

# APPENDIX

## A

**EALS FILED**  
**COURT OF CRIMINAL APPEALS**  
**STATE OF OKLAHOMA**

OCT -1 2021

TRAVIS WAYNE BENTLEY,

✓ Petitioner,

V.

STATE OF OKLAHOMA,

Respondent.

JOHN D. HADDEN  
CLERK

No. PC-2018-743

## **ORDER AFFIRMING DENIAL OF POST-CONVICTION RELIEF**

Petitioner, pro se, appealed to this Court from an order of the District Court of Cleveland County in Case No. CF-2015-1240 denying his application for post-conviction relief. Petitioner's post-conviction application asserted the same issues addressed in *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). This Court affirmed the District Court's ruling and denied Petitioner's post-conviction appeal. *Bentley v. State*, PC-2018-743 (Okla.Cr. June 25, 2019) (unpublished).<sup>1</sup>

<sup>1</sup> Petitioner sought review of our decision by the United States Supreme Court and that Court vacated our judgment and remanded this case to this Court for further consideration in light of *McGirt. Bentley v. Oklahoma*, No. 19-5417 (July 9, 2020).

In *State ex rel. Matloff v. Wallace*, 2021 OK CR 21, \_\_\_ P.3d \_\_\_, this Court determined that the United States Supreme Court decision in *McGirt*, because it is a new procedural rule, is not retroactive and does not void final state convictions. See *Matloff*, 2021 OK CR 21, ¶¶ 27-28, 40. The conviction in this matter was final before the July 9, 2020 decision in *McGirt*, and the United States Supreme Court's holding in *McGirt* does not apply.

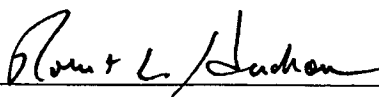
Therefore, the trial court's denial of post-conviction relief is **AFFIRMED**. All other motions and pleadings filed in this matter are **DENIED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2021), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this

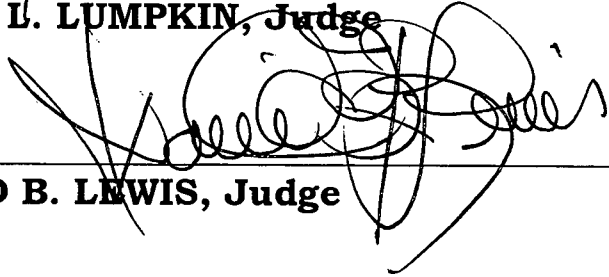
1st day of October, 2021.

  
\_\_\_\_\_  
**SCOTT ROWLAND, Presiding Judge**

  
\_\_\_\_\_  
**ROBERT L. HUDSON, Vice Presiding Judge**

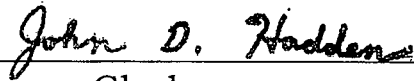


**GARY L. LUMPKIN, Judge**



**DAVID B. LEWIS, Judge**

ATTEST:



Clerk

PA

# APPENDIX

## B



IN THE DISTRICT COURT OF CLEVELAND COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }

**FILED**

FEB 24 2021

TRAVIS WAYNE BENTLEY  
APPELLANT

In the office of the  
Court Clerk MARILYN WILLIAMS

VS

APPEAL # PC-2018-743  
DISTRICT CASE # CF-2015-1240

STATE OF OKLAHOMA  
APPELLEE

STATE OF OKLAHOMA, COUNTY OF CLEVELAND COUNTY

COURT CLERK CERTIFICATION  
OF  
RECORD ON APPEAL

INDEX

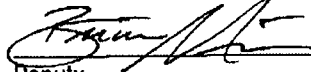
INSTRUMENT .....	PAGE
1. ORDER RECALLING MANDATE, REVERSING DISTRICT COURT ORDER DENYING POST-CONVICTION RELIEF, AND REMANDING TO THE DISTRICT COURT FOR AN EVIDENTIARY HEARING AND FURTHER PROCEEDINGS.....	1-6
2. SO; THIS MATTER IS SET FOR AN EVIDENTIARY HEARING JAN 15, 20 @ 3PM (JV).....	7
3. RETURN SUBPOENA / C. GREGORY .....	8
4. ENTRY OF APPEARANCE/JENNIFER L CRABB .....	9-10
5. SO; MATTER COMES ON FOR EVIDENTIARY HEARING PARTIES APPEAR TESTIMONY AND EVIDENCE PRESENTED. PARTIES PRESENT ARGUMENT. AFTER HEARING THE SAME, THE COURT TAKES MATTER UNDER ADVISE WRIT RELEASED (JV) .....	11
6. MOTION FOR TRANSCRIPTS*****COPY TO DA AND JUDGE VIRGIN .....	12-13
7. MOTION FOR EXHIBITS*****COPY TO DA AND JUDGE VIRGIN .....	14-15
8. NOTICE OF FILING / KAREN TWYFORD, RPR / AN ORIGINAL & 2 COPIES OF PROCEEDINGS HAD ON JANUARY 15, 2021 .....	16
9. ORIGINAL TRANSCRIPT & 2 COPIES OF PROCEEDINGS HAD ON JANUARY 15, 2021 .....	17
10. NOTICE OF FILING / MARLA CULLISON, CSR / ORIGINAL & 2 COPIES OF PROCEEDINGS / ALONG WITH ORIGINAL AND TWO COPIES OF STATE'S EXHIBITS R1 THROUGH R28 & DEFENDANT'S EXHIBITS 1, 2, 3 AND 4 HAD ON JANUARY 22, 2021.....	18
11. ORIGINAL TRANSCRIPT & 2 COPIES WITH STATE EXHIBITS R1 THROUGH R28 & DEF EXHIBITS 1, 2, 3 & 4 FROM PROCEEDINGS HAD ON JANUARY 22, 2021 .....	19
12. FINDINGS OF FACT AND CONCLUSIONS OF LAW (JV) .....	20-26
13. ORDER TO TRANSMIT RECORD (JV).....	27

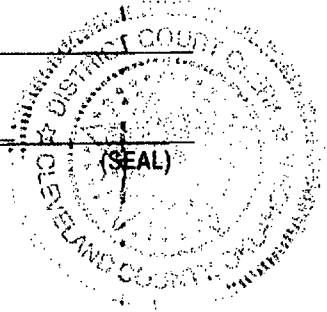
I Marilyn Williams, Court Clerk for Cleveland County, State of Oklahoma, do hereby certify the forgoing is a full, true and correct **copy of the** original record in the above entitled cause as designated by the parties.

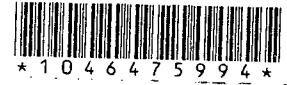
In testimony whereof, I have hereunto set my hand and the seal of this Court this 24<sup>th</sup> day of February, 2021.

Marilyn Williams

Marilyn Williams, Court Clerk

  
Deputy





CF-15-1240

IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }

TRAVIS WAYNE BENTLEY,

FILED

Petitioner,

DEC 04 2020

v.

In the office of the PC-2018-743  
Court Clerk MARILYN WILLIAMS

STATE OF OKLAHOMA,

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }

FILED

Respondent.

DEC 04 2020

In the office of the  
Court Clerk MARILYN WILLIAMS

**ORDER RECALLING MANDATE, REVERSING DISTRICT  
COURT ORDER DENYING POST-CONVICTION RELIEF,  
AND REMANDING TO THE DISTRICT COURT FOR AN  
EVIDENTIARY HEARING AND FURTHER PROCEEDINGS**

The Petitioner entered a blind plea of guilty and was convicted of Count 1 – Manslaughter in the First Degree; Count 2 – Driving Under the Influence of Drugs Resulting Great Bodily Injury; and Count 3 – Unlawful Possession of Paraphernalia in Case No. CF-2015-1240 in the District Court of Cleveland County. He was sentenced to twenty-five years imprisonment for Count 1, ten years imprisonment for Count 2, and one year imprisonment for Count 3, with all sentences ordered to run concurrently. Petitioner filed a motion to withdraw his plea that was denied by the District Court and affirmed on appeal to



this Court. *Bentley v. State*, No. C-2016-699 (Okl.Cr. February 7, 2017).

On July 20, 2018, Petitioner filed the instant application for post-conviction relief in the District Court. Petitioner's propositions included a claim that the District Court lacked jurisdiction to try him. Petitioner argued that he is a member of the Choctaw Nation, and that his crime in this case occurred in Indian Country. On July 2, 2018,

the District Court entered an order denying Petitioner's application without conducting an evidentiary hearing pursuant to 22 O.S.2011, § 1084. Petitioner appealed the denial of his application for post-conviction relief and we affirmed the District Court's ruling and denied Petitioner's post-conviction appeal. *Bentley v. State*, PC-2018-743 (Okl.Cr. June 25, 2019) (not for publication). Petitioner sought review of our decision by the United States Supreme Court and that Court vacated our post-conviction order in light of *McGirt v. Oklahoma*, 591 U.S. \_\_\_, 140 S.Ct. 2452 (2020). See *Bentley v. Oklahoma*, No. 19-5417 (U.S. July 9, 2020). In light of the Supreme Court's remand, we order the **RECALL** of the mandate previously issued in this matter on June 25, 2019.

Pursuant to *McGirt*, Petitioner's claim raises two separate questions: (a) his Indian status and (b) whether the crime occurred in Indian Country. These issues require fact-finding. We therefore **REMAND** this case to the District Court of Cleveland County, the Honorable Jeff Virgin, District Judge, for an evidentiary hearing and further proceedings to address Petitioner's claims in light of the *McGirt* decision. The evidentiary hearing shall be held within sixty (60) days  
from the date of this order.

We request the Attorney General and District Attorney work in coordination to effect uniformity and completeness in the hearing process. Because of the input the State will have on remand, the request to file an answer brief in this matter is **DENIED**. Upon Petitioner's presentation of prima facie evidence as to the Petitioner's legal status as an Indian and as to the location of the crime in Indian Country, the burden shifts to the State to prove it has subject matter jurisdiction.

The hearing shall be transcribed, and the court reporter shall file an original and two (2) certified copies of the transcript with the District Court clerk within twenty (20) days after the hearing is completed. The

District Court shall make written findings of fact and conclusions of law, to be submitted to this Court within twenty (20) days after the filing of the transcripts in the District Court. The District Court shall address only the following issues:

First, Petitioner's status as an Indian. The District Court must determine whether (1) Petitioner has some Indian blood, and (2) is recognized as an Indian by a tribe or the federal government.<sup>1</sup>

Second, whether the crime occurred within the boundaries of Indian Country. The District Court is directed to follow the analysis set out in *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). In making this determination the District Court should consider any evidence the parties provide, including but not limited to treaties, statutes, maps, and/or testimony.

The District Court Clerk shall transmit the record of the evidentiary hearing, the District Court's findings of fact and conclusions of law, and any other materials made a part of the record

---

<sup>1</sup> See *United States v. Diaz*, 679 F.3d 1183, 1187 (10<sup>th</sup> Cir. 2012); *United States v. Prentiss*, 273 F.3d 1277, 1280-81 (10<sup>th</sup> Cir. 2001). See generally *Goforth v. State*, 1982 OK CR 48, ¶ 6, 644 P.2d 114, 116.

to the Clerk of this Court, and counsel for Petitioner, within five (5) days after the District Court has filed its findings of fact and conclusions of law in the District Court. Upon receipt thereof, the Clerk of this Court shall promptly deliver a copy of that record to the Attorney General. A supplemental brief, addressing only those issues pertinent to the evidentiary hearing and limited to twenty (20) pages in length, may be filed by either party with the Clerk of this Court within twenty (20) days after the District Court's written findings of fact and conclusions of law are filed in this Court.

Provided however, if the parties agree what the evidence will show with regard to the questions presented, they may enter into a written stipulation setting forth those facts upon which they agree and which answer the questions presented and provide the stipulation to the District Court. In this event, no hearing on the questions presented is necessary. Transmission of the record regarding the matter, the District Court's findings of fact and conclusions of law and supplemental briefing shall occur as set forth above.

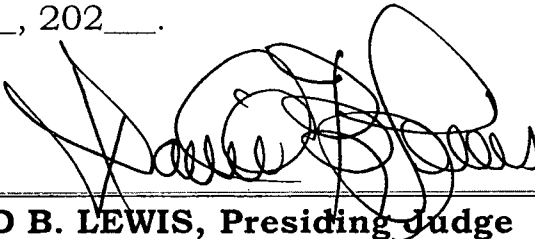
**IT IS FURTHER ORDERED** that the Clerk of this Court shall transmit copies of the following, with this Order, to the District Court

of Cleveland County: Petitioner's Petition in Error and Brief in Support  
filed with the Clerk of this Court on July 20, 2018.

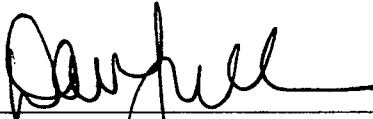
**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this

25<sup>th</sup> day of November, 2021.



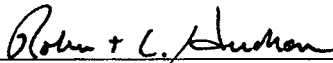
**DAVID B. LEWIS, Presiding Judge**



**DANA KUEHN, Vice Presiding Judge**



**GARY L. LUMPKIN, Judge**

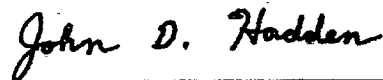


**ROBERT L. HUDSON, Judge**



**SCOTT ROWLAND, Judge**

ATTEST:



Clerk

PB



IN THE DISTRICT COURT OF CLEVELAND COUNTY,  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }

Plaintiff,

FILED

v.

DEC 07 2020

Case No. CF-2015-1240

TRAVIS WAYNE BENTLEY, In the office of the  
Court Clerk MARILYN WILLIAMS

Defendant.

SUMMARY ORDER

The Court has received and reviewed the *Order Recalling Mandate, Reversing District Court Order Denying Post-Conviction Relief, and Remanding to the District Court for an Evidentiary Hearing and Further Proceeding* filed by the Court of Criminal Appeals on November 25, 2020. Pursuant to said Order, this matter is set for an evidentiary hearing on January 15, 2020 at 3:00pm. State to writ Defendant for said hearing.

Dated this 7th day of December, 2020.

JEFF VIRGIN  
DISTRICT JUDGE

Cc: Travis White, attorney for the State  
Defendant



IN THE DISTRICT COURT OF THE TWENTY-FIRST JUDICIAL DISTRICT  
 THE STATE OF OKLAHOMA SITTING IN AND FOR CLEVELAND COUNTY  
 STATE OF OKLAHOMA, S.S.  
 CLEVELAND COUNTY, S.S.

THE STATE OF OKLAHOMA,

Plaintiff,

vs.

TRAVIS WAYNE BENTLEY

Defendant(s).

FILED

DEC 07 2020

Case No. CF-2015-1240 (JV)  
 CP-2018-0743

In the office of the  
 Court Clerk MARILYN WILLIAMS

**SUBPOENA**

STATE OF OKLAHOMA, COUNTY OF CLEVELAND:

Law Incident Number: 15-01048

To: Charles Gregory  
 Cleveland County Sheriff's Office

You are hereby commanded to appear before the District Court of Cleveland County in the City of Norman on the **15th day of January, 2021, at 3:00PM**, then and there to testify on behalf of the State of Oklahoma as a witness in the above entitled case wherein the State of Oklahoma prosecutes the said TRAVIS WAYNE BENTLEY and you will remain in attendance and on call of said court from day to day and term to term until lawfully discharged.

***THIS YOU SHALL IN NO WAY OMIT UNDER PENALTY OF LAW***

Witness my hand this 4th day of December, 2020.

GREG MASHBURN, District Attorney

By: *Ashe Cal*  
 Assistant District Attorney

**INSTRUCTIONS**

- The Cleveland County Courthouse is located at 201 South Jones, Suite 300 Norman, OK 73069.
- Report to the office of the District Attorney 30 minutes prior to the scheduled time. Do not go into the courtroom.
- Dress Appropriately. Shorts are not permitted in the Courtroom.
- Upon request, you are entitled to receive a witness fee for your appearance pursuant to this subpoena.

This case is presently set for **Evidentiary Hearing**. Please check one business day beforehand to see if your attendance is still required at the above printed time and date. Immediately upon receipt of this subpoena, call the Cleveland County District Attorney's Office at (405)573-1317 or (405)573-1316, between the hours of 8:00 to 5:00, Monday through Friday. If your case is rescheduled, a *new* subpoena will be issued notifying you of your new appearance time and date.



IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA  
CLEVELAND COUNTY, OKLAHOMA

THE STATE OF OKLAHOMA, **FILED**

Plaintiff/Respondent, JAN -5 2021

v.

In the office of the  
Court Clerk MARILYN WILLIAMS  
TRAVIS WAYNE BENTLEY, OCCA No. PC-2018-743

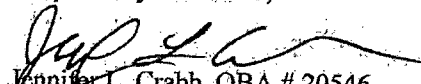
Case No. CF-2015-1240

Defendant/ Petitioner.

ENTRY OF APPEARANCE

Comes now, Assistant Attorney General Jennifer L. Crabb, and hereby enters her  
appearance on behalf of the State of Oklahoma in the above-captioned case.

Respectfully submitted,

  
Jennifer L. Crabb, OBA # 20546  
Assistant Attorney General  
Oklahoma Attorney General's Office  
313 NE 21<sup>st</sup> Street  
Oklahoma City, Oklahoma 73105  
(405) 522-4418  
[jennifer.crabb@oag.ok.gov](mailto:jennifer.crabb@oag.ok.gov)

a

4

9



CERTIFICATE OF MAILING

On this 6<sup>th</sup> day of January, 2021, a true and correct copy of the foregoing was mailed via United States Postal Service to:

Travis Wayne Bentley, #585018  
Lexington Correctional Center  
P.O. Box 260  
Lexington, OK 73051

  
Jennifer L. Crabb

BARCODE ONLY

IN THE DISTRICT COURT OF CLEVELAND COUNTY, STATE OF O



*Stark*

*Whit / Crab*

Plaintiff(s)  
STATE OF OKLAHOMA  
CLEVELAND COUNTY

Attorney(s) for Plaintiff(s)

S. Case No. *CF-15-1240*

*Brantley*

- vs -

FILED

*Pro Se*

Defendant(s)

JAN 25 2021

Attorney(s) for Defendant(s)

SUMMARY ORDER

Date: *1-22-21*

In the office of the  
Court Reporter  
COURT CLERK MARILYN WILLIAMS

Judge: *JV*

*Matter comes on for evidentiary hearing  
Partis goes testimony and evidence presented  
Partis present against. After hearing the  
same, the Court takes matter under advisement.*

*With closed.*

*[Signature]*  
JUDGE

*1-25-21  
MR*



In The District Court of Cleveland County  
State of Oklahoma

Travis Wayne Bentley,  
Plaintiff,

v.

Case No. CF-2015-1240

State of Oklahoma,  
Defendant,

STATE OF OKLAHOMA } S.S.  
CLEVELAND COUNTY }

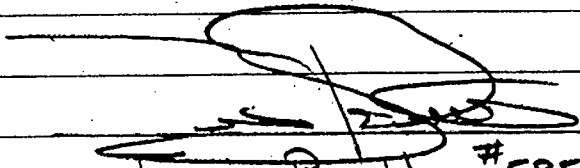
FILED

JAN 29 2021

Motion For  
Transcripts

In the office of the  
Court Clerk MARILYN WILLIAMS

Comes now Travis Bentley, appearing Pro se, case no. CF-2015-1240, requesting a copy of the transcripts from the Evidentiary Hearing that was held January 22, 2021. This will be need to prepare a response to the Oklahoma Court of Criminal Appeals on my own behalf.

  
Travis Bentley #585018  
Pro Se

P.O. Box 260/Unit 5  
Lexington, OK 73051

## Form 13.2 Affidavit in Forma Pauperis

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

I, Travis Bentley, 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 23 day of January 2021 at Norman, Cleveland, OK.



Travis Bentley #585018

Cor  
Dkt  
Savage  
Origin



In The District Court of Cleveland County  
State of Oklahoma

Travis Wayne Bentley,  
Plaintiff,

v.

Case No. CF-2015-1240.

State of Oklahoma,  
Defendant,

STATE OF OKLAHOMA }  
CLEVELAND COUNTY } S.S.

FILED

JAN 29 2021

Motion For Exhibits

In the office of the  
Court Clerk MARILYN WILLIAMS

Comes now Travis Bentley, appearing Pro se, case no. CF-2015-1240, and requesting a copy of the exhibits in their natural color from the Evidentiary Hearing on January 22, 2021. This would include photos, maps, and any other material for the purpose to prepare a response to the Oklahoma Court of Criminal Appeals on my own behalf.

Travis Bentley #585018  
P.O. Box 260 / Unit 5  
Lexington, OK. 73051  
Pro Se

(7)

## Form 13.2 Affidavit in Forma Pauperis

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

I, Travis Bentley, 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 or perjury under the laws of Oklahoma that the foregoing is true and correct.

Signed this 23 day of January, 2021 at Norman, Cleveland, OK.



Travis Bentley #58501B



IN THE DISTRICT COURT OF CLEVELAND COUNTY

STATE OF OKLAHOMA

State of Oklahoma,  
Plaintiff,

vs.

Travis Wayne Bentley,  
Defendant.

CASE NO. CF-2015-1240

STATE OF OKLAHOMA  
CLEVELAND COUNTY, SS

FILED

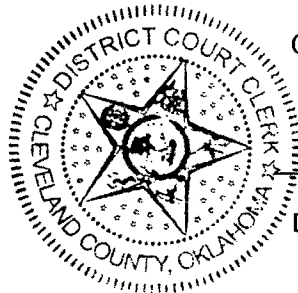
FEB 04 2021

NOTICE OF FILING In the office of the  
Court Clerk MARILYN WILLIAMS

There is hereby filed this 4 day of February,  
2021, with the below named Deputy Court Clerk, an original  
and two copies of proceeding of January 15, 2021, containing  
11 pages.

Karen Twyford, RPR

Official Court Reporter



Deputy Court Clerk



IN THE DISTRICT COURT OF CLEVELAND COUNTY  
STATE OF OKLAHOMA

State of Oklahoma,  
Plaintiff,

vs.

Travis Wayne Bentley,  
Defendant.

)  
)  
)  
)  
)  
)

Case No. CF-2015-1240

ORIGINAL

\* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

HAD ON THE 15TH DAY OF JANUARY, 2021

BEFORE THE HONORABLE JEFF VIRGIN,

DISTRICT JUDGE

STATE OF OKLAHOMA  
CLEVELAND COUNTY

FILED

FEB 04 2021

APPEARANCES

For the Plaintiff:

Mr. Travis White  
First Assistant District Attorney  
201 South Jones, Suite 300  
Norman, Oklahoma 73069

In the office of the  
Court Clerk MARILYN WILLIAMS

Ms. Jennifer L. Crabb  
Assistant Attorney General  
Oklahoma Attorney General's Office  
313 Northeast 21st Street  
Oklahoma City, Oklahoma 73105

For the Defendant:

Defendant appears pro se

Reported by: Karen Twyford, RPR

DISTRICT COURT OF OKLAHOMA -- OFFICIAL TRANSCRIPT





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

STATE OF OKLAHOMA,  
  
Plaintiff,  
  
VS  
  
TRAVIS WAYNE BENTLEY,  
  
Defendant.

CASE NO. CF-2015-1240

STATE OF OKLAHOMA } S.S  
CLEVELAND COUNTY }

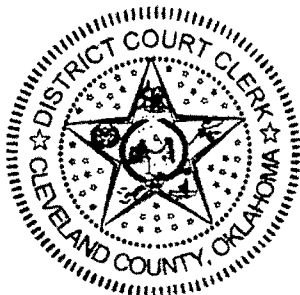
FILED

FEB 04 2021

NOTICE OF FILING

In the office of the  
Court Clerk MARILYN WILLIAMS

Comes now, Marla Cullison, Certified Shorthand Reporter and Official Court Reporter in the above-styled case heard before the Honorable Jeff Virgin and hereby states that an Original and Two Copies of the Transcript of Proceedings, along with Original and Two Copies of State's Exhibits R1 through R28; and Defendant's Exhibits 1, 2, 3 and 4, had on January 22, 2021, has been filed of record with the Deputy Court Clerk herein below.



*Marla Cullison, CSR*

Marla Cullison, CSR  
Official Court Reporter  
Certificate No. 1647

*Pas G*

Deputy Court Clerk



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

STATE OF OKLAHOMA, )  
 )  
Plaintiff, )  
 )  
V ) CASE NO. CF-2015-1240  
 )  
TRAVIS WAYNE BENTLEY, )  
 )  
Defendant )  
STATE OF OKLAHOMA } S.S. ORIGINAL  
CLEVELAND COUNTY }

FILED  
FEB 04 2021

In the office of the  
Court Clerk MARILYN WILLIAMS  
TRANSCRIPT OF PROCEEDINGS  
HAD ON JANUARY 22, 2021,  
BEFORE THE  
HONORABLE JEFF VIRGIN  
DISTRICT JUDGE

Reported by:  
MARLA J. CULLISON, CSR  
Official Court Reporter  
Cleveland County Courthouse  
Norman, Oklahoma



IN THE DISTRICT COURT OF CLEVELAND COUNTY } S.S.  
STATE OF OKLAHOMA }  
**FILED**

TRAVIS WAYNE BENTLEY,

Petitioner,

v.

THE STATE OF OKLAHOMA,

Respondent.

FEB 24 2021

In the office of the  
Court Clerk MARILYN WILLIAMS

Case No. CF-2015-1240  
PC-2018-743

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter came on for evidentiary hearing the 22nd day of January, 2021, pursuant to the remand order of the Oklahoma Court of Criminal Appeals issued November 25, 2020. Petitioner appeared pro se. Respondent appeared by and through Assistant Attorney General Jennifer Crabb and First Assistant District Attorney Travis White. A record was taken by Certified Court Reporter Marla Cullison.

This matter was remanded to the District Court by the Oklahoma Court of Criminal Appeals for an evidentiary hearing to determine: (1) Petitioner status as an Indian; and (2) whether the crime occurred within the boundaries of Indian Country.<sup>1</sup> This Court will address each of the issues separately.

**I. Petitioner's status as an Indian**

The Oklahoma Court of Criminal Appeals (hereinafter referred to as "OCCA") remanded the above-entitled matter to this Court to determine, inter alia, Petitioner's status as an Indian. In making the determination, the OCCA further directed this Court to evaluate whether (1)

<sup>1</sup> Order Recalling Mandate, Reversing District Court Order Denying Post-Conviction Relief, and Remanding to the District Court for an Evidentiary Hearing and Further Proceedings, pg. 4.

Petitioner had some Indian blood, and (2) is recognized as an Indian by a tribe or by the federal government.<sup>2</sup> In complying therewith, the Court undertakes the following analysis:

### **Findings of Fact**

1. The parties stipulated that Petitioner has 1/256ths Indian blood quantum and is recognized as a member of the Choctaw Tribe.<sup>3</sup>

### **Conclusions of Law**

As set forth above, in assessing Petitioner's status as an Indian, the OCCA ordered this Court to determine whether (1) Petitioner has some Indian blood and (2) is recognized as an Indian by a tribe or by the federal government.<sup>4</sup> As stated above, the parties stipulated Petitioner has 1/256ths Indian blood quantum and is recognized as a Choctaw Nation Citizen. This Court adopts the parties' stipulations and finds that Petitioner is, in fact, an Indian.

Respondent noted that the term 'Indian' is not statutorily defined, but has previously been defined by different courts to require "a significant percentage of"<sup>5</sup>, "sufficient"<sup>6</sup>, "substantial"<sup>7</sup> or "some"<sup>8</sup> Indian blood. However, the OCCA was clear in its mandate when it ordered this Court to determine "whether Petitioner has *some* Indian blood."<sup>9</sup>

WHEREFORE, based upon the Court's findings set forth above, this Court finds that Petitioner is an Indian.

---

<sup>2</sup> *Id.*

<sup>3</sup> Tr. pg. 77.

<sup>4</sup> *Id.*

<sup>5</sup> *Goforth v. State*, 1982 OK CR 48, ¶ 6, 644 P.2d 114, 116.

<sup>6</sup> *United States v. LaBuff*, 658 F.3d 873, 874-75 (9th Cir. 2011).

<sup>7</sup> *Vialpando v. State*, 640 P.2d 77, 79-80 (Wyo. 1982).

<sup>8</sup> *United States v. Diaz*, 679 F.3d 1183, 1187 (10th Cir. 2012); *United States v. Dodge*, 538 F.2d 770, 786 (8th Cir. 1976).

<sup>9</sup> Order Recalling Mandate, Reversing District Court Order Denying Post-Conviction Relief, and Remanding to the District Court for an Evidentiary Hearing and Further Proceedings, pg. 4.

## **II. WHETHER THE CRIME OCCURRED IN INDIAN COUNTRY**

The OCCA further remanded this matter for this Court to determine whether the crime occurred in Indian Country.<sup>10</sup> In making the determination, the OCCA directed this Court to follow the analysis set forth in *McGirt v. Oklahoma*<sup>11</sup>. Therefore, the Court undertakes the following analysis:

### **Findings of Fact**

1. The crime in this matter occurred at or near 14001 Banner Road, Lexington, Cleveland County, Oklahoma.<sup>12</sup> Petitioner argues that particular location falls within the boundaries of the Citizen Potawatomi Nation (CPN).

2. On February 27, 1876, the United States entered into a treaty with the Potawatomi.<sup>13</sup> This Treaty effectively removed the Potawatomi from a location in Kansas to the location at issue in this matter which includes portions of Cleveland, Oklahoma and Pottawatomie Counties.<sup>14</sup> Said Treaty “set apart as a reservation for the exclusive use and occupancy” of the Potawatomi.<sup>15</sup> Said Treaty further states “[a]fter such reservation shall have been selected and set apart for the Pottawatomie, it shall never be included within the jurisdiction of any State or Territory, unless an Indian Territory shall be organized...”<sup>16</sup>

3. On May 23, 1872, the Forty-Second Congress began allotment efforts offering tracts of land within the reservation to members of the tribe.<sup>17</sup>

---

<sup>10</sup> *Id.*

<sup>11</sup> 140 S.Ct. 2453 (2020).

<sup>12</sup> Tr. pg. 16, 21.

<sup>13</sup> Respondent’s Exhibit R25.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Respondent’s Exhibit R26.

4. On February 8, 1887, the Forty-Ninth Congress passed the General Allotment Act. Said allotments applied to CPN, but specifically excluded other tribes such as the Cherokees, Choctaws and Creeks.<sup>18</sup> Respondent notes language contained within Article 6 of said Act. Said language discussing shifting civil and criminal jurisdictions over allottees to the State or Territory in which they reside.<sup>19</sup>

5. On March 3, 1981, the Fifty-First Congress stated in Article I of the Act (Act of 1981):

The Citizen Band of Pottawatomie Indians of the Indian Territory, in consideration of the fulfillment of the promises hereinafter made, hereby cede, relinquish, and forever and absolutely surrender to the United States all their claim, title and interest of every kind and character in and to the following described tract of country in the Indian Territory...<sup>20</sup>

6. Gregory Quinlan, tribal attorney for the CPN, testified that at the time this crime was committed, the CPN did not consider the location of the crime to be "Indian Country".<sup>21</sup> Further, based upon his investigation and review of the exhibits presented, Mr. Quinlan testified the location of the crime was not tribal trust land, tribal allotment land, tribal fee simple land or on the federal roads inventory.<sup>22</sup> Mr. Quinlan testified not being on "federal roads inventory" means that the CPN did not pay for or maintain the location in which the crime occurred.<sup>23</sup> Rather, Mr. Quinlan refers to the location of the crime as CPN's "former reservation".<sup>24</sup>

7. Mr. Quinlan testified the Act of 1981, would be the applicable "treaty" to advise this Court regarding whether this crime was committed on Indian Country.<sup>25</sup> Mr. Quinlan testified the

---

<sup>18</sup> Respondent's Exhibit R27.

<sup>19</sup> *Id.*

<sup>20</sup> Respondent's Exhibit R28.

<sup>21</sup> Tr. pg. 31.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Tr. pg. 38.

<sup>25</sup> Tr. pg. 42.

location where the crime was committed is referenced in the Act of 1981.<sup>26</sup> Mr. Quinlan testified he did not believe this Court is bound strictly by the *McGirt* decision due to the language contained in the Act of 1981.<sup>27</sup> In fact, at the evidentiary hearing on this matter, all parties seem to agree the language contained within the Act of 1891 has not been reviewed under the *McGirt* analysis.

8. Daniel Jenkins, of the Cleveland County Assessor's Office, testified as to the Assessor's Office's opinion regarding the status of the property where the crime was committed. Mr. Jenkins testified the property where the crime was committed is taxable property.<sup>28</sup> Mr. Jenkins testified the property where the crime was committed is located within the land description set forth in the Act of 1891.<sup>29</sup> The Assessor's Office does not consider the property where the crimes was committed to be "Indian Land".<sup>30</sup> The Assessor's Office's position is based upon the language contained within the Act of 1891.<sup>31</sup>

9. Based upon the testimony and evidence presented, this Court finds the location where the crime was committed is within the land description set forth in the Act of 1891.

10. Based upon the testimony and evidence at the evidentiary hearing, this Court finds the language of the Act of 1891 has not been reviewed under the *McGirt* analysis.

#### **Conclusions of Law**

1. First, the Court finds that a reservation was established for the CPN by the Treaty of 1867. The language within the Treaty is clear that "reservation" was being established for the CPN. Title

---

<sup>26</sup> *Id.*

<sup>27</sup> Tr. pg. 47.

<sup>28</sup> Tr. pg. 62.

<sup>29</sup> Tr. pg. 64.

<sup>30</sup> Tr. pg. 62.

<sup>31</sup> Tr. pg. 64.

18 U.S.C. 1151(a) defines “Indian Country” as “all land within the limits of any Indian reservation under the jurisdiction of the United States Government...”

2. Upon finding that a reservation was established by Congress for the CPN, this Court must next determine whether Congress has changed the reservation’s borders or boundaries.<sup>32</sup> As the Supreme Court made clear in *McGirt*, “[t]o determine whether a tribe continues to hold a reservation, there is only one place we may look: the Acts of Congress.”<sup>33</sup> The constitutional authority to breach a Treaty “belongs to Congress alone,” and the Court will not lightly infer such a breach “once Congress has established a reservation.”<sup>34</sup> “[O]nce a reservation is established, it retains that status ‘until Congress explicitly indicates otherwise.’”<sup>35</sup> While “[d]isestablishment has never required any particular form of words, it does require that Congress clearly express its intent to do so, [c]ommon[ly with an] [e]xplicit reference to cession or other language evidencing the present and total surrender of all tribal interests.”<sup>36</sup>

3. Based upon the language contained within the Act of 1891, Respondent has presented evidence to this Court to establish that by an Act of Congress, the CPN explicitly ceded, relinquished, and forever and absolutely surrendered to the United States for cash value the land on which the crime in this matter occurred. As such, based upon the language contained within the Act of 1891, this Court finds Congress clearly expressed its intent to disestablish the portion of the reservation on which this crime occurred.

4. Based upon the Court’s findings above, this Court finds Petitioner has not presented sufficient evidence to establish the crime in this matter occurred in Indian Country. Even if

---

<sup>32</sup> *Solem v. Bartlett*, 456 U.S. 463, 470.

<sup>33</sup> *McGirt*, 140 S.Ct. at 2462.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.* at 2469 (quoting *Solem v. Bartlett*, 456 U.S. 463, 470 (1984)).

<sup>36</sup> *McGirt*, 140 S. Ct. at 2463 (quoting *Nebraska v. Parker*, 136 S. Ct. 1072, 1079 (2016)).



Petitioner has shown a prima facie case of this crime occurring in Indian Country by presenting evidence of the original reservation boundaries, Respondent has presented sufficient evidence through the Act of 1891 that the State of Oklahoma has subject matter jurisdiction in this matter.

5. As stated above, this Court found the language of the Act of 1981 had not been reviewed under the *McGirt* analysis. However, it appears the OCCA has had the opportunity to review a similar matter in *Holland v. State of Oklahoma*, PC-2020-927. In that matter, the OCCA discusses the Act of 1891 and found the Petitioner in that matter failed to establish they were entitled to post-conviction relief.

6. Based upon this Court's findings set forth above, this Court finds that Congress established a reservation for the CPN. However, this Court finds, by the Act of 1891, Congress specifically changed the boundaries and disestablished a portion of said reservation. Further, this Court finds the location where the crime occurred in this matter is located in the portion of the reservation that was disestablished by the Act of 1891. Therefore, this Court finds the crime in which Petitioner was convicted did not occur in Indian Country.

#### CONCLUSION

WHEREFORE, this Court finds that Petitioner is an Indian. However, the crime for which Petitioner was convicted did not occur in Indian Country.

Dated this 24th day of February, 2021.

  
JEFF VIRGIN  
DISTRICT JUDGE

CC: Petitioner  
Travis White/Jennifer Crabb, attorneys for Respondent



IN THE DISTRICT COURT OF MCCLAIN COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA } S.S.  
MCCLAIN COUNTY }  
**FILED**

FEB 24 2021

In the office of the  
Court Clerk MARILYN WILLIAMS

TRAVIS WAYNE BENTLEY,

Petitioner,

v.

THE STATE OF OKLAHOMA,

Respondent.

Case No. CF-2015-1240  
PC-2018-743

**ORDER TO TRANSMIT RECORD**

This matter came on for evidentiary hearing the 22nd day of January, 2021, pursuant to the remand order of the Oklahoma Court of Criminal Appeals issued November 25th, 2020. This Court filed its Findings of Fact and Conclusions of Law this 24th day of February, 2021. Pursuant to the remand order of the Oklahoma Court of Criminal Appeals, the Court Clerk of Cleveland County is hereby ordered to "transmit the record of the evidentiary hearing, the District Court's findings of fact and conclusions of law, and any other materials made a part of the record, to the Clerk [of the Oklahoma Court of Criminal Appeals], and Petitioner, within five (5) days [...]." *Order Recalling Mandate, Reversing District Court Order Denying Post-Conviction Relief, and Remanding to the District Court for an Evidentiary Hearing and Further Proceedings*, pg. 5.

**IT IS HEREBY ORDERED!**

JEFF VIRGIN  
DISTRICT JUDGE

**IN THE DISTRICT COURT IN AND FOR CLEVELAND COUNTY, OKLAHOMA**

State of Oklahoma v. Bentley, Travis Wayne	<b>No. CF-2015-1240</b> <b>(Criminal Felony)</b>  Filed: 07/08/2015 Closed: 06/29/2016  Judge: Schumacher, Tracy
--	--

**Parties**

Bentley, Travis Wayne, Defendant  
Cleveland County Sheriff's Department, ARRESTING AGENCY  
STATE OF OKLAHOMA, Plaintiff

**Attorneys****Attorney**

Bussett, Curtis(Bar # 17971)  
 3555 NW 58th Street Suite 1010  
 Oklahoma City, OK 73112

Crabb, Jennifer L(Bar # )

Finlay, Kevin Oids(Bar # 21963)  
 303 S PETERS  
 NORMAN, OK 73069

Radford, James(Bar # 30416)  
 114 E MAIN ST  
 NORMAN, OK 73069

**Represented Parties**

Bentley, Travis Wayne  
 Bentley, Travis Wayne

**Events**

Event	Party	Docket	Reporter
<b>Tuesday, July 21, 2015 at 13:00 PM</b> PRELIMINARY HEARING CONFERENCE(PRELIMC)	Bentley, Travis Wayne	Special 1	
<b>Tuesday, September 8, 2015 at 13:00 PM</b> PRELIMINARY HEARING CONFERENCE(PRELIMC)	Bentley, Travis Wayne	Special 1	
<b>Tuesday, October 13, 2015 at 13:00 PM</b> PRELIMINARY HEARING CONFERENCE(PRELIMC)	Bentley, Travis Wayne	Special 1	
<b>Tuesday, December 1, 2015 at 13:00 PM</b> PRELIMINARY HEARING CONFERENCE(PRELIMC)	Bentley, Travis Wayne	Special 1	
<b>Wednesday, February 24, 2016 at 13:30 PM</b> HEARING(HEA)	Bentley, Travis Wayne	Tracy Schumacher	
<b>Wednesday, February 24, 2016 at 13:30 PM</b> HEARING(HEA)	Bentley, Travis Wayne	Tracy Schumacher	
<b>Tuesday, March 1, 2016 at 13:00 PM</b> PRELIMINARY HEARING CONFERENCE(PRELIMC)	Bentley, Travis Wayne	Special 1	
<b>Monday, May 9, 2016 at 16:00 PM</b> SENTENCING (AFTER PLEA)(SEN)	Bentley, Travis Wayne	Tracy Schumacher	
<b>Wednesday, May 11, 2016 at 13:30 PM</b> HEARING(HEA)	Bentley, Travis Wayne	Tracy Schumacher	
<b>Wednesday, June 29, 2016 at 13:30 PM</b> SENTENCING (AFTER PLEA)(SEN)	Bentley, Travis Wayne	Tracy Schumacher	

Thursday, July 28, 2016 at 13:30 PM  
 MOTION HEARING \*\*CONTINUED\*\*(MOT)  
 Thursday, July 28, 2016 at 13:30 PM  
 HEARING(HEA)  
 Friday, July 29, 2016 at 8:30 AM  
 MOTION HEARING(MOT)  
 Friday, January 15, 2021 at 15:00 PM  
 HEARING(HEA)

Bentley, Travis Wayne Tracy Schumacher  
 Bentley, Travis Wayne Tracy Schumacher  
 Bentley, Travis Wayne Tracy Schumacher  
 Bentley, Travis Wayne Jeff Virgin

## Counts

Parties appear only under the counts with which they were charged. For complete sentence information, see the court minute on the docket.

**Count # 1.** Count as Filed: HM2, Manslaughter first degree , in violation of 21 O.S. 711-723  
 Date Of Offense: 05/10/2015

**Party Name:**

**Disposition Information:**

**Defendant:** Bentley, Travis Wayne

**Disposed: CONVICTION, 06/29/2016. Guilty Plea.**  
 Count as Disposed:Manslaughter first degree (HM2)  
 Violation of 21 O.S. 711-723

**Count # 2.** Count as Filed: DI2D, DUI DRUGS great bodily injury , in violation of 47 O.S. 11-902(A)(3)  
 Date Of Offense: 05/10/2015

**Party Name:**

**Disposition Information:**

**Defendant:** Bentley, Travis Wayne

**Disposed: CONVICTION, 06/29/2016. Guilty Plea.**  
 Count as Disposed:DUI DRUGS great bodily injury (DI2D)  
 Violation of 47 O.S. 11-902(A)(3)

**Count # 3.** Count as Filed: DR3, unlawful poss of drug paraphernalia , in violation of 63 O.S. 2-405 (B)(C)  
 Date Of Offense: 05/10/2015

**Party Name:**

**Disposition Information:**

**Defendant:** Bentley, Travis Wayne

**Disposed: CONVICTION, 06/29/2016. Guilty Plea.**  
 Count as Disposed:unlawful poss of drug paraphernalia (DR3)  
 Violation of 63 O.S. 2-405 (B)(C)

**Count # 4.** Count as Filed: LC2, LEFT OF CENTER IN MARKED ZONE , in violation of 47 O.S. 11-307(b)  
 Date Of Offense: 05/10/2015

**Party Name:**

**Disposition Information:**

**Defendant:** Bentley, Travis Wayne

**Disposed: DISMISSED WITH COSTS, 03/09/2016. Dismissed with Costs.**  
 Count as Disposed:LEFT OF CENTER IN MARKED ZONE (LC2)  
 Violation of 47 O.S. 11-307(b)

## Docket

Date	Code	Count	Party	Serial #	Entry Date	User Name
------	------	-------	-------	----------	------------	-----------

07-08-2015 TEXT	1	Bentley, Travis Wayne	16372107	Jul 8 2015 3:29:28:007PM	OSCN\MariaRichartz	-	\$ 0.00
-----------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

CRIMINAL FELONY INITIAL FILING.

Document Available at Court Clerk's Office (#1029419156)

07-08-2015 INFORMATION	1	Bentley, Travis Wayne	16372552	Jul 8 2015 3:28:39:607PM	OSCN\MariaRichartz	-	\$ 0.00
------------------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

DEFENDANT TRAVIS WAYNE BENTLEY WAS CHARGED WITH COUNT #1, MANSLAUGHTER FIRST DEGREE IN VIOLATION OF 21 O.S. 711-723

07-08-2015 INFORMATION	2	Bentley, Travis Wayne	16372553	Jul 8 2015 3:28:39:637PM	OSCN\MariaRichartz	-	\$ 0.00
------------------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

DEFENDANT TRAVIS WAYNE BENTLEY WAS CHARGED WITH COUNT #2, DUI DRUGS GREAT BODILY INJURY IN VIOLATION OF 47 O.S. 11-902(A)(3)

07-08-2015 INFORMATION	3	Bentley, Travis Wayne	16372554	Jul 8 2015 3:28:39:697PM	OSCN\MariaRichartz	-	\$ 0.00
------------------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

DEFENDANT TRAVIS WAYNE BENTLEY WAS CHARGED WITH COUNT #3, UNLAWFUL POSS OF DRUG PARAPHERNALIA IN VIOLATION OF 63 O.S. 2-405 (B)(C)

07-08-2015 INFORMATION	4	Bentley, Travis Wayne	16372555	Jul 8 2015 3:28:39:717PM	OSCN\MariaRichartz	-	\$ 0.00
------------------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

DEFENDANT TRAVIS WAYNE BENTLEY WAS CHARGED WITH COUNT #4, LEFT OF CENTER IN MARKED ZONE IN VIOLATION OF 47 O.S. 11-307(B)

07-08-2015 AFD	-	Bentley, Travis Wayne	16372557	Jul 8 2015 3:29:19:957PM	OSCN\MariaRichartz	-	\$ 0.00
----------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

AFFIDAVIT

Document Available at Court Clerk's Office (#1029419160)

07-08-2015 WAI\$	-	Bentley, Travis Wayne	16372563	Jul 1 2016 9:21:46:507AM	OSCN\KelliMcsperitt	Unrealized	\$ 50.00
------------------	---	-----------------------------	----------	-----------------------------	---------------------	------------	----------

WARRANT OF ARREST, ISSUED, JUDGE: MICHAEL TUPPER - BOND AMOUNT: \$25,000

COUNT 1 - MANSLAUGHTER FIRST DEGREE  
COUNT 2 - DUI DRUGS GREAT BODILY INJURY  
COUNT 3 - UNLAWFUL POSS OF DRUG PARAPHERNALIA  
COUNT 4 - LEFT OF CENTER IN MARKED ZONE  
COMMENT:  
(\$ 50.00)

07-08-2015 OCISR	-	Bentley, Travis Wayne	16372564	Jul 1 2016 9:21:46:727AM	OSCN\KelliMcsperitt	Unrealized	\$ 25.00
------------------	---	-----------------------------	----------	-----------------------------	---------------------	------------	----------

OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)

07-08-2015 TEXT	-		16372108	Jul 8 2015 2:42:11:117PM	OSCN\MariaRichartz	-	\$ 0.00
-----------------	---	--	----------	-----------------------------	--------------------	---	---------

OCIS HAS AUTOMATICALLY ASSIGNED JUDGE SCHUMACHER, TRACY TO THIS CASE.


07-10-2015 CTFREE	-	Bentley, Travis Wayne	16387047	Jul 14 2015 10:57:34:517AM	OSCN\AllenRush	-	\$ 0.00
-------------------	---	-----------------------------	----------	-------------------------------	----------------	---	---------

CM: DEF APPEARS IN PERSON (CCDC) REL WHEN \$50,000 BOND POSTED PHC SET 7-21-15

@ 1PM IN DA'S OFFICE W/ATTY (MT) Document Available (#1029897709)


07-13-2015 RETWA	-	Bentley, Travis Wayne	16416959	Jul 23 2015 4:49:53:580PM	OSCN\CarrieWelles	-	\$ 0.00
------------------	---	-----------------------------	----------	------------------------------	-------------------	---	---------

WARRANT RETURNED 7/13/2015, WARRANT ISSUED ON 7/8/2015

 Document Available at Court Clerk's Office (#1029902118)


07-16-2015 CTFREE	-	Bentley, Travis Wayne	16413217	Jul 23 2015 10:04:57:427AM	OSCN\CarrieWelles	-	\$ 0.00
-------------------	---	-----------------------------	----------	-------------------------------	-------------------	---	---------

SO: OIDS IS APPOINTED TO REPRESENT DEFENDANT; FEE IS DUE BY 8-1-2015. (SLS)

 Document Available (#1030163529)

07-16-2015 AIDS	-	Bentley, Travis Wayne	16413219	Jul 1 2016 9:21:46:787AM	OSCN\KelliMcsperitt	Unrealized	\$ 40.00
-----------------	---	-----------------------------	----------	-----------------------------	---------------------	------------	----------

APPLICATION FOR INDIGENT DEFENSE(\$ 40.00)

 Document Available at Court Clerk's Office (#1030163525)


07-21-2015 NO	-	Bentley, Travis Wayne	16414244	Jul 23 2015 11:27:20:867AM	OSCN\CarrieWelles	-	\$ 0.00
---------------	---	-----------------------------	----------	-------------------------------	-------------------	---	---------

NOTICE OF THE ASSIGNMENT OF COUNSEL - JAMES RADFORD, OIDS

 Document Available (#1030163600)


07-24-2015 CTFREE	-	Bentley, Travis Wayne	16419616	Jul 24 2015 1:59:44:437PM	OSCN\CarrieWelles	-	\$ 0.00
-------------------	---	-----------------------------	----------	------------------------------	-------------------	---	---------

CM: DEF APPEARS THROUGH COUNSEL  
CASE IS SET FOR PHC ON 9-8-2015 AT 1:00 PM BY AGREEMENT FOR FURTHER  
NEGOTIATION  
RECOMMENDATION GIVEN (SLS)

 Document Available (#1030163709)


08-06-2015 O	-	Bentley, Travis Wayne	16468099	Aug 12 2015 10:03:33:270AM	OSCN\MariaRichartz	-	\$ 0.00
--------------	---	-----------------------------	----------	-------------------------------	--------------------	---	---------

ORDER GENERAL LETTER FROM DEF (TS)

 Document Available (#1030022193)


09-11-2015 CTFREE	-	Bentley, Travis Wayne	16562835	Sep 17 2015 9:47:13:763AM	OSCN\RhondaHall	-	\$ 0.00
-------------------	---	-----------------------------	----------	------------------------------	-----------------	---	---------

SO: PHC SET 10-13-15 @ 1PM (SS)

 Document Available (#1030160796)

10-16-2015 CTFREE	-	Bentley, Travis Wayne	16672423	Oct 19 2015 1:24:42:583PM	OSCN\CarrieWelles	-	\$ 0.00
-------------------	---	-----------------------------	----------	------------------------------	-------------------	---	---------

CM: DEF APPEARS THROUGH COUNSEL  
CASE IS SET FOR PHC ON 12-1-2015 AT 1:00 PM BY AGREEMENT FOR FURTHER  
NEGOTIATION (MDT)

 Document Available (#1031365748)

12-21-2015 O	-	Bentley, Travis Wayne	16863914	Dec 29 2015 4:50:25:200PM	OSCN\MariaRichartz	-	\$ 0.00
--------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

## ORDER GENERAL LETTER FROM DEF LETTER DIRECTED TO COUNSEL OF RECORD (TS)

[Document Available \(#1030983404\)](#)

01-27-2016 CTFREE	-	Bentley, Travis Wayne	16943054	Jan 27 2016 11:18:34:507AM	OSCN\CarrieWelles	-	\$ 0.00
-------------------	---	-----------------------------	----------	-------------------------------	-------------------	---	---------

CM: DEF APPEARS THROUGH COUNSEL  
CASE IS SET FOR PHC ON 3-1-2016 AT 1:00 PM BY AGREEMENT FOR FURTHER  
NEGOTIATION (SLS)

[Document Available \(#1031806509\)](#)

02-02-2016 O	-	Bentley, Travis Wayne	16980780	Feb 8 2016 2:03:48:290PM	OSCN\MariaRichartz	-	\$ 0.00
--------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

## ORDER GENERAL LETTER FROM DEF LETTER DIRECTED TO COUNSEL OF RECORD (TS)

[Document Available \(#1031807582\)](#)

02-03-2016 O	-	Bentley, Travis Wayne	16981318	Feb 8 2016 2:48:07:440PM	OSCN\MariaRichartz	-	\$ 0.00
--------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

## ORDER DEF'S MTN FILED OF RECORD HEARING SET 2-24-16 @ 1:30PM (TS)

[Document Available \(#1031807736\)](#)

02-03-2016 TEXT	-	Bentley, Travis Wayne	16981322	Feb 8 2016 2:50:33:410PM	OSCN\MariaRichartz	-	\$ 0.00
-----------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

## STATE'S RESPONSE TO DEF'S MOTION DATED 2-1-16

[Document Available \(#1031807740\)](#)

02-08-2016 MO	-	Bentley, Travis Wayne	16978742	Feb 8 2016 10:06:04:530AM	OSCN\SallieClark	-	\$ 0.00
---------------	---	-----------------------------	----------	------------------------------	------------------	---	---------

## MOTION AND BRIEF FOR DISMISSAL OF ATTORNEY (COPY TO JUDGE, D.A. &amp; DEF)

[Document Available \(#1029901935\)](#)

02-17-2016 O	-	Bentley, Travis Wayne	17015592	Feb 18 2016 2:09:10:343PM	OSCN\CarolJones	-	\$ 0.00
--------------	---	-----------------------------	----------	------------------------------	-----------------	---	---------

## ORDER - HRG 2-24-2016 1:30PM (TS)

\*\* COPY TO CNSL &amp; DA \*\*

[Document Available \(#1032100818\)](#)

03-09-2016 DISMCOSTS	4	Bentley, Travis Wayne	17076962	Mar 9 2016 12:49:25:940PM	OSCN\MariaRichartz	-	\$ 0.00
----------------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

## COUNT DISMISSED W/ COSTS TO DEF

03-09-2016 COSTT	4	Bentley, Travis Wayne	17076963	Jul 1 2016 9:21:46:847AM	OSCN\KelliMcsperitt	Unrealized	\$ 88.00
------------------	---	-----------------------------	----------	-----------------------------	---------------------	------------	----------

## TRAFFIC COSTS(\$ 88.00)

03-09-2016 TCARF	4	Bentley, Travis Wayne	17076964	Jul 1 2016 9:21:47:007AM	OSCN\KelliMcsperitt	Unrealized	\$ 10.00
------------------	---	-----------------------------	----------	-----------------------------	---------------------	------------	----------

## TRAUMA CARE ASSISTANCE REVOLVING FUND(\$ 10.00)

03-09-2016 PFE7	4	Bentley, Travis Wayne	17076965	Jul 1 2016 9:21:47:037AM	OSCN\KelliMcsperitt	Unrealized	\$ 6.00
-----------------	---	-----------------------------	----------	-----------------------------	---------------------	------------	---------

## LAW LIBRARY FEE(\$ 6.00)

03-09-2016	SSF	4	Bentley, Travis Wayne	17076966	Jul 1 2016 9:21:47:057AM	OSCN\KelliMcsperitt	Unrealized	\$ 5.00
------------	-----	---	-----------------------------	----------	-----------------------------	---------------------	------------	---------


## SHERIFF'S SERVICE FEE ON ARRESTS(\$ 5.00)

03-09-2016	CCADMIN	4	Bentley, Travis Wayne	17076967	Jul 1 2016 9:21:47:077AM	OSCN\KelliMcsperitt	Unrealized	\$ 1.00
------------	---------	---	-----------------------------	----------	-----------------------------	---------------------	------------	---------

## COURT CLERK ADMINISTRATIVE FEE ON COLLECTIONS(\$ 1.00)


03-09-2016	CTFREE	-	Bentley, Travis Wayne	17095945	Mar 16 2016 8:55:36:633AM	OSCN\MariaRichartz	-	\$ 0.00
------------	--------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

SO; MATTER COMES FOR BLIND PLEA CTS 1,2 & 3 CT 4 IS DISMISSED W/ COSTS TO DEF,  
PSI ORDERED & SN SET MAY 9, 16 @ 4PM (TS)

 [Document Available \(#1032096372\)](#)


03-09-2016	O	-	Bentley, Travis Wayne	17095954	Mar 16 2016 8:57:45:003AM	OSCN\MariaRichartz	-	\$ 0.00
------------	---	---	-----------------------------	----------	------------------------------	--------------------	---	---------

## ORDER TO CONDUCT PRESENTENCE INVESTIGATION

 [Document Available \(#1032096368\)](#)

03-09-2016	PGSF	-	Bentley, Travis Wayne	17095955	Mar 16 2016 8:57:53:143AM	OSCN\MariaRichartz	-	\$ 0.00
------------	------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

## PLEA OF GUILTY - SUMMARY OF FACTS

 [Document Available \(#1032096396\)](#)

03-10-2016	ABST	4	Bentley, Travis Wayne	17079496	Mar 10 2016 1:23:47:610AM	DPS	-	\$ 0.00
------------	------	---	-----------------------------	----------	------------------------------	-----	---	---------

## ABSTRACT SENT TO D.P.S.


04-15-2016	RTSUB	-	Bentley, Travis Wayne	17177242	Apr 18 2016 12:31:11:830PM	OSCN\CarrieWelles	-	\$ 0.00
------------	-------	---	-----------------------------	----------	-------------------------------	-------------------	---	---------

## RETURN SUBPOENA (2)

 [Document Available \(#1031372423\)](#)

05-03-2016	MO	-	Bentley, Travis Wayne	17257557	May 13 2016 3:20:29:730PM	OSCN\MariaRichartz	-	\$ 0.00
------------	----	---	-----------------------------	----------	------------------------------	--------------------	---	---------

## MOTION FOR FARETTA HEARING

 [Document Available \(#1033046170\)](#)


05-03-2016	O	-	Bentley, Travis Wayne	17257560	May 13 2016 3:20:52:490PM	OSCN\MariaRichartz	-	\$ 0.00
------------	---	---	-----------------------------	----------	------------------------------	--------------------	---	---------

## ORDER SETTING FARETTA HEARING (TS)

 [Document Available \(#1033046166\)](#)

05-04-2016	CTFREE	-	Bentley, Travis Wayne	17259480	May 16 2016 10:04:18:990AM	OSCN\MariaRichartz	-	\$ 0.00
------------	--------	---	-----------------------------	----------	-------------------------------	--------------------	---	---------

SO; PER RECORD MADE MAY 11, 16 @ 1:30PM (TS)

 [Document Available \(#1033046181\)](#)



---

05-09-2016 PSIR	-	Bentley, Travis Wayne	17261960	May 16 2016 2:31:27:970PM	OSCN\RhondaHall	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	-----------------	---	---------

## PRE-SENTENCE INVESTIGATION REPORT

[Document Available at Court Clerk's Office \(#1032292930\)](#)


---

05-09-2016 O	-		17269457	May 18 2016 12:35:47:290PM	OSCN\KelliMcsperitt	-	\$ 0.00
--------------	---	--	----------	-------------------------------	---------------------	---	---------

## ORDER

[Document Available at Court Clerk's Office \(#1032292942\)](#)


---

05-13-2016 EAA	-		17263606	May 17 2016 8:55:57:707AM	OSCN\TerriMorrow	-	\$ 0.00
----------------	---	--	----------	------------------------------	------------------	---	---------

## NOTICE OF THE ASSIGNMENT OF COUNSEL - KEVIN FINLAY

[Document Available \(#1033258325\)](#)


---

05-18-2016 NO	-	Bentley, Travis Wayne	17279542	May 20 2016 2:44:09:680PM	OSCN\MariaRichartz	-	\$ 0.00
---------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

## NOTICE OF ENDORSEMENT OF ADDITIONAL WITNESSES

[Document Available \(#1032868098\)](#)


---

05-18-2016 RTSUB	-	Bentley, Travis Wayne	17279834	May 20 2016 3:25:16:600PM	OSCN\CarrieWelles	-	\$ 0.00
------------------	---	-----------------------------	----------	------------------------------	-------------------	---	---------

## RETURN SUBPOENA (10)

[Document Available \(#1033058398\)](#)


---

05-19-2016 RTSUB	-	Bentley, Travis Wayne	17280251	May 20 2016 4:44:13:137PM	OSCN\CarrieWelles	-	\$ 0.00
------------------	---	-----------------------------	----------	------------------------------	-------------------	---	---------

## RETURN SUBPOENA (4)

[Document Available \(#1033058496\)](#)


---

05-19-2016 NO	-	Bentley, Travis Wayne	17281488	May 23 2016 10:45:53:463AM	OSCN\MariaRichartz	-	\$ 0.00
---------------	---	-----------------------------	----------	-------------------------------	--------------------	---	---------

## NOTICE OF ENDORSEMENT OF ADDITIONAL WITNESSES

[Document Available \(#1032868204\)](#)


---

05-25-2016 CTFREE	-	Bentley, Travis Wayne	17301898	May 27 2016 4:56:25:490PM	OSCN\MariaRichartz	-	\$ 0.00
-------------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

## SO; SENTENCING SET JUNE 29,16 @ 1:30PM BEFORE J SCHUMACHER

[Document Available \(#1032868777\)](#)


---

06-29-2016 CONVICTED	1	Bentley, Travis Wayne	17382840	Jun 29 2016 4:09:56:570PM	OSCN\JacquelynFoote	-	\$ 0.00
----------------------	---	-----------------------------	----------	------------------------------	---------------------	---	---------

25 YR DOC, CFTS, C/C ARE WAIVED \*TS\*

---

06-29-2016 CONVICTED	2	Bentley, Travis Wayne	17382841	Jun 29 2016 4:09:56:820PM	OSCN\JacquelynFoote	-	\$ 0.00
----------------------	---	-----------------------------	----------	------------------------------	---------------------	---	---------

10 YR DOC, CFTS , C/C ARE WAIVED \*TS\*

---

06-29-2016 CONVICTED	3	Bentley, Travis	17382842	Jun 29 2016	OSCN\JacquelynFoote	-	\$ 0.00
----------------------	---	--------------------	----------	-------------	---------------------	---	---------

Wayne

4:09:56:840PM

1 YR DOC, CFTS, C/C ARE WAIVED

06-29-2016 CTFREE	-	Bentley, Travis Wayne	17407527	Jul 11 2016 9:22:58:640AM	OSCN\MariaRichartz	-	\$ 0.00
-------------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

CT 1) 25 TO DO, CT 2) 10 TO DO, CT 3) 1 YR CT 4) D/M PREVIOUSLY, W/CFTS, ALL COSTS WAIVED(TS)

[Document Available \(#1033324154\)](#)

06-29-2016 TEXT	-	Bentley, Travis Wayne	17407529	Jul 11 2016 9:23:19:590AM	OSCN\MariaRichartz	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

PART B; SENTENCE ON PLEA

[Document Available \(#1033324150\)](#)

06-30-2016 ABST	1	Bentley, Travis Wayne	17383017	Jun 30 2016 1:54:31:683AM	DPS	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	-----	---	---------

ABSTRACT SENT TO D.P.S.

06-30-2016 ABST	2	Bentley, Travis Wayne	17383024	Jun 30 2016 1:54:31:683AM	DPS	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	-----	---	---------

ABSTRACT SENT TO D.P.S.

06-30-2016 ABST	3	Bentley, Travis Wayne	17383027	Jun 30 2016 1:54:31:683AM	DPS	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	-----	---	---------

ABSTRACT SENT TO D.P.S.

07-01-2016 NO	-	Bentley, Travis Wayne	17413444	Jul 12 2016 1:25:50:273PM	OSCN\MariaRichartz	-	\$ 0.00
---------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

NOTICE OF JUDGEMENT AND SENTENCE

[Document Available \(#1033495500\)](#)

07-06-2016 CTFREE	-	Bentley, Travis Wayne	17411626	Jul 12 2016 10:01:54:303AM	OSCN\CarrieWelles	-	\$ 0.00
-------------------	---	-----------------------------	----------	-------------------------------	-------------------	---	---------

SO: COURT HAS RECEIVED DEF'S "MOTION TO APPEAL" AND "MOTION TO WITHDRAW PLEA." SAME SET FOR HEARING ON 7-28-2016 AT 1:30 PM. COURT ORDERS OIDS TO APPOINT NEW COUNSEL AS MR. FINLAY REFERENCED IN MOTIONS. (TS)

[Document Available \(#1033495415\)](#)

07-06-2016 O	-	Bentley, Travis Wayne	17415704	Jul 12 2016 4:44:04:033PM	OSCN\MariaRichartz	-	\$ 0.00
--------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

ORDER REQUEST TO W/DRAW PLEA HEARING SET 7-28-16 @ 1:30PM (TS)

[Document Available \(#1033495411\)](#)

07-08-2016 CTFREE	-	Bentley, Travis Wayne	17416050	Jul 13 2016 8:40:46:690AM	OSCN\CarrieWelles	-	\$ 0.00
-------------------	---	-----------------------------	----------	------------------------------	-------------------	---	---------

SO: HEARING ON MOTION TO WITHDRAW PLEA STRICKEN FROM 7-28-16. HEARING CONTINUED BY AGREEMENT TO 7-29-2016 AT 8:30 AM. (TS)


[Document Available \(#1032610929\)](#)

07-13-2016 T&2	-	Bentley, Travis	17416322	Jul 13 2016	OSCN\MariaRichartz	-	\$ 0.00
----------------	---	--------------------	----------	-------------	--------------------	---	---------

Wayne


9:10:10:440AM

ORIGINAL TRANSCRIPT & 2 COPIES OF PROCEEDINGS TAKEN FEBRUARY 24, 2016  
 REPORTED BY; MELIA MELTON

 Document Available at Court Clerk's Office (#1033335684)


07-13-2016 T&2	-	Bentley, Travis Wayne	17416326	Jul 13 2016 9:11:53:270AM	OSCN\MariaRichartz	-	\$ 0.00
----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

ORIGINAL TRANSCRIPT & 2 COPIES OF PROCEEDINGS TAKEN MARCH 9, 2016  
 REPORTED BY MELIA MELTON

 Document Available at Court Clerk's Office (#1033335680)


07-13-2016 T&2	-	Bentley, Travis Wayne	17416331	Jul 13 2016 9:12:37:350AM	OSCN\MariaRichartz	-	\$ 0.00
----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

ORIGINAL TRANSCRIPT & 2 COPIES OF PROCEEDINGS TAKEN MAY 4, 2016  
 REPORTED BY; MELIA MELTON

 Document Available at Court Clerk's Office (#1033335676)

07-13-2016 T&2	-	Bentley, Travis Wayne	17416334	Jul 13 2016 9:13:15:880AM	OSCN\MariaRichartz	-	\$ 0.00
----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

ORIGINAL TRANSCRIPT & 2 COPIES OF PROCEEDINGS TAKEN MAY 11, 2016  
 REPORTED BY; MELIA MELTON

 Document Available at Court Clerk's Office (#1033335696)


07-13-2016 T&2	-	Bentley, Travis Wayne	17416337	Jul 13 2016 9:13:57:660AM	OSCN\MariaRichartz	-	\$ 0.00
----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

ORIGINAL TRANSCRIPT & 2 COPIES OF PROCEEDINGS TAKEN MAY 25, 16  
 REPORTED BY; MELIA MELTON

 Document Available at Court Clerk's Office (#1033335692)


07-13-2016 T&2	-	Bentley, Travis Wayne	17416342	Jul 13 2016 9:15:05:190AM	OSCN\MariaRichartz	-	\$ 0.00
----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

ORIGINAL TRANSCRIPT & 2 COPIES OF PROCEEDINGS TAKEN JUNE 29, 2016  
 REPORTED BY; MELIA MELTON

 Document Available at Court Clerk's Office (#1033335688)

07-15-2016 J&S\$	-		17428506	Jul 15 2016 4:39:25:903PM	OSCN\KelliMcsperitt	-	\$ 0.00
------------------	---	--	----------	------------------------------	---------------------	---	---------

FILE J&S CT 1- 25 YRS DOC, CNT 2 - 10 YRS DOC, CNT 3 - (TS)\*\*\*\*\*ECOPY TO DOC

 Document Available (#1033799102)

07-15-2016 OCISR	-		17428507	Jul 15 2016 4:39:25:913PM	OSCN\KelliMcsperitt (Auto)	Realized	\$ 25.00
------------------	---	--	----------	------------------------------	-------------------------------	----------	----------

OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)

07-15-2016 TCS	-		17428508	Jul 15 2016 4:39:25:923PM	OSCN\KelliMcsperitt (Auto)	Realized	\$ 50.00
----------------	---	--	----------	------------------------------	-------------------------------	----------	----------

TRANSPORT COST - SHERIFF(\$ 50.00)

07-15-2016 CTFREE	-	Bentley, Travis Wayne	17440162	Jul 21 2016 8:21:09:557AM	OSCN\MariaRichartz	-	\$ 0.00
-------------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

SO; TRANSCRIPTS ORDER BY THE COURT TO BE PAID @ PUBLIC EXPENSE DATES;  
 2-24-16, 3-9-16, 5-4-16, 5-11-16, 5-25-16, 6-29-16 (TS)


 [Document Available \(#1033336133\)](#)

07-20-2016 TR	-	17443231	Jul 21 2016 2:50:28:610PM	OSCNDebbieBaker	Realized	\$ 203.00
---------------	---	----------	------------------------------	-----------------	----------	--------------

PAID MELIA L MELTON CVF 47129 2-24, 3-9, 5-4, 5-11, 5-25 & 6-29-16(\$ 203.00)

07-21-2016 EAA	-	Bentley, Travis Wayne	17440949	Jul 21 2016 9:58:26:177AM	OSCNKarissaHultman	-	\$ 0.00
----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

ENTRY OF APPEARANCE- CURTIS BUSSETT


 [Document Available \(#1033794962\)](#)

07-28-2016 CNOTE	-	17464411	Jul 28 2016 4:26:03:090PM	OSCNMariaRichartz	-	\$ 0.00
------------------	---	----------	------------------------------	-------------------	---	---------

CASE NOTE \*\*\* TRANSCRIPTS CHECKED OUT TO PEEVEHOUSE\*\*\*\*\*


08-01-2016 CTFREE	-	Bentley, Travis Wayne	17476195	Aug 3 2016 9:15:04:970AM	OSCNMariaRichartz	-	\$ 0.00
-------------------	---	-----------------------------	----------	-----------------------------	-------------------	---	---------

SO; MR. BENTLEY & MR BUSSETT APPEAR MR PEVEHOUSE , MR. FINLAY & MR RADFORD APPEAR. PER RECORD MADE DEF'S APPLICATION TO W/DRAW PLEA AS NO BASIS TO SHOW PLEA WAS NOT KNOWINGLY & VOLUNTARITY ENTERED DEF ADVISED OF APPELLATE RIGHTS. COURT REPORTER TO TRANSCRIBE TODAY'S HEARING PAYABLE FROM CT. FUND (TS)

 [Document Available \(#1033781803\)](#)


08-05-2016 NOREQ	-	Bentley, Travis Wayne	17484993	Aug 5 2016 10:02:12:747AM	OSCNLanaHolt	Unrealized	\$ 200.00
------------------	---	-----------------------------	----------	------------------------------	--------------	------------	--------------

NOTICE OF INTENT TO APPEAL; ORDER DETERMINING INDIGENCY, APPELLATE COUNSEL, PREPARATION OF APPEAL RECORD, GRANTING TRIAL COUNSEL'S MOTION TO WITHDRAW; COURT REPORTER ACKNOWLEDGMENT; NOTIFICATION OF APPELLATE COUNSEL IF APPOINTED AND DESIGNATION OF RECORD(\$ 200.00)

 [Document Available \(#1032855981\)](#)


08-09-2016 CAP	-	17503296	Aug 11 2016 3:01:54:003PM	OSCNLanaHolt	-	\$ 0.00
----------------	---	----------	------------------------------	--------------	---	---------

CERTIFICATE OF APPEAL - # C-2016-699

 [Document Available \(#1032855921\)](#)


08-11-2016 LT	-	17503519	Aug 11 2016 3:08:02:623PM	OSCNLanaHolt	-	\$ 0.00
---------------	---	----------	------------------------------	--------------	---	---------

LETTER FROM OIDS REQUESTING COPIES - ALL COPIES EXCEPT J&S (2 SETS CERTIFIED COPIES MAILED TO OIDS)

 [Document Available \(#1032855945\)](#)


08-11-2016 LT	-	17503543	Aug 11 2016 3:08:37:843PM	OSCNLanaHolt	-	\$ 0.00
---------------	---	----------	------------------------------	--------------	---	---------

LETTER FROM OIDS IN RE: APPOINTED TO REPRESENT DEFENDANT IN APPEAL PROCESS








 [Document Available \(#1032855941\)](#)

08-17-2016 NOF	-	17520427	Aug 17 2016 2:35:13:987PM	OSCNLanaHolt	-	\$ 0.00
----------------	---	----------	------------------------------	--------------	---	---------

NOTICE OF FILING - CSR MELIA L. MELTON

 [Document Available at Court Clerk's Office \(#1032855974\)](#)

17520428	Aug 17 2016	OSCNLanaHolt
----------	-------------	--------------

08-17-2016	T&2	-		2:35:51:153PM	-	\$ 0.00
ORIGINAL TRANSCRIPT & 2 COPIES OF PROCEEDINGS HELD 7-29-16 - CSR MELIA L. MELTON						
 <a href="#">Document Available at Court Clerk's Office (#1032855970)</a>						
08-23-2016	TR	-	17533859	Aug 23 2016 11:55:19:737AM	OSCN\DebbieBaker	Realized \$ 287.00
PAID MELIA L MELTON CFV#47219 7-29-16(\$ 287.00)						
09-09-2016	CNOTE	-	17579616	Sep 9 2016 3:53:26:087PM	OSCN\LanaHolt	\$ 0.00
CASE NOTE - DISTRICT ATTORNEY'S OFFICE RETURNED (6) COPY TRANSCRIPTS OF PROCEEDINGS HELD 2-24-16, 3-9-16, 5-4-16, 5-11-16, 5-25-16, & 6-29-16						
09-14-2016	NCRAP	-	17593690	Sep 14 2016 2:29:12:007PM	OSCN\LanaHolt	\$ 0.00
NOTICE OF COMPLETION OF RECORD ON APPEAL - COPIES TO: COURT OF CRIMINAL APPEALS, DISTRICT ATTORNEY, ATTORNEY GENERAL AND OKLAHOMA INDIGENT DEFENSE SYSTEM						
 <a href="#">Document Available (#1032855864)</a>						
09-14-2016	TEXT	-	17593694	Sep 14 2016 2:29:33:333PM	OSCN\LanaHolt	\$ 0.00
COURT CLERK'S CERTIFICATION OF RECORD ON APPEAL / INDEX						
 <a href="#">Document Available (#1032855868)</a>						
09-15-2016	CNOTE	-	17599281	Sep 15 2016 5:00:12:727PM	OSCN\LanaHolt	\$ 0.00
CASE NOTE - RUNNER FOR OIDS PICKED UP 1 VOLU						
09-19-2016	RQCCA	-	17605595	Sep 19 2016 1:35:57:717PM	OSCN\LanaHolt	\$ 0.00
REQUEST FROM COURT CRIMINAL APPEALS TO SEND APPEAL RECORD (SHIPPED ON 9-15-16 PICKED UP BY UPS @9:53AM - TRACKING # 1Z25XW550392257879						
 <a href="#">Document Available (#1032855884)</a>						
02-08-2017	TEXT	-	Bentley, Travis Wayne 18015162	Feb 8 2017 11:41:00:880AM	OSCN\SallieClark	\$ 0.00
FILE MANDATE-AFFIRMED & DENIED						
 <a href="#">Document Available (#1036046891)</a>						
02-08-2017	J&S	-	Bentley, Travis Wayne 18015164	Feb 8 2017 11:43:22:647AM	OSCN\SallieClark	\$ 0.00
FILE J&S (ORIG 07/15/16)						
CT 1-25 YRS CT 2-10 YRS CT 3-1 YR W/MANDATE ATTACHED (TS) ****E COPY TO DOC****						
 <a href="#">Document Available (#1036046887)</a>						
02-09-2017	CTFREE	-	Bentley, Travis Wayne 18044534	Feb 17 2017 8:36:42:400AM	OSCN\MariaRichartz	\$ 0.00
SO; MANDATE AFFIRMED & DENIED ORDERED SPREAD OF RECORD (TS)						
 <a href="#">Document Available (#1035820582)</a>						
02-23-2017	MO	-	Bentley, Travis Wayne 18066148	Feb 24 2017 10:29:52:957AM	OSCN\SallieClark	\$ 0.00

## PRO SE MOTION FOR SUSPENDED SENTENCE (COPY TO JUDGE)

[Document Available \(#1036047037\)](#)

03-03-2017 O	-	Bentley, Travis Wayne	18122134	Mar 13 2017 10:08:39:783AM	OSCN\MariaRichartz	-	\$ 0.00
--------------	---	-----------------------------	----------	-------------------------------	--------------------	---	---------

## ORDER DEF'S MTN DENIED (TS)

[Document Available \(#1036043069\)](#)

03-17-2017 TEXT	-	Bentley, Travis Wayne	18139976	Mar 17 2017 1:44:09:170PM	OSCN\SallieClark	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	------------------	---	---------

## OIDS RETURNS COPIES OF APPEAL FILE AND TRANS.

[Document Available \(#1036023870\)](#)

05-17-2017 TEXT	-		18332476	May 18 2017 9:59:40:333AM	OSCN\LanaHolt	-	\$ 0.00
-----------------	---	--	----------	------------------------------	---------------	---	---------

## RECEIPT FOR RETURNED APPEAL RECORD C-2016-699 -- 1 COPY VOLUME OF ORIGINAL RECORD / 7 ORIGINAL TRANSCRIPTS RETURNED.

[Document Available \(#1036606409\)](#)

07-10-2017 TEXT	-		18492360	Jul 13 2017 11:23:13:490AM	OSCN\LanaHolt	-	\$ 0.00
-----------------	---	--	----------	-------------------------------	---------------	---	---------

## APPLICATION FOR POST-CONVICTION RELIEF

[Document Available \(#1037090853\)](#)

09-06-2017 TEXT	-	Bentley, Travis Wayne	18656477	Sep 6 2017 4:21:26:807PM	OSCN\SallieClark	-	\$ 0.00
-----------------	---	-----------------------------	----------	-----------------------------	------------------	---	---------

## COVER LETTER(COPY TO JUDGE &amp; DEF)

[Document Available \(#1037903920\)](#)

09-06-2017 TEXT	-	Bentley, Travis Wayne	18656655	Sep 6 2017 4:44:35:890PM	OSCN\SallieClark	-	\$ 0.00
-----------------	---	-----------------------------	----------	-----------------------------	------------------	---	---------

## SUPPLEMENTAL PLEADINGS TO APPLICATION FOR POST-CONVICTION RELIEF (COPY TO JUDGE &amp; DEF)

[Document Available \(#1037903916\)](#)

09-06-2017 CM	-	Bentley, Travis Wayne	18656979	Sep 7 2017 8:22:38:220AM	OSCN\SallieClark	-	\$ 0.00
---------------	---	-----------------------------	----------	-----------------------------	------------------	---	---------

## CERTIFICATE OF MAILING

[Document Available \(#1037903912\)](#)

12-20-2017 OCTAP	-	Bentley, Travis Wayne	18985374	Dec 22 2017 2:21:25:123PM	OSCN\CarrieWelles	-	\$ 0.00
------------------	---	-----------------------------	----------	------------------------------	-------------------	---	---------

## ORDER FROM COURT OF APPEALS - APPEAL NO. 116546

KAUGER, J., DISSENTING: WE ARE PRESENTED WITH A QUESTION OF JURISDICTION IN AN UNPRECEDENTED PROCEEDING. HOWEVER, THE DETERMINATION OF WHERE THERE IS A CONFLICT INVOLVING JURISDICTION BETWEEN THIS COURT AND THE COURT OF CRIMINAL APPEALS RESTS SOLEY IN THE SUPREME COURT OF OKLAHOMA CONSTITUTION, THERE IS NO DOUBT CONCERNING THE SUPREMACY AND THE FINALITY OF THE DECISION OF THE OKLAHOMA SUPREME COURT IN JURISDICTIONAL CONFLICTS. CERTIORARI TO THE UNITED STATES SUPREME COURT IS PENDING. IF IT IS AFFIRMED ON CERTIORARI, OR IF CERTIORARI IS DENIED, IT COULD HAVE WIDESPREAD RAMIFICATION. I WOULD STAY THIS PROCEEDING UNTIL THE ULTIMATE DECISION IS MADE BY THE US

## SUPREME COURT.

[Document Available \(#1037623007\)](#)

12-20-2017 OCTAP	-	18985383	Dec 22 2017 2:22:36:957PM	OSCN\CarrieWelles	-	\$ 0.00
------------------	---	----------	------------------------------	-------------------	---	---------

ORDER FROM COURT OF APPEALS - APPEAL NO. 116546

THIS CAUSE ARISES FROM A CRIMINAL CASE AND RELATES DIRECTLY TO PETITIONER'S CHALLENGE TO THE STATE'S JURISDICTION TO PROSECUTE THE UNDERLYING CRIMES, AND RESULTED IN PETITIONER'S CONVICTION AND SENTENCE. THIS CAUSE IS THEREFORE TRANSFERRED TO THE COURT OF CRIMINAL APPEALS.

[Document Available \(#1038833577\)](#)

12-22-2017 TEXT	-	Bentley, Travis Wayne	18986929	Dec 27 2017 9:36:16:760AM	OSCN\SallieClark	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	------------------	---	---------

SECOND SUPPLEMENTAL PLEADINGS TO APPLICATION FOR POST-CONVICTION RELIEF (COPY TO JUDGE & DEF)

[Document Available \(#1030984342\)](#)

01-08-2018 TEXT	-		19052915	Jan 19 2018 9:47:41:967AM	OSCN\LanaHolt	-	\$ 0.00
-----------------	---	--	----------	------------------------------	---------------	---	---------

THIRD SUPPLEMENTAL PLEADINGS TO APPLICATION F FOR POST-CONVICTION RELIEF

[Document Available \(#1038459014\)](#)

01-18-2018 TEXT	-	Bentley, Travis Wayne	19052662	Jan 19 2018 9:27:33:137AM	OSCN\SallieClark	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	------------------	---	---------

RECORDS REQUEST FROM DEF

[Document Available \(#1030984795\)](#)

01-18-2018 CER	-	Bentley, Travis Wayne	19052675	Jan 19 2018 9:28:03:280AM	OSCN\SallieClark	-	\$ 0.00
----------------	---	-----------------------------	----------	------------------------------	------------------	---	---------

CERTIFICATE OF MAILING

[Document Available \(#1030984791\)](#)

01-19-2018 CM	-		19052916	Jan 19 2018 9:48:24:547AM	OSCN\LanaHolt	-	\$ 0.00
---------------	---	--	----------	------------------------------	---------------	---	---------

CERTIFICATE OF MAILING - MAILING 3RD SUPPLEMENTAL PLEADING TO APPLICATION FOR POST-CONVICTION RELIEF

[Document Available \(#1038459010\)](#)

02-06-2018 MO	-	Bentley, Travis Wayne	19107427	Feb 8 2018 12:24:46:937PM	OSCN\SallieClark	-	\$ 0.00
---------------	---	-----------------------------	----------	------------------------------	------------------	---	---------

MOTION FOR EVIDENTIARY HEARING (COPY TO JUDGE &amp; DEF)

[Document Available \(#1030984775\)](#)

02-08-2018 CTFREE	-	Bentley, Travis Wayne	19136652	Feb 16 2018 12:34:05:307PM	OSCN\SallieClark	-	\$ 0.00
-------------------	---	-----------------------------	----------	-------------------------------	------------------	---	---------

SO: THE COURT HAS REC'VD AND REVIEWED DEF'S APP FOR POST-CONVICTION RELIEF AS WELL AS DEF'S SUBSEQUENT SUPPLEMENTAL PLEADINGS. THE OFFICE OF THE DA FOR CLEVELAND COUNTY IS HEREBY ORDERED TO RESPOND TO DEF'S APP W/IN 90 DAYS OF THE DATE OF THIS ORDER. IT IS SO ORDERED. DATED THIS 8TH DAY OF FEBRUARY, 2018.(COPY TO DA & DEF(JV))

[Document Available \(#1030984626\)](#)


02-26-2018 CTFREE	-	Bentley, Travis Wayne	19189099	Mar 6 2018 4:51:00:427PM	OSCN\SallieClark	-	\$ 0.00
-------------------	---	-----------------------------	----------	-----------------------------	------------------	---	---------

SO: THE COURT HAS RECEIVED AND REVIEWED DEF'S MOTION FOR EVIDENTIARY HEARING. THE COURT WILL RULE ON DEF'S MOTION ONCE THE COURT HAS RECEIVED AND REVIEWED THE STATE'S RESPONSE TO DEF'S APPLICATION FOR POST CONVICTION RELIEF. IT IS SO ORDERED. DATED THIS 26TH DAY OF FEBRUARY, 2018. (JV) (COPY TO ADA-SASSER & DEF)

 [Document Available \(#1038442763\)](#)


05-09-2018 MO	-	Bentley, Travis Wayne	19389293	May 10 2018 9:44:13:373AM	OSCN\SallieClark	-	\$ 0.00
---------------	---	-----------------------------	----------	------------------------------	------------------	---	---------

MOTION FOR APPOINTMENT OF COUNSEL (COPY TO JUDGE & CERT. COPY TO DEF)

 [Document Available \(#1039641938\)](#)


05-14-2018 OCTAP	-		19414963	May 18 2018 9:38:58:033AM	OSCN\CarrieWelles	-	\$ 0.00
------------------	---	--	----------	------------------------------	-------------------	---	---------

ORDER FROM COURT OF APPEALS - APPEAL NO. HC-2017-1281  
ORDER DECLINING JURISDICTION - THIS COURT WILL ONLY ENTERTAIN WRITS FOR EXTRAORDINARY RELIEF IF PETITIONER HAS SOUGHT AND HAS BEEN DENIED RELIEF IN DISTRICT COURT. PETITIONER IS REQUIRED TO FILE WITH THIS COURT, AMONG OTHER THINGS, A CERTIFIED COPY OF THE DISTRICT COURT ORDER DENYING HIS REQUEST FOR RELIEF. 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.

 [Document Available \(#1039177877\)](#)

05-17-2018 NO	-	Bentley, Travis Wayne	19411644	May 17 2018 12:49:56:300PM	OSCN\SallieClark	-	\$ 0.00
---------------	---	-----------------------------	----------	-------------------------------	------------------	---	---------

NOTICE OF STATE'S FAILURE TO RESPOND (COPY TO JUDGE & CERT. COPY TO DEF)

 [Document Available \(#1039650664\)](#)

05-18-2018 O	-	Bentley, Travis Wayne	19416730	May 18 2018 12:18:27:257PM	OSCN\SallieClark	-	\$ 0.00
--------------	---	-----------------------------	----------	-------------------------------	------------------	---	---------

ORDER GRANTING ADDTNL TIME TO RESPOND (COPY TO DEF)

 [Document Available \(#1039650608\)](#)

05-18-2018 TEXT	-	Bentley, Travis Wayne	19444715	May 30 2018 9:18:19:347AM	OSCN\MariaRichartz	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

STATE'S RESPONSE TO PETITIONERS NOTICE OF STATE'S FAILURE TO REPOSND

 [Document Available \(#1040266292\)](#)

05-25-2018 TEXT	-	Bentley, Travis Wayne	19439567	May 25 2018 3:19:36:790PM	OSCN\MariaRichartz	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

STATE'S COMBINED RESPONSE TO PETITIONERS APPLICATION AND SUPPLEMENTAL APPLICATIONS FOR POST CONVICTION RELIEF AND RESPONSE TO MOTION FOR EVIDENTIARY HEARING

 [Document Available \(#1040060145\)](#)

06-05-2018 TEXT	-	Bentley, Travis Wayne	19486621	Jun 14 2018 10:05:13:860AM	OSCN\SallieClark	-	\$ 0.00
-----------------	---	-----------------------------	----------	-------------------------------	------------------	---	---------


REPLY TO STATE'S COMBINED RESPONSE (COPY TO DEF)



 [Document Available \(#1039650709\)](#)


06-28-2018 MO - 19532343 Jun 28 2018 12:37:21:400PM OSCN\KelliMcsperitt - \$ 0.00

DEF MOTION TO CHECK OUT TRANSCRIPTS/WITH RETURN ATTACHMENT ATTACHED

 [Document Available \(#1040675723\)](#)


07-02-2018 O - Bentley, Travis Wayne 19545143 Jul 3 2018 1:50:40:197PM OSCN\MariaRichartz - \$ 0.00

ORDER DENYING POST-CONVICTION RELIEF(JV)

 [Document Available \(#1040672703\)](#)


07-09-2018 TEXT - 19557691 Jul 10 2018 10:03:14:837AM OSCN\LanaHolt - \$ 0.00

NOTICE OF POST-CONVICTION APPEAL WITH DESIGNATION OF RECORD (NO DESIGNATION OF RECORD SUBMITTED)

 [Document Available \(#1040259259\)](#)

07-10-2018 CM - 19557962 Jul 10 2018 10:40:04:143AM OSCN\LanaHolt - \$ 0.00


CERTIFICATE OF MAILING - CERTIFIED COPY OF DEFENDANT'S NOTICE OF POST-CONVICTION APPEAL TO DEFENDANT

 [Document Available \(#1040259299\)](#)

07-12-2018 LT - 19567113 Jul 25 2018 2:44:15:117PM OSCN\LanaHolt - \$ 0.00


LETTER FROM DEFENDANT REQUESTING COPIES OF EXHIBITS

CLERK'S NOTE: EXHIBITS REQUESTED WERE SUBMITTED IN STATE'S RESPONSE TO DEFENDANT'S APPLICATION FOR POST-CONVICTION APPEAL" CERTIFIED COPY OF STATE'S RESPONSE MAILED TO DEF

 [Document Available \(#1040259291\)](#)


07-24-2018 CAP - 19607297 Jul 25 2018 2:43:04:210PM OSCN\LanaHolt - \$ 0.00

CERTIFICATE OF APPEAL - #PC-2018-743

 [Document Available \(#1041061830\)](#)

07-31-2018 NCRAP - 19624608 Jul 31 2018 2:39:13:200PM OSCN\LanaHolt - \$ 0.00

NOTICE OF COMPLETION OF RECORD ON APPEAL - COPIES TO: COURT OF CRIMINAL APPEALS, DISTRICT ATTORNEY, ATTORNEY GENERAL / PRO SE' DEFENDANT

 [Document Available \(#1041061796\)](#)

07-31-2018 TEXT - 19624627 Jul 31 2018 2:39:40:970PM OSCN\LanaHolt - \$ 0.00

COURT CLERK'S CERTIFICATION W/INDEX OF RECORD ON APPEAL (PC-2018-743)

 [Document Available \(#1041061800\)](#)


08-01-2018 CTFREE - 19626717 Aug 1 2018 10:00:29:780AM OSCN\LanaHolt - \$ 0.00

SO: IT HAS COME TO THE COURT'S ATTENTION THAT THE STATE'S SUR-REPLY IS NOT INCLUDED IN THE COURT'S RECORD, BUT WAS RELIED UPON FOR THE COURT'S RULING AND ORDER DENYING POST-CONVICTION RELIEF ON 7-2-18.

A COPY OF THIS ORDER AND STATE'S SUR-REPLY IS ORDERED TO BE INCLUDED IN RECORD ON APPEAL AND CERTIFIED COPIES OF BOTH SHALL BE SENT TO PETITIONER

THIS DATE.


SO ORDERED (JV)

 [Document Available \(#1041061792\)](#)


---

08-01-2018	TEXT	-	19627898	Aug 1 2018 10:43:44:233AM	OSCN\LanaHolt	-	\$ 0.00
------------	------	---	----------	------------------------------	---------------	---	---------


STATE'S SUR-REPLY TO PETITIONER'S REPLY TO STATE'S COMBINED RESPONSE

 [Document Available \(#1041061788\)](#)


---

08-02-2018	NCRAP	-	19634504	Aug 2 2018 3:29:53:860PM	OSCN\LanaHolt	-	\$ 0.00
------------	-------	---	----------	-----------------------------	---------------	---	---------


1ST AMENDED NOTICE OF COMPLETION OF RECORD ON APPEAL - COPIES TO: COURT OF CRIMINAL APPEALS, DISTRICT ATTORNEY, ATTORNEY GENERAL AND TRAVIS WAYNE BENTLEY

 [Document Available \(#1041061794\)](#)


---

08-02-2018	TEXT	-	19634514	Aug 2 2018 3:29:28:153PM	OSCN\LanaHolt	-	\$ 0.00
------------	------	---	----------	-----------------------------	---------------	---	---------

AMENDED COURT CLERK'S CERTIFICATION W/INDEX

 [Document Available \(#1041061790\)](#)


---

08-03-2018	TEXT	-	19642842	Aug 6 2018 3:16:34:413PM	OSCN\LanaHolt	-	\$ 0.00
------------	------	---	----------	-----------------------------	---------------	---	---------

REQUEST TO TRANSMIT APPEAL RECORD - RECORD RECEIVED AT COCA ON 8-6-18 BY USPS MAIL / COPY MAILED TO DEF / COCA ON 6-2-18

 [Document Available \(#1041061778\)](#)


---

08-08-2018	TEXT	-	19743797	Sep 10 2018 2:36:43:890PM	OSCN\LanaHolt	-	\$ 0.00
------------	------	---	----------	------------------------------	---------------	---	---------

REQUEST TO TRANSMIT CASE TO COURT OF APPEALS #PC-18-743 - (PREVIOUSLY MAILED)

 [Document Available \(#1041061801\)](#)


---

08-31-2018	TEXT	-	Bentley, Travis Wayne 19723335	Sep 4 2018 10:33:14:917AM	OSCN\SallieClark	-	\$ 0.00
------------	------	---	--------------------------------------	------------------------------	------------------	---	---------

DEF'S REQUEST FOR MULTIPLE LETTERS TO TRIAL JUDGE FROM THE JAIL IN 2015-2016 ( COPIES OF GENERAL ORDERS SENT TO DEF VIA USPS MAIL)

 [Document Available \(#1039651035\)](#)


---

11-27-2018	TEXT	-	19991733	Nov 27 2018 12:52:34:300PM	OSCN\LanaHolt	-	\$ 0.00
------------	------	---	----------	-------------------------------	---------------	---	---------


AFFIDAVIT IN FORMA PAUPERIS - PRO SE'

 [Document Available \(#1039649903\)](#)


---

11-27-2018	TEXT	-	19991735	Nov 27 2018 12:53:20:610PM	OSCN\LanaHolt	-	\$ 0.00
------------	------	---	----------	-------------------------------	---------------	---	---------


PETITIONER'S SECOND SUBSEQUENT POST-CONVICTION PACKET (INDEX)

 [Document Available \(#1039649907\)](#)


---

11-27-2018	TEXT	-	19991738	Nov 27 2018 12:54:55:287PM	OSCN\LanaHolt	-	\$ 0.00
------------	------	---	----------	-------------------------------	---------------	---	---------

PETITIONER'S SECOND SUBSEQUENT POST-CONVICTION PPEITION FOR RELIEF

 [Document Available \(#1039649915\)](#)


---

11-27-2018	CM	-	19991740	Nov 27 2018 12:55:37:417PM	OSCN\LanaHolt	-	\$ 0.00
------------	----	---	----------	-------------------------------	---------------	---	---------

## CERTIFICATE OF MAILING (PRO SE DEF)

[Document Available \(#1039649911\)](#)

11-27-2018 TEXT	-	19991746	Nov 27 2018 12:57:39:243PM	OSCN\LanaHolt	-	\$ 0.00
-----------------	---	----------	-------------------------------	---------------	---	---------

PETITIONER'S PRO-SE POST-CONVICTION TABLE OF EXHIBITS, PART I, EXHIBITS A THROUGH EXHIBIT L, SUPPORTING OF PETITIONER'S SECOND, SUCCESSIVE POST-CONVICTION PETITION FOR RELIEF

[Document Available \(#1039649923\)](#)

11-27-2018 TEXT	-	19991748	Nov 27 2018 1:01:12:023PM	OSCN\LanaHolt	-	\$ 0.00
-----------------	---	----------	------------------------------	---------------	---	---------

PETITIONER'S PRO SE POST-CONVICTION TABLE OF EXHIBITS, PART II, EXHIBITS M THROUGH EXHIBIT Y, SUPPORTING OF PETITIONER'S SECOND, SUCCESSIVE POST-CONVICTION PETITION FOR RELIEF

[Document Available \(#1039649919\)](#)

11-27-2018 TEXT	-	19991771	Nov 27 2018 1:03:38:763PM	OSCN\LanaHolt	-	\$ 0.00
-----------------	---	----------	------------------------------	---------------	---	---------

PETITIONER'S POST-CONVICTION MOTION FOR POST-CONVICTION DISCOVERY WITH THE APPOINTMENT OF COUNSEL

[Document Available \(#1039649625\)](#)

11-27-2018 TEXT	-	19991772	Nov 27 2018 1:04:52:287PM	OSCN\LanaHolt	-	\$ 0.00
-----------------	---	----------	------------------------------	---------------	---	---------

PETITIONER'S POST-CONVICTION MOTION FOR A POST-CONVICTION HEARING WITH THE APPOINTMENT OF COUNSEL

[Document Available \(#1039649629\)](#)

11-27-2018 TEXT	-	19991773	Nov 27 2018 1:05:39:803PM	OSCN\LanaHolt	-	\$ 0.00
-----------------	---	----------	------------------------------	---------------	---	---------

PETITIONER'S PRO SE MOTION FOR HIS PLEA WITHDRAWAL TRANSCRIPTS OF JULY 29, 2016

[Document Available \(#1039649697\)](#)

01-25-2019 TEXT	-	Bentley, Travis Wayne	20183749	Feb 4 2019 3:03:57:010PM	OSCN\SallieClark	-	\$ 0.00
-----------------	---	-----------------------------	----------	-----------------------------	------------------	---	---------

PETITIONER'S POST-CONVICTION MOTION TO SUPPLEMENT PETITIONER'S TABLE OF EXHIBITS, PART II, EXHIBITS M THROUGH Y, SUPPORTING OF PETITIONER'S SECOND, SUCCESSIVE POST-CONVICTION PETITION FOR RELIEF. (COPY TO JUDGE JV & DEF)

[Document Available \(#1042350224\)](#)

02-19-2019 TEXT	-	Bentley, Travis Wayne	20236890	Feb 21 2019 12:55:35:283PM	OSCN\SallieClark	-	\$ 0.00
-----------------	---	-----------------------------	----------	-------------------------------	------------------	---	---------

PETITIONERS PRO SE POST-CONVICTION MOTION TO SUPPLEMENT THE RECORD OF EXHIBITS M-THROUGH EXHIBIT Z. SUPPORTING OF PETITIONER'S SECOND, SUCCESSIVE POST-CONVICTION PETITION FOR RELIEF. (COPY TO JUDGE JV & DEF)

[Document Available \(#1042331266\)](#)


06-26-2019 TEXT	-	Bentley, Travis Wayne	20626430	Jun 26 2019 4:51:29:840PM	OSCN\SallieClark	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	------------------	---	---------

FILE MANDATE-AFFIRMED

[Document Available \(#1043300484\)](#)


06-26-2019 J&S	-	Bentley, Travis Wayne	20626438	Jun 26 2019 4:54:48:427PM	OSCN\SallieClark	-	\$ 0.00
----------------	---	-----------------------------	----------	------------------------------	------------------	---	---------

FILE J&S (ORIG 07/15/16)  
CT 1-25YRS DOC, CT2-10 YRS DOC, CT3-1 YR DOC. W/MANDATE ATTACHED (TS)  
\*\*\*\*E COPY TO DOC\*\*\*\*

 [Document Available \(#1043300480\)](#)


07-03-2019 CTFREE	-	Bentley, Travis Wayne	20655258	Jul 9 2019 8:30:24:787AM	OSCN\MariaRichartz	-	\$ 0.00
-------------------	---	-----------------------------	----------	-----------------------------	--------------------	---	---------

SO; MANDATE AFFIRMED ORDERED SPREAD OF RECORD (JV)

 [Document Available \(#1044007097\)](#)


07-11-2019 O	-	Bentley, Travis Wayne	20676686	Jul 15 2019 2:04:06:870PM	OSCN\MariaRichartz	-	\$ 0.00
--------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

ORDER STATE ORDERED TO RESPOND TO DEF'S REQUEST FOR POST CONVICTION  
RELIEF WIN 90DAYS (JV)

 [Document Available \(#1044296961\)](#)


07-24-2019 TEXT	-		20720063	Jul 29 2019 9:39:55:027AM	OSCN\LanaHolt	-	\$ 0.00
-----------------	---	--	----------	------------------------------	---------------	---	---------

RECEIPT FROM COURT OF CRIMINAL APPEALS - RETURNING APPEAL RECORD PC-2018-  
743 - CONSISTING OF 2 VOLUMES COPY FILES (NO TRANSCRIPTS OR EXHIBITS)

 [Document Available \(#1042354793\)](#)

09-18-2019 OCTAP	-	Bentley, Travis Wayne	20876564	Sep 18 2019 10:44:05:297AM	OSCN\CarrieWelles	-	\$ 0.00
------------------	---	-----------------------------	----------	-------------------------------	-------------------	---	---------

ORDER FROM COURT OF APPEALS - APPEAL NO. MA-2019-546  
ORDER DIRECTING RESPONSE: PETITIONER, PRO SE, FILED WITH THE CLERK OF THIS  
COURT A PETITION FOR WRIT OF MANDAMUS REQUESTING THIS COURT ISSUE A WRIT OF  
MANDAMUS TO THE DISTRICT COURT OF CLEVELAND COUNTY. PETITIONER ALLEGES  
THAT AS OF THE DATE OF FILING THIS REQUEST FOR RELIEF WITH THIS COURT, THE  
DISTRICT COURT HAS FAILED TO RULE ON PETITIONER'S SECOND, SUBSEQUENT POST-  
CONVICTION PETITION FOR RELIEF, WHICH PETITIONER ALLEGES WAS FILED IN THE  
DISTRICT COURT ON OR ABOUT 11-27-2018. THE DISTRICT COURT OF CLEVELAND  
COUNTY, THE HONORABLE JEFF VIRGIN, DISTRICT JUDGE, OR A DESIGNATED  
REPRESENTATIVE, SHALL DETERMINE WHETHER PETITIONER HAS FILED THE ABOVE-  
REFERENCED PLEADINGS. IF NO SUCH REQUESTS WERE FILED, THE DISTRICT COURT  
SHALL ADVISE THIS COURT BY MEMORANDUM. IF THE DISTRICT COURT HAS ALREADY  
DISPOSED OF PETITIONER'S REQUESTS, A CERTIFIED COPY OF THE DISPOSITION  
ORDERS SHALL BE FORWARDED TO THIS COURT AND PETITIONER. IF THE REQUESTS  
WERE FILED AND DISPOSITION HAS NOT BEEN MADE, THE DISTRICT COURT SHALL ACT  
UPON THE REQUESTS WITHIN 30 DAYS FROM THE DATE OF THIS ORDER, AND FORWARD  
A CERTIFIED COPY OF THE DISPOSITION ORDERS TO THIS COURT, AND PETITIONER.

 [Document Available \(#1043429549\)](#)

10-07-2019 TEXT	-	Bentley, Travis Wayne	20943120	Oct 8 2019 11:34:45:170AM	OSCN\MariaRichartz	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

STATE'S RESPONSE TO PETITIONER'S SECOND APPLICATION FOR POST CONVICTION  
RELIEF

 [Document Available \(#1044594240\)](#)


10-25-2019 TEXT	-	Bentley, Travis Wayne	21028465	Oct 28 2019 2:59:22:017PM	OSCN\MariaRichartz	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

## LETTER FROM DEFENDANT

 [Document Available \(#1045101654\)](#)


10-25-2019 TEXT	-	Bentley, Travis Wayne	21028512	Oct 28 2019 3:06:22:437PM	OSCN\MariaRichartz	-	\$ 0.00
-----------------	---	-----------------------------	----------	------------------------------	--------------------	---	---------

PETITIONER'S OBJECTIONS TO THE ; STATES RESPONSE TO PETITIONER'S SECOND APPLICATION FOR POST- CONVICTION RELIEF

 [Document Available \(#1045101650\)](#)


10-29-2019 O	-	Bentley, Travis Wayne	21032274	Oct 29 2019 4:28:08:163PM	OSCN\CarrieWelles	-	\$ 0.00
--------------	---	-----------------------------	----------	------------------------------	-------------------	---	---------

ORDER DENYING SECOND APPLICATION FOR POST CONVICTION RELIEF (JV) (MAILED COPY TO DEF; GAVE COPY TO THOMAS SASSER/DA, COPY MAILED TO APPELLATE COURT)

 [Document Available \(#1044675189\)](#)

11-06-2019 NIA	-	Bentley, Travis Wayne	21062571	Nov 8 2019 8:46:40:753AM	OSCN\CarrieWelles	-	\$ 0.00
----------------	---	-----------------------------	----------	-----------------------------	-------------------	---	---------

NOTICE OF POST-CONVICTION APPEAL WITH DESIGNATION OF RECORD

 [Document Available \(#1044675097\)](#)

11-07-2019 CM	-	Bentley, Travis Wayne	21062573	Nov 8 2019 8:47:17:413AM	OSCN\CarrieWelles	-	\$ 0.00
---------------	---	-----------------------------	----------	-----------------------------	-------------------	---	---------

CERTIFICATE OF MAILING - NOTICE OF POST-CONVICTION APPEAL AND PETITIONER'S OBJECTIONS TO THE STATES RESPONSE TO PETITIONER'S SECOND APPLICATION FOR POST-CONVICTION RELIEF

 [Document Available \(#1044675093\)](#)

12-02-2019 OCTAP	-	Bentley, Travis Wayne	21139548	Dec 3 2019 8:36:29:617AM	OSCN\CarrieWelles	-	\$ 0.00
------------------	---	-----------------------------	----------	-----------------------------	-------------------	---	---------


ORDER FROM COURT OF APPEALS - APPEAL MA-2019-546

ORDER DISMISSING REQUEST AS MOOT: ON 10-29-2019, THE DISTRICT COURT FULLY ADJUDICATED PETITIONER'S COMPLAINTS REGARDING THE PENDING MATTERS IN THIS CASE. PETITIONER'S REQUEST FOR A WRIT OF MANDAMUS IS THEREFORE MOOT AND IS DISMISSED.

 [Document Available \(#1044674631\)](#)


12-02-2019 CAP	-	Bentley, Travis Wayne	21139550	Dec 3 2019 8:36:44:720AM	OSCN\CarrieWelles	-	\$ 0.00
----------------	---	-----------------------------	----------	-----------------------------	-------------------	---	---------

CERTIFICATE OF APPEAL - APPEAL PC-2019-867

 [Document Available \(#1044674627\)](#)


12-03-2019 CER	-	Bentley, Travis Wayne	21143332	Dec 3 2019 3:16:29:583PM	OSCN\CarrieWelles	-	\$ 0.00
----------------	---	-----------------------------	----------	-----------------------------	-------------------	---	---------









COURT CLERK CERTIFICATION OF RECORD ON APPEAL / NO. PC-2019-867

 [Document Available \(#1044674636\)](#)

12-03-2019 NCRAP	-	Bentley, Travis Wayne	21143333	Dec 3 2019 3:16:51:847PM	OSCN\CarrieWelles	-	\$ 0.00
------------------	---	-----------------------------	----------	-----------------------------	-------------------	---	---------

NOTICE OF COMPLETION OF RECORD ON APPEAL - APPEAL NO. PC-2019-867

 [Document Available \(#1044674632\)](#)

12-11-2019 RQCCA	-	Bentley, Travis Wayne	21171656	Dec 11 2019 3:19:06:587PM	OSCN\SallieClark	-	\$ 0.00
REQUEST FROM COURT CRIMINAL APPEALS TO SEND APPEAL RECORD W/ UPS RECEIPTS ATTACHED. APPEAL # PC-2019-867  <a href="#">Document Available (#1043738783)</a>							
12-18-2019 COA	-	Bentley, Travis Wayne	21196917	Dec 19 2019 9:47:20:757AM	OSCN\SallieClark	-	\$ 0.00
CHANGE OF ADDRESS OF DEF  <a href="#">Document Available (#1043738622)</a>							
03-05-2020 TEXT	-	Bentley, Travis Wayne	21483995	Mar 23 2020 11:21:04:947AM	OSCN\SallieClark	-	\$ 0.00
FILE MANDATE-AFFIRMED  <a href="#">Document Available (#1045085109)</a>							
03-05-2020 J&S	-	Bentley, Travis Wayne	21484054	Mar 23 2020 11:26:52:780AM	OSCN\SallieClark	-	\$ 0.00
FILE J&S (ORIG 07/15/16) CT-1-25 YRS, CT-2-10 YRS, CT-3- 1YR. W/MANDATE ATTACHED.(LW) ***E COPY TO DOC***  <a href="#">Document Available (#1045085105)</a>							
03-30-2020 CTFREE	-	Bentley, Travis Wayne	21498972	Mar 31 2020 10:21:16:230AM	OSCN\MariaRichartz	-	\$ 0.00
SO; MANDATE AFFIRMED ORDERED SPREAD OF RECORD (LW)  <a href="#">Document Available (#1045949633)</a>							
06-15-2020 TEXT	-	Bentley, Travis Wayne	21638345	Jun 16 2020 10:39:30:347AM	OSCN\SallieClark	-	\$ 0.00
RECEIPT FOR RETURN OF RECORD FROM APPELLATE COURT  <a href="#">Document Available (#1046793395)</a>							
11-23-2020 O	-		22081728	Nov 23 2020 2:11:34:077PM	OSCN\BrianMinson	-	\$ 0.00
ORDER DENYING MOTION TO VACATE JUDGMENT AND SENTENCE / HC-2020-736  <a href="#">Document Available (#1047335418)</a>							
12-03-2020 AWHCP	-	Bentley, Travis Wayne	22112905	Dec 7 2020 4:06:48:783PM	OSCN\MariaRichartz	-	\$ 0.00
APPLICATION - WRIT OF HABEAS CORPUS AD PROSEQUENDUM  <a href="#">Document Available (#1047940739)</a>							
12-03-2020 WHCI	-	Bentley, Travis Wayne	22112907	Dec 7 2020 4:06:58:500PM	OSCN\MariaRichartz	Realized	\$ 50.00
WRIT OF HABEAS CORPUS ISSUED(\$ 50.00)							
12-03-2020 OCISR	-	Bentley, Travis Wayne	22112908	Dec 7 2020 4:06:58:743PM	OSCN\MariaRichartz (Auto)	Realized	\$ 25.00

## OKLAHOMA COURT INFORMATION SYSTEM REVOLVING FUND(\$ 25.00)

12-04-2020 O - 22109381 Dec 7 2020 8:23:53:907AM OSCN\BrianMinson - \$ 0.00

ORDER RECALLING MANDATE, REVERSING DISTRICT COURT ORDER DENYING POST-CONVICTION RELIEF, AND REMANDING TO THE DISTRICT COURT FOR AN EVIDENTIARY HEARING AND FURTHER PROCEEDINGS

Document Available (#1046475994)

12-07-2020 CTFREE - Bentley, Travis Wayne 22121063 Dec 9 2020 4:21:19:417PM OSCN\MariaRichartz - \$ 0.00

SO ; THIS MATTER IS SET FOR AN EVIDENTIARY HEARING JAN 15,20 @ 3PM (JV)

Document Available (#1047940969)

12-07-2020 RTSUB - Bentley, Travis Wayne 22121064 Dec 9 2020 4:21:45:670PM OSCN\MariaRichartz - \$ 0.00

RETURN SUBPOENA/ C. GREGORY

Document Available (#1047940957)

01-05-2021 EAA - Bentley, Travis Wayne 22185365 Jan 6 2021 2:22:29:720PM OSCN\MariaRichartz - \$ 0.00

ENTRY OF APPEARANCE/ JENNIFER L CRABB

Document Available (#1048349749)

01-25-2021 CTFREE - Bentley, Travis Wayne 22237708 Jan 26 2021 1:37:35:417PM OSCN\MariaRichartz - \$ 0.00

SO; MATTER COMES ON FOR EVIDENTIARY HEARING PARTIES APPEAR TESTIMONY AND EVIDENCE PRESENTED. PARTIES PRESENT ARGUMENT. AFTER HEARING THE SAME , THE COURT TAKES MATTER UNDER ADVISE WRIT RELEASED. (JV)

Document Available (#1048633511)

01-29-2021 MO - 22271159 Feb 8 2021 12:05:31:003PM OSCN\KelliMcsperitt - \$ 0.00

MOTION FOR TRANSCRIPTS\*\*\*\*\* COPY TO DA AND JUDGE VIRGIN

Document Available (#1048626010)

01-29-2021 MO - 22303100 Feb 24 2021 1:39:19:663PM OSCN\BrianMinson - \$ 0.00

MOTION FOR EXHIBITS\*\*\*\*\*COPY TO DA AND JUDGE VIRGIN

Document Available (#1048626006)

02-04-2021 NOF - 22264326 Feb 4 2021 2:05:08:457PM OSCN\PattyCox - \$ 0.00

NOTICE OF FILING / KAREN TWYFORD, RPR / AN ORIGINAL & 2 COPIES OF PROCEEDINGS HAD ON JANUARY 15, 2021

Document Available at Court Clerk's Office (#1042089919)

02-04-2021 T&2 - 22264333 Feb 4 2021 2:06:53:567PM OSCN\PattyCox - \$ 0.00

ORIGINAL TRANSCRIPT & 2 COPIES OF PROCEEDINGS HAD ON JANUARY 15, 2021

Document Available at Court Clerk's Office (#1042089927)

02-04-2021 NOF - 22265562 Feb 24 2021 1:44:02:547PM OSCN\BrianMinson - \$ 0.00

NOTICE OF FILING / MARLA CULLISON, CSR / ORIGINAL & 2 COPIES OF PROCEEDINGS /  
ALONG WITH ORIGINAL AND TWO COPIES OF STATE'S EXHIBITS R1 THROUGH R28; AND  
DEFENDANT'S EXHIBITS 1, 2, 3 AND 4 HAD ON JANUARY 22, 2021

Document Available at Court Clerk's Office (#1042089904)

02-04-2021 T&2 - 22265567 Feb 4 2021 4:48:53:020PM OSCN\PattyCox - \$ 0.00

ORIGINAL TRANSCRIPT & 2 COPIES WITH STATE EXHIBITS R1 THROUGH R28 & DEF. EXHIBITS  
1,2, 3 & 4 FROM PROCEEDINGS HAD ON JANUARY 22, 2021

Document Available at Court Clerk's Office (#1042089908)

02-22-2021 TR - Bentley, Travis Wayne 22299614 Feb 23 2021 4:22:21:463PM OSCN\MarilynWilliams Realized \$ 315.00

PAID MARLA CULLISON CFV#59348, 1/25/2021(\$ 315.00)

02-22-2021 TR - Bentley, Travis Wayne 22299631 Feb 23 2021 4:24:52:463PM OSCN\MarilynWilliams Realized \$ 38.50

PAID KAREN TWYFORD CFV#59350, 1/15/2021(\$ 38.50)

02-24-2021 TEXT - 22302687 Feb 24 2021 12:56:11:000PM OSCN\BrianMinson - \$ 0.00

FINDINGS OF FACT AND CONCLUSIONS OF LAW (JV)

Document Available (#1041637355)

02-24-2021 O - 22302688 Feb 24 2021 12:56:23:577PM OSCN\BrianMinson - \$ 0.00

ORDER TO TRANSMIT RECORD (JV)

Document Available (#1041637359)

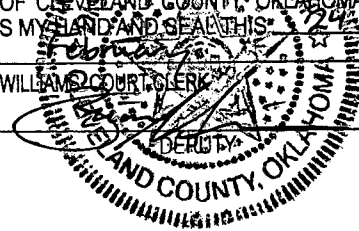
## Balances

Party	Costs Due	Costs Paid	Balance Due	Cash Bonds	Bond Forf.	Overpayments	Holding
Bentley, Travis Wayne	\$ 428.50	\$ 0.00	\$ 428.50	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Cleveland County Sheriff's Department	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Generic Party	\$ 565.00	\$ 0.00	\$ 565.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Totals	\$ 993.50	\$ 0.00	\$ 993.50	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Report Generated by The Oklahoma Court Information System at February 24, 2021 13:44 PM

End of Transmission.

I HEREBY CERTIFY THAT THE FOREGOING IS A  
TRUE AND CORRECT AND COMPLETE COPY  
OF THE INSTRUMENT HERWITH SET OUT AS IT  
APPEARS ON RECORD IN THE COURT CLERK'S  
OFFICE OF CLEVELAND COUNTY, OKLAHOMA.  
WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2021  
MARILYN WILLIAMS COURT CLERK  
BY \_\_\_\_\_





# APPENDIX

## C

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

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

NOV 25 2020

JOHN D. HADDEN  
CLERK

TRAVIS WAYNE BENTLEY,

Petitioner,

v.

STATE OF OKLAHOMA,

Respondent.

No. PC-2018-743

**ORDER RECALLING MANDATE, REVERSING DISTRICT  
COURT ORDER DENYING POST-CONVICTION RELIEF,  
AND REMANDING TO THE DISTRICT COURT FOR AN  
EVIDENTIARY HEARING AND FURTHER PROCEEDINGS**

The Petitioner entered a blind plea of guilty and was convicted of Count 1 – Manslaughter in the First Degree; Count 2 – Driving Under the Influence of Drugs Resulting Great Bodily Injury; and Count 3 – Unlawful Possession of Paraphernalia in Case No. CF-2015-1240 in the District Court of Cleveland County. He was sentenced to twenty-five years imprisonment for Count 1, ten years imprisonment for Count 2, and one year imprisonment for Count 3, with all sentences ordered to run concurrently. Petitioner filed a motion to withdraw his plea that was denied by the District Court and affirmed on appeal to

this Court. *Bentley v. State*, No. C-2016-699 (Okl.Cr. February 7, 2017).

On July 20, 2018, Petitioner filed the instant application for post-conviction relief in the District Court. Petitioner's propositions included a claim that the District Court lacked jurisdiction to try him. Petitioner argued that he is a member of the Choctaw Nation, and that his crime in this case occurred in Indian Country. On July 2, 2018, the District Court entered an order denying Petitioner's application without conducting an evidentiary hearing pursuant to 22 O.S.2011, § 1084. Petitioner appealed the denial of his application for post-conviction relief and we affirmed the District Court's ruling and denied Petitioner's post-conviction appeal. *Bentley v. State*, PC-2018-743 (Okl.Cr. June 25, 2019) (not for publication). Petitioner sought review of our decision by the United States Supreme Court and that Court vacated our post-conviction order in light of *McGirt v. Oklahoma*, 591 U.S. \_\_\_, 140 S.Ct. 2452 (2020). *See Bentley v. Oklahoma*, No. 19-5417 (U.S. July 9, 2020). In light of the Supreme Court's remand, we order the **RECALL** of the mandate previously issued in this matter on June 25, 2019.

Pursuant to *McGirt*, Petitioner's claim raises two separate questions: (a) his Indian status and (b) whether the crime occurred in Indian Country. These issues require fact-finding. We therefore **REMAND** this case to the District Court of Cleveland County, the Honorable Jeff Virgin, District Judge, for an evidentiary hearing and further proceedings to address Petitioner's claims in light of the *McGirt* decision. The evidentiary hearing shall be held within sixty (60) days from the date of this order.

We request the Attorney General and District Attorney work in coordination to effect uniformity and completeness in the hearing process. Because of the input the State will have on remand, the request to file an answer brief in this matter is **DENIED**. Upon Petitioner's presentation of prima facie evidence as to the Petitioner's legal status as an Indian and as to the location of the crime in Indian Country, the burden shifts to the State to prove it has subject matter jurisdiction.

The hearing shall be transcribed, and the court reporter shall file an original and two (2) certified copies of the transcript with the District Court clerk within twenty (20) days after the hearing is completed. The

District Court shall make written findings of fact and conclusions of law, to be submitted to this Court within twenty (20) days after the filing of the transcripts in the District Court. The District Court shall address only the following issues:

First, Petitioner's status as an Indian. The District Court must determine whether (1) Petitioner has some Indian blood, and (2) is recognized as an Indian by a tribe or the federal government.<sup>1</sup>

Second, whether the crime occurred within the boundaries of Indian Country. The District Court is directed to follow the analysis set out in *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). In making this determination the District Court should consider any evidence the parties provide, including but not limited to treaties, statutes, maps, and/or testimony.

The District Court Clerk shall transmit the record of the evidentiary hearing, the District Court's findings of fact and conclusions of law, and any other materials made a part of the record

---

<sup>1</sup> See *United States v. Diaz*, 679 F.3d 1183, 1187 (10<sup>th</sup> Cir. 2012); *United States v. Prentiss*, 273 F.3d 1277, 1280-81 (10<sup>th</sup> Cir. 2001). See generally *Goforth v. State*, 1982 OK CR 48, ¶ 6, 644 P.2d 114, 116.

to the Clerk of this Court, and counsel for Petitioner, within five (5) days after the District Court has filed its findings of fact and conclusions of law in the District Court. Upon receipt thereof, the Clerk of this Court shall promptly deliver a copy of that record to the Attorney General. A supplemental brief, addressing only those issues pertinent to the evidentiary hearing and limited to twenty (20) pages in length, may be filed by either party with the Clerk of this Court within twenty (20) days after the District Court's written findings of fact and conclusions of law are filed in this Court.

Provided however, if the parties agree what the evidence will show with regard to the questions presented, they may enter into a written stipulation setting forth those facts upon which they agree and which answer the questions presented and provide the stipulation to the District Court. In this event, no hearing on the questions presented is necessary. Transmission of the record regarding the matter, the District Court's findings of fact and conclusions of law and supplemental briefing shall occur as set forth above.

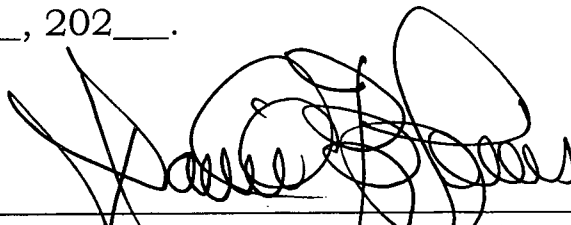
**IT IS FURTHER ORDERED** that the Clerk of this Court shall transmit copies of the following, with this Order, to the District Court

of Cleveland County: Petitioner's Petition in Error and Brief in Support  
filed with the Clerk of this Court on July 20, 2018.

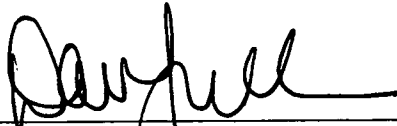
**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this

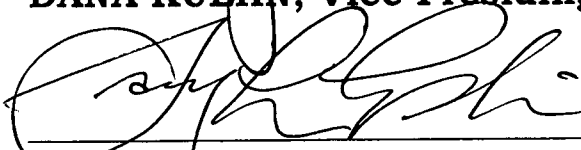
25<sup>th</sup> day of November, 2021.



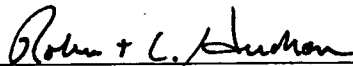
**DAVID B. LEWIS, Presiding Judge**



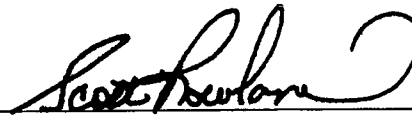
**DANA KUEHN, Vice Presiding Judge**



**GARY L. LUMPKIN, Judge**

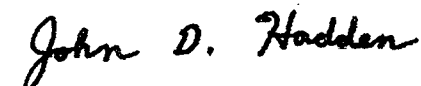


**ROBERT L. HUDSON, Judge**



**SCOTT ROWLAND, Judge**

ATTEST:



Clerk

PB

**Additional material  
from this filing is  
available in the  
Clerk's Office.**