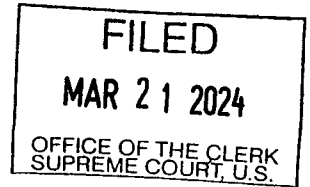


NO 23-7476



IN THE
SUPREME COURT OF THE UNITED STATES

In re JULIUS J WALKER-PETITIONER

vs.

STATE OF OKLAHOMA- RESPONDENT(S)

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

Oklahoma court of Criminal appeals in Oklahoma

PETITION FOR WRIT OF CERTIORARI

Julius J Walker

P.O. Box 260

Lexington, OK 73051

GENTNER F. DRUMMOND

313 NE 21st

Oklahoma City ok

73105

QUESTION(S) PRESENTED

1. Whether the District court in Muskogee county denied me my fundamental rights because of PROSECUTORIAL MISCONDUCT of Larry Moore former prosecutor which extends to FRAUD and also ABUSE OF Honorable Mike Normans DISCRETION?
2. Whether counsel Larry Vickers district level in Muskogee, and Appellate counsel in the criminal court of, appeals in Oklahoma was both ineffective assistance of counsel?
3. Whether the convictions of Double jeopardy can be transferred and or completely preempted to be properly and or fully adjudicated?
4. Whether the district court should've put me on notice about registration under Marry, Rippy, violent offender registration act, because of conviction OK ST TI 21 652 and OK S T 21 7115, Burns v. State Okla. Crim App. 453 P.3d1244(2019), Wolf v. State 2012 292 P.3d 512
5. Whether it's necessary to invalidate state law to preserve federal supremacy?

LIST OF PARTIES

- {X} 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

RELATED CASE

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STATUTES AND RULES

OK S T 21 652

RULE 11

Ok S T 21 7115

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{ } is unpublished.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 No. PC-2023-609 ; or,

{ } has been designated for publication but is not yet reported; or,

{ } is unpublished.

The opinion of the Oklahoma Court of Criminal Appeals court

{ } is unpublished.

The opinion of the Oklahoma Court of Criminal Appeals court
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.

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) Pursuant to

[] For cases from state courts:

The date on which the highest state court decided my case was December 22, 2023
by the Oklahoma court of criminal appeals in case NO P.C 2023-609

A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date

Criminal court of appeals wouldn't allow me access to their court when I tried to file motion reconsideration. I cited OK ST A CT Rule 3.15 and the court of criminal appeals cited OK ST CR A CT Rule 5.5, and denied me access to their court 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 ALL-Writs Act, more specifically 28 U.S.C 1651 (a)

Section 1441(a) of the Judicial Code, 28 U.S.C 1441(a)

Section 1404(a) of the Judicial Code, 28 U.S.C 1404(a)

DOUBLE JEOPARDY CLAUSE, BLOCKBURGER V. UNITED STATES

DUPLICITY

OK ST T 21, 652

OK ST T 21, 7115

COMPLETE PREEMPTION DOCTRINE

DUE PROCESS

The UNITED STATES CONSTITUTION

FRAUD

Res-judicata

STATEMENT OF THE CASE

Sometime around May 3rd 2008 after being released from prison November 2007 I went to Tulsa to live and to get back on my feet financially. At some point I had called my mom to tell her I loved her, and she informed me my kids mother wanted me to see our kids. I said OK. At this point of the situation, I was living in Tulsa with my sister. Me and my sister arranged a place and time to visit with the kids. We met at Arrowhead mall in Muskogee, played video games and ate pizza. At some point of the Visit, I explained to the victim please don't have our kids around anything that will have them in danger. She agreed. Me and my sister decided to go back to Tulsa later that evening. As I am in Tulsa working, I took it upon myself to check on the welfare of Skyla and Cameron our children. Someone that knew the victim stated to me that the victim had been using METH. I started to worry about the welfare of Skyla and Cameron. I called the victim and said we need to talk about issues that could affect the welfare of our children. She declined to talk about it. So, I called her back and said let's get together to take pictures and pizza as we have done in the past so we can talk. She agreed. I felt this was an opportunity to discuss her METH problem., I drove from Tulsa early that morning and called the victim. She brought Skyla and Cameron over to 1300 Hightower and dropped them off. She stated she was gonna do some ripping and running and she would meet up with us at Sears. Me and Skyla and Cameron went to sears took pictures so fourth and so on. The victim showed up and briefly observed me Skyla and Cameron taking pictures. I talked to the victim and I told her I wanted her to show up at Mazzio's so we could talk. Me Skyla and Cameron made it to Mazzio's. She didn't show up as agreed. I called her phone but as we were talking the call was disconnected. I tried calling her back but she wouldn't pick up. Me and the kids went back to 1300

Hightower. She finally shows up. We started arguing and fighting. I stuck her with the knife once. I punched her and she fell to the ground. I don't know how many times I punched her as she was on the ground. I strangled her. I kicked her once. I then got up running to my vehicle and the victim got up running to her vehicle. I rammed her car one time at 1300 Hightower. About 20 feet up the drive way to the main street I rammed her car one more time. As I followed the Victim, I rammed her car two more times. Then I left.

The reason as to why I got so angry was because to be totally honest I was in fear of Skyla and Cameron's lives. And plus, at the time of my release from prison I had

issues that I was dealing with due to the fact of being incarcerated. I had a zero tolerance for things I considered nonsense and or ignorance. When she didn't allow me to talk to her, I felt she felt what I had to say to her about the meth addiction and about the welfare of our children didn't even matter.

REASONS FOR GRANTING THE PETITION

First and foremost, I'm innocent of most of the convictions. I did not do everything trial counsel Larry Vickers had me plead guilty to.

I ask this Honorable Court to Please forgive me for my **INADVERTANCE** that extends to **INADVERTANTLY** filing material throughout Court proceedings!!

I ask this Honorable Court to please forgive my **POOR SYNTAX**.

I ask that this court to fully apply *Hall v. Bellmon* 1991 935 F.2d 1106.

And also, like to invoke rule of **LENITY**; *U. S v. Serawop* 2007 505 F.3d 1112 2007 WL 3121866 and **STARE DECISIS** *Michigan v. Bay Mills Indian Community* 2014 572 U. S 782 134 S. ct 2024. And **COMPLETE PREEMPTION**.

PROSECUTORIAL MISCONDUCT, WHICH INCLUDES FRAUD!!

FIRST: former prosecutor Larry Moore violated Basic Standards Governing the legal profession and deprived me Julius j walker **DUE PROCESS OF LAW**. Prosecutors bear the ethical duty to search for the truth and present only the truth. The governments interest in a criminal prosecution is not that it shall win a case, but that justice shall be done; *Berger v. United States*, 295 U.S 78, 88 (1935)

In the current case former prosecutor Larry Moore did not seek the truth of the facts to include them in the probable cause affidavit. The prosecutor in the beginning failed to tell the truth, by committing **FRAUD**. *Lopez v. Rollins* 2013 303 P.3d 911 the elements of fraud are:(1) a false material misrepresentation, (2) made as a positive assertion which is either known to be false or is made recklessly without knowledge of the truth, (3) with the intention that it be acted upon, and (4) which is relied on by the other party to his or her own detriment.

Intelsat USA Sales Corp. v. Juch-Tech, Inc 2014 24 F.Supp.3d 32,

By charging me with multiple counts upon the same statutes and failing to elect upon which counts as convicted of to dismiss *Degraff v. State* 1909 20 Okla Crim 519 103 P.538;

Block burger v. United States 1932 284 U. S 299 52 S. ct 180,

and also charging me for a gang related drive by shooting statute, Absent specific legislative intent.

The reason the prosecution charged and convicted me for the charge of **OK ST T 21 652** because of a knife they found at the crime scene.

The only time you charge a person with Ok ST T 21 652 is if it is a gun and or gang related offense, *Brinks v. State* 2021 481 P.3d 1267 states had the legislature intended for the drive-by shooting statute to serve as an additional charge authorizing multiple punishment for other crimes involving gun violence, it could have explicitly said so in section **652(B)**.

Larry Moore's conduct violated basic standards governing the legal profession and deprived me Julius J Walker Due Process of law. The principle of DUE PROCESS helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law, and preserves both the appearance and reality of fairness. *Marshall v. Jerrico, Inc.*, 446 U.S 238, 242 (1980)

Prosecutors bear an ethical duty to search for the truth and present only the truth.

Former district attorney, Larry Moore, fell short of the standards of the state court system and indeed below what we understand the federal constitution minimum standards to be.

Larry Moore's misconduct of **FRAUD** taints the Oklahoma bar association and especially those apart of the American bar association and for the attorneys that seek the truth in any criminal prosecution and to see that justice be done by facts of the case.

FRAUD defined: Fraud has been defined to be, any kind of artifice by which another is deceived. Hence, all surprise, trick, cunning, dissembling, and other unfair way that is used to cheat any one, is to be considered as fraud. John Willard, A Treatise on Equity Jurisprudence 147(Platt Potter ed., 1879).

This case of me Julius Jerome Walker presents to this Honorable court a complex procedural question involving the interaction of certain federal statutes and court rules. The court rules as the order from the criminal court appeals stated that I were either barred from review by res judicata and or I waived from review, denial order Appendix Pg.^A27.

I inform this Honorable court that there are substantial constitutional issues underlying the procedural issue addressed.

The facts of the prosecutorial misconduct and abuse of the judge's discretion, questions, have never been addressed, and or properly, adequately preserved that

requires this Honorable courts attention, although procedural baracades are in place!!!

In the present case prosecutor Larry Moore misrepresented evidence by using such charges as, **OK S T 21 652**.

OK S T 21 652 is a drive by shooting gang related statute, *Brinks v. State* 2021 481 p.3d 1267 2021 WL 520231

And for facts Double jeopardy, multiple charges trying the same offense is and was a part of the record from the beginning to the extent that the Former prosecutor Larry Moore were supposed to elect which charges he were gonna elect to dismiss.

Principle likewise forbids prosecutors from misrepresenting evidence, *Miller v. Pate*, 386 U.S. 1 87 S. ct 785 (1967) (knowing misrepresentation of physical evidence violated Due Process Clause).

Prosecutorial integrity is vital

The states obligation is not to only convict, but to see that, so far as possible, the truth emerges. *Giles v. Maryland*, 386 U.S. 66, 98 (1967)

The standards of the legal profession also recognize the special responsibilities of public prosecutors to seek justice. *State v. Spurlock*, 874 S.W. 2d 602 *Tenn.Crim.App.* 1993; American Bar Association, standards for criminal justice:

The prosecution function, 3-12(c) (3d ed. 1993) (same); National District Attorney's Association, National Prosecution Standards, 1.1(2d ed. 1991) (the primary responsibility of prosecution is to see justice is accomplished"). The pursuit of justice is incompatible with deception. Prosecutors may not conceal facts or knowingly fail to disclose what the law requires them to reveal. American Bar Association, Model Code of Professional Responsibility **DR 7-102(A)(5)** lawyer shall not make false statement of law or fact).

The record in **CF-2008-374** reveals Former District Attorney Larry Moore engaged in a pattern of deception that deprived me, Julius J Walker, that fundamentally altered the calculus when it came time for the Honorable Mike Norman to sentence me with a prison term.

That being, 13 life sentences of basically Double Jeopardy; the drive by shooting gang related statute, **OK S T 21 652**, the prior conviction of **CF-2004-417** which he used to enhance **CF-2008-374**.

I like to inform this court that the Double jeopardy have been procedurally barred by the State of Oklahoma.

The fact of Ok S T 21 652 has not been addressed in any other court. I tried to file leave to amend the post-conviction appeal in the OCCA with the newly discovered information about OK S T 21 652. But I failed to properly file the amended information in the Oklahoma court of criminal appeals. Then I tried to file a motion for reconsideration in the Oklahoma court of criminal appeals by citing **OK ST CR A CT Rule 3.14**, the court responded by citing **OK ST CR A CT Rule 5.5**.

The fact the state didn't have authority to use CF-2004-417. I assure this Honorable Court that this was newly discovered. An inmate lawyer brought this to my attention somewhere around August 2023. And I tried to assert these 3 questions in the motion I filed for reconsideration in the Oklahoma court of criminal appeals.

I Julius j Walker ask this court to resolve the questionable issues in a manner that permits review of my serious claims of prosecutorial misconduct which extends to Fraud and are compatible with the fruits of the poisonousness tree doctrine, **Franks v. Delaware 1978 438 U.S 154 98 S.ct. 2674 57 L.Ed. 2d 667**, wreck less disregard for the truth.

Honorable court, I like to clarify the record. After I inadvertently filed material through the courts, I discovered the state didn't have authority to use prior conviction in Arkansas and other related matters pertaining to CF-2008-374.

The reason why I am stating this because in the motion I filed in the district court to vacate modify I asserted that the district court used prior convictions in Arkansas. The only two prior convictions the district court used were CF-2005-161 and prior conviction CF-2004-417; Appendix E. Pg.30,31

Since the state didn't have jurisdiction to use CF-2004-417 the State of Oklahoma didn't have jurisdiction to use OK ST T 21 51.1

INEFFECTIVE ASSISTANCE OF COUNSEL LARRY VICKERS AT DISTRICT LEVEL AND APPELLATE COUNSEL MARK P HOOVER

SECOND: In the order of denial of application for post-conviction relief **NO. PC-2023-609** the court stated claims presented in the instant application, either were

or could have been presented on direct appeal or in petitioner's previous post-conviction applications have been waived or are barred by res judicata!

U.S v. Galloway, 1995 56 F.3d 1239; this court held that claims of ineffective assistance should be brought for the first time on collateral review and that no procedural bar would apply to claims which could've been brought on direct appeal but were brought in post-conviction proceeding instead.

Galloway makes clear that forcing criminal defendants to raise ineffective assistance claims on direct appeal is an impractical approach which fails miserably at furthering the goal of finality of judgments.

Galloway continues by saying ineffective assistance of counsel claim should be brought in collateral proceeding and not on direct appeal; factual record must be developed and addressed by trial court to permit effective review ***U.S.C.A Const Amend 6***

Arizona v. Many penny 1981 451 U. S 232, Headnote by enacting statute under which Supreme court of the United States has power to prescribe rules of pleading, practice and procedure in criminal cases and proceedings for criminal contempt of court in United States district court etc., congress manifested intent to remove all statutory barriers to criminal appeal taken by federal government 18 U.S.CA 3731.

Waiver, and Res-judicata are two barriers the state of Oklahoma has put in place, however if this honorable court doesn't address the Constitutional Questions will result in a total miscarriage of justice to the extent that, courts will read what this Honorable Court allowed in the present case of me Julius J Walker. Other States will say the United States Supreme court failed to address the constitutional dimensions of the Double Jeopardy, and Constitutional questions, in light of the fact it was brought to their attention!!

Murray v. carrier 477 U. S 478, 488 106 S. CT 2639 91 L. ED 2d 397 1986;

Holding that were a procedural default is the result of ineffective assistance of counsel the sixth Amendment itself requires that responsibility for the default be imputed to the state!

In the current case PC-2023-609 the Oklahoma court of criminal appeals were wrong in their order of denial of post-conviction relief No. Pc- 2023-609 to the extent that the error and or questions were apparent when the Oklahoma court of Criminal appeals did their plain error review, that being OK S T 21 652 and for the fact of the Judges failure to inform about Mary rippy violent offender registration.

FUNDAMENTAL ERROR.

In the state of Oklahoma fundamental error can be raised at any time.

Fundamental error is error that compromises the integrity of the proceeding to such a degree that the error has a substantial effect on the rights of one or more of the parties, **Covel v. Rodriguez 2012 272 P.3d 705 2012 WL 288580**

THIRD: In the denial order **NO. PC-2023-609** the criminal court of appeals made a mistake as not including one of the convictions I am convicted of. Please see Pg.1 of Appendix A first page of the denial order the court failed to include **OK ST T 21 652**

If this court does a review of the fact that the district court did not inform me Julius j Walker about Mary rippy violent offender registration act Appendix D.Pg.2 this court will see the district court in Muskogee violated my Fundamental rights of Due Process 6th and 14th amendments.

OK ST T 21 652 is a gang related drive by shooting statute. **OK ST T 21 652** requires any judge upon a guilty nolo contender plea, put the defendant on NOTICE as to **MARY RIPPY VIOLENT OFFENDER REGISTRATION ACT.** **Burns v. State 2019 453 P.3d 1244 2019 OK CR 27**

In Burns v. State if you drop down to the bottom of the case, it shows you exactly how Judges are to notify any defendant about registration, Burns v. State 2019 453 P.3d 1244 2019 OK CR 27

Notice is a basic requirement. **U.S. Const. Amend.14.** **Wolf v. State 2012 292 P.3d 512**

OK ST T 21 652 and **Ok S T 21 7115** are fundamental error, to the extent that I was never informed about registration, which this court should render judgment and sentence in **CF-2008-374 NULL AND OR VOID.**

Notice is a basic requirement of our UNITED CONSTITUTION and DUE PROCESS EQUEL PROTECTION OF LAWS.....

Jackson v. State 2022 521 P.3d 807

***Harmon v. Alexander* 2022 526 P
Rhodes v. Hernandez 2020 488 P.3d 762**

***Burns v. State* 2019;** also states in every case in which an offender is subject to registration with Department of corrections (DOC) and local law enforcement under Mary Rippy violent crime offenders Registration Act, trial judges are required to notify the offender of that registration requirement at the time of sentencing or where a defendant pleads guilty!

In CF-2008-374 it's nothing in the PLEA OF GUILTY SUMMARY OF FACTS FORM Appendix D Pg. 2 to show I was informed and or subject to registration to Marry Rippy violent offender registration. 57 Okla. Stat.

ABUSE OF THE JUDGES DISCRETION. The fact Mike Norman in CF-2008-374 failure to put me on notice as registry under Mary Rippy is also a total violation of the 6th and 14th Amendments.....

***Abdulhaseeb v. calbone* 2010 600 F.3d 1301 2010 WL 1 1254350; Equal**
protection is essentially a direction that all persons similarly situated should be treated alike. U.S.C.A CONST Amend. XIV

***People v. cruz* 2012 207 cal. App. 4th 664**

***People v. Guzman* 2005 35 cal. 4th 577**

***People v. Munoz* 2019 31 cal. App.5th 143**

***People v. castel* 2017 12 cal. App. 5th 1321**

***State v. Ward* 2021 245 W.Va 157 858 S.E. 2D 207**

***Shelly v. Kraemer* 1948 334 U. S 1 68 S. ct 836**

In the present writ of certiorari, the judgment is final in that it completely determines the controversy, leaving nothing to be done except the ministerial act of enforcement....

Ober v. Gllagher 1876 93 U.S 199; A court which have acquired rightful jurisdiction of the parties and subject matter will retain it for all purpose within the general scope of the equities to be enforced.

Paecock v. Thomas 1996 516 U. S 349 116 S. ct 862

Sterling v. Constantine, 1932 287 U.S 378

Root v. Wool worth 1893 150 U.S 401

Christmas v. Russel 1871 81 U.S 69

Crowell v. Benson 1932 285 U.S 22; Headnote: in case brought to enforce constitutional rights, federal judicial power extends to independent determination of all questions necessary to Enforce such rights.

Hagans v. lavine 1974 415 U.S 528

Carnegie- Mellon University v. Cohill 1988 484 U.S 343, Headnote: federal court has jurisdiction over entire action, including state-law claims, whenever federal law claims and State law claims in case derive from common nucleus of Operative fact, and are such that plaintiff would ordinarily Be expected to try all of them in one judicial proceeding.

U.S v. Botefuhr 2002 309 F.3d 1263 2002 WL 31430455, Pendant personal jurisdiction” exists when a court possesses personal jurisdiction over defendant for one claim, lacks an independent basis for personal jurisdiction over the defendant for another claim that arises out of the same nucleus of operative fact, and then, because it possesses personal jurisdiction over the first claim, asserts personal jurisdiction over the second claim.

Doctrine of waiver and res-judicata doesn't extend to matters which are essential in proceedings involving the deprivation of life or liberty, is that strict compliance with all is necessary to constitute a proceeding DUE PROCESS OF LAW.....

Rogers v. peck 1905 199 U. S 425 26 S. CT 87 50 L. ED 256

Courts indulge every reasonable presumption against a waiver of Fundamental constitutional rights, and don't acquiesce in their loss.

Right to DUE PROCESS of law can't be waived, ***Johnson v. Zerbst 304 U.S 458. 821 L.ED.146***

For these reasons in itself requires this court to render Judgment in No. PC-2023-609 NULL and VOID

FOURTH: reason: The prosecution relied upon CF-2004-417.

CF-2004-417 possession of CDS with intent to distribute is not a crime enumerated in 571 of OK S T 21 51.1 E.

The prosecutor did not have authority to use prior conviction to enhance CF-2008-374. I have included the information sheet and preliminary hearing to show when and what the prosecutor used to enhance CF-2008-374 Appendix E. Pg.30.

It was an abuse of the prosecution to use prior conviction to enhance CF-2008-374, Franks v. Delaware describes actions of this nature of prosecutorial misconduct by officials of the judicial system to the extent of fruits of the poisonous tree.

FIFTH: reason: The probable cause affidavit was not endorsed by a judge Appendix H Pg.8, -10; *Ivy v. state 157 414 P.2d1007*; *Cole v. State, 92 Ok. Cr 316 223 P. 2d 155 1966* we don't believe that an affidavit can be made by proxy, but the affiant must do some unequivocal act in the presence of the magistrate showing an indication that he intended to take the oath.....

Buis v. State 1990 792 P.2d 426;
Southard v. State 1956 297 p.2d 5
Lynch v. State 1995 909 P.2d 800
Moss v. State, 4 okl. Cr 247 111

In the present case this question has never been presented to any court, however due to the fact of the constitutional magnitude is should be addressed by this court!!

SIXTH reason: Ok ST T 21 644.1 Domestic abuse with a prior pattern of physical abuse specifying everything I did to the victim is what I am requesting once this writ is sustained.

De Graff v. state 1909 20 Okla._Crim 519 103 P.538; Where an information or indictment charges separate offenses not based on the same transaction, the state

should be compelled to elect on which it will go to trial, and if this can't be done, the information or indictment should be set aside.

Robinson v. State of Fla 1965 345 F.2d 133; petitioners who allege to have been denied, because of state legislation, a right under a law providing for equal civil rights of citizens of the United States would be entitled to a federal forum in which to prove such allegations. **28 U.S.C.A 1443(1)**

As it was concluded in the Rachel case, 342 F.2d 343, under the allegations of the petitions in the appellants have been denied, because of state legislation, a right under (a) law providing for the equal civil rights of citizens of the United States. They are entitled to a federal forum as provided for in **28 U.S.C.A 1443(1)** in which to prove these allegations. If the allegations are proved, then the federal court acquires jurisdiction for all purposes.

As in the present case, I JULIUS J WALKER have been denied rights secured in the UNITED STATES CONSTITUTION because of PROSECUTORIAL MISCONDUCT TO INCLUDE FRAUD, ABUSE OF THE JUDGES DISCRETION INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL LARRY VICKERS AND APPELLATE ATTORNEY MARK P HOOVER. For this abuse by the judge and former prosecutor Larry Moore and facts of ineffective assistance of trial and appellate counsel. I have no other avenue to address the double jeopardy and some of the other questions because of procedural bars and or waivers.

Harpagon co., LLC v. FxM.P.C.2009_653 F.supp.2d 1336; Headnote under statutory provision prohibiting removal of civil rights action if person would be denied or would be rendered unable to enforce any equal civil rights laws, the petitioner must show both that the right upon which he relies is a right under a law providing for equal civil rights, and that he's denied or can't enforce that right in the state courts. **28 U.S.C.A 1443(1)**

FEDERAL LAWS ARE SUPREME GENERALLY

Devenport v. Medtronic, Inc, E.D.Pa 2004, 302 F.supp.zd 419, any state law that conflicts with federal law is without effect.

Rodriguez v. Westhab. Inc, S.D.N.Y 1993, 833 F.Supp.425; Where federal law is applicable, its application is mandatory in all courts, state or federal.

Kippitz v. Chesapeake energy corporation 2018 421 P.3d 319; The pre-emption doctrine stems from the supremacy Clause of the United States Constitution and it invalidates any state law which contradicts or interferes within act of Congress,U.S.C.A const Art VI C1.2

Mims v. Arrow financial services, LLC, U. S 2012, 132 S.ct.740,565, U. S 368 181 L.Ed 2d 881 on remand 468 F.ed.Appx. 936, 2012 WL 1382531, Under the supremacy Clause, federal law of the land, and state courts must enforce it in absence of valid excuse.....

Baumgardner v. Smurfit-stone container corp. D.or.2004, 347 F.Supp.2d 927

Reeds v. Walker 2006 157 P.3d 100; Although the complete preemption doctrine is ordinarily invoked to support removal of an action to federal court, it can be invoked in a state court appellate proceeding to analyze federal question jurisdiction which if exclusive would divest the state courts of subject matter jurisdiction.

Matter of Estate of Vose; January 17, 2017 390 P.3d 238; When a federal statute completely preempts a State law cause of action a claim which comes within the scope of that cause of action, even if pleaded in terms of State law, is in reality based on federal

SEVENTH reason: *United fuel Gas Co. v. Railroad commission of Kentucky 1929 278 U.S 300;* Headnote, federal court having jurisdiction over cause may pass on all questions of state law involved.

***Hopkins v. Southern Cal Tel. co* 1928 275 U.S 393**; Headnote: where federal court acquired jurisdiction, all material questions of case were for its decision.

In the present case, I Julius j Walker ask this Honorable court to look at the state and federal level questions. ***Louisville a N.R.co. v Greene* 1917 244 U.S 522**; Headnote: Federal jurisdiction having been invoked on substantial grounds extends to determination of all questions involved in the case.

***Greene v. Louisville a I.R.co*;1917 244 U.S 499**

***Silver v. Louisville aN.R.co*;1909 213 U.S 175**

***Ward v. Todd* 1880 103 U.S 327**

CONCLUSION

The petition for writ of certiorari should be granted to the extent of the 12 life sentences being modified to 1 life sentence reduced to a term of years!!

Respectfully submitted, *Julius j Walker*

Date: *4-18-2024*