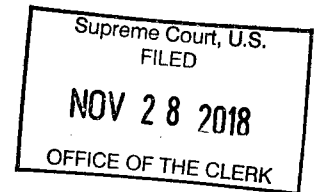


No. 18-9557

IN THE
SUPREME COURT OF THE UNITED STATES



Charles C. Brewington PETITIONER
(Your Name)

vs.

State of Oklahoma RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Oklahoma Criminal Appeals Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Charles C. Brewington #202452
(Your Name)

JHCC-5206 PO Box 548
(Address)

Lexington OK 73051
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- (1) - Do the Attached OKLA STATE COURT ORDERS VIOLATE
 - (A) - DUE PROCESS
 - (B) - ACT TO SUSPEND HABEAS - CORPUS.
 - (C) - A VIOLATION OF U.S. CONST AND
 - (D) ACT AS EX-POST-FACTO - LAW.
- (2) - When both CR Refuses to Allow a HEARING ON PROPER HABEAS APPLICATION OR AN APPEAL, which IS IN CONFLICT WITH CONST, CAN THIS COURT ADDRESS ISSUE
- (3) Whether Petitioner is in custody in violation of The U.S. Constitution or Laws or Treaties of The United States? Please SEE Petitioner Brief in support on 1-8 Propositions? Exhibit-1
- (4) Whether Petitioner suffered The State Court lacked Jurisdiction to give Petitioner The proper redress Petitioner seeks, due To the fact Petitioner was deprived of life and liberty without due process of Law, through State Court proceedings? SEE Affidavit Exhibit-2
- (5) Whether Petitioner suffered Judicial misconduct in the wrongful conviction in case CRF-1991-220 - See Pro. #7? All #3,4,5 are in The back of Objection To motion To Dismiss Exhibit-1
- * (6) Why would A District Court AND Appeals Court NOT Follow or Support And Defend OUR U.S. Constitution, The State Legislature, The State Governor WHEN [They] like [YOU] AND (ME) WERE UNDER OATH TO?
- (7) Why are we HERE, whereby The District Court AND Criminal Appeals Court ARE Guilty In The Violations of The LAWS OF The Land, we All Live In They Have Stolen 27 years And How many MORE In This State??? my case IS NOT The only ONE in Oklahoma Prisons...

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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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

U.S. - V- Ferguson, 106 S. Ct. 124
 Boykin - V- Alabama, 86 S. Ct. 1117
 U.S. - V- SANDS, 968 F. 2d. 1058
 Haines - V- Keener, SUPRA.
 AKE - V- OKLA., 105 S. Ct. 1087 AT 1092
 Lynce - V- Mathis, 177 S. Ct. 891
 State - V- Kennedy, CRF - 72 - 187 (2016)
 In Murphy - V- Royal, 875 F. 3d. 896 (10th Cir. 2017)
 US - V- Young 17 F. 3d 1201, (9th Cir. 1994) 1203, 04.

* US - V- Wallach 935 F. 2d 456 (2nd Cir. 1991).

~~Wong Sun~~ ^{Wong Sun} - V- United States 371 US 471 9 Led 2d 441 83
 S. Ct. 407

* * * * Sherman - V- US Supra 2 Led 2d 848, 87 S. Ct. (Frankfurter, J)
 STATUTES AND RULES

Const. Art (1) - sec (9) -

S. Ct. Rule 40

42 U.S.C. § 1981

28 U.S.C. § 2241/2254

12 O.S. § 1333-1334

21 O.S. § 843.1.

18 USC § 1165

{ Concurring
 Please You
 must
 Read }

OTHER

U.S. Const. (6) - CL(2)

U.S. - V- Will, 101 S. Ct. 471

1st, 8th, and 14th Amend.

military Service Conflict Jurisdiction, And U.C.M. &
 Federal Law Supreme to State law

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 N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Oklahoma Appeals court appears at Appendix A to the petition and is

- ☐ reported at N/A; 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 9-5-18.
A copy of that decision appears at Appendix A.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1st, 5th, 6th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th

- 1) The 14th Amendment Due Process of A Habeas Corpus Hearing Denied By State
- 2) The State Acts Violates American Disabilities Act Rights.
- 3) In marbury-v-madison, 5 U.S. 137, 1- Cranch, 137 (1803).
- 4) U.S.-v- Willbager, 18 U.S. (Wheat) 76, 93 (1820)
- 5) 28 U.S.C. § 2241 Habeas-Corpus
- 6) 42 U.S.C. § 12131-12181, title (2) Emergency
- 7) 29 U.S.C. § 794, sec. 504
- * 8) U.S. Const. Art. 6, CL-2 mandating State Judges Enforce Federal Rulings, and Laws.
- * 9) 6-7-1897 Act-of-Congress mandating Jurisdiction IS only in Federal-NO State Courts
- * 10) Strickland-v-Washington 466 US 668 104 S. Ct. 2052.
 - 11) Brady-v-Marland, 373 US 83, 83 S. Ct. 1194, 10 L ed 2d 215 (1963) pg. 218.
 - 12) U.S.-v- Wallach 935 F.2d 445-456 (2nd Cir. 1991) pg. ↑
- 13) The State Failed To Arrest and charge Petitioner by State's Statute under 21 O.S. Supp. 701.7 with malice murder.
Page 625 in Osborn supra; by The (10th Cir.) 1998 as when Counsel Abandoned Duty of loyalty To Client, made poor Strategic Choices, Apparently with "The intention of Assuring an conviction, at page 624, Ineffective Assistance of Counsel, The S. Ct. Has Long recognized that, "The counsel is The Right" To Effective Assistance of Counsel. Under The 6th Amends.
- * 14) In Hicks-v-Oklahoma 100 S. Ct. at 2229, it held that "Due Process is/offended if an accused is arbitrarily deprived of A right granted by State Statute, which this defendant/Petitioner was denied Several State Statute rights throughout The Proceedings. Not the least of which was 2nd. Prelim-

Continuing,
Constitutional And Statutory Provision Involved

inary hearing on the Information to be used for Trial, and that the Information was faulty And Required A Grand Jury Indictment before Petitioner/defendant could be tried in this case.

Petitioner only needs cite one State Constitution To support the federal requirement that the State of Oklahoma **MUST NOT** try a defendant on Information But only by Grand Jury Indictment. (Oklahoma Const. Has that wording in it as well). "Petitioner is being Unlawfully Held" (5th AND 6th AMEND).

The Information failed to State the exact location (where) any of the elemental counts alleged took Place; Jurisdiction was not shown to be in the County.

Indian Communities are contained entirely within the Territorial Limits of a State and within certain Counties, But a Crime committed there cannot be used as The basis for Prosecution in A State Court, because The acts occurred outside The Jurisdiction of the State, Or the County as in this case, where the Information fails to set out the exact Location of the alleged act, (see: C.M.G. -v- State 444 U.S. 992, OKla. 594 P. 2d 798 (1979). The State Violates Petitioner's

Continuing
Constitutional And Statutory Provision Involved

* U.S. Constitutional-Rights To Not Legally And Lawfully Charge The U.S. Army 22 year Disabled American Veteran Brewington With Malice Murder Under 21 O.S. Supp. 701.7 in 1991.

* The Statutes Cited as Counts of the Information under which The Petitioner was charged, Has No application or effect on the elements OF the One And Only charged act (Act against The "peace and dignity of the state) Nor does The Information set out in the Complaint And Information (amended) The basic required facts, Or All The required elements.

It is basic And fundamental that Penal Statutes Are Subject To Strict-Construction in that Such-Laws are To be interpreted Strictly Against The State And liberally in favor of an accused: (See -US.-v-Emmons 410 US. 396; US.-v-Halseth 342 US. 277; Donnelly-v-US. 276 US. 505; Campbell-v-State OKl. Cr. 546 P. 2d. 276).

STATEMENT OF THE CASE

Oklahoma District Courts, And Appeals Courts Refuse To Comply OR enforce Federal Laws, U.S. Constitution, OR U.S. Supreme Court Rulings. Denying effectiveness of Both Trial Counsel And Appeals Counsel

Petitioner is A U.S. Army Disabled American Veteran being held in the custody of D.D.O.C. 27 years, 4 months Wrongfully And Fraudulently against U.S. Constitutional Amendments, 5, 6, 8, and 14th, For 1st degree murder, I did NOT Commit.

my only Two Children in New York, I have NOT seen In 24 years, my health is being shorten by my Army Service-Connected diseases, and PTSD with Sarcoidosis, my NOT have very long to live, I only want To be Able To Spend what time, I have left with Them and 8 grand-children I have NOT seen.

I am NOT guilty of my falsely convicted ^{by} State Court, AND sentence.

The Oklahoma Court Systems are in fact Contary To The U.S. federal Constitution.

REASONS FOR GRANTING THE PETITION

AS AN EXAMPLE STATES COURTS DENIED DUE PROCESS ON THE PETITION. THE STATE DISTRICT COURT NEVER HAD AUTHORITY OR JURISDICTION BY STATE, CITY POLICE TO COME ON MY FT. SILL, OK REYNOLD'S ARMY HOSPITAL ROOM TO ARREST AND CHARGE THE PETITIONER BY A FAULTY AND RECKLESS AMENDED COMPLAINT AND INFORMATION IN CASE CRF-1991-220 VIOLATES PETITIONER'S CONSTITUTIONAL RIGHTS BY FAILING TO STATE FACTS CONSTITUTING THE ELEMENTS OF MALICE MURDER, IN THE 1ST DEGREE MURDER INFORMATION, AND HAD NO JURISDICTION TO UNLAWFULLY PROSECUTE PETITIONER AND TO FRAUDULENTLY CONVICT AND SENTENCE IN THE STATE DISTRICT COURT OF LAW. CUSTODY IS ILLEGAL!

* The Appearance of misconduct in this case is serious.

The Prosecutor and State of Oklahoma 'knew' they were in violation of the 6-7-1897 Act of Congress appointing the Ft. Smith, Arkansas Federal Court Exclusive Jurisdiction. All of Oklahoma was "Indian Territory" and all under Federal Jurisdiction of all crimes by any race that are committed within that 70,000 square miles - way-way-long before, "The 10th Cir Order" in *Murphy v Royal*, 875 F.3d 896 case dated 11-16-2017.

State Prosecutor knowingly use the fabricated evidence 'The blood on the gun' by LPD Officer Tuckless perjured testimony to the jury, so they NOT take any finger prints. LPD officer Parson's Police Report said prints were taken and on a separate Report said, "The gun" was covered in blood, and he also testified to the jury, "He did not" take any prints, but his Police Report dated on May 31st, 1991 at 8:00pm as 2000 H (shows-prints). The ADA Fred Smith used the fabricated evidence 'The Blood on the Gun' to distract the jury. To believe 'NO' prints were taken at the scene of the crime.

The State Prosecutor as in *US v Wallach* 935 F.2d 456 (2nd Cir 1991) The State refused to show the Court and jury, the forensic Report which factually proves Petitioner's ex-wife did in fact have the gun in her possession and did in fact shoot two times in her home. The State deliberately withheld Brady materials and -

Continuing Reason for Granting The Petition

Prosecutor with The Police Officers "Knew" Of The evidence, and Total fabrication of A Crime TO retain an Inegal and fraudulent conviction in State Court of Law.

The State did in fact take Prints and Petitioner ex-wife's Prints are on The weapon. The A.O.A. perjured himself To The Jury stating, "Petitioner's ex-wife came To His Home during Visitation rights", And she was in Her Boundary - The A.O.A. "Knew" - The May 31st, 1991 day was NOT A day for Visitation.

Reasons For Granting Petition

1. Oklahoma States Courts Orders are in Conflict U.S. Supreme Courts Rulings and The U.S. Constitution.
2. States Courts order are acts as an access To The Courts and Due Process.
3. Failure To Hear This Case would work manifest Mil carriage of Justice
4. Petitioner is Legally is Still In The U.S. Army regarding This Court Granting Declaratory Judgement.

CONCLUSION

If this Court does NOT hear This case, It will
Cause Petitioner, An Innocent man's Death.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles C. Brewington

Date: November 26, 2018