

No. _____

25-5770

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

SEP 30 2025

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

Charles Anthony Holmes PETITIONER
(Your Name)

Gentner Drummond ^{vs}
Oklahoma Attorney General — 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

Charles Anthony Holmes #252652
(Your Name)

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Atoka, Oklahoma 74525
(City, State, Zip Code)

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(Phone Number)

QUESTION(S) PRESENTED

1. Whether 21 O.S. § 645, 644B are unconstitutional, as applied to Petitioner, because they violate the Second Amendment to the United States Constitution?
2. Whether the Oklahoma Court of Criminal Appeals failed to reasonably apply this Court's holding in *Strickland v. Washington* where Petitioner's Appellate Counsel failed to raise or adequately raise the constitutionality of 21 O.S. § 645, 644, as applied to Petitioner?

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☐ is unpublished.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☐ is unpublished.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☒ is unpublished.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 Tulsa County District court appears at Appendix B 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☒ is unpublished.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 September 3, 2025.
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. US Const., Amendment II - Right To Bear Arms**
- 2. US Const., Amendment VI - Right to Effective Counsel**
- 3. US Const., Amendment XIV - Due Process of Law**
- 4. 21 O.S. § 644, 645**

STATEMENT OF THE CASE

The unique facts and circumstances of Petitioner's case indicate that the criminal statute may not be applied to his conduct. According to the facts in the record:

"On the evening of August 26, 2022, Mr. Holmes was in downtown Tulsa when he encountered a homeless woman, Amanda Jones. (Def. ex. 4 @ 4:24) At some point during their interaction, Jones stole drugs from Mr. Holmes and hid them within her person. (Def. Ex. 4 @ 14:09, 42:18) Mr. Holmes demanded Jones return his drugs. (Tr. III 13, 75) Jones refused and Mr. Holmes and Jones began tussling as Mr. Holmes continued to demand Jones return his drugs. (Tr. II 12-13)

As Jones and Mr. Holmes approached the corner of Cheyenne and [Archer], Jones screamed, "I don't want to die." (Tr. II 47) A woman inside a nearby apartment heard Jones' scream and went to the window. (Tr. II 45) The woman observed Mr. Holmes push Jones against the apartment building. (Tr. II 46) She call 9-1-1 and ran outside to tell her friend, Jerrett Jewart, a woman needed help. (Tr. II 47, 49)

Jewart left the gate surrounding the apartment complex parking lot and met Mr. Holmes and Jones on the sidewalk. (Tr. II 49-50; Tr. III 39, 40, 62-63) Jewart put his hands up and asked what was going on. (Tr. III 40) Jones immediately ran behind Jewart and pulled on his shirt; Jones continued to hide behind Jewart while Mr. Holmes explained Jones stole his drugs and he wanted them back. (Tr. III 40, 75) Mr. Holmes got close to Jewart and tried to grab Jones. (Tr. III 43)

Mr. Holmes held a knife in each hand as he tried to grab Jones. (Tr. III 45) Jewart explained Mr. Holmes put a hand on his should and a hand on his side as Mr. Holmes attempted to grab Jones. (Tr. III 45, 49-50) Jewart described the knives in Mr. Holmes hands as resting against him as he grabbed onto Jewart to reach around him toward Jones. (Tr. III 76; Def Ex. 4 @19:28) Jewart believed the knives were butter knives because he observed the tips were rounded. (Tr. III 68, 79-80; Def. Ex. 4 @ 24:39)"

Petitioner has a Second Amendment right to have a knife. In the instant case, he was neither using the knife to assault or batter anyone and under the facts and circumstances of the incident was not a danger to anyone.

REASONS FOR GRANTING THE PETITION

The Second Amendment guarantees the individual right to keep and bear arms, *District of Columbia v. Heller*, 554 US 570, 592, and is incorporated against Oklahoma through the Due Process Clause of the 14th Amendment, *McDonald v. City of Chicago*, 561 US 742, 791. “Arms” includes bladed weapons.

This Honorable Court held in *NYS Rifle and Pistol Association v. Bruen*, 597 US 1 (2022) that the government must demonstrate that the regulation is consistent with the Nation’s history and tradition of weapons regulation. This Court further held in *United States v. Rahimi*, 602 US 680 (2024) that the Government may disarm individuals (at least temporarily) when the person poses a credible threat to the safety of others.

Oklahoma, however, refuses to apply or even discuss these precedents in the instant case where Petitioner merely was holding a knife in each hand to protect himself from further theft and/or physical injury. Nothing in the record indicates he posed a danger to others and there was no adjudication of dangerousness.

Oklahoma, it would seem, must be instructed on this Court’s Second Amendment jurisprudence and specifically, that a hearing on dangerousness must be held before a citizen can be disarmed or, in the instant case, charged with a crime.

This Court has remanded several cases back to the Circuits, notably the 8th, 10th and 11th, in light of the procedural requirements of *Rahimi*. In the 10th Circuit,

that court chose to make no alterations in its opinion and thus *Vincent v. Bondi*,
127 F4th 1263 is on its way back to the Court for reconsideration.

Among other cases, this case presents an opportunity for this Court to clarify
for the States and lower federal courts whether a hearing on dangerousness is
required by the Constitution and this Court's precedents.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Charles Holmes

Date: 9-16-2025