

FILED

IN THE DISTRICT OF ALFALFA COUNTY
STATE OF OKLAHOMA

SEP 28 2017

ROBERT STRANGE,

)

Petitioner,

)

vs.

)

JASON BRYANT, WARDEN

)

Respondent.

)

ALFALFA COUNTY, OKLAHOMA
TAMMI MILLER, COURT CLERK
BY *Tammi Miller*
DEPUTY

Case No. WH-17-17

ORDER DISMISsing PETITION FOR WRIT OF HABEAS CORPUS

Now on this 28 day of September, 2017, this matter comes on before the Court.

Having reviewed the Petition for Writ of Habeas Corpus and the Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus, the Court hereby finds as follows:

Petitioner attacks the validity of his convictions received in Caddo County District Court Case No. CF-2008-32, specifically that the district court did not have jurisdiction to convict him because he is an Indian and the crime was committed on Indian Country. Thus, Petitioner contends that he is in State custody illegally and this Court should grant him habeas relief. As such, he is challenging the validity of his Caddo County Judgments and Sentences. The appropriate procedure to challenge the validity of these judgments and sentences is through post-conviction in the county where the conviction occurred, pursuant to 22 O.S.2011, § 1080, *et seq*; *See also* Rule 5.5, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2011); *Twyman v. Oklahoma Pardon & Parole Board*, 1992 OK CR 53, ¶ 3, 837 P.2d 480, 481. Furthermore, the county where a penal institution is located lacks the authority to review the validity of a judgment rendered by a district court in another county. *Twyman*, 837 P.2d at 481. Habeas corpus is not an authorization to bypass the statutory appeal process. *Twyman, supra*.

(4)

EXHIBIT

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This Court does not have jurisdiction to review an issue that should be raised in the district court where the judgments and sentences were imposed and which must be raised through a request for post-conviction relief. For these reasons, this Court holds that **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Petitioner's Petition for Writ of Habeas Corpus is DISMISSED.

IT IS SO ORDERED this 28 day of September, 2017.


LOREN E. ANGLE
ASSOCIATE DISTRICT JUDGE