

ORIGINAL



IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

DELBERT LEROY OLDHAM,

Petitioner,

v.

STATE OF OKLAHOMA,

Respondent.

SEP 13 2023

JOHN D. HADDEN
CLERK

No. PC-2023-392

ORDER AFFIRMING DENIAL OF POST-CONVICTION RELIEF

Petitioner has appealed to this Court from a March 28, 2023, order of the District Court of Washington County denying his Motion for Disposition and Summary Judgement in Case No. CRF-1992-189. Petitioner was convicted by a jury of lewd molestation and first-degree rape and sentenced to one hundred (100) years imprisonment. Petitioner's conviction was affirmed on direct appeal. *Oldham v. State*, F-1993-538 (Okl.Cr. April 24, 1995) (not for publication). A review of the appeal record indicates this is Petitioner's eighth application for post-conviction relief filed with this Court in this matter.

On January 9, 2004, in Case No. PC-2003-1360, this Court affirmed the District Court's denial of Petitioner's third post-conviction application and advised Petitioner he had exhausted his state remedies

APPENDIX A

regarding these issues and that subsequent application is barred. On October 6, 2006, this Court dismissed Petitioner's appeal of the denial of his fourth application for post-conviction relief, in Case No. PC-2006-848, and again stated Petitioner had exhausted his state remedies regarding these issues and that subsequent application is barred. On April 24, 2008, this Court affirmed the District Court's denial of Petitioner's fifth post-conviction application and again advised Petitioner that "he has exhausted his state remedies." On December 15, 2015, this Court dismissed Petitioner's appeal of the District Court's denial, in Case No. PC-2015-1051 and reminded Petitioner he was advised by this Court in PC-2003-1360, "that he has exhausted his state remedies regarding these issues and that subsequent application is barred."

On August 24, 2016, Petitioner filed his seventh application for post-conviction relief. On December 2, 2016, the District Court ruled Petitioner's subsequent application for post-conviction relief was barred per orders of this Court in PC-2003-1360, PC-2006-848, PC-2008-154, and PC-2015-1051; and declared it would not entertain any further applications or petitions.

On March 11, 2019, Petitioner filed another application for post-conviction relief. On April 12, 2019, a court minute order was filed reflecting the District Court's order "not to accept (sic) any further applications, petitions, or motions from the petitioner unless the required filing fees are paid at the time of filing." On the same date, the District Court denied Petitioner's application for post-conviction relief. On October 18, 2019, we dismissed Petitioner's appeal of the District Court's denial, in Case No. PC-2019-340. In that order, we noted, "Petitioner has previously filed numerous applications for post-conviction relief and his state remedies have been deemed exhausted in this case," citing *Oldham v. State*, No. PC-2015-1051 (Okla. Cr. December 15, 2015) (not for publication).

All issues previously ruled upon are *res judicata*, and all issues not raised in the direct appeal and previous application for post-conviction relief, that could have been raised, are waived. 22 O.S.2011, § 1086; *Fowler v. State*, 1995 OK CR 29, ¶ 2, 896 P.2d 566, 569. Petitioner has not established sufficient reason for not asserting his current grounds for relief in previous proceedings. *Id.*

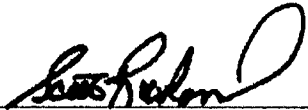
The order of the District Court of Washington County denying Petitioner's eighth application for post-conviction relief in Case No.

CRF-1992-189 is, **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

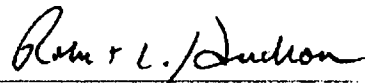
IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

13 day of September, 2023.



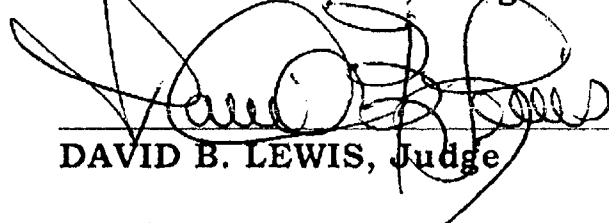
SCOTT ROWLAND, Presiding Judge



ROBERT L. HUDSON, Vice Presiding Judge



GARY L. LUMPKIN, Judge



DAVID B. LEWIS, Judge



WILLIAM J. MUSSEMAN, Judge

ATTEST:


Clerk
PA