

January 24, 2024

Hon. Scott S. Harris
Clerk of Court
Supreme Court of the United States
Office of the Clerk
1 First Street, NE
Washington, DC 20543

RE: *Glossip v. Oklahoma*, No. 22-7466 –
Request for Denial of Proposed Extension of Briefing Schedule

Dear Mr. Harris,

We represent *amicus curiae* victim family members Derek Van Treese, Donna Van Treese, and Alana Mileto (“Van Treese family”) in the above-captioned case. The Van Treese family respectfully requests that the Court deny the parties’ request for a 30-day extension of the briefing schedule—which would effectively delay the case’s resolution until the next Court Term. Instead, the Court should set a briefing schedule that allows for this case to be briefed and decided during the current Court Term. The parties oppose this request.

By way of background, *Glossip* was sentenced to death for murdering Barry Van Treese nearly two decades ago. After extensive earlier litigation, on January 3, 2023, *Glossip* filed a petition for a writ of certiorari (No. 22-6500). On April 26, 2023, in a related case (No. 22-7466), *Glossip* sought a stay of execution from this Court. On May 4, 2023, *Glossip* filed a second petition for a writ of certiorari. On July 5, 2023, Oklahoma filed a response *supporting* *Glossip*’s petition. The petition was distributed for conference on 12 separate dates, starting with September 26, 2023, and concluding with January 19, 2024. On Monday, the Court granted certiorari in this case.

Yesterday, the parties (*Glossip* and Oklahoma) filed a joint request for a 30-day briefing extension for both sides to file their opening briefs on April 6, 2024. The parties’ request indicates that Oklahoma will be filing in support of *Glossip*. The parties’ request notes that the effect of this scheduling change would be to effectively move the case into the Court’s October 2024 Term.

*The views expressed in this letter are solely those of the author and do not represent an institutional position of the University of Utah.

The Van Treese family respectfully requests that the Court set a briefing schedule for this case that will allow it to be argued during the current Court Term. Both Glossip and Oklahoma are represented by extensive legal teams. The request for an extension of time does not provide any specific reason for believing that the legal teams require additional time to prepare their briefs.

More importantly, further delay in this case will be traumatizing to the Van Treese family. As the family explained in their *amicus* opposition to certiorari, filed on June 5, 2023, “compounding the decades-long delay in obtaining justice will inflict immeasurable harm on the Van Treese family.” Brief *Amicus Curiae* of Victim Family Members Derek Van Treese et al. in Opposition to the Petitioner 17-22. Both Glossip and Oklahoma filed reply briefs after the Van Treese family’s filing. Neither Glossip nor Oklahoma contested this point, which should now be taken as an undisputed fact in this case.

The Van Treese family acknowledges that its current status in this case is as an *amicus*. But, as the representatives of murder victim Barry Van Treese, they also possess rights under Oklahoma’s Marsy’s Law, Oklahoma Const., Section II-34. Among those rights is the right to “proceedings free from unreasonable delay and a prompt conclusion of the case.” The Van Treese family also has the right “to confer with the attorney for the state.”

In joining in Glossip’s request to extend the time for the briefing in this case, the Oklahoma Attorney General’s Office failed to notify the Van Treese family about what it was doing—much less confer with them. And the Office’s request for an extension of time is inconsistent with the family’s right to a “prompt conclusion of the case.”

But rather than create an issue under Oklahoma law about the Attorney General’s compliance with its victims’ rights obligations, this Court could simply deny the parties’ request for an extension of the briefing schedule. This Court has recognized the harms of delay in capital cases on victims’ families. As this Court has held, “the victims of crime have an important interest in the timely enforcement of a sentence.” *Bucklew v. Precythe*, 139 S. Ct 1112, 1133 (2019). In this case, the effect of granting the parties’ joint motion for an extension will be to delay the case for many more months. Delaying oral argument in the case until October 2024 would be inconsistent with the family’s interest in “timely enforcement” of Glossip’s sentence—because the case would be argued more than 20 months after Glossip’s first certiorari petition (No. 22-6500). The delay is particularly unreasonable when setting the case during the current term is so easily possible.

Such a delay is particularly unwarranted when there is a serious question of whether this Court has jurisdiction in this case. The Court has already recognized this doubt by adding the jurisdictional question to the questions presented. This Court's stay order has been in effect since May 5, 2023. If the case is argued next October, decided early in 2025, and dismissed for lack of jurisdiction, the Court will have stayed a valid judgment for over a year and a half in a case where it never had any jurisdiction. In this case, as in *Bucklew*, 139 S. Ct., at 1134, the people of the state and the victim's family deserve better.

For all these reasons, this Court should deny the parties' request for an extension of the briefing schedule and set the case to be argued during the current Court Term.

Respectfully submitted,



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No. 22-7466

IN THE
SUPREME COURT OF THE UNITED STATES

RICHARD E. GLOSSIP, *Petitioner*,

vs.

STATE OF OKLAHOMA, *Respondent*.

CERTIFICATE OF SERVICE

I, Kent S. Scheidegger, a member of the Bar of this Court, hereby certify that on this 24th day of January, 2024, one copy of the Request for Denial of Proposed Extension of Briefing Schedule in the above-entitled case were mailed first-class postage prepaid to:

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I further certify that a digital copy was emailed to the addresses indicated above and that all parties required to be served have been served.

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