



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

February 25, 2026

Via Email

Alida Kass
Senior Counsel
Office of Legal Policy
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Alida.kass@usdoj.gov

Re: Oklahoma's Request for Certification under 28 U.S.C. § 2265

Dear Ms. Kass:

Oklahoma has established a mechanism for appointing and compensating counsel in state post-conviction proceedings brought by indigent prisoners in capital cases, and this mechanism satisfies each of the statutory criteria established by Congress. Accordingly, as authorized by 28 C.F.R. § 26.21, I respectfully request certification of Oklahoma's capital counsel mechanism. 28 U.S.C. § 2265(a)(1); *see also* 28 U.S.C. § 2265(a)(3) ("There are no requirements for certification or for application of this chapter other than those expressly stated in this chapter.").

MECHANISM FOR APPOINTING COMPETENT COUNSEL

Chapter 154 of title 28 of the United States Code ("Chapter 154") imposes three conditions for certification of States' counsel-appointment mechanisms. First, a State must establish a process for identifying indigent capital prisoners and offering one or more competent counsel to these prisoners. 28 U.S.C. §§ 2261(c), 2265(a)(1)(A). Second, the State must offer capital prisoners the

choice of a post-conviction attorney who did not represent the prisoner at trial. 28 U.S.C. § 2261(d). Third, the State must establish competency standards for post-conviction counsel appointed under the State’s mechanism. 28 U.S.C. § 2265(a)(1)(C). Oklahoma meets all three requirements. Oklahoma will demonstrate that all requirements have been satisfied since January 1, 2012.¹

This application demonstrates compliance with current Department of Justice regulations. However, the State objects to the extent those regulations add any “requirements for certification or for application of [Chapter 154] other than those expressly stated in [Chapter 154].” 28 U.S.C. § 2265(a)(3).

A. Oklahoma Timely Offers State Post-Conviction Counsel to All Indigent Prisoners Under a Death Sentence

Chapter 154 first requires a qualifying State to establish a process for identifying indigent prisoners who received capital sentences and appointing counsel to represent those inmates during state post-conviction proceedings. In particular, a qualifying state mechanism

must provide for the entry of an order by a court of record -- (1)
appointing one or more counsels to represent the prisoner upon a

¹ There were no pertinent changes in the law in Oklahoma in 2012. Oklahoma has had a qualifying mechanism since November 1, 1987, when Okla. Stat. tit. 22, § 1089 was enacted and included an entitlement to state-funded post-conviction counsel for indigent capital prisoners. Notably, more than forty years ago, the United States Office of Justice Programs published a study of the Oklahoma Appellate Public Defender System that found it to be “performing admirably” with “briefs [that] were uniformly above-average to excellent[.]” <https://www.ojp.gov/ncjrs/virtual-library/abstracts/evaluation-oklahoma-appellate-public-defender-system>.

However, the State has considered the status of all pending capital cases and made the determination that the potential benefits of certification are outweighed by the potential costs of seeking certification for cases that are decades old. The State has only one case that is still being litigated in which the original post-conviction application was filed before 2012, and that case is fully litigated with the exception of a petition for rehearing at the United States Court of Appeals for the Tenth Circuit and a certiorari petition at the Supreme Court. Accordingly, the State has made the determination that it is not in its interest to attempt to retroactively apply Chapter 154 before 2012.

finding that the prisoner is indigent and accepted the offer or is unable competently to decide whether to accept or reject the offer; (2) finding, after a hearing if necessary, that the prisoner rejected the offer of counsel and made the decision with an understanding of its legal consequences; or (3) denying the appointment of counsel upon a finding that the prisoner is not indigent.

28 U.S.C. § 2261(c). Upon a finding that the capital prisoner is indigent and wants appointed counsel, the State “must offer [post-conviction] counsel” to him. *Id.* Such appointment must be “reasonably timely in light of the time limitations for seeking State and Federal postconviction review and the time required for developing and presenting claims in the postconviction proceedings.” 28 C.F.R. § 26.21 (definition of “Appointment”).

Under the mechanism established by the Oklahoma Legislature in 1995, the Oklahoma Indigent Defense System (“OIDS”) “shall represent all indigent defendants in capital cases seeking post-conviction relief upon appointment by the appropriate district court after a hearing determining the indigency of any such defendant.”² Okla. Stat. tit. 22, § 1089(B); Okla. Stat. tit. 22, § 1356 (“The [Oklahoma Indigent Defense] System shall perfect all . . . capital post-conviction proceedings for all cases to which the System is appointed”); Okla. Stat. tit. 22, § 1360(A) (“The System shall represent indigents in proceedings for post[-]conviction relief in all capital cases.”).

Oklahoma’s district courts are required to appoint OIDS “at the time the [direct] appeal is initiated[.]”³ Okla. Stat. tit. 22, § 1356. The court must notify OIDS of the appointment within

² Before 1995, Oklahoma provided counsel through OIDS’ predecessor, the Oklahoma Appellate Public Defender System.

³ In Oklahoma, direct appeal and initial post-conviction proceedings are concurrent. Such concurrent proceedings qualify under 28 U.S.C. § 2261. 28 C.F.R. § 26.21 (definition of State post-conviction proceedings). Initial post-conviction applications are due within 90 days after a prisoner files his or her direct appeal brief. Okla. Stat. tit. 22, Ch. 18, App., Rule 9.7(A)(2), *Rules of the Oklahoma Court of Criminal Appeals*. Extensions of time are permitted and routinely granted. *See, e.g.*, Exhibit 1, docket for *Ware v. Oklahoma*, No. PCD-2022-668, showing two extensions of time

three days and “send all necessary documents to insure [sic] perfection of the appeal to [OIDS] within the time prescribed in the Rules of the Court of Criminal Appeals or under applicable statutes.” Okla. Stat. tit. 22, § 1364. Accordingly, appointments are timely made.⁴ For example, OIDS was appointed to represent David Anthony Ware on May 13, 2022, the very day he was sentenced to death.⁵ Exhibit 5, Notice of Intent to Appeal (and order appointing counsel) in *Oklahoma v. Ware*, Tulsa County No. CF-2020-2889; Exhibit 6, Judgment and Sentence in *Oklahoma v. Ware*, Tulsa County No. CF-2020-2889. Ware’s initial post-conviction application was filed by OIDS three years later, on May 8, 2025. Exhibit 1.

Oklahoma satisfies 28 U.S.C. § 2261(c). *See* 28 C.F.R. § 26.22(a).

B. Oklahoma Offers Unconflicted State Post-Conviction Counsel to All Indigent Prisoners Under a Death Sentence

Initial post-conviction counsel may not have represented the prisoner at trial, unless the conflict of interest is expressly waived. 28 U.S.C. § 2261(d). Oklahoma satisfies this requirement.

Although not required, Oklahoma also offers protection against conflicts of interest more broadly. Oklahoma has 77 counties. The largest two counties (Oklahoma and Tulsa) each have

were requested and granted; Exhibit 2, docket for *Laday v. Oklahoma*, No. PCD-2021-1318, showing two extensions of time were requested and granted. The direct appeal brief is due within 120 days of the notice directing the trial court clerk to transmit the record. Okla. Stat. tit. 22, Ch. 18, App., Rule 9.3(A), *Rules of the Oklahoma Court of Criminal Appeals*. Again, extensions of time are permitted and routinely granted. *See, e.g.*, Exhibit 3, docket for *Ware v. Oklahoma*, No. D-2022-465, showing two extensions of time were requested and granted; Exhibit 4, docket for *Laday v. Oklahoma*, No. D-2021-737, showing three extensions of time were requested and granted. The United States Court of Appeals for the Tenth Circuit has held that Oklahoma provides sufficient time for defendants to develop extra-record claims on direct appeal. *Cuesta-Rodriguez v. Carpenter*, 916 F.3d 885, 900-05 (10th Cir. 2019).

⁴ The regulations add a timeliness requirement not contained within § 2261. 28 C.F.R. § 26.21 (definition of “Appointment”).

⁵ The State is providing some documents as exhibits. However, Oklahoma provides free public docket access at www.oscn.net.

their own public defender system. Okla. Stat. tit. 19, § 138.1a. In these two counties, the county public defenders represent indigent capital defendants at trial and on direct appeal, absent a conflict of interest. Okla. Stat. tit. 19, §§ 138.5, 138.7, 138.9. If a capital defendant is not represented at trial by the county public defender, or if the county public defender has a conflict of interest that prevents that body from representing the capital prisoner on appeal, OIDS will represent the indigent capital prisoner on direct appeal. Okla. Stat. tit. 19, § 138.9; Okla. Stat. tit. 22, § 1356.

In the other 75 counties in the state, OIDS represents indigent capital defendants at trial, absent a conflict of interest. Okla. Stat. tit. 22, §§ 1355, 1355.6, 1355.7. OIDS also represents all capital prisoners in these 75 counties on direct appeal, absent a conflict of interest. Okla. Stat. tit. 22, § 1356. And, as indicated above, OIDS represents capital prisoners from all 77 counties in initial post-conviction proceedings, absent a conflict of interest. Okla. Stat. tit. 22, §§ 1089(B), 1356(A), 1360(A).

State law specifically prohibits conflicts of interest in initial post-conviction proceedings. Okla. Stat. tit. 22, § 1358 (“[i]f the Executive Director determines that a conflict exists after evaluating a case assigned pursuant to Section 1356 of this title [providing for appointment of OIDS in capital direct appeals and post-conviction proceedings], the Executive Director **shall** reassign the case”) (emphasis added). Further, OIDS is designed to avoid conflicts of interest. It is divided into separate Trial and Appellate Divisions. Until November of 2023, OIDS’ Appellate Division was divided into three subdivisions: the General Appeals Division, Homicide Direct Appeal Division, and Capital Post-Conviction Division. *Compare* OIDS 2025 Annual Report (Exhibit 7) at 13 *with* OIDS 2024 Annual Report (Exhibit 8) at 12. At the end of 2023, the Appellate Division was reorganized into two: Appellate Division East and Appellate Division West. Exhibit 7 at 13; Exhibit 8 at 12. An Appellate Program Chief oversees both divisions with the help of a

legal assistant. Exhibit 8 at 12. Each division has a Chief, Deputy Chief, ten additional appellate attorneys, three investigators, three full-time support personnel, and one full-time office aide. Exhibit 7 at 13; Exhibit 8 at 12.

Upon reorganization, OIDS equally distributed its 12 existing capital direct appeal and post-conviction cases, 6 to each division. Exhibit 8 at 15. Going forward, one division will be assigned to a particular prisoner's direct appeal, and the other division will be assigned to the prisoner's initial post-conviction application. Exhibit 8 at 15.

Dating back to January 1, 2012, every initial application for post-conviction relief filed in a capital case in Oklahoma was handled by OIDS. In not one of these cases was the prisoner represented by an attorney who also represented him at trial (or direct appeal). Exhibit 9.

Oklahoma exceeds the requirements of 28 U.S.C. § 2261(d).

C. Oklahoma Offers Competent State Postconviction Counsel to All Indigent Prisoners Under a Death Sentence

As required by regulation, but not by § 2261, Oklahoma appoints competent counsel to all indigent capital defendants on initial post-conviction review. A state must appoint "competent counsel as defined in State standards of competency" which are presumptively adequate "if they meet or exceed either of the following criteria:"

(i) Appointment of counsel who have been admitted to the bar for at least five years and have at least three years of postconviction litigation experience. But a court, for good cause, may appoint other counsel whose background, knowledge, or experience would otherwise enable them to properly represent the petitioner, with due consideration of the seriousness of the penalty and the unique and complex nature of the litigation; or

(ii) Appointment of counsel meeting qualification standards established in conformity with 42 U.S.C. 14163(e)(1) and (2)(A), if

the requirements of [34] U.S.C. [60301](e)(2)(B), (D), and (E) are also satisfied.^[6]

28 C.F.R. § 26.22(b)(1). A State’s competency standards may deviate from these criteria “only if they otherwise reasonably assure a level of proficiency appropriate for State postconviction litigation in capital cases.” 28 C.F.R. § 26.22(b)(2). To the extent these detailed standards are appropriate in light of the clear prohibition against the addition of requirements not expressly stated in § 2261, Oklahoma satisfies them. *See* 28 U.S.C. § 2265(a)(3).

A State’s competency standards are presumptively adequate if the State appoints counsel from “a public defender program that relies on staff attorneys, members of the private bar, or both, to provide representation in capital cases[.]” 34 U.S.C. § 60301(e)(1)(A). The public defender program must “establish and maintain a roster of qualified attorneys,”⁷ “conduct, sponsor, or approve specialized training programs for attorneys representing defendants in capital cases,” and monitor its attorneys and remove any who “fail to deliver effective representation or engage in unethical conduct,” “fail to comply” with training requirements, or “during the past 5 years, have been sanctioned by a bar association or court for ethical misconduct relating” to conduct as a criminal defense attorney. 34 U.S.C. § 60301(e)(2)(B), (D), and (E). Oklahoma satisfies these requirements.

First, OIDS has a staff of 24 qualified attorneys who handle capital and non-capital direct appeals and initial capital post-conviction cases. Exhibit 7 at 13; Exhibit 8 at 12, 15; *see* Okla. Stat.

⁶ When these regulations were adopted, they referred to 42 U.S.C. § 14163(e)(2)(B), (D), and (E), which was subsequently transferred to 34 U.S.C. § 60301.

⁷ Section 60301(e)(2)(A) requires a state public defender program to “establish qualifications for attorneys who may be appointed to represent indigents in capital cases[.]” This subsection is omitted from the regulations.

tit. 22, § 1355.4(C)(9) (requiring the Executive Director to “solicit and maintain a separate list of persons eligible for appointment to capital cases, who meet the qualifications set by the System”). The regulations do not define “qualified,” leaving that to the public defender’s office. *See* Okla. Stat. tit. 22, § 1355.4(C)(6) (requiring the Executive Director to “maintain and improve effective representation for the indigent criminal defendant”). Thus, Oklahoma complies with the requirement that Oklahoma appoints counsel from a public defender program that “establish[es] and maintain[s] a roster of qualified attorneys.”

Second, OIDS provides training for its attorneys. *See* <https://oklahoma.gov/oids/how-do-i.html> (GENERAL QUESTIONS; What services does OIDS provide?; “OIDS provides continuing legal education and training for criminal defense attorneys and investigators.”). By statute, the Executive Director must “promote the education and training of all attorneys representing indigent criminal defendants including, subject to available funding, nationally recognized defense seminars and evidence-based practices regarding behavioral health and treatment of defendants with substance abuse or mental health needs.” Okla. Stat. tit. 22, § 1355.4(C)(5). The Executive Director is also required to “conduct regional or statewide conferences and training seminars for the purpose of implementing the provisions of the Indigent Defense Act.” Okla. Stat. tit. 22, § 1355.4(C)(15).

These statutes demonstrate Oklahoma’s satisfaction of this requirement as of January 1, 2012. Further, beginning in fiscal year 2024, OIDS implemented an “internal training program” with an in-house Training Coordinator. Exhibit 7 at 3. In addition to in-house programs and “externally hosted conferences and seminars,” the Training Coordinator has implemented, in fiscal year 2025, “an impressive library of continuing legal education programs that can be accessed by all OIDS lawyers on an ‘as needed’ basis.” Exhibit 7 at 3-4.

Third, regarding the requirement to monitor and remove attorneys as necessary, OIDS is also obligated by statute to provide quality representation from qualified counsel. Okla. Stat. tit. 22, § 1355.4(C)(6), (C)(9). The forms OIDS requires private attorneys to submit for approval to contract with OIDS provide further evidence that OIDS requires competency and training. Exhibit 10, Appellate Counsel Application.

OIDS contracts with private attorneys in cases involving conflicts of interest. The application for contract appellate work requires the following information: the length of time the attorney has been licensed; current and prior legal experience for the preceding three years; three references; the number of years of criminal litigation experience; the extent of that experience in the previous three years; capital case experience; the extent to which counsel has consulted with experts in various areas; a list of continuing legal education courses taught or attended in the preceding three years; information regarding grievances that might have been submitted to the bar association; an agreement to place reasonable restrictions on the attorney's private practice to ensure competent representation of the client under the contract; and a prohibition on subcontracting. Exhibit 10 at 1-7. These attorneys must be in good standing with the Oklahoma Bar Association. Exhibit 10 at 5-6. For attorneys who are interested in capital contracts, the form asks if the attorney agrees to complete education or training on capital appellate work. Exhibit 10 at 7. Finally, the form requires submission of a writing sample. Exhibit 10 at 9.

Although the appellate application does not specify the competency standards that will apply, the capital trial counsel application provides that: "The Oklahoma Indigent Defense System Board has adopted the American Bar Association Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases." Exhibit 11, Capital Trial Application at 1 (capitalization removed). There is an alternative qualification process for those who cannot satisfy the guidelines.

It requires the attorney to provide at least three references, including a judge before whom the attorney has practiced and an attorney familiar with the applicant's trial abilities; in addition, the applicant must "clearly demonstrate that [he/she] will provide competent legal representation to a defendant in a capital case" and either (1) have experience in death penalty trials that is less than that specified in the guidelines, (2) have "[s]pecialized post-graduate training in the defense of persons accused of capital crimes," or (3) "be available and actively participate in on-going consultation with experienced death penalty counsel[.]" Exhibit 11 at 7.

It stands to reason that OIDS' requirements for appellate counsel would be no less restrictive than the requirements for trial counsel and the requirements for staff would be no less restrictive than the requirements for contract counsel. In fact, OIDS is mindful of assigning capital post-conviction cases to experienced attorneys and providing opportunities to less experienced attorneys to train and work with experienced attorneys in capital litigation. Exhibit 8 at 15. Even if the specific (and non-statutory) requirements of 28 C.F.R. § 26.22(b)(1)(ii) are not satisfied, OIDS "reasonably assure[s] a level of proficiency appropriate for State postconviction litigation in capital cases." 28 C.F.R. § 26.22(b)(2).

For all of the foregoing reasons, Oklahoma provides for the appointment of competent counsel in initial post-conviction proceedings.

D. Oklahoma Compensates State Postconviction Counsel Appointed for Indigent Prisoners Under a Death Sentence

Section 2261 is silent as to the compensation of appointed counsel. However, the regulations, to which the State objects pursuant to 28 U.S.C. § 2265(a)(3), mandate certain compensation levels:

- (c) The mechanism must provide for compensation of appointed counsel.

(1) A State's provision for compensation is presumptively adequate if the authorized compensation is comparable to or exceeds—

(i) The compensation of counsel appointed pursuant to 18 U.S.C. 3599 in Federal habeas corpus proceedings reviewing capital cases from the State;

(ii) The compensation of retained counsel in State postconviction proceedings in capital cases who meet State standards of competency sufficient under paragraph (b);

(iii) The compensation of appointed counsel in State appellate or trial proceedings in capital cases; or

(iv) The compensation of attorneys representing the State in State postconviction proceedings in capital cases, subject to adjustment for private counsel to take account of overhead costs not otherwise payable as reasonable litigation expenses.

(2) Provisions for compensation not satisfying the benchmark criteria in paragraph (c)(1) of this section will be deemed adequate only if the State mechanism is otherwise reasonably designed to ensure the availability for appointment of counsel who meet State standards of competency sufficient under paragraph (b) of this section.

28 C.F.R. § 26.22(c).

Oklahoma satisfies subsections (iii) and (iv) of this requirement. OIDS' 2026 budget submission indicates that, for fiscal year 2025, it budgeted 0.5 full-time staff in the appellate division at under \$35,000, 16.2 staff at \$35,000 to \$70,000, 15.92 staff at \$70,000 to \$100,000, and 10.32 staff at over \$100,000. Exhibit 12, FY 2026 Budget Performance Review at 6. Recall that OIDS' appellate divisions collectively have 2 aides, 6 support staff, 6 investigators, as well as a support person for the Appellate Program Chief, 20 attorneys, two Chiefs, and 2 Deputy Chiefs. Appointed capital trial attorneys are paid up to \$20,000 for lead counsel. Okla. Stat. tit. 22, § 1355.13(A); Okla. Stat. tit. 19, § 138.7a(A). The maximum may be exceeded in exceptional cases

upon approval of the Executive Director and the Board of OIDS. Okla. Stat. tit. 22, § 1355.13(B). Oklahoma satisfies 28 C.F.R. § 26.22(c)(1)(iii).

Salaries for Assistant Attorneys General who handle capital post-conviction cases range from \$90,000-\$137,500, not including several attorneys with dual roles as Supervisory Assistant Attorneys General. It is worth noting that attorneys who represent the State also have greater responsibilities than those who work for OIDS. They handle direct appeals, post-conviction proceedings (including those initiated by OIDS, by private counsel, and by the Federal Public Defender), certiorari in the United States Supreme Court, federal habeas proceedings at the federal district court and circuit court levels, clemency hearings, any evidentiary hearings in state or federal court (except, typically, when a hearing is ordered in a direct appeal or initial post-conviction proceeding), and legal challenges to executions. Nonetheless, the salaries between the two agencies are very comparable. Oklahoma satisfies 28 C.F.R. § 26.22(c)(1)(iv).

Finally, per 28 C.F.R. § 26.22(c)(2), OIDS compensates post-conviction counsel in a manner that is “reasonably designed to ensure the availability for appointment of counsel who meet State standards of competency sufficient under paragraph (b) of” § 26.22. Oklahoma satisfies this requirement.

E. Oklahoma Provides for the Payment of Reasonable Litigation Expenses

Section 2261 is silent as to litigation expenses. However, the regulations, to which the State objects pursuant to 28 U.S.C. § 2265(a)(3), mandate

payment of reasonable litigation expenses of appointed counsel. Such expenses may include, but are not limited to, payment for investigators, mitigation specialists, mental health and forensic science experts, and support personnel. Provision for reasonable litigation expenses may incorporate presumptive limits on payment only if means are authorized for payment of necessary expenses above such limits.

28 C.F.R. § 26.22(d).

Notably, Oklahoma requires claims of ineffective assistance of trial counsel to be raised on direct appeal and provides an adequate opportunity for extra-record evidence to be developed at that time. *See* Okla. Stat. tit. 22, § 1089(C)(1) (“The only issues that may be raised in an application for post-conviction relief” in a capital case “are those that . . . [w]ere not and could not have been raised in a direct appeal”); Okla. Stat. tit. 22, Ch. 18, App., Rule 3.11, *Rules of the Oklahoma Court of Criminal Appeals* (permitting the Court of Criminal Appeals to direct supplementation of the record “when necessary, for a determination of any issue” and permitting a party to request supplementation of the record in support of a motion for new trial or an allegation of ineffective assistance of trial counsel); *see also* *Cuesta-Rodriguez*, 916 F.3d at 900-05 (holding that ineffective assistance of post-conviction counsel cannot constitute “cause” for failing to raise a claim of ineffective assistance of trial counsel on direct appeal because Oklahoma does not prevent (by rule or practice) the raising of such claims on direct appeal as contemplated by *Martinez v. Ryan*, 566 U.S. 1 (2012), and *Trevino v. Thaler*, 569 U.S. 413 (2013)); *Lay v. Royal*, 860 F.3d 1307, 1317 (10th Cir. 2017) (same). Thus, post-conviction counsel should require fewer resources in Oklahoma than in states in which ineffective assistance claims **must** be raised in an application for post-conviction relief.

“OIDS provides services in support of [its] clients’ defenses. These services include investigation, psychological and forensic expert analysis and testimony, attorney/client interpreter services, among others.” <https://oklahoma.gov/oids/how-do-i.html> (GENERAL QUESTIONS; What services does OIDS provide?). As explained above, each OIDS appellate division has a Chief, Deputy Chief, ten additional appellate attorneys, three investigators, three full-time support personnel, and one full-time office aide. Exhibit 8 at 12.

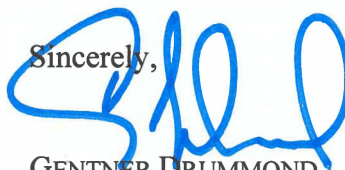
OIDS maintains a list of approved experts. Okla. Stat. tit. 22, § 1355.4(D)(1). Attorneys may request the use of an expert subject to the approval of the Executive Director. Okla. Stat. tit. 22, § 1355.4(D)(1). The experts provide a fee schedule which may be exceeded with the approval of the Executive Director. Okla. Stat. tit. 22, § 1355.4(D)(1). Further, attorneys may request “investigative or other nonexpert witness services” from the Executive Director. Okla. Stat. tit. 22, § 1355.4(D)(2).

Thus, OIDS has investigators on staff for post-conviction cases and has a mechanism to provide expert and nonexpert witness services. These services are funded by OIDS’ budget, as well as two revolving funds established by the legislature: one “to defray expenses relating to the performance of duties imposed upon [OIDs] by law,” Okla. Stat. tit. 22, § 1368, and one “for the purpose of providing forensic testing,” Okla. Stat. tit. 22, § 1370.1. Oklahoma complies with 28 C.F.R. § 26.22(d).

CONCLUSION

Since 1987, Oklahoma has provided post-conviction counsel to indigent defendants sentenced to death. Post-conviction counsel is appointed simultaneously with direct appeal counsel. Counsel are competent, trained, adequately compensated, and provided reasonable litigation expenses. Oklahoma satisfies the requirements for certification under 28 U.S.C. § 2265, with a requested effective date of January 1, 2012.

Sincerely,



GENTNER DRUMMOND
Attorney General of Oklahoma



OKLAHOMA STATE COURTS NETWORK

The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

DAVID ANTHONY WARE,
Petitioner,
v.
STATE OF OKLAHOMA,
Respondent,

No. PCD-2022-668
(Post Conviction-Death)

Filed: 08/04/2022

Appealed from: TULSA County District Court

PARTIES

STATE OF OKLAHOMA, Respondent
WARE, DAVID ANTHONY, Petitioner

ATTORNEYS

Attorney

Braden, Scott W (Bar #1040)
OIDS
111 N. Peters
Norman, OK 73069

Christopher, Kristi (Bar #15958)
P.O. BOX 926
NORMAN, OK 73070

Tulsa County District Attorney
500 S Denver Ave W#900
Tulsa, OK 74103

Represented Parties

WARE DAVID ANTHONY

WARE DAVID ANTHONY

STATE OF OKLAHOMA

EVENTS



None

LOWER COURT COUNTS AND OTHER INFORMATION

Count	Case Number	Statute	Crime	Sentence	Judge
-	CF-2020-2889	-			LaFortune, William D.



EXHIBIT
1
Reporter

DOCKET

Date	Code	Description
08-04-2022	[CASE]	POST CONVICTION-DEATH INITIAL FILING
08-04-2022	[PAY]	RECEIPT # 84018 ON 08/04/2022. PAYOR: KRISTI CHRISTOPHER TOTAL AMOUNT PAID: \$ 0.00. LINE ITEMS: \$0.00 ON POST CONVICTION-DEATH INITIAL FILING.
08-04-2022	[TEXT]	ISSUED CERTIFICATE OF APPEAL
08-04-2022	[TEXT]	NOTICE OF ASSIGNMENT- KRISTI CHRISTOPHER Document Available (#1052969441)  TIFF  PDF
08-08-2022	[ORDER]	JE: ORDER; MUSSEMAN J; COPIES TO HON. WILLIAM LAFORTUNE, DIST COURT CLERK AND ATTORNEYS; NOTICE OF RECUSAL Document Available (#1052969338)  TIFF  PDF
11-18-2022	[NTCP]	NOTICE OF COMPLETION Document Available (#1053898704)  TIFF  PDF
11-18-2022	[RODC]	RECORD ORDERED FROM DISTRICT COURT Document Available (#1053899666)  TIFF  PDF
03-13-2023	[NTCP]	SUPPLEMENTAL NOTICE OF COMPLETION OF RECORD ON APPEAL Document Available (#1054502751)  TIFF  PDF
03-13-2023	[RODC]	RECORD ORDERED FROM DISTRICT COURT Document Available (#1054502753)  TIFF  PDF
03-16-2023	[NTCP]	2ND SUPPLEMENTAL NOTICE OF COMPLETION OF RECORD ON APPEAL Document Available (#1054931436)  TIFF  PDF
03-16-2023	[RODC]	RECORD ORDERED FROM DISTRICT COURT Document Available (#1054931438)  TIFF  PDF
12-11-2023	[NTCP]	SUPPLEMENTAL NOTICE OF COMPLETION OF RECORD ON APPEAL ON DEATH PENALTY CONVICTION Document Available (#1057021184)  TIFF  PDF
12-11-2023	[RODC]	RECORD ORDERED FROM DISTRICT COURT Document Unavailable (#1057021188)



03-07-2025 [TEXT]

PETITIONER'S REQUEST FOR EXTENSION OF TIME TO FILE INITIAL POST-CONVICTION PETITION

Document Available (#1061147390)  TIFF  PDF



03-12-2025 [TEXT]

NOTICE OF ASSIGNMENT - SCOTT BRADEN

Document Available (#1061309013)  TIFF  PDF



03-18-2025 [XATBC]

JE: ORDER; LUMPKIN PJ; COPIES TO ATTORNEYS; ORDER GRANTING PETITIONER'S REQUEST FOR EXTENSION OF TIME TO FILE BRIEF; DUE 04-08-2025

Document Available (#1061309187)  TIFF  PDF



04-08-2025 [TEXT]

PETITIONER'S REQUEST FOR EXTENSION OF TIME TO FILE INITIAL POST-CONVICTION PETITION

Document Available (#1061311284)  TIFF  PDF



04-17-2025 [XATBC]

JE: ORDER LUMPKIN PJ, COPIES TO ATTORNEYS, ORDER GRANTING PETITIONER'S SECOND AND FINAL EXTENSION OF TIME TO FILE POST-CONVICTION BRIEF DUE 05/08/2025

Document Available (#1061311676)  TIFF  PDF

05-08-2025 [PETF]

APPLICATION FOR POST-CONVICTION RELIEF- DEATH PENALTY

Document Available (#1061869000)  TIFF  PDF



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DERRICK TYRELL LADAY,
Petitioner,
v.
STATE OF OKLAHOMA,
Respondent,

No. PCD-2021-1318
(Post Conviction-Death)

Filed: 11/17/2021

Appealed from: OKLAHOMA County District Court

PARTIES

LADAY, DERRICK TYRELL, Petitioner
STATE OF OKLAHOMA, Respondent

ATTORNEYS

Attorney

Hobbs, Wyndi Thomas (Bar #15858)
OIDS
111 N. Peters Ave., Suite 100
NORMAN, OK 73069

Johnson, Chad (Bar #32432)
OIDS
111 N. PETERS AVE., STE 100
NORMAN, OK 73069

Joseph, Danny (Bar #32812)
111 N. Peters Ave.
NORMAN, OK 73069

Ledford, Taylor Laurence (Bar #33950)
OIDS
111 N. Peters Ave., Ste 100
Norman, OK 73069

Represented Parties

LADAY DERRICK TYRELL

LADAY DERRICK TYRELL

LADAY DERRICK TYRELL

EXHIBIT

2

Attorney

Oklahoma County District Attorney
 211 N. Robinson
 Suite 700N
 Oklahoma City, OK 73102

Represented Parties

STATE OF OKLAHOMA











EVENTS

None

LOWER COURT COUNTS AND OTHER INFORMATION



Count	Case Number	Statute	Crime	Sentence	Judge	Reporter
-	CF-2017-1359	-			Kirkpatrick, K. Nikki	

DOCKET

Date	Code	Description
11-17-2021	[CASE]	POST CONVICTION-DEATH INITIAL FILING
11-17-2021	[PAY]	RECEIPT # 82084 ON 11/17/2021. PAYOR: WYNDI THOMAS HOBBS TOTAL AMOUNT PAID: \$ 0.00. LINE ITEMS: \$0.00 ON POST CONVICTION-DEATH INITIAL FILING.
11-17-2021	[TEXT]	ISSUE CERTIFICATE OF APPEAL
11-17-2021	[TEXT]	PETITIONER'S NOTICE OF ASSIGNMENT- WYNDI HOBBS Document Available (#1050531054)  
12-02-2022	[TEXT]	APLNTS NOTICE OF ASSIGNMENT- TAYLOR LEDFORD Document Available (#1054113676)  
05-03-2023	[ORDER]	JE: ORDER; ROWLAND PJ; COPIES TO HON. NIKKI KIRKPATRICK FOR HON. RICHARD KIRBY, DIST COURT CLERK AND ATTORNEYS; NOTICE OF RECUSAL; Document Available (#1055263092)  
10-05-2023	[TEXT]	NOTICE OF ASSIGNMENT - WYNDI THOMAS HOBBS Document Available (#1056509647)  
03-08-2024	[TEXT]	NOTICE OF REASSIGNMENT - FROM WYNDI HOBBS TO CHAD JOHNSON Document Available (#1057693452)  



07-08-2024 [TEXT]

PETITIONER'S REQUEST FOR EXTENSION OF TIME TO FILE APPLICATION

Document Available (#1059149784)  TIFF  PDF



07-17-2024 [XATBC]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING PETITIONER'S FIRST EXTENSION OF TIME TO FILE BRIEF, DUE 08/06/2024

Document Available (#1059149663)  TIFF  PDF



08-05-2024 [TEXT]

PETITIONER'S REQUEST FOR EXTENSION OF TIME TO FILE APPLICATION

Document Available (#1059150839)  TIFF  PDF



08-12-2024 [XATBC]

JE: ORDER ROWLAND PJ, COPIES TO ATTORNEYS, ORDER GRANTING PETITIONER'S SECOND EXTENSION OF TIME TO FILE POST-CONVICTION APPLICATION DUE 09/05/2024

Document Available (#1059560173)  TIFF  PDF



08-13-2024 [TEXT]

PETITIONER'S NOTICE OF ASSIGNMENT OF CO-COUNSEL- DANNY JOSEPH

Document Available (#1059560198)  TIFF  PDF

09-05-2024 [PETF]

APPLICATION FOR POST-CONVICTION RELIEF- DEATH PENALTY



Document Available (#1059561731)  TIFF  PDF

09-05-2024 [TEXT]

PETITIONER'S NOTICE OF PROTECTED MATERIALS IN ATTACHMENTS AND MOTION TO WITHHOLD ATTACHMENTS FROM VIEW ON THE INTERNET

09-05-2024 [TEXT]

PETITIONER'S MOTION FOR EVIDENTIARY HEARING AND DISCOVERY ON POST CONVICTION CLAIMS

Document Available (#1059561732)  TIFF  PDF



OKLAHOMA STATE COURTS NETWORK

The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

DAVID ANTHONY WARE,
Appellant,
v.
STATE OF OKLAHOMA,
Appellee,

No. D-2022-465
(Death)

Filed: 05/19/2022

Appealed from: TULSA County District Court

PARTIES

STATE OF OKLAHOMA, Appellee
WARE, DAVID ANTHONY, Appellant

ATTORNEYS

Attorney

Adams, Kevin D. (Bar #18914)
36 East Cameron St #16
Tulsa, OK 74103

Attorney General Of Oklahoma
313 NE 21st Street
*****Interagency Mail*****

Ledford, Taylor Laurence (Bar #33950)
OIDS
111 N. Peters Ave., Ste 100
Norman, OK 73069

Lockard, James Harry (Bar #18099)
OIDS
111 N. Peters
Norman, OK 73069

Represented Parties

WARE DAVID ANTHONY

STATE OF OKLAHOMA

WARE DAVID ANTHONY

WARE DAVID ANTHONY

EXHIBIT

3

Attorney

OIDS
 111 N. Peters Ave
 Norman, OK 73069

Represented Parties

STATE OF OKLAHOMA

Tulsa County District Attorney
 500 S Denver Ave W#900
 Tulsa, OK 74103





EVENTS

None

LOWER COURT COUNTS AND OTHER INFORMATION

Count	Case Number	Statute	Crime	Sentence	Judge	Reporter
-	CF-2020-2889	-			LaFortune, William D.	Golemboski, Jennifer M
-		-				Crittenden, Sandra L
-		-				Cavenah, Diana Denise
-		-				Hall, Allison M
-		-				Brown, Samantha Sage

DOCKET



Date	Code	Description
05-13-2022	[DOOA]	DATE OF ORDER APPEALED
05-13-2022	[DOOA]	DATE OF ORDER APPEALED
05-19-2022	[CASE]	DEATH INITIAL FILING
05-19-2022	[PAY]	RECEIPT # 83490 ON 05/19/2022. PAYOR: WARE, DAVID ANTHONY TOTAL AMOUNT PAID: \$ 0.00. LINE ITEMS: \$0.00 ON DEATH INITIAL FILING.
05-19-2022	[TEXT]	CERTIFIED COPY OF DIST COURT DEATH WARRANT Document Available (#1052476104)  TIFF  PDF
05-19-2022	[TEXT]	CERTIFIED COPY OF DIST COURT JUDGMENT AND SENTENCE Document Available (#1052476108)  TIFF  PDF

05-19-2022 [TEXT]

ISSUE CERTIFICATE OF APPEAL



05-24-2022 [ORDER]

JE: ORDER; MUSSEMAN J; COPIES TO HON. TRACY PRIDDY, DIST COURT CLERK AND ATTORNEYS; NOTICE OF RECUSAL

Document Available (#1052476205)  TIFF  PDF



05-25-2022 [NTIA]

NOTICE OF INTENT TO APPEAL

Document Available (#1052476154)  TIFF  PDF



05-25-2022 [DSRC]

DESIGNATION OF RECORD

Document Available (#1052476154)  TIFF  PDF



06-08-2022 [TEXT]

APLNTS NOTICE OF ASSIGNMENT- JAMES LOCKARD

Document Available (#1052479097)  TIFF  PDF



06-13-2022 [TEXT]

NOTICE OF FILING TRANSCRIPT IN APPEAL PROCEEDINGS DIANA CAVENAH, CSR

Document Available (#1052221643)  TIFF  PDF



06-13-2022 [TEXT]

NOTICE OF FILING TRANSCRIPT IN APPEAL PROCEEDINGS DIANA CAVENAH, CSR

Document Available (#1052221639)  TIFF  PDF

06-14-2022 [PETF]

PETITION IN ERROR

Document Available (#1052221781)  TIFF  PDF



10-25-2022 [TEXT]

AMENDED PETITION IN ERROR-TENDERED FOR FILING

** CODE CHANGED **



10-26-2022 [TEXT]

APLNTS MOTION FOR LEAVE TO FILE AMENDED PETITION IN ERROR

Document Available (#1053897371)  TIFF  PDF



11-03-2022 [ORDER]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING MOTION TO FILE AN AMENDED PETITION IN ERROR; APLNTS MOTION IS GRANTED. THE CLERK OF THIS COURT IS DIRECTED TO FILE THE AMENDED PETITION IN ERROR TENDERED FOR FILING ON 10/25/2022

Document Available (#1053897510)  TIFF  PDF



11-03-2022 [APIE]

AMENDED PETITION IN ERROR



Document Available (#1053897511)  TIFF  PDF

11-10-2022 [TEXT]



NOTICE OF FILING - ALLISON M. HALL, RDR, CRR, CSR

Document Available (#1053898553)  TIFF  PDF



11-14-2022 [TEXT]

NOTICE OF FILING- SAMANTHA BROWN, CSR
Document Available (#1053897679)  TIFF  PDF



11-14-2022 [TEXT]

NOTICE OF FILING- SAMANTHA BROWN, CSR
Document Available (#1053897680)  TIFF  PDF

11-18-2022 [NTCP]

NOTICE OF COMPLETION
Document Available (#1053898704)  TIFF  PDF

11-18-2022 [RODC]

RECORD ORDERED FROM DISTRICT COURT
Document Available (#1053898697)  TIFF  PDF

11-29-2022 [ORGR]

10 VOL. ORIGINAL RECORD - 1719 PAGES; 2 EXHIBIT ENVELOPES (COPY TO AG)

11-29-2022 [TEXT]

8 SEALED ENVELOPES AND 6 SEALED JURY QUESTIONNAIRES

11-29-2022 [TRAN]

TRANSCRIPT - 9/2/20 - 92 PAGES; ATTACHED EXHIBIT (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 10/6/20 - 8 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 9/8/20 - 39 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 3/29/22 - 25 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 3/11/22 - 106 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 2/25/22 - 90 PAGES; ATTACHED EXHIBIT (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 11/2/20 - 10 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 9/10/20 - 11 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 7/16/20 - 16 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 3/22/22 - 59 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 3/8/22 - 18 PAGES (COPY TO AG)

11-29-2022 [TRAN]

VOL. 1 TRANSCRIPT - 4/4/22 AND 4/5/22 - 300 PAGES (COPY TO AG)

11-29-2022 [TRAN]

VOL. 2 TRANSCRIPT - 4/5/22 AND 4/6/22 - PAGES 301 TO 600 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 3 TRANSCRIPT - 4/6/22 AND 4/7/22 - 601 TO 900 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 4 TRANSCRIPT - 4/7/22 AND 4/8/22 - PAGES 901 TO 1200 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 5 TRANSCRIPT - 4/8/22 AND 4/11/22 - PAGES 1201 TO 1500 (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 3/4/22 - 16 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 3/1/21 - 11 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 12/7/20 - 26 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 10/15/21 - 11 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 2/10/22 - 25 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 1/7/22 - 8 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 4/1/22 - 89 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 1/25/21 - 10 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 3/4/21 - 16 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 12/6/21 - 13 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 7/20/20 - 45 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 5/13/22 - 8 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 3/22/21 - 30 PAGES (COPY TO AG)

11-29-2022 [TRAN]

TRANSCRIPT - 4/23/21 - 16 PAGES (COPY TO AG)

11-29-2022 [TRAN]

VOL. 6 TRANSCRIPT - 4/11/22 THROUGH 4/13/22 - PAGES 1501 TO 1800 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 7 TRANSCRIPT - 4/13/22 AND 4/14/22 - PAGES 1801 TO 1927 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 8 TRANSCRIPT - 4/18/22 - PAGES 1928 TO 2145 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 9 TRANSCRIPT - 4/19/22 - PAGES 2145 TO 2352 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 10 TRANSCRIPT - 4/20/22 - PAGES 2355 TO 2566 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 11 TRANSCRIPT - 4/21/22 - PAGES 2567 TO 2822 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 12 TRANSCRIPT - 4/22/22 - PAGES 2823 TO 3035 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 13 TRANSCRIPT - 4/25/22 - PAGES 3036 TO 3194 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 14 TRANSCRIPT - 4/26/22 - PAGES 3195 TO 3419 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 15 TRANSCRIPT - 4/27/22 - PAGES 3420 TO 3589 (COPY TO AG)

11-29-2022 [TRAN]

VOL. 1 TRANSCRIPT(JT) - 3/1/21 - 17 PAGES (COPY TO AG)

11-29-2022 [TRAN]

VOL. 2 TRANSCRIPT (JT) - 3/2/21 - 194 PAGES (COPY TO AG)

11-29-2022 [TRAN]



VOL. 3 TRANSCRIPT(JT) - 3/3/21 - 205 PAGES (COPY TO AG)

11-29-2022 [TRAN]

VOL. 4 TRANSCRIPT(JT) - 3/4/21 - 72 PAGES (COPY TO AG)



01-27-2023 [TEXT]

APLNTS NOTICE OF OBJECTION TO COMPLETION OF THE RECORD ON APPEAL

Document Available (#1054502208)  TIFF  PDF



01-31-2023 [ORDER]

JE: ORDER; ROWLAND PJ; COPIES TO HON. WILLIAM LAFORTUNE, DIST COURT CLERK AND ATTORNEYS; ORDER STAYING BRIEFING SCHEDULE AND REMANDING FOR HEARING ON APPEAL RECORD; IT IS THEREFORE THE ORDER OF THIS COURT THAT MATTER IS REMANDED TO THE DIST COURT OF TULSA, THE HON. WILLIAM LAFORTUNE, FOR AN EVIDENTIARY HEARING TO BE CONDUCTED WITHIN 30 DAYS OF THE DATE OF THIS ORDER. THE DIST COURT'S ORDER CONTAINING FINDINGS OF FACT SHALL BE FORWARDED TO THIS COURT WITHIN 15 DAYS OF THE EVIDENTIARY HEARING. APLNTS BRIEFING TIME IS STAYED PENDING THE DIST COURT'S FINDINGS. THE CLERK OF THIS COURT SHALL PROVIDE A COPY OF APLNTS OBJECTION TO JUDGE LAFORTUNE ALONG WITH A COPY OF THIS ORDER.



Document Available (#1054502245)  TIFF  PDF

03-13-2023 [NTCP]

SUPPLEMENTAL NOTICE OF COMPLETION OF RECORD ON APPEAL

Document Available (#1054502751)  TIFF  PDF



03-13-2023 [RODC]

RECORD ORDERED FROM DISTRICT COURT
Document Available (#1054502752)  TIFF  PDF



03-16-2023 [NTCP]

2ND SUPPLEMENTAL NOTICE OF COMPLETION OF RECORD ON APPEAL
Document Available (#1054931436)  TIFF  PDF

03-16-2023 [RODC]

RECORD ORDERED FROM DISTRICT COURT
Document Available (#1054931437)  TIFF  PDF

03-16-2023 [TEXT]

DIST COURT ORDER OF THE TRIAL COURT WITH FINDINGS OF FACT REGARDING THE OKLAHOMA COURT OF CRIMINAL APPEALS' ORDER OF 01/31/2023- S/HON. WILLIAM LAFORTUNE
Document Available (#1054931443)  TIFF  PDF

03-20-2023 [ORGR]

ORIGINAL RECORD - 79 PAGES; 1 EXHIBIT ENVELOPE (COPY TO AG)

03-20-2023 [TRAN]

TRANSCRIPT - 2/22/23 - 18 PAGES (COPY TO AG)



03-20-2023 [TRAN]

TRANSCRIPT - 3/1/23 - 37 PAGES (COPY TO AG)



04-14-2023 [TEXT]

1 VOL O.R. , 2 VOL. (3/1/23 AND 2/22/23) TRANSCRIPT TO COURT



04-26-2023 [ORDR]

JE: ORDER; ROWLAND PJ, COPIES TO ATTORNEYS; ORDER DEEMING RECORD COMPLETE, LIFTING STAY, AND ESTABLISHING DUE DATE FOR APPELLANT'S BRIEF; THEREFORE, THE RECORD IS DEEMED COMPLETE. THE STAY PREVIOUSLY IMPOSED IS LIFTED AND APPELLANT'S BRIEF IS DUE TO BE FILED WITHIN 120 DAYS OF THE DATE OF THIS ORDER
Document Available (#1054933348)  TIFF  PDF

08-23-2023 [TEXT]

APPELLANT'S APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE APPELLANT'S BRIEF IN CHIEF
Document Available (#1056218220)  TIFF  PDF

08-29-2023 [XATBC]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING APPELLANT'S FIRST EXTENSION OF TIME TO FILE BRIEF DUE 09/23/2023
Document Available (#1056218466)  TIFF  PDF

09-22-2023 [TEXT]



APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE APPELLANT'S BRIEF IN CHIEF
Document Available (#1056508779)  TIFF  PDF

09-29-2023 [TEXT]

APPELLANT'S NOTICE OF OBJECTION TO COMPLETION OF THE RECORD ON APPEAL
Document Available (#1056509959)  TIFF  PDF



09-29-2023 [XATBC]

JE: ORDER ROWLAND PJ, COPIES TO ATTORNEYS, ORDER GRANTING APPELLANT'S SECOND AND FINAL EXTENSION OF TIME TO FILE BRIEF DUE 10/23/2023

Document Available (#1056509717)  TIFF  PDF



10-04-2023 [ORDR]

JE: ORDER; ROWLAND PJ; COPIES TO HON. WILLIAM LAFORTUNE, DIST COURT CLERK AND ATTORNEYS; ORDER REMANDING MATTER FOR FINDINGS OF FACT CONCERNING APPELLANT'S OBJECTION TO THE COMPLETION OF THE RECORD ON APPEAL AND STAYING BRIEFING TIMES; THEREFORE, THIS MATTER IS REMANDED TO HON. WILLIAM LAFORTUNE, WITH A COPY OF APLNTS OBJECTION, TO MAKE FINDINGS OF FACT CONCERNING THE OBJECTION. THE ORDER OF THEI DIST COURT SETTING FORTH FINDINGS OF FACT SHALL BE FILED WITH THE CLERK OF THIS COURT WITHIN 30 DAYS FROM THE DATE OF THIS ORDER.BRIEFING TIMES WILL BE HELD IN ABEYANCE PENDING RESOLUTION OF APLNTS OBJECTION TO THE RECORD.

Document Available (#1056509786)  TIFF  PDF



10-25-2023 [TEXT]

THE STATE OF OKLAHOMA'S MOTION FOR EXTENSION OF TIME REGARDING THE OCTOBER 4, 2023, ORDER REMANDING MATTER FOR FINDINGS OF FACT CONCERNING APPELLANT'S OBJECTION TO COMPLETION OF RECORD ON APPEAL AND STAYING BRIEFING TIMES

Document Available (#1056510106)  TIFF  PDF



10-30-2023 [ORDR]

JE: ORDER; ROWLAND PJ; COPIES TO HON. WILLIAM LAFORTUNE, DIST COURT CLERK, ALL COURT REPORTERS AND ATTORNEYS; ORDER GRANTING EXTENSION OF TIME FOR FINDING OF FACT CONCERNING APPELLANT'S OBJECTION TO THE COMPLETION OF THE RECORD ON APPEAL; IT IS THEREFORE THE ORDER OF THIS COURT THAT APPELLEE'S REQUEST FOR AN EXTENSION OF TIME IS GRANTED. THE ORDER OF THE DIST COURT SETTING FORTH FINDINGS OF FACT CONCERNING APLNTS OBJECTION TO THE COMPLETION OF THE RECORD ON APPEAL SHALL BE FILED WITH THE CLERK OF THIS COURT ON OR BEFORE 12/04/2023

Document Available (#1056510945)  TIFF  PDF



12-01-2023 [TEXT]

APLNTS SUPPLEMENTAL DESIGNATION OF RECORD ON APPEAL

Document Available (#1057021028)  TIFF  PDF



12-04-2023 [TEXT]

ORDER OF THE TRIAL COURT WITH FINDING OF FACT REGARDING THE OKLAHOMA COURT OF CRIMINAL APPEALS' ORDER OF 10/04/2023

Document Available (#1057021042)  TIFF  PDF



12-08-2023 [ORDR]

JE: ORDER; ROWLAND PJ, COPIES TO HON. WILLIAM LAFORTUNE, DIST COURT CLERK, ATTORNEYS; ORDER DEEMING RECORD COMPLETE AND ESTABLISHING DUE DATE FOR APPELLANT'S BRIEF; APPELLANT'S BRIEF WILL BE DUE TO BE FILE ON OR BEOFRE 120 DAYS FROM THE THE DATE OF THE FILING OF THE NOTICE TO TRANSMIT BY THE CLERK OF THIS COURT.



Document Available (#1057019107)  TIFF  PDF

12-11-2023 [NTCP]



SUPPLEMENTAL NOTICE OF COMPLETION OF RECORD ON APPEAL ON DEATH PENALTY CONVICTION

Document Available (#1057021184)  TIFF  PDF

12-11-2023 [RODC]

RECORD ORDERED FROM DISTRICT COURT
Document Available (#1057021185)  

12-13-2023 [TEXT]

APLNTS AMENDMENT TO SUPPLEMENTAL DESIGNATION OF RECORD
Document Available (#1057021254)  



12-14-2023 [ORGR]

ORIGINAL RECORD - 101 PAGES; 1 EXHIBIT ENVELOPE (COPY TO AG)



12-14-2023 [TRAN]

TRANSCRIPT - 11/21/23 - 67 PAGES (COPY TO AG)



04-09-2024 [TEXT]

APPELLANT'S APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE APPELLANT'S BRIEF IN CHIEF
Document Available (#1058183535)  



04-16-2024 [XATBC]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING APPELLANT'S FIRST EXTENSION
REQUEST, DUE DATE 05/09/2024
Document Available (#1058183585)  



05-09-2024 [TEXT]

APPELLANT'S APPLICATION FOR AN EXTENSION OF TIME IN WHICH TO FILE APPELLANT'S BRIEF IN CHIEF
Document Available (#1058188491)  

05-17-2024 [XATBC]

JE: ORDER ROWLAND PJ, COPIES TO ATTORNEYS, ORDER GRANTING APPELLANT'S SECOND AND FINAL
EXTENSION OF TIME TO FILE BRIEF DUE 06/08/2024
Document Available (#1058188959)  



06-10-2024 [ATBC]

BRIEF OF APPELLANT
Document Available (#1058772448)  



06-10-2024 [TEXT]

APLNTS APPLICATION FOR EVIDENTIARY HEARING ON SIXTH AMENDMENT CLAIMS
Document Available (#1058773040)  



08-09-2024 [TEXT]

APPELLANT'S REQUEST FOR ENLARGEMENT OF TIME
Document Available (#1059150829)  

08-16-2024 [XAEAB]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING APPELLEE'S FIRST EXTENSION OF
TIME TO FILE ANSWER BRIEF, DUE 09/08/2024
Document Available (#1059150937)  

09-06-2024 [TEXT]



APPEES REQUEST FOR ENLARGEMENT OF TIME
Document Available (#1059561758)  

09-10-2024 [TEXT]

JURY QUESTIONNAIRES TO COURT



09-17-2024 [XAEAB]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING APPELLEE'S SECOND EXTENSION TO FILE ANSWER BRIEF, DUE 10/08/2024

Document Available (#1059560687)  TIFF  PDF

10-08-2024 [AEAB]

BRIEF OF APPELLEE

Document Available (#1059898636)  TIFF  PDF

10-21-2024 [CSTC]



CAUSE SUBMITTED TO COURT

10-21-2024 [RCCT]

RECORD TO COURT



10-25-2024 [TEXT]

APLNTS APPLICATION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

Document Available (#1059899484)  TIFF  PDF



11-01-2024 [XATBC]

JE: ORDER ROWLAND PJ, COPIES TO ATTORNEYS, ORDER GRANTING APPELLANT'S FIRST EXTENSION OF TIME TO FILE REPLY BRIEF DUE 11/17/2024

Document Available (#1059899586)  TIFF  PDF



11-15-2024 [TEXT]

APPELLANT'S SECOND APPLICATION FOR EXTENSION OF TIME TO FILE REPLY BRIEF

Document Available (#1060368017)  TIFF  PDF



11-22-2024 [XATRB]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING PETITIONER'S FIRST EXTENSION OF TIME TO FILE REPLY BRIEF, DUE 12/07/2024

Document Available (#1060367975)  TIFF  PDF



12-09-2024 [ATRB]

REPLY BRIEF OF APPELLANT

Document Available (#1060368942)  TIFF  PDF

05-30-2025 [TEXT]

APLNTS NOTICE OF REASSIGNMENT- TAYLOR LEDFORD

Document Available (#1061870511)  TIFF  PDF



OKLAHOMA STATE COURTS NETWORK

The information contained in this report is provided in compliance with the Oklahoma Open Records Act, 51 O.S. 24A.1. Use of this information is governed by this act, as well as other applicable state and federal laws.

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

DERRICK TYRELL LADAY,
Appellant,
v.
STATE OF OKLAHOMA,
Appellee,

No. D-2021-737
(Death)

Filed: 07/20/2021

Appealed from: OKLAHOMA County District Court

PARTIES

LADAY, DERRICK TYRELL, Appellant
STATE OF OKLAHOMA, Appellee

ATTORNEYS

Attorney

Arnett, M Michael (Bar #12071)
3133 N.W. 63rd St.
Oklahoma City, OK 73116

Attorney General Of Oklahoma
313 NE 21st Street
*****Interagency Mail*****

Chafin Sullivan, Jacqueline (Bar #33858)
OIDS
111 N. Peters Ave, Suite 100
Norman, OK 73069

Danner, Cindy

Oklahoma County District Attorney
211 N. Robinson
Suite 700N
Oklahoma City, OK 73102

Represented Parties

LADAY DERRICK TYRELL

STATE OF OKLAHOMA

LADAY DERRICK TYRELL

STATE OF OKLAHOMA

EXHIBIT

4

Attorney

Pybas, Jamie Dee (Bar #13000)
 Homicide Direct Appeal Division OIDS
 111 N. Peters Ave, Suite 100
 Norman, OK 73069

Represented Parties

LADAY DERRICK TYRELL





EVENTS

None



LOWER COURT COUNTS AND OTHER INFORMATION

Count	Case Number	Statute	Crime	Sentence	Judge	Reporter
-	CF-2017-1359	-			Kirby, Richard	Swinehart, Dennis R
-		-				Dollins, Paula E
-		-				Yost-Sewell, Charly Renee
-		-				Lewin, Kim D
-		-				Martin, Karen L
-		-				Cleaver, Peggy E
-		-				Garnett, Regina J



DOCKET

Date	Code	Description
07-07-2021	[DOOA]	DATE OF ORDER APPEALED
07-20-2021	[CASE]	DEATH INITIAL FILING
07-20-2021	[PAY]	RECEIPT # 80987 ON 07/20/2021. PAYOR: M MICHAEL ARNETT TOTAL AMOUNT PAID: \$ 0.00. LINE ITEMS: \$0.00 ON DEATH INITIAL FILING.
07-20-2021	[TEXT]	ISSUED CERTIFICATE OF APPEAL
07-20-2021	[NTIA]	NOTICE OF INTENT TO APPEAL Document Available (#1049898303)  
07-20-2021	[DSRC]	DESIGNATION OF RECORD Document Available (#1049898303)  



07-21-2021 [ORDER]

JE: ORDER ROWLAND VPJ, COPIES TO ATTYS, DC CLERK, HON. RICHARD KIRBY, NOTICE OF RECUSAL
Document Available (#1049898347)  TIFF  PDF

07-23-2021 [TEXT]

AMENDED NOTICE OF INTENT & DESIGNATION OF RECORD
Document Available (#1050104624)  TIFF  PDF



08-18-2021 [TEXT]

APLNTS SUPPLEMENTAL DESIGNATION OF RECORD ON APPEAL
Document Available (#1050262896)  TIFF  PDF



12-15-2021 [TEXT]

LETTER FROM DIST COURT CLERK TO OIDS- RE: ITEMS NOT PRESENTLY CONTAINED
Document Available (#1051088415)  TIFF  PDF



12-21-2021 [PETF]

PETITION IN ERROR
Document Available (#1051379857)  TIFF  PDF



12-27-2021 [TEXT]

APLNTS AMENDMENT TO SUPPLEMENTAL DESIGNATION OF RECORD
Document Available (#1051379896)  TIFF  PDF



01-07-2022 [TEXT]

REQUEST FOR ENLARGMENT OF TIME TO FILE TRAIL TRANSCRIPTS REGINA GARNETT, CSR
Document Available (#1051381324)  TIFF  PDF



01-07-2022 [TEXT]

AFFIDAVIT KAREN L MARTIN, CSR
Document Available (#1051381328)  TIFF  PDF

01-10-2022 [TEXT]

NOTICE OF INCOMPLETE RECORD
Document Available (#1051381039)  TIFF  PDF



01-12-2022 [XTRAN]

JE: ORDER ROWLAND PJ, COPIES TO HON. RICHARD KIRBY, DIST COURT CLERK, REGINA GARNETT,
KAREN MARTIN AND ATTORNEYS, ORDER GRANTING COURT REPORTER'S FIRST EXTENSION OF TIME TO
FILE TRANSCRIPTS DUE 02/05/2021
Document Available (#1051381041)  TIFF  PDF



02-09-2022 [TEXT]

REQUEST FOR ENLARGEMENT OF TIME TO FILE TRIAL TRANSCRIPTS- REGINA GARNETT, CSR
Document Available (#1051603111)  TIFF  PDF

02-10-2022 [TEXT]



AFFIDAVIT- KAREN L. MARTIN, CSR
Document Available (#1051603114)  TIFF  PDF

02-14-2022 [TEXT]

2ND NOTICE OF INCOMPLETE RECORD
Document Available (#1051602097)  TIFF  PDF



02-17-2022 [XTRAN]

JE: ORDER ROWLAND PJ, COPIES TO ATTYS, DISTRICT COURT HON. RICHARD KIRBY, KAREN MARTIN,
ORDER GRANTING SECOND & FINAL EXTENSION OF TIME TO FILE TRANSCRIPT DUE 3-7-22

Document Available (#1051603256)  TIFF  PDF



02-17-2022 [XTRAN]

JE: ORDER ROWLAND PJ, COPIES TO ATTYS, DC CLERK, HON. RICHARD KIRBY REGINA GARNETT, ORDER
GRANTING SECOND & FINAL EXTENSION OF TIME TO FILE TRANSCRIPT DUE 3-7-22

Document Available (#1051603256)  TIFF  PDF



03-10-2022 [TEXT]

3RD NOTICE OF INCOMPLETE RECORD

Document Available (#1051911980)  TIFF  PDF



03-16-2022 [TEXT]

AFFIDAVIT- KAREN L. MARTIN, CSR

Document Available (#1051911406)  TIFF  PDF



03-25-2022 [NTCP]

NOTICE OF COMPLETION OF RECORD ON APPEAL

Document Available (#1051911108)  TIFF  PDF

03-25-2022 [RODC]

RECORD ORDERED FROM DISTRICT COURT

Document Available (#1051911112)  TIFF  PDF

03-31-2022 [ORGR]

7 VOL. ORIGINAL RECORD - 1343 PAGES; 3 EXHIBIT ENVELOPES (COPY TO AG)

03-31-2022 [TEXT]

1 SEALED ENVELOPE (COPY TO AG'S OFFICE; COPY RCVD 10/20/23)

03-31-2022 [TRAN]

TRANSCRIPT - 2/3/21 - 38 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 1/8/21 - 17 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 3/18/21 - 21 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 3/5/21 - 8 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 2/25/21 - 9 PAGES; ATTACHED EXHIBIT (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 1/4/21 - 9 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 12/18/20 - 17 PAGES; ATTACHED EXHIBIT (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 12/3/20 - 6 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 11/30/20 - 39 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 11/20/20 - 89 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 11/13/20 - 23 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 11/9/20 - 8 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 10/12/20 - 10 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 12/3/20 - 57 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 8/10/20 - 37 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 7/30/20 - 24 PAGES; ATTACHED EXHIBIT (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 6/19/20 - 20 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 3/19/20 - 6 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 11/14/19 - 68 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 11/21/18 - 7 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 11/14/18 - 6 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 9/5/18 - 5 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 8/22/18 - 16 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 6/27/18 - 7 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 2/2/18 AND 4/16/18 - 200 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 10/6/17 - 153 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 7/7/21 - 16 PAGES (COPY TO AG)

03-31-2022 [TRAN]

TRANSCRIPT - 6/17/21 - 5 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 1 TRANSCRIPT - 3/22/21 - 292 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 2 TRANSCRIPT - 3/23/21 - 278 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 3 TRANSCRIPT - 3/24/21 - 224 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 4 TRANSCRIPT - 3/25/21 - 257 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 5 TRANSCRIPT - 3/26/21 - 267 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 6 TRANSCRIPT - 3/29/21 - 225 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 7 TRANSCRIPT - 3/30/21 - 217 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 8 TRANSCRIPT - 3/31/21 - 157 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 9 TRANSCRIPT - 4/1/21 - 108 PAGES (COPY TO AG)

03-31-2022 [TRAN]



VOL. 10 TRANSCRIPT - 4/5/21 - 232 PAGES (COPY TO AG)

03-31-2022 [TRAN]

VOL. 11 TRANSCRIPT - 4/6/21 - 124 PAGES (COPY TO AG)



05-23-2022 [TEXT]

APLNTS NOTICE OF ASSIGNMENT- JACQUELINE CHAFIN

Document Available (#1052476157)  TIFF  PDF



05-23-2022 [TEXT]

APLNTS OBJECTION TO NOTICE OF COMPLETION OF THE RECORD ON APPEAL AND MOTION TO HOLD BRIEFING TIME IN ABEYANCE

Document Available (#1052476161)  TIFF  PDF

05-27-2022 [ORDER]

JE: ORDER HUDON VPJ, COPIES TO ATTYS, DC CLERK, HON. RICHARD KIRBY, ORDER STAYING BRIEFING SCHEDULE AND REMANDING FOR HEARING ON APPAL RECORD. THIS MATTER IS REMANED TO HON. RICHARD KIRBY FOR AN EVIDENTIARY HEARING TO BE CONDUCTED WITHIN 30 DAYS OF THE DATE OF THIS ORDER. THE DISTRICT COURT ORDER CONTAINING ITS FINDINGS OF FACT SHALL BE FORWARDED TO THIS COURT WITHIN 15 DAYS OF THE HEARING. APLNTS BRIEFING TIME IS STAYED PENDING THE DISTRICT COURTS FINDINGS .



Document Available (#1052221575)  TIFF  PDF

06-02-2022 [TEXT]

CORRECTED PAGES FOR ORIGINAL RECORD PER ORDER 5/27/22



06-06-2022 [TEXT]

APLNTS NOTICE OF DISTRICT COURT ORDER UNSEALING TRANSCRIPT

Document Available (#1052478961)  TIFF  PDF



07-06-2022 [TEXT]

CERTIFIED COPY OF FINDINGS OF FACT REGARDING THE DEFENDANTS OBJECTION TO THE RECORD ON APPEAL S/RICHARD W. KIRBY

Document Available (#1052477854)  



08-08-2022 [TEXT]

CERTIFIED COPY OF DIST COURT MINUTE- S/HON. RICHARD KIRBY

Document Available (#1052969370)  



09-30-2022 [ORDER]

JE: ORDER; HUDSON VPJ; COPIES TO HON. RICHARD KIRBY, DIST COURT CLERK AND ATTORNEYS; ORDER DIRECTING THE HONORABLE RICHARD W. KIRBY TO ISSUE STATUS UPDATE; THE COURT IS DIRECTED TO RESPOND WITHIN 30 DAYS FROM THE DATE OF THIS ORDER.

Document Available (#1053479580)  



11-07-2022 [TEXT]

CERTIFIED COPY OF DIST COURT FINDINGS OF THE COURT PURSUANT TO THE ORDER OF THE COURT OF CRIMINAL APPEALS DATED 09/30/2022- S/HON. RICHARD KIRBY

Document Available (#1053897542)  



11-14-2022 [ORDER]

JE: ORDER; HUDSON VPJ; COPIES TO ATTORNEYS; ORDER LIFTING STAY AND SETTING BRIEFING DUE DATE; APLNTS BRIEF IS DUE ON OR BEFORE 02/28/2023

Document Available (#1053897651)  



02-24-2023 [TEXT]

APPELLANT'S APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF

Document Available (#1054503426)  



03-08-2023 [XATBC]

JE: ORDER ROWLAND PJ, COPIES TO ATTORNEYS, ORDER GRANTING APPELLANT'S FIRST EXTENSION OF TIME TO FILE BRIEF DUE 03/30/2023

Document Available (#1054503708)  



03-30-2023 [TEXT]

APLNTS APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF

Document Available (#1054932233)  



04-12-2023 [XATBC]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING APPELLANT'S SECOND EXTENSION OF TIME TO FILE BRIEF DUE 04/29/2023

Document Available (#1054931810)  



04-27-2023 [TEXT]

APLNTS APPLICATION FOR EXTENSION OF TIME TO FILE BRIEF BEYOND FINAL

Document Available (#1055263021)  



05-03-2023 [ORDER]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING EXTENSION OF TIME TO TUESDAY, 06/27/2023, AT 5:00 PM TO FILE BRIEF OR APPEAR AT 1:30 PM ON WEDNESDAY, 06/28/2023, AND SHOW CAUSE; APPELLATE COUNSEL IS DIRECTED FILE APPELLANT'S BRIEF ON OR BEFORE 5:00 PM ON TUESDAY, 06/27/2023, OR APPEAR BEFORE THE COURT EN BANC AT 1:30 PM ON WEDNESDAY, 06/28/2023, TO SHOW CAUSE.

Document Available (#1054933445)  



06-29-2023 [ORDER]

JE: ORDER; HUDSON VPJ; COPIES TO ATTORNEYS; ORDER ESTABLISHING FINAL DUE DATE AFTER SHOW CAUSE HEARING; COUNSEL FOR APLNT APPEARED 6/28/2023. APLNT IS GRANTED A FINAL EXTENSION OF TIME TO 08/11/2023, TO FILE THE BRIEF ON BEHALF OF APLNT. NOT FURTHER REQUEST FOR AN EXTENSION OF TIME WILL BE HEARD.

Document Available (#1055675212)  



08-11-2023 [ATBC]

BRIEF OF APPELLANT

Document Available (#1056218636)  



08-11-2023 [TEXT]

APPELLANT'S MOTION FOR EVIDENTIARY HEARING AND MOTION FOR NEW TRIAL ON NEWLY DISCOVERED EVIDENCE WITH BRIEF IN SUPPORT

Document Available (#1056218632)  

08-11-2023 [TEXT]

APPELLANT'S APPLICATION FOR EVIDENTIARY HEARING ON SIXTH AMENDMENT INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM

Document Available (#1056218628)  



08-11-2023 [TEXT]

ATTACHMENTS FOR 3.11 MOTION AND 3.11B APPLICATION EXHIBITS 1 THROUGH 18

Document Unavailable (#1056218624)

08-11-2023 [TEXT]

APPELLANT'S MOTION TO REQUEST ACCOMPANYING EXHIBITS BE FILED AND MAINTAINED UNDER SEAL



Document Available (#1056218680)  

08-11-2023 [TEND]

APPELLANT'S APPLICATION FOR EVIDENTIARY HEARING ON SIXTH AMENDMENT INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM - TENDERED FOR FILING



10-10-2023 [TEXT]

APPEALS MOTION FOR FIRST EXTENSION OF TIME

Document Available (#1056509856)  

10-18-2023 [XAEAB]

JE: ORDER; ROWLAND PJ; COPIES TO ATTORNEYS; ORDER GRANTING APPELLEE'S FIRST EXTENSION TO FILE ANSWER BRIEF DUE 11/09/2023



Document Available (#1056508349)  

10-20-2023 [TEXT]

SEALED TRANSCRIPT TO AG'S OFFICE ***RCVD FROM DISTRICT COURT*** (ORIGINAL RCVD 3/31/22) DC COURT ORDERED UNSEALED 6/3/22



11-09-2023 [TEXT]

APPELLEE'S REQUEST FOR EXTENSION OF TIME

Document Available (#1057019334)  



11-27-2023 [XAEAB]

JE: ORDER ROWLAND PJ, COPIES TO ATTORNEYS, ORDER GRANTING APPELLEE'S SECOND AND FINAL EXTENSION OF TIME TO FILE ANSWER BRIEF DUE 12/09/2023

Document Available (#1057020908)  



11-30-2023 [TEXT]

APLEE'S UNOPPOSED MOTION FOR PERMISSION TO VIEW SEALED EXHIBIT 15 TO APLNTS APPLICATION FOR EVIDENTIARY HEARING

Document Available (#1057020999)  

12-06-2023 [ORDER]

JE: ORDER; HUDSON VPJ; COPIES TO ATTORNEYS; ORDER GRANTING APPELLEE'S MOTION OT VIEW EXHIBIT; THIS COURT'S MARSHAL IS AUTHORIZED TO PERMIT COUNSEL FOR APPELLEE TO VIEW EXHIBIT 15 AT THE OKLA JUDICIAL CENTER AT A TIME TO BE DETERMINED.



Document Available (#1057019200)  

12-11-2023 [TEXT]

1 SEALED ENVELOPE (APPL. FOR EVIDENTIARY HEARING) TO COURT



12-11-2023 [TEXT]

APLEES REQUEST FOR ENLARGEMENT OF TIME

Document Available (#1057021199)  



12-15-2023 [ORDER]

JE: ORDER; HUDSON VPJ; COPIES TO ATTORNEYS; ORDER GRANTING EXTENSION OF TIME TO TUESDAY, 01/02/2024, AT 5:00 PM TO FILE BRIEF OR APPEAR AT 1:30 PM ON WEDNESDAY, 01/03/2024, AND SHOW CAUSE

Document Available (#1057021302)  



01-05-2024 [XAEAB]

JE: ORDER; MUSSEMAN VPJ; RECUSED: ROWLAND PJ; CONCUR: LUMPKIN J, LEWIS J, HUDSON J; COPIES TO ATTORNEYS; ORDER ESTABLISHING UDE DATE AFTER SHOW CAUSE HEARING; APLEE IS GRANTED A FINAL EXTENSION OF TIME TO 5:00 PM ON 02/07/2024, TO FILE THE BRIEF ON BEHALF OF APLEE. NO FURTHER REQUESTS FOR AN EXTENSION OF TIME WILL BE HEARD.

Document Available (#1057356322)  



02-07-2024 [TEXT]

APPELLEE'S RESPONSE IN OPPOSITION TO DEFENDANT'S APPLICATION FOR AN EVIDENTIARY HEARING

Document Available (#1057690464)  



02-07-2024 [AEAB]

BRIEF OF APPELLEE

Document Available (#1057357900)  



02-07-2024 [TEXT]

APLEES RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR EVIDENTIARY HEARING AND MOTION FOR NEW TRIAL ON NEWLY DISCOVERED EVIDENCE

Document Available (#1057357901)  



02-27-2024 [TEXT]

APLNTS REQUEST FOR EXTENSION OF TIME TO FILE REPLY BRIEF

Document Available (#1057692348)  

02-29-2024 [XATRB]

JE: ORDER MUSSEMAN VPJ, COPIES TO ATTORNEYS, ORDER GRANTING APPELLANT'S FIRST EXTENSION OF TIME TO FILE REPLYBRIEF DUE 03/18/2024

Document Available (#1057692382)  

03-08-2024 [CSTC]



CAUSE SUBMITTED TO COURT

03-08-2024 [RCCT]

RECORD TO COURT



03-18-2024 [TEXT]

APPELLANT'S REQUEST FOR EXTENSION OF TIME TO REPLY BRIEF

Document Available (#1057693256)  TIFF  PDF



03-22-2024 [XATRB]

JE: ORDER ROWLAND PJ, COPIES TO ATTORNEYS, ORDER GRANTING APPELLANT'S SECOND AND FINAL EXTENSION OF TIME TO FILE REPLY BRIEF DUE 04/07/2024

Document Available (#1057690922)  TIFF  PDF



04-08-2024 [TEXT]

APLNTS REPLY TO STATE'S RESPONSE TO APPLICATION FOR EVIDENTIARY HEARING ON SIXTH AMENDMENT INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM

Document Available (#1058184185)  TIFF  PDF



04-08-2024 [TEXT]

APLNTS REPLY TO STATE'S RESPONSE TO APPLICATION FOR EVIDENTIARY HEARING AND NEW TRIAL ON NEWLY DISCOVERED EVIDENCE

Document Available (#1058184187)  TIFF  PDF

04-08-2024 [ATRB]

APPELLANT'S REPLY BRIEF

Document Available (#1058184186)  TIFF  PDF



Alc
f

IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,

Plaintiff,

v.

DAVID ANTHONY WARE,

Defendant.

-) APPEAL CASE NO.
-) DISTRICT COURT CASE NO.
-) **CF-2020-2889**
-) TYPE OF APPEAL
-) **Direct Felony Appeal**
-) Direct Misdemeanor Appeal
-) Certiorari
-) Revocation/Acceleration
-) Termination From Drug Court
-) State Appeal - 1089.1 - 1089.7
-) State Appeal - 1053/1053.1
-) Juvenile - Adjudication
-) Juvenile - (Certification)
-) Juvenile - (Reverse Certification)
-) Youthful Offendere
-) Youthful Offender - Bridge to DOC
-) Other (specify)
-) **CAPITAL**
-) **NON-CAPITAL**

**DISTRICT COURT
FILED**
MAY 20 2022
DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

**NOTICE OF INTENT TO APPEAL;
ORDER DETERMINING INDIGENCY, APPELLATE COUNSEL,
PREPARATION OF APPEAL RECORD, AND GRANTING TRIAL COUNSEL'S
MOTION TO WITHDRAW COURT REPORTER'S ACKNOWLEDGEMENT AND
NOTIFICATION OF APPROPRIATE APPELLATE COUNSEL, IF APPOINTED**

I. NOTICE OF INTENT TO APPEAL

The Defendant was sentenced on the **13th** day of **May**, 2022, for:

If certiorari appeal, date of trial court's denial to withdraw plea _____.

<u>Crime(s)</u>	<u>Statute(s)</u>	<u>Sentence</u>
1. <u>Murder in the First Degree</u>	<u>21 O.S. § 701.7 (A)</u>	<u>Death Penalty</u>
2. <u>Shooting with Intent to Kill</u>	<u>21 O.S. § 652</u>	<u>Life and \$10,000 fine</u>
3. <u>Possession of a Firearm</u>	<u>21 O.S. § 1283</u>	<u>30 years and \$10,000 fine</u>
6. <u>Unlawful Possession with Intent</u>	<u>63 O.S. § 2-401</u>	<u>25 years and \$10,000 fine</u>
7. <u>Obstructing an Officer</u>	<u>21 o.s. 540</u>	<u>1 year and \$500 fine</u>

The sentence(s) was/were ordered to run () concurrently consecutively as follows:

The Defendant intends to appeal all convictions arising from the trial had in the above captioned case, whether hereinabove specifically listed or not; or () only the following Counts _____ to the Oklahoma Court of Criminal Appeals pursuant to _____ (cite specific statute). This Notice of Intent to Appeal and the Designation of Record, attached as Exhibit "A", pursuant to Rule 2.5(B) of the Rules of the Court of Criminal Appeals, Ch.18, App., of Title 22, was filed with the clerk of the trial court within ten (10) days of the date of the pronouncement of the Judgment and Sentence in this case and constitutes a valid initiation of a direct appeal in accordance with the Court of Criminal

**EXHIBIT
5**

Appeals Rule 2.1(B). The Defendant further requests that the original record and transcripts be prepared in accordance with the completed Designation of Record, attached as Exhibit A. To assist in the expediting of the appeal, an advisory list of propositions of error, if any, deemed viable by trial counsel, signed by trial counsel, is attached as Exhibit "B".



Kevin D Adams

Trial Counsel

Retained

Appointed

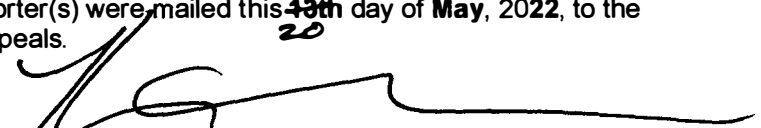
Individual

Oklahoma Indigent Defense System

Oklahoma County Public Defender

Tulsa County Public Defender

A true and correct certified copy of the Notice of Intent to Appeal and the Designation of Record with acknowledged receipt by the court reporter(s) were mailed this ~~13th~~²⁰ day of **May**, 2022, to the Clerk of the Oklahoma Court of Criminal Appeals.



Kevin D Adams, OBA# 18914

Attorney for David Ware

36 East Cameron Street, #16

Tulsa, OK 74103

O 918 582-1313

C 918 230-9513

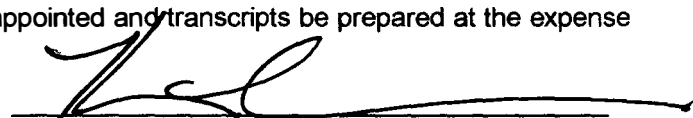
LawyerAdams@me.com

II. APPLICATION FOR DETERMINATION OF INDIGENCE

In accordance with Rule 1.14 of the *Rules of the Court of Criminal Appeals*, 22 O.S., Ch.18, App., the Defendant submits that he/she is indigent and cannot pay the costs of an appeal. Counsel states:

- (x) Indigency has been previously determined by this Court or its designee, and a pauper's affidavit in accordance with Rule 1.14(A) will be provided if this Court elects to review the Defendant's status.
- () Indigency has not been previously determined by this Court or its designee, and a pauper's affidavit in accordance with Rule 1.14(A) is attached as Exhibit "C".

It is requested that appropriate counsel be appointed and transcripts be prepared at the expense of the State.



Kevin D Adams, OBA# 18914

Attorney for David Ware

III. DETERMINATION OF INDIGENCE

Pursuant to Rule 1.14 of the *Rules of the Court of Criminal Appeals*, Ch.18, App., of Title 22, this Court finds the Defendant () IS () IS NOT currently indigent.

THE COURT ORDERS:

- A. Preparation of the Appeal Record:

1. A record of this case (X)IS ()IS NOT to be prepared at public expense.
2. The court reporter(s) listed below ~~X~~SHALL () SHALL NOT be reimbursed at public expense out of the Court Fund of Tulsa County for preparation of this record.

Court Reporter's Name: Jennifer Golemboski
Mailing Address: 500 S Denver Ave, Room 111 Tulsa, OK 74103
Transcript Type: Arraignment
Transcript Date: 7-16-2020, Judge David Guten

Court Reporter's Name: Samantha Brown
Mailing Address: 500 S Denver Ave, Room 513 Tulsa, OK 74103
Transcript Type: Motion Hearings
Transcript Date:

1. 07-20-2020, Judge David Guten
2. 03-08-2022, Judge Lafortune
3. 03-11-2022, Judge Lafortune
4. 03-22-2022, Judge Lafortune
5. 03-29-2022, Judge Lafortune
6. 04-01-2022, Judge Lafortune
7. 05-13-2022, Judge Lafortune (Sentencing)

Transcript Type: Trial

04-04-2022 through 04-27-2022 Judge Lafortune

Court Reporter's Name: Sandy Crittenden
Mailing Address: 500 S Denver Ave Tulsa, OK 74103
Transcript Type: Preliminary Hearing
Transcript Date: 09-02-2020, Judge Seibert

Court Reporter's Name: Dianah Cavenah
Mailing Address: Creek County Courthouse, 222 East Dewey Sapulpa, OK 74066

Transcript Type: Motion Hearings
Transcript Date:


1. 09-08-2020, Judge Musseman
2. 09-10-2020, Judge Musseman
3. 10-06-2020, Judge Musseman
4. 11-02-2020, Judge Musseman

Court Reporter's Name: Allison Hall
Mailing Address: 500 S Denver, Tulsa, OK 74103
Transcript Type: Motion Hearings
Transcript Date:

1. 12-07-2020, Judge Musseman
2. 01-25-2021, Judge Musseman
3. 03-04-2021, Judge Musseman
4. 04-23-2021, Judge Musseman
5. 10-15-2021, Judge Musseman
6. 12-06-2021, Judge Musseman
7. 01-07-2022, Judge Musseman
8. 02-10-2022, Judge Musseman
9. 02-25-2022, Judge Musseman
10. 03-04-2022, Judge Musseman

IT IS SO ORDERED.

This order signed this 13th day of May, 2022.



William Lafortune
Judge of the District Court

NOTE: A NOTICE OF INTENT TO APPEAL AND DESIGNATION OF RECORD MUST BE FILED WITHIN TEN (10) DAYS FROM THE DATE THE SENTENCE IS PRONOUNCED IN OPEN COURT WITH THE CLERK OF THE TRIAL COURT. THIS NOTICE AND DESIGNATION IS JURISDICTIONAL AND FAILURE TO TIMELY FILE CONSTITUTES WAIVER OF THE RIGHT TO APPEAL. A CERTIFIED COPY OF THIS NOTICE AND DESIGNATION SHALL ALSO BE FILED BY TRIAL COUNSEL WITH THE CLERK OF THE COURT OF CRIMINAL APPEALS WITHIN TEN (10) DAYS FROM THE DATE THE NOTICE IS FILED IN THE TRIAL COURT. NO TRIAL ATTORNEY MAY BE GRANTED PERMISSION TO WITHDRAW, IF THE DEFENDANT DESIRES TO APPEAL, UNLESS THESE DOCUMENTS ARE FILED. IF THE DEFENDANT DOES NOT WISH TO APPEAL THIS CONVICTION, TRIAL COUNSEL MUST FILE AN AFFIDAVIT SIGNED BY TRIAL COUNSEL AND ACKNOWLEDGED BY THE TRIAL JUDGE WITH THE CLERK OF THE DISTRICT COURT, BEFORE TRIAL COUNSEL IS ALLOWED TO WITHDRAW, ASSERTING THAT THE DEFENDANT HAS BEEN FULLY ADVISED OF HIS/HER APPEAL RIGHTS AND DOES NOT WISH TO PURSUE AN APPEAL OF THE CONVICTION. See Rule 1.14(D).

IV. COURT REPORTER'S ACKNOWLEDGEMENT

A. The Designation of Record, attached as "Exhibit A", was received on **May 13, 2022**.

B. IF NOT INDIGENT, satisfactory arrangements ()have ()have not been made for payment of the transcript cost. These financial arrangements were completed on, _____ 20____. If payment has not been made/arranged, explain why:

C. Number of trial and/or hearing days: 24 trial days, plus 7 hearing dates

D. Estimated number of transcript pages: 3500+

E. Estimated completion date: 6/10/22

F. I acknowledge receipt of this document and understand I must prepare the record within the time limits prescribed by the Oklahoma Court of Criminal Appeals.

DATE: 5.13.22

Samantha S. Brown
Signature - Official Court Reporter

Samantha S. Brown
Printed Signature

IV. COURT REPORTER'S ACKNOWLEDGEMENT

A. The Designation of Record, attached as "Exhibit A", was received on 14th May, 2022.

B. IF NOT INDIGENT, satisfactory arrangements () have () have not been made for payment of the transcript cost. These financial arrangements were completed on, _____ 20____. If payment has not been made/arranged, explain why:

C. Number of trial and/or hearing days: 24 ^{8 1/2} (6) _____

D. Estimated number of transcript pages: 100 _____

E. Estimated completion date: 8-16-22 _____

F. I acknowledge receipt of this document and understand I must prepare the record within the time limits prescribed by the Oklahoma Court of Criminal Appeals.

DATE: 5-14-22 Dianah Cavenah
Signature - Official Court Reporter

Dianah Cavenah
DIANAH CAVENAH
Printed Signature

Transcripts in State v Ware, Tulsa County Case No. CF-2020-2889

Court Reporter's Name: Dianah Cavenah

**Mailing Address: Creek County Courthouse, 222 East Dewey Sapulpa,
OK 74066**

Transcript Type: Motion Hearings

Transcript Date:

1. 09-08-2020, Judge Musseman
2. 09-10-2020, Judge Musseman
3. 10-06-2020, Judge Musseman
4. ~~10-19-2020, Judge Musseman~~ (no record taken by me)
5. 11-02-2020, Judge Musseman
6. ~~12-07-2020, Judge Musseman~~ (no record taken by me)

IV. COURT REPORTER'S ACKNOWLEDGEMENT

A. The Designation of Record, attached as "Exhibit A", was received on 18th May, 2022.

B. IF NOT INDIGENT, satisfactory arrangements () have () have not been made for payment of the transcript cost. These financial arrangements were completed on, _____ 20_____. If payment has not been made/arranged, explain why:

C. Number of trial and/or hearing days: 10

D. Estimated number of transcript pages: 300

E. Estimated completion date: 8/30/2022

F. I acknowledge receipt of this document and understand I must prepare the record within the time limits prescribed by the Oklahoma Court of Criminal Appeals.

DATE: 5/18/2022 Allison N Hall
Signature - Official Court Reporter

Allison Hall

Allison Hall
Printed Signature

Transcripts in State v Ware, Tulsa County Case No. CF-2020-2889

Court Reporter's Name: Allison Hall

Mailing Address: 500 S Denver, Tulsa, OK 74103

Transcript Type: Motion Hearings

Transcript Date:

1. 12-07-2020, Judge Musseman
2. 01-25-2021, Judge Musseman
3. 03-04-2021, Judge Musseman
4. 04-23-2021, Judge Musseman
5. 10-15-2021, Judge Musseman
6. 12-06-2021, Judge Musseman
7. 01-07-2022, Judge Musseman
8. 02-10-2022, Judge Musseman
9. 02-25-2022, Judge Musseman
10. 03-04-2022, Judge Musseman

11.

IV. COURT REPORTER'S ACKNOWLEDGEMENT

A. The Designation of Record, attached as "Exhibit A", was received on _____, _____ **20**_____.

B. IF NOT INDIGENT, satisfactory arrangements ()have ()have not been made for payment of the transcript cost. These financial arrangements were completed on, _____ 20_____. If payment has not been made/arranged, explain why:

C. Number of trial and/or hearing days: _____ **1** _____

D. Estimated number of transcript pages: _____ **92** _____

E. Estimated completion date: **Already Transcribed and filed into record on 9-30-2020**

F. I acknowledge receipt of this document and understand I must prepare the record within the time limits prescribed by the Oklahoma Court of Criminal Appeals.

DATE: _____ **Already Filed into the Record** _____

Signature - Official Court Reporter

Printed Signature

Court Reporter's Name: Sandy Crittenden
Mailing Address: 500 S Denver Ave Tulsa, OK 74103
Transcript Type: Preliminary Hearing
Transcript Date: 09-02-2020, Judge Seibert

IV. COURT REPORTER'S ACKNOWLEDGEMENT

A. The Designation of Record, attached as "Exhibit A", was received on 20 **May**, 2022.

B. IF NOT INDIGENT, satisfactory arrangements () have () have not been made for payment of the transcript cost. These financial arrangements were completed on, _____ 20_____. If payment has not been made/arranged, explain why:

C. Number of trial and/or hearing days: one

D. Estimated number of transcript pages: 18

E. Estimated completion date: August 18, 2022

F. I acknowledge receipt of this document and understand I must prepare the record within the time limits prescribed by the Oklahoma Court of Criminal Appeals.

DATE: 5/20/2022 Jennifer Golemboski
Signature - Official Court Reporter

Jennifer Golemboski

Jennifer Golemboski, RPR
Printed Signature

Court Reporter's Name: Jennifer Golemboski

Mailing Address: 500 S Denver Ave, Room 111 Tulsa, OK 74103

Transcript Type: Arraignment

Transcript Date: 7-16-2020, Judge David Guten

V. NOTIFICATION OF COUNSEL, IF APPOINTED

NOTE: No Designation of Record shall be accepted for filing by the trial court clerk unless it contains one of the following:

A. A signed acknowledgement from the court reporter(s) who reported proceedings in a case indicating receipt of the request for transcript(s), the date received, and completed financial arrangements, or an order of the trial court directing the case be prepared at public expense; or, [For Supplemental Designation of Record, a signed certified mail return receipt card acknowledged by the court reporter(s), together with the attorney's certificate of mailing attached is sufficient for compliance.] or,

B. A signed statement by the attorney preparing the designation of record stating that transcripts have not been ordered and a brief explanation why. (Example, I, _____, attorney for the Appellant, hereby state that I have not ordered a transcript because: (1.) A transcript is not necessary for this appeal; (2.) No stenographic reporting was made.)

A true and correct certified copy of this Notice and Order and the Designation of Record were mailed this 13th day of May, 2022, to:

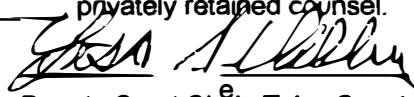
(X) The Capital Direct Appeals Division, Oklahoma Indigent Defense System, 1660 Cross Center Drive, Norman, Oklahoma 73019;

() The General Appeals Division, Oklahoma Indigent Defense System, P.O. Box 926, Norman, Oklahoma 73070-0926;

() Public Defender of Oklahoma County, 611 County Office Building, 320 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102;

() Public Defender of Tulsa County, 189 Courthouse, 500 South Denver Avenue, Tulsa, Oklahoma 74103;

(E) _____ privately retained counsel.

DON NEWBERRY, Court Clerk

Deputy Court Clerk, Tulsa County

**IN THE DISTRICT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

THE STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CF-2020-2889
)	
DAVID ANTHONY WARE.)	
MATTHEW HALL.)	
Defendants.)	

**Amended¹ Designation of Record
(Exhibit A")**

Comes now David Ware, by and through his attorney Kevin Adams, and designates the following as the appeal record in this case:

1. The entire district court file, including the Information, Judgment and Sentence, all pleadings and motions filed, all court orders and minutes, all search warrants, affidavits in support of search warrants, all search warrant returns, **all jury and/or juror notes given to the Court or the bailiff**, all verdict forms and all other documents contained in the court file. **Please include a certified copy of the appearance docket.**
2. Transcriptions of the following proceedings where a court reporter was present, **including all tape recordings of the trial made by the Court Reporter**, or if a court reporter was not transcripts of any tape recordings preserving such proceedings, including but not limited to the following:

Court Reporter's Name: Jennifer Golemboski
Mailing Address: 500 S Denver Ave, Room 111 Tulsa, OK 74103
Transcript Type: Arraignment

¹ The difference between the Original Designation of the Record and the Amended is Dianah Cavenah did not transcribe the record on 12-07-2020 and there was no record transcribed on 10-19-2020.

Transcript Date: 7-16-2020, Judge David Guten

Court Reporter's Name: Samantha Brown

Mailing Address: 500 S Denver Ave, Room 513 Tulsa, OK 74103

Transcript Type: Motion Hearings

Transcript Date:

1. 07-20-2020, Judge David Guten
2. 03-08-2022, Judge Lafortune
3. 03-11-2022, Judge Lafortune
4. 03-22-2022, Judge Lafortune
5. 03-29-2022, Judge Lafortune
6. 04-01-2022, Judge Lafortune
7. 05-13-2022, Judge Lafortune (Sentencing)

Transcript Type: Trial

04-04-2022 through 04-27-2022 Judge Lafortune

Court Reporter's Name: Sandy Crittenden

Mailing Address: 500 S Denver Ave Tulsa, OK 74103

Transcript Type: Preliminary Hearing

Transcript Date: 09-02-2020, Judge Seibert

Court Reporter's Name: Dianah Cavenah

Mailing Address: Creek County Courthouse, 222 East Dewey Sapulpa, OK 74066

Transcript Type: Motion Hearings

Transcript Date:

1. 09-08-2020, Judge Musseman
2. 09-10-2020, Judge Musseman
3. 10-06-2020, Judge Musseman
4. 11-02-2020, Judge Musseman
6. 12-07-2020, Judge Musseman

Court Reporter's Name: Allison Hall

Mailing Address: 500 S Denver, Tulsa, OK 74103

Transcript Type: Motion Hearings

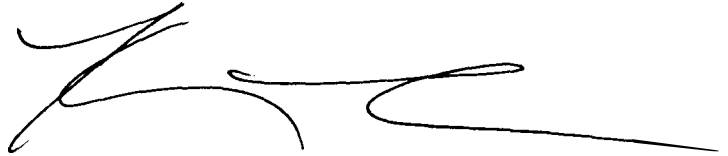
Transcript Date:

1. 12-07-2020, Judge Musseman
2. 01-25-2021, Judge Musseman
3. 03-04-2021, Judge Musseman
4. 04-23-2021, Judge Musseman

5. 10-15-2021, Judge Musseman
6. 12-06-2021, Judge Musseman
7. 01-07-2022, Judge Musseman
8. 02-10-2022, Judge Musseman
9. 02-25-2022, Judge Musseman
10. 03-04-2022, Judge Musseman

3. All documentary exhibits (including court exhibits) and photographs, audio cassettes, and video cassettes entered into evidence, **or offered as evidence**, at any hearing or trial. Pursuant to Court of Criminal Appeals Rule 2.2(B), copies of documentary and photographic exhibits shall be attached to each copy of the transcript; an original and two copies shall be made of all electronic recordings.

Respectfully submitted,



Kevin D. Adams, OBA#18914
36 East Cameron Street, #16
Tulsa, OK 74119
(918)582-1313
kadams@lawyer.com

CERTIFICATE OF DELIVERY

I hereby certify that a copy of the foregoing instrument was mailed or delivered on May 20, 2022 to the office of the following:

Tulsa County District Attorney's Office
500 S Denver Ave, 9th Floor
Tulsa, OK 74103



Kevin Adams

IN THE DISTRICT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CF-2020-2889
)	
DAVID ANTHONY WARE.)	
Defendant.)	

Advisory Propositions of Error

Comes now David Ware, by and through his attorney Kevin Adams, and advises Mr.

Ware's appellate counsel of propositions of error for appeal:

1. Oklahoma's compensation for conflict capital counsel is unconstitutional and creates statutory structural error and the trial court erred in denying Mr. Ware's *MOTION TO DECLARE OKLAHOMA'S CONFLICT DEATH PENALTY COMPENSATION SCHEME AND COURT FUNDING MODEL UNCONSTITUTIONAL WITH BRIEF IN SUPPORT* (filed on 3-8-22) and Mr. Ware's *SUPPLEMENTAL MOTION TO DECLARE OKLAHOMA'S CONFLICT DEATH PENALTY COMPENSATION SCHEME AND COURT FUNDING MODEL UNCONSTITUTIONAL WITH BRIEF IN SUPPORT* filed on 3-10-22.

2. David Ware received ineffective assistance of counsel from his second chair, Robert Don Gifford for the following reasons:

- 2.1. Mr. Gifford failed to adequately prepare and assist lead counsel in the defense of Mr. Ware. (See April 14, 2022 letter from lead counsel to Mr. Gifford, attached as Exhibit A)

2.2. Mr. Gifford worked on other cases during Mr. Ware's trial and on April 7, 2022 during jury selection of Mr. Ware's case. Mr. Gifford even admitted he was doing this when he sent a text message to the wife of another client stating "I'm multi-tasking right now picking a jury still." On the morning of April 25, 2022 Mr. Gifford lied to judge Lafortune, on the record, after lead counsel informed the Court that Mr. Gifford had been working on other cases during the jury selection and was not paying attention during Mr. Ware's case. (See Attached Exhibit B)

2.3. Mr. Gifford, exceed his reduced and limited role as "trial support" and despite being instructed to **"You are not authorized to discuss this case with the media, the state or the judge"** and to direct all communication to lead counsel, Mr. Gifford continued to reveal facts and strategy regarding the defense of David Ware to those he was not authorized to discuss the case with.

2.4. It is believed that Mr. Gifford revealed facts and strategy of the Ware defense to members of the Tulsa County Public Defender's Office despite that office having recused itself from the case because of a conflict and despite the judge's wife (Kathy Lafortune) being employed by that office. Mr. Gifford was seen going in and out of the public defender's office multiple times during the trial.

2.5. Mr. Gifford abandoned Mr. Ware before the trial and during the trial and provided almost zero assistance during the trial.

2.6. It is believed that because he was dissatisfied with his limited role in Mr. Ware's defense, that Robert Gifford, began undermining David Ware's defense.

2.7. Mr. Gifford seemed more interested in promoting himself with the high profile nature of his client's case than he was in defending his client. (See Attached Exhibit C)

3. David Ware received ineffective assistance of counsel from his first chair, Kevin Adams, for not thoroughly investigating the background of Robert Gifford before requesting that Mr. Gifford be appointed as second chair to replace Johnnie James as second chair.

3.1. If lead counsel would have investigated Mr. Gifford's background he would have discovered a January 3, 2018 Tulsa World Article titled "*Lead Federal Prosecutor in high-profile sex case received disciplinary letter for 'extremely serious' misconduct*". This article details how Mr. Gifford is accused of placing his interest above those of the government.

3.2. If lead counsel would have investigated Mr. Gifford's background he would have also discovered a February 4, 2016 article written by Nolan Clay in The Oklahoman titled "*Oklahoma City federal prosecutor accused by wife of abuse and harassment.*"

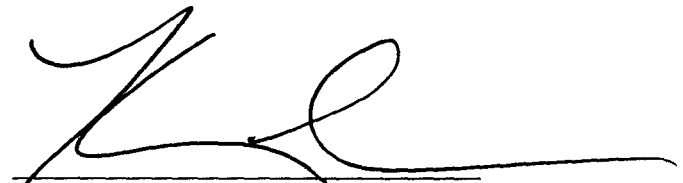
4. Oklahoma's compensation for conflict capital counsel is unconstitutional and creates statutory structural error because \$5,000 is not enough money for lead counsel to find a qualified second chair in a death penalty case. (See proposition two (2) above and (See Attached Exhibit D, Facebook Post from former second chair Johnnie James posted after lead counsel had replaced Mr. James as second chair.))

5. David Ware received ineffective assistance of counsel from his lead chair for not challenging the panel because of racial inequalities in the panel. For example in the first seventy-five (75) jurors of the panel there was only one black male which is statically highly unlikely to occur at random.
6. David Ware, a hispanic male, was denied a fair trial because of the systematic removal of minority jurors, both during jury selection and even immediately before the closing arguments in the penalty stage.
7. David Ware denied fair sentencing by the Court's removal of two minority jurors that were persuaded at the conclusion of the sentencing stage evidence that they could not impose a death sentence.
8. David Ware was denied a fair trial because of the Court's refusal to give a self-defense instruction.
9. David Ware was denied a fair trial because of the Court's refusal to give a lessor included offense instruction of manslaughter
10. Denied fair trial by judge and district attorney's ex parte communications. (See transcript of April 27, 2022 sealed hearing.)
11. Court erred in denying demurrer to atrocious heinous and cruel.
12. Court erred in denying continuing threat aggravator.
13. Court errored in denying motion to strike bill of particulars for MOTION TO DISMISS BILL OF PARTICULARS FOR STRUCTURAL STATUTORY ERROR, 2-15-22, and REPLY TO STATES RESPONSE TO MOTION TO DISMISS BILL OF

PARTICULARS FOR STRUCTURAL STATUTORY ERROR, 2-22-22, WRITTEN
REQUEST TO TAKE JUDICIAL NOTICE 3-2-22

14. Court erred in denying MOTION TO DECLARE OKLAHOMA'S CONFLICT
DEATH PENALTY COMPENSATION SCHEME AND COURT FUNDING MODEL
UNCONSTITUTIONAL WITH BRIEF IN SUPPORT, 3-8-22 and SUPPLEMENTAL
MOTION TO DECLARE OKLAHOMA'S CONFLICT DEATH PENALTY
COMPENSATION SCHEME AND COURT FUNDING MODEL
UNCONSTITUTIONAL WITH BRIEF IN SUPPORT, 3-10-22
15. David Ware received an unfair trial because of prosecutorial misconduct during the
first stage closing arguments. (See Attached Exhibit E)

Respectfully submitted,

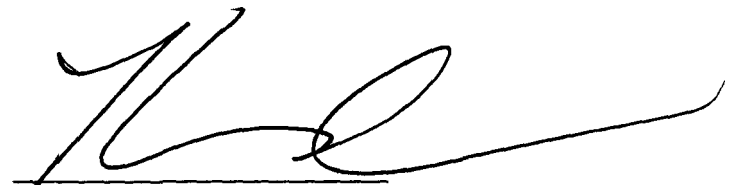


Kevin D. Adams, OBA#18914
36 East Cameron Street, #16
Tulsa, OK 74119
(918)582-1313
kadams@lawyer.com

CERTIFICATE OF DELIVERY

I hereby certify that a copy of the foregoing instrument was mailed or delivered on
May 13, 2022 to the office of the following:

Tulsa County District Attorney's Office
500 S Denver Ave, 9th Floor
Tulsa, OK 74103



Kevin Adams

Exhibit A

KEVIN D. ADAMS, PLLC

Kevin D Adams
Attorney at Law

36 East Cameron Street, #16
Tulsa, OK 74103

T 918-582-1313
F 918-512-4206

LawyerAdams@me.com
www.OklahomaCriminalLaw.com

April 14, 2022

Robert Gifford
P.O. Box 2682
Oklahoma City, OK 73102
Via email: robert.gifford@giffordlawyer.com

Re: Your role in the David Ware Trial

Robert:

I am writing this letter to document your authorized role in the upcoming trial and to document the reasons why I have made that decision. I expect you will not exceed your role. Your role in the trial will be a limited one of general trial support.

I have limited your role because in my opinion as lead counsel you are not prepared to play a more significant part in the trial, because you have been unavailable to prepare¹. For example after attempting to call you to discuss the case I received a text from you stating you unavailable to talk (generally either "Sorry, I am on the phone - I will call back" or "Sorry, I can't talk right now") over forty (40)² times since you were appointed on October 18, 2021.

Since jury selection has began on April 4, 2022 you have driven back to Oklahoma City every night. This has meant we have been unavailable to meet and discuss the case in person. We have had no meetings in person, other than lunch and discussions in court, to prepare a coordinated a trial strategy. You have only met our client David at the jail two to three times at the jail.

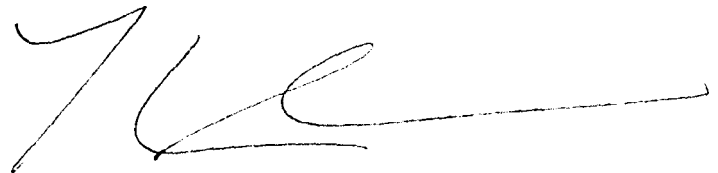
¹ There are other examples I could site but I see no need to document everything at this time.

² 10-22-21, 10-25-21, 11-2-21, 11-4-21, 11-24-21, 11-29-21, 12-3-21, 12-9-21, 12-15-21, 12-29-21, 1-4-22, 1-12-22, 1-19-22 ("Sorry Quiet"), 1-21-22, 1-26-22, 1-27-22, 2-7-22, 2-7-22 ("Sorry couldn't answer - at niece's basketball game in Cushing"), 2-8-22 ("Hey - sorry still shuffling kiddos, I'm wiped out"), 2-9-22 (8:23 am, 4:44 pm), 2-10-22 11:22 am, 2:24 pm, 2-11-22, 2-12-22, 2-15-22, 2-16-22, 2-18-22, 2-28-22, 3-2-22, 3-3-22, 3-5-22, 3-7-22 (7:20 am, 7:34 am), 3-9-22, 3-14-22, 3-15-22, 3-17-22, 3-18-22 (9:26 a.m., 9:44 p.m.), 3-21-22, 3-23-22 (11:11 a.m. and 12:22 p.m.) and 3-29-22.

I understand the burden these case place on lawyers. The financial burden and the low pay has been well documented in this case. But, at the end of the day I have to make the decision that is best for David and best for the case and as lead counsel it is my opinion that you do not know the case well enough to handle witnesses. The case is too complex and too much is at stake to simply "wing it". You are not authorized to discuss this case with the media, the state or the judge. Please direct all communication regarding this case to me.

I expect my directions will be honored and I do not want to have any more arguments about whether or not you "get to handle" any witnesses. These cases are stressful enough without the infighting.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin D. Adams". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kevin D. Adams

Exhibit B

10:08



RG

Robert

Are you slammed today?

Was wondering if you had
some state filings on your
hard drive

(They aren't on OSCN)

**I'm actually just cleaning my
car lol. I have access to
them. What did you need?**

Oh that's awesome. You're
awesome. (I'm multi-tasking
right now picking a jury still)

Looking for the request to
withdraw guilty plea, any
order denying it (showing he
had counsel), and his One
year review motion

3 documents possibly.

Looking to show he was

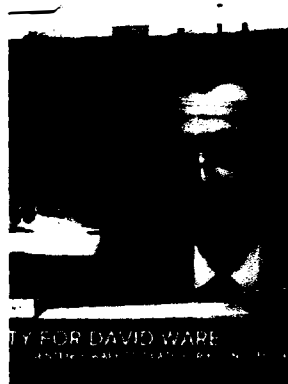


Apple Pay



Exhibit C

All 2020-Current



Jurors recommend death sentence for David Ware

KJRH: April 25, 2022



Jury Reaches Verdict On 4 Out Of 5 Sentences For David Ware

News on 6: April 25, 2022



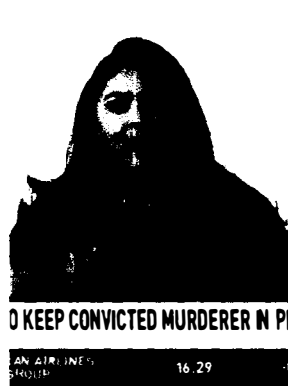
Ware's defense files three motions, including a call for a mistrial, ahead of sentencing phase

Fox 23 News: April 25, 2022



Sentence Phase Begins in David Ware Trial; DA Seeks Death Penalty

Ponca City Now: April 25, 2022



Bixby family fights to keep convicted killer in prison

News Channel 8Tulsa: March 1, 2022



Death penalty case in officer's slaying unfair, defense attorney says, with state law limiting his pay

Tulsa World: February 17, 2022



Death penalty case unfair, attorney for accused cop killer says, with state law limiting his pay

The Black Chronicle: February 17, 2022



Oklahoma lawmakers file bills to change protective order law after push from BA mother

OKC Fox 25: February 17, 2022



Exhibit D



Photos



Life events



Johnnie James III

8:00 PM



taps mic it's been a long journey. A good one, I have zero regrets. Effective immediately I'll be surrendering my licenses, closing the Law Office, processing and sending everyone their files and money over the next few weeks, getting a divorce and selling Black Majic Cannabis, Black Majic Solutions, and everything else. Interested bidders Contact me. I'm out this bitch ***drops mic***

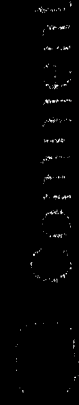


Like Love Wow Haha Sad

Comment



Like



Comment



Share

Exhibit E

IN THE DISTRICT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA

Plaintiff

-vs-

DAVID ANTHONY WARE

Defendant

Case No. CF-2020-2889

AFFIDAVIT

I. Jennifer Mullins, of Wayne, in McClain County, Oklahoma, MAKE OATH AND SAY THAT:

1. On April 22, 2022, at approximately 2:15 pm, I was in the Tulsa County Courtroom # 706. During his closing argument, I heard District Attorney Steve Kunzweiler tell the jury that David Ware was presumed innocent; that he was not required to testify, but that he was told that there was going to be a problem. You're going to be put on the stand and you are going to have to say you shouldn't have had a gun. I understood this to be Mr. Kunzweiler implying to the jury that Attorney Kevin Adams led his client to lie on the stand. Mr. Adams objected and stated that Mr. Kunzweiler was personally attacking him. Judge William LaFortune overruled the objection.

On the above date during the same closing argument, I heard Mr. Kunzweiler talk about how Mr. Adams is an experienced trial lawyer and been doing it for a long time. He then stated to the jury that Mr. Adams pronounced Officer Zarkeshan's name wrong several times and reminded them that while Officer Zarkeshan was on the stand that Mr. Adams asked "Can you pronounce your name for me?" Mr. Kunzweiler's next words to the jury were "What is that?" I felt this to be Mr. Kunzweiler implying to the jury that Mr. Adams was taunting and being racist towards

Officer Zarkeshan by using the mispronunciation of his name.

On the above date at approximately 3:45 p.m., Mr. Adams began his closing argument. He was tearful and visibly upset. He stated that he has had this case for a couple of years and had thought about how he would start off; that he didn't think he would have to start by defending himself. He stated that he had struggled with speech his entire life and never thought he would be made fun of because he could not pronounce Officer Zarkeshan's name and that he would have to defend himself against being racist.

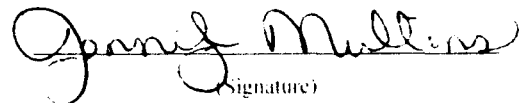
On the above date and directly after Mr. Adams closing argument, Assistant District Attorney Kevin Gray started his closing. He addressed many things Mr. Adams had said in his, however no mention was made of Mr. Adams having to defend himself against Mr. Kunzweiler implying he was racist.

STATE OF OKLAHOMA

COUNTY OF MCCLAIN COUNTY

SUBSCRIBED AND SWORN TO BEFORE ME,

on the 24th day of April
2022


(Signature)

Jennifer Mullins

Signature Sheila Koehler

(Seal)

SHEILA KOEHLER
NOTARY PUBLIC, State of Oklahoma
Commission Number 15004861
My Commission Expires May 26, 2023

6-26-23



IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA

State Of Oklahoma, -VS- DAVID ANTHONY WARE SS# : XXX-XX-7630 DOB : XX-XX-1987	Case No. CF-2020-2889 Count No. 1 <div style="text-align: right;"> DISTRICT COURT F I L E </div>
--	--

MAY 13 2022

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

ORIGINAL

**JUDGMENT AND SENTENCE FELONY
Death Penalty**

Now, this **13TH DAY OF MAY, 2022**, this matter comes on before the Court for sentencing and the defendant appears personally and by his or her Attorney of record, KEVIN ADAMS, and the State of Oklahoma is represented by KEVIN GRAY AND STEVE KUNZWEILER, and the Court Reporter, SAMANTHA BROWN, is present.

The defendant previously entered a plea of **not guilty** and has been found guilty by the Court of the crime of **MURDER - FIRST DEGREE** , in violation of 21 O.S. 701.7
Date Of Offense: 06/29/2020

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the defendant, is guilty of **Murder In the First Degree** and is sentenced to be imprisoned by the Oklahoma Department of Corrections until **8-10-2022** on which date the defendant **shall be put to death** by continuous, intravenous administration of a lethal quantity of an ultra-short-acting barbiturate in combination with a chemical paralytic agent until death is pronounced by a licensed physician according to the accepted standards of medical practice pursuant to the verdict for the crime of **MURDER - FIRST DEGREE** , in violation of 21 O.S. 701.7
Date Of Offense: 06/29/2020.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in addition to the preceding terms, and the general miscellaneous costs of this action the defendant is also sentenced to: **COSTS ONLY**. It is further ordered that judgment is hereby entered against the defendant for all costs, fees, fines, and assessments ordered in this action.

EXHIBIT
6

The Court further advised the defendant of his or her right to appeal to the Court of Criminal Appeals of the State of Oklahoma and of the necessary steps to be taken by him or her to perfect such appeal, and that if he or she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State, subject to reimbursement in accordance with 22 § O. S. 1355.14, 20 § O. S. 106.4 (b), and, ADC-72-33.

The Sheriff of Tulsa County, Oklahoma, is ordered and directed to deliver the defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of the Sheriff for the transportation and imprisonment of the defendant as herein before provided. The Sheriff is to make due return to the clerk of this Court with his proceedings endorsed thereon.

COURT CLERK'S DUTY

[TRIAL JUDGE TO COMPLETE THIS SECTION]

IT IS FURTHER ORDERED that the Clerk of this Court shall register or report the following circumstances in accordance with the applicable statutory authority:

As to Count(s) 1, 23, 6, the defendant is ineligible to register to vote pursuant to Section 4-101 of Title 26.

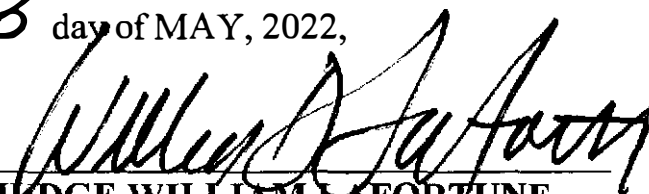
Pursuant to Section 985.1 of Title 22, the Court departed from the mandatory minimum sentence of imprisonment as to Count(s) _____.

As to Count(s) _____, the defendant is subject to the Methamphetamine Offender Registry requirements as set forth in Section 2-701 of Title 63.

As to Count(s) _____, the defendant is subject to the Mary Rippy Violent Crime Offenders Registration Act requirements as set forth in Section 594 of Title 57.

() Defendant is a lawyer and certified copies of this document shall be transmitted to the Chief Justice of the Supreme Court and the General Counsel of the Bar Association within five (5) days as set forth in Rule 7.2 of the Oklahoma Rules of Professional Conduct, 5 O.S.Supp.2014, ch. 1, app. 1-A.

Witness my hand this 13th day of MAY, 2022,



JUDGE WILLIAM LAFORTUNE

ATTESTATION:

DON NEWBERRY
District Court Clerk Tulsa County

By: 

KIMBERLY ANN THOMAS, Deputy

OFFICER'S RETURN OF SERVICE

Received this order the ____ day of _____, _____, and executed it by delivering said defendant to the Warden of the Lexington Assessment and Reception Center at Lexington, Oklahoma on the ____ day of _____.

VIC REGALADO, SHERIFF, TULSA COUNTY, OKLAHOMA

By: _____

Deputy

COURT CLERK'S CERTIFICATION

I, Don Newberry, District Court Clerk for Tulsa, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerks Office of Tulsa, Oklahoma.

Dated this the ____ day of _____, 2000.

DON NEWBERRY, DISTRICT COURT CLERK, TULSA COUNTY, OKLAHOMA

By: _____, Deputy

OKLAHOMA

INDIGENT DEFENSE SYSTEM

2025 Annual Report

... to provide people who are indigent with legal representation comparable to that obtainable by those who can afford counsel and to do so in the most cost-effective manner possible.

EXHIBIT

7

Oklahoma

Indigent Defense System



J. KEVIN STITT
GOVERNOR

TRICIA EVEREST
SECRETARY OF PUBLIC SAFETY

DEBBIE MADDOX
Executive Director

This publication is issued digitally by the Oklahoma Indigent Defense System as authorized by 74 O.S. §§ 3103-3106.1. A digital copy has been prepared and submitted with the Publications clearinghouse of the Oklahoma Department of Libraries. A digital copy has been submitted to the Oklahoma Indigent Defense System website at <https://oklahoma.gov/oids.html>.

DEBBIE MADDOX
EXECUTIVE DIRECTOR



J. KEVIN STITT
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA INDIGENT DEFENSE SYSTEM

BOARD MEMBERS

TOMMY ADLER, ESQ.,
CHAIR
Adler Markoff & Associates
9211 Lake Hefner Parkway
Suite 104
Oklahoma City, OK 73120

KENNETH E. WRIGHT III, ESQ.,
VICE CHAIR
Davis & Thompson, PLLC
314 S. 5th Street
Jay, OK 74346

CARELYN GUTHRIE, ESQ.
5G Law Firm, PLLC
1902 9th Street
Woodward, OK 73801

GARY HIGGINBOTHAM, ESQ.
500 N Walker Ave #120
Oklahoma City, OK 73102

THEODORE BRETT SWAB, ESQ.
Swab & Stall, PA
2021 South Lewis Ave.
Suite 520
Tulsa, OK 74104

September 19, 2025

TO THE HONORABLE J. KEVIN STITT
HONORABLE LONNIE PAXTON
HONORABLE KYLE HILBERT
HONORABLE DUSTIN P. ROWE
HONORABLE GARY L. LUMPKIN

Enclosed is a report concerning the duties, activities, and accomplishments of the Oklahoma Indigent Defense System for the fiscal year ending June 30, 2025, in accordance with 22 O.S. § 1355.3(B) and 22 O.S. § 1355.4(C)(14).

The Oklahoma Indigent Defense System is grateful for the support the agency received during Fiscal Year 2025 from the Governor and his staff, from the Legislature, and from the Judiciary.

The Oklahoma Indigent Defense System thanks the agency's staff and contract attorneys, investigators, administrators, support staff, and expert service providers for their profound and unwavering service to our clients. Their efforts enable the Oklahoma Indigent Defense System to serve the interests of justice through our skilled client advocacy and our vigorous defense of our shared constitutional rights.

Sincerely,

Debbie Maddox
Executive Director

◆ Board Members

TOMMY ADLER, ESQ., CHAIR
Adler Markoff & Associates
9211 Lake Hefner Pkwy
Suite 104
Oklahoma City, OK 73120

KENNETH E. WRIGHT III, ESQ.,
VICE CHAIR
DAVIS & THOMPSON, PLLC
314 S. 5TH STREET
Jay, OK 74346

THEODORE BRETT SWAB, ESQ.
Swab & Stall, PA
2021 South Lewis Ave.
Suite 520
Tulsa, OK 74104

CARELYN GUTHRIE, ESQ.
5G Law Firm, PLLC
1902 9th Street
Woodward, OK 73801

GARY D. HIGGINBOTHAM
500 N WALKER AVE #120
OKLAHOMA CITY, OK 73102

Past Board Members

(In Alphabetical Order)

Michael Blevins	Marvin Martens
Paul Brunton	Alan McPheron
William Burkett	Randolph Meacham
Henry Burris	Henry A. Meyer, III
Robert Carlson	Patrick Moore
Michael D. Carter	John B. Nicks
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Lance Hopkins	Robert Redwine
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Doug Inhofe	Charles Richardson
Jack Ivester	Dennis Shook
Richard James	Donald Kent Switzer
Jake Jones, III	Rod Uphoff
Kathryn LaFortune, Ph.D.	Rod Wiemer

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Chapter 1

◆ Introduction

The mission of the Oklahoma Indigent Defense System is to provide people who are indigent with legal representation comparable to that obtainable by those who can afford counsel and to do so in the most cost-effective manner possible.

OIDS fulfills most of the State’s obligations under the Oklahoma and United States Constitutions to provide trial, appellate and capital post-conviction criminal defense services to persons who have been judicially determined to be entitled to legal counsel at State expense. The Oklahoma Indigent Defense Act, 22 O.S. §§ 1355, *et seq.*, which created the agency, sets forth the duties and responsibilities of the agency, the Indigent Defense System Board and the OIDS Executive Director.

The agency is governed by a five-person Board. Each member is appointed by the Governor, with the advice and consent of the Oklahoma Senate, for a five-year term. The agency consists of three program areas: the General Operations Program, the Trial Program, and the Appellate Program.

The Trial Program consists of the Non-Capital Trial Division and two capital trial divisions: Capital Trial Norman and Capital Trial Tulsa. The Appellate Program consists of the Appellate East and Appellate West Divisions. In years past, the Appellate Program consisted of the General Appeals Division, the Homicide Direct Appeals Division, and the Capital Post-Conviction

Division. These divisions have been reorganized into the Appellate East and West Divisions.

OIDS is appointed by the trial and appellate courts of Oklahoma after an indigence determination is made by the court. OIDS is subject to appointment to provide trial representation in criminal cases in 75 of Oklahoma’s 77 counties, and in all 77 counties at the appellate level. During Fiscal Year 2025, OIDS contracted with private Oklahoma-licensed attorneys to handle 100% of the indigent non-capital trial caseload in 39 counties. In 36 counties, staff attorneys handled most of the indigent caseload. Private attorneys or OIDS Roving Attorneys handle most of the System’s conflict cases. In death penalty cases and non-capital appeals, attorneys employed by OIDS are assigned cases after OIDS has been appointed by district courts or the Oklahoma Court of Criminal Appeals.

OIDS represented a total of 47,068 court appointments in Fiscal Year 2025. The numerical breakdown by division is as follows:

NON-CAPITAL TRIAL	
<i>Staff</i>	20,915
<i>County Contracts</i>	25,039
<i>Conflicts</i>	398
CAPITAL TRIAL – NORMAN	18
CAPITAL TRIAL – TULSA	15
APPELLATE PROGRAM	682
EXECUTIVE DIVISION CONFLICTS	1
<i>TOTAL</i>	<hr/> 47,068 <hr/>

Given the nature of criminal cases, most span more than one fiscal year. In complex cases, such as death penalty cases, OIDS may represent a client for three or more years. Accordingly, the total number of cases handled during a fiscal year includes appointments pending from prior fiscal years in addition to the current year's court appointments.

**The Oklahoma Indigent Defense System
Continues to Keep Gideon's Promise.**

The United States Supreme Court's decision in *Gideon v. Wainwright*, 372 U.S. 355 (1963), turned 62 years old in fiscal year 2025. In this case, a unanimous court held that states are required to provide legal counsel to indigent defendants charged with felonies. In 1967, the Supreme Court held that states had an obligation to provide counsel to indigent juvenile defendants. Finally, in 1972, in *Argersinger v. Hamlin*, 407 U.S. 25 (1972), the Supreme Court held that states are obliged to provide counsel to indigents charged with misdemeanors.

The legacy of the Gideon decision and its progeny is a promise from our nation and our states individually and collectively to each person in this country. These cases articulate our nation's and our state's promise that no person's freedom should be placed in jeopardy of criminal prosecution without the necessary benefit of a lawyer committed to that person's legal defense and advocacy.

United States Supreme Court Justice Hugo Black put it this way, "[L]awyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to ensure fair trial before impartial

tribunals in which every defendant stands equal before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accuser without a lawyer to assist him."

In the greater part of Oklahoma, the Oklahoma Indigent Defense System is charged with keeping Gideon's promise. (We share this honor with the Oklahoma and Tulsa County Public Defenders.) Every employee of the Oklahoma Indigent Defense System plays a vital role in enabling the agency to serve our clients.

In Fiscal Year 2025, the people who worked for and contracted with the Oklahoma Indigent Defense System defended the constitutional rights of indigent Oklahomans with skill, dedication, and honor. In doing so, they defended everyone's constitutional rights and kept Gideon's promise. The Oklahoma Indigent Defense System will continue to keep Gideon's promise as we work to safeguard our shared constitutional values.

◆ General Operations Program

EXECUTIVE DIVISION

The Executive Division is charged with the responsibility of managing and operating the agency and implementing the Indigent Defense Act. By statute, the Executive Director is selected by and serves at the pleasure of the agency's governing Board.

To aid the Executive Director in the implementation of the Indigent Defense Act and agency operations, the Executive Division is staffed with administrative and finance personnel. OIDS provides legal representation through the services of staff members, and by contracting with private attorneys and expert service providers. At the end of the fiscal year, OIDS employed 174 full-time equivalent staff members at its main offices in Norman and its satellite offices in Altus, Clinton, El Reno, Enid, Guymon, Lawton, Norman, Okmulgee, Poteau, Pryor, Sapulpa, and Woodward. On July 1, 2025, OIDS opened a satellite office in Claremore to represent Rogers County clients.

In Fiscal Year 2025, the agency entered 130 new professional services contracts with private attorneys and expert service providers to furnish defense services in court-appointed cases, in addition to administering 107 contracts carried over from the previous fiscal year. The Executive Division services these contracts in addition to

providing support services to the agency's attorneys and investigators.

The Executive Division also administers professional training opportunities for our attorneys and support staff. FY-2025 saw the continuation of attorney and support staff training opportunities through our internal training program, which was reinstated in FY-2024. Training Coordinator, Katie Taber, coordinated multiple in-house and externally hosted conferences and seminars. Focusing on technological and administrative functions, the Executive division hosted a two-day administrative training in December 2024 for all Legal Secretaries, Paralegals and Office Aides to review standard operating procedures. Additionally, Ms. Taber worked with OIDS Division Chiefs to host two in-house continuing legal education (CLE) seminars: 'From Trial to Appellate' seminar in October 2024 and 'Juvenile Training Day' in April 2025. In July 2025, the agency was approved for presumptive approval from the Oklahoma Bar Association, which will allow the agency to host more in-house CLE events to provide local training opportunities to our staff and other legal entities in the state of Oklahoma.

In FY-2025, Ms. Taber developed an impressive library of continuing legal education programs

that can be accessed by all OIDS lawyers on an “as needed” basis. Having access to well-organized information is critical to the professional development and competence of our lawyers and investigators. Additionally, Ms. Taber started a monthly training series to benefit all OIDS employees that want to learn more about technology applications available to them.

To further the agency’s goal in providing attorneys with in-house training and guidance, the agency hired David Autry as a new Staff Attorney to assist with mentoring young trial lawyers in the courtroom. Mr. Autry is one of the most accomplished trial lawyers in the State of Oklahoma and he is helping transform our young corps of lawyers into zealous trial advocates. His presence on our staff and the mentoring he provides helps OIDS attract and retain dedicated criminal defense attorneys who seek to work with and learn from him.

SUMMARY OF EXECUTIVE DIRECTOR DUTIES

- | Statutory Duties |
|---|
| ◆ Budget |
| ◆ Claims |
| ◆ Contracts with private attorneys |
| ◆ Improve State’s criminal justice system |
| ◆ Training for attorneys |
| ◆ Defense representation |
| ◆ Employ necessary personnel |
| ◆ Set rates for attorneys who accept court appointments |
| ◆ Set maximum caseloads |
| ◆ Advise OIDS Board |
| ◆ Conferences and training seminars |
| ◆ Provide personnel to serve in advisory capacity to criminal defense attorneys |
| ◆ Recommend legislation |
| ◆ Track costs |
| ◆ Adopt policies & procedures |
| ◆ Provide for expert and investigator services |

General Operations Program Accomplishments

The successes of the trial and appellate divisions would not be possible without the outstanding

service of the agency’s General Operations Program which includes the Executive, Finance, and Computer Operations Divisions. In addition to performing vital administrative functions, these dedicated professionals are instrumental in the agency’s responsible stewardship of agency funds.

In Fiscal Year 2025, the agency’s executive team experienced leadership changes and career development opportunities. Deputy Executive Director, Angela Cole-Cockings, made the decision to retire in May 2025. The agency has relied on Ms. Cole-Cockings administrative and legislative expertise for nearly twenty-eight years. Ms. Cole-Cockings will be deeply missed at the agency as she begins her next chapter into retirement.

Before retiring from the agency in June of 2025 with thirty-six years of service, Jamie D. Pybas took on the role of Interim Executive Director as the agency began recruiting for an Executive Director. In late winter and early spring of 2025, Ms. Pybas expertly oversaw the agency’s executive operations while also carrying an appellate caseload. Ms. Pybas played an exceptional role at the agency for the entirety of her career in the Appellate Division and that expertise helped the agency in her tenure as Interim Executive Director.

In May 2025, the agency’s Board of Directors selected Ms. Debbie Maddox as Executive Director of the Oklahoma Indigent Defense System. Before her promotion to Executive Director, Ms. Maddox was the Deputy Division Chief in the agency’s Non-Capital Trial office in Lawton. Ms. Maddox brings thirty-six years of legal experience to her role, with experience in appellate, capital, and non-capital criminal defense, counsel for the Oklahoma Ethics Commission and the Oklahoma Bar Association, and many years as a solo practitioner. The agency is excited to welcome Ms. Maddox into her new role.

In FY-2025, the agency continued to make significant improvements in our finance, procurement, and technological functions. In November 2024, the agency hired Steven Feldman as Chief Information Officer to oversee the agency's Computer Operations Division. Shortly after Mr. Feldman joined the agency, he completed major projects to include updating the agency's case management system, finding storage solutions for complex agency files, restoring the agency's contractor portal, assisting our attorneys with technical support in the courtroom, and implementing new inventory management software.

In addition to Mr. Feldman's efforts, Information System Network Manager, Felisa Billy, and Information System Application Manager, Tucker Chaney, continued to improve the work lives of the agency's attorneys, investigators, and support staff by implementing significant technological improvements.

In our Finance Division, Chief Finance Officer, Brandy Bahm, expertly oversaw the agency's fiscal management while adding additional managerial responsibilities over the agency's computer operations division. Ms. Bahm has transformed the agency's approach to managing financial resources so that OIDS can meet its obligations to provide public defender services to 75 Oklahoma counties.

Project Manager, Christa Szabo, expanded her role in the Finance division by overseeing various projects in the Norman office and satellite offices while continuously finding cost-savings to the agency. As Tucker Chaney transitioned to the Computer Operations Division from the Finance Division, the agency hired Dulce Avila in June 2025 to oversee the agency's information technology purchasing. Ms. Avila brings purchasing and finance experience from the District Attorney's council where Ms. Avila worked in procurement and managed grants.

Briana Shawn, Account Clerk, and Maranda Whitaker, Assistance Finance Officer, continued to provide excellent services and support to our employees, contractors, and experts in their positions.

The Human Resources team received additional duties in Fiscal Year 2025 due to Janet Gonzales, Payroll Specialist, retiring in May 2025. Upon Ms. Gonzales' retirement, the agency's payroll responsibilities were transferred from the Finance Division to the Human Resources Division. As a result of this transfer of duties, the Human Resources division needed more staff to assist Human Resources Manager, Whitney Fleming, and Human Resources Specialist, Jalaina Arvin, with the agency's personnel needs including recruiting, onboarding, benefits management, and retirement coordination.

In December 2024, the agency hired Mindy Simon as Human Resources Specialist. Ms. Simon brings twenty-four years of Payroll and Human Resources expertise to the agency with previous state service at the Department of Corrections and Department of Tourism. The Human Resources team demonstrated leadership and innovation as they implemented thoughtful procedural improvements while managing unprecedented workloads.

The outstanding efforts of the entire General Operations Program, in conjunction with the efforts of the Non-Capital Trial Division, resulted in the July 1, 2025, establishment of a new trial office which will serve Rogers County in FY-2026 and beyond.

In FY-2025, the Executive Division continued to employ interns in the Trial and Appellate divisions. This program offered up to twelve law students the opportunity to work with skilled attorneys on trial and appellate cases. The internship program has developed into a valuable recruiting tool as many interns have sought and continue to seek employment opportunities with the agency upon graduation.

The Executive Division continued the agency’s client services program in FY-2025. OIDS brought on three Resource Navigators in Fiscal Year 2024 to help build a program where OIDS is involved in arranging service plans for clients. The Resource Navigator program identifies clients whose case dispositions are most likely to be improved with the provision of services. The program evaluates the clients’ needs including mental health/substance abuse treatment, housing, education, vocational assistance, child/adult care challenges, and more.

Karen Walker-Dodge originally organized and managed the Resource Navigator program through which the agency improved the disposition of many of our clients’ criminal cases. Ms. Walker-Dodge made the decision to retire in June 2025. Ms. Walker-Dodge built a sound framework for the program in the latter part of FY-2023. In early FY-2024, Ms. Walker-Dodge began supervision of the agency’s first Resource Navigator, Kaleda Ruck, who served several counties out of the agency’s El Reno office. The Resource Navigator team has since added Lauren Mitchell to the Norman office, Jill Guinn to the Sapulpa office, and Denise Phelps to the Lawton office to serve more agency clients in additional counties. The Resource Navigator Program has continued to develop in FY-2025 with a plan to further expand services to our clients. In FY-2024, the OIDS Resource Navigators assisted 495 agency clients, and the program assisted another 805 agency clients in FY-2025. This program has

led to a real modernization of services offered to our clients at a time when evidence-based diversionary programs are finding great success.

WEBSITE

The agency’s website provides information about OIDS, resources for public defenders and others interested in criminal law issues, answers to most frequently asked questions and notices of training opportunities. Non-Capital Trial attorney Tessa Martin volunteered to build a motion bank for use of internal OIDS lawyers and criminal defense practitioners across the State of Oklahoma. All of Ms. Martin’s efforts should be fully realized during FY-2026. The website can be accessed at <https://oklahoma.gov/oids.html>.

◆ Trial Program

The Trial Program consists of three Divisions which provide legal representation to agency clients who have been judicially determined to be unable to afford counsel to defend against criminal charges brought by the State in district court. OIDS is appointed by the district courts to represent these defendants.

The right to counsel at State expense was established by the United States Supreme Court in *Gideon v. Wainwright*, 371 U.S. 335 (1963). The right to expert assistance at State expense was established by the United States Supreme Court in *Ake v. Oklahoma*, 470 U.S. 68 (1985).

Chapter 3

NON-CAPITAL TRIAL DIVISION

The Non-Capital Trial Division (NCTD) is responsible for defending indigent criminal defendants charged with offenses punishable by incarceration. Cases range from traffic offenses filed in state court to non-capital first degree murder. NCTD's area of responsibility spans 75 counties, with Oklahoma and Tulsa Counties being excluded. Thus, NCTD represents the agency's largest group of clients. In Fiscal Year 2025, NCTD received 31,111 new appointments. NCTD's total FY-2025 caseload, which includes cases carried forward from previous fiscal years, equaled 46,352 active cases.

DELIVERY OF NON-CAPITAL TRIAL LEGAL SERVICES

In accordance with the Indigent Defense Act, NCTD provides legal representation in the 75 counties for which it is responsible in four ways:

- 1) flat-rate fiscal year contracts with private attorneys.
- 2) satellite offices with salaried staff attorneys.
- 3) assignment of conflict cases to private attorneys who have agreed to accept such cases at established agency hourly rates, subject to statutory maximums set by the Indigent Defense Act; and
- 4) assignment of cases to roving attorneys.

In Fiscal Year 2025, the Division's caseload was handled as follows:

- 1) Flat-rate Fiscal Year Contracts: In 39 counties, all NCTD representation was provided via such contracts. Since Fiscal

Year 1998, OIDS has made a concerted effort to ensure that NCTD fiscal-year contracts are adequately staffed by giving weight, during the contracting process, to the number of law firms participating in an offer.

- 2) Staffed Satellite Offices: NCTD operated twelve satellite offices: Altus, Clinton, El Reno, Enid, Guymon, Lawton, Norman, Okmulgee, Poteau, Pryor, Sapulpa and Woodward. These offices handled the entire caseload in 36 counties.

The Non-Capital Trial Division ended Fiscal Year 2025 (July 1, 2024– June 30, 2025) with 62 attorneys (57 Satellite Office Attorneys, 3 Roving Attorneys, 1 Deputy Chief for NCTD, and 1 Chief.) During Fiscal Year 2025, a satellite office staff attorney handled an average of 171 felony and youthful offender cases, 24 juvenile cases, and 140 misdemeanor, traffic and wildlife cases, or an average of 337 total cases.

The National Legal Aid and Defender Association (NLADA) has long established standards, endorsed by the Criminal Justice Section of the American Bar Association, that no one attorney shall handle in any given 12-month period more than 150 felony cases, OR more than 200 juvenile cases, OR more than 400 misdemeanor and traffic cases. Further, the NLADA standards assume each respective attorney operates in only one courthouse.

Applying the NLADA standards, in Fiscal Year 2025, each NCTD satellite office staff attorney did the work of two attorneys. Moreover, most attorneys worked in several district courts in multiple counties.

Currently, three satellite offices cover five counties each (Altus, Clinton, and Enid), three offices cover four-county areas

(Guymon, Lawton, and Woodward), one office covers three counties (Norman), one office covers two counties (Okmulgee), and four offices cover a single county (El Reno, Poteau, Pryor, and Sapulpa). Although Sapulpa covers one county, the office covers two (2) separate courthouses within Creek County.

- 3) Conflict Counsel: Each year, conflicts of interest arise in a certain number of county contract and satellite office cases and must be assigned to conflict-free counsel. During Fiscal Year 2025, NCTD assigned 221 conflict cases to contracted conflict counsel. Conflicts arising out of county contracts account for 39 of those cases. Conflicts arising out of satellite offices account for 182 of those cases.
- 4) In FY-2010, NCTD received federal funding for one roving attorney. On December 1, 2009, NCTD hired an attorney to cover conflict cases and provide overload relief to NCTD attorneys in Western Oklahoma. Although the federal funding expired late in FY-2011, the agency has maintained this position. In FY-2025, the agency employs 4 roving attorneys. The roving attorneys are assigned complicated cases. These attorneys participate with assigned counsel in trial strategy formulation, pre-trial litigation, and trial advocacy. The roving attorneys were assigned 56 new cases during FY-2025, most of which were serious and complicated felony cases. As FY-2024 ended, the roving attorneys carried 21 open cases in counties throughout Oklahoma.

DISCUSSION

The OIDS Board awards fiscal-year contracts to private attorneys to provide non-capital trial defense services on a county-by-county basis. In response to the agency's solicitations each year, private attorneys offer to provide criminal defense services in felony, misdemeanor, traffic

and (delinquent) juvenile cases in one or more counties for a flat annual rate. The contracting process is volatile, not only in terms of the number of offers, if any, received for any county, but also in terms of the cost of any contract awarded. As a result, the agency's ability to provide contract coverage in many counties, especially the smaller, more rural ones, is unpredictable.

When the agency is unable to obtain a fiscal-year contract for indigent criminal defense work in a county, the Board has two options: (1) establish a satellite office with salaried staff attorneys to accept the System's appointments in the affected county under Section 1355.9 of the Indigent Defense Act or (2) assign the System's appointments in that county to private attorneys who have agreed to accept cases on a case-by-case basis at established agency rates (\$120/hour for in-court legal services; \$100/hour for out-of-court legal services) under Section 1355.8(D)(6) of the Indigent Defense Act.

In Fiscal Year 2025, the Non-Capital Trial Division's satellite offices served the following counties:

ALTUS OFFICE

Greer, Harmon, Kiowa, Jackson, & Tillman

CLINTON OFFICE

Beckham, Custer, Ellis, Roger Mills, & Washita

EL RENO OFFICE

Canadian

ENID OFFICE

Alfalfa, Blaine, Garfield, Grant, & Kingfisher

GUYMON OFFICE

Beaver, Cimarron, Harper, & Texas

LAWTON OFFICE

Comanche, Cotton, Jefferson, & Stephens

NORMAN OFFICE

Cleveland, Garvin, & McClain

OKMULGEE OFFICE

Okfuskee & Okmulgee

POTEAU OFFICE

LaFlore

PRYOR OFFICE

Mayes

SAPULPA OFFICE

Creek (2 Courthouses)

WOODWARD OFFICE

Dewey, Major, Woods, & Woodward

OVERALL CASELOAD

In Fiscal Year 2025, the Non-Capital Trial Division received a total of 16,216 new county contract cases. County contractors discovered conflicts of interest in 59 of these cases. As a result, 39 of the conflict cases were assigned to contracted conflict counsel. Twenty of the conflict cases would have otherwise been assigned to a satellite office for coverage but were instead assigned to the roving attorneys. Once the conflict and roving attorney’s cases were subtracted from all newly assigned cases, the county contractors retained a total of 16,216 new cases in Fiscal Year 2025. The county contractors carried another 8,823 cases into FY-2025 from previous fiscal years. Ultimately, the total FY-2025 county contract workload equaled 25,039 cases.

The Non-Capital Trial Division satellite offices reported a total of 218 conflict of interest cases. 182 of these cases were assigned to contracted conflict counsel. Thirty-six cases were assigned to roving attorneys. With conflict and roving attorney cases subtracted from all newly assigned cases, the satellite offices handled 14,618 new cases in Fiscal Year 2025. The

satellite offices carried another 6,297 cases into FY-2025 from previous fiscal years. Ultimately, the total FY-2025 satellite office workload totaled 20,915 cases.

The number of new (FY-2025) NCTD cases, whether assigned to county contractors, satellite attorneys, conflict counsel or the roving attorneys, totaled 31,111.

The 46,352 cases handled by the Non-Capital Trial Division during Fiscal Year 2025 represent a caseload decrease of 2.7% compared to the number of cases handled in FY-2024.

The Fiscal Year 2025 NCTD caseload represents a 19% decrease since Fiscal Year 2016 (57,318 cases). However, the FY-2025 NCTD caseload also represents a 12.8% increase since FY-2011 in which the total NCTD caseloads were 41,083.

As is discussed in the following paragraph, the FY-2025 non-capital trial caseload reflects NCTD’s improved efficiency in closing prior fiscal year cases. With fewer cases carried forward from previous fiscal years, NCTD has improved its capacity for managing current fiscal year cases.

The number of new Non-Capital Trial Division appointments is virtually unchanged from FY-2024 to FY-2025. The division was appointed to 31,111 new cases in FY-2025. In FY-2024 the division was appointed to 31,222 new cases. A difference of 111 cases.

Although the new case appointment rate remained steady in Fiscal Years 2024 and 2025, the Non-Capital Trial Division decreased the overall number of open cases through the more efficient and timely closing of prior fiscal year cases.

NCTD carried 1,198 fewer open cases into FY-2025 than the division carried into FY-2024. As a result of NCTD’s efforts, the number of carryover cases declined 7.3% from FY-2024 to FY-2025. In FY-2024, NCTD carried 16,418

cases into the new fiscal year from prior fiscal years. In FY-2025, NCTD carried 15,220 cases into the new fiscal year from prior fiscal years.

Non-Capital Trial Division Accomplishments

The Non-Capital Trial Division (NCTD) provides judicially determined indigent people trial-level representation in District Court felony, misdemeanor, traffic, wildlife, and juvenile delinquency cases. NCTD provides criminal defense representation through regional satellite offices, fiscal year county contracts, conflict contracts, and staff roving attorneys. Staff attorneys and contracted attorneys alike vigorously defended their clients' constitutional rights throughout FY-2025. NCTD's successes are too numerous to list; however, in FY-2025, all twelve Satellite Offices tried cases to juries, most resulting in positive outcomes for our clients and many resulting in acquittals. The roving attorneys tried several cases to juries. These trials were factually and legally complicated cases involving homicide or other violent felony allegations. All trials resulted in favorable results for the clients.

During the last few weeks of Fiscal Year 2025, the agency prepared to open a satellite office in Claremore to serve clients in Rogers County by July 1, 2025. The Claremore satellite office will employ three attorneys to serve Rogers County clients beginning in FY-2026.

CAPITAL (DEATH PENALTY) TRIAL REPRESENTATION

The OIDS Capital Trial Divisions are assigned the task of representing indigent defendants in cases in which the State seeks the death penalty. The two Divisions combined represent clients throughout the State except for Oklahoma and Tulsa Counties. Both Divisions operate as

separate law firms for conflict purposes. If one Division cannot accept a court appointment because of a conflict of interest arising from another court appointment, the case is generally assigned to the other Division. If neither Division can accept the court appointment, OIDS contracts with private counsel to represent the client under Sections 1355.7 and 1355.13 of the Indigent Defense Act.

CAPITAL TRIAL NORMAN DIVISION

The Capital Trial Norman Division (CTND) represents defendants in capital cases and, at times, non-capital first degree murder cases throughout the state excluding those filed in Tulsa and Oklahoma Counties. CTND also represents co-defendants of clients represented by the Capital Trial Tulsa Division (CTTD).

In Fiscal Year 2025, the Capital Trial Norman Division carried over 15 cases from previous fiscal years. CTND opened an additional three cases during Fiscal Year 2025, bringing the total number of cases represented to 18 (Of those 18 cases, two were a client's trailing felony case.)

FISCAL YEAR 2025 RESULTS

CTND did not have any jury trials in Fiscal Year 2025. Rather, CTND resolved five clients' cases with sentences less than death. Three clients' cases were resolved through guilty pleas following months of intensive trial preparation and negotiation. CTND resolved two other clients' case through an acquittal based upon a finding that the clients were too mentally ill to understand the nature, consequences, or wrongfulness of their actions. CTND's attorneys, investigators, and support staff continue to provide outstanding advocacy.

Case Resolutions

The Capital Trial Norman Division represented three clients during Fiscal Year 2025 whose

CAPITAL TRIAL TULSA DIVISION

cases were resolved by guilty pleas. In each of these cases, the client entered a plea of guilty to First Degree Murder and other charges. One client received two counts of Life suspended with 35 years to serve after prolonged negotiation and communication with the victim's family. One client received two counts of Life suspended with 40 years to serve after significant advocacy and litigation. One client received a sentence of Life after intense mitigation investigation.

The Capital Trial Norman Division represented two clients during Fiscal Year 2025 whose cases were resolved by acquittal upon a finding of not guilty by reason of mental illness which resulted in both clients being committed to the Oklahoma Forensic Center.

All of these resolutions either prevented a Bill of Particulars from being filed or resulted in the Bill of Particulars being dismissed.

CTND maintains close contact with the Capital Trial Tulsa Division and the Non-Capital Trial Division to ensure agency clients charged with first degree murder receive responsive and conflict-free representation. The results of CTND are a reflection of the outstanding teamwork, advocacy, and commitment of the attorneys, investigators, and support staff.

The following is a summary of CTND's case results:

Result	No. Of Cases
Death	0
Life Without Parole (Following Plea)	0
Life Without Parole (Jury Trial)	0
Pled to Lower Sentence	3
Determined to be NGRMI	2

The Capital Trial Tulsa Division (CTTD) has the shared responsibility with the Norman Capital Trial Division for defending capital and non-capital first degree murder cases in 75 counties in the State. Capital case assignment per division is at the discretion of the executive director, who assesses caseload and trial demands to ensure that all capital clients in the State are properly represented, and each capital division has adequate resources for its caseload. Executive typically and practically assigns CTTD capital and first degree murder cases on the Eastern side of the state, except in the case of conflict or other circumstances as warranted.

CASELOAD

The Capital Trial Tulsa Division (CTTD) began Fiscal Year 2025 with a carryover of ten murder cases and two non-murder cases pending from previous fiscal years. The Division opened two new murder cases and one non-murder case during the fiscal year, bringing the total caseload for the year to twelve murder, and three non-murder cases. The Division concluded four murder cases and two non-murder cases, carrying over 9 cases into Fiscal Year 2026.

OVERVIEW

The Capital Trial Tulsa Division (CTTD) continues to work diligently to provide excellent representation to indigent capital defendants in accordance with the ABA Guidelines for Effective Representation in Death Penalty Cases. CTTD's mission is to pursue life-saving outcomes for their clients at every stage of the proceedings. CTTD utilizes expert services to explain human behavior in context and to thoroughly investigate the life stories of their clients to present a comprehensive portrait of troubled people. CTTD's efforts have largely proved successful,

with no death sentences from that division in more than a decade.

Fiscal Year 2025 Results

Resolved Murder Case 1 – Defendant charged with first-degree murder for stabbing his wife to death in her home. The trial team, led by attorney Velia Lopez, compiled a compelling mitigation package to present to the State. The combination of zealous litigation and compelling mitigation led to a negotiated settlement of the case. Client pled guilty, waived jury trial and was sentenced to Life With the Possibility of Parole.

Resolved Murder Case 2 – Defendant charged with three counts of first-degree murder for the unprovoked and premeditated killing of his mother, father, and sister. The State sought the death penalty. Attorneys Gretchen Armor, Velia Lopez, and Sara Cherry Weber, were able to negotiate a guilty plea with the State early in the litigation, saving taxpayers tens of thousands of dollars and victims years of painful litigation. The client received Life w/o parole on each of the 3 murder counts.

Resolved Murder Case 3 – Defendant charged with first-degree murder for shooting his girlfriend in her home. Counselors Velia Lopez and Sara Cherry Weber, through vigorous litigation, negotiated a plea. Client pled guilty, waived jury trial and was sentenced to Life w/o parole.

Resolved Capital Case 4 – Defendant was charged with 6 counts of Murder in the first Degree. Five of the murder victims were children. Defendant was also charged with one count of Assault and Battery with a Deadly Weapon for shooting the mother of the children, as well as one count of Possession of Firearm AFCF. The State filed a Bill of Particulars alleging many prior bad acts in support of the continuing threat aggravator and was unwilling to negotiate throughout years of litigation. The trial team, led by Division Chief

Gretchen Armor, developed a compelling NGMI defense, effective legal challenges to the State’s case, and a persuasive mitigation strategy for defending both stages of trial. Mitigation specialist, Melanie Collins, and investigators Vicki Hampton and Rhonda Harper, developed and compiled an extensive social history across multiple states, and the team worked together with experts and witnesses to develop a compelling and comprehensive first and second stage theory of the case. Attorney Michon Hughes worked diligently to develop material impeachment evidence of the State’s aggravation, and spent countless hours building relationships with the client and his family. Critical litigation in the weeks before trial finally led to a lifesaving offer from the State, and outstanding effort by the entire team, especially Michon Hughes, persuaded the reluctant client to accept the offer just ten days before trial was to start. In exchange for a plea of guilty, defendant received- Count 1: Life without the Possibility of Parole; Counts 2-6: Life With Parole; Count 7 & 8: 10 years each to run concurrently.

Resolved Case 5 & 6 – These clients had additional separate non-capital charges that the state dismissed without prejudice due to no complaining witnesses.

CTTD maintains close contact with the Capital Trial Norman Division and the Non-Capital Trial Division to ensure agency clients charged with first degree murder, receive responsive and conflict-free representation. The results set forth below reflect the outstanding work by the attorneys, mitigation specialist, investigators and support staff.

Result	No. Of Cases
Death	0
Life Without Parole (Following Plea)	3
Life Without Parole (Jury Trial)	0
Life With Parole (Following Plea)	1
Pled to a Lesser Charge	0
Determined to be NGRMI	0
Charge Dismissed (Non-Capital)	2

Capital Trial Divisions: Conclusion

The Oklahoma Indigent Defense System's two capital trial divisions embrace the Oklahoma Indigent Defense System's most challenging and consequential responsibilities. They defend and advocate for individuals charged with the most serious crimes and for whom the State seeks sentences of death.

Effective capital trial litigation requires the extraordinary efforts of skilled attorneys, investigators, and support staff. The trial team must prepare their cases on multiple tracks at once. They must prepare to defend against the

charges. They must prepare to defend against the alleged death penalty aggravating factors. They must prepare to tell their client's story in the sentencing phase of trial through mitigation and expert witnesses. They must know how each preparation track works together in their client's defense. Throughout this complex process, capital defense counsel must also persistently advocate for a negotiated resolution to the case.

The agency is grateful to the dedicated professionals in the Capital Trial Norman and Capital Trial Tulsa divisions for embracing the challenges of death penalty litigation.

Chapter 4

◆ Appellate Program

The right to an appeal in a criminal case is guaranteed by Article II, Section 6 of the Oklahoma Constitution, 22 O.S. § 1051 of the Oklahoma Statutes, and, in death penalty cases, 21 O.S. § 701.13 and 22 O.S. § 1089 of the Oklahoma Statutes. The right to counsel at State expense on direct appeal was established under the Federal Constitution by the United States Supreme Court in *Douglas v. California*, 372 U.S. 353 (1963). The right to counsel at State expense in capital post-conviction proceedings is found in 22 O.S. § 1089.

After the appellate reorganization in November 2023, fiscal 2025 was the first full fiscal year of the two new appellate divisions – Appellate East and Appellate West. The two divisions cover rough geographic areas of the state. As cases may need to be moved to the other division due to conflicts or case overload, certain cases may be

assigned outside its geographic area. Each division is set up to have a Division Chief, Deputy Division Chief, ten additional appellate attorneys, three investigators, three full-time support personnel, and an office aide.

APPELLATE DIVISION EAST

Highlighted Accomplishments

Jamie Pybas, former Division Chief, obtained relief in a certiorari case for Larry Griffin in Case No. C-2023-950. Ms. Pybas argued that the client was denied the effective assistance of counsel, as an actual conflict arose when the same attorney represented Mr. Griffin both at his plea hearing and at the hearing on his motion to withdraw plea. The appellate court agreed and remanded the matter for a new hearing on Petitioner's motion to withdraw guilty plea.

Chad Johnson, current Division Chief, represented Michael Gwyn in Case No. F-2023-173, an appeal from his convictions for child sexual abuse and 30-year total sentence. The appellate court granted a new trial, agreeing with Appellant's arguments that the record did not reflect a valid waiver of the right to a jury trial, that trial counsel had an actual conflict of interest by representing Appellant and the co-defendant, and that Appellant was denied his right to confrontation by the admission of the co-defendant's guilty-plea factual basis statement as an exhibit at the bench trial.

MaryAnn Grover, current Deputy Division Chief, convinced the Court of Criminal Appeals to reverse and dismiss two of Quintral Wilburn's counts in Case No. F-2022-1144. While the Court affirmed Mr. Wilburn's other counts, it agreed that convictions for both armed robbery and feloniously pointing a firearm constituted double punishment under 21 O.S. § 11.

Moreover, Ms. Grover, as noted in last year's report, won a published State appeal in fiscal 2025, *State v. Aguilar*, 2024 OK CR 18, by successfully arguing that the district court properly granted a motion to quash where the State charged a pregnant mother with child neglect for allegedly using prescription marijuana.

Ariel Parry secured relief for her client, Cassandra McIlroy, in Case No. RE-2023-389. The district court revoked Ms. McIlroy's five-year suspended sentence, but the Court of Criminal Appeals agreed with Appellant the probations violations were "technical" pursuant to 22 O.S. § 991b(B) and modified the revocation to six months.

Ms. Parry also obtained relief in the published case, *Jacquiline Mills v. State*, 2024 OK CR 22. The trial court accelerated Ms. Mills' deferred sentence to a life prison term. The trial judge found that Ms. Mills committed a new offense by taking judicial notice of a preliminary

hearing which she attended as a spectator. The appellate court agreed with Appellant's argument that judicial notice was improper under these circumstances and reversed and vacated the acceleration order.

Further, Ms. Parry, in a published case, *Darnell Cotton v. State*, 2024 OK CR 21, convinced the appellate court to vacate the district court's order which illegally lengthened her client's sentence. The trial court revoked five years of Mr. Cotton's ten-year suspended sentence and ordered the remaining five years to be "resuspended" upon Cotton's release from the Department of Corrections. The Court of Criminal Appeals agreed that such order impermissibly extended the original ten-year sentence.

Danny Joseph pointed out to the appellate court that Baptiste Boice received an illegal sentence in Case No. F-2024-40. While the Court affirmed Mr. Boice's convictions and sentences in other counts, it modified the five-year sentence for failure to comply with sex offender registration to three years.

Taylor Ledford convinced the appellate court to reverse and dismiss a 20-year sentence in *Delano Lindley v. State*, F-2022-1121. While the Court affirmed Mr. Lindley's other counts, it agreed that convictions for first-degree murder and discharging a weapon from a vehicle constituted double punishment for a single act as prohibited by 21 O.S. § 11.

Several other cases obtained relief, including corrections to judgment and sentences, modification of financial obligations, and vacatur of post-imprisonment supervision.

Cases Handled

Appellate Division East began July 1, 2024, with 151 open cases at various stages of appeal. An additional 179 new cases were added in fiscal

2025 (175 by direct assignment and four cases transferred from Appellate Division West), for a total of 330 cases handled by the division during the fiscal year.

Appeal Type	No.
Felony and Misdemeanor	
Direct Appeals:	193
Certiorari:	31
Revocation/Acceleration/ Specialty Court Appeals:	97
Death Penalty Direct Appeals:	1
Capital Post Conviction Appeals:	3
Juvenile/Youthful Offender Appeals:	2
State Appeals:	3
TOTAL	330

Cases Briefed

Appellate Division East filed 121 briefs in chief during FY-2025, including two capital post-conviction applications. In non-capital appeals, 63 opening briefs were filed in direct appeal cases, 17 in certiorari cases, 37 in revocation, acceleration or specialty court termination cases, one in a juvenile appeal, and one response brief in chief was filed in an appeal lodged by the State. The Division filed 34 reply briefs.

Types of Crimes in Non-Capital Direct Appeals

Analysis of the types of crimes involved in the 63 direct appeal cases briefed by Division attorneys in FY-2025 showed that twelve involved homicides. Opening direct appeal briefs were also filed involving convictions for sexual crimes in 15 cases, other violent crimes in 19 cases, drug crimes in four cases, property crimes in five cases, and a variety of other crimes (DUI, firearm possession, etc.) in eight cases.

Cases Closed

Appellate Division East began with 151 open cases on July 1, 2024, added 179 new cases, and closed 169 cases during the fiscal year, leaving 161 cases open at the beginning of FY-2026. Of

the cases closed, 117 were closed by decision of the appellate court, 23 were transferred to Appellate West when Ariel Parry accepted the Division Chief position (taking her open cases with her), ten were transferred to Appellate West due to county realignment and/or caseload equity purposes, two were closed when the client died, six were dismissed by client request, two revocation appeals were dismissed as moot, six cases were dismissed for lack of appellate jurisdiction or invalid appointment, and three were closed when private counsel entered the case.

Capital Direct Appeals and Capital Post-Conviction Cases

No new capital direct appeals were assigned to Appellate Division East in FY-2025. The opening brief and application for evidentiary hearing in David Ware v. State, D-2022-465, were filed at the end of FY-2024. The State filed its answer brief in Ware in October 2024, and Jamie Pybas filed the reply brief on December 9, 2024. After Ms. Pybas retired, Ware was reassigned to Taylor Ledford. The appellate court has not yet scheduled the Ware oral argument, and the case remains pending.

Appellate East handled three capital post-conviction applications in FY-2025. The application for post-conviction relief in Joseph Alliniece v. State, PCD-2021-1316, was filed in FY-2024, and the case remains pending. Chad Johnson and Danny Joseph filed the application in Derrick Laday v. State, PCD-2021-1318, on September 5, 2024, and the case remains pending. MaryAnn Gover and Jamie Pybas filed the application in Daniel Vasquez v. State, PCD-2022-669 on October 4, 2024, and the appellate court denied post-conviction relief on June 19, 2025.

**Appellate Division East Cases Received by
County: July 1, 2024 – June 30, 2025**

Adar	1	Muskogee	13
Atoka	1	Noble	1
Bryan	3	Nowata	1
Carter	1	Okfuskee	3
Cherokee	2	Okmulgee	9
Choctaw	1	Osage	7
Cleveland	3	Ottawa	2
Comanche	2	Pawnee	2
Craig	4	Payne	6
Creek	8	Pittsburg	5
Haskell	1	Pontotoc	5
Hughes	2	Pottawatomie	7
Jackson	1	Rogers	6
Kay	15	Seminole	6
Latimer	4	Sequoyah	3
LeFlore	1	Tulsa	33
Lincoln	3	Wagoner	3
McCurtain	5	Washington	7
McIntosh	2	TOTAL	179

APPELLATE DIVISION WEST

Highlighted Accomplishments

Mark Hoover obtained a reversal for Possession of Drug Paraphernalia in *Hill v. State*, F-2023-8. Mr. Hoover argued there was insufficient evidence to support the conviction, and the Court of Criminal Appeals agreed. In another case, *Pease v. State*, F-2023-66, Mr. Hoover obtained a new trial for his client convicted of possession of a firearm after felony conviction and shooting into a dwelling.

Ariel Parry, Appellate Division West Division Chief, obtained a reversal for insufficient evidence in a case where her client was convicted of Bringing Contraband into a County Jail.

Appellate Division West also obtained a resentencing hearing in *Rodriguez v. State*, F-2023-839. In *Rodriguez*, the client was charged with firearm offenses and the State alleged he

had a previous felony conviction. Appellate Division West argued the trial court erroneously admitted a Judgment and Sentence showing the details of the prior conviction. The Court of Criminal Appeals agreed and found that even though there was no doubt that the defendant was guilty, the error in admitting factual details of the underlying conviction rendered the sentence unreliable. The Court remanded the matter for a new sentencing hearing.

In a juvenile case, attorneys obtained relief for a young client and prevented his imprisonment in the department of corrections. First, Appellate West worked with now-Director Debbie Maddox to obtain a stay preventing their young client from being transferred to the Department of Corrections. Then, Appellate West convinced the Court of Criminal Appeals that the State failed to properly seek adult sentencing. The juvenile was originally sentenced to 20 years in prison, but now he will not be required to serve a day in prison.

Elliott Crawford, now the Deputy Division Chief of Appellate Division West, obtained relief for his client in *Robertson v. State*, F-2023-613. In *Robertson*, the trial court imposed a sentence of 25 years for a drug offense, but Mr. Crawford argued the maximum sentence allowed by law was 20 years. The Court agreed and modified the sentence.

Appellate Division West also obtained financial relief for their clients. In *Aguilar v. State*, F-2022-928, Christopher Capraro argued the trial court erroneously imposed OSBI laboratory fees; the State agreed and obtained a new Judgment and Sentence removing the requirement the client pay those unlawful fees. In *Patterson v. State*, F-2024-282, Ariel Parry argued the trial court unlawfully imposed \$30,000 in fines where the jury's verdict did not include a fine. The State agreed and obtained a new Judgment and Sentence omitting the imposition of fines.

Appellate Division West also obtained relief for clients whose probation was improperly revoked. First, in *Mabry v. State*, RE-2023-599, Jeremy Stillwell’s client was sentenced to five years in prison for violating his probation. Mr. Stillwell argued the underlying offense was a felony at the time of sentencing but was since reduced to a misdemeanor. Mr. Stillwell convinced the Court that his client’s sentence could not be revoked more than six months. Then, in *Roquemore v. State*, RE-2024-217, Stephen Babcock argued that trial court’s attempt to “re-suspend” the unrevoked portion of his client’s suspended sentence unlawfully extended the original sentence. The State agreed and obtained a new Judgment and Sentence omitting the language that would extend the original sentence. Appellate Division West obtained relief for several other clients on various grounds.

Cases Handled

Appellate Division West began July 1, 2024, with 177 open cases at various stages of appeal. An additional 175 cases were added in the fiscal year (142 by direct assignment, 10 cases transferred from Appellate Division East, and 23 cases transferred from Appellate Division East when Ariel Parry accepted the position of Appellate Division West Division Chief), for a total of 352 cases handled by the division during the fiscal year.

Appeal Type	No.
Felony and Misdemeanor	
Direct Appeals:	207
Certiorari:	28
Revocation/Acceleration/ Specialty Court Appeals:	101
Death Penalty Direct Appeals:	3
Capital Post Conviction Appeals:	2
Juvenile/Youthful Offender Appeals:	6
State Appeals:	5
TOTAL	352

Cases Briefed

Appellate Division West filed 131 briefs in chief during FY-2025, two capital post-conviction applications and one Petition for Writ of Certiorari with the United States Supreme Court. In non-capital appeals, 76 opening briefs were filed in direct appeal cases, 12 in certiorari cases, 37 in revocation, acceleration or specialty court termination cases, three in juvenile appeals, and three response briefs in chief were filed in an appeal lodged by the State. The Division filed 14 reply briefs and two Petitions for Rehearing.

Types of Crimes in Non-Capital Direct Appeals

Analysis of the types of crimes involved in the 76 direct appeal cases briefed by Division attorneys in FY-2025 showed that 23 involved homicides. Opening direct appeal briefs were also filed involving convictions for sexual crimes in 17 cases, other violent crimes in 16 cases, drug crimes in six cases, property crimes in four cases, and a variety of other crimes (DUI, firearm possession, etc.) in 10 cases.

Cases Closed

Appellate Division West began with 177 open cases on July 1, 2024, added 175 new cases, and closed 166 cases during the fiscal year, leaving 186 cases open at the beginning of FY-2026. Of the cases closed, 130 were closed by decision of the appellate court, one was transferred to Appellate East due a conflict, one was closed when the client died, 11 were dismissed by client request, three revocation appeals were dismissed as moot, five cases were dismissed for lack of appellate jurisdiction or invalid appointment, two were closed when private counsel entered the case, five were consolidated, and five were contracted to outside counsel due to conflict and workload during personnel shortages, and three were transferred to Appellate East during personnel shortages. A capital direct appeal case was closed when the

United States Supreme Court denied the Petition for Writ of Certiorari.

Capital Direct Appeals and Capital Post-Conviction Cases

No new capital direct appeals were assigned to Appellate Division West in FY-2025. However, two capital direct appeals cases (*Alliniece v. State*, D-2021-755 and *Laday v. State*, D-2021-737) remain open awaiting oral argument. On October 15, 2024, Michael Morehead filed the Petition for Writ of Certiorari with the United States Supreme Court in *Posey v. State*, D-2019-542; *Posey v. Oklahoma*, No. 24-5793. Mr. Posey’s case was closed when the Petition was later denied.

In FY-2025, Appellate Division West handled two capital post-conviction applications. The application for post-conviction relief in *Reece v. State*, PCD-2021-1317, was filed on August 9, 2024, by Scott Braden. The application for post-conviction relief in *Ware v. State*, PCD-2022-668 was filed by Scott Braden and Stephen Babcock on May 8, 2025. The Appellate Court has not yet ruled on either of these applications but has recently ordered the State to respond to the application in *Reece*.

Appellate Division West Cases Received by County: July 1, 2024 – June 30, 2025

Adair	1	Marshall	1
Atoka	1	McClain	5
Beckham	4	McCurtain	1
Caddo	1	McIntosh	1
Canadian	10	Muskogee	2
Carter	4	Noble	2
Cleveland	23	Oklahoma	18
Comanche	21	Okmulgee	2
Cotton	3	Osage	2
Creek	3	Payne	4
Custer	7	Pontotoc	1
Garfield	6	Pottawatomie	3
Garvin	6	Roger Mills	1
Grady	2	Sequoyah	1
Harmon	1	Stephens	5
Jackson	6	Texas	1
Jefferson	1	Tillman	1
Kay	5	Tulsa	5
Kiowa	5	Washita	3
Lincoln	1	Woodward	2
Logan	3	TOTAL	175

Conclusion

Keeping Gideon's Promise: New Challenges, New Opportunities.

Gideon v. Wainwright and its progeny promise all of us that if our liberty is placed in jeopardy through criminal prosecution, we have the right to competent legal representation to assist us in defending our constitutional rights. This promise is as critical now as ever if we hope to maintain the foundational principles of the United States of America and the Great State of Oklahoma. The defense of the liberty interests of the least powerful among us, the indigent, protects the liberty interests of all of us.

The Oklahoma Indigent Defense System's dedicated attorneys, investigators, and support staff continued to fulfill Gideon's promise in Fiscal Year 2025. The agency's clients received outstanding trial and appellate advocacy regardless of the charges they faced or the paucity of their resources.

Although our foundational principles remain constant, the Oklahoma Indigent Defense System must apply those principles to real life circumstances in an everchanging legal landscape. Legislation and judicial decisions provide opportunities for the agency to better serve its clients; however, these opportunities often require additional financial and human resources investments.

Opportunities to improve our clients' case dispositions, sentencing options, and prospects for rehabilitation require the agency's attorneys, investigators, and support staff to dedicate additional time and effort to thorough and zealous client advocacy. Recent changes in law include sentencing reform and court financial obligation reform legislation.

Although these legislative changes provide the agency better opportunities to help clients, these opportunities are only meaningful if the agency

has resources to develop and present the courts with evidence in support of our clients' interests. The Oklahoma Indigent Defense System will continue to meet these challenges and seize these opportunities in Fiscal Year 2026. The agency looks forward to the continued support of the Legislature, the Governor, and the Judiciary as we continue to honor our shared principles and effectuate our common goals.

OKLAHOMA INDIGENT DEFENSE SYSTEM
Non-Capital Trial Division
Actual FY-2025 Workload
July 1, 2024 through June 30, 2025

SUMMARY OF ALL CATEGORIES OF APPOINTMENTS

TYPE OF APPOINTMENT		FEL	JUV	MISD	TRAF	WL	YO	ALL
FY-2025 Contract <i>LESS</i> Conflicts and Rover Cases		8,879	677	6,530	102	6	22	16,216
Plus Contract Carry-Over from Prior Fiscal Years		5,426	283	2,979	107	3	25	8,823
Total Contract Workload		14,305	960	9,509	209	9	47	25,039
2025 Satellite Office <i>LESS</i> Conflicts and Rover Cases		7,198	725	6,438	231	0	26	14,618
Plus Satellite Office Carry-Over from Prior Fiscal Years		3,399	804	2,006	57	0	31	6,297
Total Satellite Office Workload		10,597	1,529	8,444	288	0	57	20,915
FY-2025 Conflicts	Contracts	21	0	13	0	0	5	39
	Satellite Offices	115	41	26	0	0	0	182
Conflicts Carryover from Prior Fiscal Years	Contract Counties	23	0	5	0	0	0	28
	Satellite Office Counties	47	8	14	1	0	2	72
FY-2025 Rover Cases	Contract Counties	19	0	1	0	0	0	20
	Satellite Office Counties	28	2	4	2	0	0	36
Rover Cases Carryover from Prior Fiscal Years		20	0	1	0	0	0	21
Total Conflicts and Rover Cases Workload		273	51	64	3	0	7	398
TOTAL FY-2025 NCT Workload		25,175	2,540	18,017	500	9	111	46,352

OKLAHOMA

INDIGENT DEFENSE SYSTEM



2024 Annual Report

... to provide indigents with legal representation comparable to that obtainable by those who can afford counsel and to do so in the most cost-effective manner possible.

EXHIBIT

8

Oklahoma

Indigent Defense System



J. KEVIN STITT
GOVERNOR

TRICIA EVEREST
SECRETARY OF PUBLIC SAFETY

CHARLES TIM LAUGHLIN
Executive Director

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CHARLES TIMOTHY LAUGHLIN
EXECUTIVE DIRECTOR



J. KEVIN STITT
GOVERNOR

STATE OF OKLAHOMA
OKLAHOMA INDIGENT DEFENSE SYSTEM

BOARD MEMBERS

JAKE JONES III, Esq.,
CHAIR
Jake Jones Mediation
4801 Gaillardia Parkway
Suite 200
Oklahoma City, OK 73142

TOMMY ADLER, Esq.
Adler Markoff & Associates
9211 Lake Hefner Parkway
Suite 104
Oklahoma City, OK 73120

KENNETH E. WRIGHT III, Esq.
Davis & Thompson, PLLC
314 S. 5th Street
Jay, OK 74346

THEODORE BRETT SWAB, Esq.
Swab & Stall, PA
2021 South Lewis Ave.
Suite 520
Tulsa, OK 74104

CARELYN GUTHRIE, Esq.
5G Law Firm, PLLC
1902 9th Street
Woodward, OK 73801

September 20, 2024

TO THE HONORABLE J. KEVIN STITT
HONORABLE GREG TREAT
HONORABLE CHARLES MCCALL
HONORABLE M. JOHN KANE, IV
HONORABLE SCOTT ROWLAND

Enclosed is a report concerning the duties, activities, and accomplishments of the Oklahoma Indigent Defense System for the fiscal year ending June 30, 2024, in accordance with 22 O.S. § 1355.3(B) and 22 O.S. § 1355.4(C)(14).

The Oklahoma Indigent Defense System is grateful for the support the agency received during Fiscal Year 2024 from the Governor and his staff, from the Legislature, and from the Judiciary.

The Oklahoma Indigent Defense System thanks the agency's staff and contract attorneys, investigators, administrators, support staff, and expert service providers for their profound and unwavering service to our clients. Their efforts enable the Oklahoma Indigent Defense System to serve the interests of justice through our skilled client advocacy and our vigorous defense of our shared constitutional rights.

Sincerely,

Charles "Tim" Laughlin
Executive Director

◆ Board Members

JAKE JONES, III, ESQ., CHAIR
Jake Jones Mediation
4801 Gaillardia Parkway, Suite 200
Oklahoma City, OK 73142

TOMMY ADLER, ESQ.
Adler Markoff & Associates
9211 Lake Hefner Pkwy
Suite 104
Oklahoma City, OK 73120

THEODORE BRETT SWAB, ESQ.
Swab & Stall, PA
2021 South Lewis Ave.
Suite 520
Tulsa, OK 74104

KENNETH E. WRIGHT III, ESQ.
DAVIS & THOMPSON, PLLC
314 S. 5TH STREET
Jay, OK 74346

CAREYLYN GUTHRIE, ESQ.
5G Law Firm, PLLC
1902 9th Street
Woodward, OK 73801

Past Board Members

(In Alphabetical Order)

Michael Blevins
Paul Brunton
William Burkett
Henry Burris
Robert Carlson
Michael D. Carter
Patrick T. Cornell
Benjamin J. Curtis
Ken Feagins
Lance Hopkins
Cheryl Hunter
Doug Inhofe
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Marvin Martens

Alan McPheron
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Robert Redwine
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Charles Richardson
Dennis Shook
Donald Kent Switzer
Rod Uphoff
Rod Wiemer

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Chapter 1

◆ Introduction

The mission of the Oklahoma Indigent Defense System is to provide indigents with legal representation comparable to that obtainable by those who can afford counsel and to do so in the most cost-effective manner possible.

OIDS fulfills most of the State's obligations under the Oklahoma and United States Constitutions to provide trial, appellate and capital post-conviction criminal defense services to persons who have been judicially determined to be entitled to legal counsel at State expense. The Oklahoma Indigent Defense Act, 22 O.S. §§ 1355, *et seq.*, which created the agency, sets forth the duties and responsibilities of the agency, the Indigent Defense System Board and the OIDS Executive Director.

The agency is governed by a five-person Board. Each member is appointed by the Governor, with the advice and consent of the Oklahoma Senate, for a five-year term. The agency consists of three program areas: the General Operations Program, the Trial Program, and the Appellate Program.

The Trial Program consists of the Non-Capital Trial Division and two capital trial divisions: Capital Trial Norman and Capital Trial Tulsa. The Appellate Program consists of the Appellate East and Appellate West Divisions. In years past and for the first four months of Fiscal Year 2024, the Appellate Program consisted of the General Appeals Division, the Homicide Direct Appeals Division, and the Capital Post-Conviction

Division. These divisions have been reorganized into the Appellate East and West Divisions.

OIDS is appointed by the trial and appellate courts of Oklahoma after an indigence determination is made by the court. OIDS is subject to appointment to provide trial representation in criminal cases in 75 of Oklahoma's 77 counties, and in all 77 counties at the appellate level. During Fiscal Year 2024, OIDS contracted with private Oklahoma-licensed attorneys to handle 100% of the indigent non-capital trial caseload in 41 counties. In 34 counties, staff attorneys handled most of the indigent caseload. Private attorneys handle most the System's conflict cases. In death penalty cases and non-capital appeals, attorneys employed by OIDS are assigned cases after OIDS has been appointed by district courts or the Oklahoma Court of Criminal Appeals.

OIDS represented a total of 48,215 court appointments in Fiscal Year 2024. The numerical breakdown by division is as follows:

NON-CAPITAL TRIAL	
<i>Staff</i>	18,139
<i>County Contracts</i>	29,075
<i>Conflicts</i>	426
CAPITAL TRIAL – NORMAN	20
CAPITAL TRIAL – TULSA	18
APPELLATE PROGRAM	533
HOMICIDE DIRECT APPEALS	91
EXECUTIVE DIVISION CONFLICTS	4
<i>TOTAL</i>	<hr/> 48,215

Given the nature of criminal cases, most span more than one fiscal year. In complex cases, such as death penalty cases, OIDS may represent a client for three or more years. Accordingly, the total number of cases handled during a fiscal year includes appointments pending from prior fiscal years in addition to the current year's court appointments.

The Oklahoma Indigent Defense System Continues to Keep Gideon's Promise.

The United States Supreme Court's decision in *Gideon v. Wainwright*, 372 U.S. 355 (1963), turned 61 years old in fiscal year 2024. In this case, a unanimous court held that states are required to provide legal counsel to indigent defendants charged with felonies. In 1967, the Supreme Court held that states had an obligation to provide counsel to indigent juvenile defendants. Finally, in 1972, in *Argersinger v. Hamlin*, 407 U.S. 25 (1972), the Supreme Court held that states are obliged to provide counsel to indigents charged with misdemeanors.

The legacy of the Gideon decision and its progeny is a promise from our nation and our states individually and collectively to each person in this country. These cases articulate our nation's and our state's promise that no person's freedom should be placed in jeopardy of criminal prosecution without the necessary benefit of a lawyer committed to that person's legal defense and advocacy.

United States Supreme Court Justice Hugo Black put it this way, "[L]awyers in criminal courts are necessities, not luxuries. The right of one charged with crime to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours. From the very beginning, our state and national constitutions and laws have laid great emphasis on procedural and substantive safeguards designed to assure fair trial before impartial tribunals in which every defendant stands equal

before the law. This noble ideal cannot be realized if the poor man charged with crime has to face his accuser without a lawyer to assist him."

In the greater part of Oklahoma, the Oklahoma Indigent Defense System is charged with keeping Gideon's promise. (We share this honor with the Oklahoma and Tulsa County Public Defenders.) Every employee of the Oklahoma Indigent Defense System plays a vital role in enabling the agency to serve our clients.

In Fiscal Year 2024, the people who worked for and contracted with the Oklahoma Indigent Defense System defended the constitutional rights of indigent Oklahomans with skill, dedication, and honor. In doing so, they defended everyone's constitutional rights and kept Gideon's promise. The Oklahoma Indigent Defense System will continue to keep Gideon's promise as we work to safeguard our shared constitutional values.

Chapter

2

◆ General Operations Program

EXECUTIVE DIVISION

The Executive Division is charged with the responsibility of managing and operating the agency and implementing the Indigent Defense Act. By statute, the Executive Director is selected by and serves at the pleasure of the agency's governing Board.

To aid the Executive Director in the implementation of the Indigent Defense Act and agency operations, the Executive Division is staffed with administrative and finance personnel. OIDS provides legal representation through the services of staff members, and by contracting with private attorneys and expert service providers. At the end of the fiscal year, OIDS employed 166 full-time equivalent staff members at its main offices in Norman and its satellite offices in Altus, Clinton, El Reno, Enid, Guymon, Lawton, Norman, Okmulgee, Sapulpa, and Woodward. (In early FY-2025, the agency opened offices in Pryor to serve Mayes County and Poteau to serve LeFlore County.)

In Fiscal Year 2024, the agency entered 132 new professional services contracts with private attorneys and expert service providers to furnish defense services in court-appointed cases, in addition to administering 119 contracts carried over from the previous fiscal year. The Executive Division services these contracts in addition to

providing support services to the agency's attorneys and investigators.

The Executive Division also administers professional training opportunities for our attorneys and support staff. FY-2024 saw the continuation of significant increases in attorney and support staff training opportunities. Although the agency continued its commitment to providing our employees high quality state-wide and national training opportunities, the agency began to incorporate more local and in-house training opportunities. The incorporation of local and in-house training programs contributes to our staff's professional development in two ways. First, employees learn valuable skills from presenters who have personal experience with the employees' tasks and challenges. Secondly, more localized training experiences develop mentorships and collaborative relationships that employees rely upon long after the training sessions conclude.

With these training goals in mind, the agency reinstated the position of Training Coordinator in December of 2023. Katie Taber, who was serving the agency well in our Finance Division, agreed to take on the Training Coordinator responsibilities. Ms. Taber's efforts have enabled the agency to offer employees improved technical, policy, and professional training opportunities. While Ms. Taber has offered

logistical training support, employees like Travis Smith, Non-Capital Trial Deputy Division Chief, and Cindy Danner, Appellate Program Chief, offered substantive training programs throughout the year. The Executive Division is proud to facilitate agency employees' participation in valuable training programs resulting in a more competent and confident agency work force.

SUMMARY OF EXECUTIVE DIRECTOR

DUTIES

- | Statutory Duties |
|---|
| ◆ Budget |
| ◆ Claims |
| ◆ Contracts with private attorneys |
| ◆ Improve State's criminal justice system |
| ◆ Training for attorneys |
| ◆ Defense representation |
| ◆ Employ necessary personnel |
| ◆ Set rates for attorneys who accept court appointments |
| ◆ Set maximum caseloads |
| ◆ Advise OIDS Board |
| ◆ Conferences and training seminars |
| ◆ Provide personnel to serve in advisory capacity to criminal defense attorneys |
| ◆ Recommend legislation |
| ◆ Track costs |
| ◆ Adopt policies & procedures |
| ◆ Provide for expert and investigator services |

**General Operations Program
Accomplishments**

The successes of the trial and appellate divisions would not be possible without the outstanding service of the agency's General Operations Program which includes the Executive and Finance Divisions. In addition to performing vital administrative functions, these dedicated professionals are instrumental in the agency's responsible stewardship of agency funds.

The agency's Finance and Executive Divisions are masters of logistics and administration. As the legal landscape continues to evolve for our trial and appellate attorneys and support staff, our Finance and Executive Divisions ensure agency

staff have the necessary tools to provide excellent service.

Deputy Executive Director, Angela Cole-Cockings, expertly marshals the agency's administrative staff. In FY-2024, the agency continued to make significant improvements in our finance, procurement, and technological functions. Ms. Cole-Cockings worked closely with our Chief Finance Officer, Brandy Bahm, to improve the agency's solid fiscal management.

Purchasing Officer, Christa Szabo, continued to demonstrate exceptional tenacity and creativity throughout FY-2024. Ms. Szabo worked diligently to help the agency secure and maintain leases for new, relocated, and existing offices. Ms. Szabo also continued her mission to ensure fiscal responsibility by expertly utilizing surplus opportunities. Ms. Szabo continues to be a true problem solver.

Human Resources Manager, Whitney Fleming, and Human Resources Specialist, Jalaina Arvin, dedicated exemplary effort to the agency's personnel needs including recruiting, onboarding, benefits management, and the arrangement of continuing education opportunities. Ms. Fleming and Ms. Arvin demonstrated leadership and innovation as they recommended and implemented thoughtful procedural improvements while managing unprecedented workloads.

In FY-2024, Information Systems Network Manager, Felisa Billy, and Information Systems Application Manager, T.J. Peterson, continued to improve the work lives of the agency's attorneys, investigators, and support staff by implementing significant technological improvements.

The outstanding efforts of the entire General Operations Program, in conjunction with the efforts of the Non-Capital Trial Division, resulted in the July 1, 2024, establishment of two new trial offices which will serve Mayes and LeFlore Counties in FY-2025 and beyond.

In FY-2024, the Executive Division continued to develop the Executive Director's Internship Program. This program offered up to 18 law students the opportunity to work with skilled attorneys on trial and appellate cases. The internship program has developed into a valuable recruiting tool. Many interns have sought and continue to seek employment opportunities with the agency upon graduation. The efforts of the entire General Operations Program contributed to the continued success of this program in FY-2024.

The Executive Division continued the agency's client services program in FY-2024. Karen Walker-Dodge continues to organize and manage the program through which the agency improves the disposition of many of our clients' criminal cases by facilitating the provision of social services to meet our clients' needs. The program identifies clients whose case dispositions are most likely to be improved with the provision of services. The program evaluates the clients' needs including mental health/substance abuse treatment, housing, education, vocational assistance, child/adult care challenges, etc. Ms. Walker-Dodge built a sound framework for the program in the latter part of FY-2023. In early FY-2024, Ms. Walker-Dodge began supervision of the agency's first Resource Navigator, Kaleda Ruck, who served several counties out of the agency's El Reno office.

Later in FY-2024, the agency added three more Resource Navigators to serve multiple counties out of the agency's Norman, Okmulgee, and Lawton offices. In a relatively short period of time, Ms. Walker-Dodge and the four Resource Navigators assisted 495 agency clients in several counties.

WEBSITE

The agency's website provides information about OIDS, resources for public defenders and others interested in criminal law issues, answers to most frequently asked questions and notices of training opportunities. The website can be accessed at <https://oklahoma.gov/oids.html>.

◆ Trial Program

The Trial Program consists of three Divisions which provide legal representation to agency clients who have been judicially determined to be unable to afford counsel to defend against criminal charges brought by the State in district

court. OIDS is appointed by the district courts to represent these defendants.

The right to counsel at State expense was established by the United States Supreme Court in *Gideon v. Wainwright*, 371 U.S. 335 (1963).

Chapter 3

The right to expert assistance at State expense was established by the United States Supreme Court in *Ake v. Oklahoma*, 470 U.S. 68 (1985).

NON-CAPITAL TRIAL DIVISION

The Non-Capital Trial Division (NCTD) is responsible for defending indigent criminal defendants charged with offenses punishable by incarceration. Cases range from traffic offenses filed in state court to non-capital first degree murder. NCTD's area of responsibility spans 75 counties, with Oklahoma and Tulsa Counties being excluded. Thus, NCTD represents the agency's largest group of clients. In Fiscal Year 2024, NCTD received 31,222 new appointments. NCTD's total FY-2024 caseload, which includes cases carried forward from previous fiscal years, equaled 47,460 active cases.

DELIVERY OF NON-CAPITAL TRIAL LEGAL SERVICES

In accordance with the Indigent Defense Act, NCTD provides legal representation in the 75 counties for which it is responsible in four ways:

- 1) flat-rate fiscal year contracts with private attorneys.
- 2) satellite offices with salaried staff attorneys.
- 3) assignment of conflict cases to private attorneys who have agreed to accept such cases at established agency hourly rates, subject to statutory maximums set by the Indigent Defense Act; and
- 4) assignment of cases to roving attorneys.

In Fiscal Year 2024, the Division's caseload was handled as follows:

- 1) **Flat-rate Fiscal Year Contracts:** In 41 counties, all NCTD representation was provided via such contracts. Since Fiscal Year 1998, OIDS has made a concerted effort to ensure that NCTD fiscal-year contracts are adequately staffed by giving weight, during the contracting process, to the number of law firms participating in an offer.
- 2) **Staffed Satellite Offices:** NCTD operated ten satellite offices: Altus, Clinton, El Reno, Enid, Woodward, Guymon, Lawton, Norman, Okmulgee, and Sapulpa. These offices handled the entire caseload in 34 counties.

The Non-Capital Trial Division ended Fiscal Year 2024 (July 1, 2023 – June 30, 2024) with 60 attorneys (55 Satellite Office Attorneys, 3 Roving Attorneys, 1 Deputy Chief for NCTD, and 1 Chief.) During Fiscal Year 2024, a satellite office staff attorney handled an average of 176 felony and youthful offender cases, 24 juvenile cases, and 130 misdemeanor, traffic and wildlife cases, or an average of 330 total cases.

The National Legal Aid and Defender Association (NLADA) has long established standards, endorsed by the Criminal Justice Section of the American Bar Association, that no one attorney shall handle in any given 12-month period more than 150 felony cases, OR more than 200 juvenile cases, OR more than 400 misdemeanor and traffic cases. Further, the NLADA standards assume each respective attorney operates in only one courthouse.

Applying the NLADA standards, in Fiscal Year 2024, each NCTD satellite office staff attorney did the work of two attorneys. Moreover, most attorneys worked in several district courts in multiple counties.

Currently, three satellite offices cover five counties each (Altus, Clinton, and Enid), three offices cover four-county areas (Guymon, Lawton, and Woodward), one office covers three counties (Norman), one office covers two counties (Okmulgee), and two offices cover a single county (El Reno and Sapulpa). Although Sapulpa covers one county, the office covers two (2) separate courthouses within Creek County.

- 3) **Conflict Counsel:** Each year, conflicts of interest arise in a certain number of county contract and satellite office cases and must be assigned to conflict-free counsel. During Fiscal Year 2024, NCTD assigned 228 conflict cases to contracted conflict counsel. Conflicts arising out of county contracts account for 36 of those cases. Conflicts arising out of satellite offices account for 192 of those cases.
- 4) In FY-2010, NCTD received federal funding for one roving attorney. On December 1, 2009, NCTD hired an attorney to cover conflict cases and provide overload relief to NCTD attorneys in Western Oklahoma. Although the federal funding expired late in FY-2011, the agency has maintained this position. In FY-2024, the agency added three additional roving attorneys. The roving attorneys are assigned complicated cases. These attorneys participate with assigned counsel in trial strategy formulation, pre-trial litigation, and trial advocacy. The roving attorneys were assigned 26 new cases during FY-2024, most of which were serious and complicated felony cases. As FY-2024 ended, the roving attorneys carried 52 open cases in counties throughout Oklahoma.

DISCUSSION

The OIDS Board awards fiscal-year contracts to private attorneys to provide non-capital trial

defense services on a county-by-county basis. In response to the agency's solicitations each year, private attorneys offer to provide criminal defense services in felony, misdemeanor, traffic and (delinquent) juvenile cases in one or more counties for a flat annual rate. The contracting process is volatile, not only in terms of the number of offers, if any, received for any county, but also in terms of the cost of any contract awarded. As a result, the agency's ability to provide contract coverage in many counties, especially the smaller, more rural ones, is unpredictable.

When the agency is unable to obtain a fiscal-year contract for indigent criminal defense work in a county, the Board has two options: (1) establish a satellite office with salaried staff attorneys to accept the System's appointments in the affected county under Section 1355.9 of the Indigent Defense Act or (2) assign the System's appointments in that county to private attorneys who have agreed to accept cases on a case-by-case basis at established agency rates (\$120/hour for in-court legal services; \$100/hour for out-of-court legal services) under Section 1355.8(D)(6) of the Indigent Defense Act.

In Fiscal Year 2024, the Non-Capital Trial Division's satellite offices served the following counties:

ALTUS OFFICE

Greer, Harmon, Kiowa, Jackson, & Tillman

CLINTON OFFICE

Beckham, Custer, Ellis, Roger Mills, & Washita

EL RENO OFFICE

Canadian

ENID OFFICE

Alfalfa, Blaine, Garfield, Grant, & Kingfisher

GUYMON OFFICE

Beaver, Cimarron, Harper, & Texas

LAWTON OFFICE

Comanche, Cotton, Jefferson, & Stephens

NORMAN OFFICE

Cleveland, Garvin, & McClain

OKMULGEE OFFICE

Okfuskee & Okmulgee

SAPULPA OFFICE

Creek (2 Courthouses)

WOODWARD OFFICE

Dewey, Major, Woods, & Woodward

OVERALL CASELOAD

In Fiscal Year 2024, the Non-Capital Trial Division received a total of 17,490 new county contract cases. County contractors discovered conflicts of interests in 54 of these cases. As a result, 36 of the conflict cases were assigned to contracted conflict counsel. Eighteen of the conflict cases would have otherwise been assigned to a satellite office for coverage but were instead assigned to the roving attorneys. Once the conflict and roving attorney's cases were subtracted from all newly assigned cases, the county contractors retained a total of 17,452 new cases in Fiscal Year 2024. The county contractors carried another 11,623 cases into FY-2024 from previous fiscal years. Ultimately, the total FY-2024 county contract workload equaled 29,075 cases.

The Non-Capital Trial Division satellite offices reported a total of 200 conflict of interest cases. 192 of these cases were assigned to contracted conflict counsel. Eight cases were assigned to roving attorneys. With conflict and roving attorney cases subtracted from all newly assigned cases, the satellite offices handled 13,516 new cases in Fiscal Year 2024. The satellite offices carried another 4,623 cases into FY-2024 from previous fiscal years. Ultimately,

the total FY-2024 satellite office workload totaled 18,139 cases.

The number of new (FY-2024) NCTD cases, whether assigned to county contractors, satellite attorneys, conflict counsel or the roving attorneys, totaled 31,222.

The 47,640 cases handled by the Non-Capital Trial Division during Fiscal Year 2024 represent a caseload decrease of 8.8% compared to the number of cases handled in FY-2023.

The Fiscal Year 2024 NCTD caseload represents a 16% decrease since Fiscal Year 2016 (57,318 cases). However, the FY-2024 NCTD caseload also represents a 16% increase since FY-2011 in which the total NCTD caseloads was 41,083.

As is discussed in the following paragraph, the FY-2024 non-capital trial caseload reflects NCTD's improved efficiency in closing prior fiscal year cases. With fewer cases carried forward from previous fiscal years, NCTD has improved its capacity for managing current fiscal year cases.

The number of new Non-Capital Trial Division appointments is virtually unchanged from FY-2023 to FY-2024. The division was appointed to 31,222 new cases in FY-2024. In FY-2023 the division was appointed to 31,430 new cases. A difference of 208 cases.

Although the new case appointment rate remained steady in Fiscal Years 2023 and 2024, the Non-Capital Trial Division decreased the overall number of open cases through the more efficient and timely closing of prior fiscal year cases.

NCTD carried 4,188 fewer open cases into FY-2024 than the division carried into FY-2023. As a result of NCTD's efforts, the number of carryover cases declined 20% from FY-2023 to FY-2024. In FY-2023, NCTD carried 20,606 cases into the new fiscal year from prior fiscal

years. In FY-2024, NCTD carried 16,418 cases into the new fiscal year from prior fiscal years.

Non-Capital Trial Division Accomplishments

The Non-Capital Trial Division (NCTD) provides judicially determined indigent people trial-level representation in District Court felony, misdemeanor, traffic, wildlife, and juvenile delinquency cases. NCTD provides criminal defense representation through regional satellite offices, fiscal year county contracts, conflict contracts, and staff roving attorneys. Staff attorneys and contracted attorneys alike vigorously defended their clients' constitutional rights throughout FY-2024. NCTD's successes are too numerous to list; however, in FY-2024, all ten Satellite Offices tried cases to juries, most resulting in positive outcomes for our clients and many resulting in acquittals. The roving attorneys tried five cases to juries. These trials were factually and legally complicated cases involving homicide or other violent felony allegations. All five trials resulted in favorable results for the clients.

During the last few weeks of Fiscal Year 2024 the agency prepared to establish satellite offices in Pryor (Mayes County) and Poteau (LeFlore County) by July 1, 2024. The Pryor office, headed by Abi Pink, and the Poteau office, headed by Ryan Wyrick, have increased the number of satellite offices to twelve offices covering 36 counties.

CAPITAL (DEATH PENALTY) TRIAL REPRESENTATION

The OIDS Capital Trial Divisions are assigned the task of representing indigent defendants in cases in which the State seeks the death penalty. The two Divisions combined represent clients

throughout the State except for Oklahoma and Tulsa Counties. Both Divisions operate as separate law firms for conflict purposes. If one Division cannot accept a court appointment because of a conflict of interest arising from another court appointment, the case is generally assigned to the other Division. If neither Division can accept the court appointment, OIDS contracts with private counsel to represent the client under Sections 1355.7 and 1355.13 of the Indigent Defense Act.

CAPITAL TRIAL NORMAN DIVISION

The Capital Trial Norman Division (CTND) represents defendants in capital cases and, at times, non-capital first degree murder cases throughout the state excluding those filed in Tulsa and Oklahoma Counties. CTND also represents co-defendants of clients represented by the Capital Trial Tulsa Division (CTTD).

In Fiscal Year 2024, the Capital Trial Norman Division carried over 11 cases from previous fiscal years. CTND opened an additional nine cases during Fiscal Year 2024, bringing the total number of cases represented to 20. (Of those 20 cases, one was a client's trailing felony case.)

FISCAL YEAR 2024 RESULTS

CTND did not have any jury trials in Fiscal Year 2024. Rather, CTND resolved three clients' cases through guilty pleas following months of intensive trial preparation and negotiation. CTND resolved another client's case through an acquittal based upon a verdict that the client was too mentally ill to understand the nature, consequences, or wrongfulness of his actions. CTND's outstanding attorneys, investigators, and support staff continue to provide outstanding advocacy.

Case Resolutions

The Capital Trial Norman Division represented three clients during Fiscal Year 2024 whose cases were resolved by guilty pleas. In each of these cases, the client entered guilty pleas to First Degree Murder and other charges and received maximum sentences of Life Without the Possibility of Parole.

The Capital Trial Norman Division represented one client during Fiscal Year 2024 whose case was resolved by acquittal on the grounds of mental illness which resulted in the client's commitment to the Oklahoma Forensic Center.

CTND secured the dismissal of the Bill of Particulars on behalf of another client who had been facing a potential death sentence. CTND was able to present first stage and mitigating evidence to the District Attorney's office which resulted in the Bill of Particulars being dropped. CTND was assigned to another client in a first-degree murder case in which the State chose not to seek the death penalty. These two cases were transferred to the Non-Capital Trial Division.

CTND maintains close contact with the Capital Trial Tulsa Division and the Non-Capital Trial Division to ensure agency clients charged with first degree murder receive responsive and conflict-free representation. The results set forth below reflect the outstanding work by the attorneys, investigators, and support staff.

The following is a summary of CTND's case results:

Result	No. Of Cases
Death	0
Life Without Parole (Following Plea)	3
Life Without Parole (Jury Trial)	0
Pled to a Lesser Charge	2
Determined to be NGRMI	1

CAPITAL TRIAL TULSA DIVISION

The Capital Trial Tulsa Division (CTTD) represents defendants in capital cases and, at times, non-capital first degree murder cases throughout the state excluding those filed in Tulsa and Oklahoma Counties. CTTD also represents co-defendants of clients represented by the Capital Trial Norman Division (CTND).

In Fiscal Year 2024 the Capital Trial Tulsa Division carried over eight first-degree murder cases and one non-murder case from previous fiscal years. CTTD opened six first-degree murder cases and three non-murder cases during Fiscal Year 2024, bringing the total number of cases represented to eighteen. CTTD resolved four murder cases and two non-murder cases in FY-2024.

The Capital Trial Tulsa Division (CTTD) continues to work diligently to provide excellent representation to indigent capital defendants in accordance with the ABA Guidelines for Effective Representation in Death Penalty Cases. CTTD's mission is to pursue life-saving outcomes for their clients at every stage of the proceedings. CTTD utilizes expert services to explain human behavior in context and thoroughly investigate the life stories of their clients to present a comprehensive portrait of troubled people. CTTD's efforts have proved successful, with no death sentences from that division in many years.

Fiscal Year 2024 Results

Resolved Capital Case 1

CTTD resolved a first-degree murder case in which the State originally sought the death penalty. In spite of difficult facts, attorneys Velia Lopez and Gretchen Mosley persuaded the State of Oklahoma to dismiss the Bill of Particulars following expert litigation and negation. In exchange for the State not seeking

the death penalty, the client waived jury trial, entered a guilty plea, and was sentenced to life without the possibility of parole.

Resolved Capital Case 2

CTTD negotiated a sentence that avoided the death penalty for a client charged with two counts of first-degree murder, kidnapping, and two other felonies. The State was committed to seeking the death penalty at the outset in this case. The client's two co-defendants went to jury trial with one being sentenced to life without the possibility of parole and the other being sentenced to death.

Attorneys Gretchen Mosley, Velia Lopez, and Michon Hughes were fully prepared for trial, and litigated numerous issues that would have significantly impacted the trial. Shortly before trial, the State agreed to a negotiated plea and the client sentenced to life without parole on both murder counts and 20 years for kidnapping.

Resolved Murder Case 3

CTTD resolved a case in which the client was charged with child abuse by injury, first degree murder, and two other felonies. Attorneys Velia Lopez and Michon Hughes expertly litigated critical issues resulting in the dismissal of a non-murder charge. They presented the State with compelling mitigation evidence that paved the way for a negotiated guilty plea. The client pleaded guilty to first degree murder and several other felonies. Although the client received a maximum sentence of life without the possibility of parole, the client was not sentenced to death thanks to the excellent work of his trial team.

Resolved Capital Case 4

CTTD resolved a case in which the client was charged with first degree murder and possession of contraband by an inmate. The client was accused of killing a corrections officer while serving a life without parole sentence for a previous murder conviction. Attorneys Velia Lopez, Gretchen Mosley, and Keith Flinn, and

Mitigation Specialist, Melanie Collins, presented the State with compelling mitigation evidence. Based on these efforts, the state agreed to dismiss the Bill of Particulars in exchange for a sentence of life without parole plus 20 years for possession of contraband.

Resolved Case 5 & 6

These clients had additional separate non-capital charges that the state dismissed without prejudice.

The following is summary of CTTD's case results:

Result	No. Of Cases
Death	0
Life Without Parole (Following Plea)	4
Life Without Parole (Jury Trial)	0
Pled to a Lesser Charge	0
Determined to be NGRMI	0
Charge Dismissed (Non-Capital)	2

Capital Trial Divisions: Conclusion

The Oklahoma Indigent Defense System's two capital trial divisions embrace the Oklahoma Indigent Defense System's most challenging and consequential responsibilities. They defend and advocate for individuals charged with the most serious crimes and for whom the State seeks sentences of death.

Effective capital trial litigation requires the extraordinary efforts of skilled attorneys, investigators, and support staff. The trial team must prepare their cases on multiple tracks at once. They must prepare to defend against the charges. They must prepare to defend against the alleged death penalty aggravating factors. They must prepare to tell their client's story in the sentencing phase of trial through mitigation and expert witnesses. They must know how each preparation track works together in their client's defense. Throughout this complex process, capital defense counsel must also

persistently advocate for a negotiated resolution to the case.

The agency is grateful to the dedicated professionals in the Capital Trial Norman and

Capital Trial Tulsa divisions for embracing the challenges of death penalty litigation.

Chapter

4

◆ Appellate Program

The right to an appeal in a criminal case is guaranteed by Article II, Section 6 of the Oklahoma Constitution, Section 1051 of Title 22 of the Oklahoma Statutes, and, in death penalty cases, Section 713.13 of Title 21 and Section 1089 of Title 22 of the Oklahoma Statutes. The right to counsel at State expense on direct appeal was established under the Federal Constitution by the United States Supreme Court in *Douglas v. California*, 372 U.S. 353 (1963). The right to counsel at State expense in capital post-conviction proceedings is found in Section 1089 of Title 22.

The three legacy divisions operating as the General Appeals Division, the Homicide Direct Appeal Division, and the Capital Post-Conviction Division were consolidated into two new divisions, with attorneys from each moving into the new divisions to ensure levels of experience and expertise were assigned to each Division. Each Division was set up to have a Division Chief, Deputy Division Chief, and ten additional appellate attorneys, three investigators, and three full-time support personnel. A full-time office aide position was added to assist with courier and scanning duties for the program. An Appellate Program Chief and legal assistant were also designated to handle administrative duties, conflict case management, and caseload management for the two Divisions.

The reorganization into rough geographic areas of the State was based on a review of incoming cases for the past five years, which reflected roughly equal numbers of cases arising from each side of the dividing line. As cases may need to be moved to another division due to conflicts or case overload in one area of the State, some cases may be assigned to a division outside its geographic area.

HIGHLIGHTED ACCOMPLISHMENTS

An uptick in juvenile appeals in FY-2024 resulted in significant, life-altering decisions for youthful offender clients. Appellate Division East Attorney, Timmi Kline, successfully argued and obtained relief for youthful offender client C.A.D. in appellate case number J-2023-954. The appellate court ordered the District Court to “VACATE the adult sentence and DISMISS the underlying case.” (*emphasis in original*).

MaryAnn Grover, in a case argued for the Appellate Division West, successfully thwarted the State’s effort on appeal to have client M.C. sentenced as an adult after the District Court denied the State’s motion to do so. In appellate case number JS-2023-913, the appellate court affirmed the District Court, finding no abuse of discretion in the ruling allowing M.C. to remain eligible for youthful offender treatment.

Jacy Sullivan filed a brief in a youthful offender case of P.J. in FY-24, and in early FY-25 obtained reversal of the 25-year adult sentence imposed after the appellate court found the State’s actions at the trial court waived its opportunity to seek adult sentencing.

MaryAnn Grover also obtained a significant published win that limited the State’s efforts to prosecute pregnant women for pre-natal use of medical marijuana. In the case of Aguilar v. State, 2024 OK CR 16, the court found that the preliminary hearing judge correctly dismissed a charge of child neglect based on a claim that the defendant’s licensed (and therefore, legal) use of medical marijuana in the early stages of pregnancy was prohibited under a provision allowing prosecution of a person exposing a minor to the use . . . of “illegal drugs.”

Chad Johnson, Appellate Division East Deputy Division Chief, won recognition of the Wyandotte Reservation as not having been disestablished in State v. Fuller, 2024 OK CR 4. The State appealed the magistrate’s order in Ottawa County dismissing the prosecution for offenses alleged to have been committed by an Indian and occurring on Indian land. The appellate court agreed the state lacked jurisdiction to prosecute Mr. Fuller in this instance based upon the United States Supreme Court Decision in *McGirt v. Oklahoma*, 140 S.Ct. 2452, 2549 (2020).

Ariel Parry obtained a grant of certiorari for Jacqueline Mills in case number C-2023-538, in which she successfully argued the trial court erred in refusing to have a hearing on the motion to withdraw plea filed after the acceleration hearing in the case. In the revocation case for Bobbie Lee, Ms. Parry argued that the trial court’s order day-for-day incarceration violated the separation of powers. The State obtained an amended trial court order striking the day-for-day requirement, resulting in Ms. Lee’s release from custody within a week.

In a first-degree murder case briefed in the legacy Homicide Direct Appeals Division, James Lockard successfully obtained an FY-2024 published reversal for new trial in the case of Alonzo Kelly III v. State, 2023 OK CR 21, who the Court found was deprived of his right to self-representation at trial.

Several other cases obtained relief in the form of corrected judgment and sentences reflecting concurrent rather than consecutive sentencing, modified judgments, or vacating financial obligations.

APPELLATE PROGRAM WORKLOAD DURING FY-24

CASES HANDLED

The reorganized Appellate Program handled 533 cases in various stages of completion during Fiscal Year 2024. Of those, 262 were handled by the Appellate Division East, and 271 were handled by the Appellate Division West.

Appellate Program Workload

Appeal Type	No.
Felony and Misdemeanor	
Direct Appeals:	293
Certiorari Appeals:	49
Revocation/Acceleration	
/Termination Appeals:	155
Death Penalty Direct Appeals:	5
Capital Post Conviction Appeals:	7
Juvenile/Youthful Offender Appeals:	10
State Appeals:	13
Response to State’s Extraordinary Writ:	1

Appellate Division East began November 1, 2023, with 154 cases at various stages of completion assigned to the attorneys working in that Division. An additional 108 new cases were assigned to the Appellate Division East between November 2023 and June 30, 2024, for a total of 262 cases handled by the Division during the remainder of the fiscal year.

Appellate East Workload

Appeal Type	No.
Felony and Misdemeanor: Direct Appeals:	132
Certiorari:	30
Revocation/Acceleration/ Specialty Court Appeals:	82
Death Penalty Direct Appeals:	1
Capital Post Conviction Appeals:	5
Juvenile/Youthful Offender Appeals:	4
State Appeals:	7
Extraordinary Writ (McGirt):	1

Appellate Division West began November 1, 2023, with 153 cases at various stages of completion assigned to the attorneys working in that Division. An additional 118 new cases were assigned to that Division between November 1, 2023, and June 30, 2024, for a total of 271 handled by the Appellate Division West during the remainder of the fiscal year.

Appeal Type	No.
Felony and Misdemeanor Direct Appeals:	161
Certiorari:	19
Revocation/Acceleration/ Specialty Court Appeals	73
Death Penalty Direct Appeals	4
Capital Post Conviction Appeals:	2
Juvenile / Youthful Offender Appeals:	6
State Appeals:	6

CASES BRIEFED

The Appellate Program filed 216 briefs in chief during FY-2024, including two capital direct appeal opening briefs, and a capital post-conviction application. In non-capital appeals, 101 opening briefs were filed in direct appeal cases, 23 in certiorari cases, 81 in revocation, acceleration or drug court termination cases, seven in juvenile appeals, and four response briefs in chief were filed in appeals lodged by the state. A response also was filed in a case

where the State filed an extraordinary writ against a district judge's ruling.

Types of Crimes in Non-Capital Direct Appeals:

Analysis of the types of crimes involved in the 101 direct appeal cases briefed by Program attorneys in FY-2024 showed that 19 involved non-capital first-degree murder and 8 involved other levels of homicide. Opening direct appeal briefs were also filed involving convictions for sexual crimes in 28 cases, other violent crimes in 25 cases, drug crimes in 10 cases, property crime in three cases, and a variety of other crimes (DUI, firearm possession, eluding, etc.) in 8 cases.

CASES CLOSED

The reorganized Appellate Program began with 307 open cases on November 1, 2023, added 226 new cases and closed 211 cases during the remainder of the fiscal year, leaving 322 cases open at the beginning of FY-2025. Of the cases closed, 133 were closed by decision of the appellate court, 23 were dismissed at client request, 11 were dismissed because of defects in the initiation of the appeal, and 11 revocation cases were dismissed as moot, either because the client was released from custody before the appeal could be decided, or the client received a greater sentence in another case to be served concurrently with the revoked sentence. Six cases were closed because the client retained counsel outside the agency, seven cases were contracted to outside counsel, and 11 cases were closed in one Division and transferred to another. Two cases were closed because the client died before the appellate court reached a decision.

The Appellate Division East began with 154 open cases on November 1, 2023, added 108 new cases, and closed 117 cases during the remainder of the fiscal year. The Appellate East Division carried over 145 cases into Fiscal Year 2025. Of the cases closed, 78 were closed by decision of the Court of Criminal Appeals. Fifteen cases were dismissed at client request, three cases

were dismissed due to defects in the initiation of the appeal and six revocation cases were dismissed as moot. Three cases were closed because the client retained private counsel and four cases were closed due to consolidation with other appeals for the same client. Seven cases were transferred to Appellate Division West for caseload equity purposes, and one case was contracted to outside counsel.

The Appellate Division West began with 153 open cases on November 1, 2023, added 118 cases, and closed 94 cases during the remainder of the fiscal year, carrying over 177 cases to FY-2025. Of the cases closed, 55 were closed by decision of the Court of Criminal Appeals. Eight were dismissed by client request, eight were dismissed because of defects in the initiation of the appeal, and five revocation cases were dismissed as moot. An additional six cases were closed because they were contracted to outside counsel, three cases were closed due to the client retaining outside counsel or because it was determined the agency was not appointed. Three cases were closed due to consolidation with other appeals for the same client, and four cases were transferred to Appellate Division East for caseload equity purposes. Two cases were closed because the client died before the appeal could be decided.

CAPITAL DIRECT APPEALS AND CAPITAL POST CONVICTION CASES

Existing capital cases were distributed equally between the two new Divisions, with six capital case assignments made to each Division. No new capital appeals arose in FY-2024, and future capital cases will be assigned with the direct appeal assignment to one division, and the capital post-conviction assignment to the other.

Experienced capital appellate counsel were divided between the Divisions, with Jamie Pybas, Wyndi Thomas Hobbs, Reginald Armor, and Taylor Ledford assigned to the Appellate Division East, and Scott Braden, Michael Morehead, and Jacy Sullivan assigned to

Appellate Division West. The goal of the Executive Director is to broaden the opportunities for attorneys to engage in the capital arena and grow a greater pool of capital-trained lawyers to handle these cases as experienced attorneys retire. This year, the reorganization has allowed four attorneys with no previous capital case filings to begin or continue training and working with experienced capital litigators in handling the appellate capital caseload.

Appellate Division East attorneys Reginald Armor and Jamie Pybas completed the research, record review and investigation and filed a brief in chief and request for evidentiary hearing in the capital direct appeal for David Ware during FY-2024. Taylor Ledford in Appellate Division East also filed a capital post-conviction application (Joseph Alliniece) in FY-2024, assisted by Sierra Holling from Appellate Division West (who was assigned as co-counsel before the reorganization). Chad Johnson, Danny Joseph, Mary Ann Grover, and Jamie Pybas began substantial work on two capital post-conviction applications (Derrick Laday, Daniel Vasquez) assigned to Appellate Division East, which will be filed in FY-2025. Two capital post-convictions assigned to the Appellate Division East and awaiting decision (Byron Shepard and Derek Posey) were denied in FY-2024.

In FY-2024 but prior to the reorganization in November, Scott Braden and Jacy Chafin Sullivan filed the death penalty direct appeal brief and request for evidentiary hearing on behalf of Derrick Laday. This case, and three other death penalty direct appeals (Derek Posey, Joseph Alliniece, Byron Shepard) were assigned to attorneys in the Appellate Division West in the reorganization. Of those, two (Alliniece and Laday) were awaiting briefing by the state, one (Posey) was awaiting oral argument, and one was fully briefed and awaiting decision (Shepard). During FY-2024, attorney Scott Braden filed Reply Briefs in Alliniece and Lada, and Michael Morehead

presented oral argument in Posey. After the state court denied a Petition for Rehearing in Shepard, Scott Braden filed a Petition for Writ of Certiorari to the United States Supreme Court, which was denied, resulting in the closure of the case.

The state court also affirmed the judgment and sentence in the Posey case and denied the Petition for Rehearing filed in FY-2024, leaving a Petition for Writ of Certiorari to the United States Supreme Court to be filed in FY-2025. Scott Braden also conducted the research, writing, and investigation to file the capital post-conviction case on behalf of William Reece, to be filed in FY-2025. Also assigned to Appellate Division West is the capital post-conviction case for David Ware, with a deadline to be triggered after the filing of the State's

response brief and Mr. Ware's Reply Brief in FY-2025.

Appellate Division West Cases Received by County November 1, 2023, to June 30, 2024			
Beckham	1	Kay	3
Caddo	2	Kingfisher	1
Canadian	3	Kiowa	2
Carter	2	Lincoln	1
Cleveland	23	Logan	4
Comanche	23	Noble	1
Cotton	1	Oklahoma	8
Custer	5	Pottawatomie	8
Dewey	1	Roger Mills	1
Garfield	7	Stephens	5
Garvin	3	Texas	4
Grady	2	Washita	1
Greer	1	Woodward	4
Jackson	3		
TOTAL 118			

Appellate Division East Cases Received by County November 1, 2023, to June 30, 2024			
Atoka	1	McIntosh	3
Bryan	1	Muskogee	10
Choctaw	2	Noble	3
Cleveland	1	Nowata	2
Comanche	1	Okfuskee	2
Creek	6	Okmulgee	1
Custer	1	Osage	2
Delaware	3	Ottawa	2
Hughes	1	Rogers	2
Kay	4	Sequoyah	1
Latimer	3	Tulsa	20
Lincoln	1	Wagoner	1
Mayes	5	Washington	4
TOTAL 108			

Conclusion

Keeping Gideon's Promise: New Challenges, New Opportunities.

Gideon v. Wainwright and its progeny promise all of us that if our liberty is placed in jeopardy through criminal prosecution, we have the right to competent legal representation to assist us in defending our constitutional rights. This promise is as critical now as ever if we hope to maintain the foundational principles of the United States of America and the Great State of Oklahoma. The defense of the liberty interests of the least powerful among us, the indigent, protects the liberty interests of all of us.

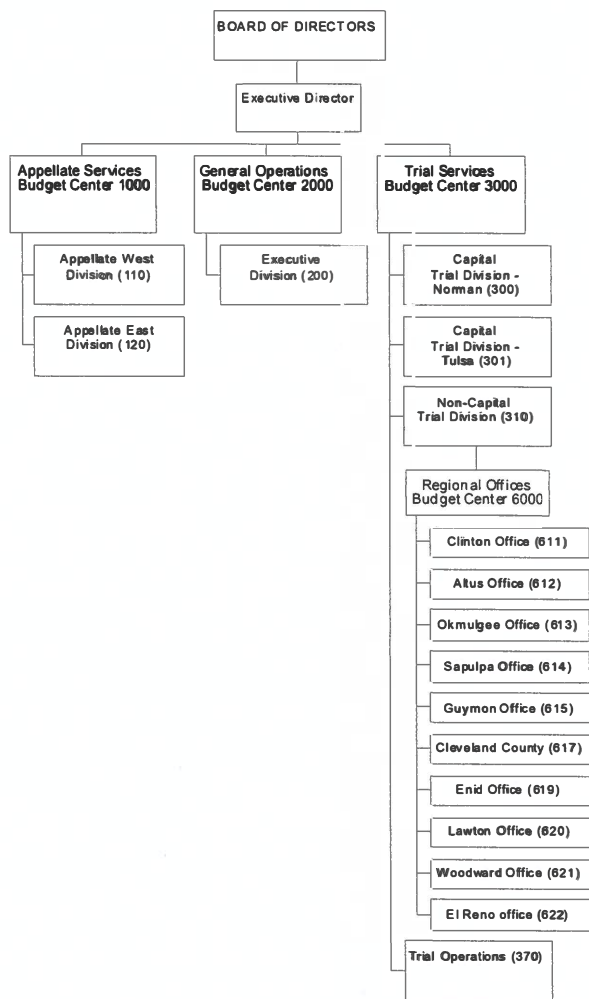
The Oklahoma Indigent Defense System's dedicated attorneys, investigators, and support staff continued to fulfill Gideon's promise in Fiscal Year 2024. The agency's clients received outstanding trial and appellate advocacy regardless of the charges they faced or the paucity of their resources.

Although our foundational principles remain constant, the Oklahoma Indigent Defense System must apply those principles to real life circumstances in an everchanging legal landscape. Legislation and judicial decisions provide opportunities for the agency to better serve its clients; however, these opportunities often require additional financial and human resources investments.

Opportunities to improve our clients' case dispositions, sentencing options, and prospects for rehabilitation require the agency's attorneys, investigators, and support staff to dedicate additional time and effort to thorough and zealous client advocacy. Recent changes in law include sentencing reform and court financial obligation reform legislation.

Although these legislative changes provide the agency better opportunities to help clients, these opportunities are only meaningful if the agency has resources to develop and present the courts with evidence in support of our clients' interests. The Oklahoma Indigent Defense System will continue to meet these challenges and seize these opportunities in Fiscal Year 2025. The agency looks forward to the continued support of the Legislature, the Governor, and the Judiciary as we continue to honor our shared principles and effectuate our common goals.

Oklahoma Indigent Defense System ORGANIZATIONAL CHART



OKLAHOMA INDIGENT DEFENSE SYSTEM
Non-Capital Trial Division
Actual FY-2024 Workload
July 1, 2023 through June 30, 2024

SUMMARY OF ALL CATEGORIES OF APPOINTMENTS

TYPE OF APPOINTMENT		FEL	JUV	MISD	TRAF	WL	YO	ALL
FY-2024 Contract <i>LESS</i> Conflicts and Rover Cases		9,523	906	6,795	177	9	42	17,452
Plus Contract Carry-Over from Prior Fiscal Years		7,197	464	3,732	208	4	18	11,623
Total Contract Workload		16,720	1,370	10,527	385	13	60	29,075
2024 Satellite Office <i>LESS</i> Conflicts and Rover Cases		6,950	786	5,559	183	0	38	13,516
Plus Satellite Office Carry-Over from Prior Fiscal Years		2,671	521	1,341	77	0	13	4,623
Total Satellite Office Workload		9,621	1,307	6,900	260	0	51	18,139
FY-2024 Conflicts	Contracts	28	0	7	0	0	1	36
	Satellite Offices	136	11	38	4	0	3	192
Conflicts Carryover from Prior Fiscal Years	Contract Counties	28	0	4	0	0	0	32
	Satellite Office Counties	93	2	17	2	0	0	114
FY-2024 Rover Cases	Contract Counties	18	0	0	0	0	0	18
	Satellite Office Counties	8	0	0	0	0	0	8
Rover Cases Carryover from Prior Fiscal Years		23	0	3	0	0	0	26
Total Conflicts and Rover Cases Workload		334	13	69	6	0	4	426
TOTAL FY-2024 NCT Workload		26,675	2,690	17,496	651	13	115	47,640

Prisoner Name	Case No.	PC Counsel Appointed	PC Attorney(s)	Appeal Attorney(s)	Trial Attorneys
Shaun Bosse	PCD-2013-360	12/18/2012	Wyndi Hobbs	Michael Morehead	Craig Corgan
				Jamie Pybas	Matthew Haire
					Gary Henry
					Mary Bruehl
					Bobby Lewis
					Vicki Floyd
					Corbin Brewster
Donnie Harris	PCD-2015-419	2/12/2014	Bobby Lewis	Raymond Denecke	Peter Astor
			Alex Richard	Kristi Christopher	James Bowen
Miles Bench	PCD-2015-698	5/13/2015	Wayna Tyner	Traci Quick	Mitchell Solomon
			Virginia Sanders	Katrina Conrad-Legler	Shea Smith
			Kristi Christopher	Mary Westman	Don Herring
				Meghan LeFrancois	Gary Henry
					Mary Bruehl
					Bobby Lewis
Ronnie Fuston	PCD-2017-806	7/24/2017	Wyndi Hobbs	Andrea Digilio Miller	Catherine Hammarsten
				Gina Walker	James Rowan
					Nicole Burns
					Matt Sears
					John Cannon
Alton Nolen	PCD-2018-215	12/15/2017	Virginia Sanders	James Lockard	Mitchell Solomon
			Raymond Denecke	Lydia Fields	Shea Smith
					Benjamin Brown
					Bobby Lewis
Dustin Davison	PCD-2018-1081	4/5/2018	Kristi Christopher	Marva Banks	Melanie Freeman-Johnson
			Katie Bourassa	Gina Walker	James Rowan
					Jess Purchase

Derek Posey	PCD-2019-609	7/22/2019	Wyndi Hobbs	Michael Morehead	Mitchell Solomon
			Taylor Ledford	Alex Richard	Shea Smith
				Jamie Pybas	Benjamin Brown
					Raven Sealy
					Bobby Lewis
					Gary Henry
Byron Shepard	PCD-2020-704	1/3/2020	Virginia Sanders	Katrina Conrad-Legler	Shea Smith
			Wyndi Hobbs	Jacqueline Chafin	Raven Sealy
				Nicole Herron	Mitchell Solomon
					Benjamin Brown
Joseph Alliniece	PCD-2021-1316	7/22/2021	Taylor Ledford	James Lockard	Mitchell Solomon
			Sierra Holling	Scott Braden	Shea Smith
					Raven Sealy
					Benjamin Brown
William Reece	PCD-2021-1317	8/19/2021	Virginia Sanders	Hallie Bovos	Jacob Benedict
			Kristi Christopher		Kristen Messina
			Scott Braden		Catherine Hammarsten
					Mark McCormick
					Erin Maxwell
					Tom Hurley
Derrick Laday	PCD-2021-1318	7/19/2021	Chad Johnson	Jacqueline Chafin	Michael Arnett
			Wyndi Hobbs	Scott Braden	Beau Phillips
			Taylor Ledford		Kent Bridge
			Danny Joseph		Perry Hudson
					J.P. Hill
					Sammy Duncan

David Ware	PCD-2022-668	5/13/2022	Kristi Christopher	James Lockard	Kevin Adams
			Scott Braden	Reginald Armor	Robert Gifford
				Jamie Pybas	Johnnie James
				Taylor Ledford	
				Timmi Kline	
Daniel Vasquez	PCD-2022-669	11/5/2021	MaryAnn Grover	James Hankins	Arlan Bullard
			Wyndi Hobbs	Jamie Pybas*	Don Jackson
			Taylor Ledford		Kristen Hartman
			Jamie Pybas*		Catherine Hammarsten
					Laura Neal
					Perry Hudson
*Pybas moved to withdraw from the direct appeal on 8/10/22, one month after the trial record was filed with the appellate court, when Vasquez retained counsel. Granted on 8/24/22. Entered an appearance in PC on 10/4/24.					

OKLAHOMA INDIGENT DEFENSE SYSTEM
111 N. PETERS AVE
NORMAN, OKLAHOMA 73069
(405) 801-2601

APPELLATE COUNSEL APPLICATION

PLEASE NOTE: Attorneys who fill out this form may be included on the OIDS list of private attorneys who are willing to accept assignments of OIDS cases on appeal. The information on the form will be used to make assignments on a case-by-case basis as the need arises in accordance with the experience level and interests of the private attorney. **PLEASE RETURN THE COMPLETED APPLICATION, A CURRENT RESUME, AND A COPY OF YOUR OBA CARD. THE REQUESTED DOCUMENTS SHOULD BE MAILED TO THE ATTENTION OF NICOLLETTE BRANDT.**

Last Name First Name Middle Initial OBA Number

Doing Business As (if an entity other than the individual will be the contracting party, such as a partnership or corporation)

Firm / Office Name

Office Address (City / State / Zip)

Telephone No. Fax No.

Mailing Address (City / State / Zip) (only if different from above)

E-mail address, if any

Tax Identification Number to Be Used for State Contract (FEI number for the individual or entity that will receive the income)

I. APPLICANT'S BACKGROUND

I affirm that I am a member in good standing with the Oklahoma Bar Association. _____
Initial

Oklahoma Bar Admission: Month: _____ Year: _____

Other bar admissions and dates: _____

Fluency in languages other than English: _____

**EXHIBIT
10**

II. LEGAL EMPLOYMENT

1. Current law position (indicate whether as a partner, associate, sole practitioner, etc.; also indicate if full-time or part-time)

2. General nature of current practice (e.g., criminal -- trial and/or appellate; civil litigation, corporate, gen. practice, etc.)

3. Indicate your legal experience during the last three (3) years, including part-time employment and clerkships. Provide the names, addresses and telephone numbers of employers, including judges, if any, and the dates of employment.

Employer _____

Position _____ Dates _____
(From - To)

Address _____

City, State, Zip _____ Phone _____

Employer _____

Position _____ Dates _____
(From - To)

Address _____

City, State, Zip _____ Phone _____

Employer _____

Position _____ Dates _____
(From - To)

Address _____

City, State, Zip _____ Phone _____

4. Provide the names and telephone numbers of three references of persons who are familiar with your legal work (do not submit letters of recommendation):

- 2. Do you now have any charges or complaints pending against you in any jurisdiction, either in court or grievance committee, including the Professional Responsibility Commission of the Oklahoma Bar Association, that could result in the filing of a malpractice suit, a grievance committee proceeding or disciplinary action? If yes, give full details by attachment to this application.
 Yes No

- 3. I agree that I will immediately notify the Oklahoma Indigent Defense System of any reason which would render me unfit to continue to provide competent representation.
 Yes No

- 4. In submitting this application, I authorize the Indigent Defense System, or its authorized agent, to contact all persons, firms, officers, corporations, associations, organizations, state and federal agencies, institutions, and any other entities about the information set forth herein and to request any relevant documentation, records or other information necessary to conduct a full investigation of this application, including, but not limited to, the records of grievances in possession of a grievance committee or the general counsel of the Oklahoma Bar Association. I further agree that all information received by the Oklahoma Indigent Defense System shall be confidential and that I have no right of access to any information, documentation or records received by the Oklahoma Indigent Defense System from third parties.

VI. COMPLIANCE WITH TERMS OF CONTRACT AFTER CASE ASSIGNMENT

If you are assigned an appeal for an OIDS client, are you willing to place reasonable restrictions on your other legal practice to ensure that the client served under the contract is competently represented?	Yes	No
---	-----	----

If you are assigned an appeal for an OIDS client, are you willing to provide a copy of your current OBA card for purposes of setting up the contract?	Yes	No
---	-----	----

Do you understand that an unresolved tax liability owed to the Oklahoma Tax Commission will prevent OIDS from entering into a contract with you?	Yes	No
--	-----	----

STATE OF OKLAHOMA)
)
COUNTY OF _____)

I, _____, being duly sworn, state that I have read the foregoing application and answered each question fully and frankly, without concealment, reservation or qualification, and my answers, statements and representations are, to the best of my knowledge, true and complete.

Signature

Subscribed and sworn to before me, on this the _____ day of _____, 20 _____

(SEAL)

Notary Public

My Commission Expires: _____

RELEASE AND WAIVER

STATE OF OKLAHOMA)
)
COUNTY OF _____)

I, _____, am an applicant to accept cases on assignment from the Oklahoma Indigent Defense System.

As a condition of my application, I freely and voluntarily consent to the Oklahoma Indigent Defense System investigating my legal qualifications and legal work experience, and I expressly authorize the release and disclosure of information relating to my legal qualifications and legal work experience to the Oklahoma Indigent Defense System including, but not limited to, files and records containing such information maintained by former and current employers, educational institutions, governmental bodies, professional associations, and investigative, disciplinary or grievance bodies.

I hereby waive any privilege of confidentiality I might have with respect to the release of any such information, documentation and records.

A photocopy of this authorization shall be considered as effective and valid as the original.

Signature

Subscribed and sworn to before me, on this the _____ day of _____, 20 _____

(SEAL)

Notary Public

**FY 2026 Budget Performance Review
047 - Oklahoma Indigent Defense System**

Version Revision 02
Lead Administrator: Jamie D. Pybas, Interim Executive Director

Date submitted 1/24/2025
Lead Financial Officer: Brandy Bahm, Chief Finance Officer

Agency Mission

The Oklahoma Indigent Defense System implements the Indigent Defense Act by providing trial, appellate, and capital post-conviction criminal defense services to persons who have been judicially determined to be entitled to legal counsel at State expense. The mission of the System is to provide indigents with legal representation comparable to that obtainable by those who can afford counsel and to do so in the most cost effective manner possible.

Division and Program Descriptions

Note: Please define any acronyms used in program descriptions.

Appellate Services - 10

This program provides direct appeal representation to agency court-appointed clients, both capital and non-capital. Services are provided through two staffed divisions: the Appellate East and Appellate West Divisions. Conflict of interest appeals which cannot be handled by staff are contracted with private counsel.

General Operations - 20

The General Operations program, through its executive and finance divisions, provides administrative direction, supervision and support to the agency, all agency staff, as well as the administration of agency contracts.

Trial Services - 30

The Trial Services program provides services through the Non-Capital Trial Division, the Capital Trial - Tulsa Division and the Capital Trial - Norman Division. The Non-Capital Trial Division in turn provides services through staff attorneys in its satellite offices (identified as the Regional Office Program), and through non-capital contracts (identified as the Non-Capital Contracts program). The Capital Trial divisions provide services through staff attorneys, except in cases of a conflict of interest, in which case services are provided by contract attorneys.

Non-Capital Contracts - 40

The Non-Capital Trial Division is responsible for providing defense representation for the agency's largest group of clients at the district court level, in 75 of 77 Oklahoma counties. In accordance with the Indigent Defense Act, the agency provides non-capital trial services in 39 counties through fiscal year contracts with private attorneys at a flat rate, in 36 counties through staffed satellite offices, and where a conflict of interest arises precluding staff or contractor representation, through agreements with private attorneys on a case by case basis to accept court appointments at Board established agency hourly rates, subject to statutory maximum amounts and Board approved extraordinary fees.

Client Services - 50

The Client Services program is responsible for evaluating clients social services needs, providing assessments working with attorneys to facilitate client access to services thereby improving the clients case disposition and prospect for post-disposition success. Upon request from an attorney, a resource navigator is assigned to assist client with securing employment, housing, food, and other needed social support.

Regional Offices - 60

The Non-Capital Trial Division is responsible for providing defense representation for the agency's largest group of clients. Staff attorneys provide services in 36 Oklahoma counties, through satellite offices operated in Norman, Altus, Clinton, Guymon, Okmulgee, Sapulpa, Enid, Lawton, Woodward, El Reno, Pryor, & Poteau. The remainder of the counties are represented by private providers and accounted for in Program 40.

Expert Services - 70

This program ensures that constitutionally required expert assistance is provided in cases where the necessity for such services arises. The program was created by the Legislature as a separate spending limit activity to account for expenditures for expert services provided to indigent clients.

Information Systems - 88

This program provides information services to the agency and staff. The information Systems Program provides the agency information systems equipment and personnel to support all agency functions.

**FY 2026 Budget Performance Review
047 - Oklahoma Indigent Defense System**

Version Revision 02
Lead Administrator: Jamie D. Pybas, Interim Executive Director

Date submitted 1/24/2025
Lead Financial Officer: Brandy Bahm, Chief Finance Officer

FY'25 Budgeted Department Funding By Source							
Dept. #	Department Name	Appropriations	Federal	Revolving	Local ¹	Other ²	Total
1000110	Appellate West	\$2,282,014		\$150,705			\$2,432,719
1000120	Appellate East	\$2,380,408		\$152,935			\$2,533,343
1000140	Contract Legal Services			\$50,500			\$50,500
1000170	Appellate Operations	\$737,169		\$50,975			\$788,144
2000200	Executive	\$784,650		\$70,243			\$854,893
2000210	Training	\$120,500		\$81,100			\$201,600
3000300	Capital Trial Norman	\$1,355,695		\$137,440			\$1,493,135
3000301	Capital Trial Tulsa	\$1,429,489		\$73,620			\$1,503,109
3000302	Conflict Services	\$140,000					\$140,000
3000310	Non-Capital, Norman	\$2,351,383		\$121,292			\$2,472,675
3000370	Trial Operations	\$1,244,521		\$90,849			\$1,335,370
4000408	Non-Capital County Contracts	\$1,653,615				\$3,682,760	\$5,336,375
4000409	Non-Capital Conflict Contracts	\$525,000		\$250,000			\$775,000
4000410	Non-Capital Replcmnt Contracts	\$10,000		\$215,000			\$225,000
4000417	Non-Cap Contr-PY Retained Fds			\$240,000			\$240,000
4000429	Non-Cap Conflict Cont-Prior Yr	\$138,465		\$81,000			\$219,465
4000430	Non-Cap Repl Cont-PY Retnd Fds			\$34,000			\$34,000
5000500	Resource Navigators			\$211,193		\$189,936	\$401,129
6000611	Non-Capital Clinton Office	\$1,177,535		\$62,036			\$1,239,571
6000612	Non-Capital Altus Office	\$870,350		\$57,941			\$928,291
6000613	Non-Capital Okmulgee Office	\$769,475		\$33,307			\$802,782
6000614	Non-Capital Sapulpa Office	\$874,702		\$72,688			\$947,390
6000615	Non-Capital Guymon Office	\$412,188		\$35,128			\$447,316
6000617	Non-Capital Cleveland County	\$1,298,331		\$129,590			\$1,427,921
6000619	Non-Capital Enid Office	\$719,986		\$35,445			\$755,431
6000620	Non-Capital Lawton Office	\$1,274,786		\$63,964			\$1,338,750
6000621	Non-Capital Woodward Office	\$610,095		\$55,447			\$665,542
6000622	Non-Capital El Reno Office	\$660,569		\$39,340			\$699,909
6000623	Non-Capital Pryor Office	\$397,280		\$42,294			\$439,574
6000624	Non-Capital Poteau Office	\$506,896		\$46,144			\$553,040
7000711	Appellate West Expert Service	\$11,800		\$10,200		\$36,800	\$58,800
7000712	Appellate East Expert Service			\$24,000		\$110,800	\$134,800
7000731	Cap Trial Norman Expert Serv			\$54,800		\$222,400	\$277,200
7000732	Cap Trial Tulsa Expert Service			\$23,400		\$147,600	\$171,000
7000733	Cap Trial Conflicts Expert Ser			\$11,000		\$213,800	\$224,800
7000741	Non-Cap Trial Expert Services	\$120,000		\$45,600		\$355,800	\$521,400
8800001	Information Systems Department	\$12,000		\$463,346		\$2,000	\$477,346
8800110	IT Appellate West			\$40,062		\$2,000	\$42,062
8800120	IT Appellate East			\$40,062		\$2,000	\$42,062
8800300	IT Capital Trial Norman			\$35,076		\$2,000	\$37,076
8800301	IT Capital Trial Tulsa			\$35,224		\$2,000	\$37,224
8800310	IT Non-Capital Trial Norman			\$42,148		\$2,000	\$44,148
8800611	IT Clinton Office			\$31,839		\$2,000	\$33,839
8800612	IT Altus Office			\$28,130		\$2,000	\$30,130
8800613	IT Okmulgee Office			\$38,912		\$2,000	\$40,912
8800614	IT Sapulpa Office			\$31,029		\$2,000	\$33,029
8800615	IT Guymon Office			\$24,229		\$2,000	\$26,229
8800617	IT Cleveland County Office			\$33,416		\$2,000	\$35,416
8800619	IT Enid Office			\$26,780		\$2,000	\$28,780
8800620	IT Lawton Office			\$36,931		\$2,000	\$38,931
8800621	IT Woodward Office			\$28,801		\$2,000	\$30,801
8800622	IT El Reno Office			\$32,480		\$2,000	\$34,480
8800623	IT Pryor Office			\$24,353		\$2,000	\$26,353
8800624	IT Poteau Office	\$1,223		\$30,720		\$777	\$32,720
							\$0
Total		\$24,870,125	\$0	\$3,876,714	\$0	\$4,994,673	\$33,741,512

1. Please describe source of Local funding not included in other categories:

2. Please describe source(s) and % of total of "Other" funding if applicable for each department: Carryover funds

**FY 2026 Budget Performance Review
047 - Oklahoma Indigent Defense System**

Version Revision 02
Lead Administrator: Jamie D. Pybas, Interim Executive Director

Date submitted 1/24/2025
Lead Financial Officer: Brandy Bahm, Chief Finance Officer

Balances of Appropriated Funds from Prior Fiscal Years

3-digit Class Fund #	Class Fund Name	GA Bill # and Section #	Fiscal Year of Original Appropriation	Original Appropriation Amount (\$)	Total Expended Amount as of 8/31/2024 (\$)	Balance as of 8/31/2024 (\$)
193	FY23 GRF-Duties	SB1040 Sec 133	FY23	\$24,731,713	\$23,643,505	\$1,088,208
194	FY24 GRF-Duties	HB1004X Sec 137	FY24	\$24,731,713	\$20,011,023	\$4,720,690
						\$0
						\$0
						\$0
Total remaining prior year appropriation balance:						\$5,808,898

Report appropriations that have existing balances from all prior fiscal years at the 3-digit class fund number (i.e. 193, 194). Do not report carryover class funds separately. Include appropriations located in disbursing funds. Report PREP, but not ARPA/SRF, appropriations.

What changes did the agency make between FY'24 and FY'25?

- 1.) Are there any services no longer provided because of budget cuts?
No
- 2.) What services are provided at a higher cost to the user?
None
- 3.) What services are still provided but with a slower response rate?
None
- 4.) Did the agency provide any pay raises that were not legislatively/statutorily required?

oved salaries in an effort to recruit and retain attorneys in rural areas where there are fewer attorneys and in an effort to remain competitive with Federal, Tribal, State agency, and p

Appropriation Increase Review

Appropriation Increase Purpose	Appropriation Increases (Additional to Agency Base Appropriation)			Expenditures	
	FY 2023	FY 2024	Total Amount Received FY 2023-2024	Total Expenditure of Increase as of 6/30/2024	If funds have not been spent, please explain why.
Salary Increases	\$4,193,835	\$0	\$4,193,835	\$4,193,835	
			\$0		
			\$0		
			\$0		
			\$0		
			\$0		
			\$0		
Total:	\$4,193,835	\$0	\$4,193,835	\$4,193,835	

List appropriation increases that the agency has received in the prior two years. List amounts received in each year. Include PREP, but not ARPA/SRF, appropriations.

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FY'26 Requested Funding By Department and Source

Dept. #	Department Name	Appropriations	Federal	Revolving	Other ¹	Total	% Change
1000110	Appellate West	\$2,332,719	\$0	\$0	\$0	\$2,332,719	-4.11%
1000120	Appellate East	\$2,333,343	\$0	\$0	\$0	\$2,333,343	-7.89%
1000140	Contract Legal Services	\$0	\$0	\$50,500	\$0	\$50,500	0.00%
1000170	Appellate Operations	\$738,144	\$0	\$0	\$0	\$738,144	-6.34%
2000200	Executive	\$684,650	\$0	\$70,243	\$0	\$754,893	-11.70%
2000210	Training	\$120,500	\$0	\$0	\$0	\$120,500	-40.23%
3000300	Capital Trial Norman	\$1,305,695	\$0	\$137,440	\$0	\$1,443,135	-3.35%
3000301	Capital Trial Tulsa	\$1,379,489	\$0	\$73,620	\$0	\$1,453,109	-3.33%
3000302	Conflict Services	\$120,000	\$0	\$0	\$0	\$120,000	-14.29%
3000310	Non-Capital, Norman	\$2,251,383	\$0	\$121,292	\$0	\$2,372,675	-4.04%
3000370	Trial Operations	\$1,144,521	\$0	\$90,849	\$0	\$1,235,370	-7.49%
4000408	Non-Capital County Contracts	\$2,336,375	\$0	\$0	\$3,000,000	\$5,336,375	0.00%
4000409	Non-Capital Conflict Contracts	\$261,106	\$0	\$0	\$0	\$261,106	-66.31%
4000410	Non-Capital Replcmnt Contracts	\$10,000	\$0	\$0	\$0	\$10,000	-95.56%
4000417	Non-Cap Contr-PY Retained Fds	\$0	\$0	\$240,000	\$0	\$240,000	0.00%
4000429	Non-Cap Conflict Cont-Prior Yr	\$138,465	\$0	\$0	\$0	\$138,465	-36.91%
4000430	Non-Cap Repl Cont-PY Retnd Fds	\$0	\$0	\$34,000	\$0	\$34,000	0.00%
5000500	Resource Navigators	\$58,065	\$0	\$500,000	\$0	\$558,065	39.12%
6000611	Non-Capital Clinton Office	\$1,239,571	\$0	\$0	\$0	\$1,239,571	0.00%
6000612	Non-Capital Altus Office	\$928,291	\$0	\$0	\$0	\$928,291	0.00%
6000613	Non-Capital Okmulgee Office	\$802,782	\$0	\$0	\$0	\$802,782	0.00%
6000614	Non-Capital Sapulpa Office	\$947,390	\$0	\$0	\$0	\$947,390	0.00%
6000615	Non-Capital Guymon Office	\$447,316	\$0	\$0	\$0	\$447,316	0.00%
6000617	Non-Capital Cleveland County	\$1,427,921	\$0	\$0	\$0	\$1,427,921	0.00%
6000619	Non-Capital Enid Office	\$755,431	\$0	\$0	\$0	\$755,431	0.00%
6000620	Non-Capital Lawton Office	\$1,338,750	\$0	\$0	\$0	\$1,338,750	0.00%
6000621	Non-Capital Woodward Office	\$665,542	\$0	\$0	\$0	\$665,542	0.00%
6000622	Non-Capital El Reno Office	\$641,844	\$0	\$58,065	\$0	\$699,909	0.00%
6000623	Non-Capital Pryor Office	\$439,574	\$0	\$0	\$0	\$439,574	0.00%
6000624	Non-Capital Poteau Office	\$553,040	\$0	\$0	\$0	\$553,040	0.00%
6000	Non-Capital Claremore Office	\$325,000	\$0	\$193,400	\$0	\$518,400	100.00%
6000	Non-Capital Shawnee Office	\$175,000	\$0	\$187,500	\$0	\$362,500	100.00%
7000711	Appellate West Expert Service	\$48,600	\$0	\$10,200	\$0	\$58,800	0.00%
7000712	Appellate East Expert Service	\$48,600	\$0	\$24,000	\$0	\$72,600	-46.14%
7000731	Cap Trial Norman Expert Service	\$177,400	\$0	\$45,000	\$0	\$222,400	-19.77%
7000732	Cap Trial Tulsa Expert Service	\$124,200	\$0	\$23,400	\$0	\$147,600	-13.68%
7000733	Cap Trial Conflicts Expert Ser	\$110,000	\$0	\$11,000	\$0	\$121,000	-46.17%
7000741	Non-Cap Trial Expert Services	\$223,880	\$0	\$45,600	\$0	\$269,480	-48.32%
8800001	Information Systems Department	\$475,346	\$0	\$0	\$0	\$475,346	-0.42%
8800110	IT Appellate West	\$40,062	\$0	\$0	\$0	\$40,062	-4.75%
8800120	IT Appellate East	\$40,062	\$0	\$0	\$0	\$40,062	-4.75%
8800300	IT Capital Trial Norman	\$35,076	\$0	\$0	\$0	\$35,076	-5.39%
8800301	IT Capital Trial Tulsa	\$35,224	\$0	\$0	\$0	\$35,224	-5.37%
8800310	IT Non-Capital Trial Norman	\$42,148	\$0	\$0	\$0	\$42,148	-4.53%
8800611	IT Clinton Office	\$31,839	\$0	\$0	\$0	\$31,839	-5.91%
8800612	IT Altus Office	\$28,130	\$0	\$0	\$0	\$28,130	-6.64%
8800613	IT Okmulgee Office	\$38,912	\$0	\$0	\$0	\$38,912	-4.89%
8800614	IT Sapulpa Office	\$31,029	\$0	\$0	\$0	\$31,029	-6.06%
8800615	IT Guymon Office	\$24,229	\$0	\$0	\$0	\$24,229	-7.63%
8800617	IT Cleveland County Office	\$33,416	\$0	\$0	\$0	\$33,416	-5.65%
8800619	IT Enid Office	\$26,780	\$0	\$0	\$0	\$26,780	-6.95%
8800620	IT Lawton Office	\$36,931	\$0	\$0	\$0	\$36,931	-5.14%
8800621	IT Woodward Office	\$28,801	\$0	\$0	\$0	\$28,801	-6.49%
8800622	IT El Reno Office	\$32,480	\$0	\$0	\$0	\$32,480	-5.80%
8800623	IT Pryor Office	\$24,353	\$0	\$0	\$0	\$24,353	-7.59%
8800624	IT Poteau Office	\$30,720	\$0	\$0	\$0	\$30,720	-6.11%
Total		\$27,670,125	\$0	\$1,916,109	\$3,000,000	\$32,586,234	-3.42%

1. Please describe source(s) and % of total of "Other" funding for each department:

Expected carryover funds

**FY 2026 Budget Performance Review
047 - Oklahoma Indigent Defense System**

Version Revision 02
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FY'26 Top Five Operational Appropriated Funding Increase Requests

Request by Priority	Request Description	Is this a Supplemental Request? (Yes/No)	Timeframe (One-Time or Recurring)	Appropriation Request Increase Amount (\$)
Request 1:	Satellite Offices	No	Recurring	\$2,800,000
Request 2:				
Request 3:				
Request 4:				
Request 5:				
Top Five Request Subtotal:				\$2,800,000
Total Increase above FY-25 Budget (including all requests)				\$2,800,000
Difference between Top Five requests and total requests:				\$0

Description of requested increase in order of priority		
Priority 1		
Priority 2		
Priority 3		

Description of requested increase in order of priority		
Priority 1		
Priority 2		
Priority 3		

Does the agency have any costs associated with the Pathfinder retirement system and federal employees?
No

How would the agency be affected by receiving the same appropriation for FY '26 as was received in FY '25? (Flat/ 0% change)
We would have to cut our resource navigator, training, and intern programs to stay within budget constraints.

How would the agency handle a 2% appropriation reduction in FY '26?
The agency would have to evaluate some cost that have been beneficial to our clients and eliminate expert services that have also benefited our clients. We may have to cut positions as well since OIDS fees will drop in FY26.

Is the agency seeking any fee increases for FY '26?		
Description of requested increase in order of priority	Fee Increase Request (\$)	Statutory change required? (Yes/No)
Increase 1		
Increase 2		
Increase 3		

Federal Funds							
CFDA	Federal Program Name	Agency Dept. #	FY 25 budget (\$)	FY 24 actuals (\$)	FY 23 actuals (\$)	FY 22 actuals (\$)	FY 24 budgeted FTE (#)

Federal Government Impact
1.) How much federal money received by the agency is tied to a mandate by the Federal Government?
N/A
2.) Are any of those funds inadequate to pay for the federal mandate?
N/A

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3.) What would the consequences be of ending all of the federal funded programs for your agency?

N/A

4.) How will your agency be affected by federal budget cuts in the coming fiscal year?

N/A

5.) Has the agency requested any additional federal earmarks or increases?

N/A

FY 2025 Budgeted FTE							
Division #	Division Name	Supervisors	Non-Supervisors	\$0 - \$35 K	\$35 K - \$70 K	\$70 K - \$100K	\$100K+
10	Appellate Services	6.28	36.66	0.5	16.2	15.92	10.32
20	Executive	2.52	1.69		1.3	0.78	2.13
30	Trial Services	7.2	45.15	5	23.5	11.3	12.55
60	Regional Offices	12	62		31	31	12
Total		28	145.5	5.5	72	59	37

FTE History by Fiscal Year							
Division #	Division Name	FY 2025 Budgeted	FY 2025 YTD	FY 2024	FY 2023	FY 2022	FY 2016
10	Appellate Services	49.8	42.9	43.1	37.9	39.4	36.1
20	Executive	4.6	4.2	4.1	3.2	3.2	3.0
30	Trial Services	63.1	52.4	50.3	41.0	30.0	28.4
60	Regional Offices	81.0	74.0	71.0	51.0	56.0	38.0
Total		198.5	173.5	168.5	133.0	128.5	105.5

Performance Measure Review					
	FY 2024	FY 2023	FY 2022	FY 2021	FY 2020
Appellate Services					
Appellate West	271				
Appellate East	262				
General Appeals Cases		482	488	503	465
Homicide Direct Appeals Cases		91	97	88	85
Capital Post Conviction Cases		49	62	56	51
Trial Services					
Capital Trial Norman Cases	20	20	20	16	16
Capital Trial Tulsa Cases	18	12	9	13	13
Non-Capital Contracts					
County Contract Cases	17,490	19,890	20,702	25,056	27,589
Conflict Cases	200	311	294	601	691
Regional Offices					
Altus Office Cases	814	1,663	1,662	1,917	2,526
Cleveland County Office Cases	3,953	3,771	3,518	2,889	6,225
Clinton Office Cases	1,391	1,828	2,313	2,500	5,413
El Reno Office Cases (opened FY24)	1,495	-	-	-	-
Enid Office Cases (opened in FY22)	1,659	2,155	1,626	-	-
Guymon Office Cases	425	544	619	518	1,365
Lawton Office Cases (opened in FY22)	1,571	1,998	1,228	-	-
Okmulgee Office Cases	691	1,121	1,082	1,268	3,024
Sapulpa Office Cases	757	1,011	966	997	2,424
Woodward Office Cases (opened in FY22 cases assigned last 3 months April - June 2022)	748	924	154	-	-
Expert Services					
Number of expert contracts put in place to provide our clients the best case support	132	81	85	60	108

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Revolving Funds (200 Series Funds)			
	FY'22-24 Avg. Revenues	FY'22-24 Avg. Expenditures	June '24 Balance
20000 - Oklahoma Indigent Defense System Revolving Fund <i>Authorized by 22 O.S. § 1368, is a revolving fund used for deposit of grants, gifts, and other such funds provided by law. Nearly all funds deposited into this revolving fund are receipts from various county clerks for representation cost assessed and collected as authorized by 22 O.S. § 1355.14. The amount deposited into this fund is unpredictable.</i>	\$1,055,068	\$617,581	\$2,010,941
23000 - Contract Retention Revolving Fund <i>Authorized by 22 O.S. § 1369, is a continuing fund used for deposit of the 10% of annual county non-capital contracts in accordance with 22 O.S. § 1355.8.G.2. These funds are retained in fund 230 until cases have been closed in accordance with these annual contracts.</i>	Originally general appropriations	\$572,584	\$1,152,392

FY 2025 Current Employee Telework Summary						
<i>List each agency physical location (not division), then report the number of employees associated with that location in the teleworking categories indicated. Use "No specified location" to account for remote employees not associated with a site. Use actual current employees (headcount), not budgeted or actual FTE.</i>			Full-time and Part-time Employees (#)			
Agency Location / Address	City	County	Onsite (5 days onsite, rarely remote)	Hybrid (2-4 days onsite weekly)	Remote (1 day or less weekly onsite)	Total Employees
111 N Peters Ave	Norman	Cleveland	77.5	13		90.5
610 S Hiawatha St	Sapulpa	Creek	10			10
823 Frisco Ave	Clinton	Custer	8			8
123 W Commerce Street	Altus	Jackson	7			7
205 S Grand Ave	Okmulgee	Okmulgee	7			7
10169 State Hwy 66	Sapulpa	Creek	11			11
1001 N Main Street	Guymon	Texas	3			3
205 W Maple Ave	Enid	Garfield	6			6
1318 SW Lee Blvd	Lawton	Comanche	12			12
1101 Hillcrest Dr	Woodward	Woodward	5			5
220 N Admire Ave	El Reno	Canadian	7			7
22 S Adair St	Pryor	Mayes	3			3
507 Dewey Ave	Poteau	LeFlore	4			4
Total Agency Employees						173.5

Other bar admissions and dates: _____

Fluency in languages other than English: _____

II. LEGAL EMPLOYMENT

1. Current law position (indicate whether as a partner, associate, sole practitioner, etc.; also indicate if full-time or part-time)

2. General nature of current practice (e.g., criminal -- trial and/or appellate; civil litigation, corporate, gen. practice, etc.)

3. Indicate your legal experience during the last five (5) years, including part-time employment and clerkships. Provide the names, addresses and telephone numbers of employers, including judges, if any, and the dates of employment.

Employer _____

Position _____ Dates _____
(From - To)

Address _____

City, State, Zip _____ Phone _____

Employer _____

Position _____ Dates _____
(From - To)

Address _____

City, State, Zip _____ Phone _____

Employer _____

Position _____ Dates _____
(From - To)

Address _____

City, State, Zip _____ Phone _____

Employer _____

Position _____ Dates _____
(From - To)

Address _____

City, State, Zip _____ Phone _____

Employer _____

Position _____ Dates _____
(From - To)

Address _____

City, State, Zip _____ Phone _____

4. Provide the names and telephone numbers of three references of persons who are familiar with your legal work (do not submit letters of recommendation):

5. Have you ever contracted with OIDS to represent indigent defendants at trial or on appeal?
 Yes No If yes, explain the circumstances.

III. LITIGATION EXPERIENCE

1. Number of years of active criminal defense experience. _____

2. Number of years of active criminal defense experience in Oklahoma. _____

3. During the last five (5) years, how many criminal cases have you handled as lead counsel at the trial level? _____

Of this number, how many were in State Court? _____ Federal Court? _____

4. Estimate the percentage of your practice that you devoted to handling criminal cases for each of the five (5) preceding years.

_____ % (Year 1)

_____ % (Year 2)

_____ % (Year 3)

_____ % (Year 4)

_____ % (Year 5)

5. a) Identify your five (5) most recent criminal trials.

Name and Case Number	Court	Conviction/Sentence
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Name and Case Number	Court	Conviction/Sentence
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Name and Case Number	Court	Conviction/Sentence
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Name and Case Number	Court	Conviction/Sentence
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Name and Case Number	Court	Conviction/Sentence
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6. Are you familiar with and experienced in the use of expert witnesses and evidence in psychiatric, forensic, and other fields? _____

7. During the last five (5) years, how many of each of the following types of experts/witnesses have you consulted with and/or examined?

Ballistics Experts	_____	Police Officers	_____
OSBI / FBI / DEA / ATF Agents	_____	Psychiatrists	_____
Chemists / Lab Technicians	_____	Psychologists	_____
Fingerprint Experts	_____	Serologists	_____
Medical Examiners	_____	Undercover Agents	_____
Medical Experts	_____	DNA Experts	_____
Social Workers	_____	Mitigation Experts	_____
Other (please specify what)	_____	_____	_____

8. Are you familiar with both criminal practice and criminal procedure in Oklahoma courts? Yes No

9. Do you feel that you can willingly demonstrate the necessary proficiency and commitment which is appropriate to representation of an accused in a capital case? Yes No

IV. TRAINING

1. List the CLE courses you have attended or taught during the last three (3) years that involve the practice of criminal law.

Program Name	Sponsor	Date	Place	Attended (A) or Taught (T)

2. Will you agree to attend and complete, within one year of your inclusion on the roster, an educational or training program which is focused on death penalty trials?
 Yes No

V. GRIEVANCE MATTERS

1. State whether you have been disbarred, suspended, reprimanded, or otherwise disciplined by any segment of the bar including, but not limited to any local, district or state grievance authority of an organized bar. If yes, give full details by attachment to this application.
 Yes No
2. Do you now have any charges or complaints pending against you in any jurisdiction, either in court or grievance committee, including the Professional Responsibility Commission of the Oklahoma Bar Association, that could result in the filing of a malpractice suit, a grievance committee proceeding or disciplinary action? If yes, give full details by attachment to this application.
 Yes No

3. I agree that I will immediately notify the Oklahoma Indigent Defense System of any reason which would render me unfit to continue to provide competent representation.

Yes No

VI. REQUEST FOR INCLUSION ON ATTORNEY ROSTER AS LEAD AND/OR CO-COUNSEL

To be considered for inclusion on the roster for appointment as lead counsel and/or co-counsel, you must fill out the following subsections, as applicable:

A. LEAD COUNSEL

Yes No 1. Do you have five years of active criminal defense experience?

2. Does your experience include:

Yes No a. Being the lead attorney in nine complex cases tried to completion before a jury, plus either lead or co-counsel experience in a case where the death penalty was sought?

Yes No b. If the answer to 2(a) is "yes," of the nine cases just referred to, were you the lead counsel in at least three aggravated murder trials, or at least one murder trial, and five felony trials?

B. CO-COUNSEL

Yes No 1. Do you have three years of active criminal defense experience?

2. Does your experience include:

Yes No a. Being the lead attorney or co-counsel in three or more complex cases tried to completion before a jury, at least two of which were murder or aggravated murder trials?

- Yes No b. If the answer to 2(a) is "no," was at least one of the cases referenced a murder or an aggravated murder trial, and at least one a felony trial?

C. ALTERNATIVE PROCEDURES FOR THE APPOINTMENT OF LEAD COUNSEL AND/OR CO-COUNSEL IN A CAPITAL CASE

An attorney with extensive criminal defense experience or civil litigation experience who is unable to meet the qualification requirements set out in the guidelines for Lead Counsel or Co-Counsel appointment in the trial of capital cases may be considered for inclusion on the roster for appointment as lead and/or co-counsel in the trial of a capital case if both questions below can be answered yes.

- Yes No 1. Can you clearly demonstrate that you will provide competent legal representation to a defendant in a capital case? Give details by attachment to this application.

2. Do you meet one or more of the following qualifications:

- Yes No a. Prior experience in death penalty trials which does not meet the levels detailed in parts VI(A) and VI(B) above?

- Yes No b. Specialized post-graduate training in the defense of persons accused of capital crimes?

- Yes No c. Will you be available and actively participate in on-going consultation with experienced death penalty counsel?

VII. COMPLIANCE WITH TERMS OF CONTRACT AFTER CASE ASSIGNMENT

If you accept assignment to represent an OIDS client, are you willing to place reasonable restrictions on your other legal practice to ensure that the client served under the contract is competently represented? Yes No

Do you presently have professional liability insurance? Yes No

Do you understand that you are required to maintain professional liability insurance coverage during the term of any contract entered into as a result of acceptance of assignment to represent an OIDS client? Yes No

If you are assigned a capital case for an OIDS client, are you willing to provide a copy of your current OBA card for purposes of setting up the contract? Yes No

Do you understand that an unresolved tax liability owed to the Oklahoma Tax Commission will prevent OIDS from entering into a contract with you? Yes No

Do you understand that tax liability owed to the Internal Revenue Service may result in a levy against the proceeds of your contract? Yes No

Have you provided us with the name and tax identification number of the person or entity that will receive the income from the contract for tax purposes? Yes No

Do you agree that if you accept a case assignment, you will personally defend the OIDS client? Yes No

Do you understand that subcontracting an OIDS assigned case to another attorney after you have received the assignment is strictly prohibited, and do you agree to comply with this requirement? Yes No

VIII. ADDITIONAL INFORMATION

Provide any additional information you wish to have considered.

OKLAHOMA INDIGENT DEFENSE SYSTEM
P.O. BOX 926
NORMAN, OKLAHOMA 73070
(405) 801-2601

CAPITAL TRIAL COUNSEL APPLICATION

In submitting this application, I authorize the Indigent Defense System, or its authorized agent, to contact all persons, firms, officers, corporations, associations, organizations, state and federal agencies, institutions, and any other entities about the information set forth herein and to request any relevant documentation, records or other information necessary to conduct a full investigation of this application, including, but not limited to, the records of grievances in possession of a grievance committee or the general counsel of the Oklahoma Bar Association. I further agree that all information received by the Oklahoma Indigent Defense System shall be confidential and that I have no right of access to any information, documentation or records received by the Oklahoma Indigent Defense System from third parties.

Signature:

Date signed: _____

OKLAHOMA INDIGENT DEFENSE SYSTEM
P.O. BOX 926
NORMAN, OKLAHOMA 73070
(405) 801-2601

CAPITAL TRIAL COUNSEL APPLICATION

STATE OF OKLAHOMA)
)
COUNTY OF _____)

I, _____, being duly sworn, state that I have read the foregoing application and answered each question fully and frankly, without concealment, reservation or qualification, and my answers, statements and representations are, to the best of my knowledge, true and complete.

Signature

Subscribed and sworn to before me, on this the _____ day of _____, 20 ____

(SEAL)

Notary Public

My Commission Expires: _____

My Commission No.: _____

RELEASE AND WAIVER

STATE OF OKLAHOMA)
)
COUNTY OF _____)

I, _____, am an applicant to accept cases on assignment from the Oklahoma Indigent Defense System.

As a condition of my application, I freely and voluntarily consent to the Oklahoma Indigent Defense System investigating my legal qualifications and legal work experience, and I expressly authorize the release and disclosure of information relating to my legal qualifications and legal work experience to the Oklahoma Indigent Defense System including, but not limited to, files and records containing such information maintained by former and current employers, educational institutions, governmental bodies, professional associations, and investigative, disciplinary or grievance bodies.

I hereby waive any privilege of confidentiality I might have with respect to the release of any such information, documentation and records.

A photocopy of this authorization shall be considered as effective and valid as the original.

Signature

Subscribed and sworn to before me, on this the _____ day of _____, 20 ____

(SEAL)

Notary Public

My Commission Expires: _____

My Commission No.: _____