**IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA**

**In Re: )**

**The Setting of Execution Dates )**

**in -- )**

 **)**

**RICHARD EUGENE GLOSSIP, ) Case Nos. D-2005-310**

**JEMAINE MONTEIL CANNON, ) D-1996-369**

**ANTHONY CASTILLO SANCHEZ, ) D-2006-627**

**PHILLIP DEAN HANCOCK, ) D-2004-1097**

**JAMES CHANDLER RYDER, ) D-2000-886**

**MICHAEL DEWAYNE SMITH, ) D-2003-1120**

**WADE GREELY LAY, ) D-2005-1081**

**)**

**Appellants, )**

 **)**

**vs. )**

**)**

**STATE OF OKLAHOMA, )**

**)**

**Appellee. )**

**MOTION TO RESET EXECUTION DATES**

**SET PURSUANT TO 22 O.S.2021, § 1001.1**

On July 1, 2022, this Court issued two orders setting execution dates in each of the above-cited cases. The State believes a reassessment of the current execution schedule is necessary to maintain confidence in the system and preserve this solemn and important process. For the following reasons, the State now requests that the execution dates be reset.

1. On June 10, 2022, the State notified this Court that there were twenty-five death row inmates whose appeals were exhausted and for whom execution dates should be set given the then-recent ruling by the United States District Court for the Western District of Oklahoma that Oklahoma’s execution protocol is constitutional.

2. The State advised this Court that it was the request of the Oklahoma Department of Corrections (“DOC”) that the executions be held not less than four weeks apart.

3. On July 1, 2022, this Court issued two orders. The first order set execution dates for six inmates, including Richard Glossip. These “Phase One” dates were scheduled four weeks apart. The executions of James Coddington, Benjamin Cole, Richard Fairchild and Scott Eizember have been carried out. John Hanson is not currently in state custody. Richard Glossip’s execution has been stayed twice by Governor J. Kevin Stitt and is currently set for February 16, 2023.

4. This Court’s second order provided execution dates for the remaining nineteen inmates, in four additional phases. The first of these executions (of Jemaine Cannon) is to take place on March 9, 2023. Each of the other five executions in Phase Two are set to take place four weeks apart, with the exception of the execution of Michael DeWayne Smith, which is scheduled five weeks from the prior execution. At the end of each phase, there is an open month to provide flexibility.

5. On January 9, 2023, this Court issued an order confirming the execution dates for Phase Two.

6. Since October 28, 2021, the DOC has successfully carried out eight executions, exhibiting work ethic, professionalism, and concern for the victims’ families throughout. As is to be expected, DOC leadership and personnel have continuously sought to learn and improve during this process. One aspect that has become clear over time is that the current pace of executions is unsustainable in the long run, as it is unduly burdening the DOC and its personnel. This is especially true given the extensive and intensive nature of the training DOC personnel undergo to prepare for each execution.

7. The Attorney General personally attended the execution of Scott Eizember on January 12, 2023. Prior to and after the execution, he personally interviewed DOC leadership and personnel about the execution process. Based on the feedback he received, a determination was made to request a revised execution schedule in order to alleviate the burden on DOC personnel, maintain confidence in the system, and preserve this solemn and important process. Accordingly, the State requests that the dates be reset with sixty days between executions, rather than thirty.

8. This request only pertains to Richard Glossip and the inmates in Phase Two. The execution dates for Phases Three through Five have not been confirmed. The State will return to the Court at the appropriate time to address the dates for the remaining thirteen executions.

**Respectfully submitted,**

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**CERTIFICATE OF MAILING**

On this 17th day of January, 2023, a true and correct copy of the foregoing was mailed to:

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