

1a

**APPENDIX A — ORDER OF THE COURT OF
CRIMINAL APPEALS OF THE STATE OF
OKLAHOMA, FILED SEPTEMBER 10, 2021**

THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA

No. PC-2021-244

STATE OF OKLAHOMA,

Petitioner,

v.

GLEN D. GORE,

Respondent.

**ORDER LIFTING STAY, DENYING MOTION
TO DISMISS, REVERSING ORDER
GRANTING
POST-CONVICTION RELIEF, AND
REMANDING FOR FURTHER PROCEEDINGS**

The State appealed from an order granting Respondent Gore Post-Conviction relief in the District Court of Pontotoc County, Case No. CF-2001-126, pursuant to *McGirt v. Oklahoma*, 140 S.Ct. 2452 (2020). The matter was stayed several times pending completion of the post-conviction appeal record. On August 6, 2021, the State filed a Motion to Lift Stay and Re-Establish Briefing Schedule. On September

Appendix A

3, 2021, Gore filed a Motion to Dismiss for Failure to Properly File Appeal and Brief.

On August 12, 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. The District Court's Order granting relief is hereby **REVERSED** and **REMANDED** for further proceedings consistent with this order and our ruling in *Matloff*.

The stay in this matter is **LIFTED**. Gore's Motion to Dismiss 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 10th day of September, 2021.

Appendix A

/s/
SCOTT ROWLAND, Presiding Judge

/s/
**ROBERT L. HUDSON, Vice Presiding
Judge**

/s/
GARY L. LUMPKIN, Judge

/s/
DAVID B. LEWIS, Judge