

Exhibit : Appendices

(1 - 19)

Appendix 19

**IN THE COURT OF CRIMINAL APPEALS FILED
OF THE STATE OF OKLAHOMA** COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

**ORDER AFFIRMING DENIAL OF SECOND APPLICATION FOR
POST-CONVICTION RELIEF**

Petitioner, pro se, appeals to this Court from an order of the District Court of Oklahoma County denying post-conviction relief in Case No. CF-2010-2243. On March 16, 2011, Petitioner was sentenced to life without the possibility of parole after being found guilty by a jury of Murder in the First Degree. This Court affirmed Petitioner's Judgement and Sentence on direct appeal. *Clark v. State*, No. F-2011-176 (Okl.Cr. August 8, 2012) (not for publication). Petitioner has previously filed an application for post-conviction relief that was denied by the trial court. Petitioner appealed the dismissal to this Court which was denied for lack of jurisdiction. *Clark v. State*, No. PC-2013-1067 (Okl.Cr. December 18, 2013) (not for publication).

post-conviction relief. The Honorable Susan Stallings, District Judge, denied the application in an order filed on April 18, 2024. It is from this order Petitioner appeals.

Petitioner was fully afforded the opportunity for post-conviction relief in his previous application. Petitioner has failed to establish entitlement to any relief in this subsequent post-conviction proceeding. "In the interests of efficiency and finality, our judicial system employs various doctrines to ensure that issues are not endlessly re-litigated." *Smith v. State*, 2013 OK CR 14, ¶ 14, 306 P.3d 557, 564. All issues that were previously raised and ruled upon in direct appeal proceedings or previous post-conviction proceedings are barred as res judicata, and all issues that could have been raised in those previous proceedings but were not are waived, and may not be the basis of a subsequent post-conviction application. 22 O.S.Supp.2022, § 1086; *Davis v. State*, 2005 OK CR 21, ¶ 2, 123 P.3d 243, 244.

Post-conviction review is not an opportunity for a second chance to argue claims of error in hopes that doing so in a different proceeding may change the outcome. *Turrentine v. State*, 1998 OK CR 44, ¶ 12, 965 P.2d 985, 989. "Simply envisioning a new method

of presenting an argument previously raised does not avoid the procedural bar." *McCarty v. State*, 1999 OK CR 24, ¶ 9, 989 P.2d 990, 995. "Appellate jurisprudence was not created or designed to allow a person convicted of a crime to continually challenge a conviction with new assertions of error." *Mayes v. State*, 1996 OK CR 28, ¶ 14, n.3, 921 P.2d 367, 372, n.3.

Petitioner's propositions of error either were or could have been raised in his previous application for post-conviction relief and are thus barred by res judicata or waived. The order of the District Court of Oklahoma County in Case No. CF-2010-2243, denying Petitioner's application for post-conviction relief is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2024), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

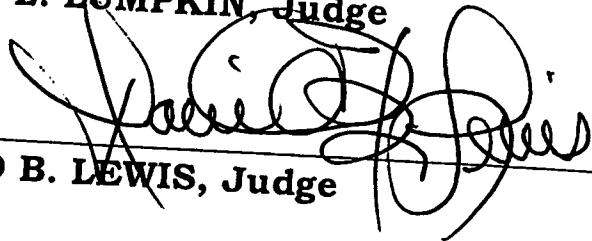
30th day of August, 2024.

Scott Rowland
SCOTT ROWLAND, Presiding Judge

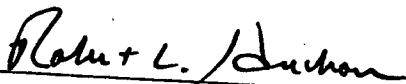
William J. Musseman
WILLIAM J. MUSSEMAN, Vice Presiding Judge



GARY L. LUMPKIN, Judge

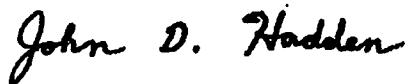


DAVID B. LEWIS, Judge



ROBERT L. HUDSON, Judge

ATTEST:



Clerk

PA

**Additional material
from this filing is
available in the
Clerk's Office.**