

**IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMA**

**FILED**  
COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

**TRACY J. MCGILL,**

JUL 27 2022

**Petitioner,**

JOHN D. HADDEN  
CLERK

**V.**

**No. HC-2022-636**

**OKLAHOMA DEPARTMENT OF  
CORRECTIONS,**

**Respondent.**

## ORDER DENYING APPLICATION FOR EXTRAORDINARY WRIT

Petitioner, pro se, appeals the denial of habeas corpus relief by the District Court of Greer County in Case No. WH-2022-1. Petitioner pleaded guilty to two counts of first-degree murder in the District Court of Tulsa County Case No. CF-2000-4326. He received consecutive sentences of life without parole. The judgments and sentences were affirmed on certiorari appeal. *McGill v. State*, C-2000-588 (Okla. Cr. Dec. 13, 2001) (not for publication).

On October 12, 2021, this Court affirmed the District Court's denial of Petitioner's most recent post-conviction application and specifically rejected Petitioner's claim that the State lacked jurisdiction to prosecute him. *McGill v. State*, PC-2021-797 (Okla. Cr. October 12, 2021) (not for publication). On July 20, 2022, Petitioner

filed the instant action. Petitioner again challenges the State's jurisdiction to prosecute him.

For a writ of habeas corpus, Petitioner must establish his confinement is unlawful and that he is entitled to immediate release. Rule 10.6(C), Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch. 18, App. (2022). Petitioner has proved neither.<sup>o</sup> Habeas corpus is not a substitute for direct appeal. *Lamb v. State*, 1971 OK CR 59, ¶ 3, 481 P.2d 485, 486. <sup>\*</sup>Challenges to the judgment and sentence must be made through post-conviction procedures in the proper district court. *Berryhill v. State*, 2002 OK CR 7, ¶ 7, 43 P.3d 410, 412. Accordingly, Petitioner's application for extraordinary relief is **DENIED**.

**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this

28<sup>th</sup> day of July, 2022.

Scott Rowland  
**SCOTT ROWLAND, Presiding Judge**

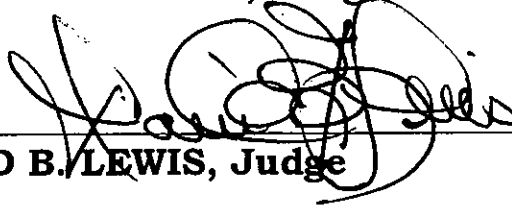
Robert L. Hudson  
**ROBERT L. HUDSON, Vice Presiding Judge**

[APPENDIX A]

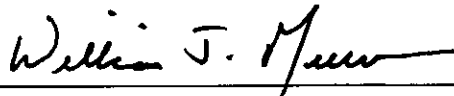
HC-2022-636, Tracy J. McGill v. Oklahoma Department of Corrections

NOT REPRODUCIBLE

**GARY L. LUMPKIN, Judge**

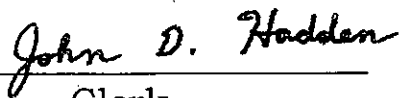


**DAVID B. LEWIS, Judge**



**WILLIAM J. MUSSEMAN, Judge**

ATTEST:



Clerk

OA