No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Bina Islam

vs.

Patrick Bodnar

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

1. To the Honourable Justice Gorsuch of the 10th Circuit of the Supreme Court of the United States. I Petitioner Bina Islam respectfully requests a 60-day extension of time, until 28 Feb, 2026, to file a petition for a Writ of Certiorari. Pursuant to Supreme Court Rule 13.5 provides for up to a 60-day extension for filing a Petition for Writ of Certiorari.
2. I had my factual win after four days trial on the 15th June, 2023. This was reversed by COA of the 28 Feb, 2025 and the Supreme Court of Oklahoma denied a Cert 121505 on the 29 September, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1).
3. Absent an extension, a petition for a writ of certiorari would be due on 29 Dec, 2025. U.S.S.Ct.R. 13.1. This application is being filed more than 10 days in advance of that date, and no prior application has been made in this case. The requested extension is necessary because the issues to be presented are complex and significant and due to competing obligations, and I have no legal presentation.
4. The Supreme Court looks for cases "involving unsettled questions of federal constitutional or statutory law of general interest." (1) cases raising a federal question to which different courts (usually federal circuit courts) have given conflicting answers on an important federal question, (2) cases clearly raising an important federal question, and (3) cases which an appellate court decided in conflict with governing Supreme Court precedent. (SCR 10.) Which has happened in my case.

RECEIVED
DEC 22 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

5. Court of Appeal reversed my four days factual win hearing decision, with facts evidence provided in abundance joint property, bank account, etc, Robert Bodnar's in his own handwriting, writing my name as Bina Bodnar his emergency contact. Incorrect information used in reversing the decision, including the testimony of Bill C linked to Robert's death, forged Will testimony attached and other documents, wrong interpretation of my faith and twisting the testimony of Imam. Without giving me any opportunity of retrial evidentiary hearing. Opinion diverted to probate and spousal case but the real aspect is my beloved husband passed away in a tragic manner while getting instructions on a call and national security matter. I was the witness. I have no legal representation and I am being chased threat of life. I request for legal help, and security.
6. The failure to acknowledge evidence and its impact on the prejudice analysis conflicts with the United States Supreme Court's decisions. I have highlighted these and many other points to the court, along booklets of proofs but these not addressed in decisions.
7. **Federal Law and National Security Issues** Here, the case is covering up tragic death security matter by diverting it to marriage/probate case. For benefits, these civil citizens counsels and parties, interference of hidden powerful hands concealing the matter. Counsels and Parties are not letting me highlight the main issue involved National security, technology and my husband tragic death. Federal law, Chapter 73 of Title 18 of the U.S. Code, defines various specific crimes that constitute obstruction of justice, including: * Witness tampering and retaliation * Jury tampering * Destruction of evidence * A broad provision, the Omnibus Clause, also criminalizes anyone who "corruptly... endeavors to influence, obstruct, or impede, the due administration of justice" in connection with a pending court proceeding.
8. Validity and Decisions of The Case. How is the entire case and outcomes being valid? When the case is executing on of the fraud intentions, concealing national security interest matter, embezzlement, looting, forged and fabricated testimonies, forged and fabricated documents. Jeopardizing tragic death proofs. Legal counsel's links and conflict of intertest. In Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944), the Supreme Court set aside a judgment after more than one year because it found a party and its attorneys engaged in "a deliberately planned and carefully executed scheme.

9. Right after Robert's tragic death his estranged relatives came to Oklahoma within hours and joined hands with people linked to his death, national security. They jeopardized his death proofs when his blood was not even cleaned, and I was in the hospital in the state of shock, and traumatised with the tragedy. Ongoing trespassing my home, accessed my safe lockers, looted my own ancestral jewellery, cash, valuables, deeds, property, business and documents worth more than the estate. Messed mortgage, looted 90 plus guns, lying on police report proven, then entire police report missing, parties and their attorneys in depositions, emails, police report confessed. Counsels and especially Patrick Bodnar, Mary and Anne Poling a practicing attorney perjured, and hiding man and others liked to my husband death in Ecuador, USA and using them in this case as witness. So, Robert's issues with them and his messages to me before his tragic death were a lie? Attached.
10. My brother-in-law Col Tom and I contacted police about parties and counsels' access to my home. And about data compromised. *Data Privacy Act (HB 1030), §74-3113.1.* Till date my attempts to attack to my data, proofs available.
11. **Repeated Insurance Fraud** life insurance, guns, my own valuables documents looted, then they claim theft from their own custody and claim insurance. They confessed accessing to safe and lockers in evidence repeatedly provided in courts.
12. **Marriage** Honourable Supreme Court on 14 judgements in several decisions, recognized the right to marry as a fundamental right protected by the Due Process Clause. 15 June, 2023, after four days trial, honourable judge of trial court gave a Factual win decision to my spousal case of common law wife. I provided proofs, my wedding photos videos, marriage certificate, testimonies, husband Robert's messages referring me wife, Robert Bodnar own hand writing giving me his surname Bina Bodnar and his emergency contact, several USA based people related to my husband over 10 testimonies, including my husband's blood brother Col Tom whom the USA military trust, Robert's business attorney, neighbours, and priest; most importantly, my husband's own texts, dowry letter, confirming I am a wife. Joint plots, joint bank accounts, some Proofs attached. Decision overturned with just a few testimonies, clearly on religion, Anne Poling who said ''she has no proof of her hearsay''; my mother-in-law in my wedding photos attached and confirming my wedding and Bill C linked to my husband's death and national security.

13. *Loving v. Virginia,* which struck down state laws banning interracial marriage. which legalized interracial marriage, paved the way for the legal arguments and principles used to legalise same-sex marriage years later. *Loving v. Virginia* established the right to marry as a fundamental civil right protected by the constitution, not to be infringed by state-mandated racial discrimination. This precedent was later built upon in cases like *Obergefell v. Hodges,* which used due process and equal protection arguments to recognise same-sex marriage nationwide. *In re Love's Estate,* 1914 OK 332, ¶ 0, 142 P.305, 305 (*Syllabus* by the Court No. 3). Supreme court decision on Common Law wedding, does not require the state license. Oklahoma *In Re Love's Estate 1914 Ok 332 142 P. 305 42 Okla. 478 e Court* Marriage should not be destroyed on presumption'. Ashley Erlandson, Petitioner, V. The Honorable Wallace Coppedge, Respondent, And Dennis Ray Wagoner, (2019). *The Oklahoma Supreme Court that common law marriage is still alive in Oklahoma. The legislative amendments to 43 O.S., § 5 in 1999 did not abolish common law marriage.* Legislature to abolish common law marriage, it must be explicit. Tax Commission continues to represent common law marriage as legal, and Department of Corrections continues to it. No reference to the ban appears in the relevant *statutes; 2010 bill* that attempted to abolish common law marriage passed the state Senate, but died in a House committee. *Odatalla v. Odatalla,* 355 N.J. Super. 305; 810 A.2d 93 (Ch. Div. 2002) a Jones v. Wolf,443 U.S. 595, 99 S.Ct. 3020, 61 L.Ed.2d 775(1979). Wedding time dowry letter, and my own valuables looted.
14. **Seventh Amendment Venire Facias De Novo** Re-examination of facts states: Clause *forbids any court* from re- examining or overturning any *factual* determinations made by a jury guaranteeing that facts decided by that jury cannot be re-examined at a later date. In *The Justices v. Murray, 76 U.S. 9 Wall. 274 (1869),* the Supreme Court quoted: "Mr. Justice Story, ''it was 'a prohibition to the courts of the United States to re-examine any facts tried by a jury.. 'the only modes known to the common law to re-examine such facts was the granting of a new trial by the court where the issue was tried, or the award of a **venire facias de novo**, by the appellate court.' *The Oklahoma Court* is firmly committed to the rule that where a jury is waived and the cause is tried to the court, the findings of the trial court are entitled to the same weight and consideration that would be given to the verdict of a jury, and a judgment based on conflicting evidence which reasonably tends to support the judgment will not be disturbed on appeal. *Sunshine Oil Co. v. Chantry, 186 Okla. 49, 96 P.2d 20. On appeal,* n Lowe v. Hickory, 176 Okla. 426, 55 P.2d 769, court said: " the wisdom of the rule which recognizes the fact that the trial court judge, who sees the witnesses, observes evaluate their demeanor, hears their testimony and gauge the credibility of evidence, is in better position to judge as to the true facts than the appellate

court, making its review by an examination of the record. *Goodwin v. Shi, 171 Okla. 8, 41 P.2d 816.*

15. **Burial** My white convert Muslim husband has not buried for over three and a half years, and set for cremation against his faith and wishes. I am Robert's emergency contact in his own hand writing. Robert had his wishes and faith documents supplied to the courts, which are not taken into consideration. Constitutional issues, Right to Dignity, RLUIPA the protection of religious freedom–14th Amendment equal protection. *First Amendment* protects many of the civil rights associated with life, freedom of religion, and freedom of speech the press. A man is free to be buried as per his faith and wishes. The Establishment Clause and the Free Exercise Clause. *Wisconsin v. Yoder.*
16. **Forged and Fabricated Documents and Destruction of Documents** Repeatedly counsels and parties produced forged and destroyed documents, confessed, proofs available, *Brady v. United States*, 877 F. Supp. 444 (C.D. Ill. 1994) (dismissal where plaintiff fabricated and destroyed evidence); *Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1117 (1st Cir. 1989) (dismissal affirmed where plaintiff attached forged document to his complaint and relied upon the document as the "centerpiece" of the litigation); *Pope v. Fed. Express Corp.*, 974 F.2d 982, 986 (dismissal affirmed where forged document was attached to complaint and was the "linchpin of plaintiffs case").
17. On the 16 March, 2022 *Patrick filed Robert died intestate and no will.* No bond for PR Anne till date, Oklahoma statues for lost, stolen, soiled Will. No one including Robert, Robert's business attorneys, divorce attorney, knew about it. After 30 days unregistered Will came from Chuc linked to Robert's death, Robert last message he hate Chuck". So was Robert a lair? Will doesn't have Edmond home address, investments, Will have three years, 2018, 2019, 2020, prior to Bina's wedding in 2021. Will witnesses be available on same date each year? These witnesses have disputes with Robert. Fonts, Robert's signature, drafted in Texas, notarized Oklahoma, missing page until today, Will unpaginated addendum life insurance for Robert's divorce wife, Life insurance company refused to acknowledge the Will as well. Will/Any tool 36 OK Stat § 365 (2023). OK Stat § 364 (2023). Different fonts, till date page missing, perjury by counsels and PR that PR 2 is a typo error but PR 2 exist and from business. Attached testimony on forged Will.

18. I am alive, a **forged document produced** with my name and I clarified in trial it not my hand writing, Proofs, After Math company confirmed they never visited my home on that day. I was in London Police confirmed, yet used in decisions. *Hutchinson v. Hensley Flying Serv., Inc.*, 210 F.3d 383, (9th Cir.2000) ("Using a falsified document in evidence is sufficient grounds for a dismissal sanction under Rule 11"). Instead, decisions against me.
19. **Forged Testimony, Witness Bias, Credibility** Counsels have a constitutional obligation to correct false testimony. Counsels, witness and parties perjured, in trial depositions, proofs on records. For benefits, used witness link to Robert's death. *Glossip v. Oklahoma* forged witness, Richard Glossip, that the prosecution may have withheld information about a key witness, Justin Sneed. Brady v. Maryland, holding that a prosecutor's suppression of favorable material evidence violates the Constitution's Due Process Clause. Mooney v. Holohan, 294 U.S. 103, 112 (1935). In Napue v. Illinois, 360 U.S. 264 (1959), Court further ruled that there is also a denial of due process when the State, though not soliciting false evidence, allows it to go uncorrected when it appears. Cases involving false or misleading testimony, a new trial is required Napue, 360 U.S. at 271.
20. **Repeatedly Subpoenas Blocked** Parties and their counsels on record removed proofs related to Robert's tragic death, destroyed documents, evidence provided. *United States v. Nixon* (1974): Even the President is subject to the judicial process and not immune from a subpoena for evidence (tapes and documents). *Kyles v. Whitley*, 514 U.S. 419 (1995); *see* also Strickler v. Greene , 527 U.S. 263, 275 n. 12 (1999).
21. **This is a unique case, where in Robert's tragic death or spousal case referring me his wife, Robert's own text, or handwriting, last messages have not been given any weight. Attached,** Robert text to Bina before his tragic death ''said, *Hell with my family, Hate Chuck and other name* .... I messaged to Robert's family before Robert's tragic death *''If My Husband Die I Will Not Spare Anyone"* and more. Message clearly establish Bina Robert Husband Wife, Cohabitation, Business Issue. Much later Will came from Chuck reference and Bill linked to Robert's death. I am witness, so they want me out of picture.
22. I highlighted to the courts at the time of Robert's death matter. Who was at Robert Bina home at the time of tragedy? What was going on with Chuck USA and Bill C in Ecuador labs, other locations and link to Robert's death. Secret matters, National interest, who gave instructions to Robert to die tragically, no gunshot noise, Robert on call with Bill C, and

my case win is overturned based on Bill C testimony linked to Robert's death. I am the witness, no witness protection. Court took no action and no mention in decision.

23. **Suppression Of Witnesses** Robert and I were chased to be harmed. Knife, electrocuted, followed, continued with me after Robert's death, I have informed the matter to the authorities, courts, agencies and police but invisible hands trying to close it.
24. **No investigation and Forensic** Despite of my requests no forensic were done on documents, testimonies, witness creditability and facts. *Sixth Amendment*: Right to Trial by Impartial Jury, *Fifth Amendment:* Rights of Persons - US constitution allows inexorably commands that no one's rights are to be adversely affected by judicial process and fair opportunity to be heard stating that no man shall be subject to the arbitrary deprivation of "life, liberty, or property" without due process of law; without just compensation, *or deny to the equal protection of the laws. Patel V. Omh Medical Centre Inc. The United States Supreme Court In Hazel-Atlas Glass Co. v. Hartford-Empire Co., 322 U.S. 238 (1944)* while parties have the right to file a motion requesting the court to set aside a judgment procured by fraud, the court may also proceed on its own motion, A fraud on court. *FALLINI Case* "[T]he law favors discovery and correction of corruption of the judicial process even more than it requires an end to lawsuits." FED. R. CIV. P. 60(d)(3) provides that "[t]his rule does not limit a court's power to set aside judgment for fraud on the court right." The parties are to be adjudicated in such an investigation, the usual safeguards of adversary proceedings must be observed.
25. I made Oklahoma home, set up industry provided jobs, they took everything. I feel the same pain like any widow in the USA. Prays any foreign women and widow feel secure in the USA. I have been continuously, discrimination and racially profiled in the trial and misinterpretation of religion and origin.
26. The counsels and parties have not only joined hands with people linked to Robert's death but also with national interest, misrepresentations and deceit. These counsels are allowed to present the case, and parties have access to all the information and they are only in touch with people linked to Robert's death. Government intervention, investigation and subpoenas will disclose the truth. Chambers v. NASCO, 501 U.S. 32 (1991) ***Sanctions against a litigant and his attorney*** for bad- faith litigation conduct. *Federal Rule 11 analogues can be used to levy sanctions against both a party and an attorney.*

Good Cause Reasons

I humbly request for 60 days extension. Writ of Certiorari between today and 29 Dec, 2025, during this time there are holidays, printers are busy until New Year. Then they require time in advance for processing the Writs of Cert.

I have no legal presentation, to prepare the filings on several other matters linked to the case. I repeatedly highlighted the matters to the courts and requested for the counsels and my security and protection, Gideon Law.

I have witnessed a tragedy, I have been made homeless, my valuables are looted, I am chased and have threat of life. *For my safety may I request to hide my address/contact from records and filings.*

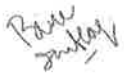
I am ill, and all this takes me to dark place, and require time to file it.

I have no USA postal address, from the UK mail/post takes 6-7 working days which is almost 9-10, so sometimes. I take favours if anyone can post from USA, and sometimes no one help. Therefore, I have requested e filing as a pro se and receiving orders electronically to maintain timelines. Neither OSCN opens from abroad due to cyber security, so I had no orders.

The requested extension is necessary because the issues to be presented are complex and significant and due to competing obligations. I have no attorney and I am unwell.

In the interest of justice, I humbly request for a 60 days extension, to bring the matter of national security and Robert's tragic death, no forensics, forged testimonies and forged witness, and the questions of precedents link to this case, absent from opinions and decisions.

Wherefore, I pray and humbly request that an order to be entered extending the time to file a Petition for a Writ of Certiorari to 28 February, 2026.



Dated: 17 Dec, 2025

Respectfully Submitted
Bina Islam

34 Sussex Square,
London W2 2SP
Contact - 405 757 1554
Prose Litigant

FILED
SUPREME COURT
STATE OF OKLAHOMA

SEP 29 2025

SELDEN JONES
CLERK

1062688574

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

MONDAY, SEPTEMBER 29, 2025

THE CLERK IS DIRECTED TO ENTER THE FOLLOWING ORDERS OF THE COURT:

121,505 In the Matter of the Estate of Robert Bodnar, deceased; Patrick R. Bodnar v. Bina Islam
Petition for certiorari is denied.
CONCUR: Rowe, C.J., Kuehn, V.C.J., Winchester, Edmondson, Combs, Darby, Kane and Jett, JJ.
DISSENT: Gurich, J.

121,883 W.C.I, Inc. v. Built on the Rock Church, Richard Blankenship, Jeffrey Blankenship and Patricia Lucille Coats
Petition for certiorari is denied.
ALL JUSTICES CONCUR.

122,058 Rachel Joy Smith v. Tanner Jordan Smith
Petition for certiorari is denied.
CONCUR: Kuehn, V.C.J., Winchester, Edmondson, Combs, Darby and Jett, JJ.
DISSENT: Rowe, C.J., Gurich and Kane, JJ.
Gurich, J., dissenting
"I would grant certiorari, vacate the two COCA orders and remand to COCA to decide this case on the merits."

CHIEF JUSTICE

Rec'd (date) 9-29-25
Posted JM
Mailed JM
Distrub JM
Publish ____ yes X no

CERTIFICATE OF MAILING

This shall certify that on 18 Dec, 2025, the above and foregoing document was sent electronically to the following:

Stephen Pitcock
Matthew Gile
Hall, Estill, Hardwick, Gable, Golden, & Nelson
100 N. Broadway, Suite 2900
Oklahoma City, Oklahoma 73102
Attorneys for Patrick Bodnar

Jeffrey I. Crain
Leanne Farha
Crain & Associates, P.L.L.C.
6307 Waterford Blvd., Suite 260
Oklahoma City, OK 73118
Attorneys for Personal Representative, Anne Poling

Bina Islam
405 757 1554
34 Sussex Square
London
W2 2SP

106120822O

ORIGINAL

NOT FOR OFFICIAL PUBLICATION
See Okla.Sup.Ct.R. 1.200 before citing.

IN THE COURT OF CIVIL APPEALS OF THE STATE OF OKLAHOMA

DIVISION IV

FILED
COURT OF CIVIL APPEALS
STATE OF OKLAHOMA

FEB 28 2025

JOHN D. HADDEN
CLERK

IN THE MATTER OF THE ESTATE OF ROBERT BODNAR, Deceased:

PATRICK R. BODNAR,

Appellant,

vs.

BINA ISLAM,

Appellee.

Rec'd (date) 2.28.25
Posted
Mailed
Distrib
Publish ___ yes X no

Case No. 121,505

APPEAL FROM THE DISTRICT COURT OF
OKLAHOMA COUNTY, OKLAHOMA

HONORABLE THOMAS RIESEN, SPECIAL JUDGE

REVERSED

Matthew R. Gile
Alyssa M. Gillette
HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.
Oklahoma City, Oklahoma — For Appellant

Anthony S. Moore
Lisa M. Molsbee
Justin E. Tharp
CHRISTENSEN LAW GROUP, PLLC
Oklahoma City, Oklahoma — For Appellee

OPINION BY GREGORY C. BLACKWELL, JUDGE:

Patrick Bodnar, son of the deceased, Robert Bodnar, appeals the court's decision that Robert and appellee, Bina Islam, were parties to a common-law

marriage. Upon review, we find that Bina did not produce clear and convincing evidence of a common-law marriage to Robert and thereby reverse.

BACKGROUND

Robert and Bina met in February 2015 while both were attending a graduate program at the University of Oxford in England. Shortly thereafter, the pair began dating. Bina and Robert graduated from Oxford in 2016. At some point in 2017, Robert purportedly told Bina that they were engaged. However, Robert and his ex-wife Mary, were not divorced until December 31, 2018.

From 2017 to 2021, the couple continued their relationship, at times dating long distance. In July 2021, Bina traveled to meet Robert in Oklahoma and then he and Bina traveled together to Annapolis, Maryland, where Robert's parents were living. Robert's brother, Tom Bodnar, and sister, Anne Poling, were also in Annapolis at this time.

Bina and Robert traveled to Annapolis, in part, to have an Islamic wedding ceremony, also called a nikah. At the nikah, they were issued an Islamic marriage certificate by an imam. Despite completing the nikah, Bina and Robert never obtained a marriage license or certificate issued by any governmental entity. Indeed, according to some evidence below, Robert and Bina selected this specific imam because he was willing to perform the ceremony without a resulting, legally recognized marriage.

After the nikah, Bina and Robert returned to Robert's home in Oklahoma until Bina had to return to the United Kingdom or Pakistan on August 13, 2021, due to visa issues. Bina planned to return to Oklahoma in three or four weeks,

but because of Covid-19 restrictions, she was unable to return until December 3, 2021.

On March 10, 2022, Robert took his own life in Bina's presence. On March 16, 2022, Patrick, Robert and Mary's son, filed a petition for letters of administration seeking to be appointed as administrator and asserting that Robert did not have a spouse or a will.[1] Bina filed a response on March 23, 2022, alleging that she should be legally determined to be the spouse of Robert and filed her own petition for letters of administration. Shortly thereafter, a will, executed on March 8, 2019, was located. The will appointed Anne, Robert's sister, as personal representative.[2] Anne filed her petition for probate, appointment of personal representative, determination of heirs, and issuance of letters on April 18, 2022. Bina again filed an objection; however, the court appointed Anne as the personal representative of Robert's estate and admitted the will to probate. After months of motion practice, the court entered a scheduling order on August 23, 2022, setting a trial date to determine the marital status between Bina and Robert at the time of Robert's death.

A four-day bench trial was held beginning on January 26, 2023, and ending June 15, 2023. Several witnesses testified, including Bina, Patrick, and Anne. The court ultimately found that Bina and Robert were parties to a

[1] Based on the testimony below, it does not appear Patrick was aware of Robert and Bina's romantic relationship, and he was not invited to the nikah.

[2] The will does not reference Bina in any capacity.

common-law marriage and that Bina was therefore Robert's surviving spouse. Patrick appeals.[3]

STANDARD OF REVIEW

"On appellate review, a trial court's determination of the existence of a common law marriage will not be disturbed if it is not clearly against the weight of evidence." *Standefer v. Standefer*, 2001 OK 37, ¶ 11, 26 P.3d 104, 107 (quoting *Mueggenborg v. Walling*, 1992 OK 121, ¶ 5, 836 P.2d 112).

ANALYSIS

Patrick contends that the trial court's decision to find that Bina and Robert were in a common-law marriage was clearly against the weight of the evidence. Oklahoma courts have long held that, "a common law marriage is formed when 'the minds of the parties meet in consent at the same time.'" *Standefer*, 2001 OK 37, at ¶ 11 (quoting *Reaves v. Reaves*, 1905 OK 32, 82 P. 490). Traditionally, a common-law marriage exists in Oklahoma when there is "(1) an actual and mutual agreement between the spouses to be husband and wife; (2) a permanent relationship; (3) an exclusive relationship; (4) proved by cohabitation as man and wife; and (5) the parties to the marriage must hold themselves out publicly as husband and wife." *Matter of Estate of Whitehouse*, 2020 OK CIV APP 59, ¶ 17, 479 P.3d 230, 234 (citing *Matter of the Estate of Stinchcomb*, 1983 OK 120, ¶ 10, 647 P.2d 26). However, *Standefer* clarified that "elements" two through five are mere *evidence* of the required mutual agreement or consent to enter into the

[3] The personal representative is not a party to this appeal.

marital relationship, and not required categories of proof. *Standefer*, 2001 OK 37, ¶ 11 (emphasis supplied). The party seeking to establish a common-law spousal relationship has the burden to demonstrate the existence of the marriage by clear and convincing evidence. *Id.*

Our Supreme Court has described the clear-and-convincing standard "as the measure of degree of proof which will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegation sought to be established." *Sides v. John Cordes, Inc.*, 1999 OK 36, 981 P.2d 301, 306, n.15. Further, the Court has cited Oklahoma Civil Jury Instruction 3.2, which provides that the trier of fact "must be persuaded that the proposition on which the party has the burden of proof is ***highly probable and free from serious doubt.***" *Id.* (citing OUJI-Civil 3.2.) (emphasis added); *see also In re N.L.*, 2015 OK CIV APP 24, ¶ 11, 347 P.3d 301, 303. Upon review, we find that Bina failed to prove the existence of a common-law marriage by clear and convincing evidence. While we have no doubt that Bina and Robert intended to enter an ecclesiastical marriage, we find serious doubt in this record that the parties reached an agreement to enter into a relationship governed by our civil law.

On appeal, Patrick argues that Bina did not present any evidence that she and Robert agreed to enter a civil contract for matrimony. In support of his argument, Patrick cites Oklahoma Supreme Court case *Williams v. Williams*, 1975 OK 163, 543 P.2d 1401. The *Williams* Court noted that a matrimonial ceremony may have two resulting aspects: "(1) a civil contract between the parties granted by law and (2) [a]n ecclesiastical obligation imposed by God as

interpreted by the beliefs and conscience of the parties." *Id.* ¶ 3. Therefore, according to Patrick, *Williams* stands for the proposition that the civil contract of marriage is separate and apart from religious or ecclesiastical marriage and that the state could only have an interest in governing the civil aspect of marriage. *Williams* also recognizes the possibility, as is the case here, that the parties might intend to be bound in matrimony pursuant to religious covenants without entering into a legally binding civil contract.

Title 43 O.S. § 1 defines marriage as a "personal relation arising out of a civil contract to which the consent of the parties legally contracting and of entering into it is necessary." While perhaps most couples who subscribe to a particular religion intend to have their union recognized by both God and the state, there was a dearth of evidence below that Robert, who of course can no longer speak for himself, wished to have his relationship with Bina to be governed by the state of Oklahoma. Indeed, there was convincing evidence presented to the contrary.

Most notably, Anne testified regarding a text thread between herself, Tom, and Tom's wife that occurred on July 6, 2021, the day before the nikah. Tr. (June 14, 2023), 24-27, *Respondent's Exhibit 57.*[4] Tom, in response to Anne's inquiry as to why Bina and Robert decided to use a mosque in Washington, D.C., for their nikah ceremony as opposed to one much closer to their parents' house in Annapolis, Maryland, stated:

[4] The authenticity of this exhibit was not objected to by any party.

> It was the only imman (Muslim priest) they could find.... They want a blessing but no legal marriage
>
> Holy blessing so moms are happy with them living together but no legal marriage so they don't have to combine bank accounts, taxes, she doesn't have to immigrate to US.

Id. at 36 (verbatim). Anne responded that there were a few mosques that were closer to their parents' house. *Id.* Tom replied, "Yes, but they weren't willing to do a religious ceremony without a legal marriage." *Id.* Anne decided not to attend the nikah when she found out "it was just a blessing ...." *Id.* at 27. Anne further testified that Bina had explained that the reason for the ceremony was because "in Muslim culture for the woman to have intimate relations with a man they need to have a blessing." *Id.* at 28. Anne also asserted that she never heard her brother refer to Bina as his wife, *id.* at 29, and also testified that Robert told her that he never wanted to marry again. *Id.* at 12.

Bill Chikirivao, a close friend of Robert's, testified that Robert told him that he did not want to be married to Bina. Tr. (January 27, 2023), 107. Bill also testified that after his divorce, Robert stated that he would never get married again. *Id.* at 110. Bill also asserted that he overheard an argument between Bina and Robert during which Bina exclaimed "you won't even marry me!" and also that after another fight between the couple Robert indicated to Bill that he was glad they never married and he hoped Bina would return to London. *Id.* at 114-15. Lastly, he affirmatively testified that at the time of Robert's death, to his knowledge, their status was "boyfriend and girlfriend." *Id.* at 188.

Angela Bodnar, Patrick's mother, attended the nikah and also testified at trial. She testified that Robert told her, while at the mosque for their nikah ceremony, that he and Bina were not married. Specifically, he stated, "we are not married, this is paperwork they need to do the nikah, but if we had wanted to get married we would have gotten a license and got married." *Id.* at 142. Angela also testified about a conversation she had on her husband's phone with Anne, in which Angela stated that Bina and Robert were drawing up paperwork to have separate money and property. *Id.* at 148, *Personal Representative Exhibit 2.*

To be sure, there was evidence admitted at trial in support of Bina's claim of a common-law marriage.[5] However, the evidence discussed above casts serious doubt as to whether Robert ever intended to enter into a state-recognized

---

[5] Bina testified at length and insisted that she and Robert intended to be married. Salman Ahmed, Bina's neighbor in London who participated in the nikah via video call, testified that he believed the couple to be married. Bina's younger brother testified that he was aware of the couple's engagement as early as 2018, but that the wedding had to be postponed due to health problems of Bina, and then the Covid-19 pandemic. Bina testified that Robert put a down payment on land near Keystone lake—which the evidence suggested the parties intended to take title to as joint tenants—was a "haqmhr," which is akin to an Islamic dowery. A June 7, 2021, text from Robert to Bina was introduced in which Robert stated: "You come here. Your fiancé will take you jewelry shopping. We will prepare our home. Make sure we have a photographer and then we'll go to the ceremony and become husband and wife forever." Tr. (January 26, 2023), 87, *Respondent's Exhibit 3.* Bina then introduced their "Islamic marriage certificate" which was issued by the mosque after their nikah. The certificate reads "this agreement of marriage is in accordance with the word of Allah the holly Quran and the Sunnah of the Prophet Muhammad agreed on this date 9th of July 2021." *Id.* at 93, *Respondent's Exhibit 1* (verbatim) (capitalization modified). Bina discussed a letter she received from Robert's uncle, Ernest Taylor, which stated that he was "so glad" Robert and Bina were "marrying." *Id.* at 97, *Respondent's Exhibit 22.* Tom also testified via a deposition entered into evidence that, after the nikah, Robert held Bina out as his wife. Tr. (January 27, 2023), 75. Joby Hughes, Robert's lawyer and friend, also testified that Robert told him that he and Bina were married. *Id.* at 75. While we acknowledge this evidence, and more, offered by Bina, we do not find it—especially in light of the contemporaneous text messages discussed above explaining the purpose of choosing the specific mosque that was used for the nikah—to amount to clear and convincing evidence that Robert intended to enter into a marriage governed by the State of Oklahoma.

marriage with Bina. We find that, on balance, the evidence shows that Robert never intended to marry again after his divorce and that the couple went out of their way to participate in a ceremony with no legal ramifications.

This conclusion is underscored by testimony about how the couple intended to keep their money and property separate, which is confirmed by the lack of documentary evidence that would normally support a finding of common-law marriage. Oklahoma courts have held that often the most persuasive evidence of the existence of a common-law marriage is documentary evidence wherein the couple listed each other as "spouse" on legal documents. *See Matter of Phifer's Estate*, 1981 OK CIV APP 21, 629 P.2d 808, 809 n.9, (holding that there was no common-law marriage between parties where there was "ample documentary evidence that the deceased considered himself to be an unmarried man right up to the time of his death. These included income tax returns, mortgages, loan applications and deeds.")

In the present case, documentary evidence of the couple's married status is notably lacking. For example, Robert filed his taxes separately for the year 2020, and no evidence was presented at trial that he and Bina ever filed taxes jointly or that Robert acknowledged Bina as his spouse to any government entity. *Personal Representative's Exhibit 2. See also Oklahoma Dep't of Mental Health & Substance Abuse v. Pierce*, 2012 OK CIV APP 73, ¶ 19, 283 P.3d 894, 899 (citing the fact that the parties continued filing taxes separately even after signing an affidavit acknowledging their common-law marriage as evidence that there was no common-law marriage). Further, despite apparently wishing to be added to

the deed of the Edmond home, Bina never obtained joint ownership of their Edmond home and there was no evidence presented at trial that Bina and Robert jointly owned other property together.[6] While there was evidence presented at trial that Bina signed a receipt as Bina Bodnar and that she had a bill sent to their home addressed to Bina Bodnar; upon review, there is a general lack of documentary evidence that would support Bina's argument that she and Robert were in a common-law marriage.

There was clear and convincing evidence presented below that Bina and Robert intended to be in an ecclesiastical marriage. However, the evidence was equally clear that the parties specifically avoided entering into a marriage recognized by law. This was demonstrated by their decision to carefully select a mosque with an imam who was willing to officiate their ceremony without requiring legal formalities, by the many witnesses who testified about Robert's intent to never marry again, and by the lack of documentary evidence supporting Bina's claim. Upon review, we find that the trial court's finding that the parties were married under the law of the State of Oklahoma was against the clear weight of the evidence and thereby reverse.[7]

REVERSED.

---

[6] The purchase of the Keystone lake plots was never completed.

[7] Because we find in favor of Patrick on the issue of common-law marriage, we need not address his second proposition of error—that the court erred when it failed to determine that Bina either destroyed, hid, or failed to preserve evidence because Robert's laptop was missing—or his third proposition of error—that the trial court erred when it deprived him of an opportunity to reply to Bina's closing argument.

WISEMAN, P.J., and FISCHER, J., concur.

February 28, 2025

BINA FACTUAL WIN CASE ON 14 JUNE, 2023 - FOUR DAYS TRIAL FACTUAL WIN
Parties filed appeal out of time. And JR Corrected after a long time too.

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

OCT 31 2023

RICK WARREN
COURT CLERK
41

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF THE ESTATE OF	)	
ROBERT BODNAR,	)	Case No. PB-2022-380
Deceased.	)	

AMENDED JOURNAL ENTRY

A bench trial was held before the undersigned Judge of the District Court for the above-captioned matter beginning on January 26, 2023, through January 27, 2023, and continued on June 14, 2023, through June 15, 2023. The Respondent, Bina Islam ("Islam"), appeared in person and through counsel. The Personal Representative, Anne Poling, appeared in person and through counsel. The Petitioner, Patrick Bodnar, appeared in person and through counsel. All parties announced ready for trial. The court, after hearing evidence from all parties, finds in favor of the Respondent, Bina Islam, as follows:

1. Islam and the Decedent, Robert Bodnar ("Deceased"), were parties to a common law marriage.
2. Islam and Deceased were married on July 9, 2021.
3. Pursuant to the common law marriage between Islam and the Decedent, Islam is the Decedent's surviving widow.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

4. Respondent, Bina Islam, is the common law spouse and surviving widow of the decedent, Robert Bodnar, Deceased.

This Journal Entry of Judgement is prepared in accordance with 12 Okla. Stat. § 696.2 and in conformance with 12 Okla. Stat. § 696.3.

1

Signed this 31 day of OCTOBER 2023.

THOMAS C. RIESEN
JUDGE OF THE DISTRICT COURT

CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

OCT 31 2023

RICK WARREN COURT CLERK
Oklahoma County

PREPARED BY:

Anthony S. Moore (OBA #22429)
Justin E. Tharp (OBA #34298
CHRISTENSEN LAW GROUP, P.L.L.C.
The Parkway Building
3401 N.W. 63rd Street, Suite 600
Oklahoma City, Oklahoma 73116
Telephone: (405) 232-2020
Facsimile: (405) 228-1113
anthony@christensenlawgroup.com
justin@christensenlawgroup.com
Attorneys for Bina Islam

APPROVED AS TO FORM:

Matthew Gile (OBA #22860)
Hall, Estill, Hardwick, Gable
Golden & Nelson, P.C.
100 N. Broadway, Suite 2900
Oklahoma City, Oklahoma 73102
Telephone: (405) 553-2823
Facsimile: (405) 553-2855
mgile@hallestill.com
Attorneys for Patrick Bodnar

Jeffrey J. Crain (OBA #20046)
Leann Parha (OBA #33348)
Crain & Associates, PLLC
6307 Waterford Boulevard, Suite 260
Oklahoma City, Oklahoma 73118
Telephone: (405) 242-4107
jeff@jeffcrainlaw.com
leann@jeffcrainlaw.com
Attorneys for Anne Poling, Personal Representative