

22-7624

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Docket Number:

IN THE
SUPREME COURT OF THE UNITED STATES

Gregory P. Smith

Petitioner

vs

The State of Oklahoma

Respondent

ON PETITION FOR A WRIT OF CERTIORARI
To the Oklahoma Court of Criminal Appeals
for the State of Oklahoma

ON PETITION FOR A WRIT OF CERTIORARI

Gregory P. Smith, (OK-DOC# 848650)
Oklahoma State Reformatory
P.O. Box 514
Granite, OK 73547
Phone: (unavailable)

May 16 2023
DATE SUBMITTED

QUESTION(s) PRESENTED

1. Mr. Smith respectfully asks:¹

When “former” Oklahoma County District Judge Timothy Henderson entered in a sexual relationship with the prosecuting attorney, was Mr. Smith’s substantive due process right(s) or XIV Amendment violated or a Ninth Amendment issue or other unknown constitutional violation?

2. Mr. Smith respectfully asks:

*Oklahoma Penal Statute, 21 O.S. § 843.5 is described as **chameleonic** because it lacks definition(s) and/or element(s) to the offense. Is this penal statute in conformity with the United States Constitution, Amendment(s), IX and/or XIV?
[facially and/or as it is applied]*

¹ *OKLAHOMA GOVERNOR KEVIN STITT IS QUOTED ON PAGE 8 – “...any potential malfeasance and the effect on cases over which HENDERSON presided.”*

LIST OF PARTIES

- The Petitioner in this case is *Gregory P. Smith*, “representing himself” [*and no other(s)*].
- The Respondent in this case is the State of Oklahoma, who may be represented by and through the Oklahoma Attorney General’s Office.
- The proceeding(s) of this matter arise from a “*timely filed post-conviction*” that has been ruled by the Oklahoma Court of Criminal Appeals.
- As this Certiorari is filed in Direct Collateral Review of his post-conviction, pursuant to 28 U.S.C.A. § 1257 (a).

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OPINIONS BELOW
[STATE COURTS]

Mr. Smith filed a Post-Conviction in challenging his conviction as the statute he was charged and convicted is fundamentally flawed and unconstitutionally written by the Oklahoma Legislature. Further, a massive ***sex scandal*** involving his trial judge was reported on the news and newspapers alerting the general public and inmate(s). The District Attorney's Office "downplayed" the scandal claiming Mr. Smith could not prove an impropriety of the court that prejudiced him personally of a fair proceeding. The County District Judge concurred in their denial order. The Oklahoma Court of Criminal Appeals AFFIRMED the conviction maintaining the same findings as the County District Court.¹

¹ *It should be noted that several ruling(s) of the United States District Court for the Western District of Oklahoma have granted habeas relief mandating new trial(s), yet the Oklahoma Court system finds no error?*

JURISDICTION

The Oklahoma Court of Criminal Appeals entered its Order denying review on Post-Conviction Appeal on the 30th day of January, 2023. This Great and Honorable Court was provided its jurisdiction by the United States Congress, to hear this *GREAT WRIT OF CERTIORARI* upon a final ruling of a State's highest court has had an opportunity to hear the matter, pursuant to 28 U.S.C.A. § 1257 (a).

Oklahoma Title 22, Ch. 18, § V, O.C.C.A. Rule 5.5 (Final Order; Exhaustion of State Remedies): "Once this Court has rendered its decision on a post-conviction appeal, that decision shall constitute a final order and the petitioner's state remedies will be deemed exhausted on all issues raised in the petition in error, brief and any prior appeals. A petition for a rehearing is not allowed and these issues may not be in any subsequent proceeding in a court of this State. ..."

28 U.S.C.A. § 2403 (b) which provides:

In any action, suit, or proceeding in a court of the United States to which a State or any agency, officer or employee thereof is not a party wherein the constitutionality of any statute of that State affecting the public interest is drawn in question, the court shall certify such fact to the attorney general of the State, and shall permit the State to intervene for presentation of evidence, if evidence is otherwise admissible in the case, and for argument on the question of constitutionality. The State shall, subject to the applicable provisions of law, have all the rights of a party and be subject to all liabilities of a party as to court costs to the extent necessary for a proper presentation of the facts and law relating to the question of constitutionality.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- (1) United States Constitution, Amendment XIV
- (2) United States Constitution, Amendment IX
- (3) United States Constitution, Amendment VI
- (4) United States Constitution, Amendment V
- (5) 42 U.S.C.A. §1983 (Civil Rights Act)

STATEMENT OF THE CASE

1. Mr. Smith was arrested on allegations of child sexual assault that were alleged to have occurred a decade prior. Mr. Smith told his lawyer that he wished to proceed to a trial because he did nothing wrong. Just before the trial, Mr. Smith's lawyer advised him that the charged statute(s) were unbeatable due to the language of the charged statute.

There is no defense to the charges because every time a defense is presented the allegations change. Counsel also advised that no person in the state charged with 21 O.S. § 843.5 has ever prevailed in trial, within the courts of the State of Oklahoma either in trial or appeals.

Mr. Smith was coerced by counsel's refusal to investigate the allegations, or inspect crime scene, or interview witness(es), or even motion the State for discovery. He only met with his counsel one time and that was for less than 5 minutes the day he was coerced into signing plea agreement.

Upon incarceration, Mr. Smith met a jailhouse lawyer ² who was investigating the Oklahoma Indigent Defense System's malfeasance towards their client(s) and unwillingness to defend allegations. This *JL* was also investigating 21 O.S. § 843.5 as unconstitutional and has filed in various court(s) challenging this issue at hand. After this was all explained to Mr. Smith, he knew he was not provided a fair proceeding.

The news reported a breaking story that an Oklahoma County District Judge, [Timothy Henderson], was accused of sexual assaults and/or rape in the second degree of a variety of Assistant District Attorney within the Oklahoma County District Attorney's Office. Within "Black v. Dennis", [United States District Court, Western District of Oklahoma], the Oklahoma Attorney General's Office "stipulated" and/or "conceded" that the

² *Jailhouse lawyer* will be referred as *JL* throughout the pleading(s).

Oklahoma District Attorney's Officer, [David Prater], concealed MATERIAL EVIDENCE regarding former District Judge Timothy Henderson's sexually deviant behavior and/or conduct.

The Oklahoma State Bureau of Investigation, [O.S.B.I.], was ordered by the Governor of Oklahoma, [Kevin Stitt], to investigate the allegations arising out of the Oklahoma County District Courthouse for any potential malfeasance and effect on cases over which HENDERSON presided. This is quoted out of the O.S.B.I. affidavit for search warrants of HENDERSON's personal emails, [attached as APPENDIX H-L].

It is assumed through these records that Governor Kevin Stitt personally impeded all citizen(s) convicted by "Henderson". That impediment has deprived Mr. Smith and other(s) of the "DUE PROCESS OF LAW" and created Brady Violation(s).

This statement could be taken in several directions, however upon its face value it appears that the Oklahoma Governor personally obstructed justice and personally stymied all post-conviction remedies through State Court(s) ensuring the publicity of the OKLAHOMA COUNTY SEX SCANDAL would fall out of the media as this catastrophic event occurred right before the election year.

Mr. Smith then filed his post-conviction with the Oklahoma County District Court and the presiding Judge actually stated that there was no appearance of impropriety. O.C.C.A. affirmed; however, the United States District Court, for the Western District of Oklahoma has rendered this a fundamental miscarriage of justice in granting Habeas relief for two, [known], case(s).

It is this impropriety that Mr. Smith now grieves to this Great and Honorable Court.

REASONS FOR GRANTING THE GREAT WRIT

Mr. Smith and the citizen(s) of Oklahoma require this Great and Honorable Court to grant this Great Writ for the above reasons and the following:

1. Should this court not address the constitutionality of 21 O.S. § 843.5, the State Legislature would only be incentivized to create, enact and enforce incomplete criminal statute(s) leaving the people of Oklahoma to only guess what the Legislature intended to be prohibited. Once this Great and Honorable Court conducts a DE NOVO review of this statute it would only conclude that it was incomplete and unconstitutional, as stipulated by the Oklahoma Attorney General's Office within "*Black v. Dennis*", [Western District of Oklahoma].
2. Should this court not address the seriousness of a long-standing DISTRICT JUDGE's allegations of sexual misconduct which deprived all persons within his court of a non-biased judiciary process, it would only incentivize sexual misconduct of other Judge(s) across the Nation. We live in a world where information is easily published within social media and more and more, the allegations of sexual assault arise within the courts. Today more than ever, the United States Supreme Court must intervene and set a precedent of judicial conduct through clearly established case law. The people of America have lost faith in our Great American Scheme of Justice and it must be renewed by the most Honorable Men and Women in America our Supreme Court Justice(s). Former District Judge Timothy Henderson destroyed the integrity of the Oklahoma County District Court and the convictions he rendered. Without the intervention of this Court the citizens of Oklahoma and the United States will continue to lose faith in a system that incentivizes Judge(s) through a protective shield of other Judge(s) refusing to address the issue(s). Mr.

Smith and all the others convicted by Mr. Henderson never had a chance for a fair trial and/or proceeding as their life, liberty and justice were simply pawns in Former District Judge Henderson's sex game(s) played within his court room. Mr. Smith only requested a new trial before a non-biased and fair Judge.

CONCLUSION

Mr. Smith close(s) with the fact that other(s) who filed with the United States District Court, regarding Former District Judge Timothy Henderson, received relief. He requests this Great and Honorable Court render a retroactive ruling setting a judicial standard of Trial Judge(s) at the State level.

He also requests this Great and Honorable Court conduct a comprehensive investigation into the charged statute 21 O.S. § 843.5 to determine if this law is in conformity with the United States Constitution, and should the Court find the Statute to be in derogation of the Constitution, to render a retro-active ruling of its finding(s).

PRAYER FOR RELIEF

Mr. Smith is respectfully requesting this Great and Honorable Court to grant this GREAT WRIT OF CERTIORARI and conduct the most comprehensive de novo review of the question(s) posed within that has ever been conducted by this Great and Honorable Court.

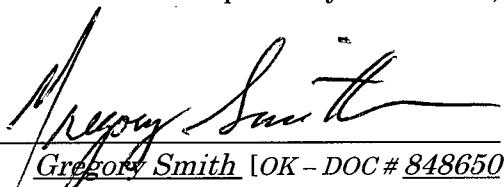
Should this Honorable Court deny Certiorari, the people of Oklahoma will continuously be incarcerated for action(s) which are not illegal but subjected to religious agenda and/or personal sensitivity of the police, prosecutor(s) and local judge(s) who seek conviction rating(s).

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares, (or certifies, or verifies, or states), under penalty of perjury that he is the Appellant in the above complaint action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Executed at the Oklahoma State Reformatory, on the 16th day of May, 2023.

Respectfully Submitted,

/S/ 
Gregory Smith [OK - DOC # 848650]