

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 AL**

**FILED
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 Emmitt 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.

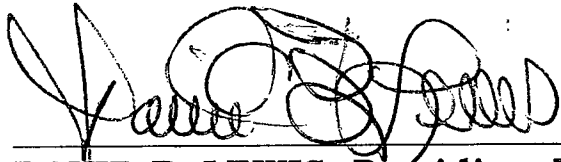
CONCUR: Lewis, P.J.; Kuehn, V.P.J.; Lumpkin, J.; Hudson, J.; Rowland, J.

IT IS SO ORDERED.

WITNESS MY HAND AND THE SEAL OF THIS COURT this

17th

day of September, 2019.

A handwritten signature in black ink, appearing to read "David B. Lewis", written over a horizontal line.

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

PAUL A. SEATON
COUNTY CLERK

2019 JUN 21 PM 12:29

OFFICE OF THE
COUNTY CLERK

**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.