

**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**

Recuse  
**WILLIAM J. MUSSEMAN, Judge**

ATTEST:

John D. Hadden  
Clerk

PA

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MAR 30 2022

JOHN D. HADDEN  
CLERK

**No. PC-2021-1449**

**Respondent.**

WITNESS MY HAND AND THE SEAL OF THIS COURT this

William J. Musseman  
**WILLIAM J. MUSSEMAN, Judge**

John D. Hadden

Clerk