

19-8823

No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

APR 10 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

William George Cordey — PETITIONER  
(Your Name)

Mike Hunter, Oklahoma vs.  
Attorney General — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Oklahoma Court of Criminal Appeals  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

William George Cordey #400513  
(Your Name)

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Helena, Oklahoma 73741  
(City, State, Zip Code)

(580) 852-3221  
(Phone Number)

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 \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; 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☐ is unpublished.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 \_\_\_\_\_ to the petition and is

☐ reported at \_\_\_\_\_; 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☐ is unpublished.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 A to the petition and is

☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the Oklahoma County District court appears at Appendix A to the petition and is

☐ reported at \_\_\_\_\_; 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☒ is unpublished.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: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ 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 March 13, 2020.  
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## QUESTIONS PRESENTED

1. Whether DNA testing that would undermine an alleged rape victim's testimony denying consent to sexual intercourse would create sufficient uncertainty of the verdict as to constitute a claim under Jackson v. Virginia or factual innocence.

## LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. United States Constitution, Sixth Amendment (Appendix B)
2. United States Constitution, Fourteenth Amendment (Appendix B)
3. Post-Conviction DNA Testing Act, Oklahoma Title 22 O.S. § 1373 *et seq.* (Appendix B)
4. Rape First Degree, Oklahoma Title 21 O.S. § 1114 (Appendix B)
5. Forcible Oral Sodomy, Oklahoma Title 21 O.S. § 888 (Appendix B)

## STATEMENT OF THE CASE

On May 17, 2010, Petitioner, William Coodey, appeared for jury trial represented by counsel. On May 19, 2010, Petitioner was found guilty of Rape First Degree (Ct. I) and Forcible Oral Sodomy (Ct. II) and jury recommended sentences of 15 years imprisonment and 10 years imprisonment, respectively. On June 1, 2010,

the trial judge sentenced accordingly, with sentences were to be served consecutively. Petitioner exhausted his direct appeal to the Oklahoma Court of Criminal Appeals (OCCA). In a post-conviction action seeking testing of biological material, the trial denied the petition on June 19, 2019. Petitioner appealed to the OCCA which affirmed the lower court denial. This petition for certiorari to review the OCCA decision ensued.

### **REASONS FOR THE PETITION**

In the instant matter, Petitioner claimed in state court that biological testing would show that the alleged victim had lied at least with respect to the order of events, degrading the reliability of her testimony. In a case where the jury verdict rests exclusively on the testimony of the victim as to whether or not there was consent, the veracity of that testimony should be unassailable and beyond reasonable doubt.

Here, there was evidence available that showed the victim's testimony was unreliable, to wit: The passenger door was inoperable, consequently the alleged victim's testimony that Petitioner attempted to get to her through that door is unbelievable. Couple that with the fact that biological testing would have shown that the order of events reported by the victim is not supported by biological evidence.

This Court's precedents indicate that when a key witnesses' testimony in a rape case where consent is the only disputed fact (and the only fact that makes the event a crime!), then DNA evidence proving the witness lied could establish a colorable claim of factual innocence. The lower courts should be given guidance on this area of factual innocence jurisprudence.

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William T. Cooley

Date: 4-3-2020