

Appendix A

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

**THE CLERK SHALL ENTER THE FOLLOWING ORDERS OF THE COURT:**

1 MA-2019-553  
Oklahoma County  
Case No. CV-2018-2277  
Honorable Thomas E. Prince  
District Judge

**JAMES EZELL v. JAMES NALL,  
DISCIPLINARY HEARING  
OFFICER CAPTAIN, ET ALLED  
IN COURT OF CRIMINAL APPEAL  
STATE OF OKLAHOMA**

SEP 17 2019

## **ORDER DISMISSING REQUEST AS MOOT**

JOHN D. HADDEN  
CLERK

On August 16, 2019, the District Court fully adjudicated Petitioner's complaints regarding the pending matters in this case. Petitioner's request for a Writ of Mandamus is therefore **MOOT** and is **DISMISSED**.

CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

2 MA-2019-535  
Oklahoma County  
Case No. CF-2008-5380  
Honorable Amy Palumbo  
District Judge

CHRISTOPHER ALLEN  
WILLIS v. THE STATE OF  
OKLAHOMA AND THE  
OKLAHOMA COUNTY  
DISTRICT COURT

## **ORDER DISMISSING REQUEST AS MOOT**

On August 20, 2019, the District Court fully adjudicated Petitioner's complaints regarding the pending matters in this case. Petitioner's request for a Writ of Mandamus is therefore **MOOT** and is **DISMISSED**.

CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

3      HC-2019-601  
Okmulgee County  
Case No. CF-2016-480A  
Honorable Ken Adair  
District Judge

RAITHIELE JON ROBINSON v.  
THE STATE OF OKLAHOMA,  
EDDY RICE, OKMULGEE  
COUNTY SHERIFF

## ORDER DECLINING JURISDICTION

Rule 10.3, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019) requires an applicant seeking extraordinary relief to serve notice on the adverse party when requesting relief from this Court. Petitioner has failed to give adequate notice to the proper party. The Court **DECLINES** jurisdiction and **DISMISSES** this matter.

CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

4      **MA-2019-415**  
**Tulsa County**  
**Case Nos. CF-2017-4514**  
**and CF-2017-4515**  
**Honorable Sharon K. Holmes**  
**District Judge**

**JONATHAN LEE MYRICK v.**  
**THE HONORABLE SHARON**  
**HOLMES**

## ORDER DISMISSING REQUEST AS MOOT

On August 27, 2019, the District Court fully adjudicate Petitioner's complaints regarding the pending matters in this case. Petitioner's request for a Writ of Mandamus is therefore **MOOT** and is **DISMISSED**.

CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

5      **F-2019-309**  
**Oklahoma County**  
**Case No. CF-2015-9077**  
**Honorable Natalie Mai**  
**District Judge**

**ANTHONY ZACKERY v. THE**  
**STATE OF OKLAHOMA**

## ORDER DISMISSING APPEAL

Appellant's Petition in Error was due on or before July 24, 2019, but was not timely filed. Pursuant to this Court's Rule 3.1(C), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019), the filing of the Petition in Error is jurisdictional and failure to timely file constitutes waiver of the right to appeal. As the Petition in Error was not timely filed, the above-styled appeal is

**DISMISSED.** If Petitioner feels he has been denied an appeal through no fault of his own, he may seek the appropriate relief with the District Court. See Rule 2.1(E)(2), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019). Issuance of this order concludes proceedings before this Court.

CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

6      **C-2019-161**  
          **Comanche County**  
          **Case No. CF-2017-189**  
          **Honorable Emmit Tayloe**  
          **District Judge**

**JOSEPH DAVID SIMMONS v. THE  
STATE OF OKLAHOMA**

**ORDER DISMISSING APPEAL**

Appellant requests that this appeal be dismissed and submits a properly executed affidavit as required by Rule 3.12(B)(2), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019). Appellant requests that the prosecution of the appeal cease, and acknowledges that once dismissed, the appeal cannot be reinstated. Appellant's appeal is **DISMISSED**. Pursuant to Rule 3.15, *Id.*, the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

7      **MA-2019-621**  
          **Love County**  
          **Case No. CF-1996-29**  
          **Honorable Todd Hicks**  
          **Associate District Judge**

**HAYZE EVERETT  
HALSTIED v. WILLIE L.  
HALSTIED**

**ORDER DECLINING JURISDICTION**

This Court will only entertain writs for extraordinary relief if Petitioner has sought and been denied relief in the District Court. Rule 10.1(A), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019). Petitioner is required to file with this Court, among other things, a certified copy of the District Court order denying his request for relief. See Rule 10.1(C)(2), *Rules of*

the Oklahoma Court of Criminal Appeals, Title 22, Ch.18, App. (2019). Petitioner's pleading requesting extraordinary relief does not contain a copy of a trial court order or records sufficient to prove he was denied relief in the District Court. The Court **DECLINES** jurisdiction and **DISMISSES** this matter.

CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

8      **MA-2019-615**  
**Muskogee County**  
**Case No. CF-2015-535**  
**Honorable Norman Thygesen**  
**Associate District Judge**

**BENJAMIN ROSE v. THE  
DISTRICT COURT OF  
MUSKOGEE COUNTY**

**ORDER DECLINING JURISDICTION**

Rule 10.3, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019) requires an applicant seeking extraordinary relief to serve notice on the adverse party when requesting relief from this Court. Petitioner has failed to give adequate notice to the proper party. The Court **DECLINES** jurisdiction and **DISMISSES** this matter.

CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

9      **MA-2019-624**  
**Muskogee County**  
**Case No. CF-2017-621**  
**Honorable Norman Thygesen**  
**Associate District Judge**

**BILLIE BYRD v. THE  
HONORABLE NORMAN  
THYGESEN**

**ORDER DECLINING JURISDICTION**

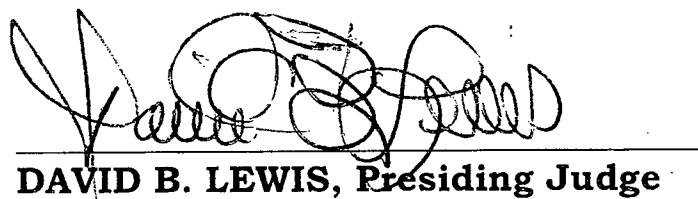
Petitioner's request for extraordinary relief was denied by the District Court in an order filed June 21, 2019. Petitioner's request for extraordinary relief filed with this Court was due for filing with this Court on or before July 21, 2019, but was not filed until August 23, 2019. Petitioner failed to file the request for extraordinary relief with the Clerk of this Court within thirty (30) days from the filing date of the District Court's order as required by Rule 10.1(C), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2019). Petitioner's

request was not timely filed. The Court **DECLINES** jurisdiction and **DISMISSES** this matter.

CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

**IT IS SO ORDERED.**

**WITNESS MY HAND AND THE SEAL OF THIS COURT** this 17<sup>th</sup>  
day of September, 2019.



DAVID B. LEWIS, Presiding Judge

ATTEST:

John D. Hadden

Clerk

# Appendix B

IN THE DISTRICT COURT IN AND FOR MUSKOGEE COUNTY  
STATE OF OKLAHOMA

**BILLIE BYRD,**

**Petitioner,**

**vs.**

**STATE OF OKLAHOMA,**

**Respondent.**

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Case No. CF-2017-0621

IN THE DISTRICT COURT  
IN AND FOR MUSKOGEE COUNTY  
STATE OF OKLAHOMA

2019 JUL 21 PM 12:28

**ORDER DENYING PETITIONER'S APPLICATION**

**FOR POST-CONVICTION RELIEF**

This matter comes on for consideration of the Petitioner's "Application for Post-Conviction Relief." The Court has reviewed the Petitioner's Application, the State's Response thereto, and the docket sheet in this matter.

The Court finds that the matter under consideration does not present any genuine issue of material fact requiring a formal hearing with the presentation of witnesses and the taking of testimony as the matter can be decided solely on the pleadings and records reviewed. *Johnson v. State*, 1991 OK CR 124, 823 P.2d 370. Nor does the Court need to appoint counsel for the Petitioner; nor is his presence required.

**HISTORY OF PETITIONER'S CASE**

The Court finds that the relevant history provided in the State's Response to the Petitioner's Application for Post-Conviction Relief to be accurate, and the Court will re-state that history here.