25-7091

ORIGINAL

FILED
SEP 29 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

ATHANAËL LOUIS JR.
Petitioner

Vs

Fed in GA case No: 24-12418-J

D.C case No: 1:22-CV-23776-KMM

STATE OF FLORIDA
Respondent

ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS, FOR THE ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

/s/ Athanaël Louis JR
ATHANAËL LOUIS JR pro se
Dc #: G60041
Holmes correctional institution
3142 Thomas Drive
Bonifay Florida, 32425

QUESTION PRESENTED

whether the doctrine of chances which purportedly differs from character evidence because it is based on the objective probability that similar incidents coincidentally repeat themselves, can logically support the inference that all of the incidents were a product of design.

TABLE OF CONTENTS

TABLE OF AUTHORITIES

PAGE

CASES:

RULES:

OTHER AUTHORITIES

PETITION FOR WRIT OF CERTIORARI

Petitioner ATHANAEL LOUIS JR Respectfully Request the issuance of a writ For/OF certiorari to review Judgment of the united states court of Appeals For the eleventh circuit.

DECISION BELOW

The decision of the united states court of Appeals For the Eleventh circuit is us call case #: 24-12418

JURISDICTION

The eleventh circuit entered Judgment on July 7, 2025 see order on reconsideration. This court's Jurisdiction is invoked under 28 U.S.C. § 1651 (a)

FEDERAL RULES INVOLVED

Federal Rule of Evidence 404(b) character Evidence; crimes or other Acts...

(b) crimes, wrongs, or other acts.

(1) Prohibited uses. Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the acted in accordance with the character.

(2) Permitted uses; Notice in a criminal case. The evidence may be admissible for another purpose, such a proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident. On request by a defendant in a criminal case, the prosecutor must:

(A) Provide reasonable Notice of the general Nature of any such evidence that the prosecutor intends to offer at trial; And

(B) Do so before trial - or during trial if the court, for good cause, excuses Lack of pretrial Notice.

STATEMENT OF THE CASE

I. Petitioner was charged by indictment with First-degree murder, and two counts of attempted First-degree murder. After a Jury trial, He was Found guilty as charged. He was sentenced to Life in prison For the First degree murder and concurrent terms of 30 years For each of the Attempted Murders

II. Petitioner appealed the collateral crime evidence used to demonstrate his propensity to commit the crime. The preserved issue was silently per curiam AFFirmed on direct collateral Attack. And since unrecognized by any court in the continued proceedings Filed in all courts.

III. The eleventh circuit court AFFirmed (ALL) the lower tribunal decisions

Prior to trial, petitioner averced the williams Rule (collateral crime evidence, Fed. rule 404) was applied to a ruling permitting its use. The state believed Athanaël. Louis Jr. collective acts were necessary to prove his (Athanael Louis JR) propensity to commit the alleged crimes

The state pointed to similarities amongst the collacteral crime evidence including Facts not suggesting petitioner committed the crimes. The state court ruled the argued (williams Rule) evidence was admissible to rebut petitioners claim(s)/defense.

The state enlisted the doctrine of chances to support it's argument. According to the state government, the doctrine allowed the theory of Logical relevance that did not depend on a negative inference about Mr. Louis character. it's theory rested on an the objective or statistical improbability of extraordinary coincidence. under this theory, according to the state. The objective probability that the williams Rule evidence allowed the Jury to infer all of the evidence of the incidents were Likely the product of design. critically, the inference did not require a preliminary Finding that the inclusive incidents were bad acts perpetrated by Mr. Louis. instead, according to the state, the Jury could infer Mr. Louis guilt solely because the incidents were unusual, closely related. And "occurred under similar circumstances".

At this sense, the state's "doctrine of chances" theory differed from ordinary rule 404(b) evidence, which involves the Jury inferring something based on the defendant's commission of other crimes.

Mr. Louis sought to exclude the evidence in a Limine motion, it, motion was denied, ruling that evidence of the other acts admissible to rebut Mr. Louis defense Alibi. The court ascertained the (state) evidence was logically relevant under the doctrine of chance and that the doctrine did not require impermissible character-based reference. The court discerned the Jury could use the evidence to infer that all of the incidents - charged and uncharged - were intentionally caused by Mr. Louis.

The collateral crime evidence made up a significant portion of the state's case. The Jury heavily debated the case, returning with a guilty verdict

REASON FOR GRANTING THE WRIT

The court should grant certiorari to clarify the proper scope and evidentiary utility of the doctrine of chances.

This court should grant review in this case to provide guidance on how to apply the doctrine of chances, an issue that has confounded, and will continued to confound, the lower courts properly understood, the doctrine of chances allows only the limited inference that one or some, but not all, of the incidents charged and uncharged - were intentional. And critically, the doctrine is incapable of discerning which of the incidents were intentional and which were not. Thus, the doctrine cannot single out the charged incident as non-accidental which makes evidence under the doctrine irrelevant to whether the charged incident was intentional and therefore a crime. The lower courts, however, including the eleventh circuit, construe the doctrine more broadly, allowing the inference that all of the incidents were intentional. As explained below. The doctrine does not support that inference. In fact, making the inference requires a rejection of the probabilities on which the doctrine of chances is based in favor of a different inference, one that is impermissible; that the defendant is acting in conformity with his character.

The eleventh circuit's first mistake was failing to discern that the doctrine of chances differs from the ordinary rule 404(b) evidence in that it's logical underpinnings do not require a preliminary finding that the prior incident involved a bad act on the defendants part. Habeas corpus Pet. Pt. 1 3D22-1536, under the doctrine of chances, the question is what can be inferred from the fact the defendant repeatedly became enmeshed [sic] in similar, unusual circumstances, not what can be inferred from his prior commission of a crime. As the district court put it, the doctrine of chances rests on the notion that "A string of improbable incidents is unlikely to be the result of chance." The question is simply what can be inferred from the fact the defendant has more than once "become enmeshed in suspicious circumstance." An evidentiary paradox: defending the character evidence prohibition by upitalding a non-character theory of logical relevance, the doctrine of chances, 40 Vs. Rich. L. Rev. 419 439, (2006).

This mistake, in turn, led the court to affirm the district court's decision/conclusion that the doctrine of chances allowed for the inference that all of the similar events - charged and uncharged - were the product of design, not accident. other courts have reached similar conclusions. For example, the Fourth circuit has held that, under the doctrine of chances, "where prior acts of apparent coincidence are similar, the repeated occurrence of such acts raises an increasing relevance to support the proposition that there is an absence of accident" Westfield ins. co. Vs. Harris 134 F.3d 608, 615 (4th cir. 1998). under this rationale, the Fourth circuit understands the doctrine of chances to support the inference that the charged incident in particular was not accidental. [id] the seventh circuit also

invokes the doctrine of chances to support the inference that each and every incident in a string of similar incidents "were the products of design rather than the vagaries [sinc] of chance" United States vs York, 933 F. 2d 1343 (7th cir. 1991)

This reasoning is unfounded and rests on a misunderstanding of the probabilities on which the doctrine of chances is "the improbability of multiple coincidences." Kenneth J. Melilli. The character evidence rule revisited, 1998 B.Y.U.L. Rev. 1547, 1564. According to the doctrines propenents, the doctrine does not require a "subjective assessment" of the accused character, instead, it rests solely on the "objective" unlikelihood that similar and unusual accidents would repeatedly befall the same person York 933 F. 2d at 1350

Since it is the doctrines focus on objective probabilities that distinguish it from character evidence, it is essential that the doctrine be limited to what the probabilities actually show. And the probabilities allow a "very limited" inference that "one or some of the incidents were probably" the product of design. Edward J. imwinkelreid, an evidentiary paradox, 40 v Rich. L. Rev. at 437-38 it does not permit the inference that all of the incidents were intentional

The problem is that to conclude that all of the incidents were the product or design requires the inference that the incidents are connected to, or dependent upon, each other. After all, if the incidents are independent, the odds are that anyone of them had a particular cause are the same each time the incidents occurs. For example, with each flip of the coin, there is a 50% chance the coin will land on heads. This is 50 even if the coin flip was preceded by ten other that all landed on heads. Each and every time, the chance the coins lands on heads is exactly the same.

Of course, the odds that the coin will land on heads in all 11 consecutive flips is exceedingly small. Faced with such a situation, it would be natural to surmise that there is more than chance involved. But it is precisely the attraction of that conclusion that makes the doctrine of chances so dangerous. To avoid lapsing into a subjective judgment of the defendants character, it is essential to keep the focus on the objective probabilities. After all, the doctrines objective character is what supposedly distinguishes it from character evidence. see York, 933 F. 2d at 1350. And the probabilities do not support the inference that the district court here concluded the jury could draw: That all of the incidents charged and uncharged, were the product of design.

A good explanation appeals in the literature Andrew J. morris, federal rule of evidence 404(b): The Fictitious [sinc] base on character reasoning from other crime evidence 17 Rev. Litig. 181 (spring 1998). Morris explains that as the incidents accumulate, the chance that at least one of them was intentional grows, but so too does the chance that at least one of them was accidental. Thus, to infer that all of the incidents were intentional actually cuts against the objective probabilities and necessarily requires "the assumption that character is constant". Id at 201.

Morris provides the following example, say the probability that a given incident was accidental at 5%, and the chance it was intentional at 95% as the incidents add up, the chance that all of them were accidental decreases significantly (.05 X .05 X .05 = .000125). But the chances that all of them were intentional also decreases, to about 86% (.95 X .95 X .95 = .8574) Id at 202 in other words as the incidents increase in number, the objective probability that they share common cause actually decreases. with each additional incident, the odds go up that the sum total is a mixed set - some combination of accident and intentional conduct

Thus, to infer that each of the incidents was intentional actually cuts against the objective probabilities that the doctrine of chances supposedly rest on instead, it derives from the intuition that there is a connection between the incidents, and connection is of course the defendant. In other words, since the objective likelihood that each of the incidents was intentional is on the downslope, the conclusion that they were all intential rests on an inference about the defendant himself: "he did it once, He'll do it again". But that inference violates rule 404(b)'s prohibition on propensity reasoning." A Jury which infers from evidence of repeated actsreen that the charged acting revk was no accident unavoidably uses a defendants history to make inferences about character." Id at 200.

other commentators have reached the same conclusion. For example, professor paul Rothstein has found it "inescapable" that the doctrine of chances invites an impermissible character reference Paul F. Rothstein, intellectual coherence in evidence rule revisited, 1998 B.Y.U. L. Rev. at 1567 (concluding that "the flaw in the doctrine of chances is that it collapses the slim barrier seperating the character of discrimination law: The incompatibility of rule 404 and employment discrimination suits 114 Yale L.J. 1063, 1081 (2005) (concluding that prior incidents are relevant under the doctrine of chance" only in so far as they shed lights on some consistency of the defendant's character")

Professor imwinkelried is perhaps the doctrines most ardent defender. But even he admits the doctrine does not permit the conclusion that the district courts here ruled the Jury could draw: "that all the incidents were the product of an actus Reus or mens rea". imwinkelreid, An evidentiary paradox, 40 u. Rich. L. Rev. at 437 (emphasis added) instead, the doctrine only allows for the inference that "one or some of the incidents were not accidents" Id indeed, according to professor imwinklereid, the doctrine posits that some incidents can, and the normal course of events, do occur accidentally" Id.

critically "there is nothing about the internal logic of the doctrine which single out the charged incident as the product of design. Id this point is essential Because the objective likelihood of the accident is the same for each incident, there is no way, using the doctrine of chances, to discern which incidents were/was an accident and which was intentional. Although the likelihood that one or some, but not all, of the incidents were intentional increases as the

incidents continue to occur, the doctrine is of no help discerning which was intentional and which was not. Id

For this reason, under a proper application of the doctrine of chances, other acts evidence is basically irrelevant. Because the doctrine only suggests that one or some, but not all of the incidents were intentional, it leaves the Jury to speculate about which was intentional and which was not. Although the doctrine allows the Jury to infer that at least one incident was intentional, it did nothing as an objective matter to increase the odds that the charged incident in particular was incidental. Thus, under the doctrine, the other acts evidence not make it "more probable than it would be without evidence" that petitioner killed John Doe. Fed. R. Evid 401

Because the lower courts are not properly applying the doctrine of chances, this courts review is warranted.

CONCLUSION

Mr. Louis respectfully requests that this court issue a writ of certiorari

Respectfully submitted

ATHANAEL LOUIS JR.
Litigant, pro se

Is/ Athanael Louis JR

ATHANAEL LOUIS JR pro se
DC# G60041
Holmes correctional institution
3142 Thomas Drive
Bonifay Florida, 32425

December 9, 2025