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SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

ERNEST MILLS, JR.

Petitioner,

v.

STATE OF LOUISIANA

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

ERNEST MILLS, #551356
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PRO-SE

DUPLICATE

QUESTIONS PRESENTED

1. Whether U.S.C.A. Const. Amend. 14 requires state prosecutors to disclose material exculpatory evidence to criminal defendants before the entry of a guilty plea, particularly when a defendant has filed a motion for discovery and Brady material before entry of the guilty plea?
2. Whether a *Brady* claim following a guilty plea is legally cognizable where the suppressed evidence was the cause without which the defendant would not have entered the guilty plea?
3. Whether the Due Process Clause requires disclosure of material exculpatory evidence to a defendant before entry of a guilty plea a question the Supreme Court left open in *Ruiz* but on which federal circuits have reached divergent outcomes, and which a Louisiana decision applied in a way that forecloses a claim based on a pre-plea discovery violation.

LIST OF PARTIES TO THE PROCEEDING

All the parties to the proceedings in the Louisiana courts appear on the cover page.

LIST OF ALL PROCEEDINGS IN LOWER COURTS

Orleans Parish Criminal Court

Docket No.: 472-876

Caption of Case: State of Louisiana vs. Ernest Mills

Date Judgment Entered: January 15, 2025

Louisiana Court of Appeal, Fourth Circuit:

Docket No.: 2025-K-0106

Caption of Case: State of Louisiana vs. Ernest Mills

Date Judgment Entered: March 25, 2025

Docket No.: 2014-K-0937

Caption of Case: State of Louisiana vs. Ernest Mills

Date Judgment Entered: October 23, 2014

Louisiana Supreme Court

Docket No.: 2025-KP-00512

Caption of Case: State of Louisiana vs. Ernest Mills

Date Judgment Entered: September 16, 2025, Rehearing denied on November 25, 2025

Docket No.: 2015-KH-0423

Caption of Case: State ex rel. Mills v. State of Louisiana

Date Judgment Entered: December 7, 2015

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OPINIONS AND ORDERS ENTERED IN LOWER COURTS

Louisiana Court of Appeal

State v. Mills, 25-106 (La. App. 4 Cir. 3/25/25), 418 So. 3d 71 (Mem), 2025 WL 2698913

State v. Mills, 14-937 (La. App. 4 Cir. 10/23/14)

Supreme Court of Louisiana

State v. Mills, 25-512 (La. 9/16/25), --- So. 3d ---, 2025 WL 2650043

Mills v. State, 15-423 (La. 12/7/15)

STATEMENT OF JURISDICTION

On September 16, 2025, the Louisiana Supreme Court granted Louisiana's writ application and dismissed Mr. Mills *Brady* claim for the reasons assigned by dissenting Fourth Circuit Judge Joy C. Lobrano ("Judge Lobrano").¹ Judge Lobrano primarily reasoned that Mr. Mills claim failed as a matter of law because it did not state a valid claim for relief.² On November 25, 2025, Mr. Mills application for rehearing was denied by the Louisiana Supreme Court.³

Louisiana's ruling dismissing Mr. Mills application for postconviction relief relied heavily on this Court's holding in *United States v. Ruiz*, 536 U.S. 622, 122 S. Ct. 2450, 153 L. Ed. 2d 586 (2002) that the Constitution does not require the government to disclose impeachment information prior to entering a plea agreement with a criminal defendant. Therefore Louisiana's final judgment did not rest on an independent and adequate state ground. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

¹ Pet. App. D, pgs. 14a-15a

² Pet. App. C, pgs. 10a-13a

³ Pet. App. E, p. 16a

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED IN CASE

U.S.C.A. Const. Amend. 14, § 1 reads:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S.C.A. Const. Amend. 5, reads:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger, nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process; nor shall private property be taken for public use, without just compensation.

STATEMENT OF THE CASE

On July 18, 2007, New Orleans Police Department (“NOPD”) Det. Corey Lymous (“Det. Lymous”), was dispatched to a residence and interviewed K.O.⁴, a minor, who stated that Mr. Mills, on multiple occasions in May 2007, had engaged in sexual conduct with her at the home while her parents were not present. Because of this conversation, Det. Lymous believed a sexual assault may have occurred.

On July 20, 2007, Det. Lymous posted notice of warrant for arrest for Mr. Mills. On the same day, the Children’s Advocacy Center conducted a forensic interview with K.O. A

⁴ Louisiana law prohibits the public disclosure of the victim’s identity. see La. R.S. 46:1844(W)(1)(b)

urine test was also administered, which would return positive for Chlamydia. Mr. Mills was arrested on July 26, 2007.

On September 13, 2007, Mr. Mills was indicted by a grand jury in the Criminal District Court for the Parish of Orleans on two counts of aggravated rape and one count of sexual battery.⁵ On September 19, 2007, Mr. Mills was arraigned and entered a plea of not guilty.

On October 26, 2007, Orleans Parish Assistant District Attorney Isaka Williams ("Mrs. Williams") sent the victim's mother a letter informing her that she had tried to reach K.O. by telephone and was unsuccessful. Mrs. Williams requested K.O.'s mother to meet with her to set up an interview with K.O. The letter stated also that "without [K.O.] testimony and cooperation, this case may be dismissed and the defendant will be released from jail." It ended with a statement from Mrs. Williams to the victim's mother that if she failed to contact her, she would assume that she did not want to prosecute.

On November 27, 2007, Louisiana filed its Answer to Mr. Mills request for discovery. The letter forwarded to K.O.'s mother from Mrs. Williams, dated Oct. 26, 2007, was not included in or with Louisiana's Answer to Mr. Mill's discovery request.

On or about that same day, Mrs. Williams sent the victim's mother a second letter, formally notifying her that she failed to appear for scheduled interviews for November 20, 2007, and November 26, 2027, and stressing the necessity of her and K.O.'s testimony to be able to prosecute and prove the case against Mr. Mills. Mrs. Williams stated in that correspondence that "if I do not hear from you before 5:00 p.m. on December 3, 2007, I will assume you do not want to proceed and this case may be dismissed." This correspondence

⁵ Pet. App. I, pgs. 72a-73a

was neither disclosed to Mr. Mills or his attorney in Louisiana's Answer to Mr. Mills discovery request.

On April 8, 2009, Mr. Mills trial was set to begin. On the advice of his hired counsel, Jason Williams ("Atty. Williams"), Mr. Mills entered a guilty plea to an amended indictment charging him with one count of Forcible Rape. As part of the plea agreement, Louisiana also dismissed one count of Aggravated Rape and one count of Sexual Battery from the three-count indictment. Mr. Mills was subsequently sentenced to serve 30 years hard labor in custody of the Louisiana Dept. of Corrections.

In November 2021, Mr. Mills hired attorneys with Longman Jakuback, a professional law corporation, to investigate his post conviction relief options. On August 10, 2022, Mr. Mills postconviction counsel met with Atty. Williams to discuss the post conviction claims. Atty. Williams was shown the two correspondences from Mrs. Williams to the victim's mother. Atty. Williams stated that at no point during his handling of Mr. Mills case had he seen those two letters. Atty. Williams further stated, under oath, that had he known K.O. was not cooperating, he would have advised Mr. Mills against accepting a plea and instead would have advised him to take the case to trial.⁶ Atty Williams stated he believed Mr. Mills would have taken his advice to forego a plea agreement and went to trial.

Based on this newly discovered evidence, Mr. Mills instituted a second post conviction proceeding in the Orleans Parish District Court on February 15, 2023. In his application for postconviction relief, Mr. Mills, through new counsel, claimed that he was entitled to post conviction relief because the state violated *Brady v. Maryland*, 373 US 83,

⁶ Pet. App. J, p. 74a

10 L. Ed. 2d 215, 83 S Ct 1194 (1963) when it failed to disclose the letters sent from Mrs. Williams to the victim's mother to the defense, causing trial counsel, Atty. Williams, to advise him to enter a guilty plea.

On July 25, 2023, Louisiana's procedural objections were filed in the Orleans Parish Criminal District Court. On January 15, 2025, the district court overruled Louisiana's procedural objections and ordered an evidentiary hearing.⁷ Subsequent the district court granted the Louisiana's request for a stay order and set a return date for Louisiana to apply for supervisory writ of review in the Louisiana Court of Appeal for the Fourth Circuit ("Fourth Circuit").

On February 13, 2023, Louisiana, through its Attorney General, filed an application for supervisory review.⁸ On March 25, 2025, the Fourth Circuit denied Louisiana's writ application.⁹

On April 24, 2025, Louisiana filed an application for supervisory writs of certiorari from the judgment of the Fourth Circuit to the Louisiana Supreme Court.¹⁰ On or about May 27, 2025, postconviction counsel for Mr. Mills filed a brief in opposition to Louisiana's writ application.¹¹ On September 16, 2025, the Louisiana Supreme Court granted Louisiana's writ application and dismissed Mr. Mills application for post conviction relief for the reasons assigned by dissenting Fourth Circuit Judge Lobrano.¹²

⁷ Pet. App. A, pgs. 1a-9a

⁸ Pet. App. F, pgs. 17a-34a

⁹ Pet. App. B, p. 9a

¹⁰ Pet. App. G, pgs. 35a-53a

¹¹ Pet. App. H, pgs. 54a-71a

¹² Pet. App. D, p. 15a

On November 25, 2025, Mr. Mills postconviction counsel's application for rehearing was denied.¹³ This petition for writ of certiorari followed.

REASONS FOR GRANTING WRIT

I. Louisiana's decision concluding that Mr. Mill's post conviction *Brady* claim failed as a matter of law conflicts with numerous other federal and state supreme court decisions.

In *State v. Huebler*, 128 Nev. 192, 275 P. 3d 91, 128 Nev. Adv. Op. 19 (2012), the Nevada Supreme Court, reviewing a post conviction proceeding, held that, as a matter of first impression, the defendant did not waive habeas corpus review of claim that guilty plea was involuntary due to the State's failure to disclose allegedly exculpatory material evidence, and evidence is "material" for Brady purposes in the context of plea proceedings, if there was a reasonable probability that, but for the State's failure to disclose the Brady material, the defendant would have refused to plead and would have gone to trial.

Importantly, counsel for the defendant in that case, like trial counsel for Mr. Mills, filed a pretrial motion for discovery before the entry of the guilty plea. In fact, the postconviction court granted defendant in that case an evidentiary hearing on his claim, but the Louisiana Supreme Court reversed the trial court's ruling granting Mr. Mills an evidentiary hearing.

In *State v. Harris*, 272 Wis. 2d 80, 680 N.W. 2d 737 (2004), the Wisconsin Supreme Court held that the State did not have a due process duty to disclose material exculpatory impeachment evidence before the defendant entered a negotiated guilty plea, but the State's failure to disclose such evidence violated state reciprocal discovery statute; and that defendant was entitled to withdraw guilty plea.

¹³ Pet. App. E, p. 16a

In that case, the Wisconsin Supreme Court recognized that Ruiz was not dispositive of the issue because the defendant filed a statutory demand for discovery for exculpatory evidence prior to the entry of the guilty plea. That supreme court also addressed the timing of the defendant's entry of the guilty plea after he made his request for discovery. The defendant entered his guilty plea two weeks before the start of his scheduled trial date. Whereas in this case, Mr. Mills entered his guilty plea during jury selection.

This court has repeatedly held that suppression of favorable evidence violates due process where there is a reasonable probability of a different outcome. *Brady*, 373 U.S. 83; *U.S. v. Bagley*, 473 U.S. 667, 87 L Ed 2d 481, 105 S Ct 3375 (1985); *Kyles v. Whitley*, 514 US 419, 131 L Ed 2d 490, 115 S Ct 1555 (1995) (reaffirming that state prosecutors have an affirmative duty to disclose favorable evidence to the defense, emphasizing that suppression of material exculpatory evidence undermines confidence in outcome)

In *Smith v. Cain*, 565 U.S. 73, 132 S. Ct. 627, 181 L. Ed. 2d 571 (2012), this court held that suppression of witness statements that undermine the prosecution's case violates due process even when framed as impeachment. In this case, the suppressed evidence concerning witness availability went beyond credibility-it affected whether the prosecution could sustain its burden at all.

The Louisiana Supreme Court's dismissal conflicts with this court's materiality standard. *Bagley*, 473 U.S. 667 (clarifying the materiality standard under *Brady*) (evidence is material if there is a reasonable probability that, had it been disclosed, the result of the proceeding would have been different); see also *U.S. v. Agurs*, 427 U.S. 97, 49 L. Ed. 2d 342, 96 S Ct 2392 (1976) (stating suppression of exculpatory violates *Brady* and requires reversal when it could have affected the outcome of the case)

II. Lower Courts are Deeply Divided as to Whether Ruiz bars a Brady Claim based on the suppression of material exculpatory evidence After a Defendant enters a Guilty Plea

Several United States Courts of Appeal treat *Brady* not as a trial-only right, but as a due process protection that informs the voluntariness of a guilty plea. *Ruiz* did not dispose of the question whether a pre-plea *Brady* violation, based on suppression of material exculpatory evidence, can render a guilty plea involuntary. E.g. *McCann v. Mangialardi*, 337 F.3d 782, 787 (7th Cir. 2003) (recognizing that while *Ruiz* forecloses pre-plea disclosure of impeachment evidence, suppression of exculpatory evidence suggesting innocence could violate due process and invalidate a plea); *White v. United States*, 858 F. 2d 416, 422 (8th Cir. 1988); *Nguyen v. United States*, 114 F.3d 699, 705 (8th Cir. 1997) (holding that a guilty plea may be constitutionally infirm where the government suppresses material exculpatory evidence that would have affected the defendant's decision to plead); *Smith v. Baldwin*, 510 F.3d 1127 (9th Cir. 2007) (stating that defendant may assert Brady claim after entry of plea); *United States v. Ohiri*, 133 F. Appx 555, 572 (10th Cir. 2005) (distinguishing *Ruiz*, explaining that suppression of exculpatory evidence going to guilt prior to a plea presents a materially different constitutional question).

However, several other United States Courts of Appeal have rejected challenges to guilty pleas for *Brady* violations. E.g. *Conroy v. United States*, 567 F. 3d 174 (5th Cir. 2009) (rejecting argument that *Ruiz* implied that exculpatory evidence must be disclosed before guilty plea is entered); *United States v. Mathur*, 624 F.3d 498(1st Cir. 2010) (recognizing *Brady* to be only a trial right); *Friedman v. Rehal*, 618 F. 3d 142 (2d Cir. 2010) (treating exculpatory and impeachment evidence under *Brady* the same); *United States v. Moussoaui*, 591 F.3d 263(4th Cir. 2010) (emphasizing *Brady* rights as trial right)

III. This Case Is an Ideal Vehicle for Resolving the Questions Presented

In the instant case, the Louisiana Supreme Court erred when it applied *Ruiz* as a procedural bar to the *Brady* claim. Louisiana has expanded *Ruiz* beyond its holding and collapsed the distinction between impeachment evidence and evidence negating guilt. In fact, the evidence in this case suggests that the withheld evidence complained of would have led to a different outcome had it been disclosed by the prosecution. It must be noted that Mr. Mills never pled in his pleading that the evidence was merely impeachment evidence. In fact, Mr. Mills presented evidence that his guilty plea was entered into on the advice of his trial counsel, who declared, under oath, that he would not have advised Mr. Mills to plead guilty had he seen the evidence withheld by Louisiana.¹⁴ This courts intervention is necessary to resolve this manifest injustice and establish uniform to application of federal constitutional law.

CONCLUSION

This court should grant the petition to determine whether due process permits the government to obtain guilty pleas through the suppression of material exculpatory evidence, an issue that strikes at the heart of the modern criminal justice system.

Respectfully submitted,



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¹⁴ Pet. App. J, p. 74a