

**FILED**

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

NOV - 4 2019

DONNIE HARRIS, )  
 )  
 Appellant, )  
vs. )  
 )  
THE STATE OF OKLAHOMA, )  
 )  
 Appellee. )

JOHN D. HADDEN  
CLERK

No. D-2014-153

**ORDER DENYING PETITION FOR REHEARING**

Appellant filed a Petition for Rehearing in the above-styled appeal on October 16, 2019. He requests reconsideration of this Court's decision affirming his conviction and sentence (*Harris v. State*, 2019 OK CR 22, decided September 26, 2019). According to Rule 3.14, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22 O.S., Ch.18, App. (2019), a Petition for Rehearing shall not be filed as a matter of course, but only for two reasons:


1. Some question decisive of the case and duly submitted by the attorney of record has been overlooked by the Court, or
2. The decision is in conflict with an express statute or controlling decision to which the attention of this Court was not called either in the brief or in oral argument.

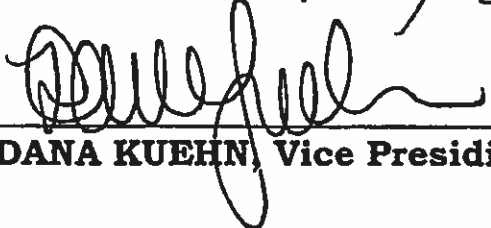


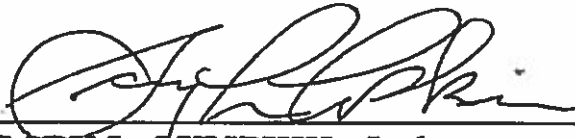
Appellant claims the Court's opinion overlooked a portion of his argument in Proposition XIV(D) and accompanying information in his Application for Evidentiary Hearing on Sixth Amendment Claims. We disagree. The gist of Appellant's argument, as we read it, was that a proper consideration of available evidence by trial counsel would have prompted him to retain a neuropsychologist, who in turn could have used this same information to support an opinion that Appellant had cognitive deficits. As explained in our Opinion, the lay information presented in support of this argument was available to, and presumably considered by, the experts trial counsel employed. No question decisive of the case was overlooked. Accordingly, the Petition for Rehearing is **DENIED**.

**IT IS SO ORDERED.**

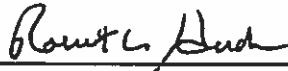
**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this 4th day of November 2019.

  
\_\_\_\_\_  
**DAVID B. LEWIS, Presiding Judge**

  
\_\_\_\_\_  
**DANA KUEHN, Vice Presiding Judge**



**GARY L. LUMPKIN, Judge**

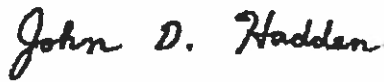


**ROBERT L. HUDSON, Judge**



**SCOTT ROWLAND, Judge**

ATTEST:



Clerk