

APPENDIX TABLE OF CONTENTS

Opinion of the Court of Criminal Appeals, State of Oklahoma (March 25, 2021)	1a
District Court of Tulsa County, State of Oklahoma, Findings of Fact and Conclusions of Law (Signed December 8, 2020, Filed December 9, 2020)	12a
Muscogee (Creek) Nation Enrollment Verification (September 2, 2020)	17a
Stipulations (December 10, 2020)	19a
Court of Criminal Appeals, State of Oklahoma, Order Remanding for Evidentiary Hearing (August 19, 2020)	21a

**OPINION OF THE COURT OF CRIMINAL
APPEALS, STATE OF OKLAHOMA
(MARCH 25, 2021)**

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA

ERIK SHERNEY WILLIAMS,

Appellant,

v.

THE STATE OF OKLAHOMA,

Appellee.

Case No. F-2016-937

Before: Dana KUEHN, President Judge.,
Scott ROWLAND, Vice President Judge.,
Gary L. LUMPKIN, Judge., David B. LEWIS, Judge.,
Robert L. HUDSON, Judge.

OPINION

ROWLAND, VICE PRESIDING JUDGE:

Appellant Erik Sherney Williams was tried by jury and convicted of First Degree Murder, in violation of 21 O.S.Supp.2012, § 701.7, in the District Court of Tulsa County, Case No. CF-2014-4936. In accordance with the jury's recommendation, the Honorable James

M. Caputo sentenced Williams to life in prison without the possibility of parole.

Williams raises the following errors on appeal:

- (1) The district court was without jurisdiction over his case because the State did not initiate prosecution within the time frame mandated by the Interstate Agreement on Detainers Act;
- (2) Ineffective assistance of counsel deprived him of a fair trial; and
- (3) The district court lacked jurisdiction over his case because the victim was an “Indian” and the crime occurred in “Indian Country.”

This appeal turns on whether the victim was an Indian as defined by federal law, and whether the alleged crime was committed within Indian country as that term is defined by federal law. Because the answer to both questions is yes, federal law grants exclusive criminal jurisdiction to the federal government. Because we find relief is required on Williams’s jurisdictional challenge in Proposition 3, his other claims are moot.

1. Controlling Law: *McGirt v. Oklahoma*

In *McGirt v. Oklahoma*, 591 U.S. ___, 140 S. Ct. 2452 (2020), the Supreme Court held that land set aside for the Muscogee-Creek Nation in the 1800’s was intended by Congress to be an Indian reservation, and that this reservation remains in existence today for purposes of federal criminal law because Congress has never explicitly disestablished it.

2. Jurisdiction

Federal and tribal governments, not the State of Oklahoma, have jurisdiction to prosecute crimes committed by or against Indians on the Muscogee Creek Reservation. 18 U.S.C. § 1152, 1153; *McGirt*, 140 S. Ct. at 2479-80. The charge of first degree murder filed against Williams in this case fits squarely within the crimes subject to exclusive federal jurisdiction. *See State v. Klindt*, 1989 OK CR 75, ¶ 3, 782 P.2d 401, 403 (“[T]he State of Oklahoma does not have jurisdiction over crimes committed by or against an Indian in Indian Country.”)

3. Two Questions Upon Remand

After the *McGirt* decision was mandated, this Court, on August 19, 2020, remanded this case to the District Court of Tulsa County for an evidentiary hearing. We directed the District Court to make findings of fact and conclusions of law on two issues: (a) the victim’s status as an Indian; and (b) whether the crime occurred in Indian Country, namely within the boundaries of the Muscogee Creek Nation Reservation. Our Order provided that, if the parties agreed as to what the evidence would show with regard to the questions presented, the parties could enter into a written stipulation setting forth those facts, and no hearing would be necessary.

On October 15, 2020, the parties appeared for an evidentiary hearing before the Honorable Tracy Priddy, District Judge. The parties entered a joint stipulation, agreeing that (1) the victim has some Indian blood (17/64 degree Indian blood); (2) she was a recognized member of the Muscogee Creek Nation on the date of her death; (3) the Muscogee Creek Nation

is a federally recognized tribe; and (4) the charged crime occurred within the boundaries of the Muscogee Creek Nation Reservation. The district court accepted the parties' stipulation.

The district court issued written Findings of Fact and Conclusions of Law on December 8, 2020. Judge Priddy correctly concluded, based on the joint stipulation and the supporting documentation submitted, that on the date of the charged crimes, the victim was an Indian for purposes of federal law. As to the second question on remand, whether the crimes were committed in Indian country, Judge Priddy correctly concluded the crime occurred on the Muscogee Creek Nation Reservation which, based on *McGirt*, is Indian country under federal law.

The State raised the issue of concurrent jurisdiction below. The State briefed and argued that Oklahoma and the federal government have concurrent jurisdiction over all crimes committed by non-Indians in Indian country, including Williams's case. Williams moved to strike the State's brief and the parties presented brief argument on the issue. The district court refused to strike the State's brief, but made no ruling on the issue of concurrent jurisdiction, finding the issue was beyond the scope of the remand order. The parties filed supplemental briefs in this Court following remand, addressing concurrent jurisdiction. We rejected the State's same argument regarding concurrent jurisdiction in *Bosse v. State*, 2021 OK CR 3, ¶¶ 23-28, ___ P.3d ___.

For these reasons, we hold, under the analysis in *McGirt*, that the District Court of Tulsa County did not have jurisdiction to try Williams for murder. Accordingly, we grant Proposition 3.

DECISION

The Judgment and Sentence of the district court is **VACATED** and this matter is **REMANDED WITH INSTRUCTIONS TO DISMISS**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2021), the **MANDATE** is **ORDERED** to issue in twenty (20) days from the delivery and filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT
OF TULSA COUNTY, THE HONORABLE
TRACY PRIDDY, DISTRICT JUDGE**

APPEARANCES AT TRIAL

Kevin D. Adams
Attorney at Law
212 West 12th St.
Tulsa, OK 74119
Counsel for Defendant

Erik Grayless
Becky Johnson
Asst. District Attorneys
Tulsa County Courthouse
500 S. Denver, Rm. 900
Tulsa, OK 74103
Counsel for State

APPEARANCES ON APPEAL & EVIDENTIARY HEARING

James L. Hankins
Mon Abri Business Center
2524 N. Broadway
Edmond, OK 73034
Counsel for Appellant

Mike Hunter
Attorney General of Oklahoma
Thomas Lee Tucker
Randall Young
Jennifer L. Crabb
Assistant Attorneys General
313 N.E. 21st Street
Oklahoma City, OK 73105
Counsel for Appellee

Opinion by: Rowland, V.P.J.

Kuehn, P.J.: Concur

Lumpkin, J.: Concur in Result

Lewis, J.: Specially Concur

Hudson, J.: Specially Concur

**LUMPKIN, JUDGE
CONCURRING IN RESULTS**

Bound by my oath and the Federal-State relationships dictated by the U.S. Constitution, I must at a minimum concur in the results of this opinion. While our nation's judicial structure requires me to apply the majority opinion in the 5-4 decision of the U. S. Supreme Court in *McGirt v. Oklahoma*, ___ U.S. ___, 140 S. Ct. 2452 (2020), I do so reluctantly. Upon the first reading of the majority opinion in *McGirt* I initially formed the belief that it was a result in search of an opinion to support it. Then upon reading the dissents by Chief Justice Roberts and Justice Thomas I was forced to conclude the Majority had totally failed to follow the Court's own precedents, but had cherry picked statutes and treaties, without giving historical context to them. The Majority then proceeded to do what an average citizen who had been fully informed of the law and facts as set out in the dissents would view as an exercise of raw judicial power to reach a decision which contravened not only the history leading to the disestablishment of the Indian reservations in Oklahoma, but also willfully disregarded and failed to apply the Court's own precedents to the issue at hand.

My quandary is one of ethics and morality. One of the first things I was taught when I began my service in the Marine Corps was that I had a duty to follow lawful orders, and that same duty required me to resist unlawful orders. Chief Justice Roberts' scholarly and judicially penned dissent, actually following the Court's precedents and required analysis, vividly reveals the failure of the majority opinion to

follow the rule of law and apply over a century of precedent and history, and to accept the fact that no Indian reservations remain in the State of Oklahoma.¹ The result seems to be some form of “social justice” created out of whole cloth rather than a continuation of the solid precedents the Court has established over the last 100 years or more.

¹ Senator Elmer Thomas, D-Oklahoma, was a member of the Senate Committee on Indian Affairs. After hearing the Commissioner’s speech regarding the Indian Reorganization Act (IRA) in 1934, Senator Thomas opined as follows:

I can hardly see where it (the IRA) could operate in a State like mine where the Indians are all scattered out among the whites and they have no reservation, and they could not get them into a community without you would go and buy land and put them on it. Then they would be surrounded very likely with thickly populated white section with whom they would trade and associate. I just cannot get through my mind how this bill can possibly be made to operate in a State of thickly-settled population. (emphasis added).

John Collier, Commissioner of Indian Affairs, *Memorandum of Explanation* (regarding S. 2755), p. 145, hearing before the United States Senate Committee on Indian Affairs, February 27, 1934. Senator Morris Sheppard, D-Texas, also on the Senate Committee on Indian Affairs, stated in response to the Commissioner’s speech that in Oklahoma, he did not think “we could look forward to building up huge reservations such as we have granted to the Indians in the past.” *Id.* at 157. In 1940, in the Foreword to Felix S. Cohen, *Handbook of Federal Indian Law* (1942), Secretary of the Interior Harold Ickes wrote in support of the IRA, “[t]he continued application of the allotment laws, under which Indian wards have lost more than two-thirds of their reservation lands, while the costs of Federal administration of these lands have steadily mounted, must be terminated.” (emphasis added).

The question I see presented is should I blindly follow and apply the majority opinion or do I join with Chief Justice Roberts and the dissenters in *McGirt* and recognize “the emperor has no clothes” as to the adherence to following the rule of law in the application of the *McGirt* decision?

My oath and adherence to the Federal-State relationship under the U.S. Constitution mandate that I fulfill my duties and apply the edict of the majority opinion in *McGirt*. However, I am not required to do so blindly and without noting the flaws of the opinion as set out in the dissents. Chief Justice Roberts and Justice Thomas eloquently show the Majority’s mischaracterization of Congress’s actions and history with the Indian reservations. Their dissents further demonstrate that at the time of Oklahoma Statehood in 1907, all parties accepted the fact that Indian reservations in the state had been disestablished and no longer existed. I take this position to adhere to my oath as a judge and lawyer without any disrespect to our Federal-State structure. I simply believe that when reasonable minds differ they must both be reviewing the totality of the law and facts.

LEWIS, JUDGE, SPECIALLY CONCURRING

I write separately to note that I am bound by my special writings in *Bosse v. State*, 2021 OK CR 3, ___ P.3d ___ and *Hogner v. State*, 2021 OK CR 4, ___ P.3d ___. Following the precedent of *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), Oklahoma has no jurisdiction over persons who commit crimes against Indians in Indian Country. This crime occurred within the historical boundaries of the Muscogee (Creek) Nation Reservation and that Reservation has not been expressly disestablished by the United States Congress. Additionally, the crime occurred against Indian victims, thus the jurisdiction is governed by the Major Crimes Act found in the United States Code.

Oklahoma, therefore, has no jurisdiction, concurrent or otherwise, over the appellant in this case. Thus, I concur that this case must be reversed and remanded with instructions to dismiss. Jurisdiction is in the hands of the United States Government.

HUDSON, JUDGE, SPECIALLY CONCURRING

Today's decision dismisses a first degree murder conviction from the District Court of Tulsa County based on the Supreme Court's decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020). This decision is unquestionably correct as a matter of *stare decisis* based on the Indian status of the victim and the occurrence of this crime on the Creek Reservation. Under *McGirt*, the State has no jurisdiction to prosecute Appellant for the murder in this case. Instead, Appellant must be prosecuted in federal court. I therefore as a matter of *stare decisis* fully concur in today's decision. Further, I maintain my previously expressed views on the significance of *McGirt*, its far-reaching impact on the criminal justice system in Oklahoma and the need for a practical solution by Congress. See *Bosse v. State*, 2021 OK CR 3, ___ P.3d ___ (Hudson, J., Concur in Results); *Hogner v. State*, 2021 OK CR 4, ___ P.3d ___ (Hudson, J., Specially Concurs); and *Krafft v. State*, No. F-2018-340 (Okl. Cr., Feb. 25, 2021) (Hudson, J., Specially Concurs) (unpublished).

**DISTRICT COURT OF TULSA COUNTY,
STATE OF OKLAHOMA, FINDINGS OF
FACT AND CONCLUSIONS OF LAW
(SIGNED DECEMBER 8, 2020,
FILED DECEMBER 9, 2020)**

IN THE DISTRICT COURT OF
TULSA COUNTY, STATE OF OKLAHOMA

ERIK SHERNEY WILLIAMS,

Defendant/Appellant,

v.

STATE OF OKLAHOMA,

Plaintiff/Appellee.

Tulsa County District Court Case No. CF-2014-4936

Court of Criminal Appeals Case No. F-2016-937

Before: Tracy PRIDDY, District Court Judge.

This matter came on for hearing before the Court on October 15, 2020, in accordance with the remand order of the Oklahoma Court of Criminal Appeals issued on August 19, 2020. The State appeared by and through Assistant Attorney General Randall Young. Defendant, who is incarcerated, appeared by and through James Hankins. The Court makes its findings based upon the stipulations and evidence presented by the parties, review of the pleadings and

attachments in this Court and the Oklahoma Court of Criminal Appeals, and the briefs and argument of counsel.

In his Supplemental Brief, filed on September 27, 2017, pursuant to authorization by this Court, and his motion to supplement the record on appeal and for evidentiary hearing on his claim of lack of jurisdiction of the trial court filed on July 14, 2020, Appellant claims the District Court lacked jurisdiction to try him as while he is not Indian, his victim, Christian Shockley, was a citizen of the Muscogee (Creek) Nation and the crime occurred within the boundaries of the [Muscogee] (Creek) Nation. This claim raises two separate questions: (a) the Indian status of his victim, Christian Shockley, and (b) whether the crime occurred in Indian Country.

In the August 19, 2020, Order Remanding for Evidentiary Hearing, the Oklahoma Court of Criminal Appeals directed this Court as follows:

The District Court shall address only the following issues:

First, his victim, Christian Shockley's, status as an Indian. The District Court must determine whether (1) Christian Shockley has some Indian blood, and (2) was recognized as an Indian by a tribe or the federal government.

Second, whether the crime occurred within the boundaries of the Creek Nation.¹

¹ Order Remanding for Evidentiary Hearing at 4

The State filed State's Brief on Concurrent Jurisdiction on October 1, 2020. The Defendant/Appellant filed his Response to State's Brief on Concurrent Jurisdiction and Motion to Strike on October 8, 2020. Although Defendant/Appellant requested a ruling from this Court on his Motion to Strike the State's brief from the record and arguments from counsel were heard and made part of the record, the Court declined to issue a ruling at the hearing. The Court reserved the right to address it in the Findings of Fact and Conclusions of law. Following careful review of the Order Remanding, this Court declines to issue any rulings or make findings of fact or conclusions of law regarding Defendant/Appellant's Motion to Strike the State's brief on the issue of concurrent jurisdiction. The Court's jurisdiction is limited and specifically set out by the order. The matter of whether the State's argument in favor of concurrent jurisdiction should be stricken from consideration, should be decided by the Oklahoma Court of Criminal Appeals. The pleadings filed by the parties on the issue of concurrent jurisdiction are preserved for ruling on the Motion to Strike and consideration by the Oklahoma Court of Criminal Appeals.

Regarding facts supporting the issues to be address by this Court, the parties stipulated and agreed as follows:²

1. As to location of the crime:
 - a. The crime in this case occurred at 7631 East 21st Street in Tulsa, Oklahoma. This address is within the boundaries

² Exhibit 2, Stipulations, not filed with the District Court.

of the Muscogee (Creek) Nation's Reservation.

2. As to the status of Christian Shockley, the parties hereby stipulate and agree as follows:
 - a. Ms. Shockley had 17/64 degree Creek blood.
 - b. Ms. Shockley was, at the time of her death, a member of the Muscogee (Creek) Nation.
 - c. The Muscogee (Creek) Nation is an Indian Tribal Entity recognized by the federal government.

Additionally, Defendant/Appellant moved to admit as evidence, Exhibit 1. The exhibit was admitted into evidence without objection from the State.

I. Christian Shockley's Status as an Indian.

The State of Oklahoma and Defendant/Appellant have stipulated to Christian Shockley's Indian status by virtue of her tribal membership with the Muscogee (Creek) Nation and proof of her blood quantum of 17/64 Creek. This is further supported by Exhibit 1. Based upon the stipulations and evidence presented, the Court specifically finds Christian Shockley, the victim, (1) has some Indian blood, and (2) was recognized as an Indian by a tribe or the federal government. The victim, Christian Shockley is an Indian.

II. Whether the Crime Occurred in the Creek Nation.

The State of Oklahoma and Defendant/Appellant stipulated that the crime was committed at a location identified to be within the boundaries of the Muscogee

(Creek) Nation. These boundaries were established through a series of treaties between the Muscogee (Creek) Nation and the United States Government, and are explicitly recognized as a reservation defined by 18 U.S.C. § 1151(a). Based upon the Supreme Court's ruling in *McGirt v. Oklahoma*, 140 S. Ct. 2452, 207 L.Ed.2d 985 (2020), this Court concludes that the crime occurred on the Creek Reservation which is Indian Country as defined by 18 U.S.C. § 1151(a).

WHEREFORE, this Court finds that the victim in this case, Christian Shockley was an Indian and that the crime for which Defendant/Appellant was convicted occurred in Indian Country for purposes of the Major Crimes Act, 18 U.S.C. § 1153.

IT IS SO ORDERED this 8th day of December, 2020.

/s/ Tracy Priddy
District Court Judge

**MUSCOGEE (CREEK)
NATION ENROLLMENT VERIFICATION
(SEPTEMBER 2, 2020)**



**MUSCOGEE (CREEK) NATION
ENROLLMENT VERIFICATION**

Re:

Name: Christian Colette Shockley
Address: 512 W. Tucson
Bixby OK 74008

Birthdate: 10/9/1989
Enrollment Date: August 16, 1995
Roll Number: 52212
Degree of Creek Blood: 17/64



I hereby certify that Christian Colette Shockley, DOB: 10/9/1989 is enrolled with the Muscogee (Creek) Nation. Enrollment Date: 8/16/1995 Roll Number: 52212, Degree of Creek Blood: 17/64.

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.

App.18a

Executed this 2nd day of September, 2020.

/s/ Name not legible
Name of Officer
Muscogee (Creek) Nation
Citizenship Office

**STIPULATIONS
(DECEMBER 10, 2020)**

IN THE DISTRICT COURT OF TULSA
COUNTY, STATE OF OKLAHOMA

ERIK SHERNEY WILLIAMS,

Defendant/Appellant,

v.

THE STATE OF OKLAHOMA,

Plaintiff/Appellee.

Case No. CF-2014-4936, F-2016-937

STIPULATIONS

In response to the questions this Court has been directed to answer by the Court of Criminal Appeals, the parties have reached the following stipulations:

1. As to the location of the crime, the parties hereby stipulate and agree as follows:
 - a. The crime in this case occurred at 7631 East 21st Street in Tulsa, Oklahoma. This address is within the boundaries of the Muscogee (Creek) Nation's Reservation.
2. As to the status of Christian Shockley, the parties hereby stipulate and agree as follows:

App.20a

- a. Ms. Shockley had 17/64 degree Creek blood.
- b. Ms. Shockley was, at the time of her death, a member of the Muscogee (Creek) Nation.
- c. The Muscogee (Creek) Nation is an Indian Tribal Entity recognized by the federal government.

Respectfully submitted,

/s/ James L. Hankins

Counsel for Appellant

/s/ Randall Young

Assistant Attorney General

/s/ Erik Greyles

Assistant District Attorney

Counsel for Appellee

**COURT OF CRIMINAL APPEALS,
STATE OF OKLAHOMA, ORDER REMANDING
FOR EVIDENTIARY HEARING
(AUGUST 19, 2020)**

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA

ERIK SHERNEY WILLIAMS,

Appellant,

v.

THE STATE OF OKLAHOMA,

Appellee.

Case No. F-2016-937

Before: David B. LEWIS, Presiding Judge.,
Dana KUEHN, Vice President Judge.,
Gary L. LUMPKIN, Judge.,
Robert L. HUDSON, Judge.,
Scott ROWLAND, Judge.

**ORDER REMANDING FOR
EVIDENTIARY HEARING**

Appellant Erik Sherney Williams was tried by jury and convicted of First Degree Murder, in violation of 21 O.S.Supp.2012, § 701.7, in the District Court of Tulsa County, Case No. CF-2014-4936. In accordance with the jury's recommendation, the Honorable James

M. Caputo sentenced Williams to life in prison without the possibility of parole. Williams appeals from this conviction and sentence.

In his Supplemental Brief, filed on September 27, 2017, pursuant to authorization by this Court, and his motion to supplement the record on appeal and for evidentiary hearing on his claim of lack of jurisdiction of the trial court filed on July 14, 2020, Williams claims the District Court lacked jurisdiction to try him. Williams argues that while he is not Indian, his victim, Christian Shockley, was a citizen of the Muskogee (Creek) Nation and the crime occurred within the boundaries of the Creek Reservation. Williams, in his direct appeal, relied on jurisdictional issues addressed in *Murphy v. Royal*, 875 F.3d 896 (10th Cir. 2017), which was affirmed by the United States Supreme Court in *Sharp v. Murphy*, 591 U.S. ___, 140 S. Ct. 2412 (2020) for the reasons stated in *McGirt v. Oklahoma*, 591 U.S. ___, 140 S. Ct. 2452 (2020).¹

Williams's claim raises two separate questions: (a) the Indian status of his victim, Christian Shockley, and (b) whether the crime occurred in Indian Country. These issues require fact-finding. We therefore **REMAND** this case to the District Court of Tulsa

¹ On March 25, 2019, we held Williams's direct appeal in abeyance pending the resolution of the litigation in *Murphy*. Following the decision in *McGirt*, the State asked for additional time in which to consider whether to file a timeliness objection to Williams's untimely motion to supplement and request for an evidentiary on his jurisdictional claim. In light of the present order, there is no need for an additional response from the State at this time and that request is **DENIED**.

County, for an evidentiary hearing to be held within sixty (60) days from the date of this Order.

Recognizing the historical and specialized nature of this remand for evidentiary hearing, we request the Attorney General and District Attorney work in coordination to effect uniformity and completeness in the hearing process. Upon Williams's presentation of *prima facie* evidence as to the victim's legal status as an Indian and as to the location of the crime in Indian Country, the burden shifts to the State to prove it has subject matter jurisdiction.

The hearing shall be transcribed, and the court reporter shall file an original and two (2) certified copies of the transcript within twenty (20) days after the hearing is completed. The District Court shall then make written findings of fact and conclusions of law, to be submitted to this Court within twenty (20) days after the filing of the transcripts in the District Court. The District Court shall address only the following issues:

First, his victim, Christian Shockley's, status as an Indian. The District Court must determine whether (1) Christian Shockley has some Indian blood, and (2) was recognized as an Indian by a tribe or the federal government.²

Second, whether the crime occurred within the boundaries of the Creek Reservation. In making this determination the District Court should consider any

² See *United States v. Diaz*, 679 F.3d 1183, 1187 (10th Cir. 2012); *United States v. Prentiss*, 273 F.3d 1277, 1280-81 (10th Cir. 2001). See generally *Goforth v. State*, 1982 OK CR 48, ¶ 6, 644 P.2d 114, 116.

evidence the parties provide, including but not limited to treaties, statutes, maps, and/or testimony.

The District Court Clerk shall transmit the record of the evidentiary hearing, the District Court's findings of fact and conclusions of law, and any other materials made a part of the record, to the Clerk of this Court, and counsel for Williams, within five (5) days after the District Court has filed its findings of fact and conclusions of law. Upon receipt thereof, the Clerk of this Court shall promptly deliver a copy of that record to the Attorney General. A supplemental brief, addressing only those issues pertinent to the evidentiary hearing and limited to twenty (20) pages in length, may be filed by either party within twenty (20) days after the District Court's written findings of fact and conclusions of law are filed in this Court.

Provided however, in the event the parties agree as to what the evidence will show with regard to the questions presented, they may enter into a written stipulation setting forth those facts upon which they agree and which answer the questions presented and provide the stipulation to the District Court. In this event, no hearing on the questions presented is necessary. Transmission of the record regarding the matter, the District Court's findings of fact and conclusions of law and supplemental briefing shall occur as set forth above.

IT IS FURTHER ORDERED that the Clerk of this Court shall transmit copies of the following, with this Order, to the District Court of Tulsa County: Appellant's Supplemental Brief filed September 27, 2017; Appellee's Answer Brief filed on December 22, 2017; Appellant's Reply Brief filed on January 8, 2018; and Appellant's Motion to Supplement the Record on

Appeal and for Evidentiary Hearing on Claim of Lack of Jurisdiction or Evidentiary Hearing on Sixth Amendment Claim filed on July 14, 2020.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this 19th day of August, 2020.

/s/ David B. Lewis
Presiding Judge

/s/ Dana Kuehn
Vice Presiding Judge

/s/ Gary L. Lumpkin
Judge

/s/ Robert L. Hudson
Judge

/s/ Scott Rowland
Judge

ATTEST:

/s/ John D. Hadden
Clerk