

SUPREME COURT

## Justices put Okla. lands case on hold

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The U.S. Supreme Court building. Architect of the Capitol/Flickr

Stay tuned for news on how a Supreme Court decision related to an Oklahoma murder could affect oil and gas developers in the Sooner State.

On the court's last day of opinions for the current term, the justices yesterday held *Carpenter v. Murphy* for reargument later this year or early next.

The capital case, argued in November, will determine whether 3 million acres in eastern Oklahoma still belong to the Muscogee (Creek) Nation.

"We would have liked to have seen a more affirmative decision in favor of clarity," said Petroleum Alliance of Oklahoma President Chad Warmington. "At the end of the day, I don't think it's a bad thing that the court is wrestling with the decision."

The case stems from a 2017 decision by the 10th U.S. Circuit Court of Appeals that the 1999 murder of tribal member George Jacobs occurred not on state lands but on the Muscogee (Creek) reservation.

Oklahoma therefore did not have the power to try and sentence to death fellow tribal member Patrick Murphy for the crime, the appellate court found.

Attorneys for Warmington's alliance, formerly the Oklahoma Independent Petroleum Association, told the Supreme Court that the 10th Circuit's finding would have "far-reaching implications" for the industry group's membership.

"If the 10th Circuit ruling is upheld, it's going to create quite a mess in Oklahoma," Warmington said. "A huge patchwork of different regulatory taxation structures would be a nightmare not just for oil and gas, but for any business."

During oral arguments, the justices pressed for details about the broader implications of finding that the tribe in fact owned the land in question ([Energywire](#), Nov. 28, 2018).

Justice Neil Gorsuch recused himself from the case, creating a possibility for a 4-4 split decision.

The Supreme Court's next term begins in October.

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