

ORIGINAL



IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA FILED COURT OF CRIMINAL APPEALS STATE OF OKLAHOMA

BRYAN CHRISTOPHER O'ROURKE, Petitioner, v. STATE OF OKLAHOMA, Respondent.

OCT 31 2023

JOHN D. HADDEN CLERK

No. PC-2023-742

ORDER AFFIRMING DENIAL OF POST-CONVICTION RELIEF

Petitioner, pro se, has appealed to this Court from a July 31, 2023, order of the District Court of Tulsa County, denying his application for post-conviction relief in Case No. CM-2007-3872. Petitioner entered a plea of guilty to Domestic Assault and Battery and was sentenced to one year imprisonment with all time suspended. Petitioner did not timely move to withdraw his plea or otherwise appeal his conviction.

Petitioner has failed to establish entitlement to any relief in this post-conviction proceeding. All issues that could have been raised in direct appeal proceedings but were not are waived, and may not be the basis of a post-conviction application. 22 O.S.2011, § 1086; Fowler v. State, 1995 OK CR 29, ¶ 2, 896 P.2d 566, 569. Petitioner has not

established sufficient reason for not asserting his current grounds for relief in direct appeal proceedings. *Id.* Therefore, the order of the District Court of Tulsa County denying Petitioner's application for post-conviction relief in Case No. CM-2007-3872 should be, and is hereby, **AFFIRMED**.

Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.


IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this


31 day of October, 2023.



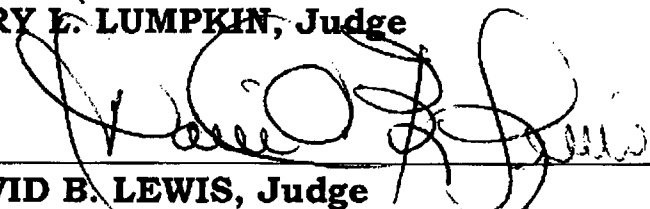
SCOTT ROWLAND, Presiding Judge



ROBERT L. HUDSON, Vice Presiding Judge



GARY L. LUMPKIN, Judge



DAVID B. LEWIS, Judge

Recused

WILLIAM J. MUSSEMAN, Judge

ATTEST:

John D. Hadden

Clerk

PA