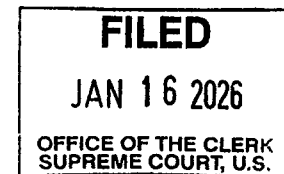


25-7687 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

RUSTY BOUDREAUX
PETITIONER



VS.

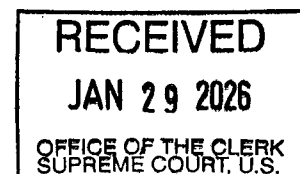
STATE OF LOUISIANA
RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO :

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

PETITION FOR CERTIORARI

RUSTY BOUDREAUX # 508891
CAMP "C", WOLF 3
LOUISIANA STATE PENITENTIARY
17544 TUNICA TRACE
ANGOLA, LA 70712
PRO SE



QUESTION(S) PRESENTED

DID THE DECISION OF THE LOUISIANA COURT OF APPEAL, THIRD CIRCUIT, IN WHICH WAS UPHELD BY THE LOUISIANA SUPREME COURT, CONFLICT WITH THE UNITED STATES CONSTITUTION'S EIGHTH AND FOURTEENTH AMENDMENT PROHIBITIONS AGAINST CRUEL AND UNUSUAL PUNISHMENT, AND VIOLATIONS OF DUE PROCESS AND EQUAL PROTECTION OF LAW ?

LIST OF PARTIES

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

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

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U. S. CONSTITUTION AMENDS. 8 & 14

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from federal courts:

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

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☐ is unpublished.

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

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☐ is unpublished.

☐ For cases from state courts:

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

- ☒ reported at 420 So.3d 707 _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ To the petition and is

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

JURISDICTION

☐ For cases from federal courts:

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

☐ No petition for rehearing was timely filed in my case.

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

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

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

☐ For cases from state courts:

The date on which the highest state court decided my case was 11-12-25.
A copy of that decision appears at Appendix "A"_____.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONSTITUTION AMENDS. 8 & 14

5, and Appendix A & B

STATEMENT OF THE CASE

Appellant was convicted of one count of first degree rape, in violation of La. R.S. 14:42 (A)(5); one count of third degree rape, in violation of La. R.S. 14:43 (A)(4), and one count of sexual battery, in violation of La. R.S. 14:43.1 (A)(1), (A)(2), and (C)(2), was sentenced to life imprisonment for first degree rape, twenty-five years for third degree rape, and forty years for sexual battery. Each sentence was ordered to be served at hard labor without the benefit of parole, probation, or suspension of sentence, and to run consecutively. See Appendix "A", Pp. 1,3

On May 08, 2025, the Louisiana Court of Appeal for the Third Circuit affirmed Appellant's conviction and sentences. See Appendix "B"

The Louisiana Court of Appeal for the Third Circuit forwarded its decision to Edward K. Bauman, the attorney for the Louisiana Appellate Project, who mailed a copy of the decision to appellant at the Louisiana State Prison, where on May 12, 2025, appellant signed a reception slip for the copy of the judgment rendered by the Louisiana Court of Appeal for the Third Circuit.

Appellant applied to the Louisiana Supreme Court for Writ of Certiorari, claiming that the Louisiana Court of Appeals for the Third Circuit erred in its decision that denied the relief he sought in his direct appeal application. See Appendix "A"

On the date of 11-12-25, the Louisiana Supreme Court denied Appellant's Application for Writ of Certiorari.

Finally, Appellant is before this HONORABLE COURT for consideration of his Application for Writ of Certiorari.

REASONS FOR GRANTING THE PETITION

Appellant was convicted of one count of first degree rape, in violation of La. R.S. 14:42 (A)(5); one count of third degree rape, in violation of La. R.S. 14:43 (A)(4), and one count of sexual battery, in violation of La. R.S. 14:43.1 (A)(1), (A)(2), and (C)(2), was sentenced to life imprisonment for first degree rape, twenty-five years for third degree rape, and forty years for sexual battery. Each sentence was ordered to be served at hard labor without the benefit of parole, probation, or suspension of sentence, and to run consecutively.

Appellant had no prior convictions warranting the harshness of his sentence, so the sentence was excessive, and was no more than a needless infliction of pain and suffering that amounted to an Eighth, and Fourteenth Amendment violation. U.S. Const. Amends. 8 & 14

Appellant respectfully contend, that the sentences should have been run concurrently, as opposed to being run consecutively.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 1/13/2020