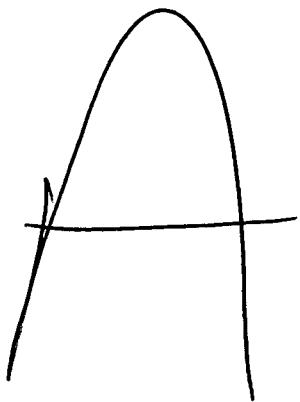


APPEnDix



ORIGINAL


1055264454

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA

CHRISTOPHER J. BARNETT,)
Petitioner,)
v.) No. MA-2023-439
THE HONORABLE DAVID)
GUTEN, DISTRICT JUDGE,)
DISTRICT COURT OF)
TULSA COUNTY,)
Respondent.)
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
FILED
JUN - 2 2023
JOHN D. HADDEN
CLERK

ORDER DECLINING JURISDICTION

On May 18, 2023, Petitioner, pro se, filed an application for a writ of mandamus seeking extraordinary relief in Tulsa County District Court Case Nos. CF-2019-3570 and CF-2019-3495. Petitioner acknowledges he presently has court-appointed counsel below.

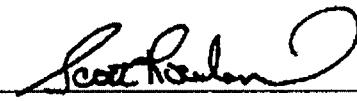
Because Petitioner has counsel, he may not file items without first submitting the pleadings to counsel of record who is required to review the information and certify the items for submission to this Court. Rule 3.4(E), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023). See also Rule 1.16, *supra*.

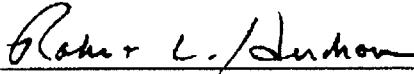
Accordingly, we **DECLINE** jurisdiction of Petitioner's request for a writ of mandamus.

IT IS SO ORDERED.

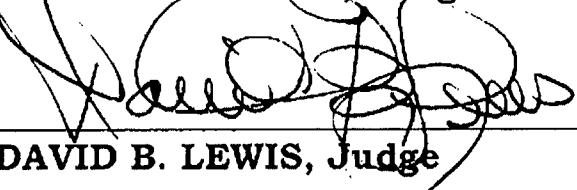
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

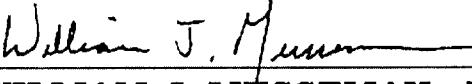
2 day of June, 2023.


SCOTT ROWLAND, Presiding Judge

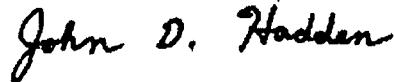

ROBERT L. HUDSON, Vice Presiding Judge


GARY L. LUMPKIN, Judge


DAVID B. LEWIS, Judge


WILLIAM J. MUSSEMAN, Judge

ATTEST:



Clerk

OA



1055264588

ORIGINAL

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAY 18 2023

**JOHN D. HADDEN
CLERK**

IN THE OKLAHOMA COURT OF CRIMINAL APPEALS

CHRISTOPHER J. BARNETT

PETITIONER

MA 2023 439

V. TULSA COUNTY CASE NUMBERS

CF-2019-3495 AND CF-2019-3570

JUDGE DAVID GUTEN

RESPONDENT

PETITION FOR WRIT OF MANDAMUS or in the alternative

WRIT OF PROHIBITION

Court Clerk, please mail a copy of this back to me at the addresses below.

Form 13.2 Affidavit in Forma Pauperis attached.

Petitioner is now Pro-Se and has terminated his counsel of record. Please see a copy of the letter to Judge David Guten and Attorney Brian Boeheim. Please do not deny relief of this filing based on counsel failing to withdraw.

Disqualification sought of Judge William Musseman.

Disqualification of Judge Musseman is sought because he is a witness in case CF-2019-3495.

Comes now Petitioner, Christopher J. Barnett who files his writ Pro-Se without the assistance of counsel. As of May 15, 2023, the Petitioner has terminated his court appointed counsel, Brian Boeheim for providing ineffective assistance of counsel, failure to communicate, failure to investigate, failure to turn over requested filings and failure to provide competent, effective assistance of counsel and failure to ensure my access to a law library to view my discovery in case CF-2019-3495. See attached letter sent to Attorney Brian Boeheim and filed with the Tulsa District Court Clerk in both criminal cases.

I am requesting that the Oklahoma Court of Criminal Appeals Mandamus Judge David Guten and compel him to grant me access to the courts.

Statement of the case:

On or around September 11, 2022 the Petitioner was allowed to go pro-se. The petitioner had no counsel for a total period of six months. In November 2022, he requested counsel again because the court would not appoint to him standby counsel. The petitioner struggled to access the courts, however he got most things filed. There are some things that were prudent to be filed, however because the jail would not assist in filing meaningful papers with the court, the petitioner was denied access to the courts.

As a result of going Pro-Se, the petitioner filed numerous motions with the Court. The petitioner never received a hearing on any of his motions. Instead, Judge David Guten appointed counsel to the Petitioner for Post-Conviction Relief as the Petitioner identified numerous major material brady violations by the State of Oklahoma that deprived the petitioner of due process and a fair trial. The petitioner is currently charged with 4 counts of threatening an act of violence which is why he was back in Tulsa County. The petitioner was convicted in CF-2019-3570 as a result of the brady violations. The petitioner received a 32 year sentence and the prosecutor used perjured, tainted testimony to obtain the conviction of the petitioner, in addition to withholding and suppressing brady evidence. The petitioner filed for a Franks Hearing under Franks V. Delaware as he learned that the Tulsa Police Officers used deliberate reckless falsehoods to obtain probable cause for the second arrest of petitioner. The Petitioner was not mirandized until three days after his arrest. The State of Oklahoma used all comments made in the second arrest to convict the petitioner in the first arrest. Counsel was so ineffective that he did not spot this violation and appeals counsel was so ineffective they did not bring this up. The Franks hearing is sought because evidence was used from the illegal second arrest to convict the petitioner in CF-2019-3570 and if a franks hearing is held, then the search and arrest warrants will be found void and then post-conviction relief can be granted in CF-2019-3570 based on violation of unlawful search and seizure under the fourth amendment, in violation of the constitution of the United States of America. Judge Guten has ignored the

numerous filings seeking a Franks hearing. The Petitioner provided proof, affidavits and more. The petitioner cannot even get a hearing on this matter.

At the end of March 2023, the petitioner was taken back to prison even though his case was not resolved in CF-2019-3495. When the petitioner finally spoke with counsel Brian Boeheim, petitioner asked counsel why he was sent back to prison when he had a court hearing regarding the brady violation on April 8th 2023. Counsel responded that no one knew. Petitioner believes this was vindictively done by the State of Oklahoma to frustrate and impede his efforts to obtain post conviction relief and cover up the brady violations and fourth amendment violations.

May 8th, 2023 came and went and the petitioner was not picked up from prison and taken back to Tulsa. Prior to hearing from counsel, the Petitioner had no way to contact counsel as counsel has an automated system in place that rejects calls from the jail and prison. Petitioner assumed he was no longer represented and this is why he was sent back to prison. Petitioner filed multiple motions with the court, asking to go pro-se, asking for an ex-parte hearing, asking to recuse the District Attorney's Office and other motions. The petitioner has been ignored by the Tulsa Court since September 2022 and has never had a meaningful hearing. The court retaliated and set petitioner out more than 2 months. Petitioner never heard from counsel. The petitioner asked his counsel to file to have the illegal protective order issued by Judge Doug Drummond unsealed that affected all cases, civil and criminal filed by petitioner. Counsel ignored this. The Petitioner filed for relief in the Supreme

Court of Oklahoma on his own. See a copy of the attached Mandamus/Writ of Prohibition, Supreme Court case number MA-121268. Judge Guten has never heard one single motion of petitioner. A Franks hearing will resolve both cases as will an order from the court for the State to turn over the missing/suppressed Brady evidence identified by the petitioner. Both Brady and Franks can resolve both CF-2019-3570 and CF-2019-3495. CF-2019-3495 cannot survive without CF-2019-3570. The State of Oklahoma cannot obtain another conviction if they turn over the suppressed evidence. The State of Oklahoma has also refused to turn over one single threat that the petitioner has supposedly made against The University of Tulsa.

Clear Legal Right to relief sought:

The petitioner is being denied access to the court. The petitioner has a clear legal right to access the courts under the Oklahoma Constitution and to be heard and seek relief for the wrongs against him by the State of Oklahoma violating his due process rights under the 14th amendment and Brady V. Maryland. The petitioner specifically cites Okla. Const. Art 2. §6 which provides "The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay or prejudice." Additionally, the petitioner filed a speedy trial motion in 2019 and it was not honored. The petitioner has filed three additional speedy trial motions, but Judge Guten continues to ignore the filings of the petitioner. The ability to file a motion in the court alone does not provide access to the

courts. The court must hold hearings on the motions, but the courts failure to do so is a denial of access to the courts. What good does it do to file a motion if the court won't hear it or act on it? The court is supposed to liberally construe pro-se motions. The court has refused to do this. The Brady evidence regarding The University of Tulsa is material because it would have changed the entire outcome of the trial and I would have been able to tell the jury how the prosecution got the evidence and prove malice by The University of Tulsa, but without the suppressed evidence, there was no way to introduce it. The lawsuit against The University of Tulsa was in regards to The University of Tulsa discriminating against both the petitioner and his husband because they are a gay couple. The petitioners husband was a perfect student at The University of Tulsa and was expelled with 11 hours to go for comments that the petitioner made about The University of Tulsa on Facebook. Please see attached article from Thefire.org. This made national news. The University of Tulsa, through discovery in the civil lawsuit, discussed plans between Susan Barrett, Julie Friedell and Machele Dill to "Stick to the plan" to harm the petitioner and his husband. The State did not turn over this evidence and petitioner had no access to it. This was exculpatory as Julie Friedel was a witness for the State of Oklahoma.

Plain Legal Duty not involving the exercise of discretion

Judge David Guten is the gatekeeper and is supposed to ensure that the Petitioner is receiving effective assistance of counsel, is receiving a fast and speedy trial as guaranteed to him under the constitution and above all, due process. Judge

David Guten has a plain legal duty to ensure that all of these things are done and the petitioner is protected and receives due process. Judge David Guten has not done this. Petitioner filed for an Ex-parte hearing to try to bring the issues with his counsel to the attention of Judge David Guten, but he was ignored again.

Adequacy of Writ and inadequacy of other relief:

As evidenced by the numerous motions filed by the Petitioner in CF-2019-3570 seeking Post Conviction Relief and CF-2019-3495 seeking many things, the petitioner has never had a meaningful hearing and has been denied effective assistance of counsel, denial of access to the courts, denial of due process and more. The petitioner has filed for relief seeking that the court address the brady violations, where the State of Oklahoma withheld and suppressed evidence from their lead witness in CF-2019-3570 The University of Tulsa.

The Petitioner was involved in a very expensive lawsuit against The University of Tulsa and The University of Tulsa, acting with Malice, called in several false threats to the Oklahoma Attorney Generals Office and other law enforcement agencies to harm and harass the petitioner and stop him from accessing the courts to obtain relief in an open records lawsuit against Tulsa Community College, that pertained to the discrimination of The University of Tulsa. The Oklahoma Attorney Generals Office deemed that the petitioner was no threat, but still had the petitioner falsely arrested, but never charged, at the behest of The University of Tulsa. The State of Oklahoma withheld this information and suppressed it, denying me a fair trial under the 14th amendment, created a

miscarriage of justice and denied me a fundamentally fair trial. I asked Judge David Guten for an ex-parte hearing and was ignored. I asked for a Rule 15 and I filed it correctly and I was ignored. Judge Guten kept on ruling, in violations of Clark V. Board of Education and Miller Dollarhide V. Tal I finally had to terminate counsel, Brian Boeheim on May 15, 2023 due to numerous things. Please see attached letter. Now I'm in limbo. Judge David Guten continues to ignore every filing seeking relief in the District Court from the petitioner and petitioner alleges that the exercise of that power will result in injury for which there is no other adequate remedy. Additionally, there is no other adequate remedy at law that exists. The court will not act, and the petitioner seeks that this writ issue and compel Judge David Guten to cure the due process violations and hold hearings on all motions filed by petitioner. The petitioner cannot appeal anything if he cannot even be heard in the court. Judge Guten has refused to use the power of his court and order that the State of Oklahoma turn over all withheld and suppressed evidence. There are more brady violations, but the Petitioner focuses only on the violation from The Oklahoma Attorney Generals Office. There was also a meeting with the District Attorney's in which Steve Kunzeweiler and Erik Grayless attended at the request of the Attorney Generals Office and they are witnesses. The State of Oklahoma will not turn over any information on the meeting that took place between multiple state and federal law enforcement agencies and a private entity, The University of Tulsa Security Department. This meeting took place on October 18, 2018. This information subject to the Oklahoma Open Records Act. It is also important for this court to know that the petitioner was cleared by the FBI, US DOJ, US Marshalls Service and US ATTORNEY's OFFICE of

making any threats, but the State of Oklahoma, having this information and not making it available until after conviction in CF-2019-3570 told the Grand Jury that the petitioner had been threatening The University of Tulsa since 2014, knowing that this was untrue. This was brady material. I did not receive a fair trial because of the State of Oklahoma withholding and suppressing material brady evidence in violation of the 14th amendment. The State of Oklahoma continues to deny me due process by not turning over the suppressed evidence.

Conclusion:

The Petitioner seeks that this WRIT OF MANDAMUS or in the alternative, WRIT OF PROHIBITION issue and that this court compel Judge David Guten to provide an attorney to the petitioner for his criminal cases and hold meaningful hearings on all motions filed and order the State of Oklahoma to turn over the missing, withheld and suppressed material brady evidence that denied the petitioner due process in CF-2019-3570. The Brady Violation also goes to CF-2019-3495 as The University of Tulsa is one of the alleged victims. The Petitioner also seeks a Rule 15 hearing to recuse Judge David Guten. The petitioner also seeks that he be granted access to the courts, which can be cured by hearing the petitioner on his motions.

Respectfully Submitted:



5-16-2023

Christopher J. Barnett Pro-Se 85704
216 North Murray Street
Helena, Oklahoma 73741

Date:

PRISON MAILBOX RULE CERTIFICATE OF SERVICE

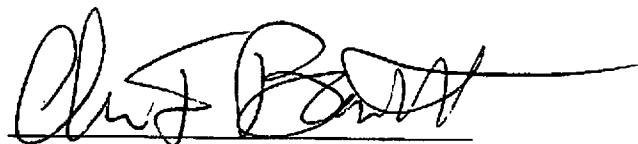
Petitioner by his signature above pursuant to 28 USC 1746 (or state analogue) declares under penalty of perjury that on the date stated above he placed a copy of this pleading in the prison outgoing mail receptacle, with sufficient US postage attached, addressed to:

The Oklahoma Court of Criminal Appeals 2100 North Lincoln Blvd, Oklahoma City Oklahoma 73105

Tulsa Court Clerk, 500 South Denver Avenue Suite 200 Tulsa Oklahoma 74103
Judge David Guten 500 South Denver Avenue, Tulsa Oklahoma 74103

Affidavit:

I, Christopher J. Barnett certify under the penalties of perjury that everything stated in this motion/petition is true and correct to the best of my knowledge.



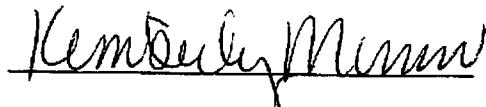
5-16-2023

Affiant, Christopher J. Barnett

Date:

216 North Murray Street

Helena, Oklahoma 73741



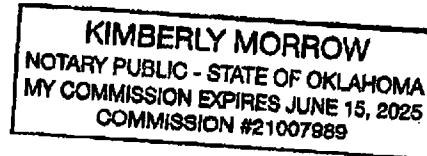
Notary Public

5-16-2023

Date:

My Commission Expires on June 15, 2025

Notary Seal:



IN THE DISTRICT COURT OF TULSA COUNTY

STATE OF OKLAHOMA

PLAINTIFF

V

CASE NUMBER:CF-2019-3495 and CF-2019-3570

CHRISTOPHER J. BARNETT

DEFENDANT

NOTICE OF TERMINATION

Dear Brian;

Due to lack of communication and you providing ineffective assistance of counsel, I must terminate you as my counsel. I've identified several major brady violations in both cases and you have done nothing. There is also the State making Brady Material available to me after my sham conviction in CF-2019-3570. I told you I cannot view my discovery in prison and you did nothing about it. I asked you to make a filing to have the public police report of Judge Rebecca Nightingale unsealed and you did nothing. This illegal order of Judge Doug Drummond pertained to all cases I'm involved with in the Tulsa District Court including my criminal cases. I finally filed a Writ of Mandamus/Prohibition to the Supreme Court of Oklahoma to obtain relief. You are not taking me seriously at all or listening to anything I've told you. When you meet with me, you stare at your watch constantly. Why did you take this case if you don't have time for it? I believe you were appointed by Judge

Guten to silence me and stop me from filing for relief in the court. For six months, I filed multiple motions and I've not been heard on any of them.

I asked for a rule 15 to recuse Judge Guten as evidenced by the filings on OSCN because Judge Guten has already cast guilt on me by referring to the three lying nasty women from The University of Tulsa as victims. I asked you to make a filing to refer to them as complaining witnesses, but you allowed John Lackey and the court to bully me, and you did not even defend me.

I asked for copies of my preliminary hearing transcripts from both cases as well as my trial transcript and you did nothing. I understand you have my trial transcript, but you never gave it to me and I've asked you to give it to me at least 5 times. I don't understand why you would not give this to me as I'm able to identify where Steve Kunzwieler lied in court and allowed perjured tainted testimony to go uncorrected.

I had the highest of hopes for you and I had hoped that you were not all talk, but you do talk a good game.

Since I've been back in prison, you filed a writ for me that was signed by Judge Guten, but it was not executed. You have contacted me one time. I have been unable to reach you because you have an automated system in place that rejects calls from the prison and jail. Why do you hide behind an automated phone system?

Well, it's obvious, you don't want your court appointed clients who are incarcerated to be able to reach you.

I filed for an Ex-Parte hearing with Judge Guten's court in an effort to try to resolve our issues, however that too fell on deaf ears and was not taken seriously.

I do not feel that you are working in my interest. I believe your representation of me is now incompetent and you are unable to fully represent my interest. I had severe reservations about having someone who was a graduate from The University of Tulsa represent me, but I let you go ahead and I've lost months of time.

Finally, to be clear, one of the brady violations is that The University of Tulsa called in multiple false threats to the Oklahoma Attorney Generals Office claiming I threatened to kill judges and the Attorney Generals. This was found to be false. The Oklahoma Attorney Generals Office did not turn over any of this information. In the event that Jeb Joseph was lying, this was exculpatory too because it would have proven vindictive prosecution by the State of Oklahoma. The University of Tulsa filed these false claims with malice to try to have me falsely arrested for my free speech and to dispose of the valid lawsuit against them by me and my husband. The Tulsa Court continues to bully me in favor of The University of Tulsa. Now I'm without counsel again and there's no telling if I'll ever have due process. Every day that goes by is another day that

evidence is lost and deleted, all in an effort to obtain another wrongful conviction.

I will not stop fighting this vindictive prosecution. Without a doubt I've been denied due process. You were supposed to be my advocate, however you failed in doing so. If I were able to get in touch with you, I would also have been able to tell you that one of the police officers wrote me a bad check for cleaning the carpet in their home and they promised they would get me for this. I did nothing wrong, I spent 3 hours cleaning the carpet in his home, getting the piss and shit from his dogs out of his carpet, then he brags about being a Tulsa Police Officer and writes me a check that was not good, drawn on Bank of Oklahoma. I also could have told you why the State of Oklahoma won't release the information on the brady violation. Keith Wilkes at Hall Estill represents Tulsa County Sheriff's Office, Tulsa Police Department and The City of Tulsa and was an employee at Tulsa Community College. Hall Estill gave this information under the guise of privilege, but it was made with malice and is subject to discovery and brady. You need to think outside the box. Keith was also behind denying me access to the courts and the PREA violation at the jail.

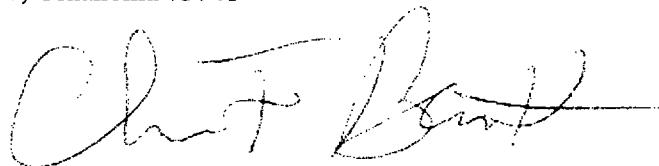
I wish you the very best and I kindly ask that you place mail all files and communications you've had from the State of Oklahoma to me at the Prison as it looks like I won't be returning to Tulsa County for quite some time. I still have no idea why I was returned to prison when I was supposed to be in court the following week. What a waste of tax dollars.

Thank you

Christopher J. Barnett DOC # 857048

216 North Murray Street

Helena, Oklahoma 73741



5-15-2023

Certificate of Mailing/Service

By my signature above, I, Christopher J. Barnett, certify that I mailed a copy of this motion to

The Tulsa Court Clerk 500 South Denver Avenue, Suite 200 Tulsa Oklahoma 74103

and

Judge David Guten at 500 South Denver Avenue Tulsa, Oklahoma 74103 and

Brian Boeheim 616 South Boston Avenue Suite 307, Tulsa Oklahoma 74119

on May 15, 2023 postage prepaid by depositing in the mailbox at the James Crabtree Correctional Center.



5/15/2023

Signature of Defendant

Date

* 1054932612 *

ORIGINAL

FILED
SUPREME COURT
STATE OF OKLAHOMA

MAY - 2 2023

JOHN D. HADDEN
CLERK

IN THE SUPREME COURT OF OKLAHOMA

CHRISTOPHER J. BARNETT

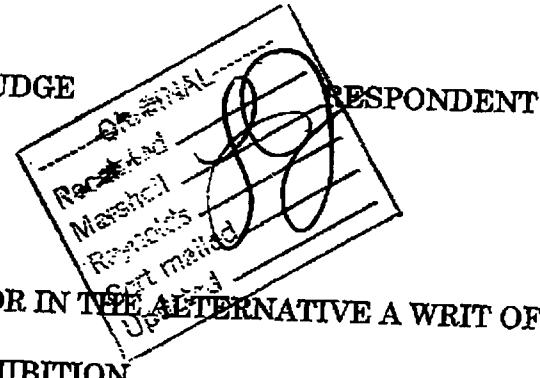
#121268

PETITIONER

v.

TULSA COUNTY CASE NUMBERS CJ-2020-2269, CJ-2022-1577,
CF-2019-3495 AND CF-2019-3570

JUDGE DOUG DRUMMOND, CHIEF JUDGE



PETITION FOR WRIT OF MANDAMUS OR IN THE ALTERNATIVE A WRIT OF
PROHIBITION

Court Clerk, please mail a copy of this back to me at the addresses below.

Form 13.2 Affidavit in Formua Pauperis attached.

RECEIVED

MAY - 2 2023

Petitioner is Pro-Se in both civil cases and is represented by Attorney Brian

Boeheim at Boeheim and Freeman in the two criminal cases. Attorney

Boeheim is aware of this filing and supports it, as the records have been
ordered sealed in anything that Petitioner files in the Tulsa District Court.

Comes now, petitioner, Christopher Barnett who files this writ for the Supreme Court
of Oklahoma to Mandamus Judge Doug Drummond for sealing a public police
report record of Judge Rebecca Nightingale or in the alternative, issue a WRIT
OF PROHIBITION.

Statement of the case:

I had a civil suit filed against me in case number CJ-2020-2269. I learned through discovery in my criminal case, CF-2019-3495 that the Judge handling the case, Rebecca Nightingale had filed a frivolous police report against me for blogging about the Attorney General of Oklahoma when I ran for Governor of Oklahoma. Upon learning of this, I filed with the court a Rule 15 to disqualify and recuse Judge Nightingale because not only did she file a police report, she is also a witness in my criminal cases. It is also important to note that Judge Doug Drummond as well as Justice William Musseman is a witness in my criminal case CF-2019-3495.

A hearing was set for February 15, 2023 by Judge Nightingale. I was in the Tulsa County Jail and was not taken to the hearing. To my knowledge, no hearing took place and Judge Nightingale finally did the right thing and transferred the case to Judge Drummond. I recently filed suit against The Tulsa County District Attorney's Office for violating the Oklahoma Open Records Act and it was assigned to Judge Rebecca Nightingale. Judge Nightingale did the right thing in this case and recused immediately.

In support of my motion to recuse Judge Nightingale, I filed a copy of the public police report in the court. The police report is attached to this Mandamus.

Judge Drummond issued an order, also attached that is file stamped February 15, 2023. In the order, Judge Drummond sealed all records, including the filing I made which disparaged Judge Nightingale. As part of my campaign for Governor, I campaigned on a platform of cleaning up the corrupt Judiciary in Tulsa County. Judge Nightingale is known for her hatred of gays and African Americans, and I put this in my motion. I do not agree with her hatred, but it's her right and I won't impose my beliefs on her. Rebecca Nightingale claims I called her 14 year old daughter a whore, but I have never seen proof of this. Judge Rebecca Nightingale was working in concert with The University of Tulsa, Tulsa Community College, Judge Jefferson Sellers, Judge William Museman and other Judges in Tulsa County to have me arrested for my free speech and because I'm a gay rights activist and support equality for everyone. I deny calling Judge Nightingale's daughter a whore and had no idea she had or could have a 14 year old. Madeline, Judge Nightingale's daughter that I know of, was friends with my husband and we attended several social functions together. Rebecca and her daughter went on a cruise with my husband and his mother when they were in high school together. This floored me when I saw this police report. Judge Nightingale did not recuse from another case, where she issued a \$12k judgment against me with no notice of the hearing and awarded \$27k in attorney fees. I have to file a petition to set aside and vacate that Judgment soon.

Judge Drummond cited Section 840-2.11 and said "clearly states that "state employee home addresses, state employee home telephone numbers and state employee social security numbers shall not be open to public inspection or disclosure."

Judges in Tulsa County District Court are state employees. Defendant Christopher Barnett has violated this statute in filings regarding CJ-2020-2269.

There was a cliff note that also said "The court finds that placing such information is a violation of the above named statute and that such personal information regarding a judge (state employee) should be sealed. This is the least restrictive means and it is narrowly tailored.

Judge Drummond further ordered" The court further ordered Defendant Christopher Barnett, to refrain from putting any information, documents or otherwise, in violation of the 74 O.S. §840-2.11 in any future public filings in the Tulsa County District court. Should this statute (as well as this order) be violated again, the Court will then consider prohibiting Mr. Barnett from any future filings, absent leave of the court."

Clear Legal Right to relief sought:

Judge Drummond has violated the Oklahoma Open Records Act by sealing this record. This is a public record and should not have been sealed. The Petitioner has a right to a public trial and this is a public record. The record was sealed to prevent the truth from being told about a judge, filing a frivolous police report about a candidate running for Governor, blogging about the Attorney General of Oklahoma and engaging in protected free speech. This is also denying me access to the courts and violating my right to a public trial.

Plain Legal Duty not involving the exercise of discretion

Judge Drummond has a plain legal duty to follow the law. Judge Drummond violated 51 O.S. 24A.29 by sealing the record. Judge Drummond did not hold a hearing and did not make any findings of fact. Judge Drummond has a plain legal duty to keep all records open that are filed with the Tulsa Court Clerks Office. The police report received is an open record and clearly shows this record was filed by Rebecca Nightingale in her personal capacity and not as a Judge. Judge Drummond is providing special treatment to Rebecca Nightingale because she is a Judge. There is no disputing that this is an open record. Rebecca Nightingales home address is clearly available on the Tulsa County Tax Assessors website and is readily available to anyone in the public. This is a blatant attempt to shield Rebecca Nightingale from public scrutiny for complaining about an openly gay republican blogging about now disgraced former Attorney General Michael Hunter who cheated on his wife and could not keep his penis in his pants. Further, Michael Hunter was engaged in sexual relations with an attorney at the Oklahoma Attorney Generals Office.

Adequacy of Writ and inadequacy of other relief:

I filed several documents in all cases, asking that this illegal prior restraint/sealing of records be lifted, but Judge Drummond ignored my

filings. Every day that goes by is another day that my criminal cases and my civil cases show that this police report from Rebecca Nightingale and anything referencing her has been illegally sealed. The public has no access to this record that is clearly a public record. I have a right to a public trial and the law is clear, that records filed with the Court Clerk's office must be available for public inspection. I was denied due process by Judge Drummond when I was found to have violated a statute and I had no hearing or anything. Judge Drummond was Judge, Jury and Executioner and even said he would deny me access to the courts, which is highly illegal. I did nothing wrong. Rebecca Nightingale is a witness as is Judge Doug Drummond in my criminal trial in case number CF-2019-3495. I am Pro-Se in my civil cases and I have counsel in my criminal cases. I have no other relief available to me. A Writ of Prohibition or a Writ of Mandamus in the alternative is my only relief available. I have been denied due process as I was found to have violated a statute with no hearing what so ever. I deny violating this statute and I allege that the court applied this incorrectly to tailor to their needs of illegally sealing this public police record of Rebecca Nightingale. This police report shows wrong doing of Judge Rebecca Nightingale and supports my position that I'm a victim of vindictive prosecution and the Judges have assisted in this to silence me.

WRIT OF PROHIBITION SOUGHT:

Judge Drummond has clearly exercised power he does not have, to seal a public record with no hearing and no due process to the petitioner who is both a Defendant in two civil trials and a Defendant in two criminal trials. Among the defenses raised in his Criminal trials is that the Judiciary has conspired in concert with The University of Tulsa to silence the Petitioner because of his protected free speech. There is absolutely no other remedy. The injury is that the Petitioner has been denied due process and is not able to have a fully public trial due to this public police report and open record being sealed. Judge Drummond only ordered that this report be sealed in the Tulsa District Court and threatened to deny access to the courts to the Petitioner, but did not order the Tulsa Police Department to do anything with the report. The petitioner has been injured as a result of this due process violation, abuse of discretion, abuse or power and sealing a public record with no hearing and no findings of fact. Judge Drummond made it clear if I file anything that disparages a Judge in Tulsa County that I could be prohibited from accessing the courts. This violates Okla. Const. Art 2. §6 which provides "The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay or prejudice.". Additionally, this is violating my 1st amendment right as Judge Rebecca Nightingale is an elected public official. The public has a right to know and a right to see when an elected public official files such frivolous police reports, violating the 1st amendment rights of the accused for of all things, blogging

about the Attorney General of Oklahoma. There is no doubt that the public has a right to know and a right to see this. Judge Drummond has blocked all public access through the courts to the police report of Rebecca Nightingale and given her special privilege because she is a District Court Judge. The Tulsa Court continues to engage in bullying and deception in an attempt to gain another illegal, wrongful conviction.

Quoting directly from Shadid V. Hammond 315 O.3d 1008

¶ 2 There are no provisions in the Oklahoma Open Records Act that allow parties to simply agree to seal a public record and submit a summary agreed order to the court. Sealing a public record should be a very rare event that occurs in only the most compelling of circumstances.”

¶ 3 If after very careful and independent consideration a District Court decides to seal a public record, it “shall” make a specific finding that sealing the public record is “necessary in the interests of justice to remove the material from the public record”. 51 O.S. 24A.29. That is a very high standard for good reason and is required in every case.

¶ 5 My future guidance to the District Courts is to not block public access to court records unless it is absolutely “necessary in the interests of justice”. Public records should remain public except in the most

compelling of circumstances. EDMONDSON, J., concurring in part and dissenting in part, joined by COLBERT, C.J.

For Prohibition, see, e.g., *James v. Rogers*, 1987 OK 20, 734 P.2d 1298, 1299 (Before a writ of prohibition may issue, a petitioner must show ... that the exercise of that power will result in injury for which there is no other adequate remedy.); *Moses v. Hoebel*, 1982 OK 26, 646 P.2d 601 (prohibition will not take the place of an appeal); *Short v. Dunn*, 1937 OK 180, 180 Okla. 21, 67 P.2d 18, 21 (same); *Kutch v. Cosner*, 1950 OK 48, 202 Okla. 470, 215 P.2d 300, 302 (remedy of appeal under 12 O.S.1941 § 951 precluded prohibition).

For Mandamus, see, e.g., *Association of Classroom Teachers of Oklahoma City, Inc. v. Independent School Dist. No. 89 of Oklahoma County*, 1975 OK 118, 540 P.2d 1171, 1175 (mandamus will not issue when an adequate remedy at law exists and an appeal will lie from an adverse order of a lower court); *Dickerson v. Worten*, 1926 OK 950, 122 Okla. 76, 251 P. 52, 54 (writ of mandamus to compel judge to vacate order of dismissal was denied because the order was appealable).

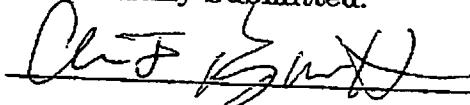
¶ 14 Because an order sealing a record is the functional equivalent of an injunction *adjudicating rights* of the parties to the principal proceeding as well as the public's right to the information in a public record, limited intervention should be allowed in the principal case by one seeking to intervene to unseal a record. While it is theoretically possible for one to

obtain equitable relief from a final judgment by an independent suit in the same District Court, the order sealing the record is continuing in its effect and the principal case has not been closed. Generally, intervention is allowed in a proceeding where an injunction is sought. I thus agree that an intervention is a possible proper method for OPUBCO to seek judicial relief.

Conclusion:

Wherefore, premises considered, the Petitioner, Christopher Barnett prays that this court grant his WRIT OF MANDAMUS or in the alternative WRIT OF PROHIBITION in the interest of the public and in the interest of justice and order Judge Drummond to lift his illegal order sealing the public police report and record of Judge Rebecca Nightingale made in her personal capacity against the Petitioner for blogging about the Attorney General. The Petitioner also seeks that no sealing of records be done without following the proper remedies required by law. In this case, Judge Drummond did not follow procedure and this has kept the public from seeing this police report in my civil and criminal cases. Please grant me relief.

Respectfully Submitted:



Christopher J. Barnett Pro-Se 85704
216 North Murray Street
Helena, Oklahoma 73741

4-27-2023

Date:

After May 05, 2023, please send all correspondence to me at
Christopher J. Barnett DLM # 1263543
300 North Denver Avenue
Tulsa, Oklahoma 74103

PRISON MAILBOX RULE CERTIFICATE OF SERVICE

Petitioner by his signature above pursuant to 28 USC 1746 (or state analogue) declares under penalty of perjury that on the date stated above he placed a copy of this pleading in the prison outgoing mail receptacle, with sufficient US postage attached, addressed to:

Judge Doug Drummond 500 South Denver Avenue Tulsa, Oklahoma
74103

The Oklahoma Supreme Court 2100 North Lincoln Blvd, Oklahoma City
Oklahoma 73105

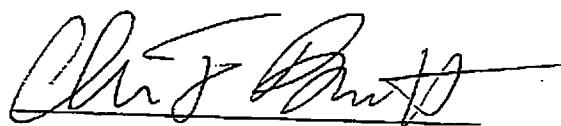
Brian Boeheim, Boeheim and Freeman Law Firm, Attorney's for
Christopher Barnett in CF-2019-3495 and CF-2019-3570. 616 South
Boston Avenue Suite 307, Tulsa Oklahoma 74119

Judge Rebecca Nightingale 500 South Denver Avenue Tulsa Oklahoma
74103

Tulsa Court Clerk, to be filed in all cases, 500 South Denver Avenue
Tulsa Oklahoma 74103

Affidavit:

I, Christopher J. Barnett certify under the penalties of perjury that
everything stated in this motion/petition is true and correct to the best
of my knowledge.



4-27-2023

Affiant, Christopher J. Barnett
216 North Murray Street
Helena, Oklahoma 73741

Date:

Kimberly Morrow

Notary Public

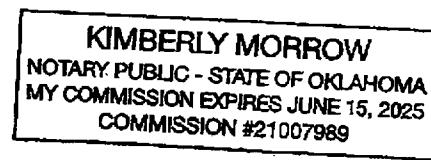
4.27.23

Date:

6-15-2025

My Commission Expires on:

Notary Seal:



Certified Court Copy

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

IAN NAPIER, Plaintiff, v. CHRISTOPHER J BARNETT, Defendant, and EXECUTIVE PROCESS LLC, D/B/A EZ MESSENGER, Defendant	No. CJ-2020-2269 (Civil relief more than \$10,000: NEGLIGENCE (GENERAL)) Filed: 07/22/2020 Judge: Civil Docket A
	DISTRICT COURT F I L E D FEB 15 2023

AFFIDAVIT OF MAILING

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

I, Don Newberry, Court Clerk for Tulsa County, hereby certify that on the 15TH day of February, 2023, a true and correct copy of the attached Order Sealing Records was mailed to each of the attorneys/parties listed below, and a true and correct copy of the Order was filed in the foregoing case.

ED LINDSEY- 1622 S DENVER AVE, TULSA, OK 74119

MARK ZANNOTTI- 1616 S MAIN ST, TULSA, OK, 74103

JOSEPH FARRIS- 2 W 2ND ST, SUITE 900, TULSA, OK 74103

CHRISTOPHER BARNETT C/O JAMES CRABTREE- 216 N MURRAY ST, UNIT 3, HELENA, OK 73741

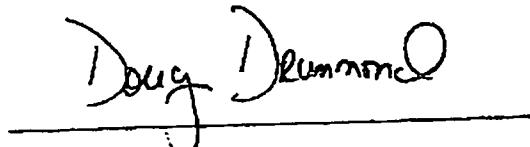
JED ISBELL- 4100 FIRST PLACE TOWER, 15 E 5TH ST, TULSA, OK 74103

Amber Krotzer

Amber Krotzer, Deputy Court Clerk

A

The Court further orders Defendant Christopher Barnett, to refrain from putting any information, documents or otherwise, in violation of the 74 O.S. §840-2.11 in any future public filings in the Tulsa County District Court. Should this statute (as well as this order) be violated again, the Court will then consider prohibiting Mr. Barnett from any future filings, absent leave of the Court.



**Doug Drummond
Presiding Judge
Fourteenth Judicial District
State of Oklahoma**

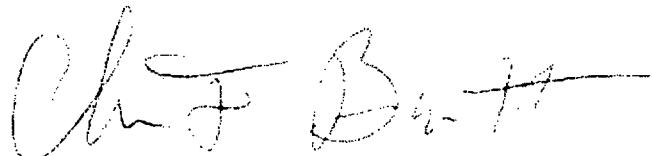
As of May 15, 2023 I have terminated Brian Boeheim as my counsel for various reasons. Please see the attached letter.

Thank you

Christopher J. Barnett DOC # 857048

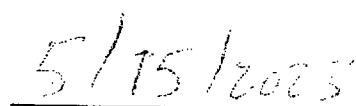
216 North Murray Street

Helena, Oklahoma 73741

 5-15-2023

Certificate of Mailing/Service

By my signature above, I, Christopher J. Barnett, certify that I mailed a copy of this motion to The Tulsa Court Clerk 500 South Denver Avenue, Suite 200 Tulsa Oklahoma 74103 and Judge David Guten at 500 South Denver Avenue Tulsa, Oklahoma 74103 on May 15, 2023 postage prepaid by depositing in the mailbox at the James Crabtree Correctional Center.



Signature of Defendant

Date

Form 13.2 Affidavit in *Forma Pauperis*

The Affidavit *in Forma Pauperis* must be in the following form:

AFFIDAVIT IN FORMA PAUPERIS

I, Christopher BARNETT state that I am a poor person without funds or property or relatives willing to assist me in paying for filing the within instrument. I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

Signed this 16 day of MAY, 2023 at

HeleNA, ALFAFA Oklahoma
(Print City, County, & State)

Christopher BARNETT
(Signature of Affiant)

Christopher BARNETT
(Print Name)

Kimberly Morrow

5-16-23

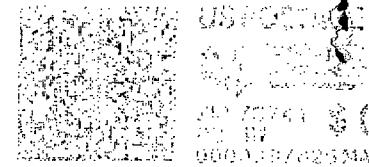
Notary Public

KIMBERLY MORROW
NOTARY PUBLIC - STATE OF OKLAHOMA
MY COMMISSION EXPIRES JUNE 15, 2025
COMMISSION #21007989

6-15-2025

My Commission Expires on

1115 BARNETT 85 1078
16 N MURRAY ST
ELLEN, OK 73741



SUPREME COURT OF OKLAHOMA
THE OKLAHOMA COURT OF CRIMINAL APPEALS
2100 NORTH LINCOLN BLVD
OKLAHOMA CITY, OK 73105

JCCC
LEGAL MAIL

The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

CHRISTOPHER JONATHAN BARNETT,
Petitioner,
v.
Hon David Guten,
Respondent,

No. MA-2023-439
([Writ of] Mandamus)

Filed: 05/18/2023

Appealed from: TULSA County District Court

PARTIES

BARNETT, CHRISTOPHER JONATHAN, Petitioner
Guten, Hon David, Respondent

ATTORNEYS

Attorney

BARNETT, CHRISTOPHER JONATHAN
#857048
216 N. MURRAY ST.
HELENA, OK 73741

Represented Parties

BARNETT CHRISTOPHER JONATHAN

Tulsa County District Attorney
500 S Denver Ave W#900
Tulsa, OK 74103

EVENTS

None

LOWER COURT COUNTS AND OTHER INFORMATION

Count	Case Number	Statute	Crime	Sentence	Judge	Reporter
-	CF-2019-3495	-			Guten, David	
-	CF-2019-3570	-				

**Additional material
from this filing is
available in the
Clerk's Office.**