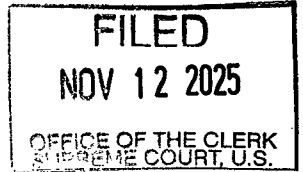


25-6283

No. \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES



Samuel Patrick CAIN

(Your Name)

— PETITIONER

vs.

Carrie Bridges

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

10TH District

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Samuel Patrick CAIN

(Your Name)

407971 Hwy 62E

(Address)

Boley OK 74829

(City, State, Zip Code)

N/A

(Phone Number)

**QUESTION(S) PRESENTED**

1. Whether District court erred in stating Petitioner's claim involves state law, not federal law and habeas relief is not available for violations of state law.
2. Whether District Court erred in stating Petitioner failed to present a constitutional claim in state court.

## 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

Hemphill v. State, 954 P2d 148,150 (1998)

Newton v. State, 348 P3d 209

Torres v. State, 2005 OK CR 17, ¶ 13, 120 P.3d 1184, 1190

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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☐ is unpublished.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☐ is unpublished.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 \_\_\_\_\_ 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☐ is unpublished.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 \_\_\_\_\_ 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.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 19, 2025.

☒ 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 \_\_\_\_\_  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ 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

U.S. Const. amends. XIV

11

Okla. Const. art. IV, § 1

11

Okla. Const. art. VI, § 10

10

Okla. Stat. 22 O.S. 2021, § 2202

10

Okla. Stat. 57 O.S. 2011, § 332

10



## STATEMENT OF THE CASE

On August 10, 2016, the Petitioner was sentenced to a 40-year prison term with the final 20 years suspended. In April 2020, after an investigation and recommendation by the Pardon and Parole Board, the Honorable Governor Kevin Stitt commutes the Petitioner's sentence to "time served." The Certificate of Commutation states:

Samuel P. Cain, #378575, was convicted of the following crime(s):

CF-2015-175, Count 1, Logan County, Possession of Controlled Dangerous Substance with Intent to Distribute;

CF-2015-242, Count 1, Logan County, Possession of Controlled Dangerous Substance;

CF-2015-4062, Count 1, Oklahoma County, Possession of Controlled Dangerous Substance with Intent to Distribute;

CF-2015-4062, Count 3, Oklahoma County, Possession of a Controlled Dangerous Substance;

CF-2015-4062, Count 4, Oklahoma County, Possession of a Controlled Dangerous Substance; and received concurrent sentences totaling 20 years in the custody of the Department of Corrections. Samuel P. Cain was committed to the Oklahoma Department of Corrections in the case(s) listed above. After an impartial investigation, study, and deliberate consideration of all the facts and circumstances, the Oklahoma Pardon and Parole Board, at the December 2019 meeting, by majority vote, recommended to the Governor the above offender for commutation of the current sentences to 9 years. Pursuant to the authority vested in me by Section 10 of the Article VI of the Oklahoma Constitution, I, J. Kevin Stitt, as Governor of the State of Oklahoma, do hereby grant Samuel P. Cain, a commutation of the above sentence(s) to: time served. (See Exhibit 1) The certificate was signed by the Governor, authenticated by the Secretary of State, and received by DOC, as reflected in the Department's April 2020 Certificate of Release, (See Exhibit 3)

The dispute in this case stems from the Commutation Certificate's misstatement of Petitioner's sentence, which was not "20 years in the custody of the Oklahoma Department of Corrections," but actually 40 years, split 20 and 20. Petitioner argued that the revocation application should have been dismissed as his entire sentence was commuted. The state court contended that the Governor commuted only the first 20 years of Petitioner's sentence, leaving the 20-year suspended portion intact, and the court agreed.

The court erred and exceeded its judicial authority by misconstruing and/or trivializing executive order and revoking a suspended sentence which is no longer existed. "The Governor shall have the power to grant, after conviction and after favorable recommendation by a majority vote of the Pardon and Parole Board, commutations, pardons and paroles for all...upon

such conditions and with such restrictions and limitations as the Governor may deem proper..." Okla. Cont. art. VI, § 10. See also 57 O.S. 2011, § 332.

First, the court effectively treated the clemency order as granting only parole, ignoring the significance of the term "commutation."

It is well settled that a commutation of a sentence is a substitution of a less for a greater punishment. After commutation the commuted sentence is the only one in existence, and the only one to be considered. After commutation, the sentence has the same legal effect, and the status of the prisoner is the same, as though the sentence had originally been for the commuted term. *Ex Parte Warren*, 1928 OK CR 125, 39 Okl.Cr. 348, 353, 265 P. 656, 657. See *Hemphill v. State*, 1998 OK CR 7, ¶ 11, 954 P.2d 148, 151; *Torres v. State*, 2005 OK CR 17, ¶ 13, 120 P.3d 1184, 1190. Whereas parole provides only conditional liberty, during which time the sentence remains in effect, a commutation to time served leads to an unconditional release. If the Governor intended only a parole, he would have so indicated. If the Governor intended to impose restrictions or leave part of the sentence in place, he would have so indicated. But the Certificate of Commutation granted "a commutation" of the instant sentence, without qualification, meaning the original sentence was replaced and no longer "in existence." *Warren*, 39 Okl.Cr. at 353, 265 P. at 657.

Further, it is apparent that the Executive Branch was fully aware that the Petitioner's sentence was 40 years and that the Commutation Certificate's reference to a 20-year total sentence was merely a typographical error. Pursuant to 22 O.S.2021, § 2202(D), Petitioner asked the Court to take judicial notice of the Oklahoma Pardon and Parole Board's docket from its "December 2019 meeting" as referenced in the Commutation Certificate, which accurately reflects the Petitioner's sentence in Logan County Case No. CF-2015-175 was "40 Years (20 Years Suspended)." The Board recommended this sentence be "Committed to 9 Years"-the same recommendation described in the Commutation Certificate which the Governor adopted. See *Torres*, 2005 OK CR 17, ¶ 13 n.18, 120 P.3d at 1190 (although the Executive Order only explicitly commuted one of the defendant's capital sentences, the underlying Pardon and Parole Board recommendation established that the Governor intended to commute both death penalties). The court's ruling-finding of only a partial commutation of Petitioner's sentence-was untenable.

Moreover, the court disregarded DOC's interpretation of the Commutation Certificate. The DOC Certificate of Release indicated that the Petitioner was discharged unconditionally. The Department checked the box for "no required period of supervision." While the box for "probation" was unchecked. As part of the Executive Branch, DOC was in the best position to decipher the Governor's Commutation Certificate.

Additionally, the court failed to consider the Executive Branch's objective at the time of the commutation. When interpreting a clemency order, courts must give effect to the Governor's intent. In late 2019 and early 2020, in wake off State Question 780 and House Bill

1269, and to alleviate prison overcrowding, Governor Stitt commuted hundreds of sentences for nonviolent offenses. Under such circumstances, it was unreasonable to believe the Governor would leave part of Petitioner's original sentence intact.

Finally, any ambiguity in the Commutation Certificate must be resolved in Petitioner's favor. As an Executive's act of clemency "is an act of grace, limitations upon its operation should be strictly construed." *Osborn v. United States*, 91 U.S. 474, 478 (1875). See *Ex parte Paquette*, 112 Vt. 441, 27 A.2d 129, 131 (1942) (such an order must be construed most beneficially for the recipient wherever its meaning is in doubt); *Ex parte Stewart*, 24 Cal.2d 344, 348, 149 P.2d 689, 690-91 (1944) (given its humanitarian character commutations capable of two constructions must be interpreted in the prisoner's favor; *United States v. Debruyn*, 8 F.2d 319 (E.D. N.Y. 1925) (presidential commutation of a prison term, that was silent about the fine, implicitly commuted the fine as well); *Torres*, 2005 OK CR 17, ¶ 13 n. 18, 120 P.3d at 1190. To the extent the Commutation Certificate's misstatement of a 20-year total sentence injected uncertainty, the court erred by interpreting the Executive Order to Mr. Cain's detriment.

Conclusion. Revocation hearings must comport with fundamental due process, *Gagnon v. Scarpelli*, 411 U.S. 778, 791 (1973), and no State shall deprive any person of liberty without Due Process of Law. U.S. Const. amend. XIV. Despite an apparent typographical error in the background portion of the Commutation Certificate, Governor Stitt unconditionally commuted Petitioner's sentence in the instant case to "time served." Revoking a sentence that the Governor validly commuted was "an intrusion by the judicial branch of government on the power of the executive branch." *Fields v. Driesel*, 1997 OK CR 33, ¶ 25, 941 P.2d 1000, 1006. See Okla. Const. art IV, § 1. The court had no power to revoke a nonexistent suspended sentence, and Mr. Cain asks this Court to grant the Writ of Certiorari.

## REASONS FOR GRANTING THE PETITION

The Oklahoma Court of Criminal Appeals announced in Hemphill v. State, 954 P2d 148, 150 (1998) that "Our state's sentencing statutes contemplate that when a defendant is sentenced, he receives only one sentence, not multiple ones. The suspension order is not a separate sentence but is instead a condition placed upon the execution of the sentence. "[Emphasis added]

In the instant case, Petitioner was granted a commutation of his Logan County District Court sentences to "time served." (See Exhibit 1) The Governor did not specify that he was only commuting the imprisonment portion of these sentences. Rather, the Certificate of Commutation states "I, J. Kevin Stitt, as Governor of the State of Oklahoma, do hereby grant Samuel P. Cain, a commutation of the above sentence(s) to: time served." [Emphasis Added]

On direct appeal of the revocation involving Logan County District Court case number CF-2015-175, Respondent OCCA opined that the Governor was only commuting the imprisonment portion of the sentence. (See Exhibit 2) Assuming arguendo that the Governor's commutation power encompasses such an action, the OCCA decision conflicts with an early holding in *Ex Parte Warren*, 265 P656 (1928).

There, the OCCA said "It is well settled that a commutation of a sentence is a substitution of a less for a greater punishment. After commutation the commuted sentence is the only one in existence, and the only one to be considered. After commutation, the sentence has the same legal effect and the status of the prisoner is the same as though the sentence had originally been for the commuted term." [Emphasis Added]

The OCCA indicates strict construction of the Certificate of Commutation is required. But then employs a more liberal construction to reach a result supported by the State; rather than "liberal construction in favor of the accused and strict construction against the State." (See *Newton v. State*, 348 P3d 209)

The same rule is implicated in executive orders and other written pronouncements of the Governor. Under strict Construction, the fair interpretation of the Certificate of Commutation commutes Logan County Case # CF-2015-175 original sentence of 40 years to a sentence of "time served", notwithstanding the suspended execution of 20 years of that sentence.

In sum, at the time of the post-commutation revocation in Logan County Case # CF-2015-175, the sentence was already expired. Neither Logan County District Court, OCCA nor DOC had the power to revoke its commuted terms and reimprison Petitioner.

Wherefore, Petitioner prays for a declaration that Respondent's are without jurisdiction to revoke the above-described commuted sentence, prohibit them from giving effect to such

revocation and a declaration that Certificates of Commutation are to be construed strictly against the State and liberally in favor of the accused.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Samuel P. Cair

Date: 10/16/25