

No. 23-7612

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IN THE SUPREME COURT OF THE UNITED STATES

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WADE GREELY LAY,  
*Petitioner,*

vs.

CHRISTE QUICK, Warden,  
*Respondent.*

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RESPONDENT'S APPENDIX TO BRIEF IN OPPOSITION

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Respectfully submitted,

**GENTNER F. DRUMMOND**  
**ATTORNEY GENERAL OF OKLAHOMA**

**s/ JOSHUA R. FANELLI\***

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**ATTORNEYS FOR RESPONDENT**

**\* Counsel of Record**

Dated: July 30, 2024

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PCV

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

WADE LAY,

PETITIONER,

SEP 25 2023

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY MB, DEPUTY

X.

CHRISTY QUICK,

WARDEN AT O.S.P.,

RESPONDENT.

DEATH PENALTY CASE

IMPEDEMENT CLAUSE IMPETUS

28 USC § 2244 AND 28 USC § 2255

WADE GREENLY LAY<sup>4</sup> 516263

OKLAHOMA STATE PENITENTIARY

P.O. BOX 97

MCALISTER, OKLA. 74502

DATE:

PD-SE

PC 2

1. COME NOW WADE LAY TO THIS U.S.D.C.

W.D./OK. PETITIONER LAY KNOWS HE HAS A

LONG HISTORY WITH THIS COURT, WHICH

PROVIDES BOTH SKEPTICISM AND OPTIMISM.

WADE LAY IS ON THE LAST STRETCH OF A

LONG JOURNEY, ONE FILLED WITH TORMENT

AND IMPROPRIETY BY GOVERNMENTAL ACTORS.

2. LAY HAS NO WHERE ELSE TO TURN. IT IS THIS

COURT WHICH SET UP THE CONDITIONS

LEADING TO THE "COMPETENCY TO BE

EXECUTED TRIAL". THE FACTS WILL SHOW,

E.S.P. HAS CAUSED AN IMPEDIMENT FOR LAY TO PARTIC-

IPATE IN THE UPCOMING TRIAL, ALONG WITH

2. AN IMPEDIMENT TO FILLING A WRIT OF HABEAS CORPUS FOR FIFTEEN YEARS. CONGRESS HAS ANTICIPATED THIS ENCRAGEMENT, AND HAS PROVIDED A REMEDY.

3. THE U.S.D.C. E.D./OK. HAS ERRONEOUSLY CLAIMED THAT WADE LAY HAS TWO (2) STRIKES UNDER THE PLRA, THIS IS FALSE, NONETHELESS, THIS CIVIL ACTION FALLS UNDER THE HABEAS STATUTE AEDPA.

4. LAY SEEKS ~~IN~~ IN FORMER PAUPER'S FORMS, AND ASK THE COURT TO ASSIGN A CASE NUMBER. C.S.P. PRISON OFFICIALS HAVE BEEN A PRIMARY IMPEDIMENT FOR YEARS, SINCE 2008.



Page 4

4. ALTHOUGH THIS MAY END UP AS A STEP-  
PING STONE TO THE APPELLATE COURT  
AND THE U.S. SUPREME COURT, LAY  
FEELS JUSTICE SHOULD BE AT THE  
DOORSTEP OF THIS COURT.

5. PLEASE FULFILL THESE REQUEST.

RESPECTFULLY SUBMITTED  
MADE LAY AT O.S.P.

P.O. BOX 97  
MCALISTE, OK. 74502

PLA

128082130  
TO: CHIEF JUDGE U.S.D.C. W.D. OK,

WADE LAY HAS SEVERAL MONTHS TO PREPARE FOR TRIAL - In re: Wade Greely Lay case NO. 21-224.

PRISON OFFICIALS HAVE ACTED FAR OUTSIDE OF THE LAW TO DESTROY LAY'S ABILITY TO PREPARE. LAY SENDS A COPY OF PLEADINGS TO STATE COURTS THAT HAVE BEEN FUTILE. THESE DOCUMENTS ALTHOUGH WRITTEN UNDER EXTREME DISTRESS AND TRAUMA, THE NARRATIVE IS CLEAR.

O.S.P. HAS EXERCISED EXTREME ABUSE AND DECEIT, DENYING DUE PROCESS, AND FLAGRANT LIES TOLD BY PRISON OFFICIALS SURROUNDING A PLEA BARGAIN. PLEASE RESPOND QUICKLY.

10/21/23

Sincerely WADE LAY

EXHIBIT 1  
Hay V. Quick  
10/11/23  
*[Signature]*

128887128

PC-1

IN THE OKLAHOMA COURT OF CRIMINAL APPEALS

In re: Wade Greely Hay

CASE NO. ~~MA~~-23-175

(OR CASE NO. 21-224)

PURSUANT TO: Ford V. Wainwright

(COMPETENCY TO BE EXECUTED TRIAL)



WADE GREELY HAY

*[Signature]*  
D.O.B.

P.O. BOX 91

MCALISTER, OKLA. 74502

PRO-SE

DATE: 9/18/23

*[Signature]*  
Notary

9/18/23

Date

128882128

PC 2

1. IN 28 USC §§ 2244, AND 2255 CONGRESS ANTICIPATES THE REALITY THAT EVENTS COULD OCCUR CONSTITUTING A SET OF CIRCUMSTANCES (SEE 28 USC § 2254 (b)) THAT WOULD RENDER THE RIGHTS OF HABEAS CORPUS INEFFECTIVE. THOSE PROVISIONS, I.E., §§ 2244 AND 2255 CITED ABOVE ARE CALLED "THE IMPEDIMENT CLAUSES"; AND THEY ARE IN FACT APPLICABLE IN THIS COMPETENCY TO BE EXECUTED TRIAL, DUE TO THE CONSPIRACY THAT EXIST WITHIN BOTH STATE AND FEDERAL ACTORS.
2. IN FACT, IT IS THE COLLUSION BETWEEN OKLAHOMA STATE PENITENTIARY (O.S.P.), AND THE FEDERAL PUBLIC DEFENDER (F.P.D.), WHICH WIDE LAY RECOGNIZES OFFICIALLY IN *Key V. Otto*, CIV-12-888-D, ~~AT~~ 2012, TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DIST.



128887128

Page 3

2. OF DELAYING (USD. W.D./OK.). IT IS WITHIN THIS COLLUSIVE INTERACTION IN TWO EVENTS THAT ARE SEPARATED BY THIRTEEN (13) YEARS FILLED WITH SIMILAR COLLABORATIONS BEGINNING IN 2008 COMMENCING IN THE CASE OF MAY THROUGH JULY OF 2021, WHERE THE F.P.D. TELLS WADE LAY NOT TO PROVIDE AN ALTERNATIVE METHOD OF EXECUTION.
3. THIS ILLEGAL ACTION BY O.S.P. AND THE F.P.D. IS WELL DOCUMENTED IN *Lilly v. A.C.L.U. et al.*, CW-21-605-J), AND *Glossip v. Chandler*, CW-14-605-F, PAGES 11-15. THE FACTS SHOW THAT THE SAME ACTORS AT O.S.P. WHOM HAVE IMPOSED THIS MOST RECENT MISCONDUCT DENYING LAY DUE PROCESS, SUBSEQUENTLY USING SUBORDINATE STAFF (SGT. WILBANKS) TO DECEIVE WADE LAY, DAKLING HIS PROPERTY OVER HIS HEAD, PROPERTY TAKEN AS PUNISHMENT BEFORE A HEARING,



128882128

PC 4

3. USING COERCION TO COMPEL LAY TO SIGN A GUILTY PLEA UNDER THE PROMISE HE WOULD RECEIVE HIS SECURUS TABLET AND ALL OF HIS PROPERTY IF HE SIGNED THE PLEA, WERE ALSO DIRECTLY INVOLVED IN THE PLOT OF MAY THROUGH JULY OF 2021, SURROUNDING THE MISGUIDED COUNCIL "DO NOT PROVIDE AN ALTERNATIVE METHOD OF EXECUTION", LEADING TO THIS COMPET-  
EVEN TO BE EXECUTED TRIAL.

4. THE TRUTH OF THE MATTER IS, THE TRIAL, THE CASE - *In re: Wade Grovely Lay*, 21-224, IS A PART OF THE SECTIONS 2244 AND 2255 IMPEDI-  
MENT. BOTH STATE AND FEDERAL ACTORS HAVE PLAYED A PART IN PREVENTING WADE LAY FROM FILING A WRIT OF HABEAS CORPUS CORROBORATIVE TO THE

128882128

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4. FACTS AT THE ORIGINAL TRIAL IN 2005. (Hilly V. State, CF-2004-2370).

5. THE TRUTH IS, THE ILLEGAL AND IMMORAL ACTIONS BY PRISON OFFICIALS, LIKE MISS CHRISTI QUICK (WARDEN AT O.S.P.), AND MR. KIRBY (SECURITY CHIEF), ARE A PRODUCT OF THE NATIONAL GOVERNMENT. POWERFUL SOURCES PRIMARILY EMANATING OUT FROM THE JUDICIAL POWERS OF THE UNITED STATES.

6. THIS APPEAL FOR REMAND TO THE PITTSBURGH COUNTY DIST. COURT MUST BE ACCOMPANIED WITH AN ORDER FOR DISCOVERY, TO INCLUDE SUBPOENA POWER FOR SUCH PRISON OFFICIALS AS SGT. WILBANKS, OFFICER ORELDON, AND OFFICER TINKER, AND OFFICIAL LIST

28882128

PC-6

6. WILL FOLLOW), AND PROTECTIVE ORDER TO ALLOW  
WADE LAY THE MEANS <sup>&</sup> AND ABILITY TO DEFEND  
HIS MENTAL STATE AND PROVE THE CONSPIRACY  
CAUSING THE IMPEDIMENT. <sup>&</sup> (SUCH AS ATTENTION  
OF LAY'S PROPERTY).

7. THIS APPEAL IS RESPECTFULLY SUBMITTED THIS  
DAY OF , 2023.

WADE LAY HT O.S.P.

P.O. BOX 41

WCALESTER, OK. 74502

© CCA

PC. 1

IN THE ~~SUPREME COURT~~  
~~THE PITTSBURGH COUNTY DISTRICT COURT~~  
 STATE OF OKLAHOMA

IN RE: WADE GREELEY LAY  
 CASE NO. 21-224

SHOULD BE  
 LAY V. O.D.C., SECURUS  
 23-19

THE CASE - Lay v. Oklahoma Dept of Corrections,  
 AND SECURUS CORP. 23-19

WAS FILED AUGUST 14, 2023. THE PITTSBURGH  
 COUNTY DIST COURT INITIALLY FILES THE CASE,  
 THEN, CROSSES OUT THE CASE NO. 23-19, AND  
 FILES IT AS PART OF THE COMPETENCY TO BE  
 EXECUTED CASE - 21-224, IN RE: WADE LAY.  
 WADE LAY HAS NOT BEEN ADJUDICATED AS INCOMP-  
 ETENT, HE HAS A RIGHT TO STAND ON HIS OWN  
 TO FILE CIVIL ACTIONS TO DEFEND HIS RIGHTS.  
 THIS IS WHY PRISON OFFICIALS AT O.S.P. VIOL-  
 ARE LAY'S RIGHTS, VIOLATING FUNDAMENTAL  
 LAWS, SUCH AS DUE PROCESS.

THE CASE LAY V. O.D.C. et al. 23-19 MUST BE  
 REMANDED FOR ADJUDICATION. WADE LAY WILL  
 NOT MEET WITH ANY PSYCHIATRIST ON EITHER  
 SIDE UNTIL THE CONDITIONS AT O.S.P. ARE  
 CHANGED AND THE WARDEN (QUICK) SANCTIONED.



Zak Pope 95623  
 Notary Date

WADE GREELEY LAY  
 AT O.S.P.

Pop. Box 97 10/6/23  
 McAlester, OK 74502

PG. 7

1. THIS PLEADING IS IN REGARD TO THE COMPLAINT

FILED AUGUST 14, 2023 - CASE NO. 23-19

Wade Lay V. OKLAHOMA DEPT OF CORRECTIONS, AND  
SECURUS CORPORATION.

2. IN THE COMPLAINT LAY PROMOTES THE

PREMISE THAT OKLAHOMA STATE PENITENTIARY

(O.S.P.) USES MISCONDUCT CHARGES, AND THE

PROPERTY MATRIX AS WEAPONS TO INJURE

AND SUPPRESS PRISONERS WHO ARE SEEKING

TO DEFEND OR ADVANCE THEIR CONSTITU-

TIONAL RIGHTS. ON AUGUST 29TH, 2023,

O.S.P. DID PRECISELY THAT TO WADE LAY.

3. THE PRISON HAS INITIATED A MISCONDUCT

CHARGE TO COVER UP THEIR ILLEGAL NEGLECT.



PC 3

3. WADE LAY SEEKING TO CONTINUE HIS PREPARATIONS FOR THE COMPETENCY TO BE EXECUTED TRIAL, ENGAGED IN COMMUNICATIONS WITH SPECIFIC ENTITIES SUCH AS: NICOLE FLEMING (PRISONER ADVOCACY (O.D.O.C.)). IN SEVERAL E-MAILS SENT TO RHONDA KEMP (LAY'S SISTER), HE EXPRESSES TO MISS FLEMING THE NEGLECT BY O.S.D. IN DEPRIVING PRISONERS OF THE RIGHT TO SHOWER.

4. THIS NEGLECT IS SHOWN TO BE A CONTINUING ACT OF DELIBERATE DEPRIVATION. THE ABUSE OF POWER BY

PC. 4

4. O.S.P. HAS BEEN IN PROGRESS FOR NEARLY  
 A YEAR. ON DEC. 30 OF 2022, LAY WRITES  
 A REQUEST TO STAFF (RTS) <sup>22-4417</sup> TO H-UNIT  
 MGR. CHAMLEY, DESCRIBING A STRATEGY  
 THAT IS NOTICABLE, IMPLEMENTED BY  
 ADMINISTRATORS AT O.S.P., ONE THAT WAS  
 UTILIZED BY THE PRISON IN 2010 TO DEPRIVE  
 PRISONERS ACCESS TO YARD. LAY STATES  
 IN 2010,  
 THAT THE PATTERN OF BEHAVIOUR<sup>y</sup> IS IDENTICAL  
 IN THEIR ATTEMPT IN 2023 TO DESTROY A  
 PRISONER'S WILL TO GO TO SHOWER.

5. IN 2010, THE DEPT OF CORRECTIONS KNEW  
 THERE WAS NO WAY O.S.P. COULD FULFILL  
 THE OBLIGATION TO PROVIDE YARD FOR

I.O.  
 8) SEE EXHIBIT 2119 - A

PC-5

5. ~~THE~~ ON H-UNIT UNDER THE NEW PROTOCOLS;

THAT IS, THE TWO OFFICER ESCORT WHICH

IGNORES THE BUILDING'S DESIGN, FOR PRISONERS

TO MOVE ABOUT WITHOUT ESCORT TO YARD,

SHOWERS, AND VISITATION. THE SOLUTION

FOR THE P.O.C. WAS SIMPLY TO DISREGARD THE

PURPOSE OF THE ACTIVITY, FOR PRISONER TO

ENJOY ONE HOUR OF SUNLIGHT, FOR HUMANE

REASONS AND MENTAL HEALTH. P.O.C. DECIDES

TO PUT MEN OUT TO YARD IN THE MIDDLE OF

IN THEIR BOXERS,

THE NIGHT, IN THE WINTERS, THROUGH THEIR

CLOTHES ONTO THE ICE CONCRETE,

6. THIS ABUSIVE TACTIC WORKED. PARTICIPATION

IN YARD QUICKLY DROPPED FROM 30 PRISONERS



PC.6

6: To 3 or 4.

7. IN NOVEMBER OF 2022, THROUGH FEBRUARY

2023, O.S.P. TURNS OFF THE HOT WATER,

AND RUNS SHOWERS AT 1:00 A.M., - 3:00 A.M.

THIS TACTIC IS EQUALLY SUCCESSFUL, IN THE

IMPLICIT DESIRE TO GREATLY REDUCE

PARTICIPATION IN SHOWERS. AFTER RECEIVING

COMPLAINTS, EVEN FROM THEIR OWN OFFICERS,

THE HOT WATER IS TURNED BACK ON, BUT

A FEW MONTHS LATER, SHOWERS ARE PUT

INTO SUCH A PRECARIOUS SCHEDULE, MANY

TIMES SKIPPED Altogether, PRISONERS

'GIVE UP ON THE NOTION, DOING THE BEST THEY

CAN IN THEIR CELLS.

PC-7

8. So you can see, the deprivation is deliberate, and it dates back nearly a year. Wade Lay has more than exhausted every possible avenue for remedy, even submitting request for relief to this court. In the past few months, O.S.P. has used their power over a prisoners right to shower, to cause injury and mental anguish, targeting the 4<sup>th</sup> side of Southwest Quad, the side of the quad Wade Lay is housed.

9. Showers are often cancelled, or done at an hour 90% of prisoners are asleep, and prison staff have been instructed not to alert prisoners that showers

P. 8

9. ARE BEING DONE. THIS CHAOTIC STATE HAS ENDURED FOR A VERY LONG TIME. SO WHEN RHONDA KEMP (LAY'S SISTER) CONTACTED NICOLE FLEMING (PRISONER ADVOCACY) MISS FLEMING TOLD MISS KEMP SHE WOULD TAKE CARE OF THE PROBLEM. HOWEVER, SIX WEEKS LATER, AS THE NEGLECT AND ABUSE WORSENEED, MISS FLEMING TOLD MISS KEMP, WADE LAY WOULD HAVE TO FILE A R.T.S., WHICH IS THE EQUIVALENT OF SAYING "SCREW YOU". REQUEST TO STAFF ARE IGNORED, OR ANSWERED WITH AN INCOHERENT

PC 9

9. RESPONSE.

10. THIS REPEATED, LONG TERM DEPRIVATION

TORNEED INTO HOSTILITY BECAUSE

HYGIENE / SHOWERS, IS EXTREMELY

IMPORTANT. O.S.P. DID WHAT THEY HAVE

ALWAYS DONE, WHAT LAY TOLD THIS

COURT THEY HAVE DONE FOR YEARS.

THEY USE MISCONDUCT CHARGES TO

SUPPRESS A PRISONERS ABILITY TO

PURSUOE HIS RIGHTS. THAT IS WHY

THE PRISON USED SHOWERS TO

PROVOKE, THEY KNEW MADE LAY

WAS ALREADY UPSET ABOUT SECURUS

AND DOK, STEALING HIS 2800



PG. 10

10- PAGES, PREPARATIONS FOR TRIAL.

11. WADE LAY WAS USING THE *Ford v. Wainwright* OPINION TO PREPARE HIS CASE TO DEFEND HIS RIGHTS, WHEN MISS QUICK (WARDEN AT Q.S.D.), AND MR. KIRBY (SECURITY CHIEF) WERE UTILIZED IN THE SAME WAY THEY HAVE BEEN SINCE 2008. IN JANUARY 2023, LAY FILES AN APPEAL TO THE OKLAHOMA COURT OF CIVIL APPEALS. IN THAT APPEAL PROOF IS SUBMITTED OF FRAUDULENT FILING BY THE FEDERAL PUBLIC DEFENDER (F.P.D.). WADE LAY HAS NOT YET FILED A WRIT OF HABEAS CORPUS. THIS COMPETENCY TRIAL HAS NO JURISDICTIONAL AUTHORITY, PURSUANT TO 28 USC § 2244, AND § 2255.

11.00. \* THE IMPEDIMENT TO FILING A WRIT CLAUSES STATE AND FEDERAL ACTORS.

Q OKLAHOMA STATE PENITENTIARY HAS BEEN

UTILIZED TO SET ME UP FOR THIS JUDICIAL

PROCEEDING. IN MAY OF 2021, THE D.O.C.

POT MR. KIRBY IN THE POSITION OF H-UNIT

MAN. AT O.S.P. WADE LAY WAS A PRO-SE

PLAINTIFF IN THE LETHAL INJECTION CASE -

CROSSLEY V CHANDLER, CW-14-665-F. MR. KIRBY

AS H-UNIT MAN, LED A PLOT TO SET ME UP FOR

A MISCONDUCT CHARGE THROUGH OFFICER HOOD.

HOOD WOULD NOT ALLOW ME TO HAVE THE

PHONE TO MAKE LEGAL CALLS, HE WOULD TELL

ME TO GET THE PHONE FROM PRISONERS.

MR. KIRBY MADE SEVERAL PROMISES, EVEN

WRITING A MEMO, THAT: THE PHONE WOULD

Q MR. KIRBY IS NOW SECURITY CHIEF, THE ONE WHO INVESTIGATED THE BOBBS MISCONDUCT.

8C-12

12. BE CONTROLLED BY PRISON STAFF FOR FAIR AND EQUITABLE ACCESS, AS DICTATED BY POLICY. THE PROMISES WERE QUICKLY ABANDONED, AND IT IS CLEAR WERE DESIGNED TO CREATE A CONFLICT.

13. OFFICER HODD AS INSTRUCTED BY HIS SUPERIORS, ALONG WITH SEVERAL OTHER STAFF MEMBERS BLATANTLY VIOLATE THE NEW RULE, GIVING THE APPEARANCE OF INSUBORDINATION. HOWEVER, IN REALITY, THEY WERE FOLLOWING ORDERS. MR. KUBBY SEPARATES LAY FROM EVERY OTHER SOURCE OTHER THAN THE F.P.D., WITH A THREAT OF A 305 DAY WRITE UP AND SANCTION, IF <sup>LAY</sup> ~~HE~~ DID NOT SIGN

PC 13

A ~~90 DAY~~ GUILTY PLED WITH A 90 DAY SANCTION.  
(SEE DOC NO. 128882121 4 PAGES)

14. O.S.P. HAS ONCE AGAIN ENLARGED IN ACTIONS WHICH EFFECT WADE LAY'S ABILITY TO PREPARE FOR TRIAL. WADE LAY WILL NOT MEET WITH THE STATE'S PSYCHIATRIC EXPERTS, <sup>OF THE</sup> F.P.D. THROWING THIS CASE INTO APPELLATE REVIEW, TO THE U.S. SUP. CT. A) IS THE STATE STATUTE GOVERNING THE FORD TRIAL AN EX-POST-FACTO LAW; B) HAS THE STATE CORRECTIONAL INSTITUTION BEEN USED BY FEDERAL JUDGES AS AN EXECUTIVE ARM; C) ARE THE STATE COURTS, THE PITTSBURGH COUNTY DIST. COURT, THE OKLA. SUP. CT., AND THE O.C.C.A., A PART OF THE CONSPIRACY?
15. THOSE ARE THE QUESTIONS!



*Zakiya P.O.*  
Notary Date 9/25/23

RESPECTFULLY  
WADE LAY AT O.S.P.

P.O. BOX 97

MCALISTER, OK 74502

10/6/23



PC: i

OCCA

IN THE SUPREME COURT STATE OF OKLAHOMA

IN RE: WADE GREEN LAY

CASE NO. 21-224

## 1. TO THE CHIEF JUSTICE CURICH:

IT IS INCONCEIVABLE THE COURTS OF THIS STATE COULD ALLOW A PRISON TO TREAT A MAN IN THE MANNER O.S.P. HAS TREATED WADE LAY SINCE NOVEMBER 29, 2021, THE DAY JUDGE MILLS IN THE PITTSBURGH COUNTY DISTRICT COURT ORDERED A COMPETENCY TO BE EXECUTED TRIAL. TO ALLOW A MAN TO BE KILLED WOULD BE MUCH MORE HUMANE THAN TO ALLOW THIS KIND OF ABUSE.

2. WADE LAY APPEALS TO THIS COURT FOR IMMEDIATE RELIEF, FOR THIS COURT TO ORDER A RETURN OF ALL OF WADE LAY'S PROPERTY. THE TRUTH IS, THE DIE IS CAST, WADE LAY WILL NOT COMMUNICATE WITH THE STATE'S PSYCHIATRIC EXPERTS. RATHER HE WILL PETITION THE U.S. SUP. CT. TO CONVEY THE DEPTH OF THIS CONSPIRACY, WHICH CLEARLY INVOLVES THE STATE COURTS.3. HOW CAN THIS COURT EXPLAIN ITS DISREGARD FOR LAY V. O.D.O.C., 118001 FILED MAY 28, 2019. AN APPEAL INVOLVING THE DEATH PENALTY,

PG. 2

3. A CAPITAL CASE WHERE FRAUDULENT FILING OF THE HABEAS CORPUS PETITION IS PROVEN, AND THE INVOLVEMENT OF PRISON OFFICIALS IS UNDENIABLE.
4. IT IS OBVIOUS THE O.C.C.A. WILL NOT FACE THE FACTS IN THIS CASE: THAT THE U.S.D.C. E.D./OK HAS PRODUCED FRAUDULENT CLAIMS OF FRIVOLOUS CASES AND APPEALS. FURTHERMORE, THE DIRECTOR OF OKLA. INDIGENT DEFENSE SYSTEM LIES, CLAIMING SHE FILED OUT THE C.F.P. FOR THE FEDERAL HABEAS CASE NO CW-08617-TK-RJC. (SEE EXHIBITS 854-C, AND 854-D, IN Lay V. O.D.C., 118001). FILED IN THIS COURT.
5. IT IS EASY TO ASCERTAIN THAT IT IS NAWISTY JOYCE (O.S.P. TRUST FUND) WHO FILLS OUT THE C.F.P., AND THAT CHRISTI CHRISTOPHER (DIR. AT O.I.D.S.) IS LYING. (SEE EXHIBIT 854-A IN Lay V. O.D.C., 118001). HOW CAN YOU CHOOSE TO LOOK PAST SUCH DEEP SEATED CORRUPTION? NOW, THE SECURITY CHIEF (MR. KIRBY) AT O.S.P. ONCE AGAIN REACHES OUT USING THEIR POWER OVER FUNDAMENTAL RIGHTS TO PROVOKE A BOGUS MISCONDUCT. JUST AS HE DID IN JUNE OF 2021, SETTING UP THE CIRCUMSTANCES LEADING TO THIS TRIAL SET FOR MAY OF 2024.

R. 3

5. (SEE THE STATEMENT OF FACTS - DOC. NO. 126882121).
6. KIRBY SERVES THE INTEREST OF CORRUPT FEDERAL ACTORS TO REMOVE LAY FROM THE LETHAL INJECTION CASE - CW-14-665-J, JUDGE FRIOT IN THE U.S.D.C. W.D./OK. THIS IS REMINISCENT OF O.S.P. WARDEN ROYAL, AND DEP. WARDEN COOPER, ILLEGALLY SENDING \$400<sup>00</sup> TO THE U.S.D.C. W.D./OK. TO DESTROY WADE LAY'S LAWFULLY FILED CERTIORARI PETITION *Lay v. O.D.O.C.* 19-5942. (SEE DKT# 66, *Lay v. O.D.O.C.* CIV. 17-1224-D). SO THERE EXIST AN ABUNDANCE OF EVIDENCE THAT O.S.P. HAS BEEN INVOLVED IN A COLLUSION WITH THE FEDERAL PUBLIC DEFENDER FOR OVER A DECADE, STARTING IN 2008.
7. NOW O.S.P. DENIES A SUPPOSED "INSANE" MAN DUE PROCESS, POISONING HIM BEFORE THE HEARING, ALLOWING A PRISON OFFICIAL (KIRBY) WHO IS DIRECTLY INVOLVED, <sup>IC</sup>, THE PERSON COMPLAINE ABOUT TO THE SO-CALLED "PRISONER ADVOCACY AGENT" (NICOLE FLEMING) TO INVESTIGATE THE MISCONDUCT REPORT.
8. THE TRUTH OF THIS TITIAL, IS THAT, THE STATE COURTS ARE ALLOWING, EVEN ACTIVELY PARTICIPATING IN A FRAUDULENT PARADEM TO CENSOR

Pg 4

8. A U.S. CITIZEN'S CONSTITUTIONAL OPINIONS, AND DESTROY HIS RIGHT OF A FAIR TRIAL, CONTROLLING THE APPEAL, ALTERING THE FACTS OF THE ORIGINAL CAUSE, IN THE SAME MANNER, AS IT IS DONE IN RUSSIA AND CHINA!

9. EVEN THOUGH IT IS EASY TO CONCLUDE THAT THE COURTS, (STATE AND FEDERAL) ARE USING PRISON OFFICIALS IN THE SAME WAY PUTIN USES HIS THUGS, YOU WOULD BE SHOCKED AT THE SLOPPINESS, THE LETHARGY DRESSED UP IN THE ABUSE OF POWER, IN OTHER WORDS, YOUR THUGS ARE LAZY AND INCOMPETENT, WHICH IS WHY I HAVE A GOOD CHANCE OF EXPOSING ALL OF YOU!

10. THIS SUPREME<sup>COURT</sup> S HOD EMBRACE ARTICLE VI, CLAUSE 3, THE JUSTICES SHOULD EXAMINE *Martin v. Hunter's Lessee*, 14 U.S. 304 (1816), LOOK AT JUSTICE WILLIAM JOHNSON'S CONCURRING OPINION. HE WRITES:

11. "THE WORDS, 'SHALL EXTEND TO;' NOW THAT <sup>\*</sup>WHICH extends, to DOES NOT NECESSARILY include in, SO THAT THE CIRCLE MAY ENLARGE UNTIL IT REACHES THE OBJECTS THAT LIMIT IT, AND YET NOT TAKE THEM IN." (P.N. \* READS "ARTICLE III, SECTION 2, CLAUSE 1).



PC 5

12. THIS PROFOUND STATEMENT BY JUSTICE JOHNSON, (WORTHEN TO GEORGE WASHINGTON) MUST BE VIEWED IN TANDEM WITH JUSTICE STORY'S OPINION FOR THE COURT. THE ARTICLE VI, CLAUSE 2 "SUPREMACY CLAUSE" IS THAT OBJECT THAT LIMITS IT, I.E., THE JURISDICTION OF THE U.S. SUP. CT., AND THE FEDERAL COURTS, TO INCLUDE LAWS MADE BY CONGRESS, ARE THEY IN PURSUANCE TO THE U.S. CONSTITUTION, OR IS THERE A DESIGN DISPLAYED TO REDUCE US TO DESPOTISM?

13. IT APPEARS THE STATE COURTS INVOLVED IN THIS CASE HAVE MADE LAW 21-224 ARE WILLING TO ALLOW THE STATE CORRECTIONAL INSTITUTION TO BE USED AS AN EXECUTIVE ARM BY CORRUPT JUDGES. WHY ELSE WOULD SUCH A LAWLESS ORGANIZATION BE ALLOWED TO CONTINUE.

14. IT IS SIMPLE, I WILL NOT COMMUNICATE WITH EITHER SIDE - THE FEDERAL PUBLIC DEFENDER, OR THEIR PSYCHIATRIST; NOR WILL I MEET WITH THE STATE'S PSYCHIATRIST. YOU MUST SANCTION THIS RECKLESS AND IRRESPONSIBLE WARDEN (QUICK). YOU HAVE ALLOWED THIS CRUEL

PC-6

WOMAN TO MANIPULATE THE OUTCOME  
 OF A JUDICIAL PROCEEDING QUICK  
 ATTACKED ME, PUNISHING ME EVEN  
 BEFORE THE HEARING UNTIL ALL  
 MY PROPERTY IS RETURNED, AND  
 CHRISTI QUICK (O.S.P. WARDEN)  
 IS SANCTIONED. I WILL NOT COMM-  
 UNICATE WITH EITHER SIDE IN  
 THESE TRIAL PREPARATIONS.

RESPECTFULLY WADELA

O.S.P.



P.O. BOX 97

MCALISTER, OK. 74502

3081ge 91523  
 Notary Date

10/10/23

Pg. 1 of 13

~~OCCA~~  
~~IN THE COURT OF CIVIL APPEALS~~  
STATE OF OKLAHOMA

In re: Wade Lay

CASE NO. 2021-224

PITTSBURGH COUNTY DIST. COURT

APPEAL: MA-120992

WADE GREELY LAY #516263

OKLAHOMA STATE PENITENTIARY

P.O. Box 97

MCKLESTER, OKLA. 74502

120881763

PC 20F13

1. THE STATE STATUTE 57 O.S. § 566.2 (A) HAS BEEN  
ERRONEOUSLY APPLIED TO THIS APPEAL. THE PRIMARY POINT  
IS A CONSTITUTIONAL ISSUE, WHERE THE STATE LAW VIOL-  
ATES FUNDAMENTAL PRINCIPLES OF THE FEDERAL CONSTITU-  
TION, AND IS SUPERSEDED BY THE RESERVED POWERS  
ACT OF OKLAHOMA. (SEE 74 OKLA. ST. ANN. § 186, PAR. 24)
2. "24. TO MONITOR AND EVALUATE ANY ACTION BY THE FED-  
ERAL GOVERNMENT INCLUDING, BUT NOT LIMITED TO, E-  
XECUTIVE ORDERS BY THE PRESIDENT OF THE UNITED  
STATES, RULES OR REGULATIONS PROMULGATED BY  
AN AGENCY OF THE FEDERAL GOVERNMENT OR ACTS OF  
CONGRESS TO DETERMINE IF SUCH ACTIONS ARE IN VIO-  
LATION OF THE TENTH AMENDMENT TO THE CONSTITUTION  
OF THE UNITED STATES".
3. FIRST, BEFORE THE CONSTITUTIONAL ISSUES ARE DISCUSSED,  
IT IS CRITICAL TO POINT OUT, THAT THE DOCUMENTS PROVIDED  
BY THE U.S.D.C. E.D./OK, ARE NOT DOCUMENTARY EVIDENCE  
SUPPORTING THE CLAIM THAT: "WADE LAY APPEARS



PC: 30613

3. "ON THE OKLAHOMA REGISTRY OF FRIVOLOUS OR MALICIOUS APPEALS THREE TIMES"; TO THE CONTRARY, THE DOCUMENTS REVEAL THAT THE CLAIM IS FALSE.

4. IT IS SIMPLE TO SEE, THAT *Gay v. Oklahoma Dept. of Corrections, et al.*, CIV. 13-481-RAW-SPS, IS REGISTERED TWICE BY THE U.S.D.C. E.D./OK., AS BEING FRIVOLOUS, WHEN IN ACTUALITY IT COULD ONLY BE REGISTERED ONCE, AS IT IS THE FIRST JUDGEMENT AND ORDER (DOCS. 89 & 90) WERE RENDERED ON AN IMPERATIVE PLEADING (DOC. 80.12) AND REMANDED BACK TO THE E.D. COURT FOR RECONSIDERATION.

5. ADDITIONALLY, EVEN THOUGH THE RENDERING OF *Gay v. O.D.C.*, 13-481- IS ALTOGETHER A WORK OF PREJUDICE AND ABUSE OF DISCRETION BY JUDGE WHITE IN THE U.S.D.C. E.D./OK.,

pg. 4 of 13

5. AND NOT A SINGLE CASE FILED IN THE E.D. COURT HAS BEEN FRIVOLOUS OR MALICIOUS, GIVING THE FEDERAL DIST. COURT THE BENEFIT OF THE DOUBT, THE EVIDENCE PROVIDED BY THE FEDERAL COURT ONLY DIGNIFIES TWO CASES AS BEING FRIVOLOUS OR MALICIOUS. *Ray v. O.D.C.*, 13-481, CANNOT BE COUNTED TWICE.

6. THERE IS NO REASON TO LABOR THE CAUSE ABOVE, IT IS EASILY ASCERTAINED AS BEING INADEQUATE AND FALLACIOUS. PETITIONER COULD ELABORATE WITH VOLUMES OF EVIDENCE SHOWING THE BAD BEHAVIOUR OF THESE WAYWATERED JUDGES IN THE US.D.C. E.D. /OK., SUCH AS, DISMISSING *Ray v. Ofmccn, I*, CIV-15-170-JAH-SP3 FOR NON PAYMENT OF INITIAL FILING FEES WHILE MORE THAN \$40<sup>00</sup> HAD BEEN TAKEN

F.H.H.

1. *Ray v. O.D.C.*, 13-481; AND *Ray v. C.T.L.*,

PC. 50FL3

6. FROM LAY'S ACCOUNT UNDER 28 USC § 1915  
ON TWO MONTHLY INSTALLMENTS, SUBSEQUENTLY,  
THE E.D. COURT ILLEGITIMATELY REFUSES FILING FEES  
FOR *Lay v. O.D.Q.C.* 13-481; AND *Lay v. Orman*, 15-170,  
NEARLY \$700<sup>00</sup>, WHILE THE CASES WERE PENDING.

7. THERE IS A PLETHORA OF EVIDENTIARY MATERIAL AVAIL-  
ABLE TO THE COURT, EASILY ACCESSABLE, ON THE PUBLIC  
RECORD, WHICH IS THE REASON FOR FILING THE MULTIPLE  
CIVIL RIGHTS CASES IN THE FEDERAL DISTRICT COURTS.  
PETITIONER HAS SUCCESSFULLY UNVEILED THE TRUE NATURE  
OF THESE COURTS UNDER THE DOCTRINE OF SUBSTANTIVE  
DUE PROCESS. THE FEDERAL JUDICIARY HAS VIOLATED  
THE PRINCIPLES STATED IN THE TENTH AMENDMENT TO

F.D.#

1 THIS CLEARLY VIOLATES 28 USC § 1915

PL 68F13

7. THE UNITED STATES CONSTITUTION, A STANDARD INVOKED FOR THIS STATE COURT BY THE RESERVED POWERS ACT OF OKLAHOMA.

8. THIS LEADS TO THE SECOND QUESTION, THE ISSUE OF CONSTITUTIONAL VIOLATION OF THE STATE CONSTITUTING A REGISTRY FOR BOTH JUDICIAL JURISDICTIONS (STATE AND FEDERAL). THE MOST EFFICIENT AUTHORITY TO SUPPORT SUCH PRINCIPLE LIES WITHIN THE SUPREME COURT OPINION THAT ACTS AS THE FOUNDATION OF THE REMOVAL DOCTRINE - *Martin v. Hunter's Lessee*, 14 U.S. 304 (1816).

HOWEVER, THE ULTIMATE AUTHORITY IS FOUND IN THE FEDERALIST PAPERS NOS. 80-84, FROM WHICH JUSTICE STORY RECEIVES HIS CONFIDENCE.

9. HAMILTON IN FEDERALIST NO. 82, PAR. 3 ESTABLISHES THE



72.7013

PRINCIPLE THAT:

10. "THE NATIONAL AND STATE SYSTEMS ARE TO BE REGARDED AS ONE WHOLE. THE COURTS OF THE LATTER WILL OF COURSE BE NATURAL AUXILIARIES TO THE EXECUTION OF THE LAWS OF THE UNION, AND AN APPEAL FROM THEM WILL AS NATURALLY LIE TO THAT TRIBUNAL WHICH IS DESTINED TO UNITE AND ASSIMILATE THE PRINCIPLES OF NATIONAL JUSTICE AND THE RULES OF NATIONAL DECISIONS. THE EVIDENT AIM OF THE PLAN OF THE CONVENTION IS, THAT ALL THE CAUSES OF THE SPECIFIED CASES SHALL, FOR WEIGHTY PUBLIC REASONS, RECEIVE THEIR ORIGINAL OR FINAL DETERMINATION IN THE COURTS OF THE UNION. TO CONFINE, THEREFORE, THE GENERAL EXPRESSIONS CIVIL APPELLATE JURISDICTION TO THE SUPREME COURT, TO APPEALS FROM THE SUBORDINATE FEDERAL COURTS, INSTEAD OF ALLOWING THEIR EXTENSION TO THE STATE COURTS, WOULD BE TO ABRIDGE THE LATITUDE OF THE TERMS, IN SUBVERSION OF THE INTENT, CONTRARY TO EVERY SOUND RULE OF INTERPRETATION."
11. THE STATE STATUTE COMINGLING THE TWO JURISDICTIONS (STATE AND FEDERAL) CREATES AN IMPEDIMENT TO THE INDIVIDUAL FROM THE STATE COURTS TO THE SUPREME TRIBUNAL, THE SUPREME COURT OF THE UNITED STATES. IT LIES WITHIN THIS PROSPECT, THAT THE LAWS OF THE CONFEDERACY, AS TO THE ENUMERATED AND

Pg. 8 of 13

"LEGITIMATE OBJECTS OF ITS JURISDICTION, WILL BECOME THE SUPREME LAW OF THE LAND". THIS IS A SPECIFIC THROUGHFARE, ONE OPERATING THROUGH ARTICLE VI, CLAUSE 2. HAMILTON EMPHATICALLY STATES, THAT TO THIS PARTICULAR OBSERVANCE, BY MEANS OF THIS INDEPENDENT DISCRETION. (SEE FEDERALIST 27, PAR. 6)

12. "ALL OFFICERS, LEGISLATIVE, EXECUTIVE, AND JUDICIAL, IN EACH STATE, WILL BE BOUND BY THE SANCTITY OF AN OATH. THUS THE LEGISLATURES, COURTS, AND MAGISTRATES, OF THE RESPECTIVE MEMBERS, WILL BE INCORPORATED INTO THE OPERATIONS OF THE NATIONAL GOVERNMENT AS FAR AS ITS JUST AND CONSTITUTIONAL AUTHORITY EXTENDS;" HAMILTON AND STORY BOTH MAKE IT CLEAR, THAT THIS DELEGATED POWER GIVEN TO
- IS THE
- STATE JUDGES ALONE, HEIGHT, LENGTH, AND BREADTH OF THE COMMON LAW. THAT, IT THEN EMINATES OUT FROM THAT FIELD INTO THE AREA OF "FULL FAITH AND CREDIT", ENTRUSTED TO THE REPRESENTATIVES AND SENATORS OF THE UNITED STATES, THAT "CONGRESS MAY BY GENERAL LAWS PRESCRIBE THE

Pg. 9 of 15

12. "MANNER IN WHICH SUCH ACTS, RECORDS, AND PROCEEDINGS SHALL BE PROVED, AND THE EFFECT THEREOF." A COMMON LAW POOL OF REASONING ARISING UP AS A WILDFIRE OF FREE EXPRESSION FROM EACH LOCAL COMMUNITY.

13. IN LIGHT OF THE "KINDRED SYSTEMS," AS DEFINED BY HAMILTON IN FEDERALIST 82, CONCURRENT JURISDICTION IS MANIFESTED AS A MEANS OF BALANCE, A CHECK UPON THE FEDERAL JUDICIARY. HAMILTON POINTS TO THIS SAYING:

14. "WHAT RELATION WOULD SUBSIST BETWEEN THE NATIONAL AND STATE COURTS IN THESE INSTANCES OF CONCURRENT JURISDICTION? I ANSWER THAT AN APPEAL WOULD CERTAINLY LIE FROM THE LATTER, TO THE SUPREME COURT OF THE UNITED STATES. THE CONSTITUTION IN DIRECT TERMS GIVES AN APPELLATE JURISDICTION TO THE SUPREME COURT IN ALL THE ENUMERATED CASES OF FEDERAL COGNIZANCE IN WHICH IT IS NOT TO HAVE AN ORIGINAL ONE, WITHOUT A SINGLE EXPRESSION TO CONFINE ITS OPERATION TO THE INFERIOR FEDERAL COURTS. THE OBJECTS OF APPEAL, NOT THE TRIBUNALS FROM WHICH IT IS TO BE MADE, ARE ALONE CONTEMPLATED."

PC, 100FIS

15. FROM THIS DISTINCTION IT IS DETERMINED THAT THE LOCAL STATE COURTS MUST HAVE "CONCURRENT JURISDICTION IN MATTERS OF NATIONAL CONCERN". THE OBJECT OF THIS APPEAL IS CENTERED ON THE USURPATIONS OF THE FEDERAL GOVERNMENT ACTING PRIMARILY THROUGH ITS JUDICIAL BRANCH. THE EXTREMES CLAIMS OF FEDERAL COURTS ARE NOT SUITABLE FOR SUCH A DISTINCTION AS THAT OFFERED UP BY THE OKLAHOMA LEGISLATURE, COMBINING THE TWO JUDICIAL ORDERS.

16. JUSTICE STORY RAISES THESE CONCERNS IN *North v. ...*, IF THE NATIONAL GOVERNMENT SHOULD MAKE LAWS THAT VIOLATE THE PROHIBITION AGAINST EX-POST-FACTO LAWS, OR BILLS OF ATTAINDER, SANCTIONED BY THE FEDERAL COURTS; BY WHAT MEANS COULD A CITIZEN OF OKLAHOMA SEEK A REMEDY, IF NOT WITHIN THE COURTS OF THE STATE. THIS IS NOT



TC. 11 OF 13

JUST A RIGHT UNDER STATE LAW, BUT ARTICLE IV, SECTIONS 1 & 2 OF THE UNITED STATES CONSTITUTION PROTECTS THE FUNDAMENTAL RIGHT TO ACCESS COURTS.

1. AT THE CENTER OF THIS ORDEAL, WHAT IS THE SUBJECT MATTER OF APPEAL, IS THE ACTIONS OF FEDERAL ACTORS WHOM HAVE MADE THE CLAIMS OF MENTAL ILLNESS, ALTERING THE FACTS OF THE ORIGINAL CAUSE, THROUGH MEANS OF A FRAUDULENT INVOCATION OF THE INTERPOSITION OF THE CENTRAL GOVERNMENT ON FEDERAL HABEAS. THE FEDERAL PUBLIC DEFENDER, UNDER 18 USC § 3501 FILES THE COMPETENCY TO BE EXECUTED QUESTION; YET, THAT SAME OFFICE CARRIES OUT A FRAUDULENT HABEAS PETITION, FULFILLING THE IMPEDIMENT CLAUSE OF 28 USC § 2255(f)(2), AND 28 USC § 2244 (d)(1)(B), IN THEIR COLLUSION WITH THE OKLAHOMA DEPT. OF CORRECTIONS.

OSF  
LEAD E LIT 5/16/263  
P.O. BOX 97  
Newestock OK 74502



RECEIVED  
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200 E.W. 4th St. Suite 1210  
OKC, Oklahoma 73102-3092



**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

WADE LAY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-23-858-J
	)	
CHRISTIE QUICK, Warden at O.S.P.,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff, a death row inmate appearing pro se, filed a document titled “Impediment Clause Impetus 28 U.S.C. § 2244 and 28 U.S.C. § 2255.” [Doc. No. 1]. In it, Plaintiff complains that prison officials at the Oklahoma State Penitentiary (OSP) in McAlester, Oklahoma have “caused an impediment for Lay to participate” in his upcoming competency hearing and an “impediment to filing a writ of habeas corpus for fifteen years.” *Id.* at 2-3. On review, the Court liberally construes Plaintiff’s arguments as alleging that officials are denying him access to the courts, a claim that arises under 42 U.S.C. § 1983, and TRANSFERS this action to the United States District Court for the Eastern District of Oklahoma.

The Court is obligated to review prisoner complaints seeking redress from governmental entities or officers of a governmental entity. *See* 28 U.S.C. § 1915A(a). As part of this obligation, the Court may consider whether venue is proper sua sponte “when the defense is obvious from the face of the complaint and no further factual record is required to be developed.” *Trujillo v. Williams*, 465 F.3d 1210, 1217 (10th Cir. 2006) (citation omitted).

Venue is proper in a civil action in:

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a

substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action.

28 U.S.C. § 1391. Plaintiff is housed at OSP and alleges prison officials there are violating his constitutional rights. OSP lies in Pittsburg County, Oklahoma which is within the territorial jurisdiction of the United States District Court for the Eastern District of Oklahoma. *See* 28 U.S.C. § 116(b). Accordingly, because the events or omissions giving rise to Plaintiff's claims are occurring in the Eastern District of Oklahoma, venue is proper in that Court.

Although this matter is subject to dismissal, the Court may cure a defect in venue by transferring the case to "any district or division in which it could have been brought" if transfer is "in the interest of justice." 28 U.S.C. § 1406(a). Because Plaintiff is a death row inmate and the claims here involve his preparation for a competency hearing, transfer of this case is in the interest of justice.

Accordingly, this action is TRANSFERRED to the United States District Court for the Eastern District of Oklahoma.

IT IS SO ORDERED this 27<sup>th</sup> day of September, 2023.

  
BERNARD M. JONES  
UNITED STATES DISTRICT JUDGE



IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

FILED

WADE LAY,

PETITIONER,

OCT 30 2023

BONNIE HACKLER  
Clerk, U.S. District Court

By Deputy Clerk

V.

CASE NO. 23-858-J

23-326 RAW

CHRISTI QUICK,

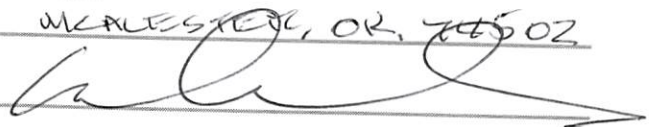
(WARDEN AT O.S.P.)

RESPONDENT,

CAPITAL CASE

PETITIONER'S MOTION FOR EVIDENTIARY  
HEARING PRECEDED BY DISCOVERY AND  
STAY OF THE PROCEEDINGS IN THE PITT-  
SBOURGH COUNTY DIST. COURT (21-224)  
WITH IMMEDIATE ORDER FOR PROTECT-  
ION OF WADE LAY FROM O.S.P. PRISON  
OFFICIALS

WADE GREEN LAY # 516263  
AT O.S.P.  
P.O. BOX 97  
MCALISTER, OK, 74502



WHEN A GOVERNMENTAL ENTITY, LIKE THE COURTS OF  
THE UNITED STATES, OR ANY STATE COURT, IS GIVEN,  
OR ASSUMES THE POWER OF DISCRETION - TO RULE  
OVER THE MENTAL HEALTH OF CITIZENS OF THE UNITED  
STATES - THAT APEX OF POWER MUST BE MET BY  
THE MOST LIBERAL ALLOWANCE IMAGINABLE, FOR THE  
INDIVIDUAL TO COUNTER ANY CLAIMS MADE BY  
GOVERNMENTAL ACTORS.

WITHIN THIS DYNAMIC, THE PRINCIPLES OF FREE  
EXPRESSION TRUMP ANY RULES OF THE COMMON LAW  
MANIFESTED THROUGH JUDICIAL DOCTRINE. THE  
THREAT OF GOVERNMENT USING CLAIMS OF SUCH A:

PG. 2

DUBIOUS NATURE AS A MEANS OF CONTROL AND  
CENSORSHIP IS WELL ESTABLISHED. THE USE OF  
SUCH INSTITUTIONS AS OKLAHOMA STATE PENITENTIARY  
(OSP) AS A TYPE OF EXECUTIVE ARM, TO DO THE DIRTY  
WORK OF CENSORSHIP IS ALSO HISTORICALLY RECORDED  
AS A TYPICAL MEANS OF IMPLEMENTING SUCH CONTROL,  
WHICH RESULTED IN THE INCLUSION OF ARTICLE I,  
SECTION 9, CLAUSE 2, AS A PROHIBITIVE CLAUSE,  
APPLICABLE TO THE NATIONAL GOVERNMENT AND NOT  
THE STATES.

WHERE THE MAIN BODY OF THE CONSTITUTION, AS  
RECOGNIZED BY ALEXANDER HAMILTON IN FEDERALIST

NO. 84, CONTAINS WITHIN IT, A "BILL OF RIGHTS OF THE UNION", SO TOO DOES THE UNAMENDED PART OF THE TEXT PROVIDE A REMEDY FOR THE INDEFINITE TERMINOLOGY OF 28 USC §§ 2244 AND 2255, <sup>1</sup> *ET AL.*, THE IMPEDIMENT CLAUSES.

HOWEVER, UNDER THE DOCTRINE OF SUBSTANTIVE DUE PROCESS, DUE TO THE INTERPOSITION OF THE FEDERAL COURTS, AS DICTATED BY THE OPINIONS OF THE SUPREME COURT OF THE UNITED STATES, THE COUNTERACTING POWERS RESERVED TO THE STATES, SIMILAR TO THE "RIGHTS OF THE APPLICANT", MAY BE RENDERED INEFFECTIVE. THEREFORE,

END

1 SEE 28 USC § 2254 (b).



IN THE EVENT, THE IMPEDIMENT TO FILING A WRIT OF HABEAS CORPUS IS CAUSED BY A COMBINATION OF STATE AND FEDERAL ACTORS WHO ARE, DUE TO THE ABOVE STATED DOCTRINE, SUBJUGATED WITHIN A PARTICULAR PARADIGM, THE PARABOLIC NATURE OF THE MATTER GIVEN ITS RELATION TO THE CLAIM OF MENTAL ILLNESS, CANNOT BE RELEGATED TO THOSE SAME GOVERNMENTAL ACTORS.

IN THIS PARTICULAR CASE, IT IS OBVIOUS, WHEN A CURSORY GLANCE AT THE FACTS IS ACCOMPLISHED, THAT O.S.P. (WARDEN - KRISTI QUICK) HAS TARGETTED WADE LAY, USING THE POWERS OF DISCRETION

K.S

IN AN ABUSIVE MANNER, TO ACCOMPLISH SUCH

GOALS OF CENSORSHIP AND CONTROL. O.S.P.

HAS CONTINUED TO DEPRIVE WADE LAY OF HIS

PROPERTY AND SECURUS PAD/COMPUTER, DEPR-

IVING HIM OF THE EQUAL RIGHT TO THE WESTLAW

ACCESS, REMOVING HIS ABILITY TO PREPARE

FOR THE COMPETENCY TRIAL.

THIS TRIAL, SCHEDULED FOR MAY OF 2024 IS A

PROCEEDING IMPOSED BY THE FEDERAL PUBLIC

DEFENDER (FPD) IN OKC. THE TRIAL IS A

PART OF THE IMPEDIMENT. FOR THAT REASON,

AND THE PARADIGM AS ALLUDED TO ABOVE, THE

PC-6

BURDEN UNDER SUBSTANTIVE DUE PROCESS,  
 FALLS UPON THIS COURT, TO ASCERTAIN THE  
 FACTS, TO DISCOVER THE TRUTH. THE END-  
 ENTITLY HEARING PRECEDED BY DISCOVERY  
 IS ABSOLUTELY NECESSARY IN THE INTEREST  
 OF JUSTICE.

*Zakiya Pope*  
 Notary  
 Date 10/23/23



RESPECTFULLY SUBMITTED  
 BY WADDE LAY ET O.P.

P.O. BOX 97  
 MCALISTER, OKLA. 74502

INTRODUCTION:

THE IMPEDIMENT TO FILING A WRIT OF HABEAS  
CORPUS PURSUANT TO 28 USC §§ 2244 AND 2255 MUST  
BE RECOGNIZED AND REMOVED. THAT CAN ONLY BE  
ACHIEVED BY AN EVIDENTIARY HEARING, PRECEDED BY  
DISCOVERY. ONCE ACKNOWLEDGED THE AGENCIES CAUS-  
ING THE IMPEDIMENT - THE O.D.O.G.; THE PRISON, OSP;  
AND THE FEDERAL PUBLIC DEFENDER (FPD) MUST BE  
SANCTIONED, AND COUNSEL ASSIGNED TO WADE LAY  
WITH THE ONE (1) YEAR TOLLING IMPLEMENTED  
FOR WADE LAY TO FILE A WRIT CORROBORATIVE TO  
THE FACTS AT HIS CRIMINAL TRIAL.

BACKGROUND:

1.) IT WAS JUNE 1<sup>st</sup>, 2015 THAT O.S.P. ALLOWS SGT.

GHRAM TO ENTER LAY'S CELL (5W4CC). AFTER TWO

SECURITY OFFICERS DECEITFULLY PRESENTED THE NEED

UNDER SECURITY TO EXECUTE AN ORDINARY SHAKE

DOWN. SGT GHRAM HAD BEEN ORDERED BY THE

OKLAHOMA DEPT. OF CORRECTIONS (O.D.C.) INSPECTOR

GENERAL (I.G.) PRISON RAPE ELIMINATION ACT (PREA)

OFFICE - TO HAVE NO CONTACT WITH SHADE LAY, DUE TO

SGT. GHRAM'S ABUSE OF A SEXUAL NATURE TOWARDS LAY.

2.) THIS FORM OF RETALIATION IS COMMON AMONG D.O.C.

EMPLOYEES AT O.S.P. AND OTHER CORRECTIONAL INSTITUTIONS.



2.-) THE ODOC, BY DESIGN ALLOWS PRISON OFFICIALS  
ACROSS THE STATE TO ENGAGE IN SUCH BEHAVIOUR TO  
ACCOMPLISH A PARALLEL PURPOSE BEYOND THAT WHICH  
THE LAW UNDER THE ADMINISTRATIVE PROCEDURE ACT  
AFFORDS. IN THE CASE OF WADE LAY, IT IS CLEAR,  
THE PURPOSE WAS ANTICIPATED BY THE UNITED  
STATES CONGRESS UNDER THE ANTITERRORISM AND  
EFFECTIVE DEATH PENALTY ACT (AEDPA).

3.) IN 28 USC § 2254(b) IT IS CONTEMPLATED THAT -  
CIRCUMSTANCES MAY EXIST THAT RENDER THE RIGHTS OF  
A HABEAS APPLICANT TO BE INEFFECTIVE. THIS SET OF

3.) CIRCUMSTANCES ARE *ipso-facto* A COMMON LAW  
 INQUIRY, AND CONDITIONS OF CONFINEMENT BEING  
 UNLAWFUL, SUCH AS: THE ABUSE OF DISCRETION,  
 INSTIGATING BOGUS MISCONDUCT CHARGES, TARGETTING  
 SPECIFIC PRISONERS, APPLYING RULES THAT ARE LEFT  
 LYING DORMANT NOT APPLIED EQUALLY E.G., THE  
 PROPERTY MATRIX; WHEN THESE RULES ARE USED AS  
 WEAPONS UTILIZED ARBITRARILY TOWARDS PRISONERS  
 FOR NEFARIOUS REASONS, THAT WICKEDNESS IS NOT  
 RECOGNISED AS FALLING UNDER SOVEREIGN IMMUNITY.

4.) WHAT IS CRITICAL TO THIS ORDEAL, IS THAT, THIS

4.) ILLEGIT BEHAVIOR BY PRISON OFFICIALS, IS A CONSIST-  
ENT AND DELIBERATE PATTERN OF BEHAVIOR THAT FOR  
WADE LAY, THE CIRCUMSTANCES EXIST TO SERVE A  
PRIMARY PURPOSE, TO CREATE AN IMPEDIMENT TO  
FILE A WRIT OF HABEAS CORPUS THAT IS CORROBOR-  
ATIVE TO THE "BACKWARD-LOOKING, RECORD-BASED  
CLAIMS ESTABLISHED BY THE STATE COURT.

5.) IN FACT, THE MOST RECENT ACTION COMING DOWN  
FROM CHRISTI QUICK (WARDEN AT O.S.P.) PERFECT-  
LY FITS THIS NARRATIVE, AND IT IS EASY TO SEE THE  
NEFARIOUS INTENT, BY MEANS OF SIMPLY OBSERVING

5.) THE FLAGRANT DISREGARD FOR DUE PROCESS AND  
THE O.D.O.C. POLICY REGULATIONS.

6.) IN A NUTSHELL, WHAT HAS TRANSPIRED, ON AUGUST 25, 2023,  
O.S.P. ACCUSES LAY OF AN OFFENSE (MENACING). ON  
AUGUST 29, 2023, BEFORE THE SCHEDULED HEARING (SEPT.  
1, 2023) SEVERAL SECURITY OFFICERS APPEARED AT LAY'S  
CELL DOOR, AND UNDER THREAT OF VIOLENCE CONFIS-  
SCATED ALL OF LAY'S PROPERTY (LEGAL AND PERSONAL). THEN, ON SEPT. 01, 2023 THE HEARING IS  
CONTINUED UNDER PRETENSE TO PROVIDE PETITIONER  
WITH THE ABILITY TO REVIEW THE RECORDINGS BY  
SEPT. 08, 2023, SO HE COULD HEAR THE EVIDENCE

6.) CONTAINING THE CONTENT OF THE ALLEGATION,  
THAT WADE LAY THREATENED NIKOLE FLEMING  
(PRISONER ADVOCACY AGENT AT O.D.O.C. - OKC).

7.) ON SEPT. 08, 2023 HOWEVER, PRISON OFFICIALS  
KNOWING THAT THE ACCUSATION WAS FALSE, THAT  
THERE WAS NO THREATS, SENT SGT. VULBANKS  
NOT TO LAY'S CELL WITH A PROMISE TO RETURN  
ALL OF WADE LAY'S PROPERTY IF LAY WOULD  
SIGN A GUILTY PLEA WITH A SUSPENDED SENTENCE.  
O.S.P. DOES NOT HONOR THE PROMISE, RATHER, WHAT  
FOLLOWS IS A COMPLETE ABANDONMENT OF LAW AND  
PROCESS. LAY DOES NOT RECEIVE ANY FURTHER RECORD,



- 7.) i.e., PAPERWORK REQUIRED BY LAW AND POLICY,  
SUCH AS: A PROPERTY RECEIPT RECORDING WHAT  
PROPERTY WAS TAKEN, THE COPY OF THE GUILTY  
PLEA, THE DEMOTION TO LEVEL 1 REDUCING LAY'S  
ABILITY TO PURCHASE PROPERTY TO REPLACE  
WHAT WAS ILLEGALLY REMOVED.
- 8.) IN ESSENCE, O.S.P. FABRICATES A FALSE CHARGE,  
THREATENS WARD LAY WITH PHYSICAL VIOLENCE,  
STEALS ALL OF HIS BELONGINGS - TO INCLUDE HIS  
SECURUS COMPUTER, DESTROYING HIS ABILITY TO  
PREPARE FOR THE UPCOMING "COMPETENCY  
TO BE EXECUTED" TRIAL, SCHEDULED FOR MAY

8.) OF 2024. THIS IS ANOTHER PART OF THE NARRATIVE. THE CIRCUMSTANCES THAT EXIST, O.S.P. HAS EMPLOYED IN THIS SAME BEHAVIOUR, EMPLOYING SUCH TACTICS A NUMBER OF TIMES DATING ALL THE WAY BACK TO 2009, WILLINGLY STEPPING INTO THE ROLE OF AN EXECUTIVE ARM WITHIN THE SPHERE OF JUDICIAL PROCEEDINGS.

9.) LIKE BEFORE, IN EACH SCENARIO, I.E., THE MULTIPLE INCIDENTS THAT OCCURED, SUCH AS THE EVENTS SURROUNDING THE JUNE 1<sup>ST</sup>, 2015 ACTIVITIES DESCRIBED ABOVE (SUPRA - BEGINNING AT PG. 2.) WARE LAY KEPT EXCELLENT RECORDS, FILING MULTIPLE

9.) LAW SUITS KNOWING THIS MOMENT WOULD PRESENT ITSELF, THAT PETITIONER WOULD BE GIVEN THE OPPORTUNITY TO PRESENT THE TRUTH CONCERNING THE CONSPIRACY THAT IS IN PROGRESS, MOVING ONWARD TOWARDS A SPECIFIC GOAL.

10.) HOWEVER, IN THIS INSTANCE, AT THIS JUNCTURE WHAT IS DIFFERENT, WHAT IS UNIQUE, THERE ARE MULTIPLE, MORE THAN FOUR D.O.C. EMPLOYEES, TWO OF WHICH ARE NO LONGER EMPLOYED UNDER THE D.O.C., WHOM WILL TESTIFY UNDER OATH TO THE TRUTH OF WADE

10.) LAY'S CLAIMS. THE EVIDENCE TO PROVE A  
DELIBERATE INDIFFERENCE BY PRISON OFFICIALS  
TOWARDS THEIR COMMISSION, TO SERVE AN  
ILLICIT AGENDA CONTRARY TO LAW IS ABUND-  
ANT.

11.) THE FACTS SHOW, THAT O.S.P. HAS BEEN A WILLING  
CONTRIBUTOR IN THIS ILLICIT CONSPIRACY, INITIATING  
ONE OF THE FIRST ILLEGAL ACTIONS WHEN MARY  
JOYCE (O.S.P. TRUST FUND OFFICER) FILLS OUT THE  
IN-FORMA-PAUPERIS (DKT#) OF Lay V. SIMMONS, CIV-  
08-617-TCK-PJC). THIS ILLEGAL ACT WAS DONE  
WITHOUT LAY'S KNOWLEDGE OR APPROVAL, AND

11.) NEW EVIDENCE HAS EMERGED PROVING PETITIONERS CLAIMS OF FRAUDULENT FILING.

12.) IT IS EASY TO ASCERTAIN WHEN TWO CIVIL ACTIONS ARE PURVIEWED (i.e., *Lay v. Trammell*, CIV-08-617-TCK-PJC; AND *Lay v. Trammell*, CIV-15-353-TCK-PJC) THAT U.S. DIST. JUDGE TERRENCE KERN HAS THE INTENT TO ALTER THE FACTS OF THE ORIGINAL CAUSE - *Lay v. State*, CE-2004-2320, THE FACTS OF THE ORIGINAL CRIMINAL CAUSE IN 2005.

13.) THIS POSITION TAKEN BY LAY IS SUPPORTED BY THE SUPREME COURT OF THE UNITED STATES IN



13.) Ryan V. Garza vs. U.S. ( ) ; AND Ford V. Wein-  
Wright, U.S. ( ). THE COURT ESTABLISHES THE  
ESSENTIAL TRUTH THAT, THE CONSTITUTION OF THE U.S.  
MANDATES A PROFOUND PRINCIPLE, THE FACTS ON  
APPEAL CANNOT BE ALTERED, THAT IT IS THE OBJECT  
OF APPEAL AND NOT THE COURT THAT IS CONSIDERED.  
JUDGE KERN ABUSES HIS DISCRETION IN HIS  
ORDER AND OPINION IN OCTOBER OF 2015.

14.) WADE LAY WAS WRITING IN GREAT DETAIL  
CONCERNING THESE PROFOUND PRINCIPLES WHEN  
IN MID JULY OF 2023, THE ODOC WITH THE  
ASSISTANCE OF SECURUS CORP. ILLEGITIMATELY CONFISCATES

15.) SEE Lay V. GTH,

14.) 2800 PAGES FROM LAY'S SECURITY PAD.

THEN, JUST 30 DAYS LATER, MISS QUICK

(WARDEN AT O.S.P.) FABRICATES CIRCUMSTANCES,

DENYING A FUNDAMENTAL RIGHT FOR LAY TO

GO TO SHOWER, SUBSEQUENTLY MANIPULATING

THE FACTS FABRICATING THE BOGUS MISCON-

DUCT CHARGE - TAKES PETITIONER'S SECURITY

PAD, NOT BECAUSE WARDEN LAY IS A

PROBLEM PRISONER, BUT BECAUSE HE

MADE GOOD AND EFFECTIVE USE OF

HIS COMPUTER, I.E., VESTLAW AND HIS

WORD PROCESSOR.

15.) FOR THE REASONS STATED ABOVE, COMBINED  
WITH DOZENS OF WELL DOCUMENTED FILINGS,  
PLEADINGS IN MULTIPLE STATE AND FEDERAL  
COURTS, NOW ACCOMPANIED WITH TESTIMON-  
IALS OF PRISON OFFICIALS BUTTRESSED BY  
SIMPLE DISCOVERY PROCESSES, AN EVIDENTIARY  
HEARING IS ABSOLUTELY WARRANTED.

16.) THIS "COMPETENCY TO BE EXECUTED" TRIAL  
IS A PART OF THE IMPEDIMENT TO FILING  
A WRIT OF HABEAS CORPUS, INSTIGATED BY  
THE FEDERAL PUBLIC DEFENDER. IT IS  
THE FINAL TOUCH OF THE FRAUDULENT

6.) FILIPPO OF GAY V SIMONS, CN-08-617-TCK-PX.

7.) IT IS INCUMBENT UPON THE COURTS OF THE  
UNITED STATES TO UPHOLD THE CONSTITUTION  
OF THE U.S., IN THE SIGHT OF DELIBERATE  
AGGRESSION AGAINST BASIC PRINCIPLES BY  
STATE ACTORS, THIS COURT MUST ACT

Notary  
10/9/23  
Date



RESPECTFULLY SUBMITTED

BY WADE WAY, AT O.S.P.

P.O. BOX 97

MCALISTER, OK. 74502

LIST OF EXHIBITS: INTRODUCTION

1. IT WAS OR ABOUT FEBRUARY 21, 2021 THAT  
OKLAHOMA DEPT. OF CORRECTIONS INSPECTOR GENERAL  
CAME TO O.S.P. IN RESPONSE TO A LETTER  
WRITTEN TO SCOTT CROWN (DIR. O.D.O.C.) ABOUT  
THE COLLUSION BETWEEN STATE AND FEDERAL  
ACTORS. (PRIMARILY O.S.P. AND THE F.P.D.)

2. PETITIONER LAY TELLS THE ODOC I.e. Co. ALL  
ABOUT THE FRAUDULENT FILING. AND THE  
EMBEZZLEMENT OF NEARLY \$400<sup>00</sup> FROM LAY'S  
TRUST FUND ACCOUNT BY O.S.P. FACILITY HEAD  
COOPER (DEP. WARDEN) AND ROYAL (WARDEN).



SOCH AS, THE 51% OF THE MONTHLY CREDITS  
SENT TO MADE LAY 10 OCTOBER OF 2018,  
RATHER THAN THE 20% ALLOWED BY LAW;  
AND THE \$72<sup>00</sup> REMOVED FROM LAY'S SAVINGS  
ACCOUNT BY O.S.P., ~~AS~~ CONFIRMED BY  
LEON WILSON (O.D.O.C. COMPTROLLER) WITH-  
OUT LAY'S KNOWLEDGE OR APPROVAL.

THIS ILLEGAL EMBEZZLEMENT CLEARLY MIS-  
LED THIS COURT (SEE DOC. NO. 45, LAY V. O.D.O.C.,  
CIV-17-1224-D) AND THE U.S.D.C. W.D./OK  
ATTEMPTED TO REASSUME JURISDICTION OF THE  
CASE ON CERTIORARI APPEAL (19-5942).

4. (SEE DOC. NOS. 66 & 67, RAY V. O.D.O.C., CV-17-1224-D).

5. SO IT IS CLEAR, THAT O.D.O.C. HAD SUFFICIENT EVIDENCE OF THE COLLUSION TWO MONTHS PRIOR TO THE CONSPIRACY SURROUNDING THE "DO NOT PROVIDE AN ALTERNATIVE METHOD OF EXECUTION" SCANDAL OCCURRING BETWEEN MAY AND JULY OF 2021.

6. THIS RECENT INCIDENT OF AUGUST 29, 2023 LEADING TO THE REMOVAL OF LAY'S PROPERTY AND SECURUS COMPUTER BEARS THE SAME IDENTICAL MARKS.

EXHIBITS - LIST & DESCRIPTION:

1. IF THE MAGISTRATE AND JUDGE JONES WILL PURVIEW  
THE LARGE AMOUNT OF EXHIBITS, IN PARTICULAR THE  
REQUEST TO STAFF (R.T.S.), IT IS CLEAR, THAT THE  
NEGLECT AND ABUSE SURROUNDING THE FUNDAMENTAL  
RIGHT TO SHOWER IS AN ABUSIVE TACTIC THAT  
GOES BACK A LONG TIME - OVER A YEAR.

2. IN RTS# 22-2645 IT SHOWS THAT THE PROBLEM  
WITH SHOWERS DATES BACK OVER A YEAR (JULY  
08, 2022). IT ALSO REVEALS THAT THE PROTOCOLS  
FASHIONED IN 2010, I.E., THE TWO MAN ESCORT OF  
PRISONERS BY SECURITY STAFF IS A DYSFUNCTIONAL

F.P.\* THEREFORE, WHEN LAY APPROACHES THE O.D.C. PRISONER  
ADVOCATE NIKOLE FLEMING WHOM HAD TOLD LAY'S SISTER  
SHE WOULD TAKE CARE OF THE ISSUE MONTHS PRIOR  
TO THE INCIDENT IN AUGUST OF 2023, IT IS FITTING  
THAT PETITIONER WAS FRUSTRATED.

2. PROSPECT BEING ONE OF THE REASONS O.S.P. GOES THROUGH SO MANY EMPLOYEES.

3. THIS IS WHY WADE LAY DIRECTED HIS COMPLAINTS TO THE PRISONER ADVOCACY AGENT IN OKC AT THE O.D.O.C. (NICOLE FLEMING). THE RECORDINGS, WHICH ARE THE FORMS OF EVIDENCE (IN THIS CASE EXCULPATORY, SEE EXHIBIT 2131-A) THAT WAS PUT FORTH BY THE SECURITY CHIEF MR. KIRBY. THESE RECORDINGS, WHICH LAY EMPHATICALLY DEMANDED TO REVIEW IN ORDER TO PROVE HIS INNOCENCE THE PETITIONER MOVES THE COURT FOR DISCOVERY TO SUBPOENA THOSE RECORDINGS TO SHOW

3- THAT O.S.P FABRICATES CHARGES KNOWING THE PRISONER IS NOT GUILTY, RAILROADING THE CHARGE BY MEANS OF THEIR UNBRIDLED POWER OVER PRISONER, TO ACHIEVE AN ILL-IT GOAL. IN THIS INCIDENT O.S.P. WANTED TO REMOVE PETITIONER FROM HIS SECURUS COMPUTER AND HIS ABILITY TO PREPARE FOR THE UPCOMING TRIAL.

4. IN RTS.\* 2942 AND RTS\* 2967, ALONG WITH THE INMATE REQUEST (SEE EXHIBIT 2131-B-1-4) THE COURT CAN SEE THE DENIAL OF DOE PROCESS, THE



4- DEPRIVATION OF A HEARING BASED ON A PLEA  
BARCLAM FROM AN OFFICER HAVING NO AUTHORIZED  
CONNECTION TO THE COMMISSION, MAKING PROMISES  
GOVERNING THE JUDGMENT AND SANCTIONS THAT  
ARE SUBSEQUENTLY DEVOID BY THE HEARING  
OFFICER MISS CHANNING. THE AUTHORITY TO  
OFFER A SUSPENDED SENTENCE IN EXCHA-  
NGE FOR A GUILTY PLEA WAS NEVER APP-  
ORTIONED TO SGT. WILBANKS, WHICH IS WHY  
O.S.P. HAS REFUSED TO PROVIDE ANY RECORD  
ON PAPER TO THIS MISCONDUCT CHARGE -  
ONLY THE ACCUSATION AND PHYSICAL PUNISHMENT

4- IS PRESENT. UNDER THREAT OF PHYSICAL  
VIOLENCE LAY'S PROPERTY IS TAKEN, NO  
INVESTIGATION, NO HEARING, AND NO  
PROPERTY RECEIPT OR COPY OF THE  
GUILTY PLEA WITH THE SUSPENDED  
SENTENCE HAS BEEN PROVIDED. LAY'S  
PROPERTY HAS BEEN STOLEN, JUST AS  
IT WAS IN 2015. (SEE Lay v. Eisman, CV-15-10-  
JHS - SPS, DKT#6).

6. IN EXHIBIT 2131-C.1-5, THE INITIAL PAPER WORK,  
I.E., THE "OFFENSE REPORT", THE COURT WILL SEE  
THAT THE REPORT IS INSTIGATED BY A STAFF MEMBER

5. HAVING DIRECT INVOLVEMENT VIOLATING

THE SECURITY CHIEF (MR. KIRBY) THE INDIVIDUAL

BEING ~~COMPLAINED~~ THE PRIMARY SUBJECT

COMPLAINED ABOUT INITIATES THE CHARGE. THE

COURT CAN SEE IN SECTION 1 OF THE

OFFENSE REPORT, AND THE COORDINATOR'S

REPORT (SEE EXH. 2131-C.1-4 PRISON OFFICIALS

SAY "INMATE LAY, WADE MAKES SEVERAL THREATS"

IN EACH CITATION THERE IS NO SPECIFIC STATEMENT,

E.G., "I'M GOING TO BURN YOUR HOUSE DOWN,"

OR ANY OTHER QUOTATION. THE REASON IS,

THE CLAIM IS FALSE, THERE ARE NO THREATS

PK, 7

5. MADE.

7. THIS IS SIMPLE RETALIATION BY SECURITY CHIEF KIRBY AND THE WARDEN MISS QUICK THE ENTIRE ORDEAL HAS BEEN THE EXERCISE OF ARBITRARY WILL. IT IS IDENTICAL TO THE PREJUDICE AND TARGETTING THAT IMPULSED THE 14TH AMENDMENT AND 42 USC § 1983.

8. IT IS LAYED UPON THIS COURT AS A DUTY TO ORDER AN IMMEDIATE STAY OF THE TRIAL IN THE PITTSBURGH COUNTY DIST. COURT CASE NO. 21-224, In re: Wade Lay; AND

8. TO ORDER AN EVIDENTIARY HEARING TO  
ASCERTAIN THE FACTS BEHIND THE IMPED-  
IMENT TO FILING A WRIT OF HABEAS  
CORPUS BY O.S.P. AND THE F.P.D.
9. PETITIONER CANNOT WAIT FOR A LONG  
PROCESS TO DETERMINE THIS QUESTION.  
ON NOV. 8TH 2023, LAY WILL FILE AN  
INTERCOURTORY APPEAL IF NEEDED BE TO  
THE 10TH CIRCUIT. THE IMPEDIMENT  
CLAUSES DEMAND INQUIRY, AND THE  
CIRCUMSTANCES IN THIS CASE REQUIRE  
AN IMMEDIATE RESPONSE.



PL. 9

10. TO U.S. DIST. JUDGE JONES: THERE  
IS A LARGE CACHE OF DOCUMENTARY  
EVIDENCE PROOVING THE CLAIMS OF  
THE IMPEDIMENT AS ANTICIPATED BY  
CONGRESS IN 28 USC §§ 2244 AND 2255.  
PLEASE RESPOND BEFORE NOV. 08, 2023.

*Zakiya Pope*  
Notary  
10/23/23  
Date



RESPECTFULLY SUBMITTED

MADE LAY AT O.S.P.  
P.O. BOX 97

MCALISTER, OK. 74502

## OKLAHOMA DEPARTMENT OF CORRECTIONS OFFENSE REPORT

Name of Facility OSP Facility Computer Code 20-A  
 Section I

Inmate Name: Lay, Wade ODOC#: 516263 Date of Offense: 8-20-23 Time: 4:28 p.m.

Place of Offense: SW-4-H Housing Assignment: SW-4-H

Offense: (5-ACI-3C-08, b#1, b#2) Inmate on Staff Menacing Offense Computer Code: X-25  
 Class of Offense: X

Description of Incident (to include any unusual inmate behavior): (5-ACI-3C-08, b#3) On August 23, 2023 I received Voice recording made via a phone call. On the voice recording inmate Lay, Wade makes several threats on a voice mail recording.

Staff or Inmate Witness (if any) (5-ACI-3C-08, b#4) NA

Disposition of Physical Evidence (if any) (5-ACI-3C-08, b#5) Recordings saved for record

Immediate Action Taken (to include the use of force and prehearing detention) (5-ACI-3C-08, b#6) NA

Printed Name and Title of Reporting Employee (5-ACI-3C-08, b#7) M. Kirby Signature of Reporting Employee [Signature]  
 Name M. Kirby

Title Chief of Security Date 08 / 25 / 23 Time 8:30 a.m.

## Section II

To be reviewed within 24 hours from the time the violation is reported.

☐ Informal Resolution  
☐ Dismissed

Name Rhonda Kipidiansky  
 Title Com 1

Date 8 / 25 / 23 Time: 8:41 AM

Within 24 hours of affirming a rule violation has occurred:

☒ Referred for investigation

## Section III Inmate should initial appropriate response

☐ I have received a copy of the written charge against me. I realize that I have a right to remain silent.  
☐ I plead guilty and waive my right to an appeal.  
☐ I plead not guilty.  
☐ I plead not guilty and waive my right to 24 hours preparation time.

Inmate's Signature \_\_\_\_\_ ODOC # \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Time \_\_\_\_\_

☐ Inmate chose not to sign for a copy of the offense report at this time.

Dixon Dixon  
 Offense Report Delivered to above Inmate by (Print and Sign) Dixon Date Delivered \_\_\_\_\_ Time Delivered \_\_\_\_\_  
 (5-ACI-3C-11, 5-ACI-3C-13)

ORIGINAL: Commitment Document Folder  
 FIRST COPY: Field File  
 SECOND COPY: Inmate

DOC 060125A (R 01/22)

EXH. 2131-B.3

## OKLAHOMA DEPARTMENT OF CORRECTIONS OFFENSE REPORT

Name of Facility OSP Facility Computer Code 20-A

## Section I

Inmate Name: Lay, Wade ODOC#: 516263 Date of Offense: 8-20-23 Time: 4:28 p.m.Place of Offense: SW-4-H Housing Assignment: SW-4-HOffense: (5-ACI-3C-08, b#1, b#2) Inmate on Staff Menacing Offense Computer Code: X-25Class of Offense: XDescription of Incident (to include any unusual inmate behavior): (5-ACI-3C-08, b#3) On August 23, 2023 I received Voice recording made via a phone call. On the voice recording inmate Lay, Wade makes several threats on a voice mail recording.Staff or Inmate Witness (if any) (5-ACI-3C-08, b#4) NADisposition of Physical Evidence (if any) (5-ACI-3C-08, b#5) Recordings saved for recordImmediate Action Taken (to include the use of force and prehearing detention) (5-ACI-3C-08, b#6) NAPrinted Name and Title of Reporting Employee (5-ACI-3C-08, b#7) M. Kirby Signature of Reporting Employee [Signature]Title Chief of Security Date 08 / 25 / 23 Time 8:30 a.m.

## Section II

To be reviewed within 24 hours from the time the violation is reported.

☐ Informal Resolution  
☐ DismissedName Rhonda Kipidiansky  
Title ComDate 8 / 25 / 23 Time: 8:41 Am

Within 24 hours of affirming a rule violation has occurred:

☒ Referred for investigation

## Section III Inmate should initial appropriate response

☐ I have received a copy of the written charge against me. I realize that I have a right to remain silent.☐ I plead guilty and waive my right to an appeal.☒ I plead not guilty.☐ I plead not guilty and waive my right to 24 hours preparation time.

Inmate's Signature \_\_\_\_\_ ODOC # \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_ Time \_\_\_\_\_

☒ Inmate chose not to sign for a copy of the offense report at this time.Offense Report Delivered to above inmate by (Print and Sign) Dixon Dixon Date Delivered 8-25-23 Time Delivered 1000  
(5-ACI-3C-11, 5-ACI-3C-13)ORIGINAL: Commitment Document Folder  
FIRST COPY: Field File  
SECOND COPY: Inmate

DOC 060125A (R 01/22)

## DISCIPLINARY COORDINATOR'S REPORT

Investigating Officer (Print): Dixon CSM I DHO Date referred for investigation: 8-25-23Inmate Name and ODOC#: Lay 516263 Date investigation completed: 8-25-23Offense: Menacing Offense Code: 4-25 Date of Offense: 8-20-23Statement of inmate regarding offense: "if you try and take my property out of my cell, I will cause big problems for you."☐ Inmate wishes to call witness/witnesses ☒ Inmate does not wish to present witness

Name: \_\_\_\_\_ Can testify to: \_\_\_\_\_

Name: \_\_\_\_\_ Can testify to: \_\_\_\_\_

- |    | YES                                 | NO                                  | (One box should be checked for each statement)   |
|----|-------------------------------------|-------------------------------------|--|
| 1. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Inmate provided documentary evidence to investigator. If yes, state evidence.  |
| 2. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Statement(s) provided by witness/es attached (or document refusal to provide information).   |
| 3. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Discretionary action taken regarding witness testimony. Documentation/ justification attached.   |
| 4. | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Inmate has received photocopy/description of all evidence.   |
| 5. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Written confidential witness testimony/evidence taken (not provided to inmate).  |
| 6. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | A staff representative will ONLY be appointed if inmate meets criteria specified in OP-060125 Section III. item A. Assignment of a staff representative is warranted. If so, assigned representative is: _____ |
| 7. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Inmate requested documentary evidence. If yes, state evidence: _____ If denied, state reason for denial: _____   |
| 8. | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | CRC attached (front and back side) – not provided to the inmate  |

Additional facts discovered by investigator not in incident reports, evidence, and/or witness statements: Recording of inmate giving multiple threats

Disciplinary hearings will normally be scheduled on a docket, which will commence within seven (7) days from the date the disciplinary hearing officer receives the offense report from the disciplinary coordinator. Disciplinary dispositions for Class A and B offenses will be completed within seven (7) days.

9/1/23Date of  
Hearing/Disposition1700 / TBDTime and Location of  
Hearing/DispositionDixon DHOSignature of Disciplinary  
Coordinator

I acknowledge receipt of this report, all attachments, and the contents therein. (5-ACI-3C-13)

Copy Given  
Inmate's SignatureDate 8/25/23Original: Commitment Document Folder  
First Copy: Field File  
Second Copy: Inmate

Attachment A  
OP-050109

## INCIDENT/STAFF REPORT

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> ACCIDENT/INJURY (Staff or inmate/offender) | <input type="checkbox"/> DRUGS/SYRINGE          | <input type="checkbox"/> SHAKEDOWN             |
| <input type="checkbox"/> ASSAULT                                    | <input type="checkbox"/> FOODS/KITCHEN          | <input type="checkbox"/> VISITING PROBLEM      |
| <input type="checkbox"/> CONTRABAND                                 | <input type="checkbox"/> ALCOHOL/BEER           | <input type="checkbox"/> WEAPON                |
| <input type="checkbox"/> USE OF FORCE/RESTRAINTS                    | <input checked="" type="checkbox"/> INFORMATION | <input type="checkbox"/> MAINTENANCE PROBLEM   |
| <input type="checkbox"/> DESTRUCTION OF PROPERTY                    | <input type="checkbox"/> KEYS/LOCKS             | <input type="checkbox"/> SECURITY THREAT GROUP |
| <input type="checkbox"/> COMMUNICATION DEVICES                      | <input checked="" type="checkbox"/> OTHER       |  |

Lay, Wade

516263

SW-4-H

Involved Inmate/Offender Name

ODOC #

Facility and Housing Assignment

8-25-23

8:30

☒ AM  
☐ PM

SW-4-H

Incident Date

Incident Time

Incident Location

COS M. Kirby

Reporting Employee Name (Printed) and Title

Reporting Employee Signature

8-25-23 8:30 a.m.

Date and Time Submitted to Shift/Department Supervisor

Witness(es)

**SECURITY THREAT GROUP**

- ☐ Admitted gang member
- ☐ Has tattoos, wears or possesses clothing and/or other paraphernalia or other indications of gang associations
- ☐ Has been participating in delinquent/criminal activity with known gang member(s)
- ☐ Observation confirms the individual's close association with known gang member(s)
- ☐ Information from reliable information source identifies the individual as a gang member

Inmate/Offender Known Associates

**DETAILED DESCRIPTION OF INCIDENT** (print or type what happened, who, where, when, how, and why):

On the above date and approx time this R/O received recordings of inmate Lay, Wade 516263 making multible verbal threats via voice mail to an outside party. Inmate Lay will receive a misconduct. End of Report

**SUPERVISOR'S COMMENTS AND ACTION TAKEN:**

Forward information

**DISTRIBUTION:**

Original – Chief of Security

1<sup>st</sup> Copy – Facility/Unit Head

2<sup>nd</sup> Copy – Assistant Facility/Unit Head

3<sup>rd</sup> Copy – Unit Manager (If applicable)

Shift/Supervisor Signature

Date

8-25-23

(R 03/22)



EXH. 2131-15.5

### Record of Delivery of Copies of Evidence to Inmate

Copies of the following items were delivered to Lay Wade ODOC# 516263

Offense Code X-25 Date of Offense 8/20/23

1. INCIDENT REPORT
2. OFFENSE REPORT
3. RECORD OF DELIVERY
4. COORDINATOR REPORT
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_

<u>Copy Given</u>	<u>Dixon CSM I DHO</u>	<u>8/25/23</u>	<u>1/000</u>
Inmate's Signature	Disciplinary Coordinator's Signature/Hearing Officer	Date	Time

#### Distribution

Original: Commitment Document Folder with Offense Report  
 First Copy: Field File with Offense Report  
 Second Copy: Inmate with Offense Report

DOC 060125H (R 01/22)

W LIBRARY

Inmate/Offender Grievance Process  
REQUEST TO STAFF

JUL 21 2022

JUL 21 2022

FACILITY/UNIT: QSR / A-001 DATE: 01/08/22

(NAME AND TITLE OF STAFF MEMBER)

I have ☒ have not ☐ already submitted a "Request to Staff" or grievance on this same issue.

If yes, what date: 06/19/2022 facility: QSR, A-001 grievance #: RTS# 22-2239

I affirm that I do ☐ do not ☒ have a grievance pending on this issue.I affirm that I do ☐ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.

If a lawsuit is pending, indicate case number and court: N/A

This request ☐ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. ON 06/19/2022 I FILED A R.T.S. BECAUSE

I WAS DENIED A SHOWER. (SEE RTS# 22-2239) I BELIEVE THE FACTS WILL SHOW

THAT, THE PRIMARY CAUSE CURRENTLY THAT PRISONERS ARE BEING DEPRIVED

OF FUNDAMENTAL RIGHTS, IS DUE TO THE UNNECESSARY PROTOCOLS REGARD-

ING TWO STAFF MEMBERS REQUISITE FOR ESCORT. THE PROTOCOLS OVER-

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how. THE WARDEN SHOULD ALERT O.D.O.C. SCOTT

CROW, THAT O.S.P. CANNOT FULFILL ITS OBLIGATIONS DUE TO STAFF

SHORTAGES. THE D.O.C. SHOULD BE COMPELLED BY FACTS AND CHUMLY TO

RETURN O.S.P. TO THE ZOOT PROTOCOLS, AT LEAST FOR SHOWERS AND

YARD. I WILL BE BRINGING THIS BEFORE THE JURY IN MAY OF 2023.

NAME: WADE LAY (PRINT) ODOC# 516263 UNIT & CELL NUMBER: SW4H

SIGNATURE: [Signature] WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Thank you for letting me know Lay

STAFF MEMBER

DATE

AUG 09 2022

Date response sent to inmate/offender:

1. Original to file
2. Copy to inmate/offender

DOC 090124D  
(R 01/22)

DEC 3 2022

Inmate/Offender Grievance Process  
REQUEST TO STAFF

REQUEST TO STAFF

LAW LIBRARY  
RIS # 22-4917  
ASSIGNED TO: Wm. [unclear]  
DUE BY: TO: MISS [unclear]

(NAME AND TITLE OF STAFF MEMBER)

FACILITY/UNIT: H.O.S.P. DATE: 12/21/22

I have ☒ already submitted a "Request to Staff" or grievance on this same issue.  
 If yes, what date: 1/1/22 facility: PLA grievance #: PLA  
 I affirm that I do ☒ have a grievance pending on this issue.  
 I affirm that I do ☒ have a lawsuit of any type pending that relates in any way to this issue.  
 If a lawsuit is pending, indicate case number and court: PLA  
 This request ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. on 12/20/22 5 hours were  
not granted or from side until after 12:30 AM, and not  
completed until 3:00 AM on 12/21/22, on that  
side, the same schedule is duplicated this was the  
come the consistent. Pattern, shows are not  
(USE OTHER SIDE IF MORE SP, CE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.  
To be shown at a next hour - 5 hours  
from 10:00 P.M. or, return to the  
rooms of 2008, 4008, 8008, 12008 to be  
to 4008 and 5008 with 1008, 15008, 2008

NAME: Col. [unclear] ODOC #: 516263 UNIT & CELL NUMBER: 5008  
 SIGNATURE: [Signature] WORK ASSIGNMENT: PLA

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

I will look into this.

STAFF MEMBER

DATE

1/3/23

Date response sent to inmate/offender.

1. Original to file  
2. Copy to inmate/offenderDOC 090124D  
(R 01/22)



RECEIVED  
SEP 2 2023

DOC 090124D (R 4/19)

2. Copy to inmate/offender  
1. Original to file  
Date response sent to inmate/offender:

STAFF MEMBER

DATE

DISPOSITION:

DO NOT WRITE BELOW THIS LINE

SIGNATURE:

NAME:

DOC NUMBER:

WORK ASSIGNMENT:

UNIT & CELL NUMBER:

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. I RESCUE MY GUILTY PLEN. YOU USED SAT. VOLUNTEERS TO OBTAIN ME INTO SIGNING THE PLEN ON A TRASE PROMISE YOU WOULD RETURN MY PROP. FLY AND THE RECORDS TRASE. (USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how. I HAVE A RIGHT TO A HEARING, AND TO LISTEN TO THE RECORDS. I WILL FILE IN BOTH STATE AND FEDERAL COURT, YOU COVERED A GUILTY PLEN, THAT IS ILLEGAL. RETURN ALL MY PROPERTY

<input checked="" type="checkbox"/> I have	<input checked="" type="checkbox"/> already submitted a "Request to Staff" or grievance on this same issue.	<input checked="" type="checkbox"/> I affirm that I do	<input checked="" type="checkbox"/> do not have a grievance pending on this issue.	<input checked="" type="checkbox"/> If a lawsuit is pending, indicate case number and court:	<input checked="" type="checkbox"/> This request	<input checked="" type="checkbox"/> request may only be answered by the disciplinary coordinator assigned to the misconduct.
<input type="checkbox"/> I affirm that I do	<input type="checkbox"/> do not have a grievance pending on this issue.	<input type="checkbox"/> I affirm that I do	<input type="checkbox"/> do not have a grievance pending on this issue.	<input type="checkbox"/> If a lawsuit is pending, indicate case number and court:	<input type="checkbox"/> This request	<input type="checkbox"/> request may only be answered by the disciplinary coordinator assigned to the misconduct.

(NAME AND TITLE OF STAFF MEMBER)

REQUEST TO STAFF

Inmate/Offender Grievance Process

SEP 2 2023

DATE: 10/19/23

ASSIGNED TO: 23-296

DUE BY TO: 10/20/23

SEP 26 2023

## Inmate/Offender Grievance Process

## REQUEST TO STAFF

FACILITY/UNIT: H-UNITDATE: 10/24/23EXHIBIT 2331-B-2

(NAME AND TITLE OF STAFF MEMBER)

I have    have not X already submitted a "Request to Staff" or grievance on this same issue.If yes, what date: N/A facility: N/A grievance #: N/AI affirm that I do    do not X have a grievance pending on this issue.I affirm that I do    do not X have a lawsuit of any type pending that relates in any way to this issue.If a lawsuit is pending, indicate case number and court: N/AThis request    does    does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. THE SINGULAR ISSUE IN THIS ITS IS THE

MALICIOUS TARGETTING OF WADE LAY BY THE O.S.P. FACILITY HEAD, DUE TO PROPER AND ACCURATE COMPLAINTS FILED BY LAY TO THE PRISONER ADVOCATE PICOLE FLEMING, RESULTING IN THE USE OF OVER

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how. RETURN MY PROPERTY, YOUR TARGETTING AND DEFEAT PROVES MY CLAIMS. THERE IS A DAY OF ACCOUNTABILITY COMING SO EVERY DAY YOU KEEP MY

PROPERTY YOU MAKE ME STRONGER

NAME: WADE LAY (PRINT) DOC NUMBER: 516263 UNIT & CELL NUMBER: 504HSIGNATURE: [Signature] WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:   

STAFF MEMBER

DATE

Date response sent to inmate/offender:   

1. Original to file
2. Copy to inmate/offender

RECEIVED  
SEP 26 2023  
COMM

DOC 090124D (R 4/19)



# Inmate Request

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

Facility/Unit: H-1000

Date: 10/11/23

TO: WALTER M. CARROLL

(Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

IT APPEARS YOU HAVE SENT OUT SUBORDINATE STAFF LOCATED TO GET ME TO ABOUT EVERYTHING MY TABLET AND PROPERTY TO GET ME TO SIGN A GUILTY PLEA BECAUSE YOU HAD TO EMPLOY ME. NOW YOU BACK OUT AND YOUR WORD COMPLETED. THE TWICE A WEEKS TAKE MY PROPERTY. ODOC #: 510203 Unit & Cell #: 5-1044

Name: WALTER M. CARROLL

(Print)

Work Assignment: \_\_\_\_\_

Signature: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

You were not told you would receive anything for a guilty plea. You yourself offered in front of your attorneys. And you would take a guilty plea for suspended sentence and claim. Apologizing do not make false allegations.

9-12-23

Date

Staff Member

DOC 030101A  
(R 01/22)

ALL HERE IS THE DATED PROPERTY RECEIPT, GUILTY PLEA, I NEED THE FACTS AND I HAVE A RIGHT TO MY PROPERTY

**Inmate Request**

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion. *EXH. 2131-B-4*

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: CHANNICE Facility/Unit: H-UNIT Date: 10/18/23  
(Name/Title of Staff Member)

**SUBJECT:** State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

*IT IS NOT AN ALLEGATION, THAT IS WHAT SGT. WILBANKS SAID: YOU TOLD HIM YOU MISS CHANNICE, WOULD RETURN MY PROPERTY AND TABLET; AND MISS RAY SAID THE SAME THING. SGT. WILBANKS HAS SAID HE WILL TELL THE TRUTH AT TRIAL. BUT LIKE THE FALSE ALLEGATION I THREATENED FLEMMING, THAT'S THE REAL LIE!*

Name: WADE LAY DOC #: 516263 Unit & Cell #: SW4A  
(Print)

Signature: \_\_\_\_\_ Work Assignment: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

**DISPOSITION:**

*I never told Wilbanks you could have your property. I have NO say in the matter because the action came from above me. So he can TESTIFY to all he wants to. Your misconduct paper work once signed off by the warden will be sent to you again. Your directing your allegation at the wrong individual. I have had nothing to do with what transpired & was not present the hearing.*

Staff Member

Date

---

**INTEROFFICE MEMORANDUM**  
**Oklahoma Department of Corrections**  
**Oklahoma State Penitentiary**

---

**DATE:** September 7, 2022

**TO:** Inmate Population

**FROM:** Willis Pettit, Deputy Warden 

**SUBJECT:** Property

---

All inmates are expected to be in accordance with policy OP-030120 by September 14, 2022.

If you are found above property matrix or with more than 1 mattress in your housing area, you will be demoted to level 1 and you will receive a misconduct.

If you are found with altered state property, you will receive a misconduct with restitution to replace the state property and will be demoted to level 1.

Thank you for your cooperation in this matter.

WP/ar

C: All Inmates  
File

LAW LIBRARY

TS # 22-174ASSIGNED TO: Warden Must Be Submitted Through the Law Library or DesigneeDATE BY: 1-20-22JAN 10 2022  
Inmate/Offender Grievance Process

## REQUEST TO STAFF

TO: WARDEN / MR. FARRIS FACILITY/UNIT: H-206T DATE: 01/10/22  
(NAME AND TITLE OF STAFF MEMBER)I have    have not X already submitted a "Request to Staff" or grievance on this same issue.If yes, what date: N/A facility: N/A grievance #: N/AI affirm that I do    do not X have a grievance pending on this issue.I affirm that I do    do not X have a lawsuit of any type pending that relates in any way to this issue.If a lawsuit is pending, indicate case number and court: N/AThis request    does X does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

**SUBJECT:** State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. I AM COMPELLED TO INFORM YOU

THAT I WILL INSIST TO THE COURT AND OLLA. ATT. GEN.,  
THAT I MUST BE ABLE TO COMMUNICATE WITH MY FAMILY  
AND THE MEDIA, OR I CAN NOT COOPERATE WITH  
THE STATES PSYCHIATRIC EXAMINATION.

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

**ACTION REQUESTED:** State exactly how you believe your request may be handled; that is, what exactly should be done and how. I WILL WIN THIS FIGHT AS IT IS MY

PALLAD (HUNT WGR) TRIED TO FORCE AN ILLEGAL  
COMMAND. I NEED TO HAVE MY LEVEL 4 REINSTATED.  
AND MY SHEETS AND TOWELS, AND PILLOWS  
RETURNED IMMEDIATELY!

NAME: WADE LAY (PRINT) DOC NUMBER: 516263 UNIT & CELL NUMBER: 516263SIGNATURE: [Signature] WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Returned unanswered due to multiple request made. Per 09-090124  
only one incident or issue on a RTS.

STAFF MEMBER

DATE

FEB 07 2022

Date response sent to inmate/offender:

1. Original to file
2. Copy to inmate/offender

DOC 090124D (R 4/19)





LAW LIBRARY  
TS # 21-5620  
SSIGNED TO: Deputy  
UE BY: 1-7-22

Must Be Submitted Through the Law Library or Designee DEC 2 8 2021  
Inmate/Offender Grievance Process  
REQUEST TO STAFF

TO: Warden (Farrells) FACILITY/UNIT: 4-UNIT DATE: 12/23/21  
(NAME AND TITLE OF STAFF MEMBER)

I have    have not X already submitted a "Request to Staff" or grievance on this same issue.  
If yes, what date: N/A facility: N/A grievance #: N/A  
I affirm that I do    do not X have a grievance pending on this issue.  
I affirm that I do    do not X have a lawsuit of any type pending that relates in any way to this issue.  
If a lawsuit is pending, indicate case number and court: N/A  
This request    does X does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. ON 12/21/21 MISS PALLARD (4-UNIT WARDEN) AT

3:05 P.M., CAME OUT ON THE RUN TO TALK TO ME, OF HER AND  
NOTION SHE CHOSE TO DISRUPT THE ILLEGAL CONDITION OF  
PRISONERS CONTINUING AND PASSING THE PHONE, AND  
THAT I WOULD HAVE TO CONFORM TO HER ILLEGAL  
(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how. THE SAME ISSUE IS THAT YOU AS WARDEN  
MUST NOT ALLOW SUBORDINATE ADMINISTRATORS TO AB-  
USE THEIR POWERS TO IMPOSE ILLEGAL COMMUNITIES, AND  
YOU CANNOT ALLOW A PRISONER TO BE PUNISHED FOR  
INSISTING ON BEING PROTECTED BY THE LAWS AND POLICY

NAME: WADE LAY DOC NUMBER: 51623 UNIT & CELL NUMBER: 5344  
(PRINT)  
SIGNATURE: [Signature] WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

More information is needed and be more specific  
as to your requested action.

Chick

STAFF MEMBER

DATE

1/9/21

Date response sent to inmate/offender:

FEB 02 2022

1. Original to file
2. Copy to Inmate/offender

DOC 090124D (R 4/19)

BY: .....



COMMAND VIOLATING O.D.O.C. POLICY CP 030111-030111.

I REBUKED HER WITH PETEPRASE AND CONVICTIONS, BECAUSE HER WELECT TO ENFORCE THE RULE CAUSES SERIOUS HARM IN MULTIPLE FORMS IN THE SW QUAD, TO BOTH STAFF AND PRISONER,

SHE H-DONT MGR. CLEARLY CAME TO THE RON TO STIR UP A CONFLICT, AND BECAUSE I CORRECTED HER SHE IS ATTEMPTING TO PUNISH ME. YOU ARE OBLIGATED, AS YOU KNOW, TO MAINTAIN THE LAWFUL ORDER! FOR ANY ADMINISTRATIVE STAFF MEMBER TO FLATLY DISREGARD O.D.O.C. POLICY, AND ATTEMPT TO COMPEL A PRISONER TO CONFORM TO THE ILLEGAL ORDER IS A VIOLATION OF ~~THE~~ THE PRISONER'S CIVIL RIGHTS NOT PROTECTED UNDER SOVEREIGN IMMUNITY.

AS YOU PROBABLY ALREADY KNOW, A NATIONAL MEDIA SOURCE COVERING MY CASE HAS FILED IN THE U.S. SUP. CT, AND WITH O.D.O.C., A FREEDOM OF INFORMATION ACT FOR VIDEO SURVEILLANCE ON THAT DAY, ~~AND~~ (12/21/21) AND 12/14/21, THE DAY PALLA EXERCISED TARGETING AND PREJUDICE AGAINST ME HOLDING ME TO THE PROPER MATTIX WHAT NO OTHER PRISONER HAS BEEN SUBJECT TO, WITH MY SHEETS AND TOWELS AND LEGAL WORK. THIS WILL BE BEFORE THE PUBLIC EYE VERY SOON. IT IS IMPORTANT TO UPHOLD THE LAW, AND NOT ALLOW ME TO BE PUNISHED SIMPLY BECAUSE I AM SEEKING A FAIR CONTROL BY THE PRISON OVER THE PRISON, AS O.D.O.C. HAS CLAIMED IS IN EFFECT NOW.

**LAW LIBRARY**  
 # 2-5622  
 SIGNED TO: Deputy Warden  
 BY: 1-7-22

DEC 28 2021

Must Be Submitted Through the Law Library or Designee  
 Inmate/Offender Grievance Process  
**REQUEST TO STAFF**

TO: WARDEN / FARRIS FACILITY/UNIT: H-UNIT DATE: 12/23/21  
 (NAME AND TITLE OF STAFF MEMBER)

I have not ☒ already submitted a "Request to Staff" or grievance on this same issue.  
 If yes, what date: N/A facility: N/A grievance #: N/A  
 I affirm that I do not ☒ have a grievance pending on this issue.  
 I affirm that I do not ☒ have a lawsuit of any type pending that relates in any way to this issue.  
 If a lawsuit is pending, indicate case number and court: N/A  
 This request does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

**SUBJECT:** State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. on 12/21/21 the H-UNIT WARD TRIED TO ENF-

ORCE AN ARBITRARY RULE, E.G. SHE SAID: PRISONERS WILL CONT-  
 ROL THE PHONE, AND PRISONERS WOULD HAVE TO LEAVE TO  
 "SHAVE", VIOLATING D.O.C. POLICY 0017, AND 03019. I THOUGHT  
 YOU SHOULD KNOW THERE IS A FUNDAMENTAL CRIMINAL LAW  
 (USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

**ACTION REQUESTED:** State exactly how you believe your request may be handled; that is, what exactly should be done and how.

YOU CANNOT ALLOW A PRISONER TO BE PUNISHED WITH  
 A PRISON OFFICIAL TRIES TO USE THEIR POSITION TO  
 IMPOSE AN ILLICIT PARADIGM. PRISONERS ARE NOT OBLI-  
 GATED TO PAY RESPECT TO SUCH ILLEGAL ABUSE.

NAME: WADE KAY (PRINT) DOC NUMBER: 516263 UNIT & CELL NUMBER: 2044

SIGNATURE: [Signature] WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE.

**DISPOSITION:**

Per OP-060107 which states "Attitude/Relationship to staff and other inmates" the inmate will consistently cooperative behavior toward staff other inmates and facilities visitors. It is documented your behavior with staff has been poor. therefore you will continue to remain level 1.  
Quick 1/9/21

STAFF MEMBER

DATE

Date response sent to inmate/offender: \_\_\_\_\_

1. Original to file
2. Copy to inmate/offender

D0C 090124D (R 4/19)

RULE THAT STATES THAT NO GOVERNMENT OFFICIAL (STATE OR FEDERAL) MAY USE THEIR LAWFUL POSITION TO ENFORCE A RULE THAT CONTRADICTS THE WRITTEN RULE OF LAW, AND THEN SUBSEQUENTLY EXPECT THE OBEDIENCE OR RESPECT OF SUBORDINATE STAFF OR CITIZENS.

I WILL FILE IN STATE COURT IF YOU DO NOT INTERVENE.

THANKS  
~

LAW LIBRARY  
ITS # 21-5621  
ASSIGNED TO: Deputy Warden  
UE BY: 1-7-22

Must Be Submitted Through the Law Library or Designee  
Inmate/Offender Grievance Process  
REQUEST TO STAFF

DEC 28 2021

TO: WARDEN / FARRIS FACILITY/UNIT: H-001 DATE: 12/27/21  
(NAME AND TITLE OF STAFF MEMBER)

I have \_\_\_ have not X already submitted a "Request to Staff" or grievance on this same issue.  
If yes, what date: 3/12 facility: 21A grievance #: 21A  
I affirm that I do \_\_\_ do not X have a grievance pending on this issue.  
I affirm that I do \_\_\_ do not X have a lawsuit of any type pending that relates in any way to this issue.  
If a lawsuit is pending, indicate case number and court: (S) A  
This request \_\_\_ does X does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. ON 12/23/2021 MISS PATRICK IN THE OFFICE OF

THE D.O.C. DIRECTOR SCOTT CROWD TOLD MY SISTER I NEEDED TO SEND  
TO YOU THIS REQUEST. I HAVE BEEN TARGETTED BY MISS  
PATRICK (H-001 WARD) HOLDING ME TO A STANDARD NO OTHER  
PRISONER HAS BEEN HELD TO. DEPRIVING ME OF THE  
(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.) OUR

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

RETURN MY BEDDING

NAME: CLARE LATT DOC NUMBER: 56263 UNIT & CELL NUMBER: 507H  
(PRINT)  
SIGNATURE: [Signature] WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

You currently have two white wheels, one yellow sheet,  
one yellow pillow case, and one blanket in your cell.  
This was as of 1/9/22

Quick

1/9/22

STAFF MEMBER

DATE

Date response sent to inmate/offender:

FEB 02 2022

DOC 090124D (R 4/19)

1. Original to file
2. Copy to inmate/offender

F. I. ....

PROPERTY ONLY BEDDING - SHEETS, TOWELS, PILLOWS)  
THAT FULLY SEAT IN. NO OTHER PRISONER HAS BEEN  
HELD TO THE AIRCHALL POLICE THAT YOU  
CANNOT POSSIBLY IMPLEMENT WITH AN EVEN HAND  
SEEING YOU CANNOT EVEN SHOWER PRISONERS  
OR RUN YARD, WHICH IS WHY THE HOT WATER  
HAS BEEN SHUT OFF, SO NOONE WANTS TO SHOWER  
IN ICE WATER.

IF YOU CHOOSE TO CONTINUE THIS TARGETING,  
WE ARE COMMUNICATING THIS TO MEDIA, AND  
WILL FILE IN STATE COURT, SINCE YOU  
HAVE COLLABORATED WITH FEDERAL JUDGES.



**LAW LIBRARY**  
TS # 21-5621  
ASSIGNED TO: Deputy Warden  
JE BY: 1-7-22

Must Be Submitted Through the Law Library or Designee  
Inmate/Offender Grievance Process  
**REQUEST TO STAFF**

DEC 28 2021

TO: WARDEN / FACILITY FACILITY/UNIT: H-001 DATE: 12/27/21  
(NAME AND TITLE OF STAFF MEMBER)

I have \_\_\_ have not ☒ already submitted a "Request to Staff" or grievance on this same issue.  
If yes, what date: 1/12 facility: 1/12 grievance #: 1/12  
I affirm that I do \_\_\_ do not ☒ have a grievance pending on this issue.  
I affirm that I do \_\_\_ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.  
If a lawsuit is pending, indicate case number and court: 1/12  
This request \_\_\_ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

**SUBJECT:** State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. ON 12/23/2021 MISS PATRICK IN THE OFFICE OF

THE D.D.C. DIRECTOR SCOTT CROWN TOLD MY SISTER I NEEDED TO SEND TO YOU THIS REQUEST. I HAVE BEEN TARGETTED BY MISS PATRICK (H-001 UNIT) HOLDING ME TO A STANDARD NO OTHER PRISONER HAS BEEN HELD TO. DEPRIVING ME OF THE  
(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

**ACTION REQUESTED:** State exactly how you believe your request may be handled; that is, what exactly should be done and how.

RETURN MY BEDDING

NAME: CLAUDE LAY DOC NUMBER: 616263 UNIT & CELL NUMBER: 5094H  
(PRINT)  
SIGNATURE: [Signature] WORK ASSIGNMENT: 1/12

DO NOT WRITE BELOW THIS LINE

**DISPOSITION:**

You currently have two white sheets, one yellow sheet, one yellow pillow case, and one blanket in your cell. This was as of 1/9/22

CP Quick

1/9/22

STAFF MEMBER

DATE

Date response sent to inmate/offender:

FEB 02 2022

1. Original to file
2. Copy to inmate/offender

BY: .....

DOC 090124D (R 4/19)

PROPERTY ONLY BEDDING - SHEETS, TOWELS, PILLOWS)  
 THAT FULLY SEAT IN. NO OTHER PRISONER HAS BEEN  
 HELD TO THE AIRMAIL POLICE THAT YOU  
 CANNOT POSSIBLY IMPLEMENT WITH AN EVEN HAND  
 SEEING YOU CANNOT EVEN SHOWER PRISONERS  
 OR RUN YARD, WHICH IS WHY THE HOT WATER  
 HAS BEEN SHUT OFF, SO NOONE WANTS TO SHOWER  
 IN ICE WATER

IF YOU CHOOSE TO CONTINUE THIS TARGETING,  
 WE ARE COMMUNICATING THIS TO MEDIA, AND  
 WILL FILE IN STATE COURT, SINCE YOU  
 HAVE COLLABORATED WITH FEDERAL JUDGES.

**LAW LIBRARY**  
 RTS # 22-9  
 ASSIGNED TO: Deputy Warden  
 DUE BY: 1-18-2022

Must Be Submitted Through the Law Library or Designated

Inmate/Offender Grievance Process

## REQUEST TO STAFF

**RECEIVED**  
 JAN 05 2022

TO: WARDEN HARRIS  
 (NAME AND TITLE OF STAFF MEMBER)

FACILITY/UNIT: H-UNIT

BY: 12/28/21  
 DATE:

I have \_\_\_ have not X already submitted a "Request to Staff" or grievance on this same issue.

If yes, what date: N/A facility: N/A grievance #: N/A

I affirm that I do \_\_\_ do not X have a grievance pending on this issue.

I affirm that I do \_\_\_ do not X have a lawsuit of any type pending that relates in any way to this issue.

If a lawsuit is pending, indicate case number and court: N/A

This request \_\_\_ does X does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

**SUBJECT:** State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. ON 12/29/21 H-UNIT WARD. PALANCO CAME

TO MY CELL WITH AN ABUSE OF HER AUTHORITY. IT IS  
OBVIOUS ON 12/21/21 SHE ORDERED SGT. LORET  
TO DENY ME PHONE ACCESS. ALSO, IT BELS  
THE QUESTION NOW BELS ASK TO MIC. CROW,  
 (USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.) OVER

**ACTION REQUESTED:** State exactly how you believe your request may be handled; that is, what exactly should be done and how. STOP PALANCO IN HER ATTEMPT TO FAVORIT-  
ATE A CHARGE WITHOUT DOE PROCESS. THIS IS  
YOUR OPPORTUNITY TO DO THE JUST AND HONEST  
THING. THIS WILL BE REVEALED TO THE PEOPLE  
SOON.

NAME: WADE RAY DOC NUMBER: 10000 UNIT & CELL NUMBER: 1000H  
 (PRINT)

SIGNATURE: [Signature] WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Only one issue will be addressed per RTS,  
you need to be specific as to what your  
complaint is and the action you are requesting  
Quick 1/14/22

STAFF MEMBER

DATE

Date response sent to inmate/offender: JAN 18 2022

1. Original to file
2. Copy to inmate/offender

DOC 090124D (R 4/19)



LAW LIBRARY  
 RTS # 22-2645  
 ASSIGNED TO W. K. LAY  
 DUE BY 08/09/22

Inmate/Offender Grievance Process  
 REQUEST TO STAFF

JUL 21 2022

FACILITY/UNIT: O.S.P. / A-UNIT DATE: 01/08/22

(NAME AND TITLE OF STAFF MEMBER)

I have ☒ have not ☐ already submitted a "Request to Staff" or grievance on this same issue.  
 If yes, what date: 06/19/2022 facility: O.S.P. / A-UNIT grievance # RTS # 22-2234  
 I affirm that I do ☐ do not ☒ have a grievance pending on this issue.  
 I affirm that I do ☐ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.  
 If a lawsuit is pending, indicate case number and court: N/A  
 This request ☐ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. ON 06/19/2022 I FILED A R.T.S. BECAUSE

I WAS DENIED A SHOWER. (SEE RTS # 22-2231) I BELIEVE THE FACTS WILL SHOW THAT, THE PRIMARY CAUSE CURRENTLY THAT PRISONERS ARE BEING DEPRIVED OF FUNDAMENTAL RIGHTS, IS DUE TO THE UNNECESSARY PROTOCOLS REGARDING TWO STAFF MEMBERS REQUISITE FOR ESCORT. THE PROTOCOLS OVER (USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how. THE WARDEN SHOULD ALERT O.D.C. SCOTT CROWN, THAT O.S.P. CANNOT FULFILL ITS OBLIGATIONS DUE TO STAFF SHORTAGES. THE D.O.C. SHOULD BE COMPELLED BY FACTS AND CHUMLY TO RETURN O.S.P. TO THE 2007 PROTOCOLS, AT LEAST FOR SHOWERS AND YARD. I WILL BE BRINGING THIS BEFORE THE JURY IN MAY OF 2023.

NAME: WADE LAY (PRINT) ODOC #: 516263 UNIT & CELL NUMBER: SW 44

SIGNATURE: [Signature] WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Thank you for letting me know Lay

STAFF MEMBER

DATE

AUG 9 2022

Date response sent to inmate/offender:

1. Original to file
2. Copy to inmate/offender

DOC 090124D  
 (R 01/22)



THAT WERE IN PLACE IN 2008 WERE IN PLACE IN 2022 WITHOUT ESCORT WERE SUFFICIENT AND SAFE, BECAUSE THE H-UNIT BUILDING IS DESIGNED FOR THAT TYPE OF OPERATIONS AT GREAT EXPENSE. THIS IS THE SINGLE ISSUE, THE PROTOCOLS IN PLACE ARE DECIETFUL AND UNNECESSARY, AND D.S.P. CANNOT FULFILL ITS OBLIGATIONS UNDER LAW, DUE TO INSUFFICIENT BUDGET, I.E., THE PRISON CANNOT KEEP ENOUGH STAFF ON DUTY.

SHOWERS ARE DONE SPORADICALLY, SOMETIMES IN THE MORNING OR AFTER NOON, OR SOMETIMES IN THE MIDDLE OF THE NIGHT, AT 1:00 OR 2:00 A.M. THE SOLE PURPOSE FOR THIS NEGLIGENCE IS STAFF SHORTAGES. THIS LACK OF STAFF IS PRESENT BECAUSE OF A LITANY OF ECONOMIC REASONS BROUGHT ON BY THE PANDEMIC AND EXACERBATED BY THE WARR IN UKRAINE, CAUSING INFLATION AND HUGE INCREASES IN THE COST OF GASOLINE.

HOWEVER, THE IRRATIONAL PROTOCOLS REQUIRING TWO STAFF MEMBERS TO ESCORT PRISONERS HAS NEVER BEEN NECESSARY, IT IS A SCAM, AND HAS ALWAYS BEEN A MEANS TO ACQUIRE GREATER APPROPRIATIONS FROM THE STATE LEGISLATURE. NOW, THAT THE LABOR MARKET IS MUCH IN FAVOR OF THE WORKER, COMBINED WITH A DIFFICULT WORK ENVIRONMENT, THE CON IS MUCH MORE OBVIOUS. THERE HAS NEVER BEEN JUSTIFICATION FOR THE TWO, OR EVEN ONE PERSON ESCORT FOR PRISONERS TO SHOWER AND GO TO YARD. PERSONAL VISITATION IS ALSO UNNECESSARY, ONLY ATTORNEYS VISITS COULD BE A PLAUSIBLE REASON, IN ORDER TO SEARCH THE PRISONER, TO PROTECT THE ATTORNEYS. EVERY OTHER ACTIVITY, THE PRISONER IS GOING TO A SECURE ROOM, WHERE HE IS ALONE. OFFICER KILLION, ON 07/07/2022, BETWEEN 10:00 A.M. AND 12:00 (NOON) WHEN HE DID NOT ALERT ME THAT SHOWERS WERE BEING DONE, DID NOT KNOCK ON MY DOOR (EVEN THOUGH I HAD A SIGN ASKING STAFF TO KNOCK FOR SHOWER) BECAUSE DROC HAS PUT EXCESSIVE BODEN ON STAFF, REQUIRING THEM TO DO THINGS THEY KNOW ARE REDICULOUS. THIS FOSTERS CONTEMPT, AND THEY PURPOSELY AVOID GIVING SHOWERS TO PRISONERS. THEY LOOK IN THE CELL, IF A PRISONER IS ASLEEP, THEY GO TO THE NEXT CELL.

BECAUSE D.S.P. DOES NOT RUN SHOWERS AT ANY GIVEN TIME, WITH-OUT ANY CONSISTENCY, PRISONERS CANNOT POSSIBLY BE PENAL FOR THE INCIDENTAL MOMENT, WHETHER IT BE 12:00 P.M. IN THE AFTERNOON, OR 1:00 A.M. IN THE MORNING. EVEN THOUGH THIS MAY SURPRISE MANY AT D.S.P. AND D.O.C., PRISONERS ARE HUMAN BEINGS, AND HUMANS REQUIRE SLEEP. ON MONDAY, ON MONDAY 07/04/22 SHOWERS WERE NOT DONE. THEY KNOCKED ON MY DOOR AT 12:30 A.M. TUESDAY MORNING FOR SHOWER. (SAT. SCORGIS) AND (OFF. REVERA). THIS LATE HOUR IS DUE TO STAFF SHORTAGES. THIS DISRUPTED MY SLEEP CYCLE, WHICH IS WHY I WAS ASLEEP AT 10:00 - 12:00 (NOON) ON THURSDAY 07/07/22. FOOD SERVICE IS ALSO EFFECTED DUE TO THIS STAFF SHORTAGE. VISITORS, TO INCLUDE FAMILY AND ATTORNEYS ALL CAN AND WILL TESTIFY TO THIS CONDITION. A BUILDING DESIGNED AT GREAT EXPENSE, TO OPERATE A CERTAIN WAY FOR THE REASON TO BE COST EFFICIENT, IN SUCH A PRODIGAL MANNER. FOR GREED, FOR EXCESS BUDGETS, UNDER PRETENSE OF SECURITY. WHAT A SHAME! I WAS DENIED A SHOWER ON 07/07/22 DUE TO STAFF SHORTAGES, OFF KILLION PASSED BY MY CELL FOR THE ABOVE STATED REASONS.

**LAW LIBRARY**  
 RTS # 22-2355  
 ASSIGNED TO Wade L  
 DUE BY: Wade L

**Inmate/Offender Grievance Process  
 REQUEST TO STAFF**

JUN 21 2022

(NAME AND TITLE OF STAFF MEMBER)

FACILITY/UNIT: OSP, HOLT DATE: 06/16/22

I have ☒ have not ☐ already submitted a "Request to Staff" or grievance on this same issue.

If yes, what date: 06/14/22 facility: O.S.P. grievance #: 22-2251

I affirm that I do ☐ do not ☒ have a grievance pending on this issue.

I affirm that I do ☒ do not ☐ have a lawsuit of any type pending that relates in any way to this issue.

If a lawsuit is pending, indicate case number and court: Pitt County Court

This request ☐ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

**SUBJECT:** State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered. ON 06/14/22 I FILED A RTS

CONCERNING THE ILWIT PROTOCOLS THAT HAVE RESULTED  
IN O.S.P. BEING UNABLE TO FULFILL ITS OBLIGATIONS TO  
FUNDAMENTAL RIGHTS. ON 06/15/22 AT 9:45 P.M.,  
YOUR STAFF DELIBERATELY SHUT OFF MY POWER. <sup>GER</sup>

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

**ACTION REQUESTED:** State exactly how you believe your request may be handled; that is, what exactly should be done and how. (COPY TO ATTYS, PRESS, AND COURT)

STOP USING SECURITY OFFICERS TO INJURE PRISONERS BY  
TARGETING THEIR RIGHTS. EG, SHOWERS, TRAYS,  
ELECTRIC POWER, WATER & WATER PRESSURE, CONFISCATING  
PROPERTY, DENYING PROPERTY OTHERS ARE ALLOWED, SUCH AS A HOT POT.

NAME: WADE LAY ODOC #: 510263 UNIT & CELL NUMBER: South  
 (PRINT)

SIGNATURE: [Signature] WORK ASSIGNMENT: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

**DISPOSITION:**

In your statement you stated the power was restored. All security  
staff are expected to conduct themselves in a professional manner  
at all times.

STAFF MEMBER

DATE

6.22.22

Date response sent to inmate/offender: JUN 22 2022

1. Original to file
2. Copy to inmate/offender

DOC 090124D  
 (R 01/22)

I KNOW THIS IS THE CASE, THAT IT WAS NOT ACCIDENTAL. BECAUSE SGT NORTON LIED, CONTRADICTING HER OWN CLAIMS. (I RAISED HELL AT 3:30 WHEN I WOKE UP). MY POWER WAS STILL OFF, AND SGT. NORTON LIED AGAIN. YOU PROVOKE A PRISONER TO WRATH THROUGH DEPRIVATION OF RIGHTS THAT ARE FUNDAMENTAL, LIE ABOUT YOUR NEGLECT AND ABUSE, THEN WRITE THE PRISONER UP FOR HIS DISPLAY OF FRUSTRATION. IT IS ILLEGAL BECAUSE YOU ARE TARGETTING PRISONERS WHO SEEK LAWFUL PROTECTION. THIS TOO WILL BE AN ISSUE AT TRIAL!  
 I A M: WADE WAT, 2021-224 (ATTS COUNTY DIST. COURT)

THIS EFFECTS THE MENTAL HEALTH OF PRISONERS; <sup>THOSE</sup> WHO ARE RELEASED, OR REMAIN CONFINED AFFECTING THE PROCESS OF CRIMINAL JUSTICE.

AT 5:00 AM, THE POWER WAS TURNED ON, THEY KNOW THEY SHUT IT OFF, AND THE QUESTION IS WHO TOLD THEM TO DO THAT ILLEGAL DEED, AND FOR WHAT REASON!

IT IS SIMILAR TO WHAT <sup>THE</sup> UNIT MGR. DID IN DECEMBER OF 2020, WHEN SHE TOLD ME I WOULD HAVE TO GET THE PHONE FROM PRISONERS, DELIBERATELY VIOLATING THE RULE OF O.D.C. POLICY IN ORDER TO PREFACE A BOWS MISCONDUCT. IF YOU ILLEGALLY PROVOKE ME I AM GOING TO FIGHT BACK, AND THE TALE WILL BE TOLD AT TRIAL AND TO THE PUBLIC.

H-H-MS

Grievance code: \_\_\_\_\_

Response due: \_\_\_\_\_

**DO NOT WRITE ABOVE THIS LINE**

Date 08/1/2022

Facility or Unit H-UNIT, OSP

Name WADE LAY  
(Print)

Facility Housing Unit SINCH

ODOC Number 516263 Date "Request to Staff" response received: \_\_\_\_\_


Have you previously submitted a grievance on this same issue? NO If yes, what date N/A, facility N/A, grievance # N/A. You must submit this completed original within 15 days of the receipt of the response to the "Inmate/Offender Grievance Process Request to Staff," (DOC 090124B). The "Inmate/Offender Grievance Process Request to Staff," (DOC 090124B), must have been submitted within (7) days of the incident. Do not include/attach anything to this grievance except the Inmate/Offender Grievance Process Request to Staff," (DOC 090124B), including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. 

THIS COMPLAINT HAS TO DO WITH A PATTERN OF NEGLECT BY THE OKLA. DEPT. OF CORRECTIONS (O.D.C.), THAT IS DELIBERATE, AND VIOLATES THE ADMINISTRATIVE PROCEDURES ACT (15 OKLA. ST. ANN. § 250, TITLE 15). THE INCIDENT CAUSE, IS THAT, ON 06/19/2022 WADE LAY WAS DENIED A SHOWER, BUT THE UNDERLYING CAUSE FOR THAT IS MUCH MORE OVER
  2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance. 

I FILED A R.T.S. IN MAY OF 2021, I SPOKE TO MISS GREEN (DEP. WARDEN), MR. FARRIS, (WARDEN), TO MR. KIRBY (H-UNIT MGR.), AND EVENTUALLY FILED 20/ V. A.C.L.U. - THIS PROBLEM DATES BACK TO 2010, WHEN THE DOC BEGAN THIS DECEITFUL CAMPAIGN TO COMPLETELY ALTER THE DYNAMIC OF H-UNIT, DUE TO THE FINANCIAL CRISIS OF 2008.
  3. The action you believe the reviewing authority may lawfully take. 

O.S.R DOES NOT HAVE ADEQUATE STAFF TO FULFILL ITS SELF IMPOSED OBLIGATIONS. THE REVIEWING AUTHORITY SHOULD RECOMMEND TO THE DIRECTOR, (SCOTT CROW) THAT H-UNIT AT O.S.P., RETURN TO THE PROTOCOLS OF 2005, SURROUNDING OPERATIONS AND PRISONER ESCORT.
- Grievance report sent to (warden/facility head/administrator/correctional health services administrator):

Name WADE LAY 516263  
  
Signature of Grievant

Title \_\_\_\_\_

Date Sent to Reviewing Authority \_\_\_\_\_

1. Original to file
2. Copy to inmate/offender

DOC 090124A  
(R 01/22)



ABUSE OF THIS STATUTE. WADE LAYS OUT: THAT "THE RULE, OR ITS THREATENED APPLICATION, INTERFERES WITH OR IMPAIRS, OR THREATENS TO INTERFERE WITH OR IMPAIR, THE LEGAL RIGHTS OR PRIVILEGES OF THE PLAINTIFF." (SEE 75 OKL. IT. ANN. § 306) OF THE ADMINISTRATIVE PROCEDURES ACT (APA).

THE RULE REFERENCED ABOVE, IS THE Q.D.O.C. PROTOCOLS REQUIRING A TWO MAN SCORT FOR PRISONERS AT Q.S.D. H-UNIT TO MOVE FROM CERTAIN LOCATIONS WITHIN THE QUAD. THIS ALSO APPLIES TO OTHER CORRELATIVE ACTIONS. THE SELF IMPOSED PROTOCOL HAS NO LAWFUL VALIDITY. THE DISINGENUOUS IMPLEMENTATION OF THE AFORESAID RULE/PROTOCOL, IS AN ECRECIOUS ABUSE OF DISCRETION BY THE Q.D.O.C.. THE RULE VIOLATES SPECIFICALLY SUBSECTIONS 2, 3, AND 4 OF § 306. THIS QUESTION WILL BE BROUGHT BEFORE THE PITTSBURGH COUNTY DIST. COURT IN MAY OF 2023, IN *In re: Wade Freely*, 2021-224. WADE LAY, WILL SHOW THE RULE/PROTOCOL IS CONSISTENT WITH THE STATUTES REQUIREMENTS, THAT IT VIOLATES THE CONSTITUTION OF THE UNITED STATES, AND THAT IT IS A RULE IMPLEMENTED IN BAD FAITH, A PURPOSE THAT DOES NOT SERVE THE INTEREST OF THE STATE, BUT RATHER THE GREED OF CORRUPT POLITICAL ACTORS, JUDGES, AND BUREAUCRATIC LEADERS.

THE OKLA. ATTORNEY GENERAL WILL ALSO BE ALERTED, AS IT IS STIPULATED IN THE A.R.A., AND THE RESERVED POWERS ACT (R.P.A.); WHICH CONCORDS PERFECTLY WITH THE BACKGROUND, (E.G., *Hay v. Orman*, CIV-5-170-FHS-SPS, AND THE CLAIMS PENDING IN THE PITTS. COUNTY COURT, STATING SO CLEARLY, THAT <sup>THE</sup> EXISTING WARDEN (MR FARRIS) HAS ACTIVELY ENGAGED IN AN ILLEGAL CONSPIRACY WITH FEDERAL ACTORS, TO CAUSE WADE LAYS EXECUTION THAT WAS STAYED (JAN. 06, 2022). SEE ALSO *Hay v. A.G.L.U.*, CIV-21-214-JFH-SPS).

THE COLLUSION, OR TO PROPERLY STATE THE CONDITION, THE ACQUIESCENCE, OMISSION, AND POLITICAL ASSENT BY THE STATE OF OKLAHOMA, TO THE ALL CONSUMING POWER OF FEDERAL JUDGES, PROPELS THE STATE OF OKLAHOMA TO ITS PRESENT CONDITION. THE Q.D.O.C. MUST REPEAL ITS PROMISES MADE IN 1989. THAT THE H-UNIT BUILDING, WOULD BE SO COST EFFICIENT, DUE TO THE ABILITY OF PRISONERS TO MOVE ABOUT WITHOUT ESCORT, THE PEOPLE OF OKLAHOMA WOULD SEE A FISCAL ADMINISTRATION, SAVING SO MUCH IN OVERSIGHT COST, THE BURDEN WOULD NOT EXIST. RATHER, THE COST EFFECTIVE ATTRIBUTES WOULD GIVE THE TAXPAYERS THEIR HARD EARNED MONEY.

THOSE WERE THE CLAIMS MADE TO JUSTIFY THE EXPENSE, AND NOW WHEN THE PEOPLE OF OKLAHOMA SUFFER, IN A CRISIS, IN A RECESSION, THE Q.D.O.C. CONTINUES IN THIS FRAUD.

THE PROMISES MADE BY THE Q.D.O.C. AND THE LEGISLATURE OF THIS STATE, PREDICATED ON SPECIFICS, SUCH AS, THE CONSTRUCTION OF THIS BUILDING'S OPERATIONAL FUNCTIONS, PROMISES-MADE TO JUSTIFY THE EXPENSE OF CONSTRUCTION, ARE BINDING. ABUSE OF DISCRETION IS SUSCEPTIBLE TO CONDITIONS, AND THE OKLA. A.C., AND COURTS ARE THE PROPER COURTS FOR CORRECTIVE OVERSIGHT. THIS GRIEVANCE IS YOUR CHANCE TO DO WHAT IS MORALLY APPROPRIATE.




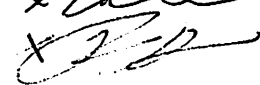
PG. 1

OKLAHOMA STATE PENITENTIARY

02/08/2023

\* LIST OF NAMES AND SIGNATURES OF PRISONERS AT  
O.S.P., H-UNIT, S.W. QUAD - RE: HOT WATER \*

THE PRISON IS ALLOWING FOR HOT WATER BETWEEN  
8:30 A.M., AND P.M.. AFTER THIS BRIEF TIME  
THE HOT WATER IS SHUT OFF. O.S.P. IS CONSISTEN-  
TLY RUNNING SHOWERS BETWEEN MIDNIGHT &  
2:00 A.M., WHEN THE WATER IS ICE COLD. IT  
IS ADMITTED BY OFFICERS, O.S.P. IS ATTEMPTING TO  
ENCOURAGE BIRD BATHS IN CELL, AND DISCOURAGE  
PRISONERS FROM COMING TO SHOWERS, DESTROYING  
THE RIGHT. SIGN IF YOU AGREE.

1. WADE LAY	x 	02/08/2023	JW46
2. Benson Bush	x 	2-8-2023	SW41
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

ROM MAN WAS TOLD TO STOP PASSING  
THIS PETITION ON THE 8TH OF FEB.  
2023.

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**WADE LAY,**

Plaintiff,

v.

**CHRISTIE QUICK,**

Defendant.


**No. CIV 23-326-RAW-DES**

**OPINION AND ORDER**

On September 25, 2023, Plaintiff Wade Lay, a death-sentenced state prisoner, filed this action titled “Impediment Clause Impetus” in the United State District Court for the Western District of Oklahoma (Dkt. 1). While Plaintiff alleged this action falls under the habeas statutes, 28 U.S.C. § 2244 and 28 U.S.C. § 2255, the Western District construed the action as arising under 42 U.S.C. § 1983 (Dkt. 5 at 1). The Western District found Plaintiff was alleging that prison officials were denying him access to the courts with respect to his upcoming competency hearing and his filing a petition for a writ of habeas corpus. *Id.* Because Plaintiff is incarcerated in the Eastern District of Oklahoma, the case was transferred to this district. *Id.*

**ACCORDINGLY,** Plaintiff is directed to submit within twenty (20) days a proper civil rights complaint pursuant to 42 U.S.C. § 1983 on this Court’s form, along with a motion for leave to proceed *in forma pauperis* or \$402.00 for the filing fee. The Court Clerk is directed to send Plaintiff the proper forms for proceeding in this action. Failure to comply with this Order will result in dismissal of this action without further notice.

**IT IS SO ORDERED** this 31st day of October 2023.

  
Ronald A. White  
United States District Judge  
Eastern District of Oklahoma

11/20/23

1

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF OKLAHOMA

WADE LAY,

PETITIONER,

VS.

CASE NO. CIV-23-326 RAW DES

CHRISTI QUICK,

(WARDEN AT O.S.P.)

RESPONDENT.

FILED

NOV 27 2023

BONNIE HACKLER  
Clerk, U.S. District CourtBy \_\_\_\_\_  
Deputy Clerk

NOTICE OF APPEAL RULE 18

Rules of the Supreme Court

WADE GREEN LAY # 516263

OKLAHOMA STATE PENITENTIARY

DATE:

P.O. BOX 97

750-50

MCALISTER, OKLA. 74502

1. IN ACCORDANCE TO RULE 18 - RULES OF THE SUPREME

Court of the United States, WADE LAY NOTIFIED THIS

U.S. DIST. COURT HIS INTENT TO APPEAL DIRECTLY TO

## THE U.S. SUPREME COURT THE "IMPEDIMENT CLAUSE"

IMPETUS" PURSUANT TO 28 USC § 2244 AND 28 USC

三 2755.

2. PETITIONER REJECTS THE OPINION AND ORDER OF

THE U.S.D.C. E.D. /OK. i.e. DKT 9 FILED IN ED/OK ON

10/31/2023. THE U.S.D.C. W.D./OK. AND THE ED

COURT HAVE BOTH ABUSED THEIR DISCRETION SHOWING

### A CONSISTENT PATTERN OF PREJUDICE, BOTH COURTS

BEING A PART OF THE IMPEDIMENT, ALONG WITH THE

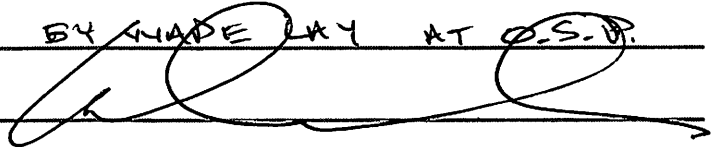
- 2.- THE U.S.D.C. N.D./OK. AND THE TENTH CIRCUIT COURT OF APPEALS, A RULE 18 APPEAL IS THE ONLY REMEDY.
3. ADDITIONALLY, LAY WILL BE SUBMITTING TO THE SUPREME COURT HIS CONSTITUTIONAL CHALLENGE TO THE H.E.D.P.A. UNDER FED. R. CIV. P. 5.1 WHICH HE PRESENTED TO THE U.S.D.C. E.D./OK. IN *LEY V. United States* BUT THE DISTRICT COURT REFUSED TO DOCKET THE FILING.
4. PETITIONER'S OBLIGATION UNDER RULE 18 IS HEREBY COMPLETE - THE HABEAS APPEAL TO THE U.S. SUPREME COURT IS PENDING.



5. ON THIS 20<sup>TH</sup> DAY OF NOVEMBER, 2023, PETITIONER  
NOTIFIES THE U.S.D.C. E.D./OK., AND THE U.S.D.C.  
W.D./OK. OF THE PENDING HABEAS APPEAL.

RESPECTFULLY SUBMITTED

BY MADE LAY AT O.S.D.



P.O. BOX 97

11/20/2023 MCALISTER, OKLA. 74502

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

November 28, 2023

Christopher M. Wolpert  
Clerk of Court

WADE LAY,

Plaintiff - Appellant,

v.

CHRISTIE QUICK, Warden at O.S.P.,

Defendant - Appellee.

No. 23-7085  
(D.C. No. 6:23-CV-00326-RAW-DES)  
(E.D. Okla.)

ORDER

This matter is before the court on the court's own initiative upon the opening of this appeal for two reasons. First, a review of the district court docket has revealed a potential defect in this court's appellate jurisdiction. Specifically, the order appellant Wade Lay seeks to appeal does not appear to be a final decision. As a result, the court is considering this appeal for summary disposition. *See* 10th Cir. R. 27.3(B). Second, it appears that for Mr. Lay to proceed with this appeal, Mr. Lay is required to prepay the entire \$505 appellate docketing and filing fee but has not done so.

**Finality**

Generally, this court's jurisdiction is limited to review of final decisions. 28 U.S.C. § 1291. A final decision is one that "ends the litigation on the merits and leaves nothing for the court to do but execute judgment." *Cunningham v. Hamilton Cnty., Ohio*, 527 U.S. 198, 204 (1999) (internal quotations omitted).

Here, Mr. Lay seeks to appeal the district court's order requiring him to file his complaint on the proper district court form, and to either pay the district court filing fee or file a motion for leave to proceed *in forma pauperis* on the proper district court form. [ECF No. 9]. Given that the district court's order specifically contemplated further proceedings in that court, it does not appear that the district court has entered any order that has ended this litigation on the merits. Rather, it appears that the district court case remains ongoing. Given the apparent lack of finality, it does not appear that appellate jurisdiction exists.

#### **PLRA and Prepayment of the Filing Fee**

Before Mr. Lay may proceed in this appeal, he must either prepay the entire \$505 appellate docketing and filing fee, or he must address the potential application of the Prison Litigation Reform Act of 1995 ("PLRA") to this appeal. PLRA generally "requires all prisoners appealing decisions in civil actions to pay the full amount of the filing fees [upfront]." *Strope v. Cummings*, 653 F.3d 1271, 1273 (10th Cir. 2011). Indigent prisoners, however, are exempt from this requirement, and "usually make[] an initial partial payment and then pay[] the remainder of the filing fee in monthly installments." *Id.* But where a prisoner has previously filed three or more "action[s]" or "appeal[s]" in federal court, which resulted in "dismiss[als] on the grounds that [they were] ... frivolous, malicious, or fail[ed] to state a claim upon which relief may be granted," 28 U.S.C. § 1915(g), the prisoner has "'struck out' from proceeding [*in forma pauperis* (IFP)] in a new civil action or appeal." *Strope*, 653 F.3d at 1273 (quoting *Smith v. Veterans Admin.*, 636 F.3d 1306, 1308-09 (10th Cir. 2011)); see *Kinnell v. Graves*, 265

F.3d 1125, 1127 (10th Cir. 2001) (“[T]he three strikes provision of the ifp statute applicable to indigent prisoners [ ] requires so-called frequent filer prisoners to prepay the entire filing fee before federal courts may consider their civil actions and appeals.” (quoting *White v. Colorado*, 157 F.3d 1226, 1232 (10th Cir. 1998) (internal quotation marks omitted))).

Before filing this appeal, Mr. Lay filed three or more civil actions or appeals, while incarcerated, each of which was dismissed on the grounds that the action was frivolous, malicious, or failed to state a claim upon which relief could be granted. *See, e.g., Lay v. Oklahoma Dep’t of Corrections, et al.*, No. CIV 13-481-RAW-SPS (E.D. Okla. Sept. 19, 2016) (dismissing for failure to state a claim upon which relief could be granted); *Lay v. GTL Phone Corp., et al.*, No. CIV 18-009-JHP-SPS (E.D. Okla. Mar. 29, 2019) (dismissing for failure to state a claim upon which relief could be granted); *Lay v. Oklahoma Dep’t of Corrections, et al.*, No. 20-6038 (10th Cir. July 31, 2020) (dismissing appeal as frivolous). As a result, Mr. Lay appears to have accumulated at least three “prior occasions” (i.e., strikes) pursuant to 28 U.S.C. § 1915(g).

Because Mr. Lay remains incarcerated and seeks here to appeal an order the district court entered in a civil case, it appears that the advance fee payment requirement imposed by 28 U.S.C. § 1915(g) applies to this appeal, and so Mr. Lay is not eligible to seek leave to make partial payments of the filing fees. Mr. Lay has not prepaid the filing fees.

Accordingly, to continue in this appeal, Mr. Lay must complete the following tasks **on or before December 19, 2023:**

(1) Mr. Lay must respond to this order in writing setting forth any basis in law or fact for this court to exercise appellate jurisdiction over this appeal given the apparent lack of finality; and

(2) Mr. Lay must either pay the entire \$505 appellate filing and docketing fee to the district court or show cause in writing why he is not required to do so.

Failure to respond to this order by (1) setting forth in writing a basis in law or fact for this court to exercise appellate jurisdiction over this appeal given the apparent lack of finality and (2) either paying the \$505 fee to the district court or showing cause in writing why Mr. Lay is not required to do so may result in the court dismissing this appeal without any additional notice. *See* 10th Cir. R. 3.3(B); 42.1.

Briefing on the merits of this appeal is suspended pending further order of the court. 10th Cir. R. 27.3(C).

Entered for the Court

A handwritten signature in black ink, appearing to read 'Christopher M. Wolpert', with a long horizontal stroke extending to the right.

CHRISTOPHER M. WOLPERT, Clerk



**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**December 28, 2023**

**Christopher M. Wolpert  
Clerk of Court**

WADE LAY,

Plaintiff - Appellant,

v.

CHRISTIE QUICK, Warden at O.S.P.,

Defendant - Appellee.

No. 23-7085

(D.C. No. 6:23-CV-00326-RAW-DES)

(E.D. Okla.)

**ORDER**

This appeal is dismissed for lack of prosecution pursuant to Tenth Circuit Rules 3.3(B) and 42.1. A copy of this order shall stand as and for the mandate of the court.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT  
Byron White United States Courthouse  
1823 Stout Street  
Denver, Colorado 80257  
(303) 844-3157  
Clerk@ca10.uscourts.gov

Christopher M. Wolpert  
Clerk of Court

Jane K. Castro  
Chief Deputy Clerk

December 28, 2023

Bonnie Hackler  
United States District Court for the Eastern District of Oklahoma  
Office of the Clerk  
100 North 5th Street  
P.O. Box 607  
Muskogee, OK 74401

Wade Lay  
# 516263  
Oklahoma State Penitentiary  
P.O. Box 97  
McAlester, OK 74502-0097

**RE: 23-7085, Lay v. Quick**  
Dist/Ag docket: 6:23-CV-00326-RAW-DES

Dear Clerk and Appellant:

Please be advised that the court issued an order today dismissing this case.

In addition, pursuant to Federal Rule of Appellate Procedure 41, the Tenth Circuit's mandate issued today, and the court's judgment takes effect. With the issuance of this letter, jurisdiction is transferred back to the lower court.

Please contact this office if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Wolpert', with a long horizontal stroke extending to the right.

Christopher M. Wolpert  
Clerk of Court

CMW/sls

**U.S. District Court  
Eastern District of Oklahoma (Muskogee)  
CIVIL DOCKET FOR CASE #: 6:23-cv-00326-RAW-DES**

Lay v. Quick  
Assigned to: District Judge Ronald A. White  
Referred to: Magistrate Judge D. Edward Snow  
Case in other court: Circuit Court, 23-07085  
Oklahoma Western, 5:23-cv-00858  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 09/27/2023  
Date Terminated: 01/04/2024  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

**Plaintiff****Wade Lay**

represented by **Wade Lay**  
516263  
Oklahoma State Penitentiary  
PO Box 97  
McAlester, OK 74502-0097  
918-423-4700  
PRO SE

V.

**Defendant**

**Christie Quick**  
*Warden at O.S.P.*

Date Filed	#	Docket Text
09/25/2023	<a href="#">1</a>	COMPLAINT against Christie Quick filed by Wade Lay. (Attachments: # <a href="#">1</a> Attachment 1- Letter, # <a href="#">2</a> Exhibit 2- Miscellaneous Documents, # <a href="#">3</a> Envelope)(dtb) [Transferred from okwd on 9/27/2023.] (Entered: 09/26/2023)
09/26/2023	<a href="#">2</a>	PREVIOUS Cases (dtb) (Main Document 2 replaced on 9/26/2023) (dtb). [Transferred from okwd on 9/27/2023.] (Entered: 09/26/2023)
09/26/2023	<a href="#">3</a>	ENTER ORDER REFERRING CASE to Magistrate Judge Shon T. Erwin. Signed at the direction of Judge Bernard M. Jones on 9/26/2023. (dtb) [Transferred from okwd on 9/27/2023.] (Entered: 09/26/2023)
09/27/2023	<a href="#">4</a>	<b>ORDER</b> ~ The referral to United States Magistrate Judge Shon T. Erwin is TERMINATED. Signed by Judge Bernard M. Jones on 9/27/2023. (dwl) [Transferred from okwd on 9/27/2023.] (Entered: 09/27/2023)
09/27/2023	<a href="#">5</a>	<b>ORDER</b> ~ This action is TRANSFERRED to the United States District Court for the Eastern District of Oklahoma, as more fully set out in the Order. Signed by Judge Bernard M. Jones on 9/27/2023. (dwl) [Transferred from okwd on 9/27/2023.] (Entered: 09/27/2023)
09/27/2023	<a href="#">6</a>	CASE TRANSFERRED IN from the Oklahoma Western (Entered: 09/27/2023)
10/30/2023	<a href="#">7</a>	MOTION for Evidentiary Hearing proceeded by discovery and MOTION to Stay proceedings in the Pittsburg County District Court with immediate order for protection of Wade Lay from OSP Prison officials by Wade Lay Responses due by 11/13/2023(acg, Deputy Clerk) (Entered: 10/30/2023)
10/30/2023	<a href="#">8</a>	<b>MINUTE ORDER</b> by District Judge Ronald A. White, referring case to Magistrate Judge D. Edward Snow for all further proceedings in accordance with jurisdiction pursuant to 28 USC § 636. All future filings shall bear the case number CIV-23-326-RAW-DES. (acg, Deputy Clerk) (Entered: 10/30/2023)
10/31/2023	<a href="#">9</a>	<b>OPINION AND ORDER</b> by District Judge Ronald A. White : Plaintiff is directed to submit within twenty (20) days a proper civil rights complaint pursuant to 42 U.S.C. § 1983 on this Court's form, along with a motion for leave to proceed in forma pauperis or \$402.00 for the filing fee( Amended Pleadings due by 11/14/2023.)(acg, Deputy Clerk) (Entered: 10/31/2023)
11/27/2023	<a href="#">10</a>	NOTICE OF APPEAL to Circuit Court (Interlocutory) (Re: <a href="#">9</a> Opinion and Order ) by Wade Lay (acg, Deputy Clerk) (Entered: 11/27/2023)
11/27/2023	<a href="#">11</a>	<b>MINUTE ORDER</b> by Magistrate Judge D. Edward Snow: Upon review of the file in this case, the Court finds that the plaintiff has not submitted a proper motion for leave to proceed in forma pauperis or paid the \$350.00 filing fee. The plaintiff is directed to submit a properly executed motion for leave to proceed in forma pauperis, with original signature and have the Trust Fund Officer at your facility complete (with an original signature) the Required Certification (Page 3) and provide a current 6-month financial accounting statement and return the completed motion to the Office of the Clerk or pay the filing fee of \$350.00 within 20 days or by 12/18/23. Failure to comply with this order may result in dismissal of this action. The Clerk is directed to provide the plaintiff with a motion for leave to proceed in forma pauperis form and an instruction sheet. (acg, Deputy Clerk) (Entered: 11/27/2023)

11/27/2023	<a href="#">12</a>	Transmission of Notice of Appeal and Docket Sheet to U.S. Court of Appeals. Pro Se Appeal Packet mailed to Petitioner. (Re: <a href="#">10</a> Notice of Appeal - Interlocutory) (With attachments)(rak, Deputy Clerk) (Entered: 11/27/2023)
11/27/2023	<a href="#">13</a>	APPEAL NUMBER INFORMATION from Circuit Court assigning Case Number 23-7085. (Re: <a href="#">10</a> Notice of Appeal - Interlocutory) (rak, Deputy Clerk) (Entered: 11/28/2023)
11/28/2023	<a href="#">14</a>	ORDER from Circuit Court to show cause. (Re: <a href="#">10</a> Notice of Appeal - Interlocutory) (With attachments)(rak, Deputy Clerk) (Entered: 11/28/2023)
12/28/2023	<a href="#">15</a>	ORDER from Circuit Court dismissing the appeal for lack of prosecution pursuant to Tenth Circuit Rules 3.3(B) and 42.1. (awaiting mandate) (Re: <a href="#">10</a> Notice of Appeal - Interlocutory) (rak, Deputy Clerk) (Entered: 01/04/2024)
12/28/2023	<a href="#">16</a>	MANDATE letter from Circuit Court transferring jurisdiction back to the lower court. (Re: <a href="#">10</a> Notice of Appeal - Interlocutory, <a href="#">15</a> USCA Decision) (rak, Deputy Clerk) (Entered: 01/04/2024)
01/04/2024	17	<b>MINUTE ORDER</b> by District Judge Ronald A. White: Dismissing action without prejudice for Plaintiff's failure to file an amended civil rights complaint and to pay the filing fee or submit a completed motion for leave to proceed in forma pauperis, as directed by the Court (Dkts. 9, 11). See Fed. R. Civ. P. 41(b). (acg, Deputy Clerk) (Entered: 01/04/2024)
01/04/2024	<a href="#">18</a>	<b>JUDGMENT</b> by Court Clerk entering judgment (terminates case) (acg, Deputy Clerk) (Entered: 01/04/2024)

PACER Service Center			
Transaction Receipt			
07/23/2024 14:12:29			
PACER Login:	jrf33503	Client Code:	OAG
Description:	Docket Report	Search Criteria:	6:23-cv-00326-RAW-DES
Billable Pages:	2	Cost:	0.20

**ORIGINAL**



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

**WADE GREELY LAY,** )  
 )  
 **Appellant,** )  
 )  
 **v.** )  
 )  
 **STATE OF OKLAHOMA,** )  
 )  
 **Appellee.** )

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

**Case No. D-2005-1081**    **MAY - 9 2024**

**JOHN D. HADDEN**  
**CLERK**

**NOTICE OF DISTRICT COURT'S FINDING OF APPELLANT'S**  
**INCOMPETENCE TO BE EXECUTED**

COMES NOW, the State of Oklahoma, by and through Attorney General Gentner F. Drummond, and notifies this Court regarding the resolution of Wade Lay's ("Appellant") competency-to-be-executed proceedings. Appellant is scheduled to be executed on June 6, 2024. However, as will be explained, Attorney General Drummond, District Attorney Chuck Sullivan, and District Attorney Steve Kunzweiler recently reached the difficult decision to stipulate to Appellant's present incompetence to be executed. Moreover, based on the parties' stipulation, the Honorable Tim Mills, Associate District Judge in Judicial District 18 (sitting in and for the District Court of Pittsburg County), has found Mr. Lay to be incompetent to be executed.

On October 26, 2021, Appellant filed a petition for writ of mandamus in Pittsburg County Case Number CV-2021-224. Appellant alleged that he was not competent to be executed and sought an order requiring then-Warden of Oklahoma State Penitentiary Jim Farris to initiate proceedings pursuant to 22



O.S.2011, § 1005. Section 1005, since repealed,<sup>1</sup> required a warden with “good reason to believe that a defendant under judgment of death ha[d] become [incompetent]” to notify the district attorney for the county in which the prison was situated. After an evidentiary hearing, the district court issued the writ of mandamus on November 30, 2021. The warden and district attorney complied with the statute, and the district court stayed Appellant’s execution (scheduled for January 6, 2022) by agreement of the parties. The district court set Appellant’s jury trial to determine competence pursuant to § 1005 on the May 2023 docket. This Court subsequently scheduled Appellant’s execution for August 23, 2023, then (on the State’s motion) reset the date to June 6, 2024. The district court then moved the jury trial to the May 2024 docket, and the parties were prepared to proceed according to this latest scheduling order.

On the State’s motion, the district court ordered the Oklahoma Department of Mental Health and Substance Abuse Services to evaluate Appellant’s current competence to be executed. On February 22, 2024, Dr. Scott Orth, Psy.D, Director of Forensic Psychology at the Oklahoma Forensic Center, evaluated Appellant at the Oklahoma Forensic Center, pursuant to the district court’s order. In his written report issued on February 22, 2024, Dr. Orth found

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<sup>1</sup> See 22 O.S. § 1005.1, effective November 1, 2022. Based on this Court’s order denying the rescheduling of an execution pending competency proceedings in the case of *Ryder v. State*, No. D-2000-886, the State believes the proper course in this case—which was initiated before § 1005 was repealed—is to continue all proceedings under §§ 1005-1008 of Title 22. A copy of the order in *Ryder* is attached as Exhibit A.

Appellant *not* presently competent to be executed. In light of Dr. Orth's finding, Attorney General Drummond and District Attorneys Sullivan and Kunzweiler<sup>2</sup> ultimately agreed to stipulate to Appellant's present incompetence to be executed.

As such, the parties began collaborating on an agreed stipulation as to Appellant's present incompetence. In view thereof, the district court struck Appellant's jury trial from its May 2024 docket. A copy of that order is attached as Exhibit B.

On May 9, 2024, the parties submitted in the district court a joint stipulation and proposed order agreeing that Appellant is presently incompetent to be executed. A copy of same is attached as Exhibit C. The stipulation was signed, on the State's side, by District Attorneys Sullivan and Kunzweiler as well as a representative of the Attorney General's Office.

The stipulation complies with §§ 1005-1008 of Title 22 and is consistent with this Court's order staying James Ryder's execution following the district court's determination that Mr. Ryder is not presently competent. A copy of this Court's most recent order in *Ryder* is attached as Exhibit D.

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<sup>2</sup> District Attorney Sullivan is the Pittsburg County District Attorney representing the State in these competency proceedings, while District Attorney Kunzweiler is the District Attorney of Tulsa County, from which Appellant's underlying criminal proceedings originate.

On that same date, May 9, 2024, the District Court of Pittsburg County entered an order finding, based on the evidence stipulated to by the parties, that Appellant is presently incompetent to be executed. Exhibit C at 5.

WHEREFORE, for these reasons, the State hereby respectfully issues notice to this Court of the resolution of Appellant's competency-to-be-executed proceedings in the district court.

Respectfully submitted,

**GENTNER F. DRUMMOND  
ATTORNEY GENERAL OF OKLAHOMA**

A handwritten signature in black ink, appearing to read 'Caroline E.J. Hunt', is written over the printed name of the Deputy Attorney General.

**CAROLINE E.J. HUNT, OBA #32635  
DEPUTY ATTORNEY GENERAL**

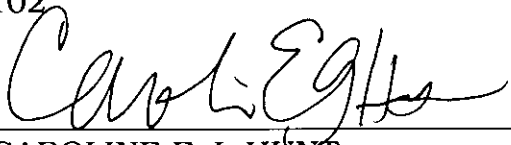
**313 N.E. 21st Street  
Oklahoma City, Oklahoma 73105  
(405) 521-3921 (Voice)  
(405) 522-4534 (Fax)**

**COUNSEL FOR THE STATE**

**CERTIFICATE OF SERVICE**

On this 9th day of May, 2024, a true and correct copy of the foregoing was mailed, via regular first-class United States mail, to:

Callie Heller  
Federal Public Defender's Office  
215 Dean A. McGee, Suite 707  
Oklahoma City, Oklahoma 73102

  
\_\_\_\_\_  
CAROLINE E.J. HUNT

ORIGINAL



IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMA

FILED  
COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

DEC 14 2023

JOHN D. HADDEN  
CLERK

JAMES CHANDLER RYDER,

Appellant,

v.

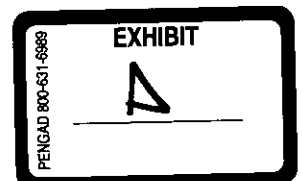
THE STATE OF OKLAHOMA,

Appellee.

Case No. D-2000-886

**ORDER DENYING STATE'S REQUEST TO RESCHEDULE  
RYDER'S FEBRUARY 1, 2024 EXECUTION**

Before the Court is the State of Oklahoma's pleading, filed October 13, 2023, entitled, "Amended Notice of Continuance of Competency Trial Beyond Current Execution Date." That filing informed this Court that Ryder's trial to determine his competency to be executed, set for January of 2024 in the District Court of Pittsburg County, had been continued by the trial court until March of 2024, a date beyond Ryder's currently scheduled execution date of February 1, 2024. This Court directed a response from the trial court and after receiving same, held a Show Cause Hearing with the parties on November 21, 2023.



The effect of the trial court's granting of Ryder's unopposed motion to continue the competency trial was to grant a *de facto* stay or continuance of his execution date, and the State now asks this Court to reschedule Ryder's execution date to conform to the delay in the trial court proceedings. As shown below, the legal matters involved are not so simple because the legal action challenging his competency has not been properly brought before this Court as required by 22 O.S.Supp.2022, § 1005.1.

The facts as relevant here began September 13, 2022, when Ryder's attorneys communicated concerns about his mental status to the warden and requested that he initiate proceedings to determine Ryder's competency pursuant to 22 O.S.2011, § 1005. The warden responded the next day, stating he had received the letter and would "respond after having a chance to carefully read what has been provided and perform further inquiry." On October 7, Ryder's counsel informed the warden that if he failed to act by October 19, his inaction would be construed as a refusal and Ryder would seek a judicial remedy. On October 12, attorneys for the Department of Corrections informed Ryder's attorneys via e-mail that the warden was giving the matter careful consideration before making a



determination, but he would not be bound by a deadline set by Ryder's attorneys. On October 26, Ryder sought a writ of mandamus in the district court to compel the warden to initiate competency proceedings under Section 1005. On November 1, after Section 1005 had been superceded by Section 1005.1, the State of Oklahoma filed a pleading in the district court asking that Ryder's petition for writ be held in abeyance for thirty days to give the warden time to assess Ryder's competency to be executed. In this pleading, the State agreed that Ryder's competency case should proceed under Section 1005. On November 22, Ryder's counsel provided the warden with a report from Dr. Preston Baecht opining that Ryder is not competent to be executed, and on November 28, the warden notified the district attorney that he found good cause to question Ryder's competency to be executed. This was consistent with the procedure outlined in Section 1005 which had been repealed.

Until its repeal and replacement with Section 1005.1, Section 1005 read as follows:

If, after his delivery to the warden for execution, there is good reason to believe that a defendant under judgment of death has become insane, the warden must call such fact to the attention of the district attorney of the county in which the prison is situated, whose duty is to immediately

file in the district or superior court of such county a petition stating the conviction and judgment and the fact that the defendant is believed to be insane and asking that the question of his sanity be inquired into. Thereupon, the court must at once cause to be summoned and impaneled from the regular jury list a jury of twelve persons to hear such inquiry.

The warden did not call to the attention of the district attorney Ryder's competency to be executed until November 28, well after the effective date of Section 1005.1 which outlines an entirely different procedure. By its plain terms, Section 1005 was neither triggered by Ryder's request of the warden on September 13 that he take action, nor by the filing of an action in mandamus on October 26 to force the warden to initiate Section 1005 proceedings.

Had the warden taken any action prior to November 1, either by initiating the proceedings with the district attorney or declining to do so for lack of good cause, then Section 1005 would have been invoked and would continue to govern this case. In fact, under those circumstances to now apply Section 1005.1 could violate Ryder's due process rights. *Cole v. Farris*, 54 F.4th 1174 (10th Cir. 2022) (Section 1005 would govern the case where the warden denied the request to initiate proceedings prior to November 1, 2022, and switching statutes could violate his due process rights). But this case is

different from *Cole*, because here the warden simply took no action prior to November 1 which invoked Section 1005. During the show cause hearing on this case, Ryder's counsel urged that his filing of the writ on October 26 was sufficient to invoke that statute, but the text of Section 1005 belies such a conclusion.

Despite the efforts of Ryder's attorneys to convince the warden to initiate proceedings under Section 1005 prior to the time it was superceded, the warden did not do so, but he did take that action six days after receiving Dr. Baecht's report. The fact that the parties agreed, after the effective date of Section 1005.1, to overlook its enactment and to proceed under the prior statute, is not controlling. Appellate courts have a duty to apply the correct legislative enactments, regardless of any agreement to the contrary by the parties. *United States v. Walker*, 74 F.4th 1163, 1184 (10th Cir. 2023) ("[T]he Supreme Court and this court have recognized appellate courts are not bound by the government's concessions or stipulations on questions of law when reviewing alleged errors by the district court on appeal.")

There are two dissents to this Order, both of which take us to task for applying the statute now in effect, and which has been in

effect for over a year, which they label as an issue not raised by the parties and thus not properly before us. It is axiomatic that appellate courts should not go in search of legal issues or propositions of error not raised by the parties, but statutes are neither of these; they are the law as proclaimed by the Legislature, and this Court is not free to extend the life of a repealed statute just because the parties have agreed it should be so. Nor does the fact that the issue of Ryder's competency to be executed might be resolved more quickly if this Court would just participate in this agreement make any legal difference. Nothing done by the Warden or the Appellant set into motion Section 1005 prior to its repeal, and neither dissent makes a compelling legal argument to the contrary.

In sum, Ryder has a right to due process on his claim of incompetency, and because the previous statute was repealed before it was invoked by the warden, his remedy must lie in Section 1005.1. That statute requires that he file with this Court a motion alleging his incompetency to be executed, and that it be filed within seven days after the Attorney General files a motion seeking an execution date. That deadline obviously cannot be met here because the current execution date was set almost a year ago. However, we find the Eighth

Amendment to the United States Constitution, as interpreted in *Panetti v. Quarterman*, 551 U.S. 930 (2007), precludes that deadline from being harshly applied in this case lest Ryder be left with no remedy at all. Should his counsel file a proper and sufficient motion with this Court in compliance with Section 1005.1(D) & (E), this Court will then be required to remand pursuant to Section 1005.1 (F) for a hearing on his competency to be executed before the district court.

**IT IS THEREFORE THE ORDER OF THE COURT**, the motion to reset Ryder's execution date is **DENIED**. The State's additional request to reschedule a different execution on February 1, 2024 is **MOOT**.<sup>1</sup> The Clerk of this Court is to provide copies to all parties and electronically transmit a copy of this Order to the District Court of Pittsburg County, the Honorable Mike Hogan, District Judge, at the time the Order is handed down, in addition to mailing a certified copy of the Order by United States mail to Judge Hogan.

**IT IS SO ORDERED.**

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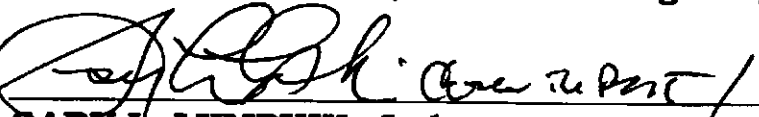
<sup>1</sup> The State has provided a list of other inmates with future execution dates and asked that one of those be moved up the list and given the February 1, 2024 execution date which is currently assigned to Ryder.

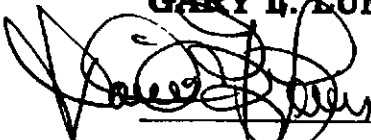
**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this

14<sup>th</sup> day of December, 2023.

  
**SCOTT ROWLAND, Presiding Judge**

  
**ROBERT L. HUDSON, Vice Presiding Judge**

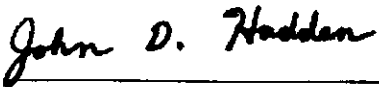
  
**GARY L. LUMPKIN, Judge**

 - Concur in Part  
Dissent in Part writing Attached

**DAVID B. LEWIS, Judge**

  
**WILLIAM J. MUSSEMAN, Judge**

ATTEST:

  
Clerk



**LUMPKIN, JUDGE: CONCURRING IN PART/DISSENTING IN PART**

I greatly appreciate and respect my colleagues. However, I must depart from the majority's decision to divert from our function as an appellate court and *sua sponte* venture into the interpretation of the recent amendments to 22 O.S.Supp. 2022, § 1005.1. This statute sets out the new process for determining if an inmate is competent for execution of the death penalty.

As an appellate court of last resort for criminal cases in Oklahoma it is our responsibility to decide issues brought to us as a part of the appeal of a criminal conviction. If an issue is not raised, we do not create an issue to address on our own. Our rules and case law repeatedly apply the doctrine of waiver to decline review of issues that could have been raised at the first opportunity but were not. See Rule 3.5(A)(5), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2023) (waiver of claims on direct appeal); *Bever v. State*, 2020 OK CR 13, ¶ 36, 467 P.3d 693, 702 (failure to follow Rule 3.5(A)(5) resulted in waiver of the issue on direct appeal). See also 22 O.S.Supp.2022, § 1089(C) (issues waived on post-conviction); *Bench v. State*, 2021 OK CR 39, ¶ 10, 504 P.3d 592, 597 (claims that could

have been raised on direct appeal but were not, are waived on post-conviction).

While I note the resolution of this case has been unnecessarily delayed for over a year, I do not agree with the court reaching out to interpret and apply a statute not raised or discussed by any party in pleadings before this court. While Appellant, through counsel recognized a new statutory procedure would come into effect on November 1, 2022, he chose to utilize the procedures applicable to him at the time of filing his petition, *i.e.*, filing for a writ requiring the warden to bring the issue of his competency to be executed to the District Attorney of Pittsburg County, thereby commencing the process to determine his present competence. Accordingly, both the District Attorney and the District Court adopted and joined in the parties' decision that the law and procedure in place and applicable at the time the action was initiated, 22 O.S.2021, § 1005, would control. To deny application of Section 1005 could raise due process issues that would further delay this case. The Majority attempts to nullify this possibility by citing and attempting to use a Supreme Court case that is non-germane to the issue we are confronted with herein, *i.e.*, the procedure to apply to ensure due process is provided

by the procedure the parties agreed would apply. In fact, it appears the parties followed the procedure set out in *Cole v. Jim Farris*, MA-2022-898, October 17, 2022, unpublished, in an attempt to invoke the statute in effect at the time.

The problem is not what iteration of the law applies it is that existing law was not strictly followed. Under Section 1005, chosen by the parties, the District Court “must at once cause to be summoned and impaneled from the regular jury list a jury of twelve persons to hear such inquiry.” However, that did not occur, and the case has now languished for over a year, passing the previous date of execution set in this case. Therefore, I must disagree and dissent to the majority reaching out and *sua sponte* deciding to cast its own interpretation of which version of the statute applies in this case.

This is a one off case that will have no procedural value in the future. There is now no question that the 2022 amendment of Section 1005.1 applies to all future inmates’ filings seeking a determination of their competency for execution and the new procedure will be applied to make that determination. The real issue this Court must address in the future regarding the new statute is how to apply it where the Court has set multiple execution dates in a single order

that spans over several months from the date of that order. The new statute requires an inmate to file pleadings within seven days of the setting of the execution date. Once this occurs, this Court will then have a valid reason to interpret it. The Majority attempts to deflect this issue presented by saying existing authority allows courts to take exceptional action in exceptional cases to allow the filing out of time. But what is that new rule for future inmates who may seek to make a claim of incompetence to be executed? That question remains unanswered.

What the court should do is deny the motion to reset execution date and find there is plenty of time pending the present February 1, 2024, execution date in which to complete the trial and determination of Appellant's present competence. The District Court has the authority and power to ensure a timely jury trial is completed before February 1, 2024, and that would be the ruling with which I agree.

To compound the problem in this case, instead of reviewing the record, seeing what has already been done in the process and ordering the District Court to proceed with the Section 1005.1 procedure from this point forward, the Majority mandates the parties

start over from the beginning with the new statutory procedure. Thus, the Majority not only addresses *sua sponte* an issue not raised by the parties, but it also increases the delay in these proceedings over and above that which has already occurred.

Regardless of which iteration of the statute is applied the underlying mandate dictated by the Oklahoma Legislature is clear: these cases are to be given priority and not treated as just another case in the course of daily business. The District Court has been vested with the authority and power to expedite cases of this magnitude. Failure to use that authority and power allows use of this type of motion as a vehicle to attack and obviate the application of the death penalty authorized by the Legislature. By requiring the District Court to faithfully discharge its duties this Court does not engage in micromanagement of the lower court. Every order or opinion this Court issues in some manner directs the District Courts as to how to apply the laws addressed in the opinion or order.

Therefore, instead of remanufacturing the watch the Court should just set it to run on time by directing the District Court to use the authority and powers vested in it: to issue orders that will ensure witness statements are secured; to ensure appropriate technology is

available to allow remote testimony by any witness not able to attend in person; and to call on jurors to complete the trial in sufficient time to meet the February 1, 2024, execution date if Appellant is deemed competent to be executed and if not competent to be executed then issue appropriate orders to secure the treatment needed to restore competency. Most of the preliminary actions have been taken by the parties, *i.e.*, expert witnesses have been secured and opinions rendered thus ensuring a timely resolution of these issues without the need to engage in any fixed discussion regarding the amendment to Section 1005.1. The procedure established by the Legislature regardless of the version of the statute used, is that at the time a petition or notice is filed with the Court, the petitioner has already secured the evidence needed to show his incompetence. Otherwise, the claims in the pleading would be frivolous.

Regardless, I do concur in that part of the order which denies the motion to reschedule the execution date. However, I dissent to the Majority's statement that the filing of a petition is in effect a stay in the proceedings when that is not what our statutory procedure provides. While the provisions of Section 1005.1 do allow this Court some new authority to grant stays in certain instances, they do not



provide that the filing of a petition constitutes a stay of the proceedings. Such an interpretation by this Court increases the potential addressed above that the filing of such a petition could be used by inmates to obviate the implementation of the death penalty authorized by the Legislature. That is a legislative function and the attempt to amend the statutory language violates the separation of powers.

**LEWIS, J., CONCUR IN PART AND DISSENT IN PART:**

I concur in denying the State's request to set a new execution date. This is the only issue properly before the Court. For reasons explained further below, the request is premature under either old or new capital competency statutes. I respectfully dissent from the application of the new competency statute<sup>1</sup> to a proceeding commenced before its effective date of November 1, 2022; and to the Court's attempt to improperly direct the conduct of litigation over which it has no appellate or supervisory jurisdiction.

Retrospective application of this new law creates significant due process problems and intrusively attempts to shoehorn the requirements of a new statute onto complex pending litigation. To do this in the last case of its kind is doubly regrettable, for it seems clear to everyone that any future allegations of incompetency by a condemned prisoner will be governed by the new law.

Just as clearly though, this case commenced under the old law<sup>2</sup> in mid-September 2022, when representatives of the prisoner

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<sup>1</sup> 22 O.S.Supp.2022, § 1005.1.

<sup>2</sup> See 22 O.S.2021, sections 1005-1008 (repealed November 1, 2022).

approached the Warden with reasons to believe the prisoner had become incompetent. The allegation of incompetency was thus *presented* to the key state official with a request for immediate action under section 1005, *et seq.*, the statutes in effect at that time. See *Cole v. Farris*, 54 F.4<sup>th</sup> 1174, 1182 (10<sup>th</sup> Cir. 2022) (noting warden is the gatekeeper whose decision commences a competency inquiry). Counsel's presentation of the incompetency allegation to the warden was the defining event to commence the proceeding, because under section 1005, "[t]he condemned prisoner is given no *right* to commence such proceedings himself, or to be heard in connection with the warden's initiating determination."<sup>3</sup>

The prisoner can only challenge the warden's subsequent *refusal* to initiate a competency proceeding by applying to the court

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<sup>3</sup> See *Caritativo v. California*, 357 U.S. 549, 550 (1958) (Harlan, J., concurring) (emphasis added) (noting that statute identical to section 1005 "imposes on the warden a mandatory duty to make a continuing check on the mental condition of condemned prisoners and to notify the district attorney whenever he finds grounds for belief that a prisoner has become insane;" and upon such notice, district attorney has "the unqualified duty" to "submit the issue of the prisoner's sanity to a jury in judicial proceedings in which the prisoner is entitled to be heard"). See also *Cole v. Trammell*, 2015 OK CR 13, ¶ 23, 358 P.3d 932, 938; *Farris*, 54 F.4<sup>th</sup> at 1182 (10<sup>th</sup> Cir. 2022) (recognizing available remedy of mandamus to review warden's refusal to inform district attorney of reasons to believe condemned prisoner has become incompetent).

for a writ of mandamus, as Ryder did on October 26, 2022.<sup>4</sup> The mandamus petition is not the commencement of a competency proceeding, but rather a derivative legal action providing “judicial oversight of the warden’s performance of” his legal duty “to institute such proceedings” under section 1005. *Trammell*, 2015 OK CR 13, ¶ 23, 358 P.3d at 938. Again, even the prisoner’s derivative action seeking judicial review of the Warden’s refusal was filed *before the effective date* of section 1005.1; its merits would have been governed by the court’s application of the law in effect at the time of the Warden’s refusal, i.e., section 1005.

The prisoner’s counsel thus invoked the pre-2022 procedure by asking the “initial gatekeeper” to initiate the competency jury inquest then allowed by statute. *See Farris*, 54 F.4<sup>th</sup> 1174, 1182 (10<sup>th</sup> Cir. 2022) (noting that warden is the initial gatekeeper whose decision it is to request a capital competency inquiry). The parties

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<sup>4</sup> The use of mandamus to review the warden’s refusal to initiate a competency jury trial preserves the constitutionality of this somewhat antiquated and wholly executive determination under modern Eighth Amendment standards. *Trammell*, 2015 OK CR 13, ¶ 24, 358 P.3d at 938.

have at all times acted accordingly in the court below, at least until this Court raised the question *sua sponte* over a year into the case.

The most apparent consequence of applying the new statute is to summarily strip the prisoner of the competency trial by jury guaranteed by the old statute. The Code of Criminal Procedure prohibits the retroactive application of new statutes in this way unless the new statute expressly so provides. 22 O.S.2021, § 3. Everyone acknowledged at the show cause hearing that the new statute makes no such provision.

Retrospective imposition of the new competency statute on these proceedings is constitutionally suspect *precisely because* the Eighth Amendment itself allows procedures “far less formal than a trial” to determine capital competency. *Panetti v. Quarterman*, 551 U.S. 930, 949-950 (2007). Under either old or new statutes, an impartial judicial hearing and decision facially satisfy the Eighth Amendment, which guarantees only a rudimentary opportunity to submit relevant evidence and argument to a judge.

The Due Process Clause, by contrast, protects a liberty interest in mandatory statutory procedures providing *greater* protections

than the Constitution itself.<sup>5</sup> In September 2022, section 1005 of Title 22 mandated a trial by jury to determine a disputed claim of incompetency. The new statute does not. Section 3 of Title 22 provides that new procedural statutes of this kind will *not* be retrospectively applied in pending cases unless the Legislature has expressly provided. The Legislature has not. The Court today violates *both* statutes and deprives Ryder of a liberty protected by the Fourteenth Amendment. See *Farris*, 54 F.4<sup>th</sup> at 1182 (finding application of new law to proceeding pending before its effective date “would strip [the prisoner] of a jury trial on the competency issue”).

The Court’s intervention here is also highly irregular, as we traditionally have no appellate or supervisory jurisdiction over capital competency proceedings under the old law. This Court long ago recognized such proceedings descend directly from common law. *Bingham v State*, 1946 OK CR 54, 169 P.2d 311.<sup>6</sup> At common law,

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<sup>5</sup> See *G.W. v. State*, 2018 OK CR 36, ¶ 5, 433 P. 3d 1283, 1285 (acknowledging statutory right to jury trial creates a liberty interest protected by procedural due process); and *Cole v. Trammell*, 2015 OK CR 13, ¶ 22, 358 P.3d 932, 938 (noting that jury trial granted by section 1005 “afford[s] *more* than the *constitutionally* mandated due process” under *Ford* and *Panetti*) (emphasis added).

<sup>6</sup> Section 1005 modified the common law by adding a trial by jury and fixing venue of competency proceedings in the court where the prisoner is incarcerated.



the *trial court's* inquiry into competency was a form of “regular reprieve”<sup>7</sup> *ex necessitate legis* (by legal necessity). The proceeding intrinsically involved a stay of any order to carry out the sentence.<sup>8</sup>

According to the same view, a trial verdict that *rejects* the prisoner’s plea of incompetency effectively dissolves the temporary stay and authorizes this Court setting a new execution date under Title 22, section 1001.1(E). If the question is resolved by adverse verdict before the execution date, the pre-2022 statute directs that the warden proceed with the execution. 22 O.S.2021, § 1008. If the execution date has passed, this Court sets a new date within thirty days from dissolution of the stay. *See also, Allen v. Workman*, 500 F. App’x 708, 709 (10th Cir. 2012) (noting that this Court set a new execution date after jury found prisoner was competent).

This Court has said in the past that it has no appellate jurisdiction to review either the trial court’s conduct of the proceedings, or the resulting jury verdict, for error.

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<sup>7</sup> Reprieve, from *reprende*, meaning “to take back,” is “the withdrawing of a sentence for an interval of time; whereby the execution is *suspended*.” See 4 W. Blackstone, *Commentaries on the Laws of England* 387-390 (1769).

<sup>8</sup> See Blackstone, *id.*

This court is wholly without authority to issue any writ unless it is in aid of its appellate jurisdiction. If the question of insanity had been tried under the provisions of our Code and the petitioner had been found sane against the overwhelming preponderance of the testimony, and if every rule of evidence had been violated in the trial, no appeal would lie to this court; and if we have no appellate [sic] jurisdiction, *we have no authority to issue any writ of certiorari or in any manner review the action of the district court of Pittsburg county in such collateral proceeding.*

*Bingham*, 169 P.2d at 313; *see also*, *Allen*, 2011 OK CR 31, ¶¶ 11-12, 265 P.3d at 757 (rejecting prisoner's attempted appeal of capital competency jury verdict).

Of course, *Bingham's* somewhat dated view must yield to our responsibility to enforce modern Eighth Amendment standards, but our jurisdiction in such proceedings remains original and extraordinary. We can issue writs to compel the observance of required procedures and review whether an executive official has wrongfully refused to act. *Trammell*, 2015 OK CR 13, ¶¶ 16-18, 358 P.3d at 937-38. Neither of those problems are presented here. The district attorney, capital defense counsel, and the trial court have followed the law in good faith. No party has yet invoked our jurisdiction alleging otherwise.

So the Court today interferes very much on its own motion—summarily taking from the prisoner the scheduled March 2024 jury trial which was his due under the old law and transforming any future proceeding into one over which it has more immediate control. The Court introduces an additional uncertainty by omitting any *particular* deadline for Ryder’s counsel to file the competency motion allowed by section 1005.1(D) and (E). It seems entirely possible that any delay beyond seven days from the date of this order (the ordinary time allowed by statute) could result in an outright dismissal of his claim.

In sum, under pre-2022 law, the trial court would retain control of these proceedings at least to the limits of its sound discretion. The proper course under that law would be to deny the request for an execution date; to respect the trial court’s control of this inquest; to acknowledge the stay of execution intrinsic to the proceeding; and to set a new execution date within thirty days of a jury verdict that the prisoner is mentally competent. The Court today charts a very different and troubling course. I respectfully dissent.

IN THE DISTRICT COURT OF THE 18TH JUDICIAL DISTRICT  
WITHIN AND FOR PITTSBURG COUNTY, STATE OF OKLAHOMA

MINUTE ORDER

by  
DEPUTY

PAUL SMITH

RECEIVED AND FILED  
IN DISTRICT COURT  
PITTSBURG COUNTY, OKLA  
2024 APR 19 AM 11:00

RE: Wade G. Lay

Vs

CASE NO. CV-2021-224

State of Oklahoma

DATE: April 19, 2024

=====

APPEARANCES:

PLAINTIFF'S ATTORNEY Jeffrey M. Byers/ Callie Heller  
DEFENDANT'S ATTORNEY Chuck Sullivan  
OTHERS

TAPE NO.

COURT REPORTER

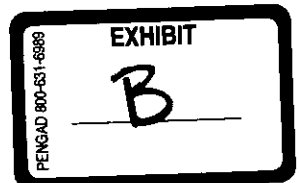
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COMES ON FOR: *Jury Sounding*

**RULING: Stricken from May trial docket to be reset upon motion of either party.**

  
\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT

I hereby certify on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a true and correct copy  
of the foregoing document to the following: ( )Plaintiff ( )Plaintiff's Attorney  
( )Defendant ( )Defendant's Attorney Signed: \_\_\_\_\_



**IN THE DISTRICT COURT OF PITTSBURG COUNTY  
STATE OF OKLAHOMA**

**IN RE: WADE GREELEY LAY,**

**Case No. CV-2021-224**

**Inmate No. 516263**

**ORDER**

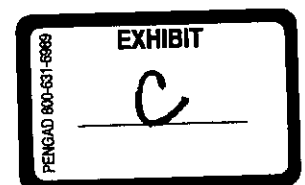
This matter comes on for trial this 9<sup>th</sup> day of MAY, 2024. Mr. Wade Greeley Lay appears by and through counsel of record, Mr. Jeffrey Byers, Ms. Callie Heller, and Ms. Tricia Russell, and his appearance is waived for good cause. The State appears through the Pittsburg County District Attorney, Mr. Chuck Sullivan.

This Court has been advised that the parties have reached an agreement as to the evidence to be presented in this matter regarding the question of Mr. Lay's present competency and/or sanity<sup>1</sup> to be executed. The parties are prepared to submit the matter to the Court based upon the agreed evidence. The parties agree that the evidence establishes, by the preponderance or greater weight of the evidence, that Mr. Wade Lay, DOC #516263, is currently incompetent to be executed.

Being advised in the premises, this Court, therefore, enters the following findings of fact and conclusions of law:

1. Mr. Lay was convicted by jury of, as relevant to this proceeding, First-Degree Murder, in violation of 21 O.S.2001, § 701.7 (Count I). The jury found the existence of three (3) aggravating circumstances, and Mr. Lay was formally sentenced to death on October 24, 2005, in the District Court of Tulsa County, Oklahoma, Case No. CF-2004-2320. The Oklahoma Court of

<sup>1</sup> Okla. Stat. tit. 22, § 1005 used the word "sanity" in the 1913 amendment that controls this proceeding. Because current and governing law uses "competency" as the operative term, this Order will refer to "sanity" and "competency" interchangeably.



Criminal Appeals affirmed Mr. Lay's convictions and sentences in Case No. D-2005-1081, on February 12, 2008. *Lay v. State*, 2008 OK CR 7, 179 P.3d 615. The OCCA denied Mr. Lay's Application for Post-Conviction Relief in Case No. PCD-2006-1013, in an unpublished summary opinion issued on September 26, 2008. *Lay v. State*, No. PCD-2006-1013 (Okla. Cr. Sept. 26, 2008) (unpublished).

2. The United States District Court for the Northern District of Oklahoma denied habeas corpus relief to Mr. Lay on October 7, 2015, in Case No. 4:08-cv-617-TCK-PJC. *Lay v. Trammell*, 2015 WL 5838853 (N.D. Okla. Oct. 6, 2015). The United States Court of Appeals for the Tenth Circuit affirmed on June 26, 2017, in Case No. 15-5111. *Lay v. Royal*, 860 F.3d 1307 (10th Cir. 2017). The United States Supreme Court denied certiorari review on April 16, 2018, in Case No. 17-7685. *Lay v. Royal*, 138 S. Ct. 1553 (2018).

3. On September 20, 2021, the Oklahoma Court of Criminal Appeals granted the Oklahoma Attorney General's request to set execution dates for several Oklahoma death row inmates, setting Mr. Lay's execution date for January 6, 2022. In the following weeks, Mr. Lay requested by letter that then-Oklahoma State Penitentiary Warden Jim Farris initiate competency proceedings per 22 O.S. § 1005. Warden Farris did not initiate proceedings.

4. On November 30, 2021, following an evidentiary hearing, this Court granted Mr. Lay's Petition for Writ of Mandamus and ordered Warden Farris to initiate the competency proceedings herein.

5. On December 6, 2021, this Court entered an Agreed Order Staying Execution, staying Mr. Lay's execution pending adjudication of his competency to stand trial.

6. On March 15, 2022, Warden Farris notified Pittsburg County District Attorney Chuck Sullivan that he had good reason to believe Mr. Lay had become insane, per the procedures



of §§ 1005-1008. On the same day, District Attorney Sullivan petitioned this Court to set this matter for jury trial.

7. On January 14, 2023, the Oklahoma Court of Criminal Appeals granted the Oklahoma Attorney General's request to reset execution dates for several Oklahoma death row inmates, setting Mr. Lay's execution date for June 6, 2024.

8. On March 8, 2023, this Court entered a Scheduling Order setting this matter for jury trial on the Court's May 2024 docket. This Order replaced a previous Scheduling Order that had set the matter for the Court's May 2023 jury docket.

9. Mr. Lay was competent when tried. *Lay v. Royal*, 860 F.3d 1307, 1314-15 (10th Cir. 2017).

10. In the course of federal habeas corpus proceedings, the federal district court in March 2011 ordered the Federal Bureau of Prisons to examine Mr. Lay. *See* Order Granting Evidentiary Hr'g and Ordering Evaluation at 3, *Lay v. Workman*, 4:08-cv-617-TCK-PJC (N.D. Okla. Mar. 8, 2011) (Doc. No. 50).

11. Board-certified clinical psychologist Dr. Richard DeMier, Ph.D., ABPP, then in the employ of the Federal Bureau of Prisons Medical Center for Federal Prisoners, evaluated Mr. Lay at the Medical Center pursuant to the federal court's order. He evaluated Mr. Lay between May 19 and June 20, 2011. Dr. DeMier issued a report on June 30, 2011, diagnosing Mr. Lay with schizophrenia, paranoid type, and finding that Mr. Lay was not competent to proceed in federal habeas. Mr. Lay's federal habeas proceedings nonetheless continued following an intervening change in United States Supreme Court law. Dr. DeMier's 2011 report was filed with this Court in support of Mr. Lay's Petition for Writ of Mandamus following the federal district court's October 14, 2021, order unsealing the report.

12. Dr. DeMier, having retired from federal service and entered private practice, evaluated Mr. Lay at defense counsel's request on September 21, 2021. He issued a report on October 8, 2021, filed with this Court in support of Mr. Lay's Petition for Writ of Mandamus, concluding that Mr. Lay meets the diagnostic criteria for schizophrenia and finding Mr. Lay incompetent for execution. Dr. DeMier concluded that Mr. Lay "lacks a rational understanding of the reason Oklahoma seeks his execution."

13. By agreement and without objection, Dr. DeMier's report of October 8, 2021, is admitted into evidence as Court's Exhibit 1. The parties stipulate that Dr. DeMier would testify in conformity with his written report from 2021, and that the same may be considered as evidence of Mr. Lay's present incompetency to be executed in this proceeding.

14. Most recently, Mr. Lay was evaluated by Dr. Scott Orth, Psy.D., a licensed psychologist, who is employed by the Oklahoma Department of Mental Health and Substance Abuse Services as the Director of Forensic Psychology at the Oklahoma Forensic Center in Vinita, Oklahoma. Dr. Orth's evaluation was conducted pursuant to this Court's Agreed Order for Competency Evaluation, which was entered January 9, 2024. The purpose of the evaluation was to obtain a current opinion as to Mr. Lay's competence to be executed. Dr. Orth conducted the evaluation at the Oklahoma Forensic Center on February 1, 2024, and he prepared a written report of his evaluation, which is dated February 22, 2024. In summary, Dr. Orth found that Mr. Lay's current mental state renders him presently incompetent to be executed. Dr. Orth, like Dr. DeMier, concluded that Mr. Lay does not currently "have a rational understanding as to the reason for his execution, i.e., that he was convicted of murder."

15. By agreement and without objection, Dr. Orth's report of February 22, 2024, is admitted into evidence as Court's Exhibit 2. The parties stipulate that Dr. Orth would testify in

conformity with his written report and that the same may be considered as evidence of Mr. Lay's current incompetence to be executed.

16. The available evidence demonstrates, by a preponderance or greater weight of the evidence, that Mr. Lay is currently incompetent to be executed according to the governing legal standards of *Ford v. Wainwright*, 477 U.S. 399 (1986), and *Panetti v. Quarterman*, 551 U.S. 930 (2007).

17. Oklahoma law, the Eighth Amendment to the United States Constitution, and the Due Process clause of the Fourteenth Amendment to the United States Constitution forbid the execution of incompetent/insane persons.

18. Pursuant to the foregoing constitutional and statutory provisions, and given Mr. Lay's present state of incompetence, the Court finds that Mr. Lay may not be executed at this time.

19. By statute, having found Mr. Lay presently incompetent to be executed, this Court is required to "order the Department of Mental Health and Substance Abuse Services to provide, where the defendant is currently incarcerated, treatment, therapy or training which is calculated to allow the defendant to be restored to his or her sanity such that the defendant is able (1) to have a rational understanding as to why he or she is being executed and (2) to have a rational understanding that he or she is to be executed and that execution is imminent." 22 O.S.2021, § 1007. Section 1007 permits the Department of Mental Health and Substance Abuse Services to designate another entity with qualified personnel to provide restoration services on behalf of the Department. *Id.*

20. The statutes that control this proceeding were repealed on November 1, 2022, and replaced by a statute that requires any inmate found presently incompetent to be executed to be "reexamined after a reasonable period, not to exceed four (4) months, by a qualified forensic

examiner or examiners as necessary to determine whether the person remains mentally incompetent to be executed.” 22 O.S.Supp.2022, § 1005.1(L). The Court finds it unnecessary to determine at this time whether, after entering this finding of present incompetence, future proceedings in Mr. Lay’s case will be controlled by the now-repealed provisions of §§ 1005-1008 or by § 1005.1. Under either statutory scheme, it is plain that the Legislature intends for efforts to be made to restore an inmate’s competence to be executed and for that process to be monitored for a resumption of competence.

21. This Court therefore finds that the Oklahoma Department of Mental Health and Substance Abuse Services must coordinate with the Oklahoma Department of Corrections (and, if the Department of Mental Health and Substance Abuse Services so wishes, another entity with personnel qualified to provide restoration services) in order to formulate a plan of treatment designed to restore Mr. Lay to competence.

22. This Court further finds that this Court should be provided, within three months from the date of entry of this order, with a detailed copy of the restoration plan and detailed information regarding Mr. Lay’s progress, if any.

23. To ensure the treatment and status of Mr. Lay’s return to competency, the treating entity shall provide periodic reports to this Court every thirty (30) days setting forth the treatment provided and any progress in the restoration of competency.

24. Finally, Mr. Lay’s competence shall be reevaluated, and a report indicating whether Mr. Lay has regained competence shall be submitted to this Court, no later than six months after a copy of the restoration plan is provided to this Court.

**THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED** that upon the evidence submitted by agreement of the parties and for good cause shown, Wade Greeley Lay,

DOC #516263, is deemed presently insane and/or incompetent to be executed according to the governing legal standards in *Ford v. Wainwright*, 477 U.S. 399 (1986), and *Panetti v. Quarterman*, 551 U.S. 930 (2007). Mr. Lay may not be executed while in this present state of incompetence.

This Court orders the State to provide a copy of this Order to the Oklahoma Court of Criminal Appeals within three business days of its entry.

This Court further orders the Oklahoma Department of Mental Health and Substance Abuse Services to immediately coordinate with the Oklahoma Department of Corrections (and, if the Department of Mental Health and Substance Abuse Services so wishes, another entity with personnel qualified to provide restoration services) in order to formulate a plan of treatment designed to restore Mr. Lay to competence. Once a plan is devised, the Oklahoma Department of Mental Health and Substance Abuse Services (or the entity designated by the Department) and the Oklahoma Department of Corrections are ordered to implement the plan, monitor Mr. Lay's competence, and make adjustments to the plan as needed.

This Court further orders the Oklahoma Department of Mental Health and Substance Abuse Services to provide, within three months from the date of entry of this order, a detailed copy of the restoration plan and detailed information regarding Mr. Lay's progress, if any. This Court will issue a further order after consideration of this information.

This Court further orders that the treating entity shall provide periodic reports to this Court every thirty (30) days setting forth the treatment provided and any progress in the restoration of competency.

Finally, Mr. Lay's competence to be executed shall be reevaluated by the Oklahoma Department of Mental Health and Substance Abuse Services, and a report indicating whether Mr.

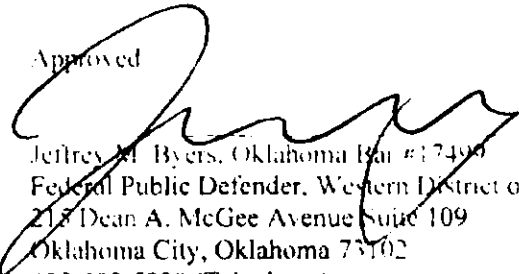
Lay has regained competence shall be submitted to this Court, no later than six months after a copy of the restoration plan is provided to this Court.



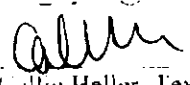
DISTRICT JUDGE



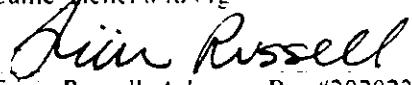
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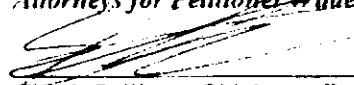


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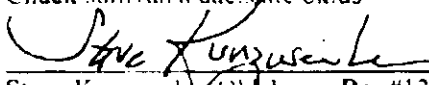


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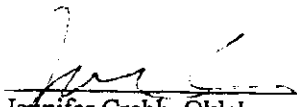
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**ORIGINAL**



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

JAMES CHANDLER RYDER,

Appellant,

v.

THE STATE OF OKLAHOMA,

Appellee.

No. D-2000-886

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

APR - 2 2024

JOHN D. HADDEN  
CLERK

**ORDER STAYING EXECUTION**

On March 29, 2024, the State of Oklahoma, by and through Gentner F. Drummond, Attorney General of the State of Oklahoma, filed with the Clerk of this Court a *Notice of District Court's Finding of Incompetency*. Pursuant to an order issued by this Court on December 22, 2023, this matter was remanded to the District Court of Pittsburg County for an evidentiary hearing on the issue of Appellant's competency to be executed pursuant to 22 O.S.Supp.2022, § 1005.1(K). Appellant's execution was stayed for one hundred days (100) days from the issuance of the Order or until March 31, 2024.

After an evidentiary hearing held on March 25 and 26, 2024, the Honorable Michael W. Hogan, District Judge, found that Appellant had met his burden of showing his incompetence to be executed by a



preponderance of the evidence. See 22 O.S.Supp.2022, § 1005.1(K).

Pursuant to 22 O.S.Supp.2022, § 1005.1(L), if the trial court finds that the defendant is mentally incompetent to be executed, and issues notice of such, together with its findings, to this Court, this Court shall issue a stay of execution. “Upon issuance of such stay, the trial court shall order that the inmate be reexamined after a reasonable period, not to exceed four (4) months, by a qualified forensic examiner or examiners as necessary to determine whether the person remains mentally incompetent to be executed. If the trial court finds that the person is competent to be executed, the warden shall proceed to execute the judgment as certified in the warrant.”

Title 22 O.S.Supp.2022, § 1005.1(M) provides that if the defendant “is found to be mentally incompetent to be executed, the Department of Mental Health and Substance Abuse Services shall determine through consultation with the Department of Corrections, the place for the person to be held for safe confinement until his or her competency is restored. The trial court shall order the Department of Mental Health and Substance Abuse Services to provide treatment, therapy, or training for the person to achieve competency. The Department of Mental Health and Substance Abuse Services may designate an entity with qualified

personnel to provide competency restoration services on behalf of the Department.

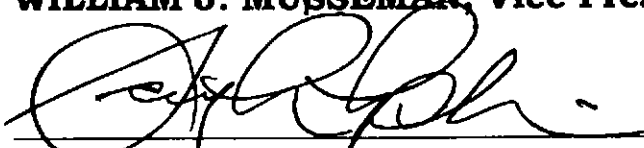
In addition to other statutorily required reporting, and to ensure the treatment and status of Appellant's return to competency under the statutory procedures, the treating entity shall provide periodic reports to the District Court and this Court every thirty (30) days setting forth the treatment provided and any progress in the restoration of competency.

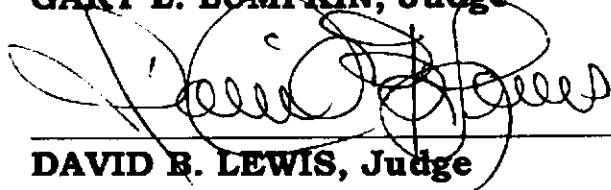
**IT IS THEREFORE THE ORDER OF THIS COURT** that the execution be stayed until further order of this Court.

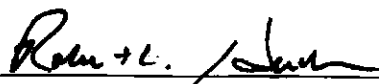
**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this  
2 day of April, 2024.

  
\_\_\_\_\_  
**SCOTT ROWLAND, Presiding Judge**

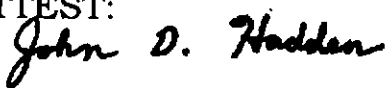
  
\_\_\_\_\_  
**WILLIAM J. MUSSEMAN, Vice Presiding Judge**

  
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**GARY L. LUMPKIN, Judge**

  
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**DAVID B. LEWIS, Judge**

  
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**ROBERT HUDSON, Judge**

ATTEST:



\_\_\_\_\_  
Clerk



**ORIGINAL**



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

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

MAY 24 2024

JOHN D. HADDEN  
CLERK

**WADE GREELY LAY,**

**Appellant,**

**v.**

**THE STATE OF OKLAHOMA,**

**Appellee.**

**Case No. D-2005-1081**

**STAY OF EXECUTION**

The Attorney General has notified us of the resolution of the competency-to-be-executed proceeding of death row inmate Wade Greely Lay, whose execution is set on June 6, 2024.<sup>1</sup> The parties recently entered a stipulation in the District Court of Pittsburg County, Case No. CV-2021-224, that the available evidence shows that Lay is incompetent to be executed. The Honorable Tim Mills, Associate District Judge, accepted the stipulation and entered an Order, on May 9, 2024, finding that Lay is presently incompetent to be executed. The Order directs that Lay undergo treatment to restore

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<sup>1</sup> Lay instituted the proceeding challenging his competency to be executed in late 2021. On December 6, 2021, the district court entered an Agreed Order Staying Execution pending adjudication of Lay's competency challenge.

competency and provides timelines with periodic progress reporting to the court. The Order acknowledges that the statutes that control competency-to-be-executed proceedings (22 O.S.2011, §§ 1005-1008) were repealed on November 1, 2022, during the pendency of the proceeding adjudicating Lay's competency, and were replaced with 22 O.S.Supp.2022, § 1005.1. The district court found it unnecessary to determine whether future proceedings in Lay's case will be controlled by the now-repealed provisions in Sections 1005-1008 or by the newly enacted Section 1005.1.<sup>2</sup>

We find Lay's case and all future proceedings shall be governed by Section 1005.1. The statutory right to a jury trial Lay enjoyed under the now repealed Section 1005 when he initiated this proceeding is no longer at issue. The directives outlined in Section 1005.1 are procedural and now control. *See Dobbert v. Florida*, 432 U.S. 282, 292 (1977) (holding death penalty sentencing statute enacted after crimes but before trial was procedural and could be applied to defendant); *Salazar v. State*, 1993 OK CR 21, ¶¶ 34, 37, 852 P.2d 729, 737, 739 (holding addition of life without parole

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<sup>2</sup> The Attorney General believes the proper course is to continue all proceedings under Sections 1005-1008.

sentencing option enacted after commission of crime but before trial was procedural change that applied to defendant); *State v. Watkins*, 1992 OK CR 50, ¶ 5, 837 P.2d 477, 478 (observing procedural statutes which do not create, enlarge, diminish, or destroy vested rights are generally held to operate retroactively); *Cartwright v. State*, 1989 OK CR 41, ¶ 11, 778 P.2d 479, 482-83 (holding amended statute, which allowed appellate court to set aside death sentence for sentencing stage error and remand for resentencing by trial court, is procedural change that could be applied retroactively).

Because Lay's competency proceeding was initiated under the now repealed statutes in Sections 1005-1008 and will now be governed by Section 1005.1, we address two housekeeping matters. First, under Section 1005.1, proceedings involving the competency of death row inmates to be executed are to be conducted in the court where the inmate was originally tried and sentenced. 22 O.S.Supp.2022, § 1005.1(F) & (N). Hence, this case must be remanded to the District Court of Pittsburg County with instructions to transfer the record in Case No. CV-2021-224 to the District Court of Tulsa County, where Lay was originally tried, for orders,

monitoring, and any future hearings in compliance with Section 1005.1.

Second, under Section 1005.1(L), the Court of Criminal Appeals shall issue a stay of execution upon notice a death row inmate is incompetent to be executed. As noted above, Judge Mills entered an Agreed Stay of Execution on December 6, 2021, in the District Court of Pittsburg County, Case No. CV-2021-224. That stay must be dissolved and replaced with a stay from this Court.

**IT IS THEREFORE THE ORDER OF THE COURT** that this case be **REMANDED** to the District Court of Pittsburg County with instructions to transfer the record in Case No. CV-2021-224 to the District Court of Tulsa County for orders, monitoring and any future hearings in this matter in compliance with 22 O.S.Supp.2022, § 1005.1. Specifically, the District Court of Tulsa County shall issue an order pursuant to Section 1005.1(L) that Lay be reexamined after a reasonable period, not to exceed four (4) months, by a qualified forensic examiner(s) to determine whether he remains mentally incompetent to be executed.

The Agreed Stay of Execution entered on December 6, 2021, in Pittsburg County, Case No. CV-2021-224 is **DISSOLVED**.

The execution of death row inmate Wade Greely Lay is hereby **STAYED** until he is competent to be executed. 22 O.S.Supp.2022, § 1005.1(L).

**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this

24<sup>th</sup> day of May, 2024.

Scott Rowland  
**SCOTT ROWLAND, Presiding Judge**

RECUSED  
**WILLIAM J. MUSSEMAN, Vice Presiding Judge**

Gary L. Lumpkin  
**GARY L. LUMPKIN, Judge**

David B. Lewis - concur  
**DAVID B. LEWIS, Judge**

Robert L. Hudson  
**ROBERT L. HUDSON, Judge**

ATTEST:

John D. Hadden  
Clerk