

26-5563

No. _____

ORIGINAL

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

DOYLE EUGENE GLAZE, JR.

VERSUS

STATE OF LOUISIANA

*On Petition for Writ of Certiorari to the
Supreme Court of Louisiana*

PETITION FOR WRIT OF CERTIORARI

RESPECTFULLY SUBMITTED BY:

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QUESTION(S) PRESENTED

Whether Petitioner who is born in the United States, and subject to the jurisdiction thereof, was denied the privileges or immunities of citizens of the United States; where the state deprive Petitioner of life, liberty, or property, without due process of law; and denied Petitioner who is a person within its jurisdiction the equal protection of the laws. . . ? United States Constitution, Fourteenth Amendment.

Whether in Petitioner's criminal prosecution, as an accused of the State of Louisiana was he afforded an impartial jury ascertained by law, and properly informed of the nature and cause of the accusation; wherein he was confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have the Assistance of Effective Counsel for his defense? United States Constitution, Sixth Amendment.

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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☐ is unpublished.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☐ is unpublished.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 421 So.3d 532; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Court of Appeal, First Circuit court appears at Appendix B to the petition and is

☒ reported at 2025 WL 1189445; or,
☐ has been designated for publication but is not yet reported; or
☒ is unpublished.

JURISDICTION

☐ For cases from the 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. _____.

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

☐ For cases from the state courts:

The date on which the highest state court decided my case was November 25, 2025.
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. _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The United States Constitution, Amendment VI provides in pertinent part:

speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall "In all criminal prosecutions, the accused shall enjoy the right to a have been previously ascertained by the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."

The United States Constitution, Amendment XIV § I provides in pertinent part:

"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."

STATEMENT OF THE CASE

Doyle Glaze was charged by a bill of indictment with one count of first degree rape involving a victim under 13, a violation of La. R.S. 14:42(A)(4) and (D), two counts of aggravated crime against nature involving a victim under 13 years old, a violation of La. R.S. 14:89.1 (A)(2)(a) and C(2), and one count of aggravated crime against nature, a violation of La. R.S. 14:89.1 A(2)(a) and C(1). (Rec. pp. 176-9).¹ On June 7, 2021, he entered a plea of not guilty. (Rec. pp. 1-2). On May 31, 2023, the defense's motion in limine to inform the jury of the mandatory minimum sentences was denied and the trial court held a Daubert hearing. (Rec. pp. 16-7, 180-3). On June 23, 2023, the trial court heard arguments regarding supplemental discovery. (Rec. p. 18). Jury selection began on July 10, 2023. On July 17, 2023, the appellant Glaze was found guilty as charged on all counts by a unanimous jury. (Rec. pp. 19-40, 1692). On October 23, 2023, the motion for new trial and post-verdict motion of acquittal were denied. On The same day, Glaze was sentenced to serve life on count one, ninety-nine (99) years on counts two and three, and twenty (20) years on count four. The sentences were to be served consecutively and without benefits. (Rec. pp. 42-3, 233-35A). On November 6, 2023, the motion for appeal was granted. (Rec. pp. 237-237 A). On January 10, 2024, the motion to reconsider the sentence was denied.² (Rec. pp. 44-5, 238-239, 1719-24). On 11th day of June 2024, Jane L. Beebe of the Louisiana Appellant Project filed the direct appeal into the First Circuit Court of Appeal. (Exhibit 1). On July 29, 2024, Assistant District Attorney, Butch Wilson filed the State of Louisiana Original Brief seeking to affirmed the conviction and sentence. (Exhibit 2). And April 24, 2025, the Honorable Theriot, Hester, and Edwards, JJ., did in fact affirmed the convictions and sentences. (Exhibit 3).

1 The bill of indictment was amended the day jury selection began and a defense continuance was denied (Rec. pp. 176-9).

2 The motion to reconsider the sentence was denied after the appeal was granted and the court divested of jurisdiction.

REASON FOR GRANTING THE PETITION

ASSIGNMENT OF ERROR NO. 1

THE COURT OF APPEAL ERRED OR ABUSED ITS DISCRETION IN DENYING DEFENDANT/APPELLANT'S CLAIM THAT THE JURY INSTRUCTION/RIGHT TO PRESENT A DEFENSE WAS DENIED.

ASSIGNMENT OF ERROR NO. 2

THE COURT OF APPEAL ERRED OR ABUSED ITS DISCRETION IN DENYING DEFENDANT/APPELLANT'S CLAIM OF INSUFFICIENT EVIDENCE.

ASSIGNMENT OF ERROR NO. 3

THE COURT OF APPEAL ERRED OR ABUSED ITS DISCRETION IN DENYING DEFENDANT/APPELLANT'S CLAIM THAT MISTRIAL SHOULD HAVE BEEN GRANTED BASED UPON CUMULATIVE EFFECT OF THE THREE SEPARATE ERRORS.

ASSIGNMENT OF ERROR NO. 4

THE COURT OF APPEAL ERRED OR ABUSED ITS DISCRETION IN DENYING DEFENDANT/APPELLANT'S CLAIM THAT CONSECUTIVE SENTENCE FOR ALL FOUR COUNTS IS EXCESSIVELY DISPROPORTIONATE TO THE CRIME CHARGED.

SUMMARY ARGUMENT

The Fourteenth Amendment Due Process Clause is the source of three different kinds of constitutional protection.

First, it incorporates specific protections defined in the Bill of Rights. Thus, the State, as well as the Federal Government, must comply with the commands in the First³ and Eight⁴

Amendments; so too, the State must respect the guarantees in the Fourth⁵ Fifth⁶ and Sixth⁷

³See, e.g., *Douglas v. Jeannette*, 319 U.S. 157, 63 S.Ct. 877, 87 L.Ed. 1324 (1943).

⁴See, e.g., *Robinson v. California*, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962).

⁵See, e.g., *Mapp v. Ohio*, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961).

⁶See, e.g., *Malloy v. Hogan*, 378 U.S. 1, 84 S.Ct. 1489, 12 L.Ed.2d 653 (1964) (right to protection from compelled self-incrimination applies to States); *Benton v. Maryland*, 395 U.S. 784, 89 S.Ct. 2056, 23 L.Ed.2d 707 (1969) (right to protection from double jeopardy applies to States).

⁷See, e.g., *Duncan v. Louisiana*, 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d 491 (1968) (right to jury trial applies to States).

Amendments.

Second, it contains a substantive component, sometimes referred to as "substantive due process," which bars certain arbitrary government actions "regardless of the fairness of the procedures used to implement them."⁶

Third, it is a guarantee of fair procedure, sometimes referred to as "procedural due process": *the State may not execute, imprison, or fine a defendant without giving him a fair trial,⁹ nor may it take property without providing appropriate procedural safeguards.¹⁰*

ARGUMENT TO ASSIGNMENT OF ERROR NO. 1

Fundamental Error – In appellate practice, error which goes to the merits of the plaintiff's cause of action, and which will be considered on review, whether assigned as error or not, where the justice of the case seems to require it. Error so grave that, if not rectified, would result in denial of fundamental due process. Roberts v. State, Ind., 492 N.E.2d 310, 313.

Error in law apparent on the face of the record, e.g. court lacked jurisdiction. Such error is presented, for example, where error in court's instruction to jury goes to very basis of case so that charge fails to state and apply law under which accused is prosecuted. Kemner v. State, Tex.Cr.App., 589 S.W.2d 403, 409. See Reversible error. See also Plain error rule.

REQUEST FOR SPECIAL INSTRUCTIONS:

La. C.Cr.P. Art. 807. Special written charges, states in pertinent part that:

The state and the defendant shall have the right before argument to submit to the court special written charges for the jury. Such charges may be received by the court in its discretion after argument has begun. The party submitting the charges shall furnish a copy of the charges to

⁸See Moore v. East Cleveland, 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977); Youngberg v. Romeo, 457 U.S. 307, 102 S.Ct. 2452, 73 L.Ed.2d 28 (1982).

⁹See, e.g., Groppi v. Leslie, 404 U.S. 496, 92 S.Ct. 582, 30 L.Ed.2d 632 (1972); In re Oliver, 333 U.S. 257, 68 S.Ct. 499, 92 L.Ed. 682 (1948).

¹⁰See, e.g., Fuentes v. Shevin, 407 U.S. 167, 81 S.Ct. 1983, 32 L.Ed.2d 556 (1972).

the other party when the charges are submitted to the court.

A requested special charge shall be given by the court if it does not require qualification, limitation, or explanation, and if it is wholly correct and pertinent. It need not be given if it is included in the general charge or in another special charge to be given.

District Court abuses its discretion when it makes error of law. *State v. Lee*, 83 So.3d 1191, 2011-0398 (La.App. 4 Cir. 2012). When a trial judge's ruling is based upon a legal mistake, the ruling is no longer entitled to deference by the reviewing court. *Id.* "Abuse of discretion" by trial court is any unreasonable, unconscionable and arbitrary action taken without proper consideration of facts and law pertaining to matter submitted. Generally an abuse of discretion results from a conclusion reached capriciously or in an arbitrary manner. 'Capriciously' has been defined such as 'a conclusion of a commission when the conclusion is announced with no substantial evidence to support it to a conclusion contrary to substantial competent evidence.' The word 'arbitrary' implies 'a disregard of evidence or of the proper weight thereof.' Discretion is abused when exercised arbitrarily and unreasonably and causes prejudice to the accused. Commentators have distinguished the abuse of discretion standard as being a "higher standard of deference" than the manifest error standard, applicable to cases where "the substantive law vests a high degree of discretion in the trial judge."

The Fourteenth Amendment Due Process Clause is the source of three different kinds of constitutional protection.

First, it incorporates specific protections defined in the Bill of Rights. Thus, the State, as well as the Federal Government, must comply with the commands in the First¹¹, *Douglas v. Jeannette*, 319 U.S. 157, 63 S.Ct. 877, 87 L.Ed. 1324 (1943). and Eight¹² Amendments;

¹¹See, e.g., *Douglas v. Jeannette*, 319 U.S. 157, 63 S.Ct. 877, 87 L.Ed. 1324 (1943).

¹²See, e.g., *Robinson v. California*, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962).

Robinson v. California, 370 U.S. 660, 82 S.Ct. 1417, 8 L.Ed.2d 758 (1962); so too, the State must respect the guarantees in the Fourth¹³, Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961); Fifth¹⁴ and Sixth¹⁵ Amendments. Malloy v. Hogan, 378 U.S. 1, 84 S.Ct. 1489, 12 L.Ed.2d 653 (1964) (right to protection from compelled self-incrimination applies to States); Benton v. Maryland, 395 U.S. 784, 89 S.Ct. 2056, 23 L.Ed.2d 707 (1969) (right to protection from double jeopardy applies to States) and See, e.g., Duncan v. Louisiana, 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d 491 (1969) (right to jury trial applies to States).

Second, it contains a substantive component, sometimes referred to as "substantive due process," which bars certain arbitrary government actions "regardless of the fairness of the procedures used to implement them."¹⁶ Moore v. East Cleveland, 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977); Youngberg v. Romeo, 457 U.S. 307, 102 S.Ct. 2452, 73 L.Ed.2d 28 (1982).

Third, it is a guarantee of fair procedure, sometimes referred to as "procedural due process": the State may not execute, imprison, or fine a defendant without giving him a fair trial,¹⁷ Groppi v. Leslie, 404 U.S. 496, 92 S.Ct. 582, 30 L.Ed.2d 632 (1972); In re Oliver, 333 U.S. 257, 68 S.Ct. 499, 92 L.Ed. 682 (1948). nor may it take property without providing appropriate procedural safe-guards.¹⁸ Fuentes v. Shevin, 407 U.S. 167, 81 S.Ct. 1983, 32 L.Ed.2d 556 (1972).

¹³See, e.g., Mapp v. Ohio, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961).

¹⁴See, e.g., Malloy v. Hogan, 378 U.S. 1, 84 S.Ct. 1489, 12 L.Ed.2d 653 (1964) (right to protection from compelled self-incrimination applies to States); Benton v. Maryland, 395 U.S. 784, 89 S.Ct. 2056, 23 L.Ed.2d 707 (1969) (right to protection from double jeopardy applies to States).

¹⁵See, e.g., Duncan v. Louisiana, 391 U.S. 145, 88 S.Ct. 1444, 20 L.Ed.2d 491 (1969) (right to jury trial applies to States).

¹⁶See Moore v. East Cleveland, 431 U.S. 494, 97 S.Ct. 1932, 52 L.Ed.2d 531 (1977); Youngberg v. Romeo, 457 U.S. 307, 102 S.Ct. 2452, 73 L.Ed.2d 28 (1982).

¹⁷See, e.g., Groppi v. Leslie, 404 U.S. 496, 92 S.Ct. 582, 30 L.Ed.2d 632 (1972); In re Oliver, 333 U.S. 257, 68 S.Ct. 499, 92 L.Ed. 682 (1948).

¹⁸See, e.g., Fuentes v. Shevin, 407 U.S. 167, 81 S.Ct. 1983, 32 L.Ed.2d 556 (1972).

Although great deference is afforded the discretion of a trial judge in a criminal case¹⁹ Gathen v. Gathen, 66 So.3d 1, 2010-2312 (La. 2011); State v. Lee, 83 So.3d 1191, 2011-0398 (La.App. 4 Cir. 2012); when a trial judge's ruling is based upon a legal mistake, the ruling is no longer entitled to deference by the reviewing court.²⁰ State v. Lee, citing Koon v. U.S., 518 U.S. 81, 100, 116 S.Ct. 2035, 135 L.Ed.2d 392 (1996).

Because an abuse-of-discretion standard almost always requires an appellate court to defer to the trial court's admittedly discretionary ruling, in order to obtain a reversal of such a discretionary ruling, a complaining party is usually required to show that the trial judge's ruling was based upon a mistaken application of law. See Koon v. U.S., 518 U.S. 81, 100, 116 S.Ct. 2035, 135 L.Ed.2d 392 (1996). When a trial judge's ruling is based upon a legal mistake, the ruling is no longer entitled to deference by the reviewing court. *Id.* ("A district court by definition abuses its discretion when it makes an error of law.").

See State v. Lee, 83 So.3d 1191, 2011-0398 (La.App. 4 Cir. 2012).

After review on a question of law, Supreme Court renders judgment on the record, without deference to the legal conclusions of the tribunals below. Silver Dollar Liquors, Inc. v. Red River Parish Police Jury, 74 So.3d 641, 2010-2776 (La. 9/7/11). ALSO SEE Broussard v. Hilcorp Energy Co., 24 So.3d 813, 2009-0449, 2009-0469 (La. 10/20/09).

ARGUMENT TO ASSIGNMENT OF ERROR NO. 2

.....State v. Powell, 438 So.2d 1306, 1307-08 (La.App. 3 Cir. 1983) – [1][2]. Pursuant to C.Cr.P. Art. 851(1) the defendant moved for a new trial on the ground that the verdict was contrary to the law and evidence. In criminal cases, the jurisdiction of the Courts of Appeal is limited to questions of law only. La. Const. Art. V, sec. 10(B)(1974). Generally, we are precluded from reviewing the record on a motion for new trial in the absence of an abuse of discretion. State v. Caminita, 411 So.2d 13 (La.1982) *cert. denied* 459 U.S. 976, 103 S.Ct. 314, 74 L.Ed.2d 291

¹⁹ Gathen v. Gathen, 66 So.3d 1, 2010-2312 (La. 2011); State v. Lee, 83 So.3d 1191, 2011-0398 (La.App. 4 Cir. 2012).

²⁰ State v. Lee, citing Koon v. U.S., 518 U.S. 81, 100, 116 S.Ct. 2035, 135 L.Ed.2d 392 (1996).

(1982); State v. Turner, 365 So.2d 1352 (La. 1978). However, in State v. Mathews, 375 So.2d 1165 (La. 1979).

The Louisiana Supreme Court determined that the United States Supreme Court case of Jackson v. Virginia, 443 U.S. 307, 99 S.Ct. 2781, 61 L.Ed.2d 560 (1979) required that the standard of review when considering the sufficiency of the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime proven beyond a reasonable doubt. This standard of review is now relied upon by the courts in an appellate review to determine whether the trial court abused its discretion in denying a motion for new trial when defendant contends on appeal that the verdict was contrary to the law and evidence. State v. West, 419 So.2d 868 (La.1982). We note however, that the most appropriate manner to raise the issue of insufficiency of the evidence is by motion for post verdict judgment of acquittal. C.Cr.P. art. 821. This motion and statutory provision mandates application of the Jackson standard by the trial court and vests authority in the appellate courts to render modified verdicts or acquittals on review of the evidence. Review of the evidence by an appellate court is required by the Due Process Clause of the Fourteenth Amendment of the United States Constitution when it is alleged that the evidence was insufficient to support the conviction. State v. Graham, 422 So.2d 123 (La.1982). Armed with these constitutional standards we proceed to review the evidence in a light most favorable to the State to determine whether a rational fact finder could find that the essential elements of the crime have been proven beyond a reasonable doubt.

ARGUMENT TO ASSIGNMENT OF ERROR NO. 3

Scope of closing argument shall be confined to evidence admitted, to lack of evidence, to conclusions of fact that state or defendant may draw therefrom, and to law applicable to case.

State v. Baudier, 2000-1108 (La. App. 4 Cir. 5/23/01) 789 So. 2d 696.

During closing argument, prosecutor's reference to Glaze's presentation of evidence and his right not to testify about the messages between he and M.G. and insinuation that defense counsel was dishonest concerning defendant's criminal history warranted mistrial, where defendant's credibility was crucial to defense and defendant voluntarily opened himself to detailed cross-examination concerning character and specific past acts of misconduct, but state chose not to pursue such line of questioning during trial. State v. Gebert, 00-924 (La. App. 3 Cir. 2/28/01) 780 So. 2d 616.

Glaze's trial counsel did object to the prosecutor's comments, so it is a plain error on the face of the record. To demonstrate plain error, Glaze must show that (1) there was error, i.e., the prosecutor's remarks were improper, (2) the error was plain and obvious, and (3) the error affected his substantial rights. Mr. Glaze assert that not only is the error plain this plain error seriously affected the fairness, integrity, and and public reputation of the judicial proceeding.

Glaze assert when considering the examination in light of the context in which it was conducted, this court cannot agree that the Government was not proper. During closing argument, prosecutor's reference to Glaze's presentation of evidence and his right not to testify about the messages between he and M.G. and insinuation that defense counsel was dishonest concerning defendant's criminal history warranted mistrial, where defendant's credibility was crucial to defense and defendant voluntarily opened himself to detailed cross-examination concerning character and specific past acts of misconduct, but state chose not to pursue such line of questioning during trial. The prosecutor had a responsibility not to go beyond the evidence and to make his comments appropriate in scale. Therefore, the prosecutor's rhetorical statements and or questions about whether Glaze's right not to testify did go beyond the evidence. Similarly,

the comment by the prosecutor in Glaze's trial was an improper emotional appeal that transmitted the message that Glaze's right not to testify should be a credibility determination. This error was also clear and obvious. As a recent panel of this court observed, "the government has been cautioned repeatedly by this court against making such arguments," yet this Appellant continue to face them on appeal. By now, the rules against bolstering should be clear to the Government. The prosecutor in this case, in a rapid series of comments, referred to Mr. Glaze's credibility and his right not to take the stand, then insinuated it would not be alarming that Mr. Glaze's attorney was too dishonest standing before the court.

This court must determine whether the error affected Glaze's substantial rights. This is a high bar, and the determinative question is "whether the prosecutor's remarks cause serious doubt on the correctness of the jury's verdict. To determine whether the outcome was affected, this court must consider three factors: (1) the magnitude of the statement's prejudice, (2) the effect of any cautionary instruction given, and (3) the strength of the inculcate evidence other than the improperly bolstered testimony. Accordingly, this argument is indistinguishable from the improper comments this court have regularly cautioned.

ARGUMENT TO ASSIGNMENT OF ERROR NO. 4

Appellant assert that SENTENCING ISSUES THAT ARE WITHIN STATUTORY LIMITS - ABUSE OF DISCRETION.

The trial court has wide discretion "in the imposition of [a] sentence within the statutory limits. The pertinent standard, therefore, is whether the trial court abused its broad discretionary powers, not whether a different sentence might have been more appropriate. *State v. Cook*, 95-2784 (La. 5/31/96), 674 So.2d 957, cert. denied, 519 U.S. 1043, 117 S.Ct. 615, 136 L.Ed.2d 539 (1996). *State v. Coleman*, 101 So.3d 612, 613, 2012-372 (La.App. 3 Cir. 2012).

CONCLUSION

For all the above and forgoing reasons this Honorable Court should vacate the lower court's judgment and remand with instructions to conduct a new trial in accord with dictates of Due Process. Alternatively, a remand to complete the record is necessary.

Respectfully submitted by:


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