

No. 21-5681

**ORIGINAL**

IN THE  
SUPREME COURT OF THE UNITED STATES

JOE JOHNSON, JR., PETITIONER,

VS.

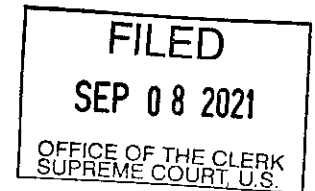
THE STATE OF OKLAHOMA, RESPONDENT(S).

ON PETITION FOR A WRIT OF CERTIORARI TO

THE OKLAHOMA COURT OF CRIMINAL APPEALS

PETITION FOR WRIT OF CERTIORARI

JOE JOHNSON, JR., ODOC# 096004  
JOSEPH HARP CORRECTIONAL CENTER  
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LEXINGTON, OKLAHOMA, 73051-0548.



**QUESTION(S) PRESENTED**

**WHETHER RESPONDENT WAIVED/FORFEITED ANY OF ITS PROCEDURAL DEFENSES IN McGIRT'S DECISION AND RESPONDENT IS PROCEDURALLY BARRED FROM ASSERTING ANY IF IT'S PREVIOUS PROCEDURAL DEFENSES THAT WERE AVAILABLE AGAINST PETITIONER'S SUBJECT MATTER JURISDICTION CLAIM IN COLLATERAL POST CONVICTION PROCEEDINGS WHEN CONVICTION WAS FINAL ?**

**WHETHER McGIRT V. OKLAHOMA ANNOUNCED A NEW VINDICATIVE REPLACEMENT OF SUBSTANTIVE RULE DICTATED BY PRIOR PRECEDENT MADE RETROACTIVE BY TEAGUE'S EXCEPTION TO NON-RETROACTIVITY ? WHICH RESPONDENT REFUSED TO APPLY RETROACTIVELY AS STATE POSTCONVICTION RELIEF TO CASES FINAL WHEN McGIRT WAS DECIDED ON JULY 09, 2020 ?**

**WHETHER LACK OF SEMINOLES NATIONS VOLUNTARY CONSENT TO SHARED ASSUMPTION OF SUBJECT MATTER JURISDICTION BY RESPONDENTS AND ATTEMPTED EXERCISE OF JUDICIAL POWER BY RESPONDENTS IS VOID ?**

## LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,
- has been designated for publication but is not yet reported; or,
- is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,
- has been designated for publication but is not yet reported; or,
- is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix "A" to the petition and is

- reported at \_\_\_\_\_; or,
- has been designated for publication but is not yet reported; or,
- is unpublished.

The opinion of the SEMINOLE COUNTY DISTRICT ~~COURT OF CRIMINAL APPEALS~~ court appears at Appendix "B" to the petition and is

- reported at \_\_\_\_\_; or,
- has been designated for publication but is not yet reported; or,
- is unpublished.

**JURISDICTION**

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was August 25, 2021. A copy of that decision appears at Appendix "A".

A timely petition for rehearing was thereafter denied on the following date: NA, and a copy of the order denying rehearing appears at Appendix NA.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**U.S.C.A. CONST. AMEND. V**

**U.S.C.A. CONST. AMEND. XIV**

**U.S.C.A. CONST. ART. VI, Clause 2. Supremacy Clause.**

**U.S.C.A. CONST. ART. 1, Section 8, Clause (3) Indian Commerce Clause.**

**TREATY WITH THE CREEKS, JUNE 14, 1866. 14 STAT. 785.**

**TREATY WITH THE CREEKS, AUGUST 7, 1856. 11 STAT. 699.**

**U.S.C.A. CONST. ART. III.**

**TITLE 18 U.S.C.A. SECTION 1151**

**TITLE 18 U.S.C.A. SECTION 1152**

**TITLE 18 U.S.C.A. SECTION 1153**

**TITLE 18 U.S.C.A. SECTION 3231**

**TITLE 18 U.S.C.A. SECTION 3242**

**TITLE 28 U.S.C.A. SECTION 116. Oklahoma.**

**TITLE 28 U.S.C.A. SECTION 2101.(c). Supreme Court; time for appeal or Certiorari; docketing; stay.**

**TITLE 28 U.S.C.A. SECTION 2102. Priority of criminal cases on appeal from State Court.**

**TITLE 28 U.S.C.A. SECTION 2104. Review of State Court Decisions.**

**TITLE 28 U.S.C.A. SECTION 2106. Determination.**

**TITLE 28 U.S.C.A. SECTION 1251.b.2.**

**TITLE 28 U.S.C.A. SECTION 1257. State Courts; Certiorari.**



## STATEMENT OF THE CASE

APPENDIX "C" THE U.S. SUPREME COURT GRANTED PETITION FOR CERTIORARI. VACATED JUDGMENT AND CASE REMANDED TO THE COURT OF CRIMINAL APPEALS.

APPENDIX "B" JANUARY 19, 2021, THE DISTRICT COURT OF SEMINOLE COUNTY, STATE OF OKLAHOMA CONDUCTED EVIDENTIARY HEARING ON MCGIRT V. OKLAHOMA DECISION AND DENIED POST-CONVICTION RELIEF. COLLATERAL POST-CONVICTION APPEAL WAS PERFECTED BY PETITIONER PRO SE.

APPENDIX "A" THE OCCA ON AUGUST 25, 2021, CASE NO. PC-2018-343 ENTERED ORDER AFFIRMING DENIAL OF PETITIONER'S ELEVENTH AND SUBSEQUENT APPLICATION FOR POST-CONVICTION RELIEF, PROSE MOTION TO VACATE FOR LACK OF SUBJECT MATTER JURISDICTION; AND PRO SE MOTION TO DISMISS CRF-1977-65 UNDER THE MAJOR CRIMES ACT.

APPENDIX "D" MATLOFF V. WALLACE, 2021 OK CR 15 MAY 21, 2021 WAS USED TO DENY "INDIAN STATUS" REVIEW UNDER "NON-RETROACTIVITY" REVIEW BY OCCA ON COLLATERAL APPEAL.

APPENDIX "E" PETITIONER'S "INDIAN STATUS" WAS ESTABLISHED BY INDIAN SOCIAL LIFE ON RESERVATION BOUNDARIES AND BORN TO A INDIAN MOTHER WITHIN A INDIAN HOSPITAL ON APRIL 14, 1956.

## REASONS FOR GRANTING PETITION

See MATLOFF V. WALLACE, CASE NO. PR-2021-366 (OKLA. CRIM. App. Aug. 12, 2021)

¶ 6 OPINION, p. 4. Respondent: The parties and amici curiae subsequently filed briefs on the question presented. For reasons more fully stated below, we hold today that McGirt v. Oklahoma announced a new rule of criminal procedure which we decline to apply retroactively in a state post conviction proceeding to void a final conviction.

¶ 7 OPINION, p. 4. Respondent: In state post-conviction proceedings, this court has previously applied its own non-retroactivity doctrine - often drawing on, but independent from, the Supreme Court's non-retroactivity doctrine in federal habeas corpus - to bar the application of new "procedural" rules to convictions that were final when the rule was announced.

¶ 9 OPINION, p. 6. Following Teague and its progeny, we would apply a new "substantive" rule to final convictions if it placed certain primary (private) conduct beyond the power of the legislature to punish; or categorically barred certain punishments for classes of persons because of their status...

¶ 27 OPINION, p. 15-16. Respondent's answer: For purposes of our state law retroactivity analysis, McGirt's holding therefore imposed only "procedural" changes, and is clearly a "procedural ruling."

## REASONS FOR GRANTING PETITION

¶ 33 OPINION, P. 20 RESPONDENT: AS ALREADY DEMONSTRATED, MCGIRT IS NEITHER A SUBSTANTIVE RULE NOR A WATER-SHED RULE OF CRIMINAL PROCEDURE. THE SUPREME COURT ITSELF HAS NOT DECLARED THAT MCGIRT IS RETROACTIVE TO CONVICTIONS ALREADY FINAL WHEN THE RULING WAS ANNOUNCED?

¶ 40 OPINION, P. 23-24 RESPONDENT HELD: BECAUSE WE HOLD THAT MCGIRT AND OUR POST-MCGIRT RESEAVATION RULING SHALL NOT APPLY RETROACTIVELY TO VOID A FINAL STATE CONVICTION.

JOHNSON V. OKLAHOMA, CASE NO. PC-2018-343, (OKLA. CRIM. APP. AUGUST 25, 2021) OKLAHOMA COURT OF CRIMINAL APPEALS HAD AFFIRMED THIS PETITIONER'S ELEVENTH AND SUBSEQUENT STATE POST-CONVICTION APPLICATION FOR POSTCONVICTION RELIEF UNDER MCGIRT DECISION. OCCA APPLIED ITS AUGUST 12, 2021 MATLOFF DECISION TO BAR MCGIRT RELIEF BASED ON NON-RETROACTIVITY ANALYSIS CONTRARY MCGIRT'S DECISION AND ITS HOLDING.

JULY 09, 2020, CASE NO. 18-6098 THE U.S. SUPREME COURT VACATED THE OCCA JUDGMENT AND REMANDED FOR CONSIDERATION IN LIGHT OF MCGIRT V. OKLAHOMA, 140 S. CT. 2452 (2020). AFFIRMING THE TENTH CIRCUIT JUDGMENT ENTERED IN MURPHY V. ROYAL, 875 F.3D 896 (10TH CIR. NOV. 9, 2017), IN SHARP V. MURPHY, 140 S. CT. 2412 (DECIDED JULY 9, 2020).

See COLLINS V. YOUNG BLOOD, 492 U.S. 37, 41, N. L., 110 S. CT. 2715, 111 L. ED. 2D 30 (DECIDED JUNE 21, 1990) (ALTHOUGH THE RULE OF TEAGUE V. LANE, 489 U.S. 288, 109 S. CT. 1060, 103 L. ED. 2D 334 - WHICH PROHIBITS THE RETROACTIVE APPLICATION OF NEW RULES TO CASES ON COLLATERAL REVIEW -- IS GROUNDED IN IMPORTANT CONSIDERATIONS OF FEDERAL - STATE RELATIONS, IT IS NOT JURISDICTIONAL IN THE SENSE THAT THIS COURT, DESPITE A LIMITED GRANT OF CERTIORARI, MUST ~~RAISE~~ AND DECIDE THE ISSUE SUA SPONTE). See MONTGOMERY V. LOUISIANA, 577 U.S. 190, 136 S. CT. 718, 193 L. ED. 2D 599 (DECIDED JAN. 25, 2016) AS REVISED JAN. 27, 2016 \* DEFINING SUBSTANTIAL RULE OF CRIMINAL LAW.

## QUESTION PRESENTED

WHETHER RESPONDENT WAIVED/FORFEITED ANY OF IT'S PROCEDURAL DEFENSES IN MCGIRT'S DECISION AND RESPONDENT IS PROCEDURALLY BARRED FROM ASSERTING ANY OF IT'S PREVIOUS PROCEDURAL DEFENSES THAT WERE AVAILABLE AGAINST PETITIONER'S SUBJECT MATTER JURISDICTION CLAIM IN COLLATERAL POST CONVICTION PROCEEDINGS WHEN CONVICTION WAS FINAL ?

### STANDARD OF REVIEW:

State-Court procedural default, non-retroactivity, Statute of Limitations, is affirmative defenses in Federal Habeas Corpus proceedings and State is obligated to raise procedural default, non-retroactivity, Statute of Limitations or lose the right to assert the defense thereafter. See Hooks V. Ward, 184 F.3d 1206, n. 7 (10thCir.1999). See Day V. McDonough, 547 U.S. 198, n. 1, 3, 126 S. Ct. 1675 (Decided April 25, 2006)(If a State intelligently chooses to waive a Statute of Limitations Defense to a State prisoner's habeas Petition, a District Court is not at liberty to disregard that choice).

### ARGUMENT AND AUTHORITIES:

See McGirt V. Oklahoma, 140 S. Ct. 2452, I. supra. (Decided July 09, 2020)(Oklahoma has put aside whatever "procedural defenses" it might have and asked us to confirm that the land once given to the Creeks is no longer a reservation Today).

See Rule 5, Rule governing Section 2254 federal habeas corpus cases, 28 U.S.C.A. reads:

(b) Contents, Addressing the Allegations; stating the Bar.

The answer must address the Allegations in the Petition. In Addition, it must state Whether any claim in the Petition is Barred by a failure to exhaust remedies, a procedural bar, non-retroactivity, or a statute of limitations.

See McGirt, Supra. IV. (Oklahoma and Dissent warn, our holding might be used by other tribes to vindicate similar treaty promises)...sic...(Each

tribe's treaties must be considered on their own terms, and the only question before us concerns the Creek). U.S.C.A. Const. Art. VI, Clause 2.

U.S.C.A. Const. Art. I, Section 8. Clause 3. (Indian Commerce Clause).

The Respondent intelligently, knowingly, voluntarily waived/forfeited all of it's procedural defenses in the McGirt Decision. The Respondent chose to defend the judgment instead of relying upon any state procedural defenses it had before the Court. The respondent knowing the collateral consequences that their waiver decision in McGirt would impact future treaties with the other Five tribes of the State of Oklahoma. That McGirt would be used or applied to the others of the Five tribes treaties. Until these other four of the Five tribes reservation boundaries have been adjudicated by the State highest Court of Criminal Appeals. The respondent intelligently waived any of it's procedural defenses as part of the McGirt decision. The respondent can no longer rely on State procedural default, non-retroactivity, statute of limitation as affirmative defenses. Due to waiver of defenses under the McGirt decision. As it was intelligently, knowingly, voluntarily waived/forfeited by respondent's own decision with collateral consequences made a part of McGirt's decision. See Collins V. Youngblood, 110 S. Ct. 2715, 2718, n. 1 (1994). McGirt V. Oklahoma, 140 S. Ct. 2452 (Decided July 09, 2020). Johnson V. Oklahoma, 141 S. Ct. 167 (Decided July 09, 2020)(the United States Supreme Court vacated judgment and remanded to Respondent to consider in light of McGirt's decision). Montgomery V. Louisiana, 577 U.S. 190, 136 S. Ct. 718 (Decided May 28, 2016). See Silas Pickett V. United States, 216 U.S. 456, 30 S. Ct. 265, 54 L. Ed. 566 (Decided Feb. 21, 1910)(The Courts of the State could not be empowered to prosecute crimes against the laws of another sovereignty). Title 18 U.S.C.A. Sections 3231, 3242, 1151(a), 1153(a), 1111. See Southern Surety Co. V. State of Oklahoma, 36 S. Ct. 692 (Decided June 12, 1916)(The test of jurisdiction of the State Courts was to be the same that would have applied had "Indian Territory been a State" when the offenses were committed).

Respondent's procedural defenses were not preserved for review but intelligently, knowingly, voluntarily waived/forfeited by respondent's own conduct and words before the Supreme Court Justices. The Court should dismiss Respondent's Matloff V. Wallace decision and should be reversed based on the determination that McGirt's decision was not retroactive in post conviction collateral review. In the interest of justice and judicial economy.

## QUESTION PRESENTED

**WHETHER *McGirt v. Oklahoma* ANNOUNCED A NEW VINDICATIVE REPLACEMENT OF SUBSTANTIVE RULE DICTATED BY PRIOR PRECEDENT MADE RETROACTIVE BY *Teague's* EXCEPTION TO NON-RETROACTIVITY ? WHICH RESPONDENT REFUSED TO APPLY RETROACTIVELY AS STATE POSTCONVICTION RELIEF TO CASES FINAL WHEN *McGirt* WAS DECIDED ON JULY 9, 2020 ?**

By Justice Gorsuch: All our decision today does is vindicate that replacement promise. And if the threat of unsettling convictions cannot save a precedent of this Court. *Ramos v. Louisiana*, 590 U.S. \_\_\_, \_\_\_-\_\_\_ (2020) (Plurality opinion)(slip Op., at 23-26), it certainly cannot force us to ignore a Statutory promise when no precedent stands before us at all.

See *Montgomery v. Louisiana*, 577 U.S. 190, 136 S. Ct. 718, 193 L. Ed. 2d 599 (Decided Jan. 25, 2016)(As Revised Jan. 27, 2016). Syllabus 15-16. *Teague's* conclusion establishing the retroactivity of new substantive rules is best understood as resting upon Constitutional premises. That Constitutional command is, like all Federal law, binding on State courts. This holding is limited to *Teague's* First exception for substantive Rules; the Constitutional status of *Teague's* exception for watershed Rules of Procedure need not be addressed here.

Syllabus 24-25. If a State may not Constitutionally insist that a prisoner remain in Jail on Federal habeas review, it may not Constitutionally insist on the same result in its own postconviction proceeding's, under the Supremacy Clause of the U.S. Constitution. If a State collateral proceeding is open to a claim controlled by Federal law, the State Court, has a duty to grant the relief \*205 that Federal law requires. Where State collateral review proceedings permit prisoner to challenge the lawfulness of their confinement, State cannot Refuse to give retroactive effect to a substantive Constitutional right that determines the outcome of that challenge.

August 12, 2021, PR-2021-366, the Oklahoma Court of Criminal Appeals determined the United States Supreme Court did not rule *McGirt v. Oklahoma* was retroactive. That Matloff Court determined that *McGirt* would not apply to all Major Crimes Convictions that were final before *McGirt* was decided on July 9, 2020.

August 12<sup>th</sup>, 2021, PR-2021-366, the OCCA held that: Following Teague and its progeny, we would apply a new substantive rule to final convictions if it placed certain primary (private) conduct beyond the power of the Legislature to punish, or categorically barred certain punishments for classes of persons because of their status. U.S.C.A. Const. Art. I, Sec. 8, Cl. 3

McGirt did not consist of “procedural rule”, but interpreted substantive Rules under Federal Jurisdictional statutes and Tribal treaties governing select group or class of individuals identified by Indian status, under the Major Crimes Act. Those Indians who committed crimes on Federal reservations that were specific under 18 USCA 1153(a), 1151(a), 3242, 3231.

Syllabus 26. As a final point, it must be noted that the retroactive application of substantive rules does not implicate a State’s weighty interests in ensuring the finality of convictions and sentences. Teague warned against the intrusiveness of “continually forcing the States to Marshal Resources in order to keep in prison defendants whose trials and appeals conformed to then-existing Constitutional standards.” 489 U.S., at 370, 109 S. Ct. 1060. This concern has no application in the realm of substantive rules, for no resources Marshaled by a State could preserve a conviction or sentence that the Constitution deprives the State of Power to Impose. See Mackey, 401 U.S., at 693, 91 S. Ct. 1160 (Opinion of Harlan, J.)(There is little societal interest in permitting the criminal process to rest at a point where it ought properly never to repose).

Syllabus 2-23. The U.S. Supreme Court addressed the void, State process where the State had no authority to Act, under a substantial Rule imposed by the Constitution and the Federal Supremacy Clause law of the land.

The Supreme Court held that: As discussed, the Court has concluded that the same logic governs a challenge to a punishment that the Constitution deprives States of Authority to Impose. See Ex Parte Siebold, 100 U.S. 371, 25 L. Ed. 717 (1880).

This same analogy is applicable to interpretation of the Federal Statutes and Treaties in McGirt V. Oklahoma. See Pickett V. United States, 216 U.S. 456, 30 S. Ct. 265, 54 L. Ed 566 (Decided February 21, 1910)(The Courts of the State, could not be empowered to prosecute crimes against the laws of another sovereignty). Sharp V. Murphy, 140 S. Ct. 2412 (July 09, 2020); Johnson V. Oklahoma, 141 S. Ct. 192 (July 09, 2020). Title 18 U.S.C.A. Sections 3231, 3242, 1151(a), 1153(a), 1111. U.S.C.A. Art. VI, Clause 2.

## QUESTION PRESENTED

WHETHER LACK OF SEMINOLES NATIONS VOLUNTARY CONSENT TO SHARED ASSUMPTION OF SUBJECT MATTER JURISDICTION BY RESPONDENT AND ATTEMPTED EXERCISE OF JUDICIAL POWER BY RESPONDENTS IS VOID

### STANDARD OF REVIEW:

See U.S. V. FIDELITY 7 GUAR. CO., 309 u.s. 506, 60 s. Ct. 653, 84 L. Ed. 2d 894 (Decided March 25, 1940)(Notes 7-12, states: Consent alone gives Jurisdiction to adjudge against a Sovereign. Absent that Consent, the attempted exercise of Judicial Power is Void). Georgia V. Public Resource Org. Inc., 140 S. Ct. 1498, 206 L. Ed. 2d 732 (Decided April 27, 2020)(Every citizen is presumed to know the law). Estes V. Conoco-Phillips Co., 2008 OK 21, n. 17, 184 p.3d 518 (Same). See Treaty With The Creeks, June 14, 1866. 14 Stat. 785. Treaty With The Creeks, August 7, 1856. 11 Stat. 699. U.S.C.A. Const. Art. I, Section 8, Clause 3 (Indian Commerce Clause). U.S.C.A. Const. Art. VI, Clause 2. (Supreme Law of Land). See V.T.A., Inc. V. Airco, Inc., 597 F.2d 220 (10th Cir. April 19, 1979); Orner V. Shalala, 30 F.3d 1307 (10<sup>th</sup> Cir. July 19, 1994). Title 18 U.S.C.A. Sections 1151, 1152, 1153, 3231, 3242.

### ARGUMENT AND AUTHORITIES:

In 1953 Governor Johnston Murray submitted his letter to Congress and Assistant Secretary to Department of the Interior Mr. Omar Lewis inquiry. Governor Murray stated Respondent already exercised an assumption of Jurisdiction over tribal lands/reservations and did not need to comply with Public Law 280. However, the States can no longer unilaterally assume jurisdiction over Indian Country under Public law 280 after 1953. Since the power was repealed by the Act of April 11, 1968, 82 Stat. 77, 79. 25 U.S.C.A. Section 1323(b) (Supp. IV. 1965-1969)(Commonly known as the Civil Rights Act of 1968. However, this Act does grant States the right to assume Civil and Criminal Jurisdiction over Indian Country, but only with the "Consent" of the affected Indian Tribes. 25 U.S.C.A. Sections 1321-1322. In time the State of Kansas was added as a State that could assume concurrent jurisdiction over Indian Country through an Act of Congress.

Oklahoma has never obtained Consent from the tribes to assume Criminal jurisdiction nor amended Oklahoma Constitution Article 1, Section 3



which constituted an impediment to assumption of State jurisdiction over Indian Country within the Eastern half of the State of Oklahoma. Which includes the Five Tribes affected by the Respondent's lack of compliance with the Civil Rights Act of 1968.

August 12, 2021, Case No. PR-2021-366, the Respondent issued an Opinion that exceeds its jurisdiction and defys the Treaties between the Seminoles, the Creek Nations, and United States as contracting parties. The Treaty with the Creeks 1856. Article 26. See Article 4 of this 1856 Treaty declared "that no State or Territory shall ever pass laws for the government of the Creek and Seminole Tribes of Indians." Article 18. The United States solemnly agreed, bind themselves to protect the Seminoles and Creeks from domestic strife, hostile invasion, and from aggression by other Indians and White persons included.

June 14, 1866, Treaty with the Creeks, 14 Stat. 785. Article 14. It was further agreed that all treaties entered into between the United States, Creek, Seminoles, which are inconsistent with any of the Articles shall be and hereby rescinded and annulled.

The Matloff decision was such an attack by the Respondent on the complete sovereignty of the Seminole Nation of Oklahoma. See Joe Johnson, Jr., Petitioner, V. State of Oklahoma, Respondent., Case No. PC-2018-343. The Oklahoma Court of Criminal Appeals as Respondents know there decisions AFFIRM respondent as State of Oklahoma, has never obtained the Consent from the Seminole Nation to share concurrent criminal jurisdiction. The respondent knowing without a valid consent from the Semninole Nation any Order entered is attempted exercise of judicial power without the Consent of the Seminole Tribe and void.

U.S.C.A. Const. Art. VI, Clause 2 (U.S. Supremacy Clause). U.S.C.A. Const. Art. 1, Section 8, Clause (8) (Indian Commerce Clause). Okla. Const. Art. 1, Section 1. (Okla. Supremacy Clause).

The Justices should hold the Matloff decision by the Respondent is null and void as a matter of law. Respondent does not have Tribal Consent to make any State law be annexed to tribal reservations or make any law governing tribal reservations within the Eastern District of the State of Oklahoma. The Petition for Writ of Certiorari should issue to review the decisions of Matloff V. Wallace and its application denying Joe Johnson, Jr. V. State of Oklahoma postconviction relief. See APPENDIX "A" "D" "C".

The U.S. Supreme Court is authorized to exercise its jurisdiction under 28 U.S.C.A. Sections 1257, 1251. b. 2, 2104, 2102, 2101. (c), 116. U.S.C.A. CONST. AMENDS. 5, 14. SEMINOLE NATION V. UNITED STATES, 318 U.S. 629, 63 S.Ct. 784, 789, n. 4 87 L.Ed 1046 (Decided April 5, 1943); Southern Surety, Co. v. State of Oklahoma, 36 S.Ct. 692 (Decided June 12, 1916) (By Justice Devanter: (Thus, by the concurrent action of Congress and the State of Oklahoma... The Enabling Act and the State Constitution United...)). U.S.C.A. CONST. ART. I, SECTION 8, CLAUSE (3). U.S.C.A. CONST. ART. VI, SECTION 1 AND OKLA. CONST. ART. I, SECTION 1. OKLA. CONST. ART. I, SECTION 3 (DISCLAIMER). ENABLING ACT, SECTIONS 1, 27. (CONTAINS A REVOCABILITY CLAUSE NOT SUBJECT TO RECALL AND CONSTITUTES A CONTRACT BETWEEN SOVEREIGN NATIONS. WALL, 241 U.S. 87, 60 L.Ed. 905, 36 S.Ct. 493.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joe Johnson, Jr.

Date: 2021/09/08