



DONALD R. KNIGHT

ATTORNEY AT LAW

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January 8, 2021

David Prater
Oklahoma County District Attorney
Oklahoma County District Attorney's Office
320 Robert S. Kerr
Room 505
Oklahoma City, OK 73102

RE: Request for all Discovery and Evidence on Richard Glossip and Justin Sneed

Dear Mr. Prater,

When I first began work on Mr. Glossip's innocence case in the spring of 2015, I discussed with you my need for all documents in your file. I recall you told me that you had Mr. Glossip's files brought into your office and that you would personally review them and decide whether you would provide me with the discovery in the case¹. I never learned if you reviewed the documents, but you did tell me shortly thereafter that you would not release any documents from your file to me. You did not explain why.

Throughout the summer of 2015, Mr. Glossip's innocence team spoke with witnesses we were able to identify without the help of any documents from your files and, in our petition filed in September of that year, we made a compelling case for his innocence based upon this newly discovered evidence, such that 2 of the 5 judges on the OCCA voted to grant a hearing on the evidence we disclosed in our petition.

¹ When I make a reference to "discovery" in this case, I am referring to all documentation or evidence in your files that your office was required to turn over or make available to the lawyers representing Mr. Glossip at both trials pursuant to the terms of the Oklahoma Criminal Discovery Code (OCDC) OKLA. STAT. tit. 22 § 2001; see also *Dodd v. State*, 993 P.2d 778 (2000) (imposing specific discovery requirements on the government when using jailhouse informant testimony).

Thankfully, the State of Oklahoma was unable to execute Rich that year and, on February 29, 2016, I sent a letter informing you that we were continuing our investigation into Mr. Glossip's innocence and renewed our request for all documents and evidence pertaining to his case. You never replied to that letter.

On October 8, 2020, I sent another letter to you for information. In addition to renewing our request for all discovery in general, we were very specific in requesting that you review your files and provide Mr. Glossip's innocence defense team copies of all notes taken during pre-trial witness interviews by attorneys at the Oklahoma County DAs office, their investigators, and/or staff, for both Mr. Glossip's 1998 and 2004 trials. Considering your office's documented history of wrongfully withholding such material², we stated in that letter,

...if your review shows that these notes contain any information that could be construed as exculpatory or impeaching for another witness, their disclosure is constitutionally mandated under *Brady*³ and/or *Giglio*⁴, even at this late date, as Mr. Glossip remains under a sentence of death. If your review of the notes is merely consistent with the information given to the defense in other documents, then there is simply no reason not to turn them over, in the interest of full disclosure, and again as recommended by the bipartisan Oklahoma Death Penalty Review Commission in 2017.

You did not respond to this letter. Should it assist in your search, we believe, based on documents we do have, that pre-trial interviews for which you should have notes were conducted with Ricky Great in the jail by Bob Bemo on April 21 or 22, 1997; Donna Van Treese immediately following the murder and throughout the period leading up to trial in 1998; Cliff Everhart by Sgt. Tim Brown and/or Detectives Bemo and Cook on January 7, 1997, and by the DA's office on October 29, 2003; Donna Van Treese, Kenneth Van Treese, and Billye Hooper by the DA's office in the fall of 2003; Dr. Chai Choi by the DA's office on October 29, 2004; Kayla Pursley on October 30, 2003 by the DA's office; Bill Sunday on May 4, 2004 by the DA's office; Kathryn Kay Timmons and Jacqueline Williams on May 10, 2004 by the DA's office; and Justin Sneed, both

² *State ex. Rel. Oklahoma Bar Association v. Miller & Kimbrough*, 2015 OK 69

³ *Brady v. Maryland*, 373 U.S. 83 (1983) (prosecutors have an affirmative duty to disclose evidence favorable to the accused).

⁴ *Giglio v. United States*, 405 US 150 (1972) (prosecutors must disclose matters that affect the credibility of prosecution witnesses).

prior to the first trial in 1998, and by ADAs Gary Ackley and Connie Pope Smothermon on October 21, 2003 and in April, 2004, including a “list” Smothermon referred to in her questioning of Mr. Sneed at trial. Of course, there may have been many more. For some of these, your office provided a summary of anticipated testimony, but that, of course, is not the same thing as all the information collected from the witness, as the prior cases finding *Brady* violations by prosecutors in Bob Macy’s and your office make abundantly clear.

We write today not only to renew our previous requests for all discoverable evidence and documents in your files and the notes we specifically requested in our October letter, but also to make further *specific* requests for particular information to assist in our continuing work on Mr. Glossip’s innocence case.

GENERAL DISCOVERY

We begin by noting that we have recently completed a review of every document contained in boxes that were in possession of the various lawyers that have represented Mr. Glossip over the years, at trial, on appeal, and during state and federal post-conviction proceedings. Our review shows that we have only 109 pages of police reports in our possession. We note that some of the pages reference additional pages we do not have, so it is clear the lawyers who represented Mr. Glossip at his two trials either never received or did not keep a complete set of discovery documents⁵. Therefore, we once again request that your office make available a full set of all documents (not only police reports) that were, or should have been, provided to the defense prior to trial pursuant to the OCDC (including that required by *Dodd v. State*), especially considering the findings of the Oklahoma Supreme Court in *State ex. Rel. Oklahoma Bar Association v. Miller & Kimbrough*, 2015 OK 69. If there is a cost to produce these documents, let us know, and we will pay it immediately.

⁵ Per the OCDC, all law enforcement reports made in connection with this case were required to be made available to the defense attorneys at both trials. You may recall that the attorney for the first trial was so incompetent that the Oklahoma Court of Criminal Appeals threw out the conviction, considering his performance not to constitute the basic legal representation to which criminal defendants are constitutionally entitled. The lead attorney for the second trial was removed from the case right as trial began, and the case was left in the hands of his two subordinates, who were given six months to prepare the case but completely neglected it until the month before the trial. It appears that the departing attorney took most of his knowledge and information about the case with him. In any event, the files we have from these lawyers do not contain a complete set of the discovery that should legally have been made available to them.

DOCUMENTATION OF ALL POLYGRAPH EXAMINATIONS

In her questioning of Mr. Glossip in his clemency hearing in 2014, Pardon and Parole Board member Patricia High, a former assistant DA in the Oklahoma County DAs office during his 2004 trial, referred to Mr. Glossip having failed a polygraph in the days after this homicide. It appears that the allegation of a failed polygraph made an impression on the voting members of the Pardon and Parole Board that day as the members of the Board voted unanimously to deny clemency. Ms. High certainly considered it to be important enough to raise during the hearing.

While we are aware that Mr. Glossip was supposedly administered something alleged to be a polygraph in the days following the death of Barry Van Treese, no document we have ever seen supports such an examination—we have never seen any record of what biological indicators were used nor, crucially, what questions Mr. Glossip was asked nor what statements he made that were allegedly “untrue” or “deceptive.”

There is support in the court record that some sort of examination may have taken place. At the April 23rd, 1997 preliminary hearing, Detective Bemo testified about a polygraph exam that was supposedly administered to Mr. Glossip, although it is clear that Bemo did not witness the exam. This is the testimony your office has brought up on several occasions in support of this allegedly failed polygraph. Detective Bemo discussed this polygraph again at a hearing (out of the presence of the jury) during trial on June 8, 1998. Mr. Glossip also testified about it during this hearing. Moreover, our review of notes in Mr. Glossip’s file uncovered that in November 2000, an investigator for state post-conviction lawyers attempted to get polygraph materials from the City Attorney and the OCPD. This investigator talked to Warren Powers, an employee of the police department who conducted polygraph exams, who told her he administered a test to Mr. Glossip on January 9, 1997, but he retained nothing in his file that documented the test or the result.

At a hearing on January 10, 2003, Lynn Burch, who was Mr. Glossip’s attorney at the time, stated that a motion he filed to produce all of Mr. Glossip’s statements was intended to specifically include the questions asked during any polygraph and Rich's responses, and yet nothing was produced. In an email dated October 23, 2003 (attached

hereto as Exhibit A), Burch asked ADA Connie Smothermon to follow-up on the defense team's previous request to Fern Smith for the polygraph materials. There is no evidence she complied. Mark Henricksen, a lawyer representing Rich in federal habeas and clemency proceedings, also explicitly requested the materials from your office in a December 19, 2014 letter after prosecutor Gary Ackley had raised the issue in the clemency hearing (attached hereto as Exhibit B). Apparently, despite these repeated requests both before his second trial and after your office represented to the Board of Pardon and Parole that Rich had "flunked" a polygraph, no such materials were ever given to any defense lawyer.

Mr. Glossip's innocence defense team strongly suspects the absence of any charts, notes, or reports means that the "polygraph" referred to in the court proceedings and at the clemency hearing was not a legitimate truth-seeking examination conducted according to the rules and procedures required for a valid polygraph examination. The record shows that the police confronted Mr. Glossip after he left an attorney's office. When he arrived at the police station, he was told by Detective Bemo that if he agreed to take a polygraph exam and passed it, he would not be charged with this murder. Mr. Glossip was also told that, should he refuse to take the polygraph, he would be immediately put in jail. In direct contravention of the advice he was given by the attorney whose offices he had just left, given his two choices, Mr. Glossip agreed to talk to the police without an attorney present and take the polygraph. Mr. Glossip was then taken to Mr. Powers, and he recalls that Mr. Powers only placed a device that resembled a pulse oximeter on his finger and asked him some questions. Thereafter, Mr. Powers reported to Detectives Bemo and Cook that Mr. Glossip was not being truthful in response to his questions (whatever they may have been).

If this is true, there was no legitimate polygraph examination conducted, as there is far more that goes into a properly conducted polygraph examination than a pulse sensor placed on a finger. Therefore, this allegation of a failed polygraph is not an indication of guilt as has been portrayed, but instead was merely a ruse, a common interrogation technique and scare tactic used by police⁶ in an attempt to persuade Rich

⁶ See, e.g., Fred Ibanu, John Reid et al., *Criminal Interrogation and Confessions*, 5th Ed. (2013) at 267.

to implicate himself in the murder of Barry Van Treese. It should be noted that Mr. Glossip never implicated himself and has maintained his innocence for more than 23 years. Mr. Glossip said to Mr. Powers and the detectives then, as he does now, that he had nothing to do with the death of Barry Van Treese.

Given how these alleged polygraph results were used against Mr. Glossip at the clemency hearing in 2014, were cited recently in a meeting with attorneys from the Oklahoma Attorney General's Office, and will undoubtedly be relied upon again, we request that you review your files and copy all documents that concern, in any way, any polygraph examination given to Mr. Glossip at any time after January 7, 1997. In addition, we request that you provide any materials pertaining to any polygraph examination(s) of witness D-Anna Wood who, according to Detective Bill Cook, also agreed to take such a test. In addition, if any polygraph or similar examination was administered to Justin Sneed, we request all documents regarding that, too, as his answers to police questioning is clearly discoverable to Mr. Glossip. If you conduct this review and find there are no such documents in your files or in any other files for any other agencies that may retain these documents (such as the OCPD), please let us know what efforts you made so we can verify the results of your search. If no such documents exist, we need to know this for future court filings and statements to the press.

THE SINCLAIR VIDEOTAPE

Room 102 of the Best Budget Inn is within view of what was then a Sinclair station that was open throughout the night of January 6-7, 1997. We know from a police report (see attached exhibit C) that there was a security video system in use at the Sinclair station at the time and that police seized a videotape from the station as evidence.

On the eve of the first trial, May 28, 1998, Mr. Glossip's attorney, Wayne Fournierat, filed a motion to produce this videotape (attached hereto as Exhibit D). At the hearing on this motion, ADA Fern Smith stated she had not watched it and that the prosecution did not believe it had any evidentiary value (attached hereto as Exhibit L). However, she went on to state that it was probably in the police property room and that

she would try to get it for him. Smith also reported to the court that Fournerat told her, about ten days earlier by phone, that if she wasn't going to use it, he didn't need it. Apparently, the issue was then dropped. This failure to obtain the Sinclair footage was included as part of the claim that Mr. Fournerat was ineffective, and it does not appear that any attempt was made to obtain the tape during the first appeal.

The existence of this tape surfaced again prior to the second trial. On January 13, 2003, at an inspection of the evidence by the defense team, Lynn Burch asked about missing items, including the Sinclair tape, as reflected in the attached transcript (attached hereto as Exhibit E). Then on October 23, 2003, Burch sent an email to ADA Connie Pope Smothermon (attached hereto as Exhibit F), asking again about the Sinclair video and any further information about evidence destruction. Ms. Pope Smothermon replied that she didn't know anything about the destruction of evidence and ignored the question about the video. Finally, on October 28, 2003, Burch asked Pope Smothermon again by email (attached hereto as Exhibit G) about the Sinclair tape and, despite the police report documenting its seizure, she stated she was unsure the police ever collected one. Notably, although the Oklahoma City Police documented their destruction of several items of evidence in this case after the first trial (attached hereto as Exhibit H), the Sinclair video was not among them. Thus, either it is still in evidence somewhere, or more evidence was destroyed than the destruction report shows.

As stated above, Room 102 of the Best Budget Inn was in full view of and only a short distance from the Sinclair station. Any interior or exterior footage on the tape may hold evidentiary value (it was taken into evidence that night by the police, so it appears that someone thought it could be of evidentiary value). For instance, in her testimony at trial, Kayla Pursley, the Sinclair station attendant, testified that Justin Sneed came into the Sinclair station to purchase cigarettes and snacks around 2:00-2:30 AM. If so, his appearance, actions, demeanor, and whether anyone else can be seen with him could be crucial to Mr. Glossip's defense, whether Fern Smith realized it or not. An ADA's conclusion—apparently unsupported by an actual review of the evidence—that the video had no evidentiary value says only that she did not find it useful in presenting the *State's* version of facts. This video could very well contain

information that, while not useful for supporting the *State's* theory that Rich was involved, supports a very different story about what actually happened that night.

We request that you search your files and any room where you keep evidence for this videotape and/or any documentation as to what might be contained on the tape and/or regarding its loss or destruction. We ask that your search include a search of all evidence held by the OCPD, Oklahoma City Attorney, and Oklahoma County Sheriff, or any other agency that could conceivably have this videotape or documentation about it, and to turn the results of your search over to Mr. Glossip's innocence defense team as soon as it is complete. If you conduct this review and do not find this videotape or any evidence documenting it and/or its loss or destruction, please let us know what efforts you made so we can verify your findings. If no such tape or document(s) exist, we need to know this for future court filings and statements to the press.

FINGERPRINT EVIDENCE

The trial record makes clear that fingerprints were taken from various places in Room 102 and the vehicle belonging to Barry Van Treese—and that some of them belonged to an unidentified person, not Mr. Glossip, Sneed, or Van Treese. While some prints were not of sufficient quality to be compared to known prints, some were “usable” or “had value.” Of the usable fingerprints, the record shows they were only ever compared to the three people the police already believed were involved: Justin Sneed, Richard Glossip, and Barry Van Treese. Some were Sneed's; none belonged to Glossip or Van Treese, and some belonged to some unknown third party entirely, although the police apparently never investigated who this person was.

The trial testimony on fingerprints came from two prosecution witnesses. The first was John Fiely, a sergeant with the Oklahoma City Police Department, who collected the fingerprints from the crime scene. The second was Cindy Hutchcroft, also an OCPD employee, whose job it was to place the prints she received from Mr. Fiely into a computer database and to compare them to others. A transcript of their relevant testimony is attached (attached hereto as Exhibit I).

Of relevance to our request for information from your office, Mr. Fiely testified on May 4, 2004, that after he collected fingerprints from pieces of broken glass inside

Room 102, the print cards were “submitted to what we call AFIS, it's our girls there, they enter them into a computer, and they examine the fingerprints, and they compare them to any possible suspects.” On cross, he confirmed these prints were obtained “for purposes of comparison.”

Ms. Hutchcroft testified that part of her job is to scan all fingerprints brought to her by Mr. Fiely into the computer, which is how they determine if they can use AFIS to analyze them.⁷ There should thus be a computer file of these fingerprints she evaluated in your office or that of the OCPD. Specifically, Ms. Hutchcroft testified Sgt. Fiely had given her five fingerprint cards from the broken glass found on the chair. Two matched prints of Justin Sneed’s right thumb, two of the prints were not clear enough to use, and one was potentially useful for comparison—but was not from Sneed, Van Treese, or Glossip. She stated that although they sometimes compare latent prints to specific known individuals, they also “just enter them on the computer.” Ms. Hutchcroft also explained that eight prints were also collected by another officer from inside Mr. Van Treese’s car, and most of those prints were not usable. One had value for comparison purposes, but it did not match Sneed, Van Treese, or Glossip.

It appears from this testimony there were two prints that did not match anyone, that were entered into the AFIS computer, but were never compared to all the prints in the AFIS database in any attempt to discover who, outside of the people whom the police had already focused, might have left them. These prints have obvious evidentiary value, as they point to the presence of one or more third parties that may have been involved in this homicide or that should, at least, have been questioned as to how their prints ended up at a crime scene. By way of example, the prints from the broken glass and car were presented to the jury as proof that Justin Sneed was in the room and car. If Sneed’s fingerprints are evidence of his involvement in this homicide, then the unidentified prints in the room and car are also of evidentiary value.

The State presented a case in which the only two people involved were Sneed and Glossip. This fingerprint evidence suggests otherwise. The fact that your office has never provided any documentation that these unidentified prints were run through the full AFIS database suggests they were not compared to anyone outside of Sneed, Van

⁷ AFIS stands for ‘Automated Fingerprint Identification System’. AFIS is a statewide database that can search large collections of fingerprint images and is able to generate lists of most-likely donors.

Treese, and Glossip. If these prints were not run through the full AFIS database by the OCPD, they clearly should have been as part of any competent and complete investigation.

Furthermore, the technology for the examination of fingerprints has vastly improved since either 1998 or 2004, when these prints may have last been run through the AFIS database. For instance, in 2015, after an FBI AFIS upgrade, news outlets reported Oklahoma authorities running cold-case prints through the improved system—and finding hits. Therefore, running the prints from this case through the database now (to which you have access but, by law, we do not) may answer the question of who was in Room 102 and/or the car in addition to Justin Sneed on the night of the murder. Of course, if the unknown fingerprints *were* run through the AFIS database prior to either trial and any matches found, that is indisputably *Brady* material, as it is potentially exculpatory or impeaching and must be turned over to us immediately.

We request that you make available to us all reports and notes regarding all fingerprint evidence from any police or investigative source, including reports and notes from discussions with Mr. Fiely or Ms. Hutchcroft or any other witness by prosecutors, investigators, or staff, from the OCDA's office, and all fingerprint cards in your possession or in possession of the OCPD or any other agency that might house such evidence. We also ask that you consult with the OCPD about the records they created in AFIS of these fingerprints and any records they have regarding the status of these prints today when they were last run through the database and the results of that search. If this evidence has been lost or destroyed, please provide documentation that such destruction complied with the policies and procedures in place for the lawful destruction of evidence in a pending death penalty case.

INFORMATION ABOUT CASH FOUND IN THE TRUNK OF VAN TREESE'S CAR

Police reports we have in our possession show that more than \$23,000 in cash was discovered in envelopes in the trunk of Barry Van Treese's car (attached hereto as Exhibit J). The reports make clear that there were at least sixteen \$100 bills that had blue dye on them, which is what happens when a dye pack placed in a bag of cash taken during a bank robbery explodes. Therefore, it is almost certain that some of the bills found in Barry Van Treese's car were the ill-gotten goods of a bank robbery.

The purpose of a dye pack is to make the bills permanently unusable and, when such funds are discovered, their serial numbers can be traced back to the bank that was robbed. It is difficult to understand how \$23,000 in cash found in the trunk of a murder victim's car, some permanently stained with blue dye from a bank robbery, would not be seen as suspicious on some level, thereby prompting a further investigation by the police. However, the information we have in our files shows that these bills were very quickly turned over to the Van Treese family. Indeed, it appears (based upon headers on our copies suggesting they were faxed to police by the Van Treese family days after the murder) that the envelopes in which these bills were found were also returned to the family before police copied them, even though they were covered in hand-written notations crucial to understanding the motel's finances, which were a central part of this case. We have never seen any documentation that police investigated these bills, before or after releasing them to the Van Treese family, to determine which robbery they might have come from and what evidence such an investigation may have produced.

For instance, we have information uncovered by our own investigation that this money may have been "bought" by Mr. Van Treese as part of an effort to "launder" this cash. The witness we talked to is a former police officer who related that Mr. Van Treese may at times have purchase dye-stained money for pennies-on-the-dollar and then run those in stacks of cash through counting machines at banks when he made his cash deposits. In this way, the money ended up in the bank's possession without any way to trace it back to anyone. If the serial numbers on the bills found in the trunk of his car were traced to a particular bank robbery, and suspects were arrested, we might have information to corroborate the testimony of this witness. This would also produce information on possible alternate suspects in this homicide, as these people might know Mr. Van Treese had large amounts of cash on him and could have informed others (such as Mr. Sneed) of this fact.

We hereby request all information from your files, or that of the OCPD or any other authorities, including federal authorities such as the FBI or the Secret Service, regarding the investigation of this cash with blue dye on it. If your review shows that no investigation into the money was ever conducted, and it was simply released to the Van Treese family, we request documentation of that fact.

ALL EVIDENCE COLLECTED REGARDING THE PROSECUTION OF JUSTIN SNEED

At the time of Barry Van Treese's murder, Justin Sneed was living in Room 217 of the Best Budget Inn. We have no information in our file regarding any police search of his room either during the week they were unable to locate him or after his arrest, and what was found and/or seized from his room. Obviously, any evidence of Sneed's drug use, which was debated at some length in both trials and in our petition with the OCCA in 2015, is relevant to Mr. Glossip's case. Any contents in the room may be evidence as to friends and associates of Mr. Sneed at the time and could reveal information about other witnesses that might shed light on Mr. Sneed's actions in the days leading up to this murder and his motivations for robbing and murdering Barry Van Treese.

Moreover, prior to his guilty plea, your office was building a murder case against Mr. Sneed, including filing witness lists and a bill of particulars. It is likely that at least some evidence the police and prosecutors thought would be most damning to Sneed could have been exculpatory to Rich Glossip. Evidence that Sneed had his own reasons for wanting to kill Van Treese, or that his reaction after the killing was more consistent with having planned it himself rather than being coerced by Mr. Glossip would be squarely within *Brady* and *Giglio*.

One example of such evidence would be statements by Fred McFadden, a county jail inmate with Sneed who reported in a letter hearing Sneed brag about the killing of Van Treese. We have one letter from Mr. McFadden to your office dated May 8, 1997 (attached hereto as Exhibit K) referencing these observations, but that letter makes clear there had been previous communications with the DA's office about possible testimony. McFadden was listed in early filings by the prosecution in Sneed's case as a witness the State apparently intended to call only against Mr. Sneed. Anything like this evidence from McFadden that police and prosecutors learned of in attempting to put together a murder case against Sneed should have been made available to the attorneys for Mr.

Glossip prior to both trials pursuant to the normal OCDC processes discussed above and must be turned over to Mr. Glossip's lawyers immediately.

We request that you search your files and any room where you keep evidence for all reports, notes, and physical evidence held by the OCPD, Oklahoma City Attorney, and Oklahoma County Sheriff, or any other agency that could conceivably have any information or evidence regarding Justin Sneed's case, and turn it over to Mr. Glossip's innocence defense team as soon as it is discovered. If you conduct this review and do not find any reports, documents, or physical evidence in your files or in any files for any other agency that may retain this evidence (such as the OCPD), please let us know what efforts you made so we can verify your findings. If this evidence was destroyed, please supply us with all documentation of its destruction pursuant to whatever document destruction policy was in place at the time of the destruction of the evidence. If no such evidence exists, we need to know this for future court filings and statements to the press.

ALL POLICIES OF ALL INVOLVED AGENCIES FOR DOCUMENT AND EVIDENCE DESTRUCTION IN THIS CASE

Mr. Glossip remains on death row and facing execution, quite possibly in 2021. All evidence that was collected that pertains to this case, or that of Mr. Sneed's, whether it was used against Mr. Glossip at trial or not, *should* still be available for review and use in any further potential court proceedings, including another trial if that were to be ordered. However, we know it is not.

According to a report from Janet Hogue-McNutt (attached hereto as Exhibit H), the shower curtain and duct tape that were taken from the inside the window in Room 102 immediately after this homicide, along with a box of documents (the description of which is unknown), an envelope with note (unknown subject), glasses, wallet, knives, keys, one deposit book, and two receipt books were destroyed prior to Mr. Glossip's second trial in 2004. In addition, all financial documents produced by Donna Van Treese in response to a subpoena issued during the first trial in 1998 were returned to Donna Van Treese and, according to the record, later lost or destroyed. None of these critically important documents or evidence were available for review or use by the defense in the second trial.

As stated above, there exists evidence and documents that were never released to any defense attorney in this case, at trial, on appeal, in post-conviction, or clemency, of the polygraph examination to which Mr. Glossip was allegedly subjected, the Sinclair video, the fingerprint evidence we outline, evidence regarding the money with blue dye on it, and evidence from the search of Sneed's room. There is also no information in our files that any such documents or evidence were destroyed at any time in this process. If any of this evidence that the record reflects once existed was destroyed, we request confirmation of the details of its destruction and under which policy it was so destroyed prior to the end of these death penalty proceedings.

To that end, in addition to the evidence and information requested in this letter, we also request copies of the policies and procedures for how evidence and documents pertaining to a homicide investigation are to be maintained, stored, and/or destroyed prior to the end of the case, or once a case is completed. This request is meant to cover policies and procedures for the Oklahoma County District Attorney's Office, the Oklahoma City Attorney's office, the Oklahoma City Police Department, the Oklahoma County Sheriff's office, and any other agency that in any way had a part in either the investigation of the death of Barry Van Treese or in the gathering and/or storing of evidence in this case.

The information we request in this and the other letters we have sent to your office, to which you have not responded, is critical for the fate of Mr. Glossip and the Oklahoma system of criminal justice and capital punishment. Our investigation over the past five years has been the type of thorough investigation that should have been done by any competent defense attorney in a death penalty case. As a result, we have uncovered (and continue to uncover) a great deal of evidence that Richard Glossip has spent the last 23 years of his life on death row for a crime that he did *not* commit. Our meticulous review of the files we do have has confirmed that the police investigation in this case, where the ultimate sanction was sought by the State, was hasty and inadequate, and the state-provided defense attorneys failed to conduct any independent investigation of their own, which it was their responsibility to Mr. Glossip to do. These lawyers also failed to make timely demands from your office for the basic materials to which they were entitled to present an adequate defense and to meaningfully challenge the State's case on behalf of Mr. Glossip. Due to these systemic failures, the adversarial process on which our system relies to arrive at the truth utterly broke down for Mr. Glossip. This case shows precisely how innocent people can and do end up on death

row and are killed by the State. Ignoring this problem will undermine the public's confidence in the ability of the justice system in Oklahoma to get things right. This confidence is especially important as Oklahoma is seeking to revive its problem-plagued death penalty.

Mr. Glossip may be scheduled for execution in 2021. Undeniably, there has been a significant amount of evidence in this case that has been destroyed (even before the second trial), overlooked, lost, and/or never turned over to the defense, despite multiple requests over the last 23 years. If you are confident in your evidence and it is unassailable, as it should be to support the execution of a citizen of Oklahoma, there is nothing to be gained from refusing to reveal it now.

As time is becoming increasingly short for Mr. Glossip, I would appreciate a response to this letter within the next seven days.

Sincerely,



Don Knight

cc: Mike Hunter, Oklahoma Attorney General

Exhibit List

- A. October 24, 2003 Email Burch & Pope-Smothermon
- B. December 19, 2014 Henricksen letter
- C. Police Report Sinclair videotape collected as evidence
- D. Fournerat Motion for Discovery re Sinclair Videotape
- E. Transcript Excerpt January 16, 2003 missing Sinclair videotape
- F. October 24, 2003 Email Burch to Smothermon re Sinclair videotape
- G. October 28, 2003 Burch email to Smothermon re Sinclair videotape
- H. Destruction of Evidence report
- I. Trial 2 Testimony Fiely and Hutchcroft
- J. Police Reports re money in trunk of Van Treese car
- K. May 8, 1997 McFadden Letter to Bob Macy
- L. May 29, 1998 Pre-trial Hearing re Sinclair Videotape

EXHIBIT A

From: Lynn Burch
To: ConnieP@oklahomacounty.org; Woodyard, L Wayne
Date: 10/24/03 4:29PM
Subject: RE: Richard Glossip

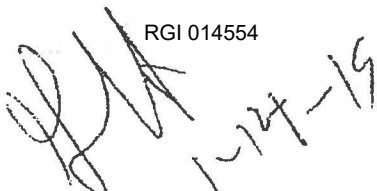
Connie:

In reviewing the motion hearing I have two items to discuss. The first is that Fern stated in January that she would check and try to retrieve documents relating to the polygraph test administered to Glossip at the time of arrest. The judge indicated that these would fall under production of "all statements of the accused." I'd appreciate it if you could advise by Monday what the status of that inquiry is.

Secondly, at that same motion hearing Fern produced a probable cause affidavit for the arrest of Glossip that was executed by Detective Cook on January 9, 1997. That affidavit was not contained in earlier production to predecessor counsel, and was not on file anywhere. I would appreciate it if you could fax a copy of that to me or Wayne Woodyard as soon as possible, since our lone copy has apparently been misfiled by staff. Wayne's fax is 918 248 7751, and I believe you already have mine.

Thanks.

LWW 29206



Henricksen & Henricksen
Lawyers, Inc.

EXHIBIT B

Mark Henricksen
Lanita Henricksen

December 19, 2014

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Oklahoma City, OK 73102

Gary Ackley, Esq.
Assistant District Attorney
320 Robert S. Kerr, Ste 505
Oklahoma City, Oklahoma 73102

Dear Gentlemen:

I am requesting that you provide us with the polygraph test results and any underlying data, including all polygrams, concerning the polygraph that Detective Bemo testified was administered to Mr. Glossip in 1997.

As you are aware, at the clemency hearing, Mr. Branham read Detective Bemo's hearsay testimony from the preliminary hearing to the effect that Mr. Glossip failed a polygraph examination he said was administered by Warren Powers. We have reason to question the accuracy of any polygraph that may have been administered and believe that there may be serious problems with how the polygraph was administered and the interpretation of the results.

I ask that you expedite this request, given Mr. Glossip's pending January 29, 2015 execution date. If you are unwilling to share these materials, we would very much appreciate you letting us know that as soon as possible.

Thank you for your attention to this matter.

Sincerely,



Mark Henricksen
Kathleen Lord

Standard Supplement Report

Reported Date: 01/07/97 Time: 15:10 Case: 97-002261 Page: 1
Officer: 21-701.7 SS Crime: MURDER 1 Class:
Incident Date: 01/07/97- Day: TUESDAY - Time: 08:00-
Status: HO NEW CASE Closing Officer:
Location: 301 S. COUNCIL RD., OK RD: 52

NARRATIVE

1/08/97 AT APPROX. 0015 HRS., I WAS CONTACTED BY LT. MARSHALL TO
TRANSPORT IP GLOSSIP AND IP WOOD TO THE HOMICIDE OFFICE DOWNTOWN. I
TRANSPORTED IP GLOSSIP IN MY PATROL CAR AND OFF. ARGO TRANSPORTED IP WOOD
IN HIS VEHICLE. ON THE WAY FROM 301 S.COUNCIL TO THE DOWNTOWN STATION, IP
GLOSSIP MADE NO STATEMENTS AND I ASKED HIM NO QUESTIONS. THE IPS WERE
POSTED AT SEPARATE ENDS OF THE HALLWAY, NEAR THE HOMICIDE OFFICE.

ABOUT 0430 HRS., I LEFT THE DOWNTOWN STATION AND WENT TO THE SINCLAIR
STATION NEXT DOOR TO 301 S.COUNCIL AND PICKED UP A VIDEO CASSETTE TAPE
FROM THE CLERK. I RETURNED TO THE STATION AND TURNED THIS TAPE OVER TO
Sgt. HORN IN THE HOMICIDE OFFICE.

AT 0550 HRS., I TURNED CUSTODY OF THE IPS OVER TO HOMICIDE.

EXHIBIT C

LWW 21496

WMF 1065

Standard Trailer - First Page

Reporting Officer: D'LEARY, MICH Number: 001032 Date: 01/08/97 Time:
Typed by: LR1254 Number: LR1254 Date: 01/08/97 Time: 10:41
Approving Officer: HOILE, PHILLI Number: 000080 Date: 01/08/97 Time: 13:56

EXHIBIT D

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

MAY 28 1998

PATRICIA PRESLEY, COURT CLERK
By _____ Deputy

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

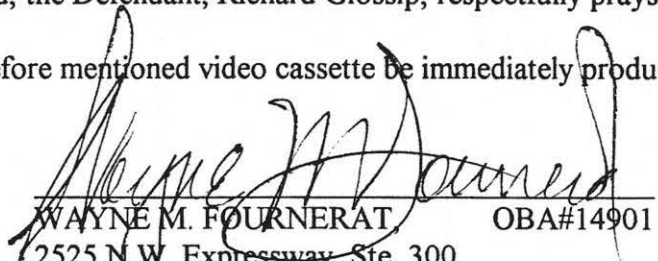
THE STATE OF OKLAHOMA,)
Plaintiff,)
)
vs.)
)
RICHARD GLOSSIP,)
Defendant.)

Case No. CF 97-244

MOTION TO PRODUCE SINCLAIR
VIDEO TAPE RECORDING
SEIZED AS EVIDENCE

COMES NOW the Defendant, Richard Glossip, and moves the Court to compel the State of Oklahoma to produce a full, complete and unaltered copy of the video cassette tape seized from the Sinclair Station. (See attached Exhibit A; Police Report of Officer Michael O'Leary).


WHEREFORE, premise considered, the Defendant, Richard Glossip, respectfully prays a full, complete and unaltered copy of the before mentioned video cassette be immediately produced for Defense counsel.


WAYNE M. FOURNERAT, OBA#14901
2525 N.W. Expressway, Ste. 300
Oklahoma City, OK 73112
Telephone: (405) 840-4330
Telefax: (405) 840-84313
Attorney for Defendant

CERTIFICATE OF MAILING

This certifies that a true and correct copy of the foregoing document was mailed to the following:

Fern Smith
Assistant District Attorney
320 Robert S. Kerr
Oklahoma City, OK 73102


Wayne M. Fournerat, Esq.

WMF 0658

LWW 32227

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IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

OCT 03 2003

PATRICIA PRESNEY, COURT CLERK
Deputy

THE STATE OF OKLAHOMA,)

Plaintiff,)

VS.)

RICHARD EUGENE GLOSSIP,)

Defendant.)

CASE NO. CF-97-244

~~D-2004-877~~

ORIGINAL

D-2005-310

* * * * *

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAR 23 2005

TRANSCRIPT OF PROCEEDINGS

MICHAEL S. RICHIE
CLERK

MOTION HEARINGS,

HAD ON JANUARY 16 AND 23, 2003,

BEFORE THE HONORABLE TWYLA MASON GRAY,

DISTRICT JUDGE.

* * * * *

VOLUME 1 OF 1

REPORTED BY:

THERESA L. REEL, RPR

321 PARK AVENUE, SUITE 201

OKLAHOMA CITY, OK 73102

1 Atrocious and Cruel. I never did receive the other one
2 having to do with the discovery of the forensic lab or
3 whatever it was, I never did receive that one, but I guess
4 that's been disposed of now, so it's kind of moot. But I
5 just haven't had an opportunity.

6 THE COURT: I don't think there's a problem with
7 that, Ms. Smith, and since we know that we're going to be
8 continuing this and even if we were able to go forward in
9 April, I don't think there's any problem with your taking a
10 couple of weeks to respond to that. Okay?

11 MS. SMITH: Also, when the Defendant was in, the
12 Defendant's counsel was in my office looking at the evidence
13 last week, they were asking about some things that they did
14 not see in the evidence, one being a shower curtain, one
15 being a videotape and one being a roll of duct tape. Lying
16 on the top of the evidence that I referred them to, gave
17 them a space with all of the evidence, in it was a report
18 from the Oklahoma City Police Department. They did not look
19 at it. I will give it to them now. It indicates that on
20 October the 28th of 1999, Janet Hogue, a homicide detective
21 was assigned to transfer property from the Oklahoma County
22 DA's Office back to the Oklahoma City property room and she
23 did so. And all that property is listed in these reports
24 and since there was no pending case at that time, it
25 indicates that those items were destroyed. So, I'm not

1 withholding that evidence, or trying to keep these
2 Defendants from looking at it as they implied to me, I am
3 telling the Court that I can't produce it because I don't
4 have it.

5 THE COURT: So, those items that are listed in
6 that report were all destroyed?

7 MS. SMITH: They were either destroyed or
8 released. There was like, I think \$23,100 that was found in
9 the back of Mr. Van Treese's car that was released back to
10 Ms. Van Treese. A traveler's check for \$90 was released
11 back to her. There are a lot of items. This is a property
12 inventory report.

13 THE COURT: Right.

14 MS. SMITH: And it indicates what items were
15 released and what items --

16 THE COURT: May I see that, please?

17 MS. SMITH: Absolutely. Sure.

18 THE COURT: Thank you.

19 MS. SMITH: I might tell the Court that that
20 shower curtain and that roll of duct tape were looked at for
21 fingerprints, that none were detected. The Defendant's
22 fingerprints are not on there. The roll of duct tape
23 doesn't indicate that the Defendant's fingerprints were on
24 there and I don't know --

25 Who were they examined by for fingerprints?

1 MS. SMITH: There's a report that that was
2 examined, that was available in the black book from the
3 first trial and Mr. Burch has that report. I think it was
4 either John Fieley, Jose MacMahon, it was one of the
5 technical investigators, very clearly indicated that there
6 were no fingerprints found on the shower curtain or on the
7 duct tape and why they want to look at that, I don't know,
8 but I'm telling the Court that they're not available, to the
9 best of my knowledge, according to that report. And I have
10 spoken with the police department. They've indicated that
11 everything that they have as far as physical evidence has
12 already been brought to me and I have shown that to the
13 Defense.

14 (Brief pause in proceedings.)

15 MS. SMITH: Judge, not only were not the
16 Defendant's fingerprints found, no fingerprints were found
17 on either one of those items, unless so indicated by the
18 report.

19 MR. BURCH: Well, I mean, I'm not going to respond
20 in length, but I'll just say that one of the items that we
21 received on Ms. Keith's report was that there were no
22 fingerprints on one of the items that I am now submitting
23 for testing. I've had it just looked at through a
24 photograph by another forensic expert and he feels the need
25 to go forward, because just plainly visible to him it looked

1 like there were fingerprints on there, so I'm not
2 necessarily taking the State's word for whether there were
3 fingerprints present on evidence, especially when it no
4 longer exists or can be tested.

5 THE COURT: Well, I mean, the State relies on the
6 reports given to it by the investigators and if they say
7 that there are not readable prints, there's not much the
8 State can do about that.

9 MR. BURCH: Sure.

10 THE COURT: The only thing I know to do is to go
11 with what we have and see what happens. Let me hand you
12 this report, Mr. Burch. Is there anything else, Ms. Smith?

13 MS. SMITH: No, Judge.

14 THE COURT: Okay. Then I will thank you all very
15 much for your time and attention. You're excused.

16 MR. BURCH: Thank you, Judge.

17 MS. SMITH: Thank you, Your Honor.

18 (Thereupon, court was adjourned. On January 23, 2003,
19 with Ms. Fern Smith appearing on behalf of the State of
20 Oklahoma and Mr. G. Lynn Burch appearing on behalf of
21 the Defendant, but the Defendant not being present in
22 person, the following was had in open court.)

23 THE COURT: We'll just go ahead and begin our
24 record then in the matter of the State of Oklahoma v.
25 Richard Glossip. The Defendant appears by way of Mr. Lynn

EXHIBIT F

From: <ConnieP@oklahomacounty.org>
To: <Lynn@oids.state.ok.us>
Date: 10/24/03 8:13AM
Subject: RE: Richard Glossip

Lynn,

Some of the daily records and registration cards were lost in a flood. Some others were kept by Fournerat if Donna Van Treese's memory is correct. There is nothing in the record to indicate he returned them. If he did, they were lost in the basement flooding. What we have are the monthly and annual reports which indicate cash in and out and cash advances. The \$23,100 appeared from the police reports and photographs to be packaged in the envelopes normally used by the victim for motel revenue accounting. I believe I read in the reports that the last date was in mid-december.

I am reviewing the physical evidence this Sunday and will be in a better position to discuss it with you on Monday. I am not aware of any policy authorizing the destruction of evidence from our office. All evidence is kept in the respective law enforcement property rooms. Again, I will know more about this subject in connection with this specific case when I see you on Monday.

Thanks,
Connie

—Original Message—

From: Lynn Burch [mailto:Lynn@oids.state.ok.us]
Sent: Thursday, October 23, 2003 12:01 PM
To: L Wayne Woodyard; ConnieP@oklahomacounty.org
Subject: RE: Richard Glossip

Connie,

I have a call in to Dr. Salih re: the mistakenly sent buccal swabs and will have them sent back to Melissa ASAP. The report from fingerprint examiner Ekis you reference in your Motion to Produce will be forwarded to you as soon as I get it, which should be this afternoon. I will fax it to you upon receipt. I also will fax you a finalized witness list.

To clarify Wayne's earlier message, the business records we want to inspect and copy would include daily reports, room rental cards, guest registers, deposit slips, monthly and annual reports, records indicating cash out of the business for expenses, records indicating cash advances to employees, records of W-2s for tax withholding on employees, and any paperwork or documents regarding the source of the approximately 20K in case found in the trunk of Mr. Van Treese's vehicle.

Reports also indicate that a video surveillance tape was seized at the Sinclair station near the motel and taken into OKCPD custody. That tape has never been produced. Any documentation regarding its whereabouts or destruction is requested.

Likewise, documentation or evidence in the form of your office's policy and procedures regarding disposal of evidence in cases, in particular capital cases, is requested. In addition, specific information is

LWW 29203

requested DA office personnel that authorized or requested the disposal of evidence in the instant case in the form of the shower curtain and duct tape.

I will also be filing some responses to your latest filings and will try to get those to you upon completion and filing.

See you at the hearing on Monday.

LWW 29204

EXHIBIT G

From: <ConnieP@oklahomacounty.org>
To: <Lynn@oids.state.ok.us>
Date: 10/29/03 8:57AM
Subject: RE: Richard Glossip

OCPD never booked a video tape into evidence. There is some confusion as to whether one was looked at or actually taken by an officer. Either way, it never made it to this case file. The information I have is that any video tape would be of the interior of the station only.

Gary is finishing the HAC response and will file it within the hour.
Thanks,
Connie

-----Original Message-----

From: Lynn Burch [mailto:Lynn@oids.state.ok.us]
Sent: Tuesday, October 28, 2003 2:24 PM
To: Silas Lyman; L Wayne Woodyard; ConnieP@oklahomacounty.org
Subject: RE: Richard Glossip

Connie:

I have reviewed my files in regard to any Joseph Harp documents regarding Justin Sneed. While I found some reports and memos generated by that investigator (who is no longer employed by OIDS) on the appeal issues, I did not find a release from Sneed or any documents concerning him from DOC or specifically Joe Harp.

I forgot to ask you yesterday if you had found out anything about the status of that video tape from the Sinclair station adjacent to the motel. Also, if you have data on when the motel financial documents provided to us yesterday were actually generated, I would appreciate it.

I have done some research on remuneration cases and will decide later today whether to supplement our motion by the Wednesday, 10 am deadline.

Thanks.
Lynn

LWW 29211

OKLAHOMA CITY POLICE DEPARTMENT

CRIME REPORT

Reported Date: 10/28/99 Time: 15:26 Case: 99-095391 (000) Page: 1
 Code: Crime: Class: 422100
 Occurrence Date: 10/28/99- Day: THURSDAY - Time: -
 Status: AS ASSIGNED Closing Officer: 000406 HOGUE, JANET
 Location: 701 COLCORD DR., OK RD: 7

NARRATIVE

RE: PROPERTY TRANSFER FROM OKLA. COUNTY DA'S OFFICE
 APPEALS EXHAUSTED: PROPERTY FOR DESTROY

BODY OF REPORT

On 10-28-99, this detective was assigned to transfer property from the Okla. County DA's office back to the OCPD property room. The case number is listed as CRF97-2261 with the defendants listed as Glossip and Sneed, charged with Murder I. The original officer is listed as Sgt. M. Jones. The incident occurred on 01-07-97 at 301 S. Council. The property listed as:

1. One roll of duct tape
2. One bag with duct tape
3. One envelope with note
4. One bag with glasses
5. One bag wallet, knives, keys
6. One bag with white shower curtain
7. One white box with papers
8. One deposit book
9. Two receipt books

A property card was filled out and the evidence was checked into the property room and marked for destroy by this detective.

Standard Trailer - First Page

Reporting Officer: HOGUE, JANET Number: 000406 Date: 10/28/99 Time: 15:26
 Typed by: JMCNUTT Number: 406 Date: 11/02/99 Time: 08:22
 Approving Officer: HOGUE, JANET Number: 000406 Date: 11/02/99 Time: 08:31

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IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

AUG 5 6 2004

THE STATE OF OKLAHOMA,
Plaintiff,

PATRICIA REELEY, COURT CLERK
By

VS.

CASE NO. CF-97-244

RICHARD EUGENE GLOSSIP,
Defendant.

~~D-2004-877~~

ORIGINAL
D-2005-310

* * * * *

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

TRANSCRIPT OF PROCEEDINGS,

MAR 23 2005

JURY TRIAL,

MICHAEL S. RICHIE
CLERK

HAD ON MAY 24, 2004,

BEFORE THE HONORABLE TWYLA MASON GRAY,

DISTRICT JUDGE.

* * * * *

VOLUME 10 OF 17

REPORTED BY:

THERESA L. REEL, RPR

321 PARK AVENUE, SUITE 201

OKLAHOMA CITY, OK 73102

1 the chair by the front door for fingerprints. I promised to
2 come back to that.

3 A. Yes, sir.

4 Q. What did you do with the fingerprints that you found on
5 that glass?

6 A. They're submitted to what we call AFIS, it's our girls
7 there, they enter them into a computer and they examine the
8 fingerprints and they compare them to any possible suspects.

9 Q. How did you collect the fingerprints off the glass?

10 A. The glass was processed at the crime scene. They were
11 processed with black silk powder.

12 Q. And once you actually found a fingerprint, what did you
13 do to preserve it so that you could give it to the AFIS
14 technicians?

15 A. They are then collected and placed on a card. All the
16 information about the crime is put on the back of the card,
17 where it was collected from. Then at the end of the
18 investigation they're all put into an envelope and submitted
19 to AFIS.

20 Q. Do you date and initial those fingerprint lift cards --

21 A. Yes, sir.

22 Q. -- in your own handwriting?

23 A. That is correct.

24 Q. Did you recover the victim's wallet?

25 A. Yes, sir.

1 jacket.

2 Q. And you held up a brown envelope just now when you used
3 the phrase "case jacket."

4 A. Yes, sir.

5 Q. Do you have with you the case jacket regarding the 1997
6 investigation by the Oklahoma City Police Department
7 regarding the death of a man named Barry Van Treese?

8 A. Yes, I do.

9 Q. And, in fact, in that matter, were fingerprints from
10 various items and places submitted to you by several
11 different technical investigators for your further study?

12 A. Yes, they were.

13 Q. And, specifically, did you receive fingerprints from
14 Sergeant John Fiely that he collected at a motel room in
15 Oklahoma City?

16 A. Yes, I did.

17 Q. Did you receive fingerprints, likewise, from Sergeant
18 Darren Guthrie that he had collected from a Buick
19 automobile?

20 A. No, I did not.

21 Q. Did you review the case jacket to find out about a
22 fingerprint off a drinking glass that Sergeant Guthrie had
23 submitted to the AFIS lab?

24 A. Yes, I did.

25 Q. And what did you find concerning that one fingerprint?

1 A. That those fingerprints or that fingerprint was logged
2 in by another examiner and she noted in the logbook that it
3 was not AFIS quality, meaning that we couldn't -- it wasn't
4 good enough for us to put it on the computer.

5 Q. Now, are you familiar with the computer system that you
6 use in your work and the standards and parameters that
7 control whether or not a fingerprint can be used in the
8 computer system?

9 A. Yes, sir.

10 Q. What, in general terms, are the criteria for whether or
11 not a fingerprint is of AFIS quality?

12 A. Well, we put the fingerprints on a scanner just like
13 what you might have at home, probably just a little bit more
14 heavy duty. When you put them on a scanner and the light
15 comes on and, of course, scans it into the computer, if the
16 print is too light or too smudged, then the computer can't
17 see it and it will just come up either a black screen or a
18 glaring white screen.

19 Q. So there's no detail on those sorts of images?

20 A. Correct.

21 Q. Nothing to compare ultimately?

22 A. That's right.

23 Q. Now, the smudges and smears and things like that, are
24 those issues that you've had to deal with even going back to
25 the pre-computer days in your fingerprint comparison career?

1 A. Yes, sir.

2 Q. Is every fingerprint that's found on a particular
3 surface one that you can use to make an identification or a
4 comparison?

5 A. No, we can't use every fingerprint they find.

6 Q. And with respect to smudges and smears that you
7 mentioned a minute ago, why is it that you can't use smeary,
8 smudged fingerprints for an identification?

9 A. Well, there's pressure and movement involved and so if
10 somebody touches something and then pushes or pulls or
11 twists their hand, it distorts the prints to the point that
12 we can't tell what they are.

13 Q. Okay. Do you see there on the monitor in front of you
14 State's Exhibit No. 67?

15 A. Yes.

16 Q. Do you recall reviewing, as part of your work in this
17 case, latent fingerprint that had been obtained from the
18 inner doorknob of the motel room 102 at the Best Budget Inn?

19 A. Yes.

20 Q. I believe that photograph, if I recall the testimony
21 correctly, was made by Officer Mike Jones?

22 A. Yes, sir.

23 Q. Is that your understanding?

24 A. Yes, sir.

25 Q. Is this, State's Exhibit No. 67, a good example of what

Standard Supplement Report

Reported Date: 01/07/97 Time: 15:10 Case: 97-002261 Page: 1
Code: 21-701.7 SS Crime: MURDER 1 Class:
Occurrence Date: 01/07/97- Day: TUESDAY - Time: 08:00-
Status: AS ASSIGNED Closing Officer:
Location: 301 S. COUNCIL RD., OK RD: 52

NARRATIVE
TECHNICAL INVESTIGATIONS REPORT

CASE NUMBER: 97-2261

EXHIBIT J

CRIME/INCIDENT: HOMICIDE

LOCATION OF CRIME: 301 S. COUNCIL #102

LOCATION PROCESSED: 301 S. COUNCIL #102/MORGUE/CITY GARAGE

DATE PROCESSED: 1-8-97

TIME CALL RECEIVED: 1045HRS

0-97: 1055HRS

0-98 (FROM SCENE): 1515HRS

PATROL UNIT ON CALL: N/A

OFFICER'S NAME: N/A

I.E. NOTIFIED: N

VICTIM'S INFORMATION: VANTREESE, BARRY

SUSPECT INFORMATION: UNK

STRUCTURE: HOTEL ROOM

P.O.E.: FRONT DOOR

VEHICLE PROCESSED: Y

AG: K5JKP

AG YEAR: 97

STATE: OK

MAKE: BUICK

MODEL: LE SABRE 4DR

YR. YEAR: 97

COLOR: SILVER

VIN: 1G4HR5132HH412850

PHOTOS: Y

SKETCH: N

BLUE BOOK: N

APP JACKET: N

REMARKS: Y

LWW 21543

WMF 0485

Standard Trailer - First Page

Reporting Officer: MCMAHON, JOSE Number: 000783 Date: 01/11/97 Time: 07:00
Typed by: JMCMAHON Number: 783 Date: 01/11/97 Time: 07:07
Approving Officer: BOOTH, WILLIA Number: 000082 Date: 01/13/97 Time: 07:02

Standard Continuation Page

Reported Date: 01/07/97 Time: 15:10 Case: 97-002261 Page: 2
 Phone: 21-701.7 55 Crime: MURDER 1 Class:

AS PROCESSED FOR PRINTS/HOW: POWDER PRINTS OBTAINED?
 CITY GARAGE (VI-VEHICLE)

- 1.2-SEWING KITS/SILK N
- 2.POLAROID PICTURE OF VI/SILK Y
- 3.2-CANS MENS HAIR SPRAY/SILK N
- 4.PRESCRIPTION BOTTLE/SILK N
- 5.6-VITAMIN BOTTLES/SILK N
- 6.DEODORANT CONTAINER/SILK N
- 7.CONTAINER OF CAULK/SILK N
- 8.AUTOMATIC NUMBERING MACHINE/MAGNETIC Y
- 9.PLASTIC FLASHLIGHT/SILK N
- 0.METAL CONTAINER/SILK Y
- 1.DRIVERS DOOR EXTERIOR WINDOW GLASS/SILK Y
- 2.PASSENGERS DOOR EXTERIOR WINDOW GLASS/SILK Y
- 3.BOTTLE OF ALBERTSON VITAMIN C TABLETS/SILK Y
- 4.EXTERIOR SURFACES OF VEHICLE/SILK N

PHOTO LAB-PHOTOGRAPHING

- 1.CHROME LIGHT SWITCH PLATE Y
- 2.INTERIOR DOOR KNOB Y
- 3.INTERIOR PORTION OF DEADBOLT LOCK Y
- 4.PIECE OF WATERBED MATTRESS Y

EVIDENCE COLLECTED:

VEHICLE

- 2-ROLLS 35MM FILM
- 2-\$23,100 U.S. CURRENCY
- 3.\$90 IN TRAVELERS CHECKS
- 4.8-LATENT LIFT CARDS
- 5.\$28.64 COMMERCIAL CHECK
- 6.RECEIPT FOR CASHIERS CHECK (AMERICAN NATIONAL BANK OF LAWTON)
- 7.1-ROLL DUCT TAPE
- 8.DEPOSIT BOOK
- 9.CARDBOARD BOX
- 0.MISC. PAPERS AND BOOK

MORGUE EVIDENCE/SCENE EVIDENCE

- 1.4-VIALS VI'S BLOOD
- 2.ENVELOPE RT. HAND NAIL CLIPS
- 3.ENVELOPE LT. HAND NAIL CLIPS
- 4.ENVELOPE W/PUBIC HAIRS
- 5.ENVELOPE W/SCALP HAIRS
- 6.ENVELOPE W/HAIR FROM T-SHIRT
- 7.ENVELOPE W/HAIR FROM RT. HAND
- 8.ENVELOPE W/HAIR FROM LT. HAND
- 7.BAG FROM RT. HAND
- 0.BAG FROM LT. HAND
- 1.BODY SHEET
- 2.UNDERSHORTS

LWW 21544

WMF 0486

Standard Trailer - Continuation

Reporting Officer: MCMAHON, JOSE Number: 000783 Date: 01/11/97 Time: 07:00
 Typed by: JMCMAHON Number: 783 Date: 01/11/97 Time: 07:07
 Approving Officer: BOOTH, WILLIA Number: 000082 Date: 01/13/97 Time: 07:02

Reported Date: 01/07/97 Time: 15:10
Code: 21-701.7 SS Crime: MURDER 1

Case: 97-002261
Class:

Page: 3

- 3. SHIRT
- 4. 4-ROLLS 35MM FILM
- 5. CHROME LIGHT SWITCH PLATE
- 6. INTERIOR DOOR KNOB
- 7. INTERIOR PORTION OF DEADBOLT LOCK
- 8. PIECE OF WATERBED MATTRESS
- 9. 20-PHOTOGRAPHS OF BLOODY PRINTS TAKEN AT PHOTO LAB(#15,16,17,18)

ARRATIVE/ADDITIONAL INFORMATION:

ON 1-8-97 MYSELF AND SGT. JONES PROCEEDED TO THE MORGUE REGARDING A HOMICIDE VICTIM. UPON OUR ARRIVAL I PHOTOGRAPHED VI'S INJURIES PRIOR TO AN AUTOPSY BEING PERFORMED. LATER THE SAME DAY VI'S MORGUE EVIDENCE WAS COLLECTED AND VI'S FINGERPRINTS WERE TAKEN. MORGUE EVIDENCE ITEMS #1-#13 WERE SUBMITTED TO SEROLOGY AND VI'S FINGERPRINTS WERE SUBMITTED TO AFIS.

AFTER PHOTOGRAPHING VI WE PROCEEDED TO 301 S. COUNCIL (ORIGINAL CRIME SCENE) TO MEET HOMICIDE DETECTIVE COOK. UPON OUR ARRIVAL WE MET WITH DET. COOK WHO DIRECTED US TO ROOM #102 WHERE THE HOMICIDE TOOK PLACE. UPON ENTERING THE ROOM WE OBSERVED A LARGE AMOUNT OF BLOOD ON THE CARPET EAST OF THE BED. BLOOD WAS ALSO PRESENT ON VARIOUS WALLS AND OTHER PIECES OF FURNITURE IN THE ROOM. ON THE EAST WALL WAS A LIGHT SWITCH PLATE WHICH HAD A BLOODY FINGERPRINT PRESENT ALONG THE TOP PORTION OF THE PLATE. BLOODY PRINTS WERE ALSO VISIBLE ON THE INTERIOR DOOR KNOB OF THE ROOMS DOOR AND ON THE INTERIOR PORTION OF THE ROOMS DEADBOLT LOCK. A LIGHT SWITCH PLATE ON THE SOUTH WALL BETWEEN THE DOOR AND WINDOW ALSO HAD BLOODY FINGERPRINTS VISIBLE ALONG THE TOP PORTION OF THE PLATE. A LARGE BLOODY HAND PRINT WAS VISIBLE ON THE S.E. CORNER OF THE WATERBED MATTRESS. PHOTOGRAPHS OF THESE BLOODY PRINTS WERE TAKEN.

THESE PRINTS WERE VISUALLY ENHANCED BY AN ALTERNATE LIGHT SOURCE (UV) AND THE PRINTS ON THE LIGHT SWITCH PLATES WERE CHEMICALLY PROCESSED BY MELLISA KEITH AND SUSAN ROSE (DCPD SEROLOGISTS) USING DAB (DIAMINO BENZIDINE). THE CHEMICAL ALSO REVEALED FINGERPRINTS ON THE WALL ABOVE THE LIGHT SWITCH PLATE ON THE EAST WALL. THESE FINGERPRINTS WERE PHOTOGRAPHED BY SGT. JONES. THE FINGERPRINTS ON THE LIGHT SWITCH PLATE ON THE SOUTH WALL WERE NON-IDENTIFIABLE.

THE LIGHT SWITCH PLATE FROM THE EAST WALL, INTERIOR DOOR KNOB AND THE INTERIOR PORTION OF THE DEADBOLT LOCK WERE COLLECTED. THE S.E. CORNER OF THE WATERBED MATTRESS WITH THE BLOODY HAND PRINT WAS CUT FROM THE MATTRESS AND COLLECTED. THE PIECE OF THE WATERBED MATTRESS WAS TREATED WITH BRILLIANT BLUE BY SGT. RICHARDSON. HE THEN PHOTOGRAPHED THE FINGERPRINTS PRESENT ON HIS PIECE OF EVIDENCE. 20-PHOTOGRAPHS TAKEN OF THESE PIECES OF EVIDENCE WERE SUBMITTED TO AFIS. THE LIGHT SWITCH PLATE, DOOR KNOB, DEADBOLT LOCK AND PIECE OF THE WATERBED WERE SUBMITTED TO SEROLOGY.

ON 1-10-97 MYSELF AND SGT. JONES PROCEEDED TO THE DKC GARAGE TO PROCESS VI'S VEHICLE (LISTED ABOVE). WE WERE MET THERE BY HOMICIDE LT. HOILE. THE VEHICLE WAS SEALED WITH RED EVIDENCE AND THE SEALS WERE INTACT. THE TIRES WERE ROLLED UP AND THE VEHICLE WAS PARKED AT THE N.E. END OF THE

Standard Trailer - Continuation

Reporting Officer: MCHAHON, JOSE	Number: 000783	Date: 01/11/97	Time: 07:00
Typed by: JMCMAHON	Number: 783	Date: 01/11/97	Time: 07:07
Approving Officer: BOOTH, WILLIA	Number: 000082	Date: 01/13/97	Time: 07:02

LWW 21542

Reported Date: 01/07/97 Time: 15:10 Case: 97-002261 Page: 4
 Code: 21-701.7 SS Crime: MURDER 1 Class:

GARAGE WITH THE VEHICLE FACING EAST. THE VEHICLE WAS MISSING A HUB CAP FROM THE FRONT DRIVERS SIDE WHEEL. AN AMATEUR RADIO LICENSE PLATE WAS ATTACHED TO THE REAR AND FRONT OF THE VEHICLE.

I PHOTOGRAPHED THE VEHICLE FROM VARIOUS DISTANCES AND ANGLES SHOWING THE CONDITION OF THE VEHICLE AS WE FOUND IT AS WELL AS THE CONDITION OF THE SEALS ON THE VEHICLE. THE VEHICLE DOORS(UNLOCKED) AND TRUNK(VEHICLE KEYS ON DASHBOARD) WERE OPENED AND I PHOTOGRAPHED THE INTERIOR OF THE VEHICLE AND TRUNK. LT.HOILE AND SGT.JONES SEARCHED THE TRUNK AREA WHILE I PROCESSED THE EXTERIOR OF THE VEHICLE FOR FINGERPRINTS. I PROCESSED THE ABOVE LISTED AREAS/ITEMS OF/IN VI VEHICLE(CITY GARAGE-VI VEHICLE #1-#14) AND WAS ABLE TO LIFT LATENTS FROM #2,8,10,11,12,13. 8-LATENT LIFT CARDS WERE SUBSEQUENTLY SUBMITTED TO AFIS.

INSIDE THE TRUNK \$23,100 IN U.S. CURRENCY WAS FOUND IN VARIOUS ENVELOPES WHICH WERE CONTAINED WITHIN SOME CARDBOARD BOXES AND PLASTIC BAGS. SOME OF THE BILLS WERE STAINED BLUE BY SOME TYPE OF BLUE DYE/SUBSTANCE. LT.HOILE BELIEVED THAT THOSE PARTICULAR BILLS MAY HAVE BEEN STAINED BLUE DURING THE COURSE OF SOME TYPE OF ROBBERY AND THAT THEY MAY HAVE BEEN BAIT MONEY WITH THE SERIAL NUMBERS RECORDED AND REPORTED STOLEN. 16-NEW \$100 BILLS WERE AFFECTED BY THE DYE AND THOSE 16 SERIAL NUMBERS WERE RECORDED AND GIVEN TO LT.HOILE TO CHECK THE SERIAL NUMBERS. \$90.00 IN TRAVELERS CHECKS, A \$28.64 COMMERCIAL CHECK AND A RECEIPT FOR A CASHIERS CHECK(AMERICAN NATIONAL BANK OF LAWTON) WERE ALSO FOUND IN THE TRUNK WITH THE ABOVE LISTED CURRENCY. A ROLL OF DUCT TAPE, DEPOSIT BOOK, CARDBOARD BOX, MISCELLANEOUS PAPERS AND A BOTTLE WERE COLLECTED FROM THE TRUNK. THE CURRENCY WAS PHOTOGRAPHED AT THE GARAGE. THE CURRENCY,CHECKS,RECEIPT AND REMAINING LISTED ITEMS WERE BOOKED INTO THE OCPD PROPERTY ROOM. A HUB CAP WAS ALSO FOUND INSIDE THE TRUNK.

INSIDE THE DRIVER/PASSENGER AREAS OF THE VEHICLE MISCELLANEOUS PAPERS AND VEHICLE KEYS WERE FOUND ON THE DASHBOARD. A PRESCRIPTION BOTTLE(VI LISTED ON LABEL), POLAROID PICTURE OF VI AND A BOTTLE OF VITAMIN C TABLETS WERE ON THE PASSENGER SIDE DASHBOARD. MISCELLANEOUS PAPERS AND TRASH WERE ON THE FRONT SEAT AND A SEWING MACHINE WAS ON THE FRONT PASSENGER FLOOR BOARD. A CB RADIO WAS ON THE FRONT CENTER FLOOR BOARD. A SUITCASE AND BOX OF MISCELLANEOUS PAPERS WERE IN THE REAR PASSENGER SIDE SEAT.

COPIES OF THE SEROLOGY, PROPERTY ROOM SUBMITTAL/BOOKING SHEET WILL BE KEPT IN THE CASE JACKET. A LISTING OF THE 16-SERIAL NUMBERS FROM THE BLUE STAINED \$100.00 BILLS WILL BE KEPT IN THE CASE JACKET ALSO.

LWW 10058

WMF 0488

 Standard Trailer - Continuation

Reporting Officer: MCMAHON, JOSE Number: 000783 Date: 01/11/97 Time: 07:00
 Typed by: JMCMAHON Number: 783 Date: 01/11/97 Time: 07:07
 Approving Officer: BOOTH, WILLIA Number: 000082 Date: 01/13/97 Time: 07:02

EXHIBIT K

Robert H. Macy
District Attorney
Oklahoma City, Oklahoma.

Attn: Fern

Dear Sir,

Reference my letter to you concerning
Justin Sreed and possible corroborating
witness to everything I may be asked to
testify to:

I've located that young man's name,
address and phone number. It is -

[REDACTED]

His girlfriends n Ara and she may
answer the phone [REDACTED] will probably be
nervous about this but I believe if it is
explained to him that he is not in trouble
it may help. I'm not sure how much he can
corroborate but I believe most of what he
heard was what I heard. I know that he
and I were both so disgusted were got up
from the table and walked several times
around the pod (pod 8-A) and talked

LWW 24327

WMF 0760

very openly about my funds bragging and
lack of remorse. It quite frankly angered
both of us.

It was an experience that truly
haunts me. If you can imagine looking
at someone whose eyes appeared void of
expression - black and cold - all I could
remember thinking at that moment was
"Dear God in heaven am I looking at the
Devil Himself." It was at that point
Mr. Thompson and I left the table. [REDACTED]
will know me as the "old man."

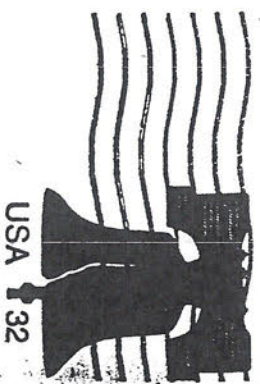
Sincerely,
Fred McFadden

Dick Connor Minimum Security Unit
P.O. Box 220
Hornum, Oklahoma 74035

WMF 0761
LWW 24328

~~Sharon Fadden~~ 183771
DCCC - 1954
110 E. 220
Morring, Oklahoma 74035

Robert W. Tracy
District Attorney
320 Robert S. Lewis
Oklahoma City, Oklahoma
73102



Rec'd.
5/16/91
RWT

Open Address Only
on Face Only



WMF 0184
LWW 24326

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.
STATE OF OKLAHOMA

SEP 18 1998
COURT CLERK
By *[Signature]*
Deputy

1 THE STATE OF OKLAHOMA,)
2)
3)
4)
5 Planitiff,)
6)
7 VS.)
8)
9 RICHARD EUGENE GLOSSIP,)
10)
11)
12 Defendant.)

CASE NO. CF-97-244

~~F-98-948~~

ORIGINAL

~~D-2004-877~~

D-2005-310

* * * * *

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAR 11 1999

JAMES W. PATTERSON
CLERK

TRANSCRIPT OF PROCEEDINGS,

PRETRIAL MOTIONS,

HAD ON MAY 29, 1998,

BEFORE THE HONORABLE RICHARD W. FREEMAN,

DISTRICT JUDGE.

* * * * *

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAR 23 2005

MICHAEL S. RICHIE
CLERK

REPORTED BY:

THERESA L. REEL, RPR
321 PARK AVENUE, SUITE 805
OKLAHOMA CITY, OK 73102

1 inspect physical evidence.

2 THE COURT: What else?

3 MS. SMITH: Your Honor, as far as the Sinclair tape
4 is concerned, I have not looked at that tape. The tape, if
5 it's available it was a tape that was, a surveillance-type
6 tape at a Sinclair station that's nearby where the murder
7 occurred. We do not believe that it has any evidentiary
8 value. It's a tape of who goes in and out of Sinclair
9 station. If it's available, I assume it's in the property
10 room. And I don't have any problem with trying to get that
11 and in giving it to Mr. Fourenerat.

12 However, I want to inform the Court that on May the
13 18th of 1998, I personally called Mr. Fourenerat to ascertain
14 whether or not he believed he had had full discovery in this
15 case because I didn't want any delays in the case going to
16 trial. Mr. Fourenerat confirmed at that time that he did have
17 three video tapes that I had previously furnished to him and
18 that he did not have one audio tape of the second interview
19 with D. Anna Wood and at that time I asked him if there was
20 anything else that he thought that he wanted. He specifically
21 at that time mentioned the Sinclair tape and asked me if I
22 intended to use that as evidence in the case and I told him,
23 no, I did not intend to.

24 MR. FOURNERAT: It, I did not believe that it was of
25 any evidentiary value whatsoever and he at that time told me

1 well, then don't make me a copy of it because if it's not of
2 any evidentiary value and you don't intend to use it then I
3 don't need a copy of it and so I did not produce it because he
4 told me that he did not want it. I certainly would have had
5 he told me he wanted it.

6 The other audio tape that he informed me he did not
7 have I did produce for him. At that time I also asked him to
8 once again contact Detective Bemo with the police department
9 if he wanted to see the actual physical evidence in the case.
10 We have produced for Mr. Fourenerat photographs of all of the
11 physical evidence that was taken in the case and the other
12 evidence has been available to him.

13 In fact, I, myself, and Detective Bemo at one point
14 probably over a year ago met at the police department property
15 room for the purpose of Mr. Fourenerat viewing the physical
16 evidence as we began to gather the evidence up and review it,
17 Mr. Fournerat I believe had something, was going to take a
18 long time, he had something else that he needed to do and he
19 agreed with Detective Bemo that he would come back at a later
20 time and view that. So he had an opportunity. He didn't take
21 it at that time and the evidence has been available to him all
22 of this time and he hasn't taken the opportunity to view it.

23 However, there's nothing in the physical evidence
24 that he hasn't had access to that he doesn't have photographs
25 of. And we don't intend to use any of that physical evidence

1 that's in the property room, that being things like bloody
2 clothes, everything that we intend to use or is exculpatory or
3 is required by 22 OS 201 and the Court's order we have already
4 produced for Mr. Fourenerat.

5 And as far as that video tape is concerned of the
6 Sinclair, if he wants it and the court orders me to, I'll try
7 to get it for him but I had previously talked with him and he
8 told me that he did not want it and that's the only reason he
9 doesn't have it. As far as the witness's summary of what they
10 will say is concerned, I have previously furnished Mr.
11 Fourenerat with a copy of all of the witnesses that the State
12 intends to call as witnesses and I filed a copy, a summary of
13 those witness's testimony with the Court Clerk on September
14 the 16th of 1997, listing on that summary of witnesses 66
15 witnesses and a summary of what they would testify to.

16 In addition to that summary of witness's testimony
17 on June the 6th of 1997, I furnished Mr. Fourenerat with an
18 entire copy of the -- what we call the black book that the
19 police department brings over to us and that includes all of
20 the police reports that have been compiled in this particular
21 case and in each of those police reports are listed all of
22 these witnesses that I have listed and filed with the Court
23 Clerk and furnished to Mr. Fourenerat.

24 And there are some, maybe one or two witnesses that
25 weren't listed in that black book that I have endorsed since