12888281

21-6549 ORIGINAL

O.C.C.A. MA-2021-497

COVER

IN THE SUPREME COURT OF THE UNITED STATES

WADE GREELY LAY,

PETITIONER,

V.

STATE OF OKLAHOMA

RESPONDENT

On Petition for Writ of Certiorari to the Supreme Court of the United States

CAPITAL CASE

WADE GREELY LAY #516263

OKLAHOMA STATE PENITENTIARY

P.O. BOX 97

MCALESTER, OKLA. 74502

DATE: 11/08/2021

PRO-SE

QUESTIONS PRESENTED

PETITIONER, WADE LAY, WHO NOW FACES AN EXECUTION DATE OF JANUARY 06, 2022 APPROACHES THIS COURT WITH SERIOUS QUESTIONS WITH REGARD TO FUNDAMENTAL RIGHTS THAT HAVE BEEN SYSTEMATICALLY WITHHELD FROM HIM BY BUREAUCRATIC ACTORS (STATE AND FEDERAL) UNDOUSED BY JUDGES IN BOTH STATE AND FEDERAL COURTS IN AN EFFORT TO CENSOR HIS CONSTITUTIONAL OPINIONS AND ALTER THE FACTS OF THE ORIGINAL CRIMINAL PROCEEDINGS. THE FOLLOWING QUESTIONS HAVE ARISEN OUT OF THIS CONFLICT.

1. SHOULD THE STATE COURT OF CRIMINAL APPEALS BE ALLOWED TO CONSPIRE WITH A STATE AGENCY TO FABRICATE A FALSE SET OF FACTS NOT CORROBORATIVE WITH THE TRIAL COURT RECORD, PROVIDING TO THE FEDERAL PUBLIC DEFENDER AN ALTERNATE RECORD TO CHANGE THE ORIGINAL CAUSE ON HABEAS APPEAL?

2. IN LIGHT OF ALEXANDER HAMILTON'S WARNINGS IN FEDERALIST NO. 84, PARS 8-10, SHOULD THIS COURT CONSIDER THE CIRCUMSTANCES OF THIS CASE UNDER THE ILLUMINATION OF THE ORIGINAL

2. DESIGN, LAID ALONGSIDE THE PRODUCT OF THE DOCTRINE OF SUBSTANTIVE DUE PROCESS, AS EXHIBITED BY THIS CASE: WHERE FEDERAL JUDGES HAVE EXERCISED THE POWERS OF A PRINCE OVER STATE AND FEDERAL ACTORS, HANDING DOWN PRIVILEGES BY PREROGATIVE, COMMANDING OBEDIENCE FROM THOSE SUBJECTS, WITH THE ORDER TO CENSOR THE CONSTITUTIONAL OPINIONS OF THE INDIVIDUAL — CHANGING THE FACTS OF THE ORIGINAL TRIAL COURT ON APPEAL?

3. SHOULD THE SYSTEM DESIGNED BY THE FRAMERS, RATIFIED BY THE PEOPLE THROUGH AN ARTICLE VII RATIFICATION, (ONE THAT AFFORDS INDEPENDENT CRIMINAL JURISDICTIONS IN EACH STATE FOR THE PURPOSE OF PROTECTION, BY MEANS OF AWARENESS, THROUGH A FREE EXPRESSION UNDER ARTICLE VI, CLAUSE 2, IN ORDER TO PRESENT A DEFENSE OF LIBERTY IN A CRIMINAL CAUSE, WHICH PRESENTS A JUSTIFICATION FOR RESISTANCE TO A POTENTIALLY OPPRESSIVE CENTRAL GOVERNMENT,) BE RESTORED; SEEING THAT THE EXECUTIVE OF THE UNITED STATES IS NOW IN POSSESSION OF THAT STANDING ARMY FEARED BY THE FOUNDING GENERATION, IN THE BODY OF THE PRESENT DAY JUSTICE DEPARTMENT?

4. SHOULD DECISIONS LIKE McGirt V. Oklahoma BE RECONSIDERED IN LIGHT OF THIS CASE, AND THE RESERVED POWERS ACT OF OKLAHOMA, BECAUSE, THE INDEPENDENT STATE OF THE STATES CRIMINAL JURISDICTION IS preexisting, PROTECTED BY THE TENTH AMENDMENT, NOT SUBJECT TO CHANGE BY ANY POWER OF CONGRESS, TO INCLUDE THE TREATY POWER?

LIST OF PARTIES

1) APPELLANT / PETITIONER WADE GREELY LAY

2) OKLAHOMA ATTORNEY GENERAL JHON O'CONNOR (RESPONDENT)

PARTIES OF INTEREST

3.) FEDERAL PUBLIC DEFENDER (OKC - SUSAN OTTO, DIRECTOR)

4) OKLAHOMA INDIGENT DEFENSE SYSTEM

5) RHONDA KEMP (SISTER TO WADE LAY)

6) OKLAHOMA DEPT. OF CORRECTIONS

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B. CONSTITUTIONAL PROVISIONS, AMENDMENTS:

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JURISDICTION:

THIS CERTIORARI PETITION IS FROM THE STATES HIGHEST COURT OF CRIMINAL APPEALS.

THE DATE IS SET FOR NOVEMBER 08, 2021, FROM A JUNE 09, 2021 JUDGMENT BY THE STATE COURT. IT FALLS UNDER THE COVID-19 EXTENSION OF TIME, i.e. THE 150 DAY EXTENSION.

28 USC § 2244(d)(1)(B) IS APPLICABLE BECAUSE AN IMPEDIMENT EXIST PREVENTING, UNDUE LY FROM FILING A HABEAS PETITION.

28 USC § 2254(b)(1)(B)(i) IS APPLICABLE BECAUSE THERE IS AN ABSENCE OF AVAILABLE STATE CORRECTIVE PROCESS.

28 USC § 2254(b)(1)(B)(ii) IS APPLICABLE BECAUSE CIRCUMSTANCES EXIST THAT HAVE RENDERED THE RIGHTS OF THE APPLICANT INEFFECTIVE.

12888128I

STATEMENT OF THE CASE

THE ESSENTIAL FACTOR IN THIS CASE IS THE STATE COURT OF CRIMINAL APPEALS VIOLATING STATE AND FEDERAL LAW ALLOWING THE OKLAHOMA INDIGENT DEFENSE SYSTEM (OIDS) TO FILE A POST-CONVICTION APPLICATION PRIOR TO THE ARGUMENTS BEING FILED BY THE OKLA. ATTORNEY GENERAL. THE O.C.C.A. PROVIDES AN ALTERNATE SET OF FACTS TO THE FEDERAL PUBLIC DEFENDER WHO FILES AN ILLICIT HABEAS PETITION WITH A FRAUDULENT McFarland MOTION.

NOW, THE O.S.D.C. W.D. OK. HAS ILLICITLY ENTRAPPED WADE LAY INTO A DECEITFUL SET OF CIRCUMSTANCES WHERE F.P.D. SARAH JERNIGAN GIVES WADE LAY ILL ADVICE NOT TO PROVIDE AN ALTERNATIVE METHOD OF EXECUTION IN Glossip V. Chandler, CIV-14-665-F, WHERE THE CONSPIRACY THE O.C.C.A. IS A PART OF HAS COME FULL CIRCLE, IN THE GOVERNMENTS ATTEMPT TO CENSOR WADE

STATEMENT OF THE CASE:

LAY'S CONSTITUTIONAL OBJECTIONS, AND ILLICITLY DESTROY HIS LIFE!

CERTIORARI PETITION SHOULD BE GRANTED TO ASCERTAIN THE TRUTH SURROUNDING THE LARGE CONSPIRACY THAT IS DETRIMENTAL TO THE ENTIRE NATION. MOREOVER, IT IS OBVIOUS THAT THE O.C.C.A. HAS EXERCISED EXTREME PREJUDICE BY REFUSING TO APPLY THE REMEDY DECIDED IN WADE-LAY'S CASE, TO WADE-LAY. THAT IS, THE RIGHT TO STAND BY COUNSEL IN A CAPITAL CASE. ADDITIONALLY, A STAY OF EXECUTION IS NECESSARY TO PROVIDE REMEDY FOR THIS MISCARRIAGE OF JUSTICE.

1, THIS SUPREME COURT OF THE UNITED STATES ON THE SUBJECT OF CRUEL AND UNUSUAL PUNISHMENTS INFLICTED SEEMS TO HAVE FORGOTTEN THE ESSENTIAL IMPORT OF THE EIGHTH AMENDMENT WITHIN THE BILL OF RIGHTS. IN *Bucklew V. Precythe*, 139 S. Ct. 1112 (2019), THE COURT CITES WILLIAM BLACKSTONE AND PATRICK HENRY, BUT IN CALLING UPON THE HISTORICAL FIGURES, THE SUBSTANCE OF THEIR LIVES AND THEIR SACRIFICE IS OVERLOOKED.

2, ON JUNE 8, 1789, AND AGAIN IN AUGUST OF 1789 THE 1ST CONGRESS DEBATES THE PROPOSITION OF AMENDMENTS, AND THE AFFECT THE AMENDATORY BILL WOULD HAVE ON THE ANALOG BODY. THAT IS, COULD THE IMPROVEMENT OR ALTERATION SO FUNDAMENTALLY OVERTHROW ENTIRELY THE THING ORIGINALLY PROPOSED. FOR INSTANCE, WILLIAM SMITH REPRESENTATIVE FROM MARYLAND EXPRESSED HIS CONCERN THAT AMENDMENTS COULD BE MADE AND BE "BROUGHT FORWARD AS A

F.R.E.

1) SEE "ABRIDGEMENT OF THE DEBATES OF CONGRESS" VOL. 1 PG. 511, FIRST GALES AND SEATONS ANNALS OF CONGRESS, by THOMAS HART BENTON.

COMPLETE SYSTEM," RENDERING THE ORIGINAL DESIGN INOPERATIVE.[2]

3. JAMES MADISON (VIRGINIA) OFFERS A SOLUTION SAYING:

4. " FORM, SIR, IS ALWAYS OF LESS IMPORTANCE THAN THE SUBSTANCE; BUT ON THIS OCCASION, I ADMIT THAT FORM IS OF SOME CONSEQUENCE.... NOW IT APPEARS TO ME, THAT THERE IS A NEATNESS AND PROPRIETY IN INCORPORATING THE AMENDMENTS INTO THE CONSTITUTION ITSELF; IN THAT CASE THE SYSTEM WILL REMAIN UNIFORM AND ENTIRE; IT WILL CERTAINLY BE MORE SIMPLE, WHEN THE AMENDMENTS ARE INTERWOVEN INTO THOSE PARTS TO WHICH THEY NATURALLY BELONG, THAN IT WILL IF THEY CONSIST OF SEPERATE AND DISTINCT PARTS. "[3] (EMPHASIS ADDED).

5. THIS FEAR EXPRESSED BY SO MANY SIGNIFIES A CONSENSUS, THAT THE AMENDMENT PROCESS INCLUDES STATE LEADERS TO SUCH A RADIX AND EXTENT TO BE A RELATIVE POSITION COMMENSURATE TO THEIR CONSTITUTIONAL PLACE AND INTEREST. JOHN VINING (DELAWARE) PROJECTING THE CONCERN THAT FUTURE RULERS THROUGH MEANS OF AMENDMENT, REFLECTING UPON ABUSES OF THE COMMON LAW SAYS:

6. " THE SYSTEM WOULD BE DISTORTED, AND, LIKE A CARELESS WR-

F.N.#

2.) See Abridgement of the Debates of Congress, THURSDAY, AUGUST 13, 1789.

3.) ibid.

"ITTEN LETTER, HAVE MORE ATTACHED TO IT IN A POSTSCRIPT THAN WAS CONTAINED IN THE ORIGINAL COMPOSITION."

7. HOWEVER, MICHEAL JENIFER STONE (MARYLAND) PROVIDES AN ALTERNATIVE THAT SUCCEEDS. HE DECLARES:

8. "IF THE AMENDMENTS ARE INCORPORATED IN THE BODY OF THE WORK, IT WILL APPEAR, UNLESS WE REFER TO THE ARCHIVES OF CONGRESS, THAT GEORGE WASHINGTON, AND THE OTHER WORTHY CHARACTERS WHO COMPOSED THE CONVENTION, SIGNED AN INSTRUMENT WHICH THEY NEVER HAD IN CONTEMPLATION. THE ONE TO WHICH HE AFFIXED HIS SIGNATURE PURPORTS TO BE ADOPTED BY THE UNANIMOUS CONSENT OF THE DELEGATES FROM EVERY STATE THERE ASSEMBLED. NOW IF WE INCORPORATE THESE AMENDMENTS, WE MUST UNDOUBTEDLY GO FURTHER, AND SAY THAT THE CONSTITUTION SO FORMED WAS DEFECTIVE, AND HAD NEED OF ALTERATION; WE THEREFORE PURPOSE TO REPEAL THE OLD AND SUBSTITUTE A NEW ONE IN ITS PLACE...., THIS PERHAPS IS NOT THE LAST AMENDMENT THE CONSTITUTION MAY RECEIVE; WE OUGHT THEREFORE TO BE CAREFUL HOW WE SET A PRECEDENT WHICH, IN DANGEROUS AND TURBULENT TIMES, MAY UNHINGE THE WHOLE." (EMPHASIS ADDED)

9. THIS OF COURSE WE CAN SEE TRANSPIRED AS FEARED FOUR SCORE AND SEVEN YEARS LATER, THE 14TH AMENDMENT PROVIDED THE SUBSTITUTION.

NOW WE CAN SEE, THAT THE GOVERNMENT OF THE U.S. HAS CONSTRUCTED

FOR
*) THE 14TH AMENDMENT HAS HAD THIS EFFECT !

A JUDICIAL APPARATUS THAT IS SO DEVISED, WHEREBY, A PRO-SE PRISONER CAN BE DENIED A FAIR TRIAL, DEPRIVED OF AN APPEAL, AND ULTIMATELY DEPRIVED OF ACCESS TO THIS SUPREME COURT[4]. ALEXANDER HAMILTON IN FEDERALIST NO. 84 COMMENTS ON THIS CONDITION, SAYING:

13. "THE OBSERVATIONS OF THE JUDICIOUS BLACKSTONE,... ARE WELL WORTHY OF RECITAL: 'TO BEREAVE A MAN OF LIFE, [SAYS HE,] OR BY VIOLENCE TO CONFISCATE HIS ESTATE, WITHOUT ACCUSATION OR TRIAL, WOULD BE SO GROSS AND NOTORIOUS AN ACT OF DESPOTISM, AS MUST AT ONCE CONVEY THE ALARM OF TYRANNY THROUGHOUT THE WHOLE NATION; BUT CONFINEMENT OF THE PERSON, BY SECRETLY HURRYING HIM TO JAIL, WHERE HIS SUFFERINGS ARE UNKNOWN OR FORGOTTEN, IS A LESS PUBLIC, A LESS STRIKING, AND THEREFORE A *more dangerous engine* OF ARBITRARY GOVERNMENT.' AND AS A REMEDY FOR THIS FATAL EVIL HE IS EVERYWHERE PECULIARLY EMPHATICAL IN HIS ENCOMIUMS ON THE *habeas-corpus* ACT, WHICH IN ONE PLACE HE CALLS 'THE **BULWARK** OF THE BRITISH CONSTITUTION.'"

14. THE QUESTION THAT ARISES IS: WHY WOULD HAMILTON INSERT THIS RHETORICAL INFLUENCE CONCERNING ARTICLE 1, SECTION 9, CLAUSE 2, IN A DISCOURSE

F.O.E

4) THIS IS THE PRECISE SCENARIO EXPERIENCED BY WANDA LAY WHO NOW FACES EXECUTION, BUT HAS YET TO FILE A WRIT OF HABEAS CORPUS!

BOASTING OF "A BILL OF RIGHTS OF THE UNION", ONE THAT IS COMPREHENDED WITHIN THE MAIN BODY OF THE UNAMENDED CONSTITUTION. THAT IS A BILL OF RIGHTS THAT CONSIST OF MULTIPLE PROVISIONS THAT ARE "INDEPENDENT OF THOSE WHICH RELATE TO THE STRUCTURE OF THE GOVERNMENT"? IT IS APPROPRIATE FOR THE SUPREME COURT TO CONSIDER, BOTH THE WARNING PROFERRED BY HAMILTON ALLUDING TO SUCH DOCTRINES OF SUBSTANTIVE DUE PROCESS, AND INCORPORATION OF THE BILL OF RIGHTS, AND THE ALTERNATE SYSTEM THAT PREDATES THE FOURTEENTH AMENDMENT.

12. IN ORDER TO DO THIS IT IS CRITICAL TO EXAMINE TWO FACTORS. FIRST, THE PHRASE CONTAINED IN THE ELLIPSIS ABOVE (SUPRA AT 4, PAR. 10) WHERE HAMILTON REFERS TO THE LATTER REFERENCE, I.E., "THE PRACTICE OF ARBITRARY IMPRISONMENTS" EXERCISED BY EUROPEAN MONARCHS, OF WHICH THE CONSTITUTION PROVIDES A REMEDY; SECOND, HOW DOES THE CAVEAT PRESENTED IN FEDERALIST NO. 84 ENCOMPASSING THE PAST EXPERIENCES OF THE GOVERNMENT REBELLED

AGAINST, APPLY TO THIS PRESENT DAY SITUATION AS EXHIBITED BY THIS CASE; WHERE, THE "STRUCTURE OF THE GOVERNMENT," TO INCLUDE THE COMPOSITION OF THE JUDICIARY, HAS BEEN UTILIZED TO ADVANTAGE FROM, JUST SUCH A SYSTEM OF ARBITRARY GOVERNMENT AND IMPRISONMENTS.

13. TO REACH THIS CRITERION, OR LEVEL OF CRITICAL ANALYSIS TO JUSTIFY SUCH A JUDGMENT, A REVIEW OF THE ORIGINAL DESIGN IS ABSOLUTELY NECESSARY. THE FOUNDING GENERATION ESTABLISHED A PARTICULAR ORDER, WHERE THE CENTRAL POWER BEARS A VERY LIMITED CRIMINAL CODE; WITH THE SEVERAL STATES CARRYING THE WEIGHT OF A *preëxisting* RESERVED POWER OF AUTONOMOUS CRIMINAL JURISDICTIONS FOR A SPECIFIC PURPOSE. HAMILTON DISPLAYS THIS INTENT IN FEDERALIST NO. 84, PAR. 2&3, SAYING:

14. "THE CONSTITUTION OFFERED BY THE CONVENTION CONTAINS, ... IN THE BODY OF IT, VARIOUS PROVISIONS IN FAVOR OF PARTICULAR PRIVILEGES AND RIGHTS, WHICH, IN SUBSTANCE, AMOUNT TO THE SAME THING" AS A BILL OF RIGHTS.

15. WE SEE IN PARAGRAPH NO. 4, OF FEDERALIST 84, THAT HAMILTON LIST THE VARIOUS PROVISIONS IN ORDER AS THEY APPEAR IN THE TEXT, STARTING WITH; ARTICLE 1, SECTION 3, CLAUSE 7 - "JUDGMENT IN CASES OF IMPEACHMENT SHALL NOT BE EXTENDED FURTHER THAN TO REMOVAL OF OFFICE,..." THIS IS FOLLOWED IMMEDIATELY BY THE PROHIBITIVE WRIT, SECTION 9 OF THE SAME ARTICLE, CLAUSE 2 - "THE PRIVELEGE OF THE WRIT OF *habeas corpus* SHALL NOT BE SUSPENDED,..."

16. THIS IS THE SUBSTANCE OF THE "BILL OF RIGHTS OF THE UNION," THAT INDEPENDENT CONSTRUCT OF WHICH THE FIRST TEN AMENDMENTS ARE FASHIONED, TO MAGNIFY THE REMAINDER OF THOSE PROVISIONS IN PARAGRAPH 4, OF FEDERALIST NO. 84,[5] AS DERIVATIVE OF THIS PROTECTIVE SCHEME. THE FIRST OBJECTIVE UNDER THIS UNIQUE PRINCIPLE, [6] I.E., THOSE "NEW GUARDS FOR THEIR FUTURE SECURITY", IS A DESIGN

5) ARTICLE 1, SECTION 9, CLAUSES 3 & 7; ARTICLE III, SECTION 2, CLAUSE 3; ARTICLE III, SECTION 3, CLAUSES 1 & 2. ART. 1, SECT. 9, CL. 7, THE PROHIBITION AGAINST TITLE OF NOBILITY IS THE ONLY PROVISION HAVING NO RELATION TO CRIMINAL PROCESS. NOTE ART. 1, SECT. 9, CL. 7, IS NOW RECORDED AS ART. 1, SECT. 9, CL 8. / (6) DECLARATION OF INDEPENDENCE.

THAT WAS CRAFTED BY REVOLUTIONARIES. A PACT AGREED UPON BY LIBERATED REBELS WITHIN SOVEREIGN STATES WHOM SEIZED THE OPPORTUNITY TO ERECT A SYSTEM WITH A PLATFORM WHERE THE ABILITY TO PRESENT A DEFENCE OF LIBERTY IN A CRIMINAL CAUSE IS NOT CONTROLLED OR INFLUENCED BY THE GOVERNMENT BEING OPPOSED, BUT RATHER A RIGHT THAT IS PROTECTED BY LOCAL GOVERNMENTS.

17. THIS CONCEPT, WHERE THE CENTRAL AUTHORITY HAS NO CONTROL OVER THE PROCEEDINGS OF A SOVEREIGN STATE COURT IS A FUNDAMENTAL PART OF FEDERALISM. IT IS A *preëxisting* RESERVED POWER PROTECTED BY THE 10TH AMENDMENT FOR A SPECIFIC REASON TO BE A PARALLEL SUPPORT APPARATUS TO ARTICLE I, SECTION 3, CLAUSES 6 & 7, THE LIMITATION TO REMOVAL OF OFFICE ONLY ON TRIALS OF IMPEACHMENT. SO IN THE EVENT AN ENLIGHTENED REPRESENTATIVE OR CITIZEN BEING ACCUSED OF A CRIME IN RESISTANCE TO HIS TYRANNICAL OPPRESSIVE SET OF RULERS, HE MAY PLEAD TO A JURY OF HIS PEERS A DEFENSE OF LIBERTY THROUGH ART. VI, CLAUSE 2.

NB. THE FRAMERS AT THE FEDERAL CONVENTION OF 1787 REFERRED TO THIS AS THE *casus federis* CONDITION; THOMAS JEFFERSON WRITING FOR THE KENTUCKY STATE LEGISLATURE IN 1798, IN RESISTANCE TO THE ALIEN AND SEDITION ACTS CONFIRMS THE POTENTIAL CONDITION AS CAUSE FOR A *casus federis* DEFENSE IN A CRIMINAL CAUSE. THE *Marshall* COURT IN *Martin V. Hunter's Lessee*, 1 WHEATON (14 U.S.) 304 (1816), SUPPORTS THIS POSITION OF THE *casus federis* DEFENSE AS A FUNDAMENTAL PART OF THE FEDERALIST SYSTEM.

19. AT CONVENTION, ON JULY 18, 1787, THE FRAMERS SPOKE OF THE *casus federis* CONDITION IN THE CONTEXT AND FEAR OF A REBELLION ORCHESTRATED BY THE WELL CONNECTED, BY THOSE IN POSSESSION OF GREAT WEALTH, AN OVERTHROWING OF THE CONSTITUTIONAL COMPACT BETWEEN THE PEOPLE OF EACH SOVEREIGN STATE. THOMAS JEFFERSON IN HIS DISCOURSE KNOWN AS THE KENTUCKY RESOLUTIONS EXPLAINS

THE CONSTITUTIONAL APPARATUS UPON WHICH THE SYSTEM REST.

JEFFERSON DECLARES:

20. " 1. *Resolved*, THAT THE SEVERAL STATES COMPOSING THE UNITED STATES OF AMERICA, ARE NOT UNITED ON THE PRINCIPLE OF UNLIMITED SUBMISSION TO THEIR GENERAL GOVERNMENT; BUT THAT, BY A COMPACT UNDER THE STYLE AND TITLE OF A CONSTITUTION FOR THE UNITED STATES, AND OF AMENDMENTS THERETO, THEY CONSTITUTED A GENERAL GOVERNMENT FOR SPECIAL PURPOSES,— DELEGATED TO THAT GOVERNMENT CERTAIN DEFINITE POWERS, RESERVING, EACH STATE TO ITSELF, THE RESIDUARY MASS OF RIGHT TO THEIR OWN SELF-GOVERNMENT; AND THAT WHENSOEVER THE GENERAL GOVERNMENT ASSUMES UNDELEGATED POWERS, ITS ACTS ARE UNAUTHORITATIVE, VOID, AND OF NO FORCE; THAT TO THIS COMPACT EACH STATE ACCEDED AS A STATE, [(WHICH, UNDER ART. IV, SECT. 3, INCLUDES THE STATE OF OKLAHOMA - 1907),] AND IS AN INTEGRAL PARTY, ITS CO-STATES FORMING, AS TO ITSELF, THE OTHER PARTY: THAT THE GOVERNMENT CREATED BY THIS COMPACT WAS NOT MADE THE EXCLUSIVE OR FINAL JUDGE OF THE EXTENT OF THE POWERS DELEGATED TO ITSELF; SINCE THAT WOULD HAVE MADE ITS DISCRETION, AND NOT THE CONSTITUTION, THE MEASURE OF ITS POWERS; BUT THAT, AS IN ALL OTHER CASES OF COMPACT AMONG POWERS HAVING NO COMMON JUDGE, EACH PARTY HAS AN EQUAL RIGHT TO JUDGE FOR ITSELF, AS WELL OF INFRACTIONS AS OF THE MODE AND MEASURE OF REDRESS.

21. " 2. *Resolved*, THAT THE CONSTITUTION OF THE UNITED STATES, HAVING DELEGATED TO CONGRESS A POWER TO PUNISH TREASON, COUNTERFEITING THE SECURITIES AND CURRENT COIN OF THE UNI-

TED STATES, PIRACIES, AND FELONIES COMMITTED ON THE HIGH SEAS, AND OFFENCES AGAINST THE LAW OF NATIONS, **AND NO OTHER CRIMES WHATSOEVER**; AND IT BEING TRUE AS A GENERAL PRINCIPLE, AND ONE OF THE AMENDMENTS TO THE CONSTITUTION HAVING DECLARED, THAT 'THE POWERS NOT DELEGATED TO THE UNITED STATES BY THE CONSTITUTION, NOR PROHIBITED BY IT TO THE STATES, ARE RESERVED TO THE STATES RESPECTIVELY, OR TO THE PEOPLE,' THEREFORE THE ACT OF CONGRESS, PASSED ... (AND ALL OTHER ACTS WHICH ASSUME TO CREATE, DEFINE, OR PUNISH CRIMES, OTHER THAN THOSE SO ENUMERATED IN THE CONSTITUTION,) ARE ALTOGETHER VOID, AND OF NO FORCE; AND THE POWER TO CREATE, DEFINE, AND PUNISH SUCH OTHER CRIMES IS RESERVED, AND, OF RIGHT, APPERTAINS SOLELY AND EXCLUSIVELY TO THE RESPECTIVE STATES, EACH WITHIN ITS OWN TERRITORY." (EMPHASIS ADDED)

22. THE FRAMERS UNDERSTOOD THAT HOMELAND SECURITY AS IT IS PROMULGATED TODAY THROUGH MEANS OF FEDERAL LAW ENFORCEMENT, SUCH AS THE FEDERAL BUREAU OF INVESTIGATION (FBI); THE ALCHOL TOBACCO AND FIREARMS (ATF); THE DRUG ENFORCEMENT AGENCY (DEA) ... ETC.; IS, IN A CONSTITUTIONAL LIGHT, THE STANDING ARMY FEARED, WHICH GAVE RISE TO THE MILITIA CONSTRUCT OF ARTICLE I, SECTION 8,

CLAUSES 15 & 16, AND THE SECOND AMENDMENT. THE GOVERNMENT OF THE UNITED STATES, IN SUPPORT OF THIS COURT'S OPINIONS SINCE THE CIVIL WAR, HAS REMODELLED THE SYSTEM THAT HAS BEEN RATIFIED BY THE PEOPLE UNDER ARTICLE VII, WHICH CORRESPONDS WITH ARTICLE IV SECTIONS 3 & 4 AND TRANSCENDS JUDICIAL CONSTRUCTION.

23. THE "CLAIMS... OF ANY PARTICULAR STATE", AS STATED IN ARTICLE IV, SECTION 3, CLAUSE 2, INCLUDES THE RESERVED POWERS CONTEMPORANEOUSLY BY THE TENTH ARTICLE OF AMENDMENT. IT IS EXPRESSLY STATED: "AND NOTHING IN THIS CONSTITUTION SHALL BE SO CONSTRUED AS TO PREJUDICE ANY CLAIMS... OF ANY PARTICULAR STATE."

IT IS CRITICAL TO THE FUTURE PROSPERITY OF THE AMERICAN PEOPLE, THAT THE CONSTITUTION OF THE UNITED STATES ONCE AGAIN BE SEEN AS A COMPACT OF SOVEREIGN STATES.

24. THOMAS JEFFERSON BELIEVED, ALONG WITH JAMES MADISON AND ALEXANDER HAMILTON, "THAT THE GOVERNMENT CREATED BY THIS COMPACT WAS NOT MADE THE EXCLUSIVE OR FINAL JUDGE OF THE EXTENT OF THE POWERS DELEGATED TO ITSELF;" THIS TRIO OF FOUNDING FATHERS MAKE UP THE WHOLE SPECTRUM OF ORIGINAL INTENT, AND JEFFERSON SPEAKS FOR THE WHOLE WHEN HE ADDS: "SINCE THAT WOULD HAVE MADE ITS DISCRETION, AND NOT THE CONSTITUTION, THE MEASURE OF ITS POWERS". THE SUPREME COURT OF THE U.S. FULFILLS THIS PROGNOSIS WITH DECISIONS LIKE THAT HANDED DOWN IN *McGirt V. Oklahoma*, ( ), THE GOVERNMENT OF THE UNITED STATES, LED BY THIS COURT, RULES ARBITRARILY UNDER DOCTRINES THAT ARE IN MANY INSTANCES, FICTIONAL NARRATIVES BASED ON REAL EVENTS.

25. AN EXAMPLE OF THIS IS SEEN IN THE CASE *Bucklew V. Precythe*, 139 S.

CT. 1112 (2019), THE EIGHTH AMENDMENT LETHAL INJECTION CASE ASSOCIATED WITH Glossip V. Gross, 135 S. CT. 2731 (2015). THE COURT CITES WILLIAM BLACKSTONE, AND PATRICK HENRY AS HISTORICAL FIGURES OPPOSED TO CRUEL AND UNUSUAL PUNISHMENTS. IT IS CRITICAL TO NOTE, THAT THE TERMS **CRUEL** AND **UNUSUAL** ARE SUBJECTIVE, AND THE ESSENTIAL PURPOSE BEHIND THE CONCERN FOR A CONSTITUTIONAL RESTRICTION, IS THE UNDERLYING INTENT OF THE GOVERNING BODY OR RULER IMPLEMENTING THE PUNISHMENTS, AS A FORM OF INTIMIDATION AND FEAR. THE IMPORTANT FACTOR HERE IS, THAT, CRUELTY, WHICH COMES IN MANY FORMS, IS A TOOL FOR THE OPPRESSOR. AND THE INTENT OF THE BILL OF RIGHTS AND THE EIGHTH AMENDMENT IS TO REMOVE THAT TOOL FROM THE REACH OF THE CENTRAL GOVERNMENT.

26. THE FOUNDING GENERATION TO INCLUDE PATRICK HENRY, TOOK

FROM BLACKSTONE AND OTHER EUROPEAN WRITERS, AND CREATED A SYSTEM WHERE SAFETY FROM THE DESPOT WHO USES SUCH METHODS, LIES IN "THE COMPOSITION AND STRUCTURE OF THE GOVERNMENT," [7] IE, IN REMOVING CERTAIN POWERS THROUGH MEANS OF DEPRIVING COURTS AND POLITICAL ACTORS OF COGNIZANCE AND JURISDICTION. IT IS ILLUSORY TO PUT FORTH THE REPUTATION OF SUCH MEN, ATTEMPTING TO USE THEIR CREDIBILITY AND ESTEEM, WHEN THOSE SAME INDIVIDUALS STOOD FIRM IN RESISTANCE TO THE VERY DISPOSITION OF AUTHORITY THIS COURT HAS ASSUMED.

27. PETITIONER BELIEVES THE QUICKEST AND EASIEST MEANS TO ASCERTAIN THE PROPRIETY OF THIS COURT'S DISPOSITION UNDER THE DOCTRINES OF SUBSTANTIVE DUE PROCESS AND INCORPORATION OF THE BILL OF RIGHTS, BEING MADE APPLICABLE TO THE STATES, IN LIGHT OF THE RESERVED POWERS ACT OF OKLAHOMA, IS TO COMPARE THE TWO

F.10*

7) SEE FEDERALIST NO. 31, PAR. 11.

VERY PASSIONATE EXPRESSIONS OF PATRICK HENRY AND ALEXANDER HAMILTON, GIVEN BEFORE THE *Virginia* RATIFYING CONVENTION, AND THE *New York* RATIFYING CONVENTION.

28. WITHIN FOURTEEN (14) DAYS OF EACH OTHER, HENRY AND HAMILTON DECLARE THEIR CONVICTIONS TO THEIR FELLOW DELEGATES. HENRY ON JUNE 7, 1788 DECLARES:

29. "THE BILL OF RIGHTS [OF VIRGINIA] TELLS YOU, 'THAT ALL POWER OF SUSPENDING LAW, OR THE EXECUTION OF LAWS, BY ANY AUTHORITY WITHOUT CONSENT OF THE REPRESENTATIVES OF THE PEOPLE, IS INJURIOUS TO THEIR RIGHTS, AND OUGHT NOT TO BE EXERCISED.' THIS TELLS US THAT THERE CAN BE NO SUSPENSION OF GOVERNMENT, OR LAWS WITHOUT OUR OWN CONSENT. YET THIS CONSTITUTION CAN COUNTERACT AND SUSPEND ANY OF OUR LAWS THAT CONTRAVENE ITS OPPRESSIVE OPERATION; FOR THEY HAVE THE POWER OF DIRECT TAXATION; WHICH SUSPENDS THE BILL OF RIGHTS; AND IT IS EXPRESSLY PROVIDED, THAT THEY CAN MAKE ALL LAWS NECESSARY FOR CARRYING THEIR POWERS INTO EXECUTION; AND IT IS DECLARED PARAMOUNT TO THE LAWS AND CONSTITUTIONS OF THE STATES. CONSIDER HOW THE ONLY REMAINING DEFENCE WE HAVE LEFT IS DESTROYED IN THIS MANNER."

30. PATRICK HENRY ADDS TO THIS: "YOU WILL FIND THIS VERY JUDICIARY

"OPPRESSIVELY CONSTRUCTED".

31. SO IT IS CLEAR, THAT GRAVE CONCERNS WERE EXPRESSED WITH REGARD TO THE PRACTICE OF SELF-GOVERNMENT WITHIN THE STATES, AS EXHIBITED BY THE MANY COMPLAINTS PUT FORTH ADDRESSING THE SUSPENSION OF LAWS, BILLS OF RIGHTS, AND STATE GOVERNMENTAL EXERCISE OF POWERS RESERVED, SUCH AS THOSE POWERS SUSPENDED BY *McGirt V. Oklahoma*,

32. ALEXANDER HAMILTON ADDRESSES THESE CONCERNS JUST FOURTEEN DAYS LATER AT THE *New York* RATIFYING CONVENTION, HE SAYS:

33. "I ACKNOWLEDGE, THAT THE LOCAL INTEREST OF THE STATES ARE IN SOME DEGREE VARIOUS; AND THAT THERE IS SOME DIFFERENCE IN THEIR HABITS AND MANNERS: ... THIS DIVERSITY, TO THE EYE OF A SPECULATIST, MAY AFFORD SOME MARKS OF CHARACTERISTIC DISCRIMINATION, BUT CANNOT FORM AN IMPEDIMENT TO THE REGULAR OPERATION OF THOSE GENERAL POWERS, WHICH THE CONSTITUTION GIVES TO THE UNITED GOVERNMENT. WERE THE LAWS OF THE UNION TO NEW-MODEL THE INTERNAL POLICE OF ANY STATE; WERE THEY TO ALTER, OR ABROGATE AT A BLOW, THE WHOLE OF ITS CIVIL AND CRIMINAL

"INSTITUTIONS; WERE THEY TO PENETRATE THE RECESSES OF DOMESTIC LIFE, AND CONTROUL, IN ALL RESPECTS, THE PRIVATE CONDUCT OF INDIVIDUALS, THERE MIGHT BE MORE FORCE IN THE OBJECTION" THAT HAS BEEN RAISED.

34. WE CAN SEE THAT P. HENRY'S CONCERNS WERE VALID, AS IT IS, WE NOW LIVE UNDER THE PARADIGM A. HAMILTON BOAST AS BEING NO THREAT, I.E. TO THE REGULAR OPERATIONS OF POWERS RESERVED TO THE STATES. IN FACT, HAMILTON PROMOTES, THAT A PROPER RESTRAINT BY THE GENERAL GOVERNMENT, THROUGH MEANS OF A "GENTLE INFLUENCE"[8], THE DIVERSITY AND VARYING INTEREST WOULD NATURALLY ASSIMULATE AND EVENTUALLY "EMBRACE EACH OTHER," IN A COMPLEXION OF FEDERAL UNION. HOWEVER, SINCE THE CIVIL WAR, THROUGH MEANS OF THE 14TH AMENDMENT AND THE DOCTRINE OF SUBSTANTIVE DUE PROCESS, THE GOVERNMENT OF THE UNITED STATES HAS DIVIDED THE PEOPLE OF AMERICA INTO WARRING FACTIONS; AND, BECAUSE WADE LAW HAS PROMOTED THIS CONSTITUTIONAL IDEOLOGY, THE SUBORDINATE COURTS

F.P. #8) FORESEE THIS IN ART. IV, SECTIONS 1 & 2.

OF THE UNITED STATES IN OKLAHOMA, AND THE TENTH CIRCUIT, INCLUDING THE CLERKS OF THIS SUPREME COURT, HAVE UTILIZED BUREAUCRATIC ACTORS (STATE AND FEDERAL) IN ORDER TO CENSOR MADE LAY'S CONSTITUTIONAL OPINIONS, AND DESTROYING HIS ABILITY TO EXERCISE HIS LAWFUL RIGHTS ON APPEAL.

35. THERE IS A MULTITUDE OF EXAMPLES, BUT PETITIONER WILL HAVE TO ITEMIZE THE OFFENCES CHRONOLOGICALLY BY DATE, WITH CASE NOS. AND DOC. NOS., WITH SOME DETAIL, SUPPORTED BY A TABLE OF FOOTNOTES ADDED BY APPENDIX.

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36. 1. THE TRIAL COURT (TULSA COUNTY DIST. COURT - JUDGE GILBERT) REFUSES TO FILE THE DEFENDANT LAY'S MOTION TO PROCEED *PRO-SE*, WITH HIS COUNSEL *federal's* DEFENSE.

37. 2. THE OKLA. COURT OF CRIMINAL APPEALS (OCCA) FAILS TO RECOGNIZE THE APPELLANT'S *PRO-SE* DIRECT APPEAL; SUBSEQUENTLY ALLOWING THE

OKLAHOMA INDIGENT DEFENSE SYSTEM (O.I.D.S.) TO FILE A POST-CONVICTION APPEAL MONTHS BEFORE THE ARGUMENTS ARE EVEN PRESENTED BY THE OKLAHOMA ATTORNEY GENERAL ON DIRECT APPEAL, CONTRARY TO STATE LAW. THE OKLAHOMA COURT OF CRIMINAL APPEALS PROVIDES TO THE FEDERAL PUBLIC DEFENDER (F.P.D.) AN ALTERNATIVE SET OF FACTS, ALTERING THE FACTS AT TRIAL.

36. 3. THE FEDERAL PUBLIC DEFENDER THEN USES THE FRAUDULENT APPEAL BY THE O.I.D.S., TO PROMULGATE A LEGAL DISPOSITION THAT IS FALLACIOUS, REMOVING THE PETITIONER'S (UNDER LAW) RIGHTS TO FILE A WRIT OF HABEAS CORPUS, TO CLAIM THE RIGHTS UNDER LAW THAT HE WAS DEPRIVED AT TRIAL. A REMEDY THAT COMPORTS WITH LAW'S PRO-SE CAUSE. THE F.P.D. PUTS FORTH EXTRA-RECORD EVIDENCE, CLAIMS OF INCOMPETENCE AND MENTAL ILLNESS, YET WITHHOLDS THE MOTION TO EXPAND THE RECORD, TO COMPLY WITH ANTICIPATORY PROCEDURAL BAR REQUIREMENTS,

WHICH LEADS TO THE DENIAL OF RELIEF ON HABEAS.

39. 4. DUE TO THIS ABUSE BY STATE AND FEDERAL ACTORS LAY BEGINS A LONG TREK OF RESISTANCE TO THE FRAUDULENT HABEAS PETITION. DURING THE COURSE OF THAT RESISTANCE HE DISCOVERS THAT THE McFarland MOTION (UNDER McFarland V. Scott, U.S. (,)) IS MANUFACTURED ILLICITLY BY PRISON OFFICIALS AT O.S.P., AND THE F.P.D.

40. 5. LAY FILES MULTIPLE CIVIL ACTIONS FROM 2012 THROUGH UNTIL THE PRESENT WITH THE POST-CONVICTION APPEAL Lay V. Oklahoma NW-2021-497. THROUGHOUT THE COURSE OF THIS QUEST FOR THE RIGHT TO FILE A WRIT OF HABEAS CORPUS UNDER THE LAWS OF THE UNITED STATES AND STATE LAW, A WRIT THAT IS CORROBORATIVE TO THE FACTS AT TRIAL, PURSUANT TO ARTICLE III, SECTION 2, CLAUSE 2, THE FEDERAL DISTRICT COURTS IN

F.n. 9) THE U.S.D.C. N.D./OK; U.S.D.C. W.D./OK; AND THE U.S.D.C. E.D./OK.

THE STATE OF OKLAHOMA, AND THE TENTH CIRCUIT COURT OF APPEALS. VARIOUS JUDGES WITHIN THESE COURTS HAVE USED THEIR INFLUENCE UTILIZING BUREAUCRATIC ACTORS IN THIS NEW MODELLED NATIONAL APPARATUS, EVEN THE CLERKS OF THIS SACRED SUPREME COURT (SUCH AS: **LISA NESBITT**) TO SUPPRESS AND DESTROY WADELAY'S ABILITY TO ADVANCE HIS CLAIMS ON APPEAL.

41. 6. THIS VERY EGREGIOUS ABUSE OF POWER BY MORE THAN A DOZEN SUBORDINATE JUDGES IN ALL FOUR OF THE ABOVE NAMED COURTS OF THE UNITED STATES, INCLUDES A COOPERATION BY STATE ACTORS BEYOND THE COMPASS OF THE STATE CORRECTIONAL INSTITUTION. THAT IS, ELECTED OFFICIALS IN THE STATE, E.G., THE OKLAHOMA ATTORNEY GENERAL, AND EVEN THE OKLAHOMA COURT OF CRIMINAL APPEALS, AND THE

F.N. O.C.C.A., THE COURT RENDERING THE DECISION IMPUGNING THIS CERTIORARI PETITION.

OKLAHOMA SUPREME COURT. THIS CLAIM IS PLACARDED IN MULTIPLE CIVIL ACTIONS IN EACH OF THE COURTS NAMED ABOVE (BOTH STATE AND FEDERAL). THE TRUTH IS THERE, PUBLISHED, BUT NOT ANNOUNCED; RATHER, THE ENTIRE CANNONADE INVOLVED BROADSIDE THE PUBLIC WITH AN ALTERNATIVE NARRATIVE, IE, THE FALLACIOUS AND DECEITFUL CLAIMS OF MENTAL ILLNESS.

42. T. THIS PROPAGATION BEGINS IN THE OKLAHOMA COURTS. FIRST, IT IS MADE EFFECTUAL THROUGH MEANS OF DISPERSION AT THE LOCAL LEVEL. THE TRIAL COURT EXPANDS THE USURPATION THROUGHOUT THE COURSE OF THE TRIAL BY EXTENDING THE DOCTRINES OF THIS COURT BEYOND THEIR SCOPE, INVERTING THEIR INTENT. THE O.C.C.A. USES ITS INFLUENCE OVER A STATE AGENCY, THE OKLAHOMA INDIGENT DEFENSE SYSTEM (O.I.D.S.), TO FILE A POST-CONVICTION APPLICATION SEVERAL MONTHS PRIOR TO THE OKLA. A.G.' ARGUMENTS ON DIRECT

APPEAL, VIOLATING STATE LAW.

43. O.I.D.S. PRESENTS TO THE O.C.C.A. A FABRICATED TALE THAT IS CONTRARY TO THE FACTS AT TRIAL, DECEITFUL CLAIMS THE TULSA COUNTY PUBLIC DEFENDER WAS UNWILLING TO SET FORTH. THIS FABRICATION BY O.I.D.S. PROVIDES TO THE FEDERAL PUBLIC DEFENDER IN OKC[10], AN ALTERNATE SPRING BOARD TEXT EMENATING FROM THE STATE COURT. THE O.C.C.A. THEN DOES SOMETHING THE FEDERAL COURTS DO, BY MANIPULATION, THE CRIMINAL APPEALS COURT PROVIDES A FRAUDULENT SET OF FACTS FOR THE FEDERAL LAWYERS TO ADVANCE ON APPEAL, SUBSEQUENTLY DENYING. THE CREDIBILITY OF THE PROPOSITION[11], DENYING RELIEF.

44. IN FACT, THE OCCA EVEN DENIES RELIEF TO WADE LAY ON THE PRINCIPLE OF STAND-BY COUNSEL. YET, RENDERS AN OPINION IN *Wade Lay V. Oklahoma*, A-2005-1081, THAT A DEFENDANT WHO IS ACTING

F.N.#

10) F.P.D. IN OKC, WESTERN DISTRICT (SUSAN OTTO - DIRECTOR). 11) THAT IS, THE STIGMATISM OF MENTAL ILLNESS ASSERT THE RELIEF ASSOCIATED WITH IT.

pro-se in a death penalty case, should have stand-by counsel in the court room to assist him, but the O.C.C.A. refuses to apply the principle to Wade Lay. You see a similar practice from this O.C.C.A. in its rulings concerning the opinion of this Supreme Court in McGirt v. Oklahoma, wherein the O.C.C.A. will not apply the relief to prisoners retroactively, even though this court did so in its decision effecting Mr. Murphy (a death row prisoner), and Mr. McGirt.

45. 8. Therefore, these actions by the O.C.C.A. initiates another deceitful act which includes both state and federal actors, this time under the supervision of the United States District Court for the Northern Dist. of Okla. (U.S.D.C. N.D. Okla.). The McFarland motion that stems from this court's decision

IN McFarland V. Scott, U.S. ( ), IS FRAUDULENT. WADE LAY TOLD THE LAWYERS WITH C.I.D.S. HE DID NOT WANT FEDERAL LAWYERS ON HABEAS. THE IFP IS FILLED OUT BY THE O.S.P. TRUST FUND OFFICER NANCY JOYCE, IN HER HAND WRITING. (SEE DOC NO. 1 OF Wadelay V. Simmons, CIV-08-617-TCK-PJC). ADDITIONALLY, DOC. NO. 2, THE ACTUAL MOTION FOR ASSISTANCE OF COUNSEL IS DONE BY F.P.D. PATTI GHEZZI; AND THE MEANS EMPLOYED TO ACQUIRE SIGNATORY APPROVAL IS DONE BY MISS GHEZZI THROUGH FRAUDULENT MEANS IN DECEMBER OF 2008, CLAIMING A NEED FOR ACCESS TO MEDICAL RECORDS.[12]

46. PATTI GHEZZI THEN FILES A FRAUDULENT PETITION, LYING TO WADE LAY ABOUT THE INITIATION OF THE HABEAS APPEAL, AND THE CONTENT OF THE PETITION, AS IT PERTAINS TO SUBJECT MATTER. THE FACTS OF THE ORIGINAL CAUSE, AND ON DIRECT APPEAL, ARE

[12] WADE LAY WAS IMPOLSED BY FRAUD AND DECEIT TO SIGN TWO BLANK PIECES OF PAPER WITH A HORIZONTAL LINE TWO THIRDS DOWN ON THE PAGE.

SUBVERTED, SUPPLANTED, I.E., DISPLACED BY STRATAGEM. IT IS A CONSPIRED EFFORT AMONG BUREAUCRATIC ACTORS, THE CONSEQUENCE OF WHICH, ALEXANDER HAMILTON DECLARES: THAT THE CONSTITUTION, I.E., THOSE PROVISIONS THAT ARE INDEPENDENT OF THE STRUCTURE, ACTING AS A BILL OF RIGHTS OF THE UNION, IN ARGUMENTS WARNING ABOUT THE NATURE AND ABUSES OF BILLS OF RIGHTS, PROHIBITS SUCH ACTIONS AS *A priori*. HAMILTON PREMOTES THE OBSERVABLE COGNITION ADVANCED BY BLACKSTONE, WITH ITS RELATIVE USAGE IN THE NEW CONSTITUTION, I.E., "THE PLAN REPORTED BY THE CONVENTION," AS BEING THE MEANS TO PREVENT THAT WHICH HAS OCCURRED PRESENTLY IN THIS CASE. IN FEDERALIST NO. 84, PAR. 5, HE WRITES:

47. "THE PRACTICE OF ARBITRARY IMPRISONMENTS, HAVE BEEN, IN ALL AGES, THE FAVORITE AND MOST FORMIDABLE INSTRUMENTS OF TYRANNY."

48. WHAT IS MEANT BY THIS STATEMENT, AND FROM THE CONTEXT, HOW

DOES IT APPLY AS A PART OF THAT SUPREME LAW, I.E., "THIS CONSTITUTION"? HAMILTON IS ARGUING FROM *pre-existing* KNOWLEDGE, OR TO SAY, A CONDITION THAT EXISTED WITHIN THE PREVIOUS ORDER, THAT WHICH THEY REJECTED IN THEIR REBELLION. THIS PRINCIPLE BELIEVED TO BE PREËMINENT DUE TO ITS RELATION TO PAST EXPERIENCE, THAT THE STRUCTURE OF THE CONSTITUTION WAS FORMED IN A PRECISE MANNER TO BENIFIT FROM THE DEVELOPMENT OF SPECIFIC CONFLICTS BETWEEN GOVERNMENTS AND SOCIETY, IS WORTH REPEATING HERE:

49. "THE OBSERVATIONS OF THE JUDICIOUS BLACKSTONE, IN REFERENCE TO THE LATTER, [I.E., ARBITRARY IMPRISONMENTS,] ARE WELL WORTHY OF RECITAL: 'TO BEREAVE A MAN OF LIFE, (SAYS HE) OR BY VIOLENCE TO CONFISCATE HIS ESTATE, WITHOUT ACCUSATION OR TRIAL, WOULD BE SO GROSS AND NOTORIOUS AN ACT OF DESPOTISM, AS MUST AT ONCE CONVEY THE ALARM OF TYRANNY THROUGHOUT THE WHOLE NATION; BUT CONFINEMENT OF THE PERSON, BY SECRETLY HURRYING HIM TO JAIL, WHERE HIS SUFFERINGS ARE UNKNOWN OR FORGOTTEN, IS A LESS PUBLIC, A LESS STRIKING, AND THEREFORE A MORE DANGEROUS ENGINE OF ARBITRARY GOVERNMENT.' AND AS A REMEDY FOR THIS FATAL EVIL HE IS EVERYWHERE PECULIARLY EMPHATICAL IN HIS EN-

50. SEE FEDERALIST NO. 33, PAR[S] 6 & 7; AND ARTICLE VI, CLAUSE 2.

"CONNOMS ON THE HABEAS CORPUS ACT, WHICH IN ONE PLACE HE CALLS 'THE **BULLWARK** OF THE BRITISH CONSTITUTION.'"

50. IN THIS FEDERALIST NO. 84, HAMILTON IS GIVING CREDIT TO THE CONSTRUCT OF THE MAIN BODY OF THE CONSTITUTION, AND PROVIDING A CAVEAT WHEREIN HE WARNS: "I GO FURTHER, AND AFFIRM

51. "THAT BILLS OF RIGHTS, IN THE SENSE AND TO THE EXTENT IN WHICH THEY ARE CONTENDED FOR, ARE NOT ONLY UNNECESSARY IN THE PROPOSED CONSTITUTION, BUT WOULD EVEN BE DANGEROUS.

52. SO, IT MUST BE RECOGNIZED, TO WHAT IS THE FEAR OF DANGER, AND WHAT IS HAMILTON ACTUALLY ASSERTING WITH SUCH CONFIDENCE. HE SAYS:

53. "THAT BILLS OF RIGHT ARE, IN THEIR ORIGIN, STIPULATIONS BETWEEN KINGS AND THEIR SUBJECTS, ABRIDGEMENTS OF PREROGATIVE IN FAVOR OF PRIVELEGE, RESERVATIONS OF RIGHTS NOT SURRENDERED TO THE PRINCE."

54. IN ORDER TO FULLY COMPREHEND HIS MEANING, AS TO THE NEEDLESS AND POTENTIALLY PERILOUS EXTENSION OF POWER, THROUGH MEANS OF USURPATION THAT WOULD BE GIVEN TO "MEN DISPOSED TO USURP", THAT

"PLAUSIBLE PRETENSE" WHICH PRODUCES IN FORM, "A SEMBLANCE OF REASON," SIMILAR TO THAT WHICH HAS BEEN EMBRACED BY THE O.C.C.A. IN THIS MATTER, THE FACTS OF THE CASE ARE IMPERATIVE.

55. WADE LAY DID NOT RECEIVE A FAIR TRIAL. A ~~STATEMENT~~ OF RIGHT THAT FITS IN THE CRITERION OF YOUR CLEARLY ESTABLISHED CREED; YET, AS HAMILTON WARNS, THAT THROUGH MEANS OF THE "PRETENDED ESTABLISHMENT OF THE COMMON AND STATUTE LAW BY THE CONSTITUTION," [13] SUCH AS: THAT CLEARLY ESTABLISHED LAW OF 28 USC § 2254, COUPLED WITH NUMEROUS OTHER MISAPPLICATIONS OF COMMON LAW CITATIONS, THE STATE COURT (O.C.C.A.), AND FEDERAL COURT (U.S.D.C. W.D. /OK.), HAVE CONSPIRED IN AN ILLICIT INTERCHANGE OF TRANSACTIONS TO BOTH DEPRIVE WADE LAY OF AN APPEAL, AND BEREAVE HIM OF HIS LIFE ABSENT THE BENEFIT OF ~~BOTH~~ A FAIR TRIAL AND APPEAL. THEREIN LIES THE PURPOSE OF THE PROHIBITIVE NATURE OF THE WRIT OF HABEAS CORPUS, AND

[13] HAMILTON IN FEDERALIST NO. 84, PAR. , USES THE CLAIMS OF THOSE OPPOSED THE NEW CONSTITUTION, WITH COMPARISON OF THEIR OWN NEW YORK STATE CONSTITUTION, →

THE BILL OF RIGHTS.

56. THE ENCROACHMENT HAMILTON WARNED ABOUT IN FEDERALIST NO. 84, WADE LAY HAS BECOME A VICTIM OF; AND THE U.S.D.C. W.D./O.K., WITH COOPERATION OF THE TENTH CIRCUIT COURT OF APPEALS, HAVE ORCHESTRATED A SCHEME THROUGH SUBTERFUGE TO CAUSE WADE LAY'S EXECUTION.

57. THE U.S.D.C. W.D./OK. (U.S. DIST. JUDGE FRIOT) ALERTS THE OTHER PLAINTIFFS CONCERNING THE ESTABLISHED CRITERION OF *Glossip V. Gross*, 576 U.S. 863, 881 (2015); AND *Bucklew V. Precythe*, 139 S.Ct. 1112 (2019), TO PROVIDE AN ALTERNATIVE METHOD OF EXECUTION. IT IS CLEAR, ON THE FACE OF THE RECORD, THAT JUDGE FRIOT CALLED UPON THE O.D.O.C. AND O.S.P. TO ORCHESTRATE A SPECIFIC SET OF CIRCUMSTANCES TO EXIST TO PREVENT WADE LAY FROM DISCOVERING THE ACTUAL SETTING, I.E. THE FOREKNOWLEDGE AND UNDERSTANDING SURROUNDING THE PRACTICAL APPLICATION OF THE REQUIRE-

ER. → 13 THAT THOSE ATTRIBUTES OF THE COMMON LAW ARE NOT A PART OF THE PLAN PROPOSED BY THE CONVENTION. THE COMMON LAW BEING SUBJECT TO ORDINARY LEGISLATION.

MENT TO PROVIDE AN ALTERNATIVE METHOD OF EXECUTION AS STIPULATED BY THE SUPREME COURT OF THE UNITED STATES.

58. IN THIS PARTICULAR SITUATION, A CASE INVOLVING THIRTY ONE (31) OTHER PLAINTIFFS, REPRESENTED BY COUNSEL, AND ONE (1) PRISONER ACTING PRO-SE, THE NEED FOR CONVERSANT FAMILIARITY IS CRITICAL. NOTWITHSTANDING THIS QUALITY, OR STATE OF LEGAL NECESSITY INHERENT IN THIS COURT'S LANGUAGE USED IN *Glossip* AND *Bucklew*, FOR A PRISONER TO PROVIDE AN ALTERNATIVE METHOD OF EXECUTION, ONE THAT IS FEASIBLE, I.E., A METHOD THAT IS PRACTICABLE AND REASONABLY AVAILABLE, THAT MAY BE DONE BY THE STATE; (KNOWING A PRO-SE PRISONER WOULD NOT HAVE THE LEGAL APTITUDE TO ACCOMPLISH SUCH A TASK) U.S. DIST. JUDGE ERIOT ORCHESTRATED SUCH A CONDITION WHERE THE OTHER THIRTY ONE (31) PLAINTIFFS WERE INFORMED THROUGH A DIRECTIVE IMPULSED BY THE DISTRICT COURT MADE AVAILABLE TO THE (31) THROUGH FOOTNOTE (4) THAT IS MADE LAY.

MEANS OF THEIR COUNSEL. MEETINGS WERE ARRANGED BY CROWELL MORING AND THE FEDERAL PUBLIC DEFENDERS, ELABORATE EFFORT TO IMPART THIS KNOWLEDGE WAS ACCOMPLISHED. FOR ALL THIRTY ONE (31) PLAINTIFFS, WITH THE EXCEPTION OF WADE LAY. PETITIONER WAS INTENTIONALLY PUT INTO A STATE OF LEGAL STASIS.

59. IF THE COURT WILL LOOK AT DOC. NOS. 420 AND 421, IT IS SHOWN THAT MEETINGS TOOK PLACE AT THE PRISONS BETWEEN THE OTHER THIRTY ONE (31) PLAINTIFFS AND THEIR COUNSEL ON MAY 3RD AND 4TH, 2021. WADE LAY AS A PRO-SE PLAINTIFF SUFFERED UNDER AN ELABORATE CONSPIRACY THAT INVOLVED VARIOUS BUREAUCRATIC ACTORS WHERE THE D.D.O.C. AND PRISON OFFICIALS FULFILLING THE WILL OF THE JUDICATURE (U.S. DIST. JUDGE FRIOT) FABRICATED CHARGES AGAINST WADE LAY FOR THE EXPRESS PURPOSE OF ISOLATING HIS PATH OF COMMUNICATION.[15] THE PRISON CHANNELLED

[15] SEE Lay V. A.C.L.U., 21- - JHP-SPS, PENDING IN THE U.S.D.C. E.D. LOK. IT IS IMPORTANT TO NOTE THE E.D. COURT REFUSES TO ADJUDICATE THIS CASE.

HIM INTO A CANAL, i.e., AN ARTIFICIAL COURSE DESIGNED FOR A SPECIFIC PURPOSE, TO MISDIRECT, TO DEPRIVE UNDUE LAY OF THAT VAST SEA OF KNOWLEDGE THE OTHER PARTIES ENJOYED; AND THE WINDS OF JUDICIAL INFLUENCE ACHIEVED ITS DESIRED END, FORCING LAY'S VESSEL INTO THAT BUREAUCRATIC AGENCY IN SERVITUDE TO THE FEDERAL COURTS, THE FEDERAL PUBLIC DEFENDER SARAH JERVIGAN. 16

60. THIS COURSE OF EVENTS IS WITHOUT A DOUBT AN UNDENIABLE VOYAGE, THE SAIL CLOTH OF WHICH BEARS THE BANNER OF THE JUDICIAL PRINCE. JUST AS HAMILTON WARNS:

61. "IT HAS BEEN SEVERAL TIMES TRULY REMARKED THAT BILLS OF RIGHTS ARE, IN THE ORIGIN, STIPULATIONS BETWEEN KINGS AND THEIR SUBJECTS, ABRIDGEMENTS OF PREROGATIVE IN FAVOR OF PRIVILEGE, RESERVATIONS OF RIGHTS NOT SURRENDERED TO THE PRINCE."

62. THIS IS WHAT U.S. DIST. JUDGE FLOYD EXERCISED, THROUGH

63) MISS JERVIGAN THEN TELLS LAY NOT TO PROVIDE AN ALTERNATIVE METHOD OF EXECUTION, OPPOSITE THAT WHICH THE OTHER 31 WERE ADVISED.

PRETENCE OF A RULE 54(b) CERTIFICATION JUDGE ELLIOT IN THE U.S.D.C. W.D./OK. HAS DECEITFULLY CORRALLED PETITIONER INTO A CONDITION OF ACCOUNTABILITY ABSENT THE RIGHT OF LEGAL COGNITION. LAY. COULD NOT PROVIDE AN ALTERNATIVE METHOD OF EXECUTION BECAUSE HE WAS MISDIRECTED BY EVERY BUREAUCRATIC ACTOR SERVING THE JUDICIAL POWER CONTROLLING THE CASE.

THE U.S.D.C. W.D./OK. HAS EXERCISED EXTREME PREJUDICE TOWARDS WANDE LAY WHICH HAS A RESULT OF PREMATURE EXECUTION WHEN A CIVIL ACTION IS IN PROCESS THAT MAY DETERMINE THE PROCESS TO BE UNCONSTITUTIONAL.

63. YET THE STATE WISHES TO TERMINATE WANDE LAY'S LIFE JUST FIFTY THREE DAYS PRIOR TO A TRIAL THAT WILL BEGIN ON FEBRUARY 28TH 2022, WANDE LAY'S 61ST BIRTHDAY. UNDER SUCH CIRCUMSTANCES DOES THAT NOT SEEM MALICIOUS AND EVEN SUSPECT? THAT IS,

WHEN THE OUTCOME OF THE TRIAL COULD CONVEY TO THE PEOPLE OF THIS STATE, THAT, THE PROCESS AS ORDERED BY THE O.C.C.A. IS A VIOLATION OF THE EIGHTH AMENDMENT, AND IS INHUMANE! MOREOVER, AN EXAMINATION BY THE STATE COURT, I.E., THE OKLAHOMA COURT OF CRIMINAL APPEALS WILL DISPLAY SERIOUS FLAWS WITHIN THE CRIMINAL JUSTICE SYSTEM OF THIS STATE. A VIOLATION OF THE RESERVED POWERS ACT OF OKLAHOMA, AND THE CONSTITUTION OF THE UNITED STATES.

64. WHEN BUREAUCRATIC ACTORS (STATE AND FEDERAL) OBEY THE COMMANDS OF FEDERAL JUDGES A CONDITION UNFOLDS WHERE THE VIOLATIONS OF THE STATE COURT CAN BE DISTORTED, WHERE THE ARTICLE III SECTION 2, CLAUSE 2 LIMITATION "BOTH AS TO LAW AND FACT," MAY BE VIOLATED BY BUREAUCRATIC OFFICERS ALTERING THE FACTS OF AN ORIGINAL CAUSE AS RECORDED BY THE TRIAL COURT.

MOREOVER, UNDER THIS CONDITION WHERE BUREAUCRATIC OFFICERS FOLLOW THE WILL OF JUDGES (STATE AND FEDERAL), THE ESSENTIAL FABRIC OF THE DOCTRINE OF SUBSTANTIVE DUE PROCESS, I.E., THE PROTECTION AGAINST INVASION BY THE STATE OF "LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW", MAY BE INVERTED, OR MANIPULATED. THE POWER ONCE ENJOYED BY THE COURTS OF THE UNITED STATES MAY BE USED AS A SWORD, ONE THAT IS SELECTIVE IN ITS THRUST.

65. WHAT IS KNOWN AMONG THE STATE LEADERS, TO INCLUDE ARTICLE VI, CLAUSE 2 STATE JUDGES, IS THAT, THE POWERFUL INFLUENCE THAT IS EXERCISED BY FEDERAL JUDGES, THROUGH DISTORTING THIS VAST PROLIFERATION OF CASES, BY MEANS OF CONSTRUCTIVE POWERS, AGENCIES (STATE AND FEDERAL) AND CORPORATIONS, MAY BE TURNED UPSIDE DOWN BY THE SIMPLE SIGNATURE OF ONE OF THESE FEDERAL JUDGES. THIS JUDICIAL TIPPING OF THE SCALES LED TO THE O.C.C.A. TO ALLOW THE STATE AGENCY, THE

OKLAHOMA INDIGENT DEFENSE SYSTEM TO FILE THE POST CONVICTION APPLICATION BEFORE THE ARGUMENTS ON DIRECT APPEAL WERE FILED, CONTRARY TO STATE LAW, BECAUSE THE U.S.D.C. NORTHERN DIST. OF OKLAHOMA (U.S. DIST. JUDGE KERN) WANTED TO ALTER THE FACTS AT TRIAL, IN THE CASE *Wade Hay V. State of Oklahoma*, CF-2004-2320.

66. THAT WAS ACCOMPLISHED ALL THE WAY TO THIS SUPREME COURT. (SEE *Hay V. Royal* COA. M-6085). THE FACTS OF THE CASE *Wade Hay V. Oklahoma*, CF-2004-2320 HAS BEEN ALTERED DUE TO THE CONSTITUTIONAL OPINIONS OF THE DEFENDANT, AND THE O.C.C.A. IS A PART OF THAT CONSPIRACY. THE UNITED STATES IS RAPIDLY BECOMING LIKED TO THE DICTATORIAL REGIMES OF CHINA AND RUSSIA, TO A NATION THAT IS VESTED WITH ABSOLUTE AUTHORITY. WE SEE THROUGHOUT HISTORY, THAT THE FIRST STEPS OF AN OPPRESSIVE RULER IS TO OBTAIN CONTROL OVER A STANDING ARMY AND ABILITY TO PROSECUTE HIS POLITICAL ENEMIES,

67. THE HABEAS CORPUS PETITIONS CONSTRUCTED AND CONTROLLED BY GOVERNMENT LAWYERS. FED. PUBLIC DEFENDER IN OKC (SUSAN OTTO - DIRECTOR).

UNDER THE SUPPOSITION OF CRIMINAL VIOLATIONS, THROUGH ARBITRARY IMPRISONMENTS THEY SUPPRESS AND DESTROY VIABLE AND EFFECTIVE VOICES OF RESISTANCE.

67. WADE LAY DID NOT RECEIVE A FAIR TRIAL. HE WAS NOT ALLOWED TO CALL WITNESSES, OR TO PRESENT A DEFENCE. THE O.C.C.A. RENDERED A DECISION THAT AGREED, THAT LAY SHOULD HAVE ENJOYED STAND-BY COUNSEL IN A CAPITAL CASE, BUT EXERCISED PREJUDICE AGAINST WADE LAY, AND WOULD NOT APPLY THE RIGHT TO HIM AS A REMEDY. THE O.C.C.A ALSO ALLOWED O.I.D.S. TO FILE A POST-CONVICTION APPLICATION PRIOR TO THE FILING OF ARGUMENTS ON DIRECT APPEAL CONTRARY TO STATE LAW, PROVIDING AN ALTERNATE SET OF FACTS TO THE F.P.D. IN THEIR FILING OF THE ILLICIT *McFarland* MOTION AND HABEAS PETITION.

68. THIS TYPE OF ARTIFICE IS, AS HAMILTON IN FEDERALIST NO. 84

WARNS, "A LESS PUBLIC, A LESS STRIKING, AND THEREFORE MORE DANGEROUS ENGINE OF ARBITRARY GOVERNMENT." AT THE HEART OF AMERICAN LIBERTY IS THE RESERVED POWER OF AUTOCHTHONOUS CRIMINAL JURISDICTIONS IN THE STATES, TO ACT AS ORGANISED BASTIONS FOR THE UNOPPOSED EXPRESSION OF RESISTANCE. RATHER THAN STATE PRISONS BECOMING A BASTILLE, I.E. A GROUP OF THUGS UTILIZED BY CORRUPT JUDGES AS A QUIET MEANS OF CENSORSHIP, WHICH HAS OCCURRED IN THIS CASE. PETITIONER PRAYS THE COURT TO GRANT THE STAY OF EXECUTION, TO ORDER AN EVIDENTIARY HEARING, TO ASCERTAIN THE TRUTH OF THIS COMPLICATED MATTER.

RESPECTFULLY SUBMITTED

WHERE LAM AT O.S.P.

P.O. BOX 97

NOVEMBER 08, 2021 ATMORE, OKLA. 74502