

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

DUSTIN MELVIN DAVISON,

Petitioner,

vs.

THE STATE OF OKLAHOMA,

Respondent.

**PETITION FOR WRIT OF CERTIORARI
TO THE OKLAHOMA COURT OF CRIMINAL APPEALS**

APPENDIX "C"

**Order Denying Petition for Rehearing and
Motion to Recall Mandate of the
Oklahoma Court of Criminal Appeals**

Issued January 20, 2021

ORIGINAL



IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA

DUSTIN MELVIN DAVISON, FILED) NOT FOR PUBLICATION
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
Appellant,)
JAN 20 2021
vs. JOHN D. HADDEN Case No. D-2018-373
CLERK)
THE STATE OF OKLAHOMA,)
)
Appellee.)

ORDER DENYING PETITION FOR REHEARING
AND MOTION TO RECALL MANDATE

Dustin Melvin Davison, Appellant, was tried by jury and found guilty of first degree murder, in violation of 21 O.S.Supp.2012, § 701.7(C), in the District Court of Oklahoma County, Case No. CF-2015-3992. The jury found two aggravating circumstances¹ and sentenced Appellant to death. On November 19, 2020, this Court affirmed. *Davison v. State*, 2020 OK CR 22, ___ P.3d ___.

Appellant now petitions for rehearing and moves to recall the mandate. A petition for rehearing shall only be filed for the following reasons:

¹ The murder was especially heinous, atrocious, or cruel, and that there exists a probability that Appellant would commit criminal acts of violence that would constitute a continuing threat to society. 21 O.S.2011, §§ 701.12(4), (7).

1. Some question decisive of the case and duly submitted by the attorney of record has been overlooked by the Court, or
2. The decision is in conflict with an express statute or controlling decision to which the attention of this Court was not called either in the brief or in oral argument.

Rule 3.14, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2021). After consideration, the Court finds that the petition for rehearing and motion to recall the mandate should be, and are hereby, **DENIED**.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this
20th day of January, 2021.


DANA KUEHN, Presiding Judge


GARY L. LUMPKIN, Judge


DAVID B. LEWIS, Judge


ROBERT L. HUDSON, Judge


JAMES R. WINCHESTER, Judge

ATTEST:

John D. Hadden
Clerk