

ORIGINAL



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

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

WADE GREELY LAY,)
)
 Petitioner,)
)
 v.)
)
 STATE OF OKLAHOMA,)
)
 Respondent.)

JUN - 9 2021

JOHN D. HADDEN
CLERK

No. MA-2021-497

ORDER DENYING EXTRAORDINARY RELIEF

On June 1, 2021, Petitioner, *pro se*, filed a pleading seeking leave to “file a post-conviction application pursuant to the doctrine of equitable estoppel and 28 U.S.C. § 2244(d)(1)(B).” In October 2005, Petitioner was convicted of first-degree murder and attempted robbery with firearms. He was sentenced to death on the murder conviction. His convictions and sentences were affirmed on direct appeal. *Lay v. State*, No. D-2005-1081 (Okl. Cr. February 12, 2008) (not for publication). Applications for post-conviction relief were denied. *Lay v. State*, No. PCD-2010-407 (Okl. Cr. October 13, 2010) (not for publication); *Lay v. State*, No. PCD-2006-1013 (Okl. Cr. September 26, 2008).

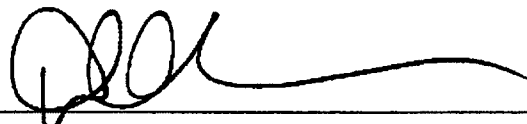
In his pleading, Petitioner claims that he has not filed a post-conviction application and that he has been prevented from doing so by unspecified "governmental actors." We construe the pleading to be a petition for a writ of mandamus.

For a writ of mandamus, Petitioner has the burden of establishing that (1) he has a clear legal right to the relief sought; (2) the respondent's refusal to perform a plain legal duty not involving the exercise of discretion; and (3) the adequacy of mandamus and the inadequacy of other relief. Rule 10.6(B), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2020). Petitioner's request to this Court is unclear and the record provided is insufficient to warrant extraordinary relief. Accordingly, the petition for a writ of mandamus is **DENIED**.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

9 day of June, 2021.




DANA KUEHN, Presiding Judge




SCOTT ROWLAND, Vice Presiding Judge



GARY L. LUMPKIN, Judge




DAVID B. LEWIS, Judge



ROBERT L. HUDSON, Judge

ATTEST:



Clerk

OA