

IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMA

FILED  
IN COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

ROY DEAN HARJO,

MAY 31 2024

Petitioner,

JOHN D. HADDEN  
CLERK

v.

No. PC-2024-130

THE STATE OF OKLAHOMA,

Respondent.

**ORDER AFFIRMING DENIAL OF POST-CONVICTION RELIEF**

Petitioner, through counsel, appeals the denial of post-conviction relief by the District Court of Pottawatomie County in Case No. CF-2017-665.<sup>1</sup> Before the District Court, Petitioner asserted that the State 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, *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 691-92, 694.

<sup>1</sup> On February 5, 2024, in Case No. PC-2024-74, this Court granted Petitioner's motion for a post-conviction appeal out of time.

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SUPREME COURT, U.S.

The convictions in this matter were 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 invitation to revisit our holding in *Matloff*.

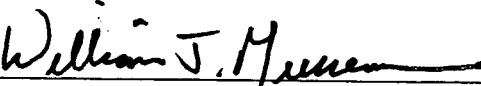
The District Court's order denying post-conviction relief in Pottawatomie County District Court Case No. CF-2017-665 is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2024), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision. Petitioner is placed on notice that his state remedies are deemed exhausted on all issues raised in his petition in error, brief, and any prior appeals. *See* Rule 5.5, *supra*.

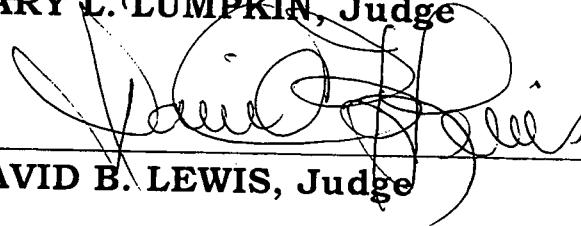
**IT IS SO ORDERED.**

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

31 day of May, 2024.

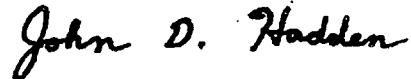
  
SCOTT ROWLAND  
**SCOTT ROWLAND, Presiding Judge**

  
WILLIAM J. MUSSEMAN  
**WILLIAM J. MUSSEMAN, Vice Presiding Judge**

  
**GARY L. LUMPKIN, Judge**  
  
**DAVID B. LEWIS, Judge**

  
**ROBERT L. HUDSON, Judge**

ATTEST:

  
John D. Hadden

Clerk

PA

Director  
Nathan Wilson

Managers  
Allan Colbert Jr.  
Andy Proctor



Board Members  
Joan Henson  
Elizabeth Yahola  
Clarence Johnson  
LeAnn Nix  
Jason Nichols

## Muscogee (Creek) Nation Enrollment Verification

RE: Name: Roy Dean Harjo  
Address: PO Box 402  
Norman OK 73070-0402

Birthdate: 4/27/1960

Enrollment Date: January 7, 1983

Roll Number: 24117

Degree of Creek Blood: 7/8



*Roy Harjo*

I hereby certify that Roy Dean Harjo, DOB: 4/27/1960 is enrolled with the Muscogee (Creek) Nation. Enrollment Date: 1/7/1983 Roll Number: 24117, Degree of Creek Blood: 7/8.

I attest and certify that the above information is a correct compilation of official records of the Muscogee (Creek) Nation filed and recorded with the Muscogee (Creek) Nation Citizenship Office, the public office responsible for keeping records of enrolled citizens, and that I am an authorized custodian of said records.

Executed this 29th day of October, 2020.

*Nathan Wilson*

Nathan Wilson - Director  
Muscogee (Creek) Nation Citizenship Office



Muscogee (Creek) Nation ~ Citizenship Office ~ P.O. Box 580 ~ Okmulgee, OK 74447  
You may contact our office at 1-800-482-1979 or (918) 756-8700 ext. 7940/7941/7942/7943

TB