

23-6775

Docket Number: 22-6061

IN THE
SUPREME COURT OF THE UNITED STATES

Jesse Redfearn

Petitioner

vs

William "Chris" Rankins, Warden

Respondent

FILED
MAY 11 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.
ORIGINAL

ON PETITION FOR A WRIT OF CERTIORARI

To the United States Court of Appeals
for the Tenth Circuit

PETITION FOR A WRIT OF CERTIORARI

Jesse Redfearn, (423248)
Oklahoma State Reformatory
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Granite, OK 73547
Phone: (*unavailable*)

January 25, 2024
"ORIGINAL" DATE SUBMITTED

RECEIVED

FEB - 9 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(s) PROPOSED

Mr. Redfearn respectfully asks:

1. *"Did the United States District Court and Court of Appeals properly apply clearly established constitutional law, [Hemphill v. New York, 142 S.Ct. 681, 689 (2022)], when adjudicating my Habeas Petition?"*¹
2. *"When the United States District Court and Court of Appeals violate the Fifth, Sixth, Ninth or Fourteenth Amendment(s) by failing to properly apply clearly established constitutional law, [Hemphill v. New York, 142 S.Ct. 681, 689 (2022)], when adjudicating my Habeas Petition?"*

¹ Reminding this Great and Honorable Court, while the jury was not in the room, the prosecution played a voice mail from the victim stating that she wanted and demanded to testify in the trial, therefore both of our rights were violated.

LIST OF PARTIES

- The Petitioner in this case is Jesse Redfearn, “representing himself” [and no other(s)].
- The Respondent in this case is the State of Oklahoma, who may be represented by and through the Oklahoma Attorney General’s Office.
- The proceeding(s) of this matter arise from an appeal from the Court of Criminal Appeals for the Tenth (10th) Circuit.
- These issue(s) were presented to the Oklahoma Court of Criminal Appeals through direct appeal.

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INDEX OF EXHIBITS THROUGH APPENDIX

1. Appendix A ORDER of the Tenth Circuit Court of Appeals for the Tenth Circuit, denying Application for COA.
2. Appendix B ORDER of the Tenth Circuit Court of Appeals for the Tenth Circuit, denying Petition for *En Banc Hearing* – is not attached please reference sworn affidavit on page VIII.
3. Appendix B U.S. Constitution, Amendment(s) V, VI, IX, and XIV

Cases

<i>California v. Trombetta</i> , 467 U.S. 479, 485 (1984)	7
<i>Hemphill v. New York</i> , 142 S.Ct. 681, 689 (2022).....	2
<i>Hemphill v. New York</i> , 142 S.Ct. 681, 689 (2022).....	9
<i>Kentucky v. Stincer</i> , 482 U.S. 730, 736-739 (1987)	6
<i>Richard E. Glossip</i> , [No. 22-7466]	7

Other Resource(s):

The Right to Present a Defense: An Emergent Constitutional Guarantee in Criminal Trials, 9 Ind.L.Rev. 711 (1976).....	8
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OPINIONS

The Order of the United States Court of Appeals for the Tenth Circuit, which denies a request for a C.O.A., is attached hereto as Appendix "A". (A-1) A copy for the Order of the Oklahoma Court of Criminal Appeals, dated April 22, 2021, is attached as Appendix "B". (B-1)

JURISDICTION

On January 6, 2023, the United States Court of Appeals for the Tenth Circuit denied my Application for a COA. I timely filed a Petition for an *En Banc* Hearing which was subsequently denied on February 21, 2023. Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1254 having timely filed this petition for a writ of certiorari within 90 days.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following provision of the United States Constitution are involved: U.S. Constitution, Amendment(s) V, VI, IX, and XIV. The text of said provisions are attached hereto as Appendix "C".

STATEMENT OF THE CASE

"I have always maintained my actual, [factual], innocence of the charged and convicted crime. I am not asserting a legal insufficiency to the charges. I never raped anyone especially the victim in this case. The state concealed volumes of evidence, (testimony & surveillance video), that proves my actual factual innocence."

A Jury convicted me of first-degree rape and kidnaping. The State District Court sentenced me to life imprisonment on each count. The victim, [T.A.], demanded to testify in the trial; however, the prosecution violated clearly established constitutional law by refusing to permit her to testify. The trial court admitted the partial transcripts of her earlier testimony at the Preliminary Hearing.

The allegation as stated by the State:

“Someone approached the witness from behind and put a black bag over her head and forced her into a vehicle then took her to an unknown house. She said that she was bathed at one point. However, she stated that she does not think that she was raped. When she stated that she passed out², and when she woke up, someone was placing her next to a construction site.”

I am seeking an order of this Great and Honorable Court granting my Petition for a Certiorari under the Confrontation Clause of the Sixth Amendment, which was violated by the trial court. My appeals have relied upon *Hemphill v. New York*, 142 S.Ct. 681, 689 (2022) as the earliest ruling of the Great and Honorable Court regarding the issue raised herein. This argument was presented to the highest court in the state and through habeas relief.

“One of the bedrock constitutional protections afforded to criminal defendants is the Confrontation Clause of the Sixth Amendment, which states: ‘In all criminal prosecutions, the accused shall enjoy the right … to be confronted with the witnesses against him.’” *Hemphill, supra*, at 690. I was deprived of a fundamental constitutional right and the right to cross-examine is fundamental. “The Confrontation Clause’s functional purpose is to

² Due to heavy intoxicants consumed prior to this event – defense counsel obtained surveillance video of the material witness chugging alcohol in front of a hotel lobby. Witness for the defense, [liquor store employee], stated that the material witness is a known prostitute and banned from several local liquor stores for theft, panhandling and solicitation within the property.

promote reliability in criminal trials by ensuring a defendant an opportunity for cross-examination. *Kentucky v. Stincer*, 482 U.S. 730, 736-739 (1987). I argued that I was denied my right to present a fair defense. *Crane v. Kentucky*, 476 U.S. 683 (1986), (*citing California v. Trombetta*, 467 U.S. 479, 485 (1984).

I have maintained my actual – factual innocence of this crime from day one. Had the State of Oklahoma surrendered all the surveillance video obtained by the Detectives in the case and had the State's only witness testified the jury would have found me not guilty.

The State of Oklahoma has a long and gruesome history of concealing evidence and convicting innocent citizens of crimes. Now before this Honorable Court is *Richard E. Glossip*, [No. 22-7466], and this Great and Honorable Court is hearing arguments on the question “*Whether the Oklahoma Court of Criminal Appeals' holding that the Oklahoma Post-Conviction Procedures Act precluded post-conviction relief is an adequate and independent state-law ground for the judgment.*” Further, Mr. Glenn Simmons was recently exonerated after 48 years of denied relief from the State and Federal Courts. I pray this Great and Honorable Court hears my case so that I do not spend the rest of my life incarcerated for a crime that I truly did not commit.

During the trial, I had a fundamental right to cross-examine the State's **ONLY** witness and impeach her. I also had a right to take the stand myself to refute any of her testimony and because the State concealed the witness's information and prevented her from testifying, my entire defense to the allegations was stymied by the prosecution. The prosecution does not have a right to conceal evidence or witnesses vital to the defendant's innocence.

REASONS FOR GRANTING THE GREAT WRIT

THE RIGHT TO CONFRONT MY ACCUSER IS A RIGHT PROTECTED BY THE UNITED STATES CONSTITUTION, AMENDMENT VI and XIV.

There can be little debate about my assertion to confront my accuser and my accuser's right to testify in the proceeding(s). My accuser demanded to testify and left several voice message(s) with the prosecution demanding to testify. The prosecution concealed the accuser's personal information and obstructed her from testifying in trial.

The prosecution learned that the witness found out who truly raped her and it was not me. She was going to testify that the wrong man was arrested and she was going to identify who actually committed the crime(s). My trial lawyer's private investigator had met with the witness and obtain an interview of the victim which exonerated me of all charges. The court excluded this evidence from trial and permitted the State to use incomplete transcripts to obtain a conviction of an innocent man.

CONCLUSION

The State's witness in my case repeatedly demanded to testify in the trial and when the State's investigator learned that the witness was going to testify in my favor, the prosecution deliberately obstructed justice and ensured this witness would not testify. The prosecution also concealed the witness's personal information and location from the defense to prevent my counsel from calling this witness.

When an actor of the state obstructs justice, a new trial is required as this entire case has been a miscarriage of justice.³

³ I just learned that the prosecution concealed video surveillance evidence that proves my innocence.

PRAYER FOR RELIEF

I am respectfully requesting this Honorable Court reverse and vacate the denial order of the United States District Court for further consideration in light of *Hemphill v. New York*, 142 S.Ct. 681, 689 (2022).

Thank you.

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares, (or certifies, or verifies, or states), under penalty of perjury that he is the Appellant in the above complaint action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Executed at the Oklahoma State Reformatory, on the 25 th day of January, 2024.

Respectfully Submitted,

/S/ 
Jesse Redfearn,
[OK - DOC # 423248]