

TWENTY-NINTH JUDICIAL DISTRICT COURT

FOR THE PARISH OF ST. CHARLES

STATE OF LOUISIANA

NO. 88696

DIVISION: " "

BELINDA PARKER BROWN

DIV. E

JUDGE  
TIMOTHY S. MARCEL

versus

ALVIN ROBINSON, in his capacity as Warden,

Nelson Coleman Correctional Center

FILE FOR RECORD  
CLERK OF COURT  
ST. CHARLES PARISH, LA.  
2020 DEC 17 AM 11:26  
DEPUTY *Carlin Jordan*

FILED:

DEPUTY CLERK

**PETITION FOR WRIT OF HABEAS CORPUS**

**PURSUANT TO LA. C. CR. P. ARTICLE 351**

THE PETITION of Belinda Parker Brown, who submits this petition on behalf of **Rev. Errol Victor, Sr.**, ("Rev. Victor") a person currently incarcerated in Nelson Coleman Correctional Center, located in the Parish of St. Charles, respectfully represents:

1.

Made respondent in this petition is Alvin Robinson, the Warden of Nelson Coleman Correctional Center in Killona, Louisiana, who is an officer of the St. Charles Parish Sheriff's Office and who currently maintains custody over Rev. Victor on whose behalf this petition is filed.

2.

The Petitioner is Co-founder and CEO of Louisiana United International, Inc. (LUI), a nonprofit corporation organized under the laws of the State of Louisiana, functioning as a membership-based civil, constitutional, and human rights advocate.

3.

Rev. Victor is a LUI member and has been so for several years preceding the petition at hand.

4.

On April 15, 2008, the State of Louisiana initially charged Rev. Victor, by grand jury indictment, with first degree murder, in violation of La. R.S. 14:30. Rev. Victor's case was randomly allotted to Division "A" under case number 2008-CR-165 in the Matter of *State v. Errol Victor, Sr.* in the 40<sup>th</sup> Judicial District Court ("40<sup>th</sup> JDC"), Judge Madeline Jasmine presiding. Rev. Victor pled not guilty at arraignment. Bail was set by the Court and the Rev. Victor had been released on bond.

5.

The initial charges stemmed from the death of Rev. Victor's eight year old stepson on April 1, 2008, when he suffered from an asthma attack after being disciplined (spanked) by his mother while at home. Rev. Victor was not present at home at the time. Rev. Victor did return home after his wife reported that his stepson was having breathing problems. Rev. Victor also brought his

stepson to the hospital, where he tragically passed away later that day. As a result of the death of Rev. Victor's stepson, and in part from the purported medical findings (the validity and veracity of which are specifically contested by Rev. Victor herein), the State brought this prosecution against the Rev. Victor herein.

6.

On September 22, 2009, the charges were amended by indictment to second degree murder, while engaged in the perpetration of the crime of cruelty to a juvenile, in violation of La. R.S. 14:30.1(A)(2)(b).

7.

On February 4, 2010, the Division "A" trial judge granted a defense motion to quash the initial indictment due to the potential improper conduct of the St. John the Baptist Sheriff's Office ("SJBSO") with respect to both the grand jurors and grand jury witnesses. *Victor*, 2008 CR 165. Specifically, the basis of the motion to quash was that a deputy of the SJBSO, though a properly impaneled grand juror, wore his deputy shirt while participating in the grand jury process, clearly displaying his affiliation with the SJBSO. In granting the motion to quash, the Division "A" trial judge noted not only the potential impact on fellow grand jurors, but focused specifically, and materially, upon the potential effect on witnesses testifying before the grand jury to "influence, suppress or alter testimony to the prejudice of the defendant [Rev. Victor]." *See Ex. "A"*.

8.

After initially filing for reconsideration and/without appeal of the judgment, on April 6, 2010, the State filed a notice of dismissal without prejudice of all pending charges in Rev. Victor's case. Six days later, on April 12, 2010, a newly empaneled grand jury re-indicted Rev. Victor with second degree murder. Notwithstanding the clear requirements of Louisiana Uniform District

Court Rule 14.1, the case was randomly allotted to Division “B” under case number 2010-CR-172 in the 40<sup>th</sup> JDC. The Rev. Victor explicitly objected to the re-allotment of the case to Division “B”.

**9.**

On August 1, 2014, Rev. Victor was convicted as charged by non-unanimous 10-2 verdict. On September 15, 2014, Rev. Victor was sentenced to life imprisonment at hard labor, without the benefit of parole, probation, or suspension of sentence.

**10.**

Petitioner appealed the August 1, 2014 conviction to the Louisiana Fifth Circuit Court of Appeal, which affirmed petitioner’s conviction on May 26, 2016. Petitioner applied for writ’s with the Louisiana Supreme Court, which considered and denied his application for writ on October 15, 2018. On November 6, 2019, petitioner filed for reconsideration of the denial of writs by the Louisiana Supreme Court, which refused reconsideration on February 11, 2019.

**11.**

On May 9, 2019, Rev. Victor filed a Petition for Writ of Certiorari with the United States Supreme Court challenging the decision of the Louisiana Fifth Circuit Court of Appeal under 18 U.S.C. § 1257.

**12.**

On April 27, 2020, the United States Supreme Court granted certiorari on Rev. Victor’s petition, vacated the May 26, 2016 judgment of the Louisiana Fifth Circuit Court of Appeal, and remanded the case “for further consideration in light of *Ramos v. Louisiana*, 590 U.S. \_\_\_\_\_. See Ex. “B”.

13.

On June 19, 2020, the Louisiana Fifth Circuit, pursuant to the Supreme Court ruling in *Ramos* vacated Rev. Victor's August 1, 2014 sentence and conviction. *Victor vs LA 590 US.S. See Ex. "C"*.

14.

On September 30, 2020, Rev. Victor filed for a writ of *Coram Nobis* in the previous proceedings, before Division "A" of the 40<sup>th</sup> JDC. In that writ, Rev. Victor specifically requested the Court clarify the basis of the termination of the proceedings before Division "A". In response, on October 20, 2020, the 40<sup>th</sup> JDC conclusively provided that the basis of the termination of the proceedings before Division "A" was the due to the February 4, 2010 granting of Rev. Victor's motion to quash (and not due to the prosecution's purported April 6, 2010 *nolle prosequi*). *See Ex. "D"*.

15.

As per the Orders of the United States Supreme Court, defendant is entitled to bail under La. C. Cr. P. Article 312, as his status at this point is definitively pre-conviction.

16.

Conclusively, defendant is entitled to have a bond or be released.

17.

In addition to the aforementioned, the above proceedings taking place in the 40<sup>th</sup> JDC in St. John the Baptist Parish, the respondent in this matter can point to no legal basis for maintaining custody over Rev. Victor at Nelson Coleman Correctional Center in St. Charles Parish.

18.

As this Court is certainly aware, the recent COVID-19 pandemic has created a particularly dangerous situation for all citizens of the State of Louisiana and the United States. This danger is magnified with respect to the prison population of the State of Louisiana. At this time, given the undisputed circumstances of this case, and with utmost respect, defendant's very health, safety, and potentially his life is being jeopardized by his continuous, and arguably needless incarceration. Defendant is therefore entitled to be released from custody at the earliest opportunity.

19.

As this Court is certainly aware, the recent COVID-19 pandemic has created a particularly dangerous situation for all citizens of the State of Louisiana and the United States. This danger is magnified with respect to the prison population of the State of Louisiana.

20.

As of this petition, Rev. Errol Victor is reportedly exhibiting multiple, classic, debilitating symptoms of COVID-19 infection.

21.

At this time, given the undisputed circumstances of this case, and with utmost respect, Rev. Victor's very health, safety, and potentially his life is being jeopardized by his continuous, and arguably needless incarceration. Rev. Errol Victor is therefore entitled to be released from custody at the earliest opportunity.

It is the Petitioner's personal concern, which she understands is shared by many LUI members and allies, that Rev. Errol Victor may succumb to COVID-19 and/or due to other tragic circumstances before he is fairly and fully vindicated for what LUI characterizes as his literal persecution in a global sense, imposed through apparent abuses of legal processes including but not limited to those attendant to his current, wrongful detention.

**WHEREFORE**, petitioner prays that this Honorable Court issue a writ of habeas corpus pursuant to La. C. Cr. P. Articles 351, *et seq.*; that respondent be compelled to show cause as to the basis of his authority for holding **Rev. Errol Victor, Sr.** in custody; and, after due proceedings are had, that **Rev. Errol Victor, Sr.** be order released from said custody in accordance with law. **Rev. Errol Victor, Sr.** reserves his 6<sup>th</sup> Amendment Farretta Right to self-representation and move the Court to proceed PRO-SE, SPECIAL APPEARANCE PROPRIA PERSONA.

**Respectfully Submitted;**



**BELINDA PARKER BROWN**

**In proper person**

PO BOX 2181

Slidell, LA 70459

(985) 503-0626

Civil Action No. 19-13761 B(1)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (name of individual and title, if any) Alvin Robinson, AS WARDEN  
was received by me on (date) \_\_\_\_\_ N.C.C.C.

I personally served the summons on the individual at (place) \_\_\_\_\_  
\_\_\_\_\_ on (date) \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on (name of individual) Alvin Robinson, WARDEN, N.C.C.C., who is  
designated by law to accept service of process on behalf of (name of organization) NELSON COLEMAN  
CORRECTIONAL CENTER 5061 Hwy Killbuck on (date) 12/17/2020 ; or  
LA. 70057

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00

I declare under penalty of perjury that this information is true.

Date: 12/17/2020

Carl A. Brown  
Server's signature

CARL A. BROWN  
Printed name and title

P.O. Box 2181 Shiloh, LA 70459  
Server's address

Additional information regarding attempted service, etc: