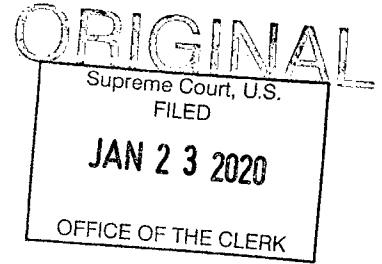


19-8314  
No. \_\_\_\_\_



IN THE  
SUPREME COURT OF THE UNITED STATES

Reginald Ward — PETITIONER  
(Your Name)

vs.

Joe Allbaugh, Director DDOC — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals 10<sup>th</sup> Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Reginald Ward  
(Your Name)

6888 E. 133<sup>rd</sup> Rd.  
(Address)

Holdenville, Okla., 74848  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

- ① Is a defendant actually innocent when facts clearly show he acted within his rights under law?
- ② When a defendant exercises his rights to defend himself against an aggressor, can the state convict him without violating his due process rights to act as the law permits. Would not such a conviction be a violation of his constitutional rights?
- ③ How can defendant receive a fair ruling by the 10th Circuit Court of Appeals, when their ruling was based on their misinterpretation of forensic evidence. Their interpretation is errant because ballistics and forensic evidence make it clear that this is not the case.

### 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:

### RELATED CASES

N/A

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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 N/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☐ is unpublished.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 United States district court appears at Appendix N/A to the petition and is

☒ reported at N/A; 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☐ is unpublished.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 N/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 N/A court appears at Appendix N/A 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: 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. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was Jan 6th, 15. A copy of that decision appears at Appendix not available.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix not available.

☒ 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**

14th and 6th Amendments.

## STATEMENT OF THE CASE

On March 17, 2013 as petitioner, his pregnant girlfriend, and his friend Mike arrived at his girlfriend's mother's home, they witnessed Alonzo Stewart having a very heated argument with who was later identified as his wife, Tanelah Stewart. Petitioner was attempting to leave his girlfriend's mother's home after dropping her off to do laundry. Today was the due date of petitioner and his girlfriend's first child, and he wanted her to be close to family just in case she went into labor. While trying to leave the residence, he was cut off in the middle of the street by Stewart, a known gang member, and multiple convicted felon for gun possession. Stewart began making violent threats about shooting the petitioner while he kept his hands in his pants the entire time and stating that he had a gun. He also showed full intent to use it without cause or provocation. He made accusations that the petitioner had something to do with his mother's house being shot up, and he was clearly ready to seek revenge. Petitioner denied that he had any involvement, which was clearly heard over the phone by Stewart's wife, whereas she would later testify during the preliminary hearing. Even then, she admitted that after the petitioner told Stewart he had nothing to do with it, Stewart still would not back off. Stewart made the statement that he did not want petitioner around his mother's home, and petitioner advised him that he was going ...

... to have his child today, and regardless of how Stewart felt, he was going to be interacting with his girlfriend's family across the street from Stewart's mother's home. He told Stewart that he had no involvement, he was not scared of his threats, and that he was not going to spend his time running and hiding from him. At this time, Stewart's Sister comes outside, and petitioner thought it was Stewart's mother. He started walking towards her, asking for her to please calm her son down.

She looked at the petitioner, rolled her eyes, and did not attempt to defuse the confrontation. Stewart grew even more upset because petitioner was not showing any fear from the threats he received, but not knowing what Stewart was going to do next, his life continuously flashed before his eyes. Stewart made the statement that he sees that the petitioner had a 45, and that he kept his "all day, every day". At that moment, Stewart's sister began to walk away. Stewart continued to make threats to shoot the petitioner but now he was being far more aggressive.

He went to remove his hand from his pants in an aggressive manner, aggressively moving toward the petitioner. Petitioner quickly removed his weapon, and began to fire rounds towards Stewart. All in one motion, Stewart received shots to the front of his body, began turning away from the petitioner and was also shot in the back while falling towards the ground. When the shooting...

... was over, petitioner was standing over Stewart, but every round was fired before Stewart's body ever hit the ground. Stewart landed on his stomach. His sister ran to his body and rolled him over in her arms, screaming and yelling "you bastard, you just killed my brother!" Petitioner, and his friend Mike left the scene in fear of Stewart's nephew coming outside to retaliate. Petitioner and Mike drove to a nearby friend's home where they immediately contacted the petitioner's father, who was also a retired police officer who talked with them about the incident and they later escorted them to the downtown Tulsa Police Department. Petitioner was charged with 1<sup>st</sup>-Degree Murder.

### Prior Proceedings

Direct appeal was filed on July 31, 2014. It was affirmed on January 6, 2015.

Post-conviction was filed on March 24, 2016. It was denied on April 15, 2016.

Writ of Habeas Corpus was filed on Sept. 15, 2016. It was denied on June 10, 2019.

## REASONS FOR GRANTING THE PETITION

The conviction and sentence rest upon the sole testimony of the victim's sister, who during the trial admitted that she was walking away when the initial shots were fired, and she did not see, but only heard the shots before turning to see that her brother had been shot, however, she did admit during the preliminary hearing that Stewart was being "very aggressive" towards the petitioner. Her initial statement to the Tulsa Police was that she witnessed her brother being shot in the back as he was walking away, which would establish the elements of intentional premeditated murder, whether by emotion or heat of passion, her testimony conflicts with the State medical examiner's report, who conducted the autopsy report in which he testified that it is most likely that the shots to the front of the victim's body were consistent with him facing the petitioner, and would be inconsistent and physically impossible to receive with him lying on his back while petitioner stood at his feet and fired rounds into the front of his body, which the victim's sister testified to in the...

...defendant's preliminary hearing. The medical examiner testified that the bullet trajectories to the front of the body were at a downward angle, which would be more consistent with Stewart standing up and facing the petitioner as he received the shots to the front of his body, and would also provide the evidence needed for petitioner to have the right to use deadly force, and stand his ground in a public place in order to prevent bodily harm.

When petitioner received the response to his Habeas Corpus Writ, respondent for the state falsely claimed that conflicting evidence showed that petitioner shot Stewart in ~~the~~ the back of his head, however, the evidence from the medical examiner's report will show that the statement made by the state was entirely false, and may very much be the reason why the state chose to deny the ~~Habeas~~ Habeas Corpus Writ.

During the trial, state's witness, Michael McConnell was trying to testify to the events that took place on 3-17-13, but every time he tried to give his testimony of what he witnessed, he was cut off by the prosecutor, and was not allowed to finish the question. This action occurred so repetitively that the judge made a statement to the prosecutor stating that it sounded like he was trying to impeach his own witness, and furthermore, why would you put an eye witness on the stand if you were not...

...going to allow them to give their full testimony to the events that took place. This would have allowed more testimonial evidence for the jury to take into deliberation. Petitioner is supposed to have the right to a fair trial but not allowing an eye witness to fully testify in a case as serious as 1st Degree Murder, where a person could possibly lose the remainder of their life is unconstitutional.

Also, in 2017, the OCCA amended not on the language, ~~so~~ but when to give to specific instruction on the right to self-defense. Changes that are directly applicable to petitioner's situation and the testimony of witness at his trial. This instruction would have allowed any reasonably ~~wise~~ minded juror to allow for justifiable homicide given the evidence put before them.

A review of the transcripts, will fully support the fact that information was given. When the court mandated changes in the instruction and the "notes" for application, they effectively created an intervening change in the law that would and does substantively effect outcome of petitioner's verdict.

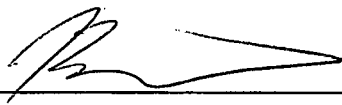
(See Oklahoma Court of Criminal Appeals; Order Adopting Amendments to Oklahoma Uniform Jury Instruction - Criminal 2nd Edition; Case No. CCAD-2017-1)

**CONCLUSION**

*Petitioner was convicted for actions the law of Oklahoma allows as lawful act, without evidence to support the claim made by the prosecution.*

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: 4-9-20