

August 23, 2018

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

TRAVIS SHAMIER WILSON,
Petitioner - Appellant,

v.

JIMMY MARTIN, Warden,
Respondent - Appellee.

No. 18-5005
(D.C. No. 4:14-CV-00422-JED-TLW)
(N.D. Okla.)

ORDER DENYING CERTIFICATE OF APPEALABILITY*

Before **PHILLIPS, McKAY, and BALDOCK**, Circuit Judges.

Petitioner Travis Wilson seeks a certificate of appealability to appeal the district court’s denial of his § 2254 habeas corpus petition.

Petitioner was convicted of first-degree murder and sentenced to life imprisonment. His direct appeal and state post-conviction challenges were unsuccessful.

Petitioner then filed this federal habeas petition, in which he raised three claims for relief: (1) the evidence presented at trial was insufficient to support

* This order is not binding precedent except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

his conviction; (2) the trial court erred in admitting into evidence the 911 tape in which Petitioner's niece identified him as the person who shot her boyfriend, and the court compounded the error by allowing the tape to be played more than once; and (3) Petitioner received ineffective assistance of counsel with respect to his right to testify at trial. The district court held that Petitioner's third claim was procedurally barred because Petitioner had not raised it in the state court. As for Petitioner's first and second claims, the district court concluded that Petitioner had not met the demanding standard for relief under § 2254(d).

Petitioner seeks a certificate of appealability to challenge the district court's denial of his first and second claims for habeas relief.

We have carefully reviewed Petitioner's brief, the record on appeal (including all of the state trial transcripts and exhibits), and the relevant cases. We are persuaded that reasonable jurists would not debate the correctness of the district court's decision. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The district court correctly and comprehensively explained why Petitioner was not entitled to relief on any of the claims raised in his habeas petition, and we have nothing to add to this explanation. We therefore **DENY** Petitioner's request for a certificate of appealability and **DISMISS** the appeal.

Entered for the Court

Monroe G. McKay
Circuit Judge