-5563

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

JOSEPH LEE SMITH (#545948) — PETITIONER
(Your Name)

vs.

STATE OF LOUISIANA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF THE STATE OF LOUISIANA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JOSEPH LEE SMITH (DOC #545948)
(Your Name)
DAVID WADE CORRECTIONAL CENTER
670 BELL HILL ROAD - H1A
(Address)

HOMER, LOUISIANA 71040
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

WHETHER THE LOUISIANA SUPREME COURT ERRED WHEN IT DENIED PETITIONER'S WRIT APPLICATION FILED ON DIRECT APPEAL AND THE CLAIM THAT PETITIONER POSSESSED THE REQUISITE SPECIFIC INTENT TO SUPPORT A CONVICTION OF MANSLAUGHTER ?

WHETHER THE SENTENCE IMPOSED OF ONE HUNDRED YEARS, WITHOUT THE BENEFITS OF PROBATION, PAROLE OR SUSPENSION OF SENTENCE WAS UNCONSTITUTIONALLY EXCESSIVE?

WHETHER THE SENTENCES SHOULD BE SET ASIDE AND THE MATTER REMANDED FOR RULING ON THE POST-TRIAL MOTIONS?

LIST OF PARTIES

[✓] All parties appear in the caption of the case on the cover page.

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

TABLE OF AUTHORITIES CITED

Constitutional Provisions

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[✓] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

[✓] reported at 406 So.3d 424 (April 15, 2025); or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the Second Circuit Court of Appeals court appears at Appendix A to the petition and is

[✓] reported at 402 So.3d 67 (November 20, 2024); or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[ ] For cases from **state courts**:

The date on which the highest state court decided my case was April 15/25 A copy of that decision appears at Appendix ___B___.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

✓ The date on which the Second Circuit Court of Appeal, State of Louisiana affirmed my conviction and sentence was 20 November, 2024. A copy of that decision appears at Appendix ___A___.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

During the Direct Appeal proceedings in the State of Louisiana Courts, Petitioner raised the following claims:

1.

Whether the State of Louisiana proved that Petitioner possessed the requisite specific intent to support a conviction of manslaughter under the facts and circumstances of this case.

2.

The sentence imposed was unconstitutional ~~for a horrible~~ accident caused by a young man who had no intentions to harm anyone; and

3.

Whether the sentences imposed should be set aside and the case remanded back to the District Court for a ruling on the post-trial motions.

STATEMENT OF THE CASE

By Bill of Indictment filed on July 21, 2021, Petitioner was charged with Second Degree Murder, Aggravated Battery and Obstruction of Justice. Jury trial started on January 9, 2023, the jury returned a responsive verdict to Manslaughter on Count One, and guilty as charged on Counts 2 and 3. The jury responded verbally that this was their verdict, but the jury was not polled. The trial Court did not order a pre-sentence investigation.

A second felony habitual offender bill of information was filed on March 6, 2023, at the conclusion of the hearing Petitioner was found to be a Second Felony Offender. The trial court imposed the following sentences: 60 years on the Manslaughter charge, 20 years of the Aggravated Battery charge and 20 years on the Obstruction of Justice charge. Each sentence to be served without the benefits of probation, parole or suspension of sentence, and ordered to run consecutively.

A Motion for New trial and a Motion for Judgment of Acquittal were filed on February 24, 2023. The Court minutes do not reflect a ruling on these motions; and, they were not disposed of contemporaneously with the habitual offender adjudication and sentencing.

A Motion for Reconsideration of Sentence was filed on May 1, 2023, and was denied without a hearing.

A motion for appeal and designation of the record was timely filed, and the Louisiana Appellate Project, through undersigned counsel was appointed to represent Petitioner on his direct appeal.

From these proceedings, Petitioner is now presenting this Petition for a Writ of Certiorari with this Honorable Court.

REASONS FOR GRANTING THE PETITION

During these Direct Appeal proceedings, the Louisiana Court of Appeals and the Louisiana Supreme Court have decided important Federal Questions in a way that conflict with the decisions of another State Courts, the Louisiana Supreme Court as the Court of last resort has issued decisions in cases similarly situated as the case now in front of the Court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joseph Smith #545948

Date: 01 July 2025