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COMMENT

FORUM AND FACT: NAVIGATING TRIBAL JURISDICTION AND JURY PROCEEDINGS

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I. Introduction

The taking of life is an irreversible act that is altogether detrimental not only to the victim and the family left behind but also to society at large. The judicial system has been shaped and formed in such a way to hopefully offer impartial, but honest, justice to those involved in these situations. Thus, justice demands accurately interpreting and upholding the laws that have been set in place. While state courts must adhere to the laws of their individual land, they have a heightened duty to ensure that those laws fall under the ultimate law of the land—the United States Constitution.¹

Further, there is a great need for clarity and guidance when considering the tribal-jurisdictional landscape in Oklahoma. As recent rulings have implemented victorious changes for some tribes, they have

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1. U.S. CONST. art. VI, cl. 2.

resulted in further discouragement and despair for others. In these cases, the courts and the relevant authorities have an opportunity to exercise equality while also complying with current law—principles that rest at the core of *McCauley v. State*.²

In *McCauley*, following his conviction for manslaughter, Dakota McCauley (“Mr. McCauley”) asserted that the Osage County District Court did not have proper jurisdiction to prosecute him.³ Moreover, Mr. McCauley contended that the district court erred in denying his motions for mistrial, alleging that certain courtroom surveillance footage led to an unfair prosecutorial advantage.⁴ Mr. McCauley also complained that certain procedural errors occurred within jury deliberations and cited an Oklahoma statute in support of his position.⁵

This Comment begins by addressing the relevant law surrounding tribal jurisdiction and trial proceedings. Next, the pertinent facts will be outlined, followed by the procedural history of the case. Finally, this Comment argues that the Oklahoma Court of Criminal Appeals correctly concluded that the district court did not err by upholding Mr. McCauley’s conviction and analyzes the court’s reasoning in reaching its holding.

II. Relevant Law

For any legal case to proceed to trial, there must be proper jurisdiction.⁶ Unlike federal courts, state courts are established by the laws of the state in which they sit and have general jurisdiction over criminal and civil matters.⁷ However, for the tribes in Oklahoma, jurisdiction became increasingly convoluted succeeding the landmark Supreme Court case, *McGirt v. Oklahoma*.⁸ In a narrow 5–4 decision, the Court held that the Muscogee (Creek) Nation remained intact and had not been disestablished.⁹ But the *McGirt* ruling had broader implications as it reaffirmed the Cherokee, Choctaw, Chickasaw, and Seminole Nations as federally recognized Indian Country.¹⁰ Indian Country is defined by 18

2. *McCauley v. State*, 2024 OK CR 8, 548 P.3d 461.

3. *Id.* ¶ 4, 548 P.3d at 464.

4. *Id.* ¶ 6, 548 P.3d at 465.

5. *Id.* ¶¶ 20-23, 548 P.3d at 468-69.

6. *McKinley v. State*, 427 P.2d 121, 123 (Okla. Crim. App. 1967) (citing *Inverarity v. Zumwalt*, 279 P.2d 372, 373 (Okla. Crim. App. 1955)).

7. See U.S. CONST. amend. X; OKLA. CONST. art. VII, § 7(a).

8. *McGirt v. Oklahoma*, 591 U.S. 894, 936 (2020).

9. *Id.* at 937.

10. *Id.*

U.S.C. § 1151 as:

(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.¹¹

The decision in *McGirt* was guided in part by the *Solem* test.¹² This test originated from the 1984 case *Solem v. Bartlett* which provides a framework for evaluating the status of Indian land.¹³ Courts relying on this framework consider three factors: (1) the statutory language of the congressional act; (2) the circumstances and history surrounding the passage of the act; and (3) the post-enactment history involving how the land has been governed over time.¹⁴ Following an in-depth analysis, the *McGirt* Court held that there were no legal grounds for disestablishment for any of the five reservations.¹⁵ As a result of the judgment and a reflection of the Major Crimes Act of 1885, the State of Oklahoma is prohibited from prosecuting certain crimes committed against or by Native Americans that occur within the boundary of established Indian Country.¹⁶ Thus, the Court found that jurisdiction is proper only within the walls of federal or tribal courts.¹⁷

Beyond jurisdiction, the Sixth Amendment sets forth an indispensable right that all criminal defendants must be afforded a “speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.”¹⁸ Therefore, the numerous rules and regulations set forth to govern trial proceedings must be adhered to and upheld with great

11. 18 U.S.C. § 1151.

12. *McGirt*, 591 U.S. at 913-14.

13. See *Solem v. Bartlett*, 465 U.S. 463, 469-72 (1984).

14. *McGirt*, 591 U.S. at 943-45 (Roberts, C.J., dissenting) (citing *Solem v. Bartlett*, 465 U.S. 463, 470-72 (1984)).

15. *Id.* at 937 (majority opinion).

16. *Id.* at 932; 18 U.S.C. § 1153.

17. *McGirt*, 591 U.S. at 932.

18. U.S. CONST. amend. VI.

precision. Specifically, jurors are granted protections by state law, providing them with privacy and security to deliberate freely.¹⁹ According to title 21, section 588 of the Oklahoma Statutes:

If any person, firm or corporation shall knowingly and willfully, by means of any device whatsoever, records or attempts to record the proceedings of any grand or petit jury in any court of the State of Oklahoma while such jury is deliberating or voting or listens to or observes, or attempts to listen to or observe, the proceedings of any grand or petit jury of which he is not a member in any court of the State of Oklahoma while such jury is deliberating or voting shall be guilty of a . . . felony.²⁰

Therefore, it is a crime for any individual who is not a member of the court—including attorneys—to observe jury proceedings.²¹ This not only preserves the jury itself, but this privacy also supports the Sixth Amendment’s guarantee of a fair trial and an impartial jury.²² Further reinforcing the significance of jury privacy, title 22, section 857 of the Oklahoma Statutes provides:

After hearing the charge, the jury may either decide in court, or may retire for deliberation. If they do not agree without retiring, one or more officers must be sworn to keep them together in some private and convenient place, and not to permit any person to speak to or communicate with them, nor do so themselves, unless it be by order of the court, or to ask them whether they have agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court.²³

Thus, when a jury deliberates a matter, Oklahoma law demands that jurors are kept together in a private space to do so.²⁴ Moreover, jurors are not permitted to speak with outside sources after being charged with the

19. OKLA. STAT. tit. 21, § 588 (2026).

20. *Id.*

21. *Id.*

22. U.S. CONST. amend. VI.

23. OKLA. STAT. tit. 22, § 857 (2026).

24. *Id.*

case unless specifically allowed by the court.²⁵ This illustrates the diligent efforts implemented to help ensure juries are shielded from bias and improper persuasion.

Due to the foundational rules in place, a mistrial may be declared if legal error occurs.²⁶ Granting a motion for mistrial is solely up to the trial court's discretion and "warranted only when an event at trial results in a miscarriage of justice or constitutes an irreparable and substantial violation of a defendant's constitutional or statutory rights."²⁷ Therefore, the grounds for mistrial involve more than minor missteps; it requires consequential and incurable misconduct that undermines a defendant's rights.²⁸

III. The Case

In the early morning of May 9, 2018—after a night of drinking in Osage County at the home of Dakota McCauley, a member of the Osage Nation—Frankie Cotto ("Cotto") awoke to a twelve-inch hunting knife.²⁹ Suspecting Cotto had been engaging in sexual relations with Mr. McCauley's girlfriend, Soncherie "Carley" Boudreaux, Mr. McCauley fatally attacked Cotto.³⁰ Throughout the attack, Cotto sought to escape Mr. McCauley's vengeance, yet fought to no avail.³¹ Cotto's cause of death was the result of "multiple sharp force injuries."³² The State of Oklahoma pressed charges, and the case went to trial.³³

During evening jury deliberations, defense counsel learned that there was a video camera in the courtroom, potentially allowing people to observe the jury's deliberation.³⁴ In response to this discovery, the "[d]efense counsel [requested] that the camera be turned off."³⁵ Following some confusion as to whether the camera could be turned off, the trial court directed a courthouse employee to deactivate the camera.³⁶ While

25. *See id.*

26. Tryon v. State, 2018 OK CR 20, ¶ 92, 423 P.3d 617, 643.

27. *Id.* (citing Knighton v. State, 912 P.2d 878, 894 (Okla. Crim. App. 1996)).

28. *Id.*

29. McCauley v. State, 2024 OK CR 8, ¶ 3, 548 P.3d 461, 464.

30. *Id.* ¶ 3, ¶ 3 n.3, 548 P.3d at 464.

31. *Id.*

32. *Id.*

33. *Id.*

34. *Id.* ¶ 6, 548 P.3d at 465.

35. *Id.* ¶ 8, 548 P.3d at 465.

36. *Id.*

the camera was successfully disabled, defense counsel further requested that the assistant district attorneys (“ADA”) provide an affirmation that there had been no observation of the jury’s deliberations.³⁷ ADA Tara Jack (“Jack”) provided a statement under oath that she was “not privy to” the video and that she nor the other ADA—Brett Mize (“Mize”)—had “witnessed any video into that courtroom.”³⁸ Nonetheless, defense counsel remained unsatisfied and sought additional affirmation from Mize.³⁹ Mize admitted that, on his way to the fourth-floor restroom in the courthouse, he came across the camera system displaying the live footage of the jury deliberating.⁴⁰ Mize confessed to viewing the screen for about thirty seconds but emphasized that he did not glean any useful information since there was no audio available.⁴¹ Jack and Mize complied with the defense counsel’s request and reiterated that no information from the courtroom camera had been gained.⁴² Still, the defense counsel maintained a state of discontent and asserted that the sheer viewing of the video was grounds for a mistrial.⁴³ The trial court denied the motion for mistrial, asserting that the State had provided answers to questions asked about the viewing of the video—once again confirming that no valuable information was obtained.⁴⁴ Defense counsel demanded more and challenged whether Mize had truthfully answered the questions.⁴⁵ Once again, the trial court was not persuaded and denied a second motion for mistrial, and a protective order was issued to safeguard the video of the jury’s deliberations.⁴⁶

The video in question arose after the defense counsel consented to granting the jury a break, posing no objection.⁴⁷ After the jury charge—but prior to deliberations—courtroom surveillance footage showed courtroom personnel “placing water and snacks . . . on the tables” as well as an individual juror talking on his cell phone at the top of the jury box.⁴⁸ The video then displayed the judge briefly interacting with the jurors.⁴⁹ On

37. *Id.* ¶ 10, 548 P.3d at 466.

38. *Id.* ¶ 9, 548 P.3d at 465-66.

39. *Id.* ¶ 10, 548 P.3d at 466.

40. *Id.*

41. *Id.*

42. *Id.* ¶¶ 10-11, 548 P.3d at 466.

43. *Id.* ¶ 12, 548 P.3d at 466.

44. *Id.*

45. *Id.* ¶ 13, 548 P.3d at 466.

46. *Id.*

47. *Id.* ¶ 27, 548 P.3d at 469.

48. *Id.* ¶ 28, 548 P.3d at 469-70.

49. *Id.* ¶ 29, 548 P.3d at 470.

his way out, the judge spoke with a single juror.⁵⁰ After, the bailiff collected the jurors' cell phones as the jurors began to amble around the courtroom.⁵¹ According to the defense counsel, this was further grounds for mistrial, though not raised until later on appeal.⁵²

In sum, Mr. McCauley's bloodshed—rooted in jealous suspicion—emerged into a trial that led to an unraveling of technical procedural concerns, including jurisdiction, prosecutorial viewing of jury deliberations, and issues regarding juror conduct and separation during deliberations.⁵³ Despite the defense's motions for mistrial—their efforts were found meritless and unconvincing to the trial court—presenting both parties an opportunity to fight for an honest and fair trial.⁵⁴

A. Procedural History

In October 2021, in the District Court of Osage County—just fifteen months after the *McGirt* decision—Mr. McCauley was pronounced guilty of manslaughter in the first degree, receiving a sentence of twenty-two years imprisonment.⁵⁵ On February 10, 2022, Mr. McCauley subsequently appealed the decision to the Oklahoma Court of Criminal Appeals, seeking a new trial, contending that the district court erred in its judgment by denying the motions for mistrial.⁵⁶ In addition, Mr. McCauley raised two new issues on appeal regarding juror prejudice, asserting that his conviction should be reversed.⁵⁷

B. The Court's Analysis

On appeal, Mr. McCauley supported his motion for a new trial by presenting four main arguments: (1) the district court lacked jurisdiction; (2) structural error occurred because prosecutors observed live stream jury deliberations; (3) subsequent to being charged with the case, a juror had a

50. *Id.*

51. *Id.* ¶ 30, 548 P.3d at 470.

52. *Id.* ¶ 25, 548 P.3d at 469.

53. *Id.* ¶¶ 3-20, 548 P.3d at 464-68.

54. *Id.* ¶¶ 12-13, 548 P.3d at 466.

55. *Id.* ¶¶ 1, 4, 548 P.3d at 464.

56. *Id.* ¶ 14, 548 P.3d at 466-67.

57. *Id.* ¶¶ 20-22, 548 P.3d at 468-69.

conversation on his cell phone; and (4) the trial judge had improper communications with the jury.⁵⁸ Relying on Tenth Circuit precedent, the court declined to revisit the jurisdictional issue but evaluated the second proposition under an abuse of discretion standard.⁵⁹ Abuse of discretion occurs when there “is a clearly erroneous conclusion and judgment, that is clearly against the logic and effect of the facts presented.”⁶⁰ Lastly, the court responded to propositions three and four under a standard of plain error review, which “requires the defendant to prove: (1) the existence of an actual error; (2) that the error is plain or obvious; and (3) that the error affected his substantial rights.”⁶¹

(1) Jurisdiction

Mr. McCauley first argued that the district court lacked jurisdiction to prosecute him because of his status as a citizen of the Osage Tribe.⁶² He contended, that because the crime occurred on the Osage Nation Reservation, the offense occurred in Indian Country.⁶³ Central to Mr. McCauley’s argument was the *McGirt* decision in 2020.⁶⁴ Mr. McCauley asserted that the decision had successfully overruled the prior Tenth Circuit precedent, *Osage Nation v. Irby*.⁶⁵ The court applied the *Solem* test to analyze whether the Osage reservation was disestablished.⁶⁶ Although there was an absence of explicit statutory language disestablishing the Osage reservation, the historical context surrounding the passage of the Osage Allotment Act of 1906 solidified the conclusion that the Nation had been disestablished by Congress and was no longer recognized.⁶⁷

While Mr. McCauley is an enrolled member of the Osage Tribe, there was no mention of the Osage reservation in *McGirt*, nor was there any evidence to suggest that *McGirt* abolished the *Solem* test that would have allowed for an alternative analysis.⁶⁸ Furthering its opinion, the court

58. *Id.* ¶¶ 1, 4, 6, 20, 22, 548 P.3d at 464-65, 468-69.

59. *Id.* ¶¶ 5, 19, 548 P.3d at 465, 468.

60. *Id.* ¶ 19, 548 P.3d at 468 (quoting *Norman v. State*, 2023 OK CR 4, ¶ 17, 528 P.3d 1142, 1146).

61. *Id.* ¶¶ 25-26, 548 P.3d at 469 (quoting *Washington v. State*, 2023 OK CR 22, ¶ 7, 541 P.3d 852, 856).

62. *Id.* ¶ 4, 548 P.3d at 464.

63. *Id.*

64. *Id.* ¶ 4, 548 P.3d at 465.

65. *Id.*

66. *Osage Nation v. Irby*, 597 F.3d 1117, 1122-23 (10th Cir. 2010).

67. *Id.* at 1122-27.

68. *McCauley*, ¶ 4, 548 P.3d at 464.

echoed the holding of a 2018 case, *Chance v. Zinke*, reflecting and affirming the disestablishment of the Osage reservation.⁶⁹ Relying on prior precedent, the court declined to review of the jurisdictional issue and aligned with the trial court—highlighting that *McGirt* did not explicitly overrule *Osage Nation*.⁷⁰ For these reasons, Mr. McCauley’s claims that the State of Oklahoma had no jurisdiction to try him ultimately failed.⁷¹

(2) Courtroom Surveillance Footage

Next, the court examined Mr. McCauley’s position that structural error transpired when the courtroom security camera recorded jury deliberations, and one of the prosecutors observed the footage.⁷² Because of this observation, Mr. McCauley declared his constitutional rights were violated and that the statutory violation was so offensive that it warranted “automatic reversal of his conviction.”⁷³ However, the State was able to effectively demonstrate, through sworn testimony, that they gained no advantage by observing the surveillance footage of the jury deliberating.⁷⁴ Thus, no error was substantial enough to equate to a “miscarriage of justice.”⁷⁵

The court rightly recognized that an error had occurred in the viewing of the video footage, but that it did not constitute a constitutional violation.⁷⁶ At most, the error constituted a criminal offense pursuant to title 21, section 588 of the Oklahoma Statutes.⁷⁷ The court then turned to *United States v. Olano*, where the Supreme Court emphasized that “the deliberations of the jury shall remain private and secret.”⁷⁸ This illustrated that the court acknowledged the significance of the confidentiality and privacy jurors are afforded by the law and that it is worth protecting.⁷⁹

Extending its analytical support, the court then highlighted *United States v. Mayes*.⁸⁰ In *Mayes*, while none of the security cameras indicated

69. *Id.* ¶ 5, 548 P.3d at 465.

70. *Id.* ¶ 4, 548 P.3d at 464.

71. *Id.* ¶ 5, 548 P.3d at 465.

72. *Id.* ¶ 6, 548 P.3d at 465.

73. *Id.*

74. *Id.* ¶ 19, 548 P.3d at 468.

75. *Id.* (quoting *Knighton v. State*, 912 P.2d 878, 894 (Okla. Crim. App. 1996)).

76. *Id.* ¶ 16, 548 P.3d at 467.

77. *Id.* (citing OKLA. STAT. tit. 21, § 588 (2026)).

78. *Id.* ¶ 15, 548 P.3d at 467 (internal quotation marks omitted) (quoting *United States v. Olano*, 507 U.S. 725, 737 (1993)).

79. *Id.*

80. *Id.* ¶ 16, 548 P.3d at 467.

they were on, it was common knowledge that security cameras were present in the courtroom.⁸¹ Yet there were no objections to the cameras in the room while the jury deliberated, and none of the juror's signaled awareness of the presence of the cameras or were concerned.⁸² The *Mayes* court held that the fact that the security camera lacked audio where deliberations took place was not detrimental or "inherently prejudicial."⁸³ Analogously—in Mr. McCauley's case—the jurors did not express awareness of cameras; therefore, they could not feel unease about their presence.⁸⁴ Because of this evidence and the sworn affirmations of Jack and Mize, the court rejected Mr. McCauley's argument and sided with the lower court—holding that the trial court did not abuse its discretion in denying the requests for mistrial.⁸⁵

Although there was not a bar disciplinary action in *McCauley*, the court in a hypothetical bar disciplinary action could have decided the action in the same manner that it decided *State ex rel. Oklahoma Bar Association v. Shields* if a disciplinary action had been brought.⁸⁶ In *Shields*, the Oklahoma Supreme Court reviewed the conduct of an ADA who observed jury deliberations through live courtroom surveillance footage during a murder trial for two hours and extended an invitation for another attorney to join.⁸⁷ Further, the ADA entered and exited the area where the footage was displayed, illustrating that their presence was not by accident or small missteps.⁸⁸ Not only did the ADA partake in criminal conduct, but he also failed to properly disclose his actions before the court.⁸⁹ Unlike the prosecutor in *McCauley*, the prosecutor's conduct reviewed in *Shields* was not promptly disclosed. Thus, the conduct unambiguously represented a violation of title 21, section 588 of the Oklahoma Statutes.⁹⁰ The court is still grappling with this issue as the defendant's substantial rights may have been impeded upon.⁹¹

In sum, *Shields* offers an example of how a different kind of court would handle a similar issue, emphasizing the *McCauley* court's

81. See *United States v. Mayes*, 606 F. Supp. 3d 1127, 1128-30 (W.D. Okla. 2022).

82. *Id.* at 1129.

83. *Id.* at 1131-32.

84. *McCauley*, ¶ 18, 548 P.3d at 468.

85. *Id.* at ¶¶ 18-19, 548 P.3d at 468.

86. *State ex rel. Okla. Bar Ass'n v. Shields*, 2025 OK 20, ¶ 34, 657 P.3d 361, 372.

87. *Id.* ¶¶ 7-8, 567 P.3d at 365.

88. *Id.* ¶ 8, 567 P.3d at 365.

89. *Id.* ¶ 9, 567 P.3d at 365.

90. *Id.* ¶ 22-23, 567 P.3d at 368-69.

91. See *id.* ¶ 28, 567 P.3d at 370-71.

determination that Mr. McCauley’s constitutional rights were not violated under title 21, section 588.⁹² Rather, it was a “criminal offense,” at best, for Mize to observe the courtroom surveillance footage.⁹³ However, the court leaves no room for ambiguity in its feelings toward criminal conduct, regardless of the gravity of the offense.

(3) The Jury

Finally, the court analyzed two new issues on appeal that were absent in the motion for a new trial.⁹⁴ First, Mr. McCauley complained that the trial judge’s inaction, allowing a juror to talk “on [the] . . . phone after being charged with the case,” constituted fundamental error.⁹⁵ Second, he complained that improper communication took place between the trial judge and the jury during an authorized break.⁹⁶

(a) Outside Communications

In support of the first argument, Mr. McCauley directed the court to title 22, section 857 of the Oklahoma Statutes, highlighting that “prejudice is presumed” if jurors interact with outsiders.⁹⁷ Upon discovery of a juror speaking on his cell phone during the jury’s ten-minute break, Mr. McCauley contended that he was entitled to a reversal of his conviction of manslaughter in the first degree because it was a violation of law that impeded on his constitutional rights.⁹⁸ Here, the court does not offer much analysis on the issue; rather, it allots the majority of its reasoning to the issue of juror separation and the alleged improper communications that transpired therein.⁹⁹

(b) Juror Separation

Despite Mr. McCauley facing denial of his three prior propositions, he accentuated his last argument by clinging to the other half of title 22,

92. McCauley v. State, 2024 OK CR 8, ¶ 16, 548 P.3d 461, 467.

93. *Id.*

94. *Id.* ¶ 25, 548 P.3d at 469.

95. *Id.* at ¶¶ 20-21, 548 P.3d at 468.

96. *Id.* at ¶¶ 22-23, 548 P.3d at 469.

97. *Id.* ¶ 32, 548 P.3d at 470 (internal quotation marks omitted) (quoting Wackerly v. State, 2000 OK CR 15, ¶ 18, 12 P.3d 1, 10).

98. *Id.* ¶ 21, 548 P.3d at 468-69.

99. *See id.* ¶¶ 33-36, 548 P.3d at 471.

section 857, alleging an error when the judge spoke with a juror for a moment on a ten-minute break.¹⁰⁰ But the break prior to deliberations was not opposed by either party.¹⁰¹ The court compared Mr. McCauley's complaint to that of the appellant in *Wackerly v. State*.¹⁰² In *Wackerly*, the appellant raised a mirroring issue on appeal complaining that error occurred due to a ten-minute break after the case had been charged to the jury.¹⁰³ Yet the *Wackerly* court noted its previous holdings which stated that, "[w]hen the court allows the jury to separate and counsel for both sides is present, their failure to object waives any potential error caused by the separation."¹⁰⁴

Mr. McCauley's proposition echoes the appellant's proposition in *Wackerly* yet falls short for the same reason. The *Wackerly* court concluded that because there was a failure to object to any juror break, errors present during the break were automatically waived.¹⁰⁵ Here, the court momentarily circles back to the allegation of juror cell phone use and points out that even if that constituted error by law, the error was waived.¹⁰⁶ Simultaneously, the court did not cite to any evidence that suggested that any of the jurors had discussed the case with outside sources as prohibited by statute.¹⁰⁷

In further support of both issues, the court stressed that "[n]ot every communication between the court and the jury outside the presence of counsel is prohibited. Communications with the jury regarding simple housekeeping matters do not give rise to a statutory violation."¹⁰⁸ The court appears to adopt an approach that "communications" as described in title 21, section 857 are related to discussing the case and matters thereof, rather than mere contact with outsiders.¹⁰⁹ In this case, Mr. McCauley "fail[ed] to show actual or obvious error."¹¹⁰ Thus, the court held that there were no violations and rejected his arguments accordingly.¹¹¹

100. *Id.* ¶ 23, 548 P.3d at 469.

101. *Id.* ¶ 27, 548 P.3d at 469.

102. *Id.* ¶ 32, 548 P.3d at 470.

103. *Wackerly v. State*, 2000 OK CR 15, ¶17, 12 P.3d 1, 10.

104. *Id.* ¶ 18, 12 P.3d at 10 (alteration in original) (quoting *Elliott v. State*, 753 P.2d 920 (Okla. Crim. App. 1988)).

105. *Id.* ¶ 19, 12 P.3d at 10.

106. *McCauley*, ¶ 33, 548 P.3d at 470.

107. *Id.* ¶ 34, 548 P.3d at 471.

108. *Id.* ¶ 35, 548 P.3d at 471 (quoting *Warner v. State*, 144 P.3d 838, 875-76).

109. *Id.* ¶ 34, 548 P.3d at 471.

110. *Id.* ¶ 27, 548 P.3d at 469.

111. *Id.* ¶ 37, 548 P.3d at 471.

V. Final Reflections

McCauley v. State highlights several points. First, it underscores the long-lasting fight for jurisdictional sovereignty put forth by Native Americans. Although there is no contrasting case law to challenge the current precedent on this issue, it is worth noting the resilience and strength of those who are dedicated to upholding tribal sovereignty. The court was correct in holding that the *McGirt* decision did not explicitly overrule prior case law, such as *Osage Nation*, as it failed to address or evaluate the Osage reservation's current standing as Indian Country.¹¹² But *McCauley* possesses the potential to serve as a motivating steppingstone toward regaining federally recognized land for the Osage Tribe. This case emphasizes the recent, yet complex, challenge that Native Americans face when being recognized as a tribal member but lacking in territorial autonomy.¹¹³ While fighting for extended tribal rights is frowned upon by some, tribal restoration is essential and invaluable. Nevertheless, serious criminal offenses such as homicide demand punishment regardless of geography, and the court came to a correct conclusion based on the present law.

Next, this case demonstrates the importance of ensuring jury privacy and security while also upholding statutes based on true and original intent—not altering them to fit personal desires. The jury is one of the many privileges embodied within the American judicial system that should be safeguarded with careful consideration. But because of inevitable flaws, the jury and the proceedings therein should be challenged when appropriate. Here, the court properly acknowledged the errors present when prosecutorial viewing of jury deliberations occurred, expressing that there was law to be upheld and further consequences for violating it.¹¹⁴ Simultaneously, the court provided assurance through its opinion that the statutes were being properly interpreted and applied in a diligent manner, ensuring they were not taken out of context so as to adequately convey justice.

This case exemplifies the importance of closely following legal precedent and conducting careful statutory interpretation. Although this case is not marked by significant legal victories or grave injustices, it *does* exemplify what it looks like for a court to fairly and precisely administer the rule of law—respecting both the grievances of the defendant and the

112. *Id.* ¶¶ 4–5, 548 P.3d at 464–65.

113. *Id.* ¶ 4, 548 P.3d at 464.

114. *Id.* ¶ 16, 548 P.3d at 467.

value of law set in place.

VI. Conclusion

Mr. McCauley did not meet his burden of proof in demonstrating that the district court faulted in its decision to overrule the motions for mistrial, nor could his jurisdictional claims stand against the established precedent. Likewise, the court correctly found that Mr. McCauley's arguments were inadequate to compromise the integrity of the jury proceedings, by applying a standard of plain error review. Thus, the court ultimately and accurately expressed that none of the alleged errors encroached upon Mr. McCauley's constitutional rights, nor did they bear weight in the outcome of the trial. This eventually led the court to side with the lower court by affirming that there was no legal basis for a mistrial.¹¹⁵ The court's analysis demonstrates a thorough and knowledgeable assessment of both procedural and jurisdictional claims. Here, the court properly addressed Mr. McCauley's case and ruled accordingly.

115. *Id.* ¶ 2, 548 P.3d at 464.