

No. 21-7830

FILED
FEB 10 2022
OFFICE OF THE CLERK
SUPREME COURT

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

DANIEL PAUL STARR — PETITIONER
(Your Name)

STATE OF OKLAHOMA vs.
DISTRICT COURT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

OKLAHOMA COURT OF CRIMINAL APPEAL/DISTRICT COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DANIEL PAUL STARR 226117
(Your Name)

LCF 3-Echo 8601 S.E. Flowermound Road
(Address)

LAWTON, OKLAHOMA 73501
(City, State, Zip Code)

(580) 351-2778
(Phone Number)

QUESTION(S) PRESENTED

1. ON A STATE DISTRICT COURT LEVEL IS IT LAWFUL FOR JURY TO render A verdict of guilt ON A lesser-charge (Misdemeanor), and the Afterwards the Judge orders the jury to deliberate on this verdict (Tr. 122, 1-25)?
2. ON A STATE DISTRICT COURT LEVEL IS IT LAWFUL for the Judge to receive a Note from the jury, and discuss my case without ^(he) being present, and later mentioned about UNANIMITY. (Tr. 120, 19-25), see EXHIBIT-5 Attached.
3. IS IT LAWFUL for the ^(JUDGE) to deliberately switch COURT Reporter's failed to establish Title 22 O.S. § 1054, 1362, and Rule 2.2.(A)(B)(i) Rules of OKLAHOMA Court of CRIMINAL Appeals (OCCA) 1.) Jury Notes 2.) No Reading of the NOT Guilty Verdicts 3.) Tampered with transcripts, AND 4.) The jury (TRIAL) foreman's Answer (Tr. 122, 23-24) are missing from the DISTRICT COURT'S DOCKET SHEET File, and were not part of the record (DIRECT APPEAL) ON APPEAL NO. F-2002-462 prior to construction of Appellant's Brief. Affected my Summary Opinion Filed on April 24, 2003. My result's would have changed the construction of my case. Complaint No. SCAD-2012-57 (Board of Examiners).
4. ON A STATE DISTRICT COURT LEVEL IS IT LAWFUL for the Judge to Poll the Jury on an Acquittal with "No Evidence", AND Judge only polled Four (4) Juror's and stop that Judge Forced the Jury to Redeliberate, 11 to 1.
5. ON A DISTRICT COURT LEVEL IN the OKLAHOMA COURT OF CRIMINAL APPEALS No. PC-2016-122 for the Judge to combine the Face Swabs, AND then the vaginal swabs and MAKE the call that the Face Swab as a complete body.
6. ON A STATE DISTRICT COURT LEVEL did they have JURISDICTION?

LIST OF PARTIES

I don't have INMATE Legal Assistance

☒ 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:

DISTRICT COURT (Tulsa) CF-61-463/F-02-462

RELATED CASES

Coleman vs. Lampert, 233 F. Supp. 2d 1293 (2002)

Double Jeopardy

Keeble vs. UNITED STATES, 93 S.Ct. 1993 Lesser Charge
18 U.S.C. § 565

Berra v. UNITED STATES, 351 U.S. 131 (1956)
18 U.S.C. § 1152, 1153

UNITED STATES vs. Whitaker, 144 U.S. App. D.C. 344 (1971)

William vs. Taylor, 120 S.Ct. 1495

28 U.S.C. § 2244(d)(1)

Price vs. Georgia, 90 S.Ct. 1757 (1970)

Green vs. UNITED STATES, 78 S.Ct. 221 (1957)

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- APPENDIX B UNITED STATES DISTRICT COURT 04-CV-0787-CVE-PJK (8-25-2006)
- APPENDIX C OKLAHOMA COURT OF CRIMINAL APPEALS 12-17-2004. Tiolet Paper Filed. IMPEDIMENT TRANSFER/State my deadline
- APPENDIX D DISTRICT COURT OF TULSA (ORDER) 8-13-2004 Retakeology Transfer from inmate Legal Assistance MARQUIS MILLER.
- APPENDIX E SUMMARY OPINION 4-24-2003 F-2002-462, Government Impediment court Report took statements from Transcript (MISSING ANSWER).
- APPENDIX F OKLAHOMA CRIMINAL APPEALS PC-2016-122
I received my transcript after PC-2016-122, on 3-10-2016. Government Judge Impediment's when she combined FACE swab, and VAGINA swab as the complete body. (see: Lab Report that was cancelled 12-30-2000, # 2000090462).

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

NO Inmate Legal Assistance

STRICKLAND VS. WASHINGTON

U.S. VS. CRONIC

COLIN VS. LAMPERT

AKE VS. OKLAHOMA, 470 U.S. 78, 84 L.Ed. 2d 58, 105 S.Ct. 1087 (1985)

Schlup vs. DELA — S.Ct. —

House vs. Bell, 547 U.S. —, 126 S.Ct. 2064

Kidd v. NORMAN, 651 F.3d 947 (CA 8 2011)

DAUBERT HEARING (DNA)

Dodd vs. STATE,

PREPCE VS. STATE

STATE EX REL. EDMONDSON VS. COLCLAZIER, 106 F.3d 138 (2002)

COLIN VS. LAMPERT, 233 F. Supp. 2d 1243 (2002)

Piece vs. Gilchrist, 359 F.3d 1279 (10TH Cir. 2004)

BRADY VS. MARYLAND, 83 S.Ct. 1194 (1963)

STATUTES AND RULES

22 § 258

OKLAHOMA COURT OF CRIMINAL APPEALS

22 § 913

Rule 5.4. (A) 7-6-2004

22 § 911

22 § 918

RULES FOR DISTRICT COURT

22 § 921

I REQUEST A NEW TRIAL Rule 17

22 § 922

NEWLY ENACTED LAW 22 § 1373 et al.,

Double Jeopardy

SENATOR KEVIN MATTHEWS SENT ME.,

44 U.S. § 5 et al.

AND AMENDED SENATE BILL 36 (2021)

Fed. Rules Crim. P. Rule 31(c)

I NEVER HAD A HEARING.

Porcara v. UNITED STATES, 784 F.2d 38

OTHER

EDWARDS V. ARIZONA, 471 U.S. 477 (1981)

JACKSON VS. VIRGINIA, 443 U.S. 307

UNITED STATES V. VIGIL, 523 F.3d 1258 (10TH Cir. 2008)

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL Authorities	
UNITED STATES CONSTITUTIONAL	1. 22 O.S. § 258
U.S. CONST. AMEND. IV	2. 22 O.S. § 913
U.S. CONST. AMEND. V	3. 22 O.S. § 911
U.S. CONST. AMEND. VI	4. 22 O.S. § 918
U.S. CONST. AMEND. VII	5. 22 O.S. § 921
U.S. CONST. AMEND. XIV	6. 22 O.S. § 922
U.S. CONST. AMEND. VIII	7. Fed. Rules. Crim. P. Rule 31 (e)

STATUTORY AUTHORITIES

OKLAHOMA STATUTES

22 O.S. § 1374 AMENDED No. Senate Bill 36

22 O.S. § 1080 thru 1089

22 O.S. § 1223 S.S.

22 O.S. § 918

NEWLY ENACTED House Bill 1068

AMENDED Senate Bill 36 "No Hearing's
Held... PC-2016-122 etc.

FEDERAL STATUTES

Americans with Disabilities Act

42 U.S.C. §§ 1983, 1985, 1986, 1987,

42 U.S.C. § 1988

28 U.S.C. § 2254

28 U.S.C.A. § 1291

Fed. Rules. Crim. P. Rule 31 (e)

Green vs. UNITED STATES, 78 S.Ct. 221 (1957)

Pierce vs. GEORGIA, 92 S.Ct. 1757 (1972)

DOUBLE JEOPARDY:

OBSTRUCTION OF JUSTICE

STATEMENT OF THE CASE

STRICKLAND Applies when the ineffectiveness of counsel does deprive the defendant of a substantial or procedural right to which the law entitles him Williams vs. Taylor, 529 U.S. 362, 393; Glover vs. U.S., 531 U.S. 198, 202-04 (2001).

1. Defendant STARR Advised Attorney Phillips 3 months before Trial (during November 2001 meeting), that he desired to exercise his 14TH AMENDMENT AND 6TH AMENDMENT U.S. CONSTITUTIONAL Right to:

- a. Introduced physical scientific DNA evidence at his upcoming Trial
- b. call an independent Expert DNA Forensic Scientist to testify upon the DNA test results to the jury.

2. STRICKLAND, 466 U.S. 692; See also MICKENS vs. Taylor, 535 U.S. 162, 166 (2002) (Prejudice presumed when Assistance of Counsel, "denied entirely or during a Critical stage of the proceeding(s)").

a. The introduction of defense evidence and defense witnesses is a critical stage of trial proceedings however in a rape case as the defendant's the introduction of DNA scientific defense evidence and the calling of a independent DNA expert to testify upon the exculpatory nature of such evidence is substantially and critically magnified and importance of a defendant's stage of a trial proceeding where a rape defendant introduces evidence whether it be documentary DNA Laboratory Report or the Expert Testimony of such an expert witness, explaining to the jury. The defendant successfully establishes the undeniable critically important stage of counsel needing to be competent enough to introduce such important defense evidence for his client (STARR), A

OBSTRUCTION OF JUSTICE
STATEMENT OF THE CASE

defendant in a rape case in the following cases:

FOX VS. STATE, 779 P.2d 562, 571-72 (OKLA. CRIM. App. 1989)

MILLER VS STATE, 809 P.2d 1317, 1319-20 (OKLA. CRIM. App. 1991)

McCormack VS. PARKER, 821 F.3d 1240 (10TH CIR. 2016)

See: KIMMELMAN V. MORRISON, 477 U.S. 365, 385 (1986) (counsel's failure to conduct any pretrial discovery and failure to file timely suppression motion was prejudicial because unreasonable and below prevailing professional norms); e.g., PUGGS VS. CAPLAN, 428 F.3d 317, 340-41 (1ST CIR. 2005) (counsel's failure to consult arson expert as part of investigation into "not arson" defense was ineffective assistance, because it prevented counsel from making more pointed cross-examination of state's expert); Gersten v. Senkowski, 426 F.3d 588, 614 (2d CIR. 2005) (counsel's failure to investigate prosecution's evidence was ineffective assistance, because such investigation would likely have yielded exculpatory evidence); DRAUGHON VS. DRETKE, 427 F.3d 286 (5TH CIR. 2005) (counsel's failure to investigate forensic's of shooting was ineffective assistance because it deprived defendant of a substantial argument); White vs. Poper, 416 F.3d 728, 732-33 8TH CIR. 2005 (counsel's failure to fully investigate strength of witnesses (that testified on 2-22-02), was ineffective assistance because weaker witnesses was called to testify instead of witness with "powerful support" for defense); Holsomback vs. White, 133 F.3d 1382, 1385-89 (11TH CIR. 1998) (counsel's failure to investigate

lack of medical evidence to support sexual Abuse Allegations was Ineffective Assistance). See: e.g., Pavel vs. Hollins, 261 F.3d 210, 217-18 (2d Cir. 2001) (counsel's failure to call important facts witnesses would have rebutted Prosecution's weak case). JURSDICTION DISTRICT ATTORNEY had NO evidence because I did not Rape or beat my Woman. See: 911 Call At the DISTRICT ATTORNEY's Office, I have a copy of the 911 Remarks, OVERVIEW OF BRADY VIOLATION AND INEFFECTIVE ASSISTANCE (IAC) OF TRIAL COUNSEL.

DETAIL OF MATERIALITY OF EXCUPATORY EVIDENCE AT ISSUE

Lab Report "NO DNA INFORMATION that IS SUITABLE FOR COMPARISON REMAINS"

... MR. C. PHILLIPS, III
BAR COMPLAINTS WHEN CAS
ACCIDENT CLAIM. HE DID NOT
GIVE ME ALL MY MONEY.

PROPOSITION IV

THE TRIAL COURT ERRED IN REQUIRING MR. STARR'S TRIAL COUNSEL TO REPRESENT MR. STARR AFTER TRIAL COUNSEL REQUESTED HE BE REMOVED FOR ETHICAL REASONS.

After the prosecutor finished his opening statement, Mr. Starr's trial counsel announced he wished to reserve his opening statement. At that point Mr. Starr accused his trial counsel, in open court, of sexually molesting him. Mr. Starr also said that it was not the first time counsel had done so. Mr. Starr also accused his trial counsel of stealing \$1,000 from him. (Tr. 270-271) In response to these allegations, trial counsel requested that he be allowed to withdraw. The following occurred:

THE COURT: Okay. All right. Mr. Phillips, you want to bring something to my attention.

MR. PHILLIPS: Yeah. First of all, Your Honor, because of the outbreaks and the statements made by Mr. Starr during the court of the --- after voir dire, I feel it's my duty as an attorney to ask for a mistrial in this situation. Second of all, I would ask this Court to allow me to withdraw, since Mr. --- as his attorney of record since Mr. Starr has made certain serious allegation about me in front of this jury. And he has expressed a desire to proceed pro se. And to be perfectly honest with you, Judge, I think it's about the last straw for me on Mr. Starr....

(Tr. 319)

MR. PHILLIPS: I just don't feel, Judge, that I can really effectively, at this particular time, represent Mr. Starr, you know. I've never had to say this about a client before. But I just feel that the relationship between myself and Mr. Starr has so far deteriorated that I just can't represent him.

(Tr. 319-320)

IN THE SUPREME COURT FOR THE UNITED STATES

STATEMENT OF THE CASE

I, DANIEL PAUL STARR, the Above styled Petitioner was charged with Lewd and Acts to a child in the early morning hours of 12-30-2000 to get an Arrest. (See Mr. STARR's F.B.I. Rap Sheet, and Tulsa Police Booking Sheet). Then Tulsa (TPD) Police Department included Count one: Rape by Instrumentation; Count Two: First Degree Rape, and Count three: Robbery by force and fear later changed to UNAUTHORIZED USE of a Motor Vehicle all of which Petitioner entered a Not Guilty plea of all charges. February 14, 2002 date, this case was set for Trial in Tulsa County, district court before Honorable Judge, THOMAS C. GILBERT.

A full paneled jury was selected, and in the first out come rendered a Verdict (s) of NOT Guilty of the Two Rape charge's. (See Transcript page And Number (Tr. 122, 1-25, 2-22-2002)). However, Judge Gilbert was discontent of the first jury verdict's of #1. Case No. CF-2001-963 and findings: Count one, Not Guilty, and Count Two The defendant is not guilty; Assault and Battery domestic, the defendant is guilty. Count Three Guilty. (See: transcript at page's 122 through to page 124(14)).

The Trial Judge (in a show of clear discrimination), the Trial Judge was discontent with the first verdict(s) and ordered the jury to redeliberate this act violated Petitioner's 14th Amendment due process right, and deprived this Petitioner of a fair trial; so by force, the jury redeliberated to reach a verdict in favor of said judge (According to the Note sent and deliberation by Judge to bench).

IN THE SUPREME COURT FOR THE UNITED STATES

STATEMENT OF THE CASE FOR THE DEPARTMENT OF
CORRECTIONS, PRIVATE PRISON SYSTEM'S (USA).

IMPEDIMENT(S):

I, DANIEL PAUL STARR, the Above styled Petitioner Case No. 21-5065
Deadline from Case No. CR-2001-963 Housed in the OKLAHOMA Department
of Corrections, Private Prisons) was "Hindered", "Frustrated" My First Amend-
ment guarantees the right "to Petition the Government for a redress of grie-
vances." See: August 12, 2014 Letter to OKLAHOMA COURT OF CRIMINAL Appeals...

Please Let me explain. I complained in the county Jail from 3-10-2001
through October 2001 (to Judge Gilbert to Allow me to go to the Law Library) is
when I was Allowed, but the First Amendment prohibit's County Jail and
prison officials from retaliating against Prisoner/Citizen Mr. STARR who
report complaint's (See: Docket Sheet CF-2001-963). This retaliation did
take many form's, and I didn't understand why the DAVID L. MOSS CRIMINAL
Justice Center was Attacking me daily. Actual Injury is what I did
understand At Great Plains Correctional Facility (GPCF) Private Prison in
Segregation on A Deadline 11-6-2004, Post-conviction Filed 7-6-2004,
(RE: Laboratory Report "AGAIN") Programs Director, Richard BARGER
After I made several Request that the Law Library, Legal Assistance Pro-
gram hindered STARR's effort's when I requested writing paper, and my
legal property that Sgt. Mr. MOGG took from me (See: Video CCTV
ON 11-2-2004 in Segregation), Richard Barger At cell door tell's me that
you as IN STARR "you don't want to get in a pissing contest with me".

ON 11-3-2004 Law Supervisor Arrives, AND does a walk through, AND she got to my cell I asked her did she receive my Inmate Request, AND request to have a constitutional right to have paper on a deadline being indigent, AND in segregation. GPCF continued many state law (22 O.S. § 1514(b), AND OP-030115, OP-030123, OP-090124) when used toilet paper AND filed something in the OKLAHOMA COURT OF CRIMINAL Appeals because I was transferred from the Inmate Legal Assistance I had ON the Pod At Cimarron Correctional Facility (CCA) Private Prison IN 7-23-2004. MARQUES Miller wrote 7-6-2004 Post-conviction Relief Impediment's cause by STAFF, Medical, LAW LIBRARY Supervisor's HUTCHINSON AND WEAVER... ALSO UNIT MANAGER Mrs. VAN WINKLE (CCA 2004) Transferred AWAY FROM My Inmate Legal Assistance.

EXHIBIT-15, Mrs. WEAVER

Failure TO USE EXCULPATORY EVIDENCE

1ST

97-21
START

pg. 8

U.S. v. Myers, 892 F.2d 642 (7th Cir. 1990)
Trial C's failure to read and review Forensic Lab Report given to him during Trial on 2-21-02 by the Prosecutor, and contained potentially exculpatory material's ITEM 8KS2-SWAB-2 of 2 Fractions A & B

pg. 13 VICK v. Lockhart, 452 F.2d 999 (8th Cir. 1991)

Brady Rule

pg. 24

U.S. v. Myers, 892 F.2d 642 (7th Cir. 1990)
Trial C's failure to read & review documents disclosed by Δ all call, Medical Left Hand Injuries, Subpoenas, and F.B.I. Δ Rap Sheet to provide a defense

pg. 77

McCoy v. Norris, 959 F. Supp. 420 (E.D. Ark. 1996)
Trial C's failure to introduce N2 evid., that none of the evid., came from the body of Δ

pg. 83

Jones v. Wood, 114 F.3d 1002 (9th Cir. 1997)
Trial C's failure to test semen from Δ on B11 PACE or Licked Envelope 1-9-01 secretly taken by DET. Massey.

pg. 81

Dorsey v. Irwin, 56 F.3d 425 (2nd Cir. 1995)
The Court of Appeals remanded to allow Dorsey an opportunity to amend his NEFF, ASST. ATT., claims based on failure to investigate or use available scientific evid. of the semen on the underwear which apparently was inconclusive to Dorsey's blood type or prosecutorial misconduct for failure to comply w/ the Brady rule.

pg. 84

Dorsey v. Kelly, 112 F.3d 50 (2nd Cir. 1997)
T. ATT., failure to introduce Lab Rpts of scientific test on semen found n complimentary underwear. ASST. C., pants which suggested that semen could not have come exclusively from (P) ~~could~~ constituted

11

WASHINGTON v. Murray, 452 F.2d 1472 (4th Cir. 1991)
T. ATT., failure to develop & present to jury the results of exculpatory lab's test on semen stains found on blanket recovered from bed where rape occurred, which showed that the bodily fluids did not come from Δ. Entitled Δ to evidentiary H., to resolve NEFF. ASST. C., claim.

Failure To Call Expert Witnesses

2nd

pg. 110

U.S. v. CHANDLER, 452 F. Supp. 1545 (N.D. Ala. 1996) evidentiary hearing warranted on habeas claim for government's failure to disclose results of witness polygraph test, in violation of Brady.

"

BARBER v. WARDEN, Maryland Penitentiary, 331 F.2d 842, 845 (4th Cir. 1964)

T. Counsel's failure to request the results of police dept., ballistic & fingerprint test did not excuse D.A.'s failure to inform Δ of such Rpt.

pg. 28

Ager v. Israel, 746 F.2d 1288 (7th Cir. 1984)

T. Atty., failure to investigate experts opinions constituted neglect, Ass't, where expert opinion could have resulted in different degree

pg. 166

STEPHENS v. KEMP, 846 F.2d 642 (11th Cir. 1988)

T.C., has a duty to familiarize himself w/ regard 2 the specific scientific area in which an expert is needed; have he needed; however, he need not become an expert himself, but he must conduct a minimal amount of background work in order that he may intelligently make the court for the need of an expert.

BARBER, etc. Especially, where Rpt's of ballistic & fingerprint test strongly tended to exculpate Δ showed different weapon was used during assault w/ intent a kill & unauthorized use of automobile. The court reversed & remanded w/ instructions & issuance of a writ of H.C., unless State aka to try Δ w/ n a reasonable amount of time. This case was not an neglect, Ass't, of Atty., issue, but the Proposition of the case supports such a finding.

DISTRICT ATTORNEY v. OSBORNE, 129 S.Ct. 2308 DNA TEST

FAILURE TO FILE OR CONDUCT DISCOVERY

10-5-19
YTH

Pg. 8

TONBY V. GAMMON, 79 F.3d 693 (8TH Cir 1996)
Habeas (P) was entitled through discovery to access to state's Evid., & conduct DNA & other specific to court's denial of discovery is an abuse of discretion if discovery is indispensable to a fair, sound development of material facts.

Pg. 30

TORO V. Fairman, 940 F.2d 1065 (7TH Cir. 1991)
defense c., failure to review police & Lab Rpt's can constitute NEFF, Ass't. c., but Δ must establish that there exists a reasonable probability that result of proceeding would have been different.

Pg. 29

CAPPs V. Sullivan, 921 F.2d 260 (10TH Cir 1990)
TrC, failure to adequately prepare his case by not interviewing or subpoenaing the witness who would have substantially corroborated CAPP's testimony material to entrapment defense constituted NEFF, Ass't. c.

Pg. 26

Holsomback V. White, 133 F.2d 1382 (11TH Cir. 1998)
TrC's failure to conduct any physical Invest., N2 concealed lack of Medical Evid., of sexual abuse N sodor prosecution, where treating physician who performed rectal examination shortly after last alleged incident revealed that victims claims of abuse, were medically impossible constituted NEFF, Ass't. c.

CAPPs V. Sullivan, 921 F.2d 260 10TH

Pg. 13

WALKER V. LOCKHART, 807 F.2d 136 (5TH Cir. 1986)
TrC's failure to ~~move the court~~ ~~conduct~~ obtain continuance so that he could ~~note~~ the presence & purpose of producing witnesses which would substantiate Δ's claim that AV, w/whom Δ had homosexual relationship, had given Δ permission to have AV's money constituted NEFF, Ass't. c.

Pg. 234

SMITH V. Wainwright, 777 F.2d 609 (11TH Cir. 1985)
A Δ must allege specific errors amounting to performance below an objective standard of Reasonableness in order to support Δ's NEFF, Ass't. claim. When a Δ demonstrates the specific unprofessional error or omission, the circumstances surrounding counsel's representation at that point give rise to the presumption of prejudice.

FAILURE TO COMMUNICATE

Pg. 10

SIMS v. LIVESAY, 970 F.2d 1515 (6TH Cir 1992)
 Trial C., failure to to Investigate & present evid., consistent
 W/D's Defendant's Witness List was Prosecution Rpt, AND
 Physical Evid, 911 call, subpoena's, 12-19-2000 Medical Records
 Left Hand Injury of STAFF

Pg. 98

CRANDELL v. BUNNELL, 144 F.3d 1213 (9TH Cir. 1998)
 Trial C., failure to return & confer the witness list, to seek discovery,
 to Investigate all 3 charges that I told him

Pg. 142

OSBORN v. SHILLINGER, 861 F.2d 612 (10TH Cir. 1988)
 Trial C.'s performance was not only ineffective, but at Trial on 2-21-02 Abandon
 The required duty when I discussed the Lab Rpt, 911 call on time Limitations

FAILURE TO INVESTIGATE

STRICKLAND V. WASH., 460 U.S. 668 (1984)
DID NOT INVESTIGATE -- PREJUDICE ME BY NOT
TO EXCULPATORY EVID; EXPERT WITNESS WOULD
IMPEACH PRO STORY

Pg. 8

VICK v. LOCKHART, 952 F.2d 999 8TH Cir. 1991
Trial C., failure to obtain Medical Records & Reports Exculpatory Evidence
EXPERT WITNESS STATEMENTS

6TH

Pg. 9

TORO v. FAIRMAN, 940 F.2d 1065 (7TH Cir. 1991)
Trial C., failed to review Police & Lab Rpt. that he never viewed/THOU
THE EXPERT WOULD HAVE SHOWN HOW ATTORNEY COULD IMPEACH THE
ALLEGED VICTIM STATEMENTS

Pg. 29

MADDOX v. LORD, 818 F.2d 1058 (2ND Cir. 1987)
Trial C., failed to investigate, interview doctor or hire his doctor
WITH THE MONEY THAT WAS ALLOTTED BY COURT

Pg. 25

U.S. v. JOHNSON, 995 F. Supp. 1259 (D. KAN. 1998)
Trial C., failure to investigate, call "critical" witnesses

Pg. 25

DEMAREST v. PRICE, 130 F.3d 922 (10TH Cir. 1997)
Trial C., failure to adequately conduct pretrial investigation of Lab Rpt's

Pg. 25

JOHNSON v. BALDWIN, 114 F.3d 835 (4TH Cir. 1997)
Trial C., failed to investigate or properly consult w/STARR

Pg. 72

CODE v. MONTGOMERY, 799 F.2d 1481 11TH Cir. 1986
Trial C., failure to conduct a pretrial investigation, interview forensic
IGR., & subpoena other witnesses

Pg. 73

STOKES v. PAYTON, 437 F.2d 132 (4TH Cir. 1970)
Trial C., failure to move for a continuance to hire a forensic
IGR. to prepare for trial.

Pg. 227

STOFFER v. REYNOLDS, 168 F.3d 1155 (10TH Cir. 1999)
C., failed to properly prepare exhibits (Rape Kit EXAMS) for admission,
failed to advance Forensic Report Item # 8K52 - SWAB 2-2 (VAGINA SWABS),
failed to use money allotted for DNA testing.

UNITED STATES V. SANDERSON, 595 F.2d 1021 (5TH Cir. 1979)
 Trial Atty., Misrepresentation of Material fact, w/holding info, & exerted pressure on Δ 2
 induce a guilty plea, constitutes Ineff, Asst., & requires an evidentiary hearing to
 resolve claim.

U.S. V. DAWSON, 857 F.2d 923 (3rd Cir. 1988)

Defendant was entitled to evidentiary hearing to resolve Ineff, Asst., Atty., claim
 Trial Atty's, failure to call or interview witnesses who's testimony would have shown that
 the voice on the taped conversation used as evid, was not the voice of Δ.
 (See EXHIBIT-3 911 Remark, etc.)

Buonanno v. Singletary, 963 F.2d 1433 (11TH Cir. 1992)

Trial counsel's failure to investigate, discover & present mitigating evidence during Jury
 Buonanno's penalty phase of capital murder trial constituted Ineffective Asst. of Atty., & requires
 an E. Hearing.

Tower v. Phillip's, 479 F.2d 807 (11TH Cir. 1992)

an E. Hearing may be required to resolve attorney-client communication when record does
 not resolve disputed facts supporting Ineff, Asst., of Atty., claim.

Tulsa Police Laboratory Report Property No. AM-9198 Incident No.
 2000090492 at 2:25 AM., and No. ~~20000517~~ 2000090517 At 9 A.M.
 Item # 11 Sealed Envelope (STARR) ON 1-9-2001 Interrogation Detective
 Cindy A. Massey (Tulsa Police)

Item # 86 face Swabs

Item # 8K Vaginal Swabs

Item # 8K92 fractions A and B:

DOUBLE JEOPARDY
OBSTRUCTING JUSTICE

REASONS FOR GRANTING THE PETITION

EACH Gov., Official (S) AT ONE (1) TIME WAS AN ATT., TITLE 5 O.S. § 2 etc Ethical Violation's IN the following:

1. Model Code of Professional Responsibility DR 1-102 MISCONDUCT

(a.) Judge was an Attorney; Judge Thomas C. Gillett ON 2-22-2002 engaged IN conduct involving dishonesty, fraud, deceit, or misrepresentation

(b) Assistant District Attorney, LEISA SARCHET WEINTRAUB (OSAGE 1993) then TULSA 2002 Conflict of Interest Discriminatory Act's because I would not snitch IN 1993 case

i. And conspired with Court Appointed Attorney's 2001-10-8-2001 Jury Trial Gino Cowley Crabtree AND 11-2-2001 DAVID CALVIN PHILLIPS, III (see complaint by OKLAHOMA BAR ASSOCIATION vs. DAVID C. PHILLIPS, III 60 P.3d 1030 (2002) October 29, 2002, decided: Conflict of Interest 1994 case when he delivered \$100000 & I complained. I should have received \$300000 I jumped up IN Court ON 2-21-2002 Jury Trial To (WAIVE) Withdraw Counsel About prior disciplinary history. Mr. Phillips, III refused my request to get the forensic MGR, 911 call for my defense, Phillips mishandled of the client Starr (1994) trust account. The Secretary IN 1994 ON the Phone told me (Starr) had a \$750000 check later I violated my probational check. ON CASE NO. CF-2001-963 county jail I call Phillips to use the money toward this case Phillips told me "I will contact Judge Gillett & ask him could Phillips take case due to his disciplinary history," and Phillips was suspended for 30 days & should pay cost.

ii. Preliminary Hearing 4-24-2001 Judge Kyle B. HASKINS, LEISA S. WEINTRAUB, Rob Rodenour for the A*. The STATE OF OKLA, ex rel the Prosecuting Atty of Tulsa failed to obtain 'Jurisdiction' for the Submission of Enhanced sentencing factual elements to the Juror's. Over objection by Public Defender, Rob Rodenour 4-24-2001. Judge HASKINS Made a ruling that ADA failed (to do), follower. Double Jeopardy.

I believe I was Kidnapped due "I would not switch for
Assistant District Attorney, LERISA SARCHET WEINTRAUB (OSAGE
COUNTY) CASE NOS. CRF-1993-86 AND CRF-1993-87. SEVEN (7)
YEAR'S LATER LERISA SARCHET WEINTRAUB TAKES CF-2007-963 COERCED

1. My Woman
2. Tulsa Police/Detectives
3. Judge and Switched Court Reporter MARY M. HAWTHORNE 2-22-2002,
SEE: ATTACHED HEREIN EXHIBIT-6, IMPEDIMENTS, AIDED & ABETTED.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Daniel Paul Starr 226117

Date: APRIL 26, 2022