



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

PAUL CURTIS PEMBERTON,)
Petitioner,)
v.)
THE HONORABLE, ROBERT A.)
LAYDEN, CHIEF JUDGE, 18TH)
JUDICIAL DISTRICT, STATE OF)
OKLAHOMA,)
Respondent.)

No. 117,710

FEB - 4 2019
JOHN D. HADDEN
CLERK

ORDER

Petitioner Paul Curtis Pemberton's filing in this Court seeks both remedies of appellate jurisdiction and original jurisdiction review of a District Court's order as well as proceedings before the Court of Criminal Appeals. In McIntosh County District Court, Petitioner sought a writ of habeas corpus to challenge his judgment and sentence in a criminal proceeding and the District Court denied his petition on November 15, 2018.

A District Court's order dismissing, or granting, or denying a petition for habeas corpus is not reviewed using this Court's civil appellate jurisdiction when the habeas corpus remedy was used to challenge a previous order of incarceration or commitment in a criminal proceeding. *Clark v. Farris*, 2015 OK 62, ¶2, 358 P.3d 932; *Dutton v. City of Midwest City*, 2015 OK 51, ¶21, 353 P.3d 532. The Court of

Criminal Appeals has exclusive appellate jurisdiction in criminal cases. *Knox v. Okla. Court of Criminal Appeals*, 2017 OK 2, ¶3, 390 P.3d 237. No civil appellate jurisdiction is invoked by Petitioner's filing herein that seeks to review an order in a District Court proceeding brought to attack his criminal conviction and writs issued by the Court of Criminal Appeals in support of its criminal appellate jurisdiction.

Petitioner also seeks the alternative remedy of original jurisdiction review. To the extent petitioner asks this court to assume original jurisdiction and grant relief based upon the alleged lack of jurisdiction of the trial court and Court of Criminal Appeals through the operation of Rule 27 of the Rules for District Courts of Oklahoma, 12 O.S. Supp. 2013, ch. 2, app., the Court declines to assume original jurisdiction. See *Dutton*, 2015 OK 51 at ¶25. The Court assumes original jurisdiction for the sole purpose of adjudicating whether it has jurisdiction to proceed on petitioner's other requests for relief concerning his habeas corpus petition. *Clark*, 2015 OK 62 at ¶3. The Court declines to assume original jurisdiction because Petitioner does not invoke any request for relief within this Court's civil original jurisdiction. *Dutton*, 2015 OK 51 at ¶¶21-29, 32-36.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 4th
DAY OF FEBRUARY, 2019.



CHIEF JUSTICE

GURICH, C.J., WYRICK, V.C.J., WINCHESTER, EDMONDSON, COLBERT, REIF, COMBS, and DARBY, JJ.-CONCUR

KAUGER, J. - DISSENTS