

IN THE DISTRICT COURT IN AND FOR PONTOTOC COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
Plaintiff,)
vs.) Case No. CF-02-124
TYLER JAY MULLINS,)
Defendant.)

ORDER GRANTING DEFENDANT'S
APPLICATION FOR POST-CONVICTION RELIEF

This matter came on for hearing on January 15, 2021, on the Defendant's Application for Post-Conviction Relief. The State of Oklahoma appeared by Assistant District Attorney, Ms. Tara Portillo. The Defendant appeared by attorney of record, Mr. James L. Hankins.

The Court took this matter under advisement pending the ruling in *Bosse v. State of Oklahoma*, 2021 OK CR 3.

The Court has reviewed the Defendant's Application for Post-Conviction Relief and finds as follows:

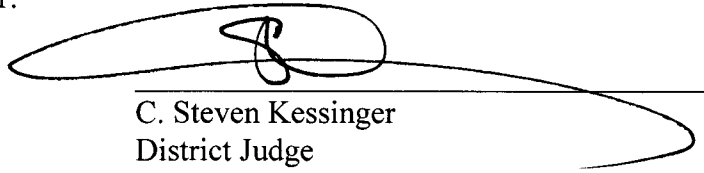
1. The Defendant is enrolled as a member or eligible for enrollment as a member in a federally recognized Indian tribe.
2. The crime alleged was committed within Pontotoc County, which has been determined to be a part of the Chickasaw Nation Reservation.

Based upon the Supreme Court's decision in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), and the case of *Bosse v. State of Oklahoma*, 2021 OK CR 3, the Court finds that the Defendant's Application for Post-Conviction Relief should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Defendant's Application for Post-Conviction Relief is hereby GRANTED.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the findings herein are **stayed for twenty (20) days after this Order is filed** to allow the State of Oklahoma to communicate with the United States Attorney for the Eastern District of Oklahoma and the Chickasaw Nation to insure timely issuance of a warrant or detainer from the proper jurisdiction. See Title 22 O.S. §§845 and 846.

Signed this March 17, 2021.

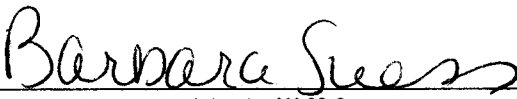


C. Steven Kessinger
District Judge

CERTIFICATE OF DELIVERY

I, Barbara Suess, Bailiff to District Judge C. Steven Kessinger, do hereby certify that on the March 17, 2021, a true and correct certified copy of the foregoing pleading was electronically mailed to:

Ms. Tara Portillo Assistant District Attorney P.O. Box 146 Ada, OK 74821 tara.portillo@dac.state.ok.us	Mr. James L. Hankins 2524 N. Broadway Edmond, OK 73034 jameshankins@ocdw.com
Prosecutor's Office Chickasaw Nation P.O. Box 1548 Ada, OK 74821-1548 ChickasawProsecutor@chickasaw.net	Mr. Shannon Henson Chief-Criminal Division U.S. Attorney's Office Eastern District of Oklahoma Shenson@usa.doj.gov



BARBARA SUESS, Bailiff for
Judge C. Steven Kessinger