IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA) 14	
RICHARD EUGENE GLOSSIP,	MICHAEL S. RICHIE CLERK
Appellant,	
v.	Case No. D-2005-310
STATE OF OKLAHOMA,	
Appellee.	

NOTICE PURSUANT TO 22 O.S.2011, § 1001.1 REGARDING EXECUTION DATE

Richard Glossip is a death row inmate in state custody at the Oklahoma State Penitentiary in McAlester, Oklahoma. Glossip murdered Barry Van Treese in January 1997 and was twice convicted of first degree murder in Oklahoma County District Court. Glossip v. State, 2007 OK CR 12, ¶ 1 & n.1, 157 P.3d 143, 147 (discussing procedural history). On May 5, 2014, the United States Supreme Court denied Glossip's petition for writ of certiorari seeking review of the Tenth Circuit's ruling affirming the denial of federal habeas relief. Glossip v. Trammell, 2014 WL 859612 (U.S. May 5, 2014). This capped years of appellate review in state and federal court of Glossip's murder conviction and death sentence from the second trial. See Glossip v. State, 2007 OK CR 12, 157 P.3d 143, cert. denied, 552 U.S. 1167, 128 S. Ct. 1124, 169 L. Ed. 2d 952 (2008) (direct appeal); Glossip v. State, No. PCD-2004-978, slip op. (Okl.Cr. Dec. 6, 2007) (unpublished) (state post-conviction relief application); Glossip v. Workman, No. CIV-08-326-HE, slip op. (W.D. Okla. Sept. 28, 2010) (unpublished) (federal habeas petition); Glossip v.

Trammell, 530 Fed. Appx. 708 (10th Cir. 2013) (unpublished) (federal habeas appeal).

Traditionally, the State would request an execution date for Glossip be set sixty (60) days from May 5, 2014, pursuant to 22 O.S.2011, § 1001.1(D). As this Court is aware, the Attorney General has a nondiscretionary duty under 22 O.S.2011, § 1001.1(D) to bring to the attention of the Court of Criminal Appeals the Supreme Court's action in Glossip's case and to suggest the appropriateness of setting a new execution date.

On April 29, 2014, Governor Mary Fallin issued Executive Order 2014-10 staying the execution of Charles Warner for fourteen (14) days "to allow the Oklahoma Department of Corrections to evaluate the current execution protocol and to allow exhaustion of all possible legal remedies." As referenced in the State's filing today in the Charles Warner case, the Governor has ordered an investigation by Michael C. Thompson, Commissioner of the Oklahoma Department of Public Safety, into Clayton Lockett's recent execution and has directed him to review Oklahoma's execution protocol and make recommendations for any needed changes or adjustments. *See* Executive Order 2014-11 (filed Apr. 30, 2014) (attached as Exhibit A).

Notably, the Governor and Attorney General have committed publicly that no executions should occur in this state until Commissioner Thompson's

investigation into Clayton Lockett's execution is completed. The Governor has committed to granting Warner an additional stay of execution under her constitutional powers. Okla. Const. art. VI, § 10. The Attorney General has publicly stated that, upon the exhaustion of the Governor's sixty-day stay authority, he would file the appropriate paperwork with this Court to ensure no executions would take place during the pendency of Commissioner Thompson's investigation.

Based upon the foregoing, the State suggests that the setting of Glossip's execution date by this Court is appropriate at this time. The setting of an execution date now will provide certainty to the public and Barry Van Treese's family regarding a final resolution of this case. In setting Glossip's execution date, however, the State asks this Court to consider Commissioner Thompson's investigation. In this regard, the Court should consider public statements by the Governor and Attorney General expressing their belief that Commissioner Thompson's investigation should be completed before any further executions are carried out in this state.

Respectfully submitted,

SETH S. BRANHAM, OBA #18019 ASSISTANT ATTORNEY GENERAL

313 N.E. 21st Street Oklahoma City, Oklahoma 73105 (405) 521-3921 (Voice) (405) 522-4534 (Fax)

COUNSEL FOR THE STATE

CERTIFICATE OF SERVICE

On this 8th day of May, 2014, a true and correct copy of the foregoing was mailed, via regular first-class United States mail, to:

Kathleen A. Lord 1544 Race Street Denver, CO 80203

Mark Henricksen 600 N. Walker, Suite 220 Oklahoma City, OK 73102

SETH S. BRANHAM



FILED

APR.3 0 2014

OKLAHOMA SECRETARY OF STATE

EXECUTIVE DEPARTMENT EXECUTIVE ORDER 2014-11

I, Mary Fallin, Governor of the State of Oklahoma, pursuant to the power vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, hereby appoint Michael C. Thompson, Commissioner of the Oklahoma Department of Public Safety, to conduct an independent review of the events leading up to and during the execution of Clayton Derrell Lockett. The review shall include first, an inquiry into the cause of death of Clayton Derrell Lockett through a thorough examination by a forensic pathologist. Second, an inquiry addressing whether the Oklahoma Department of Corrections correctly followed the agency's current protocol for executions. Lastly, the review shall contain any recommendations to improve the current execution protocol used by the Oklahoma Department of Corrections.

Further, pursuant to the authority in Title 63 section 938 of the Oklahoma Statutes, I direct the Chief Medical Examiner to authorize the examination and autopsy of Clayton Derrell Lockett. Specifically, I hereby direct the Chief Medical Examiner to authorize the Southwestern Institute of Forensic Science (SWIFS) in Dallas, Texas to perform the autopsy, additional examination, and all other related testing on the remains of Clayton Derrell Lockett. In order to effectuate this examination, I direct the Office of the Chief Medical Examiner to transport the remains of Clayton Derrell Lockett to and from this facility for this purpose. The Chief Medical Examiner is ordered to appropriately maintain the remains of Clayton Derrell Lockett until released to his family.

Copies of this Executive Order shall be distributed to the Commissioner of the Oklahoma Department of Public Safety, the Executive Director of the Oklahoma Department of Corrections, the Oklahoma Office of the Chief Medical Examiner, the Southwestern Institute of Forensic Science in Dallas, Texas, and the Oklahoma Attorney General who shall cause the provisions of this order to be implemented by all appropriate agencies of state government.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 30th day of April, 2014.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

MARY FALLIN

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