

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA FILED

IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MILES STERLING BENCH,	NOV - 7 2018
Appellant,	JOHN D. HADDEN CLERK
♥.	Case No. D-2015-462
THE STATE OF OKLAHOMA,	} } `
Appellee.	,

ORDER DENYING PETITION FOR REHEARING AND DIRECTING ISSUANCE OF MANDATE

Appellant, Miles Sterling Bench, was tried by jury and convicted of First Degree Murder (21 O.S.2011, § 701.7(A)) in the District Court of Stephens County, Case Number CF-2012-172. The jury found the presence of two aggravating circumstances: 1) the murder was especially heinous, atrocious, or cruel, and 2) the defendant posed a continuing threat to society, and set punishment as death. The trial court formally sentenced Appellant in accordance with the jury's verdict. On October 4, 2018, this Court affirmed Appellant's conviction and sentence of death in *Bench v. State*, 2018 OK CR 31, ____P.3d ____.

Appellant is now before the Court on a Petition for Rehearing.

According to Rule 3.14, Rules of the Court of Criminal Appeals, Title

22, Ch. 18, App. (2018), a Petition for Rehearing shall be filed for two
reasons only:

- (1) Some question decisive of the case and duly submitted by the attorney of record has been overlooked by the Court, or
- (2) The decision is in conflict with an express statute or controlling decision to which the attention of this Court was not called either in the brief or in oral argument.

Id.

Appellant contends that this Court's decision overlooked questions decisive of the issue he raised in Proposition Five including "binding precedent" and "evidence." Reviewing Appellant's allegations pursuant to Rule 3.14(B)(1), we find that Appellant is not entitled to rehearing as he has not shown that this Court overlooked some question decisive of the case and duly submitted by the attorney of record. Based upon the foregoing, this Petition for Rehearing is **DENIED.** The Clerk of this Court is ordered to issue the mandate forthwith.

¹ See Beck v. Alabama, 447 U.S. 625, 635, 100 S. Ct. 2382, 2388, 65 L. Ed. 2d 392 (1980); McHam v. State, 2005 OK CR 28, ¶ 21, 126 P.3d 662, 670.

IT IS SO ORDERED.

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