

A

**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA**

FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

RICKY L. REESE,

SEP 27 2023

Appellant,

JOHN D. HADDEN
CLERK

v.

**Nos. PC-2023-712
PC-2023-736**

THE STATE OF OKLAHOMA,

Appellee.

**ORDER DISMISSING DUPLICATE APPEAL
AND AFFIRMING DENIAL OF POST-CONVICTION RELIEF**

Petitioner, pro se, appeals the denial of post-conviction relief by the District Court of Tulsa County in Case No. CF-1990-2221.

The Honorable Sharon Holmes, District Judge, denied Petitioner's application for post-conviction relief in an order filed with the district court clerk on July 11, 2023. Petitioner's Petition in Error appealing that order was filed with the Clerk of this Court on August 23, 2023, and assigned this Court's Case No. PC-2023-712. On August 30, 2023, Petitioner filed another substantially identical Petition in Error in this Court appealing the same district court order, which was assigned this Court's Case No. PC-2023-736. As the appeals are duplicates, the appeal styled *Ricky L. Reese v. State of Oklahoma*,

assigned this Court's Case No. PC-2023-736 is **DISMISSED**. The Clerk of this Court is directed to transfer all pleadings from Case No. PC-2023-736 into Case No. PC-2023-712.

Rule 5.2(C)(2) of the *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2023), requires the party desiring to appeal from a final post-conviction order to file a petition in error *and* a supporting brief within sixty days of the date the final order is filed with the district court clerk. In this matter, Petitioner's brief was due to be filed on or before September 11, 2023. He neither filed a brief nor made any request for an extension of time to file the brief. Therefore, Petitioner has not properly presented to this Court anything demonstrating error in the district court's disposition of his post-conviction application.

"There is a presumption of regularity in the trial court proceedings. As a consequence, it becomes the burden of the convicted defendant on appeal—whether on direct appeal or post-conviction—to present to this Court sufficient evidence to rebut this presumption." *Brown v. State*, 1997 OK CR 1, ¶ 33, 933 P.2d 316, 324-25 (internal citations omitted). Petitioner must do more than express his disagreement with the district court's ruling by appealing it. He must

specifically identify how the district court's decision was error and cite relevant authority supporting his argument. This Court will not make an appealing party's arguments for him. *Fox v. City of Oklahoma*, 1991 OK CR 19, ¶ 5, 806 P.2d 79, 80.

Petitioner has failed to establish an abuse of discretion by the district court. Therefore, the district court's order denying post-conviction relief is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

27th day of September, 2023.



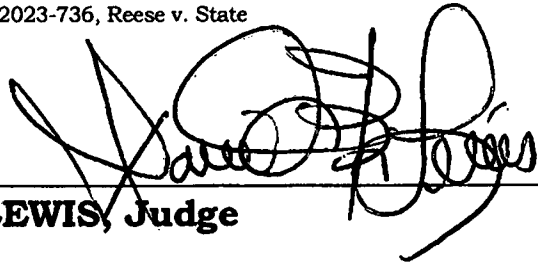
SCOTT ROWLAND, Presiding Judge



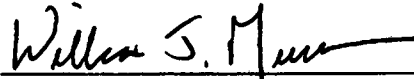
ROBERT L. HUDSON, Vice Presiding Judge



GARY L. LUMPKIN, Judge

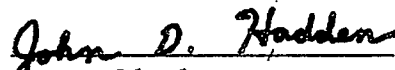


DAVID B. LEWIS, Judge



WILLIAM J. MUSSEMAN, Judge

ATTEST:


Clerk

PA

**Additional material
from this filing is
available in the
Clerk's Office.**