

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

JUN 11 2024

JOHN D. HADDEN  
CLERK

**No. PC-2024-0288**

**Respondent.**

Petitioner, pro se, has appealed to this Court from a April 3, 2024, order of the District Court of Washington County, denying his application for post-conviction relief in Case No. CF-2016-395. In that case Petitioner was tried in a non-jury trial, convicted, and sentenced. His judgement and sentence was affirmed by this Court. *Warnick v. State*, F-2017-851 (Okl. Cr. November 8, 2018) (not for publication).

Petitioner has filed a previous unsuccessful application for post-conviction in this case. This is Petitioner's second application arguing that he is entitled to relief pursuant to *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). Based on *State ex-rel Matloff v. Wallace*, 2021 OK CR 21, ¶¶ 27-28, 40, because Petitioner's convictions were final prior to

## APPENDIX - A

the July 9, 2020, decision in *McGirt* he is not entitled relief. Petitioner's previous application for post-conviction relief making this argument was denied by the district court and the district court's denial was affirmed by this Court. *Warnick v. State*, PC-2020-656 (Okla. Cr. September 29, 2021) (not for publication).

Petitioner was fully afforded the opportunity for post-conviction relief in his previous application. Petitioner has failed to establish entitlement to any relief in this subsequent post-conviction proceeding. "In the interests of efficiency and finality, our judicial system employs various doctrines to ensure that issues are not endlessly re-litigated." *Smith v. State*, 2013 OK CR 14, ¶ 14, 306 P.3d 557, 564. All issues that were previously raised and ruled upon in direct appeal proceedings or previous post-conviction proceedings are barred as res judicata, and all issues that could have been raised in those previous proceedings but were not are waived, and may not be the basis of a subsequent post-conviction application. 22 O.S.2011, § 1086; *Fowler v. State*, 1995 OK CR 29, ¶ 2, 896 P.2d 566, 569. Post-conviction review is not an opportunity for a second chance to argue claims of error in hopes that doing so in a different proceeding may change the outcome. *Turrentine v. State*, 1998 OK

CR 44, ¶ 12, 965 P.2d 985, 989. “Simply envisioning a new method of presenting an argument previously raised does not avoid the procedural bar.” *McCarty v. State*, 1999 OK CR 24, ¶ 9, 989 P.2d 990, 995. “Appellate jurisprudence was not created or designed to allow a person convicted of a crime to continually challenge a conviction with new assertions of error.” *Mayes v. State*, 1996 OK CR 28, ¶ 14, n.3, 921 P.2d 367, 372, n.3.

Petitioner’s propositions of error either were or could have been raised in his previous application for post-conviction relief, and are thus barred by res judicata or waived. 22 O.S.Supp.2022, § 1086; *Fowler*, 1995 OK CR 29, ¶ 2, 896 P.2d at 569. He has not established any sufficient reason for not asserting or inadequately raising his current grounds for relief in his previous application for post-conviction relief. *Id.* Therefore, the order of the District Court of Washington County denying Petitioner’s subsequent application for post-conviction relief in Case No. CF-2016-395 should be, and is hereby, **AFFIRMED**. Petitioner’s Motion to Amend Petition in Error is **DENIED**.

Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2024), 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

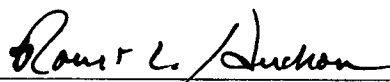
11<sup>th</sup> day of June, 2024.

  
SCOTT ROWLAND, Presiding Judge

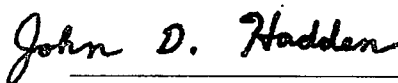
  
WILLIAM J. MUSSEMAN, Vice Presiding Judge

  
GARY L. LUMPKIN, Judge

  
DAVID B. LEWIS, Judge

  
ROBERT L. HUDSON, Judge

ATTEST:



Clerk

PA

IN THE DISTRICT COURT OF WASHINGTON COUNTY  
THE STATE OF OKLAHOMA

THE STATE OF OKLAHOMA, )  
Plaintiff, )  
vs. )  
ANTHONY WARNICK, )  
Defendant, )

Case No. CF-16-395

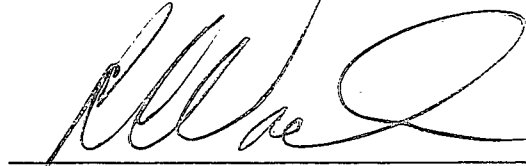
DISTRICT COURT WASHINGTON COUNTY  
JILL I. SPITZER COURT CLERK  
FILED  
APR 03 2024  
BY \_\_\_\_\_ DEPUTY

**ORDER DENYING POST CONVICTION RELIEF (22 O.S. §1080)**

On this 3<sup>rd</sup> day of April, 2024, the Court having reviewed the Defendant's pro se Motion for Post Conviction Relief hereby denies said Motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED The Defendant has previously been denied a Motion For Post Conviction Relief that appears to be the same as the one now before the Court. Attached hereto is the Order denying said relief, dated November 1, 2021, for which the Defendant unsuccessfully appealed. The Defendant is *STILL* claiming that this Court lacks jurisdiction based on his status as a member of a Native American tribe. This issue has been previously addressed in his prior Motions.

Therefore, Defendant's Motion For Post Conviction Relief is denied.



Russell C. Vaclaw  
Judge of the District Court

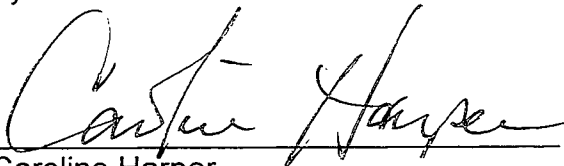
APPENDIX-B

CERTIFICATE OF MAILING

I certify that on the 3 day of April, 2024, a true and correct, file stamped copy of the above Order was mailed to the following, with postage prepaid:

Anthony Warnick #175234  
JCC – Unit 2  
216 Murray St.  
Helena, OK 73741

Washington County District Attorney's Office  
420 S. Johnstone, 2<sup>nd</sup> floor  
Bartlesville, OK 74003

  
Caroline Harper  
District Court Bailiff

**Additional material  
from this filing is  
available in the  
Clerk's Office.**