No. 25-6549
(CAPITAL CASE)

IN THE SUPREME COURT OF THE UNITED STATES

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DARRELL JAMES ROBINSON,
*Petitioner,*
v.
DARREL VANNOY, Warden,
*Respondent*

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ON PETITION FOR WRIT OF CERTIORARI TO
THE LOUISIANA SUPREME COURT

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# PETITION FOR WRIT OF CERTIORARI

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## INTRODUCTION

The State of Louisiana does not dispute that it is the State most likely to commit a *Brady* violation, nor that its own courts are the least likely to find one. It even appears to acknowledge that this Court's intervention to halt this ongoing *Brady* crisis would warrant certiorari in an appropriate case.

Yet the State insists this is not that case. Echoing the Louisiana Supreme Court's decision below, it maintains that no *Brady* violation occurred here. The State is confident that the jury would have convicted Darrell Robinson beyond a reasonable doubt even had it disclosed: (1) powerful impeachment evidence undermining the credibility of Leroy Goodspeed—the State's sole source of direct evidence; (2) serology notes linking an alternative suspect to the crime scene; and (3) the identity of an eyewitness who observed Robinson being dropped off at the scene after the murders had already occurred. In the State's view, these omissions are immaterial because, even without Goodspeed, it presented circumstantial evidence showing that Robinson was present at the crime scene and later fled—facts he has never disputed.

That the State and the Louisiana Supreme Court sincerely maintain that no *Brady* violation occurred on these facts underscores the extent of Louisiana's *Brady* crisis. If evidence that dismantles the State's central witness, implicates an alternative suspect, and affirmatively supports the defendant's innocence is not enough for them to lose confidence in a verdict resting almost entirely on circumstantial evidence, then nothing will. Under their approach, no matter how

probative the suppressed evidence, it is deemed immaterial so long as some incriminating inference can still be drawn from the remaining record.

*Brady* is among the most fundamental safeguards protecting a defendant's right to a fair trial. *Brady v. Maryland,* 373 U.S. 83 (1963). This Court has recently stressed the importance of "enforc[ing] and reinforc[ing]" such safeguards to "guard[ ] against any backsliding." *Flowers v. Mississippi*, 588 U.S. 284, 301 (2019). This case presents an ideal vehicle to do just that: to restore the force of *Brady* in the jurisdiction that has strayed furthest from it, while ensuring that a death sentence does not stand where the jury never heard the evidence the Constitution required. Certiorari is warranted.

## I. This Court's Intervention Is Urgently Needed to Halt Louisiana's Entrenched Pattern of Brady Violations.

The State asserts that this case "is not important to anyone other than [Robinson]." State's Br. 14. But that assertion is untenable. This case is important not only to him, but to criminal defendants throughout Louisiana.

*Brady* is among this Court's most vital precedents. Its "central promise of ... a trial based on all available and competent evidence, not one based on the government's best evidence," is the very foundation of due process. *United States v. Ford*, 550 F.3d 975, 995 (10th Cir. 2008) (Gorsuch, J., dissenting). Regrettably, that promise is not being honored in Louisiana.

By any measure, "Louisiana stands out as a place that has a notable number of adjudicated *Brady* violations," and "especially high numbers of bad faith

violations." Jennifer Mason McAward, *Understanding Brady Violations*, 78 VAND. L. REV. 875, 913 and 944 (2025). And the problem is almost certainly worse than it appears. "Because *Brady* violations involve the suppression of evidence, it is necessarily the case that some (and likely many) violations will go uncovered." *Id.* at 886. The State remarkably does not dispute any of this in its brief.

The explanation for this crisis is straightforward: there currently is almost nothing deterring Louisiana prosecutors from suppressing evidence. If a prosecutor does suppress evidence, the misconduct is unlikely ever to be detected because the judicial process will by definition be unaware of it. And in the rare instance that the suppression is discovered, the prosecutor will face no personal consequences. He cannot be sued for damages, and the possibility of criminal charges or professional discipline is almost nonexistent. *United States v. Olsen*, 737 F.3d 625, 630 (9th Cir. 2013) (Kozinski, C.J., dissenting from denial of rehearing en banc).[1]

The only thing theoretically deterring Louisiana prosecutors from suppressing evidence is the possibility of the evidence being discovered and a court deeming it material enough to warrant a new trial. But even this is not much of a deterrent since it only results in the prosecution getting "a do-over, making it no worse off than if it had disclosed the evidence in the first place." *Id.* And it functions as a deterrent only if courts are willing to find the suppressed evidence material.

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[1] No Louisiana prosecutor has been criminally charged and only one has ever been professionally disciplined for suppressing evidence. *In re Jordan*, 913 So. 2d 775 (La. 2005).

Louisiana courts are not. Regardless of how probative the suppressed evidence may be, they will almost certainly find it to be immaterial, effectively inviting "prosecutors to avert their gaze from exculpatory evidence, secure in the belief that ... judges will dismiss the *Brady* violation as immaterial." *Id.* at 633.[2]

When Louisiana courts inevitably fail to recognize a clear *Brady* violation, lower federal courts can do little to correct the error. Even if they "think that the undisclosed evidence ... constitutes a *Brady* violation," *Sims v. Hyatte*, 914 F.3d 1078, 1092 (7th Cir. 2019) (Barrett, J., dissenting), they cannot grant relief so long as a single fair-minded jurist could disagree. *Klein v. Martin*, 146 S. Ct. 589, 596 (2026).

Because many *Brady* violations committed in Louisiana are particularly egregious, some defendants have managed to satisfy this demanding standard—but only after serving years of additional imprisonment that would have been avoided had the state courts granted relief in the first instance. McAward, *supra* at 940. Others, however, cannot satisfy the standard despite being able to show that the State violated *Brady*.

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[2] Robinson's petition relied on the "largest-ever" empirical study of *Brady* violations to demonstrate that Louisiana courts are the courts least willing to find a *Brady* violation. McAward, *supra* at 901. The study reviewed every case available on Westlaw or Lexis from 2004 to 2022 that cited *Brady*.

In response, the State points to four decisions it claims demonstrate Louisiana courts' willingness to find *Brady* violations. *See* State's Br. 15. One decision does not even reference—much less find—a *Brady* violation. Two others merely reference a *Brady* violation that was apparently found in a different case unavailable on Westlaw or Lexis, but do not themselves identify any violation. The fourth does find a *Brady* violation, but it was decided in 2025 and thus falls outside the study's dataset.

The State identifying a few cases outside Professor McAward's dataset proves nothing. Because Louisiana courts found far less *Brady* violations within the study's dataset, it follows that they would have found far less outside the dataset as well. The State offers no reason to think otherwise.

That leaves this Court as the only meaningful backstop. For a time, it fulfilled that role, intervening when Louisiana courts failed to recognize clear *Brady* violations. *Wearry v. Cain*, 577 U.S. 385 (2016); *Smith v. Cain*, 565 U.S. 73 (2012); *Kyles v. Whitley*, 514 U.S. 419 (1995). More recently, however, the Court has increasingly declined to do so. *Skinner v. Louisiana*, 146 S. Ct. 1000 (2026) (Sotomayor, J., dissenting from denial of certiorari); *Brown v. Louisiana*, 143 S. Ct. 886 (2023) (Jackson, J., dissenting from denial of certiorari). And each time that it does, "[p]rosecutors in Louisiana and elsewhere get an unmistakable message condoning noncompliance, defendants lose crucial due process rights," and "the contravening of settled Supreme Court law become[s] the settled law of Louisiana." Duncan Hosie, *Stealth Reversals*, 58 U.C. DAVIS L. REV. 1323, 1390 (2025).

Granting certiorari here would be a meaningful step toward reversing this trend. It would signal to the prosecutors and courts in Louisiana that continued noncompliance with *Brady* will not be tolerated. *See Kyles*, 514 U.S. at 455–56 (Stevens, J., concurring) ("Our duty to administer justice occasionally requires busy judges to engage in a detailed review of the particular facts of a case, even though our labors may not provide posterity with a newly minted rule of law. ... Sometimes the performance of an unpleasant duty conveys a message more significant than even the most penetrating legal analysis.").

## II. This Case Presents an Ideal Vehicle to Confront Louisiana's Systemic *Brady* Failures.

Robinson's case is an ideal vehicle for addressing Louisiana's ongoing *Brady* crisis, because it exemplifies that crisis in its starkest form. The State suppressed

three categories of evidence that are material under any faithful application of *Brady*, and its efforts to defend that suppression do not withstand scrutiny.[3]

### A. The State suppressed evidence undermining the credibility of its main witness.

1. The State concedes that it failed to disclose a letter from Goodspeed's probation officer urging a judge not to revoke his probation, as well as two pardons that spared him a mandatory life sentence without parole. State's Br. 27-28. But it then incorrectly claims that the *Robinson III* majority "made a factual determination that no deal or understanding ... existed" for the State to disclose. *Id.* at 30.

Although the *Robinson III* majority found no formal deal existed, it never determined whether an informal understanding did. It never reached that question because it proceeded on the mistaken premise that *Brady* requires disclosure only of formal deals. *Robinson III*, 397 So. 3d at 385 (Weimer, C.J., dissenting).[4]

The record leaves little doubt that an understanding did exist. Goodspeed faced pending charges in Lafayette Parish. Within hours of testifying at Robinson's trial, he returned to his jail cell and told his cellmate that he feared he had "messed his deal up" with the State. *Robinson III*, 397 So. 3d at 351. A short time later, the Rapides Parish prosecutor who tried Robinson contacted the Lafayette Parish

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[3] These three categories are in addition to the substantial body of suppressed evidence that Robinson lacked space to address in his petition. *See State ex rel. Robinson v. Vannoy*, 378 So. 3d 11 (La. 2024) ("*Robinson II*"), *reh'g granted*, 382 So. 3d 27 (La. 2024), and *opinion vacated and superseded on reh'g*, 397 So. 3d 333 (La. 2024) ("*Robinson III*"), *reh'g granted*, 403 So. 3d 530 (La. 2025), and *aff'd on reh'g*, 413 So. 3d 403 (La. 2025) ("*Robinson IV*"), *reh'g denied*, 415 So. 3d 934 (La. 2025).

[4] The Fifth Circuit has had to remind the Louisiana Supreme Court many times that this "Court has never limited a *Brady* violation to cases where the facts demonstrate ... a bona fide, enforceable deal." *LaCaze v. Warden Louisiana Corr. Inst.*, 645 F.3d 728, 735 (5th Cir. 2011).

prosecutor handling Goodspeed's case and asked him to "find a way to assist" Goodspeed because he "was a material witness in a murder case." *Id.* at 358 n.26. The Lafayette Parish prosecutor then dismissed Goodspeed's pending charges expressly because he "was an essential witness in a murder trial." *Id.* at 352. Years later, Goodspeed confirmed to a postconviction investigator that he "had been given a deal ... in exchange for his testimony." *Id.* at 386 (Weimer, C.J., dissenting).

This sequence of events—together with the many other benefits the State conferred on Goodspeed—establishes, at minimum, an informal understanding that his cooperation would be rewarded. *Giglio v. United States*, 405 U.S. 150, 152 (1972) (finding understanding even though one prosecutor swore "no promises of immunity had been made"). *Brady* required the State to disclose that understanding.

2. The State next contends that any suppression was immaterial because Goodspeed's testimony had little value. State's Br. 32. But the State cannot honestly believe this. Goodspeed supplied the State its only direct evidence of Robinson's guilt. Through him, the jury heard what this Court has described as probably the most probative and damaging evidence that can be admitted against a defendant. *See* Pet. 14. The State's own conduct at trial—calling Goodspeed, bolstering his credibility, and emphasizing that he had "absolutely no reason to lie"—shows that it understood just how important his testimony and credibility was to its case.

3. Finally, the State argues that additional impeachment would have made no difference because Goodspeed was already heavily impeached. *See* State's Br. 30-31.

This argument fails for a simple reason: the impeachment evidence presented at trial did not work. As a matter of logic, the jury still believed Goodspeed despite how much he had been impeached. Because his testimony was the State's only direct evidence, "the jury could convict [Robinson] only if it believed [Goodspeed]." *Glossip v. Oklahoma*, 604 U.S. 226, 248 (2025). Thus, "[i]f the evidence impeaching [his] credibility was already overwhelming" as the State claims, "then no reasonable jury could have convicted [Robinson] in the first place." *Id.* at 250. The fact that the jury did convict necessarily means it credited Goodspeed notwithstanding the impeachment. The Louisiana Supreme Court recognized as much on direct appeal, finding that "the jury's decision to accept Goodspeed's trial testimony as credible was reasonable." *State v. Robinson*, 874 So. 2d 66, 78 (La. 2004).

Simply put, the impeachment evidence the State withheld would have made a difference at trial even though Goodspeed had already been impeached. The probation letter and pardons would have shown the jury that Goodspeed was providing his testimony out of gratitude or a sense of obligation to the State. *See* Adam Gershowitz, *The Psychology of a Favor: Why Hidden Witness Payments Demand a New* Brady *Rule*, 94 GEO. WASH. L. REV. 259, 301 (2026) (explaining the concept of reciprocity that "leads people who have received a benefit to act more favorably toward the person who conferred it"). In addition, the informal understanding of leniency would have shown the jury that he was providing his testimony to stay out of prison. Finally, had the State corrected Goodspeed's false testimony that he received no benefits and that no such understanding existed, the

jury would have learned that he was "willing to lie to them under oath." *Glossip*, 604 U.S. at 249.

Faced with all this new information, a juror might have disbelieved Goodspeed's testimony in its entirety. And if the juror went from belief to disbelief in Goodspeed, she might have changed her ultimate assessment of whether the State had proved Robinson's guilt beyond a reasonable doubt.

### B. The State withheld evidence linking an alternative suspect to the crime scene.

1. The State denies that it withheld serology notes linking an alternative suspect to the scene of the crime. It even claims that "the state trial court concluded that the State did, in fact, turn over the serology notes." State's Br. 23. But that is not true. Even the *Robinson III* majority acknowledged that "[t]he trial court agreed with [Robinson]" on this issue. 397 So. 3d at 359. More importantly, however, the State itself stipulated that it withheld the serology notes.

2. The State also claims that Robinson's expert had access to the red jacket and so he "could have drawn the same conclusions" reflected in the serology notes. State's Br. 23-24. This argument misses the point. The State is still obligated to turn over favorable information even if a defendant could obtain that same information. *Banks v. Dretke*, 540 U.S. 668, 696 (2004).

3. Lastly, the State asserts it "is difficult to follow" why the notes are material. State's Br. 24. In fact, their significance is straightforward.

The red jacket had bloodstains that were identified as belonging to someone other than Robinson and the victims.[5] It also had other bloodstains that could not be identified. Defense counsel attempted to convince the jury that the identifiable bloodstains belonged to the true perpetrator. But because of David Peart's testimony, the jury was left thinking that the jacket was unrelated to the murders and that both kinds of bloodstains came from a farmworker who cut himself on barbed wire.

The undisclosed serology notes show the ***un***identifiable bloodstains came from someone who was shot near the jacket and that they tested presumptively positive for blood by the state lab at the time of trial. Given that most jackets are not a part of multiple shootings, that means that the ***un***identifiable bloodstains likely came from the victims. Thus, the notes connect the jacket (and the identifiable bloodstains on it) to the murders.

In addition, the identifiable bloodstains on the jacket and a probable bloodstain found on the wall above where the jacket was found came from the same bloodshed event. *Robinson III*, 397 So. 3d at 360. This means that the identifiable bloodstains necessarily belonged to someone who was bleeding inside Lambert's house.

Accordingly, had the State disclosed the serology notes and corrected Peart's testimony, the jury would have gone from thinking that the jacket was unconnected to the murders and that the identifiable bloodstains came from a farmworker to

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[5] Posttrial testing revealed that this blood belonged to alternative suspect Mark Moras. The State accuses Robinson of attempting to "poison the well" by bringing this information to the Court's attention. State's Br. 25. The withheld serology notes are material regardless of whether this information is considered. But whether information that is discovered posttrial may be considered when assessing materiality is still an open question. *See Whitton v. Dixon*, Case No. 25-580.

knowing that the jacket was connected to the murders and that the identifiable bloodstains came from someone inside Lambert's house (like the perpetrator). This might have been enough for the jury to harbor reasonable doubt.

### C. The State withheld the identity of an eyewitness who saw Robinson being dropped off at the crime scene after the murders.

The State does not dispute that it withheld a note identifying Kirby Brown as an eyewitness. Had it disclosed the note, Brown would have testified that he saw Robinson being dropped off at Lambert's house after the murders had already occurred. Robinson could have also used the note to show the jury that the State did not interview a known eyewitness, thereby calling into question "the thoroughness and even the good faith of the investigation." *Kyles*, 514 U.S. at 445.

The State argues that its failure to disclose the note was immaterial because Brown was "merely guessing" at the time he saw Robinson. State's Br. 21. It relies on the following language in Brown's declaration: "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." *Id.*

Even if Brown was guessing, that would simply be "a reason that the jury *could* have disbelieved" his testimony but it should give this Court "no confidence that it *would* have done so." *Smith*, 565 U.S. at 76. That said, Brown was not guessing. He was describing a consistent routine of not coming back home any earlier than noon and he used that routine to deduce that he saw Robinson being dropped off after noon. This is classic habit evidence, and it is highly probative. *See* Fed. R. Evid. 406.

Finally, the State argues that the timeline it presented to the jury might have been wrong. So, even if Brown really is telling the truth, Robinson still could have committed the murders. *See* State's Br. 22.

This argument concedes the point. If Brown had testified, the State acknowledges that it would have been forced to revise its core theory of the case. The State's need to abandon its own timeline underscores just how much of a difference Brown's testimony could have made at trial had the State not withheld his identity.

## III. The State's Circumstantial Evidence Does Not Render the Suppressed Evidence Immaterial.

The State also argues that the suppressed evidence cannot be material because it does not undermine the circumstantial case the State presented at trial. State's Br. 16–19. But that framing misstates the proper standard. The question is not whether the State retains some evidence of guilt, but whether confidence in the verdict is undermined when the suppressed evidence is considered. Thus, there can still be a *Brady* violation even if "not every item of the State's case would have been directly undercut if the [suppressed] evidence had been disclosed." *Kyles*, 514 U.S. at 451.

Measured against that standard, the circumstantial evidence that the State points to in its brief is insufficient to sustain confidence in this already questionable verdict once the suppressed evidence is considered.

1. The State first points to small transfer stains of victim Nicholas Kelly's blood found on the bottom of Robinson's left shoe and shoelace. *See* State's Br. 16. The fact that the State calls this its "strongest evidence of all" shows just how weak its case

against Robinson truly is. This evidence is entirely consistent with Robinson stepping in Nicholas Kelly's blood, who was the victim closest to the front door, and proves only that he was present at Lambert's house, which he admits. It does not foreclose a reasonable probability of a jury harboring reasonable doubt. *Dunn v. Neal*, 44 F.4th 696, 710 (7th Cir. 2022) (finding reasonable probability standard met where victim's blood was found on the defendant's shoe).

If anything, this evidence is actually more favorable to Robinson than it is to the State. The State claims Robinson shot four people at close range. Had he actually done so, one would expect his clothing to have been covered in spatter stains of the four victims' blood. The fact that only two small transfer stains of a single victim's blood was found on the bottom of his shoe and shoelace therefore tends to show that he did not shoot the victims.

2. The State next points to the few particles of supposed gunshot residue ("GSR") that were found on Robinson's clothing. State's Br. 17-18. But the presence of GSR, particularly particles characteristic of GSR, which the State emphasizes as being found on the right leg of Mr. Robinson's jeans, proves far less than the State suggests. Such particles are commonplace and may appear on a person's clothing even if they never discharged a firearm. Therefore, GSR particles simply being found on clothing carries "limited evidentiary value" in Louisiana where, as here, "testing provide[s] no information as to when or how the GSR got onto the [clothing]." *State v. Alexander*, 362 So. 3d 356, 360 (La. 2023). And most importantly, Robinson's post-conviction expert testified at his evidentiary hearing that Robinson's clothing would

*not* have tested positive for GSR under today's testing protocols. *See Robinson II*, 378 So. 3d at 25, n. 11.

3. The State next points to Robinson's erratic flight. State's Br. 18-19. This Court has "consistently doubted the probative value" of such evidence given that "men who are entirely innocent do sometimes fly from the scene of a crime through fear of being apprehended as the guilty parties." *Wong Sun v. United States*, 371 U.S. 471, 484 n.10 (1963). As for his flight being erratic, that is perfectly understandable given that he had just witnessed the aftermath of "one of the most heinous quadruple murders in Louisiana's history." State's Br. 1. A person confronted with such a horrendous situation may well act unpredictably, regardless of culpability.

4. Finally, the State points to Robinson having cash, cigarettes, and Lambert's truck and pocketknife when he was apprehended. State's Br. 18.[6] But this Court made clear in *Wearry* that a defendant driving a murder victim's vehicle or being in possession of the victim's items is not evidence of the defendant committing the murder. Such evidence "suggests, at most, ... that [Robinson] may have been involved in events related to the murder *after* it occurred." 577 U.S. at 393.

Taken together, the State's circumstantial evidence shows only that Robinson was present at Lambert's residence, the house where he was living, and that he fled from the home—facts he has never disputed. That falls well short of proof beyond a

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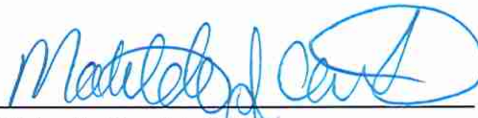
[6] The State heavily implies that the cash and cigarettes belonged to Lambert. There is no evidence of that in the record, and there is, in fact, evidence to the contrary. On the morning of the homicides, Robinson, who worked on Billy's farm, cashed a check for $75 from Billy Lambert at the Town and Country Store and was found with $71 on his person. *Robinson II*, 378 So. 3d 11, 26-27 (La. 2024).

reasonable doubt. And when the evidence the State withheld is considered alongside this limited record, there is at least a reasonable probability that the jury would have reached a different verdict.

## CONCLUSION

The petition should be granted.

Respectfully submitted,



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