

IN THE
Supreme Court of the United States

RICHARD EUGENE GLOSSIP,
Petitioner,

v.

STATE OF OKLAHOMA,
Respondent.

ON WRIT OF CERTIORARI TO THE
OKLAHOMA COURT OF CRIMINAL APPEALS

**MOTION FOR LEAVE TO FILE
A PORTION OF THE JOINT APPENDIX UNDER SEAL**

Pursuant to this Court’s Rules 21 and 34.7, Petitioner Richard Eugene Glossip respectfully moves the Court to permit the filing under seal of a portion of the Joint Appendix containing two documents that were filed and remain under seal below. As provided in Rule 34.7(d), redacted versions of the documents are included in the Joint Appendix.

The Joint Appendix contains the redacted affidavit of Dr. Lawrence Trombka, a medical provider, as well as a reference to that affidavit in Petitioner’s Successive Application for Post-Conviction Relief dated March 27, 2023. *See* Successive Appl. for Post-Conviction Relief at 14, Attach. 2 at 1-3, *Glossip v. State*, No. PCD-2023-267 (Okla. Crim. App. Mar. 27, 2023) (the “Sealed Documents”). The unredacted versions of these documents are sealed pursuant to an order of the Oklahoma Court of Criminal Appeals (OCCA), which permitted Petitioner to file the documents under seal to “protect” the “privacy interests” of the witness while allowing the court to “review entire unredacted

documents to determine the relevance of the information to Petitioner’s application.” App. A. The medical information addressed in the Sealed Documents, which bears directly on the questions presented in this case, has been referred to publicly in other documents that were filed in the OCCA without sealing or redaction, *see, e.g.*, State of Oklahoma’s Resp. in Supp. of Pet’r’s Successive Appl. for Post-Conviction Relief at 3, *Glossip v. State*, No. PCD-2023-267 (Okla. Crim. App. Apr. 6, 2023); Successive Appl. for Post-Conviction Relief at 29, *Glossip v. State*, No. PCD-2023-267 (Okla. Crim. App. Mar. 27, 2023); Br. for Resp. in Supp. of Pet’n for Writ of Cert. at 9, *Glossip v. Oklahoma*, No. 22-7466 (July 5, 2023); however, the sealing order as to the Sealed Documents themselves remains in effect. Petitioner therefore seeks to submit those materials under seal to ensure this Court has access to the unredacted documents in compliance with the OCCA’s sealing order. *See* S. Ct. R. 34.7(b).

Counsel for the respondent and the amicus curiae appointed to support the judgment below have consented to this motion.

For the foregoing reasons, the motion to file a portion of the Joint Appendix under seal should be granted.

Respectfully submitted,



SETH P. WAXMAN

Counsel of Record

WILMER CUTLER PICKERING

HALE AND DORR LLP

2100 Pennsylvania Ave., NW

Washington, DC 20037

(202) 663-6000

seth.waxman@wilmerhale.com

APRIL 23, 2024

APPENDIX A

ORIGINAL



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

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

APR - 6 2023

JOHN D. HADDEN
CLERK

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

Case No. PCD-2023-267

**ORDER GRANTING PETITIONER'S MOTION TO
FILE UNREDACTED VERSIONS OF ATTACHMENTS
UNDER SEAL**

Petitioner, Richard Eugene Glossip, on March 27, 2023, filed his fifth application for post-conviction relief stemming from his conviction of First Degree (malice) Murder and sentence of death in Oklahoma County District Court Case No. CF-1997-244. Petitioner's Attachment 2 and portions of his discussion in Proposition One were redacted to protect a witness's private information.

Petitioner seeks to file unredacted versions of the documents under seal so that the privacy interests are protected, and so that this Court can review entire unredacted documents to determine the relevance of the information to Petitioner's application.

We find that Petitioner's motion should be **GRANTED**. Petitioner may file unredacted versions of the above-described documents under seal. Petitioner shall file the documents within seven days of this order.

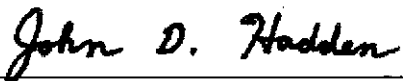
IT IS SO ORDERED.

WITNESS MY HAND AND THE SEAL OF THIS COURT this
6th day of April, 2023.



ROBERT L. HUDSON, Vice Presiding Judge

ATTEST:



Clerk

CERTIFICATE OF SERVICE

I, Seth P. Waxman, a member of the bar of this Court, hereby certify that on this 23d day of April, 2024, I caused all parties requiring service in this matter to be served copies of the Motion for Leave to File a Portion of the Joint Appendix Under Seal by overnight courier to the addresses below.

Counsel for Respondent

PAUL D. CLEMENT
CLEMENT & MURPHY, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900
paul.clement@clementmurphy.com

*Court-Appointed Amicus Curiae
in Support of the Judgment Below*

CHRISTOPHER G. MICHEL
QUINN EMMANUEL URQUHART
& SULLIVAN, LLP
1300 I Street NW, Suite 900
Washington, DC 20005
(202) 538-8308
christophermichel@quinnemanuel.com

SethP.Waxman/RMD

SETH P. WAXMAN
Counsel of Record
WILMER CUTLER PICKERING
HALE AND DORR LLP
2100 Pennsylvania Ave., NW
Washington, DC 20037
(202) 663-6000
seth.waxman@wilmerhale.com