

25-5949  
No. \_\_\_\_\_

---

---

IN THE

**SUPREME COURT OF THE UNITED STATES**

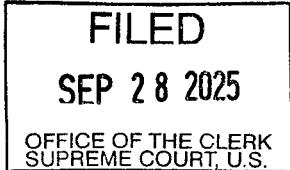
---

Matthew Johnson,  
*Petitioner,*

v.

State of Oklahoma,  
*Respondent.*

ORIGINAL



---

**On Petition for a Writ of Certiorari  
to the Oklahoma Court of Criminal Appeals**

---

**PETITION FOR WRIT OF CERTIORARI**

---

Matthew Johnson  
381140  
Lexington Correctional Center  
15151 Highway 39  
Lexington, OK, 73051  
September 21, 2025

---

---

**QUESTIONS PRESENTED**

1. Whether the Oklahoma courts' categorical refusal to grant evidentiary hearings on colorable claims of ineffective assistance of counsel, actual innocence, and disproportionate sentencing conflicts with this Court's precedents and violates the Due Process Clause of the Fourteenth Amendment? Specifically, whether a state court may summarily deny factual development and evidentiary hearings when a petitioner presents detailed affidavits and credible evidence supporting constitutional claims, in direct tension with decisions such as *Machibroda v. United States*, 368 U.S. 487 (1962), *Townsend v. Sain*, 372 U.S. 293 (1963), and *Blackledge v. Allison*, 431 U.S. 63 (1977).

2. Whether the Eighth Amendment prohibits the

imposition of extreme sentences—such as life imprisonment plus consecutive terms—on youthful offenders aged 18 to 20 who did not personally kill, intend to kill, or have prior criminal history. This question implicates the Court’s precedents recognizing the diminished culpability of youth and the heightened potential for rehabilitation, including *Eddings v. Oklahoma*, 455 U.S. 104 (1982), *Roper v. Simmons*, 543 U.S. 511 (2005), *Graham v. Florida*, 560 U.S. 48 (2010), and *Miller v. Alabama*, 567 U.S. 460 (2012).

3. Whether sentencing a non-shooter more harshly than the admitted triggerman violates constitutional principles of proportionality under the Eighth Amendment and equal protection under the Fourteenth Amendment.

This question arises where an 18-year-old, first-time

offender receives the most severe possible sentence despite not pulling the trigger, while the admitted shooter receives a lesser sentence, raising serious concerns about fairness, justice, and uniformity in the imposition of criminal punishment.

## **LIST OF PARTIES**

Matthew Johnson is the Petitioner in this case and was represented by Tulsa County Public Defender's Office.

The State of Oklahoma is the Respondent in this case.

Petitioner states that no parties are corporations.

## **RELATED PROCEEDINGS**

*State v. Johnson*, No PC-2025-607, Oklahoma Court of Appeals. Judgment entered on 08-27-2025.

*State v. Johnson*, No CF-1999-4951, Tulsa District Court. Judgement entered 11-06-2000.

**TABLE OF CONTENTS**

	<u>PAGE</u>
QUESTIONS PRESENTED.....	i
LIST OF PARTIES.....	ii
RELATED PROCEEDINGS.....	iv
TABLE OF CONTENTS.....	v
TABLE OF AUTHORITIES.....	vi
JURISDICTION.....	v
STATEMENT OF THE CASE.....	1
<b>REASONS FOR GRANTING THE WRIT</b>	
I. The Oklahoma courts' refusal to grant an evidentiary hearing conflicts with this Court's precedents and entrenches a state federal divide .....	7
II. Johnson's extreme sentence imposed on a youthful non-shooter violates the Eighth Amendment .....	12
III. This case exemplifies systemic disparities in sentencing and post-conviction review, raising issues of national importance .....	18
IV. This case is an ideal vehicle.....	26
CONCLUSION.....	31

## TABLE OF AUTHORITIES

<u>CASES</u>	<u>PAGE(S)</u>
Blackledge v. Allison, 431 U.S. 63 (1977) .....	8, 22
Eddings v. Oklahoma, 455 U.S. 104 (1982) .....	14, 15
Enmund v. Florida, 458 U.S. 782 (1982) .....	32
Evitts v. Lucey, 469 U.S. 387 (1985) .....	33
Graham v. Florida, 560 U.S. 48 (2010) .....	12, 15, 33
Machibroda v. United States, 368 U.S. 487 (1962) .....	7, 22
Martinez v. Ryan, 566 U.S. 1 (2012) .....	31
Miller v. Alabama, 567 U.S. 460 (2012) .....	12, 15, 33
Porter v. McCollum, 558 U.S. 30 (2009) .....	8
Roper v. Simmons, 543 U.S. 551 (2005) .....	12, 15, 34
Strickland v. Washington, 466 U.S. 668 (1984) .....	31
Tison v. Arizona, 481 U.S. 137 (1987) .....	32
Townsend v. Sain, 372 U.S. 293 (1963) .....	7, 22, 33
United States v. Lopez, 100 F.3d 113 (10th Cir. 1996) .....	9
People v. D'Amico, 767 N.E.2d 321 (Ill. 2002) .....	9
Statutes	
28 U.S.C. § 1257(a) .....	2
Other Authorities	
Developmental neuroscience research on late adolescence (cited generally in Section II)	

**PETITION FOR WRIT OF CERTIORARI**

Petitioner Matthew Johnson prays that a writ of Certiorari be granted to review the judgment of the Oklahoma Court of Appeals entered in *State v. Johnson*, Case No. PC-2025-607 decided 08-27-2025.

**JURISDICTION**

The Oklahoma Court of Criminal Appeals entered final judgment on 08-27-2025. Jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a).

## STATEMENT OF THE CASE

Petitioner Matthew Johnson was charged in Tulsa County, Oklahoma, in connection with a September 25, 1999, incident in which a robbery resulted in a death. On November 8, 2000, Johnson was convicted of first-degree murder and robbery and sentenced to life imprisonment plus 120 years, later reduced to life plus 20 years.

At the time of the offense, Johnson was only 18 years old, legally an adult but developmentally closer to juveniles. He had no prior criminal history. Johnson's co-defendant, Benson, who admitted to firing the fatal shot, was widely recognized as the primary actor in the homicide. Eyewitness testimony, Benson's trial testimony, and a subsequent letter from Benson

confirmed that Johnson did not pull the trigger or plan the murder. Despite this, Johnson received a harsher sentence than the admitted triggerman, highlighting a glaring disparity in punishment.

Johnson's trial counsel provided ineffective Representation in several critical respects. Counsel failed to investigate or present mitigating evidence of Johnson's traumatic childhood, attention deficit hyperactivity disorder (ADHD), and substance use history. Counsel did not properly advise Johnson regarding plea offers, including a rejected 40-year offer and a misunderstood 30-year offer. Counsel also failed to cross-examine key witnesses, expose inconsistent testimony, or present proportionality arguments at sentencing. These deficiencies deprived Johnson of meaningful counsel during critical stages

of the proceedings. Following conviction, Johnson raised claims of ineffective assistance of counsel, actual innocence, and disproportionate sentencing in direct appeal and post-conviction proceedings. He submitted affidavits from the original prosecutor, the presiding trial judge, and family members corroborating his claims. Johnson specifically requested an evidentiary hearing to fully develop these claims and present mitigating evidence. The Oklahoma Court of Criminal Appeals, however, summarily denied relief without allowing factual development, effectively foreclosing his opportunity to vindicate his constitutional rights. Johnson has demonstrated substantial rehabilitation and personal growth while incarcerated, including

completion of educational programs, participation in counseling and substance abuse treatment, and consistent engagement in pro-social activities. He has a strong reentry plan, including stable family support and a home environment conducive to reintegration.

This case presents a striking example of:

- 1. Youthful offenders receiving extreme sentences despite limited culpability;**
- 2. Disproportionate punishment relative to co-defendants; and**
- 3. Systemic barriers to post-conviction review in Oklahoma that deny access to factual development even where evidence strongly supports meritorious constitutional claims.**

Given these circumstances, Johnson's case exemplifies

both the human and constitutional stakes of extreme, disproportionate sentencing and the refusal to provide meaningful post-conviction hearings. It raises issues of national importance regarding the treatment of youthful offenders, the scope of effective assistance of counsel, and the constitutional right to develop evidence in support of post-conviction claims.

## **REASONS FOR GRANTING THE WRIT**

### **I. The Oklahoma courts' refusal to grant an evidentiary hearing conflicts with this Court's precedents and entrenches a state-federal divide.**

This Court has long held that when a petitioner raises specific factual allegations which, if true, would entitle him to relief, he is entitled to a meaningful evidentiary hearing. That principle flows directly from the Sixth and Fourteenth Amendments, which guarantee both the effective assistance of counsel and due process of law.

In **Machibroda v. United States**, 368 U.S. 487, 495–96 (1962), this Court recognized that claims of ineffective assistance or constitutional error cannot be dismissed on the pleadings when the petitioner

presents nonconclusory factual allegations. Similarly, in **Townsend v. Sain**, 372 U.S. 293, 312–13 (1963), the Court held that “a federal evidentiary hearing is required unless the state-court trier of fact has, after a full hearing, reliably found the relevant facts.” In **Blackledge v. Allison**, 431 U.S. 63, 82 (1977), the Court cautioned against summary dismissals where the petitioner presents detailed and specific factual allegations. And in **Porter v. McCollum**, 558 U.S. 30, 39–40 (2009), the Court reaffirmed that failure to investigate and present mitigating evidence constitutes ineffective assistance, and that factual development of such claims is indispensable. Federal courts and the vast majority of state courts follow these precedents, requiring hearings on

colorable claims of ineffective assistance of counsel,

actual innocence, or unconstitutional sentencing.

See, e.g., **United States v. Lopez**, 100 F.3d 113,

119 (10th Cir. 1996) (remanding for evidentiary

hearing on ineffective counsel); **People v. D'Amico**,

767 N.E.2d 321, 326 (Ill. 2002) (hearing required

where factual issues are raised by affidavits).

Oklahoma stands as an outlier. The Oklahoma Court

of Criminal Appeals (“OCCA”) has adopted a

categorical practice of denying evidentiary hearings,

even when petitioners present affidavits, testimony,

or documentary evidence that would, if credited,

establish constitutional violations. In Johnson’s case,

the record included affidavits from the original

prosecutor, the presiding trial judge, and multiple

family members corroborating that: (1) plea offers were misunderstood or inadequately conveyed; (2) mitigating evidence of trauma, ADHD, and drug addiction was never presented; and (3) Johnson, the non-shooter, received a harsher punishment than the admitted killer. Yet the OCCA summarily denied relief, refusing to permit any factual development.

This entrenched refusal conflicts not only with this Court's precedents but also with the practices of most jurisdictions. The result is a **state-federal divide**: in federal habeas proceedings and in the courts of many states, Johnson's claims would trigger a hearing; in Oklahoma, they are extinguished without one.

The consequences are profound. Without the opportunity to develop a factual record, petitioners

like Johnson are deprived of any meaningful forum to vindicate federal constitutional rights. Such a regime nullifies this Court's precedents and relegates Sixth and Fourteenth Amendment guarantees to empty promises.

This case presents an ideal vehicle for resolving that conflict. Johnson's petition is supported by detailed factual allegations and corroborating affidavits—exactly the type of record that Machibroda, Townsend, and Blackledge hold requires a hearing.

By refusing any evidentiary development, the OCCA has entrenched a procedural rule in direct opposition to this Court's decisions. Review is warranted to reaffirm the constitutional requirement of evidentiary hearings on substantial claims and to ensure that state

post-conviction regimes do not foreclose the vindication of federal rights.

**II. Johnson's extreme sentence imposed on a youthful non-shooter violates the Eighth Amendment.**

At the time of the offense, Johnson was only 18 years old—legally an adult, but developmentally and psychologically far closer to juveniles. Modern neuroscience and developmental psychology confirm that the prefrontal cortex, the brain region responsible for impulse control, judgment, foresight, and risk assessment, continues maturing well into the mid-20s.

Young adults in this age range remain disproportionately vulnerable to peer influence, emotional reactivity, and impaired decision-making.

These developmental realities substantially reduce culpability and increase prospects for rehabilitation, yet Oklahoma's sentencing scheme failed to account for them in Johnson's case.

Despite these mitigating features, the state imposed upon Johnson a sentence of life imprisonment plus 120 years—a punishment tantamount to life without parole several times over. This draconian sentence was imposed on a first-time offender who neither planned nor committed the fatal act. By contrast, his co-defendant, Benson—the admitted triggerman—received a significantly lesser sentence. The result is not only profoundly disproportionate but also perverse: the less culpable, non-shooting participant was punished more severely than the actual killer.

This outcome violates the Eighth Amendment's prohibition on cruel and unusual punishment and stands at odds with national sentencing norms for similarly situated offenders. Across jurisdictions, youthful non-shooters without prior criminal history rarely, if ever, receive compounded sentences exceeding a natural life span. Johnson's sentence therefore represents an outlier that this Court's Eighth Amendment jurisprudence squarely forbids.

This Court has repeatedly emphasized the diminished culpability of youth and the constitutional imperative of considering age as a mitigating factor in sentencing.

In *Eddings v. Oklahoma*, 455 U.S. 104, 116 (1982), the Court held that youth must always be considered as a mitigating factor, even

when the individual has reached legal

adulthood.

In *Roper v. Simmons*, 543 U.S. 551 (2005), the

Court categorically barred the juvenile death

penalty, reasoning that adolescents are less

culpable and more capable of change than

adults.

In *Graham v. Florida*, 560 U.S. 48 (2010),

the Court prohibited life without parole for

juveniles in non-homicide cases, underscoring

the centrality of proportionality in sentencing

youth.

In *Miller v. Alabama*, 567 U.S. 460 (2012), the

Court struck down mandatory life without

parole for juveniles even in homicide cases,

reinforcing that age, immaturity, and developmental limitations must meaningfully factor into punishment.

The throughline of these cases is unmistakable: harsh and irrevocable sentences imposed on youthful offenders are constitutionally suspect because such individuals possess diminished culpability and heightened potential for reform.

Johnson's case presents an urgent and unresolved constitutional question: whether the Eighth Amendment protections articulated in *Roper*, *Graham*, and *Miller* extend beyond juveniles to "late adolescents" aged 18 to 20. An expanding body of scientific evidence and scholarly consensus demonstrates that these young adults remain

developmentally immature, more akin to juveniles than to fully mature adults. Yet sentencing regimes in many states, including Oklahoma, treat them as indistinguishable from older adults, exposing them to punishments that fail to reflect their reduced blameworthiness.

Johnson's sentence—life plus 120 years for a non-shooter with no prior criminal record, substantial factors including trauma, ADHD, and substance abuse, and significantly less culpability than his co-defendant—illustrates the constitutional stakes of this unresolved question. Absent this Court's intervention, states will continue to impose extreme sentences on young adults in disregard of modern science, evolving standards of decency, and the

proportionality principles embedded in the Eighth Amendment.

This case is therefore an ideal vehicle for the Court to clarify that the Constitution's protections extend to late adolescents and to reaffirm that sentencing must meaningfully incorporate developmental science, proportionality, and fairness. Without such guidance, youthful offenders like Johnson will remain subject to extreme, constitutionally disproportionate punishments that ignore both their diminished culpability and their capacity for change.

**III. This case exemplifies systemic disparities in sentencing and post-conviction review, raising issues of national importance.**

This case presents compelling constitutional questions concerning both sentencing and post-conviction procedure that merit this Court's review. It illuminates structural inequities in Oklahoma's criminal justice system that have broad implications for the fairness, uniformity, and reliability of constitutional protections nationwide.

### **1. Sentencing Disparities.**

Johnson's punishment—life imprisonment plus 120 years—stands in stark contrast to the sentence imposed on his co-defendant Benson, the admitted triggerman who actually fired the fatal shot. Johnson, by contrast, was 18 years old, a first-time offender, and did not pull the trigger. Yet he received the maximum sentence allowed under Oklahoma law, one that condemns him

to die in prison many times over. The shooter, who bore the greatest culpability, received a substantially lesser term.

Such glaring disproportionality undermines fundamental constitutional principles. The Eighth Amendment's prohibition on cruel and unusual punishment requires that penalties be proportionate to both the gravity of the offense and the offender's culpability. The Equal Protection Clause forbids arbitrary or irrational disparities between similarly situated defendants. Johnson's sentence fails on both fronts: it punishes the less culpable actor more severely than the principal, and it exceeds national sentencing norms for youthful, non-shooter defendants. This Court's review is essential to ensure

that sentencing schemes meaningfully account for proportionality and fairness.

**2. Post-Conviction Procedural Deficiencies.**

Oklahoma compounds these sentencing disparities with a post-conviction regime that systematically forecloses factual development. Petitioners who raise substantial claims—whether ineffective assistance of counsel, actual innocence, or disproportionate sentencing—are categorically denied evidentiary hearings, even when supported by detailed affidavits and corroborating evidence.

In Johnson's case, the post-conviction record included sworn affidavits from the original prosecutor, the presiding trial judge, and family members confirming that: (1) plea offers were misunderstood or

inadequately conveyed; (2) mitigating evidence of trauma, ADHD, and drug addiction was never presented; and (3) Johnson, though the non-shooter, received the harsher sentence. Yet the Oklahoma Court of Criminal Appeals summarily denied relief without allowing any factual development.

This entrenched refusal conflicts with this Court's precedents, which hold that petitioners presenting specific, nonconclusory allegations of constitutional violations are entitled to a hearing. See *Machibroda v. United States*, 368 U.S. 487, 495–96 (1962); *Townsend v. Sain*, 372 U.S. 293, 312–13 (1963); *Blackledge v. Allison*, 431 U.S. 63, 82 (1977). By refusing even minimal inquiry, Oklahoma courts deny petitioners a meaningful opportunity to vindicate their

federal rights, rendering constitutional guarantees illusory.

### **3. National Implications.**

Most jurisdictions—both state and federal—permit evidentiary development when substantial constitutional claims are raised. Oklahoma's categorical denial of hearings makes it an outlier, creating a state-federal divide that undermines uniformity in constitutional protections. This divide carries grave consequences: in federal court or in many states, Johnson's claims would have triggered factual inquiry; in Oklahoma, they were extinguished at the threshold.

Such systemic denial erodes public confidence in the fairness of criminal adjudication. If constitutional

claims can be dismissed without factual development, then Sixth and Fourteenth Amendment rights become unenforceable in practice. This Court's intervention is needed to restore consistency and ensure that constitutional protections remain meaningful across jurisdictions.

**4. Youth Considerations.**

Finally, Johnson's case underscores an unresolved constitutional question of exceptional importance: whether the Eighth Amendment's proportionality principles extend to "late adolescents" aged 18–20. Johnson's extreme sentence disregarded his developmental immaturity, lack of prior criminal history, history of trauma and addiction, and substantial potential for rehabilitation. Without this

Court's guidance, youthful offenders like Johnson remain exposed to punishments that are both constitutionally disproportionate and developmentally unsound.

Johnson has presented both factual and legal grounds for relief. His traumatic upbringing, developmental immaturity at the time of the offense, absence of prior criminal record, strong evidence of rehabilitation, and corroborating affidavits demonstrate the strength of his claims.

This case offers an ideal vehicle to resolve systemic disparities in sentencing and post-conviction procedure, clarify constitutional protections for youthful offenders, and restore fairness and uniformity to criminal adjudication nationwide.

**IV. This case is an ideal vehicle.**

This case presents a clean, well-preserved record and squarely framed constitutional issues that make it an ideal vehicle for this Court's review. Unlike cases that arrive burdened with procedural obstacles, factual disputes, or incomplete preservation, Johnson's petition comes to this Court in a uniquely straightforward posture: substantial constitutional claims were raised, supported by detailed affidavits and evidence, and categorically denied by the Oklahoma courts without factual development. That posture makes review both efficient and instructive. First, the claims are clearly presented and sharply defined. Johnson asserts (1) ineffective assistance of counsel, including the failure to investigate mitigating

circumstances, properly advise on plea offers, and challenge critical testimony; (2) actual innocence, in the sense that he neither fired nor planned the fatal shot; and (3) disproportionate and excessive sentencing under the Eighth Amendment, particularly given his youth and lack of criminal history. These claims are not speculative or sprawling—they are supported by the sworn statements of the original prosecutor, the trial judge, and Johnson’s family members. Thus, the issues are framed with precision and supported by evidence of record.

Second, the record is fully preserved and uncluttered. Johnson raised his constitutional claims at each available stage: on direct appeal and in state post conviction proceedings. The Oklahoma Court of

Criminal Appeals, however, summarily denied relief and refused to permit any evidentiary hearing. That refusal leaves the record free from factual disputes but highlights the central constitutional question—whether such categorical denials are permissible under this Court's precedents.

Third, the case presents a direct conflict with the practices of other jurisdictions. Most states and federal courts allow evidentiary hearings where colorable constitutional claims are made, particularly involving ineffective counsel, innocence, or extreme sentencing. Oklahoma stands apart in foreclosing such hearings categorically. This divergence provides the Court with an opportunity to resolve a square and recurring conflict in post-conviction jurisprudence.

Finally, the issues are of broad national importance. Johnson's case encapsulates recurring constitutional questions: the proportionality of extreme sentences imposed on youthful, non-shooter defendants; the constitutional right to an evidentiary hearing when substantial claims are presented; and the fairness of post-conviction systems that deny factual development altogether. These issues extend well beyond Johnson's individual case, carrying systemic implications for how states adjudicate the most serious constitutional claims.

Because the claims are preserved, the record is clear, and the issues are nationally significant, this petition presents an ideal vehicle for this Court to address fundamental questions at the intersection of youth

sentencing, proportionality, and meaningful post-conviction review.

## CONCLUSION

For the reasons stated, Petitioner respectfully requests that this Court grant a writ of certiorari to review the judgment of the Oklahoma Court of Criminal Appeals.

This case squarely implicates fundamental constitutional guarantees and presents issues of national importance that merit this Court's review.

First, this Court has long recognized that defendants are entitled to the effective assistance of counsel under the Sixth Amendment. *Strickland v. Washington*, 466 U.S. 668 (1984). Johnson's claims of deficient performance—failure to investigate mitigating evidence, failure to advise regarding plea offers, and failure to challenge key testimony—fall directly within the core protections of *Strickland*.

Oklahoma's refusal to allow an evidentiary hearing on

these substantial allegations conflicts with this Court's recognition that post-conviction proceedings must provide a meaningful opportunity to develop claims of ineffective assistance. See *Martinez v. Ryan*, 566 U.S. 1, 9 (2012) (noting that meaningful review requires factual development of such claims).

Second, Johnson raises a compelling claim of innocence and disproportionality. The Court has held that punishment must be proportioned to both the defendant's culpability and the gravity of the offense.

*Enmund v. Florida*, 458 U.S. 782 (1982) (prohibiting death penalty for non-triggerman who lacked intent to kill); *Tison v. Arizona*, 481 U.S. 137 (1987) (requiring major participation and reckless indifference). Although Johnson was neither the

shooter nor the planner, he received a sentence harsher than the admitted triggerman. That outcome raises the same proportionality concerns this Court has addressed in the capital context, which apply with equal force to extreme non-capital sentences. See also *Graham v. Florida*, 560 U.S. 48 (2010) (categorical limits on life without parole for juveniles in non-homicide cases) and *Miller v. Alabama*, 567 U.S. 460 (2012) (striking down mandatory life without parole for juveniles).

Third, the Oklahoma courts' categorical denial of evidentiary hearings conflicts with the constitutional principle that habeas proceedings must be meaningful and not illusory. See *Townsend v. Sain*, 372 U.S. 293, 312–13 (1963) (requiring evidentiary

hearing when facts are in dispute and material to constitutional claims); *Evitts v. Lucey*, 469 U.S. 387, 396 (1985) (meaningful review required for constitutional claims). By denying Johnson a forum to develop undisputedly colorable claims, Oklahoma has effectively nullified these protections.

Finally, the issues presented are not only preserved but also of recurring national importance. Whether the Eighth Amendment protects youthful offenders aged 18 to 20 from extreme and disproportionate sentences remains unsettled in this Court's jurisprudence. A growing body of scientific research and state court decisions recognizes that late adolescence involves the same diminished culpability and heightened capacity for change as in younger

juveniles. See *Roper v. Simmons*, 543 U.S. 551, 569–70 (2005) (youth are constitutionally less culpable); *Miller*, 567 U.S. at 471–73. Johnson’s case presents a clear opportunity for this Court to extend its youth-sentencing precedents to a population uniquely vulnerable to excessive punishment.

In sum, this petition offers a clean record, preserved issues, and square conflicts with this Court’s precedents. The questions presented—ineffective assistance, actual innocence, proportionality, and the categorical denial of hearings—strike at the heart of constitutional guarantees. This Court’s intervention is necessary to resolve these conflicts and to reaffirm the constitutional requirement of fairness in post-conviction review.

For these reasons, Petitioner respectfully prays that the  
writ of certiorari be granted.

*Matthew Johnson*