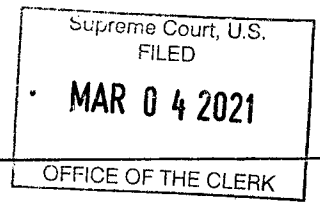


No. 20-7754



In the
Supreme Court of the United States

Spring Term 2020

Robert Roland Yerton, Jr.,
Petitioner,

vs.

The State of Oklahoma,
Respondent.

On a Petition for a Writ of Certiorari to
the Oklahoma Court of Criminal Appeals

Petition for a Writ of Certiorari

Robert Roland Yerton, Jr.

LCF 663423 6-D-208

8607 S.E. Flowermound Road

Lawton, Oklahoma 73501-4603

March 3, 2021

Question Presented

Whether the Oklahoma Court of Criminal Appeals (OCCA) applied the Writ of Mandamus, MA-2020-930, to the correct Petition in the Tulsa County District Court.

List of Parties

All parties appear in the caption of the case on the cover page.

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Appendix A - Order Denying Writ of Mandamus
Oklahoma Court of Criminal Appeals

Appendix B - Writ of Mandamus MA#2020-930 with
attached Exhibit I of referenced
Petition

Exhibit I - Petition to Tulsa County mailed
8-27-2020 that was the intended subject
of the Writ of Mandamus above

Appendix C - Motion for Post Conviction Relief
(PCR) in Tulsa Co. CF-2010-1707
stamped filed on 12-8-2020

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 judgement below.

Opinions Below

The opinion of the highest state court to review the merits appears at Appendix A.

Jurisdiction

The date on which the highest state court decided my case was 1-4-2021. A copy of that decision appears at Appendix A.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

Table of Authorities

Cases

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Statement of the Case

The Petitioner, Robert Roland Yerton, Jr., a state prisoner proceeding Pro se, appeals the ruling of the Oklahoma Court of Criminal Appeals (OCCA) that a Writ of Mandamus is denied (Appendix A).

Acting Pro se, the Petitioner mailed a petition to the Tulsa County District Court (Appendix B) in August 2020. Not having received a response from Tulsa County in over 100 days^① the Petitioner filed for a Writ of Mandamus with the OCCA. This writ was assigned case #MA-2020-930 on 12-18-2020.

Subsequently, the Pro se Petitioner also filed a Post Conviction Relief (PCR) petition with Tulsa Co. case # CF-2010-1707. It was filed on 12-10-2020

Due to covid-19 restrictions and various facility and state wide lock downs the Petitioner's access to the Lawton Correctional Center Law Library was restricted and at times not existant. The Petitioner was unable to have access to online documents or to track the filings he made last fall until late February 2021.

Although the petition for writ of Mandamus very clearly explained it was for the Petition mailed to Tulsa County in August 2020 (Appendix B), and that Petition was attached to the request for mandamus relief, the OCCA erroneously applied the mandamus to the PCR filed on 12-10-2020 (Appendix C).

On February 27, 2021 the Petitioner was creating a new Writ of Mandamus to compel Tulsa Co. to answer the PCR filed on 12-10-2020 when he discovered that the OCCA ruling of 1-11-2021 was applied to his motion for PCR and that that motion was therefore dismissed. It is this discovery that has prompted this new action.

Reason for Granting the Writ

The Pro se Petitioner asserts that Certiorari is needed to resolve this issue and asks this Court to require the OCCA to recind its 1-11-2021 ruling to the still yet filed Petition that it refers to (Appendix B), as well as recinding its application to the PCR (Appendix C) filed in CF-2010-1707 on 12-10-2020.

Eventhough the Petitioner took the extraordinary action of attaching a copy of the original petition

appendix B) to the requested writ of mandamus, which should have been sufficient to distinguish this petition from the subsequent and distinctly different PCR (appendix C) of 12-10-2020, the OCCA erroneously applied the mandamus to the PCR.

Because the OCCA applied its 1-11-2021 ruling to the newly discovered evidence in the Petition for PCR of 12-10-2020, the Tulsa County District Court will now not rule on the same said PCR which would potentially provide the Petitioner some much needed relief.

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 constructions pursuant to special treatment, and that this Court not hold his actions or inactions to "too rigid a standard" *Holland v. Florida*, 130 S.Ct. 2549. The Petitioner also asserts 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.3d 933.

Conclusion

The Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

Robert R. Yerton, Jr.
Petitioner Pro se

executed March 3, 2021

Verification Affidavit

I, Robert Roland Yerton, Jr., do hereby state that, the statements contained in this pleading are true and correct to the best of my knowledge, belief, understanding, and ability.

Robert R. Yerton Jr. 3-3-21

Certificate of Mailing

I, Robert Roland Yerton, Jr., affirm under the penalty for perjury that I placed the Petitioner's Petition for Certiorari with first-class postage in the prison mail system at the Lawton Correctional Center 8670 S.E. Flowermound Road, Lawton, OK 73501 on March 3, 2021.

Robert R. Yerton, Jr. 3-3-21
Petitioner, Pro se