

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA

FILED

IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

RICHARD PATRICK SPAULDING,)

APR - 5 2022

Petitioner,)

JOHN D. HADDEN
CLERK

v.)

No. PC-2021-1449

STATE OF OKLAHOMA,)

Respondent.)

ORDER AFFIRMING DENIAL OF POST-CONVICTION RELIEF

Petitioner appeals the denial of post-conviction relief by the District Court of Tulsa County in Case No. CF-2017-682. Before the District Court, Petitioner asserted he was entitled to relief pursuant to *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). In *State ex rel. Matloff v. Wallace*, 2021 OK CR 21, 497 P.3d 686, *cert. denied*, 142 S.Ct. 757 (2022), 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 691-692.

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. We decline Petitioner's request to reexamine this

Court's holding in *Matloff*. Therefore, 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

5 day of April, 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

Re cose
WILLIAM J. MUSSEMAN, Judge

ATTEST:

John D. Hadden

Clerk

PA

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THE STATE OF OKLAHOMA,

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NOTICE OF RECUSAL

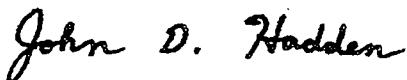
I hereby recuse from the above captioned case. Title 5 O.S.2011,
Ch. 1, App. 4, Rule 2.11.

WITNESS MY HAND AND THE SEAL OF THIS COURT this

30th day of March, 2022.


WILLIAM J. MUSSEMAN, Judge

Attest:



Clerk