

APPENDIX

Appendix A: Oklahoma Court of Criminal Appeals Denial

Appendix B: Trial Court Modified Judgment

APPENDIX A

ORIGINAL



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

MATTHEW JOHNSON,

Petitioner,

v.

THE STATE OF OKLAHOMA,

Respondent.

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

AUG 27 2025

No. PC-2025-607

**ORDER AFFIRMING DENIAL OF
SUBSEQUENT APPLICATION FOR POST-CONVICTION RELIEF**

Petitioner, pro se, appeals the order of the District Court of Tulsa County denying him post-conviction relief in Case No. CF-1999-4951. A jury convicted Petitioner of first-degree murder and six counts of robbery with a firearm, all after former conviction of felonies. Consistent with the jury's verdict, he was sentenced to life imprisonment for murder and to 20 years imprisonment for each of the robbery convictions. The convictions and sentences were affirmed on direct appeal. *Johnson v. State*, No. F-2000-1492 (Okl.Cr. July 2, 2002) (not for publication).

On June 26, 2019, Petitioner, through counsel, filed his first post-conviction application. The application was partially successful. On October 13, 2020, the trial court vacated the original judgment and

sentence, ordered Petitioner to receive credit for time served awaiting trial, and ordered the sentences to be served concurrently. Petitioner did not appeal this ruling.

On June 11, 2025, Petitioner, pro se, filed his second post-conviction application and the application that is the subject of this appeal. The District Court denied the application on June 30, 2025. We review the District Court's decision for an abuse of discretion. *State ex rel. Smith v. Neuwirth*, 2014 OK CR 16, ¶ 12, 337 P.3d 763, 766. An abuse of discretion involves a conclusion that is "clearly erroneous." *State v. Farthing*, 2014 OK CR 4, ¶ 4, 328 P.3d 1208, 1209.

As he did in his first application, Petitioner sought modification of his sentence. In support, Petitioner claimed that he was 1) denied the effective assistance of trial counsel; 2) his sentence was excessive; 3) he suffered from substance abuse; 4) he was the victim of a traumatic childhood; 5) he experienced poor mental health; 6) his commission of the criminal acts was aberrant; 7) his sentence was the result of racism; 8) he has undergone significant rehabilitative efforts; and 9) he has a plan to reintegrate into society.

The district court denied relief because it found that sentence modification was controlled by 22 O.S.2021, § 982a and was barred

by Sections A.1 and A.3 in the absence of the consent of the district attorney. On appeal, Petitioner has done nothing to contest the correctness of this finding.

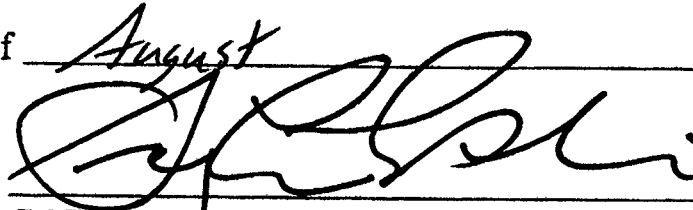
In addition, Petitioner has not shown why his claims are not procedurally barred. Issues that have been previously raised are barred by *res judicata*. *Fox v. State*, 1994 OK CR 52, ¶ 2, 880 P.2d 383-84. Issues that could have been previously raised, but were not, are waived. *Battenfield v. State*, 1998 OK CR 8, ¶ 4, 953 P.2d 1123, 1125. All of Petitioner's underlying issues either were, or could have been, presented either on direct appeal or in his first post-conviction application.

For these reasons, we find that the district court's denial of Petitioner's post-conviction application did not amount to an abuse of discretion. The order of the District Court of Tulsa County in Case No. CF-1999-4951 denying Petitioner's application for Post Conviction relief is **AFFIRMED**.

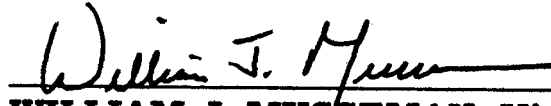
IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this


27th day of August, 2025.



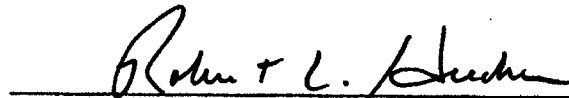
GARY L. LUMPKIN, Presiding Judge



WILLIAM J. MUSSEMAN, Vice Presiding Judge



DAVID B. LEWIS, Judge



ROBERT L. HUDSON, Judge



SCOTT ROWLAND, Judge

ATTEST:



Deputy Clerk

APPENDIX B



OCT 27 PM 12:11

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

State Of Oklahoma, -VS- JOHNSON, MATTHEW SS.# : XXX-XX- 9129 DOB: XX-XX- 1981	Case No. CF-99-4951
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**DISTRICT COURT
FILED**

OCT 27 2020

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

MODIFIED JUDGMENT AND SENTENCE
All Time In Custody – Amended Credit for Time Served

Now, this 2nd day of November, 2000, this matter comes on before the Court for sentencing and the defendant appears personally and by his or her Attorney of record, Kurt Hoffman, and the State of Oklahoma is represented by Carl Funderburk, and the Court Reporter, Mary Martin, is present.

The defendant is found **GUILTY** by **JURY VERDICT** for the crime(s) of:

Count 1: HM11, MURDER IN THE FIRST DEGREE/ FELONY, in violation of 21 O.S. 701 0007 Date Of Offense: 09/25/1999

Count 2: RBDW, ROBBERY WITH FIREARM(S)/FELONY AFCF, in violation of 21 O.S. 801 0000 Date Of Offense: 09/25/1999

Count 3: RBDW, ROBBERY WITH FIREARM(S)/FELONY AFCF, in violation of 21 O.S. 801 0000 Date Of Offense: 09/25/1999

Count 4: RBDW, ROBBERY WITH FIREARM(S)/FELONY AFCF, in violation of 21 O.S. 801 0000 Date Of Offense: 09/25/1999

Count 5: RBDW, ROBBERY WITH FIREARM(S)/FELONY AFCF, in violation of 21 O.S. 801 0000 Date Of Offense: 09/25/1999

Count 6: RBDW, ROBBERY WITH FIREARM(S)/FELONY AFCF, in violation of 21 O.S. 801 0000 Date Of Offense: 09/25/1999

ORIGINAL

Count 1: RBDW, ROBBERY WITH FIREARM(S)/FELONY AFCF, in violation of 21 O.S. 801 0000 Date Of Offense: 09/25/1999

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the defendant, is guilty of the above described of offenses and is sentenced as follows:

TERM OF IMPRISONMENT

Count 1: LIFE IN PRISON WITH THE POSSIBILITY OF PAROLE, ALL UNDER THE CUSTODY AND CONTROL OF THE DEPARTMENT OF CORRECTIONS.

Counts 2-7: TWENTY (20) YEARS, ALL UNDER THE CUSTODY AND CONTROL OF THE DEPARTMENT OF CORRECTIONS.

THESE TERMS TO BE SERVED AS FOLLOWS:

CREDIT FOR TIME SERVED AND EARNED SINCE 11-8-2000, ALL COUNTS TO RUN CONCURRENT.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in addition to the preceding terms, and the general miscellaneous costs of this action, the defendant is also sentenced to:

Counts 1-7: a fine in the amount of \$250.00; Victim's Compensation Assessment in the amount of \$125.00.

IT IS FURTHER ORDERED BY THIS COURT THAT JUDGMENT IS HEREBY ENTERED against the defendant for all costs, fees, fines, and assessments ordered in this action and he or she is ordered to report immediately upon conclusion of this sentencing hearing, or within ten (10) days of discharge, if the defendant is currently incarcerated, to the Tulsa County Court Clerk to pay all costs, fines, fees, and assessments ordered in this action - or - to the Tulsa County Court Cost Administrator to make arrangements to pay the costs, fines, fees, and assessments as ordered pursuant to the Rule 8 Hearing held this day.

The Court further advised the defendant of his or her right to appeal to the Court of Criminal Appeals of the State of Oklahoma and of the necessary steps to be taken by him or her to perfect such appeal, and that if he or she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be

furnished by the State, subject to reimbursement in accordance with 22 § O. S. 1355.14, 20 § O. S. 106.4 (b), and, ADC-72-33.

In the event the above sentence is for incarceration in the Department of Corrections, the Sheriff of Tulsa County, Oklahoma, is ordered and directed to deliver the defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of the Sheriff for the transportation and imprisonment of the defendant as herein before provided. The Sheriff is to make due return to the clerk of this Court with his proceedings endorsed thereon.

COURT CLERK'S DUTY

[TRIAL JUDGE TO COMPLETE THIS SECTION]

IT IS FURTHER ORDERED that the Clerk of this Court shall register or report the following circumstances in accordance with the applicable statutory authority:

(x) As to Count(s) 1-7, the defendant is ineligible to register to vote pursuant to Section 4-101 of Title 26.

() Pursuant to Section 985.1 of Title 22, the Court departed from the mandatory minimum sentence of imprisonment as to Count(s) _____.

() As to Count(s) _____, the defendant is subject to the Methamphetamine Offender Registry requirements as set forth in Section 2-701 of Title 63.


(x) As to Count(s) 1, the defendant is subject to the Mary Rippy Violent Crime Offenders Registration Act requirements as set forth in Section 594 of Title 57.

() Defendant is a lawyer and certified copies of this document shall be transmitted to the Chief Justice of the Supreme Court and the General

Counsel of the Bar Association within five (5) days as set forth in Rule 7.2 of the Oklahoma Rules of Professional Conduct, 5 O.S.Supp.2014, ch. 1, app. 1-A.

Witness my hand the day and year first above mentioned.

Witness my hand this 20 DAY OF OCTOBER, 2020



JUDGE CLIFFORD J. SMITH

ATTESTATION:

DON NEWBERRY
District Court Clerk Tulsa County

By: 
TAURI R. COOLEY Deputy