

24-5010 ORIGINAL

No. _____

FILED
JUL 01 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Bryon Keith Creech — PETITIONER
(Your Name)

vs.

Oklahoma Court of Criminal Appeals and Judge David Guter — RESPONDENT(S)
ON PETITION FOR A WRIT OF CERTIORARI TO

Oklahoma Court of Criminal and Judge David Guter Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Bryon Keith Creech
(Your Name)

15151 OK 39
(Address)

Lexington, OK 73051
(City, State, Zip Code)

405-527-5676
(Phone Number)

QUESTION(S) PRESENTED

IF the court does not hold the
MANDATORY hearing to withdraw A
Guilty PLEA, DO AEDPA BAR RELIEF if
the person WAS CONVICTED WHILE INCOMPETENT

DID COUNSEL ERR IN FAILING TO WITHDRAW FROM
REPRESENTING PETITIONER SINCE PETITIONER HAD ASSAULTED
COUNSEL?

Did Petitioner Waive his Right to Withdraw
His guilty PLEA since he did not file with
in 1 year, but was convicted while INCOMPETENT?

WAS Petitioner's COUNSEL ~~IS~~ INEFFECTIVE FOR FAILING
to DEMAND A POST-EXAMINATION COMPETENCY HEARING
since the Petitioners COMPETENCY WAS PLACED in
DOUBT by the court, PETITIONER PLEAD GUILTY
while INCOMPETENT

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

Pate v. Robinson
Drope v. Missouri

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CASES

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STATUTES AND RULES

14th Amendment Prohibits A Person From
Being convicted while INcompetent

6th Amendment - COUNSEL WAS Ineffective
FOR FAILING to ASSIST petitioner in W/DING
his guilty plea AND ALLOWING petitioner to
Plead guilty WHILE his competency WAS in
QUESTION

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 is unpublished.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**:

#12/1000 134

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is *appellate Court 2822/25*

reported at *Tenn. Court of Appeals*; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ 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.

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 Post conviction.
A copy of that decision appears at Appendix 12/13. Police Dept

A timely petition for rehearing was thereafter denied on the following date: Oct 10, 2023, April 15, 2024, and a copy of the order denying rehearing appears at Appendix 12/13.

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

14th Amendment Due process and equal protection was violated when the court failed to hold the mandatory post examination competency hearings.

Petitioner was convicted while he was incompetent.

The courts ignored petitioners actual innocence claim.

Petitioner received ineffective assistance of counsel when counsel allowed petitioner to plead guilty while his competency was in question.

Petitioner was denied due process because he was allowed to plead guilty while incompetent.

Statement of the case
Petitioner was charged with

In the Tulsa County District Court, Petitioner's competency was placed into doubt numerous times by the court. Petitioner had assaulted his attorney out of frustration. Petitioner requested different counsel due to the conflict of interest and his attorney threatening him with criminal charges if he did not plead guilty. The court never held the post examination competency hearing which is mandatory under Oklahoma law, Federal law and the 14th Amendment. Petitioner pled guilty while incompetent and had the inability to communicate with counsel or understand the charges against him. Petitioner moved to withdraw his guilty plea and the court failed to hold the mandatory hearing to withdraw his guilty plea, or appoint conflict counsel. Petitioner filed for post conviction relief raising these issues as well as actual innocence. The court ignored all issues raised and said petitioner is time barred under ADEPA. The conviction is illegal and in violation of the 5th and 14th Amendments. For these reasons, Petitioner prays for this court to vacate his sentence obtained in violation of the Federal Constitution.

REASONS FOR GRANTING THE PETITION

This conviction was obtained in
violation of the Federal Constitution
under the 5th and 14th Amendment.
The conviction IS ILLEGAL, Petitioner
is ACTUALLY INNOCENT and a
conviction obtained in violation
of the Federal Constitution
cannot stand.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: _____