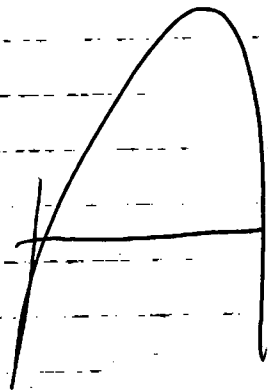


Appendix

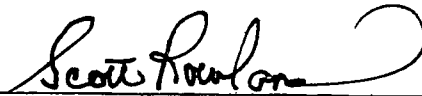


among other things, a certified copy of the District Court order denying his request for relief. *See*, Rule 10.1(C)(2), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2023). Petitioner's pleading requesting extraordinary relief does not contain a copy of a trial court order or records sufficient to prove he was denied relief in the District Court. The Court **DECLINES** jurisdiction and **DISMISSES** this matter. Petitioner's motion to recuse the Honorable William J. Musseman, application to assume original jurisdiction, and motion to stay proceedings in the district court are **DENIED**. The issuance of this order concludes these proceedings before this Court.

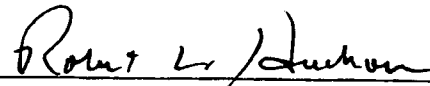
IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

25th day of August, 2023.



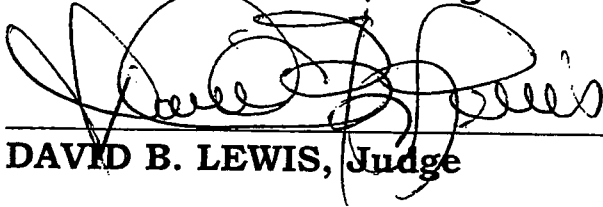
SCOTT ROWLAND, Presiding Judge



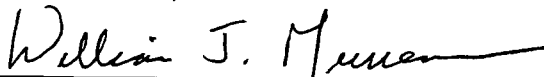
ROBERT L. HUDSON, Vice Presiding Judge



GARY L. LUMPKIN, Judge



DAVID B. LEWIS, Judge



WILLIAM J. MUSSEMAN, Judge

ATTEST:



Clerk

OA

ORIGINAL



PC 2023 640

IN THE OKLAHOMA COURT OF CRIMINAL APPEALS

FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

CHRISTOPHER J. BARNETT

AUG - 2 2023

PETITIONER

JOHN D. HADDEN
CLERK

CASE NUMBER: _____

V. TULSA COUNTY CASE NUMBERS

CF-2019-3570

RELATED CASE CF-2019-3495

JUDGE DAVID GUTEN

RESPONDENT

PETITION FOR WRIT OF MANDAMUS TO DISQUALIFY JUDGE DAVID
GUTEN AND VACATE ALL ORDERS MADE IN VIOLATION OF
RULE 15

Court Clerk, please mail a copy of this back to me at the addresses below.

Form 13.2 Affidavit in Forma Pauperis attached.

This petition is filed pro-se without the assistance of counsel and should be liberally construed.

Comes now, Petitioner, Christopher J. Barnett who files his petition to mandamus Judge David Guten & alleges the following in support of this mandamus.

Statement of the case:

Petitioner was charged in July 2019 with Assault and Battery with a Deadly Weapon. Petitioner went to trial and was convicted in March 2020. Petitioner through the Tulsa County Public Defenders Office filed a direct appeal which was denied by the OCCA. The Petitioner was taken back to Tulsa County in Case number CF-2019-3495 for four counts of threatening an act of violence. Petitioner learned when he returned to Tulsa County from Attorney Brendan McHugh that the State of Oklahoma withheld and suppressed evidence in violation of Brady. The petitioner filed Pro-Se for post-conviction relief. The petitioner also filed a Rule 15 to recuse then Judge Tracy Priddy citing

bias. Judge Priddy violated rule 15 and continued to rule and denied the petitioners motion for a change of venue, while the rule 15 was pending.

The petitioner filed for the Rule 15 in both CF-2019-3570 and CF-2019-3495. Eventually, the petitioner filed a motion to go Pro-Se despite the motion for rehearing to further recuse Judge Tracy Priddy. It is worth noting that Petitioner was appointed Attorney Brian Martin by Judge Priddy, but Brian Martin did not stop Judge Tracy Priddy from proceeding in violation of Rule 15. Judge Priddy, again held a faretta hearing in violation of Rule 15 and allowed the petitioner to go pro-se and promised him standby counsel. These cases are so intermingled that this is why I have to tell you about both cases. After Judge Dawn Moody declined to recuse Judge Tracy Priddy, Petitioner filed a Mandamus to the OCCA. Judge Tracy Priddy was transferred to the civil docket and Judge David Guten took over.

At the hearing to further recuse Judge Tracy Priddy for both cases, held before Judge Dawn Moody the State of Oklahoma turned over a box of discovery/evidence to me. I got back to the jail and started looking through it. There was newly discovered evidence that had never been seen. The newly discovered evidence was discovered in November 2022.

I found a treatment from the so-called victim in CF-2019-3570 where Ian Napier (Accuser) told the hospital that he suffers from obsessive

compulsive disorder and he has outburst if others cause him to go a different way. I found other documents as well that were suppressed by the State of Oklahoma and certainly went to CF-2019-3570 but they were never turned over. The State of Oklahoma did not follow Brady V. Maryland and withheld and suppressed evidence by putting it in the CF-2019-3495 case. I did not receive a fair trial in 3570 because the State of Oklahoma violated Brady V. Maryland and allowed perjured, tainted testimony of accuser Ian Napier to go uncorrected. Ian Napier told the jury that he announced himself and said he was there on official business. I reviewed the audio and video recording in November 2022 after the state turned this over and Ian Napier did not say who he was, did not announce himself or say anything aside from demanding entry to the home prior to pulling his gun. Ian Napier was told on the audio recording that he was trespassing and to leave now, however he didn't. This was clearly a case of stand your ground. The District Attorney did not correct this perjured, tainted testimony.

I sent a copy of the discovery to former defense counsel, Jason Lollman who is now a Federal Public Defender. Jason replied to me and told me that the State of Oklahoma did not make this information available to us. He had never seen it. Prior to this, on my application for Post-Conviction Relief, Jason Lollman, at the request of the Tulsa County

District Attorney provided an affidavit that stated he believed the State of Oklahoma turned everything over. Then a couple months later, Jason Lollman provided me with a signed letter telling me he never saw this evidence, which contradicts the affidavit in 3570 that Jason Lollman submitted to the state. This was brady evidence and would have gone to guilt or punishment. This evidence could not have been discovered through due diligence. The State of Oklahoma has an obligation under Brady to bring this to the attention of the defense and they didn't. This is the heart of a Brady violation. There were also police reports pertaining to The University of Tulsa, which were never turned over and would have been used to impeach The University of Tulsa since The University of Tulsa was the states lead witness. This denied me due process and a fair trial. See letter from Jason Lollman, attached to this filing.

When Judge David Guten took over the docket, he appointed Attorney Brian Boeheim to represent me. Upon Brian meeting with me and looking through information, he too agreed that the State of Oklahoma had not turned everything over. Brian Boeheim was also appointed to represent me for Post-Conviction Relief in CF-2019-3570. Brian Boeheim told me we were having a hearing in April 2023 and the State is going to be forced to turn over the suppressed evidence. One week before that hearing took place, I was sent back to Prison and unable to

contact Brian Boeheim because he does not accept calls from the prison or jail. I filed several pro-se documents under the belief that Brian Boeheim was no longer representing me. I had sent him numerous letters and he never responded to any of them. I filed a bar complaint against Brian Boeheim because of the lack of communication. Finally, in May 2023, I heard from Brian regarding both cases. Brian told me I'd be back in Tulsa in a week for the hearing. That didn't take place. I immediately sent a letter to both Brian Boeheim and The Oklahoma Bar withdrawing my bar complaint. In the meantime, I had asked for an ex-parte hearing with Judge Guten regarding issues with counsel. I heard nothing from anyone.

Brian Boeheim received the bar complaint and filed to withdraw from representing me. I fired him after he withdrew. Had it not been for the communications issues, this mostly could have been avoided.

I filed several pro-se motions in both cases, and I filed an amended petition for post-conviction relief. I asked for the issue of counsel to be taken up and asked for a minimum of standby counsel. I filed a Rule 15 motion for in camera hearing to recuse Judge David Guten in both cases.

There was a hearing set for July 10, 2023 but that hearing did not take

place. On July 18, 2023 I was taken back to Tulsa with no notice as to what was happening. I appeared in Judge Guten Court. The Rule 15 is still pending and has not been exhausted. The first thing that happens is Judge Guten allows counsel, Brian Boenheim to withdraw. I am not appointed counsel, standby counsel or given a faretta hearing. I filed a motion to strike the faretta hearing with Judge Tracy Priddy because it was held in violation of Rule 15. A Challenged Judge allowed me to go pro-se. Did she do it correctly, or did she do it to harm me since she was challenged? Judge Priddy promised me standby counsel but she retaliated and I was pro-se for six months and all alone. I never received standby counsel. The court retaliated against me and bullied me and continues to do so. I begged Judge Tracy Priddy through filings and when in person in her court room for counsel or standby counsel and I was ignored for 6 months. This is a due process violation. This was intentionally done by the court.

At the hearing, Judge Guten goes on the record, says that I filed for an in camera hearing to recuse him, denies the motion and proceeds to rule on my application for post-conviction relief. You can tell by Judge Gutens voice that he is not happy and he has an attitude of "I'm going to fix you for this". I object but I'm told to be quiet. I'm not allowed to be heard. Judge Guten totally disregards Rule 15, continues to rule and

continues to violate my due process rights under the 5th and 14th amendments. Judge Guten ignores all of my post-conviction relief filings, denies me post-conviction relief, tells me defense counsel and appeals counsel was not ineffective and through due diligence, I could have discovered everything and it could have been brought in my direct appeal. I have no idea how we could have discovered the brady violations, that was discovered in November 2022 and confirmed by a signed letter from former defense counsel, Jason Lollman. I inquired with former defense counsel, Mari Rierra from the Public Defenders Office and she told me appeals counsel only goes by what is in the record and would have no reason to look in the case of CF-2019-3495 when filing a direct appeal.

There were lots of issues of material facts that warranted and required an evidentiary hearing, however Judge David Guten continued to rule against me because of his bias and to harm me.

Clear Legal Right to relief sought:

The Petitioner has a constitutional right to a cold detached neutral judge. This was denied to the petitioner when Judge David Guten ignored the rule 15 procedure to

harm the petitioner. Judge David Guten showed his bias through the hearing in CF-2019-3570 and CF-2019-3495 by telling the petitioner on the record that he believes **he is threatening Judges, harassing and intimidating them.** Petitioner denies these allegations. The petitioner had filed a motion to change the venue so he could receive a fair trial. The petitioner was denied this by Judge David Guten with no ability to be heard. Judge Guten said Judge Priddy ruled on this, but again, Judge Priddy ruled in violation of Rule 15 and all of her rulings must be vacated according to Clark v. Board of Education and Miller Dollarhide V. Tal. The Petitioner has a plain legal right to a cold detached neutral judge under both the Oklahoma Constitution and the Federal Constitution. The petitioner specifically cites Okla. Const. Art 2. §6 which provides "The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay or prejudice." Judge David Guten is prejudiced towards the petitioner because petitioner published the home addresses and extremely personal information about Judges on the website petitioner was associated with, www.transparencyforoklahomans.com . Petitioner received information from people that work in the court house that placed hidden cameras in the Judges Chambers, along with key loggers and listening devices. Among the information the Petitioner published, information about Judge David Guten involving domestic abuse/strangulation/ sexual assault and groping. The petitioner also published a sex tape of another current sitting

judge, having sex with a well-known attorney in their chambers. This Judge usually rules in favor of this attorney, violating due process for both parties because of bias. See Fort V. State.

The petitioner also published information about Judge April Siebert and TFO titled her "A liberal lesbian" because she is a lesbian and married to a woman who works at the FBI. It is important to note that the petitioner is gay and has no problem with Judge Siebert being gay, but she ruled to harm the petitioner because he did not agree with the liberal gay agenda that she supports.

Petitioner published information about every Judge in Tulsa County. Of Course, Judge Guten is going to say he doesn't know anything about this or that he is not biased when he actually is. Just because he says he is not biased does not mean he is. The Tulsa District Court knows I published this information. From the inception of this case, vindictive prosecution has been alleged, and even the motion I filed seeking relief, Judge Guten denied it. The appearance of bias to too much and I cannot receive a fair trial because of it, in Tulsa County. I need a Judge who is not from Tulsa County. I asked for a non-jury trial and I cannot receive it from a Judge who I wrote about. To be clear, I did not have anything to do with the people who placed cameras, listening devices or key loggers in the chambers of the Judges or the Tulsa County District Attorney's Offices. I only published the information given to me because it proved corruption. Its irony when Judges are sentencing people to

long prison sentences for drugs, yet they themselves are doing illegal drugs in their chambers. I also published information about the sexual affair of Judge Michelle Keely with Judge Doug Drummond. This affair has been going on for twenty years.

Judge Guten was very upset about this and without a doubt, he knows I have proof. I never thought I'd be wrongfully convicted in CF-2019-3570 or be arrested on frivolous charges in CF-2019-3495, but the State of Oklahoma and the Tulsa District Court is actually getting away with this. I urge this court to put an end to it. I broke no laws by publishing the information about Judges & others in the Tulsa County District Attorney's Office. The Judges having sex in their chambers, doing cocaine, carrying on affairs, they are all public employees, elected officials and using tax payer funds for this and it is of interest to the public and I have a first amendment right to publish the information and bring it to the attention of the public. TFO also received proof that Judges in Tulsa County were accepting bribes and having ex-parte communications. Citing Rippo V. Baker 580 US 285.137 S.Ct. 905 "Risk of bias is too high to be constitutionally tolerable." In this case, the risk is beyond constitutionally tolerable. Please give me a neutral detached judge who is not seeking to harm me.

The Tulsa County District Attorney's Office has claimed since day one that I was threatening Judges by publishing their home addresses on the TFO website. The Home addresses were obtained from the Tulsa County Tax Assessors website and is

subject to the Oklahoma Open Records Act. There was no call to harm anyone and certainly no offer to provide firearms to anyone willing to do anyone any harm. The Petitioner is 100% against violence and has never advocated for violence. It is important to note that I am not charged with threatening Judges, but the DA continues to allege it. I asked Judge Guten to settle this once and for all and he ignored it.

The terms of Art. 2, §7, Okl. Const., are:

No person shall be deprived of life, liberty, or property, without due process of law.

E. DISQUALIFICATION

(1) A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might be reasonably questioned, including but not limited to instances where:

(a) the judge has a personal bias or prejudice concerning a party or a party's lawyer;

Plain Legal Duty not involving the exercise of discretion

Judge Guten has a plain legal duty to ensure that the due process rights of the petitioner are protected. Rule 15 is clear. A Judge cannot proceed to rule when a rule 15 is filed and until the petitioner exhausts the rule 15 procedure.

Citing Miller Dollar Hide V. Tal "A trial courts continued participation

while motions to disqualify are pending results in a deprivation of due process”.

“It is not a matter of discretion to refrain from presiding over the cause until the disqualification ruling is memorialized and the movant has, at the movant’s option, exhausted the Rule 15 procedure.”

Adequacy of Writ and inadequacy of other relief:

Because this was a Rule 15 motion to disqualify/recuse/transfer, and since the petitioner has been denied the motion for in camera by Judge David Guten, petitioner filed for a rehearing with the Presiding Judge who was Judge Dawn Moody, Mandamus is appropriate and the proper step to take. The petitioner cannot proceed forward because Judge David Guten is biased and is currently violating the due process rights of the petitioner by not adhering to Rule 15. The petitioner is barred from other relief because Judge Guten violated Rule 15. The Due process rights of the petitioner under the 5th and 14th amendment: Petitioner is entitled to Post Conviction Relief & a evidentiary hearing. Petitioner is being denied due process by Judge David Guten continuing to rule in violation of Rule 15b.

Bias of Judge David Guten:

Judge David Guten continues to put me out 30 to 120 days at a time. Judge Guten promised me at the hearing on July 19, 2023 that he would issue an order to the prison to allow me to view my discovery. I had a hearing in less than thirty days, but Judge Guten signed the form to send me back to prison immediately. I had specifically asked for counsel and standby counsel and Judge Guten told me no. This is plain and clear retaliation.

I have filed for a Franks Hearing, followed Franks V. Delaware to the T, see attached Franks motion and Judge Guten continues to ignore my Franks motion. My first Franks Motion was filed in November 2022. It is now almost August, 1 day away and I still have no Franks hearing. I tore the affidavit apart and showed that the police officer omitted more than 15 to 20 things in his affidavit. I provided a motion, an offer of proof, which was the officers own evidence and an affidavit. The Police Officer, Justin Beal used deliberate reckless falsehoods to obtain probable cause to have me arrested. Judge Guten set a discovery hearing for 30 days out from July 19, 2023. I again asked for a Franks Hearing and he said he would take it up then, (It was denied with no hearing according to OSCN.net) Considering my evidence of omissions is overwhelming, and it is obvious that the police could not

obtain probable cause if they had not omitted the information, Judge Guten should hold the Franks hearing before anything else, of course after the rule 15, but hopefully this court disqualifies Judge Guten and gives me a fair cold detached neutral Judge.

Judge Guten has refused to hold a Franks Hearing, because he knows there is no way around it. The Police Officer violated Franks. The entire case in CF-2019-3495 must be dismissed and all evidence obtained in violation of the 4th amendment must be declared fruit of the poisonous tree. The reason Judge Guten doesn't want to do this is because the State of Oklahoma admitted at the hearings on July 19, 2023 that the trials were supposed to be completely separate... but they were not. The State of Oklahoma used all statements obtained prior to me being mirandized from the second arrest in the trial of 3570 and used all information they illegally obtained in violation of the 4th amendment from the 3495 (illegal arrest) to convict me in 3570.

To be clear, the conviction in CF-2019-3570 was obtained with illegally obtained evidence that was obtained in violation of the 4th amendment. I raised this issue in my post conviction relief applications. Judge Guten's biased did not even allow me to be heard on this matter. This is how bad the Tulsa District Court wanted me to be silenced. They allowed all of these errors and omissions and it denied me a fair trial and now when I ask for relief, the due process violations continue.

There was no way we could file for a suppression hearing midway through trial. Judge Guten told me on the record on July 19, 2023 that he believed I was threatening his co-workers, (Judges) and intimidating and harassing them. I wasn't held in contempt and Judge Guten made clear his bias. I filed a motion in 2019 that requested a fast and speedy trial. Judge Guten blamed covid and said my right was not violated. Judge Guten was quick to blame covid for the states shortcomings, but didn't take covid into consideration for ineffective assistance of counsel or appeals counsel and the public defenders office not investigating or pursuing anything in CF-2019-3495. In fact, the District Attorney admitted that CF-2019-3495 was completely put on hold due to covid and the PD's office trying to pressure me into pleading guilty. This is crazy.

Judge Guten issued an order to the Prison to allow me to view my discovery, CD's and Jump Drives, however the prison said they don't have to do that and even made me sign a letter stating I had 30 days to send out my discovery or they would destroy it. I mailed it back to Judge David Guten. Because I cannot see the evidence against me, I am again denied due process and access to the courts by Judge David Guten rushing to send me back to prison, and by Warden Carrie Bridges of James Crabtree because she will not let me view my discovery. The Tulsa County District Attorney told the Prison today July 31, 2023 not to send the discovery back to the Judge and to hold onto it. The Tulsa County District

Attorney's Office and Judge David Guten are aware that I cannot view my discovery and they are doing nothing about this due process violation and denial of access to the courts. The wardens Assistant, Jodi Miller told me that the order only says I'm to have the discovery but not use a computer to access it. It depends on how you read the order, but Judge Guten again did not do what he promised because he is biased.

Judge Guten continued to proceed in CF-2019-3495 even though he was challenged in CF-2019-3570 and he is obviously biased. I did withdraw the Rule 15 motion out of desperation in 3495 because I want relief. This harmed me. It has not been addressed in any court decisions I can find. Can a Judge who is hearing both cases back to back who is challenged in one case, but the other one not, move forward and hear the case he is not challenged in? I believe Judge Guten abused his discretion. I think this should be addressed by the OCCA. I do not believe that Judge David Guten should have proceeded in either cases due to his bias.

Judge Guten also threatened to seal the entire file in CF-2019-3495 if I continue to make filings he does not agree with, meaning filings about the Judges and the corruption in Tulsa County.

I saw that Judge Guten denied all of my motions, many of them without hearings. Judge Guten also denied my motion for a Franks Hearing. I filed an amended motion for a Franks Hearing after he denied it. This motion is showing on OSCN. I am filing a motion to strike the decision to deny all motions.

Judge Guten denied my petitioner for Post Conviction DNA testing with no affidavit, despite bringing it separately. This proves that Judge Guten cannot rule in this case without being bias. It is mandatory that a hearing be held. The Police have DNA on the gun and the finger prints aren't mine, but they won't turn this over. 32 years in prison because the prosecutor was allowed to use perjured, tainted testimony to obtain a conviction in violation of the 14th amendment and the prosecutor also used illegally obtained evidence in violation of the 4th amendment. Every American has a right to be free from unlawful search and seizure.

I have been wronged by the State of Oklahoma, I sought relief and I've been retaliated against for doing do. I'm being kept in prison, despite being wrongfully convicted. I am seeking a new trial in CF-2019-3570 and complete dismissal in CF-2019-3495. I did not do what I'm accused on and the Tulsa County District Attorney lied and the Judge allowed these lies to harm me.

First Amendment Retaliation

The Tulsa County District Court, and the Tulsa County District Attorney's Office in

conjunction with the State of Oklahoma have engaged in first amendment retaliation to chill the speech of the petitioner. This flies in the face of the 1st amendment. I exercised a constitutional right of free speech and the courts in Tulsa County have retaliated against me to silence me.

Conclusion:

The petitioner seeks that this court mandamus Judge David Guten, order his disqualification, order that a new Judge be appointed, preferably a Judge from outside Tulsa County so the Petitioner receives due process. Petitioner seeks that the OCCA vacate all orders of Judge Tracy Priddy entered in violation of Rule 15 and vacate all orders of Judge David Guten in CF-2019-3570 held on July 19, 2023 because Judge Guten continued to rule in violation of Rule 15 and petitioner had not exhausted the rule 15 procedure. Petitioner also seeks that the court consider whether or not Judge Guten should have continued to rule in CF-2019-3495 since he was challenged in CF-2019-3570. Judge Guten was a challenged Judge and should have recused. Please find that Judge Guten abused his discretion by continuing to rule in violation of Rule 15 and please determine if Judge Guten could proceed forward in CF-2019-3495 since he was challenged in CF-2019-3570. Petitioner requests that the OCCA vacate all orders in CF-2019-3495 entered from the court hearing on July 19, 2023 and all orders as a result of that hearing if the court determines Judge David Guten should not/could not have proceeded because he was

challenged on CF-2019-3570. The Petitioner prays that this court will issue this WRIT OF MANDAMUS against Judge David Guten and disqualify him from hearing both of these cases further.

The petitioner also seeks counsel/standby counsel and needs to be heard on these matters but this too has been denied to him by Judge David Guten. A miscarriage of justice is taking place. Please stop it!

The petitioner closes this by reminding the court of three very important parts of the Oklahoma Constitution.

Art. 2, §7, Okla. Const., "No person shall be deprived of life, liberty, or property, without due process of law."

Okla. Const. Art 2. §6 which provides "The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay or prejudice."

Okla. Const. Art 2, §30 "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches or seizures shall not be violated; and no warrant shall issue but upon probable cause supported by oath or affirmation, describing as particularly as may be the place to be searched and the person or thing to be seized."

Respectfully Submitted:




Christopher J. Barnett Pro-Se 857048
216 North Murray Street
Helena, Oklahoma 73741

7-31-2023

Date:

VERIFICATION

I, Christopher J. Barnett, the above-named petitioner in this case, state under the penalties of perjury that everything in this answer/petition/motion is true and correct to the best of my knowledge. This filing is not frivolous and is made in good faith. This filing is an attempt to access the courts for the wrongs against me.



Christopher J. Barnet, Petitioner DOC# 857048
216 North Murray Street
Helena, Oklahoma 73741

July 31, 2023

PRISON-MAILBOX RULE CERTIFICATE OF SERVICE/MAILING

Petitioner by his signature above pursuant to 28 USC 1746 (or state analogue) declares under penalty of perjury that on the date stated above he placed a copy of this pleading in the prison outgoing mail receptacle, with sufficient US postage attached, addressed to:

The Oklahoma Court of Criminal Appeals 2100 North Lincoln Blvd, Oklahoma City
Oklahoma 73105

Tulsa Court Clerk, 500 South Denver Avenue Suite 200 Tulsa Oklahoma 74103

Judge David Guten 500 South Denver Avenue, Tulsa Oklahoma 74103

Christopher Barnett
DLM # 1263543
300 N Denver Ave
Tulsa, OK 74103

CF20193570



CF20193495

BRADY LETTER FROM DEFENSE ATTORNEY

JASON LOLLMAN

Dear Chris:

I received your letter dated 11/30/2022 and reviewed the attached documents. The State's discovery did not include Exhibits F (TCSO letter dated 10/25/2018) and H (emails between Matthew Hewett and AUSA Joel-lyn A McCormick) but Exhibit I appears to be a transcript of testimony from trial and Exhibit J appears to be a treatment note from 2020, which was after the trial. So it would not have been included in our discovery. I hope this helps.

Take care,

Jason D. Lollman

DISTRICT COURT
FILED

MAY 12 2023

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Copy to DA & Judge

Jason Lollman
Fed. Public Defender
1 W. Third St.
STE 1225
Tulsa OK 74103

TULSA OK 740

6 DEC 2022 PM 3



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042L14827127

US POSTAGE

Christopher Barnett
DLM # 1263543
300 N Denver Ave
Tulsa OK 74103

74103-142000



SPECIAL MAIL

OPEN IN THE PRESENCE OF THE IM...

J9



OUTREACH LAB
 PO BOX 707001
 TULSA OK 74121-1228
 AMBULATORY ENCOUNTER

EXT

Napier, Ian Stefan Jackson
 MRN: 20188526, DOB: 11/9/1991, Sex: M
 Visit date: 2/7/2020

Visit Summary (continued)

Allergies as of 2/7/2020 (continued)

Reviewed by Jill Suzanne Renfro, APRN-CNP
 on 2/7/2020

Immunizations Administered as of 2/7/2020

Name	Date
Tdap	7/24/2019

Implant History

No active implants to display in this view.

Patient History

Medical as of 2/7/2020

Past Medical History

Diagnosis	Date	Comments	Source
ADHD	---	---	Provider
ADHD (attention deficit hyperactivity disorder)	---	---	Provider
Anxiety	---	---	Provider
Head injury	---	---	Provider
Obsessive-compulsive disorder	---	motor cycle assident - was earing helmet "have outburst if others cause me to go a different way than normal"	Provider
Panic disorder	---	---	Provider
Psoriasis	---	---	Provider

Pertinent Negatives

Diagnosis	Date Noted	Comments	Source
Alcoholism (HCC)	06/29/2015	---	Provider
Anorexia nervosa	06/29/2015	---	Provider
Autism spectrum disorder	06/29/2015	---	Provider
Bipolar disorder (HCC)	06/29/2015	---	Provider
Borderline personality disorder (HCC)	06/29/2015	---	Provider
Bulimia nervosa	06/29/2015	---	Provider
Cancer (HCC)	06/29/2015	---	Provider
Chronic pain disorder	06/29/2015	---	Provider
Depression	06/29/2015	---	Provider
Disease of thyroid gland	06/29/2015	---	Provider
HIV disease (HCC)	06/29/2015	---	Provider
Liver disease	06/29/2015	---	Provider
Oppositional defiant disorder	06/29/2015	---	Provider
Peripheral neuropathy	06/29/2015	---	Provider
PTSD (post-traumatic stress disorder)	06/29/2015	---	Provider
Schizoaffective disorder (HCC)	06/29/2015	---	Provider
Seizures (HCC)	06/29/2015	---	Provider

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Hewett, Matthew (OC) (FBI)

EXM

From: Winkle, Tyler (USMS) <Tyler.Winkle@usdoj.gov>
Sent: Wednesday, March 14, 2018 12:52 PM
To: Hewett, Matthew (OC) (FBI)
Subject: Re: Stalking Case

Yes, I have interviewed Christopher Barnett and other people involved in this case. I have not been able to find any direct threats to anyone. USMS cyber unit has been watching his social media accounts. I'll am leaving on vacation today, but will be back in the office on Wednesday next week. I will give you a call when I get back.

> On Mar 14, 2018, at 12:35 PM, Hewett, Matthew (OC) (FBI) <mjhewett@fbi.gov> wrote:

>
> Hey Tyler,

> Is this the internet threat case you mentioned the other day?

> —Original Message—

> From: McCormick, Joel-lyn A. (USAOKN) [mailto:Joel-lyn.A.McCormick@usdoj.gov]
> Sent: Wednesday, March 14, 2018 10:59 AM
> To: Aichele, Adam D. (OC) (FBI) <adaichele@fbi.gov>
> Subject: RE: Stalking Case

> Adam,

> Thanks so much for following up. This matter was brought to my attention and my limited understanding of the facts is as follows:

> A TU Law School professor, Winona Tanaka, and potentially Senior Judge of the Northern District of Oklahoma, Judge Kern (indirectly) have been the targets of statements made via e-mail and/or social media. I have not reviewed the statements firsthand. The statements were generated on numerous occasions and started after the University of Tulsa took personnel action against the domestic partner of the Christopher Bennett who is the person responsible for generating the e-mails and posting at issue.

> Since receiving the initial information, I reached out to Pat Cremin, the lawyer who represents University of Tulsa, and he explained that he too has been the target of the statements and postings made by Mr. Bennett. Notably, Mr. Cremin explained that he feels threatened and is concerned for his safety. I've coordinated a meeting for Friday at 10:30 a.m. to meet with Mr. Cremin to review the statements and to gather additional information. From a review of the communications, we hope to access whether the statements rise to a level for criminal prosecution.

> I appreciate your inquiry and I am available by phone to further discuss with you or any agent assigned to this matter.

> Joel-lyn A. McCormick
> Northern District of Oklahoma
> Assistant United States Attorney
> Lead OCDETF Attorney
> (918) 382-2700

EXH

REPORT OF INVESTIGATION

1. FID: 10516737 CASE: 1862-0226-0323-V	2. DATE OF REPORT: 03/02/2018	3. REPORTED BY: WINKLE, TYLER AT: 062
4. SUBJECT NAME: MANGUM, CHRISTOPHER		
5. MERGED FIDs:		
6. TYPE OF REPORT: <input type="checkbox"/> REPORT OF ELECTRONIC INTERCEPTION <input type="checkbox"/> COLLATERAL LEAD <input type="checkbox"/> WITNESS INTERVIEW <input type="checkbox"/> ADMINISTRATIVE SUBPOENA <input type="checkbox"/> ARREST/CLOSE <input checked="" type="checkbox"/> INTELLIGENCE UPDATE (USM 11140719) <input type="checkbox"/> MEMORANDUM TO FILE <input type="checkbox"/> OTHER		
7. HOURS WORKED: 24		

On 2/26/2018 United States Marshal Service (USMS) Northern District of Oklahoma (N/OK) received a call from District Judge KERN about Christopher BARNETT-MANGUM (MANGUM is his maiden name, FBI# 862563PBI, address 7520 E 102nd St Tulsa, OK) making unwanted comments online/writings (blogs, Facebook, and paper writings) and possible conducting surveillance/research on Federal District Judge Terrence KERN, KERN's wife, and Federal District Judge John DOWDELL (only one reference found about him at this time). Judge KERN informed DUSM WINKLE that BARNETT-MANGUM had information about him and his wife that was not common knowledge. With this information DUSM WINKLE then opened a Preliminary Assessment on BARNETT-MANGUM in order to find out who BARNETT-MANGUM is, if he was stalking or conducting surveillance on Judge KERN or Judge DOWDELL, and if BARNETT-MANGUM is a threat at this time. BARNETT-MANGUM has a criminal history of Resisting Arrest and Assault on LEO or LEOs (both were misdemeanors), and has been accused of harassment and threatening others in the past.

On 2/28/2018 DUSM Winkle conducted interviews and research found that some of the information BARNETT-MANGUM posts online/writes about others is public knowledge, other information BARNETT-MANGUM receives about others could only be gained by extensive research of an individual. During this investigation DUSM WINKLE found numerous photos of BARNETT-MANGUM posing with guns and angry writings, but none are direct threats. During interviews DUSM WINKLE was informed that BARNETT-MANGUM sometimes pays other people money to take pictures, conduct surveillance, or have research done on people involved with his Civil Cases. DUSM WINKLE was told that BARNETT-MANGUM even references this in some of his blogs/Facebook post. All individuals interviewed in regards to BARNETT-MANGUM stated that he had never directly threaten them, but had harassed them and made them fearful, uneasy, or scared.

8. SIGNATURE (Name and Title) TYLER WINKLE Deputy U.S. Marshal	9. DATE 03/02/2018 5:12 PM EST 12. DISTRIBUTION DISTRICT HEADQUARTERS OTHER
10. APPROVED (Name and Title) JOHN GAGE Supervisory Deputy U.S. Marshal	11. DATE 03/05/2018 2:06 PM EST

EXH**REPORT OF INVESTIGATION**

Page 2 of 2

1. FID: 10516737
CASE: 1862-0226-0323-V

2. DATE OF REPORT: 03/02/2018

3. REPORTED
BY: WINKLE, TYLER
AT: 062

4. SUBJECT NAME: MANGUM, CHRISTOPHER

5. MERGED FIDs:

On 3/1/2018 DUSM WINKLE and Dayne WILLIAMS conducted an interview with BARNETT-MANGUM at his workplace (Co-Owner, Trey's Wine and Spirits, address 8033 S Mingo Rd Tulsa, OK) in regards to the Preliminary Assessment case involving Judge KERN and Judge DOWDELL. DUSMs made contact with TREY (BARNETT-MANGUM's husband) at the front desk of the Trey's Wine and Spirits. DUSM informed TREY who they were and showed their credentials, and asked if BARNETT-MANGUM was around. TREY informed DUSMs that he was not, but would be back shortly. DUSM then asked TREY if he would mind speaking with DUSMs about BARNETT-MANGUM, and TREY agreed to speak with DUSMs. DUSMs and TREY then went to the back of the business, into a small office. DUSM WINKLE asked TREY if he had ever seen BARNETT-MANGUM be violent or aggressive toward anyone in the past, TREY answered no.

At this time BARNETT-MANGUM came through the back door of the business into the small office. DUSMs greeted BARNETT-MANGUM and informed him who they were and why they were there. DUSM WINKLE asked BARNETT-MANGUM if he was conducting surveillance/researching Judge KERN, his wife, and/or Judge DOWDELL, and if so, why. BARNETT-MANGUM stated that he had never done surveillance on Judge KERN, Judge DOWDELL or any of their family members. BARNETT-MANGUM also said, that he hadn't paid or asked anyone to do so, nor would he. BARNETT-MANGUM did state, he had researched Judge KERN and his wife's connections to Tulsa University (TU) because of his Civil Case. Judge KERN and his wife have connections to TU, and BARNETT-MANGUM thought that Judge KERN should recuse himself from BARNETT-MANGUM's civil case because of those connections. BARNETT-MANGUM then stated that if Judge KERN did rule against him, Judge KERN's connection to TU would help his case go before the appeals court.

DUSM WINKLE asked BARNETT-MANGUM, if he had ill will or wanted to harm Judge KERN, Judge DOWDELL, or their families. BARNETT-MANGUM stated, absolutely not. BARNETT-MANGUM then said, if he is ruled against in his civil case, he will appeal it, but would not ever harm someone over it. BARNETT-MANGUM also stated that he just wanted his voice to be heard, for people to know how corrupt TU is.

End of Report.

Hewett, Matthew (OC) (FBI)

LXM

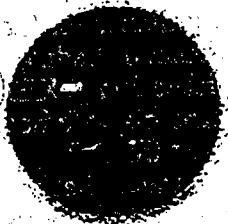
From: McCormick, Joel-lyn A. (USAOKN) <Joel-lyn.A.McCormick@usdoj.gov>
Sent: Thursday, March 29, 2018 2:34 PM
To: Hewett, Matthew (OC) (FBI)
Subject: RE: Chris Barnett

Matthew,

Sorry for the delay in my response. I wanted to follow up on a couple of this in reference to this matter. I agree with you. I don't think there is much we can do. Thank you so much for your thorough follow-up.

Joel-lyn A. McCormick

Northern District of Oklahoma
Assistant United States Attorney
Lead OCDEF Attorney
(918) 382-2700



From: Hewett, Matthew (OC) (FBI) <mjhewett@fbi.gov>
Sent: Monday, March 26, 2018 3:44 PM
To: McCormick, Joel-lyn A. (USAOKN) <jamccormick@usa.doj.gov>
Subject: Fwd: Chris Barnett

Joel-lyn,

Based on Tyler's interview of Chris Barnett and a lack of any specific threats against Pat Cremin, John Rogers or Prof. Tanaka, I'm not sure there is a threat case to be made against Barnett. What do you think?

----- Original message -----

From: "Winkle, Tyler (USMS)" <Tyler.Winkle@usdoj.gov>
Date: 3/26/18 3:10 PM (GMT-06:00)
To: "Hewett, Matthew (OC) (FBI)" <mjhewett@fbi.gov>
Subject: RE: Chris Barnett

Here is my report, sorry for the delay, crazy day.



EXF

Tulsa County Sheriff's Office
Criminal Information Unit

UNCLASSIFIED // FOR OFFICIAL USE ONLY

October 25, 2018

To: Steve Kunzweiler, Tulsa County District Attorney
Erik Grayless, 1st Assistant District Attorney

From: Deputy Roger Crow, Tulsa County Sheriff's Office

Subject: Discussion with local law enforcement officers regarding potential threats in Tulsa County.

Dear gentlemen,

~~On October 25, 2018~~ Investigators from federal, state, and local law enforcement are scheduled to meet you to discuss a potential threat to members of the court, colleges and faculty, as well as other individuals in Tulsa County.

The meeting is to be held at the Tulsa County Courthouse on the 9th floor at the Tulsa County District Attorney's Office.

Attending this meeting with be:

- 1.) FBI, SA Matt Hewett
- 2.) OSBI, SA Todd Spurlock
- 3.) Tulsa Community College Campus Police, Lieutenant Drew Mullenixii
- 4.) Tulsa County Sheriff's Office, Deputy Roger Crow
- 5.) Tulsa Police - JTTF, Corporal Bill Jenkins
- 6.) Tulsa University Campus Security, Captain Zac Livingston
- 7.) US Marshall's Office, Deputy Tyler Winkler

The Oklahoma Attorney General's Office has made inquiries to the Tulsa County Criminal Information Unit regarding these matters, thereby, the purpose in this meeting is to come together and discuss these concerns of preserved threats.

With a combined effort, our desire is to attempt to identify a solution in the laws that will support the information and investigations in a possible nexus for criminal acts of violence and/or behavior issue relating to mental health.

Respectfully,

Deputy Roger Crow

1 Q And you know what it means to preserve evidence?

2 A Yes, sir.

3 Q And what does it mean?

4 A That -- preserve evidence related to a crime, yes.

5 Q If somebody's alleging self-defense and the
6 alleged victim has a gun on them, isn't that evidence?

7 A In this particular case, I think the investigation
8 revealed that the video shows that he couldn't have seen
9 the weapon. I interviewed the fireman this weekend. He
10 stated when he approached Mr. Napier to give him
11 assistance after being shot he had no idea that he had a
12 gun. Mr. Napier's a little larger individual. The gun
13 was actually covered with a shirt in his pants where the
14 fireman said, I would have never even known he had a gun
15 unless I was told.

16 So the police did recover it, determined that
17 Mr. Napier hadn't committed a crime. I have pictures of
18 the gun. I know what kind of gun it is. I can always
19 take it. It was never fired. Mr. Napier never even had
20 it during the incident. Therefore, it wasn't collected
21 because it wasn't evidence in a crime. It's documented
22 that he had a gun and what it was, but it wasn't
23 collected.

24 Q So I think your long -- you gave a long answer,
25 but what you are really saying is it's only evidence if

State of OKLAHOMA



CF20193570

v
Christopher J. Barnett

4/5/2023

CF20193495

REQUEST FOR Rule 15 IN CAMERA
to DISQUALIFY Judge DAVID GUTEN OF
the CAUSE to ANOTHER Judge.

DISTRICT COURT
HEARING
APR 11 2023
DON NEWBERRY, COURT CLERK
STATE OF OKLA. TULSA COUNTY

I, CHRIS BARNETT Request AN IN CAMERA hearing
for the purpose of Recusing Judge DAVID GUTEN
OR transfer the CAUSE to ANOTHER Judge.

IN Support of this Request, I cite CLARK V
BOARD OF Education AND Millerdollarhide PC V TAL,

I Am Aggrieved by the LACK OF ACTION of Judge
DAVID GUTEN in Both MY CASES AND him CONTINUALLY
Allowing the State of Oklahoma to withhold BRADY
MATERIAL Evidence. This Led to my wrongful conviction
in CF20193570. This Court Refuses to order the State
to turn over the missing with held & suppressed

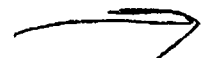
Evidence. CF20193495 has been Stalled for years. I
Am being denied Due Process. Please Set AN IN
CAMERA hearing AS SOON AS POSSIBLE for this to be
heard. Please Give me A FAIR Judge AND FAIR trial.

Respectfully Submitted

Christopher J. Barnett PRO-se *Chris Barnett* Doc 857048
216 N MURRAY ST Helena OK 73741

Certificate of MAILING on BACK

Guten
copy to DA & Judge



Certificate of Mailing

I, CHRIS BARNETT certify that I mailed
this motion to The TUBA Court Clerk
500 South Denver Ave Suite 200, TUBA
OK 74103 on April 05, 2023 Postage
Pre Paid by Depositing in the Prison
Mail Box Same Day.

CHRISTOPHER J. BARNETT Doc 857048

Chief Deputy 4/5/2023

216 N MURRAY ST

HELENA OK 73741

PRO-SE JJ 662231

COPY TO JUDGE DAVID GUTEN &

ATTORNEY BRIAN BOEHEIM PLEASE, I'M OUT OF MONEY
TO MAIL AND HAVE NO ACCESS TO THE

~~COURTS ONCE AGAIN I HAVE NO ACCESS TO~~

Counsel And do not know if I still have
counsel or not.



DOUBLE SIDED DOCUMENT

DISTRICT COURT
FILED

JUL 27 2023

IN THE DISTRICT COURT OF TULSA

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

STATE OF OKLAHOMA

CHRISTOPHER J. BARNETT

Guten
Copy to DA & Judge

PETITIONER

V. Case Number: CF-2019-3495

STATE OF OKLAHOMA

RESPONDENT

AMENDED MOTION FOR FRANKS HEARING

MOTION FOR IMMEDIATE HEARING

THIS MOTION IS PREPARED PRO-SE WITHOUT THE ASSISTANCE OF COUNSEL AND SHOULD BE LIBERALLY CONSTRUED. PETITIONER HAS REQUESTED COUNSEL AND HAS NOT HAD A FARETTA HEARING. PETITIONER DID NOT GO PRO-SE WITH EYES WIDE OPEN. PETITIONER HAS BEEN DENIED COUNSEL BY JUDGE DAVID GUTEN AS RETALATION. PLEASE SET A HEARING AS SOON AS POSSIBLE ON THIS MOTION. THIS MOTION SHOULD BE HEARD BEFORE ANY OTHERS. PETITIONER HAS NO WAY TO SUBPOEANA ANYONE DUE TO NO COUNSEL AND BEING INDIGENT.

Comes now, Petitioner, Christopher Barnett who files his motion with this court seeking a Franks Hearing. In support of this motion, the petitioner alleges the following:

1. In the Affidavit executed on July 25, 2019 Officer Justin Beal, there are many falsehoods in the affidavit.
2. Officer Justin Beal used deliberate reckless falsehoods and omitted very important information to obtain probable cause for the arrest of the petitioner, in violation of the 4th amendment.
3. Petitioner cites Franks V. Delaware in support of this motion.
4. In # 4 of the Affidavit, Officer Beal states "Within this website there is a detailed claim to how he would commit a mass shooting, which makes specific claims on how he would carry out this act which includes committing the act during a University of Tulsa Football game and using a coordinated attack using elevation, and the use of a 3d printer to create high capacity magazines. Your affiants states Barnett makes claims to be a proud supporter of the 2nd amendment and has shown he has the knowledge, ability and fire-power to carry out the above claims."

Officer Justin Beal Omitted information that is very important and if included, no magistrate or Judge in their right mind would have ever issued a warrant for my arrest. We'll start from the top of the blog post that Officer Justin Beal is referencing:

The Blog Post does not state Written by Christopher Barnett. It says

"How Chris Barnett would take down TU"

The next line it says "This is all hypothetical and not a threat and of course will never happen, but it'll drive the far left crazy so here it goes."

"The best way to get a message across is violence. The Judicial system has failed America. So you need to have a large amount of deaths. You have to take the idiots like David Hogg and you need to find their fear factor. If I were a terrorist and I were going to actually harm anyone at The University of Tulsa, there are a few things I'd do."

So as you can see, this is not me, the petitioner saying I'm going to go and commit a mass shooting at The University of Tulsa. It is very clear from the blog post that this is written to drive the far left crazy. It makes very clear as well that this is not a threat.

We'll go ahead and start with #1 in this parody post.

1. Be silent. Have no internet presence. (I've already failed LOL)

The Officer failed to list this and that the first part of the alleged plan that isn't a plan has failed because the petitioner, obviously has a huge internet presence and following.

2. Make sure no one knows you. (Failed on this one too)

The Officer failed to list this at all, because it's the first part that shows this so-called plan fails. This is not a plan, this is a parody and the petitioner has been prosecuted because the liberals at The University of Tulsa had a fit, as well as those in the Attorney General's Office who were litigating with the petitioner. This is a vindictive prosecution.

3. Stock pile at least 100 AR-15's and at least 500k bullets. (another failure)

The Officer admitted that this too was classified as another failure, and of course the petitioner was not found to own 100 AR-15's. The Petitioner legally purchased and legally owns 1 AR-15. The Petitioner broke no laws owning an AR-15.

4. Buy body armor. (too hot)

The Officer omitted that the writer would not buy body armor because it is too hot. This is clear as day.

5. Buy a house near The University of Tulsa, preferable a 2-story house with a view of the football field. (Too dangerous of an area. The Terrorist University of Tulsa is located in the ghetto slums of Tulsa and definitely a bad investment.)

11. Sell the camera footage to all media outlets after its happened.

The Officer did not include this because no media outlet would ever buy such disgusting things. It is disgusting that this police officer has lied.

12. Use the money to build another fortress and start all over again.

The Officer did not mention the nonexistent fortress that would have to exist, that does not exist.

13. Next football season, rinse and repeat just when people think they are safe.

This is more comedy. It does not show any intent what so ever.

14. Make Winona Tanaka Butt Plugs.

The Police Officer omitted the information about making Winona Tanaka Butt Plugs. Winona Tanaka is the former Vice Provost of The University of Tulsa and denied my husband, Trey Barnett due process and expel him from college with only 11 hours to go to graduate because I made critical comments about The University of Tulsa. This made national news. Winona is also a disgraced attorney and decided to be Judge, Jury and

**Executioner. The University of Tulsa would not allow
Trey to graduate or finish his degree.**

**15. Make Susan Barrett Vibrators and drop them over the crowds in the
football field via drones.**

**The Police Officer omitted this information, much like
the rest of the information. Susan Barrett is the
disgraced gay hating University of Tulsa Professor who
lied to have my husband expelled. This made national
news and it still hasn't gone away yet.**

**16. Make Keith Wilkes Double Ended dildos and drop them into the field as
well. Make sure Keith's ugly face is on each end.**

**The Police Officer omitted this information too, which proves and shows
this is parody, hyperbole and cannot be taken seriously at all, not to
mention that the blog post says at the top "THIS IS NOT A THREAT
AND WILL NEVER HAPPEN".**

**17. Make fisting toys for those into shoving a fist up their ass and put
Johnathan Rogers face on it. Then he can be where he belongs, in
everyone's ass. (He really belongs on a weight loss program and needs to
be banned from every McDonalds in America.)**

The Police Officer omitted this information. It clearly

shows that to carry out this alleged threat, which is not a threat, that we're going to have to make these fisting toys and put Johnathan Rogers face on fisting toys.

18. Put the home and all utilities in an LLC that is tied directly to Winona Tanaka and Susan Barrett and if you are smart enough, you have both Winona and Susan come to the house the day of the attack to place them there. Also have cameras for the police to see they were there.

The Police Officer omitted this information. Obviously, this would never happen, but the police officer continued to lie and use deliberate reckless falsehoods.

19. Drop leaflets over the stadium via drones in conjunction with the but plugs, vibrators and double ended dildos.

The Police Officer did not mention anything in the Affidavit about the drones, But Plugs, Vibrators and double ended dildos because he knew he would not have probable cause if he did.

20. Plant evidence at the home of Winona Tanaka and Susan Barrett. Also plant guns in the car of William Carter at Tulsa Community College and Leigh Goodson. Make sure to put with the guns a plan to kill random people. Can in a random tip to the police. Make sure it all ties together.

The Police Officer omitted this information too because

it's just hyperbole and parody and there is no way this could ever happen. This is insane that this police officer did this to violate my right to be free from unlawful search and seizure.

21 Laugh really hard when The University of Tulsa presents this in the lawsuit filed against them by George Barnett. Ole fat ass Johnathan

Rogers will be the one to do it. Keith Wilkes is presently in his female stage. No wonder he and Ms. Jefferson Sellers Delapp get along so well.

The Police Officer omitted this information too, which proves this could not happen and it references the lawsuit filed against The University of Tulsa, which named The University of Tulsa, Winona Tanaka, Susan Barret and Machelle Dill because they hate gay people and discriminated against us because we are gay. They would never treat a straight couple this way.

22. Laugh harder when Jefferson Sellers Child Pornography collection is finally exposed and he is arrested.

The Police Officer omitted this information which dealt with a vindictive Judge in Tulsa County who was

This was another lie used to obtain probable cause. The shooting of the process server doesn't matter because I was already arrested for that and had nothing to do with this case.

#6 Makes the statement about additional firearms in the home. This violates the Petitioners 2nd and 4th amendment rights because all of the firearms are legally owned and the petitioner was not a felon.

#7 The Officer states that I'm a continuing threat based on frivolous information. Had the police officer been honest, and told the court that this blog post was written as a parody and cannot be taken seriously in any way what so ever, the police officer would not have been able to obtain probable cause. Owning firearms legally does not mean you have the means to act on something that isn't a threat (maybe a fantasy of this police officer), and the officer says that I have the means to act on the threat based on the firearms in my residence, as well as his most recent history/arrest in conjunct with his Google search "can you legally shoot a process server". Again, they are not connected, this is such a far reach and without a doubt violates the 2nd and 4th amendment.

#8 The Police Officer uses me posting bail as probable cause? Everyone is entitled to bail. This is crazy.

#9 I did not discuss a plan to escape to a non-extraditable country. It is obvious, the blog post is telling someone, in this parody form to go to a extraditable country but it is not saying I, Christopher Barnett am going to commit a mass

shooting, drop dildos and but plugs that are customized over The University of Tulsa football stadium and flee to a non-extraditable country. It is important to note that the petitioner is gay and the only non-extraditable countries he is aware of are Iran and Syria and they kill gay people there. The Police Officer omitted this important obvious information.

Based on me tearing apart every single bit of this affidavit and using the blog post the police officer references, this proves deliberate reckless falsehoods by Officer Justin Beal. The omission of all the information above violated my 4th amendment right to be free from unlawful search and seizure. This Police Officer has done this before and a case was dismissed because he violated the 4th amendment right here in the northern district of Oklahoma. The internet for the law library is down in the law library due to a recent storm, so I cannot quote the case but I can say with certainty that Officer Justin Beal has violated the 4th amendment of others. If Officer Justin Beal would have told the truth and put all of the information in, or attached a copy of the blog post, no Judge in their right mind would have viewed this as a threat. This police officer has not only violated my right to be free from unlawful search and seizure under the 4th amendment but also my 1st amendment right to be freely speak. The State of Oklahoma also used the information illegally obtained from this search warrant in CF-2019-3495 to convict me in CF-2019-3570 and the State of Oklahoma violated Brady V. Maryland and did not turn over all evidence.

The blog post is attached to this filing, so the court may see it in its original form. This also violates *Counterman V. Colorado* because the State cannot prove intent with all of the omitted information. There is no threat in this blog post and every attorney I've met with, including Jason Lollman, Corbin Brewster, Brendan McHugh, Dana Jim, Caleb Jones, Brian Boeheim have all said this is free speech and is not a threat. DA Erik Greyles told me in court on July 19, 2023 that it is about how the alleged victims felt. Please read *Counterman* and you'll see that you cannot convict someone based on their feelings and being offended by free speech. In *Counterman*, he contacted a musician thousands of times through facebook and the Supreme Court of The United States vacated his conviction because it was in violation of the 1st amendment. In this case, I have never once contacted The University of Tulsa or the three so called victims. They are liars and not victims. At preliminary hearing, they could not identify one single threat. This case needs to end at the Franks Hearing.

I urge this court to take a close look at the blog post. It is important to note that it does not say Written by Christopher Barnett. The Police did not obtain a whois registry for the website. I was associated with the website and it is an LLC. The Blog Post was not written by me, but a supporter. I added the parts to it that are not numbered to ensure that people understood this was not a threat and was written to drive the far left crazy, which is did. The person who I will never name, that wrote the blog post lives in Colorado. The blog post was written in Colorado and published in Colorado. The State of Oklahoma makes it seem like this was published around the time of the shooting in CF-2019-3570 but this is another lie. This blog post was on the internet for more than a year. The information filed by Steve Kunzewiler is also a lie and must be quashed. The First Amendment allows people to write things that everyone does not agree with. There is no way anyone can say that I planned a mass shooting or planned to harm the 3 so called victims in this blog post. It is ridiculous.

Conclusion

Wherefore, premises considered the Petitioners prays that this court will hold a Franks Hearing, allow the petitioner to call Officer Justin Beal to the stand, question him and further establish, as if this isn't enough, that the police officer violated Franks V. Delaware and could not obtain probable cause had he put in all the above omitted information. This court should find that Officer Justin Beal Omitted information to obtain probable cause in violation of the 4th amendment. The court should completely find that Officer Justin Beal violated the 4th amendment and the 1st amendment of the petitioner, and dismiss all charges in CF-2019-3495 and void the arrest warrant in CF-2019-3495. This court should also grant post-conviction relief in CF-2019-3570 because this is fruit of the poisonous tree and everything obtained was in violation of the 4th amendment, but denied the petitioner an unfair trial in CF-2019-3570 because the information used to convict the petitioner was illegally obtained. Had the Officer included the omitted information, this court should reasonably find that the blog post is not/was not a threat, there was no 22 step plan and that no crime was committed and no Judge would sign a warrant for the arrest of the petitioner. The petitioner prays for any and all relief that this court deems appropriate. The petitioner seeks that this hearing take place before any other hearings as this warrant should be voided and stricken as it violates Franks V. Delaware.

Respectfully Submitted

Christopher J. Barnett

7-24-2023

Christopher J. Barnett Pro-Se

Date

300 North Denver Avenue

Tulsa, Oklahoma 74103

Affidavit/Verification

I, Christopher J. Barnett state under the penalties of perjury that everything in this motion/petition is true and correct to the best of my knowledge.

Christopher J. Barnett

7-24-2023

Christopher J. Barnett Pro-Se

Date

300 North Denver Avenue

Tulsa, Oklahoma 74103

Signature of Notary Public:

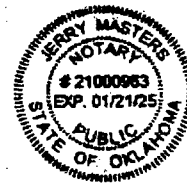
J. Masters

My Commission Expires on:

01-21-2025

Date:

7-24-2023



Certificate of Service/Mailing

I, Christopher J. Barnett certify under the penalties of perjury that by my signatures above, I mailed a copy of the forgoing to :

3121

Tulsa Court Clerk 500 South Denver Avenue Tulsa Oklahoma 74103

On July 24, 2023 postage prepaid by placing in the mailbox at David L. Moss.

3121

I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the Tulsa County Court, Oklahoma.

Witness my hand and the seal of said Court at Tulsa, Oklahoma, this 24th day of July, 2023.

David L. Moss, Clerk of Court

(Seal of Tulsa County Court, Oklahoma)

I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the Tulsa County Court, Oklahoma.

Witness my hand and the seal of said Court at Tulsa, Oklahoma, this 24th day of July, 2023.

David L. Moss, Clerk of Court

(Seal of Tulsa County Court, Oklahoma)

I, the undersigned, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the records of the Tulsa County Court, Oklahoma.

Witness my hand and the seal of said Court at Tulsa, Oklahoma, this 24th day of July, 2023.

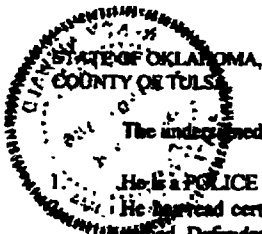
David L. Moss, Clerk of Court

(Seal of Tulsa County Court, Oklahoma)

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

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.) Case No.)
)
 Christopher Barnett (PID 926247))
)
 Defendant.)

AFFIDAVIT



STATE OF OKLAHOMA,) ss.
)
 COUNTY OF TULSA)
)
 The undersigned, of lawful age, being first duly sworn upon oath, deposes and states as follows:

- He is a POLICE OFFICER with the Tulsa Police Department.
He has read certain official investigative reports and statements of witnesses regarding the above named Defendant(s) and from these statements and reports it appears as follows: (TRACIS: 2019044504)
3. On 7/24/2019 Tulsa Police Officers were radio dispatched to 7520 E. 102nd Street in reference to a shooting, which is in the city and county of Tulsa, OK. Upon arrival Tulsa Policers conducted an investigation and discovered the following:
 - Ian Napier, a process server, present at the residence to serve a court-related document was shot by a resident of 7520 E. 102nd Street in his left elbow.
 - Officers identified alleged shooter as Christopher Jonathan Barnett who was subsequently arrested and booked into Tulsa County Jail on the charge of Shooting with Intent to Kill.
 4. Your affiant states Christopher Barnett operates a website called Transparency For Oklahoma. Within this website there is a detailed claim to how he would commit a mass shooting, which included stockpiling 100 AR-15 rifles, over 500,00 rounds of ammunition, and body armor. Barnett makes specific claims on how he would carry out this act which includes committing the act during a University of Tulsa football game and using a coordinated attack using elevation, and the use of a 3D printer to create high capacity magazines. Your affiant states Barnett makes claims to be a proud supporter of the 2nd amendment and has shown he has the knowledge, ability and fire-power to carry out the above claims.
 5. On 7/25/2019 Tulsa Police Officers with the Special Investigations Division received information about Christopher Barnett from a concerned citizen who stated that Barnett has made repeated threats to both judges and attorneys in the Tulsa County area. These threats include the following:
 - Providing addresses of Judges and prominent attorneys in the Tulsa County area.
 - Claiming to provide firearms to anyone willing to "do harm" to these individuals.
 - The concerned citizen provided a screen shot from March 2019 Facebook post made on the account of Christopher Barnett where there was a post of a picture depicting a Google search of "can you legally shoot a process server".
 6. After being taken into custody for the shooting of Ian Napier, a process server, that occurred on 7/24/2019, Tulsa Police Officers with the Crime Scene Unit obtained a search warrant for the residence and recovered a firearm they believed was used in the shooting, noting there were additional firearms in the residence at the time which they did not seize.
 7. Your affiant states based on developments in the investigation, it is the belief of your affiant as well as other seasoned investigators that Christopher Barnett is a continuing threat, and has the means to act on the threats that he has made based on firearms located in his residence as well as his most recent history/arrest in conjunct with his Google search "can you legally shoot a process server".
 8. Barnett was booked into the Tulsa County Jail on the charge of Shooting With Intent To Kill with a \$75,00 bond at 0434 hours on July 25, 2019. Barnett bonded out of jail at 1006 hours on July 25, 2019 after having posted a cash bond.
 9. Within Transparency of Oklahoma website Barnett has discussed his plan to escape to a non-extraditable country.

Christopher Barnett is described as follows:

Sex: Male Race: White Height: 606 Weight: 225 Hair: Brown Eyes: Blue
DOB: 6/15/1983
Address:
7528 E. 102nd Street
Tulsa, OK 74133

WHEREFORE, affiant prays this Honorable Court to issue a warrant for the arrest of the within named Defendant(s), that he/she/they may be brought before a magistrate and held to answer for the offense(s) of:

- **Threatening a Violent Act (Felony)**

[Signature]
AFFIANT Officer Justin Bond 02335

Subscribed and sworn to before me this 25 day of July, 2019.

My Commission Expires:

11/03/2021
(Seal)

[Signature]
Notary Public



FINDING OF PROBABLE CAUSE

On this ___ day of _____, 2019, the above styled and numbered cause came on for hearing before me, the undersigned judge of the District Court of Tulsa County, Oklahoma, upon the above Affidavit, requesting that a warrant of arrest be issued for the within named Defendant(s), that he/she/they might be arrested and held to answer for the offense(s) of:

- **Threatening A Violent Act (Felony)**

Based upon said Affidavit, I am satisfied and do hereby find that said offense(s) has/have been committed and that there is probable cause to believe the within named Defendant(s) has/have committed said offense(s) and that a warrant of arrest should issue.

Judge of the District Court

How would Chris Barnett take down TU?

This is all hypothetical and not a threat and of course will never happen, but it'll drive the far left crazy so here it goes.

The best way to get a message across is violence. The Judicial System has failed America. So you need to have a large amount of deaths. You have to take the idiots like David Hogg and you need to find their fear factor. If I were a terrorist and I were going to actually harm anyone at The University of Tulsa, there are a few things I'd do.

1. Be silent. Have no internet presence. (I've already failed LOL)
2. Make sure no one knows you. (Failed on this one too)
3. Stock pile at least 100 AR-15's and at least 500k bullets. (another failure)
4. Buy body armor. (too hot)
5. Buy a house near The University of Tulsa, preferable a 2 story house with a view of the football field. (Too dangerous of an area. The Terrorist University of Tulsa is located in the ghetto slums of Tulsa and definitely a bad investment.)
6. Wait for football season to come, start getting every single AR-15 put into place on the highest floor. Rig up a system that will fire all of the guns at once. (I'm sure I'm not the only one who feels this way about Terrorist Universities football season, those fucking people park in your yard, block your driveway and all over a fucking ball. We already know anyone playing football is going no where in life)
7. Use a 3D printer to make large magazines that can hold as many bullets as possible. (another fail, I refuse to learn how to use a 3D printer.)
8. When football season starts, wait until almost half time or when everyone is leaving the game. When people start to flood the gates to leave, the automatic system built starts firing.
9. Have more than one location firing.
10. Have all of this set up via computer, with cameras in place. Go to a country with no extradition agreement. Leave days before this is set to take place.
11. Sell the camera footage to all media outlets after its happened.
12. Use the money to build another fortress and start all over again.

OCCAOnline Rules of the Court of Criminal Appeals

Form 13.2 Affidavit in Forma Pauperis

The Affidavit in Forma Pauperis must be in the following form:

I, CHRISTOPHER J. BARNETT state that I am a poor person without funds or property or relatives willing to assist me in paying for filing the within instrument. I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

Signed this 31 day of JULY, 2023 at HELENA, ALAFA, OKLAHOMA
(Print City, County, & State)

 STATE
(Signature of Affiant)

CHRISTOPHER J. BARNETT
(Print Name)

DOUBLE SIDED DOCUMENT

IN THE DISTRICT COURT OF TULSA COUNTY

STATE OF OKLAHOMA

CHRISTOPHER J. BARNETT

PETITIONER

V. TULSA COUNTY CASE NUMBERS CF-2019-3570 AND CF-2019-3495

STATE OF OKLAHOMA

RESPONDENT

VERIFIED AMENDED PETITION FOR POST CONVICTION RELIEF

MOTION FOR EVIDENTIARY HEARING

MOTION FOR TRIAL TRANSCRIPT

MOTION TO QUESTION JUDGE MICHELLE KEELY ABOUT HER AFFAIR WITH

CHIEF JUDGE DOUG DRUMMOND

MOTION FOR FRANKS/KYLES HEARING

MOTION TO DISMISS AND GRANT POST CONVICTION RELIEF CITING

COUNTERMAN V. COLORADO

Comes now Petitioner, Christopher J. Barnett, Pro-Se and hereby files his amended petition for post-conviction relief under the Post-Conviction Procedure Act, Okla. Stat. tit. 22 § 1080.

getting his way, and he was going to come back to solve the problem with his gun and assault, and possibly kill innocent home owners who had no idea who he was.

Quoting Napue V. People of State of Ill 360 U.S. 264 79 S. Ct 1173 "First it is established that a conviction obtained through use of false evidence known to be such by representatives of State, must fall under the Fourteenth Amendment. The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears.

11. In this case, the prosecutor had already seen the video and heard the audio, numerous times. He knew that the testimony of Ian Napier was false, and he did not correct this. This clearly was prejudicial and harmed the Petitioner and denied him a fair trial and due process under the fourteenth amendment.

12. The prosecutor, Steve Kunzweiler had told this court many lies, starting from the inception of this case. One of the lies the DA told the court was at a bond hearing, regarding the petitioners million-dollar bond. The DA told the court on the record that he had spoken to Russell Roberts and he was not going to post my bond because he believed Petitioner was dangerous. This was a blatant lie from Steve Kunzweiler. Kunzweiler did not speak to Roberts and my million-dollar bond was already posted and showing with the court clerk.

13. At trial, Steve also told the jury that I feigned a heart attack and he also told the jury many other lies, however the only one I can talk about is the feigning a heart attack. After the shooting took place, I was taken to the hospital after reporting chest pains. I was in custody at the time. It was determined that I was suffering from a panic attack. To petitioners' knowledge, The State of Oklahoma paid the bill.

for this. Petitioner had been treated for a long time for panic disorder and anxiety as evidenced by the medications recovered at the time of his second illegal arrest.

The State of Oklahoma had access to the medical records, but it was more important and to their benefit to tell the jury that I had faked a heart attack, to attack my credibility and make the jury not believe anything I said. So, one lie from Steve went uncorrected and he saw no need to follow the constitution of our great country, being he has absolute immunity, so he continued to lie to the jury and allowed perjured, tainted testimony to go uncorrected. One more thing, since I do not have access to the trial transcript, Ian Napier told the jury he could not hear me, but Steve knew this was not true as well, because Napier told police he could hear a drawer inside the home opening. Steve did not correct this false, perjured tainted testimony either.

14. The State of Oklahoma did not provide any of the records of threats called into the Oklahoma Attorney General's office by the University of Tulsa regarding the Petitioner. The University of Tulsa was the States Lead witness against the Petitioner. In fact, the AG's Office did not turn over any evidence. The University of Tulsa also had extensive communications with the Oklahoma Attorney General's office regarding my litigation against them and Tulsa Community College, which was represented by the OAGS office. The threats by TU were called in with malice and were found to be false. Since the University of Tulsa was the lead witness for the State of Oklahoma, this denied me the right to confrontation. I cite Davis V. Alaska in support of this argument. This was exculpatory and would have allowed me to attack the credibility of the University of Tulsa and explain to the jury how the State of Oklahoma got these false, Facebook posts presented to the jury to convict me.

15. The State also failed to provide evidence of The University of Tulsa's communications with investigator agencies, including but not limited to the OAG's Office, The Tulsa DA's office, FBI, US Marshalls Service, US Attorney's Office, Tulsa Judiciary, OSBI, TCSO, TPD, TCC and many others. This evidence would have provided a great deal of insight and potentially changed the Petitioners trial strategy.
16. The State of Oklahoma took possession of my cell phones during the second illegal arrest in CF-2019-3495. The State indicates and former counsel Brian Martin said that the State obtained information from my cell phone in a response Brian Martin sent to the Oklahoma Bar Association in regards to a compliant I filed against Brian Martin. The State of Oklahoma never turned over the evidence of my phone which showed a exculpatory message from me to counsel Brendan McHugh telling him someone just tried to break into the house. This proves that I did not know Ian Napier and I certainly had no idea he was a process server. The State of Oklahoma continued through the trial, having this information and knowing what they were telling the court and jury was a blatant lie. The State of Oklahoma had possession of this evidence the entire time and still has custody of my phones, but the State of Oklahoma had never turned any of it over because it would harm their ability to convict me, and now it proves brady violations and vindictive prosecution in violation of the 14th amendment.
17. There were also emails from Machel Dill, an alleged victim to University of Tulsa employees Julie Friedel (States Witness) and Susan Barrett also an alleged victim in which they discussed a "plan" to harm the petitioner and his husband and in the email even said "Stick to the plan".

FIRST AMENDMENT VIOLATION CITING COUNTERMAN V COLORADO SCOTUS
CASE LAW. DISMISSAL IS REQUIRED

18. The State of Oklahoma arrested me in Cf-2019-3495. I was not mirandized for several days. The State of Oklahoma used all comments I made, against me at trial in CF-2019-3570. This violated my rights under the 5th amendment. Additionally, the Tulsa Police Officers did not have probable cause and used deliberate reckless falsehoods to obtain warrants for my arrest and to search my home and businesses in CF-2019-3495. One of the most interesting things is, The Tulsa Police found something on the internet. They did not have any proof that I owned the website they used, they omitted important information regarding a blog post written about how Christ Barnett would take down TU, but nowhere on the blog post does it say written by Christopher Barnett. The Tulsa Police did not conduct a Whois registry search of the domain name, the LLC that owned the domain, serve a warrant on the server or anything. Had the police had taken even the basic steps to investigate these things, they would have found that the petitioner did not own the website, but they didn't do that. It is not known now if a copy of the Whois registry can be obtained. Even so, no crime is committed by being associated with a website that spews opinions that support the first and second amendment and opinions that everyone does not agree with. This falls under free speech. The Tulsa Police had no idea where the blog post was even written and they certainly do not have jurisdiction because it was written and published in Colorado. Transparency for Oklahomans had 50 staff writers. The blog post about TU was not written by me, they have no way to prove it was written by me and upon a Franks/Kyles/Counterman hearing, I would be able to prove that the Tulsa Police

intentionally and willfully omitted evidence to obtain the warrants, such as Dildos and Buttplugs being dropped over The University of Football Stadium. This is not a threat, this is comedy and falls under free speech. The police told the Judge that I wrote this and failed to mention of the other things in the blog post, such as dropping dildos and butt plugs over TU. The petitioner has filed for a Franks/Kyles hearing numerous times since November 2022, however this court has ever taken the issue up.

19. Upon learning of the newly discovered evidence I received in CF-2019-3495 that pertained to CF-2019-3570, I started investigating. I found that the State of Oklahoma did not turn over the evidence in CF-2019-3495 until after conviction in CF-2019-3570, but all of the evidence was exculpatory and the State had this evidence in it's possession the entire time; but deprived me of this information and denied me a due process and a fair trial under the 14th amendment.

20. After I found out all of this information, I then sent several exhibits to former defense counsel, Jason Lollman who was my public defender in CF-2019-3570. One of the exhibits was the treatment note from Ian Napier. Jason Lollman is now a federal public defended.

21. Jason Lollman responded to me with a signed letter that the State of Oklahoma did not provide this evidence to us at trial.

Evidentiary Hearing

22. Upon an evidentiary hearing, Attorney Jason Lollman will testify that the State of Oklahoma withheld the treatment note of Ian Napier, which deprived me of a fair trial and the right to confrontation under the 14th and 6th amendment.

23. Attorney's Brendan McHugh and Dana Jim will testify to the State of Oklahoma not turning over exculpatory evidence, including the evidence of my phones.

24. The State of Oklahoma withheld emails from Judge Jefferson Sellers to the Tulsa DA, which said I was not a threat. The State of Oklahoma has refused to turn this exculpatory evidence over. Judge Jefferson Sellers told Brendan McHugh and Dana Jim about this evidence on the record in court.

25. There was a meeting on October 2018, held by the TCSO with Federal and State law enforcement agencies. I know about this because of a memo in my discovery sent by Deputy Roger Crow, to the Tulsa County District Attorney Steve Kunzweiler and Erik Greyless, again in October 2018. The State of Oklahoma has not turned over any of this information.

26. There were investigative reports turned over after conviction in CF-2019-3570 from the USMS and FBI as well as the US Attorney's Office that show I was investigated and The University of Tulsa was interviewed and TU including alleged victims Winona Tanaka admitted I had never threatened them. they were complaining because they did not like me talking about them discriminating against me and my husband because they hate gay people. The reports cleared me of making any threats and the withholding and suppression of this information denied me the ability to confront the States Lead Witness, The University of Tulsa to attack their credibility.

27. The State failed to provide emails and reports by the FBI, USMS, and US Attorney's Office. These emails and reports are both res gestae and exculpatory. They also would have provided the Petitioner's counsel the ability to properly confront witnesses and cross-examine them as to the statements made by the Petitioner to investigatory agencies. These statements clearly articulate and demonstrate the

Petitioners use of parody and hyperbole to point out political conflicts of interest.

The documents referenced here would have been provided in CF-2019-3495 and CF-2019-3570. In a hearing, the Petitioner would provide affidavits and potentially testimony from Jason Lollman, Brendan McHugh and Dana Jim to support this claim.

28. Petitioner also wishes to call witnesses such as Judge Michelle Keely, Judge Doug Drummond, judge Tracy Priddy, TCSO Deputy Roger Crow, USMS SA Tyler Winkle, FBI Agent Matthew Hewitt and other members of state and federal law enforcement agencies who investigated the petitioner and found he had not threatened anyone.

These witnesses can testify as to when they sent information to the TCDA and with this testimony, the petitioner will be able to bolster his claim that the State of

Oklahoma intentionally and willfully suppressed information in violation of Brady to

obtain a wrongful conviction and that the Tulsa DA's Office had this information in

their possession even before charging the Petitioner in CF-2019-3570, but it was

intentionally withheld to obtain the wrongful conviction, of course until after the

conviction in CF-2019-3570. A simple look on OSCN in Case Number CF-2019-3495,

the court will see that the State of Oklahoma turned over hundreds of pages of

evidence and the main problem is, this evidence was exculpatory and went to CF-

2019-3570 and denied the petitioner a fair trial and violated his due process rights

under the fourteenth amendment of the federal constitution:

Ineffective Assistance of Counsel and Appellate Counsel

29. Petitioner cannot bring a claim of ineffective assistance of counsel and appellate counsel until an evidentiary hearing is conducted because there are lots of issues of material fact that this court must resolve. The petitioner respectfully requests that this court allow him ten days after the evidentiary hearing to file his claim for IAC if there is a claim to be made. At this point in time, the Petitioner cannot bring the claim because the evidence is not clear due to the State's withholding and suppressing exculpatory evidence.

Other Exculpatory/Brady Evidence not turned over by the State of Oklahoma

30. The petitioner has told this court numerous times about the State of Oklahoma withholding and suppressing valuable exculpatory evidence. To date, the State of Oklahoma has not turned over any of the evidence, and to date, the petitioner has not seen any additional evidence. There is enough in this petition to hold an evidentiary hearing and grant post-conviction relief and vacate the sentence of the petitioner for the State of Oklahoma violating the 1st, 4th, 5th, and 14th due process of rights of the petitioner. If the petitioner does not receive post-conviction relief, the petitioner can then bring another claim because the evidence the State of Oklahoma turns over will be newly discovered evidence. The petitioner has asked the court for the last year to order the State of Oklahoma to turn over all the evidence, and they have refused to do so. The petitioner requested the withheld and suppressed evidence through the Oklahoma Open Records Act, as in the case of Hugh Anderson Bagley, citing U.S. V. Bagley 473 U.S. 667 105 S.Ct 3375 87 L. Ed.2d 481. In Bagley, he obtained information that vacated his sentence from the Freedom of

Information Act, where the Government withheld and suppressed records that denied him due process under the 14th amendment. After the Petitioner requested the records under the ORA, Douglas Wilson from the DA's Office responded and told Petitioner that it would cost him \$10,000.00 to obtain the records. To date, the TCDA has never provided the information and the petitioner brought suit against the TCDA for violating the Oklahoma Open Records act.

This conviction flies in the face of Pyle.V. State of Kansas 317 U.S. 213 63 S.CTR.177 87 L.Ed 214 where the Supreme Court held "PETITIONERS PAPERS ARE INEXPERTLY DRAWN BUT THEY DO SET FORTH ALLEGATIONS THAT HIS IMPRISONMENT RESULTED FROM PERJURED TESTIMONY, KNOWINGLY USED BY THE STATE AUTHORITIES TO OBTAIN HIS CONVICTION AND FROM THE DELIBERATE SUPPRESSION BY THOSE SAME AUTHORITIES TO OBTAIN HIS CONVICTION AND FROM THE DELIBERATE SUPPRESSION BY THOSE SAME AUTHORITIES OF EVIDENCE FAVORABLE TO HIM".

In this case, everything that has happened to me is nearly similar of what happened to Harry Pyle in the case above. The State of Oklahoma allowed perjured, tainted testimony to go uncorrected, intentionally, knowingly and willingly withheld and suppressed exculpatory evidence to obtain a wrongful conviction. The State did not preserve the evidence necessary and actually engaged in deleting evidence that would prove my innocence.

Evidentiary Hearing Requested

An evidentiary hearing is requested and required because we have lots of issues of material fact that cannot be resolved by court filings. The petitioner needs to question lots of witnesses, including Steve Kunzweiler, Judge Michelle Keely about her affair with Judge Doug Drummond, Former Defense Counsel Jason Lollman, The Police Officers Involved, Ass. Attorney General Jeb Joseph and Desiree Singer and many others. The state of Oklahoma violated Brady V. Maryland, US. V. Bagley, Franks V. Delaware, Napue V. People of State of Ill, Pyle V. Kansas and Counterman V. Colorado. The Petitioner has made the showing necessary that the prosecutor allowed perjured, tainted testimony to go uncorrected and this court should hold an evidentiary hearing without delay and allow the petitioner to set the record straight. This court must make findings of fact.

VINDICTIVE PROSECUTION/MORE SUPPORT FOR EVIDENTIARY HEARING

There is no denying that the petitioner was associated the the Transparency Website, www.transparencyforoklahomans.com. The petitioner had witness about several Judges who had engaged in extramarital sexual affairs. The most interesting thing about this is that Judge Michele Keeley has been carrying on an affair with Chief Judge Doug Drummond for over 20 years. This is well known in the legal community. The Petitioner seeks to call Judge Keely to the State to question her about her issuing the warrants for his arrest in both cases, and to question her about her affair with Judge Doug Drummond. The petitioner also seeks to call Judge Doug Drummond to

the state to question him about alleged threats made to the court by the petitioner and of course about his 20 year long affair with Judge Michele Keely. The petitioner will also call private investigators to testify as to the affair of Keely and Drummond and other professionals in the field of law, who have knowledge about the affair of the Chief Judge Doug Drummond and Tulsa County District Court Judge Michele Keely. Judge Michele Keely signed the warrants knowing there was no probable cause, to help cover up her affair with Judge Doug Drummond and to silence the petitioner and stifle his free speech. There are various cases where Judge Keely has recused from because her affair has come to light. Love is love, but don't violate someone's due process rights to cover up your sexual affair. Petitioner also cites Fort V. State, where a Judge and DA had an affair and it was found to violate due process.

MOTION FOR FRANKS/KYLES HEARING

The petitioner requests a Franks/Kyles hearing and cites Franks V. Delaware in support of this motion. The Tulsa Police used deliberate reckless falsehoods to obtain probable cause to arrest the petitioner a second time in CF-2019-3495. The Tulsa Police omitted information from the affidavits for warrants and if they would have presented all information, no Judge should have issued the warrants because probable cause was lacking, of course with the exception of the intent to silence the 1st amendment rights of the petitioner and to silence him and keep him from telling Tulsa about the sexual affair of Judge Keely and Judge Doug Drummond. The petitioner knows he will be retaliated

against further by this court, but this is a fact, and even this court knows of the affair. The petitioner seeks the Franks/Kyles hearing because all information obtained in violation of the 4th amendment in CF-2019-3495 was illegally obtained and used to obtain the wrongful conviction of the Petitioner in CF-2019-3570. The court should find that warrants are void and the fruits of the poisonous tree should be voided.

COUNTERMAN V. COLORADO

In the illegal arrest of the Petitioner in CF-2019-3495, this is all the result of free speech. The Supreme Court of The United States, just released it's opinion in Counterman V. Colorado. There is no way the State can maintain its illegal position that the Petitioner threatened The University of Tulsa or it's employees by posting information of interest to the public, such as The University of Tulsa hating gay people and black people. The petitioner will show this court upon an evidentiary hearing that he never contacted any of the alleged victims and he never contacted The University of Tulsa. The arrest in CF-2019-3495 flies in the face of the 1st amendment, and since the arrest was made in violation of both the 1st and 4th amendment, this court should immediately void the warrants, including the fruit of the poisonous tree and dismiss the frivolous charges in CF-2019-3495 and grant post-conviction relief and release the petitioner. The State of Oklahoma will never be able to obtain another conviction of the petitioner. The State of Oklahoma continues to tell this court that the petitioner has threatened the court by publishing the home

addresses of Judges. The first amendment protects this conduct as the SCOTUS recently held in *Counterman*, and the Petitioner seeks that this court prohibit The State of Oklahoma from furthering this argument because it flies in the face of the constitution.

Attorney Brian Martin

Petitioner will call Attorney Brian Martin to the stand to question him about the evidence he talked about and told the Oklahoma Bar association about that the police obtained from the Petitioners phones. Attorney Brian Martin also told the court he would have a conversation with TU attorney John Lackey regarding the phone calls.

There is no doubt that Attorney Brian Martin had conversations regarding my cases with TU attorney John Lackey. Petitioner will question Attorney Brian Martin about these things under oath, and also question him about his erroneous billing for CF-2019-3495. At this time, the petitioner cannot bring a claim against Attorney Brian Martin for Ineffective Assistance of Counsel.

Incompetency

The petitioner adopts and incorporates all previous filings he made regarding his incompetency. Petitioner does not have access to his thumb drive or discovery so he cannot bring that claim, other than to tell the court that he was incompetent at the time of trial and the trial judge did not stay alert to changing conditions of the petitioner. Petitioner cites *Pate V. Robinson* and *Drope V. Missouri*.

Trail Transcript/Justice for Sale

The Petitioner has filed numerous motions seeks that the court provide to him the trial transcript of CF-2019-3570. The trial court denied his request and the petitioner filed another motion. The petitioner was denied the trial transcript because of his indigency and the petitioner brings to the attention of this court, the Oklahoma Constitution Okla. Const. Art 2. §6 which provides "The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered without sale, denial, delay or prejudice."

In the instant case, Justice is now for sale to the petitioner for the price of a transcript that proves the State of Oklahoma used perjured tainted testimony at trial, allowed perjured tainted testimony to go uncorrected and obtained a wrongful conviction. The petitioner urges this court to stop selling access to justice and to please provide the petitioner with a copy of his trial transcript. A wealthy person would have access to this trial transcript because they can afford it. An indigent person would remain in prison forever because they cannot afford the transcript. This flies in the face of Griffin V. Illinois as ruled by SCOTUS. To be clear, the petitioner is requesting that this court provide to him his trial transcript at public expense, prior to an evidentiary hearing.

Plain Error/Cumulative Error

With everything that the petitioner has outlined, there is plain error and cumulative error and this deprived the petitioner from receiving a fair trial as guaranteed to him

all criminal prosecutions the accused shall have the right to a speedy and public trial by an impartial jury of the county in which the crime shall have been committed or, where uncertainty exists as to the county in which the crime was committed, the accused may be tried in any county in which the evidence indicates the crime might have been committed. Provided, that the venue may be changed to some other county of the state, on the application of the accused, in such manner as may be prescribed by law. He shall be informed of the nature and cause of the accusation against him and have a copy thereof, and be confronted with the witnesses against him, and have compulsory process for obtaining witnesses in his behalf. He shall have the right to be heard by himself, and counsel; and in capital cases, at least two days before the case is called for trial, he shall be furnished with a list of the witnesses that will be called in chief, to prove the allegations of the indictment of information, together with their post office addresses. "

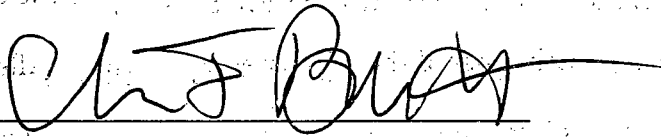
Please grant the petitioner hearings and please resolve this matter quickly. A miscarriage of justice has taken place and petitioner received a fundamentally unfair trial based on the actions of the State of Oklahoma.

Verification:

I have read the foregoing application and assignment of error(s) and hereby state under oath that there are no other grounds upon which I wish to attack the Judgement and sentence under which I am presently convicted. I realize that I cannot later raised or assert any reason or ground known to me at this time, aside from the other brady violations that the State of Oklahoma has failed to produce or

which could have been discovered by me and by the exercise of reasonable due diligence. I further realize that I am not entitled to file a second or subsequent application for post-conviction relief based upon facts within my knowledge or which I could discover with reasonable diligence at this time. I have asked the court to allow me to bring a claim for ineffective assistance of counsel and appeals counsel after the evidentiary hearing, in which I have also requested.

Respectfully Submitted



July 3, 2023

Christopher J. Barnett Pro-Se DOC 857048

216 North Murray Street

Helena, Oklahoma 73741

PRISON MAILBOX RULE CERTIFICATE OF SERVICE

Petitioner by his signature above pursuant to 28 USC 1746 (or state analogue) declares under penalty of perjury that on the date stated above he placed a copy of this pleading in the prison outgoing mail receptacle, with sufficient US postage attached, addressed to:

Tulsa County Court Clerk 500 South Denver Avenue Tulsa Oklahoma 74103

10/20/2019 10:00 AM

Brian Boeheim, Boeheim and Freeman Law Firm, Attorney's for Christopher Barnett in CF-2019-3495 and CF-2019-3570. (filed to withdraw but opposed by Court Clerk) 616 South Boston Avenue Suite 307, Tulsa Oklahoma 74119

Judge David Guten 500 South Denver Avenue Tulsa Oklahoma 74103

Judge Doug Drummond Chief Judge 500 South Denver Avenue Tulsa Oklahoma 74103

Tulsa County District Attorney's Office 500 South Denver Avenue Suite 900 Tulsa, Oklahoma 74103

Judge Michelle Keely 500 South Denver Avenue Tulsa, Oklahoma 74103

STANLEY D. MONROE

ATTORNEY AT LAW

A PROFESSIONAL CORPORATION

FELLOW, AMERICAN COLLEGE OF TRIAL LAWYERS

August 10, 2023

LEGAL MAIL

Mr. Christopher Barnett #857048
JCCC
216 N. Murray St.
Helena, OK 73741

Dear Christopher,

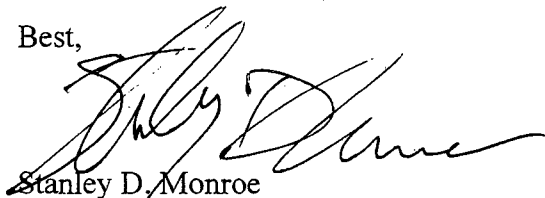
I received the copy of the *Franks* motion you sent me last week. Regrettably, I am unable to assist you in your case.

My decision has nothing to do with the merits of your case, which by my review of the docket sheet, is compelling. My inability to take on this task is due to my current case load. I have nine (9) trials scheduled between now and next March, with six (6) to try in this calendar year. Now that I am in solo practice, I have to be very selective in taking on new cases/clients.

I know that they have been stonewalling you, misrepresenting things to the courts and hiding *Brady* materials. I hope you are able to find an experienced defense lawyer who is willing to take this case and fight the good fight for you.

Best of luck.

Best,



Stanley D. Monroe

P.S. Thank you for letting me know about Mr. Creech. Please give him my regards.