

No. 24-5450

IN THE
SUPREME COURT OF THE UNITED STATES

Anthony H. Warnick — PETITIONER
(Your Name)

vs.

Oklahoma — RESPONDENT(S)

REHEARING
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

Anthony H. Warnick # 175234
(Your Name)

JCCC - 216 N. Murray St. # 4 W
(Address)

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

(Phone Number)

QUESTION(S) PRESENTED

Since Oklahoma lacks jurisdiction to prosecute Indians in Indian country, can Oklahoma incarcerate an Indian pursuant to a judgment rendered by a court devoid of jurisdiction to do so?

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 U.S.C. § 1153 - "Any Indian who commits" enumerated offenses "against the person or property of another Indian or any other person" shall be subject... within the exclusive jurisdiction of the United States."

U.S. Const. Art VI, cl. 2 - ... the laws of the United States which shall be made ..., shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

U.S. Const. Amend. 14 - ... nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law.

STATEMENT OF THE CASE

GROUND FOR REHEARING

The decision below creates a split and conflict which invites this Court's intervention. The Oklahoma Court of Criminal Appeals' (OCCA) precedent is at odds with Supreme Court precedent. Under established law, Oklahoma is without criminal jurisdiction over Indians who commits crimes in Indian country. The language of Supreme Court precedent is unambiguous and subject to no other interpretation. "As the text of § 1153 and our prior cases make clear, federal jurisdiction over the offenses covered by the Major Crimes Act is "exclusive" of state jurisdiction."

Negonsott v. Samuels, 502 U.S. 99, 102-03 (1993) (quotation marks in original. Congress has never granted criminal jurisdiction over Indians in Indian country to the State of Oklahoma. *Ross v. Neff*, 905 F.2d 1349, 1352 (10th Cir. 1990). "It is axiomatic that absent clear congressional authorization, state courts lack jurisdiction to hear cases against Native Americans arising from conduct in Indian country." *Navajo Nation v. Dalley*, 896 F.3d 1196, 1204 (10th Cir. 2018). See also, *U.S. v. Bryant*, 579 U.S. 1954 (2016) (State courts lack jurisdiction over crimes committed by or against Indians in Indian country).

On December 23, 2024, the United States filed a complaint in United States District Court for the Northern District seeking declaratory and injunctive relief against defendant in his official capacity to prevent him from further asserting that Oklahoma has criminal jurisdiction over Indians for conduct occurring in Indian country and from unlawfully detaining and prosecuting Indians in Indian country. See, United States, and Cherokee Nation, Chickasaw Nation, and Choctaw Nation of Oklahoma, and Muscogee Nation V. Matthew J. Ballard. Cf at 2025 WL 1074984.

I am incarcerated by a judgment rendered by an Oklahoma state court which is without Congressional authorization to do so.

This Court could, without revisiting the jurisdictional question, summarily remand this case back to the Oklahoma Court of Criminal Appeals for "proper consideration" with pre-M'Girt Supreme Court precedent.

CERTIFICATE OF GROUNDS

I certify that the grounds are of intervening circumstances of substantial or controlling effect not previously presented.

Anthony H. Warnick
Anthony H. Warnick

I further certify that the petition for rehearing is presented in good faith and not for delay.

Anthony H. Warnick

CONCLUSION

The petition for a writ of ^{rehearing}~~certiorari~~ should be granted.

Respectfully submitted,



Date: April 22, 2025

No.

24-5450

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Anthony H. Warnick
(Your Name)

— PETITIONER

VS.

Oklahoma

— RESPONDENT(S)

PROOF OF SERVICE

I, Anthony Warnick, do swear or declare that on this date, ~~Nov 25~~ 4-22-25, 20~~24~~ 25, as required by Supreme Court Rule 29 I have served the enclosed ~~MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS~~ and PETITION FOR A WRIT OF CERTIORARI ^{REHEARING} on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Attorney General of Oklahoma
313 NE 21ST ST
Oklahoma City, OK 73105

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

~~Nov 25~~, 20~~24~~
April 22, 2025

Anthony Warnick
(Signature)