

NO 20-285

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
FEB 26 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

HERMAN TRACY CLARK

PETITIONER

Vs

JEROLD BRAGGS, WARDEN

RESPONDENT

On Petition For Writ Of Certiorari
To The Tenth Circuit Appeals Court

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SUPREME COURT, U.S.

PETITION FOR WRIT OF CERTIORARI
28 U.S.C. § 2241 HABEAS CORPUS

HERMAN T. CLARK #368606
LCC 5-G2-J
P.O. BOX 260
LEXINGTON, OK 73051

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SUPREME COURT, U.S.

QUESTION PRESENTED

Whether the word “shall” binds the Oklahoma Pardon and Parole Board decision that must be pursued in the ordinary mode prescribed by law, to be adapted to the end to be attained in respect to the justice of the Governor who has the sole power to grant commutation subject to the regulations prescribed by law to protect Petitioner’s liberty interest under the Due Process Clause of the Fourteenth Amendment?

Whether impartiality binds the Pardon and Parole Board ~~is~~ to preserve the impartiality of the state and preserve the appearance of the impartiality of the state in respect to the Petitioner’s interest in the reason for the Pardon and Parole Board’s decision?

And, do a 28 U.S.C. § 2254 AEDPA restriction also bar grieving the Government for redress of the Pardon and Parole Board’s commutation and parole consideration procedure challenging the duration of his physical imprisonment by way of a 28 U.S.C. § 2241, relief seeking a determination that entitles immediate release or a speedier release with a definite sentence?

LIST OF PARTIES

Oklahoma Pardon and Parole Board, and
Oklahoma Attorney General.

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There was no mention of the State's Habeas Corpus appealed in the Oklahoma Court of Criminal Appeals or the District Court of Cleveland County.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORORI

Petitioner prays The Court to exercise its jurisdiction options to review his liberty interest right below that is protected by the Federal Constitution.

OPINIONS BELOW

Appendix 1. Clark v. Braggs, No. 19-6105, Tenth Circuit Court of Appeals, Order Denying Certificate of Appealability, October 30, 2019.

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JURISDICTION

The date which rehearing was denied by the Tenth Circuit was December 03, 2019.

The Jurisdiction of This Court is invoked under 28 U.S.C. § 1257(a), Supreme Court Rule 10(a), (c) and Supreme Court Rule 22.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment to U.S. Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Fourteenth Amendment to U.S. Constitution

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws.

Article VI, Section 10, Oklahoma Constitution

There is hereby created a Pardon and Parole Board to be composed of five members; three to be appointed by the Governor; one by the Chief Justice of the Supreme Court; one by the Presiding Judge of the Criminal Court of Appeals or its successor. An attorney member of the Board shall be prohibited from representing in the courts of this state persons charged with felony offenses. The appointed members shall hold their offices coterminous with that of the Governor and shall be removable for cause only in the manner provided by law for elective officers not liable to impeachment. It shall be the duty of the Board to make an impartial investigation and study of applicants for commutations, pardons or paroles, and by a majority vote make its recommendations to the Governor of all deemed worthy of clemency. Provided, the Pardon and Parole Board shall have no authority to make recommendations regarding parole for convicts sentenced to death or sentenced to life imprisonment without parole.

The Governor shall have the power to grant, after conviction and after favorable recommendation by a majority vote of the said Board, commutations, pardons and

paroles for all offenses, except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law. Provided, the Governor shall not have the power to grant paroles if a convict has been sentenced to death or sentenced to life imprisonment without parole. The Legislature shall have the authority to prescribe a minimum mandatory period of confinement which must be served by a person prior to being eligible to be considered for parole. The Governor shall have power to grant after conviction, reprieves, or leaves of absence not to exceed sixty (60) days, without the action of said Board.

He shall communicate to the Legislature, at each regular session, each case of reprieve, commutation, parole or pardon, granted, stating the name of the convict, the crime of which he was convicted, the date and place of conviction, and the date of commutation, pardon, parole and reprieve.

Amended by State Question No. 309, Legislative Referendum No. 86, adopted at special election held on July 11, 1944; State Question No. 525, Legislative Referendum No. 219, adopted at election held on Nov. 7, 1978; State Question No. 593, Legislative Referendum No. 257, adopted at election held on Nov. 4, 1986; State Question No. 664, Legislative Referendum No. 298, adopted at election held on Aug. 23, 1994.

28 U.S.C. § 2241

(a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district court and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

(b) The Supreme Court, any justice thereof, and any circuit judge may decline to entertain an application for a writ of habeas corpus and may transfer the application for hearing and determination to the district court having jurisdiction to entertain it.

(c) The writ of habeas corpus shall not extend to a prisoner unless— * * *

(3) He is in custody in violation of the Constitution or laws or treaties of the United States; or

(4) He, being a citizen of a foreign state and domiciled therein is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations; * * *

1997, HB 1225, c. 333, § 23, emerg. Eff. July 1, 1997

21 O.S. § 701.1(2)

(Repealed)

21 O.S. § 14,

“The following definitions apply to the Oklahoma Truth in Sentencing Act
... “(6) “Life imprisonment” means imprisonment for a period of not less
than eighteen (18) years nor more than sixty (60) years.”

57 O.S. § 332.7(A) (1) [parent right]

“For a crime committed prior to July 1, 1998, any person in the custody of
the Department of Corrections shall be eligible for consideration for parole
at the earliest of completing one-third (1/3) of the sentence.”

57 O.S. § 332.7(F)¹

“Any person in the custody of the Department of Corrections for a crime
committed prior to July 1, 1998, who has been considered for parole on a
docket created for a type of parole consideration that has been **abolished** by
the legislature, **shall** not be considered for parole except in accordance with
this section.”

57, O.S. § 332.7(G)

“The Board **shall** promulgate rules for implementing the above subsection
A. The rules **shall** include procedures for reconsideration of persons denied
parole under this section and procedures for determining what sentence a
person eligible for parole consideration pursuant to section A, would have
received under the applicable matrix.”

57 O.S. § 332.7(O)

“All references in this section to matrices or schedules **shall** be construed
with reference to the provisions of Section 6, 598, 599, 600 and 601,
chapter 133, O.S.L. 1997.”

¹ After the November 1, 2019 amendment some lettering changed. The language remains the same for the purpose of this review.

STATEMENT OF THE CASE

The parties to an impartial parole investigation and study must comply with the procedural rules of the parole statutes which the Oklahoma Pardon and Parole Board (Board) is governed. The Board's authority to promulgate rules for a type of parole consideration that has been abolished by Oklahoma Legislature is set forth in 57 O.S. Sections 332.7 (A)-(O).

Petitioner did not receive what was provided in the parole consideration procedure statute, and exercised his First Amendment right with a 28 U.S.C. Section 2241 habeas corpus asserting his liberty interest protected by the Fourteenth Amendment to the U.S. Constitution.

The lower Courts misconstrued the Pardon and Parole Board's mandatory procedural duty to determine a definite sentence for a type of parole consideration that is abolished by the Oklahoma legislature as a discretionary parole. It misconstrued and foreshortened the § 2241 petition as challenging the validity of his life sentence.

Petitioner was convicted and sentenced in the District Court of Beckham County in Oklahoma, Case Number CF-75-51, on October 31, 1975 for First Degree Murder under 21 O.S. § 701.1(2) for the January 6, 1975 crime. The Oklahoma Court of Criminal Appeals affirmed his conviction and modified the sentence to Life with parole. Section 701.1(2) was effective from May 17, 1973 through July 23, 1976 before it was abolished by Legislature. Petitioner is currently in the custody of Warden Jerold Braggs, at Lexington Correctional Center, Lexington, Oklahoma in Cleveland County.

The Oklahoma Constitution under Article VI, Section 10, created the Board and provided that, “It **shall** be the duty of the Board to make an **impartial** investigation and study of applicants for **commutations**, pardons or paroles, and by a majority vote make its recommendations to the Governor of all deemed worthy of clemency.” (Emphasis added).

The substance of the Board’s investigation and study is to be impartial. Federal court decisions describe impartial as preserving impartiality and preserving the appearance of impartiality of the state. This means a lack of bias for or against either party, a lack of bias on the issues and a willingness to be open-minded. The appearance of impartiality requires some evidence of impartiality by confronting the prisoner and providing a reason for dismissing his eligibility for commutation or parole.

In March 2015 the Petitioner became mandatorily eligible for parole consideration under Oklahoma Parole statute Section 332.7(A) (1), tit. 57 which used the term “shall” and provided that,

“For a crime committed prior to July 1, 1998, any person in the custody of the Department of Corrections shall be eligible for consideration for parole at the earliest of completing one-third (1/3) of the sentence.”

After being denied parole in 2015 without the “appearance” of impartiality, Petitioner was reconsidered three (3) years later in March 2018 and denied parole or commutation recommendation without the appearance of impartiality for a second time.

Subject to the parent right of eligibility for consideration for commutation or parole the Board’s impartial investigation process includes:

1. “Any person in the custody of the Department of Corrections for a crime committed prior to July 1, 1998, who has been considered for parole on a docket created for a type of parole consideration that has been **abolished** by the legislature, **shall** not be considered for parole except in accordance with this section.” 57 O.S. § 332.7(E) [57 O.S. § 332.7(F)]. (Emphasis added).

Petitioner’s crime was committed prior to 1998. The type of parole consideration and the statute which the crime was committed under, § 701.1(2) has been abolished by the Legislature. The next definition in accordance with this section provides;

2. “The Board **shall** promulgate rules for implementing the above subsection A. The rules **shall** include procedures for reconsideration of persons denied parole under this section and procedures for determining what sentence a person eligible for parole consideration pursuant to section A, would have received under the applicable matrix.” Title 57, O.S. § 332.7(F) [Title 57, O.S. § 332.7(G)] (emphasis added).

The Board has not promulgated rules required of it as devised with “shall” in the discretion of the legislative power, which regards and preserves these principles of liberty and justice.

The third criteria is,

3. “All references in this section to matrices or schedules **shall** be construed with reference to the provisions of Section 6, 598, 599, 600 and 601, chapter 133, O.S.L. 1997.” 57 O.S. § 332.7(M) [57 O.S. § 332.7(O)]. (Emphasis added).

And, defined the commutation application,

4. “Oklahoma Sentencing Matrix, Schedule A is first degree murder, punishment = imprisonment for 18-60 years (life)....”

5. Oklahoma Statute title 21, § 14, “The following definitions apply to the Oklahoma Truth in Sentencing Act ... “(6) “Life imprisonment” means imprisonment for a period of not less than eighteen (18) years nor more than sixty (60) years.”

REASON FOR GRANTING WRIT

Petitioner's question requires an interpretation of 57 O.S. Supp. 2018 § 332.7(G) which prescribes the "Board shall promulgate rules for implementing the above subsection A. The rules shall include procedures for reconsideration of persons denied parole under this section and procedures for determining what sentence a person eligible for parole consideration pursuant to section A, would have received under the applicable matrix." The applicable sentencing matrix, schedule A is punishment for life equals imprisonment for 18-60 years. The definition that applies to Oklahoma Truth in Sentencing Act is ""Life imprisonment" means imprisonment for a period of not less than eighteen (18) years nor more than sixty (60) years." 21 O.S. § 14(6).

The law is clear and unambiguous as applied to a person pursuant to subsection A. Therefore, commutation became enforceable with the plain language of the statute construed in its entirety to the end to be attained by prescription. It is necessary here to review the part of the statute addressing parole eligibility in general starting with the creation of the Oklahoma Pardon and Parole Board.

The Oklahoma Constitution creates a Pardon and Parole Board with the duty "to make an impartial investigation and study of applicants for commutations, pardons or paroles, and by a majority vote make its recommendation to the Governor of all deemed worthy of clemency." Okla. Const. art. VI, § 10. "Discharge of an inmate from serving a lawful sentence rests solely with the Governor" (Fields v. Diesel, 941 P.2d 1000, 1005 (Okla. Crim. 1997)), who, "shall have the power to grant, after conviction and after favorable recommendation by a majority vote the said Board, commutations ... for all

offenses except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law.” Okla. Const. art. VI, § 10.

After the Pardon and Parole Board was created by constitutional amendment in 1944, the Legislature enacted statutes governing the Board’s duties, including 57 O.S. Supp. 1947, § 332.7. 1947 Okla. Sess. Laws p. 343, § 1. “This is a very fine provision of the law, and affords an opportunity to [P]etitioner and all others who are confined in the penal institutions of this state to present their cases to an eminently qualified board for proper consideration -- a board which may not only consider ‘justice’ to which the courts are limited, but may extend ‘mercy’ ...” Okla. A.G. Opin. No. 01-47, Nov. 8, 2001.

Until the passage of the Truth in Sentencing Act (1997 Okla. Sess. Laws. ch. 133), the general parole eligibility statute provided:

Upon completion of one-third of the sentence of any person confined in a penal institution in the state, such person shall be eligible for consideration for a parole, and it shall be the duty of the Pardon and Parole Board, with or without application being made, to cause an examination to be made at the penal institution where the person is confined, and to make inquiry into the conduct and the record of the said person during his confinement

57 O.S. 1991, § 332.7(A).

Section 332.7(A) which has been referred to as the “Forgotten Man Act”, Fields v. State, 501 P.2d 1390, 1394 (Okla. Crim. 1992) and Phillips v. Williams, 608 P.2d 1131, 1133-35 (Okla. 1980), was construed in Petition of Leaser, 207 P.2d 365 (Okla. Crim. 1949) to mean that the Pardon and Parole Board has a mandatory duty to consider

inmates for parole after they have served one-third of their sentence, but may, in its discretion, consider application for parole prior to that time. *Id.* at 368.

The application of “shall” in subsequent eligibility regulations become confusing to determine if the provisions of the Oklahoma parole statute are merely directory and when mandatory or imperative. What is conclusive is whether the prescribed mode of action is of the essence of what is to be accomplished, or in other words, whether it relates to matter material or immaterial – to matter of convenience or of substance.

The decisions in the lower Courts conflict with this Court’s cases allowing state law to create a liberty interest protected by the Due Process Clause. The language of the Oklahoma Parole Statute was not interpreted in its pure context. The district court stated, “[f]or some reason, that is unclear, Petitioner seem to believe a legislative change empowered the Oklahoma Pardon and Parole Board to replace his life sentence with a term of years” and reasoned Petitioner would need authorization to file a second and successive. Petitioner’s reasoning is clearly based on U.S. Supreme Court and Tenth Circuit precedence.

Petitioner urges this Court to grant review on the basis that consideration is important to the public to promote conceptual clarity of the procedural method in enforcing the rights established in precedence and substantive law. When the Parole Board breaks the rule of law it has a duty to enforce, it violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution, strikes at the principled character of the agency and society. The meaning of statutory language is a pure issue of law that stands for Constitutional protection that is not just procedural to a definite

sentence for immediate release or a speedier release but extends an abolished procedure for an indefinite sentence.

ARGUMENT

1. Petitioner is deprived of a fundamental right to entitlement because this Court's precedent view that the expectancy provided in the statute is entitled to some measure of constitutional protection.

The Oklahoma Pardon and Parole Board's parole consideration system creates an expectancy entitled to the protections of procedural due process because the applicable Oklahoma statute, rather than providing for a discretionary consideration, provided that whenever, “[a]ny person in the custody of the Department of Corrections for a crime committed prior to July 1, 1998, who has been considered for parole on a docket created for a type of parole consideration that has been **abolished** by the legislature, **shall** not be considered for parole except in accordance with this section” and “[t]he Board **shall** promulgate rules for implementing the above [parent right] subsection A. The rules **shall** include procedures for reconsideration of persons denied parole under this [parent right] section and procedures for determining what sentence a person eligible for parole consideration pursuant to [parent right] section A, would have received under the applicable matrix.” (Emphasis added).

The Tenth Circuit has declared in Ward v. Province, 283 Fed.Appx. 615 *1 (10th Cir. 2008)² that the provision 57 O.S. § 332.7(A)(1), governing the mandatory calculation

² Federal Courts have allowed citation of unpublished decisions since 2007. Only those unpublished decisions issued after January 1, 2007 may be cited. See Rule 32.1, Federal Rules of Appellate Procedure.

of eligibility date for parole is the portion of the Truth in Sentencing legislation that would apply to prisoners. The provision § 332.7(A) use the term and phrase “shall” be eligible for consideration for parole. This language is mandatory and creates a liberty interest for the Petitioner’s consideration for parole and/or commutation upon serving one-third of his sentence.

This parent right, 57 O.S. Section 332.7(A)(1), entitles Petitioner to a impartial parole consideration when he has completed one-third of his sentence and was convicted prior to July 1, 1998. This provision uses the word “shall” but when it comes to subsequent provisions that use the term, “shall” becomes a matter of convenience and immaterial. The Board’s mystification impedes the Board’s impartiality and Petitioner’s liberty interest protected by the Due Process Clause of the Fourteenth Amendment

In Greenholtz v. Inmates of the Nebraska Penal and Correctional Complex, 442 U.S. 1, 99 S.Ct. 2100 (1979), this Court granted Certiorari to decide whether the Due Process Clause of the Fourteenth Amendment applies to discretionary parole-release determinations made by the Nebraska Board of Pardons, and, if so, whether the procedures the Board currently provides meet constitutional requirement.

The Respondents emphasized that the structure of the provision together with the use of the word “shall” binds the Board. This Court accepted Respondents view that the expectancy provided in the statute is entitled to some measure of constitutional protection. Id. at 12.

Nebraska “shall” system was unusual at the time because no other state system had been the subject of a circuit court opinion found to be enough like Nebraska’s to

establish a liberty interest. However, amended by laws 1997, HB 1225, c. 333, § 23, emerg. Eff. July 1, 1997, B(1)(2), Oklahoma Legislature adopted the “shall” system and it has survived subsequent amendments. The more recent was November 1, 2018.

Life with parole is an indeterminate sentencing scheme created by state lawmakers because they believed in the Parole Board’s judgment for some potential parolees convicted of murder that should have the possibility of redemption and release. But in a type of parole consideration that had been abolished by legislature, the Parole Board’s decision is governed by a substantive predicate to apply the law impartially to recommend a statutory commutation with a definite minimum and maximum date rule.

Since the 1979 decision in Greenholtz, the Oklahoma Legislature chose to write “explicit mandatory language” into the parole statute governing the Board’s decision by specifying the outcome the Board must reach in the investigation and study of the eligible Petitioner for consideration of parole.

In Kentucky Dep’t of Corrections v. Thompson, 490 U.S. 454, 461 (1989), this Court held that for a prison regulation to create a liberty interest that is protected under the Due Process Clause it must contain “substantive predicates” governing an official’s decision regarding a matter directly related to the individual; and employ “explicit mandatory language” specifying the outcome that must be reached upon finding that the substantive predicate have been met. *Id.* at 462-463.

The Oklahoma commutation statute having definitions, criteria and mandated “shall”s creates a liberty interest, an entitlement, protected by the Due Process Clause. The Oklahoma Pardon and Parole Board have deprived an entitlement and Petitioner

anticipate repudiation of its charged duty to “promulgate rules” for implementing procedures for reconsideration of persons denied parole and procedures for determining what sentence a person eligible for parole consideration would have received under the applicable matrix for a crime and type of parole consideration abolished by legislature.

This Court has also held that “[a] State created right in some circumstances, beget yet other rights to procedures essential to the realization of the parent right.” Connecticut Bd of Pardons v. Dumschat, 101 S.Ct. 2460, 2464, 452 U.S. 458 (1981). 57 O.S. § 332.7(A)(1) governing the mandatory calculation of eligibility date for parole consideration and is the portion of the Truth in Sentencing legislation that would apply to prisoners, is a parent right.

This Court has decided in Goldberg v. Kelly, 397 U.S. 254 (1970), that state law is a property interest and illustrates a systematic process that works within the statutory law impartially. The law is clear that Oklahoma statutory law is a property interest and a parent right to beget subsequent rights to parole procedure to be applied to meet the constitutional requirement of the Due Process Clause.

2. The Due Process Clause prohibits the Board's denial of commutation recommendation without reason because this Courts precedent identifies two compelling state interest in preserving impartiality.

“It shall be the duty of the Board to make an impartial investigation and study” Art. 6, § 10, Okla. Const. There is no evidence in the record to support the Board’s denial of a commutation recommendation to the Governor, or that Petitioner pose an unreasonable risk of danger to society.

This Court has identified two compelling State interest in preserving impartiality identified in Republican Party of Minnesota v. White, 536 U.S. 765, 122 S.Ct. 2528, 153 L.Ed.2d 694 (2002). They are (1) preserving the impartiality of the state and (2) preserving the appearance of the impartiality of the state.

Where has the Oklahoma Pardon and Parole Board preserved or preserved the appearance of impartiality? There is none, without some evidence of reason for failing to enforce the pure and substantive language of the statute. May the Parole Board omit the law because it is the Parole Board contrary to the Federal Constitution's Due Process Clause that hold the Petitioner's only protection against anarchy? Federal precedence defines a liberty interest as protected by the Due Process Clause.

The Oklahoma Pardon and Parole Board's denial of a mandatory determination of a type of sentence Petitioner would have received under the appropriate matrix for commutation denied impartial consideration as required by the Oklahoma Constitution at Art. VI, § 10, in respect to mandatory duties prescribed by law to be adapted to the end to attained.

The end to be attained is a recommendation to the Governor to commute Petitioner's sentence as prescribed by law. The Board's investigation and study showed Petitioner had been in prison for forty-three (43) years, had an exemplary record, no infractions in eighteen (18) years, program completions, college degree, several vocational trade certifications, certified by the Oklahoma Department of Labor as a welding inspector, one job offer, one job guaranteed and a place to live. Petitioner was not promoted past the first stage that consisted of a institutional record study with this

apparent worthiness and, the Board did not avail a rule to determine the type of sentence he would have received for the Governor's power to grant.

There have been continual efforts by legislative enactments and judicial decisions to distinguish an entitlement to due process in consideration for parole that is fair and reasoned for all persons. Despite efforts biases still appear to influence decisions by the Oklahoma Pardon and Parole Board. The Board cannot disregard a statement of law intended to channel and establish degrees of probability of action to be accomplished in performing an impartial investigation and study in a consideration for parole

3. 28 U.S.C. § 2241 seeks a determination that entitles immediate release.

Tenth Circuit precedence holds that, challenges to parole procedures go to execution of sentence and should be brought under 28 U.S.C. § 2241. United State v. Furman, 112 F.3d 435, 438-439 (10th Cir. 1997).

Petitioner clearly challenged the Oklahoma Pardon and Parole Board's "parole procedure" where the parole statute provides definitions and criteria under the "shall" system adopted by the Oklahoma Legislature. The First Amendment to the U.S. Constitution protects the Petitioners right to petition the Government for redress of grievances. In this case, § 2241 provides,

- (a) Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district court and any circuit judge within their respective jurisdictions. The order of a circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.
- (b) The Supreme Court, any justice thereof, and any circuit judge may decline to entertain an application for a writ of habeas corpus and may

transfer the application for hearing and determination to the district court having jurisdiction to entertain it.

(c) The writ of habeas corpus shall not extend to a prisoner unless— * * * *

(3) He is in custody in violation of the Constitution or laws or treaties of the United States; or

(4) He, being a citizen of a foreign state and domiciled therein is in custody for an act done or omitted under any alleged right, title authority, privilege, protection, or exemption claimed under the commission, order or sanction of any foreign state, or under color thereof, the validity and effect of which depend upon the law of nations; * * * *

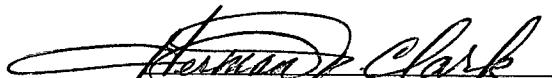
There is a need to promote conceptual clarity of the procedural method in enforcing the rights established by substantive law.

CONCLUSION

Petitioner prays this Court will exercise its options to grant review of the Oklahoma Pardon and Parole Board's binding provisions.

June 19, 2020

Respectfully submitted,



Herman T. Clark # 368606
LCC 5-G2-J
P.O. Box 260
Lexington, OK 73051