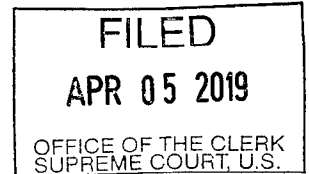


No. 18-8789

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Roy Easterwood — PETITIONER
(Your Name)

vs.

OKLAHOMA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

OKLAHOMA COURT OF CRIMINAL APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Roy Easterwood #91437
(Your Name)

P.O. Box 260
(Address)

Lexington, OK. 73051
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Will this Court require Oklahoma Courts to treat similarly situated prison inmates the same?

Can a State Court dismiss prisoners Religious Freedom claim as res judicata to avoid complying with 42 U.S.C. § 1997 (1) and (2)?

May a State Court rely on res judicata when it involves claims which are collateral to the conviction and sentence that did not become ripe for adjudication until after previous applications?

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:

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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 _____ 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☐ is unpublished.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 _____ 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☐ is unpublished.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**:

The opinion of the highest state court to review the merits 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☒ is unpublished.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 District Court of Choctaw County 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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: _____, 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. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 3-15-19.
A copy of that decision appears at Appendix A.

☐ 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

Fourteenth Amendment to United States Constitution —
State of Oklahoma Courts Refusing to treat similarly
situated prison inmates same.

Section 3 of the Religious Land Use and Institutionalized
Persons Act of 2000, Paragraph (2)

STATEMENT OF THE CASE

After Loyd Kennedy had been in state prison for some forty (40) years he filed a post-conviction in the District Court of Sequoyah County, Case No. CRF-1972-187. That court stated: "Due to health, age and number of years served... the court grants grants defendant's post conviction... and hereby sentences defendant to time already served..." After petitioner herein had served some forty (40) years he sought post-conviction relief based on age, time served and health. A different state district court created by the same state statute claims he had no authority to grant relief and the highest state court said the claim was res judicata.

In issue two (2) petitioner claimed a sentence of life imprisonment violated his religious belief and therefore the state court must modify his sentence to death to comply with God's Supreme Law. The state district court claimed it was without authority to grant any relief and the highest state court ruled all claims res judicata. Neither court demonstrated that the burden on this petitioner was in furtherance of a compelling governmental interest or the least restrictive means of furthering that compelling governmental interest.

REASONS FOR GRANTING THE PETITION

The Courts in Oklahoma have turned a blind eye to what this Court has defined as Equal Protection for persons who are similarly situated. Petitioner is a disadvantaged state prisoner and the very state courts charged with protecting his constitutional right this Court has found he retains has closed the door to relief on him - the state courts have placed an iron curtain between this petitioner and the Constitution. Central both to the idea of Rule of Law and to the Constitution's guarantee of equal protection is the principle that government and each of its parts remain open on impartial terms to all who seek its assistance. Romer v. Evans, 517 U.S. 620 (1996). This issue did not become ripe until petitioner had served some forty (40) years. Res judicata closes the court doors to petitioner and denies him Equal Protection this Court has said he is entitled while a prisoner.

Placing a Res judicata bar on a Religious Freedom claim offends the word of God. 1 Cor. 3:2 says: "I gave you milk to drink, not solid food; for you were not yet able to receive it" and Heb. 5:14 says: "But solid food is for the mature, who because of practice have their senses trained to discern good and evil." (to discern good and evil is something neither physical nor spiritual infants can do). Then, in Mark 4:28 Jesus said: "The soil produces crops by itself; first the blade, then the head, then the mature grain in the head."

A finding of Res judicata involving a Religious Freedom claim is contrary to and an unreasonable application of Federal law by a States highest court.

42 U.S.C. § 1997 (1) AND (2) SETS FORTH THE ELEMENTS A COURT MUST UNDER GO IN DENYING A RELIGIOUS FREEDOM CLAIM. IT IS SILENT ON THE USE OF RES JUDICATA IN AN ATTEMPT TO AVOID APPLYING THE STEPS SET FORTH BY FEDERAL LAW.

CONCLUSION

ACCEPTING THIS WRIT WOULD BENEFIT THE COURT IN MAKING CLEAR TO ALL PARTIES WHETHER OR NOT STATE COURTS MUST ABIDE BY FEDERAL LAW WHEN DENYING A PRISONERS RELIGIOUS FREEDOM CLAIM.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ray Eastman

Date: April 5, 2019