

"Appendix "A""

IN THE COURT OF CRIMINAL APPEALS

OF THE STATE OF OKLAHOMA

FILED

COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

DAVID T. YOUNG,

JAN - 6 2022

Petitioner,

JOHN D. HADDEN
CLERK

v.

No. PC-2021-982

STATE OF OKLAHOMA,

Respondent.

ORDER AFFIRMING DENIAL OF POST-CONVICTION RELIEF

Petitioner, pro se, appeals the denial of post-conviction relief by the District Court of McCurtain County in Case No. CF-1996-315. Before the District Court, Petitioner asserted that the District Court lacked jurisdiction to convict and punish him. *See McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). In *State ex rel. Matloff v. Wallace*, 2021 OK CR 21, 497 P.3d 686, 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, 497 P.3d at 691-92, 694.

The conviction in this matter was final before the July 9, 2020 decision in *McGirt*. Post-conviction relief is therefore barred by *Matloff*.

To the extent Petitioner's claim for relief rests elsewhere, it is procedurally barred. *See Battenfield v. State*, 1998 OK CR 8, ¶ 4, 953 P.2d 1123, 1126 (issues which could have been raised previously but were not are waived). Accordingly, the District Court's order denying post-conviction relief is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2022), 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

60th day of January, 2022.

SCOTT ROWLAND
SCOTT ROWLAND, Presiding Judge

Robert L. Hudson
ROBERT L. HUDSON, Vice Presiding Judge

Gary L. Lumpkin
GARY L. LUMPKIN, Judge

David B. Lewis
DAVID B. LEWIS, Judge

ATTEST:

John D. Hadden
Clerk

PA

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