

NO. 23-7476

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IN THE  
SUPREME COURT OF THE UNITED STATES

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In re JULIUS J WALKER

vs.

STATE OF OKLAHOMA

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

Oklahoma court of Criminal appeals in Oklahoma

*Petition for Rehearing*

Julius J Walker

P.O. Box 260

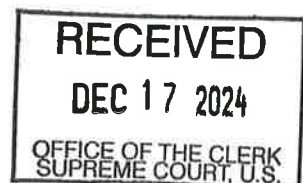
Lexington, OK 73051

Attorney General

GENTNER F. DRUMMOND

313 NE 21<sup>st</sup> Oklahoma City ok

73105



(1)

## CERTIFICATE

The grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Julius J Walker

Julius J Walker

12-3-2024

Date

I certify that the petition for rehearing is presented in good faith and not for delay

Julius J. Walker

Julius J Walker

12-3-2024

Date

## GROUND FOR RELIEF

The district court in Muskogee Oklahoma lacked personal jurisdiction to pronounce judgment in CF-2008-374

The Oklahoma court of criminal appeals lacked jurisdiction to render judgment in OK CCPA NO. PC-2023-609

→ Kay v. Berns (2007) 500 F.3d 1214 2007 WL 2694053;

→ Hall v. Ballman (1991) 953 F.2d 1106;

I request a permanent injunction until this is resolved

The Judgments and sentences connected to PC-2023-609 are to be Declared NULL and VOID.

The Oklahoma Court of Criminal Appeals in Oklahoma in PC-2023-609 committed EXTRINSIC FRAUD.

I Like to invoke this Courts Jurisdiction Pursuant to 28 U.S.C.A 1651(a) for the most appropriate auxiliary order that can be applied.

If at all possible please would this Court appoint counsel to advance this miscarriage of justice described in this motion, and from the Record. Quarles v. Ranchal (2011) 250 F.3d 320; U.S. v. Porter (2005) 405 F.3d 1136; McQuiggin v. Perkins (2013) 569 U.S. 383 133 S.Ct 1924 185 L.Ed 2d 1019

I have a actual claim of innocence I like to advance. McQuiggin v. Perkins (2013) 569 U.S. 383 133 S.Ct 1924 185 L.Ed 2d 1019.

I'm innocent of count(2) ~~(3)(4)~~ (6)(7)(8)(9) (10) (11) count(5) OKSTI 7115. Should be amended and or dismissed for lack of no evidence, see append. X I of NO. 23-7476 Letter from Department of Human Services, here in the State of Oklahoma.

**MOTION FOR REHEARING ON GROUND THAT COURT OVERLOOKED CONTROLLING  
STATUTE AND DECISIONS ERRONEOUS FAILURE TO REVERSE**

I Julius J Walker makes this motion for rehearing and for the court to rehear and to reconsider its decision in this case decided (10-7-2024) and shows (1) the court has over looked a statute and decisions that are controlling as authority and which would require a different judgment from that rendered, and has erroneously construed and misapplied provisions of law and controlling authority as follows :

FLynn v. US NY 1955, 75 S.Ct 283

I am not a attorney - Kay v. Bevis (2007) see E.3d 1244 2007

SUMMARY OF FACTS

I Julius J Walker was charged and convicted of (6) counts of assault and battery with a dangerous weapon OK St Ti 21 645 (4) counts of child abuse OK St Ti 10 7115 (1) count of assault and battery with a deadly weapon Ok St Ti 21 652 (1) count of aggravated assault and battery Ok St Ti 21 646 (1) count of Domestic assault and battery by strangulation Ok St Ti 21 644 (H)

While represented by counsel I entered a blind plea of guilty. On November 2010 counsel Larry Vickers filed motion to withdraw plea. A hearing was held on November 22, 2010 at which the motion was denied. Counsel Larry Vickers timely appealed. In an unpublished opinion in C-2010-1129 the Oklahoma court of criminal appeals denied in part and reversed count (13) assault and battery with a dangerous with instructions to dismiss. On February 3, 2012 I filed application for post-conviction relief my first alleging 3 propositions for relief. The state filed a response on February 16, 2012 and the court issued an order denying the application on march 15, 2012. I timely appealed to the OCCA. In an unpublished opinion in PC-2012-320 the OCCA affirmed the denial of the application. Sometime around 2015 I filed Habeas corpus on September 23, 2015. The Habeas corpus was dismissed sometime around 2016. After this I filed Habeas appeal in Tenth circuit, I was granted a COA then the state of Oklahoma procedurally barred me on the double jeopardy in Walker v. Patton 2016 671 Fed Appx. 703(mem). On February 13, 2017 I filed second application for post-conviction relief and was denied on February 23, 2023 I filed with the court a motion to supplement second post-conviction application, on May 12, 2023 a petition to vacate modify judgment. Some where in between the time of the first application for post-conviction relief I had to file mandamus because it set in the district court well over 2 years.

STATEMENT OF GROUNDS: This court over looked the facts of that the district court in Muskogee county failed to put me on notice as to mary rippy violent offender registration, which declares this court to render judgment in PC-2023-609 Null and or void, since I raised facts of voidness in their court; see Jordan v. Gilligan 19744 500 F.2d 701 a void judgment isn't a judgment at all and is without effect.

And for facts the COA, Tenth circuit granted me a COA and then procedurally barred me on those claims declares this court to render the decision in the Tenth circuit to NULL and or VOID, see; walker v. Patton 2016 No. 15-7060 (D.C. No. 6:12-CV-00303-RAW-KEW) (E.D.Okla) ; I ask this Honorable court to render the decision in the tenth circuit Null and or void and prescribe the appropriate remedy in accordance with FRCP Rule 60 (b) (4) please see Jordan v. Gilligan 1974 500 F.2d 701,

In re N.G. 2018 IL 121939 57, 425 Ill. Dec. 547, 115 N.E 3d 102, Voidness challenges are not subject to forfeiture or any other procedural bar and such challenges may be raised at any time in any court.

Pursuant to FRCP Rule 60(g) I ask this Honorable UNITED STATES SUPREME court to reconsider your findings, because this court over looked facts of constitutional error that equal violations of Due Process, and for facts that I inadvertently failed to clarify these constitutional errors in the brief I filed in this court for writ of certiorari.

U.S V. Baggett 524 U.S. 38, 46 (1998) - independent actions

FPP 2866 Time for motion.....Rule 60 clause (4) Rule 60 (b) contains its own time limits. Relief for a motion for a new trial and the concept of a term of court as a limit on the power to grant relief from a judgment has long since been abolished.

Although Rule 60 (c) (1) purports to require all motions under Rule 60(b) to be made within a reasonable time, this limitation doesn't apply to a motion under clause (4) attacking a judgment as void. There is no time limit on a motion of that kind.....

Omer v. Shalala 1994 30 F.3d 1307.

V.T.A; Inc v. Airco, Inc, 597 F.2d 220, 224 (10<sup>th</sup> cir. 1979) citing wright a miller

Bell helicopter Textron, Inc v. Islamic Republic of Iran, 734 F.3d 1175 (D.C cir 2013)

R best produce, Inc v. Di sapio, 540 F.3d 115,124(2d cir 2008)

Sea land services Inc v. ceramic Europe 11, Inc, 160 F.3d 849, 852 (1<sup>st</sup> cir 1998) citing

Wright miller a kane

David v. District of Columbia, 252 F.R.D 56, 59 (D.D.C 2008) citing wright a kane

Sea land service Inc v. Ceramic Europe 11, Inc, 160 F.3d 849 (1<sup>st</sup> cir 1998) citing wright a kane

Its mandatory that this Honorable court declare all Judgment and Sentences Null and Void and not voidable; Shoucri V. Samani 290 1987 817 F.2d 200

All of these orders are to be declared NULL AND OR VOID.

(1) RE: PC-2023-609

(2) RE: Walker v. Patton 2016 671 Fed. Appx

(3) RE: walker v. state, No C-2010-1129 (okla, crim.App sept 28,2010

(4) RE: walker v. state, No. Pc- 2012-320 (okla.crim.App.June 25,2012)

(5) RE: Walker v. Tucker 6:12-cv-00303- RAW-KEW

(31)  
C-1

Reasons as those 5 orders should be declared NULL and Void because the district court failed to put me on notice as to Mary rippy violent offender registration; please see 2 B VRN-Ok form 32.20.

Again in NOT a Lawyer the Q case in mate Q case hold was to a less stringent standard than Voill Kay V. Benis (2007) 500 F.3d 1244 2007

Also keep in mind U.S. v. Bigford (2008) 365 F.3d 859; A Judgment may be attacked in a collateral proceeding in another jurisdiction on the basis that it was rendered without jurisdiction.

Johnson v. spencer 2020 950 F.3d 680 also states for purposes of federal civil procedure rule authorizing relief from a void judgment, only in rare instances where the judgment is premised either on a certain type of jurisdictional error or on a violation of due Process that deprives a party of notice or the opportunity to be heard U.S. Const. Amend 5; Fed. R.Civ P.60(b) (4)

please see Burns v. State 2019. Ok CR 27. 453 P.3d 1244, see also AMJUR Const LAW 973 which states where a statute effects a taking of a right protected by Due Process of Law, but fails to provide requisite notice and hearing it must be declared UNCONSTITUTIONAL; please see U.S v. Day 223 F.3d 1225; void for vagueness please see weeks v. state 362 P.3d 650 (2015); U.S v. Platte 401 F.3d 1176 2005

In the case of Burns v. State 2019.OK CR 27. 453 P.3d 1244 criminal court of appeals dismissed the conviction outright for facts the district courts failure to put Mr Burns on Notice as to Mary rippy violent offender registration.

See appendix D Pg 2 of the original writ of cert filed in this court NO. 23-7476 Qea of guilty summary of facts form which proves it wasn't put on notice.

The district court in Muskogee county also failed to put me on notice as to registration for the convictions of child abuse OK ST 10 7115 which requires registration. OK ST 51 583

See also appendix I pg 35 of the original writ of cert which will show it wasn't any evidence of child abuse or neglect. I also attached document from Department of human services in this motion. Pg 11, 12 and a letter from one of the detectives about of the crime scene.

Rule 60 (b) (4) mandates courts to render judgments and or orders Null and or void once a court determines it has no discretion and must grant the appropriate Rule 60 (b) relief and is per se abuse of discretion to deny a Rule 60 (b) (4) motion when the court has no jurisdiction over the action.

Again, this court overlooked facts that orders and judgments connected to ~~PC 2023-609-acc~~ to be ~~declared~~ NULL and or Void

## FRAUD

**Rule 60 (b) (3):** Muskogee county district court committed fraud by failing to put me on notice as to mary rippy violent offender registration, please see Burns v. state 2019 453 P.3d 1244 see again 2B VRN-OK form 32.20.

*The only thing this Honorable court can do in this writ of Certiorari is render it void with instructions to the district court Booth v. McKnight (2003) 20 P.3d 855. A deliberate decision or any judgment entered without proper notice is ipso facto Facially Void.*

Bryan A. Garner editor in chief preface a the Twelfth Edition guide to the dictionary legal maxims bibliography of books cited concealment. (14c) the act of preventing disclosure or refraining from disclosing, esp. the injurious or intentional suppression or non-disclosure of facts that one is obliged to recall: cover up the act of removing from sight or notice; hiding. Insurance. The insured's intentional withholding from the insurer material facts that increase the insurers risk and that in good faith ought to be disclosed. Nondisclosure conceal. Concealment is an affirmative act intended or known to be likely to keep another from learning of a fact of which he would otherwise have learned. Such affirmative action is always equivalent to a misrepresentation and has any effect that a misrepresentation would have.

Fraudulent concealment (180) the affirmative suppression or hiding, with the intent to deceive.

Fraudulent activity by the court by former District attorney Larry Moore, when he used prior conviction, case number CF-2004-417, possession of CDS with intent to distribute, is not a crime enumerated in OK St Ti 21 51.1 of 571. *The attached document, Pg 10 to prove which prior convictions former Prosecutor Larry Moore used to enhance CF-2008-374.* OK St Ti 21 51.1 of 571 was judicially constructed, August 2024, to reflect a previous conviction for possession of a controlled dangerous substance pursuant to section 2-402 of title 63 of the Oklahoma statutes may not be used to enhance punishment pursuant to this section of law; see Johnson v. spencer 2020 950 F.3d 690 a judicial construction of a statute is an authoritative statement of what the statute meant before as well as after the decision of the case giving rise to that construction. See U.S v. Orellana 2005 405 F.3d 360

Former district attorney Larry Moore used OK St Ti 21 51.1 to enhance current conviction CF-2008-374, that being 20 years to life on most of the convictions.

Count 1 Assault and battery with a dangerous weapon 21 O.S. Sec 645 up to 10 years

Count 2 Assault and battery with a dangerous weapon 21 O.S. Sec 645 up to 10 years

Count 3 Assault and battery with a dangerous weapon 21 O.S. Sec 645 up to 10 years

Count 4 Assault and battery with a dangerous weapon 21 O.S. Sec 645 up to 10 years

Count 5 Child abuse 10 O.S Sec 7115 imprisonment up to life

Count 6 Child abuse 10 O.S Sec 7115 imprisonment up to life

Count 7 Child abuse 10 O.S Sec 7115 imprisonment up to life

Count 8 Child abuse 10 O.S Sec 7115 imprisonment up to life

Count 9 Assault and battery with a deadly weapon 21 O.S Sec 652 imprisonment up to life

Count 10 Aggravated Assault and battery 21 O.S Sec 646 imprisonment up to 5 years

Count 11 Assault and battery with a dangerous weapon 21 O.S Sec 654 up to 10 years

Count 12 Domestic Assault and battery by strangulation 21 O.S Sec 644 (H) not less than a year no more than 3 years

*Res-Judicata precluded the State of Oklahoma from convicting me of Count (2) (3) (4) (6) (7) (8) (9) (10) (11)*

Again, former district attorney didn't have statutory authority to sentence me 20 years to life.

*For counts (1) (2) (3) (4) (10) (11) (12)*

Since the District attorney did not have statutory authority to sentence me 20 years to life, he committed fraud that permits this court to allow Rule 60 (b) and impose the proper remedy that Rule 60 (d) requires.

Fraud upon the TENTH CIRCUIT court because they granted me a COA when they did not have jurisdiction to grant me a COA because the original judgment CF-2008-374 is to be declared NULL and or VOID.

*This court has no authority to address the merits of the 5th, 6th and 14th Amendment Constitutional violations because of the void judgment.*

Relief is not a statutory matter it's mandatory, see Venable v. Haislo 721 F.2d 297, 269-300 (10<sup>th</sup> cir 1983)

I Julius J walker respectfully pray this court grants rehearing of dismissal of writ of certiorari

~~XXXXXX~~

The Printer that's connected to the computer that has all of our legal material on it is out of order. That's the reason as to why I had to fill in the blanks of this Petition which makes it look sloppy.

Honorable Please Let me in this Court.  
The only thing this court can do and has to do is declare Judgments and sentences void.  
Please afford me my 14th Amendment equal protection rights.

12-3-2024  
Date

CERTIFICATE OF MAILING AND SERVICE

I hereby certify that on this 5 day of December <sup>24</sup>~~2011~~, I mailed a true and correct copy of the foregoing, via the U. S. Mail, first class postage pre-paid, through the established prison legal mailing system to:

Attorney General  
Gentner F. Drummond  
313 NE 21st  
Oklahoma City OK

73105  
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\_\_\_\_\_

Julius J. Walker  
C-N-218  
DOC # 491384

\_\_\_\_\_  
P.O. Box 260  
Lexington, OK 73051