



THE JUROR PROJECT

May 14, 2025

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Executive Secretary  
Inter-American Commission on Human Rights  
1889 F Street, NW  
Washington, DC 20006

Dear Ms. Executive Secretary,

Robert F. Kennedy Human Rights, the American Civil Liberties Union (ACLU), the ACLU of Louisiana, and the Juror Project hereby submit this petition to the Inter-American Commission on Human Rights regarding human rights violations committed by the United States against Mr. Anthony Monroe and his mother, Ms. Alice C. Monroe. The human rights outlined in the petition below are guaranteed by the American Declaration of the Rights and Duties of Man.

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Ex. 1, Trial Transcript (Trial Tr.)

## **I. INTRODUCTION**

This petition is brought against the United States of America by Anthony Monroe on behalf of himself and his late mother, Alice C. Monroe, for violating their rights guaranteed under the American Declaration on the Rights and Duties of Man (hereinafter the “American Declaration” or “Declaration”). The facts outlined below establish that the United States violated Anthony Monroe’s rights under Articles I, II, VIII, XI, XIV, XVIII, XXV, and XXVI and Alice C. Monroe’s rights under Article I the American Declaration.

On November 29, 2019, at around 4 A.M., Mr. Monroe was returning home from his job as a card dealer at a casino when he was detained, beaten, and unlawfully arrested by Louisiana State Police. En route to jail, Mr. Monroe suffered a heart attack in the police vehicle. After being booked at the jail, Mr. Monroe was thrown into solitary confinement and left unattended for hours. Upon his release, he was immediately hospitalized for his life-threatening injuries. Mr. Monroe was left permanently disabled from the encounter. While the alleged reason for the stop—speeding—was never pursued, Mr. Monroe was charged and convicted of two misdemeanor crimes stemming from the encounter. Before that early morning unlawful and violent police stop, Mr. Monroe never had trouble with law enforcement and had no criminal record.<sup>1</sup>

Mr. Monroe sought review of the criminal convictions, but the Louisiana state courts failed to review his constitutional arguments and affirmed his convictions. Mr. Monroe filed a civil suit against the officers who brutalized him in federal court under Section 1983 of Title 42 of the United States Code. However, the courts dismissed his claims ruling that they were time-barred due to Louisiana’s extraordinarily short statute of limitations. Thus, Mr. Monroe’s convictions remain, permanently ousting him from the profession he has enjoyed for over twenty years, and leaving him with no access to an effective and reparative civil remedy.

Ms. Alice Monroe overheard the police beating her son, Mr. Monroe, through the phone during the encounter. After Mr. Monroe was released from jail and immediately hospitalized, his mother remained by his side throughout the entire hospital stay. The profound stress of the incident caused her to suffer a stroke, and she passed away shortly thereafter on April 20, 2020.

Louisiana authorities refuse to take any accountability measures for their actions. Mr. Monroe barely escaped with his life and has suffered immense grief, trauma, and despair since the incident—not only due to the physical and emotional injuries from the beating but also because he has been left with no legal recourse for his pain and suffering.

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<sup>1</sup> American Civil Liberties Union of Louisiana (ACLU of LA), *The Fight to End Police Brutality - ACLU of Louisiana’s Justice Lab – We Show Up*, YouTube (July 31, 2023), <https://www.youtube.com/watch?v=Z3sikGOH6dw&t=3s>.

Mr. Monroe’s brutal assault by state actors and the subsequent lack of accountability is emblematic of an alarming pattern across the United States of unchecked police violence carried out against civilians, especially Black people. In particular, his case highlights how police weaponize both the criminal and civil legal systems in the United States to evade accountability for their abuse and misconduct. United States authorities have violated the human rights of Anthony Monroe and Alice C. Monroe, and they deserve justice.

## **I. IDENTIFICATION OF VICTIMS**

Anthony Monroe (hereinafter “Mr. Monroe”), was born in Shreveport, Louisiana and is a 61-year-old citizen of the United States of America. He has lived in Shreveport for almost forty years.<sup>2</sup>

Alice C. Monroe (hereinafter “Ms. Alice”) was the mother of Mr. Monroe. She was born in Louisiana and resided there until her passing at age 80.

## **II. FACTS**

### **A. Contextual Background: The Criminal Legal System Creates Procedural Barriers for Police Brutality Victims**

In 2024, U.S. law enforcement killed 1,366 people, making it the deadliest year on record for killings by police—Black people are three times more likely to be killed by police than their white counterparts.<sup>3</sup> Black people in the United States are also subject to excessive force, unlawful arrests, and other forms of unconstitutional policing at the hands of law enforcement.

In its second term, the Trump Administration has already begun to roll back the few measures to hold police accountable by deleting a database tracking federal police misconduct, and freezing active consent decrees and negotiations aimed at police reform.<sup>4</sup> On April 28, 2025, Trump “signed an executive order ramping up his efforts to embolden law enforcement across

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<sup>2</sup> Ex. 1, Trial Tr. 52:17-18.

<sup>3</sup> N’dea Yancey-Bragg, *US Sets Another Grim Record for Killings by Police in 2024*, USA Today (Feb. 26, 2025), <https://www.usatoday.com/story/news/nation/2025/02/26/police-killings-2024-data/80281722007/> [hereinafter Yancey-Bragg].

<sup>4</sup> Tom Jackman and Elizabeth Dwoskin, *Justice Department deletes database tracking federal police misconduct*, Wash. Post (Feb. 21, 2025), [https://www.washingtonpost.com/dc-md-va/2025/02/20/trump-justice-nlead-database-deleted/?nid=top\\_pb\\_signin&arcId=JU7G73WW4BGWHPYRNHS3NECXVM&account\\_location=ONSITE\\_HEADER\\_ARTICLE](https://www.washingtonpost.com/dc-md-va/2025/02/20/trump-justice-nlead-database-deleted/?nid=top_pb_signin&arcId=JU7G73WW4BGWHPYRNHS3NECXVM&account_location=ONSITE_HEADER_ARTICLE); Marco Poggio, *Trump DOJ’s Shift Threatens To Upend Police Reform*, LAW360 (Mar. 7, 2025), [https://www.law360.com/access-to-justice/articles/2306891?nl\\_pk=865f7588-2df6-440a-9d9c-ed68c1e8cde4&utm\\_source=newsletter&utm\\_medium=email&utm\\_campaign=access-to-justice&utm\\_content=2025-03-08&read\\_main=1&nlsidx=0&nlaidx=0](https://www.law360.com/access-to-justice/articles/2306891?nl_pk=865f7588-2df6-440a-9d9c-ed68c1e8cde4&utm_source=newsletter&utm_medium=email&utm_campaign=access-to-justice&utm_content=2025-03-08&read_main=1&nlsidx=0&nlaidx=0) [hereinafter Poggio].

the country and shield them from accountability.”<sup>5</sup> The executive order calls for private, *pro bono* representation for police accused of misconduct, tougher penalties for those accused of committing crimes against officers, and funneling more military-grade equipment to local police departments.<sup>6</sup> The Inter-American Commission on Human Rights (hereinafter “the Commission” or “IACHR”) has repeatedly warned against the militarization of police departments in the United States, stating that “the use of military-grade tools and tactics by local police forces escalates the risk of excessive force and undermines respect for human rights.”<sup>7</sup>

One former attorney at the U.S. Department of Justice (hereinafter “DOJ”) underscored that less federal oversight of police departments emboldens bad actors “like sheriffs in small towns that think they can evade media attention, or officers that know their sergeants will be less worried and more lax about strict compliance.”<sup>8</sup> In states such as Louisiana, almost 80% of recorded misconduct allegations result in no recorded discipline against an officer.<sup>9</sup>

In the wake of the national shift away from police reform, civil rights litigation now serves as the primary tool to hold local police departments accountable for misconduct.<sup>10</sup> Victims may elect to pursue civil litigation under Section 1983 of Title 42 of the United States Code. Section 1983 originates from the 1871 Ku Klux Klan Act, which gave people the right to sue state actors in federal court for civil rights violations.<sup>11</sup>

Following the 2020 racial justice protests sparked by the deaths of George Floyd and Breonna Taylor, the Commission issued a strong condemnation of civilian deaths at the hands of U.S. police and to the government for shielding police from accountability, including through the

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<sup>5</sup> Charisma Madarang, *Trump Issues Executive Order Ramping Up American Police State*, Rolling Stone (Apr. 29, 2025), <https://www.rollingstone.com/politics/politics-news/trump-executive-order-law-enforcement-1235327251/>; Exec. Order No. 14288, 90 FR 18765 (Apr. 28, 2025)

<https://www.whitehouse.gov/presidential-actions/2025/04/strengthening-and-unleashing-americas-law-enforcement-to-pursue-criminals-and-protect-innocent-citizens/>.

<sup>6</sup> Daphne Duret, *Trump’s New Order on Policing Seems Sweeping. But What Will it Really Change?*, The Marshall Project (Apr. 29, 2025), <https://www.themarshallproject.org/2025/04/29/trump-police-executive-order#tougher-penalties-for-crimes-against-officers>.

<sup>7</sup> IACHR, *Police Violence Against Afro-Descendants in the United States*, OEA/Ser.L/V/II., Doc. 156 (2018), para. 237, <https://www.oas.org/en/iachr/reports/pdfs/PoliceUseOfForceAfrosUSA.pdf> [hereinafter *Police Violence Against Afro-Descendants*].

<sup>8</sup> See Poggio, *supra* note 4.

<sup>9</sup> ACLU of LA, *Visualizing Police Violence in Louisiana: Dashboard*, <https://aclujusticelab.org/dashboard/> (last updated May 7, 2025) [hereinafter *Dashboard*].

<sup>10</sup> See Poggio, *supra* note 4.

<sup>11</sup> See Nicholas Mosvick, *Looking back at the Ku Klux Klan Act*, National Const. Center (April 20, 2021), <https://constitutioncenter.org/blog/looking-back-at-the-ku-klux-klan-act>; see also 42 U.S.C. § 1983. The statute reads in part that “Every person who, under color of any statute... subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law...”.

doctrine of qualified immunity.<sup>12</sup> Since then, the judicially-created doctrine of qualified immunity has come under widespread scrutiny.<sup>13</sup> While there are now nationwide efforts to repeal the doctrine, the criminal legal system also creates bars to civil litigation through the following: 1) inequitable trials; 2) statute of limitations; 3) and the *Heck* doctrine.<sup>14</sup> These issues are lesser-known to the public and legal practitioners alike but present insurmountable barriers to police violence victims vindicating their rights in civil court, such as Mr. Monroe.

### 1. Inequitable Trials

A staggering 13.2 million misdemeanor cases are filed in state trial courts every year.<sup>15</sup> Across the United States, misdemeanor cases account for nearly 80% of state criminal dockets.<sup>16</sup> In 2023, Louisiana reported a total number of 150,880 misdemeanors.<sup>17</sup> Although misdemeanors are often viewed as trivial compared to felonies, the consequences of a misdemeanor conviction can prove to be just as harmful and burdensome.<sup>18</sup> Long-term collateral consequences of misdemeanor convictions include “the loss of driving privileges, removal from public housing, reduced educational and employment opportunities, revoked professional licenses, and potential deportations.”<sup>19</sup> Mr. Monroe was one of the thousands of Louisiana residents to have his life upended by a misdemeanor conviction, all without the benefit of his due process rights.

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<sup>12</sup> IACHR, Press Release No. 129/20, The IACHR Expresses Strong Condemnation for George Floyd's Murder, Repudiates Structural Racism, Systemic Violence Against Afro-Americans, Impunity and the Disproportionate Use of Police Force, and Urges Measures to Guarantee Equality and Non-Discrimination in the United States (June 8, 2020), [https://www.oas.org/en/iachr/media\\_center/PReleases/2020/129.asp](https://www.oas.org/en/iachr/media_center/PReleases/2020/129.asp).

<sup>13</sup> Alicia Maule and Keli Young, *What You Need to Know About Qualified Immunity and How It Shields Those Responsible for Wrongful Convictions*, Innocence Project (Apr. 22, 2024), <https://innocenceproject.org/news/what-you-need-to-know-about-qualified-immunity-and-how-it-shields-those-responsible-for-wrongful-convictions/>.

<sup>14</sup> John Guzman, *Five time police used qualified immunity to get away with misconduct and violence*, NAACP LDF (Nov. 21, 2021), <https://www.naacpldf.org/qi-police-misconduct/>; James Craven, Jay Schweikert & Clark Neily, *How Qualified Immunity Hurts Law Enforcement*, Cato Inst. (Feb. 15, 2022), <https://www.cato.org/study/how-qualified-immunity-hurts-law-enforcement>.

<sup>15</sup> Nancy J. King & Michael Heise, *Misdemeanor Appeals*, 99 B.U.L. Rev. 1933, 1935 (2019); see also Megan Stevenson & Sandra Mayson, *The Scale of Misdemeanor Justice*, 98 B.U. L. Rev. 731, 737 (2018).

<sup>16</sup> Alexandra Natapoff, *Punishment Without Crime: How Our Massive Misdemeanor System Traps the Innocent and Makes America More Unequal* 2 (2018).

<sup>17</sup> S. Gibson, et al., *CSP Stat Criminal*, Court Statistics Project, <https://www.courtstatistics.org/court-statistics/interactive-caseload-data-displays/csp-stat-nav-cards-first-row/csp-stat-criminal> (last updated Oct. 2024).

<sup>18</sup> Alexandra Natapoff, *Misdemeanors*, 85 S. Cal. L. Rev. 1313, 1315 (2012) (“While these individuals are largely ignored by the criminal literature and policymakers, they are nevertheless punished, stigmatized, and burdened by their convictions in many of the same ways as their felony counterparts.”).

<sup>19</sup> Alisa Smith, *Misdemeanors Lack Appeal*, 45 Am. J. Crim. L. 305, 307 (2019).

The U.S. criminal legal system provides a right to a fair and impartial jury.<sup>20</sup> However, some trials—namely those involving misdemeanors—can be decided by a lone judge, not a jury.<sup>21</sup> With a trial by jury, a person’s peers review the alleged behavior of the accused *and* the behavior of law enforcement. Juries are often better positioned than judges to serve as a check on the government during trial, as they are not state actors. Bench trials effectively remove the community’s role in evaluating and contextualizing the accused as a police brutality victim. Thus, a trial by jury is crucial in criminal cases arising out of police brutality incidents.

Even though a trial by jury is a more appropriate way to review misdemeanor cases involving victims of police brutality, the jury selection process is often rife with racial discrimination. An essential component of this Sixth Amendment right is for the accused person’s jury to be selected from a fair cross-section of the community.<sup>22</sup> Despite this constitutional right, juries continue to be curated absent diversity.

#### *a. Felony Disenfranchisement*

At least 44 states, including Louisiana, have some form of felony disenfranchisement preventing people with felony convictions from participating in jury service.<sup>23</sup> And Black people have an incarceration rate six times higher than white people.<sup>24</sup> When jurisdictions prevent people with felony convictions from serving on juries, they reduce the racial diversity of the jury pool.

#### *b. The Summoning Process*

When jurisdictions use voter registration and Department of Motor Vehicles records to populate a list of names to summon citizens for jury service, they can effectively exclude people who are not registered to vote or don’t have an active driver’s license but otherwise eligible to

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<sup>20</sup> See U.S. Const. amend. VI. “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of 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 defence.”; see also *Duncan v. State of La.*, 391 U.S. 145, 149 (1968) (“Because we believe that trial by jury in criminal cases is fundamental to the American scheme of justice, we hold that the Fourteenth Amendment guarantees a right of jury trial in all criminal cases which—were they to be tried in a federal court—would come within the Sixth Amendment’s guarantee.”).

<sup>21</sup> See *Duncan*, 391 U.S. at 157–58 (1968); *Baldwin v. New York*, 399 U.S. 66, 68 (1970); *Blanton v. City of N. Las Vegas, Nev.*, 489 U.S. 538, 543 (1989).

<sup>22</sup> *Taylor v. Louisiana*, 419 U.S. 522 (1975).

<sup>23</sup> Ginger Jackson-Gleich, *Rigging the jury: How each state reduces jury diversity by excluding people with criminal records*, Prison Policy Initiative (Feb. 18, 2021), <https://www.prisonpolicy.org/reports/juryexclusion.html>.

<sup>24</sup> Leah Wang, Updated data and charts: Incarceration stats by race, ethnicity, and gender for all 50 states and D.C., Prison Policy Initiative (Sept. 27, 2023), [https://www.prisonpolicy.org/blog/2023/09/27/updated\\_race\\_data/](https://www.prisonpolicy.org/blog/2023/09/27/updated_race_data/).



serve on a jury.<sup>25</sup> Additionally, some populations move more frequently than others. If the jurisdiction does not regularly update their summons lists, certain people won't show up for jury service because they did not receive the summons.<sup>26</sup>

### c. *Voir Dire*

Racial discrimination most commonly occurs during *voir dire*, or jury selection. The Supreme Court deemed juror discrimination unconstitutional on due process and equal protection grounds. In *Batson v. Kentucky*, the Court created a test to prevent the discriminatory use of peremptory strikes to remove people from the jury based on their race.<sup>27</sup> Jurisdictions have passed their own rules to further protect against juror discrimination where the *Batson* test falls short. For example, the Washington Supreme Court enhanced their *Batson* protections by adopting General Rule 37 ("GR 37") which created a list of presumptively invalid reasons to strike a person from a jury.<sup>28</sup> GR 37 not only recognizes the historical discrimination that takes place during jury selection but also attempts to reduce its practice.

### d. *Juror Pay*

Lastly, some people simply cannot afford to serve on juries because the compensation is dismal. Low juror pay has been found to prevent people from lower socioeconomic backgrounds from being able to serve on juries.<sup>29</sup> A San Francisco-based pilot program called, "Be the Jury," directly addressed this issue by paying low to moderate income jurors \$100/day of jury service. The program's preliminary report reveals that "81% of participants indicated that this program made it possible for them to serve as a juror,"<sup>30</sup> with 63% of the participants self-identifying as people of color.<sup>31</sup>

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<sup>25</sup> See Jasleen Singh & Sara Carter, *States Have Added Nearly 100 restrictive Laws Since SCOTUS Guttled the Voting Rights Act 10 Years Ago*, Brennan Center for Justice (June 23, 2023), <https://www.brennancenter.org/our-work/analysis-opinion/states-have-added-nearly-100-restrictive-laws-scotus-guttled-voting-rights>; see also Brennan Center for Justice, *Voting Rights Litigation Tracker* (May 24, 2021, updated Oct. 3, 2022), "At least 29 laws were passed in 11 states that had been subject to preclearance, either in whole or in part, at the time *Shelby County* was decided. In other words, if not for the Supreme Court's decision, approximately one-third of the restrictive laws passed in the last 10 years would have been subject to pre-approval by the Justice Department or a panel of federal judges, and many of them may have been barred from implementation. Indeed, several of those laws were later struck down or enjoined as racially discriminatory. But others continue to pose barriers to the ballot box."

<sup>26</sup> Paula Hannaford-Agor, *Why Won't They Come?: A Study of Juror Nonresponse and Failure-to-Appear in Harris County, Texas*, National Center for State Courts (Dec. 2023), <https://cdm16501.contentdm.oclc.org/digital/collection/juries/id/388>.

<sup>27</sup> *Batson v. Kentucky*, 476 U.S. 79 (1986).

<sup>28</sup> Wash. Ct. Gen. R. 37.

<sup>29</sup> Brendan W. Clark, *Juror Compensation in the United States*, National Center for State Courts, (Apr. 2022), [https://www.ncsc-jurystudies.org/\\_data/assets/pdf\\_file/0024/76173/Juror-Compensation.pdf](https://www.ncsc-jurystudies.org/_data/assets/pdf_file/0024/76173/Juror-Compensation.pdf).

<sup>30</sup> Michelle Lau and Anne Stuhldreher, *Be the Jury: Preliminary Findings from First Six Months of Pilot Program*, Financial Justice Project San Francisco (Nov. 2022), [Be the Jury Report\\_Final.pdf](#).

<sup>31</sup> *Id.*

Juries are often better equipped to decide an accused person's innocence or guilt. The benefits of racially diverse juries include: longer deliberations; more questions during deliberation; and more objective decision-making.<sup>32</sup> The lack of racial diversity on our juries comes at the cost of fairness and places the integrity of the verdict into question.

## 2. Statute of Limitations

In 1871, Congress enacted 42 U.S.C. § 1983 to allow individuals to sue state actors in federal court for violating their constitutional rights. However, Congress did not originally specify a statute of limitations for these claims, which has resulted in the inconsistent application of the law across the U.S. “For example, a plaintiff abused by police in Missouri has five years to file a Section 1983 suit, but a plaintiff who suffers the same abuse just over the state line in Arkansas has three years to do so.”<sup>33</sup> In at least three jurisdictions—Kentucky, Tennessee, and Puerto Rico—plaintiffs abused by police only have *one year* to file a complaint.

Short statute of limitation periods create tremendous procedural barriers for victims seeking to vindicate their rights in federal court. First, an individual must be able to recognize that their rights have been violated, then secure private counsel. Unlike criminal court, plaintiffs suing under Section 1983 are not entitled to an attorney and must either pay for counsel, find *pro bono* counsel, or navigate the process on their own *pro se*. Moreover, even before filing the complaint, civil rights attorneys need to investigate the claims, such as submitting record requests to police departments for videos and reports of the incident, and to determine damages attorneys must work with plaintiffs to get medical records, photos of injuries, etc. If criminally charged for their encounter with police, the plaintiff must simultaneously deal with parallel criminal proceedings. The collateral consequences of arrest and prosecution are severe and often include loss of employment, education, housing, public benefits, and parental rights, making it all the more arduous to file a civil suit contemporaneously.<sup>34</sup> In some instances, a criminal case may not even resolve within a year.<sup>35</sup> Post-disposition, the individual may have to focus on completing court-ordered courses and paying fines, or face the possibility of re-arrest and imprisonment for failing to do so. In addition to a potential criminal case, the plaintiff must

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<sup>32</sup> Samuel R. Sommers, *On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations*, 90 *Journal of Personality and Social Psychology* 597 (2006), [sommers 2006 - on racial diversity group decision making.pdf](https://www.researchgate.net/publication/233611111).

<sup>33</sup> Dani Kritter, *The Overlooked Barrier to Section 1983 Claims: State Catch-All Statutes of Limitations*, Cal. L. Rev. Blog (Mar. 2021), <https://www.californialawreview.org/online/the-overlooked-barrier-to-section-1983-claims-state-catch-all-statutes-of-limitations>.

<sup>34</sup> Sam McCann, *How “Collateral Consequences” Keep People Trapped in the Legal System*, Vera Inst. (Nov. 29, 2023), <https://www.vera.org/news/how-collateral-consequences-keep-people-trapped-in-the-legal-system>.

<sup>35</sup> Brian J. Ostrom et al., *Timely Justice in Criminal Cases: What the Data Tells Us* (2020), [https://www.ncsc.org/\\_data/assets/pdf\\_file/0019/53218/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf](https://www.ncsc.org/_data/assets/pdf_file/0019/53218/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us.pdf).

recover from the physical, mental, financial, and emotional injuries stemming from their encounter with police, including expensive hospital or medical fees.

Pursuing a Section 1983 lawsuit is no easy task. Forcing victims to file suit within a short amount of time defies the purpose of Section 1983, and, for many, is outright impossible.<sup>36</sup>

### 3. The Heck Doctrine

For individuals contending with parallel criminal and civil proceedings, a criminal conviction can sound the death knell for a Section 1983 claim. In 1994, the U.S. Supreme Court ruled that a person with a conviction cannot recover damages under Section 1983 for an officer's unlawful conduct if those claims would render the conviction or sentence invalid.<sup>37</sup> Thus, an individual cannot file suit unless the criminal convictions stemming from the police brutality incident are overturned. However, a claim is not *Heck*-barred if an officer's use of force is "temporally and conceptually distinct" from the conviction—for example, where an officer beats a subdued, handcuffed person.<sup>38</sup> Yet, courts routinely struggle to determine when claims are *Heck*-barred, resulting in wildly inconsistent, unjust results.<sup>39</sup> Alarming, some courts have misapplied *Heck* even when a person has not been convicted of a crime.<sup>40</sup> The judicially-created *Heck* doctrine hampers a person's ability to rightfully sue police for misconduct and incentivizes bad actors to charge people with crimes in order to evade accountability for misconduct.<sup>41</sup>

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<sup>36</sup> "Of more than 400 cases of alleged police brutality brought to the ACLU of Louisiana for review between July 2020 and December 2021, 30% fell outside of the one-year statute of limitations. Another 15% were within six months of the deadline, Ahmed said, making it impossible to conduct a proper investigation in the time needed to file litigation." Richard A. Webster, *You Have One Year to Sue a Cop for Abuse. Civil Rights Firms Want to Change That*, Verite News (Oct. 11, 2023), <https://veritenews.org/2023/10/11/civil-rights-firms-challenge-one-year-deadline-to-sue-police/>; The ACLU of Louisiana found that "On average, Plaintiffs in states with 2-year statutes of limitations have over 110% more police action case wins and case settlements than states with 1-year statutes of limitation." ACLU of LA, *One vs. Two-Year Statute of Limitation Impact Factsheet*, <https://infogram.com/report-1h1749veeklxq6z?live> (last updated Apr. 19, 2024).

<sup>37</sup> *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994).

<sup>38</sup> *Peterson v. City of Fort Worth, Tex.*, 588 F.3d 838, 847 (5th Cir. 2009); *Bush v. Strain*, 513 F.3d 492, 499-500 (5th Cir. 2008).

<sup>39</sup> Gregory Getrajdman, *What the Heck Were They Thinking? It's Time for the Court to Abandon the Heck Doctrine*, 74 Rutgers L. Rev. 181, 182 (2022).

<sup>40</sup> "In *Mitchell v. Morton County and Duarte v. City of Stockton*, the plaintiffs were victims of police violence who were charged with resisting arrest; they entered pre-trial agreements that produced no convictions, and yet federal district courts held that Heck barred them from suing the police officers for violating their civil rights." *The Heck Bar*, Inst. Just., <https://ij.org/issues/project-on-immunity-and-accountability/the-heck-bar/> (last visited Apr. 23, 2025).

<sup>41</sup> Law enforcement officers frequently use "cover charges", such as obstruction or resisting, to justify their use of unreasonable and excessive force. See, e.g., Lisa Cacho and Jodi Melamed, *How Police Abuse the Charge of Resisting Arrest*, Boston Review (June 29, 2020), <http://bostonreview.net/race-law-justice/lisa-cacho-jodi-melamed-how-police-abuse-charge-resisting-arrest>; Scott Holmes, *Resisting Arrest and Racism – The Crime of "Disrespect"*, 85 UMKC L. Rev. 625 (2017); Jonah Newman, *Chicago Police Use 'Cover' Charges to Justify Excessive Force*, CHICAGO REPORTER (Oct. 23, 2018), <https://www.chicagoreporter.com/chicago-police-use-cover-charges-to-justify-excessive-force/>.

## B. Factual Background

A recent 2025 report by the U.S. Department of Justice found that Louisiana State Police (hereinafter “LSP”) engages in a statewide pattern of excessive use of force in violation of the U.S. Constitution.<sup>42</sup> Mr. Anthony Monroe, a 61-year-old Black man, is one of the many victims subject to LSP’s violence. Mr. Monroe was brutalized and permanently disabled by LSP, hospitalized for his life-threatening injuries, criminalized for the incident, and subsequently barred from pursuing civil litigation in federal court.<sup>43</sup>

### 1. Mr. Monroe is stopped by Officer Matthews while driving home from work.

On November 29, 2019, at around 4 A.M., Mr. Monroe finished working the night shift at El Dorado Casino.<sup>44</sup> As he was driving home, Mr. Monroe noticed a Louisiana State Police vehicle following him; it was later revealed that the operator of the vehicle was LSP Trooper Matthews (“Matthews”).<sup>45</sup> Mr. Monroe did not know why the officer was tailing him because he had been going the speed limit.<sup>46</sup> Mr. Monroe was nervous and thought that the officer was going to hurt him because he had recently heard about significant violence by police against Black men, including the high-profile murder of Ronald Greene.<sup>47</sup> After Mr. Monroe turned onto Traffic Street, which curves underneath the I-20 bridge, Matthews suddenly turned on his police lights.<sup>48</sup> Scared because the underpass was dark with no people around, Mr. Monroe slowly continued driving to a well-lit area, stopping at the entrance of the Boomtown Casino.<sup>49</sup> Mr. Monroe testified during his criminal trial that he believed Matthews would have killed him that morning had he stopped his truck under the dark I-20 bridge instead of driving to the well-lit casino entrance.<sup>50</sup> As he became increasingly terrified, Mr. Monroe accidentally called his mother on the telephone.<sup>51</sup>

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<sup>42</sup> U.S. Dep’t of Just., Investigation of the Louisiana State Police (Jan. 16, 2025), <https://www.justice.gov/crt/media/1384626/dl> [hereinafter DOJ Report].

<sup>43</sup> Johanna Silver, *Challenging Police Brutality in Louisiana*, ACLU (July 25, 2023), <https://www.aclu.org/news/racial-justice/challenging-police-brutality-in-louisiana>.

<sup>44</sup> Ex. 1, *supra* note 2 at 53:25-28.

<sup>45</sup> *Id.* at 55:10-13.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 55:24-32, 57:4-6. Related to his fear of police brutality, Mr. Monroe mentions Ronald Greene during the trial testimony. Ronald Greene was a Black motorist who was beaten to death by LSP Troopers on May 10, 2019, six months prior to Mr. Monroe’s encounter with Matthews; see John Simerman & James Finn, *5 Louisiana Law Officers Indicted in 2019 Beating Death of Black Motorist Ronald Greene*, THE ADVOCATE (Dec. 15, 2022), [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/5-indicted-in-beating-death-of-black-motorist-ronald-greene/article\\_8a30f296-7c96-11ed-878c-db193caa65d6.html](https://www.theadvocate.com/baton_rouge/news/crime_police/5-indicted-in-beating-death-of-black-motorist-ronald-greene/article_8a30f296-7c96-11ed-878c-db193caa65d6.html).

<sup>48</sup> Ex. 1, *supra* note 2 at 56:2-10.

<sup>49</sup> *Id.* at 56:11-14.

<sup>50</sup> *Id.* at 56:5-10.

<sup>51</sup> *Id.* at 57:12-15.

2. Officer Matthews engages Mr. Monroe in a physical altercation.

Matthews approached Mr. Monroe's car, while Mr. Monroe remained in the vehicle on the phone with his mother.<sup>52</sup> Instead of asking for Mr. Monroe's name, driver's license, or registration, Matthews immediately demanded that Mr. Monroe exit his vehicle.<sup>53</sup> Matthews acknowledged that Mr. Monroe kept asking why he was pulled over.<sup>54</sup> Matthews testified that he informed Mr. Monroe that he had been speeding—an allegation that was later dismissed by the Louisiana prosecutors—and Mr. Monroe maintained that he had not been speeding.<sup>55</sup> Matthews had his hand on his gun when he first approached the driver's window, prompting Mr. Monroe to ask the officer why he had his hand on his gun.<sup>56</sup>

After this exchange, Mr. Monroe rolled his window back up and continued to talk to his mother on the phone, before finally exiting his vehicle.<sup>57</sup> As he was getting out of his vehicle, Mr. Monroe asked Matthews if was going to be placed in handcuffs, to which the officer answered no.<sup>58</sup> That promise was short-lived.

As soon as Mr. Monroe exited the vehicle, Matthews accosted Mr. Monroe while Mr. Monroe's back was turned, grabbing at Mr. Monroe's arms and wrists.<sup>59</sup> Mr. Monroe told Matthews not to touch him, and Matthews demanded that Mr. Monroe turn around and place his hands behind his back.<sup>60</sup> The two verbally bickered for about thirty seconds, with Mr. Monroe proclaiming that he had not broken any laws, that he is not a criminal, and that he had never been placed in handcuffs before, all while Matthews unceasingly demanded that Mr. Monroe place his hands behind his back.<sup>61</sup> Then, Matthews loudly screamed in Mr. Monroe's face for Mr. Monroe to put his hands behind his back "right now!"<sup>62</sup> Matthews' body-worn camera footage stops at this moment.<sup>63</sup>

Matthews then grabbed Mr. Monroe by the wrists and pulled both of Mr. Monroe's hands towards Matthews' own person to make it appear as if Mr. Monroe was trying to shove Matthews; then Matthews took one of Mr. Monroe's hands and pulled it up towards Matthews' own throat to make it look like Mr. Monroe was choking the officer, all while Mr. Monroe tried

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<sup>52</sup> *Id.* at 57:19-21.

<sup>53</sup> *Id.* at 14:11-21.

<sup>54</sup> *Id.* at 14:25-28.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.* at 57:23-25.

<sup>57</sup> *Id.* at 58:4-5.

<sup>58</sup> *Id.* at 58:8-9.

<sup>59</sup> *Id.* at 18:1-3.

<sup>60</sup> Appellant's Br. at 6, [State v. Monroe](#), 55-704 (La. App. 2nd Cir. 2/22/24).

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

to pull away.<sup>64</sup> Even before pulling into the casino entrance, Mr. Monroe feared that the officer would stage a scenario to make Mr. Monroe look like the aggressor.<sup>65</sup> The nightmare that Mr. Monroe feared turned into a reality: “I’m getting railroaded right here now,”<sup>66</sup> Mr. Monroe told the trial court. A short physical struggle ensued between Matthews and Mr. Monroe, as Mr. Monroe attempted to retreat from Matthews’ unrelenting advances.<sup>67</sup>

3. Additional officers arrive on the scene, providing a short period of calm before Mr. Monroe is handcuffed and beaten.

Additional officers, including Sergeant Conner (“Conner”), then arrived on the scene. At this point, and after the encounter with Matthews, Mr. Monroe had re-entered his vehicle.<sup>68</sup> The newly-arrived officers asked Mr. Monroe to exit his vehicle.<sup>69</sup> For a moment, there was calm.<sup>70</sup> That is until Matthews yet again tried to put Mr. Monroe in handcuffs. Matthews and Conner testified that they did so for “officer safety.”<sup>71</sup> Hoping to record the interaction, Mr. Monroe tried to direct the officers to the front of his vehicle, where he had his own car dash camera installed; but the officers were unrelenting—slamming Mr. Monroe to the ground, where they roughly forced their knees into Mr. Monroe’s body.<sup>72</sup> As he was being brutalized, Mr. Monroe involuntarily urinated himself, could not breathe, started to pass out, and screamed for help.<sup>73</sup> No help came. Mr. Monroe was arrested and taken to jail.

4. Mr. Monroe suffers a heart attack en route to jail and is thrown in solitary confinement.

Mr. Monroe later learned that the extreme chest pain and tightness he experienced during the beating was actually a heart attack.<sup>74</sup> The chest pain lasted through the entire 45-minute car ride to a local jail, during which Mr. Monroe went in and out of consciousness.<sup>75</sup> The officers at the jail denied Mr. Monroe proper medical treatment and refused to take him to the hospital.<sup>76</sup> Instead, Mr. Monroe was thrown into solitary confinement with his grave injuries and left unattended for several hours. After he was released from jail, Mr. Monroe’s family immediately took him to the emergency room, where he remained for two nights before being admitted to a

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<sup>64</sup> Ex. 1, *supra* note 2 at 58:11-19.

<sup>65</sup> *Id.* at 56:26-31.

<sup>66</sup> *Id.* at 58:21-22.

<sup>67</sup> *Id.* at 21:13-15.

<sup>68</sup> *Id.* at 42:14-19.

<sup>69</sup> *Id.* at 43:14-27.

<sup>70</sup> *Id.* at 49:10-14.

<sup>71</sup> *Id.* at 34:5-6, 43:28.

<sup>72</sup> *Id.* at 58:27-30, 59:11-22, 61:15-18.

<sup>73</sup> *Id.* at 59:23-29.

<sup>74</sup> Petition for Writ of Certiorari at 8, [Monroe v. Conner](#), 145 S. Ct. 435 (2024) (No. 24-16).

<sup>75</sup> *Id.*

<sup>76</sup> *Id.*



hospital.<sup>77</sup> The doctor feared he might die from bodily-fluid buildup caused by the beating.<sup>78</sup> His doctor wrote that he had the visual appearance of being assaulted, and informed Mr. Monroe that he should have been dead or comatose and was surprised that Mr. Monroe could even talk. Mr. Monroe was informed that if he went home and went to sleep instead of being hospitalized, there was a chance that he would not wake up the next morning. Mr. Monroe suffered fractures in both wrists and significant injuries to his shoulders and arms.<sup>79</sup> He was left permanently disabled and diagnosed with post-traumatic stress disorder (“PTSD”) stemming from the incident.<sup>80</sup>

5. Ms. Alice suffers a massive stroke due to stress and passes away.

After he was stopped by LSP Trooper Matthews, Mr. Monroe accidentally called his mother, Ms. Alice, fearing that he would be killed.<sup>81</sup> It is a mistake that he regrets to this day because she answered and unfortunately overheard the police violence.<sup>82</sup> Upon his release from jail and admission to the hospital, Ms. Alice remained by her son’s side during his entire hospital stay. Unfortunately, the stress of the police brutality incident caused Ms. Alice to suffer a stroke, and she passed away in Mr. Monroe’s arms on April 20, 2020.

**C. Failures of Louisiana State Officials**

1. The State of Louisiana criminally charged Mr. Monroe, revoked his gaming license for life, and convicted him of battery of a police officer and resisting an officer.

Rather than investigating the officers’ excessive use of force, the State of Louisiana opted to charge Mr. Monroe with criminal offenses even though he was the *victim* and the only person to suffer life-threatening injuries because of the encounter. On January 17, 2020, the State of Louisiana filed three separate bills of information charging Mr. Monroe with one felony and two misdemeanors: (1) Resisting an Officer with Force or Violence, a felony, in violation of La. R.S. 14:108.2(A)(3);<sup>83</sup> (2) Battery of a Police Officer, a misdemeanor, in violation of La. R.S. 14:34.2(B)(1);<sup>84</sup> and (3) Failure to Yield to Emergency, a misdemeanor, in violation of La. R.S. 32:125.<sup>85</sup>

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<sup>77</sup> *Id.* at 8-9.

<sup>78</sup> *Id.* at 9.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> Ex. 1, *supra* note 2 at 57:4-10.

<sup>82</sup> *Id.* at 57:12-15.

<sup>83</sup> Appellant’s Br. at 8, [State v. Monroe](#), 55-704 (La. App. 2nd Cir. 2/22/24).

<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

On May 19, 2020, the Louisiana Gaming Control Board issued an order permanently revoking Mr. Monroe’s gaming permit, citing Mr. Monroe’s criminal charges.<sup>86</sup> For the preceding 25 years, the gaming license, which Mr. Monroe dutifully maintained, provided him with the means to obtain a livelihood.

On July 31, 2023, the State filed a single amended bill of information, charging Mr. Monroe with two misdemeanors: (1) Resisting an Officer, La. R.S. 14:108; and (2) Battery of a Police Officer, La. R.S. 14:34.2(B)(1).<sup>87</sup> That same day, the case was called for a bench trial before a lone judge. Mr. Monroe was found guilty on both counts.

2. The Louisiana state courts fail to review the merits of Mr. Monroe's constitutional claims and bar Mr. Monroe from exercising his constitutional right to a jury trial.

Mr. Monroe rightfully sought review of his criminal convictions. On appeal, he argued that he was unconstitutionally denied his right to a jury trial.<sup>88</sup> Jury trials are deemed necessary under U.S. Supreme Court precedent when the charge at issue is deemed “serious,” as opposed to “petty.”<sup>89</sup> Because the Louisiana legislature has enumerated battery of a police officer as a “crime of violence”—placing it alongside charges such as rape and murder, and also deemed police officers a protected class under its hate crime laws—there is no question that the crime is a “serious” one. Moreover, conviction of the offense carried with it the denial of Mr. Monroe’s Second Amendment right to carry firearms and included the lifetime revocation of Mr. Monroe’s gaming license, which for the preceding 25 years provided him with the means to gainful employment.

However, the Louisiana state courts only allowed for *discretionary* review of Mr. Monroe’s convictions. Here, the Louisiana Second Circuit Court of Appeal incorrectly concluded that the court did not have jurisdiction to hear Mr. Monroe’s constitutional claims, and the Louisiana Supreme Court declined to review the case together.<sup>90</sup> As a result, he was barred from having his criminal case retried before a jury of his peers. Instead, the case was tried before a single trier of fact—one judge—with no meaningful review afterwards. Consequently, the convictions remain.

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<sup>86</sup> Ex. 1, *supra* note 2 at 53:8-10, 60:4-11.

<sup>87</sup> Appellant’s Br. at 9, [State v. Monroe](#), 55-704 (La. App. 2nd Cir. 2/22/24).

<sup>88</sup> *Id.* at 10-13; Appellant’s Br. at 7-19, [State v. Monroe](#), 2024-00371 (La. 11/14/24), 395 So. 3d 1181.

<sup>89</sup> *Supra* note 21.

<sup>90</sup> [State v. Monroe](#), 55-704, p.1 (La. App. 2nd Cir. 2/22/24); [State v. Monroe](#), 2024-00371 (La. 11/14/24), 395 So. 3d 1181.



## D. Failures of the U.S. Government

### 1. The federal courts rule that Mr. Monroe's claims are time-barred.

On November 24, 2021, less than two years after the beating, Mr. Monroe filed suit in the United States District Court for the Western District of Louisiana, a federal court, seeking relief under Section 1983.<sup>91</sup> On March 9, 2023, the district court dismissed Mr. Monroe's federal law claims with prejudice. The court acknowledged that Louisiana's one-year limitations period was "atypical and relatively brief" but ruled that the claims were time-barred under Louisiana's one-year residual statute of limitations.<sup>92</sup> On March 5, 2024, the United States Court of Appeals for the Fifth Circuit affirmed the district court's decision, noting that it was bound by existing Supreme Court precedent to apply a state's residual statute of limitations to Section 1983 claims and that "only the Supreme Court" could clarify how lower courts should evaluate the practical frustration of a victim's Section 1983 claim in states with statutes of limitations periods that are excessively short.<sup>93</sup> Since the Fifth Circuit's decision, Louisiana has lengthened its residual limitations period for claims filed after June 2024.<sup>94</sup> But Mr. Monroe's claims remain time-barred under Louisiana law, and other jurisdictions in the country continue to apply one-year limitations periods to Section 1983 claims.

On July 3, 2024, Mr. Monroe filed a petition for a writ of certiorari with the U.S. Supreme Court—the court of last resort—arguing that the one-year statute of limitations period that governs his case is inconsistent with the federal interests underlying Section 1983.<sup>95</sup> His petition was denied on November 4, 2024.<sup>96</sup>

## IV. ADMISSIBILITY

This petition meets the admissibility requirements set forth in Article 28 of the Rules of Procedure of the Inter-American Commission on Human Rights. In particular, the Commission has competence *ratione personae*, *ratione materiae*, *ratione temporis* and *ratione loci* to consider the petition. This petition also complies with the requirements of exhaustion of domestic remedies under Rule 31. Accordingly, we request that the Commission process this petition, reach a favorable decision as to the admissibility of the petition, and proceed to examine the merits of the case.

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<sup>91</sup> Appellant's Opening Br., ECF No. 1.

<sup>92</sup> ACLU of LA, *Case #56 - Monroe v. Conner Et Al. (CA.5)*, Justice Lab, <https://aclujusticelab.org/case/case-56-monroe-v-conner-et-al-ca5/> (last visited Apr. 23, 2025).

<sup>93</sup> *Id.*

<sup>94</sup> See 2024 La. Sess. Law Serv. Act 423.

<sup>95</sup> Petition for Writ of Certiorari, *Monroe v. Conner*, 145 S. Ct. 435 (2024) (No. 24-16).

<sup>96</sup> *Monroe v. Conner*, 145 S. Ct. 435 (2024).

## A. Competence

The Commission has competence *rationae personae* to consider the present petition since it is submitted by petitioners entitled to do so under Article 23 of the Rules of Procedure. Moreover, the victims, Anthony Monroe and Alice C. Monroe, are natural persons whose human rights are protected by the American Declaration on the Rights and Duties of Man.

The Commission also has competence *ratione materiae* to consider the present petition because the facts described herein constitute violations of Articles I, II, VIII, XI, XIV, XVIII, XXV, and XXVI of the American Declaration.

Furthermore, the Commission is competent *ratione temporis* to examine the petition because the facts contained herein all occurred on or after June 19, 1951, the date which the United States' obligations under the American Declaration took effect.<sup>97</sup>

Finally, the Commission has competence *ratione loci* to consider this petition because it alleges violations of human rights enshrined in the American Declaration that occurred while the petitioners were in the territory of the United States, which is an OAS Member State.

## B. Petitioners Have Met the Requirements for the Exhaustion of Domestic Remedies

Individual petitions are admissible only where domestic remedies have been exhausted or where such remedies are unavailable as a matter of fact or law.<sup>98</sup>

On November 4, 2024, the U.S. Supreme Court denied petition for a writ of certiorari on Mr. Monroe's federal civil suit.<sup>99</sup> No other domestic remedy exists as a matter of fact or law for Mr. Monroe to challenge the State's failure to effectively investigate these human rights abuses.<sup>100</sup>

On November 14, 2024, the Louisiana Supreme Court declined to review Mr. Monroe's constitutional claims or review his convictions on appeal.<sup>101</sup> No other domestic remedy exists as a matter of fact or law to challenge his conviction and sentence.

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<sup>97</sup> *Lenahan v. United States*, Case 12.626, Inter-Am. Comm'n H.R., Report No. 80/11, para. 37 (2011).

<sup>98</sup> Rules of Procedure of the Inter-American Commission on Human Rights, article 31.

<sup>99</sup> *Monroe v. Conner*, 145 S. Ct. 435 (2024).

<sup>100</sup> Mr. Monroe currently has an open state civil suit against the same parties, raising the same claims. The state suit was stayed pending resolution of his federal civil suit. However, the officer Defendants in the state civil suit plan to raise the same defenses, the statute of limitations and the *Heck* bar, in the state matter. Thus, it is unlikely that Mr. Monroe will have the opportunity to fully vindicate his rights in court.

<sup>101</sup> *State v. Monroe*, 2024-00371 (La. 11/14/24), 395 So. 3d 1181.

Both the State of Louisiana (“the State”) and the federal government (“the Government”) possess the authority to investigate Mr. Monroe’s detention, arrest, and beating. Yet both actors have failed to do so, and thus the possibility of an investigation does not constitute an available remedy for the purposes of the Commission’s analysis under Article 31.

Accordingly, no other remedy exists in fact or in law to address the violations alleged in this petition, and the Commission should find this case admissible and pursue its consideration on the merits.

### **C. Petition is Filed in a Timely Manner**

Article 32.1 of the Rules of Procedure provides that in order for the Commission to admit a petition, generally the petition must be filed within six months from the date on which the party alleging violation of his rights was notified of a final judgment. This petition was submitted on May 14, 2025, within six months of the Louisiana Supreme Court’s decision to decline to review Mr. Monroe’s convictions on appeal. Accordingly, this petition is submitted in a timely manner in compliance with Article 32.

### **D. Non-Duplication of Proceedings**

The subject matter of this petition has not been submitted to and is not currently pending before any other international proceeding or settlement procedure, and therefore complies with the requirement of non-duplication of proceedings under Article 33 of the Rules of Procedure.

In sum and in light of the information above, this petition conforms to the admissibility requirements of the Commission.

## **V. VIOLATIONS OF THE AMERICAN DECLARATION**

### **A. Violations of obligations contained in Article I**

#### **1. Deprivation of Mr. Monroe’s Rights Under Article I**

The State of Louisiana violated Mr. Monroe’s by unlawfully exercising excessive force against him. Article I seeks to prevent violations of every human being’s right to life, liberty, and security. This is an international standard, which has historically been applied to States by the Commission.<sup>102</sup> The essential elements for establishing international liability include:

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<sup>102</sup> IACHR, Report No. 47/96, Case 11.436, Merits, *Victims of the Tugboat '12 de Marzo' v Cuba* (1996).

- i. An act or omission exists which violates an obligation established by a rule of current international law.
- ii. The illegal act must be imputable to the State.
- iii. Damage or harm must have occurred as a result of the illegal act.
- iv. Existence of an act or omission that violates an obligation established by a rule of international law.<sup>103</sup>

Here, Louisiana officers beat Mr. Monroe so badly that he suffered a heart attack during the encounter. The state had a duty to not harm Mr. Monroe during the course of their investigation for an alleged traffic stop but failed to do so. Mr. Monroe suffered grave, physical injuries that required hospitalization and severe mental and emotional anguish as a result of the state's actions in violation of his rights under Article I.

## 2. Deprivation of Alice C. Monroe's Right to Mental and Moral Integrity

The United States violated the right of Alice C. Monroe to mental and moral integrity by causing her extreme suffering by brutalizing her son. Article I of the American Declaration provides that "Every human being has the right to life, liberty, and security of his person." This article has been applied by the Commission in historic cases to States.<sup>104</sup>

Article I of the Declaration guarantees "physical, mental, and moral integrity" to all, including the family of victims of serious human rights abuses.<sup>105</sup> The Inter-American Court has repeatedly found violations of "the right to mental and moral integrity of the next of kin of the victim" of human rights abuses when family experiences "suffering as a result of the specific circumstances of the violations perpetrated against their loved ones and the subsequent acts or omissions of the State authorities with regard to the events."<sup>106</sup> Family's rights to mental and moral integrity obligate public authorities to fully investigate human rights violations,<sup>107</sup> to punish those responsible,<sup>108</sup> and to provide recourse to surviving family members.<sup>109</sup>

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<sup>103</sup> Eduardo Jiménez de Aréchaga *Derecho Internacional Público* (International Public Law), Volume IV, p. 34, University Culture Foundation, 1991.

<sup>104</sup> *Victims of the Tugboat '12 de Marzo' v. Cuba*, Case 11.436, Inter-Am. Comm. H.R., Report No. 47/96, Merits, (1996).

<sup>105</sup> American Convention on Human Rights, article 5.

<sup>106</sup> *Pueblo Bello Massacre v. Colombia*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 140, para. 154 (Jan. 31, 2006); *Gómez Palomino Vs. Perú*, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C.) No. 136, para. 60 (Nov. 22, 2005); *Mapiripán Massacre v. Colombia*, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 134, para. 144, 146 (Sept. 15, 2005); *Serrano-Cruz Sisters v. El Salvador*, Judgment, Inter-Am. Ct. H.R. (ser. C.) No. 120, para. 113, 114 (Mar. 1, 2005) (emphasis added).

<sup>107</sup> *Villagrán Morales et. al v. Guatemala*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 63, para. 173 (Nov. 19, 1999).

<sup>108</sup> *Id.*

<sup>109</sup> *Pueblo Bello Massacre v. Colombia*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 140, para. 158 (Jan. 31, 2006); *Mapiripán Massacre v. Colombia*, Merits, Reparations and Costs, Inter-Am. Ct. H.R. (ser. C) No. 134, para. 145 (Sept. 15, 2005); *Case of the Moiwana Community v. Suriname*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 124, para. 94 (June 15, 2005); *Serrano-Cruz Sisters v. El Salvador*, Judgment, Inter-Am. Ct. H.R. (ser. C.) No. 120, para. 113-115 (Mar. 1, 2005); *Valle Jaramillo et al v. Colombia*, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 192 (Nov. 27, 2008).

Ms. Alice had an extremely close relationship with her son. She endured extreme suffering due to the excessive use of force against Mr. Monroe—her youngest child. Indeed, the stress of the incident caused her so much duress, she suffered a stroke and passed away shortly thereafter.

When stopped by police that fateful morning, Mr. Monroe accidentally called his mother instead of calling the family attorney. He was afraid that he would be killed by the officer:

“I was just scared to death and I had seen people get killed and I didn’t want to be another one of those persons that get killed. And **I definitely didn’t want my mom burying me.** And the only thing, **the worst thing happened. I had to bury her...** now I have nightmares.”<sup>110</sup>

Ms. Alice, born in Louisiana in 1939, was all too familiar with the racial terror of the Jim Crow era and was petrified that her son would be killed that day.<sup>111</sup> On the morning Mr. Monroe was beaten by LSP Troopers, she overheard the officers screaming at and beating her son. Ms. Alice had already lost several other family members to police violence. At trial, Mr. Monroe discussed the profound regret he felt accidentally dialing her that morning:

“And instead of dialing his number I dial my mother's number and **I regret it to this day** cause I know she heard everything that was going on and my mother's very old. So she knew about situations with the law and had relatives that had been killed by police officers and stuff and had told me the stories. So I always understood to always treat them with respect.”<sup>112</sup>

Upon Mr. Monroe’s release from jail, Ms. Alice personally observed his bruised, swollen appearance. She suffered shock, despair, and anguish. Ms. Alice remained at her son’s bedside during the entirety of his hospital stay, sobbing frequently over the precarious state of his health.

The stress of witnessing the police brutality incident, observing her son’s life-threatening injuries, and Mr. Monroe’s criminal prosecution stemming from the encounter was too much for Ms. Alice to bear. She suffered a stroke, losing her ability to speak, and passed away in her son’s arms on April 20, 2020.

The State of Louisiana failed to investigate the excessive force incident—instead they criminally charged the victim—leaving Ms. Alice hopeless that there would ever be any accountability for her son.

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<sup>110</sup> Ex. 1, *supra* note 2 at 64:15-20.

<sup>111</sup> Victor Luckerson, *New Report Documents 4,000 Lynchings in Jim Crow South*, Time (Feb. 10, 2015), <https://time.com/3703386/jim-crow-lynchings/>; Lauren Gambino, *Jim Crow Lynchings More Widespread Than First Thought, Report Concludes*, The Guardian (Feb. 10, 2015), <https://www.theguardian.com/world/2015/feb/10/history-of-lynchings-and-racial-violence-continues-to-haunt-us>.

<sup>112</sup> Ex. 1, *supra* note 2 at 57:12-18.

The United States refused any and all calls to hold the LSP officers responsible for the beating, denying her recourse for serious violations of her child's human rights and causing her grave emotional harm. Under these circumstances, the United States violated Ms. Alice's rights to mental and moral integrity under Article I of the American Declaration.

## **B. Violations of obligations contained in Articles II, VIII, and XXV**

The United States violated Mr. Monroe's rights enshrined in Articles II, VIII, and XXV by failing to stop LSP's racially motivated traffic stop and by permitting officers to beat and subject Mr. Monroe to cruel, inhumane, and degrading treatment while in police custody. Article II of the Declaration states, "All persons are equal before the law and have the rights and duties established in this Declaration, without distinction as to race, sex, language, creed or any other factor." Articles VIII declares, "Every person has the right to fix his residence within the territory of the state of which he is a national, to move about freely within such territory, and not to leave it except by his own will." Article XXV reads, "No person may be deprived of his liberty except in the cases and according to the procedures established by pre-existing law. No person may be deprived of liberty for nonfulfillment of obligations of a purely civil character. Every individual who has been deprived of his liberty has the right to have the legality of his detention ascertained without delay by a court, and the right to be tried without undue delay or, otherwise, to be released. He also has the right to humane treatment during the time he is in custody."

### **1. LSP's Racially Motivated Stop of Mr. Monroe**

Principles of equality before the law, equal protection and non-discrimination are recognized as *jus cogens* norms, as "the whole legal structure of national and international public order rests on it."<sup>113</sup> Further, the Commission has clarified that it defines discrimination as:

"any distinction, exclusion, restriction or preference, which is based on any ground such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms."<sup>114</sup>

States' duties arising from Article II are two-fold. This Commission has emphasized that States must prohibit arbitrary differences of treatment and, in addition, create conditions of real equality for groups that have been historically excluded or that are at greater risk of being

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<sup>113</sup> IACHR, Report No. 50/16, Case 12.834, Merits, Undocumented Workers, United States, Nov. 30, 2016, para. 72.

<sup>114</sup> Julius Omar Robinson v USA; IACHR, Report No. 50/16, Case 12.834, Merits (Publication), Undocumented Workers, United States, Nov. 30, 2016, para. 75.

discriminated against.<sup>115</sup> Notably, this includes direct discrimination (intentional or “targeted”) and indirect discrimination (involuntary or “by outcome”), whether *de facto* or *de jure*.<sup>116</sup>

Under Inter-American jurisprudence, “the right to movement is an indispensable condition for the free development of the individual.”<sup>117</sup> States may be in violation of Article VIII when “the State has not established the conditions or provided the means to exercise it.”<sup>118</sup>

While driving home from work, Mr. Monroe feared that Officer Matthews would have killed him that morning had he stopped his truck under the dark bridge instead of driving to the well-lit casino entrance:

“If I stop under the I-20 bridge nobody can hear me, nobody can see me and whatever happens happens. And I don’t think I’d be here today if I stopped up under the 20 bridge and I didn’t feel safe stopping there.”<sup>119</sup>

Mr. Monroe’s fears were well-founded. Police violence against civilians, especially Black people, is commonplace in the United States. An estimated 75,000 people per year suffer non-fatal injuries requiring hospital treatment at the hands of police.<sup>120</sup> Black people are five times more likely to suffer an injury requiring medical care at a hospital compared to their white counterparts.<sup>121</sup> Additionally, 2024 marked the deadliest year on record for killings by U.S. police, with Black people being nearly three times more likely to be killed than their white counterparts.<sup>122</sup> In Louisiana, over 52.4% of all people killed by police are Black, even though Black residents represent only 33.1% of the state’s population.<sup>123</sup> “The rate of Black individuals killed by police in Louisiana is more than 2.71 times that of White individuals.”<sup>124</sup> Around 10% of these deadly killings begin with routine traffic stops, and Black drivers are almost 20% more

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<sup>115</sup> IACHR, Report No. 5/14. Case 12,841. Merits. Angel Alberto Duque. Colombia. April 2, 2014, para. 67.

<sup>116</sup> *Id.*; Julius Omar Robinson v. United States.

<sup>117</sup> *Pérez Lucas et al. v. Guatemala*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 536, para. 161 (Sept. 4, 2024).

<sup>118</sup> *Id.* para. 162.

<sup>119</sup> Ex. 1, *supra* note 2 at 56:5-10.

<sup>120</sup> Law Enforcement Epidemiology Project, *Facts and Figures on Injuries Caused by Law Enforcement*, Univ. Ill. Chi., <https://policeepi.uic.edu/data-civilian-injuries-law-enforcement/facts-figures-injuries-caused-law-enforcement/>.

<sup>121</sup> *Id.*

<sup>122</sup> Yancey-Bragg, *supra* note 3; Mapping Police Violence, <https://mappingpoliceviolence.org/> (last visited May 13, 2025).

<sup>123</sup> *Dashboard*, *supra* note 9.

<sup>124</sup> *Id.*

likely to be stopped by police than white drivers.<sup>125</sup> Six months prior to detaining and beating Mr. Monroe, LSP officers beat another Black motorist to death, prompting a DOJ investigation.<sup>126</sup>

Here, Officer Matthews allegedly stopped Mr. Monroe for “speeding.” Mr. Monroe adamantly maintains that he was not speeding. Despite the officer’s insistence that Mr. Monroe committed a traffic infraction, the State of Louisiana was forced to dismiss the speeding charge because Officer Matthews “failed to provide additional footage or information.”<sup>127</sup> Mr. Monroe was not stopped because he was “speeding.” Like many Black motorists across the United States, Mr. Monroe was targeted for being Black despite any lack of proof that he committed a traffic violation and beaten by LSP officers after they escalated the encounter. Then, in the aftermath, the State of Louisiana criminally charged Mr. Monroe with “cover charges” to evade accountability for the officers’ abuses. The United States violated Mr. Monroe’s rights under Articles II and VIII.

2. Officers Tortured Mr. Monroe by Beating Him and Placing Him into Solitary Confinement Unattended for Several Hours with Life-Threatening Injuries.

Article XXV of the American Declaration guarantees the right to be free from arbitrary arrest, including inhumane treatment while in state custody. Article 5 of the American Convention defines the right to humane treatment, specifying that “[e]very person has the right to have his physical, mental, and moral integrity respected” and prohibiting “torture or . . . cruel, inhuman, or degrading punishment or treatment.”<sup>128</sup> The Inter-American Convention to Prevent and Punish Torture (“IACPPPT”) defines torture, in part, as “any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as a personal punishment, as a preventive measure, as a penalty, or for any other purpose.”<sup>129</sup> Because of the dire consequences associated with solitary confinement, it can amount to torture as defined under international law.<sup>130</sup> According to the

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<sup>125</sup> Mapping Police Violence, <https://mappingpoliceviolence.us/> (last visited May 13, 2025); See Press Release, NYU, Research Shows Black Drivers More Likely to Be Stopped by Police (May 5, 2020), <https://www.nyu.edu/about/news-publications/news/2020/may/black-drivers-more-likely-to-be-stopped-by-police.html>.

<sup>126</sup> Associated Press, *‘I’m Scared’: AP Obtains Video of Deadly Arrest by Louisiana State Police*, KATC (May 19, 2021), <https://www.katc.com/news/covering-louisiana/im-scared-ap-obtains-video-of-deadly-arrest-by-louisiana-state-police>; See DOJ Report, *supra* note 42 at 1-4.

<sup>127</sup> Petition for Writ of Certiorari at 9, *Monroe v. Conner*, 145 S. Ct. 435 (2024) (No. 24-16).

<sup>128</sup> Organization of American States, American Convention on Human Rights art. 5, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.T.T.S. 123.

<sup>129</sup> Organization of American States, Inter-American Convention to Prevent and Punish Torture, Art. 2, Dec. 9, 1985, O.A.S.T.S. No. 67.

<sup>130</sup> CAT art. 1; Manfred Nowak (Special Rapporteur on the Question of Torture), Civil and Political Rights Including the Questions of Torture and Detention, 35, U.N. Doc. E/CN.4/2006/6 (Dec. 23, 2005); Craig Haney, *Mental Health Issues in Long-Term Solitary and “Supermax” Confinement*, 49 Crime and Delinquency 124 (2003);



United Nations Special Rapporteur on Torture, “Solitary confinement, when used for the purpose of punishment, cannot be justified for any reason, precisely because it imposes severe mental pain and suffering beyond any reasonable retribution for criminal behaviour.”<sup>131</sup> The Inter-American Court has found that “an international juridical system of absolute prohibition of all forms of torture, both physical and psychological, has been established, and is today part of the sphere of international *jus cogens*.”<sup>132</sup>

The United States violated Mr. Monroe’s right to freedom from arbitrary arrest under Article XXV of the American Declaration by subjecting him to cruel, inhumane, and degrading treatment that amounted to torture while under state custody.<sup>133</sup> Mr. Monroe, a 61-year-old man, was brutalized by three armed police officers. He was grappled and slammed to the ground. The officers forced their knees into Mr. Monroe’s kidneys, causing Mr. Monroe to involuntarily urinate himself. He screamed for help and told the officers that he could not breathe, but the officers continued to brutalize him. Mr. Monroe suffered a heart attack during the encounter and he had to beg the officers to open the window for fresh air while traveling in the police vehicle. At the jail, Mr. Monroe requested that he be taken to a hospital. The officers at the jail refused and instead threw him into solitary confinement for several hours, leaving him unattended despite his life-threatening injuries. Taken together, these acts violated Mr. Monroe’s right to freedom from torture and cruel, inhuman, or degrading treatment under Article XXV.

### **C. Violations of obligations contained in Articles XVIII and XXVI**

The United States violated Mr. Monroe’s rights under Articles XVIII and XXVI by failing to try his criminal case before a jury of his peers, refusing to review his criminal appeal on the merits, and prohibiting Mr. Monroe from pursuing a civil suit under Section 1983. Article XVIII reads, “Every person may resort to the courts to ensure respect for his legal rights. There should likewise be available to him a simple, brief procedure whereby the courts will protect him from acts of authority that, to his prejudice, violate any fundamental constitutional rights.” Article XXVI states, “Every accused person is presumed to be innocent until proven guilty. Every person accused of an offense has the right to be given an impartial and public hearing, and to be tried by courts previously established in accordance with pre-existing laws, and not to receive cruel, infamous or unusual punishment.”

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Lauren Brinkley-Rubinsten, Josie Sivaraman & David L. Rosen, *Association of Restrictive Housing During Incarceration with Mortality After Release*, JAMA Network Open (2019).

<sup>131</sup> U.N.G.A., 66th Sess., Interim Report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Punishment, para. 81, U.N. Doc. A/66/268 (Aug. 5, 2011), <https://docs.un.org/en/A/66/268>.

<sup>132</sup> *Gómez Paquiyauri Brothers v. Peru*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R., (ser. C) No. 110, para. 112 (July 8, 2024).

<sup>133</sup> U.N.G.A., 72nd Sess., Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, para. 46, U.N. Doc. A/72/178 (July 20, 2017), <https://docs.un.org/en/A/72/178>.

IACHR Article XVIII guarantees the fundamental right to a fair trial. This Commission has consistently relied on the case of *Herrera Ulloa v. Costa Rica* to state analysis of a fair trial rests on both subjective and objective aspects. Subjectively, there must be a lack of personal bias in the proceedings. Objectively, the court “must inspire the ‘necessary confidence in the parties to the case, as well as in the citizens in a democratic society.’”<sup>134</sup>

The court in *Herrera Ulloa* stated that the “impartiality of the tribunal implies that its members do not have a direct interest, a position taken, or a preference for any of the parties and that they are not involved in the controversy.” This Commission consistently states that guarantees of objectivity must remove any doubt that the defendant or the community have regarding the impartiality of the proceedings.

Access to an effective remedy in accordance with the due process requirements of Article XVIII requires States to conduct an investigation. Due process affords every person the right “to resort to a court when any of his or her rights have been violated and the right to a judicial investigation by a competent, impartial, and independent court in order to ascertain whether the right was violated and if so to uphold the right to reparation for the damage inflicted.”<sup>135</sup> To demonstrate proper investigation, the state must show that it “conducted an immediate, exhaustive, serious, and impartial investigation.”<sup>136</sup>

The IACHR has previously recognized that distinctions based on race are subject to a “particularly strict level of scrutiny whereby States must provide an especially weighty interest and compelling justification for the distinction.”<sup>137</sup> Racial inequality in the United States and the provision of due process to Black Americans are already recognized by the IACHR as heightened concerns.

As this Commission has already found, the questions of due process and possible racial discrimination cannot be considered in isolation; it is precisely the deficiencies in due process that have left the possibility of racial discrimination unresolved. The Commission recalls that the obligation to guarantee the human rights of individuals implies the obligation of the State to take all necessary measures to remove the obstacles that may exist for individuals to enjoy the rights recognized in the American Declaration.<sup>138</sup>

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<sup>134</sup> *Ramiro Ibarra Rubi v. United States*, Case No. 13.829, Inter-Am. Comm’n H.R., OEA/Ser.L/V/II doc. 470 para. 87 (2021).

<sup>135</sup> *José Isabel Salas Galindo v. United States*, Case No. 10.573, Inter-Am. Comm’n H.R., OEA/Ser.L/V/II.169 doc. 138 para. 433 (2018).

<sup>136</sup> *Id.* para. 434.

<sup>137</sup> *Julius Omar Robinson v. United States*, Case No. 13.361, Inter-Am. Comm’n H.R., OEA/Ser.L/V/II doc. 224 para. 60 (2021).

<sup>138</sup> *Id.* para. 8.

The IACHR has previously held that the results of its own Report on Police Violence Against Afro-descendants in the United States (2018) recognizes a disparate impact on Black Americans which is “out of line with the State’s duty to ‘prohibit and eliminate racial discrimination in all its forms, including practices and legislation that may not be discriminatory in purpose, but are discriminatory in effect.’”<sup>139</sup> The United States itself has acknowledged that “the race of defendants and the race of victims of crimes has an undeniable influence on conviction and sentencing patterns.”<sup>140</sup>

Further, the IACHR acknowledges that racial discrimination in the United States leads to members of marginalized groups being more severely punished and that such “inequalities, stereotypes and prejudices are mirrored in the criminal justice system.”<sup>141</sup> Disparate treatment based on race is subject to strict scrutiny. Strict scrutiny must be applied to these cases “to guarantee that the distinction is not based on the prejudices and/or stereotypes that generally surround suspect categories of distinction.”<sup>142</sup> The IACHR has previously established that the State has a duty “not only to investigate, but to investigate beyond the formally stated motivation and to take into consideration all indicia, circumstantial evidence and other elements.”<sup>143</sup> When the courts of the United States bar a person from access to an effective remedy, especially when racial discrimination is involved, there is a violation of Article XVIII of the American Declaration.

The IACHR consistency reads Article XXVI with Article XVIII.<sup>144</sup> Generally, the facts presenting a violation of the right to a fair trial will, necessarily, also present facts leading to a conclusion that Due Process was not properly afforded. In this regard, an opinion finding a violation of Article XXVI follows the logical analysis of cases analyzing Article XVIII. The discussion of Article XVIII, *supra*, applies equally to Article XXVI.

On July 31, 2023, a Louisiana trial court held a bench trial—wherein a lone judge acts as both trier of fact and trier of law. Mr. Monroe was found guilty of two misdemeanors: Battery of a Police Officer and Resisting an Officer. Due to the serious nature and severe statutory penalties associated with the charges, Mr. Monroe was entitled to a jury trial and argued as much on appeal. Under United States Supreme Court precedent, a *malum in se*, or inherently evil, offense warrants a jury trial.<sup>145</sup> In Louisiana, violence against a police officer is deemed inherently evil conduct, as battering an officer is codified as a hate crime and a crime of violence. According to the U.S. Supreme Court, if additional statutory penalties, viewed in conjunction with the maximum authorized period of incarceration, are so severe that they clearly reflect a legislative

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<sup>139</sup> *Police Violence Against Afro-Descendants*, *supra* note 7 para. 198.

<sup>140</sup> Case 12.719, Orlando Cordia Hall (2020).

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> See, e.g., Case 12.994, Bernardo Aban Tercero (2015).

<sup>145</sup> *D.C. v. Colts*, 282 U.S. 63, 73 (1930).

intent that the offense is “serious,” then a defendant is entitled to a jury trial.<sup>146</sup> Here, the statutory penalties, a firearm ban and lifetime license revocation, were so severe for Mr. Monroe that they rendered the offense a “serious” crime, triggering his Sixth and Fourteenth Amendment right to a jury trial.

Despite Mr. Monroe’s colorable claims, both the Louisiana Second Circuit Court of Appeal and the Louisiana Supreme Court declined to review his constitutional claims. Thus, Mr. Monroe had no *meaningful* review of his convictions and was barred from having his case tried before a jury of his peers. As outlined in section II.A.1 of this petition, trial by jury is essential, especially for cases stemming from police brutality incidents, as jury members do not serve dual roles as state actors.

Black people, like Mr. Monroe, are five times more likely to suffer injuries at the hands of law enforcement that require hospitalization. When police officers engage in excessive use of force, they are incentivized to charge the victims with “cover charges”, such as resisting or obstruction, to evade accountability for their misconduct in accordance with the *Heck* doctrine, as explained above in section II.A.3. The decision to criminalize Mr. Monroe, bar him from having his criminal case tried before a jury, and refusal to meaningfully review his life-altering convictions violated Mr. Monroe’s rights under Articles XVIII and XXVI of the Declaration.

Mr. Monroe endured parallel criminal and civil proceedings. On November 24, 2021, Mr. Monroe filed a federal civil lawsuit seeking relief under Section 1983 with six causes of action: 1) excessive force; 2) conspiracy; 3) *Monell* liability for failure to supervise, failure to investigate, and failure to decertify; 4) aggravated assault; 5) aggravated battery; and 6) violation of Louisiana public records law.<sup>147</sup> The federal district court dismissed Mr. Monroe’s federal law claims with prejudice, and the federal appellate court affirmed the district court’s decision. The courts reasoned that Mr. Monroe’s civil rights claims were time-barred under Louisiana’s extraordinarily short statute of limitations, which only provides plaintiffs *one-year* to file a civil lawsuit against police for abuse and misconduct. On July 3, 2024, Mr. Monroe filed a petition for a writ of certiorari with the U.S. Supreme Court—the court of last resort—arguing that the one-year statute of limitations period that governs Mr. Monroe’s case is inconsistent with the federal interests underlying Section 1983. His petition was denied on November 4, 2024.

As explained in section II.A.2, short statute of limitation periods directly conflict with the purpose of Section 1983, which is the only legal remedy for police brutality victims seeking redress for harms committed against them by government actors. Although Louisiana has lengthened its residual limitations period to two years for claims filed after June 2024, Mr. Monroe’s claims remain time-barred. The United States violated Mr. Monroe’s rights under

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<sup>146</sup> *Blanton*, 489 U.S. at 543; see also *United States v. Time*, 21 F.3d 635, 642 (5th Cir. 1994).

<sup>147</sup> ACLU of LA, *Case #28 - Monroe v. Conner Et Al. (WDLA)*, Justice Lab, <https://www.aclujusticelab.org/case/case-28-monroe-v-conner-et-al/>.

Articles XVIII and XXVI by preventing him from pursuing a civil lawsuit—the only legal remedy available to police brutality victims.

#### **D. Violations of obligations contained in Article XI**

The United States violated Mr. Monroe’s rights enshrined in Article XI of the Declaration by permanently disabling him through the State’s use of excessive force and denying him medical care while in police custody. Article XI states, “Every person has the right to the preservation of his health through sanitary and social measures relating to food, clothing, housing and medical care, to the extent permitted by public and community resources.”

In accordance with Inter-American precedent, “Health is a fundamental human right and indispensable for the adequate exercise of other human rights, and every human being has the right to the enjoyment of the highest attainable standard of health.”<sup>148</sup> The State is obligated to “ensure access to essential health services, guaranteeing quality and effective medical care, as well as to promote the improvement of the population’s health conditions.”<sup>149</sup> This right also includes “timely and appropriate health care in accordance with the principles of availability, accessibility, acceptability and quality.”<sup>150</sup> The State must provide necessary medical care “to prevent possible disabilities, as well as to prevent and reduce as much as possible the appearance of new disabilities.”<sup>151</sup>

The State violated Mr. Monroe’s rights when LSP officers beat him so badly that he suffered a heart attack during the assault. Jail officials then refused Mr. Monroe’s requests to be taken to a hospital, opting instead to toss him into solitary confinement for several hours without access to proper medical care. As a result of the State’s actions, Mr. Monroe suffered emotional and physical injuries, including fractures in both wrists, significant injuries to his shoulders and arms, and PTSD. Mr. Monroe has now been deemed permanently disabled due to the State’s brutality. As such, the United States violated Mr. Monroe’s rights under Article XI.

#### **E. Violations of obligations contained in Article XIV**

The United States violated Mr. Monroe’s rights under Article XIV by permanently revoking Mr. Monroe’s professional license—which provided him with a livelihood for twenty-five years—before fully adjudicating his criminal matter and by failing to try his criminal case before a jury trial, as necessitated under U.S. domestic law in light of the additional, severe statutory penalties associated with conviction. Article XIV reads “ Every person has the right to

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<sup>148</sup> *Guachalá Chimbo et al. V. Ecuador*, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 423, para. 100 (Mar. 26, 2021).

<sup>149</sup> *Id.* para. 101.

<sup>150</sup> *Id.* para. 140

<sup>151</sup> *Id.* para. 143.

work, under proper conditions, and to follow his vocation freely, insofar as existing conditions of employment permit. Every person who works has the right to receive such remuneration as will, in proportion to his capacity and skill, assure him a standard of living suitable for himself and for his family.”

The Inter-American Court has indicated that a violation of Article XIV occurs when the State fails to “safeguard persons within their jurisdiction from infringements of the right to work by third parties” and includes “the failure to protect workers against unlawful dismissal.”<sup>152</sup> The right to work also includes “the right to effective legal remedies in case of an unjustifiable termination.”<sup>153</sup>

On May 19, 2020, the Louisiana Gaming Control Board revoked Mr. Monroe’s gaming license, specifically reasoning that the battery charge is a crime of violence; thus, rendering Mr. Monroe unsuitable to maintain a gaming license.<sup>154</sup> The gaming board issued a *lifetime* revocation of Mr. Monroe’s professional license even *before* he was formally convicted of the allegations on July 31, 2023. At the time of the encounter in November 2019, Mr. Monroe had worked at the El Dorado Casino for over two decades as a card dealer.<sup>155</sup> For over twenty-five years, Mr. Monroe maintained a dealer’s license through the Louisiana Gaming Control Board.<sup>156</sup>

The State failed to conduct a jury trial, which Mr. Monroe was entitled to by law. “A defendant is entitled to a jury trial in such circumstances only if he can demonstrate that any additional statutory penalties, viewed in conjunction with the maximum authorized period of incarceration, are so severe that they clearly reflect a legislative determination that the offense in question is a ‘serious’ one.”<sup>157</sup> The penalties attached to Mr. Monroe’s battery charge, in conjunction with the maximum authorized period of incarceration, were so severe as to require a jury trial under Sixth and Fourteenth Amendments to the United States Constitution. Mr. Monroe was permanently prohibited from obtaining a gaming license, which in turn affects his long-term employment opportunities.<sup>158</sup> While persons convicted of certain crimes, such as theft or fraud, may eventually qualify for a gaming license after a certain number of years have lapsed, a person convicted of a statutory crime of violence may not obtain a gaming license no matter how many

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<sup>152</sup> *Lagos del Campo v. Peru*, Preliminary Objections, Merits, Reparations and Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 340, para. 147 (Aug. 31, 2017).

<sup>153</sup> *Id.* para. 148.

<sup>154</sup> During the trial, Mr. Monroe testified about his job, his gaming license, and the requirements to maintain a gaming license. Ex. 1, *supra* note 2 at 53:8-10, 60:4-11.

<sup>155</sup> *Id.* at 53:1-4.

<sup>156</sup> *Id.* at 53:8-10, 60:4-11.

<sup>157</sup> *Blanton*, 489 U.S. at 543.

<sup>158</sup> *Richter v. Fairbanks*, 903 F.2d 1202, 1205 (8th Cir. 1990) (concluding that a 15-year driver’s license suspension is serious enough to trigger Sixth Amendment jury trial protections as it affects one’s pursuit of their livelihood); *see also Bado v. United States*, 186 A.3d 1243, 1250 (holding that deportation is a serious penalty as it severs “ties to family, work, study, and community”).

years have gone by.<sup>159</sup> As a result of his conviction, he is now permanently banned from the profession that provided the means to obtain a livelihood.<sup>160</sup> Under these circumstances, Mr. Monroe's rights were violated under Article XIV.

## **VI. CONCLUSION AND PETITION**

The facts stated herein establish that the United States of America violated Mr. Monroe's rights under Articles I, II, VIII, XI, XIV, XVIII, XXV, and XXVI and Ms. Alice's rights under Article I the American Declaration. To address such violations against humanity, the petitioners respectfully request that the Inter-American Commission on Human Rights provide the following necessary remedies:

- 1) Declare this petition admissible.
- 2) Acknowledge the breach of human rights under the American Declaration and accompany it with a public apology about the United States government's role in this human rights violation.
- 3) Direct the government to implement preventative measures that combat future human rights violations, further ensuring a more equitable society free of systemic violence.
- 4) Instruct the United States to:
  - a. Issue a public apology for its violent acts against Mr. Monroe that resulted in the loss of Ms. Alice and the grief of her family.
  - b. Provide reparations to Mr. Monroe, including financial compensation and a formal apology.
  - c. Overrule *Heck v. Humphrey* or eliminate the *Heck* bar by amending 42 U.S.C. § 1983.
  - d. Increase access to counsel for Section 1983 cases by reducing barriers for private counsel, including enforcing public records requests to streamline investigation of claims and reducing barriers to payouts.

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<sup>159</sup> La. Stat. Ann. § 27:28(C)(2).

<sup>160</sup> A person is disqualified from obtaining a gaming license in Louisiana if the person was convicted of a crime of violence. La. Stat. Ann. § 27:28(B)(1)(e).

- e. Amend the Louisiana criminal code to ensure that misdemeanor battery of an officer, resisting, and obstruction of justice charges are tried before a jury in accordance with the U.S. Constitution's Sixth Amendment and Fourteenth Amendment.
- f. Convene a special congressional committee and issue a report explaining that the four-year statute of limitations period under 28 U.S.C. § 1658 applies to Section 1983 litigation.
- g. Establish a national, publicly available database tracking police killings and all law enforcement uses of force. Data should be disaggregated by race, nationality, gender, age, sexuality, location, and disability.

Respectfully submitted on behalf of Anthony Monroe and Alice C. Monroe,

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