

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

FEB 24 2021

**BILLY EARL PARKER,**

**Petitioner,**

**v.**

**STATE OF OKLAHOMA,**

**Respondent.**

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 October 2, 2008) (not for publication).

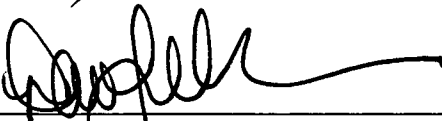
On July 6, 2015, the District Court denied Petitioner's first post-conviction application seeking DNA testing. We affirmed the District Court's decision. *See Parker v. State*, No. PC-2015-659 (Okl.Cr. October 19, 2015) (not for publication). Subsequently, the District Court denied post-conviction applications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

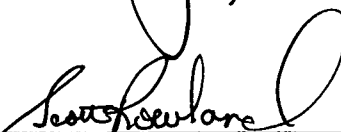
Presently, Petitioner seeks a writ of mandamus with regard to the post-conviction application filed in the District Court on March 15, 2019. For a writ of mandamus, Petitioner must establish, among other things, that he has a clear legal right to the relief sought. See Rule 10.6(B), *Rules of the Oklahoma 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**.

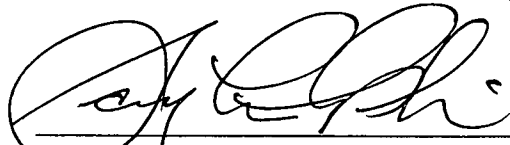
**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this

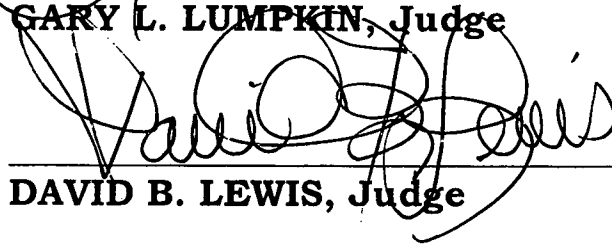
24<sup>th</sup> day of February, 2021.

  
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**DANA KUEHN, Presiding Judge**

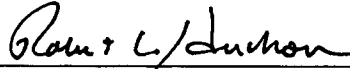
  
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**SCOTT ROWLAND, Vice Presiding Judge**



**GARY L. LUMPKIN, Judge**

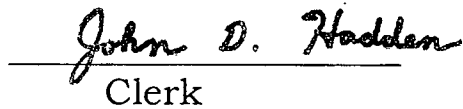


**DAVID B. LEWIS, Judge**



**ROBERT L. HUDSON, Judge**

ATTEST:

  
Clerk

OA