

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

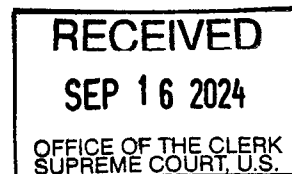
THE STATE OF OKLAHOMA,

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-2017-665.¹ 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.

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



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

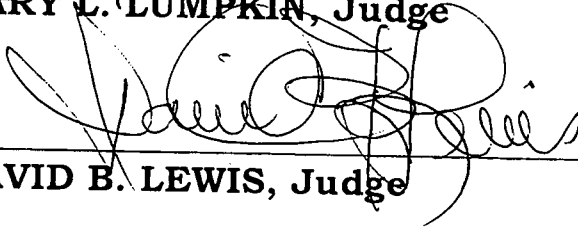
31 day of May, 2024.

Scott Rowland
SCOTT ROWLAND, Presiding Judge

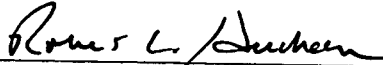
William J. Musseman
WILLIAM J. MUSSEMAN, Vice Presiding Judge



GARY L. LUMPKIN, Judge

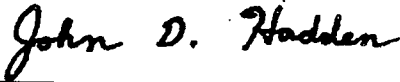


DAVID B. LEWIS, Judge



ROBERT L. HUDSON, Judge

ATTEST:



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

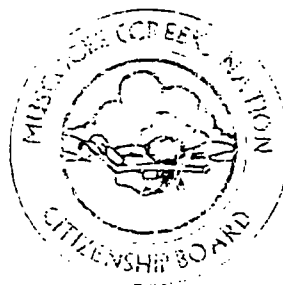
I hereby certify that Roy Dean Harjo, DOB: 4/27/1960 is enrolled with the Muscogee (Creek) Nation. Enrollment Date: 1/7/1983 Roll Number: 24117, Degree of Creek Blood: 7/8.

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