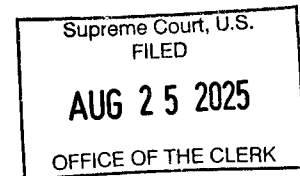


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26 - 5652
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

VINCENT SMITH
Petitioner

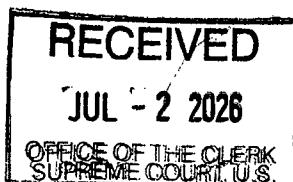
VS.

DARRELL VANNOY, WARDEN
Respondent

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

PETITION FOR WRIT OF CERTIORARI

VINCENT SMITH, #96122
PRO SE PETITIONER
MAIN PRISON WEST-WALNUT-3
LOUISIANA STATE PENITENTIARY
ANGOLA, LOUISIANA 70712



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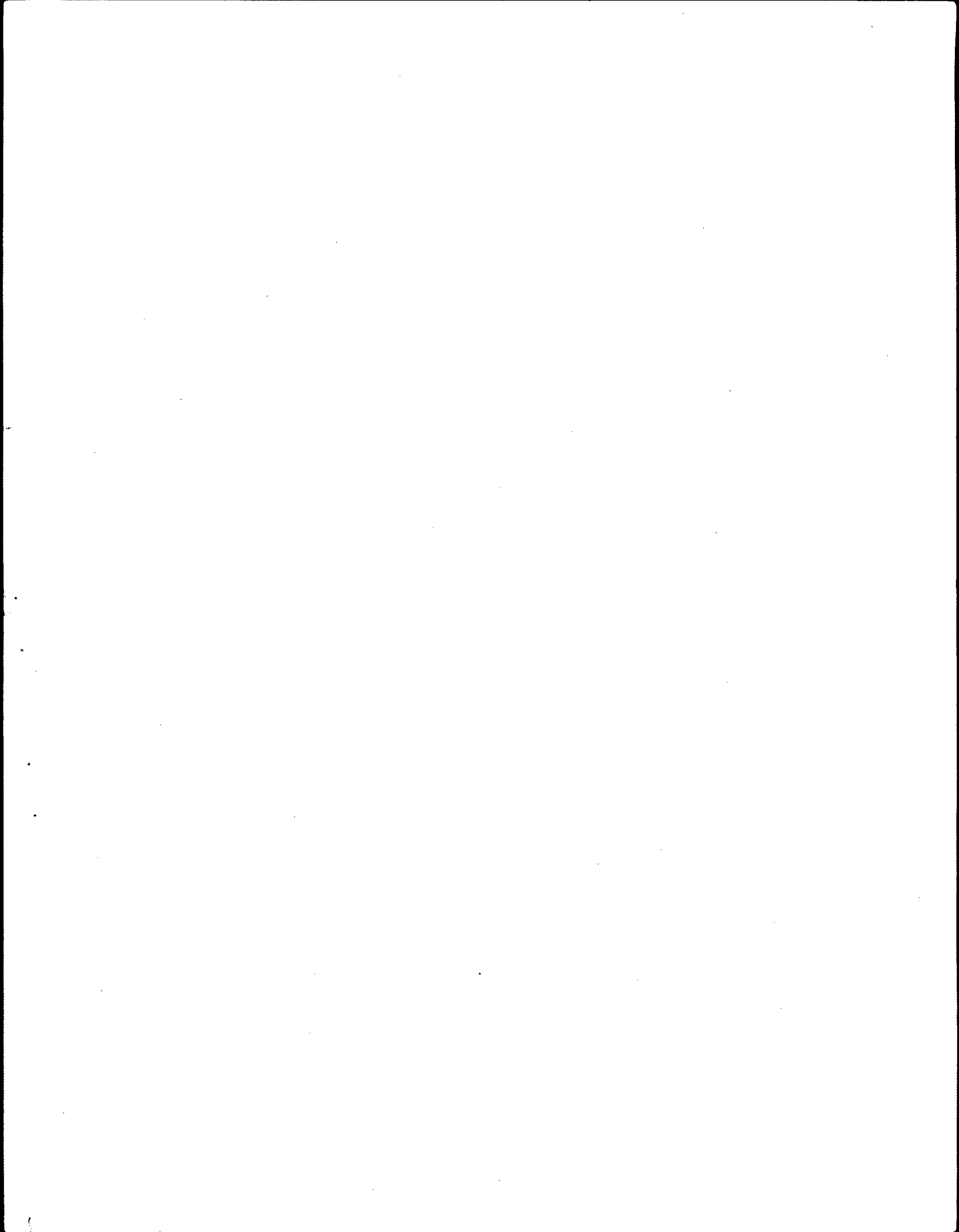
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QUESTIONS PRESENTED

- (1) Whether the lower court's decision conflicts with decisions rendered by other courts?
- (2) Whether significant unresolved issues of law are involved in the case presented for review?
- (3) Whether the controlling precedent upon which the lower court's decision is based should be overruled?
- (4) Whether the lower court' has erroneously interpreted or applied the relevant law?
- (5) Whether the lower court's decision is a far departure from proper judicial proceedings such that it constitutes an abuse of powers?



LIST OF PARTIES

() All parties in the caption of the case on the cover page.

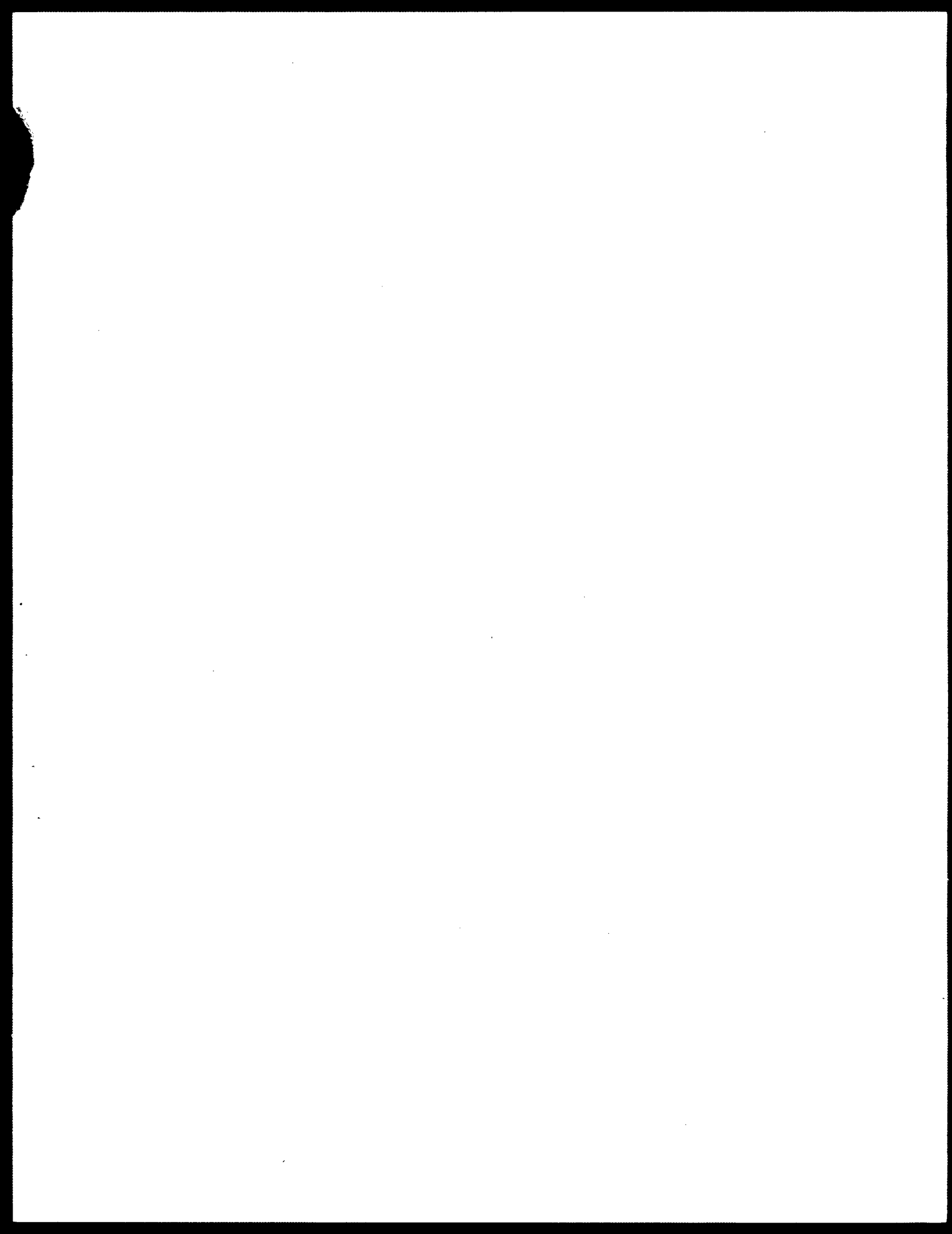
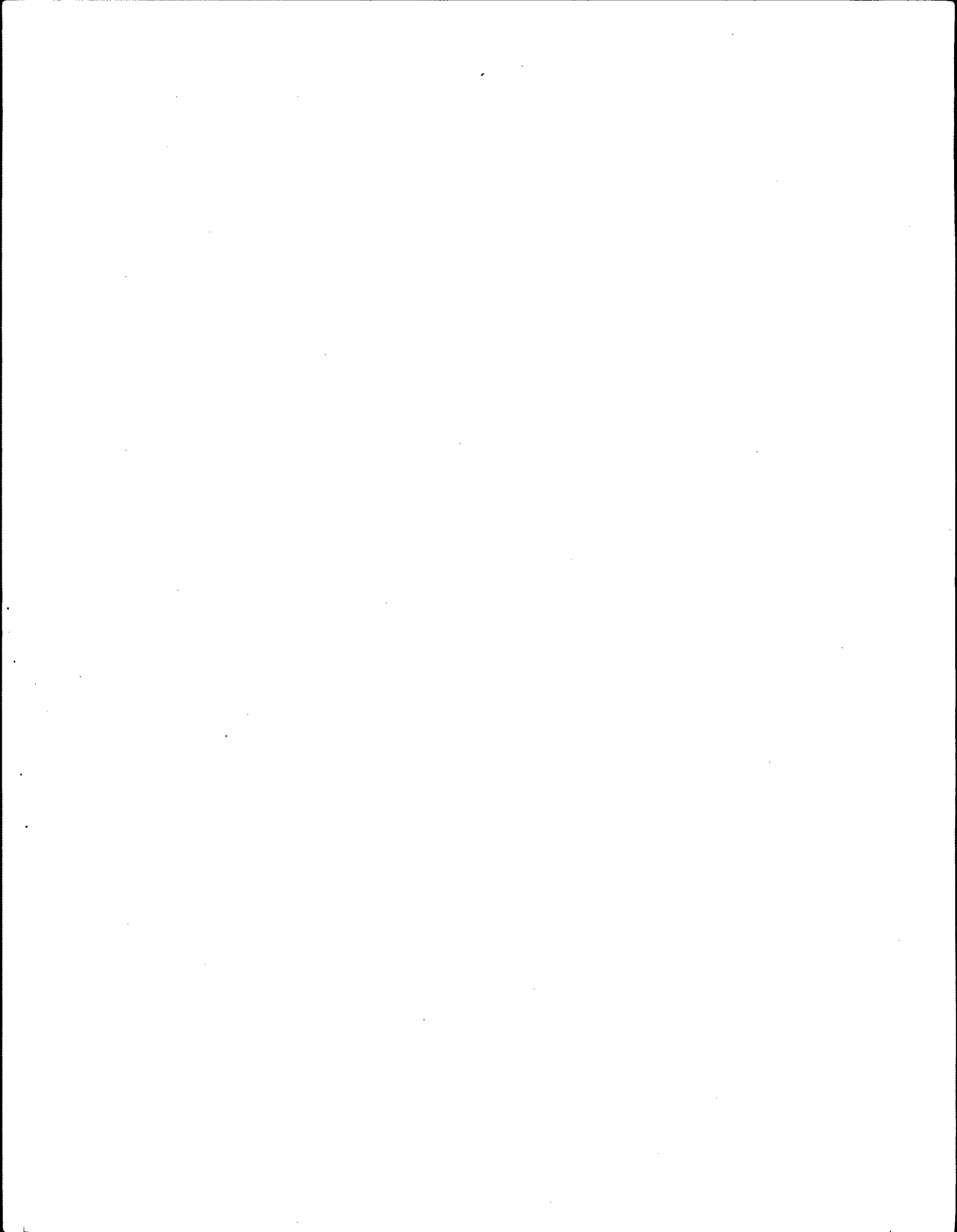


TABLE OF CONTENTS

QUESTIONS PRESENTED.....	
LIST OF PARTIES.....	
TABLE OF CONTENTS.....	iv
INDEX OF APPENDICES.....	v
TABLE OF AUTHORITIES CITED.....	v
OPINIONS BELOW.....	1
JURISDICTION.....	3
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3
STATEMENT OF CASE AND FACTS.....	4
REASONS FOR GRANTING THE PETITION.....	4
ASSIGNED ERRORS.....	5
ISSUES PRESENTED.....	5
SUMMARY OF THE ARGUMENT.....	5
LAW AND ARGUMENT.....	6
1. The 2006 Amendment To The Justifiable Homicide Statute Is A Substantive Change in The Law And Should Be Applied Retroactive To Mr. Smith's Case . . .	6
2. The Trial Court And The Louisiana Fifth Circuit Court Of Appeal Denying Mr. Smith's Writ Application Was An Erroneous Application Of The Law To Facts And Contrary To Clearly Established Law As Announced By The United States Supreme Court.....	9
CONCLUSION.....	12
PROOF OF SERVICE.....	13



INDEX TO APPENDICES

Appendix

Page

- A. Opinion of the Twenty-Fourth Judicial District court, June 24, 2024
- B. Opinion of the Fifth Circuit Court of Appeal, August 6, 2024
- C. Opinion of the Louisiana Supreme Court, May 29, 2025

TABLE OF AUTHORITIES CITED

U.S. Constitutional Provisions

Fourteenth Amendment to the United States Constitution.....3,6

Cases

Montgomery v. Louisiana 577 U.S. 190.....8,9,10
Danforth v. Minnesota.....6
Schriro v. Summerlin, 542 U.S. 348.....7,11
Tyler v. Cain, 533 U.S. 656.....8
United States v. Vargas Soto, 35 F.4th 479.....8
Miller v. Alabama, 567 U.S. 132.....8
Welch v. U.S. 578 U.S. 120.....8
United States v. Coin & Currency, 401 U.S. 715.....9
State v. Smith, 668 So.2d 126.....1,2,10
State ex rel. Smith v. State, 231 So.2d 608.....3
State v. Wells, 209 So.3d 709.....6

Supreme Court Rules

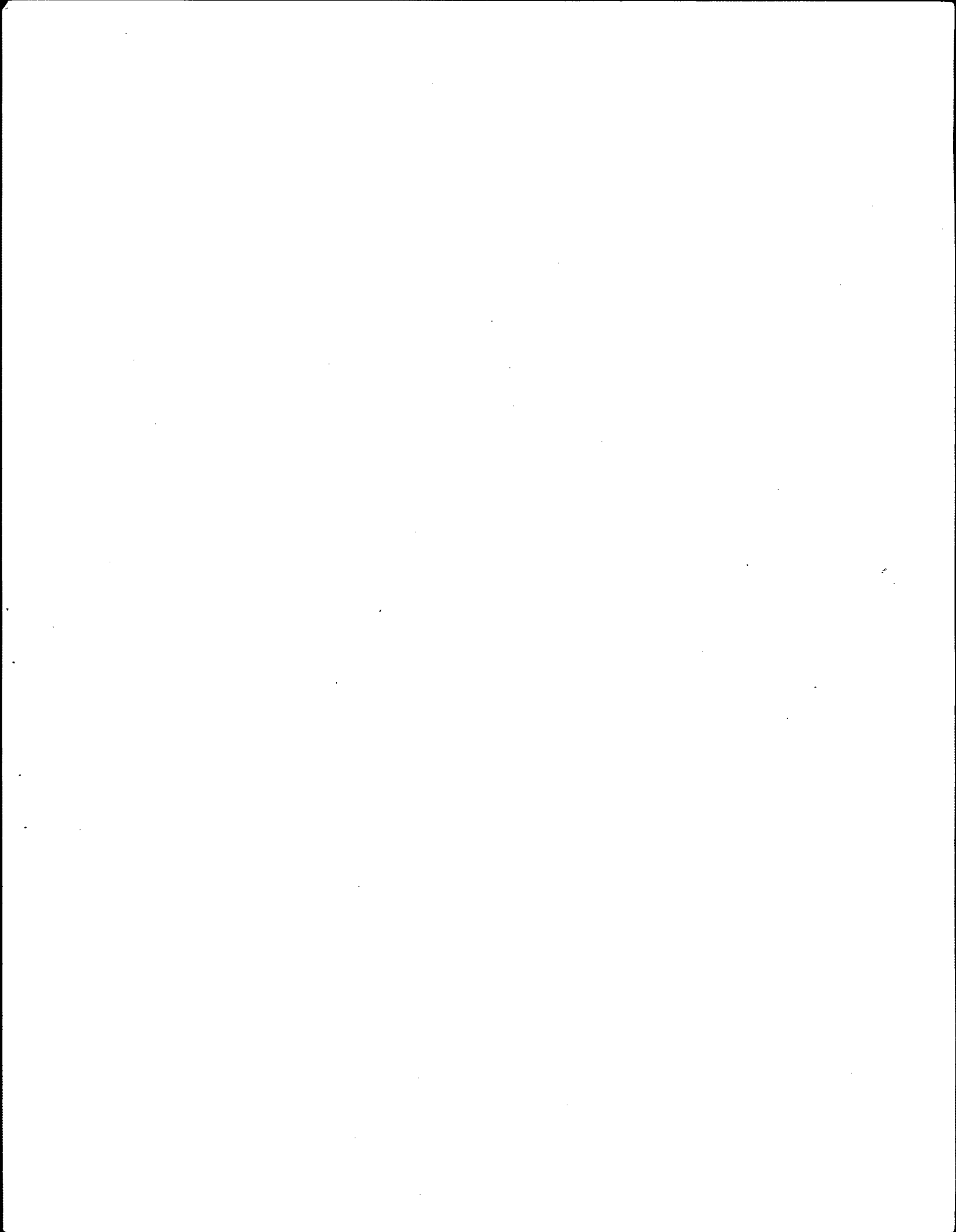
Sup. Crt. Rule 29.5.....13

Federal Statutes

28 U.S.C. § 1257.....3
28 U.S.C. § 1257(a).....1,3

State Procedure

Louisiana Code of Criminal Procedure Article 930.2, 930.3,.....11
Louisiana Code of Criminal Procedure Article 930.4, 930.8, 930.8(A),.....1,2,10,12



Petitioner ("Mr. Smith") respectfully prays that a writ of certiorari issue to review the order of the Supreme Court for the State of Louisiana's affirmation of state Application for Post-Conviction Relief set forth in U.S.C. § 1257(a)

OPINIONS BELOW

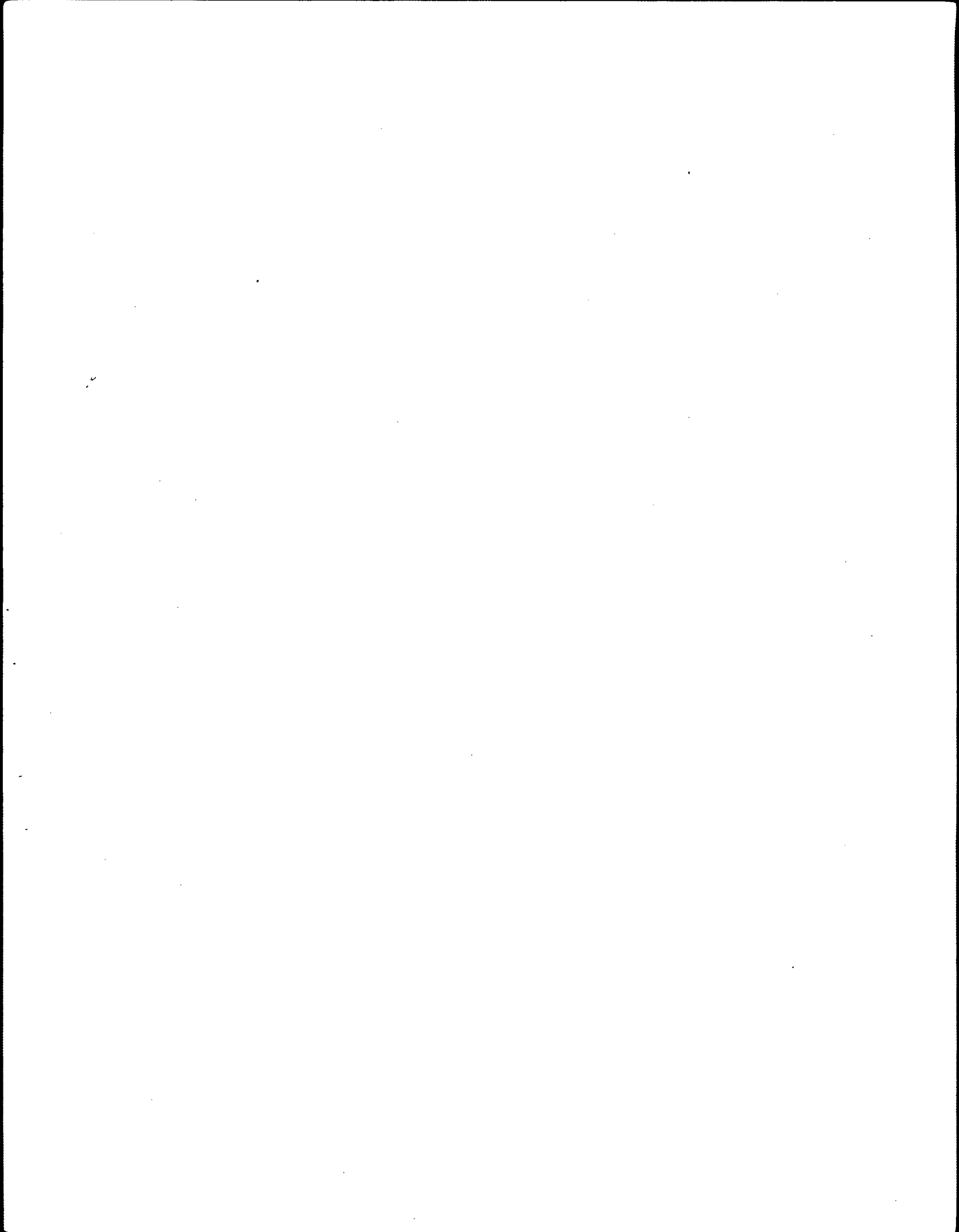
The opinion of the Twenty-Fourth Judicial District Court, Parish of Jefferson, State of Louisiana, appears at Appendix "A" to this petition and is reported as follows:

"This matter comes before the Court on Mr. Smith's APPLICATION FOR POST CONVICTION RELIEF, STAMPED AS FILED JUNE 14, 2024.

On May 25, 1995, Petitioner was convicted after a trial by jury of the second degree murder of his girlfriend. His conviction and life sentence were upheld on direct appeal in *State v. Smith*, 95-734 (La. App. 5 Cir. 1/20/96), 668 So.2d 1260, writ denied, 98-KH-1406 (La. 10/16/98), 726 So.2d 899. In addition, more than twenty applications for post conviction relief have been denied by the district court. Writ denials from the Louisiana Fifth Circuit Court of Appeal and the Supreme Court of Louisiana have followed.

Petitioner now files a document entitled "*Application for Post Conviction Relief*." He does not file the required form or provide certain mandatory information. In his brief, he contends that changes in statute in 2006 warrant relief.

The court will not address the merits of his claim because this application for post conviction relief remains untimely. Under the clear language of LSA-C.Cr.P. art. 930.8, Petitioner had two years (previously three) from the date of his conviction and sentence became final to file an application for post conviction relief, unless he proved an exception to the time limitations of LSA-C.Cr.P. Art. 930.8(A). Petitioner does not claim any valid exceptions, and fails to prove any adequate proof to properly establish any enumerated exceptions for delayed filing



in this case. An additional basis for denial of post conviction relief is the bar to repetitive and successive applications contained in LSA-C.Cr.P. Art. 930.4.

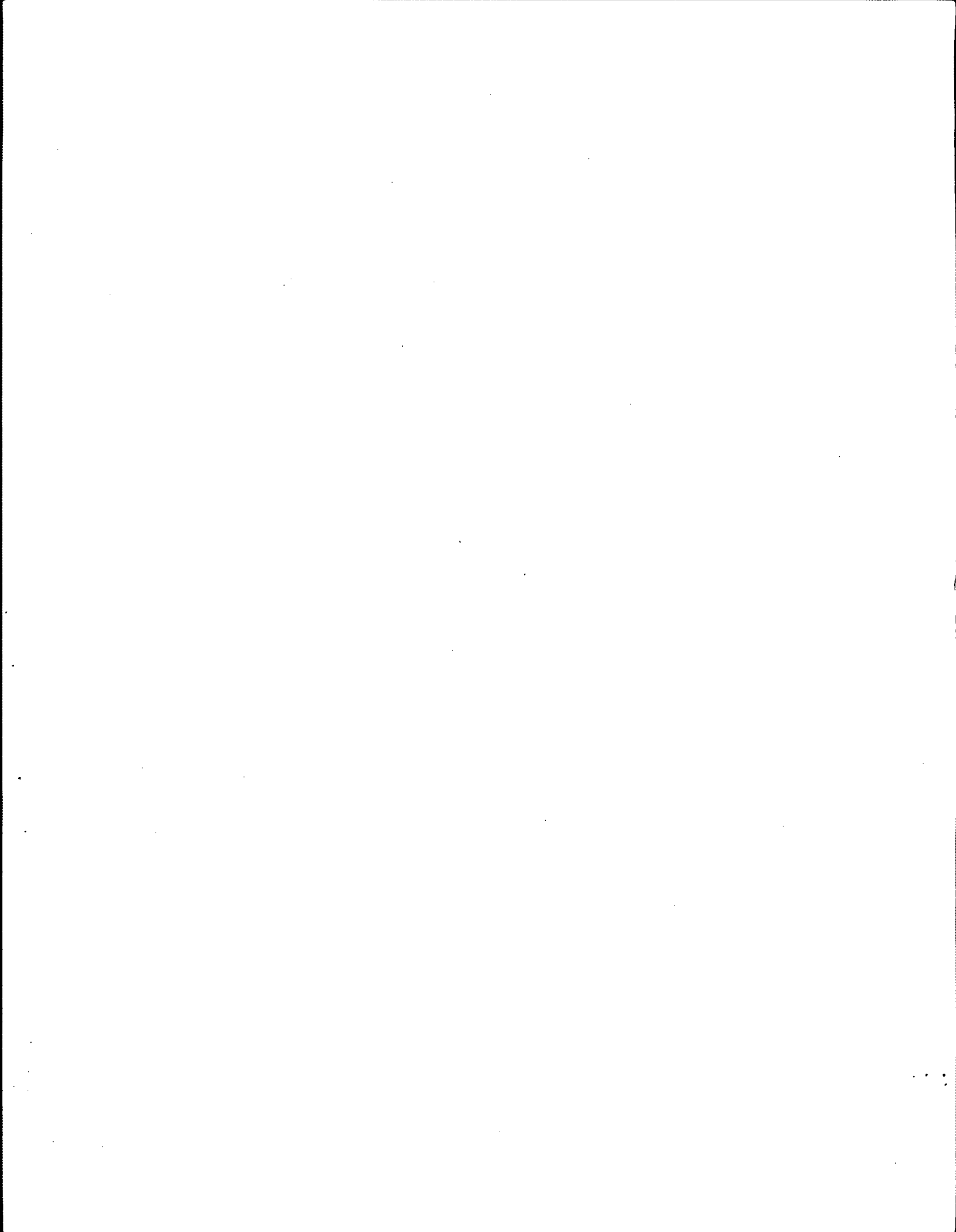
The court finds that this application, the petitioner's twentieth, for post conviction relief is barred from further judicial review as repetitive, untimely, and successive.

Accordingly, IT IS ORDERED BY THE COURT that this application for post conviction relief be and is hereby DENIED."

The opinion of the Fifth Circuit Court of Appeal appears at Appendix "B" to this petition and, to the best of Mr. Smith's knowledge, has been reported as follows:

"Relator, Vincent Smith, seeks supervisory review of the trial court's June 24, 2024, order denying his application for post conviction relief (APCR). He contends that the trial court erred by denying his APCR because he is entitled to relief based on a 2006 amendment to the law governing justifiable homicide. Relator's conviction for second degree murder became final in 1998. *State v. Smith*, 95-734 (La. App. 5 Cir. 1/30/96), 668 So.2d 1260, 1269, writ denied, 98-1406 (La. 10/16/98), 726 So.2d 899. First, we find that relator failed to comply with Uniform Rules-Courts of Appeal Rule 4-5 as he failed to provide a copy of the APCR filed with the trial court, as well as the notice of intent and return date order required by Rules 4-2 and 4-3. In addition, relator filed his APCR well outside of the prescriptive period set forth in La. C.Cr.P. 930.8, and failed to establish the existence of any of the limited exceptions to the prescriptive period provided in that article. Accordingly, we find no error in the trial court's ruling that found relator's APCR to be untimely, repetitive, and successive.

This writ application is denied."



The opinion of the Supreme Court of the State of Louisiana appears at Appendix "C" to this petition and, to the best of petitioner's knowledge, has been reported as follows:

"Writ application denied--Applicant has previously exhausted his right to state collateral review and fails to show any exception permits has successive filing. *See State ex rel. Smith v. State*, 2017-1851 (La. 12/15/17), 231 So.3d 608."

JURISDICTION

The Supreme Court of the State of Louisiana, denied Mr. Smith's Application for Supervisory Writ on May 29, 2025. No petition for rehearing was filed in this case. Accordingly, the jurisdiction of this Court is invoked under Direct Collateral Review pursuant to 28 U.S.C. § 1257(a)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourteenth Amendment to the United States Constitution, Section 1:

... 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.

28 U.S.C. § 1257

(a): Final judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the supreme court by writ of certiorari where the validity of a statute of any state is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, where any title, right, privilege, or immunity is specifically set up or claims

