

23-7377

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

MAR 26 2024

OFFICE OF THE CLERK

Christopher J. Barnett PETITIONER
(Your Name)

OK COURT OF CRIMINAL APPEALS vs.

Judge DAVID GUTEN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

OK 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 BIASED CHALLENGED JUDGE REFUSE TO RECUSE CLAIMING THAT PETITIONERS MOTION REQUESTING HIS RECUSAL FRIVOLOUS AND WITHOUT MERIT?

DID JUDGE DAVID GUTEN AND JUDGE DAWN MOODY DENY PETITIONER DUE PROCESS UNDER OKLAHOMAS RULE 15 PROCEEDURE BY FAILING TO STAY PROCEEDINGS UNTIL MOTIONS TO RECUSE WERE EXHAUSTED?

DID JUDGE DAVID GUTEN ABUSE HIS DISCRETION ~~IN~~ IN CONTINUING TO TRIAL WITH A MANDAMUS TO RECUSE HIM FILED IN THE OCCAS?

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	<i>MANDAMUS to Recuse Judge Guten</i>
APPENDIX B	<i>Decision From OCCA Denying All Relief</i>
APPENDIX C	<i>COPY OF Rule 15 procedure</i>
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Miller DOLLAR Hide PC V TAL
Clark V. BOARD of EDUCATION

STATUTES AND RULES

Rule 15, DISQUALIFICATION of JUDGES

OTHER

14th Amendment due process CLAUSE

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☐ is unpublished.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 _____ 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 OCCA 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 3-19-24.
A copy of that decision appears at Appendix B.

☐ 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).

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STATEMENT OF THE CASE

Petitioner Filed A Motion to recuse Judge DAVID Guten Due to multiple conflicts Including Judge Guten's Previous Law Firm Representing Someone who threatened to Firebomb AND Kill Petitioner At his Business, Judge Guten did not Grant the Hearing AS required under Rule 15. Petitioner Filed to Presiding Judge DAWN moody who Declared that the Rule 15 was A DELAY Tactic. Petitioner did not Receive the MANDATORY Rehearing, Petitioner Filed A Writ of MANDAMUS to the OCCA. Guten Refused to STAY proceedings AS required by Rule 15. The Judge Proceeded to trial, Petitioner could not testify because Judge was challenged AND refused to resolve Brady violations, Petitioner WAS CONVICTED AND OCCA REFUSED him Relief on his MANDAMUS. According to CLARK v. BOARD OF Education AND Miller Dollard v. PC v. TAL, A Judge who proceeds in violation of Rule 15 Denies that person All Due Process, Judge Guten ALSO Received CAMPAIGN Contributions From The Elected DA who Persecuted me, Steve KUNZEWELER. It WAS Revealed the State conducted WARRANTLESS searches of Petitioner's cell phones AND thumb drives to convict him in CF20193570, (AS A Result of the Arrest in CF20193495. Guten Ignored these things AND Denied me All Due Process. The Judge DISCRIMINATED AGAINST me because He HATES GAY people & Im GAY I deny that it was frivolous AND I did not try to Recuse him 10 times.

REASONS FOR GRANTING THE PETITION

I WAS Denied All Due Process AND Rule 15 MANDATES everything entered in violation of Rule 15 be VACATED. The OCCA, nor Judge Guten Followed the Rule 15 procedure. Why is there AN exception now? A BIAS Judge Decided the motion to Recuse him WAS Frivolous. Imagine if every Judge did This, PLEASE GRANT this Writ AND Reverse the OCCA.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Chris Beatty

Date: 3/25/2024