

IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMA

FILED  
IN COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

**MICHAEL DEWAYNE JONES,**

NOV 15 2021

**Petitioner,**

JOHN D. HADDEN  
CLERK

**-vs-**

**No. PC-2021-922**

**STATE OF OKLAHOMA,**

**Respondent.**

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

Petitioner, pro se, appealed to this Court from an order of the District Court of Stephens County in Case No. CF-2013-403 denying his request for post-conviction relief based upon arguments raised and addressed in *McGirt v. Oklahoma*, 140 S.Ct. 2452 (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.

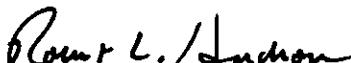
The conviction in this matter was final before the July 9, 2020, decision in *McGirt*, and the United States Supreme Court's holding in *McGirt* does not apply. Therefore, the trial court's denial of post-conviction relief is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the*

*Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2021), the  
**MANDATE** is **ORDERED** issued upon the delivery and filing of this  
decision.

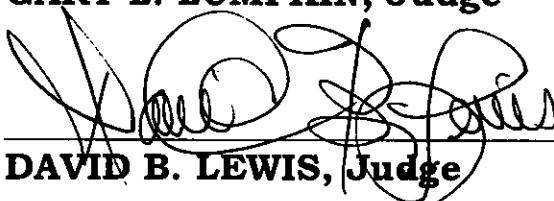
**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this  
15<sup>th</sup> day of November, 2021.

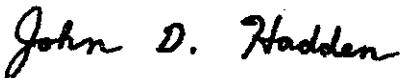
  
**SCOTT ROWLAND, Presiding Judge**

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

  
**GARY L. LUMPKIN, Judge**

  
**DAVID B. LEWIS, Judge**

ATTEST:



\_\_\_\_\_  
Clerk  
PA

IN THE DISTRICT COURT WITHIN AND FOR STEPHENS COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
Stephens County, Okla.

STATE OF OKLAHOMA, )  
vs )  
RESPONDENT, )  
vs )  
MICHAEL DEWAYNE JONES, )  
vs )  
PETITIONER. )

JUL 13 2021  
MELODY HARPER  
Court Clerk

CASE NO: CF-2013-403

ORDER

On July 7 2019, the Petitioner filed an Application for Post-Conviction Relief, in the above styled and numbered cause of action. In the Petitioner's Application, he alleges that the State had no jurisdiction in this case due to the McGirt v. State ruling. The Petitioner does not allege that he is a member of any federally recognized tribe nor does he provide proof that he is; therefore, the Petitioner's Application for Post-Conviction Relief will be denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Petitioner's Application for Post-Conviction Relief is **DENIED**.

IT IS SO ORDERED.

  
\_\_\_\_\_  
Ken J. Graham

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