

No. 19-8476

IN THE SUPREME COURT OF THE UNITED STATES

FALL TERM 2020

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Robert Roland Yerton, Jr.,  
Petitioner,

v.

Oklahoma,  
Respondent.

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ON PETITION FOR A WRIT OF CERTIORARI  
TO THE OKLAHOMA COURT OF CRIMINAL APPEALS

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PETITION FOR REHEARING

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October 19, 2020

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## PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.1, Robert Roland Yerton, Jr., Petitioner, Pro se, respectfully petitions for rehearing of this Honorable Court's decision issued October 5, 2020, in Yerton v. Oklahoma, No. 19-8476. Mr. Yerton moves this court to grant this Petition for Rehearing and consider his case with merits briefing and oral arguments. Pursuant to Supreme Court Rule 44.1, this Petition for Rehearing is filed within 25 days of the Court's decision in this case<sup>1</sup>.

## REASONS FOR GRANTING THE PETITION

This case is strictly a matter of hearsay. It is at its core the word of the Petitioner against the word of his anger filled, vengeful, vindictive, and millennial entitled son as well as *weaponized false allegations of assault and abuse* made by disgruntled employees. Even according to the State Respondent there is no DNA evidence, or actual witness to any of the events that the Petitioner has been accused of by his son, nor by Antonio Paquette.

In denying the Petitioner his Certiorari Appeal you are supporting the Respondent's attempts to abet the trial court judge in his egregious errors and missteps, and endorsing the Tulsa County District Attorney's Office and the Oklahoma Court of Criminal Appeals

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<sup>1</sup> The Petitioner received his SCOTUS notice via the Lawton Correction Center Legal Mail Clerk on 10-09-2020 at 12:45 pm.

(OCCA) in their decades long effort to incarcerate those who they deem unfit for society by whatever means they can: in this case by denying the Pro se Petitioner an appeal hearing because he failed to file a single document with his OCCA Appeal, PC-19-925; a document the was readily available to the OCCA online.

OCCA PC-19-925 is an appeal of the Petitioner's Tulsa County Post Conviction Relief (PCR) in CF-2010-1707. This PCR was to correct the errors that this Honorable Court had identified for correction in SCOTUS No. 18-7322<sup>2</sup> from his Direct Appeal.

In addition to the Questions presented in the Petitioner's original Direct Appeal, Certiorari 18-7322, OCCA PC-19-925, and Certiorari 19-8476 this Petitioner wants to remind this Court that, as in this case, ***weaponized false allegations of assault and abuse*** are one of the reasons for the 2020 spring and summer's nationwide protests for justice. One of the initial controversies that led to these protests were the caught-on-caners weaponized false allegations of assault made by the "Pejorative Karen", Amy Cooper, upon Christian Cooper on May 25, 2020; the same day of the George Floyd murder.

Christian Cooper was innocently bird watching in Central Park when he noted that Amy Cooper had a wanton disregard for the posted public expectations and was not following the established protocols. When Christian Cooper pointed out to Amy Cooper

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<sup>2</sup> In SCOTUS NO. 18-7322 this Court supported the opinion of the Tenth Circuit Court on 18-5034 and the Northern Federal District Court of Oklahoma in 4:15-CV-001310-GKF-PJC that the a few of issues that were under appeal linked to his Direct Appeal first needed to be presented to the Tulsa County District Court through a Post Conviction Relief.

that she was breaking the rules, she reared up, weaponized his race and gender, called 911, and made a false police report of assault.

The Petitioner brings this issue to the attention of this Honorable Court because this situation resonates with the legal cause now set before you. As outlined in OCCA PC-19-925 and SCOTUS 19-8476 *the Petitioner is similarly the victim of a weaponized false allegation*; unfortunately his accusers were not caught-on-camera lying. However, a close reading of the Petitioner's appeals and transcripts shows that both Bella Mendoza (*the mother of Antonio Paquette and a teacher that the Petitioner was not recommending for rehiring*) and Myrtha Mikel (*a school counselor who was being placed on an employee improvement plan*) conspired together to create and weaponized a false allegation of abuse rather than own up to their own behaviors and correct the deficiencies that they were being admonished for by the Petitioner (see Trial Transcripts 8/23/2012 Vol. VI p. 1045-48).

Bella Mendoza admits in her sworn testimony to manufacturing her weaponized allegation because she was being admonished (Trial Transcript 8/23/2012 Vol. VI p. 1042 line 22-25) for being an ineffective teacher. Furthermore, she testifies that she never heard her son's actual account of what he claims happened to him in November 2009 until the civil disposition hearing (that she lost) in July 2012, three (3) years after Myrtha Mikel urged her to file her weaponized false police report (Trial Transcripts 8/23/2012 Vol. XI p. 1039 line 4-9, p. 1049 line 23-25, p. 1054, p. 1068 line 20-25, p. 1073 line 20, p. 1077).

Myrtha Mikel admits in court that she herself was less than honest, and that she was also retaliatory in her *weaponized false allegations* (Trial Transcript 8/27/2012 Vol. VIII p. 1423-1425). Quoting Justice Kavanaugh from September 2018, these falsely weaponized allegations were a "*grotesque and coordinated character assassination*."

To further compound this issue, after committing perjury during the Petitioner's criminal trial (Tulsa Co. CF-2010-1707) "in order to win [his] mother back" (Trial Transcript 8/20/2012 Vol. X p. 1719) the Petitioner has only recently uncovered evidence that his falsely accusing son, Brandon Yerton-Henderson, has been committing persistent and willful acts of Identity Theft and Fraud, in the Petitioner's name, in order to pay for his monthly X-Box subscription and other online purchases.

After the Petitioner's unjust verdict and incarceration his wife, Kimberly Ann Henderson-Yerton<sup>3</sup> divorced him<sup>4</sup>. Soon afterward she moved into her mother's home <sup>5</sup>, where Brandon was already living. Brandon and/or Kimberly opened a PayPal account (#504990606607)(see exhibit \_\_\_\_ ) with Comenity Capital Bank (account #T-75002225) on 11-17-2013, after her initial filing for divorce. The account was opened via the internet with an email address of KYERTON@GMAIL.COM. Brandon and/or Kimberly then used a P.O. Box<sup>6</sup> to receive their monthly billing (see exhibit \_\_\_\_).

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3 a.k.a Celeste McCandless

4 Tulsa County FD-2013-2874

5 Annie Marie Henderson 12507 East 33<sup>rd</sup>, Tulsa, OK 74146

6 PO Box 33197 Tulsa, OK 74153-1197

The facility used to house this P.O. Box was also used by the Petitioner's father, Robert Roland Yerton, Sr. At some point Brandon and/or Kimberly stopped using this P.O. Box. When an overdue collection notice arrived at the facility in late 2019 the clerk placed the notice in Mr. Yerton Sr.'s P.O. Box. Upon opening the collection notice, that was in their common name, the Petitioner's father discovered the I.D. Theft and Fraud being perpetrated against the Petitioner.

***Perjury and weaponized false allegations made for personal profit and financial gain are all of the evidence that the State has to offer in this case.*** The Petitioner respectfully requests a rehearing and that this Honorable Court rule that the Oklahoma Court of Criminal Appeals adjudicate PC-19-925 based on the merits of the Petitioner's arguments and not dismiss the case because the Pro se Petitioner did not file a single document; a document that was readily available to them online.

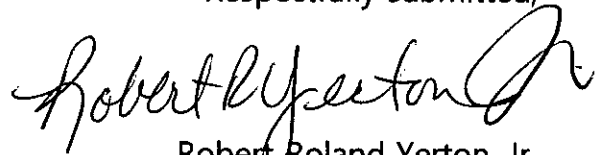
The Petitioner has clearly satisfied, in Pro se terms, the reasonable jurist, exceptional and special circumstances, as well as exigent circumstances as stated above. The Petitioner moves this Honorable Court for Pro se special privileges, liberal construments pursuant to special treatment, and that this Court not hold his action or inactions to "too rigid a standard" Holland v. Florida, 130 S.Ct. 2549. The Petitioner also assets that a Pro se party is "unable to protect his own interest," which demands that counsel be appointed Waldron v. Jackson, 348 F. Supp. 2D 877; Galindo v. Johnson, 19 F. Supp. 2D 697; Taylor v. Maddox, 366 F. 32d 933.



## CONCLUSION

Mr. Yerton, Petitioner, Pro se, respectfully requests that this Honorable Court grant his Petition of Rehearing and order full briefing and arguments on the merits of the case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert Yerton Jr.", with a stylized flourish at the end.

Robert Roland Yerton, Jr.

Petitioner, Po se

Executed Monday October 19, 2020

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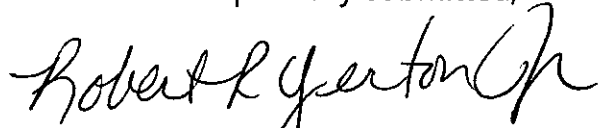
RULE 44 CERTIFICATE

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As required by the Supreme Court Rule 44.2. I certify that the Petition for Rehearing is limited to "intervening circumstance of a substantial or controlling effect or to other substantial grounds not previously presented" and that the Petition is presented in good faith and not for delay.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,



Robert Roland Yerton, Jr.

Petitioner, Po se

Executed Monday October 19, 2020

CERTIFICATE OF MAILING

I affirm under the penalty for perjury that I placed the Petitioner's Petition for Rehearing with first-class postage prepaid in the prison mail system at the Lawton Correctional Center 8670 S.E. Flowermound Road, Lawton, OK, 73501

A handwritten signature in black ink, reading "Robert Yerton Jr." with a stylized flourish at the end.

Robert Roland Yerton, Jr.

Petitioner, Po se

Executed Monday October 19, 2020