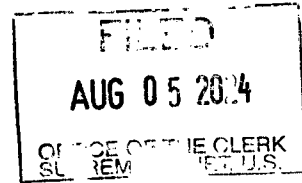


ORIGINAL

24-5370
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Michael Deangelo Lowery — PETITIONER
(Your Name)

vs.

Oklahoma — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Michael Deangelo Lowery #197216
(Your Name)

JCCC 4E - 216 N. Murray Street
(Address)

Helena, OK 73741
(City, State, Zip Code)

(572) 568-6000
(Phone Number)

QUESTION(S) PRESENTED

- ① Whether the State of Oklahoma may restrict Petitioner's gun possession based ^{on} criminal conduct that occurred when Petitioner was under the age of eighteen years old? (Due process)
- ② Whether restricting gun possession based on conduct that occurred when Petitioner was under eighteen years old violates the Second Amendment to the United States Constitution?
- ③ Whether the Post-Conviction Procedure Act is adequate and independent?

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

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☐ is unpublished.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☐ is unpublished.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 _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Oklahoma County District 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).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was June 14, 2024.
A copy of that decision appears at Appendix A.

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. Amendment XIV, Section 1

2. Amendment II

STATEMENT OF THE CASE

Petitioner was convicted by jury of Manslaughter in the First Degree and Possession of a Firearm After Former Conviction of a Felony. The former felony was committed when Petitioner was under the age of eighteen. Petitioner, through state post-conviction proceedings, challenged the possession of a firearm conviction because since his prior conviction was based on conduct as a juvenile, The Second Amendment guaranteed his right to possess a gun for defense.

REASONS FOR GRANTING THE PETITION

In NYS Rifle and Pistol Ass'n, Inc v. Bruen, this Court articulated the proper analysis for Second Amendment claims. Under that analysis, a gun regulation will not survive unless it is consistent with the nation's history and tradition of gun regulation. The nation's history and tradition of gun regulation does not support restricting gun rights /possession based on conduct committed as a juvenile.

Here, Petitioner was under the age of eighteen when convicted a felony and given a probationary sentence. Later after the expiration of that sentence, Petitioner, while engaged in a game of the "dozens", picked up the gun his ~~friend~~ friend (the victim) playfully placed on the ~~table~~ table and the gun accidentally went off, killing the victim.

Under these circumstances, Petitioner had a right to possess a gun. This Court is asked to answer the question whether juvenile conduct may be used to deprive a citizen of his right to bear arms.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Michael Lowery

Date: 8-5-2024