

20-8206

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

APR 08 2021

OFFICE OF THE CLERK

PRENTISS MORRIS

(Your Name)

— PETITIONER

vs.

STATE OF OKLAHOMA

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

PRENTISS MORRIS

(Your Name)

LAWTON CORRECTIONAL FACILITY

(Address)

8607 SE FLOWER MOUND RD

(City, State, Zip Code)

LAWTON OKLA 73501

(Phone Number)

QUESTION(S) PRESENTED

1. Can petitioner be convicted of alleged crime (as mentioned) from a mental retarded (person) testimony alone, in the absence of a evaluation to determine, if alleged victim (understands) the seriousness of her allegations?

2. Can Courts enhance sentence by using (A.P.C.F.) that's more than ten years old...

3. Can State obtain conviction in the absence of proving each & every element beyond a reasonable doubt (Ovi-cr-4-120 where force/violence was used against the victim or where force/violence was threatened against the victim and the defendant had the apparent power to carry out the threat of force/violence... emphasis added... So Can the state have acquired the 1st degree rape conviction in the absence of the elements of violence (as mentioned)?

4. petitioner was convicted off circumstantial evidence is the circumstantial theory enough to sustain the conviction of 1st degree rape?

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:
- IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF
OKLAHOMA
- IN THE DISTRICT COURT OF CREEK COUNTY STATE OF
OKLAHOMA

RELATED CASES

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TABLE OF AUTHORITIES CITED

CASES

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| BALLARD v UNITED STATES | 329 | U.S. 187 67 S Ct 261 (1946) |
| CRANE v KENTUCKY | 476 | U.S. 683 106 S Ct 2142 (1986) |
| IN RE WINSHIP | 397 | U.S. 358, 90 S Ct 1068 (1970) |
| IRVIN v DOWD | 366 | U.S. 717, 81 S Ct 1639 (1961) |
| JACKSON v VIRGINIA | 443 | U.S. 387, 99 S Ct 2781 (1979) |
| KOON v UNITED STATES | 518 | U.S. 81 116 S Ct 2035 (1996) |
| PETERS v KITA | 467 | U.S. 493-92 S Ct 2163 (1972) |
| THIEL v. SOUTHERN PACIFIC CO. | 328 | U.S. 217, 66 S Ct 984 (1946) |
| MITCHELL v. STATE | 2010 | AK CR 14 11 97, 235 P.3d 640, 661 |
| U.S. v. Bolden | 325 | F.3d 471, 501 (4th Cir 2005) |
| BATSON v KENTUCKY | 476 | U.S. 79, 89 (1986) |

STATUTES AND RULES

| | |
|--------------------|------------|
| 12 O.S. 2011 | { 2401 |
| 12 O.S. 2011 | { 2404 |
| 12 O.S. 1981 | { 2404 (B) |
| 12 O.S. 2011 | { 2404 (B) |
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|-------------------|-----------|
| O.S. SUPP. 2018 | { 51.1(D) |
| 21 O.S. SUPP 2018 | 51.1(C) |
| 21 O.S. SUPP 2017 | { 1114 |
| 21 O.S. SUPP 2018 | { 51.1(D) |
| 21 O.S. SUPP 2018 | { 51.1(C) |
| 21 O.S. 2011 | { 51.1 |

OTHER

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 _____ 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 _____ 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.

JURISDICTION

☐ For cases from federal courts:

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

☐ 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 Feb 11, 2021.
A copy of that decision appears at Appendix A.

☐ 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

U.S. CONST AMEND XIV..... 8.13.23.29.30.34.35.41.42
44.47.51.54.57.

OKIA CONST. ART II § 20..... 8.13.23.29.34.47.54.57

OKIA CONST ART II § 7..... 8.13.29.34.35.41.42.44.47.56.54.5

US. CONST AMEND. V..... 30.42

US CONST AMEND VI..... 7.13.29.30.34.35.44.47.51.54-57

US CONST AMEND VIII..... 8.13.23.29.47.54.54

STATEMENT OF THE CASE

Petitioner was charged by Information in Creek County District Court, Case No. BCF-2018-152, with Count 1 First-Degree Rape and Count 2, First Degree Burglary, both charged after former felonies. (O.R. 1-3) a Jury trial was held March 12, 2019 through March 15, 2019 before the Honorable District Judge Kelly Hake, District Court Judge. The Jury returned a verdict of guilty as charged of First Degree Rape, but acquitted Mr. Morris of First Degree Burglary. The Jury recommended that appellant be sentenced to serve twenty years for the Rape Conviction. (Tr. 520) on June 19, 2019 Judgment and Sentence were imposed in accordance with the Jury's verdict. From such Judgment and Sentence, appellant now appeals..

REASONS FOR GRANTING THE PETITION

My Fourth and Fourteenth Amendments to the United States Constitution were violated: i. e.,

My Fourth Amendment was violated as a consequence of damning evidence used against me at trial was confiscated in violation of illegal search and seizure rights guaranteed and protected by Mapp v. Ohio

Consequently my Fourteenth Amendment was violated as a consequence concerning my Due Process Rights as protected by the Fourteenth Amendment to the United States Constitution: e.g., see;