

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

NOV 15 2021

JOHN D. HADDEN
CLERK

No. PC-2021-922

Respondent.

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
15th day of November, 2021.




SCOTT ROWLAND, Presiding Judge



ROBERT L. HUDSON, Vice Presiding Judge

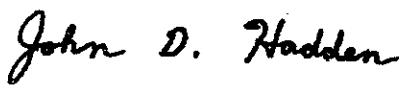


GARY L. LUMPKIN, Judge



DAVID B. LEWIS, Judge

ATTEST:



Clerk
PA

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

FILED DISTRICT COURT
Stephens County, Okla.

JUL 13 2021

MELODY HARPER
Court Clerk

STATE OF OKLAHOMA,

RESPONDENT,

vs

MICHAEL DEWAYNE JONES,

PETITIONER.

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.**