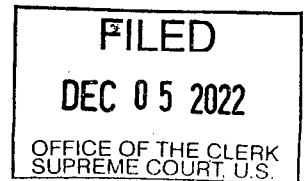


No. 22 - 6814



IN THE
SUPREME COURT OF THE UNITED STATES

JUAN VASQUEZ-PEDROSA PETITIONER
(Your Name)

vs.

State of Oklahoma — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

JUAN M. VASQUEZ-PEDROSA #648915
(Your Name)

PO BOX 548, 16161 MOFFAT ROAD
(Address)

LEXINGTON, OKLAHOMA 73051.
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

8. WHETHER THE INDIAN LANDS CEDED TO THE UNITED STATES BY THE MUSCOKEE CREEK NATION CREATING THE OKLAHOMA TERRITORY PRIOR TO STATEHOOD OF NOVEMBER 16, 1907 WAS NOT PROPERLY CONVEYED BY THE SECRETARY OF THE INTERIOR STILL REMAINS INDIAN COUNTRY?
9. WHETHER WITHOUT PROPER CONVEYANCE BY THE SECRETARY OF THE INTERIOR OF INDIAN LANDS PRIOR TO THE OKLAHOMA LAND RUN VOID AND PREEMPTS OKLAHOMA STATE COURTS FROM SECURING CONVICTIONS ON WHAT IS STILL INDIAN COUNTRY ?
18 USCA 1151, 1153, 3231, 3242.

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:

RELATED CASES

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STATUTES AND RULES

U.S.C.A. Const. Amend. V.
 U.S.C.A. Const. Amend. XIV
 USCA A Const. Art. VI, Clause 2. Supremacy Clause.
 USCA Const. Art. 1, Section 8, Clause (3) Indian Commerce Clause
 USCA Const. Art. III.
 18 USC 3231
 18 USC 3242.
 28 USC 2101(c)
 28 USC 2104
 28 USC 2102.
 28 USC 2106.
 28 USC 1257.

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☐ is unpublished.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 A 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 District Court of Cleveland County court appears at Appendix B 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 01-15-2014.
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied on the following date: NA, and a copy of the order denying rehearing appears at Appendix NA.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

USCA CONST. AMEND. V.

USCA CONST. AMEND. XIV.

USCA CONST. ART VI, CLAUSE 2, SUPREMACY CLAUSE.

USCA CONST. ART. I, SECTION 8, CLAUSE (3) INDIAN COMMERCE CLAUSE,

USCA CONST. ART. III COGATS.

Title ~~18~~ USCA 1151

Title 18 USCA 1152

Title 18 USCA 1153

Title 18 USCA 3231

Title 18 USCA 3242

Title 28 USCA 116. OKLAHOMA

Title 28 USCA 2101.(C)

Title 28 USCA 2102

Title 28 USCA 2104

Title 28 USCA 2106

Title 28 USCA 1251. b. 2.

Title 28 USCA 1257.

STATEMENT OF THE CASE

Appendix C petitioner's Direct Appeal was Affirmed By the Oklahoma Court of Criminal Appeals. VASQUEZ V. STATE, CASE NO. F-2012-377 (OKLA. CRIM. APP. JAN. 15, 2014).

Appendix B Petitioner pursued State Application For Post-Conviction Relief in the District Court of Cleveland County, State of Oklahoma. Case No. CF-2010-1870. Which was Denied on May 23, 2022 By District Judge Jeff Virgin.

Appendix A Petitioner Appealed to the OCCA. The OCCA entered Order Affirming Denial of Post-Conviction Relief in Case No. PC-2022-641 (OKLA. CRIM. APP. SEPT. 6, 2022). Not for publication.

Appendix D Petitioner's Second Supplement in Support of his Application for Post-Conviction Relief, Filed July 21, 2021, CF-2010-1870, District Court of Cleveland County, State of Oklahoma.

REASONS FOR GRANTING THE PETITION

July 21, 2021, CF-2010-1870 petitioner through Counsel filed Petitioner's Second Supplement in support of his Application for Post-Conviction Relief. In The District Court of Cleveland County, State of Oklahoma. Petitioner's case presented an issue of First Impression. Appendix D. Ex parte Webb, 32 Sct 769 (June 10, 1912)

Appendix A The OCCA Affirmed the Denial of State Post Conviction Relief Appendix B. The State District Court Denies Relief without conducting an Evidentiary hearing on the merits. The Federal question was passed upon without adequate or proper finding procedures being utilized to review the merits. Which amounts to a denial of Due Process and Equal Protection of the Laws of the United States. Petitioner is a citizen of this State, United States in this country. As a citizen he is entitled to be treated equally in his rights of access to courts, due process and equal protection under the laws of this state and the United States.

The State of Oklahoma was originally Indian Territory before becoming a new state admitted into the Union on equal footing with other states admitted into the Union on November 16, 1907. US v. Priggeon, 14 S.Ct. 746 April 16, 1894)

Much of Oklahoma as a Territory was Indian Country prior to statehood. The majority of the land prior to the new state belonged to the Creek Nation and Seminole Nation of Oklahoma. During the turn of the century much of the land had been ceded by the Creeks and Seminole Indians to the United States for other Indian tribes prior to Oklahoma becoming a new state. Sharp v. Murphy, 140 Sct 2412 (2020), McGirt v. Oklahoma, 140 S.Ct. 2452 (2020).

Appendix D, this Honorable Court is Requested to Grant Certiorari to Review A question of Public Importance. This is An Issue of First Impression.

The CRUCIAL FACT IS THAT NATIVE AMERICANS STILL OWN LAND THAT WAS PART OF OKLAHOMA LAND RUNS GIVEN TO WHITE SETTLERS BY THE UNITED STATES. 28 USCA 1257.

2102, 2104, 2106. OKLA. CONST. ART. 1, SECTION 3. JEFFERSON V. FINK, 38 S. CT. 516 (JUNE 3, 1918). CHEROKEE NATION V. OKLAHOMA, 461 F.2D 674 (10TH CIR. 1972) CERT DENIED, 409 U.S. 1039, 93 S. CT. 521 (1972).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

JUAN VASQUEZ

Date: 1-31-2023