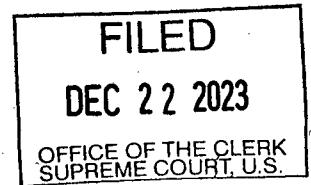


23 - 6679
No.



IN THE
SUPREME COURT OF THE UNITED STATES

QUAYSEAN TIKII WILLIAMS - PETITIONER

VS.

THE STATE OF OKLAHOMA - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
THE OKLAHOMA COURT OF CRIMINAL APPEALS

PETITION FOR WRIT OF CERTIORARI

Quaysean Tikii Williams
Dick Conner Correctional Center
129 Conner Road
Hominy, OK 74035

QUESTION9SO PRESENTED

Whether the Oklahoma Court of Criminal Appeals determination that there was sufficient evidence to support petitioner's conviction for conspiracy to commit robbery with a firearm, was contrary to Jackson v. Virginia, 99 S.Ct. 2781 (1979)?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page

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APPENDIX A

Opinion of the Oklahoma Court of Criminal Appeals affirming petitioner's Conspiracy conviction, dated August 3, 2023, Case No. F-2021-965

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is unpublished.

JURISDICTION

The date on which the highest state court decided my case was August 3, 2023. A copy of that decision appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including January 2, 2024 on October 30, 2023 in Application N. 23A388.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in relevant part:

***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.

Section 1.

STATEMENT OF THE CASE

Petitioner, an Oklahoma State prisoner, was convicted by a jury in an Oklahoma State Court for the crime of conspiracy to commit robbery with a firearm, and was sentenced to life imprisonment. His conviction was affirmed on direct appeal by the Oklahoma Court of Criminal Appeals in Case No. F-2021-965.

At the trial, the State's theory for conviction was that petitioner entered into an agreement with his live-in girlfriend, Khala Lewis, to rob Rudolpho James of a large quantity of marijuana. Ms. Lewis was one of Mr. James primary runners in his marijuana distribution business, and she was also having a sexual relationship with Mr. James at the same time that Mr. James was involved in a romantic relationship with Golda Ross and were having a baby together. The State's theory was that Ms. Lewis provided petitioner with inside information about where Mr. James stored his marijuana, and how to enter his home without being detected by the security cameras that Mr. James had installed in front of his home and inside the living room area.

On December 17, 2019, two men wearing bandanas covering their mouths and hoodies over their heads kicked in the back door to Mr. James home and demanded Mr. James at gun point to give them his money. Mr. James and Ms. Ross were laying in bed watching TV when the two men broke into his home and demanded his money. The couples three month son, was laying in bed on top of the covers in between them. When Ms. Ross told the masked intruders that they didn't have any money, the shorter, masked intruder, who was standing at the foot of the bed on Mr. James side,

shot Mr. James in his chest while Mr. James was down on the floor up against the bedroom wall.

After the shooting, the shorter, masked intruder ran towards the living room area then quickly turned around and both men ran out the back door. The entire incident lasted only a few minutes.

When the men left, Ms. Ross call 9-1-1 to report the crime. She told the 9-1-1 operation that two men wearing bandanas covering their mouths and hoodies over their heads broke into their home and shot her baby's daddy. The 9-1-1 operation then asked Ms. Ross who the men were, and she told the operator that she didn't know the men.

Additional facts will be stated as they become necessary.

REASONS FOR GRANTING THE PETITION

THE OKLAHOMA COURT OF CRIMINAL APPEALS DETERMINATION THAT THERE WAS SUFFICIENT EVIDENCE TO SUPPORT PETITIONER'S CONVICTION FOR CONSPIRACY TO COMIT ROBBERY WITH A FIREARM, WAS CONTRARY TO Jackson v. Virginia, 99 S.Ct. 2781 (1979).

In this case, the sufficiency of the evidence inquiry is based on Oklahoma law which defines the substantive elements of the crime. Jackson, 99 S.Ct. 2783, 2791 n.16.

In Oklahoma, the elements of a conspiracy are "(1) an agreement to commit the crime(s), (2) an overt act by one or more of the parties in furtherance of the conspiracy, or to effect its purpose." McGee v. State, 127 P.3d 1147, 1149 (Okl.Cr.

2006). The conspiracy may be proven by circumstantial evidence, although there must be at least two parties who have agreed to commit a crime. *Id.*

In order to warrant a conviction of a crime based entirely upon circumstantial evidence, each fact necessary to prove the guilt of the defendant must be established beyond a reasonable doubt. All of the facts and circumstances, taken together, must establish the guilt of the defendant beyond a reasonable doubt. *Easlick v. State*, 90 P.3d 556, 559 (Okl.Cr. 2004).

In the case at bar, the State did not prove beyond a reasonable doubt that petitioner was the shorter, masked intruder and, therefore, the State failed to prove that petitioner entered into an agreement with Ms. Lewis to rob Mr. James.

Ms. Ross was the sole eyewitness to the crime but her in-court identification of petitioner as the shorter, masked intruder was highly suspect under the totality of the circumstances of petitioner's case.

First, Ms. Ross told the 9-1-1 operator when she reported the crime that the two men were wearing bandanas covering their mouths and hoodies over their heads, and that she did not know the men.

It was only after Ms. Ross received two phone calls from Ms. Lewis the night of the crime that she became suspicious of Ms. Lewis involvement in the crime and believed that petitioner was the shorter, masked intruder, merely because petitioner was Ms. Lewis boyfriend, was around the same height as the shorter of the two intruders, and wore his hair in dreadlocks like the shorter, masked intruder. Ms. Ross testified that she saw the shorter, masked intruders hair when his hoodie

slipped out for a brief moment during the crime and it was in dreadlocks. However, Ms. Ross did not testify that she also told police during the interview that the shorter, masked intruder was light skinned. But petitioner's skin complexion was dark.

Secondly, the State showed Ms. Ross the security camera footage of a man entering a nearby convenience store and walk up to the counter and make a cash purchase then walk back out the door, but Ms. Ross could only state that the man was dressed in clothes like the shorter, masked intruder, but she couldn't positively identify the man and petitioner.

Additionally, the security camera from the convenience store showed that the man walked out the store toward Ms. Lewis car that hadn't been there when the man went inside the store. The car then drove off and stopped again a couple of houses from the crime scene before showing back up at Ms. Lewis residence thirty minutes later. Petitioner couldn't have been the driver of the car because the State's evidence showed that the other intruder was considerably taller.

Thirdly, police searched petitioner's residence and recovered a black hoodie with a wide neck like the one that Ms. Ross testified that the shorter, masked intruder was wearing, but Ms. Ross was never asked was the hoodie the one the shorter, masked intruder was wearing. In fact, the State never displayed the hoodie during Ms. Ross testimony.

Finally, police recovered a pair of black gloves from the console of Ms. Lewis car, but did not perform a paraffin test to determine whether the gloves were worn by the shorter, masked intruder during the night Mr. James was shot.

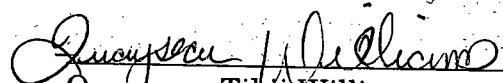
Thus, from all the facts and circumstances, taken together, the State did not prove beyond a reasonable doubt that petitioner was the shorter, masked intruder and, therefore, the State failed to prove that petitioner and Ms. Lewis had an agreement to rob Mr. James. *Jackson v. Virginia*, *supra*; *McGee v. State*, *supra*.

Furthermore, charges of conspiracy are not made out by piling inferences upon inferences. *Ingram v. U.S.*, 79 S.Ct. 1314, 1320 (1959).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,



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PETITIONER PRO SE