

No.

23-6388

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

SEP 14 2023

OFFICE OF THE CLERK

CHRISTOPHER J. BARNETT PETITIONER
(Your Name)

VS.

OKLAHOMA COURT OF CRIMINAL APPEALS — RESPONDENT(S)
AND TULSA COUNTY DISTRICT COURT JUDGE DAVID GUTEN

ON PETITION FOR A WRIT OF CERTIORARI TO

MA-2023-640 TULSA COUNTY CASE #1'S

CF20193570 & CF20193495

OK COURT OF CRIMINAL APPEALS

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

PETITION FOR WRIT OF CERTIORARI

CHRISTOPHER J. BARNETT
(Your Name)

216 N MURRAY ST
(Address)

HELENA, OK 73741
(City, State, Zip Code)

INMATE
(Phone Number)

QUESTION(S) PRESENTED

MAY A JUDGE CONTINUE TO RULE WHEN HIS RECUSAL IS SOUGHT TO RECUSE HIM / DISQUALIFY HIM FROM HEARING A POST CONVICTION APPLICATION

~~See Attached~~

Where the Judge has made Bias statements towards the petitioner?

MAY THE OKLAHOMA COURT OF CRIMINAL APPEALS DENY ACCESS TO ITS COURT BECAUSE THE PETITIONER IS INDIGENT, PRO-SE, INCARCERATED AND HAS NO WAY TO OBTAIN A CERTIFIED COURT ORDER WHEN THE DISTRICT COURT JUDGE [DAVID A. GUTEN] DENIED THE PETITIONER'S MOTION FOR A CERTIFIED COURT ORDER SO HE MAY FILE A MANDAMUS FOR JUDGE DAVID GUTENS RECUSAL?

IS THE OCCA'S POLICY DENYING ACCESS TO THE COURTS BASED ON INDIGENCY CONSTITUTIONAL?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Miller Dollardhide PC V TAL 163 P3d 548 2007 OK58
 (A) ~~See Attached~~ Clark V. BOARD OF Education
 32 P3d 851 2001 OK56
 Ward V. Village of Monroeville 409 US 57, 61-62, 93
 Sct 80 84 34 L Ed 2d 267 (1972)
 Lilteberg, supra Note 8, 486 US At 861, 108, Sct At 2205
 Lilberg V Health Services Acquisition Corp
 State V. Sullivan 1952 OK 290 21 248 P2d 239 244
 Stork V. Stork 1995 OK 61 2 898 P2d 732, 735
 Griffin V. Illinois 351 US 1276 Sct 585
 Boddie V Connecticut 401 US 371 91 Sct 780
 STATUTES AND RULES

See Attached Order From OCCA,

I AM INCARCERATED, NO ACCESS TO
 OCCA COURT RULES

I Relied on Rule 15 in Oklahoma

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ 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 _____

☐ 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 8-25-23
A copy of that decision appears at Appendix N/A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____ NO REHEARING ALLOWED

☐ 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

Access to the courts For All Including

1st Amendment

Pro-se Incarcerated
Indigents

14th Amendment

5th Amendment

See Attached

The Right to A Cold Detached
Disinterested Judge With NO Bias

Does the Right to A Cold Detached Disinterested
Judge Apply to post-conviction Relief Applications?

STATEMENT OF THE CASE

1

OKLAHOMA COURT OF CRIMINAL APPEALS # MA 2023 646

I AM CHARGED IN TULSA COUNTY

CASE # CF-2019-3570 WITH ASSAULT

AND BATTERY WITH A DEADLY WEAPON.

I FILED FOR POST CONVICTION RELIEF IN JUNE 2022. THE JUDGE THAT TOOK OVER THE CASE, JUDGE DAVID GUTEN IS BIAS

SO I FOLLOWED THE PROCEDURE AND

REQUESTED AN IN CAMERA HEARING TO RECUSE JUDGE DAVID GUTEN. ON JULY 19, 23

I WAS TAKEN TO COURT WITH NO NOTICE FOR A POST CONVICTION HEARING. I HAD

COUNSEL BUT HE WITHDREW AFTER I

FILED A BAR COMPLAINT. AS JUDGE DAVID

GUTEN STARTS THE HEARING, HE DENIES THE IN CAMERA AND CONTINUES TO RULE WITH

BIAS. I HAD ALSO FILED A PRO SE MOTION WITH THE COURT SEEKING CERTIFIED COURT ORDERS

SO I COULD FILE A WRIT TO THE OKLAHOMA COURT OF CRIMINAL APPEALS. JUDGE GUTEN

DENIED THIS MOTION ON 7-19-23 AS WELL.

AFTER GUTEN GOT DONE RULING ADVERSELY AGAINST

ME, HE TURNED TO CF-2019-3495 WHICH I HAVE NOT GONE TO TRIAL ON. JUDGE GUTEN

CONTINUES TO SHOW HIS BIAS AND MAKES

SEVERAL COMMENTS THAT PROVE HIS BIAS

INCLUDING HE BELIEVES I AM THREATENING

AND HARASSING JUDGES. I DENY THIS. I FOLLOWED

THE RULE 15 PROCEDURE, FILED FOR A REHEARING

BEFORE THE PRESIDING JUDGE WHICH IS

2

Judge Doug Drummond, Drummond could not hear the case because he is A witness in my case AND I Reported ON his SEXUAL AFFAIR with Another Tulsa county District Court Judge Michelle Keely, Another Judge, Dawn Moody Held the Rehearing and denied to Recuse Guten, I WAS given no notice of this hearing and Judge Moody would not continue the hearing to Allow me to gather my notes and be prepared. I Filed within 5 days A writ of Mandamus, with The Oklahoma court of Criminal Appeals. Please See the Attached Filing, I WAS denied Relief because I Am Indigent, Incarcerated AND Judge Guten Denied me A certified court order Showing he denied me Relief. I Brought A proper Mandamus but because Judge Guten denied me certified court orders I WAS denied Access to the courts to Redress my Grievances. I have not had A valid Faretta ~~hearing~~ hearing AND I did not go Pro Se with eyes wide open. I WAS not told I would be denied Access to the courts due to my Indigency. I Requested Counsel ON 7-19-23 AT the hearings AND I could not be heard AND Guten denied this Request.

3

Presiding Judge of The OCCA Scott Rowland has UNCONSTITUTIONAL policies in place that deny Indigents And Incarcerated Indigent defendants Access to the courts. I Asked for Certified Court Orders And Guten denied this. The OCCA Will give me no Relief.

Judge Guten claimed I fired 3 of my Attorneys. This is a Lie. Two Attorneys withdrew because they were providing Ineffective Assistance of Counsel And Attorney Brian Martin Lied to me And the Court And Billed for things that never happened.

In my post conviction Relief Application I provided A Letter From my trial counsel in CF 20193570. In that Letter, Jason Lollman told me ~~he~~ he had never seen the Evidence the State turned over in November 2022. The State turned over evidence in CF 20193495 in November 2022 that pertained to CF 20193570 but they did not make Available to us At trial. The Evidence is material And would have Changed the Entire Outcome And I would never have been convicted. Because of Guten's Bias He did not Investigate or examine the

4
Evidence that clearly supports multiple Brady violations.

Judge Guten continues to deny me Due process in Retaliation for Reporting on every Judge in Tulsa County prior to my arrest. I accurately reported about Judge David Guten being involved in multiple Domestic violence situations including strangulation, his anger issues and his problems as an alcoholic.

I filed for a Franks hearing December 2022 and as of September 11, 2023 I still have not had a Franks hearing. The police officer made 22 critical ~~omissions~~ omissions in his affidavit for my arrest. Had the omissions been included he would not have been able to get the warrant.

NAPue violations

My conviction ~~in~~ in CF 2019 3570 was obtained in violation of NAPue. Both the DA and my counsel allowed perjured tainted testimony to go uncorrected.

Because Judge David Guten is biased towards me, I did not receive Due Process or fair consideration for

5.

Post Conviction Relief of my other motions in Both CF 2019 3570 or CF 2019 3495. I am Entitled to a Cold Neutral Detached Judge under the 5th and 14th Amendments. Other inmates in the prison I am at, Christopher BRYAN O'Rourke and Brent Morris also know about the sexual affair of Judge Doug Drummond. According to Bryan O'Rourke, DA Andrea Brown and Megan Hill born both know ~~of~~ about the sexual affair but they have remained silent for favorable treatment in obtaining convictions. A private investigator by the name of Erik Cullen also documented and investigated the affair of Drummond and Keely, the company I worked for Transparency for Oklahoma also reported on the sexual affairs of multiple judges and also reported on the sexual affairs of disgraced former Attorney General Michael Hunter.

The State is still withholding evidence in both cases and Judge Guten is pro State. I have been denied access to the courts because I am pro se illegally, I have no counsel, I'm gay and indigent

Judge Guten Did Not Address the NAPOL violations or
Brady violations in his order denying PCR. Judge DAVID
Guten did not memorialize the DENIAL to Reuse AS Required
Relief Sought by Rule 15.

6 8 7

~~Re~~ I Am seeking that the
US Supreme court Grant INJUNCTIVE
AND DECLARATIVE Relief so I Am
no longer Denied Access to the Courts,
Denied Counsel or Due process.

I Am seeking that The US Supreme
Court Reverse the DENIAL of the
OKLAHOMA Court of Criminal Appeals
AND the DENIAL of POST CONVICTION
Relief by Judge DAVID GUTEN
Due to his BIAS, my Application for
POST CONVICTION Relief should be
heard by A NEUTRAL UNBIASED Judge. I WAS

Denied mandamus Relief because I AM INDIGENT, GAY AND INCARCERATED
I seek ANY Relief The US Supreme
Court CAN Grant.

Respectfully Submitted
Christopher J. Barnett Doc # 857048
216 N MURRAY ST
HELENA, OK 73741 *Chf Barnett*
September 11, 2023

REASONS FOR GRANTING THE PETITION

I've been denied Access to the Courts by a Biased, Homophobic, GAY Hating Judge. I've been denied Access to the Courts, Denied Counsel, And this Judge Continues to Rule According to mis Representations of the TULSA County District Attorneys office.

~~See~~

~~Attached~~

The state never Addressed the Documented NARPE Violations of their

The OCCA Ignored my pleas ^{LEAD witness} IAN NAPIER, And Further denied me Access to

the courts. Every writ I have Filed has been denied because ~~that~~ I Am Indigent And Both Judge Euter

And the TULSA Court clerk Will Not send me certified court orders.

I have Asked as evidenced by the Docket Sheets in Both cases.

I Am being denied Access to the courts because of Homophobia, I Am pro-se, Wrongfully INCARCERATED due to MATERIAL NARPE Violations, I Am Indigent.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Christopher J. Barnett

Date: September 11, 2023