



ORIGINAL

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

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

SEP 20 2021

JOHN D. MADDEN
CLERK

LOUIS R. YOUNG,

Petitioner,

v.

STATE OF OKLAHOMA,

Respondent.

No. PC-2020-954

**ORDER DENYING PETITIONER'S MOTION TO REMAND FOR
FURTHER EVIDENTIARY HEARING AND AFFIRMING
THE DENIAL OF POST-CONVICTION RELIEF**

Petitioner, pro se, appealed to this Court from an order of the District Court of Osage County, Case No. CF-2005-266A, denying his request for post-conviction relief pursuant to *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). The District Court denied relief because it determined that the Osage Nation reservation had been disestablished. Following that decision, we approved the request of the Osage Nation to file an *amicus* brief. Pleadings have also been filed by Petitioner's counsel, who entered an appearance in this Court on May 3, 2021.

In *State ex rel. Matloff v. Wallace*, 2021 OK CR 21, ___ P.3d ___, 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.

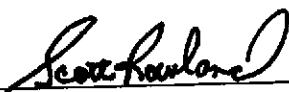
The conviction in this matter was final before the July 9, 2020 decision in *McGirt*, and the United States Supreme Court's holding in *McGirt* does not apply. Thus, the arguments presently before the Court are **MOOT**. The District Court's Order denying relief is **AFFIRMED**. Petitioner's motion to remand for further evidentiary hearing is **DENIED**.

Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2021), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

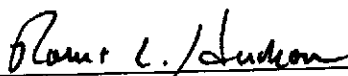
IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

20th day of September, 2021.



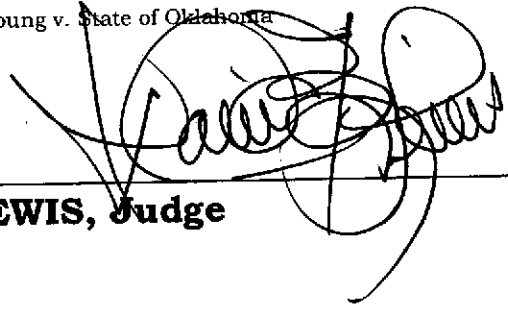
SCOTT ROWLAND, Presiding Judge



ROBERT L. HUDSON, Vice Presiding Judge



GARY L. LUMPKIN, Judge

A large, stylized handwritten signature in black ink, appearing to read "David B. Lewis", is written over a horizontal line. The signature is highly cursive and overlaps the line.

DAVID B. LEWIS, Judge

ATTEST:

John D. Hadden

Clerk

PA