

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Patricia Burney — PETITIONER
(Your Name)

vs.

Debbie Aldridge — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals, 10th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Patricia Burney
(Your Name)

MBCC, 29501 Kickapoo
(Address)

McLoud, OK 74851
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Whether the state prosecutor's Brady violation, wherein he failed to disclose 1 clandestine plea offer to Petitioner's codefendant and subsequently denied the misconduct at an evidentiary hearing, fatally prejudiced Petitioner's trial and violated Due Process of law. If so, did the Oklahoma Court of Criminal Appeals err in its interpretation of cumulative trial errors as harmless, misinterpreting state law and requiring reversal of murder conviction?

LIST OF PARTIES

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

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Brady v. Maryland, 5
373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed.
2d 215
Banks v. Dretke, 124 S. Ct. 1256
U.S. v. Bagley, 105 S. Ct. 3375

STATUTES AND RULES

18 U.S.C.A. 1622 3.

OTHER

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APPENDIX F

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

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

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☒ is unpublished.

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

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☒ is unpublished.

☒ For cases from **state courts**: OCCA

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

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☒ is unpublished.

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

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

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 4/18/18.

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

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 5/21/2018, and a copy of the order denying rehearing appears at Appendix D.

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 3/31/14.
A copy of that decision appears at Appendix C.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The prosecutor violated federal law by suborning the perjury of Petitioner's Codefendant in violation of federal law (18 USC A §1622).

Petitioner's right to a fair trial was thus violated under the Fifth and Fourteenth Amendments to the United States Constitution.

STATEMENT OF THE CASE

Petitioner was convicted of murder in a circumstantial case that hinged entirely upon the perjured testimony of her codefendant.

This testimony of Michael Richardson, the Confessed Shooter, was elicited by the prosecutor in exchange for a reduced sentence.

REASONS FOR GRANTING THE PETITION

The state court decision was contrary to clearly established federal law and the U.S. Constitution, having a substantial and injurious effect on the jury's verdict, infecting the entire trial with error of Constitutional dimensions (U.S. v. Frady, 456 U.S. 152, 170 (1982)).

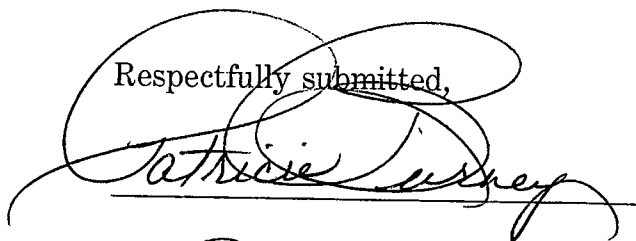
In U.S. v. Bagley, 105 S.Ct. 3375 Justice Blackmun held that evidence withheld due to a Brady violation is material had it been disclosed to the defense, the result would have been different.

All three prongs of a material Brady violation occurred in this case. The dirty plea deal was exculpatory, suppressed by the state, and resulted in fatal prejudice.

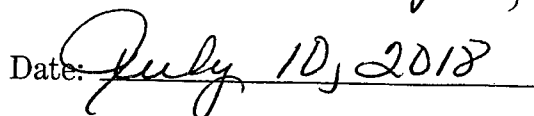
CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Patricia Curney

Date:


July 10, 2018