No. 25-6549

In the Supreme Court of the United States

DARRELL JAMES ROBINSON,
Petitioner,

v.

DARREL VANNOY,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE LOUISIANA SUPREME COURT

BRIEF IN OPPOSITION

ELIZABETH B. MURRILL
Attorney General
J. BENJAMIN AGUIÑAGA
Solicitor General
Counsel of Record
KELSEY L. SMITH
Deputy Solicitor General
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third St.
Baton Rouge, LA 70802
(225) 506-3746
AguinagaB@ag.louisiana.gov

QUESTION PRESENTED

Whether the Court should review petitioner's factbound, splitless arguments under *Brady v. Maryland*, 373 U.S. 83 (1963), and *Napue v. Illinois*, 360 U.S. 264 (1959).

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INTRODUCTION

Thirty years ago, petitioner committed one of the most heinous quadruple murders in Louisiana's history. A violent alcoholic, petitioner turned on a man, Billy Lambert, who had offered him shelter. Petitioner shot and killed Lambert, as well as Lambert's sister, her daughter, and her daughter's ten-month-old baby, Nicholas, in Lambert's home. When police searched the home, they found Lambert's wallet (sans cash) in petitioner's bedroom, and a towel with baby Nicholas's blood in Lambert's bedroom. When they located petitioner, he was speeding away from Lambert's home in Lambert's truck, running other vehicles off the road, and, after dumping the truck, fleeing into the woods. When they arrested petitioner, he volunteered that he was unarmed and was on medication for violent tendencies, and he was holding $71 in cash, Lambert's pocketknife, and Lambert's favorite Marlboro Lights cigarettes. And when they tested petitioner's clothing, they located gunshot residue and—perhaps most damning—baby Nicholas's blood on his shoe and shoelace.

This was not a hard case for the jury (which unanimously convicted petitioner and recommended a death sentence), the state trial court (which imposed a death sentence), the Louisiana Supreme Court (which rejected a sufficiency-of-the-evidence challenge on direct review), *see State v. Robinson*, 874 So. 2d 66 (La. 2004), or this Court (which declined to review the case), *see Robinson v. Louisiana*, 543 U.S. 1023 (2004). The petition now pending before this Court is a transparent attempt to prolong post-conviction proceedings and thereby prevent the State from carrying out petitioner's sentence. Indeed, given the meritless nature of petitioner's arguments, it

is remarkable to read his assertion (Pet.12) that his case "presents one of the most egregious misapplications of *Brady* [*v. Maryland*, 373 U.S. 83 (1963),] and *Napue* [*v. Illinois*, 360 U.S. 264 (1959),] in recent memory." Petitioner's crying wolf is both baseless and a disservice to cases presenting real *Brady* and *Napue* issues. The State files this brief only because it is required to do so, *see* Sup. Ct. R. 15.1, not because the petition has merit—it does not. The Court should deny the petition.

STATEMENT OF THE CASE

A. Factual Background

1. In May 1996, Billy Lambert lived on a farm in Rapides Parish, Louisiana. *Robinson*, 874 So. 2d at 71. Lambert had recently met petitioner while they were undergoing treatment for alcoholism at the Veterans Administration Medical Center. *Id.* After leaving treatment, Lambert invited petitioner to stay at his home temporarily in exchange for petitioner's agreement to help with farm work. *Id.*

The arrangement quickly deteriorated. Within days of leaving treatment, petitioner resumed drinking. *Id.* His behavior grew so problematic that Lambert told family members, including David Peart, that petitioner would have to leave. *Id.* at 75. The night before the murders, Lambert told a relative that he had "had enough" and intended to send petitioner back to the V.A. the following day. *Id.* The next morning, petitioner purchased a bottle of vodka at a nearby Town & Country store at approximately 8:30am. *Id.* at 71.

Shortly after noon, Lambert's cousin, Doris Foster, arrived at Lambert's home for a planned family lunch with Lambert; his sister, Carol Hooper; her daughter,

Maureen Kelly; and Kelly's ten-month-old son, Nicholas. *Id.* When Foster arrived at approximately 12:10pm, she observed two key things: (1) Lambert's brown Ford truck was parked outside; and (2) the front door was locked, which was odd because Lambert was expecting guests. *Id.* Using her key, she entered the home and found the bodies of all four relatives lying in the living room. *Id.* Each had been shot in the head. Lambert had been shot twice; the others—including baby Nicholas—once each. *Id.* At that point, Foster heard a noise coming from the back of the house and immediately left to call for help at the same Town & Country where petitioner had purchased his vodka. *Id.* When she returned with police minutes later, Lambert's truck was gone. *Id.*

Petitioner was at the wheel. Within minutes of Foster discovering the bodies, Lambert's truck was seen speeding away from the farm. *Id.* Several witnesses saw the truck being driven erratically. *Id.* at 71–72. Approximately eleven miles away, one motorist, Michael Poole, encountered the truck traveling at a reckless speed. *Id.* The truck swerved into his lane and sideswiped his vehicle. *Id.* at 72. When the driver failed to stop, Poole pursued him and enlisted the help of a friend. *Id.* The truck stalled out, and Poole confronted the driver and threatened to call the police; the driver "appeared nervous upon hearing that the police were being summoned," restarted the truck, and "fled the accident scene." *Id.*

Poole called 911 (at 12:44pm) while the friend continued the pursuit. *Id.* During the chase, the driver repeatedly ran other vehicles off the road. *Id.* The chase

ended when the truck turned onto a gravel road, drove through a fence, and was abandoned behind a nearby residence. *Id.* The driver fled into surrounding woods. *Id.*

Law enforcement officers located petitioner hiding nearby at approximately 2:15pm or 2:30pm. *Id.*; *see Robinson v. Vannoy*, 397 So. 3d 333, 347 (La. 2024). When officers approached him, petitioner immediately stated, "I don't have a gun," and volunteered that he was "on medication for violent tendencies." *Robinson*, 874 So. 2d at 72. When they searched him, police found Lambert's pocketknife, Lambert's favorite Marlboro Lights cigarettes, and $71 in cash. *Id.* at 75. Despite extensive searches along the route petitioner traveled, the murder weapon was never recovered. *Id.* at 72.

2. Subsequent examinations of the crime scene and petitioner's clothing would confirm that petitioner murdered all four Lambert family members. To start, although police were unable to find the murder weapon, they also were unable to locate Lambert's .38 caliber revolver, which Lambert kept "on his headboard in his bedroom, which was across the hallway from [petitioner's] bedroom." *Id.* at 75. That was significant for two reasons. *First*, the Lambert family members were shot with five .38 caliber bullets. *Id.* And *second*, Doris Foster testified that Lambert's .38 had only five bullets, because she "forgot to return one of the six bullets" after keeping the revolver for Lambert while he was in treatment. *Id.*

Gunshot-residue analysis also detected particles consistent with gunshot residue on petitioner's clothing, including his t-shirt and jeans. *Id.* at 72. Most significant, "the heaviest population of particles were present on the right leg of the

blue jeans, where there were six particles characteristic of gun shot residue and forty lead rich particles." *Id.* at 76–77. The State's expert testified that this was significant "because it indicated that if the particles did come from a discharged weapon, it would most likely have been discharged on the right side in a downward direction, which was consistent with [petitioner], who is right-handed, firing a weapon at Nicholas—the infant victim." *Id.* at 77.

As for DNA testing, an expert confirmed that petitioner was carrying two drops of baby Nicholas's blood—one on petitioner's left shoe and one on the shoelace. *Id.* In addition, the expert confirmed that a towel found in Lambert's bedroom bore a drop of baby Nicholas's blood. *Id.*

B. Petitioner's Trial, Conviction, and Direct Review.

Petitioner was indicted on four counts of first degree murder on June 20, 1996. *Id.* at 72.

1. At trial, the jury heard about the above evidence. In addition to that evidence, the jury also learned about two subjects relevant to this brief.

First, the jury heard about a red jacket that was hanging on a doorknob in the hallway of the room where petitioner shot the victims. There were various types of bloodstains on that jacket, but they were either insufficient for identification or sufficient but not matched to petitioner or the victims. *Robinson*, 397 So. 3d at 359. The jacket thus did not move the needle for either party. And David Peart—who worked with Lambert on the farm—"identified the red jacket as one Lambert often wore when they worked together on the farm." *Id.* at 361. He also explained that "he

and other workers on the farm would occasionally cut themselves on barbed wire." *Id.*

Second, the jury heard from Leroy Goodspeed, who shared a cell with petitioner and testified that petitioner confessed: "I did those people, a man, two women and a small child, and threw the gun off a bridge." *Robinson*, 874 So. 2d at 73. But, as the state trial court and the Louisiana Supreme Court would later observe, Goodspeed's testimony bore "very low" value, *Robinson*, 397 So. 3d at 352, and played a "minor" role in petitioner's conviction, *id.* at 358. That is principally because of the strength of the evidence above—but it is also because, although the confession testimony was credible, Goodspeed himself otherwise was not.

Goodspeed admitted to the jury that, "when he needed something, he could be 'deceitful and manipulative.'" *Id.* at 350. He "admitted he 'lied a few times in [his] life.'" *Id.* (alteration in original). He "admitted not 'want[ing] to stay in jail for a long time' and he 'hate[d] being in jail with a passion.'" *Id.* (alterations in original). "When asked whether he 'wanted to think of a way that might help get him out of prison,' he candidly stated, 'yes, sir. I guess you're right.'" *Id.* And in fact, the jury heard petitioner's counsel testify that Goodspeed actively attempted to bribe him in exchange for altering Goodspeed's testimony. *Id.* at 357 & n.25.

More, the jury heard about the sequence of favorable treatment that Goodspeed received leading up to trial: (a) he reported petitioner's confession to the authorities in 1997; (b) he faced a possible 33-year sentence but received a plea deal in 1998 that led to him serving only 11 months; and (c) he testified against petitioner

in 2001. *Id.* at 349–50. (Goodspeed, his own counsel, and the detective who obtained Goodspeed's statement testified that there was no deal in exchange for Goodspeed's testimony. *Id.* at 352–53.)

As the Louisiana Supreme Court observed on direct review, "the defense ensured that the jury heard every possible reason to reject Goodspeed's testimony." *Robinson*, 874 So. 2d at 79. They "reminded the jury that Goodspeed had been arrested 24 times, amassed six felony convictions, is mentally ill, takes Haldol for auditory hallucinations, and has admitted that he will say or do anything to get out of prison, where he has spent most of his adult life." *Id.*

2. On March 12, 2001, the jury found petitioner guilty of four counts of first-degree murder. *Robinson*, 874 So. 2d at 73. At the penalty phase, the jury unanimously recommended a sentence of death. *Id.* The jury found that Petitioner knowingly created a risk of death or great bodily harm to more than one person and that one of the victims was under the age of twelve. *Id.* The trial court imposed four death sentences in accordance with the jury's recommendation. *Id.*

3. The Louisiana Supreme Court affirmed petitioner's convictions and sentences on direct review. *Robinson*, 874 So. 2d 66. Relevant here, the Louisiana Supreme Court emphasized all of the evidence above—including the motive for petitioner's murderous rampage (Lambert evicting him); petitioner's devastatingly incriminating, two-hour flight from the crime scene in Lambert's truck, sideswiping a vehicle and running others off the road; petitioner's hiding in the woods and then telling police that he did not have a gun and that he was on medication for violent

tendencies; petitioner's possession of Lambert's pocketknife and the Marlboro Lights that Lambert smoked; petitioner's wearing baby Nicholas's blood on his shoe and shoelace; and the gunshot residue on petitioner's clothing. *Id.* at 71–72, 75–78.

That alone, the Louisiana Supreme Court held, was "ample evidence of [petitioner's] guilt." *Id.* at 78. In particular, "[t]he DNA evidence presented, when considered *in globo* with the other evidence presented by the State, is sufficient ... to exclude every reasonable hypothesis of innocence and prove guilt beyond a reasonable doubt." *Id.*

That evidence, the Louisiana Supreme Court continued, also "supports and corroborates that Leroy Goodspeed, the jailhouse witness, was testifying reliably." *Id.*; *see id.* ("Clearly ... the quantum of the State's proof was significantly more than the testimony of Leroy Goodspeed."). The Court thoroughly recounted all of Goodspeed's issues, including that he "admitted at trial that he hated jail 'with a passion' and would do everything in his power to avoid being there." *Id.* at 79. Nonetheless, the Court rejected petitioner's argument that Goodspeed's testimony "should have been suppressed as too incredible to be believed." *Id.* at 78. The jury, "in their capacity as judges of the credibility of witnesses, [simply] gave Goodspeed's testimony whatever value they deemed proper." *Id.* at 79.

4. This Court subsequently denied petitioner's request for review in 2004. *See Robinson*, 543 U.S. 1023.

C. Petitioner's Post-Conviction Proceedings.

After the completion of direct review, petitioner initiated state post-conviction proceedings that have now spanned over two decades. Those proceedings culminated in a March 2020 judgment (and accompanying reasons) by the state trial court, "find[ing] that [petitioner] has failed to carry his burden of proof to entitle him to post-conviction relief." Pet.App.D (judgment page). Because petitioner has elected to pursue only three particular issues in his petition, the State here limits its discussion to a brief overview of these issues.

1. The state trial court denied petitioner relief on three particular issues he now presses. *First*, petitioner claims that the State violated *Brady* by failing to disclose a notation concerning an alleged eyewitness named Kirby Brown. It is unclear who wrote that notation, *Robinson*, 397 So. 3d at 363, but it simply says: "Kirby Brown-saw someone-drop Robinson off-that morning," Pet.8. Petitioner claims (*id.*) this is a *Brady* violation because, if he had the notation, he would have interviewed Brown and obtained a declaration (like the one Brown provided decades later) saying something different: "Unless I finished my jobs early, I wouldn't have finished work and come back home any earlier than lunchtime, so I must have seen the man get dropped off at noon or later." *Robinson*, 397 So. 3d at 364 (emphasis omitted). Petitioner finds that declaration useful because he finds it inconsistent with the State's alleged trial theory that the murders were committed around 11:50am.

The state trial court appears to have referenced this claim in the heading "Eyewitness information inconsistent with trial testimony not provided." Pet.App.D at 8. But the court did not provide specific reasons for rejecting the claim.

Second, petitioner claims that the State violated *Brady* by not turning over its serology notes regarding the red jacket hanging on the doorknob near where petitioner shot the four victims. Pet.8. Petitioner finds those notes useful because they called the DNA-unidentifiable bloodstains on the jacket "spatter," suggesting (by petitioner's telling) "that they were necessarily the result of a violent event like a gunshot." *Id.* To be clear, no one knows the source of that blood or when it appeared. But petitioner speculates that it could be the victims' blood, which would appear alongside the DNA-identifiable bloodstains (which is sufficient for identification but did not match petitioner or the victims). This, in petitioner's view, would have helped him promote a theory that an alternate perpetrator committed the murders.

The trial court rejected this claim on numerous grounds. Most significant was that the serology notes "were not only brought to the attention of the trial counsel" but were also "used during the trial by all attorneys." Pet.App.D at 11; *accord id.* at 13 ("The trial record supports the State did disclose these pieces of evidence."); *id.* at 14 ("The trial record supports Robinson's trial attorney had possession of not only the lab notes but had indeed retained the services of experts to review the red jacket (Singer) and the ballistics (Eddings)."). Relatedly, the court pointed out that petitioner's own expert had possession of the jacket and "could have made his own

findings." *Id.* at 10. The court thus saw no *Brady* issue at all because petitioner had the serology notes.

Petitioner also has a tag-along *Napue* claim, claiming, somewhat complicatedly, that the State facilitated false testimony by a witness who said that farm work frequently generated cuts from barbed wire—which petitioner thinks conflicts with the serology notes. Pet.8. That meritless issue is discussed more fully below, but for now, suffice it to say that the state trial court did not provide express reasons for rejecting the claim.

Third, petitioner claims that the State violated *Brady* by failing to disclose a supposed deal or "understanding" with Goodspeed to secure his testimony. Pet.7–8. He does not identify any specific document or evidence that supposedly should have been turned over. Instead, he points (Pet.7) to a couple of pardons in other cases that Goodspeed appears to have received before his testimony, as well as a letter from his probation officer to a judge recommending against revocation. He does not, and cannot, link those apparent facts with any representation by the State in this case regarding his testimony. Petitioner also points (Pet.7–8) to favorable treatment Goodspeed received in other cases months after his testimony. But, again, he identifies nothing showing some deal or understanding at the time of trial.

The state trial court rejected this claim on materiality grounds. In the court's view, the jury already received "evidence of [Goodspeed's] special treatment at trial"—alongside substantial evidence that "Goodspeed lacked any quality to his character." Pet.App.D at 9. "The value [of his] testimony was very low compared to

the other evidence brought against [petitioner] at trial," and his role was "minor." *Id.* Accordingly, these new arguments only "possibly showing further special treatment received at later dates following the trial" were "unlikely" to "have seriously undermined Goodspeed's testimony any more than the evidence heard by the jury at trial." *Id.*

Here, too, petitioner has a tag-along *Napue* claim, which asserts that the State facilitated false testimony by Goodspeed who told the jury "that he had not received or been offered any benefits for his testimony." Pet.8. The trial court did not provide express reasons for denying this claim.

2. On direct appeal, the Louisiana Supreme Court first reversed, finding *Brady* and *Napue* violations on the above grounds. *See Robinson v. Vannoy*, 378 So. 3d 11 (La. 2024). On rehearing, however, the Court reconsidered its earlier decision and affirmed the state trial court's denial of post-conviction relief.[1] Here is a quick overview of its holdings on the three issues now presented.

First, the Court rejected the Kirby Brown claim. The notation "is simply not exculpatory" but rather "incriminating," the Court reasoned, because it says Brown saw petitioner "dropped off that morning"—which is directly in line with the undisputed timeline, culminating in Doris Foster finding the bodies at 12:10pm. *Robinson*, 397 So. 3d at 363–64. More, the 20-years-later declaration by Brown "clearly conflicts" with that note by suggesting that petitioner was possibly dropped

[1] The Court should ignore petitioner's nefarious innuendo (*e.g.*, Pet.2, 10) regarding the Louisiana Supreme Court's rehearing process. State and federal courts reconsider their decisions all the time. That is precisely what happened here.

off after noon rather than in the morning. *Id.* at 364. And in all events, even that declaration was consistent with the murders having been committed by 12:10pm. *Id.* So, for *Brady* purposes, "there is no basis to the claim that, had the handwritten notation about Brown been provided to [petitioner], there is a reasonable probability the result of the proceeding would have been different." *Id.*

Second, the Court rejected the serology notes claim. "[A]ssuming" arguendo that "all the records were withheld," *id.* at 359, the Court said that "[t]he red jacket is a red herring," *id.* at 361. Those notes are not "exculpatory" because "there is nothing to indicate who, if anyone, was wearing the jacket at the time of the murders." *Id.* In fact, "there is nothing about these stains, or any stain on the jacket, which ties the jacket to the murders or the timeframe of the murders." *Id.* So they get petitioner nowhere. And the same is true of the alleged *Napue* issue: "There is no evidence in the record [that] Peart's statements regarding the jacket were false, nor that the State had knowledge of any falsity in his testimony." *Id.* at 366. Further, "there is nothing connecting the jacket to the murders and the presence of high or medium velocity blood spatter is immaterial." *Id.*

Third, the Court rejected the Goodspeed claim. On this issue, the Court methodically walked through every piece of alleged evidence and measured it against what transpired at trial. Specifically, the Court explained that petitioner did not identify any link between the pardons, the probation letter, and petitioner's testimony. *Id.* at 353–54. And the post-trial evidence, the Court continued, only underscored that no deal or understanding existed. That was perhaps best illustrated

by Goodspeed's own post-trial request of the State's lead attorney to "put in a good word for him." *Id.* at 357. That request makes little sense if "Goodspeed believed the State had already promised him benefits for his testimony." *Id.* at 357–58. "The State could not have violated *Brady* by withholding evidence that did not exist." *Id.* at 359. And in all events, because Goodspeed's testimony played only a "minor" role in the grand scheme of the damning evidence against petitioner, there was no "reasonable probability that, had all of the favorable evidence been disclosed to the defense, the result of the proceeding would have been different." *Id.* at 358.

Because there was no deal or understanding, moreover, that means that petitioner has failed to show that "any trial testimony relating to Goodspeed's reasons for testifying was false—the essential component of a *Napue* claim." *Id.* at 366.

3. The Louisiana Supreme Court later granted rehearing again to consider the impact, if any, of this Court's decision in *Glossip v. Oklahoma*, 604 U.S. 226, 248 (2025). *See Robinson v. Vannoy*, 413 So. 3d 403 (La. 2025). After supplemental briefing, the Court held that "*Glossip* does not alter the outcome of our prior decision." *Id.* at 404.

REASONS FOR DENYING THE PETITION

I. THIS CASE DOES NOT MEET THE COURT'S CERTIORARI CRITERIA.

The Court should deny the petition because this case does not meet any of the Court's certiorari criteria. Most significantly, this Court's review is unwarranted because this case is not important to anyone other than petitioner. *Cf.* Sup. Ct. R. 10. He does not invoke a split of authority among the lower courts. Nor does he claim to have presented an issue of exceptional nationwide importance. Instead, the petition

presents only factbound regurgitations of arguments that he raised below and lost. That is a textbook basis for denying review here.

Perhaps recognizing as much, petitioner urges (Pet.2, 20–24) the Court to use his case as a vehicle to combat a so-called "*Brady* crisis" in Louisiana. *See* Pet.20 ("[I]t is not an exaggeration to say that *Brady* is no longer good law in Louisiana courts."). The Court should ignore petitioner's hyperbole.

For starters, petitioner's rhetoric is an overt effort to mask the fact that he lacks any viable constitutional argument in this case. *See infra* Section II. He cannot compensate for a meritless case by pointing to an alleged broader universe of systemic issues not implicated by his case.

More fundamentally, petitioner's rhetoric is misleading. He ignores, for example, cases like *Jones v. Vannoy*, 221 So. 3d 850 (La. 2017), where the Louisiana Supreme Court granted a prisoner supervisory relief and remanded for a hearing so the trial court could determine if a *Brady* violation occurred. As the Louisiana Supreme Court subsequently recounted, the trial court did indeed find a *Brady* violation on remand and "this Court denied writs" on that finding. *Jones v. State*, 362 So. 3d 341, 343 (La. 2023). He also ignores cases like *Ezidore v. Hooper*, 2025 WL 1951197 (La. App. July 16, 2025), where a lower court vacated a conviction and sentence on *Brady* grounds, and the Louisiana Supreme Court refused to disturb that vacatur, *Ezidore v. Hooper*, 424 So. 3d 664, 665 (La. 2025). *See, e.g.*, *State v. Barnes*, 379 So. 3d 196, 205 n.7 (La. App. 2023) (noting vacatur of a prior conviction on *Brady* grounds); *State v. Ballard*, 325 So. 3d 450, 475 (La. App. 2021) (reversing rejection of

Brady claims). Contrary to petitioner's assertion, "it is," in fact, "an exaggeration to say that *Brady* is no longer good law in Louisiana courts." Pet.20.

The Court should dismiss the inflammatory and erroneous rhetoric for what it is: a transparent effort to distract from the meritless nature of petitioner's own case.

II. PETITIONER'S FACTBOUND ATTACKS FAIL.

On the merits, petitioner's factbound arguments are easily rejected. That is principally so given the damning evidence that the petition refuses to disclose to the Court. And that is also so given that the particular arguments petitioner elected to present to this Court generally do not make sense and fail on their own terms. The Court should summarily reject them in denying review.

A. Petitioner's Repeated Suggestion That There Is No Evidence of His Guilt, Other Than His Confession, Is False.

The most important starting point is a repeated misrepresentation in the petition: that "[t]he only direct evidence of [petitioner's] guilt came from the testimony of the State's jailhouse informant, Leroy Goodspeed, who claimed that [petitioner] confessed to the murders while in jail." Pet.1–2; *accord* Pet.5, 13, 14, 15, 18, 19, 23. That is seriously misleading—and, in fact, the Louisiana Supreme Court called petitioner on this over 20 years ago when he tried to make the same claim on direct review in challenging the sufficiency of the evidence. *Robinson*, 874 So. 2d at 78 ("Clearly ... the quantum of the State's proof was significantly more than the testimony of Leroy Goodspeed.").

1. The strongest evidence of all—acknowledged nowhere in the petition—is principally baby Nicholas's blood, which petitioner was wearing on his shoelace and

on his shoe when he was arrested. *See id.* at 72 ("[T]wo drops of blood, matching the DNA of victim Nicholas Kelly, were found on [petitioner's] left shoe and shoe lace."). The only plausible explanation is that the baby's blood appeared on petitioner's shoe when he shot the baby in the head. In post-conviction proceedings, petitioner tried to suggest that he simply stepped in the blood at the crime scene as an innocent observer before fleeing the crime scene. *Robinson*, 397 So. 3d at 348 n.9. But, even if petitioner had made that argument to the jury (it is not clear he did), the jury would have correctly rejected it because (a) it does not explain the blood on *the shoelace* and (b) as the Louisiana Supreme Court emphasized, no footprints were found at the scene, *see id.* The only plausible conclusion, therefore, is that baby Nicholas's blood attached to petitioner when he shot the baby.

The State's duty of candor (Sup. Ct. R. 15.2) requires it to point out that petitioner's assertion (Pet.4) that "[n]o blood spatter was detected on him, as would be expected if he had shot four people at close range," is deeply misleading. Baby Nicholas's blood was undisputedly found on petitioner. Petitioner's assertion thus appears to rest on word play, perhaps attempting to distinguish between "blood *spatter*" and "blood *drops*." Whatever his game, petitioner's assertion is seriously misleading given the undisputed fact that baby Nicholas's blood was on him.

2. Just as damning for petitioner was the gunshot-residue analysis—again, acknowledged nowhere in the petition. Aside from the gunshot residue located on petitioner's "shirt and the waistband of his pants," the jury heard "that the heaviest population of particles were present on the right leg of [petitioner's] blue jeans, where

there were six particles characteristic of gun shot residue and forty lead rich particles." *Robinson*, 874 So. 2d at 76–77. The jury also heard that "the fact that the particles were on the right side of the pants was significant because it indicated that if the particles did come from a discharged weapon, it would most likely have been discharged on the right side in a downward direction, which was consistent with [petitioner], who is right-handed, firing a weapon at Nicholas—the infant victim." *Id.* at 77.

3. Add to the baby's blood and the gunshot residue petitioner's damning conduct in fleeing the crime scene. It is undisputed that he had $71 in cash, Lambert's truck, Lambert's pocketknife, and the Marlboro Lights cigarettes that Lambert smoked. (Remember Lambert's cash-less wallet was found in petitioner's bedroom—and a towel with baby Nicholas's blood was found in Lambert's bedroom.) It is also undisputed that petitioner fled for approximately two hours, from around 12:10pm to around 2:15pm. During that time, he sideswiped Michael Poole's truck, ran other cars off the road, drove into oncoming traffic, and plowed through a fence. It is undisputed that he then dumped Lambert's truck and fled into the woods. And it is undisputed that when police finally found him hiding behind a mound of dirt in the woods, he cried out, "I don't have a gun" and "I'm on medication for violent tendencies."

None of this is the conduct of an innocent man. Petitioner latches onto the Louisiana Supreme Court's acknowledgment that flight is not always "necessarily evidence of [] consciousness of guilt." Pet.13 (quoting *Robinson*, 397 So. 3d at 374). But petitioner omits the rest of Louisiana Supreme Court's discussion: "[H]is *manner*

of flight," the court continued to explain, *was* "indicative of a consciousness of guilt." *Robinson*, 397 So. 2d at 374–75. Unlike Doris Foster, "he did not leave to seek aid for the victims or contact law enforcement." *Id.* at 374. Moreover, he "not only fled from Lambert's house in Lambert's truck, he drove erratically for miles—traveling fast, going off the road at times, hitting another vehicle without purposefully stopping, and forcing other vehicles off the roadway." *Id.* at 375. And that was all before he bailed out of the truck to hide in the woods. The Louisiana Supreme Court thus twice correctly recognized that "the jury was within the bounds of rationality to reject as unconvincing [petitioner's] hypothesis of innocence that, like Doris Foster, he also happened innocently upon the crime scene." *Id.* (quoting *Robinson*, 874 So. 2d at 78).[2]

4. The totality of this evidence made this case an easy one for the jury. Indeed, the Louisiana Supreme Court itself on direct review relied only on this evidence to "find that [petitioner's] sufficiency claim fails on the merits." *Robinson*, 874 So. 2d at 78. That materially distinguishes *Glossip*, 604 U.S. 226, which rose or fell solely on the testimony of one witness. *Contra* Pet.13, 14. And for these reasons, the Court should ignore petitioner's repeated, misleading statements that he was sentenced to death solely on the basis of Leroy Goodspeed's testimony (which, as discussed below, presented no constitutional problem anyway).

[2] At various times, petitioner colors in this story by saying that he was "[t]errified" after happening upon "the same horrific scene" at Lambert's farm, and thereafter fled during a chase that "escalat[ed] his panic even further." Pet.4. That sounds like actual testimony by petitioner. It is not. Petitioner declined to testify, and so this is instead his lawyers attempting to erect an alternate reality that explains away petitioner's very incriminating conduct.

B. Petitioner's *Brady*/*Napue* Claims Are Meritless.

With that evidentiary context established, petitioner's remaining arguments are easily rejected.

1. The Kirby Brown note is not *Brady* material.

a. Start with petitioner's puzzling complaint that "the State withheld a note that revealed Kirby Brown had observed [petitioner] being dropped off at Lambert's house on the day of the murders." Pet.17. That note is not *Brady* material for a reason petitioner admits early in his petition but omits in his argument: That note simply states "Kirby Brown-saw someone-drop Robinson off-that morning." Pet.8; *cf.* Pet.17–18 (not acknowledging this key fact). As the Louisiana Supreme Court correctly recognized, that note is awful for petitioner. That is because nobody disputes that the victims were murdered sometime before 12:10pm, when Doris Foster arrived for lunch. And this note "plac[ed] [petitioner] at Lambert's house on the *morning* of the murders." *Robinson*, 397 So. 3d at 364. In other words, the note is "incriminating, not exculpatory." *Id.* As a matter of law, therefore, the note is not *Brady* material because it is not "favorable" evidence at all, and the State had no constitutional obligation to disclose it to petitioner. *Brady*, 373 U.S. at 87.

The petition does not address, let alone counter, this principal holding by the Louisiana Supreme Court. Accordingly, the Court should ignore this issue on this adequate and independent ground alone.

b. In any event, the argument petitioner does raise—that, if he had received the note, he "could have interviewed Brown, who revealed in his post-conviction declaration that he had observed [petitioner] being dropped off at noon or later,"

Pet.17—fares no better. His theory is that this 20-years-later declaration is a smoking gun that "could have been 'devastating to the State's case' because it 'directly contradicted the State's timeline'"—which supposedly theorized that the murder happened around 11:45-50am. *Id.* That theory does not work for at least three reasons.

First, this is a *Brady* claim: There is no plausible argument that somehow the State violated *Brady* by failing to turn over a declaration that did not appear until 20 years later in post-conviction proceedings. Nor is there any plausible argument that somehow the State violated *Brady* by failing to foresee that Kirby Brown would seemingly contradict what the note referencing petitioner says: that petitioner was dropped off in the *morning*, not *after noon*.

Second, petitioner misrepresents what the 20-years-later declaration actually says. As the Louisiana Supreme Court recounted (with its own emphasis), Brown's declaration says: "Unless I finished my jobs early, I wouldn't have finished work and come back home any earlier than lunchtime, *so I must have seen the man get dropped off at noon or later*." *Robinson*, 397 So. 3d at 364. In other words, Brown "was merely guessing at the time he saw the person being dropped off that day." *Id.* So, the declaration has virtually no probative value as compared against the contemporaneous note. Put in *Brady* terms, the declaration is not "material" in any relevant sense of the word. 373 U.S. at 87.

Third, the post-trial declaration "is not exculpatory." *Robinson*, 397 So. 3d at 364. Everyone agrees that the murders occurred before 12:10pm, when Doris Foster

arrived. It is thus "entirely possible for [petitioner] to have been dropped off 'at noon or later' and still have committed the murders." *Id.* Petitioner tries to claim otherwise by emphasizing the State's supposed theory that the murders were committed by 11:50am. But his minute- and second-splitting rests on an invalid premise: The State never said it was "impossible" (Pet.17) for the murders to have been committed mere seconds or minutes later. And because no such rigid timeline exists, this declaration gets petitioner nowhere.

For all of these reasons, the Kirby Brown note presents no *Brady* issue.

2. The red jacket is a red herring.

The same is true of the red jacket that was hanging on a doorknob in the hallway where petitioner murdered the four Lambert family members. This is the strangest of distractions, demonstrated in significant part by the petition's own confusion about what petitioner is attempting to argue.

a. Three initial points require clarification. *First*, petitioner omits that his own expert had custody of this jacket, and examined it, prior to trial. *Robinson*, 397 So. 3d at 359. So, although much of petitioner's argument reads like the jacket and various bloodstains on the jacket were unknown to him, that is inaccurate. *Second*, there were two categories of bloodstains petitioner and his expert knew about: DNA-identifiable bloodstains (which did not match either petitioner or the victims) and DNA-unidentifiable bloodstains (which, by definition, could not be matched to anyone). *Id.* At trial, no one knew the source of the DNA-identifiable bloodstains. *Third*, as petitioner's expert agreed below, bloodstains cannot be "age[d]," and so it is

impossible to know when the various bloodstains appeared on the jacket in relation to each other. *Robinson*, 397 So. 3d at 360.

b. In light of these clarifications, the confused nature of petitioner's complaint about the jacket becomes apparent. He complains that the State failed to turn over its own serology notes deeming the DNA-unidentifiable bloodstains "high-velocity spatter." Pet.16. That is a *Brady* violation, he contends, because the "spatter" shows the jacket "was worn in close proximity to the shootings that killed the four victims" and thus "ties the red jacket and the [DNA-identifiable bloodstains] found on the jacket to the homicides." *Robinson*, 397 So. 3d at 359. In his view, "this is evidence someone other than [him] and the victims was present at the time of the murders and supports his theory of an alternative perpetrator." *Id.* Four quick points easily dispose of this complaint.

First, petitioner omits that the state trial court concluded that the State did, in fact, turn over the serology notes. Specifically, the trial court explained that the notes "were not only brought to the attention of the trial counsel" but also were actually "used during the trial by all attorneys." Pet.App.D at 11. Indeed, as the trial court reproduced, petitioner's counsel himself expressly cross-examined the State's forensic expert by relying on the serology notes. *Id.* Accordingly, there is no *Brady* issue whatsoever with these notes—and that adequate and independent ground ends this issue.

Second, and in all events, as the state trial court observed, petitioner's own expert looked at the same jacket and the same bloodstains, and could have drawn the

same conclusions. *Id.* at 10 ("The trial record indicates the expert did have in his possession the jacket and could have made his own findings.").

Third, it is difficult to follow petitioner's complaint (Pet.17) that, because "the victims were shot nearby, the [serology] notes make it far more likely that the stains belong to one or more of the victims." That is rank speculation because nobody knows the source of those stains or when the stains appeared. As the Louisiana Supreme Court said, "there is nothing about these stains, or any stain on the jacket, which ties the jacket to the murders or the timeframe of the murders." *Robinson*, 397 So. 3d at 361.

But, even if the DNA-unidentifiable bloodstains did come from the victims, that would be entirely unremarkable since the jacket was hanging in the hallway of the room where petitioner shot them. For that reason, this hypothesis would prove exactly nothing in petitioner's favor.

Recognizing the problem, petitioner seems to glean significance from the possibility that both the victims' blood (hypothetically through the DNA-unidentifiable bloodstains) and a third-party's blood (through the DNA-identifiable bloodstains) appeared on the same jacket. Pet.16. But that, too, makes no sense. Is the theory that the unidentified third-party wore the jacket while shooting the victims? That is bald speculation since "there is nothing to indicate who, if anyone, was wearing the jacket at the time of the murders." *Robinson*, 397 So. 3d at 361. And why would that third-party be bleeding? Or, if (as seems more likely) the jacket was simply hanging on the doorknob during the murders, the appearance of the various

bloodstains says exactly nothing about when they actually appeared on the jacket—that was petitioner's own expert's concession below. *See id.* at 360 ("At the evidentiary hearing, [petitioner's] expert in bloodstain pattern analysis, Stuart James, agreed 'there is no way that you can date when any of that [blood] spatter got' on the red jacket."). Whatever the theory, there is no plausible argument that renders the serology notes "favorable" or "exculpatory" for petitioner—and thus, they are not *Brady* material at all.

Fourth, and finally, petitioner's real aim appears to be to poison the well by pointing to years-later testing that traced one of the jacket's DNA-*identifiable* bloodstains to Mark Moras, who worked on the farm and had a history with Lambert. *See* Pet.4 n.1, 6, 16 n.8. To be very clear about which bloodstain we are talking about: This is *not* the DNA-*unidentifiable* "spatter" that petitioner finds significant in light of the serology notes but could not be matched to anyone because it was "insufficient for identification." *Robinson*, 397 So. 3d at 359. This is, instead, the DNA-*identifiable* blood that was not matched to anyone at the time of trial. As petitioner appears to acknowledge, Pet.16 n.8, there is no *Brady* issue with respect to this match given that it post-dated trial by a couple of decades—and it also has nothing to do with the serology notes.

c. Because there is no *Brady* issue with respect to the red jacket, there also is nothing to petitioner's *Napue* theory. Petitioner complains that one of the State's witnesses, David Peart, "testified that the blood on the jacket likely came from someone working on Lambert's farm who cut himself on barbed wire." Pet.6. A more-

accurate characterization of Peart's testimony is that he (a) "identified the red jacket as one Lambert often wore when they worked together on the farm" and (b) explained that "he and other workers on the farm would occasionally cut themselves on barbed wire." *Robinson*, 397 So. 3d at 361. Petitioner complains that this implies "the blood on the jacket was the result of an accident on the farm, and not from the murders." *Id.* And thus, he concludes that there is a *Napue* violation because the serology notes confirmed that the DNA-unidentifiable bloodstains were high-velocity "spatter," which would not be caused by a barbed-wire cut. *Id.*

Petitioner is wrong. As the Louisiana Supreme Court recognized, "[t]here is no evidence in the record [that] Peart's statements regarding the jacket were false, nor that the State had any knowledge of any falsity in his testimony." *Id.* at 366. To the contrary, by emphasizing that Moras's blood appeared on the jacket, petitioner confirms that such appearance is not inconsistent with the fact that Lambert wore the jacket to work the farm, that farm workers like Moras frequently cut themselves, and thus that it would not be surprising to find Moras's blood on the jacket. Remember Moras was later traced not to the DNA-unidentifiable blood "spatter," but to the DNA-identifiable bloodstains. There is no basis to deem Peart's testimony false, let alone determine that the State acted with such knowledge (and let alone decide that this issue is material in any way).

3. There is no Goodspeed issue.

That leaves only petitioner's complaints about Leroy Goodspeed, which are difficult to follow. Petitioner claims that the State had an undisclosed "deal" or

"understanding" with Goodspeed "that, if he testified against [petitioner], then the State would extend leniency in resolving those charges." Pet.13. The difficulty, however, arises from petitioner's inability or refusal to substantiate that claim—and, in particular, to specify what alleged *Brady* material was supposed to be turned over to him.

a. Consider first petitioner's failure to identify any pre-trial evidence of a "deal" or "understanding." He points to only two pre-trial facts, both unavailing. *First*, there was "a letter from his probation officer urging a judge not to revoke his probation following his arrest in Lafayette Parish[.]" Pet.7, 13; *see Robinson*, 397 So. 3d at 354 n.17 (reproducing the full text of the letter).[3] He does not elaborate. That is for good reason: As the Louisiana Supreme Court explained, the letter itself "does not reference any deal with Goodspeed and does not suggest any benefit to Goodspeed; it merely requests no action be taken at that time." *Robinson*, 397 So. 3d at 354. It "did not request the dismissal of pending charges, leniency[,] or any other benefit to Goodspeed" in exchange for his testimony against petitioner. *Id.* On top of that, the lead State prosecutor "did not know and has never spoken with [the probation officer]." *Id.* at 353. The petition neither discloses any of these problems nor overcomes them. There is thus no basis for determining that this letter was somehow *Brady* material required to be disclosed to petitioner.

[3] The probation officer later explained that, although he did not recall the details of the circumstances surrounding the letter, it was not unusual to recommend against revocation when there was a pending charge. *See Robinson*, 397 So. 3d at 354 n.18.

Second, petitioner vaguely points to "the pardoning of two prior felony convictions" of Goodspeed. Pet.7, 13, 16. Again, he does not elaborate. Again, that is for good reason: As the Louisiana Supreme Court explained, those pardons were recorded by some unknown person in Goodspeed's prisoner records—but, as petitioner's counsel conceded, "he had 'no idea how the pardons were entered into the' [] system." *Robinson*, 397 So. 3d at 353. There is thus "no evidence as to how those pardons were entered into the system"—in fact, "there is no evidence Goodspeed even knew he had received these pardons"—and thus there is no basis to infer that "the entries were *directed* to be entered as a *benefit* to Goodspeed to induce his testimony at trial." *Id.* Here, too, the petition neither discloses any of these problems nor overcomes them. There is therefore no basis to determine that these pardon entries were *Brady* material required to be disclosed to petitioner.

That is the sum total of the alleged *Brady* evidence that existed at the time of trial—and accordingly, this *Brady* attack regarding Goodspeed is dead on arrival.

b. Consider next petitioner's failure to identify even any post-trial evidence supposedly showing a "deal" or "understanding" that existed at the time of trial. Here and below, petitioner principally has pointed to "the dismissals of the first degree robbery and the issuance of bad checks charges [in Lafayette Parish]" as evidence of such a deal or understanding. *Robinson*, 397 So. 3d at 355. The Louisiana Supreme Court rightly acknowledged that, of course, those dismissal are "clear benefits provided to Goodspeed." *Id.* But the mere fact of post-trial dismissals does not demonstrate a deal or understanding that existed at the time of trial and was thus

required to be disclosed to petitioner. *See id.* And that is petitioner's evidentiary problem: "Although Goodspeed ostensibly received some benefits *after* trial, there is no evidence that the State entered into a deal with Goodspeed *before trial* to obtain his testimony against defendant." *Id.* at 357. Indeed, to find otherwise would be to find that Goodspeed himself, the State's lead attorney, and others "all committed perjury" in testifying that there was no deal or understanding. *Id.*

To fill this evidentiary gap, petitioner gestures (Pet.7) at a post-trial letter from the State's lead attorney to a Lafayette Parish assistant district attorney asking him to "find a way to assist [Goodspeed] ... He was a material witness in a murder case." Petitioner omits that this letter was *in response to* Goodspeed's post-trial request that the State's lead attorney "put in a good word for him." *Robinson*, 397 So. 3d at 357 & n.26. As the Louisiana Supreme Court recognized, this interaction "undercut[s] the argument that Goodspeed believed the State had already promised him benefits for his testimony" at the time that he testified. *Id.* at 358.[4]

Last, petitioner asserts without elaboration (Pet.15) that "[t]he record shows that Goodspeed told two different people on three separate occasions that he had a deal." Petitioner appears to be referring primarily to Goodspeed's statements to a post-conviction investigator, Susan Herrero. But, as the Louisiana Supreme Court

[4] At the risk of piling on, it bears noting that, before trial, Goodspeed attempted to bribe petitioner's counsel: If petitioner's counsel would give Goodspeed bail money, "no one involved in [petitioner's] case w[ould] have to worry about Leroy Goodspeed," said Goodspeed. *Robinson*, 397 So. 3d at 357. That, the Louisiana Supreme Court observed, likewise "undercut the argument that Goodspeed believed the State had already promised him benefits for his testimony." *Id.* at 357–58.

recounted, "Goodspeed did not tell Herrero that he had a deal with the State *before* he testified, only that he received a deal *after* he testified." *Robinson*, 397 So. 3d at 351 n.14. Even accepting that claim at face value, it is consistent with the point above that there is no evidence of a deal or understanding at the time of trial. Petitioner also appears to be referring to a claim from one of Goodspeed's cellmates that (a) when Goodspeed returned to his cell, Goodspeed was worried his testimony "messed his deal up" as far as the cellmate "could understand," and (b) it "sounded" like a deal "had already been done." *Id.* at 351–52. But that equivocal testimony does not say there was a deal—and, of course, it is directly countered by the points above showing there was no deal.

In closing, it is important to return this discussion to the proper analytical context: The State has a *Brady* obligation only as to "evidence favorable to an accused ... [that] is material either to guilt or to punishment." 373 U.S. at 87. The Louisiana Supreme Court made a factual determination that no deal or understanding—*i.e.*, no favorable evidence—existed that triggered a *Brady* obligation. That factual determination is plainly correct, not least because petitioner cannot identify what specific evidence *Brady* supposedly required the State to turn over to petitioner.

c. Although the Court need not proceed further, it is important also to place this discussion of Goodspeed within the context in which the jury saw him. Goodspeed told the jury that, "when he needed something, he could be 'deceitful and manipulative.'" *Robinson*, 397 So. 3d at 350. He "admitted he 'lied a few times in [his]

life.'" *Id.* (alteration in original). He "admitted not 'want[ing] to stay in jail for a long time' and he 'hate[d] being in jail with a passion.'" *Id.* (alteration in original). "When asked whether he 'wanted to think of a way that might help get him out of prison,' he candidly stated, 'yes, sir. I guess you're right.'" *Id.* And in fact, the jury heard petitioner's counsel testify that Goodspeed actively attempted to bribe him in exchange for altering Goodspeed's testimony. *Id.* at 357 & n.25.

Perhaps more importantly, the jury heard about the exact sequence of favorable treatment that Goodspeed received leading up to trial: (a) he reported petitioner's confession to the authorities in 1997; (b) he faced a possible 33-year sentence but received a plea deal in 1998 that led to him serving only 11 months; and (c) he testified against petitioner in 2001. *Id.* at 349–50. Goodspeed, his own counsel, and the detective who obtained Goodspeed's statement adamantly testified at trial that there was no deal in exchange for Goodspeed's testimony. *Id.* at 352–53. But, of course, the jury was free to draw its own conclusions.

In light of this context, it is readily apparent that telling the jury about the Lafayette Parish charge dismissals and pardons—and the lack of any corresponding agreement to secure Goodspeed's testimony—would have had exactly zero effect on the jury's verdict. Put otherwise, there is no "reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different." *Kyles v. Whitley*, 514 U.S. 419, 433–34 (1995) (quotation marks omitted). Indeed, it is difficult to imagine a more-damaging fact presented to the jury than a witness's putting their testimony up for sale. *Cf. Wearry v. Cain*, 577 U.S. 385, 393

(2016) (per curiam) (reasoning that a witness's credibility could be "further diminished"). That is why the state trial court emphasized that the value of Goodspeed's testimony "was very low" and "but a minor piece" of the case. *Robinson*, 397 So. 3d at 352, 358.

To be clear, this is not an observation that transforms *Brady* into a "sufficiency of evidence test." *Contra* Pet.15 (citation omitted). It is instead, as the Louisiana Supreme Court explained, an observation that petitioner "failed to demonstrate the requisite 'reasonable probability' the outcome of his trial would have been different had he known about" all the amorphous facts he complains about. *Robinson*, 397 So. 3d at 358. That is so not just because Goodspeed's testimony was not the core of the case against petitioner, but also because of all the non-Goodspeed evidence that the Louisiana Supreme Court found independently sufficient to sustain the verdict (and that petitioner downplays or outright ignores in his petition). *See Robinson*, 874 So. 2d at 78. And insofar as petitioner disputes (Pet.18) whether the Louisiana Supreme Court properly looked "cumulatively" at the evidence, that dispute is meritless. Adding zero plus zero plus zero equals zero. Petitioner has not identified a single *Brady* issue, and thus, a "cumulative" assessment of those failures does not magically require a *Brady*-violation finding.

d. The foregoing resolves petitioner's corresponding *Napue* claim. He claims that the State violated *Napue* because "there was 'an understanding between Goodspeed and the State with regard to his pending charges,' yet 'the State failed to correct Goodspeed's testimony that no such understanding or agreement existed.'"

Pet.19. Because no such deal or understanding existed, there is no *Napue* issue. *See Robinson*, 397 So. 3d at 366 ("[Petitioner] has not proved any trial testimony relating to Goodspeed's reasons for testifying was false—the essential component of a *Napue* claim. For these reasons, we conclude the trial court did not abuse its discretion in denying these claims.").

CONCLUSION

The Court should deny the petition.

Respectfully submitted,

ELIZABETH B. MURRILL
Attorney General
J. BENJAMIN AGUIÑAGA
Solicitor General
Counsel of Record
KELSEY L. SMITH
Deputy Solicitor General
Louisiana Department of Justice
1885 N. Third Street
Baton Rouge LA 70802
(225) 506-3746
AguinagaB@ag.louisiana.gov