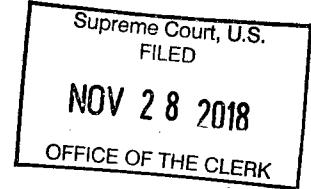


No. 18-9557

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-J206 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. ART.  
(D) ACT AS EX-POST-FATO - LAW.

(2) - When 10th Cir. Refuses to Allow a  
HARING ON PROPER HABEAS APPLICATION  
OR AN APPEAL, WHICH IS IN CONFLICT  
WITH CONST., CAN THIS COURT ADDRESS IT ELSE

(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

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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*.  
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 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, (4th Cir. 1994) 1203, 04.  
 \* US -v- Wallach 935 F.2d 456 (2nd Cir. 1991).  
~~Wong Sun~~ <sup>1960</sup> Wong Sun -v- United States 371 US 471 9 Led 2d 441 83  
 \* <sup>S.Ct. 407</sup>

\* \* \* \* \* 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

{Frankfurter, J.)  
 {concurring  
 {Please You  
 {must  
 {Read}

### OTHER

U.S. Const. (6) - CL (2)  
 U.S. -v- Will, 101 S.Ct. 471  
 1<sup>st</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amend.  
 Military Service Conflict Jurisdiction, And U.C.M.J.  
 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 PT 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 and 14th Amendments

- 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 U.S 668 104 S. Ct. 2052.
  - 11) Brady-v-Maryland, 373 U.S 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. 1
- 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 Amend.
- \* 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 aleged 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 aleged 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 22year 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 - U.S. -v- Emmons 410 U.S. 396; U.S. -v- Halseth 342 U.S. 277; Donnelly -v- U.S. 276 U.S. 505; Camp - bell -v- State OKI. 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.O.O.C. 27 years, 4 months wrongfully And fraudulently against U.S. Constitutional Amendments, 5, 6, 8, and 14<sup>th</sup>, 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 <sup>by</sup> State Court, AND sentence.

The Oklahoma Court Systems are in fact contrary to The U.S. Federal Constitution.

## REASONS FOR GRANTING THE PETITION

AS An Example States Courts Denied Petitioners on the ~~Request~~ <sup>Request</sup>  
The State district court Never had Authority or Jurisdiction  
diction by State, City Police to come on my Ft. Sill,  
OK Reynolds 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 Consti-  
tutional-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 dis-  
trict 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's 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 Fed-  
eral Jurisdiction of All Crimes by Any Race That are com-  
mitted 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-eviden-  
ce 'The blood on the Gun' by LPD Officer Tuckless per-  
jured testimony To The Jury, So They NOT take Any fin-  
ger prints. LPD officer Parson's Police Report Said Prints  
Were taken And on A Seperate Report Said, "The gun"  
was covered in blood, And He also testified To The  
Jury, "He did not" take any prints, but His Police Re-  
port dated on May 31st, 1991 at 8:00pm as 2000 H  
(shows-Prints). The ADA Fred Smith used The fabricat-  
ed 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 435 F.2d. 456  
(and Cir 1991) The State refused To Show The Court and  
Jury, The forensic Report which factually proves Peti-  
tioner's ex-wife did in fact have the gun in Her posse-  
tion And did in fact shoot Two times in His 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 31<sup>st</sup>, 1991 day was NOT a day for visitation.

Reasons for Granting Petition

1. Oklahoma States Courts Orders are in ConflicK 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 and carriage of Justice
4. Petitioner is Legally 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