

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

PATRICK DWAYNE MURPHY,)	
)	
Petitioner/Appellant,)	
)	
-vs-)	Case Nos. 07-7068 & 15-7041
)	
TERRY ROYAL, Warden,)	
Oklahoma State Penitentiary,)	
)	
Respondent/Appellee.)	

**APPELLEE’S UNOPPOSED MOTION TO EXTEND
DEADLINE FOR FILING PETITION FOR REHEARING**

COMES NOW Appellee, Terry Royal, by and through Mike Hunter, Attorney General of Oklahoma, and respectfully requests an extension of time of thirty days in which to file his petition for rehearing. In support thereof, Respondent states as follows:

1. This Court issued an opinion on August 8, 2017, granting Petitioner’s petition for writ of habeas corpus. This Court determined that Petitioner committed the murder within the boundaries of the Creek Nation reservation, and that said reservation’s boundaries had not been diminished or disestablished.

2. Respondent will file a petition for rehearing. Said petition is currently due on August 22, 2017. Respondent respectfully requests an extension of thirty days for the following reasons.

3. Counsel for Respondent was at a conference in Pasadena, California, from August 8 to August 12. Counsel for Respondent has also been ordered to file a response to the petition for rehearing in *Lay v. Royal*, Case No. 15-5111. The response is due on August 24, 2017.

4. This Court's opinion is 126 pages long. It will take considerable time to review the opinion and the relevant case law to formulate the best concise presentation for rehearing.

5. It is anticipated that the petition for rehearing will be based both on arguments related to the Antiterrorism and Effective Death Penalty Act of 1996 and on the merits of the reservation question, both of which are quite complex.

6. Finally, this case presents an important question beyond the validity of Petitioner's conviction and death sentence. If this Court's opinion stands, other criminal defendants in Oklahoma (past, present and future) may argue that the State lacks jurisdiction to prosecute criminal cases over areas that are home to over a million Oklahoma citizens. There also exists the potential for changes in the State's civil and regulatory authority.

7. Counsel has contacted Patti Palmer Ghezzi, counsel for Petitioner, who does not object to this motion.

Based on the foregoing, Respondent respectfully requests that this Court extend the deadline for his petition for rehearing to September 21, 2017.

Respectfully submitted,

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

s/Jennifer L. Crabb

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ATTORNEYS FOR RESPONDENT

CERTIFICATE OF SERVICE

On this 14th day of August, 2017, a true and correct copy of the foregoing was transmitted to the Clerk of this Court for filing and for transmission to the following:

Patti Palmer Ghezzi
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s/Jennifer L. Crabb
JENNIFER L. CRABB

CERTIFICATE OF DIGITAL SUBMISSION

This is to certify that:

1. All required redactions have been made and, with the exception of those redactions, every document submitted in Digital Form or scanned PDF format is an exact copy of the document filed with the Clerk;
2. The digital submissions have been scanned for viruses with Symantec Endpoint Protection, Updated 8/14/17, and according to said program, are free of viruses.

s/ JENNIFER L. CRABB