

IN THE COURT OF CRIMINAL APPEALS, **FILED**
IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA STATE OF OKLAHOMA

BILLY EARL PARKER,

Petitioner,

v.

STATE OF OKLAHOMA,

Respondent.

FEB 24 2021

JOHN D. HADDEN
CLERK

No. MA-2021-86

Appendix A

ORDER DENYING EXTRAORDINARY RELIEF

In December 2007, Petitioner was convicted of first-degree murder in Oklahoma County District Court Case No. CF-2005-648. He was sentenced to life imprisonment. The conviction and sentence were affirmed on direct appeal. *See Parker v. State*, No. F-2007-510 (Okl.Cr. October 2, 2008) (not for publication).

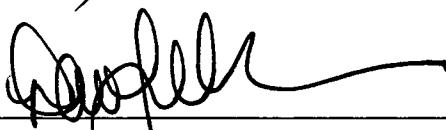
On July 6, 2015, the District Court denied Petitioner's first post-conviction application seeking DNA testing. We affirmed the District Court's decision. *See Parker v. State*, No. PC-2015-659 (Okl.Cr. October 19, 2015) (not for publication). Subsequently, the District Court denied post-conviction applications seeking DNA testing filed on November 6, 2018 and March 15, 2019.

Presently, Petitioner seeks a writ of mandamus with regard to the post-conviction application filed in the District Court on March 15, 2019. For a writ of mandamus, Petitioner must establish, among other things, that he has a clear legal right to the relief sought. *See Rule 10.6(B), Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch.18, App. (2021).* Petitioner does not have a right to the relief sought because his request concerns a *subsequent* application seeking relief under the Post-Conviction DNA Act. *See Watson v. State, 2015 OK CR 3, ¶ 3, 343 P.3d 1282, 1283* (“the procedural bar provisions in Section 1086 of the Uniform Post-Conviction Act apply to the petitioner’s second or subsequent post-conviction motion requesting DNA testing under the Post-conviction DNA Act”). Accordingly, Petitioner’s petition for a writ of mandamus is **DENIED**.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

24th day of February, 2021.



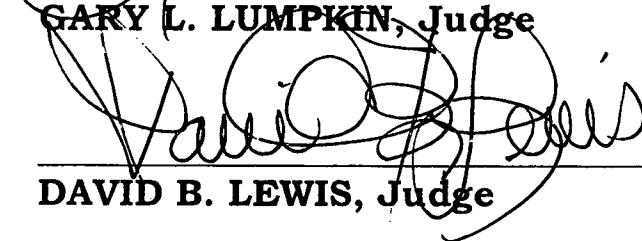
DANA KUEHN, Presiding Judge



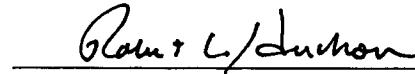
SCOTT ROWLAND, Vice Presiding Judge



GARY L. LUMPKIN, Judge

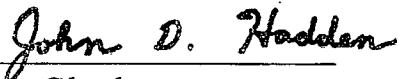


DAVID B. LEWIS, Judge



ROBERT L. HUDSON, Judge

ATTEST:



John D. Hadden

Clerk

OA