

20-7392

No. _____

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Supreme Court, U.S.
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IN THE

SUPREME COURT OF THE UNITED STATES

James J. Woodfork — PETITIONER
(Your Name)

vs.

Oklahoma — 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

James J. Woodfork
(Your Name)

216 N. Murray Street
(Address)

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

580-852-3221
(Phone Number)

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QUESTION(S) PRESENTED

I. Did the Oklahoma Appeals Court violate Petitioner's 14th Amendment rights to Due Process AND rule in a manner contrary to clearly established Supreme Court law by refusing to acknowledge or address Petitioner's claim of actual innocence?

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:

Attorney General of Oklahoma
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

RELATED CASES

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Braun v. State, 937 P.2d 505 (Okla. Cr. 1997)	10
Bousley v. United States, 523 U.S. 614, 624 (1998) ..	10
Mathews v. Eldridge, 424 U.S. 319, 333 (1976)	10
MC Quiggin v. Perkins, 569 U.S. 383, 386 (2013)	9
Slaughter v. State, 108 P.3d 1052 (Okla. Cr. 2005)	10
Skinner v. State of Okla. ex. rel. Williamson, 316 U.S. 535 (1942)	10

STATUTES AND RULES

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APPENDIX F N/A

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[] is unpublished.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[] is unpublished.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 D to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the _____ 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.

1.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

b/a 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 ~~12-30-2020~~ 12-30-2020. A copy of that decision appears at Appendix D.

[] 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th Amendment to the United States Constitution

STATEMENT OF THE CASE

On June 6th, 2020, Petitioner filed an Application for Post-Conviction Relief (“PCR” hereinafter) in the Oklahoma County challenging his 1996 state court convictions for Possession of Cocaine with Intent to Distribute¹ (Count One) and Possession of Marijuana With Intent to Distribute (Count Two).² In his Application Petitioner raised two propositions for relief, i.e., ineffective assistance of counsel, and actual innocence. The State of Oklahoma filed its response on July 22, 2020 and argued that Petitioner’s claims were barred by the doctrine of laches and/or *res judicata*. With respect to Petitioner’s actual innocence claim, the state argued that the claim was one of “legal insufficiency” and not actual innocence. (See Appendix A, State’s Response to Application for PCR, page 3-5). On August 6th, 2020, the state district court issued an order Denying Petitioner’s Application for PCR on the grounds of laches and/or procedural bar (See Appendix B, Order Denying PCR, pages 2-3). In the findings of fact and conclusion of law section of the Order, the state district court wholly failed to address Petitioner’s claim of actual innocence. *Id.* Likewise, the Oklahoma Court of Criminal Appeals’ (“OCCA hereinafter) order affirming the lower court’s denial of PCR also flailed to acknowledge or address Petitioner’s claim of actual innocence. Instead, the Oklahoma appeals court also denied PCR on the grounds of procedural bar and failed to acknowledge or address Petitioner’s claim of actual innocence. Petitioner now appears before this Honorable Court and Petitions for the issuance of a Writ of Certiorari.

¹ Oklahoma Statute Title 63 O.S. § 2-401

² *Id.*

REASONS FOR GRANTING THE PETITION

Petitioner seeks issuance of a Writ of Certiorari on the basis that the Oklahoma Appeals Court committed a blatant violation of his Fourteenth Amendment rights to Due Process and Equal Protection of the law. Specifically, by refusing to address Petitioner's claim of actual innocence, the state district court and the Oklahoma Appeals Court arbitrarily denied Petitioner the opportunity to overcome a procedural bar by a showing of actual innocence.

It is well-settled Supreme Court law that "actual innocence, if proved, serves as a gateway through which a petitioner may pass whether the impediment is a procedural bar--- or--- expiration of the [AEDPA's] one-year statute of limitations." *McQuiggin v. Perkins*, 569 U.S. 383, 386 (2013). In his original application filed in the state district court, Petitioner anticipated the application of the procedural bar and presented a colorable claim of actual innocence. Likewise, on appeal to the OCCA, Petitioner argued that state district court abused its discretion by refusing to address the merits of his actual innocence claim. (See Appendix C, Brief-In Support of Petition-In-Error, pages 2-6) Notwithstanding, in its order Affirming the denial of PCR the Oklahoma Appeals Court held that Petitioner's ineffective counsel claim was procedurally barred and wholly failed to acknowledge or address the lower court neglecting the actual innocence claim. (Appendix D, Order Affirming Denial of Post-Conviction Relief). Given the veraciousness of Petitioner's arguments on appeal to the OCCA, the Oklahoma Appeals Court's failure to acknowledge and address Petitioner's actual innocence claim denied Petitioner Core Due Process and the right to be heard on his claim of actual innocence.

Matthews v. Eldridge, 424 U.S. 319, 333 (1976) (recognizing the fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner).

Petitioner was clearly entitled to an opportunity to overcome the application of a procedural bar by showing that he is actually innocent. *See Bousley v. United States, 523 U.S. 614, 624 (1998)* (this Court remanded the case to the district court to afford Bousley the opportunity to show that he was actually innocent of using a firearm). Indeed, the OCCA's failure to afford Petitioner the same opportunity flies in the face of its own precedent where it provided other similarly situated defendants with an opportunity to overcome a procedural bar by addressing their claims of actual innocence. *See Slaughter v. State, 108 P.3d 1052 Okl.Cr.2005* (OCCA reviewed merits of actual innocence claim); *Braun v. State, 937 P.2d. 505, 514 n.15 (Okl.Cr.1997)* (recognizing that a showing of actual innocence may establish cause for overcoming a procedural bar). Consistent with the arguments and authority presented above, it is submitted that the OCCA's failure to afford Petitioner an opportunity to overcome the procedural bar³ by addressing the merits of his actual innocence claim violated Petitioner's rights to Due Process and Equal Protection of the law under the United State's Constitution's Fourteenth Amendment. *See Skinner v. State of Oklahoma ex. rel. Williamson, 316 U.S. 535 (1942)* (the guaranty of equal protection of the law is a pledge [or promise] of the protection of equal laws).

³ In the least, the OCCA should have remanded the case back to the state district court with instructions for the lower court to determine whether Petitioner's actual innocence claim was sufficient to overcome the procedural bar. Alternatively, the OCCA could have addressed the merits of the actual innocence claim itself.

It is further submitted that the this Court should grant a Writ of Certiorari to prevent the Oklahoma Appeals Court from grounding itself in a practice of totally ignoring other prisoner's claims of actual innocence. Such a practice, if allowed to continue, would undermine the very foundation of our system of criminal justice, *i.e.*, that the guilty be convicted, and the innocent go free.

CONCLUSIONS

Premises considered, the Oklahoma Appeals Court acted arbitrarily and ruled in a manner contrary to clearly established Supreme Court law when it wholly failed to afford Petitioner the opportunity overcome the procedural bar and by refusing to acknowledge or address his claim of actual innocence. Wherefore, Petitioner Prays that this Honorable Court will GRANT a Writ of Certiorari and remand the case back to the Oklahoma appeals court for review of his claim of actual innocence.

Respectfully Submitted,
James Woodfork

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