

No.

23-6482

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

DEC 20 2023

OFFICE OF THE CLERK

~~Oklahoma Court~~

Christopher J. Barnett PETITIONER
(Your Name)

vs.

The Oklahoma Court of Criminal Appeals — RESPONDENT(S)
Judge David Guten APPEALS
ON PETITION FOR A WRIT OF CERTIORARI TO

Oklahoma 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 COURT IGNORE BRADY AND NAPUE VIOLATIONS
THAT LED TO A WRONGFUL CONVICTION AND
NOT ADDRESS THE BRADY/NAPUE ISSUES AT ALL?

MAY A CHALLENGED JUDGE CONTINUE TO RULE
AND THE OK CT OR CRIMINAL APPEALS NOT ADDRESS
THE JUDGE CONTINUING TO RULE IN VIOLATION OF
OK RULE 15?

MAY A BIAS JUDGE CONTINUE TO RULE WITH
BIAS AND THE ~~OK~~ OCCA NOT ADDRESS THE
ISSUE AT ALL?

MAY A CONVICTION STAND OBTAINED IN VIOLATION
OF NAPUE & BRADY?

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:

RELATED CASES

TULSA County CASE CF 20193495

CCA CASE NUMBER PC 2023705 Appeal for this
writ

TULSA COUNTY CASE # CF 20193570 [This case]

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CASES

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Pierce v Pierce 2001 OK 97 10 39 P3d 791

Tumey v Ohio 273 US 510 47 Sct 437 71 Led 749

Napue v People of State of Ill 360 US 264 79 Sct 1173

Mooney v. Holohan 294 US 103 55 Sct 340 79 Led 791

Pyler v State of Kansas 317 US 213 63 Sct 177 87 Led 214

Brady v. Maryland 373 US 83, 83 Sct 1194

Logan v State 293 P3d 969

STATUTES AND RULES

Rule 15 B Oklahoma, holds it is not Discretionary
For Judge to continue Ruling when Rule 15 is
Invoked. Judge Guten Denied my Rule 15 and
Continued Ruling even though he was challenged,
The OCCA Ignored this. ~~The Entire~~

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 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 ~~Tulsa Dist. Court~~ Tulsa Dist. Court court appears at Appendix B 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 12/11/23. A copy of that decision appears at Appendix A.

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

The Oklahoma constitution ok const Art 2 § 6
OKLAHOMA CONST + ART 2 § 7

The 5th, 6th & 14th Amendment

The Right to A cold Detached neutral
Judge

The OKLAHOMA Due process clause

Rule 15 B Regarding DIS QUALIFICATION
OF A Judge

STATEMENT OF THE CASE

Petitioner was convicted in March 2020. Petitioner Found VARIOUS BRADY VIOLATIONS AS WELL AS MATERIAL NAPUE VIOLATIONS. Petitioner sought to disqualify Tulsa District Court Judge David A Guten Due to Bias. Judge Guten Held A post conviction hearing and did not address the petitioners VARIOUS BRADY VIOLATIONS which were documented by a letter from trial counsel contradicting an earlier affidavit that the state turned everything over. Petitioner was denied the mtn to Recuse Judge Guten & he kept Ruling in violation of Rule 15 B with Bias and Prejudice. Petitioner appealed to the Oklahoma Court of Criminal Appeals. The OCCA Affirmed denial of post conviction relief and did not address the MATERIAL BRADY or NAPUE VIOLATIONS OR Judge Guten Ruling in violation of Rule 15. Your petitioner just received 140 pages of suppressed evidence as a result of suing the US Marshall Service under the FOIA. Your petitioner just received his trial transcript and found where the alleged victim lied, the DA knew it was a lie based on the audio of the incident and did not correct it. The DA himself used this lie over & over again to convict petitioner. The petitioner was denied the trial transcript due to his indigency and a concerned citizen paid for it. Trial counsel was ineffective for failing to investigate and correct the NAPUE VIOLATION, APPELLATE COUNSEL FAILED TO INVESTIGATE AND IGNORED THE STRONGEST CLAIM SO DESERVING OF APPELLATE RELIEF, THE NAPUE VIOLATIONS. Petitioner was convicted as a result of false perjured testimony. The petitioner raised BRADY and NAPUE and both courts ignored them as well as IAC and IAAC.

REASONS FOR GRANTING THE PETITION

Petitioner WAS Convicted AS A Result of
MATERIAL NAIVE VIOLATIONS LEFT UNCORRECTED
BY the Elected TULSA COUNTY DISTRICT
ATTORNEY IN ~~VIOLATION~~ VIOLATION OF THE
~~5, 6th & 14th~~ AMENDMENTS, Petitioner
SEEKS A NEW TRIAL. Petitioner ALSO DID
NOT RECEIVE ALL BRADY EVIDENCE & IT
IS STILL BEING TURNED OVER 5 YEARS LATER.
The STATE OF OKLAHOMA OBTAINED A WRONGFUL
CONVICTION THROUGH SUPPRESSING EXCULPATORY
EVIDENCE & ALLOWING PERJURIED TESTIMONY
TO GO UNCORRECTED.