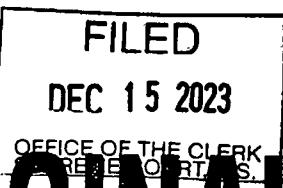


No. 23-7116



**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

Ricky Reese — PETITIONER  
(Your Name)

vs.

Oklahoma Court of Criminal Appeals — RESPONDENT(S) PC 2023712  
Judge Sharon Holmes 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

Ricky Reese  
(Your Name)

216 N Murray St  
(Address)

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

Inmate  
(Phone Number)

**QUESTION(S) PRESENTED**

Does A Person Who is convicted While  
INCOMPETANT, Forever Waive his Right  
to JUDICIAL RELIEF From the courts  
because He did not File Within one  
YEAR OF HIS sentence becoming FINAL?

DO the courts have an obligation to VACATE  
A CONVICTION OF AN INCOMPETENT PERSON obtained  
IN VIOLATION OF THE DUE PROCESS CLAUSE?

## **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**

## **TABLE OF CONTENTS**

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT .....	
CONCLUSION.....	

## **INDEX TO APPENDICES**

**APPENDIX A**

**APPENDIX B**

**APPENDIX C**

**APPENDIX D**

**APPENDIX E**

**APPENDIX F**

**TABLE OF AUTHORITIES CITED**

**CASES**

**PAGE NUMBER**

Pate v. Robinson

Droe v. Missouri

**STATUTES AND RULES**

Ok 1175.

**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 is unpublished.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 \_\_\_\_\_ 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 9-27-2023. 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 14th Amendment, petitioner was convicted while deemed incompetent by the court.

ii The conviction of an accused person while he is legally incompetent violates due process  
Bishop v United States 350 US 961 76 S.Ct 440 100 L.Ed 835 (1956)

## STATEMENT OF THE CASE

Petitioner was charged in 1990 with First Degree murder & kidnapping.

Petitioner's competency was put into question when the court ordered a competency exam. There was never a hearing to deem the petitioner competent again as required by Oklahoma law. The mandatory post examination competency hearing never took place. Your petitioner plead guilty while incompetent in violation of the 14th Amendment. In 2023, your petitioner brought a petition for post conviction relief citing these facts. The Tulsa District Court denied ~~post~~ relief, your petitioner appealed to the OK Court of Criminal Appeals and denied relief. The OCCA nor the Tulsa District Court or the state addressed the fact that your petitioner was convicted while incompetent. Your petitioner seeks that the US Supreme Court reverse the OCCA and Tulsa District Court.

## REASONS FOR GRANTING THE PETITION

The petitioner was convicted while incompetent in violation of the due process clause of the 14th Amendment which prohibits the prosecution of an incompetent person. The trial counsel put your petitioner's competence to stand trial in question as did the trial court. Your petitioner was not competent to stand trial or plead guilty. Please grant your petitioner a new trial.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,  
R. C. K. Kusse

Date: 12/15/2023