

2026-6318

No. \_\_\_\_\_

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
DEC 12 2023  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

William Joseph Daniel — PETITIONER  
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Tenth Circuit

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

PETITION FOR WRIT OF CERTIORARI

William Joseph Daniel  
(Your Name)

807 10th Street  
(Address)

Snyder, OK 73566  
(City, State, Zip Code)

580-305-0941 or 580-569-2820  
(Phone Number)

### QUESTIONS PRESENTED

- 1.) There are 330 million Americans and almost all of them either have or will choose who to pursue for potential marriage, children, and family, which are constitutionally protected rights. Should the choice of a woman and a man — both adults — to pursue one another in a relationship that could potentially lead to marriage, children, and family — a choice "deeply rooted in our Nation's history and tradition" and "in the concept of ordered liberty," be such a right, protected by the Due Process Clause and/or the Privileges or Immunities Clause of the Constitution's Fourteenth Amendment?
- 2.) Should the state have the right to arbitrarily and unequally criminalize Constitutionally protected rights between consenting adults based solely on an occupation when many, if not all, occupations have "similarly situated" relationships?
- 3.) Should we eliminate substantive due process doctrine from our jurisprudence, overturning all of it's erroneous precedents?
- 4.) Does the Privileges or Immunities Clause protect any rights that are not enumerated in the Constitution and, if so, should we use the "Glucksberg test" to identify those rights?

### LIST OF PARTIES

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:

1. Solicitor General of the United States, Room 5616, Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530-0001.
2. Oklahoma Attorney General, 313 N.E. 21st St., OKC, OK 73105
3. Tiffany Edgmon, AUSA, 210 W. Park Avenue, STE. 400, OKC, OK 73102

### RELATED CASES

1. United States of America v. William Joseph Daniel, No. 22-CR-00229, Western District of Oklahoma, sentenced January 6, 2023
2. United States of America v. William Joseph Daniel, No. 23-06011, Tenth Circuit Court of Appeals, Denied September 18, 2023

### RELEVANT CASES

1. Paschal v. State, 2012 ARK, 127, 388 S.W. 3d 429 (Arkansas Supreme Court, 2012)(Held that the criminalization of a consensual adult relationship based on occupation is unconstitutional.)
2. State v. Hirschfelder, 242 P.3d 876 (Washington Supreme Court, 2010)(Upheld statute criminalizing a consensual adult relationship based on occupation.)
3. State v. Edwards, 288 P.3d 494 (Kansas Court of Appeals, 2012)(Upheld statute criminalizing a consensual adult relationship based on occupation.)
4. Nash v. State of Oklahoma, No. F-2014-538 (Okl.Cr. Oct. 27, 2015) (Distinguishable from this case as it upheld the criminalization of a consensual relationship with a minor based on occupation — not a consensual adult relationship.)

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## TABLE OF AUTHORITIES

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#### CONSTITUTIONALLY PROTECTED RIGHTS OF ADULTS

Loving v. Virginia, 388 U.S. 1, 18 L.Ed. 2d 1010, 87 S.Ct. 1817 (1967)(Right to marry)(*"The right to marry or not marry is held by the individual and not the state."* -Mr. Chief Justice Warren)

Skinner v. Oklahoma ex rel. Williamson, 316 U.S. 535, 86 L.Ed. 1655, 62 S.Ct. 1110 (1942)(Right to have children)(*"There are limits to the extent to which a legislatively represented majority may conduct...experiments at the expense of the dignity and personality of the individual."*)

Meyer v. Nebraska, 262 U.S. 390, 67 L.Ed. 1042, 43 S.Ct. 625 (1923)(Right to direct the education and upbringing of one's children.)

Pierce v. Society of Sisters, 268 U.S. 510, 69 L.Ed. 1070, 45 S.Ct. 571 (1925)(Right to direct the education and upbringing of one's children)

Griswold v. Connecticut, *supra* (Right to marital privacy)

Eisenstadt v. Baird, 405 U.S. 438, 31 L.Ed. 2d 349, 92 S.Ct. 1029 (1972)(Right to use contraception)

Rochin v. California, 342 U.S. 165, 96 L.Ed. 183, 72 S.Ct. 205 (1952)(Right to bodily integrity)

#### NEW UNENUMERATED CONSTITUTIONAL RIGHT

Washington v. Glucksberg, 117 S.Ct. 2258, 138 L.Ed. 2d 772 (Origin of the "Glucksberg Test") (Unenumerated Constitutionally protected rights must be "deeply rooted in our Nation's history and tradition" and "in the concept of ordered liberty")

Poe v. Ulman, 367 U.S. 497, 545 (1961)(Harlan, J., Dissenting) ("[T]he State is asserting the right to enforce its moral judgment by intruding upon the most intimate details of the [dating] relation with the full power of criminal law.") ("The mere [invocation]...[of] the controversial...realm of morals cannot [suffice as] justification.[of the criminalization of a consensual adult relationship].")

Olmstead v. United State, 72 L.Ed. 944, 277 U.S. 438 (1928)(Mr. Justice Brandeis, dissenting)(“The protection guaranteed by the [Fourth, Fifth, and Fourteenth] Amendments is much broader in scope. The matters of our Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure, and satisfactions of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations. They conferred, as against the Government, the right to be let alone — the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the [Constitution].”)

PRIVILEGES OR IMMUNITIES CLAUSE OF THE 14TH AMENDMENT

Dobbs v. Jackson Women's Health Org., 142 S.Ct. 2228, 213 L.Ed. 2d 545, (at 623 (Justice Thomas concurring, 2022)(“...the Due Process Clause does not secure any substantive rights...and has harmed our country in many ways. Accordingly, we should eliminate it from our jurisprudence at the earliest opportunity.”)(“...we could consider whether any of the rights announced in this Court's substantive due process cases are “privileges or immunities of citizens of the United States” protected by the Fourteenth Amendment.”),.....13

The Slaughter-House Cases, 83 U.S. (16 Wall.) 36 (1872)(Mr. Justice Bradley, dissenting)(Nullified the Privileges or Immunities Clause)(“Mere intolerance or animosity cannot constitutionally justify the deprivation of a person's physical liberty.”)

Hicklin v. Orbeck, 437 U.S. 518 (1978)

Corfield v. Coryell, (PA) 4 Wash cc 371, 380, 386, F(a) No. 3230, (1823)  
("Privileges and Immunities which are... fundamental; which belong... to the  
citizens of all free governments.")

DISTINGUISHABLE CASE

Nash v. State of Oklahoma, No. F-2014-538 (Okl.Cr. Oct. 27, 2015)  
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BOOKS

Constitutional Law, Cases in Context (Randy E. Barnett, Carmack Waterhouse  
Professor of Legal Theory, George town University Law Center, 2008)

## STATUTES AND RULES

### STATUTES

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### FEDERAL RULES OF APPELLATE PROCEDURE (10TH CIRCUIT)

I. Applicability of Rules; Rule 2: Suspension of Rules; -Notes to Decision;  
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### FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)(20 U.S.C. §1232g)

"...the rights of a student who has reached the age of 18 shall supercede and in fact supplant those of a parent pursuant to 34 C.F.R. §99.5."

§99.5: "When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parent to the student."

"Eligible student means a student who has reached 18 years of age or is attending an institution of post secondary education."

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**

**[X] For cases from federal courts:**

The opinion of the United States court of appeals 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 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was September 18, 2023.

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 \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article IV, Section 2: The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

Amendment IV: The right of the people to be secure in their persons...

Amendment IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment XIV; Section 1: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Amendment XXVI, Section 1: The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

### STATEMENT OF THE FACTS

1. Constitution protects the rights of 18 year olds as adults.
2. The law in Oklahoma discriminates against certain occupations.
3. Consenting adults have the right to choose who they want to date for love, companionship, and marriage.

My name is William (Billy) Daniel and I was the band director at Marlow Public Schools in Marlow, Oklahoma. I was 45 when I committed adultery with an 18 year old woman who loved me and whom I loved — betraying the family I love. It was a mistake, but a mistake that is Constitutionally protected and not criminal.

The band program in Marlow had grown large enough to justify hiring multiple assistant directors yet the school did not. An intelligent woman, the daughter of a teacher, wanted to become the best flute player in the state and a band director. She helped me hold up one of the largest music programs in the state. We shared the same passion for education and music and enjoyed each others company.

In the spring of 2022, the small community of 4,500 people voted in a 34 million dollar bond issue for a new performing arts center for the band and two weeks later the University of Oklahoma offered her a full-ride scholarship for music and academics. The atmosphere of the room changed as this confident, assertive, and brilliant 18 year old woman looked at me and told me things had changed for her. After a short discussion we agreed that these feelings would go away. They didn't.

It is a powerful thing when a woman who cares for you and enjoys spending time with you, and whom you care for and enjoy spending time with, tells you she is in love with you. After four weeks of unsuccessfully trying to keep our distance this brilliant woman, an adult, who loved me and was in love with me,

moved to kiss me and I let her because I loved her and was in love with her.

The relationship was made public nine days before graduation.

I was charged with two "strict liability" Oklahoma statutes that criminalize consenting adult relationships: Sexual Battery and Rape by Instrumentation. I was motivated by fear to take a plea deal. I pled guilty to Sexual Battery in exchange for them to drop the Rape by Instrumentation charge, which carried a sentence of a minimum of 5 years and a maximum of life in prison.

The Oklahoma Sexual Battery statute, in pertinent part, says: No person shall commit sexual battery on any other person, sexual battery shall mean the intentional touching or feeling of the body parts...in a lewd and lascivious manner, 1.) without the consent of that person... and 3.) when committed upon a person age 16-20 and is enrolled in a secondary school...by a person who is 18 or older and is an employee of that same school.

The word intentional writes in mens rea. It clearly says consent can be given, yet I was told it was strict liability and forced to lie — by ~~intimidation~~ intimidation and fear — that I touched her in a lewd and lascivious manner, and publicized by the media as a rapist of students — a lie — and lost everyone and everything as the cruel government machine went to work.

The police, prosecutor, and judge all, on the record multiple times, ~~as~~ acknowledge that she was an adult woman and that the relationship was consensual.

During her interview with police, on video — on the record — she was threatened to cooperate. "Look, you are 18 and you are an adult. If we can ~~not~~ prove that you are interfering with a police investigation we will charge you with obstruction" which is up to 10 years in prison. "But we want you to keep your scholarship to OU and go on to be a band director. Now, you need to tell us what type of relationship you really had with him." Her freedom, scholarship, and future were threatened — in true blatant coercion — as her liberties were stripped away in a humiliating violation of the Constitution.

After she admitted the relationship was romantic the police went on: "OK, we know you are 18 and you are a woman and that you wanted this to happen," to which she responded "absolutely," undoubtedly thinking (like most would) the fact that she is a consenting adult woman would protect her rights and protect me — she was wrong. They then forced her (through coercion) to tell the intimate details of her private relationship violating her right to privacy as she answered their questions in obvious humiliation.

The police then stated, "Look, we know you are an adult, but since you live with your mom you have to tell her what happened." Many adults of all ages and situations live with their parents. This is another humiliating violation of her Constitutionally protected right to privacy.

During the FBI investigation the agents were asked why they were pursuing this saying "Her mom is on the record saying she doesn't want to press charges or even for him to lose his job." In response they said, "It doesn't matter what the mother wants because [the woman] is an adult. [The woman] would have to file charges but we can't convince her to. But it doesn't matter what they want, we are going to make an example out of him," — and they have.

At the sentencing, after state mandated gaslighting disguised as "counseling," the prosecutor told the judge "[The woman] isn't quite convinced yet, but we are on our way to showing her what kind of monster he really is."

Then my judge sentenced me to 18 months in federal prison, saying "I understand that she was an adult and this was consensual."

I received 18 months in federal prison. And because of dual jurisdiction, I could face life in Oklahoma state prison — for a consensual relationship with an adult woman who loved me and whom I loved.

There is no federal statute criminalizing an adult relationship on the basis of occupation or education. That is why it has never been challenged federally. My case is the first federal challenge because the adult woman

who chose me is Choctaw Indian and it was on Chickasaw land. As you know, the Federal government acts on behalf of the Tribes (Indian Crimes Act) making tribal land a Federal enclave giving the Federal government the power to assimilate state statutes (Assimilation Crimes Act). Using this power, the Federal government assimilated these two unconstitutional Oklahoma statutes.

So why has an adult 18-20 who is finishing high school not attacked these statutes to invoke their own right?

There are four obstacles that hinder adults 18-20 in the nation from advocating their own rights: 1.) Money. Adults 18-20 in secondary school cannot afford an expensive suit to assert their rights; 2.) The clock runs out. The case becomes moot upon graduation since they are no longer in high school; 3.) Forfeit their privacy. To bring a public suit to protect their privacy would result in the nullification of the right at the very moment of assertion; and 4.) Protection of the relationship. To bring a public suit to protect their intimate partner would initiate prosecution of the person with whom they share the intimate relationship. It is clear, there is no way they can speak for themselves.

The criminalization of two adults pursuing one another for family by means of an invidiously discriminatory, occupation and education-based, strict liability statute is unjust, unequal, and cruel. So the state masks this cruelty from the public by manipulatively relabeling it sexual battery and rape — a lie — to villainize and discredit the adult lovers publically by means of media propoganda and social outcry while simultaneously dividing the couple to submit them to gaslighting disguised as "counseling."

I am uniquely positioned to federally challenge this arbitrary state statute and make the case for the rights of all adults, including those 18-20 still finishing high school, as I easily pass the test for 3rd party standing set forth in *Powers v. Ohio*.

Here is a similar story from Connecticut. An article on Reason.com

stated: [Tayler] Boncal could face several years in jail for dating...a fellow adult... she shouldn't be facing criminal charges because of this. (<http://reason.com/2018/02/08/22-year-old-woman-facing-sexual-assault/>).

Nor should I.

If broad general state policies can be used to deprive a woman and a man of the choice to pursue one another for companionship, love, and potential family, it is hard to envision where the exercise of arbitrary and intrusive power by the state can be halted.

Adults have the personal autonomy to choose who to pursue for potential marriage and children regardless of a perceived power dynamic, gap in age, marital infidelity, and potential for grooming — which by the state's definition conveniently mirrors that of common cordial companionship.

An adult can date and marry someone with the occupation of police officer even if they knew them as a minor. This occupation, which gives them authority over all, does not nullify their liberty to date and marry.

The same is true of a University professor and their 18 year old college student, even with the professor's potential to coerce using grades or recommendations and the potential to "groom."

Consensual adult relationships are not criminal. Regardless of the power dynamic in their professional relationship, irrespective of a gap in age, whether or not there is infidelity, even if they have known each other for years, the rights and protections of adults are equally protected by force of the Constitution's Fourteenth Amendment:

#### **Amendment 14**

**Sec. 1. [Citizens of the United States.]** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No

State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Thousands of occupations have similarly situated relationships between adults, with the same "evil" perceived by the state, as that of a high school teacher.

An 18 year old adult (even one who happens to still be finishing high school) has the liberty right to elope and lawfully be married to the adult of their choosing (even if it happens to be their high school teacher), adopt children, buy a house, join the military to kill our nation's enemies and potentially die for their country, run for political office and vote in elections, but dating is a felony? Their marriage is protected. So too should be the freedom to choose who to pursue for that marriage.

Are other 18 year old adults who are in universities and the work force more mature to choose who to love and pursue than she is? If she chose to be a high school dropout then the state would have had no problem with our relationship. Does she Constitutionally require a diploma to choose me?

Whatever society and the government's knee jerk opinion may be, the only thing that matters is this: Is she an adult? Yes. Then she could have chosen an 85 year old billionare she didn't love. Instead, she chose a man, with whom she shared the same life passions and strong companionship, that she did love. That is her Constitutionally protected right as an adult.

Should the state be allowed to take away the Constitutional rights of adults 18-20, or to relabel these adults as children, based on their education status or the occupation of the person they have chosen to pursue for potential marriage and family?

There is no statistical or empirical evidence that there is more of the state's perceived evil with the occupation of secondary school teacher than any other occupation, nor is there evidence that adults 18-20 in high school are less mature than all other adults 18-20 in all other vocational schools, universities, workforce, or anywhere else that someone holds a position of authority over them.

The adult student safety justification put forward by the state is not grounded in any statistical data other than the fact that 21 other states have similarly unjustified and unconstitutional statutes. Therefore it is insufficient to make the otherwise Constitutionally protected rights of adults criminal.

I am humbly asking that you approve this writ of certiorari to protect the rights of all adults 18-20 in the nation who are finishing high school and are hindered to protect their own rights, to recognize the liberty of a woman and a man to choose to pursue one another for dating, love, companionship, marriage, and family as a new unenumerated right and in doing so give the Court the opportunity to answer the questions set forth by Justice Thomas in Dobbs v. Jackson Women's Health.

At the end of her humiliating police interview, they asked the woman what was going to happen between us when she left for the University of Oklahoma. The future was unknown, but she told them the two things we knew for sure — that we planned to continue to see each other and that we deeply loved each other. This dating relationship was deeply rooted in companionship and love and could have easily resulted in marriage and family — now we will never know because the state took away her right to choose.

Our lives are irreparably damaged because I chose education and this adult woman chose me.

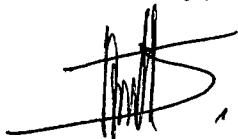
I am not appealing the fact that we loved each other and that the relationship became physically affectionate. I am appealing that she is an adult woman and she has the Constitutionally protected right to choose who to spend her

life with in companionship, marriage, and love.

1. Constitution protects the rights of 18 year olds as adults.
2. The law in Oklahoma discriminates against certain occupations unconstitutionally.
3. Consenting adults have a right to choose who they want to date for love, companionship, and marriage.

I pray for your careful consideration. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "William (Billy) Joseph Daniel". The signature is somewhat stylized and includes a small flourish at the end.

William (Billy) Joseph Daniel

### STATEMENT OF THE CASE

On June 8, 2022, I was charged with a two count indictment brought under the Assimilated Crimes Act because the adult woman is Choctaw Indian and this occurred on Chickasaw land.

Count 1 was Sexual Battery (21 O.S. §1123(B)(1)(3)) which says, in pertinent part: No person shall commit sexual battery on any other person, sexual battery shall mean the intentional touching or feeling of the body parts... in a lewd and lascivious manner, 1.) without the consent of that person and 3.) when committed upon a person age 16-20 and is enrolled in a secondary school...by a person who is 18 or older and is an employee of that same school. This carries a sentence of 0-10 years.

Count 2 was Rape by Instrumentation which carries a mandatory minimum punishment of 5 years imprisonment and up to life. (O.S. §111.1(B) and 1114(A)(6)).

I entered into a plea agreement, which called for me to plead guilty to count 1 of the indictment, with count 2 to be dismissed at sentencing.

I plead guilty on July 8, 2022.

I was sentenced on January 6, 2023, by Judge David Russell of the United States District Court, Western District of Oklahoma to 18 months imprisonment.

Court appointed attorney David Autry filed a timely notice of appeal.

Before sentencing, I informed court appointed attorney David Autry that I wanted to attack the constitutionality of the statute as allowed by Class v. United States. I also informed him several times after sentencing. These numerous requests/demands were ignored. Attorney David Autry refused to present the questions attacking the constitutionality of the Oklahoma Statute as allowed by Class v. United States that would have likely changed the outcome of the case.

His refusal to attack the constitutionality of this statute criminalizing a consensual adult relationship is erroneously based on his inability to distinguish between Nash v. State of Oklahoma and my case. Nash involved a

minor — not a consensual adult relationship.

Attorney David Autry also refused to present the question whether the choice of a woman and a man — both adults — to pursue/date one another in companionship and love in a relationship that could lead to marriage, children, and family should be a new unenumerated right protected by the Constitution's 14th Amendment Due Process Clause and/or the Privilege or Immunities Clause — opening the door for the Supreme Court to answer the questions called for by Justice Thomas in his concurring opinion in Dobbs v. Jackson Women's Health. Attorney David Autry instead appealed by asking the Appelate Court an irrelevant question about sentencing against my will in an attempt to prevent my questions from being presented.

Enclosed are two cover letters dated 5-16-23 and 6-16-23 documenting my requests to attack the constitutionality of this statute and him ignoring my communication (See APPENDIX E and F).

Also enclosed is my letter to the 10th Circuit Court of Appeals attempting to remove counsel and proceed pro se (See APPENDIX B through E) and a letter to Attorney David Autry requesting him to send me a copy of all records, transcripts, discovery, and any other documents associated with my case (See APPENDIX G). This request was also ignored.

After ignoring my communications since January 2023, I finally received my first package from him dated 7-18-23 that included his opening brief, the government's reply, and his reply brief. This is when I discovered he had ignored my communications and asked an irrelevant question against my will about an 18 month sentence when the real issue is protecting the rights of consenting adults and the Privileges or Immunities Clause.

In his certificate of service included in his opening brief dated April 28, 2023, he stated to the Circuit Court that he had sent me a copy of the opening brief. This was either lost in transit or a blatant lie to the Circuit Court.

On 8-3-23, I mailed a letter to the Supreme Court clerk requesting a writ of certiorari form to proceed under Supreme Court Rule 11.

On 8-31-23 I learned my request to the 10th Circuit had been received on 8-10-23 but was "docketed but not filed."

On 9-1-23 I called the 10th Circuit to request that they file my motion to dismiss counsel due to lack of communication and prejudice. I was told to contact the court appointed attorney who refused to communicate with me to recuse himself for not communicating with me.

On 9-18-23, the 10th Circuit ruled against me on the question about an 18 month sentence presented by court appointed attorney David Autry.

I received a final letter from court appointed attorney David Autry dated 9-25-23 informing me of the 10th Circuit's decision, his admission to his reasoning for not attacking the constitutionality of the statute based on his loss in Nash v. United States, and a statement documenting threats from the prosecution to enhance my sentencing exposure if we filed any pretrial motion to attack the constitutionality of the statute (See Appendix A).

The only relief can be sought from the Supreme Court and the important questions I am asking have broad national implications and should only be answered by the Supreme Court.

### THIRD-PARTY STANDING

The majority in *Harris v. Evans*, 20 F.3d 1118 (1994), summarizes the three-pronged test set out in *Powers v. Ohio*, 111 S.Ct.1364, 113 L.Ed 2d 411 (1991) as follows:

"In *Powers v. Ohio*, the Supreme Court has recognized several factors that may justify exceptions to the general rule against third-party standing. In *Powers v. Ohio*, the Supreme Court recognizes the right of litigants to bring actions on behalf of third parties, provided three important criteria are satisfied:

- 1.) the litigant must have suffered an "injury-in-fact," thus giving him or her a "sufficiently concrete interest" in the outcome of the issue in dispute;
- 2.) the litigant must have a close relationship to the third-party; and
- 3.) there must exist some hindrance to the third party's ability to protect his or her own interests."

I easily pass this three-pronged test.

- 1.) "Injury in-fact": A felony conviction gives me "sufficiently concrete interest" in the outcome of this dispute.
- 2.) Close relationship: The criteria is a "significant" or "intimate" relationship. The intimate relationship between a woman and a man would pass the "intimate" test.
- 3.) Hindrance to protect their own interest. There are four obstacles that hinder adults 18-20 in the nation from advocating their own rights:

- a.) Money. Adults 18-20 in secondary school cannot afford an ~~expensive~~ expensive suit to assert their rights. See *Singleton v. Wulff*, 96 S.Ct.2868, 49 L.Ed. 2d 826 (1976).

- b.) The clock runs out. The case becomes moot upon graduation since they are no longer in high school. See *Craig v. Boren*, 97 S.Ct. 451, 50 L.Ed. 2d 397 (1976), and *Singleton v. Wulff*, *supra*.
- c.) Forfeit their privacy. To bring a public suit to protect their privacy would result in the nullification of the right at the very moment of assertion. See *NAACP v. Alabama*, 78 S.Ct.1163, 2 L.Ed. 2d 1488 (1958), ("[to] require that it be claimed by the members themselves would result in the nullification of the right at the very moment of it's assertions." -Harlan, J.). See also *Singleton v. Wulff*, *supra* ("Moreover, there are obstacles to the woman's assertion of her own rights, in that the desire to protect her privacy may deter her from herself bringing suit, and her claim will soon become at least technically moot if her indigency forces her to forgo the pregnancy.")
- d.) Protection of the relationship. To bring a public suit to protect their intimate partner would initiate prosecution of the person with whom they share the intimate relationship.

It is clear, there is no way they can speak for themselves. I am "uniquely positioned" to vindicate the rights of adults 18-20 who are finishing high school.

## REASONS FOR GRANTING THE PETITION

1. To eliminate substantive due process from our jurisprudence, overturning all of it's precedent, and replacing it with the Privileges or Immunities clause as the proper means to find unenumerated rights identified by the "Glucksberg Test."
2. To find a new unenumerated right: The choice of a woman and a man — both adults — to pursue/date one another in a relationship that could lead to marriage, children, and family (which are constitutionally protected rights) — a choice "deeply rooted in our nations history and traditions" and "in the concept of ordered liberty" enjoyed by most Americans in our 247 year history.
3. To protect the rights of all adults in the nation age 18-20 who are finishing high school and are hindered to protect their own rights along with protecting the right of the adult they have chosen to pursue/date for companionship, love, and potential marriage and family regardless of that persons occupation.
4. These important questions were blocked at the courts below by 1.) Prosecutions threat of pursuing life in prison if they were brought on pretrial motions at the District level, 2.) my court appointed attorney who, due to his ideological and political beliefs, refused to attack the constitutionality of the statute (as allowed by Class v. United States) on Appeal and after ignoring my requests only appealed the sentencing against my will; and 3.) The 10th Circuit refused to file my petition to remove counsel so I could proceed pro se to ask these questions myself. The relief sought can only be found at this Court and these important questions should only be decided by the Supreme Court.

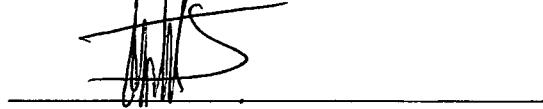
5. To resolve a conflict between state court's of last resort. Paschal v. State, 2012 ARK, 127, 388 S.W.3d 429 (Arkansas Supreme Court, 2012) held that the criminalization of consensual adult relationships based on occupation is unconstitutional. State v. Hirschfelder, 242 P.2d 876 (Washington Supreme Court, 2010) and State v. Edwards, 288 P.3d 494 (Kansas Court of Appeals, 2012) upheld such statutes.

This Oklahoma statute that criminalizes consensual adult relationships is unconstitutional on its face in regards to mentally competent adults 18-20 who are finishing high school and is also unconstitutional as applied.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Doe", is written over a horizontal line.

Date: 12-12-23

Declaration of Inmate Filing

I declare under penalty of perjury that I am an inmate at the time this document is placed in the mail, and that I placed the same in the institution's internal mail system on 12-12-23 after 5:00 p.m. with first-class postage prepaid.

William J. Daniel

~~WJS~~

12-12-23