

23-7612

IN THE SUPREME COURT OF THE UNITED STATES

WADE LAY,

PETITIONER,

v.

CASE NO. 23-7612

CHRISTI QUICK, WARDEN,

RESPONDENT.

CERT. FILED UNDER RULE 18

ON PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

PETITIONER'S REPLY BRIEF NO. 23-7612
TO BRIEF IN OPPOSITION (JULY 30, 2024)

CAPITAL CASE

08/07/2024

P/O-SP

WADE GREEN LAY #516263

OKLAHOMA STATE PENITENTIARY



P.O. BOX 97

MCALISTER, OK 74502

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INTRODUCTION

THERE IS NOT A SINGLE EXPRESSION BY THE EXPLANATORY ATTORNEY GENERAL (MR. FANELLI) THAT IS ROOTED IN FACTUAL TRUTH, EVERY PORTION AND WHOLE IS DECEITFUL AND FRAUDULENT. WADE LAY FILED A HABEAS PETITION IN THE DISTRICT COURT, THAT COURT DECEITFULLY ATTEMPTS TO FORCE PETITIONER INTO A 42 USC § 1983 CIVIL RIGHTS ACTION. LAY FILES A RULE 18 PETITION TO THIS COURT, HE NEVER APPROACHED THE TENTH CIRCUIT. THE CERTIORARI APPEAL IS DIRECTED TOWARDS A WIDE SPREAD CONSPIRACY THAT INVOLVES THE JUDGES AND COURTS NAMED WITHIN THE PETITION.. (SEE THE COMPLAINT TO THE JUDICIAL CONFERENCE). THE TENTH CIRCUIT IS OUT OF LINE IN THEIR ABUSE OF DISCRETION TO ASSUME JURISDICTION OVER A RULE 18 CERT. PETITION. THE PETITION MUST BE GRANTED, THE STATE IS LYING WHEN THEY CLAIM TO BE

F.M.#

- 1) WHAT WE SEE IN AMERICA IS THAT, THE RULES DO NOT APPLY TO PRISONERS, OR THE POOR; BUT WHEN ATTORNEYS FOR GOV.^S OR CORP.^S FILE A RULE 18 PETITION IT IS CONSIDERED.

EXPLORING MEANS TO RESTORE WADE LAY'S MENTAL HEALTH. THE
 A.C. KNOWS NO SUCH EFFORTS WILL UNFOLD, BECAUSE, THEY
 KNOW THAT THE CLAIMS OF MENTAL ILLNESS HAVE ALWAYS
 BEEN A RUSE, THAT IS WHY LAY REMAINS AT O.S.P. #1011
 AND THIS PRISON IS LEFT AS AN INHUMANE WASTELAND
 OF LAWLESS ABUSE AND CRUELTY. MR. FARWELL IS LYING!
 YOU CANNOT ALLOW THIS FORM OF GOVERNMENTAL MURDER.
 THE ACTIONS OF THE OKLAHOMA COURT OF CRIMINAL APPEALS (OCCA)
 REVEALS THE STATE'S COLLABORATION WITH JUDGE ERIOT U.S.D.C. WA/OK,
 TO EJECT LAY FROM THE *Glossip v. Chandler*, 14-60375 TRIAL, ONLY TO
 SUBSEQUENTLY DENY PETITIONER HIS DUE PROCESS IN THE COMB-
 ETERNEY TRIAL SCHEDULED FOR APRIL 29, 2024; AND NOW THROWING
 WADE LAY INTO THE MIDDLE OF THE PROCESS OF THE NEW
 STATUTE VIOLATING THE 10TH CIR. RULING IN *Cole v. Ferris*, 22-6093
 SO THE STATE CAN KILL WADE LAY WITHOUT A TRIAL OR APPEAL.

STATEMENT OF THE CASE

1. PETITIONER (WADE LAY) COMES NOW TO THIS COURT TO

²
SEEK LEAVE OF THE COURT TO REPLY TO THE STATE OF
OKLAHOMA (ASSISTANT ATTORNEY GENERAL-JOSHUA R. FANELLI).

PETITIONER (LAY) IS COMPELLED AT THIS JUNCTURE TO
MOTION THIS SUPREME COURT FOR AN IMMEDIATE STAY
OF THE PROCEEDINGS IN THE "COMPETENCY TO BE
EXECUTED" CASE - *IN RE: WADE LAY, 21-224; LAY V. STATE*
D-2005-1081, TO ALLOW LAY TIME TO RESPOND TO THE OKLA. A.C.
BRIEF IN OPPOSITION THAT IS IN FACT FILLED WITH FRAUD

SUPPORTED BY A FICTIONAL NARRATIVE. (SEE F.N. # 2 BELOW)

2. PETITIONER MUST MOTION THE COURT TO REJECT THE
STATE'S BRIEF PURSUANT TO RULES OF THE SUPREME COURT RULE 15.3,
AS IT IS THE STATE FAILED TO RESPOND WITHIN THE TIME

F.N.

2) PETITIONER ASK THE COURT TO ORDER A STAY AND ALLOW FOR DISCOVERY
AND A 90 DAY PERIOD TO GATHER DOCUMENTARY EVIDENCE, AND FOR LAY
TO SUBMIT A PROPER RESPONSE BRIEF.

7. FRANK ORDERED BY THE COURT. ¹², JULY 03, 2024, OR

30 DAYS AFTER THE CASE IS PLACED ON THE DOCKET.

HOWEVER, SEEING THAT THE STATE IS CRITICAL OF PETITIONER

WITH CONDESCENSION FLAVORED BY ARROGANCE, THAT HE LACKS

PROPER FORM, OR IS MERELY PARROTING THE RULES,

RATHER THAN PURSUING THE STANDARDS ESTABLISHED

TO BENEFIT HIS CAUSE, IF THIS COURT SHOULD ALLOW THIS

NEGLECT, THE PRIMARY ISSUE OF JURISDICTION SHOULD

SOLVE THE MATTER.

8. LAY DID NOT APPEAL TO THE TENTH CIRCUIT COURT. !

IF THE SUPREME COURT WILL SIMPLY LOOK AT THE ATTORNEY

GENERAL'S OWN EXHIBITS, ON PAGE 112 THE COURT WILL

SEE THE NOTICE OF APPEAL DATED 11/27/23 (DOC. NO. 10)

FILED IN THE U.S.D.C. E.D./OK. UNDER Rules of the Supreme

3. COURT RULE 18. ON PG. 2 OF THE PLEADING (DWT# 10)

LAY STATES:

" IN ACCORDANCE TO RULE 18- Rules of the Supreme Court of the United States, WADE LAY NOTIFIES THIS U.S. DIST. COURT HIS INTENT TO APPEAL DIRECTLY TO THE U.S. SUPREME COURT THE 'IMPEDEMENT CLAUSE IMPETUS' PURSUANT TO 28 USC § 2244 AND 28 USC § 2255.

" PETITIONER REJECTS THE OPINION AND ORDER OF THE USDC ED/OK, ², DKT 9 FILED IN THE E.D./OK ON 10/31/2023. THE USDC WD/OK, AND THE E.D. COURT HAVE BOTH ABUSED THEIR DISCRETION SHOWING A CONSISTENT PATTERN OF PREJUDICE, BOTH COURTS BEING A PART OF THE IMPEDIMENT, ALONG WITH THE USDC WD/OK, AND THE TENTH CIRCUIT COURT OF APPEALS, A RULE 18 APPEAL IS THE ONLY REMEDY."

4. IT IS CRITICAL THIS COURT RECOGNISE WHAT THIS BRIEF

BY THE OKLA. A.G. REPRESENTS. THE A.G. BUILDS HIS

ENTIRE CASE ON THE ERRONEOUS DISPOSITION THAT PETITIONER

TOOK AN APPEAL TO THE UNITED STATES COURT OF APPEALS FOR THE

TENTH CIRCUIT. " THEN, OUT OF ARROGANCE OR SLOPPINESS, MR. FADDELL

4. ON PG. 2 OF HIS BRIEF CITES THE NOTICE OF APPEAL "RESP.

APPX, AT 111, 112, -115." IT COULD BE THAT MR. FANELLI SHOULD

GIVE GREATER ATTENTION TO SUBSTANCE OVER FORM.

PETITIONER PROMOTES, THAT THIS BRIEF IS IDENTICAL TO THE

RESPONSE OF THE OKLA. A.C. TO THE CERTIFICATE PETITIONS

³
FILED IN NOVEMBER OF 2021 CONTAINING VERY SIMILAR ISSUES,

THAT THE STATE AGENCY OBLICATED UNDER THE RESERVED POWERS

OF OKLA.,

ACT^v TO TAKE UP SUCH A CAUSE TO DEFEND THE RIGHTS OF THE

PEOPLE OF THIS STATE AGAINST SUCH ILLICIT ACCESSION BY

FEDERAL ACTORS, HAS INSTEAD ENGAGED IN COLLUSION WITH

THOSE NATIONAL INSTITUTIONS, AND THAT THE BRIEF IS IN THEIR

EYES A FORMALITY.

5. IF THE OKLA. A.C. IS HELD TO A PROPER STANDARD, ^{THE} QUESTION BY THE A.C.

PRESENTED BEING:

C.N.A.

3) see *Lay v. State of Oklahoma*, 21-6549, CERT. PETITION, ALSO, 21-6550.

5. "WHETHER THIS COURT SHOULD AGREE TO REVIEW A FEDERAL CIRCUIT COURT'S ORDER DISMISSING A PRO SE STATE INMATE'S APPEAL FROM A NON-FINAL FEDERAL CIVIL RIGHTS PROCEEDING, WHEN THAT PRISONER DISOBEYED A SHOW CAUSE ORDER DIRECTING HIM TO CURE HIS PROCEDURAL DEFECTS OR RISK DISMISSAL⁴." THIS COURT WILL

ADMONISH THE OKLA. A.G. THAT HIS QUESTION IS IRRELEVANT.

MOREOVER, THE USDC ED/OK DENIES WADE LAY THE RIGHT TO

FILE A HABEAS PETITION SUPPORTED BY STATUTE 128 OK § 2244

(d)(1)(5)), AND DECEPTIVELY ATTEMPTS TO LURE A PRISONER INTO

FILE A 42 USC § 1983 CIVIL RIGHTS ACTION ONLY TO REJECT THE

1983 SUIT DUE TO A FALACIOUS RECORD COMPILED BY THE SAME

TWO FEDERAL DISTRICT COURTS. THE OKLAHOMA ATTORNEY GENERAL

IS A PART OF THE CARNAL INVOLVING STATE AND FEDERAL JUDGES

WHO USE THEIR POWERS TO INFLUENCE BUREAUCRATIC ACTORS.⁵

6. ALL THREE OF THE OKLA. A.G.'S REASONS FOR DEPRIVING THE

F.P. #

4) SEE PL. 1 OF THE BRIEF IN OPPOSITION. /5) THIS IS THE PARAMOUNT PROBLEM THIS SUPREME COURT OF THE U.S. FACES, THE RECUE ACTORS ALL THROUGHOUT THE SYSTEM.

OF WRIT ARE DEVOID OF MERIT. PETITIONERS CASE IS THE PERFECT VEHICLE FOR THE IMPEDIMENT CLAUSE QUESTION.

IT IS AS IF MR. FANELLI IS RESPONDING TO ANOTHER PRISONERS CIRCUMSTANCES, BUT IT IS SADLY OBVIOUS THE A.G. IS SIMPLY IGNORING THE OVERWHELMING SET OF UNIFORM FACTS FROM THE FIRST SUBMISSION TO THE USDC WD/OR, TO THE CERTIFICATION PETITION AND SUPPLEMENTARY BRIEF, THAT THE CONSPIRACY IS REAL, AND THAT AN EVIDENTIARY HEARING ACCOMPANIED WITH DISCOVERY WOULD PROVE THAT CLAIM.

7. THE A.G. STATES ON PG. 8 OF HIS BRIEF A DISORIENTED PRESUMPTION, SUGGESTING THAT WADE LAY ASSESS A CONVOLUTED PREMISE^{THAT IS ACTUALLY} CREATED BY MR. FANELLI. HE DIVIDES A STATEMENT THAT IS GENERAL IN ITS MEANING, WHERE THE INFLUENCE HELD BY FEDERAL JUDGES IS BROAD AND REACHES EVERY PERSON,

T. AND/OR EVERY INSTITUTION TO INCLUDE GOVERNMENT AGENCIES.

THIS IS A WELL KNOWN REALITY PURPORTED BY JUDGES AND LAW-

YERS THROUGHOUT THE NATION. YET THE A.G. MISUSES THE

QUOTATIONS, INSERTING HIS OWN INTERPRETATION TRYING TO

MAKE IT APPEAR AS IF PETITIONER IS PROMOTING NONSENSICAL

ARGUMENTS.

B. WHERE THE STATE THROUGH MR. FANELLI WISHES TO STEAD

AT A COURT, IT IS PROPER TO SUGGEST THAT THE A.G. SHOULD

ADDRESS THE CAMEL THEY SEEM TO BE WILLING TO SWALLOW.

WHY HAS THIS STATE AGENCY REFUSED TO TURN THEIR CRITIQUE

TOWARDS THE MOST ESSENTIAL ISSUES: THE GRADULENT FILING⁶;

THE "DO NOT PROVIDE AN⁷ ALTERNATIVE METHOD OF EXECUTION"; THE

\$400.00 SENT TO THE U.S.D.C. W.D. /OK. BY PRISON OFFICIALS

ACCOMMODATING U.S. DIST. JUDGES DEICUSTI, AND JONES IN AN

C.N.R.

6) SEE THE COMPLAINT TO THE JUDICIAL CONFERENCE AND THE PLEADING TO THE ALTS.
COUNTY DIST. COURT, /SEE PLEADING TO P.D.C.

8. ATTEMPT TO DESTROY A PENDING CERTIORARI PETITION. IT IS

VERY CLEAR THAT THE OKLA. A.G. IS NOT FAMILIAR WITH HIS

OWN EXHIBITS. IF THE COURT WILL REVIEW DOC. NO. 7 IN

Hay V. Quick, 23-858-J/23-326 RAW FILED ON 10/30/2023

INCLUDED IN THE AG'S BRIEF AT PG'S 45-84, IN PARTICULAR

PG'S 24 & 25, THE \$400.00 EMBEZZLEMENT BY D.S.P., PROMPTED

BY THE USDC AND/OR IS A PROVEN ASSERTION. LOCC DOC. # 66 & 67,

Hay V. O.D.O.G., CIV-17-1224-D; NO. 18-6024 (10TH CIR. 2018); CERT. NO.

19-6942). (ALSO FILED IN THE LETHAL INJECTION CASE, Glossip V.

Chandler, CIV-14-665-F, DOC. NO. 326).

9. IT IS REMARKABLE HOW SIMILAR THE OKLA. A.G. IS IN THEIR

MISCHARACTERIZATION OF THE FACTS, TO THE TACTICS EMPLOYED

BY THOSE FEDERAL JUDGES COMPLAINED ABOUT IN THE "COMPLAINT

TO THE JUDICIAL CONFERENCE". MAYBE THEY ALL WENT TO

9. THE SAME LAW SCHOOL, JOINED THE SAME FRATERNITY.

WHATEVER THE CASE MAY BE, THE STIGMATISM OF INSANITY, OR

INCOMPETENCY DUE TO MENTAL ILLNESS IS A SERIOUS MATTER,

SO WHEN MR. FANELLI SAYS:

"TO BE SURE, THE STATE IS EXPLORING AVENUES TO RESTORE PETITIONER'S COMPETENCY, AS DIRECTED BY THE STATE DISTRICT COURT IN ITS ORDER ISSUED ON MAY 9TH, 2024. RESP. APP'X, AT 159. FOR THE SAKE OF THIS PRESENT ACTION, HOWEVER, PETITIONER'S REQUEST FOR RELIEF STEMMING FROM HIS SINCE STRICKEN COMPETENCY TO BE EXECUTED TRIAL IS NOW NO LONGER AT ISSUE, AND THUS HAS BEEN RENDERED MOOT. See *Aikens v. California*, 400 U.S. 813, 814, (1972) (...OBSERVING: 'PETITIONER NO LONGER FACES A REALISTIC THREAT OF EXECUTION AND THE ISSUE ON WHICH CERTIORARI IS GRANTED...' IS NOW MOOT IN HIS CASE'). " 8

10. THIS PRECEDENT IS DELETED ON SEVERAL LEVELS. IT DOES NOT APPLY;

AT ALL TO THE IMPEDIMENT CLAUSE PETITION IN ANY WAY OR

MANNER. NOR DOES IT NEGATE LAY'S RIGHT TO DUE PROCESS.

THE OKLA. AG. COMMENTED ON PG. 9 OF HIS BRIEF THAT PETITIONER IS

END

B) P. 13 OF THE BRIEF IN OPPOSITION. THIS ENTIRE PARAGRAPH IS ERRONEOUS, ESPECIALLY THE FALSE PROMOTION OF ANY KIND OF EFFORT TO RESTORE, LAY STILL SUFFERS THEIR ABUSE.

10. PARROTING THE COURT'S LANGUAGE, THE CONDESCENSION DOES

NOT ALTER THE FACT THAT WADE LAY FILED A RULE 18

APPEAL DIRECTLY TO THIS COURT, ^{WE KNOW THAT} 42 USC § 1983, AND

28 USC § 2254 ⁹ "DIFFER IN THEIR SCOPE AND OPERATION," AND

THAT HABEAS FILING UNDER 28 USC § 2244 IS A SPECIFIC RIGHT

NOT COVERED UNDER § 1983. WHAT THE E.D. COURT, AND THE

^{TO DO,} TENTH CIRCUIT ARE TRYING IS A PERVERSION OF LAWFULLY INITIATED

PROCESS TO ILLEGITIMATE ENDS. THE OKLA. A.C. WITH HIS

ARGUMENTS REVEALS HE IS A WILLING PAWID FOR USE BY THESE

FEDERAL JUDGES.

11. ALEXANDER HAMILTON IS THE ONE WHO MAKES THESE CLAIMS, SO

IF LAY IS PARROTING, HE PROUDLY REPEATS THE WISDOM OF THE

FRAMERS. IT IS FAR BETTER TO REPEAT TRUTH SUPPORTED BY SOUND

PRINCIPLES, RATHER THAN BE THE DUMMY TO AN ALL POWERFUL

P.D.

9) SEE *Heck v. Humphrey*, 114 S. CT. 2364 (1994).

11. JUDICIAL VESTELIQUIST. IT IS JUST AS TELLING WHAT THE OKLA.

A.G. HAS WITHHELD AS WHAT HE HAS SUPPLICATED. ON MAY 24, 2024

THE O.C.C.A. ISSUES A STAY COUPLED WITH A "HOUSEKEEPING"

ORDER THAT VIOLATES THE TENTH CIRCUITS PRECEDENT IN *COLE V.*

PAVYIS, No. 22-5093. THE CRIMINAL APPEALS COURT NEGATES THE

OUTCOME OF THE OLD EXISTING STATUTE THAT LAY WAS UNDER,

THE INCOMPETENT RULING OF THE DISTRICT COURT IS ELIMINATED

AS THE APPELLATE COURT WITHOUT CAUSE THROWS LAY INTO THE

MIDDLE OF THE TWO HEARING PROCESS OF THE NEW STATUTE,

AS IF THE TRIAL WAS NEVER SCHEDULED, OR THE DEAL MADE

BY THE OKLA. A.G., THE F.P.D., AND DIST. JUDGE MILLS NEVER HAPPENED.

12. WHEN THE F.P.D. ASK THE USDC WD/OK TO DO WHAT THE O.C.C.A.

HAS JUST RECENTLY DONE WITH PETITIONER, IN THE IDENTICAL CASE

WITH MR. COLE, IN OCT. OF 2022 THE TENTH CIRCUIT DECLARES:

13. "MR. COLE ARGUES THAT BECAUSE THE OKLAHOMA LEGISLATURE RECENTLY PASSED A NEW STATUTE THAT REMOVES THE UNARY DEN FROM THE PROCESS, SEE OKLA. STAT. TIT. 22 § 1005.1 (EFF. NOV. 1, 2022), AND BECAUSE THAT STATUTE WILL BECOME EFFECTIVE ON NOVEMBER 1, 2022 - ELEVEN DAYS AFTER HIS EXECUTION - USE OF THE OLD PROCEDURE IN HIS CASE IS IMPERMISSIBLY ARBITRARY. THIS ARGUMENT DOES NOT MAKE THIS ISSUE DEBATABLE AMONG JURISTS. IF THE EXISTING STATUTE ALREADY PROVIDES DUE PROCESS, AN IMPROVEMENT ON THAT STATUTE DOES NOT MAKE APPLICATION OF THE EXISTING STATUTE PER SE IMPERMISSIBLY ARBITRARY. THIS IS ALSO TRUE A FORTIORI UNDER MR. COLE'S PARTICULAR CIRCUMSTANCES, BECAUSE APPLYING THE NEW STATUTE WOULD STRIP HIM OF A JURY TRIAL ON THE COMPETENCY ISSUE AND PROVIDE INSTEAD FOR AN EVIDENTIARY HEARING FOLLOWED BY DETERMINATIONS BY THE COURT - A FORM OF PROCESS MR. COLE HAS ALREADY RECEIVED."
14. THIS LEGAL PRECEDENT APPLIES COMPLETELY AND PERFECTLY TO WADE LAY. THE F.P.D. AFTER LYING TO PETITIONER FOR TWO MONTHS, WITHHOLDING THE FACTS ABOUT THIS, AS THE OKLA. D.C. HAS DONE IN HIS BRIEF, PETITIONER SENT THIS COURT A SHORT NOTICE THAT HE HAD NOT RECEIVED THE COPY OF THE RESPONSE

END

10) SEE 54 F.4TH 1174, PAR. 16 - COLE V. FARRIS, 225093.

14. FROM THE OKLA. A.G. DUE JULY 03, 2024, AND THAT HE WAS
GOING TO FILE A CERT. APPEAL ON THE MAY 24, 2024 RULING
BY O.C.C.A.. ANOTHER SIGN AND PRODUCT OF THIS CONSPIRACY IS
THAT EVERYONE INVOLVED BREAKS ALL THE RULES. IT SEEMS
THE RICH AND POWERFUL OPERATE UNDER A DIFFERENT
STANDARD THAN WE SLAVES.

15. WHAT SHOULD TRANSPIRE, IS FOR THIS COURT TO IMMEDIATELY
STAY THE PROCEEDINGS OF IN RE: WADE LAY, CASE NO. 21-224,
AND ORDER AN EVIDENTIARY HEARING, PROCEEDED BY A COMPREHENSIVE
DISCOVERY PROCESS TO DETERMINE THE TRUTH
SURROUNDING THIS IMPEDIMENT TO FILING A WRIT OF HABEAS
CORPUS. (NOTE: IT IS EASY TO SEE THE OKLA. A.G. DID NOT
REVIEW HIS OWN EXHIBITS. THE DOCUMENTS INCLUDED IN THE BRIEF
BY THE STATE SUPPORT PETITIONERS CLAIMS.)

F.N.

11) RECENTLY MOVED TO THE TULSA COUNTY DIST. COURT.

16. PETITIONER REITERATES, DISCOVERY AND AN EVIDENTIARY HEARING.

WILL PROVE THAT THERE IS AN IMPEDIMENT, AND THAT THERE IS A
BROAD BASE OF PLAYERS INVOLVED. THE OKLAHOMA COURT OF
CRIMINAL APPEALS, A JUDICIAL BODY PACKED WITH FORMER
PROSECUTORS IS TRYING TO KILL WADE LAY, AFTER COLLUDING
WITH FEDERAL AGENTS TO DENY LAY A LAWFUL APPEAL. THIS
SUPREME COURT CANNOT ALLOW THIS CHAIN OF EVENTS TO
OCCUR, WHERE A CITIZEN IS DENIED A FAIR TRIAL, HABEAS
IS SUBSEQUENTLY CONTROLLED, AND THE STATE COLLABORATES
WITH FEDERAL AGENTS TO STIGMATIZE THE INDIVIDUAL WITH
MENTAL ILLNESS, DENYING HIM HIS CONSTITUTIONAL RIGHTS,
AND THEN EXECUTING HIM IN A CLOUD OF LIES AND FRAUD.

17. CERTIORARI MUST BE GRANTED.



Zakiya Pope
Notary *8/17/24*
Date

RESPECTFULLY SUBMITTED BY
WADE LAY AT O.S.A., P.O. Box 97

MCLESTER, OKLA. 74502