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## APPENDIX A

*Glossip v. State*, No. PCD-2022-819, Order Denying Subsequent Application for Post-Conviction Relief, Motion for Evidentiary Hearing and Motion for Discovery (Nov. 17, 2022)

**ORIGINAL**



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

**FILED**  
COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

NOV 17 2022

JOHN D. HADDEN  
CLERK

RICHARD EUGENE GLOSSIP, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 THE STATE OF OKLAHOMA, )  
 )  
 Respondent. )

NOT FOR PUBLICATION

Case No. PCD-2022-819

**OPINION DENYING SUBSEQUENT APPLICATION FOR  
POST-CONVICTION RELIEF, MOTION FOR EVIDENTIARY  
HEARING AND MOTION FOR DISCOVERY**

**LEWIS, JUDGE:**

Petitioner, Richard Eugene Glossip, was convicted of First Degree (malice) Murder in violation of 21 O.S.Supp.1996, § 701.7(A), in Oklahoma County District Court Case No. CF-1997-244, after a jury trial occurring in May and June 2004, before the Honorable Twyla Mason Gray, District Judge.<sup>1</sup> The jury found the existence of one aggravating circumstance: that Glossip committed the murder for remuneration or the promise of remuneration or employed

<sup>1</sup> This was Glossip's retrial after this Court reversed his first Judgment and Sentence on legal grounds in *Glossip v. State*, 2001 OK CR 21, 29 P.3d 597.

another to commit the murder for remuneration or the promise of remuneration and set punishment at death.<sup>2</sup> Judge Gray formally sentenced Glossip in accordance with the jury verdict on August 27, 2004.

This Court affirmed Glossip's murder conviction and sentence of death in *Glossip v. State*, 2007 OK CR 12, 157 P.3d 143. Glossip, thereafter, filed an initial application for post-conviction relief, which was denied in an unpublished opinion. *Glossip v. State*, Oklahoma Court of Criminal Appeals Case No. PCD-2004-978 (Dec. 6, 2007). Glossip has filed other successive applications for post-conviction relief. Glossip's execution is currently scheduled for February 16, 2023.<sup>3</sup>

He is now before this Court with his third subsequent application for post-conviction relief (his fourth application for post-conviction relief) along with a motion for evidentiary hearing and motion for discovery. The facts of Glossip's crime are sufficiently

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<sup>2</sup> The jury did not find the existence of the second alleged aggravating circumstance: the existence of the probability that the defendant will commit criminal acts of violence that would constitute a continuing threat to society.

<sup>3</sup> Honorable J. Kevin Stitt, Governor of Oklahoma, has issued two executive orders staying Glossip's execution.

detailed in the 2007 direct appeal Opinion; however, facts relevant to Glossip's propositions are outlined below. Glossip raises five propositions in support of his subsequent post-conviction appeal.

1. The State withheld material evidence favorable to the defense of Justin Sneed's plan to recant his testimony or renegotiate his plea deal.
2. The prosecutor committed prejudicial misconduct when she violated the rule of witness sequestration to orchestrate Sneed's testimony, intending to cover a major flaw in the State's case.
3. The State presented false testimony from Sneed about attempting to thrust the knife into Van Treese's heart.
4. The State suppressed impeachment evidence of Sneed's knife testimony.
5. The cumulative effect of the State's suppression of exculpatory and impeachment evidence requires reversal of the conviction and sentence.

As this is a subsequent post-conviction proceeding, this Court's review is limited by the Oklahoma Post-Conviction Procedure Act. Title 22 O.S.2011, § 1089(D)(8) (provides for the filing of subsequent

applications for post-conviction relief.)<sup>4</sup> The Post-Conviction Procedure Act is not designed or intended to provide applicants with repeated appeals of issues that have previously been raised on appeal or could have been raised but were not. *Slaughter v. State*, 2005 OK CR 6, ¶ 4, 108 P. 3d 1052, 1054. The Court's review of subsequent

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<sup>4</sup> It provides,

8. . . . if a subsequent application for post-conviction relief is filed after filing an original application, the Court of Criminal Appeals may not consider the merits of or grant relief based on the subsequent . . . application unless:

a. the application contains claims and issues that have not been and could not have been presented previously in a timely original application or in a previously considered application filed under this section, because the legal basis for the claim was unavailable, or

b. (1) the application contains sufficient specific facts establishing that the current claims and issues have not and could not have been presented previously in a timely original application or in a previously considered application filed under this section, because the factual basis for the claim was unavailable as it was not ascertainable through the exercise of reasonable diligence on or before that date, and

(2) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the alleged error, no reasonable fact finder would have found the applicant guilty of the underlying offense or would have rendered the penalty of death.

post-conviction applications is limited to errors which would have changed the outcome and claims of factual innocence. *Id.* 2005 OK CR 6, ¶ 6, 108 P.3d at 1054.

This Court's rules also limit issues which can be raised in a subsequent application.

No subsequent application for post-conviction relief shall be considered by this Court unless it is filed within sixty (60) days from the date the previously unavailable legal or factual basis serving as the basis for a new issue is announced or discovered.

Rule 9.7(G)(3), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App (2022).<sup>5</sup>

These time limits preserve the legal principal of finality of judgment. *Sporn v. State*, 2006 OK CR 30, ¶ 6, 139 P.3d 953, 954, *Malicoat v. State*, 2006 OK CR 26, ¶ 3, 137 P.3d 1234, 1235, *Massaro v. United States*, 538 U.S. 500, 504 (2003). This Court's rules and our case law, however, do not bar the raising of a claim of factual innocence at any stage. *Slaughter*, 2005 OK CR 6, ¶ 6, 108 P.3d at 1054. Innocence claims are the Post-Conviction Procedure Act's

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<sup>5</sup> These rules have the force of statute. 22 O.S.2021, § 1051(B).



foundation. *Id.* Glossip is not raising a claim of factual innocence in this application.

This Opinion only addresses the claims raised in this application. Numerous attachments and arguments not related to the propositions will not be addressed.

These propositions raise issues which were either raised in earlier appeals, thus are barred by this Court's rules, or are issues which clearly could have been raised earlier with due diligence; or were not raised within sixty days of their discovery. In order to overcome procedural bars, Glossip argues, citing *Valdez v. State*, 2002 OK CR 20, ¶ 28, 46 P.3d 703, 710-11, that this Court has the power to grant relief any time an error "has resulted in a miscarriage of justice, or constitutes a substantial violation of a constitutional or statutory right." None of Glossip's propositions raise error of this magnitude.

Although there are no claims of factual innocence in this application, the State, "with reluctance," has determined to forgo argument that the claims in this fourth application are waived or barred under this Court's rules. They do so because of their concern that irreparable harm will come to capital punishment jurisprudence

based on Petitioner's "one-sided and inaccurate narrative" through a public media campaign. The State asks that this Court adjudicate these claims on the merits. This Court alone will determine whether the rules of this Court should be abandoned. We will not base that determination on any of the parties' public relations campaigns.

Glossip's claims in this application center around the actions of the prosecutors. He claims in his various propositions that the State engaged in prosecutorial misconduct by withholding material information favorable to the defense; by violating the rule of sequestration; by presenting false testimony; and by suppressing impeachment evidence.

Glossip raised claims that the prosecutor committed prosecutorial misconduct and violated the sequestration order in his direct appeal. Glossip also raised a claim of prosecutorial misconduct in his initial post-conviction application. In fact, this Court found that his claim of prosecutorial misconduct, raised again in the post-conviction application, was barred by *res judicata*. *Glossip v. State*,

PCD-2004-978 (slip op at 15). Glossip relies on information received during an investigation by the Reed-Smith Law firm.<sup>6</sup>

The basis of Glossip's claim, in Proposition One, that the State withheld material evidence favorable to the defense is procedurally barred. This claim is based on speculation that Sneed did not want to testify at Glossip's second trial either because he lied during the first trial or because he wanted a better deal from the State. Petitioner couches the hesitance in Sneed's desire to testify as a recantation. Nothing could be further from the truth. There is no evidence that Sneed had any desire to recant or change his testimony. His desire was either to get a better deal than his life sentence without parole or to protect himself in his new prison life.

Glossip's trial attorneys knew prior to his retrial that Sneed did not want to testify in the new trial. Evidence, in a light most favorable to the State, reveals that Sneed was hopeful that he would not have to testify during the retrial, because he was disturbed about testifying again. Sneed had already become comfortable with prison life and did

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<sup>6</sup> The Reed-Smith investigation is an investigation independent of the Oklahoma Attorney General's office and the attorneys representing Glossip.

not want that life disrupted by testifying against Glossip a second time.

Glossip's attorney, Lynn Burch, visited with Sneed in prison and provided him with caselaw, specifically *State v. Dyer*, 2001 OK CR 31, ¶ 1-7, 34 P.3d 652, which Burch used to inform Sneed that the State could not revoke his plea deal. The fact that Burch visited Sneed was the subject of a trial court hearing on November 3, 2003, and which caused Burch to be removed as Glossip's lead attorney.

These facts support a conclusion that, first, this issue is one which could have been raised during the second trial, because his attorneys knew or should have known that Sneed was reluctant to testify. Second, the information that Sneed was reluctant to testify does not qualify as *Brady* evidence, which would have been subject to disclosure by the State.

The facts are that during this second trial, Sneed confirmed that he believed that his plea deal would be void and he would face the death penalty if he did not testify. Attorney Burch attempted to rid Sneed of that belief before the trial and tried to convince him that he did not have to testify again. The attorneys representing Glossip at trial were associated with Burch as co-counsel during the time Burch

talked to Sneed. They either knew or should have known that Burch approached Sneed and talked to him about testifying. If they did not know before trial, they found out during the evidentiary hearing where Burch was allowed to withdraw from his representation. This is not new evidence under Oklahoma law, and this claim could have, and should have, been raised on direct appeal.

Even if this claim overcomes the waiver hurdle, the claim does not rise to the level of a *Brady* violation.<sup>7</sup> To establish a *Brady* violation, a defendant must show that the prosecution failed to

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<sup>7</sup> *Brady v. Maryland*, 373 U.S. 83 (1963).

Due process requires the State to disclose exculpatory and impeachment evidence favorable to an accused. See *United States v. Bagley*, 473 U.S. 667, 105 S.Ct. 3375, 87 L.Ed.2d 481 (1985), *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d [104] (1972), *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963) and *Napue v. Illinois*, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959).

*Wright v. State*, 2001 OK CR 19, ¶ 22, 30 P.3d 1148, 1152.

To establish a *Brady* violation, a defendant must show that the prosecution failed to disclose evidence that was favorable to him or exculpatory, and that the evidence was material. . . .

disclose evidence that was favorable to him or exculpatory, and that the evidence was material. *Brown v. State*, 2018 OK CR 3, ¶ 102, 422 P.3d 155, 175. Material evidence must create a reasonable probability that the result of the proceeding would have been different had the evidence been disclosed. *Id.* 2018 OK CR 3, ¶ 103, 422 P.3d at 175. The mere possibility that an item of undisclosed information might have helped the defense or affected the outcome does not establish materiality. *Id.* Here, the information was not material. There is no reasonable probability that the result would have been different had Sneed's attitude toward testifying been disclosed. Sneed testified at trial that he was subpoenaed to testify by the State and that he believed that he could receive the death penalty if he refused to testify. The jury was well aware of his deal; they knew he was the

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Material evidence must create a reasonable probability (a probability sufficient to undermine confidence in the outcome) that the result of the proceeding would have been different had the evidence been disclosed . . . The mere possibility that an item of undisclosed information might have helped the defense or affected the outcome does not establish materiality.

*Brown v. State*, 2018 OK CR 3, ¶103, 422 P.3d 155, 175. [citations omitted]

actual killer; and they knew that Sneed was receiving a great benefit from testifying. Glossip assumes that Sneed intended to testify differently in the second trial than he had in the first. The evidence does not support that assumption. There is no clear and convincing evidence that, had Glossip's defense team known that Sneed did not want to testify, the information could have been used to change the outcome of this trial. This claim requires no relief.

Glossip raises additional prosecutorial misconduct claims in Propositions Two, Three, and Four. These claims are based on Sneed's trial testimony about a knife found at the scene compared to his statements to the police about the knife. Sneed told police that the knife was his but that he did not stab or attempt to stab Van Treese with the knife. Conversely, at trial, Sneed testified that he tried to stab Van Treese a couple of times, but the knife would not penetrate.

Sneed told the police that the knife was his. He testified that the tip of the knife was broken off when he acquired it. He testified that, during the struggle with Van Treese, he dropped the bat, grabbed Van Treese with both hands, tripped him down to the ground, pulled out the knife, opened it, and attempted to stab Van Treese who was

lying on his back. Van Treese then rolled over to his stomach, and Sneed picked up the bat and hit Van Treese 7-8 times. He didn't think he used the knife again, but he was uncertain.

The claim, in Proposition Two, is that Sneed amended his testimony to include facts about attempting to stab the victim during the attack because the prosecutor violated the rule of sequestration, 12 O.S.2011, § 2615. Defense counsel, at trial, objected to this testimony on discovery grounds.

Gossip relies on a memo from the prosecution files as evidence to show that the prosecution coached Sneed's testimony and the evidence of coaching constitutes new evidence. During the trial, however, the prosecution told the trial court that it spoke with Sneed's attorney after the medical examiner testified about numerous marks on Van Treese's body consistent with superficial stab wounds. The fact that the prosecution talked to Sneed or his attorney about other testimony during the trial is not new evidence. There is nothing new in this claim that could not have been raised earlier. This is a claim that could have been raised with due diligence in prior appeals. Under our rules, this claim is waived.



Were we to address the claims raised in Propositions Two, Three, and Four, we would find that they have no merit. Glossip's claim, in Proposition Two, that the discussion violated the rule of sequestration, 12 O.S.2011, § 2615, is not persuasive. Section 2615, when invoked, prevents witnesses from hearing testimony of other witnesses. The rule excluding, or sequestering, witnesses has long been recognized as a means of discouraging and exposing fabrication, inaccuracy, and collusion. *Dyke v. State*, 1986 OK CR 44, ¶ 13, 716 P.2d 693, 697. The rule is intended to guard against the possibility that a witness's testimony might be tainted or manipulated by hearing other witnesses. *Bosse v. State*, 2017 OK CR 10, ¶ 45, 400 P.3d 834, 852, citing *McKay v. City of Tulsa*, 1988 OK CR 238, ¶¶ 5-6, 763 P.2d 703, 704; *Weeks v. State*, 1987 OK CR 251, ¶ 4, 745 P.2d 1194, 1195.

The statute does not prevent either side from discussing testimony with their witnesses during a trial. Glossip presents no evidence that the memo is evidence that Sneed was coached to fabricate his testimony, nor is there evidence that Sneed's testimony was tainted. Sneed was fully cross-examined regarding his inconsistent testimony regarding the knife, and nothing new exists

that, "if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the alleged error, no reasonable fact finder would have found the applicant guilty of the underlying offense or would have rendered the penalty of death."

His second attempt, utilizing the memo as support, in Proposition Three, is that the prosecutor orchestrated and elicited false evidence from Justin Sneed about attempting to stab the victim. Glossip assumes the content of unsubstantiated conversations with Sneed to support his argument here. He cites the correct case law, but his argument is based on a false premise.

It is well established that the State's knowing use of perjured testimony violates one's due process right to a fair trial. *Giglio v. United States*, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed.2d 104 (1972); *Napue v. Illinois*, 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959); *Mooney v. Holohan*, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791 (1935). Due process demands that the State avoid soliciting perjured testimony, and imposes an affirmative duty upon the State to disclose false testimony which goes to the merits of the case or to the credibility of the witness. *See Napue v. Illinois, supra*, 360 U.S. at 269, 79 S.Ct. at 1177.

*Hall v. State*, 1982 OK CR 141, ¶ 16, 650 P.2d 893, 896-97.

Like the previous proposition, this claim is not based on newly discovered evidence as defined by this Court's rules. Glossip's claim here is pure speculation. Like most of his claims in this application and previous applications, he makes false assumptions that Sneed did not act alone. He claims that Sneed could not have hit Van Treese with the bat and also stabbed him with the knife. These inconsistencies were available to Glossip during trial. This claim has no merit.

Glossip's claim, in Proposition Four, is that the State withheld impeachment evidence about the knife recovered from underneath Mr. Van Treese. The impeachment evidence is the memo itself, according to Glossip. Had the defense team had this information regarding alleged conversations between the prosecutor and Sneed or his attorney, according to Glossip, they could have impeached Sneed even further.

Sneed could not have been impeached any further than he had already been impeached. He admitted that he was testifying to save himself from the death penalty. He had not told anyone about using the knife until he testified at trial. In fact, Sneed told police that he did not use the knife. This was all a part of his impeachment during

the trial. Nothing in this memo would have increased the probability that the jury would have reached a different verdict. This proposition must fail.

In his final proposition of this application, Proposition Five, Glossip claims that the cumulative effect of the suppression of this exculpatory and impeachment evidence requires reversal of Glossip's conviction. Obviously, Glossip is trying to combine the propositions in this application, as well as "substantial problems chronicled in Mr. Glossip's . . . subsequent application filed July 1 . . . coupled with . . . the Reed Smith reporting" to make this claim of cumulative error. His cumulative error claim must be denied. A cumulative error claim is baseless when this Court fails to sustain any of the alleged errors raised. *Tafolla v. State*, 2019 OK CR 15, ¶ 45, 446 P.3d 1248, 1263.

Petitioner's reliance on *Valdez*, to overcome the procedural bars is, likewise, not persuasive. None of his claims convince this Court that these alleged errors have resulted in a miscarriage of justice or constitute a substantial violation of a constitutional or statutory right. *Valdez*, 2002 OK CR 20, ¶ 6, 46 P.3d at 704.

Glossip's application for post-conviction relief is denied for the foregoing reasons. We find, therefore, that neither an evidentiary hearing nor discovery is warranted in this case.

### **CONCLUSION**

After carefully reviewing Glossip's subsequent application for post-conviction relief, we conclude that he is not entitled to relief. Accordingly, Glossip's subsequent application for post-conviction relief is **DENIED**. Further, Glossip's motion for an evidentiary hearing and motion for discovery are **DENIED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2022), the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

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**OPINION BY: LEWIS, J.**  
HUDSON, V.P.J.: Concur  
LUMPKIN, J.: Concur  
MUSSEMAN, J.: Concur  
WINCHESTER, J.<sup>8</sup>: Concur

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<sup>8</sup> Supreme Court Justice James R. Winchester sitting by special designation.

**APPENDIX B**

Okla. Stat. tit. 22, §1089(D)(8)

8. If an original application for post-conviction relief is untimely or if a subsequent application for post-conviction relief is filed after filing an original application, the Court of Criminal Appeals may not consider the merits of or grant relief based on the untimely original application, or a subsequent application, unless:

a. the application contains claims and issues that have not been and could not have been presented previously in a timely original application or in a previously considered application filed under this section, because the legal basis for the claim was unavailable, or

b.

(1) the application contains sufficient specific facts establishing that the current claims and issues have not and could not have been presented previously in a timely original application or in a previously considered application filed under this section, because the factual basis for the claim was unavailable as it was not ascertainable through the exercise of reasonable diligence on or before that date, and

(2) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the alleged error, no reasonable fact finder would have found the applicant guilty of the underlying offense or would have rendered the penalty of death.

The provisions of this paragraph shall apply irrespective of the nature of the claims raised in the application and shall include jurisdictional claims. The provisions of this paragraph shall also apply to any post-conviction application filed on or after the effective date of this act.



## APPENDIX C

Excerpts from the Attachments to the Application for Post-conviction Relief in  
*Glossip v. State*, No. PCD-2022-589

# ATTACHMENT 7

COPY

TRANSCRIPT OF INTERVIEW

OF

JUSTIN SNEED

FROM VIDEOTAPE

ON

JANUARY 14, 1997

1 BY MR. COOK: Justin, this is my  
2 partner Detective Bemo.

3 BY MR. BEMO: How are you doing?

4 BY MR. SNEED: Good. How are you  
5 doing?

6 BY MR. BEMO: All right.

7 BY MR. COOK: What time have you  
8 got, Bob?

9 BY MR. BEMO: I have 7:50 to be  
10 exact.

11 BY MR. COOK: Justin, you're how  
12 old?

13 BY MR. SNEED: 19, sir.

14 BY MR. COOK: And your date of  
15 birth is what?

16 BY MR. SNEED: 9-22-77.

17 BY MR. COOK: And your Social  
18 Security number?

19 BY MR. SNEED: 453-83-1415.

20 BY MR. COOK: Are you about 6  
21 foot, 140 still, brown hair and hazle eyes?

22 BY MR. SNEED: No. I've got like  
23 a red tint in my hair.

24 BY MR. COOK: Can I see?

25 BY MR. BEMO: Well, that's just a

1 small red tint.

2 BY MR. COOK: Did you do that on  
3 purpose?

4 BY MR. SNEED: No. My mom has got  
5 really red hair.

6 BY MR. COOK: Really?

7 BY MR. BEMO: Oh, it's natural  
8 then?

9 BY MR. SNEED: Yes.

10 BY MR. COOK: Okay. Justin, what  
11 we want to do is talk with you about this  
12 thing. I'm sure these officers told you what  
13 you were being brought down here.

14 BY MR. SNEED: Yes, sir.

15 BY MR. COOK: What did they tell  
16 you?

17 BY MR. SNEED: They said I was  
18 being arrested for murder one, I think.

19 BY MR. COOK: Uh-huh. And so  
20 you're technically under arrest right now. And  
21 we want to talk to you about this deal, okay?  
22 But before we do, my partner, he's -- he's  
23 going to advise you of what we call the Miranda  
24 warning. He's got a card. He's going to read  
25 your rights to you to make sure you understand

1           those, okay?

2                       BY MR. BEMO:   And before you make  
3           up your mind on anything, I want you to hear  
4           some of the things that we've got to say to you  
5           and before we talk.   But at any rate let me  
6           read your rights to you.

7                       You have the right to remain  
8           silent, anything you say can and will be used  
9           against you in a court of law.   You have the  
10          right to talk to an attorney and have him  
11          present with you while you are being  
12          questioned.

13                      If you cannot afford to hire an  
14          attorney one will be appointed to represent you  
15          before any questioning if you wish one.   If you  
16          do decide to make a statement, you may stop at  
17          any time.

18                      Now do you understand these rights  
19          I have read to you?

20                      BY MR. SNEED:   Yes, sir.

21                      BY MR. BEMO:   Okay.   Do you want  
22          to discuss this incident with us?

23                      BY MR. SNEED:   I believe so.

24                      BY MR. BEMO:   I'm sorry?

25                      BY MR. SNEED:   Yes, sir.

1 BY MR. BEMO: Okay. The thing  
2 about it is, Justin, we think -- we know that  
3 this involves more than just you, okay? We've  
4 got witnesses and we've got other people and we  
5 most likely have physical evidence. You know  
6 what I am saying, on this thing.

7 And right now the best thing you  
8 can do is to just be straightforward with us  
9 about this thing and talk to us about it and  
10 tell us what happened and who all was involved,  
11 because I personally don't think you're the  
12 only one.

13 Everybody that we talked to  
14 they're putting it on you, okay? They're  
15 putting the whole thing on you and they're  
16 going to leave you holding the bag.

17 In other words, if you just said  
18 you don't want to talk to us and you want to  
19 talk to an attorney we would march you down to  
20 the jail and we would book you in for this  
21 charge and you would be facing this thing on  
22 your own. And I don't think it's just you.

23 I think there are more people  
24 involved and you can straighten out a lot of  
25 things. And I just don't think you should take

1 the whole thing.

2 BY MR. COOK: Now that gentleman  
3 that we talked with, I say we, the cops, when  
4 we were out there, is his last name Brassfield?

5 BY MR. SNEED: Yeah, Brassfield.

6 BY MR. COOK: Yes. Well,  
7 Mr. Brassfield, of course, doesn't know what we  
8 know about this, Justin, and he likes you. All  
9 righty? And it's my understanding that you  
10 worked for him when you came up from Texas  
11 here, how long ago was that?

12 BY MR. SNEED: It was like July  
13 3rd when we come up here during the summer.  
14 That was the day before --

15 BY MR. COOK: Okay. Fourth of  
16 July?

17 BY MR. BEMO: Who came up here  
18 with you? One of your brothers?

19 BY MR. SNEED: Yes. My brother,  
20 Wes Taylor.

21 BY MR. BEMO: Wes Taylor came?

22 BY MR. SNEED: He's got a  
23 different last name than I do. He's my  
24 stepbrother.

25 BY MR. BEMO: Half brother?



1 BY MR. SNEED: Well, my mom  
2 married his dad.

3 BY MR. BEMO: Oh, I see. Okay.  
4 So he's not even a half brother. He's just a  
5 stepbrother?

6 BY MR. SNEED: Yes.

7 BY MR. BEMO: Okay. So why did  
8 you leave the construction crew?

9 BY MR. SNEED: Because me and my  
10 brother were working for this construction crew  
11 down there, and we were going to try to -- try  
12 to make it here in Oklahoma City, you know, to  
13 build up a life here and everything and so we  
14 got to talking to the manager at the motel  
15 there.

16 BY MR. BEMO: Who is?

17 BY MR. SNEED: Rich. I don't  
18 really know his last name.

19 BY MR. COOK: Okay. Would you  
20 know it if you heard it?

21 BY MR SNEED: I think it starts  
22 with a G.

23 BY MR. COOK: Glossip?

24 BY MR. SNEED: Yeas, I think.  
25 That kind of sounds right. I knew it was some

1 weird name.

2 And anyway, we got to talking to  
3 him about working with him for like the room,  
4 just doing maintenance and doing the  
5 housekeeping and everything, just strictly for  
6 the room.

7 And so we started doing that for a  
8 little while and then my brother was like  
9 wanted out of Tarrant County, or he was up here  
10 on probation from Tarrant County, and his dad  
11 tracked him down to that motel and talked him  
12 into going in and turning himself in, so I  
13 stayed there for a while.

14 And then one of the bosses because  
15 there was like two bosses and this Rob  
16 Brassfield, which is like the main boss that  
17 gives us our payroll and everything like that  
18 and then his brother, Mark Brassfield.

19 Anyway, Mark came by the motel one  
20 time like a couple of weeks before Christmas  
21 and told me that as long as I was in Oklahoma  
22 City or as long as they were in Oklahoma City  
23 or I could find them that if they were doing  
24 work that I was more than welcome to come back  
25 to work and then -- but he told me he was going

1 to California for a couple of weeks.

2 BY MR. COOK: How did he know you  
3 were at the motel?

4 BY MR. SNEED: Because he knew I  
5 was -- or he knew that me and Wes were -- had  
6 quit them to work for this motel because we  
7 still had one roommate named Jesse. I can't  
8 even think of his last name. He was a Mexican  
9 guy that was living with us when we quit him.  
10 And he was still working for these guys, and he  
11 knew that we was working for the motel.

12 And so he just came by cruising by  
13 one day and I happened to be outside and he  
14 stopped and I talked to him and everything.

15 BY MR. BEMO: What kind of work  
16 does he do? I mean, what kind of work do you  
17 do for him?

18 BY MR. SNEED: For the  
19 Brassfields?

20 BY MR. BEMO: Yeah.

21 BY MR. SNEED: Roofing.

22 BY MR. BEMO: Roofing? Are they  
23 just --

24 BY MR. SNEED: They contract from  
25 like All American -- or out of Oklahoma City.

1 BY MR. BEMO: Do they have a lot  
2 of work here in Oklahoma City?

3 BY MR. SNEED: Yes. They have  
4 been pretty busy since July 4th.

5 BY MR. BEMO: So they just never  
6 had gone back to -- where did you come from out  
7 of Texas up to here?

8 BY MR. SNEED: From Eastland  
9 County.

10 BY MR. BEMO: Cisco?

11 BY MR. SNEED: Yeah, Cisco.

12 BY MR. BEMO: Okay. Is that where  
13 the main company is?

14 BY MR. SNEED: That's where  
15 they're from. That's where they usually roof  
16 from. And then they're kind of like I guess  
17 you could call us stormtroopers, wherever there  
18 is a heavy storm at they know, you know, quite  
19 a few people or quite a few companies that they  
20 can go contract from whenever there's a good  
21 storm at.

22 BY MR. COOK: I see. Well, this  
23 is kind of a bad time of the year, isn't it? I  
24 mean, as cold as it's been?

25 BY MR. SNEED: Yeah. Well, they

1 still got quite a bit of business doing like,  
2 when this cold spell hit. They have been just  
3 working like four or five hours a day, you  
4 know, putting on about 10 square a day and then  
5 quitting for the day instead of having  
6 everybody out in the cold all day long.

7 BY MR. COOK: Man, I bet that's  
8 rough.

9 BY MR. SNEED: Yeah, it is. We  
10 have been off. We took off the last two or  
11 three days except for today. We went and put a  
12 15 squares (inaudible) on.

13 BY MR. BEMO: It's hard work,  
14 isn't it?

15 BY MR. SNEED: No kidding.

16 BY MR. BEMO: Well, how did you  
17 get -- how did you get fixed up at the motel as  
18 far as, you know, your job there?

19 BY MR. SNEED: Well, I really just  
20 kind of popped into it. It was more my brother  
21 and the manager taking about working for the  
22 room, but my brother was saying me and him  
23 would work for the room, but I know that they  
24 conversed it, and I just started working for  
25 the motel and doing the maid service and

1 everything.

2 BY MR. COOK: You got your room?

3 BY MR. SNEED: Yeah. And then he  
4 would buy me supper like every other night or  
5 so, you know, just whenever that is, he had a  
6 little spare money to buy me supper with.

7 BY MR. BEMO: Is this the manager?

8 BY MR. SNEED: Yes.

9 BY MR. BEMO: Rich?

10 BY MR. SNEED: Yes.

11 BY MR. COOK: I'm sorry, you said  
12 every other night or so he would buy your  
13 supper or every night?

14 BY MR. SNEED: Well, there was a  
15 couple of nights that, you know, I didn't -- he  
16 didn't buy me nothing to eat or nothing.

17 BY MR. COOK: That's kind of  
18 rough, isn't it?

19 BY MR. SNEED: Yes. It was pretty  
20 rough. That's why I went ahead and decided to  
21 go back to work for the roofing company.

22 BY MR. BEMO: Does it pay pretty  
23 good?

24 BY MR. SNEED: They pay me \$5 an  
25 hour but we -- during the summertime we can get

1           like 15-16 hours a day because we get started a  
2           little bit before sunrise because we can do a  
3           lot tearing off without, you know, any sunlight  
4           and then during the summertime it don't get  
5           dark until like 9:30, so, you know.

6                       BY MR. BEMO:   (Inaudible)

7                       BY MR. SNEED:  Yeah.  Pretty much  
8           we work all day, every day, and that's how we  
9           were working when I first come up here.  It was  
10          all day every day.  But any day they didn't get  
11          a chance to work without it being really,  
12          really cold then they'll work, even Sundays.

13                      BY MR. BEMO:  So you've been in  
14          town since July the 3rd?

15                      BY MR. SNEED:  Yeah.

16                      BY MR. BEMO:  Have you gone back  
17          home for any reason since then?

18                      BY MR. SNEED:  No, sir.

19                      BY MR. BEMO:  Are you from Cisco,  
20          Texas?

21                      BY MR. SNEED:  No.  I'm from -- I  
22          was born in Artesia but I have lived in Cisco  
23          since I was four years old.

24                      BY MR. BEMO:  Oh, have you?

25                      BY MR. SNEED:  So you can

1            basically say that I was from Cisco, I guess.

2                        BY MR. BEMO:    Is that where your  
3            parents are?

4                        BY MR. SNEED:    My mother lived in  
5            Cisco, but I think she's recently moved to  
6            Breckenridge since I've been up here, which is  
7            just like 35 miles away from Cisco.    It's like  
8            Stevens County.

9                        BY MR. COOK:    Okay.    Are your mom  
10           and mother together?    I mean, your dad and mom  
11           together or are they --

12                        BY MR. SNEED:    No.    My dad still  
13           lives in New Mexico, that I know of.    I haven't  
14           talked to him in several years.    And my mom was  
15           dating a guy name Jose Reyes that worked at  
16           Crestridge which is a mobile home factory in  
17           Breckenridge.

18                        BY MR. BEMO:    Okay.    So that's  
19           where she's at now?

20                        BY MR. SNEED:    Yes.

21                        BY MR. BEMO:    Do you maintain  
22           pretty close ties to your mom?

23                        BY MR. SNEED:    I haven't called  
24           her in a while.

25                        BY MR. BEMO:    I see.    Now, do you



1 have another brother besides Wes?

2 BY MR. SNEED: Yes. His name is  
3 Jeremy.

4 BY MR. BEMO: Jeremy?

5 BY MR. SNEED: He's my real  
6 brother. He's like a year old other than I am.

7 BY MR. BEMO: He's a year older  
8 than you are?

9 BY MR. SNEED: Yeah.

10 BY MR. BEMO: Is he in  
11 Breckenridge or where's he at?

12 BY MR. SNEED: Yes. He works at  
13 that mobile home factory.

14 BY MR. BEMO: Oh, he does?

15 BY MR. SNEED: Or the last I knew  
16 of he did. I don't know if he still does, but  
17 he did when I come up here.

18 BY MR. BEMO: Okay. Have you  
19 maintained any contact with him?

20 BY MR. SNEED: No. I haven't  
21 talked to him in a while either.

22 BY MR. BEMO: Okay. So who were  
23 some of your friends up here?

24 BY MR. SNEED: The only people I  
25 really knew was like -- when the people that

1           popped in and out of the motel I just talked to  
2           them for a little while if they were in that  
3           motel and then when they moved out I didn't  
4           really didn't never hear from them.

5                       BY MR. BEMO: I see. So you --

6                       BY MR. SNEED: So I didn't really  
7           -- the only person I mainly associated with was  
8           the manager.

9                       BY MR. BEMO: Okay. I understand  
10          you all were pretty good friends.

11                      BY MR. SNEED: Oh, we got along.  
12          We got along pretty good. I had no problems  
13          with him or nothing.

14                      BY MR. BEMO: Well, do you want to  
15          -- let's get down to -- to business here.

16                      Do you want to tell us what  
17          happened out there, how this all got started  
18          and run it down to us?

19                      BY MR. SNEED: Huh-uh.

20                      BY MR. BEMO: You don't want to  
21          tell us about it?

22                      BY MR. SNEED: I don't really know  
23          what to say about it.

24                      BY MR. BEMO: Well, let me tell  
25          you, there's -- there's a lot of people, you

1 know, when something like this happens  
2 everybody tried to save themselves.

3 BY MR. SNEED: Uh-huh.

4 BY MR. BEMO: And everybody wants  
5 to make themselves look as good as they can,  
6 you know, to the -- to the police. Because  
7 then all of a sudden, you know, the cat's out  
8 of the bag and everybody knows what's going on.

9 Well, they've made you the  
10 scapegoat in this. You know, everybody is  
11 saying you're the one that did this and you did  
12 it by yourself and I don't believe that.

13 You know Rich is under arrest,  
14 don't you?

15 BY MR. SNEED: No. I didn't know  
16 that.

17 BY MR. BEMO: Yeah. He's under  
18 arrest, too.

19 BY MR. SNEED: Okay.

20 BY MR. BEMO: So he's the one --  
21 he's putting it on you the worst.

22 Now, I think that there's more to  
23 this than just you being by yourself and I  
24 would like for you to tell me what -- how this  
25 got started and what happened and --

1 BY MR. SNEED: Well, I think one  
2 time when my brother went and turned himself in  
3 he had said something, you know, about setting  
4 it up some way to where the place looked like  
5 it got robbed or something like that.

6 And then -- then he went and, you  
7 know, went and turned himself back into Tarrant  
8 County for violating his probation and that's  
9 all that, you know, I pretty much knew about  
10 that.

11 BY MR. BEMO: Well, now I'm not  
12 talking about -- now you're talking about maybe  
13 setting up a robbery at the motel and then  
14 having Rich give a bad description and split  
15 the money?

16 BY MR. SNEED: Yeah, I guess,  
17 something like that. I really don't know what  
18 they --

19 BY MR. BEMO: Well, Rich told us  
20 you came to him with that idea.

21 BY MR. SNEED: No. You see, like  
22 my brother came to him with like that idea.  
23 And then, after my brother went and turned  
24 himself in, Rich had told me that Wes had said  
25 something like that to him.

1 BY MR. BEMO: Was he trying to  
2 proposition you with that idea?

3 BY MR. SNEED: I guess.

4 BY MR. COOK: Well, basically what  
5 he's saying, Justin, is that Rich told us that  
6 you're the one that came to him with that idea.

7 BY MR. BEMO: He's putting it off  
8 on you, Justin. That's what he told us.

9 BY MR. SNEED: No. I don't  
10 understand that.

11 BY MR. BEMO: And now Rich is  
12 trying to save himself by saying that you're in  
13 this by yourself, that it was all your doing  
14 and you're the one that -- that did the  
15 homicide, it was you, that you came to him and  
16 told him about it; is that true?

17 BY MR. SNEED: (Shakes head)

18 BY MR. COOK: Okay. Why don't you  
19 straighten this out then.

20 BY MR. BEMO: Tell us what  
21 happened.

22 BY MR. SNEED: All I know is that,  
23 like I said, that he told me that my brother  
24 had told him that, you know, came up to him and  
25 tried to proposition and things like that which

1 I didn't know -- I didn't even know that my  
2 brother was going to go, you know, because my  
3 brother didn't even say nothing to me about it.  
4 And then, you know, after he turned himself in  
5 Rich had said something to me that Wes had said  
6 something like that to him, but it didn't  
7 really go no further than that.

8 BY MR. BEMO: Okay. Fine. How  
9 about the man, the owner of the motel, that's  
10 what I want you to tell me about.

11 BY MR. SNEED: I met him a couple  
12 of times, but I never knew when he was at the  
13 motel or nothing, but I met him a couple of  
14 times when we were trying to fix the TVs, we'd  
15 say we had like some problem with the amplifier  
16 or something like that that would reduce the  
17 power to the lines and that's why -- I mean,  
18 and I think we only messed with it like twice  
19 and then went and bought a whole brand new  
20 system and put it in. And that was the only  
21 time I really ran in to him was when we were  
22 trying to fix the TVs.

23 BY MR. BEMO: Okay. Are you  
24 saying that you didn't kill him?

25 BY MR. SNEED: Yes, sir.

1 BY MR. BEMO: Well, that ain't  
2 going to a get it. They're putting it all off  
3 on you. That's what I'm trying to tell you.

4 BY MR. COOK: You know, Justin, I  
5 suppose I'm not so sure if I wasn't in your  
6 shoes I wouldn't say the same thing you're  
7 saying.

8 But we've gone through a lot of  
9 trouble, we've gone to a lot of work,  
10 investigation. And what you're saying there  
11 doesn't add up with everything else that we  
12 have discovered, not only with our technical  
13 investigation but also you told some folks some  
14 things. Okay?

15 BY MR. SNEED: What do you mean?

16 BY MR. COOK: Well, what I mean is  
17 according to Rich, you told him...

18 BY MR. BEMO: That you killed the  
19 man, the owner of the hotel.

20 BY MR. COOK: And what we want you  
21 to do is try to do the manly thing here and get  
22 this thing straightened out. We want to hear  
23 your side of it.

24 If it's just -- if it went bad or  
25 you didn't mean to do it you need to tell us

1           that and that's what we'll tell the District  
2           Attorney's office. But you need to get  
3           straight with us and tell us what's going on  
4           here.

5                         And this stuff about gee, you  
6           know, I replaced a speaker system in a TV and  
7           that's the only time I've ever run into him.  
8           That ain't going to cut it, man. It's gone too  
9           far for that.

10                        BY MR. BEMO: It's gone way too  
11           far. There's too many other witnesses that  
12           have come forward that will testify against  
13           you.

14                        BY MR. COOK: Okay.

15                        BY MR. BEMO: And if you don't --  
16           if you don't try to get it straightened out  
17           with us when you go into court like that --

18                        BY MR. COOK: Okay. Now we're not  
19           -- we're not bad people. We're not trying to  
20           bully you or pressure you, but we're telling  
21           you, this is not going to get it.

22                        You're going to have to get  
23           straight with us, you're going to have to get  
24           straight with yourself, and mainly you have to  
25           get it straight with the Almighty. But you



1           need to do that now. All right?

2                       BY MR. BEMO: You need to tell us  
3           how this all started.

4                       BY MR. COOK: I mean, buddy, let  
5           me tell you, I can certainly understand your  
6           predicament. I don't know how in the world you  
7           managed to work just for your room. I do not  
8           understand that.

9                       BY MR. SNEED: All I basically did  
10          was, I was comped out, according to what I was  
11          told by Rich I was -- I was being comped out on  
12          my room.

13                      BY MR. COOK: Well, I'm amazed.  
14          I'm impressed that you were able to do that,  
15          but my gosh, you were probably starving to  
16          death.

17                      BY MR. SNEED: Well, like I told  
18          you that every now and then he would buy me  
19          some food.

20                      BY MR. COOK: But still, I mean, I  
21          would hate to have to live on that. I'm  
22          feeling sorry for you is what I'm saying here.

23                      BY MR. SNEED: Yeah.

24                      BY MR. COOK: I can appreciate the  
25          bad situation you're in even to the point of

1           where you're feeling desperate. I think maybe  
2           I would feel desperate in that situation, but I  
3           need you to get straight with us now and tell  
4           us what's going on, because we've been doing  
5           this for a lot of years.

6                       And on this particular situation  
7           we have worked on it ever since it's happened  
8           and I think we know what has happened. Some  
9           stuff I know we know, some stuff we think we  
10          know, and we would like for you to straighten  
11          us out for sure.

12                      And anything you tell us we're  
13          going to go tell the District Attorney. I  
14          mean, if it's a situation where you didn't mean  
15          to do this, got carried away, and you're  
16          sincere and you're telling the truth, we'll go  
17          tell the man that.

18                      BY MR. BEMO: But we want to know  
19          whose -- whose idea it was.

20                      BY MR. COOK: Is it all your idea,  
21          the whole thing?

22                      BY MR. SNEED: No, sir.

23                      BY MR. COOK: Well, okay, tell me.

24                      BY MR. BEMO: You need to tell us  
25          about it.

1 BY MR. SNEED: Okay. Rich told me  
2 that he would split what money we could get out  
3 of Barry. I think that's -- his name was  
4 Barry.

5 BY MR. COOK: Right.

6 BY MR. SNEED: That's what I was  
7 told his name was anyway. And we come and woke  
8 me up like at three o'clock in the morning and  
9 told me that Barry had just got there. And  
10 that -- he told me that he knew where the money  
11 was and that he was sitting on like \$7,000.  
12 And so we went into the room.

13 BY MR. BEMO: Did you use a key to  
14 get in?

15 BY MR. SNEED: Yes, sir.

16 BY MR. BEMO: Okay.

17 BY MR. COOK: Was it a situation  
18 where you both go into the room or is it just  
19 you going into the room?

20 BY MR. SNEED: I just went in  
21 (inaudible) with a set of keys.

22 BY MR. BEMO: How you were going  
23 in --

24 BY MR. SNEED: Barry had a set of  
25 keys.

1 BY MR. BEMO: With a set of keys?

2 BY MR. SNEED: Yeah.

3 BY MR. BEMO: Okay. Did Rich give  
4 you the key to the room?

5 BY MR. SNEED: No. I had a set of  
6 master keys that I walked around with because  
7 if I did like open the laundry and I had a  
8 master key to most of the rooms in the motel  
9 except back there was eight or nine odd ball  
10 doorknobs which I would have to go to the  
11 office and get a key for if I was to get in  
12 those rooms.

13 BY MR. BEMO: Okay. Continue. Go  
14 ahead.

15 BY MR. SNEED: Anyway, Barry was  
16 like there that night and he called me and told  
17 me that Barry was here, you know, and that to  
18 be in my room if anybody called for complaints  
19 like for extra towels or if their heater didn't  
20 work or if they needed their TV adjusted or  
21 something like that because he calls me when  
22 he's not usually there telling me to be in the  
23 room and he was going to call me and use the  
24 phone and I came in there so if he needs to  
25 find me right there, so...

1 BY MR. BEMO: Especially if the  
2 owner is there, sure.

3 BY MR. SNEED: Yeah. So I came to  
4 take care of it right quick and everything  
5 and...

6 BY MR. COOK: About what time was  
7 this when he told you that?

8 BY MR. SNEED: It was kind of --  
9 about four or five o'clock in the afternoon.

10 BY MR. COOK: Okay. So it's still  
11 -- still early evening, okay?

12 BY MR. SNEED: And then he called  
13 me back and told me that Barry was going like  
14 to Tulsa which, you know, like another motel in  
15 Tulsa or something like that. And then he come  
16 and woke me up at three o'clock in the morning  
17 and said that he had just seen his car pull in.

18 And he said he was going back up  
19 to the front desk and for me to go in and get  
20 his car keys because he said he would know  
21 where the money was and everything.

22 BY MR. COOK: Now, I'm sorry, tell  
23 me that part again. He wanted you to go in and  
24 get his car keys because -- because what?

25 BY MR. SNEED: Because I guess the

1 money was --

2 BY MR. COOK: Was in the car?

3 BY MR. SNEED: Right. Yeah.

4 BY MR. COOK: Where did Berry keep  
5 his car?

6 BY MR. SNEED: Right there in  
7 front of the door.

8 BY MR. COOK: Right there under  
9 the awning, right by the office door?

10 BY MR. SNEED: And after  
11 everything kind of got out of control we  
12 transported the car over to the back parking  
13 lot.

14 BY MR. BEMO: Well, now wait a  
15 minute. I want you to go ahead and detail  
16 about after you -- you go in, you go into the  
17 room. Go back to that and tell us what  
18 happens.

19 BY MR. SNEED: After he woke up?

20 BY MR. COOK: Go ahead. He was in  
21 bed asleep?

22 BY MR. SNEED: Yeah.

23 BY MR. COOK: Okay.

24 BY MR. SNEED: And then I just  
25 really meant just to knock him out, you know.

1 BY MR. BEMO: What did he say to  
2 you?

3 BY MR. SNEED: He just kind of  
4 jumped out of his bed, you know. He really  
5 didn't never -- never say anything.

6 BY MR. COOK: Was there a light on  
7 inside or was it dark?

8 BY MR. SNEED: No, no. It was  
9 dark.

10 BY MR. COOK: Could you see well  
11 enough?

12 BY MR. SNEED: Yeah, from like the  
13 outside light that was shining through the  
14 blinds.

15 BY MR. COOK: So the blinds were  
16 open and there was some -- some outside light  
17 coming through?

18 BY MR. SNEED: The blinds in that  
19 room are kind of like warped. I don't know how  
20 they got warped but they were kind of -- a few  
21 of them were bent out of shape.

22 BY MR. BEMO: Sure. The light  
23 could get through there?

24 BY MR. COOK: So there was enough  
25 light coming through where you could see what

1 was going on and he was in bed when you went  
2 in?

3 BY MR. SNEED: (Nods head)

4 BY MR. COOK: Okay.

5 BY MR. BEMO: So he jumps up and  
6 then what happens?

7 BY MR. COOK: You said you meant  
8 to knock him out. Did you hit him with  
9 something?

10 BY MR. SNEED: Yes.

11 BY MR. COOK: What?

12 BY MR. SNEED: A baseball bat.

13 BY MR. COOK: Really. And where  
14 did you get this bat?

15 BY MR. SNEED: I found it in a  
16 room when I was cleaning some rooms. It was  
17 like we had this big fat black dude working for  
18 us at one time when I first started working  
19 there. He was already working there and when  
20 he quit and moved out when I cleaned his room  
21 and everything I found it.

22 BY MR. COOK: Where is this bat  
23 now, man?

24 BY MR. SNEED: I put it in the  
25 dumpster.



1 BY MR. COOK: In the dumpster?

2 BY MR. SNEED: Yeah.

3 BY MR. COOK: Okay. And so anyway  
4 how many times would you estimate, you know,  
5 now correct me if I'm wrong here, is Barry kind  
6 of stout? I mean, he's -- he's an older man  
7 but he's kind of stout; is he not?

8 BY MR. SNEED: I would -- I would  
9 say he's pretty stout.

10 BY MR. COOK: When -- when you  
11 tried to knock him out did that take some of  
12 the stoutness out of him? Do you understand  
13 what I'm saying?

14 BY MR. SNEED: I just only like  
15 hit him two or three times. I figured I would  
16 just knock him out.

17 BY MR. COOK: Sure. Did it work?

18 BY MR. SNEED: Yes.

19 BY MR. BEMO: Did he hit you in  
20 the eye?

21 BY MR. SNEED: Something  
22 collisioned me in the eye. I don't know what  
23 it was but...

24 BY MR. COOK: So...

25 BY MR. SNEED: I don't know what

1 it was, if it was like his elbow or --

2 BY MR. BEMO: Well, there must  
3 have been some kind of struggle because the  
4 window got broke out.

5 BY MR. SNEED: Oh, that's because  
6 I hit it with the baseball bat. The baseball  
7 bat tagged it.

8 BY MR. BEMO: Well, there's blood  
9 on the window, though.

10 BY MR. SNEED: I don't know where  
11 that came from.

12 BY MR. BEMO: How did you cut your  
13 ear?

14 BY MR. SNEED: I don't know how  
15 that little scratch got there. I really don't.

16 BY MR. COOK: Don't you think it  
17 came from this encounter that you had?

18 BY MR. SNEED: Yes, possibly.

19 BY MR. COOK: Well, did Barry put  
20 up a fight, Justin?

21 BY MR. SNEED: Yeah. He danced  
22 around a little bit and then I kind of knocked  
23 him to where he was down on the floor and then  
24 I tapped him a couple more times and when he  
25 quit moving I kind of left him alone because I

1           figured he was knocked out.

2                   BY MR. COOK: Then what, did you  
3 get the keys?

4                   BY MR. SNEED: Yes.

5                   BY MR. COOK: Okay. Where were  
6 they?

7                   BY MR. SNEED: They were in his  
8 pants pockets.

9                   BY MR. COOK: Now when you say  
10 keys are we talking just a key, several keys?

11                   BY MR. SNEED: It was like a set  
12 of keys. I couldn't tell you how many keys.  
13 It was probably 25 keys on there.

14                   BY MR. BEMO: Were they on -- were  
15 they on just like a key ring?

16                   BY MR. SNEED: I think it was --  
17 some of them were on a bigger key ring and then  
18 there was two or three of them on a smaller key  
19 ring.

20                   BY MR. BEMO: Was there something  
21 holding them together?

22                   BY MR. SNEED: The were locked,  
23 the key rings were like interlocked,  
24 interlocked.

25                   BY MR. COOK: Oh, like -- like

1 this?

2 BY MR. SNEED: Yes.

3 BY MR. BEMO: Oh, okay. What  
4 about his car keys?

5 BY MR. SNEED: They were on there.

6 BY MR. COOK: I see. Anything  
7 unusual about the car keys? Were they on one  
8 of the rings or were they on --

9 BY MR. SNEED: Yes. They were on  
10 one of the rings.

11 BY MR. BEMO: What was the idea of  
12 taking the car where you took it?

13 BY MR. SNEED: That's after we  
14 found out that he wasn't going to get back up.

15 BY MR. BEMO: That what?

16 BY MR. SNEED: That was after we  
17 found out that he wasn't going to get back up.

18 BY MR. BEMO: Okay. Well, tell us  
19 about all that. You knock -- you think you've  
20 knocked him out, right?

21 BY MR. SNEED: Yeah.

22 BY MR. BEMO: Okay.

23 BY MR. SNEED: Then we got the  
24 money out of the car and we went back --

25 BY MR. COOK: Well, wait, wait,

1 wait. Let's back up just a little bit. I'm  
2 sorry to stop you, but I want to make sure I  
3 understand.

4 Let's go back to the point where  
5 he's laying there on the floor, you said you  
6 tapped him two or three more times, you get the  
7 keys, where were they? Were they in his pants  
8 pocket? Were they laying there?

9 BY MR. SNEED: They were like on  
10 the -- on the little couch deal that was in the  
11 room.

12 BY MR. COOK: Just laying there on  
13 the couch deal?

14 BY MR. SNEED: Yes, his pants  
15 were. And then I just kind of felt in his  
16 pants and felt the keys, then --

17 BY MR. COOK: I see. You get the  
18 keys out, then what?

19 BY MR. SNEED: And then Rich told  
20 me after I got the keys to come back up to the  
21 office, so I went back up to the office.

22 BY MR. COOK: Did you shut the  
23 door to the motel room?

24 BY MR. SNEED: Yes.

25 BY MR. COOK: And what room is

1 this?

2 BY MR. SNEED: I think it was 102.

3 BY MR. COOK: Okay. So you shut  
4 the door behind you?

5 BY MR. SNEED: Yes.

6 BY MR. COOK: You go back to the  
7 office?

8 BY MR. SNEED: Yes.

9 BY MR. COOK: Do you have any idea  
10 what time it was now, man?

11 BY MR. SNEED: I don't know. It  
12 was like three o'clock when Rich woke me up and  
13 told me that he was back.

14 BY MR. COOK: So it's after three?

15 BY MR. SNEED: Yes.

16 BY MR. COOK: If you were guessing  
17 you would say?

18 BY MR. SNEED: It would probably  
19 be like 4:30 or 5 o'clock at the most.

20 BY MR. COOK: Okay. So at 4:30 or  
21 5:00 you go back to the office and Rich is  
22 still -- is it office unlocked?

23 BY MR. SNEED: Well, no. He made  
24 me lock it and I just rang the buzzer and he  
25 come up there. And then we went and got the \*

1 money out of the car and went and took it back  
2 to my room so that I guess like his girlfriend  
3 wouldn't know nothing or nothing like that and  
4 we split the money. \*

5 BY MR. BEMO: How much money did  
6 you get?

7 BY MR. SNEED: Like about \$1900.  
8 I mean, he told me that the guy was sitting on  
9 like 7,000 but it only come up to being a  
10 little less than five, I think.

11 BY MR. BEMO: 5,000?

12 BY MR. SNEED: No. A little less  
13 than four, right at four.

14 BY MR. BEMO: Right at 4,000. So  
15 did you count the money there to see how much  
16 was in the -- that he had there and then split  
17 it up equally?

18 BY MR. SNEED: No. We just kind  
19 of tossed like -- like a -- like a grand here  
20 and then we tossed a grand there and then we  
21 just kind of divided it like into two piles and  
22 never really counted it.

23 BY MR. BEMO: So you got close to  
24 2,000 a piece?

25 BY MR. SNEED: Yes.

1 BY MR. BEMO: How much money of  
2 that -- how much of that money do you have  
3 left?

4 BY MR. SNEED: Like 1700.

5 BY MR. BEMO: Where is it at?

6 BY MR. SNEED: It's at the  
7 apartment that I was at.

8 BY MR. BEMO: Is it back still up  
9 in the apartment?

10 BY MR. SNEED: No. It's at the  
11 apartment I was recently at.

12 BY MR. BEMO: Oh, just recently  
13 at?

14 BY MR. COOK: You mean you felt  
15 safe to leave it there?

16 BY MR. SNEED: No. I just left it  
17 there when my boss showed up and told me to  
18 come up here.

19 BY MR. BEMO: Oh. Okay, now --

20 BY MR. COOK: Excuse me just a  
21 minute before you ask anything else. This  
22 money, is it with somebody or --

23 BY MR. SNEED: No.

24 BY MR. BEMO: That's what I was  
25 going to ask.



1 BY MR. SNEED: No. It's in a  
2 drawer that -- that has some -- like a couple  
3 of old pairs of my socks and a couple --

4 BY MR. COOK: Which apartments are  
5 you staying at?

6 BY MR. SNEED: Oh, it's like, I  
7 don't know the name of the complex but like  
8 Buffalo is right here and then you got 23rd and  
9 then Council is right here and there's like a  
10 Quick Shop right here and like a mini-mart over  
11 here and mini-mart right there and then there's  
12 a little road that goes back and there's a  
13 complex right there..

14 BY MR. COOK: Okay.

15 BY MR. SNEED: And it's like  
16 around back. And when you come to the back --  
17 the end of the driveway you like hit the  
18 stoppers.

19 BY MR. COOK: Is this an  
20 apartment?

21 BY MR. SNEED: Yes. It's a whole  
22 apartment complex.

23 BY MR. COOK: What's the name of  
24 it?

25 BY MR. SNEED: I don't know the

1 name of the complex.

2 BY MR. COOK: How in the world did  
3 you find it? Is there somebody sharing that  
4 apartment with you?

5 BY MR. SNEED: Yes. Some of the  
6 other roofing crew is staying there.

7 BY MR. COOK: But you feel pretty  
8 -- pretty sure that your money is safe there?

9 BY MR. SNEED: Yes.

10 BY MR. COOK: Okay. Do you have  
11 -- you say it's -- did I understand you to say  
12 is there a sock or in some socks there?

13 BY MR. SNEED: Well, it's in like  
14 one of those round Crown Royal bags.

15 BY MR. COOK: Yeah.

16 BY MR. SNEED: But I have like  
17 some socks and some underwear.

18 BY MR. COOK: Kind of on top of it  
19 to cover it?

20 BY MR. SNEED: Yeah. It's like in  
21 a drawer.

22 BY MR. COOK: Do you have -- is  
23 that drawer yours?

24 BY MR. SNEED: Yes. They told me  
25 that I could use those drawers for my clothes

1 and everything.

2 BY MR. COOK: Cool. Cool.

3 BY MR. SNEED: And I kind of  
4 didn't grab all of my socks and underwear.  
5 They told me to bring some of my clothes up  
6 here.

7 BY MR. COOK: Okay. Now let me  
8 ask you, let me go back just a little bit here.  
9 Okay?

10 Now you mentioned that you went up  
11 to the office and you took the keys up there.  
12 Now then, when you got to the office you rang  
13 the bell and you rang the bell as opposed to  
14 knocking on the door?

15 BY MR. SNEED: Yes. There's a  
16 little door bell there.

17 BY MR. COOK: And where is this  
18 doorbell? Is it over on the -- on the east  
19 side, west side? Is it on the side over by  
20 where Council Road is or on the other end?

21 BY MR. SNEED: Well, the office  
22 door faces the -- the Council Road.

23 BY MR. COOK: Uh-huh.

24 BY MR. SNEED: And the doors are  
25 back here. And then like on the side of the

1 brick and everything there's a little buzzer.

2 BY MR. COOK: So you just hit the  
3 buzzer?

4 BY MR. SNEED: And then he come  
5 and answered the door. He presumed it was me  
6 seeing how he woke me up just a few minutes  
7 or...

8 BY MR. COOK: So he's kind of  
9 waiting on you?

10 BY MR. SNEED: Yeah.

11 BY MR. COOK: And so did he let  
12 you in or did he come outside?

13 BY MR. SNEED: No. He came and  
14 unlocked the door and then told me that he  
15 would meet me over there at my motel room and  
16 then I went up to my -- my room and then --

17 BY MR. COOK: Which is room number  
18 what?

19 BY MR. SNEED: 117.

20 BY MR. COOK: Okay. So you went  
21 around there to your room?

22 BY MR. SNEED: Yeah.

23 BY MR. COOK: And then he met you  
24 there?

25 BY MR. SNEED: Yes.

1 BY MR. COOK: Okay. And --

2 BY MR. SNEED: Then we got the  
3 money and split it.

4 BY MR. COOK: Wait. You're going  
5 a little fast for me. You haven't looked in  
6 the car yet, right?

7 BY MR. SNEED: Right.

8 BY MR. COOK: Okay. So you're up  
9 in your room with him? You two guys then  
10 decide to go down and look through his car?

11 BY MR. SNEED: No. He knew where  
12 the money was.

13 BY MR. COOK: Okay. So did you  
14 just give him the key?

15 BY MR. SNEED: No. I went and got  
16 the money.

17 BY MR. COOK: Oh, you went and got  
18 the money?

19 BY MR. SNEED: Yes.

20 BY MR. COOK: Where was it  
21 exactly?

22 BY MR. SNEED: It was under the  
23 car seat.

24 BY MR. COOK: Under the car seat?  
25 And it was in what?

1 BY MR. SNEED: Like a brown  
2 envelope, just a regular envelope but it was  
3 brown.

4 BY MR. COOK: I see. Just one  
5 envelope?

6 BY MR. SNEED: Yes.

7 BY MR. COOK: And all that money  
8 was in just one envelope?

9 BY MR. SNEED: Yes.

10 BY MR. COOK: You got the money?

11 BY MR. SNEED: Yes.

12 BY MR. COOK: Did you take -- and  
13 where was he when you got the money?

14 BY MR. SNEED: Well, he walked  
15 around there with me but I unlocked the door  
16 and everything and Rich's in there.

17 BY MR. COOK: I see. And then  
18 what? Did you guys go back up to the motel  
19 room?

20 BY MR. SNEED: We went back to my  
21 room and then we went and checked on Barry and  
22 then I transported the car.

23 BY MR. COOK: Okay. Now wait,  
24 wait. After you get the money you go back up  
25 to 117, correct? You split the money up when

1           you're up in 117 right then?

2                       BY MR. SNEED:   (Nods head)

3                       BY MR. COOK:   Okay.   And then the  
4           two of you go back downstairs and you say to  
5           check on Barry?

6                       BY MR. SNEED:   Yeah.   We went and  
7           peeked the door open to see if he got up or  
8           anything.

9                       BY MR. COOK:   Did both of you or  
10          just you or just him or were you both together?

11                      BY MR. SNEED:   Yes.

12                      BY MR. COOK:   What about the  
13          broken glass from the window?   I'm sure there  
14          was some laying out on the sidewalk, wasn't  
15          there?

16                      BY MR. SNEED:   Yeah.   I picked it  
17          up real quick.

18                      BY MR. COOK:   And what did you do  
19          with it?

20                      BY MR. SNEED:   That's when we  
21          pretty much found out that he wasn't going to  
22          move again.   I just kind of chunked it inside  
23          the doorway and then we had me go pick up a  
24          piece of -- piece of Plexiglas to put over the  
25          window there.

1 BY MR. COOK: What about Barry?

2 BY MR. SNEED: We just kind of let  
3 him alone.

4 BY MR. COOK: Well, did you do  
5 anything to Barry?

6 BY MR. SNEED: Actually, Rich  
7 asked me to kill Barry and that's what he'd  
8 done, yes.

9 BY MR. COOK: Rich asked you to  
10 kill Barry?

11 BY MR. SNEED: Yes. So that he  
12 could run the motel without him being the boss.

13 BY MR. COOK: And in exchange for  
14 doing this?

15 BY MR. SNEED: I would get seven  
16 grand and (inaudible).

17 BY MR. COOK: You get all of it or  
18 you just split it?

19 BY MR. SNEED: Well, he told me  
20 that he would give me all of it, but after it  
21 happened he decided he wanted to split it. And  
22 then from then on out he said he was going to  
23 rent rooms off the books and keep money back  
24 and everything and slide me some on the side.

25 BY MR. COOK: So in addition



1           you're going to get -- feather your nest, so to  
2           speak?

3                       BY MR. SNEED:   Yeah.

4                       BY MR. COOK:   I see.   Okay.   So  
5           when you leave your room from splitting up the  
6           money you go down and you check on Barry; is  
7           that correct?

8                       BY MR. SNEED:   (Nods head)

9                       BY MR. COOK:   Now you both check  
10          on Barry?

11                      BY MR. SNEED:   (Nods head)

12                      BY MR. COOK:   You need to answer  
13          me.

14                      BY MR. SNEED:   Yes.   We both went  
15          in the room and found out that he was  
16          completely dead.

17                      BY MR. COOK:   And what about the  
18          bed clothes, the sheets, the blankets?

19                      BY MR. SNEED:   Well, I kind of  
20          pulled those off of there and I kind of pulled  
21          those off of there and tried to put them over  
22          him.

23                      BY MR. COOK:   That's what I'm  
24          getting at.

25                      BY MR. SNEED:   Yeah.   We put them

1 over --

2 BY MR. COOK: We did, both of you  
3 did or is it just you -- or not that it makes  
4 any difference.

5 BY MR. SNEED: I know I grabbed  
6 them and kind of tossed them over his body a  
7 little bit.

8 BY MR. COOK: Why did you do that?  
9 What was the idea?

10 BY MR. SNEED: Just to cover him  
11 up a little bit.

12 BY MR. COOK: Okay. Is that -- is  
13 that right after you picked up the broken glass  
14 and put it in there?

15 BY MR. SNEED: I can't recall if  
16 it was after or before or during.

17 BY MR. COOK: But was it during  
18 that same visit that you covered him up and put  
19 the glass in there?

20 BY MR. SNEED: Yes.

21 BY MR. COOK: Okay. Was there  
22 anything else you did?

23 BY MR. SNEED: Moved the car to  
24 the back parking lot.

25 BY MR. COOK: Okay. Now then --

1 BY MR. SNEED: He asked me to move  
2 it to the back parking lot. He told me after  
3 that day he was going to go get rid of it and  
4 everything and have me follow him in his car  
5 and pick him up wherever he dropped it off at.

6 BY MR. COOK: I see. So the back  
7 parking lot is just a temporary drop-off,  
8 supposedly. He's going to go get rid of it  
9 later?

10 BY MR. SNEED: Yes.

11 BY MR. COOK: Okay. So what  
12 happened then as far as -- does he wait in the  
13 office while you get rid of the car?

14 BY MR. SNEED: Yes. He made  
15 frequent trips to the office and then he said  
16 he was trying to make it look like to where his  
17 girlfriend or wife or whoever she is, I don't  
18 know if they were married or not married, but  
19 wouldn't think nothing because she's the one  
20 that told him that she had just seen Barry's  
21 car pull back in when they were still in the  
22 office at 3:00 that morning or 2:30 or whatever  
23 it was. I don't know exactly when it was.

24 BY MR. COOK: Deanna --

25 BY MR. SNEED: Yeah.

1 BY MR. COOK: -- told Rich that  
2 she saw Barry's car pull back in at 3:00 or  
3 3:30, whenever it was?

4 BY MR. SNEED: Yes. 2:30 or 3:00.

5 BY MR. COOK: How do you know  
6 that?

7 BY MR. SNEED: Because he told me  
8 that. Because they were sitting up at the  
9 office, the room in the office because the  
10 office doors like -- he keeps them open until  
11 he's about ready to go to bed.

12 And then I guess she was up like  
13 at the front desk, you know, just standing up  
14 there taking care of a customer or whatever.

15 And then she said she -- she went  
16 and told Rich that she just saw Barry pull back  
17 in and that's when Rich jumped up and come  
18 running down and woke me up and told me he was  
19 back.

20 BY MR. COOK: Do you know or not  
21 if Barry had already checked into 102?

22 BY MR. SNEED: From what I  
23 understand he took the key with him before he  
24 went to Tulsa so Rich wouldn't rent that room  
25 so he would have that room for the night.

1 BY MR. COOK: Okay. Now then tell  
2 me about this piece of Plexiglas.

3 BY MR. SNEED: He asked me to go  
4 down to Payless and get a piece of Plexiglas so  
5 we could cover that hole that was broke so like  
6 none of the little kids that run around there  
7 would go digging their hands in it and  
8 everything and maybe get cut or something like  
9 that.

10 BY MR. COOK: So that morning did  
11 you go to Payless and get some Plexiglas?

12 BY MR. SNEED: Yes.

13 BY MR. COOK: And what time did  
14 you go? It must have been awful early?

15 BY MR. SNEED: It was like right  
16 when they opened.

17 BY MR. COOK: Okay. Do you have  
18 any idea when that is?

19 BY MR. SNEED: About 8:30 or nine  
20 o'clock.

21 BY MR. COOK: Did you pay cash for  
22 the Plexiglas or what?

23 BY MR. SNEED: Yes.

24 BY MR. COOK: Okay. So you  
25 brought the Plexiglas back and what did you do?

1 BY MR. SNEED: And we siliconed it  
2 around the -- the other window.

3 BY MR. COOK: You say we, you and  
4 Rich both did?

5 BY MR. SNEED: Yes.

6 BY MR. COOK: Okay. What else did  
7 you do?

8 BY MR. SNEED: Before we even did  
9 that we taped a shower curtain up over the  
10 inside of the window while we was there, yeah.

11 BY MR. COOK: Both of you or just  
12 you, just him?

13 BY MR. SNEED: Yes. We both taped  
14 it up there.

15 BY MR. COOK: Let me ask you, how  
16 were you dressed that particular night or early  
17 that morning?

18 BY MR. SNEED: Just a pair of  
19 jeans and a shirt.

20 BY MR. COOK: Where -- where is  
21 that shirt and that pair of jeans?

22 BY MR. SNEED: In the laundry room  
23 on the top shelf because I didn't -- I still  
24 had them in my room when the cops found Barry's  
25 car sitting in the back parking lot.

1 BY MR. COOK: Uh-huh.

2 BY MR. SNEED: And I walked them  
3 to the laundry room and stuck them up on the  
4 top shelf underneath like some old curtains and  
5 stuff so that they think it's all curtains that  
6 are up there.

7 BY MR. COOK: Help me out just a  
8 little bit here. This is the laundry room.  
9 Here I think is the door. Don't you come in  
10 like right here? Over here is maybe the washer  
11 and dryer?

12 BY MR. SNEED: Okay. Here's the  
13 double doors and you come in and right there  
14 are two like home washers sitting right here.

15 BY MR. COOK: Uh-huh.

16 BY MR. SNEED: And then there is  
17 like a third cycle washer there and this is the  
18 front door.

19 BY MR. COOK: Uh-huh.

20 BY MR. SNEED: And there's just  
21 another little doorway, you got two dryers  
22 sitting here with a table in the front.

23 BY MR. COOK: Uh-huh.

24 BY MR. SNEED: And there's this  
25 other little doorway which opens up to a room

1           that has just get a shelf in here and a shelf  
2           in here and a shelf in here. That's got like  
3           1, 2, 3, 4 -- like 4 or 5 shelves, but  
4           anyway...

5                       BY MR. COOK: Where are the  
6           shelves? On this wall?

7                       BY MR. SNEED: Yes. There are  
8           shelves on all the walls. They're just all  
9           built around.

10                      BY MR. COOK: Uh-huh.

11                      BY MR. SNEED: And as you walk in  
12           the door on the left side there's a bunch of  
13           curtains on the top shelf and I kind of had --

14                      BY MR. COOK: The top shelf on  
15           this wall?

16                      BY MR. SNEED: Yeah. I kind of  
17           had them in like a canister that had a bunch of  
18           popcorn and had like a spacer like popcorn and  
19           like different flavored popcorn. It's like all  
20           different flavored popcorn. They had caramel  
21           corn and some other type of popcorn. I don't  
22           remember.

23                      BY MR. COOK: You mean they are  
24           just empty canisters?

25                      BY MR. SNEED: Yes.



1 BY MR. COOK: And that's what you  
2 put your clothes down in?

3 BY MR. SNEED: Yes. A big empty  
4 canister like a (inaudible) canister and I had  
5 all the things down here and I threw them and a  
6 pair of shoes that I had underneath all those  
7 curtains.

8 BY MR. COOK: So they're all still  
9 there?

10 BY MR. SNEED: Yes. They all  
11 should be still there.

12 BY MR. COOK: Okay.

13 BY MR. SNEED: That's where I put  
14 them and I left them on top.

15 BY MR. COOK: Were you wearing a  
16 hat?

17 BY MR. SNEED: No.

18 BY MR. COOK: What about your  
19 coat?

20 BY MR. SNEED: I wasn't wearing a  
21 coat.

22 BY MR. COOK: What kind of a shirt  
23 was it?

24 BY MR. SNEED: I think I had two  
25 shirts on. I think I had a long-sleeved shirt

1           which was black and then I think I had a --  
2           well, it was a black T-shirt until I bleached  
3           it and it was kind of like a tanish beige. I  
4           bleached it.

5                       BY MR. COOK: And then your jeans  
6           and your shoes? And they are all in those  
7           empty canisters?

8                       BY MR. SNEED: It should all be in  
9           that one canister. It's like a gallon  
10          canister, a five gallon or something like that,  
11          two and a half gallon.

12                      BY MR. COOK: And you put them  
13          there when the cops discovered Barry's car over  
14          at the credit union?

15                      BY MR. SNEED: Yeah. I put them  
16          there while they were all over there. I walked  
17          and threw them in the laundry room -- under the  
18          laundry room and I shoved them up in there and  
19          left the motel.

20                      BY MR. COOK: I see. You know,  
21          you had two or three people hit you up, ask you  
22          if you had been in a fight or what you done to  
23          your eye.

24                      BY MR. SNEED: Yeah. I told them  
25          I hit my soap dish while I was talking a

1 shower.

2 BY MR. COOK: Who all -- who all  
3 hit you up?

4 BY MR. SNEED: I know Deanna did.  
5 Billye, I don't -- I don't think she ever asked  
6 me about it. And I know the two maids that --  
7 the black couple that was working for their  
8 room also, which I don't think Barry knew that  
9 they were working there also.

10 BY MR. COOK: What about Kayla, do  
11 you remember her asking you?

12 BY MR. SNEED: She might have  
13 asked me. I know who you're talking about.

14 BY MR. COOK: Okay.

15 BY MR. SNEED: But that's the  
16 story me and Rich conjured up to tell them  
17 about my black eye.

18 BY MR. COOK: So when is it you  
19 cut out then?

20 BY MR. SNEED: When I left the  
21 motel?

22 BY MR. COOK: Yes.

23 BY MR. SNEED: When the cops were  
24 over there messing with the car I guess 2:00 or  
25 3:00 that afternoon, that next day.

1 BY MR. COOK: Is that when you  
2 left?

3 BY MR. SNEED: Yes.

4 BY MR. COOK: What did you do?  
5 Did you just take out on foot?

6 BY MR. SNEED: Yes. And then I  
7 went right down Reno. Between Reno and  
8 Rockwell there's a stop sign that turns into  
9 that company where the bridge is at, there's  
10 like a bridge there. I kind of stashed under  
11 that bridge until dark.

12 And then I didn't really expect  
13 them roofers to still be in town when I was  
14 crossing -- I was in there using the pay phone.  
15 And when I got to Rockwell I seen that somebody  
16 was on that pay phone, so when I was crossing  
17 over that bridge I saw some of the workers that  
18 I used to work with that was like the boss'  
19 son-in-law. And I seen them cross over the  
20 bridge so I went ahead and walked down to that  
21 trailer park and I asked them if they still  
22 were looking for a hand because that one boss  
23 had been by like a couple of weeks before  
24 Christmas telling me they might be back, that  
25 he was going to go to California and everything

1 and get some work built up, but if they had  
2 enough work to stay in Oklahoma City that they  
3 would still be working there. And I didn't  
4 really figure that they would be there and so I  
5 went back to work with them.

6 BY MR. COOK: One other thing I  
7 need to ask you that I didn't.

8 Now you were wearing those two  
9 shirts, a long-sleeved one and a bleached out  
10 black one that was kind of beige looking and  
11 your blue jeans. Were you wearing a belt?

12 BY MR. SNEED: Yes.

13 BY MR. COOK: When you were in  
14 that scuffle did it get broken?

15 BY MR. SNEED: Yeah. I think the  
16 little clasp came off of it.

17 BY MR. COOK: The little metal  
18 clasp?

19 BY MR. SNEED: It wasn't on there  
20 real good.

21 BY MR. COOK: Is that belt, is it  
22 with your clothes?

23 BY MR. SNEED: No. I think I  
24 chunked it in the trash with the baseball bat.

25 BY MR. COOK: How come you chunked

1           it? How come you didn't just chunk all of the  
2           clothes?

3                       BY MR. SNEED: Well, I had planned  
4           on doing that, but I don't know why I didn't.

5                       BY MR. COOK: But the belt you  
6           threw away along with the baseball bat?

7                       BY MR. SNEED: Yes.

8                       BY MR. COOK: Well, let me ask you  
9           this. I found kind of a pocketknife in that  
10          room. Is that yours?

11                      BY MR. SNEED: Yeah. I found it  
12          in a -- in a room, one room that I had been  
13          cleaning before. And I usually carried it  
14          around because he didn't have the -- he lost  
15          his master key to like 107 and I would use it  
16          to pop the lock on 107.

17                      We'd have to get in and clean it  
18          because we only had like one key and usually  
19          the people he rented that room to would like  
20          leave the key in the room and I had to have  
21          some way of getting into that room. So I would  
22          just kind of stick it in there and the door  
23          didn't really shut good on 107 so it was really  
24          easy to pop.

25                      BY MR. COOK: Well --

1 BY MR. SNEED: He told me to do  
2 that until he could get another -- another lock  
3 for it.

4 BY MR. COOK: When you -- when you  
5 and Barry were struggling, okay, I was in that  
6 room for quite a while. Okay? They teach me  
7 to be able to look at certain things like maybe  
8 a little bit of blood on the wall and it kind  
9 of tells me a story of what happened in that  
10 room.

11 And I spent so much time in there  
12 that quite frankly, Justin, there was a hell of  
13 a fight in there. That's the way I look at it.  
14 I mean, that's what I'm thinking.

15 Is that what you -- would you  
16 agree with that?

17 BY MR. SNEED: Well, we struggled  
18 for a little bit but there wasn't that much of  
19 a fight.

20 BY MR. COOK: Did you end up  
21 stabbing him once with that knife?

22 BY MR. SNEED: Huh-uh.

23 BY MR. COOK: Do you remember  
24 losing the knife? Did you have it out?

25 BY MR. SNEED: I recall dropping

1           it after I left the room because I knew I  
2           didn't have it on me no more.

3                       BY MR. COOK:   Okay.  Was -- was he  
4           moving around or making any kind of noise at  
5           all when you left?

6                       BY MR. SNEED:  Huh-uh.

7                       BY MR. COOK:  And you don't  
8           remember how you cut your eye?

9                       BY MR. SNEED:  No.

10                      BY MR. COOK:  Or blacked it?

11                      BY MR. SNEED:  I don't remember  
12           how that happened.

13                      BY MR. COOK:  Take off your hat.  
14           It kind of shades you, let me see it.  That's  
15           okay.  You don't need to bend over.  Just --  
16           you've got a few little nicks and cuts on your  
17           face here, too, don't you?

18                      BY MR. SNEED:  Yeah.

19                      BY MR. COOK:  And you got a little  
20           nick on your ear.  Let me see the other side.

21                      BY MR. SNEED:  (Complies)

22                      BY MR. COOK:  Well, you were in a  
23           little bit of a fight there, weren't you?

24                      BY MR. SNEED:  Yes, a little bit  
25           of a struggle.



1 BY MR. COOK: But you have thrown  
2 the ball bat away?

3 BY MR. SNEED: Yes.

4 BY MR. COOK: You're absolutely  
5 sure you threw it away?

6 BY MR. SNEED: Yes. I put it in  
7 the dumpster.

8 BY MR. COOK: Which dumpster?

9 BY MR. SNEED: That dumpster, the  
10 dumpster right there the next day or that  
11 following Wednesday. I think it was Tuesday  
12 morning, I guess.

13 BY MR. BEMO: When all this  
14 happened?

15 BY MR. SNEED: It was like three  
16 o'clock in the morning when he woke me up, so  
17 it would be Tuesday morning. Then that Tuesday  
18 I put it in the dumpster and it would have left  
19 out that Wednesday morning like nine o'clock.

20 BY MR. COOK: Was the dumpster  
21 right there at the motel?

22 BY MR. SNEED: Yes. It was right  
23 there at the motel.

24 BY MR. COOK: The motel dumpster?

25 BY MR. SNEED: Yeah.

1 BY MR. COOK: Do you have any --  
2 do you mind signing a search waiver so that we  
3 can go get -- get that money?

4 BY MR. SNEED: No. I don't know  
5 how they would look at it, but yeah.

6 BY MR. COOK: How who would look  
7 at it?

8 BY MR. SNEED: The people who live  
9 there.

10 BY MR. COOK: Well, we'll talk to  
11 them and explain the situation. Okay?

12 What about -- what about your  
13 motel room, would you sign a search waiver to  
14 let us look in there?

15 BY MR. SNEED: Yeah. There ain't  
16 nothing in there, but yeah.

17 BY MR. COOK: Okay. Is there  
18 anything else --

19 BY MR. SNEED: No belongings in  
20 there.

21 BY MR. COOK: Is there anything  
22 else about this deal that you need to tell me  
23 about? Have you been -- have you been truthful  
24 with me about it?

25 BY MR. SNEED: Yeah, pretty much.

1 BY MR. COOK: Pretty much?

2 BY MR. SNEED: Well, all that I  
3 can think of.

4 BY MR. COOK: Was Rick Page  
5 involved in this in any way?

6 BY MR. SNEED: Is he the guy that  
7 drove the motorcycle?

8 BY MR. COOK: Uh-huh.

9 BY MR. SNEED: No.

10 BY MR. COOK: The one who kept his  
11 dog?

12 BY MR. SNEED: Yeah. There wasn't  
13 nobody else involved.

14 BY MR. COOK: Nobody else  
15 involved?

16 BY MR. SNEED: He just stayed  
17 there -- he stayed there for like two or three  
18 weeks in the motel and then they checked out,  
19 him and his wife, and they just like his two  
20 kids.

21 And one day he showed back up  
22 there at the motel and he conned Rich into  
23 giving him a room for free that night. And  
24 before he left he kind of conned me into  
25 watching his dog.

1                   But he told me he was going to be  
2                   for like maybe two days because all he had was  
3                   his motorcycle and he said he would be back in  
4                   his vehicle to get his dog. And it took me  
5                   like a week to finally get him to come get his  
6                   dog.

7                   Because he called me and told me  
8                   that this was the number that he was at and  
9                   that he'd be by in a day or so to get his dog.  
10                  And I waited for like a week and then called  
11                  him back and he came by like twice while I had  
12                  his dog.

13                  And after he brought some dog food  
14                  over and all that I kind of figured he was  
15                  trying to just pawn his dog off to me so I  
16                  called him and told him to come and get it or I  
17                  was going to turn it loose.

18                  BY MR. COOK: Okay. I will be  
19                  back in just a minute. Okay?

20                  (Bemo and Cook leave the room  
21                  and then return)

22                  BY MR. COOK: Justin, would you  
23                  like a cup of coffee?

24                  BY MR. SNEED: Yes, sir. Thank  
25                  you.

1 BY MR. COOK: Do you drink it  
2 black?

3 BY MR. SNEED: Yeah. That would  
4 be fine.

5 BY MR. COOK: Okay. I'm going to  
6 go get you one. Okay?

7 BY MR. SNEED: Okay.

8 BY MR. BEMO: Let me get you to  
9 stand up here. Let me get you to take your  
10 ball cap off and your coat. Kind of look,  
11 yeah, just like that.

12 (Bemo is taking Polaroid  
13 photographs of Sneed)

14 BY MR. BEMO: Let's see your  
15 hands.

16 BY MR. SNEED: Like this?

17 BY MR. BEMO: Yes.

18 BY MR. SNEED: Those are like just  
19 roofing marks.

20 BY MR. BEMO: Yes. Can you turn  
21 that just a little there. No, that one. This  
22 one, yeah, there you go.

23 (Bemo is taking Polaroid  
24 photographs of Sneed)

25 BY MR. BEMO: Do you have any

1 marks on your arms?

2 BY MR. SNEED: No.

3 BY MR. BEMO: How about on your  
4 body?

5 BY MR. SNEED: Well, I got some  
6 tattoos, but I ain't got no marks, (inaudible).

7 BY MR. BEMO: Turn around and let  
8 me see your back there.

9 BY MR. SNEED: (Inaudible)  
10 (Bemo is taking Polaroid  
11 photographs of Sneed)

12 BY MR. BEMO: I don't need a  
13 picture of that.

14 BY MR. SNEED: (Inaudible). The  
15 other two I got are two crosses like that.

16 BY MR. BEMO: Okay. Tell me  
17 something I'm just curious about, how come you  
18 would hide your clothes up there in the laundry  
19 room and then throw the bat away with the belt?  
20 Why would you do that?

21 BY MR. SNEED: Because I took off  
22 the belt after I figured out that it broke.  
23 And I had the bat with it and I went to the  
24 dumpster and threw that in the dumpster and I  
25 just kind a chunked the belt while I had it in

1           there.

2                       And then I went to my room and  
3           take off my clothes real quick and jumped in  
4           the shower and rinsed off and everything. And  
5           I then put on some fresh clothes and I put them  
6           all in the canister and I still had them in my  
7           room for some reason. I don't know. I was  
8           going to put them in the dumpster but Rich said  
9           no, let's burn them. And I knew the trash was  
10          leaving the next day.

11                      And then they found the car I  
12          still had them and I didn't want them to see me  
13          carrying them to the dumpster, so I went and  
14          put them in the laundry room real quick.

15                      BY MR. COOK: I see. Okay. What  
16          we -- what we would like to do at this point is  
17          we have a piece of paper, we call it a waiver,  
18          a search waiver. And we'd like for you to sign  
19          the search waiver.

20                      What it is we want to look inside  
21          not only room 117, your room there at the  
22          motel, but we would like to go to the apartment  
23          where the money is and look in there, also.

24                      BY MR. SNEED: Well, I can give  
25          you the right to go directly in and get the

1 money but I can't give you the right to search  
2 the whole apartment.

3 BY MR. BEMO: That's okay. We'll  
4 -- we'll speak with the other gentlemen.

5 BY MR. COOK: Are the other guys  
6 there at the apartment now?

7 BY MR. SNEED: Oh, they should be.

8 BY MR. BEMO: How many guys do you  
9 share that apartment with?

10 BY MR. SNEED: There's two guys  
11 and then there's a women, one of them is  
12 married and the other one just has a  
13 girlfriend.

14 BY MR. COOK: Oh, is the women  
15 stay there with them?

16 BY MR. SNEED: Yeah.

17 BY MR. COOK: What are their  
18 names?

19 BY MR. SNEED: David Jackson, I  
20 think. I think that's his last name is David  
21 Jackson. And Kim, which is Rob Brassfield's  
22 daughter-in-law, I guess. It's like his wife's  
23 daughter and they are married and they got a  
24 little baby.

25 BY MR. COOK: Okay. Who's



1 apartment actually --

2 BY MR. SNEED: It's under their  
3 name. I don't know.

4 BY MR. COOK: Under David  
5 Jackson's?

6 BY MR. SNEED: Yeah. I supposed  
7 it would be under his name.

8 BY MR. BEMO: What motel is this  
9 at?

10 BY MR. SNEED: I don't know the  
11 name of the complex.

12 BY MR. BEMO: It's an apartment  
13 complex?

14 BY MR. SNEED: Yes. I know I can  
15 kind of -- kind of graph it out for you.

16 BY MR. BEMO: Well, we're going to  
17 take you out there and you can show us where  
18 it's at.

19 BY MR. SNEED: Oh, all right.

20 BY MR. COOK: Is that okay?

21 BY MR. SNEED: Yeah. That's fine.  
22 I'll go out and help you and everything.

23 BY MR. COOK: Did you copy that?

24 BY MR. BEMO: Yes. He's copying  
25 that for me now.

1 BY MR. COOK: Oh, okay. I'll get  
2 it for you.

3 BY MR. BEMO: You said -- oh, you  
4 got some coffee there?

5 BY MR. SNEED: So is this going to  
6 help me out any at all by telling you all this?

7 BY MR. COOK: Well, we'll just  
8 have to wait and see. This is definitely going  
9 to be better for you this way than it would be  
10 if you didn't say anything.

11 BY MR. SNEED: Well, what's the  
12 maximum sentence for murder one?

13 BY MR. COOK: Murder one? Well,  
14 the maximum is death.

15 BY MR. SNEED: I guess I should  
16 have suspected that.

17 BY MR. BEMO: But there's also two  
18 other charges. It could be life without parole  
19 or life.

20 BY MR. COOK: Are you guys ready?  
21 We'll go down here.

22 BY MR. BEMO: Why don't you just  
23 bring them in here and let's sign them in here.  
24 We went to the jail and he'll bring them back  
25 -- he's going to bring them back here.

1 BY MR. COOK: All right.

2 BY MR. SNEED: Suppose it's life,  
3 do you get parole?

4 BY MR. BEMO: Yeah. Well, it  
5 seems like you can after about a third of your  
6 sentence. They will figure it's -- 45 years is  
7 a life term. There's all kind of things that  
8 can happen in this and it's really kind of  
9 premature for --

10 BY MR. SNEED: Well, I should look  
11 forward to the next 40 years of sitting in a  
12 cell?

13 BY MR. BEMO: Oh, well, I don't  
14 know. But I'm going to tell you this, your old  
15 bud, Rich, was planning on letting you hang by  
16 yourself for this.

17 BY MR. SNEED: Well, I ain't going  
18 to hang by myself. I'm telling you all the  
19 truth.

20 So you all are going to search  
21 this whole apartment?

22 BY MR. BEMO: No. We just want --  
23 we just want you to sign a waiver so that we  
24 can go in -- you said you had just a couple of  
25 drawers in the apartment that are yours?

1 BY MR. SNEED: Yes.

2 BY MR. BEMO: Or one or whatever  
3 it is, I don't know. All we want is to go in  
4 there and -- and look in your drawer and get  
5 that money out. That's all we want. We don't  
6 want to search the whole apartment. And we're  
7 not interested in what they're doing or what  
8 they have or anything like that.

9 Okay. Now, this is a consent to  
10 search waiver form, okay. Let me read it to  
11 you. Look at this here. While I'm reading it  
12 you read along with me. It has a blank spot up  
13 there that I will have you print your name in.

14 And it says after having been  
15 advised of my right not to have a search made  
16 of my premises hereinafter mentioned without a  
17 search warrant that my right to refuse to  
18 consent to such a certain hereby authorizing  
19 Inspector Bemo and Inspector Cook, officers of  
20 the Oklahoma City Police Department to conduct  
21 a complete search of my premises located and  
22 we'll get the address of that apartment complex  
23 out there, in Oklahoma City, Oklahoma.

24 These office are authorized by me  
25 to take from my premises any letters, papers,

1 materials or property which they may desire.  
2 This written permission is being given by me to  
3 the above-named officers voluntarily and  
4 without any threats or promises of any kind.  
5 Okay?

6 Now what I want you to do is I  
7 want you to print your name up here.

8 BY MR. SNEED: Full name?

9 BY MR. BEMO: Yes.

10 BY MR. SNEED: (Complies)

11 BY MR. BEMO: Okay. Now I want  
12 you to sign your signature there.

13 BY MR. SNEED: (Complies). Okay.

14 BY MR. BEMO: I'll have them sign  
15 it out there.

16 BY MR. COOK: Okay. And we'll  
17 need one for 117.

18 BY MR. BEMO: 117?

19 BY MR. COOK: Yes, sir.

20 BY MR. BEMO: Okay. That's --  
21 okay. This same thing applies to your room out  
22 there on Council at the Best Budget.

23 Did you not see the news tonight  
24 or anything?

25 BY MR. SNEED: Yeah. I was

1 sitting there watching it while I was waiting  
2 for the officers to come pick me up.

3 BY MR. COOK: Okay. You knew they  
4 were coming?

5 BY MR. SNEED: Yes. They showed  
6 up at my boss' house. My boss said that he  
7 would go get me and bring me back to his  
8 trailer and then they didn't pick me up there  
9 and then they came along. You come out without  
10 any trouble.

11 BY MR. COOK: Ready?

12 BY MR. BEMO: Okay. Grab your  
13 smokes there and come with us.

14  
15 (End of interview)

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C E R T I F I C A T E

STATE OF OKLAHOMA )  
 ) SS:  
COUNTY OF CLEVELAND )

I, LARRY L. SHALBERG, a Certified and Registered Court Reporter in and for the State of Oklahoma, do hereby certify that the foregoing videotaped interview was taken by means of a computer-aided stenograph machine and that such proceedings have been correctly transcribed and reduced to writing under my supervision and is fully and accurately set forth in the preceding pages.

I FURTHER CERTIFY that said proceedings as above set forth constitutes a true record of the proceedings.



-----  
LARRY L. SHALBERG, CSR-RPR  
CERTIFIED & REGISTERED COURT REPORTER  
CSR No. 00366

Larry Shalberg  
Oklahoma Certified Shorthand Reporter  
Certificate No. 00366  
Exp. Date: December 31, 2000

# ATTACHMENT 33



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

INVOLVED PERSONS

WITNESS: PRITTIE JOHN MYRON DOB: 10/31/62 Race: W Sex: M
CHARLOTTESVILLE - NEWPORT NEWS, VA.
Apt: State: VA Zip: Phone: Adu/Juv:
POB: NEW HAMPSHIR Hair: BRO Eye: BRO Hgt: 508 Wgt: 150 Bld: SMA
Business Name: Phone:

NARRATIVE

BODY OF REPORT

John Prittie is one of the guest of the Best Budget Inn that was staying in room #103. Room #103 is located next to the same room that Barry Alan Van Treese was found murdered in, room #102! Mr. Prittie was still awake at the time of this investigator wanted to do a interview.

INTERVIEW WITH JOHN MYRON PRITTIE

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After concluding my interview with Mr. Webb, I proceeded to room #103 to talk with the occupant. After knocking on the door a white male subject answered the door. I identified myself to the occupant and asked if I could come into his room and talk with him. The occupant said I could and identified himself to me as John Myron Prittie. Prittie seemed very nervous about talking to me. My interview with Mr. Prittie begin at 12:10am inside his room (103). The date at that time was 1/8/97. Prittie was photographed in his room prior to the interview. Prittie provided me with his stats, but they are somewhat incomplete with reference to his address.

Prittie said he was just passing through and had left Phoenix, AR. after quitting his job out there. Prittie advised that his wife was now in Newport News, Virginia attempting to find a job. If she gets one that would be where to find him. If Prittie's wife didn't get the job, Prittie said they would probably moved to Charlottesville, Va. Prittie said his parents reside in Conway, New Hampshire in the Saco Woods Condominium complex, telephone 1/603/356-5427, and if he can't be located in either of the two locations mentioned above, the police could contact his parents and they would know how to reach him.

Prittie said he checked into the Best Budget Inn on Monday, 1/6/97 sometime between 3:00pm to 4:00pm. Prittie said the only reason he was still in Oklahoma was due to his vehicle breaking down on him. Prittie said he hasn't been able to get it fixed. Again Prittie said he was just

Standard Trailer - First Page

Reporting Officer: BEMO ROBERT Number: 000179 Date: 01/15/97 Time: 14:10
Typed by: BEMO Number: 179 Date: 01/15/97 Time: 14:09
Approving Officer: PACHECO, STEP Number: 000115 Date: 05/16/97 Time: 15:44

LWW 9529

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

ing through Oklahoma. I asked Mr. Prittie to tell me what he did Monday evening on 1/6/97. Mr. Prittie said he ordered a pizza and watched T.V. Monday evening. Prittie said he layed down sometime around 12:00 midnight.

Prittie said he was awakened sometime around 1:00am to 2:00am at the latest by a loud disturbance occurring in the next room. This room was 102. Prittie couldn't be sure about the time, because he was awaken out of a sound sleep. Prittie said he over heard arguing between two people coming from room 102. Prittie believes one of the voices he heard arguing was a male voice and the other voice he couldn't tell if it was male or female. The voices were mostly muffled and it was hard to understand what the argument was about. Prittie said after the disturbance was over he heard moaning coming from inside the next room (102) and it stoped about 15 minutes later.

Prittie said the argument turned into a fight and then he heard glass breaking. Prittie said he heard something hitting the ground that sounded like Aluminum hitting the ground. Prittie said he started to get up and tell the occupants next door to knock off but he didn't. Prittie thought it was some couple into a domestic. Prittie said he got out of bed and walked over to the window facing south (only window) where the argument turned into a fight. He wanted to look outside to see if his vehicles were okay. And they were. The next morning Prittie said he got up about 9:00am. He kind of lounged around his room for about two hours. Then Prittie walked over to the front of the room about 11:00am. Prittie said as he walked by room 102 he observed two young boys fixing the window. He said they caulking the window. Prittie asked what happened to the window? And either both or one of the young boys replied, a couple of drunks got into it last night.

I asked Mr. Prittie if he could identify the two subjects repairing the window if he saw them again. Prittie didn't think he could. Prittie said he was just walking by the room and really didn't pay that good of attention to either of the two subjects to recognize them again. I asked Mr. Prittie to stop and think real hard and try to remember the two boys physical description to the best of his ability. The following is a physical description provided by Mr. Prittie. Mr. Prittie emphasized that these descriptions were not to be considered accurate.

- # 1 - WM/20's, SCRUFFY LOOKING, JEANS PLAID, HTD: 5'8", LIGHT BROWN HAIR (SHOULDER LGT.) 160 LBS., MUSTACHE & GOATEE.
- # 2 - WM/20'S, HT: 5'8", WT: 130-35 LBS., DISCOLORATION ON ONE EYE, LIKE SOMEONE HIT HIM, BROWN HAIR STRAIGHT (LONGER THAN SHOULDER LGT.) BLUE JEANS.

LWW 9527

This concluded my interview with Mr. Prittie.

Standard Trailer - Continuation

Reporting Officer: BEMO ROBERT Number: 000179 Date: 01/15/97 Time: 14:10  
Typed by: BEMO Number: 179 Date: 01/15/97 Time: 14:09  
Approving Officer: PACHECO, STEP Number: 000115 Date: 05/16/97 Time: 15:44

Reported Date: 01/07/97 Time: 15:10 Case: 97-002261 Page: 3  
Code: 21-701:7 SS Crime: MURDER 1 Class:

end of report  
Insp. Bob Bemo

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RELEASED TO: Fern Smith, ADA  
AGENCY: Okla County  
RELEASED BY: [Signature]  
DATE: 2-10-02

LWW 9528

Standard Trailer - Continuation

Reporting Officer: BEMO ROBERT Number: 000179 Date: 01/15/97 Time: 14:10  
Typed by: BEMO Number: 179 Date: 01/15/97 Time: 14:09  
Approving Officer: PACHECO, STEP Number: 000115 Date: 05/16/97 Time: 15:44

**APPENDIX D**

Attachments to the Application for Post-Conviction Relief in *Glossip v. State*,  
No. PCD-2022-819

IN THE COURT OF CRIMINAL APPEALS

THE STATE OF OKLAHOMA

RICHARD GLOSSIP,  
*Petitioner,*  
v.  
STATE OF OKLAHOMA,  
*Respondent.*

)  
) Oklahoma County  
) Case No. CF-97-256  
)  
) Court of Criminal Appeals  
) Direct Appeal Case No. D-2005-310  
)  
) Post-conviction Case No. PCD-2004-978  
) Post-conviction Case No. PCD-2015-820  
) Post-conviction Case No. PCD-2022-589  
)  
) No. \_\_\_\_\_

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**APPENDIX OF ATTACHMENTS  
TO  
SUCCESSIVE APPLICATION FOR POST-CONVICTION RELIEF**

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\*Temporarily Admitted

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Attachment 7	Affidavit of Terry Allen Cooper
Attachment 8	Affidavit of Paul Melton
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Attachment 42	Affidavit of Wayne Woodyard

# ATTACHMENT 1



10.23.14

To Whom It May Concern:

My name is O'Ryan Justine Sneed. I am the daughter of Mr. Justin Sneed. I am writing today in regards to Mr. Richard E. Glossip. I strongly believe he is an innocent man is sitting on death row. I feel there is something missing from my father's testimony. This letter is not to hurt my father in any way. We have the strongest bond a father and daughter could have. We write and communicate almost daily. But I haven't had the chance to tell him about Mr. Glossip's Clemency Hearing so he could draft a letter himself. But the way I feel about Mr. Glossip's case is too strong to just stay idle.

For a couple of years now, my father has been talking to me about recanting his original testimony. But has been afraid to act upon it, in fear of being charged with the Death Penalty, and not be here for his children. My father has no reason to do so as a favor to Richard, as him and Mr. Glossip have no relationship and have had no communication in the last 17 years. I feel his conscious is getting to him. His fear of recanting, but guilt about not doing so, makes it obvious that information he is sitting on would exonerate Mr. Glossip. I'm sure if he felt safe that he would not lose his Plea Agreement, he would give new and truthful testimony, much different that his Testimony 17 years ago. He has asked me several times to look into what the legal ramifications would be to his own case if he recanted.

My father told me he said what he had to say to the police to stay in my life. He was backed into a corner, facing being charged with the Death Penalty. But was offered a Plea Agreement, of Life without Parole, to testify against Mr. Glossip. I feel he is holding important facts about Mr. Glossip's case in fear of losing his own Deal.

I am sure that Mr. Glossip did not do what my father originally said, that he did not hire my father to kill Mr. Van Treese, and he doesn't deserve to die over my father's actions.

Unfortunately, I've just recently been able to find a contact close to Mr. Glossip after years of searching, to explain to you why my letter is late. But, this has weighed on my heart for years.

I'm writing today to ask for Clemency for Mr. Richard E. Glossip, and to please not execute an innocent man. One innocent life has already been taken by my father's actions. A second one doesn't deserve to be taken as well.

Sincerely,

O'Ryan Justine Sneed

832.662.1682

[justinesneed@gmail.com](mailto:justinesneed@gmail.com)

19 Bullard St. Apt. 1  
Dorchester MA.  
02121

# ATTACHMENT 2

*Independent Investigation of  
State v. Richard E. Glossip*

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**Third  
Supplemental  
Report  
Reed Smith LLP**

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September 18, 2022

## Index of Exhibits to Reed Smith’s Third Supplemental Report

Exhibit Number	Description
1.	Letter from Assistant District Attorney Connie Smothermon to Gina Walker During Retrial
2.	August 15, 2022 Reed Smith Interview Transcript of Justin Sneed – CONTAINS CONFIDENTIAL AND SENSITIVE INFORMATION
3.	August 26, 2022 Reed Smith Interview Transcript of Justin Sneed – CONTAINS CONFIDENTIAL AND SENSITIVE INFORMATION
4.	September 7, 2022 Interview Transcript of Justin Sneed – CONTAINS CONFIDENTIAL SENSITIVE INFORMATION
5. A.	October 24, 2014 Email from O’Ryan Justine Sneed
B.	October 2014 Letter from O’Ryan Justine Sneed to Pardon & Parole Board
6.	May 24, 2004 Department of Corrections Release of Justin Sneed for Transport to Court
7.	September 1998 Sentence Reduction Motion by Justin Sneed
8.	Department of Corrections Attorney Visits to Justin Sneed by Gina Walker and Assistant District Attorneys
9.	September 28, 2003 Email from Kenneth Van Treese to Assistant District Attorney Connie Smothermon
10.	January/February 1998 Letter from Justin Sneed to Gina Walker
11.	September 10, 1997 State’s Plea Offer to Richard Glossip
12.	September 16, 1997 State’s Witness Summary List
13.	January 14, 2003 Letter from Justin Sneed to Gina Walker
14.	August 12, 2003 Letter from Gina Walker to Justin Sneed
15.	October 29, 2003 Notes of interview with Cliff Everhart
16.	October 31, 2003 Email from G. Ackley to W. Woodyard re: Additional Discovery
17.	October 29, 2003 Joe Harp Interoffice Memorandum re: Sneed Transport
18.	October 30-31, 2003 Oklahoma County Jail Documents re: Sneed

Since the Reed Smith Independent Investigation report became public on June 7, 2022 (“Report”), our Supplemental Report became public on August 9, 2022 (“Supplemental Report”), and our Second Supplemental Report became public on August 20, 2022, we have continued to investigate.

Two significant developments have occurred since we issued the Second Supplemental Report:

(1) The Reed Smith<sup>1</sup> Investigation Team interviewed Justin Sneed,<sup>2</sup> the State’s primary witness against Richard Glossip, regarding Sneed’s discussions of “recanting” with multiple people that occurred over an 11-year period, other inconsistencies in his testimony, and newly obtained documents.

(2) The Investigation Team was granted access by Glossip’s defense counsel to a portion of the District Attorney’s Case File, which we understand was a subset of the seven (7) boxes of documents (“DA’s Case File”) that the Attorney General’s Office (“AGO”) obtained from the District Attorney,<sup>3</sup> and a transcript of the AGO’s July 18, 2022 interview of Sneed.<sup>4</sup> In the DA’s Case File, we discovered documentation of the State violating the Court’s Rule of Sequestration during Glossip’s retrial and providing Sneed, through his attorney, information as to what other witnesses testified to during the retrial and immediately before Sneed testified on May 26, 2004. It appears that at least one purpose for providing this information to Sneed was so he could conform his testimony to match the evidence which already had been adduced through one or more of these other witnesses.<sup>5</sup>

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<sup>1</sup> Individuals from the firms Crowe & Dunlevy LLP and Jackson Walker LLP also continue to assist Reed Smith in various aspects of the ongoing investigation and are included in the term “Reed Smith Investigation Team.”

<sup>2</sup> The Reed Smith Investigation Team conducted over eight hours total of in-person interviews of Sneed on August 15, August 26, and September 7, 2022. We have provided transcripts of these interviews to both the AGO and Glossip’s defense. We have attached these transcripts as Exhibits 2-4 but due to the interviews containing some information that is of medical, personal, or a sensitive nature, we have withheld from the general public. Sneed also stated to Reed Smith that the AGO’s interview in July 2022 was very quick, probably 30-45 minutes. Sneed also stated that with regard to the AGO’s interview, “the only thing that seemed to get really adamant was I going to stand on the testimony that I had already given.” Exhibit 3: August 26, 2022 Reed Smith Interview of J. Sneed at p. 126:12-16; July 18, 2022 AGO Interview of J. Sneed. Sneed stated the AGO interviewers additionally showed him pictures of a few inmates and asked him questions about them. Exhibit 3: August 26, 2022 Reed Smith Interview of J. Sneed at pp. 17:25-18:1; 126:14-16.

<sup>3</sup> With one exception, the AGO appears to have removed all but one witness interview notes (including Sneed’s and others that testified at trial) as well as anything the AGO deemed “work product.” It is our understanding that the AGO has declined to produce a log of what documents were removed. While we have asked them to reconsider this decision, the AGO has not responded to date.

<sup>4</sup> Despite our request, the Attorney General would not allow Reed Smith access to either the DA’s Case File (seven boxes total) or the AGO’s interview transcript of Sneed. Pursuant to our ongoing investigation, we then requested that Glossip’s defense counsel grant us access to both. On September 6, 2022, Glossip’s defense counsel provided Reed Smith access to both.

<sup>5</sup> See Section 4 for more details; see also Exhibit 1: Letter from C. Smothermon to G. Walker.

This newly obtained evidence establishes not only a pattern of Sneed discussing “recanting” to individuals he trusts at various times spanning a period of over a decade,<sup>6</sup> but also conduct by the State before and during Glossip’s retrial that reveal its concerns over Sneed’s reliability and credibility. Specifically, the State’s attempts before and during the retrial to bolster Sneed’s reliability behind the scenes are informative clues. In order to have Sneed’s testimony align with the other evidence already presented in Glossip’s retrial, the lead prosecutor Connie Smothermon communicated with Sneed about other witness testimony through his attorney (Gina Walker, also a witness on the State’s witness list) during the retrial,<sup>7</sup> thereby violating the Rule of Sequestration.<sup>8</sup> Before the retrial, the State took the unusual step of adding Sneed’s attorney, Ms. Walker, as a witness for the State in case Sneed, depending on cross examination, needed rehabilitation or rebutting.<sup>9</sup> The prosecution’s efforts to bolster and align Sneed’s testimony with other evidence at trial is very troubling and appears to violate Oklahoma law. This newly discovered evidence adds further supports to our Report’s findings that no reasonable jury hearing the complete record would have convicted Richard Glossip of first-degree murder and sentenced him to death. Sneed’s testimony was the critical evidence against Glossip, and evidence uncovered in the investigation continues to show the unreliability of Sneed’s testimony.

This Third Supplemental Report supplements our prior submissions and adds new information we have learned since August 20, 2022. We continue to investigate and may submit additional supplemental reports as necessary.

### **1. Sneed Admits to Discussing “Recanting” With His Daughter and Mother in 2014 Establishing a Pattern of Him Talking About Recanting Over an 11-Year Period**

In his August 15,<sup>10</sup> and September 7, 2022 interviews, Sneed admitted he discussed “recanting” in August/September 2014 with his mother and daughter in the context of that being his only option to “maybe” get out of prison.<sup>11</sup> Sneed also confirmed that parts of the letter

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<sup>6</sup> In our August-September 2022 interviews of Sneed, he stated that what he meant by “recant” was to break his plea deal, get a better deal, and that he did not want to testify. During the August 26, 2022 interview, Sneed clarified that “it was more about silencing my testimony in the way of me not having to be there” and “taking back the plea agreement.” Exhibit 3: August 26, 2022 Transcript of Reed Smith Interview of J. Sneed at p. 94:5-10. Additionally, when asked about his July 2007 letter, Sneed could not recall and had no explanation for his expressing that he wanted to “clean things up,” “some things are eating at me,” and wanting to contact the “indigent defense for his case or the DA’s.” See Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 130:5-17.

<sup>7</sup> Given that the State added Gina Walker as a trial witness, it should have refrained from talking to her as well.

<sup>8</sup> The sequestration of expert witnesses falls under Oklahoma’s Rules of Evidence, § 2615. OKLA. STAT. tit. 12, § 2615 (West 2017). This rule requires the court to exclude witnesses from the courtroom as to not hear the testimony of other witnesses upon a request by the court or by the court’s own order. In Glossip’s retrial, the rule was invoked by the defense after opening statements. Trial 2 Transcript, Vol. 4 at p. 25:23. The underlying reasons for imposing the rule of exclusion are to place restraints on witnesses who might be tailoring their testimony to coincide with the testimony of earlier witnesses and to assist the trier of fact in detecting whether a witness’ testimony is less than candid. *Geders v. United States*, 425 U.S. 80, 87 (1976).

<sup>9</sup> November 3-4, 2003 Transcript of Proceedings, Pre-Trial Record, Vol. 1 at p. 8:11-22.

<sup>10</sup> Exhibit 2: August 15, 2022 Reed Smith Interview of J. Sneed at p. 20:17-19.

<sup>11</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 23:16-22; 24:14-25:1; 27:1-10; 27:13-17; 32:20-24; 34:22-35:3.

purportedly written by his daughter to the Oklahoma Pardon and Parole Board in October 2014<sup>12</sup> matched the brief conversation he had with her and his mother in August/September 2014.<sup>13</sup>

In that 2014 letter, Sneed's daughter stated: "For a couple of years now, my father has been talking to me about recanting his original testimony."<sup>14</sup> Sneed further confirmed that the letter was sent to Mark Henricksen, Glossip's defense counsel at the time, from his daughter's email address. According to Sneed, "from prior knowledge I have known her to have that email before."<sup>15</sup> Sneed also acknowledged that he could see how his daughter could interpret his using the word "recant" to mean changing his testimony<sup>16</sup> but that she was "under some delusion that Mr. Glossip is innocent."<sup>17</sup> Sneed also stated that his daughter has not denied to him writing the letter in its entirety and "hasn't all the way denied she was speaking to somebody."

Yet, in July 2022, when the AGO specifically asked Sneed about what he said to his daughter in 2014, Sneed denied discussing wanting to recant with her:<sup>18</sup>

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Q. Okay, but you do recall using that word with her at least in that phone conversation?

A. In the context of if I had any legal way of ever getting out of here would have to be just changing the whole demeanor of the truth.

\*\*\*

Q. So, the word recanting is there, and you do recall that phone call, right, where you just talk to her about it in the context of---

A. In the context of her wanting to know if I could ever get out.

\*\*\*

Q. Okay and when you were talking to her, when you said I would have to recant my testimony to even maybe have the option of getting out, you meant take it back and withdraw it, right?

A. It would have been just withdrawing because I mean I didn't see myself just all of a sudden making up a whole other storyline and it wasn't --- it doesn't even seem like it was a real brief conversation.

<sup>12</sup> Exhibit 5: October 14, 2014 Email and Letter from O. Sneed.

<sup>13</sup> *Id.*; Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 41:1-6; 44:14-23.

<sup>14</sup> See Exhibit 5B for the complete letter.

<sup>15</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 32:1-3.

<sup>16</sup> *Id.* at p. 36:14-20.

<sup>17</sup> *Id.* at p. 45:1-2.

<sup>18</sup> July 18, 2022 Interview by the Attorney General's Office of J. Sneed at p. 36:1-8. Reed Smith Investigators read Sneed's statement given to the AGO (listed above) and Sneed responded as follows:

Q. And so, I think what you meant to say was you did tell her you want to recant but it was in the context of talking about only way to get out, right?

A. Well yes because I never just wholeheartedly told her my family I want to recant. It was always well what do you think your options are, and then the options stem from well I told them this story. I've signed this contract. This is what's going on. The only option would be recanting and try to go along with some other storyline I'm not going to be able to keep up with anyway. See Exhibit 4: September 7, 2022 Reed Smith Transcript of J. Sneed Interview at p. 48:19-49:3.



1 MR. CRUSOE: Did you or did you not  
2 tell your daughter that you wanted to recant your story?  
3 JUSTIN SNEED: No, I did not. No. The  
4 only thing that I told -- I have spoken to any of my family  
5 on any of that was I told them that the only way I seen me  
6 having any action in court would be to change the whole  
7 storyline, but I can't because it's the truth and there's  
8 nothing else to be there, but to stand on the truth.

Only a few weeks later, in August 2022, Sneed voluntarily offered that the only people he had used that word “recanting” with was his attorney, Gina Walker, and his family.<sup>19</sup> In September 2022, when asked by Reed Smith again, Sneed reiterated that he did in fact discuss “recanting” with his family in August/September 2014.<sup>20</sup> When confronted about this apparent contradiction in statements, Sneed first could not recall if the AGO had discussed it with him and then when shown the AGO interview transcript, he responded as follows:

A. I just didn’t know if I really interjected that to cover something that I thought they were leading up to or if they actually asked a question which appears here that they actually asked me the question.

Q. Okay. And so, I think what you meant to say is that you did tell her you want to recant but it was in the context of talking about the only way to get out, right?

A. Well yes because I never just whole heartedly told her my family I want to recant. It was always well what do you think your options are, and then the options stem from well I told them this story. I’ve signed this contract. This is what’s going on. The only option would be recanting and trying to go along with some other story line I won’t be able to keep up with anyway.<sup>21</sup>

This, combined with his recently obtained letters to Gina Walker, establishes a pattern of behavior by Sneed with two consistent themes:

1) it indicates that Sneed is unreliable as a witness because he seems to articulate one story to one party and then a different story the next time he discusses the same topic; and

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<sup>19</sup> Exhibit 2: August 15, 2022 Reed Smith Transcript of J. Sneed Interview at p. 20:17-23. “The only person I probably ever used the word recanting to would’ve been to Gina or any of my family members. And when I talked to them, I tell them, well, if I went and told the media or the lawyers any other story that wasn’t what I told in the first place then I would just start making stuff up at that point and I probably wouldn’t even know how to keep up with the storyline.”

<sup>20</sup> Exhibit 4: September 7, 2022 Reed Smith Transcript of J. Sneed Interview at p. 48:14-49:3.

<sup>21</sup> *Id.*

2) it demonstrates a history spanning an 11-year period (from 2003-2014) of Sneed discussing “recanting” with various individuals that he trusts. Sneed’s testimony was crucial to obtaining a conviction against Glossip for first-degree murder and the murder for remuneration aggravator that attached the death sentence to Glossip. When these admitted statements from Sneed made to his family in 2014 are combined with the recently obtained letters written by Sneed from 2003<sup>22</sup> and 2007,<sup>23</sup> all discussing “recanting” or needing to “clean things up,” it is deeply troubling. The evidence viewed in the totality, further calls into question the reliability of his 2004 trial testimony.

**2. Sneed Indicated Multiple Details of His Trial Testimony Were Wrong But Maintained He is Still Consistent on the “Significant Events”**

When confronted with different versions of his statements to police, his testimony at Trial 1 and Trial 2, the AGO’s interview in July 2022, and the Reed Smith interviews in August/September 2022, Sneed attempted to clarify which version was in fact accurate. On specific points of testimony, he admitted that some of his trial testimony from Trial 1 and Trial 2 were inaccurate, that he misremembered, or was confused by the question. We provide three examples below:<sup>24</sup>

- Example 1: Trial 2 testimony that Sneed agreed was a “mistaken memory”:

What Sneed Testified to Previously	What Sneed Stated in September 2022
Sneed left the motel on January 7, 1997 “about noon” <sup>25</sup>	<p>Q. [T]he police report which starts at 3:04 when she got on the scene. she’s She is saying she’s observing you checking the rooms which would be after 3 p.m.</p> <p>A. Okay.</p> <p>Q. And that’s in line with what you told police and you testified at trial 1. But by trial 2, you’re thinking it’s much earlier?</p> <p>A. Yeah, and that’s just me going off of timeline in my head and memory of things that are happening of when I thought somebody left.</p> <p>Q. This is a mistaken memory, right? Would you agree with me at least that you’re leaving at 11:30 or noon?</p>

<sup>22</sup> August 20, 2022 Second Supplemental Report Exhibit A: May 15, 2003 Letter from J. Sneed.

<sup>23</sup> Discussed in the August 9, 2022 Supplemental Report.

<sup>24</sup> See Exhibit 4: September 7, 2022 Transcript of J. Sneed Interview for the full details.

<sup>25</sup> Trial 2 Testimony of J. Sneed, Vol. 13 at 73:14-74:5.

What Sneed Testified to Previously	What Sneed Stated in September 2022
	A. Yes ma'am. If everything else projects that I've been seen by an officer, and phone calls are being made at designated times and Glossip is leaving at a designated time, then yeah, my whole frame of memory of exactly what time of day it is is thrown off a little bit. <sup>26</sup>

- Example 2: Trial 1 testimony that Sneed was "in confusion of something else":

What Sneed Testified to Previously	What Sneed Stated in September 2022
Sneed saw Mr. Van Treese "earlier that previous day, around 4 or 5" "in the office." <sup>27</sup>	<p>Q. Do you recall seeing Mr. Van Treese earlier in that day before when he was on site?</p> <p>A. No, I do not. I believe I was already in my room laying down, already preparing to go to sleep, never even knew the guy was there or going to be there.</p> <p>Q. Okay. So, not even earlier in the day you don't remember anything?</p> <p>A. Not even earlier in the day. I don't remember even Glossip having any conversations with me or around me saying that he was going to be there sometime this evening or this morning or anything like that.</p> <p>Q. So, do you recall that in trial 1, you testified that you did see Mr. Van Treese around 4 or 5 on site and you were asked where did you see him, you said at the motel. What part of the motel? In the office.</p> <p>A. No, that almost seems like I would have been reflecting off of a different memory a few weeks before or month before this...<sup>28</sup></p> <p>***</p> <p>Q. So, this [trial 1 testimony] says, "On January 7, did you see Mr. Van Treese at the motel prior to you going to his Room 102? And you said, "Earlier that previous day around 4 or 5."</p>

<sup>26</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 154:2-22.

<sup>27</sup> Trial 1 Testimony of J. Sneed, Vol. 6 at pp. 87:12-88:2.

<sup>28</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 138:10-139:5.

What Sneed Testified to Previously	What Sneed Stated in September 2022
	A. Yeah, if I answered that I was in confusion of something else.... <sup>29</sup>

- Example 3: Statement to Attorney General’s Office inconsistent with trial testimony:

What Sneed Testified to Previously	What Sneed Stated to the AGO in July 2022
Q. Do you remember how much was there?	When I came back to my motel room with the money, Mr. Glossip was there. Then, all of a sudden, he wants to split the money, which was around like 7,500 or something like that. <sup>32</sup>
A. It seems like right around 4,000.	
Q. Okay. Did you split it evenly?	I think I remember getting a count on mine one time, and there was -- and I knew there was like three grand or a little over three grand, something like that. <sup>33</sup>
A. Yes, ma'am. <sup>30</sup>	
***	
Q. And you split it. And if I'm understanding, you got somewhere close to \$2,000; is that right?	
A. Yes, ma'am. <sup>31</sup>	

When Reed Smith asked Sneed about these inflated amounts provided to the AGO, and that he testified at trial that he only got \$4000 out of Mr. Van Treese’s vehicle, and the police found him with only \$1680, Sneed explained that he was promised \$7500 and “keep in mind that’s what I thought was in the envelope at the time.”<sup>34</sup>

These examples further demonstrate that Sneed’s statements regarding what occurred change every time he recites the events. It should be noted that his variation is not only on points that are immaterial. For instance, the amount of money taken from Mr. Van Treese was a critical

<sup>29</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 142:20-143:1.

<sup>30</sup> Trial 2 Testimony of J. Sneed, Vol. 12 at p. 129:5-8.

<sup>31</sup> Trial 2 Testimony of J. Sneed, Vol. 12 at p. 129:19-21.

<sup>32</sup> July 18, 2022 AGO Interview Transcript of J. Sneed at p. 14:12-15.

<sup>33</sup> *Id.* at p. 16:10-13.

<sup>34</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 135:1-5.

fact at trial and something that the Oklahoma Court of Criminal Appeals focused on in its 3-2 decision affirming Glossip's conviction.<sup>35</sup>

Sneed's memory recall of events is either extremely poor (even in earlier times closer to the events in question as evidenced with the police in January 1997 or trial 1 in June 1998) or he is not being truthful. Given the extent of his varying stories, coupled with the fact that Detective Bemo first suggested Glossip as being involved six times before Sneed even implicated him, we concluded in our Report that Sneed's testimony was not reliable. The new evidence we have uncovered further supports this conclusion. For example, during his September 7, 2022 interview, Sneed admits that during earlier portions of his January 14, 1997 police interrogation, "I can say that I wasn't yet being all the way honest about anything in the middle and it seems like to me the interrogation might have just got started."<sup>36</sup> But even at later portions of the police interrogation, Sneed explained he was "missaying or it was being misinterpreted" or the police "already got me confused or this is where really just starting to say, okay, I tell you what's really going on."<sup>37</sup>

Despite acknowledging these misstatements or inaccuracies, Sneed states he is not misremembering "significant events, maybe to timelines and reflections on some things like that but not the significant events of the actual murder and implications of the people that used me to murder."<sup>38</sup> Sneed clarified those "significant events" were "Mr. Glossip coming and coercing me and talking me into it and increasing amounts of money and being real adamant about it to the event of committing the murder me coming back out telling him and the whole motion of the day and the sun starting to come up. And then just I could lose bearings on exact time of day.... It can seem like one long hour to me."<sup>39</sup> It is disconcerting that the only details he appears to state consistently are that he killed Barry Van Treese, and that Glossip is to blame for it. As for the details of what actually transpired, however, Sneed's rendition appears to change from one reciting to the next. Our Report (Appendix 5) details many of Sneed's inconsistencies. These recent interviews further suggest that Sneed is unable to tell a consistent version of the events of the murder, other than stating that Glossip was involved.<sup>40</sup>

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<sup>35</sup> "The most compelling corroborative evidence, in a light most favorable to the State, is the discovery of the money in Glossip's possession." *Glossip v. State*, 157 P.3d 143, 152 (OK Crim. App. 2007). And yet, the only way that the \$1757 found on Glossip's person has significance is because of Sneed's testimony that he stole \$4000 total and they split it in half.

<sup>36</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 145:13-17 (emphasis added).

<sup>37</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 149:5-6 It was pointed out to Sneed that some of his statements in the police interrogation did not line up with his subsequent trial testimony. For example, he stated to police that "Rich told me that he would split what money we could get out of Barry" but then by trial 1, Sneed was testifying that Glossip told him only *after* the murder that Glossip was going to take half of the money and Sneed acquiesced. Compare January 14, 1997 Police Interrogation of J. Sneed at p. 25:1-4 to Trial 1 Testimony of J. Sneed, Vol. 6 at p. 96:5-8.

<sup>38</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 155:2-7.

<sup>39</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 155:11-22.

<sup>40</sup> The fact that Glossip's involvement was suggested several times to Sneed by the police during the initial interrogation is not inconsequential.

### 3. New Information to Timeline in Second Supplemental Report Shows Multiple ADA Meetings with Sneed and That ADA Had Knowledge Sneed Wanted to Break His Deal and Not Testify

New documentation and information obtained recently from Sneed demonstrate that the State was aware prior to Glossip's retrial of exculpatory and impeachment evidence and did not disclose such information to the defense. This evidence of Sneed wanting to break his deal and not testify directly related to Sneed's credibility and reliability of his testimony. The newly obtained evidence comes from four different sources: 1) the Oklahoma Department of Corrections, 2) the DA's Case File (obtained from Glossip's current defense team on September 6, 2022), 3) the Oklahoma County Jail Trust, and 4) the Oklahoma County Public Defender's Office. The Public Defender's Office searched and located only a portion of an electronic file for Sneed. They have been unable to locate the full case file. Using our Report details and findings, the Public Defender's Office reviewed the electronic file they still maintain and produced only a narrow set of documents with redactions pursuant to the Code of Professional Responsibilities and the Oklahoma crime fraud exception to the attorney-client privilege due to the pending threat of death.

Based on this newly obtained evidence, we have learned that ADAs Pope and Ackley met with Sneed on at least another occasion in October 2003, that Sneed had only wanted to take life with the possibility of parole (and not life without parole in early 1998), and that he sought a sentence reduction after signing his plea deal in May 1998. We have updated the timeline accordingly with new additions delineated in red.

- **September 10, 1997:** State offers Richard Glossip a plea deal of life without parole, and to testify against Sneed. Glossip declines this deal.
- **September 16, 1997:** State files its Summary of Witness Testimony and lists Sneed as being offered life without parole and that he will testify against Glossip.
- **January/February 1998:** Sneed writes to Gina Walker that he "will sign life possible to parole and that's it. I've left Chuck, John and my mom pretty much do all the answering for me and it's not what I want." Sneed also states that "I let my brother talk me into quitting roofing and staying at the Best Budget Inn. Then I go and let Richard talk me into this mess. So I started thinking why? Are you going to let everyone talk you into something?"
- **May 26, 1998:** Sneed signs the State's plea agreement of life without parole, and to testify against Glossip.

- **September 17, 1998:** Sneed files a motion for reconsideration/judicial review of his sentence.<sup>41</sup> The court denies the motion.
- **December 1998:** Sneed writes to his attorney, Gina Walker, asking about a sentence reduction. Sneed mentions “Glossip just kept on and on me about it. I just freaked out.”
- **January 30, 2003:** Sneed writes to Gina Walker regarding his misconduct (class A battery) and that “I guess I better answer your question DNA Sample? Well every-one knows I’m guilty so, you think it will prove my innocence (smile) I’ll keep my fingers crossed.”<sup>42</sup>
- **May 15, 2003:** Sneed writes to Gina Walker stating: “Curious on if your [sic] still thinking about coming here to try to visit me before his trial. And parts of me are curious that if I chose to do this again. **Do I have the choice of re-canting my testimony at anytime during my life, or anything like that.** For now I guess that’s pretty much it if there is anything you know, on his court date and **about re-canting.**”<sup>43</sup>
- **May 21, 2003:** Gina Walker writes to Sneed: “As for your other questions, yes, I do plan to come visit you...The remainder of the things you mention in your letter I will talk to you about in person.”<sup>44</sup>
- **August 2003:** Connie Pope replaces Fern Smith as lead ADA on the Glossip case.
- **August 7, 2003:** Gina Walker visits Sneed at Joe Harp Correctional Facility.<sup>45</sup>
- **August 12, 2003:** Gina Walker writes to Sneed saying she spoke with ADA Connie Pope and that the trial has been postponed till November 2003.<sup>46</sup>
- **September 23, 2003:** ADA Pope and Gina Walker communicate with Sneed. In an October 1, 2003 letter, Sneed writes “But, I’ve learned, as you & the DA’s said on the 23<sup>rd</sup>, there’s a lot in words & details that can tell people a lot.”<sup>47</sup>
- **September 25, 2003:** ADA Pope meets with Kenneth Van Treese (brother of Barry Van Treese and fact witness in Glossip’s retrial).<sup>48</sup>

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<sup>41</sup> Exhibit 7: September 1998 Request for Sentence Reduction.

<sup>42</sup> Exhibit 13: January 30, 2003 Letter from Sneed to G. Walker.

<sup>43</sup> Second Supplemental Report Exhibit A: May 15, 2003 Letter from J. Sneed (emphasis added).

<sup>44</sup> Second Supplemental Report Exhibit B: May 21, 2003 Letter from J. Sneed (emphasis added).

<sup>45</sup> Exhibit 8: Department of Corrections Requests for Visitation submitted by Gina Walker.

<sup>46</sup> Exhibit 14: August 12, 2003 Letter from G. Walker to Sneed.

<sup>47</sup> Second Supplemental Report Exhibit B: October 1, 2003 Redacted Letter from J. Sneed.

<sup>48</sup> Exhibit 9: September 28, 2003 Email from K. Van Treese to ADA C. Smothermon at p. 1. Kenneth Van Treese did not testify in the first trial against Glossip.

- **September 28, 2003:** Kenneth Van Treese sends a follow-up email memorializing their September 25, 2003 discussion which included a point on Sneed attempting to renegotiate his plea deal.<sup>49</sup>

**FIFTH ISSUE:**

**THE FIRST TRIAL OF RICHARD GLOSSIP AND THE SUBSEQUENT CONVICTION WAS BASED TO A LARGE MEASURE ON THE TESTIMONY OF JUSTIN SNEED. I AM CONCERNED THAT SNEED MAY ATTEMPT TO RENEGOTIATE THE TERMS OF HIS PLEA AGREEMENT IN EXCHANGE FOR TESTIFYING TO THE SAME FACTS HE PROVIDED IN THE FIRST TRIAL. MS. POPE ASSURED ME THAT SNEED IS ON BOARD FOR THE NEW TRIAL AND THERE WILL BE NO MODIFICATION TO THE AGREEMENT FOR SNEED TO BE IN PRISON FOR THE REST OF HIS LIFE.**

- **September 29, 2003:** State (ADA Pope) serves subpoena to Sneed's attorney, Gina Walker, to appear to testify.
- **October 1, 2003:** Sneed writes to Gina Walker referencing her and the D.A.'s recent communication on the 23rd.<sup>50</sup>
- **October 20, 2003:** Gina Walker has a scheduled meeting with Sneed at Joe Harp Correctional Facility.<sup>51</sup>
- **October 20, 2003:** The State formally adds Gina Walker to the witness list. The State also files amended Bill of Particulars adding the murder for remuneration (the sole death penalty aggravator that Glossip was convicted of). The State also files a More Definite and Certain Statement adding some new information from Sneed regarding the murder for hire.
- **October 22, 2003:** ADAs Connie (Pope) Smothermon and Gary Ackley have a scheduled meeting at Joe Harp Correctional Facility with Sneed and his attorney, Walker.<sup>52</sup>
- **October 29, 2003:** ADAs Smothermon and Ackley interview Cliff Everhart. ADA Smothermon's notes list several new statements made by Everhart.<sup>53</sup>

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<sup>49</sup> Exhibit 9: September 28, 2003 Email from K. Van Treese to ADA C. Smothermon at p. 2. None of this nor the underlying information appears to have been disclosed to Glossip's defense.

<sup>50</sup> Second Supplemental Report Exhibit B: October 1, 2003 Redacted Letter from J. Sneed.

<sup>51</sup> Exhibit 8: Department of Corrections Requests for Visitation submitted by Gina Walker.

<sup>52</sup> Exhibit 8: Department of Corrections Request for Visitation Submitted by Gina Walker. During ADA Smothermon's direct examination of Sneed, she confirmed with Sneed they met twice at Joe Harp Correctional Facility, one "last year" (which would have been in 2003) and one "five weeks ago" (which would have been in 2004). Trial 2 Testimony of J. Sneed, Vol. 12 at p. 60:1-12, 61:16-24.

<sup>53</sup> Exhibit 15: October 29, 2003 Notes of interview with Cliff Everhart. This document was recently obtained from the DA's Case File. Only the bottom two statements by Everhart appear to have been disclosed to the defense in an October 31, 2003 email (see Exhibit 16). We have not located any other disclosures by the State to the defense regarding Everhart's statements. Former ADA Gary Ackley does not recall why the two statements were disclosed



- **October 29, 2003:** According to a Joe Harp Interoffice Memorandum, an instruction came in that Sneed “will be going to court on Thursday, October 30, 2003” and would be “out overnite [sic].” “A deputy from Oklahoma County will pick him up around 7:00 a.m.”<sup>54</sup>
- **October 30-31, 2003:** Sneed is transported to Oklahoma County Jail due to a “Writ – Ad Test.”<sup>55</sup> No writ is filed on the case docket for this date/transport. Sneed is placed in protective custody in the Oklahoma County Jail per the D.A.’s instruction.<sup>56</sup> **It is unclear the purpose of this 24-hour transport but it is possible (and highly likely given the DA’s request for protective custody) that ADA Smothermon met with Sneed.**
- **October 31, 2003:** ADA Ackley emails Glossip’s defense counsel only disclosing two statements made by Cliff Everhart during the interview.<sup>57</sup>
- **November 3-4, 2003:** Hearing before Judge Gray where ADA Smothermon explains why Gina Walker was added to the witness list including possibly to rehabilitate and rebut Sneed’s testimony, the original plea agreement, and Sneed’s visit with Mr. Burch.
- **May 5, 2004:** Second meeting with Sneed – in attendance are ADAs Smothermon, Ackley, and Sneed’s attorney, Gina Walker.
- **May 24, 2004:** Sneed released from Joe Harp Correctional Facility to be transported to Oklahoma County jail for upcoming testimony at Glossip’s retrial.<sup>58</sup>

This newly obtained evidence further supports that the State had knowledge that Sneed wanted to break his plea agreement for a better one and not testify prior to Glossip’s retrial and this was not disclosed to the defense.

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in his email but not the other statements made by Everhart. He also noted this was not his witness and he was not aware that they were not disclosed to the defense. September 14, 2022 Reed Smith Interview of G. Ackley.

<sup>54</sup> Exhibit 17: Joe Harp Interoffice Memorandum dated October 29, 2003.

<sup>55</sup> Exhibit 18: October 30-31, 2003 Oklahoma County Jail documents.

<sup>56</sup> See Exhibit 18.

<sup>57</sup> Exhibit 16: October 31, 2003 Email from G. Ackley to W. Woodyard listing two points from Everhart’s interview. Ackley acknowledged that if Everhart testified to facts either inconsistent or omitted from his first testimony but contained in these witness interview notes, that information should have been disclosed to the defense pursuant to *Brady*. September 14, 2022 Reed Smith Interview of G. Ackley.

<sup>58</sup> Exhibit 6: May 24, 2004 Receipt/Release of Prisoner of J. Sneed.

#### 4. Sneed Confirmed that ADA Smothermon Was Aware He Did Not Want to Testify and Wanted to Break His Plea Agreement

In his August 26, 2022 interview, Sneed confirmed that he met with representatives of the District Attorney's Office along with his attorney, Gina Walker, before Glossip's retrial where his plea agreement and his not wanting to testify were discussed.<sup>59</sup>

Sneed recalled that "[e]ven on the second trial, where they rushed me in and pulled me into the courtroom, and then I'm in a little conference room, arguing the same point with them, talking about that I don't want to do it...Yeah, basically where it was to the point of just breaking me and me saying ok. I mean I guess maybe in the reality of life, I could have just kept waiting more and more time, but it seemed like we weren't leaving this scene until I agreed to do it, which comes along with pressure with Glossip, with the pressure of him wanting me to commit the act, so over time, it just seems like a lot of pressure, especially just being 19, 20, and 21, in that category, between the first trial and second trial."<sup>60</sup> During the August 26, 2022 interview, when asked specifically if right before trial 2, ADA (Pope) Smothermon was aware that he did not want to testify, Sneed's response was "to my knowledge."<sup>61</sup>

Former ADA Gary Ackley explained that he was not aware that Sneed wanted to recant, discussed recanting, did not want to testify, wanted to break his deal and/or attempt to renegotiate his plea deal.<sup>62</sup> When shown the September 28, 2003 email from Ken Van Treese recently found in the DA Case File<sup>63</sup> that memorialized a meeting with ADA Smothermon where a discussion of concerns over Sneed attempting to renegotiate his plea deal was discussed, Mr. Ackley stated he was not present at that meeting and does not recall it. He also stated that he would have concerns if he had known that Sneed was waffling or wanting to recant or attempt to renegotiate a new deal before trial. Those concerns would be "(1) was he lying then or now, (2) discovery, and (3) any prosecutor would be concerned about any cooperating witness in any big case regarding the uncertainty of the waffling back and forth and the disingenuous bad faith nature of such actions."<sup>64</sup> He also reiterated that information would qualify as Brady material and should have been disclosed to the defense.<sup>65</sup>

We have seen no evidence that ADA Smothermon ever informed the defense of Sneed's comments or wishes to break his deal and get a better one, or anything else discussed at this meeting with Ken Van Treese on September 25, 2003. We also confirmed with both of Glossip's

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<sup>59</sup> Exhibit 3: August 26, 2022 Reed Smith Interview at p. 78:1-8, 80:25-81:24, 93:15-22.

<sup>60</sup> *Id.* at p. 10:10-23. Sneed further recalled that during this conference room meeting with Ms. Walker and ADA Smothermon, the discussion involved "a lot of anything that I had to do was either not wanting to do to the point of being drugged to the courtroom and saying, really, you're out of time and your plea agreement is right here, and just marched out to the stand." *Id.* at p. 81:14-17.

<sup>61</sup> Exhibit 3: August 26, 2022 Reed Smith Interview of J. Sneed at p. 83:1-3. Sneed denied he told an ADA that he wanted to substantively change his testimony regarding Glossip's urging him to murder Mr. Van Treese. *Id.* at p. \_\_\_.

<sup>62</sup> September 14, 2022 Reed Smith Interview of G. Ackley.

<sup>63</sup> Exhibit 9.

<sup>64</sup> *Id.*

<sup>65</sup> September 14, 2022 Reed Smith Interview of G. Ackley.

retrial defense counsel that they do not recall the State ever disclosing such information to them at any point.<sup>66</sup> It is our understanding that in 2022, the AGO removed from the DA Case File anything it unilaterally deemed as “work product” and that despite there being folders labeled “Connie Pope Interview Notes” and “Gary Ackley Interview Notes” those folders were filled with police reports and/or other publicly available documents. Notes from only one witness interview of Cliff Everhart from October 29, 2003 were contained in the seven boxes of the DA’s Case File. It is our understanding that the AGO has also declined to provide a privilege log or other listing of what documents were removed. We have asked the AGO to reconsider this decision but have not heard back as of the date of this report.

Glossip’s retrial defense counsel also confirmed that this information (Sneed wanting to recant, discussing recanting, leveraging his testimony, expressing a desire to break his deal and seek a better one) would have been critical for the cross examination of Sneed and the entire case.<sup>67</sup>

The Oklahoma Discovery Code addresses §2002 addresses disclosures in criminal suits.<sup>68</sup> While Section 2002(E)(3) exempts legal work product from discovery, the work product exemption is not absolute. Irrespective of the exemption, “[d]ue process requires the State to disclose exculpatory and impeachment evidence favorable to an accused.”<sup>69</sup>

When the “reliability of a given witness may well be determinative of guilt or innocence,” nondisclosure of evidence affecting credibility falls within this general rule. *Giglio v. United States*, 405 U.S. 150, 153-54 (1972) citing *Napue v. Illinois*, 360 U.S. 264, 269 (1959). The testimony and reliability of Sneed, the primary witness for the State against Glossip, was determinative to an innocence or guilt finding in Glossip’s case. The State should have disclosed this information to the defense before Glossip’s retrial.

##### **5. ADA Pope’s Apparent Violation of the Rule of Sequestration Shows Continuing Concern Over Sneed’s Testimony**

“[S]equestration is (next to cross-examination) one of the greatest engines that the skill of man has ever invented for the detection of liars in a court of justice.”<sup>70</sup> The sequestration of witnesses falls under Oklahoma’s Rules of Evidence, § 2615.<sup>71</sup> This rule requires the court to exclude witnesses from the courtroom so as not to hear the testimony of other witnesses upon a request by the court or by the court’s own order. The defense invoked this rule in Glossip’s retrial.<sup>72</sup>

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<sup>66</sup> August 2022 Reed Smith Interviews of former Glossip attorneys Silas Lyman and Wayne Woodyard.

<sup>67</sup> *Id.*

<sup>68</sup> 22 O.S. 2011, §2002.

<sup>69</sup> *Musonda v. State*, 2019 OK CR 1, ¶ 7, 435 P.3d 694, 696.

<sup>70</sup> John Henry Wigmore, *Wigmore on Evidence: Evidence in Trials at Common Law* § 1838 (Arthur Best ed., 4th ed. 2021).

<sup>71</sup> OKLA. STAT. tit. 12, § 2615 (West 2017). The rule was enacted and went into effect in 1978.

<sup>72</sup> Trial 2 Transcript, Vol. 4, at p. 25:23.

The underlying reasons for imposing the rule of exclusion were to place restraints on witnesses who might be tailoring their testimony to coincide with the testimony of earlier witnesses and to assist the trier of fact in detecting whether a witness' testimony is less than candid.<sup>73</sup> In one case affirmed by the Oklahoma Court of Criminal Appeals, the trial court excluded a witness to testify where a violation of the Rule of Sequestration had occurred.<sup>74</sup>

The Tenth Circuit has emphasized counsel's obligation to protect sequestration of witnesses explaining, that "[c]ounsel know, and are responsible to the court, not to cause any indirect violation of the Rule by themselves discussing what has occurred in the courtroom with the witnesses."<sup>75</sup>

Further, Oklahoma courts have recognized the fundamental dual role a prosecutor has. "The prosecutor is both an administrator of justice and an advocate . . . . The duty of the prosecutor is to seek justice, not merely to convict.' Moreover, this Court has also stated: Surely, the prosecutor was aware that she was approaching a forbidden line and surely she was aware of the consequences of erroneously crossing it."<sup>76</sup>

Glossip's defense invoked the Rule of Sequestration at the beginning of the retrial.<sup>77</sup> The newly obtained evidence located in the DA's Case File seems to suggest that ADA Smothermon improperly attempted to gain an advantage by at least contacting two witnesses on the State's witness list during the retrial (Gina Walker and Justin Sneed) after the Rule had been invoked.<sup>78</sup> ADA Smothermon's contact with Walker and Sneed appears to have nullified Judge Gray's imposition of the rule in Glossip's retrial.

Based on her letter found in the DA's Case, ADA Smothermon appears to have taken the extraordinary step of contacting Sneed's attorney during the trial and right before Sneed testified specifying "a few items that have been testified to that I needed to discuss with Justin."<sup>79</sup> ADA Pope then lists six detailed<sup>80</sup> points of testimony given and questions for Sneed:

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<sup>73</sup> *Geders v. United States*, 425 U.S. 80, 87 (1976).

<sup>74</sup> *Dutton v. State*, 674 P.2d 1134 (OCCA 1984).

<sup>75</sup> *United States v. Buchanan*, 787 F.2d 477, 485 (10th Cir. 1986).

<sup>76</sup> *Brison v. State*, 1986 OK CR 183, ¶¶ 9-10, 730 P.2d 537, 539 (Okl.Cr. 1986).

<sup>77</sup> Trial 2 Transcript, Vol. 4 at 25:23.

<sup>78</sup> It is possible other witnesses may have been contacted as well but, as discussed above, documents were removed by the AGO with no privilege log/list provided.

<sup>79</sup> Exhibit 1: Letter from C. Smothermon to G. Walker.

<sup>80</sup> See Exhibit 1 for all six detailed points of testimony.

Gina,

Here are a few items that have been testified to that I needed to discuss with Justin –

1 - Officer Vernon Kriethe says in his report that after he arrested Justin and was transporting him downtown Justin voluntarily said –

It was my job to take him out and his to clean up  
The evidence –he didn't do a very good job

Does Justin remember making that statement?

a.m?  
p.m.?

2. -Kayla Pursley says she saw Justin leave in Glossip's car about 5:30 or 6:00 and she doesn't know how long he was gone or where he went. ?????

3 - Our biggest problem is still the knife. Justin tells the police that the knife fell out of his pocket and that he didn't stab the victim with it. There are no stab wounds, however the pocket knife blade is open and the knife is found under the victim's head. The victim and Justin both have "lacerations" which could be caused from fighting/ falling on furniture with edges or from a knife blade. It doesn't make much sense to me that Justin could have control of the bat and a knife, but I don't understand how/when the blade was opened and how/when they might have been cut. Also, the blade tip is broken off. Was the knife like that before or did that happen during?

ADA Smothermon ends the letter with a sense of urgency to get to Sneed before he testifies:<sup>81</sup>

Thanks - we should get to him this afternoon. Tina wasn't here on Monday so Justin may not get to the old jail until noon.

Connie

Kayla Pursely did not testify in any preliminary hearing, she did not testify in trial 1, nor did she give any statements to the police or to the prosecutor that were disclosed to the

<sup>81</sup> We have been informed by Oklahoma practitioners that the "old jail" was where inmates were housed before testifying or appearing in Oklahoma County Court during this timeframe. In Glossip's retrial, Sneed testified on May 26-27, 2004 and he was released from Joe Harp Correctional Facility on May 24, 2004 at 3 p.m. Exhibit 6: Department of Corrections Receipt for Prisoner (May 24, 2004).

defense that she saw Sneed leaving in Glossip's car at 5:30/6 on January 7, 1997. However, Kayla Pursley had already testified in Glossip's retrial (on May 21, 2004) that she observed Sneed in a car at 5:30/6 in the morning on January 7, 1997.<sup>82</sup> ADA Pope notes this testimony in her letter to Sneed's attorney:<sup>83</sup>

2. -Kayla Pursley says she saw Justin leave in Glossip's car about 5:30 or 6:00 and she doesn't know how long he was gone or where he went. ?????

Notably, when Pursley testified in trial 2 for the first time to this fact (seeing Sneed in Glossip's car at 5:30/6 on January 7, 1997), the defense informed that Court that "she has now testified differently than the information that's contained in the reports. For example, whether or not she told Detective Bemo about even seeing Justin Sneed with Mr. Glossip's car at 5:30. Some of these statements that are up here on the board, she has never said until today."<sup>84</sup> ADA Smothermon then argued that the defense was "not trying to impeach her with something different. She said absolutely nothing different that's in any of these reports. Did she say some things that aren't contained, some additional things, yes. But that's not – reading these reports wouldn't refresh her recollection because they're not in these reports."<sup>85</sup> ADA Smothermon later stated: "I agree that there are things that she's testified to that aren't in the reports."<sup>86</sup>

ADA Smothermon's statements reaffirm that Pursley had never testified to that fact before trial 2. The fact it is then contained in ADA Smothermon's letter to Gina Walker to discuss with Sneed demonstrates this letter was written during the retrial, i.e., after Pursley testified in the retrial.<sup>87</sup>

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<sup>82</sup> Trial 2 Testimony of K. Pursley, Vol. 9 at p. 37:5-15 (May 21, 2004).

Q. Okay. When you saw Justin Sneed use Richard Glossip's car before this day, then it was for an errand for Richard Glossip; am I understanding that?

A. Yes. That's what I would have thought he would have been going somewhere for Rich.

Q. Now we're at about 5:30 or 6, is that right, in the morning?

A. Yes.

Q. On January 7th. And you see Justin Sneed get in this car?

A. Right.

<sup>83</sup> Exhibit 1: Letter from C. Smothermon to G. Walker.

<sup>84</sup> Trial 2 Testimony of K. Pursley, Vol. 9 at 74:3-10.

<sup>85</sup> Trial 2 Testimony of K. Pursley, Vol. 9 at 74:15-22. ADA Smothermon informed the Court the statements had been disclosed and the defense quickly corrected her to say in fact the statements had not been disclosed. *Id.* at 6-12.

MS. SMOTHERMON: Well, she's disclosed them to the State who's disclosed them to Defense a lot earlier, so this isn't the first time today they've heard these statements. I don't want the record to be unclear about that.

MR. LYMAN: Yes, it is the first time I've heard some of these statements. I want the record to be clear about that.

<sup>86</sup> Trial 2 Testimony of K. Pursley, Vol. 9 at 77:7-8.

<sup>87</sup> We reached out to former ADA Smothermon to give her an opportunity to discuss this specific letter and she has declined to respond. We also reached out to former ADA Gary Ackley – he stated that he did not recognize the letter nor was he aware of this letter written by ADA Smothermon to Gina Walker for discussion with Sneed. He

In point 3 of ADA Smothermon's letter, she mentions that Sneed had told police that he did not stab Mr. Van Treese and just dropped the knife.<sup>88</sup>

3 - Our biggest problem is still the knife. Justin tells the police that the knife fell out of his pocket and that he didn't stab the victim with it. There are no stab wounds, however

Detective John Fiely had already testified (on May 24, 2004) that a knife was found under Mr. Van Treese's head.<sup>89</sup> ADA Smothermon's letter to Sneed's attorney mentions this testimony:<sup>90</sup>

the pocket knife blade is open and the knife is found under the victim's head.

Detective Fiely had also testified in Glossip's retrial that the tip of the knife found was broken off.<sup>91</sup>

The Medical Examiner, Dr. Chai Choi, had testified in the retrial on May 25, 2004, that some of Mr. Van Treese's face wounds could be "by human hands or struck onto some furniture."<sup>92</sup>

ADA Smothermon lists both points of Dr. Choi's testimony in her letter to Sneed's attorney:

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stated that Sneed was not his assigned witness in the division of labor, and was ADA Smothermon's assigned witness at Glossip's retrial. Ackley stated he only recalls meeting with Sneed one time with ADA Smothermon (and he does not recall Gina Walker being present at the meeting) and he was strictly an observer. September 13 and 14, 2022 Reed Smith Interviews of G. Ackley.

<sup>88</sup> Exhibit 1: Letter from C. Smothermon to G. Walker; *see also* January 14, 1997 Police Interrogation of J. Sneed at p. 61:20-22.

<sup>89</sup> Trial 2 Testimony of J. Fiely, Vol. 10 at p. 87:1-4, 87:23-25 (May 24, 2004).

Q. This the knife that you just testified about?

A. That was the knife that was found underneath the victim's head when he was moved.

<sup>90</sup> Exhibit 1: Letter from C. Smothermon to G. Walker.

<sup>91</sup> Trial 2 Testimony of J. Fiely, Vol. 10 at p. 128:5-8 (May 24, 2004).

Q. Now, one of the things observed on it is the tip of the knife. Is the tip intact? In other words, does it come to its point?

A. No, it is not. The tip is broken off of the knife.

<sup>92</sup> Trial 2 Testimony of C. Choi, Vol. 11 at p. 34:11-16 (May 25, 2004).

Q. Yes, that's example. Now, were you referring specifically to the eyes, the bridge of the nose and the lip when you stated that opinion just now?

A. They could be struck by human hands or struck onto some furniture. No way I can tell.

the pocket knife blade is open and the knife is found under the victim's head. The victim and Justin both have "lacerations" which could be caused from fighting/ falling on furniture with edges or from a knife blade. It doesn't make much sense to me that Justin

Dr. Choi also testified in Glossip's retrial (on May 25, 2004) that Mr. Van Treese's chest wounds were "puncture wounds" which are "a stabbing type injury."<sup>93</sup> Dr. Choi also testified about the wounds possibly coming from furniture edges.<sup>94</sup> Notably, Dr. Choi did not testify in trial 1 about furniture. This further indicates this letter from ADA Smothermon to Gina Walker was written during the retrial, *i.e.*, after Dr. Choi testified in the retrial to these facts.

In her letter, ADA Smothermon even expressed doubt that Sneed could be controlling the bat and the knife, and that the blade tip was broken off.<sup>95</sup>

furniture with edges or from a knife blade. It doesn't make much sense to me that Justin could have control of the bat and a knife, but I don't understand how/when the blade was opened and how/when they might have been cut. Also, the blade tip is broken off. Was the knife like that before or did that happen during?

The next day, May 26, 2004, Sneed testified at Glossip's retrial. For the first time, Sneed testified that he used the knife during the attack and stabbed Mr. Van Treese in the chest.<sup>96</sup> This reversal of his statement given to police does not appear to be a coincidence. Rather, it appears to be manufactured in response to ADA Pope's communication during trial to Sneed's attorney explicitly about what had been testified to by other witnesses about the knife.<sup>97</sup> The Defense immediately moved for a mistrial as this was new information not turned over before and the

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<sup>93</sup> Trial 2 Testimony of C. Choi, Vol. 11 at p. 88:3-12 (May 25, 2004).

Q. Dr. Choi, regarding the patterned injuries on the victim's left chest, were those puncture wounds?

A. What I mean, puncture is not penetrating and not skin breaking, but skin surface scratched and underneath the hemorrhages.

Q. So the skin was not punctured?

A. No.

Q. And a puncture wound is a stabbing-type injury, is it not?

A. Yes, usually described that way.

<sup>94</sup> Trial 2 Testimony of C. Choi, Vol. 11 at pp. 34:15-16, 40:2-3, 40:12-13, 93:4-13.

<sup>95</sup> Exhibit 1: Letter from C. Smothermon to G. Walker.

<sup>96</sup> Trial 2 Testimony of J. Sneed, Vol. 12 at p. 102:3-5. Former ADA G. Ackley characterized this change in testimony as a "night and day" inconsistency and not minor. Mr. Ackley stated that "there's a technical waffle there because of the bizarre attack. The knife was Sneed's passkey to get into the motel rooms. The tip of the knife was broken off – he was stabbing a man with the knife that didn't have a point on it." Mr. Ackley further stated while "not excusing his [Sneed's] inconsistency," there were "all kinds of room in those vagaries." Mr. Ackley agreed, however, that if, Sneed had changed his testimony because of an intervening memo from ADA Smothermon to Gina Walker the day before Sneed testified, that would be a problem for reliability of Sneed's testimony. September 14, 2022 Reed Smith Interview of G. Ackley.

<sup>97</sup> Sneed confirmed that he recalls sitting with the District Attorney's Office and Gina Walker in a conference room



Court denied it.<sup>98</sup> Based on the record, the defense, however, was not aware of Ms. Smothermon's communication to Ms. Walker (who was a witness on the State's witness list) or her providing information to Sneed through his attorney that allowed Sneed to provide this new information so that his testimony could be consistent with Dr. Choi's new information.

The newly obtained information and updated timelines in Section 3 show that ADA Smothermon had already talked to Sneed prior to Glossip's retrial (e.g., September 23, 2003, October 22, 2003, possibly October 30-31, 2003, May 5, 2004). Sneed's statement to police in January 1997 was that he did not use the knife during the attack and he did not stab Mr. Van Treese.<sup>99</sup> Only after testimony of these other witnesses (Detective Fiely, Dr. Choi), notice was sent to Gina Walker by ADA Smothermon, only then did the testimony of Sneed change to now include stabbing Mr. Van Treese. The only way that could have happened is Gina Walker talked to Sneed about it, receiving this communication from ADA Smothermon during the retrial.

It now appears, based on this newly discovered Smothermon communication to Gina Walker, that Sneed tailored his testimony on the use of the knife, reversing what he said to police in January 1997.<sup>100</sup> This mirroring of testimony by Sneed regarding the knife and him stabbing Mr. Van Treese to align with other evidence seems confirmed by what he stated to Reed Smith in his September 7, 2022 interview.<sup>101</sup> Sneed also stated as much in his 2016 interview: "I was . . . adamant about not telling the police about whether um, I used a knife or not um, and then I came clean about it, because that was the only way that he could have got those marks."<sup>102</sup>

That the intervening cause is the prosecutor herself is deeply troubling. ADA Smothermon's reaching out to two witnesses listed on the State's witness list, while the retrial was in process, detailing what other witnesses testified to, appears to be a purposeful circumvention and disregard of the Rule of Sequestration. Given that Sneed was such a primary witness to the State's case, his testimony and credibility were germane to the jury's evaluation and ultimate verdict. ADA Smothermon's actions (unknown at the time) appear to have so infected Glossip's

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<sup>98</sup> Trial 2 Testimony of J. Sneed, Vol. 12 at p. 105:1-10. ADA Smothermon informed the Court and defense only after defense's motion for a mistrial, that "Yesterday after I heard the ME's questions, I called Ms. Walker. She had a conversation with Mr. Sneed and conveyed to me that – the same thing that I knew, that he had the knife open during the attack but that he did not stab him with it. The chest thing we're all hearing at the same time." Trial 2 Testimony of J. Sneed, Vol. 12 at p. 107:25-108:5. ADA Smothermon did not inform the defense or the Court about her letter to Ms. Walker or that she disclosed points of testimony from other witnesses in that letter. This extraordinary action by ADA Smothermon to violate the Rule of Sequestration seems to suggest that she was concerned about the reliability and credibility of Sneed's statements, particularly when compared to other witness testimony or objective evidence.

<sup>99</sup> January 14, 1997 Police Interrogation of J. Sneed at p. 61:20-62:2 ("I recall dropping it after I left the room because I knew I didn't have it on me no more.")

<sup>100</sup> Sneed does not recall adding any detail in Trial 2 that the prosecutor would not have already known about prior to getting on the stand. Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 141: 14-16.

<sup>101</sup> Exhibit 4: September 7, 2022 Reed Smith Interview of J. Sneed at p. 101:21-22 ("No, it was a knife that was involved, which obviously, I think he had a wound on his chest.")

<sup>102</sup> See Radical Media Interview with J. Sneed (June 23, 2016).

trial that it appears to be fundamentally unfair, particularly when the defense made a motion for a mistrial on this specific issue.<sup>103</sup>

Had the defense known about this communication from ADA Pope to Sneed through Sneed's attorney (who also was a witness on the State's witness list), written during the retrial for the purpose of conveying witness testimony to Sneed, and explicitly asking about the knife the day before Sneed testified, the Court could have evaluated the defense's motion for a mistrial with a more complete and informed perspective. The defense could have also asked to exclude Sneed's testimony or at the very least questioned Sneed on it for the jury to consider. This goes directly to Sneed's credibility and reliability as a witness, particularly given the State's theory that Sneed is so malleable and meek,<sup>104</sup> and the defense appears to have been at a severe disadvantage not knowing this. This newly obtained evidence further supports our findings that the 2004 guilty verdict cannot be relied on, as it appears clear that improper prosecutorial conduct may well have been a factor in its ability to obtain this verdict against Glossip.

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<sup>103</sup> "Relief will only be granted where the prosecutor committed misconduct that so infected the defendant's trial that it was rendered fundamentally unfair, such that the jury's verdicts should not be relied upon." *Bench v. State*, 431 P.2d 929, 963 (OK Crim. App. 2018).

<sup>104</sup> In fact, ADA Pope argued this exact theory to claim that she needed Gina Walker as a witness to testify that Lynn Burch, Glossip's defense counsel at the time, induced/encouraged Sneed not to testify by presenting him a case (*State v. Dyer*) to give to Ms. Walker. See November 4, 2003 Pre-Trial Record Hearing at 7:19-21, 11:21-22 (Court explaining that "part of the State's theory of this case is that Mr. Sneed was a pretty malleable guy who was influenced by Mr. Glossip to commit these crimes" and "reinforcing the State's position that Mr. Sneed is so malleable that whoever got to him last would influence him"). During the August 26, 2022 Reed Smith Interview, Sneed stated he did not feel threatened by Mr. Burch, or that any of Glossip's defense counsel mad him feel badly when they visited him. "I think they just really wanted to see 1) was I going to say yes/no am I going to testify, and 2) they asked me questions about details, did I still have the same details. I think it was more inquiring." Exhibit 3: August 26, 2022 Reed Smith Interview of J. Sneed at p. 110:23-111:1.

# ATTACHMENT 3

OKLAHOMA COUNTY  
CRISIS INTERVENTION CENTER

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY  
JUL 17 1997  
PATRICIA PRESLEY, COUNTY CLERK  
Deputy

July 1, 1997.

THE HONORABLE JUDGE Richard Freeman  
Oklahoma County District Court  
321 West Park Avenue  
Oklahoma City, OK. 73102

RE: Justin B. Sneed  
Case No: CF-97-0244

Dear Judge: Richard Freeman

Enclosed, please find the Psychiatric Evaluation for the Determination of  
Competency to Stand Trial on.

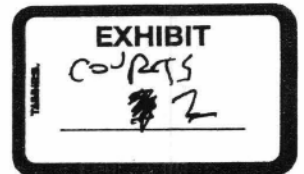
Respectfully submitted,

*Edith B. King, Ph.D.*

Edith King, Ph.D.  
Director, Forensic Psychology  
Oklahoma License Number 134

xc: Fern L. Smith , Assistant District Attorney  
George Miskovsky III, Assistant Public Defender

# ATTACHMENT R



DETERMINATION OF COMPETENCY TO STAND TRIAL  
PSYCHIATRIC EVALUATION

DATE: July 1, 1997

RE: Justin B. Sneed  
CF: 97-0244

By order of the Oklahoma County District Court, Judge Richard Freeman, under Oklahoma Statute Section 1175.3 dated April 22, 1997 and received in this office April 24, 1997. Justin B. Sneed was examined at the Oklahoma County Jail July 1, 1997.

The following statutory questions are responded to accordingly, and a more detailed psychiatric summary is attached.

**1. Is this person able to appreciate the nature of the charges against him or her?**

Yes. Mr. Sneed said he is in jail on a "Murder I" charge which he said is "for killing somebody." He explained "If I'm found guilty it means the death penalty." He also said "It (Murder I) carries life, life without parole, or death." Asked about his options, he said "after what I've said to some people going home is probably not possible." He indicated that the alleged crime was in connection with a burglary but that he does not carry a charge of burglary. His history includes some "hot checks" in Texas but, he said, "that doesn't matter."

**2. Is this person able to consult with his or her lawyer and rationally assist in the preparation of his or her defense?**

Yes. Mr. Sneed correctly identified his lawyer by name and said he has seen him one time. He also identified an investigator he has talked to. He said he has also been assigned another lawyer in addition to the first. In his appraisal, he said his only hope to get out of the death penalty is to plead guilty. He also said that if his only possibility is either life without parole or death he would not plead guilty, since he does not want to spend the rest of his life in prison. He explained that if he received life without parole he would get tired of it --- it would be depressing, with no sunlight and no air. He understands other terms such as probation, and said he had a year's probation as a juvenile for burglary of a house and a bomb threat. He is very aware of how limited his options are at this point.

**Determination of Competency to Stand Trial  
Psychiatric Evaluation  
Justin B. Sneed  
CF: 97-0244  
Page 2**

**3. If the answer to question 1 or 2 is "no", can the person attain competency within a reasonable time if provided with a course of treatment, therapy or training?**

**N/A.**

**4. Is the person a mentally ill person or a person requiring treatment as defined by Oklahoma Statute Title 43A, Section 3?**

**Yes.** Mr. Sneed denied any psychiatric treatment in his history and said he has never been hospitalized or had outpatient counseling. He was apparently married and said his wife used to tell him she thought he had "problems." She thought he had trouble "paying attention" and may have had ADHD (Attention Deficit Hyperactivity Disorder). He admits to using a variety of drugs including marijuana, crank, cocaine, and acid. He said he drank alcohol for one summer but didn't like it.

He is currently taking lithium at the jail and said it was administered after his tooth was pulled. He was not on lithium before coming to the jail and was started on it in March. He does not think he has any serious mental problems although he said he has "deja vu" sometimes. When he first came to the jail he said he had a strong feeling the pod was familiar. He now has this sensation once or twice a month. The lithium helps him "not to feel so angry" and he used to get angry quite often. He said he used to "yell at teachers and reject everyone and get into fights." It sounds as if he may well have had ADDHD and mood instability which lithium may help. He denies auditory or visual hallucinations but said he sometimes gets a ringing in his ears.

At this time Mr. Sneed gives an impression of being depressed to a moderate degree. He is able to communicate quite well for the most part, but his affect is flat and sad. Medication is probably helpful.

**Determination Of Competency To Stand Trial**  
**Competency Evaluation**  
**Justin B. Sneed**  
**CF: 97-0244**  
**Page 3**

**5. If the person were released without treatment, therapy, or training, would he or she pose a significant threat to the life or safety of himself/herself or others?**

**Yes.** This is answered in the affirmative only because he has a violent history, a history of polysubstance abuse, and is facing charges on a violent crime. He does not give an impression of being a violent person. He was calm and quiet and cooperative. He answered questions fully and did not seem to conceal anything. He was not at all threatening in manner.

**Determination of Competency to Stand Trial  
Psychiatric Evaluation**

**Justin B. Sneed**

**CF: 97-0244**

**Page 3**

**Summary of Psychiatric Examination**

Justin B. Sneed is a 19 year old Caucasian male who was born on September 22, 1977. He stated that he was born in New Mexico and lived in both Texas and Oklahoma after that. He lived with his mother and stepfather because his parents divorced when he was four and she remarried. He has one stepbrother and one full brother. He has two sisters. He said he was the "baby" until recently when his mother had a baby.

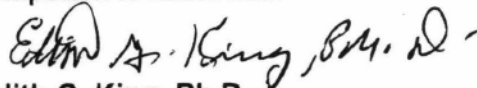
He said he was kicked out of school in the 8th grade for fighting other students and teachers. He was described as "a trouble maker."

He was married when he was 17 years old to a girl he had been with from the age of 16. She became pregnant and they are still married but separated. He and his wife have two daughters who are with his mother.

Mr. Sneed said he used to "reject authority" and grew up as a boy who often got into trouble. He had "plenty of spankings" and was especially hateful toward his stepfather. He said he and his mother have always gotten along "just great" and his wife referred to him as a "momma's boy."

It may well be that Mr. Sneed has had an atypical mood swing disorder in his past characterized by "ups and downs" including anger outburst. His hyperactivity would be consistent with that picture. His present medication is probably helping him control his moods.

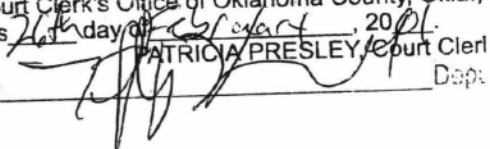
Mr. Sneed is able to assist an attorney and communicate satisfactorily regarding his legal situation. He is in touch with reality and positive in his attitude toward his lawyers. It is recommended that he be considered competent to stand trial.



**Edith G. King, Ph.D.**

Director, Forensic Psychology  
Oklahoma License Number 134

I, PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., hereby certify that the foregoing is true, correct and complete copy of the instrument herewith set out as appears of record in the District Court Clerk's Office of Oklahoma County, Okla., this 26th day of February, 2001.

By  PATRICIA PRESLEY, Court Clerk  
Dept.

xc: Fern L. Smith, Assistant District Attorney  
George Miskovsky III, Assistant Public Defender



# ATTACHMENT 4



OKLAHOMA COUNTY  
SEVENTH DISTRICT  
STATE OF OKLAHOMA

505 COUNTY OFFICE BUILDING  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 278-1600

RAY C. ELLIOTT  
DIRECTOR OF CRIMINAL DIVISION

JOHN J. FOLEY  
DIRECTOR OF JUVENILE DIVISION

ROBERT L. MITCHELL  
DIRECTOR OF CIVIL DIVISION

**ROBERT H. MACY**  
DISTRICT ATTORNEY

**PATRICK J. MORGAN**  
FIRST ASSISTANT DISTRICT ATTORNEY

**State's Plea Offer**

State vs.: Richard Glossip

Case No(s). and Charge(s) (include statutory cite):  
Cf 97-244 murder in the first degree  
21 O.S. 1991 701.7

Plea offer (include all specifics of the sentence offered):

Life without parole upon plea of guilty to  
murder in the first degree pursuant to  
21 O.S. 1991 701.7. State will agree to dismiss  
Bill of particulars. Glossip will agree to testify truthfully

This plea offer is conditioned on the following:

at prelim. hearing, trial and all other proceedings  
against defendant Gneed.

Unless a plea of guilty is entered earlier, acceptance of this plea offer must be in writing, signed by the defendant and the defendant's attorney and received in the District Attorney's Office not later than 5:00 a.m./p.m. on September 10, 1997.

If the plea or acceptance is not completed by the time and date in the preceding sentence, it shall be deemed rejected and an agreement shall not be implied.

This offer is extended on Sept. 10, 1997 by Tom L. Smith  
(DATE) (ASSIGNED A.D.A.'s SIGNATURE)

APPROVED BY: Patrick J. Morgan  
(A.D.A.'s Supervisor)

RECEIVED BY: \_\_\_\_\_ (date)  
(Defendant's Attorney)

# ATTACHMENT 5

Ms Gina Walker

Well, before you get too deep in this letter, I wish you to make me this promise. That you will not send Chuck or anyone to come find out ~~where~~ this is coming from or to try to get me to change it. With an open mind and that I will try to begin this letter...

I don't think I could quite make you understand how many times I've tried to write this letter in the past. Anyway, after deep thought and prayer, I've come to this conclusion...

I will sign life with a parole to parole and that's it. I've let Chuck, John and my mom pretty much do all the answering for me and it's not what I want. I don't want to live the rest of my life in the pen, with no hope of ever getting out. I mean I'd rather await death or have hope of seeing out side of brick walls. I

Then ~~you~~ let Richard talk me  
in to this mess. So I start thinking  
why? Are you going to let everyone talk  
you into something, That every night you  
pray don't happen. So I want have to  
sign something I don't want to. Then I  
get upset with myself every time you  
stop by for not having the courage to  
come out and say it. I'm afraid to say  
no in person it seems, And I don't  
know why.

Anyway I'm thinking this is  
my life and I'm about to let a bunch  
of people decide my fate for me. When  
it's not what I want. So now I've come  
to where I got to stand strong, and speak  
out for myself, And I didn't figure it would  
be fair, To let you continue to believe I  
want to sign life w/out. Maybe it might  
be true about when people say P.D.s don't  
really care one more case out of the way  
and they don't realize because they go  
home every night.

But I feel you really do have a caring heart towards me. So this is why I've come to the decision to write so when the 23<sup>rd</sup> of Feb. comes you'll know where I stand and it won't come as some big surprise.

I just really can't see my self signing life w/out, I'm hoping your understanding all this. And can see where I'm coming from. I'll sign life with, but other than that I'll take my chances. I just can't live my life out in the system. And I don't feel it's right to say I do because that sounds same same and what some people want me to do. Like John was saying that God wants you to live no matter where it is.

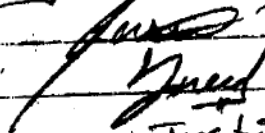
But God didn't want me in prison for these reasons either. And it's not fair to myself or ya'll to say I will and pray endlessly for it not to happen.

Anyway I seem like I'm repeating myself. I've tried to write this many times. I hope it came out understandable. Please, look at it with an open heart and try to visualize it from my view.

I mean if The DA want come  
to life with, to get Glossip then  
they must not want him that bad.

Plus I don't look forward for  
them to come at any thing. From  
my point of view at Glossip's case  
they at least should have him for  
conspires after the fact.

Very Sincerely,

  
Justin Sneed

# ATTACHMENT 6



**AFFIDAVIT OF ROGER LEE RAMSEY**

*RLR* My name is Roger Lee Ramsey. I reside at 128 E. 17<sup>th</sup> Street in Wewoka, Oklahoma.

*RLR* I was recently visited by Donald Knight and Ashley Cusick, who introduced themselves as the attorney and investigator representing Richard Glossip.

*RLR* I was in the Oklahoma County Jail from September of 1996 to May of 1997. I was in the jail when a man named Justin Sneed was brought to the unit I was on. We were on that unit together until I was transferred to the DOC in May.

*RLR* Sneed and I were on the same floor the entire time we were in the jail. For a portion of our time together, I believe we shared a cell.

*RLR* During our time there, Sneed and I were in an area where medical patients were cared for. People were there for all kinds of reasons. I think the jail wanted to make it easier for the doctors and nurses to come in and hand out the pills to everyone at once.

*RLR* I was on the medical floor because I'd had a heart attack in 1995. I don't remember why Sneed was on that floor, but I do recall that he was taking medication. I'm not sure what medications he was on but it might have had something to do with seizures or some kind of mental health problem.

*RLR* I also know that Sneed was pretty strung out at the jail. I could tell he was strung out on dope as soon as I met him, because I used to use meth myself. Junkies know junkies. Sneed told me that he used meth as well, including intravenously.

*RLR* As a former meth user, I can tell you that it takes awhile for it to get out of your system. You feel the effects for some time. It took me 7 or 8 months to overcome it when I quit.

*RLR* Sneed and I were around each other for awhile. I talked to him daily. Sneed told me that he was the one that killed the motel man. He said it was a robbery that went wrong and he ended up stabbing and beating the guy to death. He beat him with a ball bat. He said the man he killed didn't want to give the money up.

PLR

This was not something where I met Sneed 15 minutes ago and he told me. There was a camaraderie developed between us over days and days of talking.

PLR

When Sneed told me about what happened in the motel room, he used "we" to imply that he was in the room with another person who was also involved in the murder. Sneed never told me who this person was. He did not say whether this person was a man or a woman. Sneed told me that one of the two was the maintenance man at the motel. That's how they knew the old guy carried a lot of money.

PLR

Sneed did make it clear to me that he was the one who killed the victim. He said he and the person he did this with were supposed to lure the victim into the room and then rob him. Sneed told me that they didn't plan to kill the man—they were just going to take the money out of the guy's pocket—but that the robbery went bad.

PLR

At one point when telling this story Sneed did mention that there was a woman involved. I don't know whether she was in the room. She was his girlfriend, his wife, or maybe a dope whore.

PLR

Sneed never mentioned anything about Richard Glossip or anyone else paying or hiring him to commit this crime. Sneed never even said the name Richard Glossip to me, but he did make a reference to someone named Richard. He said that was the person he'd pointed the finger at in this crime. Sneed told me that he was mad at Richard so he was blaming him. I can't recall why he was blaming Richard, but Sneed said naming Richard was a "get-even" kind of thing. I felt like that was kind of sorry, to name someone in a crime like that to get even.

PLR

Sneed's story changed two or three times over the time I knew him. During that time, there were different placements of the people involved, and what their involvement was. But I was talking to Sneed during the time when he was coming off of drugs. I think those different versions were because he was coming off of the drugs. If you get really gacked out on dope and go kill a guy, your immediate thought is going to be to find justification for what you've done. Then it's going to be to get the hell out of there.

PLR

In my experience, you'll have really scattered thoughts when coming off of dope. When you're high and you make things up to start, you'll probably overlook the made-up parts in later stories. That's why I was never doubtful when Sneed said he killed the victim, because after he was off the dugs, there

RUR

was never any variation in that story: that the man was lured into his bedroom by Sneed and the other person, that they wanted to ambush and rob him, that the robbery went bad, and then that Sneed killed him. That tells me that story was the truth.

RUR

Sneed did try to justify this crime to me. He said the man shouldn't have fought back. Sneed showed no remorse. It was like, 'Well, the guy shouldn't have fought us on robbing him. He should of just gave up the money and moved on.' There was a nonchalant attitude coming from Sneed like that all of the time.

RUR

During the time that I was with him, Sneed had a different kind of character. His thought process was not like maybe yours or mine. He really thought it was ok that the guy had been killed. I was not a big deal to him.

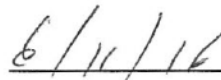
RUR

The first time I was contacted by anyone about this case was when Mr. Knight came to visit me in 2016.

RUR

I had this statement read aloud to me and I swear under penalty of perjury that it is true and complete to the best of my knowledge.

  
Signature

  
Date

# ATTACHMENT 7

## Declaration of Terry Allen Cooper

I, Terry Allen Cooper, being of lawful age and sound mind, do hereby swear and state that the following is true and correct to the best of my recollection:

1. In early 1997, I was an inmate in the Oklahoma County Jail. I was housed in Pod A or B and, at that time, Justin Sneed was housed in the pod with me.
2. I remember Sneed, as he was acting very strangely. At that time in my life, I was involved in the manufacture and use of methamphetamine. Based upon my use of the drug, I was also able to spot other people who were meth users. My experience told me that Justin Sneed was a meth user. He was acting like someone who was coming off the drug.
3. Justin Sneed also told me that he was prescribed lithium by the jail due to his bizarre behaviors. I recall him acting very crazy in the pod at times, and even hiding under a table in the pod at one time.
4. While I was in that pod with Sneed, he approached me and told me that he wanted me to help him. He told me that he was charged with the murder of the motel owner of the Best Budget Inn. I was familiar with the Best Budget Inn. It was a place well-known for the sale and use of meth and other drugs at the time. I had been to the Best Budget Inn on many occasions, although I did not know the motel owner.
5. Sneed wanted me to tell the police these things:
  - That I had seen Sneed and Richard Glossip together at the Best Budget Inn before the murder had taken place and had overheard them talking about wanting to kill the motel owner.
  - That I heard Glossip say that he wanted Sneed to kill the motel owner and that they would split the money.
  - That I heard Glossip say that he was supposed to help Sneed to move the body after the murder.
6. None of the things Sneed wanted me to say was true, and I never told any of this to the police.
7. Justin Sneed never told me that Glossip was actually involved in this murder. Sneed told me that he (Sneed) was afraid that the state was going to give him the death penalty and that he needed my help to "lay it all off on Rich." He made it clear that he wanted me to lie for him and to tell the police his story. I overheard Sneed asking others to do this for him too. I do not recall the names of any of the

other inmates that he talked to, but I did overhear him asking others to do the same as he was asking me.

8. I was later transferred to pod C and I heard someone call out the name of Richard Glossip. I had never met Glossip before, but I approached him and told him what Sneed wanted me to do. I told him that I would not lie for Sneed.
9. Shortly after telling this to Glossip, I discussed what Sneed had told me with an attorney for Richard Glossip, but I never was called to testify in a court hearing, nor did any defense or prosecution investigator ever talk with me. I was not contacted again about this matter until Don Knight contacted me on February 22, 2018.
10. I am providing this affidavit freely and voluntarily. No one threatened or coerced me or offered me anything of value in exchange for this declaration.

I swear and affirm that the forgoing statement is true and correct. I am aware that by providing this declaration, I may have to testify.

Witness my signature on this 3<sup>rd</sup> day of May, 2018.

  
Terry Allen Cooper

M. Olive  
Witness Name

Mark Olive  
Witness Signature

5/3/18  
Date

# ATTACHMENT 8

## AFFIDAVIT OF PAUL MELTON

STATE OF NEVADA            )  
  )  
COUNTY OF CLARK         )        ss.

I, Paul Melton, being of legal age and sound mind, and under penalty of perjury, do hereby swear and state that the following is true and correct:

1. I am 49 years old. My date of birth is December 12, 1966. I am presently incarcerated in the Nevada Department of Corrections.
2. Beginning in or around March, 1997, I was incarcerated in the Oklahoma County Jail in Oklahoma City for about thirteen months. For the first two or three months of my incarceration I was a porter at the jail. I then spent a few weeks in the medical unit for a medical procedure. It was after the medical procedure that I was first placed in the same wing of the jail as Justin Sneed. I met him when I arrived in the wing. From somewhere around the next six to nine months I was housed in the same wing of the jail as Justin Sneed. At first my cell was two doors down from Sneed, then I was moved to a cell about five down from his (attached is a drawing of how I recall that unit looking and where my cell was and where Sneed's cell was located). *PM*
3. There were five or six other white guys who I spent time with in that wing. One was Justin Sneed. Another was my cellmate Gary Hooley. I also remember a guy named Ricky Jenkins was in a nearby cell. We hung out together because there was a lot of tension at the jail back then, especially among members of different races. We shared cigarettes, watched out for each other and spent our tier time together. During tier time we sometimes took walks, watched television, played cards and often hung out together in our cells. I saw Justin Sneed on a daily basis during this period of time while I was in that wing of the jail. *PM*
4. There were other guys housed in our wing who were charged with murder, but Justin Sneed was the only one who spoke to me about his case. Typically, people do not speak to other people in jail about their cases, but Sneed did. Even though it's been almost twenty years since I was in jail with Sneed, I remember some things that he told me about his case. It was a very memorable story and has stuck with me all these years. *PM*
5. Justin Sneed was very clear that he killed the victim in his case. He always told me that he did it. Sneed described beating the man, and he also said he strangled him. I have learned his name was Barry Van Treese. *PM*



6. Sneed told me that Van Treese was the owner of the motel where the murder happened. Sneed told me that Van Treese lived out-of-town, and stayed at his motel when he was in Oklahoma City. *pm*
7. Sneed told me that he (Sneed) had a girlfriend at the time. He also told me that Van Treese was the "Sugar Daddy" of Sneed's girlfriend. I cannot remember the name of Sneed's girlfriend. Sneed said Van Treese gave his girlfriend money and even paid for her breast implants. Sneed told me that Van Treese would give this girl \$500-\$1,000 cash regularly. *pm*
8. Sneed told me that he learned that Van Treese was supposed to have a large amount of cash on him the day he was killed. He told me that he thought Van Treese had \$20,000-\$30,000 in cash. Sneed told me that he learned about this money from his girlfriend, who knew Van Treese well enough to know that he had large amounts of money on him. I remember Sneed telling me that Sneed and his girlfriend thought Van Treese was rich. *pm*
9. Sneed told me that he and his girlfriend made a plan to rob Van Treese. Sneed told me that either Sneed or his girlfriend worked at the motel Van Treese owned. Sneed told me that his girlfriend set the whole thing up. Sneed told me that their plan was for the girlfriend to get Van Treese to go to one of the motel rooms to meet her on the day of the murder, and that Sneed would either be there waiting for Van Treese, or Sneed would go into the room after Van Treese was already there. *pm*
10. Sneed said he and his girlfriend did not intend to kill Van Treese but only wanted to rob him. He told me that their robbery scheme fell apart because Van Treese didn't go along with it. He either fought back or did something else to upset the plan. Sneed said that things just went really wrong and that he ended up killing him. I remember that Sneed told me that when the murder took place his girlfriend was in the room. Sneed told me that he then got the money from Van Treese's car, but that he did not get all the money they thought was there. *pm*
11. Sneed sometimes commented that he couldn't believe he had killed a man for so little money. He was angry that he and his girlfriend did not get their hands on the \$20,000-\$30,000 that they thought Van Treese had. I remember him saying they got just a few thousand dollars, which wasn't much compared to what they had expected to get in the robbery. *pm*
12. Sneed had two major concerns while he was in jail with me. The first was that he not get the death penalty. The second was that his girlfriend not be discovered or charged in this murder. Sneed said he was worried about her. He said he didn't want her to be accused of the robbery and murder. Sneed said she kept in touch with him while he was in jail. He told me she put a lot of money on his books. He always had plenty to spend on canteen and other things and often had a huge stash of food under his bunk. Sneed said he tried to keep her name off any record pertaining to him in order to help prevent her from getting caught up in his case. *pm*

13. I remember Justin Sneed was young and very scared because he was facing the death penalty. I was older than he was and he asked me several times what he should do to get out of the death penalty. Sneed wanted to know what I would do if I was in his position. I had no idea what to tell him, because I could not even imagine killing someone and facing the death penalty. Sneed was prescribed psychiatric medication at that time. I think it was lithium. Sneed asked me if he should say the murder was an accident or if he should plead insanity. Because Sneed was prescribed the psychiatric medication I remember telling him that it sounded like a good idea to me to plead insanity. All I know is that he was very afraid of the death penalty. *pm*

14. I remember that Sneed didn't always take his psychiatric medicine. He often held the pills in his cheek and then spit them out after the nurse walked away. Sneed then sold his psychiatric medicine to other inmates. At some point the medical staff caught on to his scheme and they then prescribed the medicine in liquid form so Sneed could not fool them into thinking he had taken it, and they would watch him swallow it. *pm*

15. During all of the months that I spent with Sneed in 1997 and 1998, he never mentioned the name Richard Glossip to me. He never said he was hired or was paid any money by anyone to murder Barry Van Treese. Other than Sneed's girlfriend, he never mentioned anyone else being involved in the robbery or the murder. Sneed's story was always the same; that he and his girlfriend planned a robbery that got very messy and ended with him killing the victim. He never mentioned the name Richard Glossip to me and I do not recall ever hearing the name Richard Glossip before I was contacted by counsel for Mr. Glossip in 2016. *pm*

16. At no time prior to being contacted in 2016 was I ever contacted by anyone or asked about this case. *pm*

FURTHERMORE THE AFFIANT SAYETH NAUGHT.

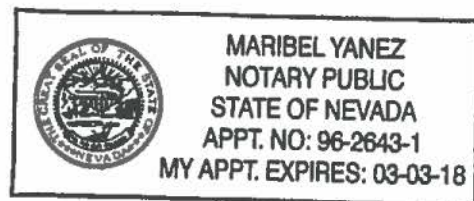
Dated Tuesday, February 16, 2016.

*Paul A Melton*

Paul Melton

SUBSCRIBED AND SWORN TO BEFORE ME, on the 16<sup>th</sup> day of February, 2016.

*Maribel Yanez*  
NOTARY PUBLIC  
My Commission expires: 03/03/2018



# ATTACHMENT 9

**AFFIDAVIT OF JOSEPH TAPLEY**

**STATE OF OKLAHOMA**            )  
  )  
**OKLAHOMA COUNTY**            )       **ss:**

I, Joseph Tapley, being of legal age and sound mind, do hereby swear and state that the following is true and correct:

- 57 1. I was placed in the Oklahoma County Jail the summer of 1997 until October 1997.
- 57 2. During this time period, Justin Sneed was my cell mate. We were housed in cell 6-D-25 during this entire time. There were 50 cells with 2 people per cell. A handwritten diagram of the unit and our cell is attached to this affidavit.
- 57 3. We were locked down the majority of the time, only getting out 2 to 3 times a week for showers, to play cards, or to attend Bible classes.
- 57 4. I spent a lot of time talking to Justin Sneed about the Bible. We read the Bible every day. In fact, I have Justin Sneed's signature in my Bible dated September 28, 1997. Photographs of my Bible are attached to this affidavit.
- 57 5. During the time we spent together, Justin Sneed told me very detailed accounts of how he killed Barry Van Treese on two or three separate

occasions. I don't remember the exact words he said, but I am sure he did it for the money because he told me the money was in the car.

51 6. Justin Sneed told me that it was hard to kill Mr. Van Treese. He told me he hit him repeatedly with a baseball bat. Justin Sneed made it clear to me that he wanted to kill Mr. Van Treese because he told me how hard it was to kill him. I cannot say at what point that night that Justin Sneed decided to kill Mr. Van Treese. He then told me that there was a struggle, and it was really hard to get Mr. Van Treese to die. Justin Sneed told me he broke the window out of the motel room with a baseball bat.

51 7. Justin Sneed told me that he moved Mr. Van Treese's car to the bank parking lot. He told me the money was in the car.

51 8. Justin Sneed told me that he moved the car to the bank parking lot so that he could use the car later to come back and get the body to take the body away.

51 9. Justin Sneed told me that he threw something in the trash.

51 10. I am sure that Justin Sneed acted alone. He never gave me any indication that someone else was involved. He never mentioned the name of Richard Glossip to me. If he had told me that someone else was

involved, I would definitely had remembered that.

- 57 11. Justin Sneed was very concerned about getting the death penalty. He was very scared of it. The only thing that mattered to him was signing for a life sentence.
- 57 12. I have been in prison. I know people who have killed other people. I know people who have shown remorse. Justin Sneed showed no remorse to me at all for the killing. He looked to me to be sorry he got caught, but he did not seem to care that he killed a man.
- 57 13. I have been around people who are addicted to methamphetamine. They have certain ways of acting that are called "tweaking." Justin Sneed had the twitches of a person who used methamphetamine. He was "tweaking" while he was in jail.
- 57 14. One time in jail, I used methamphetamine with Justin Sneed. We traded two bags of coffee for enough methamphetamine for each of us to use one time. We snorted the methamphetamine.
- 57 15. Justin Sneed was definitely not mentally retarded. I thought of him as a regular person. We talked all of the time about many things. He never had any trouble understanding things or communicating with me. We spent a lot of time reading the Bible. We would preach the Word of the

Lord to the other inmates on the rare occasions when we got out on the pod. Justin Sneed was able to understand the Bible as well as I did.

51 16. I own a business. I have children. I do not want my name in the press or involved in this case.

51 17. From everything Justin Sneed told me, Justin Sneed killed this man alone. If he had been involved with anyone else, he would have told me. He told me everything about this crime, but never that anyone else was involved. I never heard the name Richard Glossip from Justin Sneed.

51 18. I am coming forward now because I heard that Mr. Glossip was about to be killed. I found Mr. Knight by googling "attorney for Richard Glossip." I called Mr. Knight and left a message on his telephone at his office, just after the 6 o'clock news on Tuesday, September 15, 2015.

51 19. I had been thinking of calling with this information for a month or so before the execution, but I always thought that someone would stop it. When it looked like it would not stop, I felt like I had to do something. I did not actually talk to Mr. Knight until after the execution had been stopped.

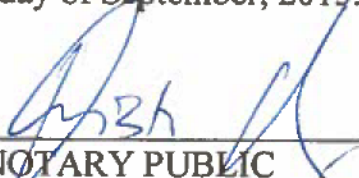
51 20. If Mr. Glossip had been killed, and I had not done anything, I would have felt terrible for the rest of my life.

- 57 21. Prior to providing this affidavit, no one has ever called me or interviewed me about Justin Sneed or Richard Glossip. The only person I have ever talked with about this is my wife. I never heard anything about this case before I met Justin Sneed, and I did not hear anything about it again until recently when I heard about it on the news. I have never snitched on anyone or testified against anyone else.
- 57 22. I provided this affidavit freely. No one threatened me, coerced me, or offered anything to me in exchange for this affidavit. I swear and affirm that the foregoing statement is true and correct. I am aware that by providing this affidavit, I may have to testify.

  
\_\_\_\_\_  
Joseph Tapley



Subscribed and sworn to before me this 21<sup>st</sup> day of September, 2015.

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission number is: 0900844

My commission expires: 10-23-17



# ATTACHMENT 10

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,

Plaintiff,

vs.

RICHARD GLOSSIP,

Defendant.

CASE NO. CF-97-244



**AGREEMENT TO COOPERATE  
AND TESTIFY TRUTHFULLY**


The Oklahoma County District Attorney's Office and Justin Blayne Sneed hereby enter into the following agreement which is based on Justin Blayne Sneed's willingness to cooperate and testify truthfully.

1. Justin Blayne Sneed agrees to cooperate with the Oklahoma City Police Department and the investigation of the murder of Barry VanTreese. This cooperation shall include truthful statements to Oklahoma City police regarding any and all circumstances of the murder of Barry VanTreese, disposal of property belonging to the decedent, disposal of murder weapons, disclosure of any and all persons who have knowledge of the murder, all of the details surrounding the murder, similar crimes committed by the perpetrators of the murder of Barry VanTreese including other murders, robberies or attempted robberies and all statements made by the perpetrator of the murder of Barry VanTreese which were overheard by Justin Blayne Sneed or any conversations which Justin Blayne Sneed was a party to in which the perpetrator of Barry VanTreese murder made incriminating statements
2. Justin Blayne Sneed further agrees to testify fully and truthfully at all court proceedings relating to the crimes which are the subject of this agreement when and if he is called upon to do so.

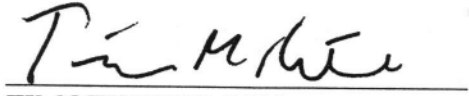
In exchange for the above enumerated cooperation, the Oklahoma County District Attorney's Office agrees as follows:

Dismiss the Bill of Particulars and allow Justin Blayne Sneed to enter a plea of guilty to Murder in the First Degree and serve a sentence of Life Without the Possibility of Parole.

The following statements set forth the entire agreement between Justin Blayne Sneed and the Oklahoma County District Attorney's Office. There are no other agreements between Justin Blayne Sneed and law enforcement authorities, nor shall there be in the future unless they are in writing and this agreement shall not be altered except in writing.

  
FERN L. SMITH  
Assistant District Attorney

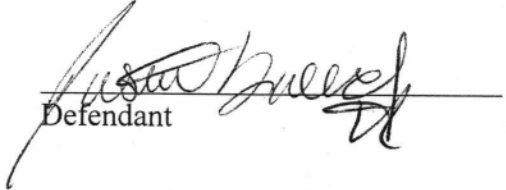
5/26/98  
Date

  
TIMOTHY WILSON  
Attorney for Justin Blayne Sneed

5/26/98  
Date

  
Witness

5/26/98  
Date

  
Defendant

5-26-98  
Date

# ATTACHMENT 11

**AFFIDAVIT OF WYNDI HOBBS**

STATE OF OKLAHOMA                    )  
  )  
  )        ss.  
COUNTY OF OKLAHOMA                )

Ms. Wyndi Hobbs, a person of lawful age, being duly sworn, under penalty of perjury do state as follows:


1. I am an attorney licensed by the State of Oklahoma and have been employed with the Oklahoma Indigent Defense System (OIDS) since May 1997.
2. In 2001, I was employed by OIDS in the post-conviction division.
3. On November 29, 2000, I entered an appearance in Richard Glossip’s post-conviction following his first trial. I was assigned OIDS investigator, Lisa Cooper, to assist me. I never ultimately filed that application because Mr. Glossip received direct appeal relief (although I did ultimately prepare and file an application for him following his second (2004) trial).
4. On April 16, 2001, as part of my post-conviction relief investigation, Ms. Cooper and I went to visit Justin Sneed at the Joseph Harp Correctional Center. Mr. Sneed had pled guilty in May 1998 and had no pending case at the time of our visit.
5. We explained to Sneed who we were and that we represented Mr. Glossip. Mr. Sneed was very friendly and did talk with us.
6. Sneed told us that he had met with Fern Smith, the prosecutor, 2 or 3 times. He also stated that it was his opinion that his attorneys had been pushing real hard for him to take the offered deal. After telling his attorneys no more than once, he did agree at a later point to the offered deal.
7. Sneed told us he had a juvenile record and that he was originally picked up for calling in a bomb threat to the school and burglary of a residence. Sneed also told us that he quit school after the 8<sup>th</sup> grade.
8. We told Sneed that it did look like Mr. Glossip would get a new trial and that there were pretty good odds that he would be called to testify again. He said he was not real excited about this, as he has had some problems (he was able to smooth them over) in prison over his testifying.
9. Sneed was surprised that Mr. Glossip had gotten the death penalty and seemed to have regret about what Sneed testified to at the trial. After meeting with Sneed, I remember

being very excited and optimistic that Sneed would provide us the information to exonerate Mr. Glossip from any part of the murder.

10. Sneed signed releases for juvenile, jail, prison and criminal records.
11. We were going to set up a second meeting and take him an affidavit to review and sign.
12. In May 2001, Sneed wrote me and asked for a copy of his plea agreement and that he appreciated me "letting me know there's a chance they (D.A.'s Office), will call me back up there. Because I had no clue of that. And I sure didn't want it to come out of the blue. It gives me a lot of time to think and ponder such things. It would really be appreciated if you would also let me know if he gets his case back in court. In case I miss hearing about it. Which will be highly unlikely [sic]!" He ended the letter with "I thank you, and hope that any information I help provide to you was of any benefit or use to you and your client's case."
13. Sometime after my April 16, 2001 visit with Sneed, his attorney from the Public Defender's Office, Gina Walker, contacted me. She indicated that I was to leave Sneed alone, that he was not going to cooperate with us or sign any affidavit, that the District Attorney's Office would rip up the deal, and Sneed would risk facing the death penalty.
14. I remember feeling deflated after this communication from Ms. Walker.

I swear upon penalty of perjury that the statement in the foregoing two pages is true and accurate to the best of my knowledge and recollection.

Further, Affiant sayeth naught.

  
Wyndi Hobbs

Subscribed and sworn before me on this 16th day of August, 2022.

# ATTACHMENT 12



Gina,

10-27-02

O.K. so your not so surprised to here from me again. ~~Smile~~, at least,

Here's the thing I talked a little with my co-defendants lawyer, he came up about 4 days ago. I agreed to talk with him so I could probe him for information and questions I had. The only reason he wanted to talk with me is to see if the da's have come to talk with me, and basicly try to put it in my head I ~~don't~~ don't have to do the same thing again if I don't want to, and all that persuasion stuff. He did tell me that the da's do have me on their witness list, so are more than likely going to try to hollar at me about it.

So, this I figure you should know, I haven't been enthused at all, since day one of Richard getting his case over turned of doing the same thing. Any police, or da, I'm refusing to talk to, in your absence.

I really don't want to make you mad, but your the only person I have any trust in in the corrupted, self opinionated ~~observed~~ observed from the constitution. My opinion is they can not make me do the same thing, I feel the language in the agreement is not there

I've broke my hand, so where I can't even  
make a proper fist any more. One can only  
take so much torment in life, the past  
speaks for it's self. I know nothing can  
bring the past back, or re-kindle the hearts  
of the victims left behind, to love instead of  
disprte and hate for me.

But, as for Ms. whoever her name  
was and the police, I will refuse to talk  
with any one, but you!

<sup>is</sup> sorry but that is what I feel  
in my heart I must do!

Sincerely,

*James  
Dreese*

# ATTACHMENT 13

**PUBLIC DEFENDER OF OKLAHOMA COUNTY**

611 COUNTY OFFICE BUILDING  
320 ROBERT S. KERR AVE.  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 713-1550 (main)  
(405) 713-1561 (direct)  
(405) 713-7169 (fax)

**ROBERT A. RAVITZ**  
PUBLIC DEFENDER

**ROBERT J. MILDFELT**  
FIRST ASSISTANT PUBLIC DEFENDER

**GINA K. WALKER**  
Assistant Public Defender

January 22, 2003

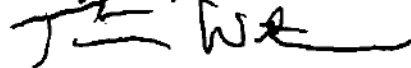
G. Lynn Burch, III  
Oklahoma Indigent Defense  
Capital Trials Division  
P.O. Box 926  
Norman, OK 73070

Re: Oklahoma County District Court Case CR-97-244

Dear Mr. Burch:

It has come to my attention that you have spoken with our client, Justin Sneed on at least three separate occasions. It is my belief that you have given him legal advice. I am sure you are aware that this office represents Mr. Sneed. Any contact with him is in violation of the Oklahoma Rules of Professional Conduct. We ask that you refrain from any future contact with our client.

Sincerely yours,



Timothy M. Wilson

Cc: File

# ATTACHMENT 14

JAMES D. BEDNAR  
EXECUTIVE DIRECTOR

FRANK KEATING  
GOVERNOR

**STATE OF OKLAHOMA  
OKLAHOMA INDIGENT DEFENSE SYSTEM**

TULSA CAPITAL TRIAL DIVISION  
P.O. BOX 926  
NORMAN, OKLAHOMA 73070  
VOICE (405) 801-2601  
FACSIMILE (405) 325-7567

*G. Lynn Burch, III*  
*Capital Defense Counsel*

January 24, 2003

Timothy M. Wilson  
Public Defender of Oklahoma County  
611 County Office Building  
320 Robert S. Kerr Ave.  
Oklahoma City, OK 73102

RE: State of Oklahoma v. Richard Glossip, Okla. Co. Case No. CF-97-244

Dear Mr. Wilson:

I am in receipt of your letter of January 22, 2003 regarding my interviews of Justin Sneed. Your letter contains several points that require immediate correction.

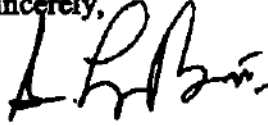
My recollection and memoranda indicate that I have interviewed Mr. Sneed twice regarding the case against my client, Richard Glossip. I only contacted Mr. Sneed after confirming via court dockets that he had no pending cases or proceedings arising from Case No. 97-244 and thus was *not* represented by legal counsel. Mr. Sneed then voluntarily agreed to see me on both occasions.

Mr. Sneed was clearly and unequivocally informed each time that I was there as legal counsel for Richard Glossip, whom Mr. Sneed testified against in exchange for his plea agreement. I also made clear several times that if he had any questions about his own case, status or legal rights, that he should contact Gina Walker of your office, whom my records indicated was his last counsel of record. I also made clear that I was not in any guise giving him legal advice as I was not his lawyer but rather Mr. Glossip's. Mr. Sneed indicated that he understood these matters both times that I recall speaking with him. The substance of my conversations with Mr. Sneed will not be discussed in this letter, although I would consider speaking with you or Ms. Walker about them if you desire.

In fact, when Mr. Sneed was brought back to the Oklahoma County Jail via the State's writ several days ago, he called me on the telephone and asked if I would let Gina Walker know that he was back in Oklahoma County, which I did immediately. I have not spoken to Mr. Sneed since that time, and have no intention of attempting to do so. Should I conclude that I would like to speak again with Mr. Sneed, I can assure you that no such overture would be made without contacting you or Ms. Walker for permission.

I am quite comfortable that at all times in this matter I have complied with the Oklahoma Rules of Professional Conduct, and can assure you that I will continue to do so as I zealously represent the interests of Mr. Glossip. Should you have any further questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Lynn Burch, III". The signature is written in a cursive style with some loops and flourishes.

G. Lynn Burch, III

cc: Gina Walker, Okla Co. Public Defender's Office  
file

# ATTACHMENT 15



Gina,

01-30-03

I got your letter today, yet as you probable know I sent you a letter yesterday that wasn't in very good spirits. I hope you didn't automatically respond to that letter and had time to receive this one, so as you know my job, health, and spirits are not the greatest right now. I'm still held in lock-up under investigation, they made me sign paper work saying they dropped me to Level 1 and took me off my job assignment. So, I do not know what's going on or going to happen, all I know is I was honest with them, but they still think I lied to them last I knew. But for them to think I just got whooped down, they never took me to Medical and had me examined or a body check done. And it's been almost 5 days.

I guess I better answer your question, DNA Sample? Well everyone knows I'm guilty so, do think it will prove my innocence? (Smile) I'll keep my fingers crossed. I guess you know best, I'm not trying to make another trip though just for that, so make arrangements for them to do it here if you can, it don't matter what kind of sample, to me DNA is DNA. I still question on what I should do, or when the time comes.

fair then to call me back up there. I have to  
feel it in my heart that that is what destiny  
chooses for me. My vision must've been blurred. I  
know that is why everything suddenly changed  
in my life. Do you believe and understand  
what I'm talking about, I hope so. I must  
focus my thoughts, my prayers. From the  
start you were put on the path for a Reason  
though. Even if it seemed "Mysterious" to  
you and me. Your words long ago

Make what ever arrangements necessary  
for the DNA sample. I'll sign what ever  
waivers you need me to sign. Then let  
me know a court date I should expect  
a change in pace again.

Sincerely yours

This pen is like real  
short and made of Rubber.

Justin B. Reed

~~to~~ Hard to write with. And it's all  
they will let you have in here. Life's Grand  
Always Smile

# ATTACHMENT 16

Giga,

2-4-03

Got your letter today, knowing these people they probably intercepted the first letter I sent you about my "situation" because I sent it the day they locked me up. They probably wanted to see what it had to say and if my story changed, while talking to you.

Because, this is what happened. A certain person, tried to put his hands on me playing I didn't really know him, he started hitting my leg, so I poured some coffee on him. My only defense move I had, "it wasn't hot coffee." Any way went to get the map, and he came up behind me and hit me, I thought with his elbow but found out his fist is what he claims.

Any way I was up set when I wrote that letter, and still am. Technically I didn't do anything. Yet, I told the Police, he was trying to cuff house and I got injured in the ass. They want calling me a Lean & Thug, because I didn't, couldn't tell them his name, I didn't know his name, so tell them.

Yet, here's the "kicker" they still thought I was lying about the "cuff housing" that took place, because I found out that how ever went and told the police we were "fighting" told them that two people jumped me and beat me up, and

that the reason they did this was because I went back to court and re-testified against my co-defendant, so that's what the police believed or is believing.

They served me a "write-up" I plead guilty got tired of arguing with them and being told it was a lie. The only thing I see I could of "lied" about was what hit my face, I thought it to be his elbow, yet he admitted his fist, either way when it hit me I never seen it coming.

The reason he admitted, was cuz they had another guy in lockup to that had nothing to do with it. Every body knows you take your own heat, in situations like that, let someone else fall for you and it could cause you a whole lot of problems.

Anyway all the report said was that he admitted that we were in a physical altercation and he hit me with his fist, I just plead guilty, no hearing nothing, they got me so mad, it didn't care, I'm still waiting on my sanctions, which will probably be 30 days in here and good time taken away, and be on Level 1 for awhile, I should know something any day, I'll wait a few more before sending this letter, so sb can tell you. It'd be a miracle if they just dropped it but I don't see that in my future, yet they have happened in my life.

So, we might as well move on to the  
ever haunting court issues, I figured it  
might be awhile before they would be  
ready to start the trial again, I  
really wish it would take forever, I hate  
my situation as in that and now, well  
I made it <sup>two</sup> weeks with no cellie, and  
now they throw one in on me. And I  
was right they gave me 30 days +  
40 hrs. of extra duty. Class A write up I  
think it stays on me for a year, that means  
I'll be on Level <sup>(2)</sup> for a year, and I  
can't get my job back until I'm on Level 3.

2-6-03

So, that means a year, from now, and my  
new boss probably seen it as a reason to get rid of  
me, we didn't see eye to eye. He holds a grudge  
against me on something I don't even know  
ex. he wouldn't tell me, what's just let ~~it~~ be  
known he didn't like or trust me. When he  
started his year sometime, Oh well, they haven't said  
there going to ship me yet, I want like that at  
all, if they do, depends on what happens, depends  
on what I'll do, it has to be that way, let  
me know ASAP when you know something.

Thanks, Really Thanks For every thing.  
I promise, when I get in a better mode, I'll write you  
a poem I promise, I know you'll like that.

Sincerely  
Justin Young

# ATTACHMENT 17

Gina,

03-01-03

Took Jim out of jail only still on level one, and it will probably be a year before I can get to level 3 to be able to get my jail, back, and to making some money.

Listen, alot is crazy for me ~~write~~ right now, I'll still do the DNT thing I guess, though I need to know the first signs of them going back to trial, or at least how long you ~~would~~ think it would be, it will help. As of right now do not expect so much. I'm not having problems with anyone my mind is lost, right now and will be for a long time, Right now I just need an estimate on how long you think it will be until they come ~~and~~ wanting me to do that, again. So I know,

Thanks for  
everything  
Justin



# ATTACHMENT 18

Conna,

05-~~2~~<sup>15</sup>-03

Well I hope you are doing O.K. I'm good I guess, trying to get my job and my levels back still. Now I broke my right pinky finger trying to play Basketball.

I was just kinda curious if they found out about the DNA sample thing. No-one has tried to get a sample from me yet, or if they found out it wasn't blood and set my co-defendant a new trial date yet.

Curious on if you still thinking about coming here to try to visit me before his trial. And parts of me are curious that if I chose to do this again, do I have the choice of re-examining my testimony at anytime during my life, or anything like that.

For now I guess that's pretty much it. If there is anything you know, on his court date and about re-examining. The most thing I just hate the waiting game, and not seeing what's going to come next, W/ABP. Thanks

Sincerely  
Antonio Inez

# ATTACHMENT 19

## PUBLIC DEFENDER OF OKLAHOMA COUNTY

611 COUNTY OFFICE BUILDING  
320 ROBERT S. KERR AVE.  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 713-1550 (main)  
(405) 713-1561 (direct)  
(405) 713-7169 (fax)

**ROBERT A. RAVITZ**  
PUBLIC DEFENDER

**ROBERT J. MILDFELT**  
FIRST ASSISTANT PUBLIC DEFENDER

**GINA K. WALKER**  
Assistant Public Defender

May 21, 2003

Justin Sneed  
DOC# 265681  
J.H.C.C. C-2-210  
P.O. Box 548  
Lexington, OK 73051

Dear Justin:

How are you? I just read your letter dated May 15, 2003. I am not able to tell you when the buckle swab swill be taken. I asked Fern Smith the other day, and she said she had not heard anything. I suppose there is an outside chance it won't even happen. I will keep you updated as I find out more about it. As for your other questions, yes, I do plan to come visit you. I have a death penalty trial set June 16, 2003. It will take about two weeks. I was planning to see you after that. I will write you and let you know the date I will come to see you after the trial is over. The remainder of the things you mention in your letter I will talk to you about in person.

I hope you are doing well. Stay healthy and keep your spirits up! I look forward to seeing you after the trial.

Sincerely yours,



Gina Walker

# ATTACHMENT 20

Gene,

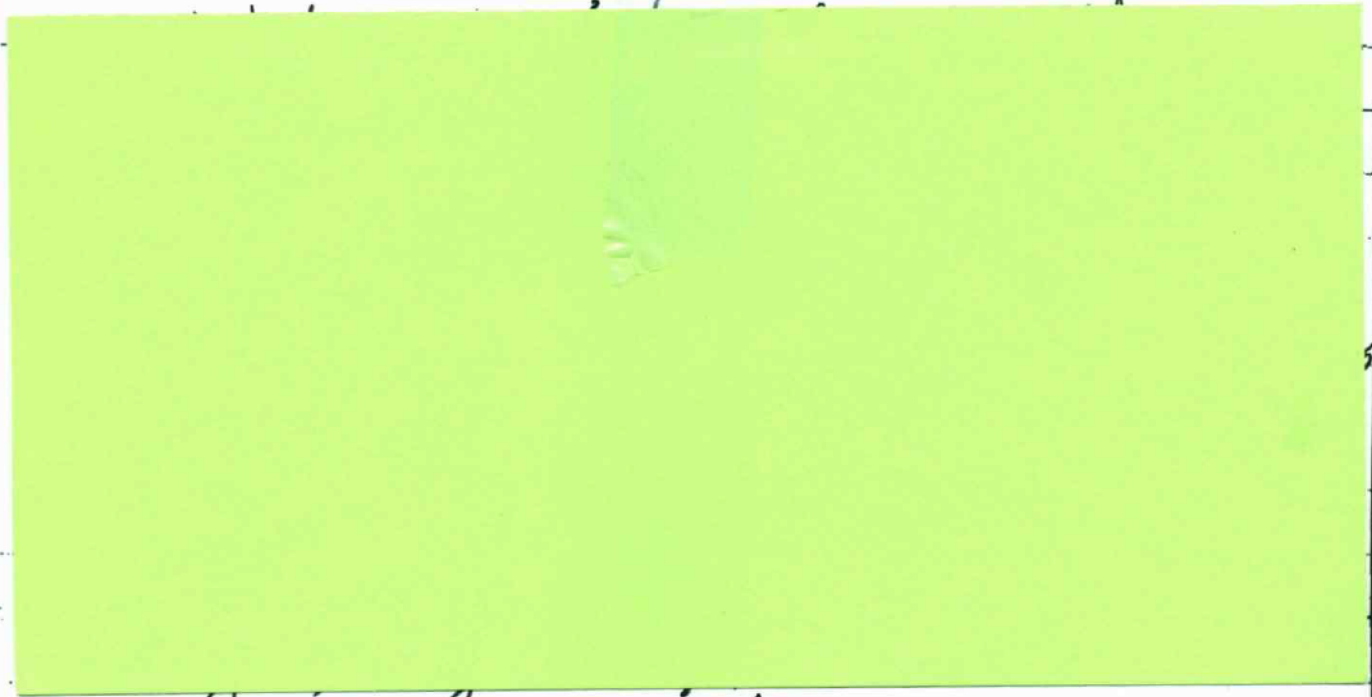
9-13-03

Hey, how are you doing, me, just  
alot of the same. boredom, it was  
good to see you, that time you came up  
here, it was good to sit down and  
talk to you and visit. [redacted]

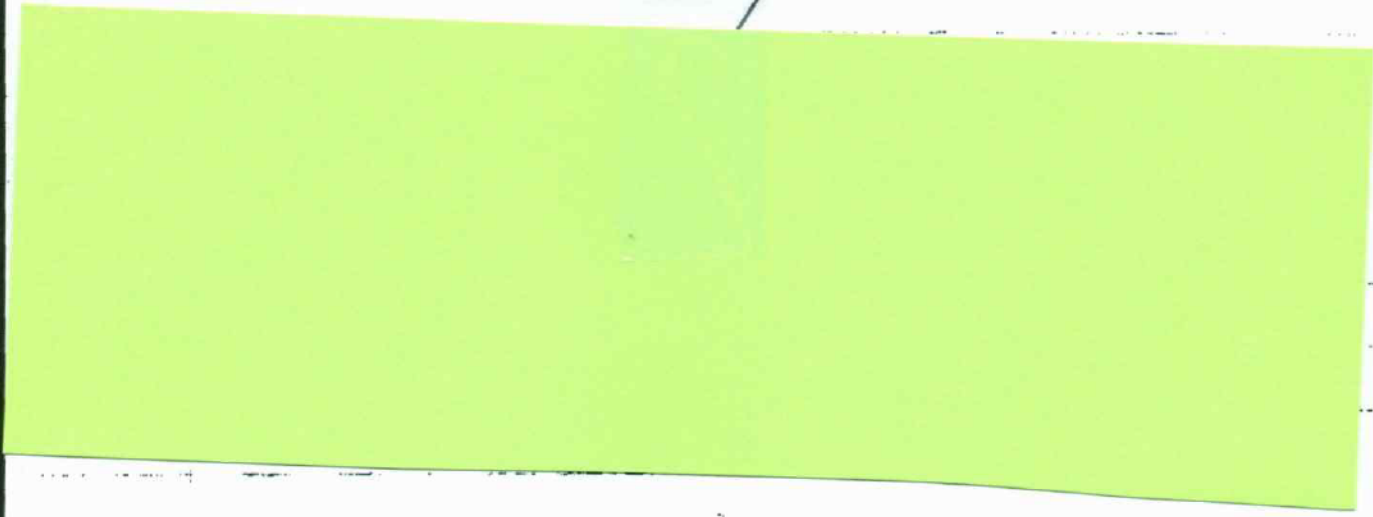
[redacted] Though really  
praying this trial thing gets put off  
some more, no one has tried to  
take any blood samples yet.

I guess I just dont want to  
go come back, to a different unit. Still  
not sure on what even to do, Life  
can get real depressing in here.

So, if you have any news on  
me you can tell me, all just thoughts  
of life. [redacted]



Sincerely  
Justin



# ATTACHMENT 21



Gina,

10-01-03

But, I've learned, As you & the DA's said on the 23rd  
that a lot in words & details, that can tell people alot

*[Handwritten signature]*

→over

# ATTACHMENT 22

**Smothermon, Connie**

**From:** Kvantreese@aol.com  
**Sent:** Sunday, September 28, 2003 12:34 PM  
**To:** CONNIEP@OKLAHOMACOUNTY.ORG  
**Cc:** DAJENTAY@OKLAHOMACOUNTY.ORG  
**Subject:** Regarding meeting of 9/25/03

Ms. Pope:

Thank you for the time and courtesy extended by you and your staff last Thursday. It is a real benefit for myself and my family to realize that the professionals delegated with the task of obtaining justice for the people responsible for the murder of Barry are certainly up to the task.

As we discussed, I will provide clear understanding of the reason Richard Glossip murdered my brother. While driving home it occurred to me that it will be necessary to obtain permission for me to observe the entire trial and provide testimony at the trial. In the last trial Donna was granted exception from the rules. Do you think permission can be obtained for me in the upcoming trial?

I called Bill Sunday to discuss him providing testimony relating to the shabby condition of the motel. He can and will do what is needed, but I would prefer to do it myself.

I have discussed the proposed plea offer of Life in Prison without the Possibility of Parole with my father, brother, sisters and Derek VanTreese (one of Barry's sons). All agree that it would serve societies purpose as well as obtaining a death penalty. One of Barry's daughters is overseas with her husband in the Air Force. I have not been able to contact her or her brother who lives in Denver. I have attempted, with no success, to discuss the issue with Donna. I will keep you posted on the opinions of others concerned.

Other issues discussed during our meeting were as follows:

**AFTER GOING THROUGH THE TRANSCRIPTS OF THE ORIGINAL TRIAL AND RELATED APPEALS PROCESSES I AM CONCERNED ABOUT SEVERAL ISSUES RELATED TO THE NEW TRIAL.**

**FIRST ISSUE:**

**THE JUDGE THAT HAS BEEN ASSIGNED TO CONDUCT THE TRIAL IS THE SAME INDIVIDUAL WHO CONDUCTED THE EVIDENTIARY HEARING FOR THE COURT OF APPEALS. SHE WAS ACTING AS AN AGENT FOR THE COURT. IN THE PROCESS OF CONDUCTING THE HEARINGS SHE HAS GONE THROUGH ALL DOCUMENTS AND TESTIMONY PROVIDED DURING THE FIRST TRIAL. IT WAS HER OPINIONS AND FINDINGS THAT PERSUADED THE APPEALS COURT TO OVERTURN AND REMAND THE CASE FOR A NEW TRIAL. IT IS OBVIOUS FROM THE RECORD SHE HAS FORMED AN OPINION OF GUILT OR INNOCENCE BEFORE THE NEW TRIAL HAS BEEN CONVENED. MS. POPE AND OTHERS IN THE DISTRICT ATTORNEY'S OFFICE ARE CONCERNED THAT THE JUDGE WILL PROBABLY PROVIDE THE JURY WITH INSTRUCTIONS TO CONSIDER A "LESSER INCLUDED OFFENSE" OF ACCESSORY AFTER THE FACT. SHOULD THE JURY FIND THAT GLOSSIP WAS NOT A PRINCIPLE IN THE MURDER BUT ONLY PARTICIPATED AFTER THE FACT HE COULD ONLY BE SENTENCED TO A MAXIMUM OF SEVEN YEARS IN PRISON. THE RESULT WOULD BE THAT HE WOULD BE RELEASED IMMEDIATELY. GLOSSIP'S ATTORNEYS HAVE SUGGESTED A PLEA BARGAIN FOR ACCESSORY AFTER THE FACT.**

**SECOND ISSUE:**

**DURING THE FIRST TRIAL THERE WAS DISCUSSION RELATED TO WHETHER THE SECOND INTERVIEW OF GLOSSIP WAS CONDUCTED BY THE OKLAHOMA CITY POLICE DETECTIVES AFTER AN ATTORNEY HAD ADVISED THE COPS NOT TO INTERVIEW GLOSSIP WITHOUT LEGAL COUNCIL BEING PRESENT. THE FACTS WERE NEVER COMPLETELY FLESHED OUT DURING THE FIRST TRIAL. IF THE COPS MISBEHAVED IN THIS REGARD, THE TAPE RECORDING OF THAT SESSION COULD NOT BE USED IN THE NEW TRIAL. THAT INTERVIEW WAS USED TO SHOW GLOSSIP HAD LIED SEVERAL TIMES TO SEVERAL PEOPLE BEFORE HE WAS ARRESTED. THE SECOND INTERVIEW WAS THE PRIMARY FACTOR**

3/10/2004

201a

IN ESTABLISHING PROBABLE CAUSE TO ARREST GLOSSIP.

THIRD ISSUE:

SEVEN YEARS HAVE PASSED SINCE BARRY WAS MURDERED. MEMORIES HAVE DULLED AND PASSIONS ARE NOT AS HIGH AS THEY WERE FOR SOME PARTICIPANTS. MS. POPE HAS SIX WEEKS TO GET READY FOR A TRIAL THAT WAS INITIALLY PROSECUTED BY FERN SMITH AFTER EIGHTEEN MONTHS OF PREPARATION. THE ORGANIZATION OF FACTS AND TIME LINES NECESSARY TO CONVINCING THE JURY OF GLOSSIP'S INVOLVEMENT IS NOT OPTIONAL FOR MS. POPE TO BE SUCCESSFUL IN HER EFFORT. THE ESTABLISHMENT OF THE RELATIONSHIPS OF SMALL, SEEMINGLY INSIGNIFICANT PARTS OF EVIDENCE IS HOW MS. SMITH CONVINCED THE FIRST JURY OF GLOSSIP'S GUILT. WE WERE ASSURED THAT PART OF THE NEW TRIAL WILL BE THE ACTIVE PARTICIPATION OF FERN SMITH IN THE NEW PROSECUTION.

FOURTH ISSUE:

ESTABLISHMENT OF A CLEAR, CONCISE, COMPELLING MOTIVE FOR RICHARD GLOSSIP TO WANT BARRY DEAD WAS NOT DONE AS WELL AS IT NEEDED TO BE DURING THE FIRST TRIAL. I BELIEVE THIS IS THE REASON JUDGE GREY FORMED THE OPINIONS THAT HAVE BROUGHT THE CASE AGAINST GLOSSIP TO THE CURRENT CONDITION. I HAVE AGREED TO TESTIFY TO THE ACTUAL CONDITION OF THE MOTEL THAT BARRY WOULD HAVE DISCOVERED HAD HE NOT BEEN MURDERED BEFORE HE CONDUCTED AN EXTENSIVE INSPECTION OF THE PROPERTY.

FIFTH ISSUE:

THE FIRST TRIAL OF RICHARD GLOSSIP AND THE SUBSEQUENT CONVICTION WAS BASED TO A LARGE MEASURE ON THE TESTIMONY OF JUSTIN SNEED. I AM CONCERNED THAT SNEED MAY ATTEMPT TO RENEGOTIATE THE TERMS OF HIS PLEA AGREEMENT IN EXCHANGE FOR TESTIFYING TO THE SAME FACTS HE PROVIDED IN THE FIRST TRIAL. MS. POPE ASSURED ME THAT SNEED IS ON BOARD FOR THE NEW TRIAL AND THERE WILL BE NO MODIFICATION TO THE AGREEMENT FOR SNEED TO BE IN PRISON FOR THE REST OF HIS LIFE.

Linda and I are back on our yacht and will be cruising in the Keys of Florida for the next couple weeks with some friends. Should you want to talk with me my cell phone works part time down here and I will be checking voice mail when it is available.

Kindest regards,

Ken VanTreese

# ATTACHMENT 23

**Pope, Connie**

**From:** L. Wayne Woodyard [wwodyard@husky-net.net]  
**Sent:** Wednesday, October 15, 2003 6:52 PM  
**To:** ConnieP@oklahomacounty.org  
**Subject:** Re: Richard Glossip

I will contact my associates and get back with you. Thanks, Wayne

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

**From:** ConnieP@oklahomacounty.org <ConnieP@oklahomacounty.org>  
**To:** wwodyard@husky-net.net <wwodyard@husky-net.net>  
**Date:** Wednesday, October 15, 2003 2:53 PM  
**Subject:** RE: Richard Glossip

I don't believe we go agree to any offer other than on a homicide charge.

Do we need a motion hearing date? If so, if you will give me some available days for you, I will check my calendar and then set with the Court.

Thanks,  
 Connie

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

**From:** L. Wayne Woodyard [mailto:wwodyard@husky-net.net]  
**Sent:** Wednesday, October 15, 2003 1:18 PM  
**To:** ConnieP@oklahomacounty.org  
**Subject:** Richard Glossip

I am writing in regard to your message from last Friday regarding "offers" concerning Mr. Glossip. I understood your reference to "offers" to pertain to possible dispositions of this case. I called your office Monday but apparently it was closed for Columbus Day. I also left a message on your voicemail and stopped by the office around 12:30 pm yesterday but you were not available. Therefore, I am taking this opportunity to write you on this matter.

First, if you have a specific offer to make, I will take that offer, whatever it might be, to Mr. Glossip for his decision.

Second, if you were seeking Mr. Glossip's view on what he would consider by way of plea, then I am authorized to advise you that he is very adamant that he will not accept any plea that required him to plead guilty to murder in any degree. I have personally spoke with Mr. Glossip concerning his views on disposing of this case by plea. He has given us no leeway on this point. However, he stated that he would be willing to enter a plea to "Accessory" provided the term of years was acceptable to him.

If your office is willing to amend the charge to "Accessory" and want to discuss a possible term of years, I am willing to meet with you in person at your office on a mutually agreeable date and time. In the event that you feel that a personal discussion would be of benefit in light of the aforesaid information, then I would be willing to come to your office to discuss the matter. As I stated above, should you have a specific offer to make, even if it is outside the scope of Mr. Glossip's views, please let me know and I will personally inform him of your offer.

For your information, I am working at home today. Therefore, should you wish to reach me by email today, please send any response to my home email address. I will check my Email every so often this afternoon and will be gone for several hours later this afternoon. Tomorrow, I plan to be in my office in Sapulpa. You can send any response to my office email if you like which is [woodyard@oids.state.ok.us](mailto:woodyard@oids.state.ok.us).

I look forward to your reply. Wayne

# ATTACHMENT 24

# Interoffice Memorandum

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**DATE:** 10/29/2003  
**TO:** CENTRAL CONTROL  
**FROM:** RECORDS--Shirley Eastwood  
**SUBJ:** #265681 Justin Sneed

*No Meds*

*"out overnight"*

The above mentioned inmate will be going to court on Thursday, October 30, 2003.

A deputy from Oklahoma County will pick him up around 7:00a.m.

cc: Property  
Health Services  
Security  
Unit - A



# ATTACHMENT 25

# Oklahoma County Sheriff Office Jail Facility Report Form

Nature of Report (Print) ↓ <u>PC Inmate</u>	<input checked="" type="checkbox"/> Incident	<input type="checkbox"/> Pod	Date: Month <u>OCT</u> Day <u>30</u> Year <u>2003</u>	Time: <u>1800</u> Hrs
	<input type="checkbox"/> Criminal	<input checked="" type="checkbox"/> Receiving		
	<input type="checkbox"/> Medical	<input type="checkbox"/> Clinic <input type="checkbox"/> Other: ↓		

(#1) <input type="checkbox"/> Victim <input type="checkbox"/> Suspect <input type="checkbox"/> Witness	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Municipal	Floor#: <u>   </u> Pod: <u>   </u>
Inmates Name (Last Name First): ↓ <u>SNEED, JUSTIN</u>	IN#: IN <u>15089105</u> BR#: BR <u>   </u>	Cell#: <u>   </u>
		Other: <u>   </u>

(#2) <input type="checkbox"/> Victim <input type="checkbox"/> Suspect <input type="checkbox"/> Witness	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Municipal	Floor#: <u>   </u> Pod: <u>   </u>
Inmates Name (Last Name First): ↓	IN#: IN <u>   </u> BR#: BR <u>   </u>	Cell#: <u>   </u>
		Other: <u>   </u>

(#3) <input type="checkbox"/> Victim <input type="checkbox"/> Suspect <input type="checkbox"/> Witness	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Municipal	Floor#: <u>   </u> Pod: <u>   </u>
Inmates Name (Last Name First): ↓	IN#: IN <u>   </u> BR#: BR <u>   </u>	Cell#: <u>   </u>
		Other: <u>   </u>

(#4) <input type="checkbox"/> Victim <input type="checkbox"/> Suspect <input type="checkbox"/> Witness	<input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> County <input type="checkbox"/> Municipal	Floor#: <u>   </u> Pod: <u>   </u>
Inmates Name (Last Name First): ↓	IN#: IN <u>   </u> BR#: BR <u>   </u>	Cell#: <u>   </u>
		Other: <u>   </u>

Did Injury Occur?  Yes  No If Yes Who?    

Type of Injury     Were they taken to?  Clinic or  Hospital

Print Name of Hospital?     Name of Transport Officer    

Departure Date     -     -     Departure Time     Hrs  Cruiser#    

Return Date     -     -     Return Time     Hrs  Ambulance#    

Were There any Witnesses?  Yes  No If Yes Who?    

Was There any Evidence?  Yes  No If Yes Describe?    

Evidence was sealed and deposited by Officer?    

& Location of Evidence Is    

(Print) Body of Report: on OCT 30, 2003 @ apx. 1700 hrs. of Cpl. Jones was advised by W. Stephens that 'Im Sneed was needed to be placed PC. per DA. I contacted the DA Adkisson, Jane and she advised he was a "Key witness in murder trial and needs to be around anyone else at all"

Reporting Officer (Print Name) <u>Cpl. [Signature]</u>	Reporting Officer (Sign Name) <u>[Signature]</u>	Badge# <u>192e</u>	Supervisor (Print Name) <u>St Thomas</u>	Supervisor (Sign Name) <u>[Signature]</u>	Badge# <u>Hold</u>
---	---	-----------------------	---	--	-----------------------

# ATTACHMENT 26

CF-97-244

State v. Glossip

Offer: If  $\Delta$  Glossip will tender an agreed plea of guilty as charged to the Court on 11-3-03, the State will recommend a sentence of life imprisonment. If  $\Delta$  accepts the offer, he will agree that the life sentence is a fair & just sentence & should be concurred in by the Court, & accept the sentence without agreement for a lesser sentence.

$\Delta$  may accept the offer by tendering a plea of guilty to the Court on 11-3-03.

In addition to the documents required,  $\Delta$  shall allocate orally on the record regarding the factual basis for his plea of guilty.

LWW 25712

Box 22 of 26  
COA  
11-3-3  $\rightarrow$   
State of Tenn. v. Glossip  
Life 210a

Jay L. Abley  
Assistant District Attorney

# ATTACHMENT 27

**Smothermon, Connie**

**From:** Kvantreese@aol.com  
**Sent:** Wednesday, November 05, 2003 3:24 PM  
**To:** conniep@oklahomacounty.org  
**Subject:** memo for record 11/3-4/03

PLEASE CHECK FOR ACCURACY.  
 YOUR MOMMA SHOULD BE PROUD!  
 KEN  
 November 4, 2003

November 3, 2003, Linda and I arrived at the Oklahoma County Courthouse to observe the new trial for Richard Eugene Glossip. The trial is the result of the Oklahoma Court of Criminal Appeals overturning the first degree murder conviction of Glossip for the murder of Barry Alan VanTreese.

The courtroom of Judge Twyla Mason Grey was filled to capacity with 150 potential jurors for the trial. The jurors were seated in the courtroom at 9:30 AM requiring Linda and I to relinquish our seats and retiring to the elevator lobby where we were met by Barry's widow, my two sisters and their husbands. Shortly thereafter we were joined by Connie Pope and her associate prosecutor Gary Ackley. Ms. Pope advised us that there would be a short delay resulting from a possible plea offer from Glossip's attorneys.

Glossip's attorneys proposed he plead guilty to the charge of Accessory After the Fact. That plea would result in a prison sentence of seven and a half years minimum to a maximum of forty-five years in prison. The attorneys for the prosecution rejected the offer flatly. The attorneys for defense requested additional time to structure another plea offer. We all retired to lunch across the street. Around 1:00 PM we were called by the prosecutors and requested we return to their office to discuss a new proposal. The proposal was that Glossip plead guilty to first degree murder and that the aggravating circumstances of the murder be removed from the charge. The plea would result in a prison term of life in prison. The net effect would be that Glossip would be eligible to meet with the pardon and parole board in the spring of 2007, and periodically thereafter. After discussion we agreed that it would be better to assure a certain conviction than to run the risk of the jury being instructed on the lesser included offense of accessory after the fact and convicting on that instruction. The OIDS attorneys made an effort to convince Glossip of the wisdom of taking the offer. Their meeting turned into a marathon. The hundred and fifty potential jurors were released to go home around 3:30 in the afternoon. They had been setting in the courtroom all day without any action on seating a jury. Ms. Pope and Mr. Ackley had placed a time limit on the plea offer of 5:00 PM, 11/3/03. The limit was reached and slightly exceeded before the defense attorneys advised their rejection of the offer. Ms. Pope met with us and said the trial would start at nine am Tuesday, November 4, 2003. We retired for cocktails and dinner.

We met Ms. Pope on the parking garage elevator Tuesday morning. She was carrying her homework from the night before. We went to breakfast and she went to her office. At 9:00 we were in the court room. A meeting was being held in the courtroom with the Judge, all attorneys and Glossip.

Judge Gray proceeded to remind Glossip as to the current facts regarding his case and strongly urged him to reconsider the State's offer. Since the first trial, the State has retained additional witnesses that would be able to outline his culpability in the murder. She reminded him that the State of Oklahoma had already spent hundreds of thousands of dollars defending him and were getting ready to spend tens of thousands more on the current proceeding and that unless there was some additional defense strategy was going to be employed, she didn't see that the outcome would not be substantially different from the first time. She also said that she would "jerk the be Jesus out of him" when it came time for sentencing if it became apparent to her that he had been wasting everyone's time. His attorney's were also at this juncture strongly advising him to accept the State's offer. She mentioned the fact to Glossip that his attorney's were highly trained in this area and it would serve him well to listen and take to heart their advice. As she so eloquently put it, "We have a saying around here that we attribute to John Wayne; 'life is tough, but it's a lot tougher if you're stupid.'" At the end of her observations she asked him again if he would like to confer with his attorney's and he requested 15 minutes. She said he could have ten minutes and then she was going to begin jury selection.

We waited outside the courtroom for what turned into about forty-five minutes and were called back in by Connie Pope who was visibly upset (her hair was on fire). The defense attorney's had come up with an eleventh hour tactic of "conflict of interest." It appears that the three defense attorneys had gone to the Lexington prison to interview Justin Sneed (the prosecution witness and individual who did the bat swinging in Barry's motel room). The interview, which was conducted by Lynn Birch alone, the lead defense attorney, had the objective to persuade Sneed not to testify in the new trial. The approach used to persuade Sneed was to tell him that he had nothing to fear from Glossip but the other prisoners at Lexington would have a real problem with him being a "snitch" for the prosecutors. It appears that the lawyers told him that the plea bargain Sneed executed in exchange for his Life without Parole sentence was not enforceable in the case of the new trial. (The law on the issue is clear. There will be no renegotiation of a previously executed plea agreement.) Sneed immediately notified his original defense attorney and advised her of the details of the Birch meeting. His attorney fired off a letter to Birch and his associates notifying them of the breach of protocol related to their interview without Sneed being represented by legal council. The attorney attempted to intimidate a witness in a pending trial. When the prosecution discovered the facts of the Birch/Sneed meeting they placed Sneed's attorney on the witness list to discuss the breach of protocol. These meetings and witness list modifications occurred in January of 2003. The attorney for Glossip will have to be called as a witness in the trial of Glossip to refute the allegation of attempted witness coercion. It appears that the defense is planning to present a completely different scenario of the events of January 7, 1997. In the course of these events it became probable that it will be necessary for Mr. Birch to be a witness in the trial. It is not possible to be an attorney and a witness in the same legal proceeding, thus the conflict arises in the indigent defense office. Mr. Birch has acted as lead defense attorney for Glossip during the entire appeals process and preparation for the new trial. The three defense attorneys were questioned by the judge and it was determined that only Birch was in conflict. Silas R. Lyman was accepted by the judge to act as new lead defense attorney for Glossip to be assisted by Wayne Woodyard.

Mr. Lyman immediately notified the court that he and Mr. Woodyard were not ready to proceed with the trial and requested a continuance of the trial. The judge questioned the attorneys about how long it would take to prepare for the trial. Their response was 30 days. Judge Grey attempted to work an arrangement to cause the trial to proceed in the next ten days. The arrangement was not acceptable to Mr. Lyman or his associate. The judge ask Glossip to waive the conflict, he refused the waiver. The next date available for the trial is May 10, 2004. The trial is reset to start that day.

I ask Lyman if his mother was proud of him for having a job like he has!

questions or comments  
kvantreesee@aol.com

# ATTACHMENT 28



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PUBLIC DEFENDER OF OKLAHOMA COUNTY

320 ROBERT S. KERR AVE., RM. 611  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 713-1550

ROBERT A. RAVITZ  
PUBLIC DEFENDER

ROBERT J. MILDFELT  
FIRST ASSISTANT PUBLIC DEFENDER

GINA K. WALKER  
ASSISTANT PUBLIC DEFENDER

---

TO: KAREN CRAMPTON

DATE: 4-22-04

RE: ATTORNEY VISIT WITH JUSTIN SNEED, #265681

---

DEAR KAREN, PURSUANT TO OUR TELEPHONE CONVERSATION, PLEASE ACCEPT THIS FAX AS CONFIRMATION OF AN ATTORNEY VISIT WITH JUSTIN SNEED, #265681 ON WEDNESDAY, MAY 5, 2004.

I, GINA WALKER, BAR# 15132 WILL BE THERE AT 9:00 A.M.

I WILL LATER BE JOINED AT APPROXIMATELY 11:00 A.M. BY ASSISTANT DISTRICT ATTORNEYS CONNIE SMOTHERMON, BAR # 16598 AND GARY ACKLEY, BAR # 123

THANK YOU VERY MUCH FOR YOUR ASSISTANCE IN THIS MATTER. I PLAN TO BRING EQUIPMENT TO SHOW MR. SNEED A VIDEO TAPE THAT PERTAINS TO HIS LEGAL REPRESENTATION.

SINCERELY, GINA WALKER

# ATTACHMENT 29

COPY

TRANSCRIPT OF INTERVIEW

OF

JUSTIN SNEED

FROM VIDEOTAPE

ON

JANUARY 14, 1997

1           it? How come you didn't just chunk all of the  
2           clothes?

3                       BY MR. SNEED: Well, I had planned  
4           on doing that, but I don't know why I didn't.

5                       BY MR. COOK: But the belt you  
6           threw away along with the baseball bat?

7                       BY MR. SNEED: Yes.

8                       BY MR. COOK: Well, let me ask you  
9           this. I found kind of a pocketknife in that  
10          room. Is that yours?

11                      BY MR. SNEED: Yeah. I found it  
12          in a -- in a room, one room that I had been  
13          cleaning before. And I usually carried it  
14          around because he didn't have the -- he lost  
15          his master key to like 107 and I would use it  
16          to pop the lock on 107.

17                      We'd have to get in and clean it  
18          because we only had like one key and usually  
19          the people he rented that room to would like  
20          leave the key in the room and I had to have  
21          some way of getting into that room. So I would  
22          just kind of stick it in there and the door  
23          didn't really shut good on 107 so it was really  
24          easy to pop.

25                      BY MR. COOK: Well --

1 BY MR. SNEED: He told me to do  
2 that until he could get another -- another lock  
3 for it.

4 BY MR. COOK: When you -- when you  
5 and Barry were struggling, okay, I was in that  
6 room for quite a while. Okay? They teach me  
7 to be able to look at certain things like maybe  
8 a little bit of blood on the wall and it kind  
9 of tells me a story of what happened in that  
10 room.

11 And I spent so much time in there  
12 that quite frankly, Justin, there was a hell of  
13 a fight in there. That's the way I look at it.  
14 I mean, that's what I'm thinking.

15 Is that what you -- would you  
16 agree with that?

17 BY MR. SNEED: Well, we struggled  
18 for a little bit but there wasn't that much of  
19 a fight.

20 BY MR. COOK: Did you end up  
21 stabbing him once with that knife?

22 BY MR. SNEED: Huh-uh.

23 BY MR. COOK: Do you remember  
24 losing the knife? Did you have it out?

25 BY MR. SNEED: I recall dropping

1           it after I left the room because I knew I  
2           didn't have it on me no more.

3                       BY MR. COOK:   Okay.   Was -- was he  
4           moving around or making any kind of noise at  
5           all when you left?

6                       BY MR. SNEED:   Huh-uh.

7                       BY MR. COOK:   And you don't  
8           remember how you cut your eye?

9                       BY MR. SNEED:   No.

10                      BY MR. COOK:   Or blacked it?

11                      BY MR. SNEED:   I don't remember  
12           how that happened.

13                      BY MR. COOK:   Take off your hat.  
14           It kind of shades you, let me see it.   That's  
15           okay.   You don't need to bend over.   Just --  
16           you've got a few little nicks and cuts on your  
17           face here, too, don't you?

18                      BY MR. SNEED:   Yeah.

19                      BY MR. COOK:   And you got a little  
20           nick on your ear.   Let me see the other side.

21                      BY MR. SNEED:   (Complies)

22                      BY MR. COOK:   Well, you were in a  
23           little bit of a fight there, weren't you?

24                      BY MR. SNEED:   Yes, a little bit  
25           of a struggle.

# ATTACHMENT 30

Gina,

Here are a few items that have been testified to that I needed to discuss with Justin –

1 - Officer Vernon Kriethe says in his report that after he arrested Justin and was transporting him downtown Justin voluntarily said –

It was my job to take him out and his to clean up  
The evidence –he didn't do a very good job

Does Justin remember making that statement?

2. -Kayla Pursley says she saw Justin leave in Glossip's car about 5:30 or 6:00 and she doesn't know how long he was gone or where he went. ?????

3 - Our biggest problem is still the knife. Justin tells the police that the knife fell out of his pocket and that he didn't stab the victim with it. There are no stab wounds, however the pocket knife blade is open and the knife is found under the victim's head. The victim and Justin both have "lacerations" which could be caused from fighting/ falling on furniture with edges or from a knife blade. It doesn't make much sense to me that Justin could have control of the bat and a knife, but I don't understand how/when the blade was opened and how/when they might have been cut. Also, the blade tip is broken off. Was the knife like that before or did that happen during?

4 - Justin's clothes were found in the canister in the laundry room. There was a small piece of duct tape stuck on one of the socks. I understand that he hid the clothes while everyone was looking at the car which was well after Glossip was with him and they were taping up the shower curtain – is that right?

5 - Officers testified that the shower curtain to room 102 was missing. Is that the room where they got the shower curtain? I have it listed as room 102 one place in my notes and room 101 in another place????

6 - Did they turn down the air conditioner in room 102? If so, when?

They have listed the statements in the PSI has a potential impeachment document. There doesn't seem to be anything inconsistent in them. Justin didn't make any statements – it is mostly family history that he and I are going to talk about.

Thanks - we should get to him this afternoon. Tina wasn't here on Monday so Justin may not get to the old jail until noon.

Connie

a.m?  
p.m.?

Saw him  
when police  
window  
left to get  
plastic bag  
~7:30

tip broke  
when found it.  
brought knife  
down one time  
possibly miscalc  
on it  
hit - touched down  
w/ bat - turned w/  
knife in chest w/  
knife - turned  
away - bat again  
chopped it -  
don't know why  
didn't say

turned on  
full blast  
it before  
broke  
key off  
- lock



# ATTACHMENT 31

**Smothermon, Connie**

**From:** Kvantreese@aol.com  
**Sent:** Sunday, September 28, 2003 12:34 PM  
**To:** CONNIEP@OKLAHOMACOUNTY.ORG  
**Cc:** DAJENTAY@OKLAHOMACOUNTY.ORG  
**Subject:** Regarding meeting of 9/25/03

Ms. Pope:

Thank you for the time and courtesy extended by you and your staff last Thursday. It is a real benefit for myself and my family to realize that the professionals delegated with the task of obtaining justice for the people responsible for the murder of Barry are certainly up to the task.

As we discussed, I will provide clear understanding of the reason Richard Glossip murdered my brother. While driving home it occurred to me that it will be necessary to obtain permission for me to observe the entire trial and provide testimony at the trial. In the last trial Donna was granted exception from the rules. Do you think permission can be obtained for me in the upcoming trial?

I called Bill Sunday to discuss him providing testimony relating to the shabby condition of the motel. He can and will do what is needed, but I would prefer to do it myself.

I have discussed the proposed plea offer of Life in Prison without the Possibility of Parole with my father, brother, sisters and Derek VanTreese (one of Barry's sons). All agree that it would serve societies purpose as well as obtaining a death penalty. One of Barry's daughters is overseas with her husband in the Air Force. I have not been able to contact her or her brother who lives in Denver. I have attempted, with no success, to discuss the issue with Donna. I will keep you posted on the opinions of others concerned.

Other issues discussed during our meeting were as follows:

**AFTER GOING THROUGH THE TRANSCRIPTS OF THE ORIGINAL TRIAL AND RELATED APPEALS PROCESSES I AM CONCERNED ABOUT SEVERAL ISSUES RELATED TO THE NEW TRIAL.**

**FIRST ISSUE:**

**THE JUDGE THAT HAS BEEN ASSIGNED TO CONDUCT THE TRIAL IS THE SAME INDIVIDUAL WHO CONDUCTED THE EVIDENTIARY HEARING FOR THE COURT OF APPEALS. SHE WAS ACTING AS AN AGENT FOR THE COURT. IN THE PROCESS OF CONDUCTING THE HEARINGS SHE HAS GONE THROUGH ALL DOCUMENTS AND TESTIMONY PROVIDED DURING THE FIRST TRIAL. IT WAS HER OPINIONS AND FINDINGS THAT PERSUADED THE APPEALS COURT TO OVERTURN AND REMAND THE CASE FOR A NEW TRIAL. IT IS OBVIOUS FROM THE RECORD SHE HAS FORMED AN OPINION OF GUILT OR INNOCENCE BEFORE THE NEW TRIAL HAS BEEN CONVENED. MS. POPE AND OTHERS IN THE DISTRICT ATTORNEY'S OFFICE ARE CONCERNED THAT THE JUDGE WILL PROBABLY PROVIDE THE JURY WITH INSTRUCTIONS TO CONSIDER A "LESSER INCLUDED OFFENSE" OF ACCESSORY AFTER THE FACT. SHOULD THE JURY FIND THAT GLOSSIP WAS NOT A PRINCIPLE IN THE MURDER BUT ONLY PARTICIPATED AFTER THE FACT HE COULD ONLY BE SENTENCED TO A MAXIMUM OF SEVEN YEARS IN PRISON. THE RESULT WOULD BE THAT HE WOULD BE RELEASED IMMEDIATELY. GLOSSIP'S ATTORNEYS HAVE SUGGESTED A PLEA BARGAIN FOR ACCESSORY AFTER THE FACT.**

**SECOND ISSUE:**

**DURING THE FIRST TRIAL THERE WAS DISCUSSION RELATED TO WHETHER THE SECOND INTERVIEW OF GLOSSIP WAS CONDUCTED BY THE OKLAHOMA CITY POLICE DETECTIVES AFTER AN ATTORNEY HAD ADVISED THE COPS NOT TO INTERVIEW GLOSSIP WITHOUT LEGAL COUNCIL BEING PRESENT. THE FACTS WERE NEVER COMPLETELY FLESHED OUT DURING THE FIRST TRIAL. IF THE COPS MISBEHAVED IN THIS REGARD, THE TAPE RECORDING OF THAT SESSION COULD NOT BE USED IN THE NEW TRIAL. THAT INTERVIEW WAS USED TO SHOW GLOSSIP HAD LIED SEVERAL TIMES TO SEVERAL PEOPLE BEFORE HE WAS ARRESTED. THE SECOND INTERVIEW WAS THE PRIMARY FACTOR**

3/10/2004

224a

IN ESTABLISHING PROBABLE CAUSE TO ARREST GLOSSIP.

THIRD ISSUE:

SEVEN YEARS HAVE PASSED SINCE BARRY WAS MURDERED. MEMORIES HAVE DULLED AND PASSIONS ARE NOT AS HIGH AS THEY WERE FOR SOME PARTICIPANTS. MS. POPE HAS SIX WEEKS TO GET READY FOR A TRIAL THAT WAS INITIALLY PROSECUTED BY FERN SMITH AFTER EIGHTEEN MONTHS OF PREPARATION. THE ORGANIZATION OF FACTS AND TIME LINES NECESSARY TO CONVINCING THE JURY OF GLOSSIP'S INVOLVEMENT IS NOT OPTIONAL FOR MS. POPE TO BE SUCCESSFUL IN HER EFFORT. THE ESTABLISHMENT OF THE RELATIONSHIPS OF SMALL, SEEMINGLY INSIGNIFICANT PARTS OF EVIDENCE IS HOW MS. SMITH CONVINCED THE FIRST JURY OF GLOSSIP'S GUILT. WE WERE ASSURED THAT PART OF THE NEW TRIAL WILL BE THE ACTIVE PARTICIPATION OF FERN SMITH IN THE NEW PROSECUTION.

FOURTH ISSUE:

ESTABLISHMENT OF A CLEAR, CONCISE, COMPELLING MOTIVE FOR RICHARD GLOSSIP TO WANT BARRY DEAD WAS NOT DONE AS WELL AS IT NEEDED TO BE DURING THE FIRST TRIAL. I BELIEVE THIS IS THE REASON JUDGE GREY FORMED THE OPINIONS THAT HAVE BROUGHT THE CASE AGAINST GLOSSIP TO THE CURRENT CONDITION. I HAVE AGREED TO TESTIFY TO THE ACTUAL CONDITION OF THE MOTEL THAT BARRY WOULD HAVE DISCOVERED HAD HE NOT BEEN MURDERED BEFORE HE CONDUCTED AN EXTENSIVE INSPECTION OF THE PROPERTY.

FIFTH ISSUE:

THE FIRST TRIAL OF RICHARD GLOSSIP AND THE SUBSEQUENT CONVICTION WAS BASED TO A LARGE MEASURE ON THE TESTIMONY OF JUSTIN SNEED. I AM CONCERNED THAT SNEED MAY ATTEMPT TO RENEGOTIATE THE TERMS OF HIS PLEA AGREEMENT IN EXCHANGE FOR TESTIFYING TO THE SAME FACTS HE PROVIDED IN THE FIRST TRIAL. MS. POPE ASSURED ME THAT SNEED IS ON BOARD FOR THE NEW TRIAL AND THERE WILL BE NO MODIFICATION TO THE AGREEMENT FOR SNEED TO BE IN PRISON FOR THE REST OF HIS LIFE.

Linda and I are back on our yacht and will be cruising in the Keys of Florida for the next couple weeks with some friends. Should you want to talk with me my cell phone works part time down here and I will be checking voice mail when it is available.

Kindest regards,

Ken VanTreese

# ATTACHMENT 32

**AFFIDAVIT OF ROD BAKER**

STATE OF OKLAHOMA                    )  
  )  
  )        ss.  
COUNTY OF OKLAHOMA                )

Mr. Rod Baker, a person of lawful age, being duly sworn, under penalty of perjury do state as follows:

1. I am an Oklahoma Certified Fraud Examiner, Certified Legal Investigator, Certified Criminal Defense Investigator, and a former District Attorney’s Investigator. I also was the Chief U.S. Probation & Parole Officer for the Northern District of Oklahoma.
2. As an investigator, I have interviewed hundreds of witnesses.
3. I was retained by Reed Smith LLP (Reed Smith) to assist in its independent investigation of *State v. Glossip*. I understood that we were working on behalf of an Ad Hoc Committee of Oklahoma Legislators.
4. I provided insight and assistance to the investigation by locating and interviewing certain witnesses and jurors, obtaining documents from various Oklahoma agencies, and providing insight and feedback on law enforcement-related aspects of the investigation and report issued by Reed Smith.
5. On August 15, 2022, I was asked to conduct an interview of Justin Sneed. I, along with a paralegal, visited Sneed at Joe Harp Correctional Facility. On August 26, 2022, I accompanied an attorney formerly affiliated with Reed Smith LLP and now at Jackson Walker LLP, Christina Vitale, to Joe Harp Correctional Facility for a second interview of Sneed. We met with him for over three hours and brought with us newly discovered letters he had written to his attorney, Gina Walker, in 1998, 2003, and 2007, as well as letters he had written to Richard Glossip’s counsel and investigator at the Oklahoma Indigent Defense System (OIDS) in 2001.
6. Sneed stated that a week prior to our August 15, 2022 interview, two male individuals (one from the Oklahoma Attorney General’s Office (AGO) and the other Sneed assumed was from the law firm Reed Smith because he possessed a piece of paper with the letterhead of Reed Smith) came to visit him. Sneed recalled they met in a conference room typically used by the prison for law enforcement. Sneed stated that “the only thing the guy was adamant about was was I going to stand on the testimony that I’d already given.” Sneed stated they also showed him pictures of a few inmates and asked him questions about them.

7. Sneed explained that he recognized one picture shown to him by the AGO as "Tapley." Sneed stated he thought Tapley was his "cellie one time and we got into an altercation but nothing to do with my case or his case. It was about some things going on in the pod, the pod was locked down, me and him were being argumentative. But there's nobody I have ever talked to where I have strayed all the way out from the conversations I've already had."
8. At the August 15, 2022 interview, when shown his May 15, 2003 letter where Sneed wrote "do I have the choice of re-canting my testimony at any point in my life," Sneed did not seem surprised. Sneed stated that what he really meant by "re-canting my testimony" is that he wanted to break his plea deal and get a better deal. He wanted to obtain one where he was eventually released from prison.
9. During the August 26, 2022 interview, Sneed further stated that "it was more about silencing my testimony in the way of me not having to be there" and "taking back the plea agreement."
10. In my forty plus years in law enforcement, I have never heard anyone offer that definition of "recant," and his explanation does not fit the statement in his May 2003 letter which refers to "re-canting my testimony." Nor does it fit with his 2007 letter where he states "I'm going to try to contact the indigent defense over his case" since OIDS would have nothing to do with Sneed breaking or renegotiating his plea deal with the District Attorney's Office. During the August 26, 2022 interview, Sneed stated that he understood OIDS would have nothing to do with his plea deal.
11. During the August 15, 2022 interview, Sneed stated he felt tremendous pressure to take the plea deal offered by the State in 1997, which was life without the possibility of parole in exchange for testifying against Glossip. During the August 26, 2022 interview, Sneed stated that from his perspective the DA really wanted his testimony because that's the reason why they had his attorney, Gina Walker, push the deal to testify. Sneed stated that Ms. Walker led him to believe "if I didn't do that they were going to kill me." Sneed explained he did not understand why they would not ever let him plead guilty without the extra step of having to testify in Glossip's case.
12. In response to his May 15, 2003 letter asking Ms. Walker if he had the choice of "re-canting my testimony," Ms. Walker came to visit him. Sneed recalls that Ms. Walker gave Sneed the same message she had before – "you have to testify or they will kill you."
13. During the August 26, 2022 interview, Sneed recalled that he did not want to take the deal and wanted life with the possibility of parole. When shown a letter he wrote in early 1998, he stated "this probably is not like the only letter or conversation I had about signing life with the possibility of parole but not life without parole" and "yes, I can even see in this whole paragraph where I was becoming adamant to her about telling her that I would rather have death if that's what they are going to do" and that he was sick of people trying to convince him otherwise.

14. During the August 15, 2022 interview, Sneed stated over the course of the case, he met in person with representatives of the District Attorney's Office along with his attorney, Gina Walker.
15. During the August 15, 2022 interview, Sneed explained that for the most part, they (ADA Connie Pope, Gina Walker, Sneed) were all sitting there and he'd turn to Ms. Walker and make comments, and then Ms. Walker would interpret whatever it was to ADA Pope. They were all in the room together. ADA Pope would hear comments that he was making to Ms. Walker.
16. During the August 15, 2022 interview, Sneed stated that they discussed him wanting to undo the deal so he could get a better one. During the August 26, 2022 interview, Sneed recalled that "even on the second trial, where they rushed me and pulled me into the courtroom in a little conference room, arguing the same point with them, saying I don't want to do it. Basically, where it was to the point of breaking me and me saying ok. Maybe in the reality of life I could have kept waiting more time but it seemed like we were not leaving the scene until I agreed to do it."
17. During the August 26, 2022 interview, Sneed further recalled that during this conference room meeting with Ms. Walker and ADA Pope, the discussion involved "a lot of what I had to do was not wanting to go through this again and figuring out what we got to do. And being drug to the courthouse and told really you're out of time and you're plea agreement is right here, and being marched out to the stand."
18. During the August 26, 2022 interview, when asked specifically if ADA Pope was aware that he did not want to testify, Sneed's response was "to my knowledge."
19. During the August 26, 2022 interview, Sneed stated that he recalled OIDS Attorney Wyndi Hobbs and her investigator, Lisa Cooper, coming to visit him in 2001 at Joe Harp Correctional Facility. He stated at this time in 2001 he did not want to testify again and that is why he was asking Ms. Hobbs in his letter to her to send him a copy of his plea agreement.
20. During the August 26, 2022 interview, Sneed stated that at one point prior to the second trial, Sneed was visited by Glossip's trial attorney (Lynn Burch) who gave Sneed paperwork (a case, *State v. Dyer*), and said to give it to Ms. Walker. Sneed stated he thinks he discussed this with ADA Connie Pope and Ms. Walker. Sneed recalled that "I know it infuriated Walker and the whole DA."
21. During the August 26, 2022 interview, Sneed stated that he did not feel threatened by Mr. Burch.
22. During the August 26, 2022 interview, when asked if Sneed felt like Glossip's attorneys ever made him feel badly when they would visit him - either Wyndi Hobbs or Lynn Burch - Sneed responded "No, I think they just really wanted to see I) was I going to say

yes/no am I going to testify, and 2) they asked me questions about details, did I still have the same details. I think it was more inquiring.”

23. During the August 15, 2022 interview, Sneed stated he does not know why Ms. Walker was added to the list of prospective witnesses by the prosecution.
24. During the August 15, and August 26, 2022 interviews, Sneed denied he told an Assistant District Attorney that he wanted to substantively change his testimony regarding Glossip’s urging Sneed to murder Barry Van Treese.
25. During the August 15, 2022 interview, Sneed explained that during the 1997 police interrogation he thought the police were going to help him. “As much as I took them at their word the only way they could help me. And then not being able to reflect on any way they did help me other than getting me to confess to the crime and doing the same thing Gina was doing. This is where I got to the point to where they weren’t at all helping me –it’s because I asked them what they were going to do, and they said oh it’s not up to us, it’s up to the trial court. They backed off of any type of help.”
26. During the August 26, 2022 interview, when asked when the police were mentioning Glossip multiple times did Sneed feel they were focusing or signaling they wanted to hear about Glossip, Sneed responded as follows: “what I was thinking that it was going into my mind that they already knew that he had something to do with that. They wanted to pin down where/when/how he had something to do with it or if their thoughts were wrong, could I clarify why they’re having the wrong thoughts. But to me they already knew he was in on it somewhere, they couldn’t pinpoint the whole storyline, they wanted to give full the whole storyline or truth to have clarity and understanding why this man just lost his life.”
27. During the August 26, 2022 interview, Sneed stated he does not recall Jamie Spann.
28. During the August 15, 2022 interview, Sneed also stated he never made any statements to other prisoners that would contradict his testimony, despite several who have come forward with contradictory information.
29. During the August 15, 2022 interview, Sneed was vague on the amount of money he obtained from Mr. Van Treese and declined to answer follow-up questions on that topic. During the August 26, 2022 interview, Sneed stated he was not aware that the daily reports showed the money Mr. Van Treese picked up on January 6, 1997 totaled around \$2800 but maybe some of the money could have already been there and then he picked up the \$2800 as reflected on the daily reports. At the August 26, 2002 interview, Sneed stated that Glossip divided up the money after Sneed got out of the shower, and Sneed got close to \$2000 or \$1800 if the police only collected \$1680 out of him.
30. When asked if he spent some of the money since the police only found \$1680, he said he purchased some clothes, other things, and probably meals. Sneed specifically recalled “going to Walmart, and having some of those people from the roofing crew actually go in



and buy me clothes. Not even go in Walmart where I would be on camera. I don't know why I was thinking about it then, because I wasn't worried about being on camera at the Home Depot, buying everything that Glossip wanted me to which is probably where some of the money would have went to. Fixing the window, anything else that was purchased. That's when he instructed me to go to the Home Depot."

31. During the August 26, 2022 interview, Sneed stated that in 1996/1997, he thought Glossip was 20 years old and D-Anna Wood was 19. Sneed stated he related to Glossip like "we're all the same age – partying or whatever" and he did not look at Glossip like "an older male" but "more a peer."
32. During the August 26, 2022 interview, Sneed stated when asked if he could have used methamphetamine in January 1997, he responded "Yes I could very well have. If not going into the first week of January, I was at least experiencing coming off of it." Sneed explained he was "never a heavy user of it anyway – always influenced by somebody else."
33. During the August 15, 2022 interview, when we asked follow-up or detailed questions, he would stop, turn away from us and stare at the window.

I swear upon penalty of perjury that the statement in the foregoing five pages is true and accurate to the best of my knowledge and recollection.

Further, Affiant sayeth naught.

Rod Baker

Rod Baker

Notary Public

Melina G. Cook

Subscribed and sworn before me on this 1<sup>st</sup> day of September, 2022.



# ATTACHMENT 33

## PUBLIC DEFENDER OF OKLAHOMA COUNTY

611 COUNTY OFFICE BUILDING  
320 ROBERT S. KERR AVE.  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 713-1550 (main)  
(405) 713-1561 (direct)  
(405) 713-7169 (fax)

**ROBERT A. RAVITZ**  
PUBLIC DEFENDER

**ROBERT J. MILDFELT**  
FIRST ASSISTANT PUBLIC DEFENDER

**GINA K. WALKER**  
Assistant Public Defender

August 12, 2003

Justin Sneed  
DOC# 265681  
J.H.C.C. C-2-210  
P.O. Box 548  
Lexington, OK 73051

Dear Justin:

I spoke with ADA Connie Pope. The trial has been moved to November 3, 2003. No word on the DNA issue, so we will sit tight. As for getting you here and getting you back in the shortest possible time, she feels she can work with us. I will need to figure out a way to come and play the video for you, to save time. Also, we need to review the transcript together. I will most likely come to Joe Harp one more time to prepare, in order for you to spend less time here. I will talk to you in more detail in person. She said, provided the jail transport people are willing, to writ you here on a Monday and release you on that Thursday. That is, of course, provided the trial is on track and moving that fast. But, I promise you, I will do everything to make it happen, and Ms. Pope indicated the same thing. Please keep in touch.

Sincerely yours,

  
Gina Walker

# ATTACHMENT 34

Ginger

First off before I get to deep into this letter, I need to know if you still there ~~o~~ like work there still,

There are alot of things right now that are eating at me.

Somethings I need to clean up. If I can't get in contact with you or anyone who gets your mail, I'm going to try to contact the indigent defense over his case or the D.A.'s

I think you know were I'm going it was a mistake Reliving this.

Please write me back

So I can talk to you  
further

Justin Sneed

Justin Sneed #265681  
J.H.C.C. A2-115  
P.O. Box 548  
Lexington, Oklahoma 73251

# ATTACHMENT 35

**PUBLIC DEFENDER OF OKLAHOMA COUNTY**

611 COUNTY OFFICE BUILDING  
320 ROBERT S. KERR AVE.  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 713-1550 (main)  
(405) 713-1573 (direct)  
(405) 713-7169 (fax)

**ROBERT A. RAVITZ**  
PUBLIC DEFENDER

**ROBERT J. MILDFELT**  
FIRST ASSISTANT PUBLIC DEFENDER

**GINA K. WALKER**  
Assistant Public Defender

August 3, 2007

Justin Sneed, DOC# 265681  
JHCC A2-15  
P.O. Box 548  
Lexington, OK 73051

Re: Your letter received 7-30-07

Dear Justin:

In response to your letter, yes I still work at the Public Defender's office. I did leave for a while and venture in to private practice, but did not care for it and came back to work here. With that being said, I can tell by the tone of your letter that some things are bothering you. I know that it was very hard for you to testify at the second trial. I also know that OIDS lawyers tried to talk you out of it - acting totally against your best interests to the benefit of their client. Had you refused, you would most likely be on death row right now. Mr. Glossip has had two opportunities to save himself and has declined to do so both times. I hope he has not or his lawyers have not tried to make you feel responsible for the outcome of his case and his decisions. If you need to discuss this further let me know.

Sincerely yours,



Gina K. Walker

Cc: File

G.K.  
VERY GOOD!  
TZ  
~~3-11-18~~



# ATTACHMENT 36

AFFIDAVIT OF MICHAEL G SCOTT

STATE OF OKLAHOMA            )  
  )  
COUNTY OF ROGERS            )

SS.

Before me, the undersigned Notary, on this 20<sup>th</sup> of September, 2015, personally appeared Michael G Scott, known to me to be a credible person and of lawful age, who being by me first duly sworn, on under oath, deposes and states as follows:

- MS 1. My name is Michael G Scott. My date of birth is 11/16/87.
  
- MS 2. For about a year, starting in 2006, I was incarcerated at the Joseph Harp Correctional Facility.
  
- MS 3. While at Joseph Harp, my cell was across from Justin Sneed's cell.
  
- MS 4. My cellmate at the time was Mr. Plank. I recall that Mr. Sneed's cellmate was named Daryl.

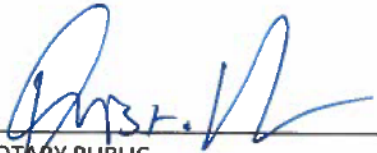
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- MS 5. While I was housed near Mr. Sneed, and on more than one occasion, I heard Justin Sneed talk about the murder case that he was in prison for, and about Richard Glossip. I clearly heard Justin Sneed say that, in his statements and testimony, he set Richard Glossip up, and that Richard Glossip didn't do anything.
  
- MS 6. Among all the inmates, it was common knowledge that Justin Sneed lied and sold Richard Glossip up the river.
  
- MS 7. As a specific example, within the first month or two of my arrival at Joseph Harp, I learned that Justin Sneed had snitched on a guy who didn't do anything. I specifically remember Justin on the top run with a couple of other inmates, fixing some food, and laughing with them about setting Richard Glossip up for a crime Richard didn't do. It was almost like Justin was bragging about what he had done to this other guy – to Richard Glossip. Justin was happy and proud of himself for selling Richard Glossip out.
  
- MS 8. I know Justin made stuff up to try to save his own life, and to get a better deal: a life sentence on a soft yard. I heard Justin talking about the deal he made, and what he did to Richard.
  
- MS 9. When I heard Justin Sneed say these things, I did not tell anyone. Honestly, there seemed to be many other things that I saw or heard that were much worse. However, when I saw the Dr. Phil show about Justin Sneed and about Mr. Glossip being executed, I knew I had to say something, because I realized just how important this information was. So I called Don Knight's office, since I saw him on Dr. Phil.

FURTHER AFFIANT SAYETH NAUGHT

  
\_\_\_\_\_  
Michael Scott

Subscribed and sworn before me this 20<sup>th</sup> day of September, 2015.

  
\_\_\_\_\_  
NOTARY PUBLIC

