

IN THE SUPREME COURT OF THE UNITED STATES

---

WADE GREELY LAY,  
*Petitioner,*

vs.

CHRISTE QUICK, Warden,  
*Respondent.*

---

RESPONDENT'S APPENDIX TO BRIEF IN OPPOSITION

---

Respectfully submitted,

GENTNER F. DRUMMOND  
ATTORNEY GENERAL OF OKLAHOMA

s/ JOSHUA R. FANELLI\*  
JOSHUA R. FANELLI, OBA #33503  
ASSISTANT ATTORNEY GENERAL

OKLAHOMA ATTORNEY GENERAL'S OFFICE  
313 N.E. Twenty-First Street  
Oklahoma City, Oklahoma 73105  
(405) 521-3921 (Voice) | (405) 522-4534 (Fax)  
joshua.fanelli@oag.ok.gov

ATTORNEYS FOR RESPONDENT

\* Counsel of Record

Dated: July 30, 2024

## INDEX TO RESPONDENT'S APPENDIX

### APPENDIX 1

#### Petitioner's Complaint with Attachments,

*Lay v. Quick*, Case No. CIV-23-858-J,  
United States District Court for the Western District of Oklahoma,  
Filed: September 25, 2023 ..... 001-042

### APPENDIX 2

#### Order Transferring Action,

*Lay v. Quick*, Case No. CIV-23-858-J,  
United States District Court for the Western District of Oklahoma,  
Filed: September 27, 2023 ..... 043-044

### APPENDIX 3

#### Petitioner's Motion for Evidentiary Hearing and Motion for Stay,

*Lay v. Quick*, Case No. 23-326-Raw-DES,  
United States District Court for the Eastern District of Oklahoma,  
Filed: October 30, 2023 ..... 045-110

### APPENDIX 4

#### Opinion and Order,

*Lay v. Quick*, Case No. CIV 23-326-Raw-DES,  
United States District Court for the Eastern District of Oklahoma,  
Filed: October 31, 2023 ..... 111

## APPENDIX 5

### *Petitioner's Notice of Appeal,*

*Lay v. Quick*, Case No. CIV 23-326-Raw-DES,

United States District Court for the Eastern District of Oklahoma,

Filed: November 27, 2023 ..... 112-115

## APPENDIX 6

### *Order to Show Cause,*

*Lay v. Quick*, No. 23-7085,

United States Court of Appeals for the Tenth Circuit,

Filed: November 28, 2023 ..... 116-119

## APPENDIX 7

### *Order Dismissing Appeal,*

*Lay v. Quick*, No. 23-7085,

United States Court of Appeals for the Tenth Circuit,

Filed: December 28, 2023 ..... 120

## APPENDIX 8

### *Letter of Dismissal,*

*Lay v. Quick*, No. 23-7085,

United State Court of Appeals for the Tenth Circuit,

Filed: December 28, 2023 ..... 121

## APPENDIX 9

### Docket Sheet,

*Lay v. Quick*, Case No. CIV 23-326-Raw-DES,

United States District Court for the Eastern District of Oklahoma,

..... 122-123

## APPENDIX 10

### Notice of District Court's Finding of Appellant's Incompetence to be Executed with Attachments,

*Lay v. State of Oklahoma*, Case No. D-2005-1081,

Oklahoma Court of Criminal Appeals,

Filed: May 9, 2024 ..... 124-166

## APPENDIX 11

### Order Staying Execution,

*Lay v. State of Oklahoma*, Case No. D-2005-1081,

Filed: May 24, 2024 ..... 167-171

P.C. 1

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

WADE LAY,

PETITIONER,

**FILED**

SEP 25 2023

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

V.

CHRISTIN QUICK,

WARDEN AT O.S.P.,

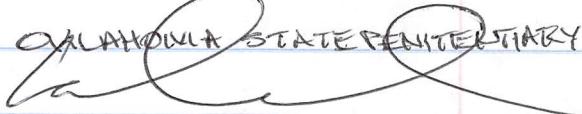
RESPONDENT.

DEATH PENALTY CASE

IMPEDIMENT CLAUSE IMPETUS

28 OSC § 2244 AND 28 OSC § 2255

WADE GREENLY LAY # 616263

OKLAHOMA STATE PENITENTIARY  


DATE:

P.O. Box 97

PRO-SE

MCALISTER, OKLA. 74502

RCW 22

6. COME now MADE 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 OPPORTUNITY.

MADE LAY IS ON THE LAST STRETCH OF A

LONG JOURNEY, ONE FILLED WITH TURMOIL

AND IMPROPERITY BY GOVERNMENTAL ACTORS.

2. LAY HAS NOWHERE ELSE TO TURN. IT IS THIS

COURT WHICH SET UP THE CONDITIONS

LEADING TO THE "COMPETENCY TO BE

EXECUTED TRIAL". THE FACTS WILL SHOW,

ES.P. HAS CAUSED AN UNPRECEDENTED FOR LAY TO PARTICI-

PATE IN THE UPCOMING TRIAL, ALONG WITH

PL. 3

2. AN IMPEDIMENT TO FILED A WRIT OF HABEAS

CORPUS FOR FIFTEEN YEARS. CONGRESS HAS

ANTICIPATED THIS ENCROACHMENT, AND HAS

PROVIDED A REMEDY.

3. THE U.S.D.C. E.D.OK. HAS ERROREOUSLY

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 FORMATT PAUPERIS FORMS, AND

ASK THE COURT TO ASSIGN A CASE NUMBER.

O.S.P. PRISON OFFICIALS HAVE BEEN A PRINCIPAL

IMPEDIMENT FOR YEARS, SINCE 2008.

Page 4

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

5. PLEASE FULFILL THESE REQUESTS.

RESPECTFULLY SUBMITTED  
MADE LAY AT 105 P.

P.O. BOX 97

MCALISTER, OK. 74502

PLAINTIFF

TO: CHIEF JUDGE U.S.D.C. W.D. OKLA.

WADE LAY HAS SEVERAL MONTHS TO PREPARE FOR  
TRIAL - IN re: Wade Greely ~~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 TERROR, THE MATERIALE IS CLEAR.

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

10/21/23

SUPERIOR WADE LAY

120887128

EXHIBIT 3  
Loy V. Quack  
10/21/23  
C

PC-1

IN THE OKLAHOMA COURT OF CRIMINAL APPEALS

In re: Wade Greely Lay

CASE NO. ~~NA~~ - 23 - 175

(DC. CASE NO. 21-224)

Pursuant to: Ford V. Wainwright  
(COMPETENCY TO BE EXECUTED TRIAL)

PRO-SE

DATE: 9/18/23



Wade Lay  
Notary

WADE GREELEY LAY

AT O.S.P.

P.O. BOX 97

MCALISTER, OKLA. 74502

9/18/23  
Date

128882128

PG. 2

1. IN 28 USC § 3 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 OR HAGENS CORPUS INEFFECTIVE. THOSE PROVISIONS, I.E., § 3 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 MADE LAW RECOGNIZE OFFICIALS IN HEY V. OTTO, CR-12-888-D, IN 2012, TO THE UNITED STATES DISTRICT COURT FOR THE WESTERN DIST.

128887128

PL 3

2. OF OREGONIA (S.D. ED/OK.). IT IS WITHIN THIS COLLECTIVE  
INTERACTION IN TWO EVENTS THAT ARE SEPARATED BY  
THIRTEEN (13) YEARS FILLED WITH SIMILAR COLLABORATIONS  
BEGINNING IN 2008 CONCERNING 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 ILLICIT ACTION BY O.S.P. AND THE F.P.D. IS WELL DOCUMENTED IN *Lay 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 DENYED WADE LAY DUE PROCESS,  
SUBSEQUENTLY USING SUBORDINATE STAFF (SOT. WILBRAHKS)  
TO DECEIVE WADE LAY, DROPPING HIS PROPERTY OVER HIS  
HEAD, PROPERTY TAKEN AS PUNISHMENT BEFORE A HEARING,

12882128

PG 4

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

4. THE TRUTH OF THE MATTER IS, THE TRIAL, THE  
CASE - In re: Wade Gately lay, 31-224, 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

1208828

PG. 5

4. FACTS AT THE ORIGNAL TRIAL IN 2005. (May 1.

State, (c-2004-2320).

5. THE TRUTH IS, THE ILLICIT AND IMMORAL ACTS  
BY PRISON OFFICIALS, LIKE MISS CHRISTI QUICK  
(WARDEN AT OSOP), AND MR. KINSEY (SECURITY CHIEF),  
ARE A PRODUCT OF THE NATIONAL GOVERNMENT.  
POWERFUL SOURCES PRIMARILY ENERATED 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 POWERS FOR  
SUCH PRISON OFFICIALS AS SGT. WILBACKS, OFFICER  
OREGAN, AND OFFICER MURKIN, CAN OFFICIAL LIST

28882128

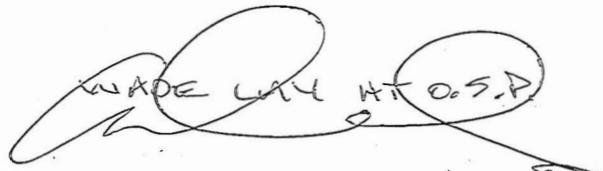
PL-6

6. WILL FOLLOW), AND PROTECTIVE ORDER TO ALLOW  
MADE UP THE MEANS AND ABILITY TO DEFEND  
HIS NEUTRAL STATE AND PROVE THE CONSPIRACY  
CAUSING THE INDEBTEDNESS. (SUCH AS A TESTIMONY  
OF LAW'S PROPERTY).

7. THIS APPEAL IS RESPECTFULLY SUBMITTED THIS

DAY OF

, 2023.

  
WADE CARR AT O.S.P.  
P.O. BOX 47  
MCALISTER, OK. 74502

CCA

PC. 1

IN THE ~~Supreme Court~~~~THE PITTSDURGH COUNTY COURT~~

STATE OF OKLAHOMA

IN RE: WADE GREENE LAY  
CASE NO. 21-224/ ~~SHOULD BE~~  
Lay v. O.D.O.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 INCOMPETENT. 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. VIOLATE LAY'S RIGHTS, VIOLATING FUNDAMENTAL  
LAWS, SUCH AS DUE PROCESS.THE CASE Lay v. O.D.O.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.

WADE GREENE LAY

O.S.P.

Pop. Box 97 10/6/23  
MCALISTER, OK 74502Notary  
Date  
9/5/23

PG. 7

1. THIS PLEADING IS IN RECDRD TO THE COMPLAINT

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

Wadeley v. Oklahoma Dept of Corrections, and  
Securus Corporation.

2. IN THE COMPLAINT LAY PRACTICES 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 CONSTITUTIONAL

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 ILLEGIT MELLET.

PCu3

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  
(LAWYER'S SISTER), HE EXPRESSES TO  
MISS FLEMING THE NEGLECT BY O.S.P.  
IN DEPRIVING PRISONERS OF THE KICHTT  
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

\* YEAR. ON DEC. 30 OF 2022, LAW WRITES

\* REQUEST TO STAFF (RIS) TO H-OUT  
22-4467

MGR. CHANALEY, DESCRIBING A STRATEGY

THAT IS NOTICEABLE, IMPLEMENTED BY

ADMINISTRATORS AT O.S.P., ONE THAT WAS

ORIGINATED BY THE PRISON IN 2010 TO DEPRIVE

PRISONERS ACCESS TO YARD. LAW STATES

IN 2010,

THAT THE PATTERN OF BEHAVIOR IS IDENTICAL

IN THEIR ATTEMPT IN 2023 TO DESTROY A

PRISONERS 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

T.O.

\*) SEE EXHIBIT 219-A

PC-5

5. ~~REIN~~ 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 D.O.C. WAS SIMPLY TO DISREGARD THE

PURPOSE OF THE ACTIVITY, FOR PRISONER TO

ENJOY ONE HOUR OF SUNLIGHT, FOR HUMAN

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

TO PUT MEN OUT TO YARD IN THE MIDDLE OF

IN THEIR BOXERS,

THE NIGHT, IN THE WINTER, THROWN ON THEIR

CLOTHES onto the ice concrete.

THIS ABUSIVE TACTIC WORKED. PARTICIPATION

IN YARD QUICKLY DROPPED FROM 30 PRISONERS

PC-6

6: To 3 or 4.

To IN NOVEMBER OF 2022, THROUGH FEBRUARY

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

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

THIS TACTIC IS EQUALLY SUCCESSFUL, IN THE

WELL DESIRE TO GREATLY REDUCE

PARTICIPATION IN SHOWERS. AFTER RECEIVING

COMPLAINTS, EVEN FROM THEIR OWN OFFICERS,

THE HOT WATER IS TURNED BACK ON, BUT

\* FIVE MONTHS LATER, SHOWERS ARE PUT

INTO SUCH A PRECARIOUS SCHEDULE, MANY

TIMES SKIPPED ALTOGETHER, PRISONERS

'GIVE UP ON THE NOTION, DRINK 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. While

law 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,

targetting the 4<sup>th</sup> side of Southwest Quad,

the side of the quad where law 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

PK 8

9. ARE BEING DONE. THIS CHAOTIC STATE

HAS ENDURED FOR A VERY LONG TIME,

SO WHEN BHOUDA 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

WORSENED, MISS FLEMING TOLD

MISS KEMP, WHATE LAY WOULD HAVE

TO FILE A R.T.S., WHICH IS THE

EQUVALENT OF SAYING "SCREW YOU".

REQUEST TO STAFF ARE IGNORED, OR

ANSWERED WITH AN INCOHERENT

PG. 9

9. RESPONSE.

10. THIS REPEATED, LONG TERM DEPRIVATION

TURNED INTO HOSTILITY. BECAUSE

HYGIENE / SHOWER, IS EXTREMELY

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

ALWAYS DONE, WHAT LAW TOOK THIS

COURT THEY HAVE DONE FOR YEARS.

THEY USE MISCONDUCT CHARGES TO

SUPPRESS A PRISONER'S ABILITY TO

PURSUE HIS RIGHTS. THAT IS WHY

THE PRISONER USED SHOWERS TO

PROVOKE, THEY KNEW MADE LAW

WAS ALREADY UPSET ABOUT SECURITY

AND DPL STEALING HIS 2800

PC, 10

01 PAGES, PREPARATIONS FOR TRIAL.

11. WADE LAY WAS USING THE Ford v. Wainwright

OPINION TO PREPARE HIS CASE TO DEFEND HIS

RIGHTS. WHEN MISS QUACK (WARDEN AT O.S.P.),

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

FILED BY THE FEDERAL PUBLIC DEFENDER (F.P.D.).

WADE LAY HAS NOT YET FILED A WRIT OF HABEAS

CORPUS. THIS COMPETENCY TRIAL HAS NO JURIS-

DICTIONAL AUTHORITY, PURSUANT TO 28 USC

§ 2244, AND § 2255.

11.0.

\* THE UNPREDICTED TO FIGHT A VICT CLAUSES  
STATE AND FEDERAL ACTORS.

2. OKLAHOMA STATE PENITENTIARY HAS BEEN

ALLEGED TO SET LAY UP FOR THIS JUDICIAL

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

PUT MR. KIRBY IN THE POSITION OF H-UNIT

MAN. AT O.S.P. UNA'DE LAY WAS A PROSE

PLAINTIFF IN THE LETHAL INJECTION CASE -

Ca (0554) v Chandler, CR-14-665-F. MR. KIRBY

AS W-UNIT MGR, LED A PLOT TO SET ME UP FOR

\* MISCONDUCT CHARGED THROUGH OFFICER HOOD.

HOOD WOULD NOT ALLOW LAY TO HAVE THE

PHONE TO MAKE LEGAL CALLS, HE WOULD TELL

LAY TO GET THE PHONE FROM PRISONERS.

MRS. KIRBY MADE SEVERAL PROMISES, EVEN

INCLUDING A PROMISE, THAT: THE PHONE WOULD

① MR. KIRBY IS NOW SECURITY CHIEF, THE ONE WHO  
INSTIGATED THE BOOKS MISCONDUCT.

FC 12

12. BE CONTROLLED BY PRISON STAFF FOR FAIR

AND EQUITABLE ACCESS, AS DICTATED BY

PRUDY. THE PROMISES WERE QUICKLY ABAND-

ONED, AND IT IS CLEAR WERE DESIGNED TO

CREATE A CONFLICT.

13. OFFICER HOOD 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. KURTIS

SEPARATES HIM FROM EVERY OTHER SOURCE

OTHER THAN THE E.P.D., WITH A THREAT OF A 365

DAY WRITE UP AND SANCTION, IF HE DID NOT SIGN

Pw 13

A CO-DAT GUILTY PLEA WITH A 90 DAY SENTENCE.  
 (SEE DOC. NO. 128882121 4 PAGES)

14. O.S.P. HAS ONCE AGAIN ENGAGED IN ACTIONS  
 WHICH EFFECT MADE LAY'S ABILITY TO PREPARE  
 FOR TRIAL. MADE 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  
 COVERED FOR 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 DISC.  
 COURT, THE OKLA. SUP. CT., AND THE  
 OCC.A., A PART OF THE CONSPIRACY?

15. THOSE ARE THE QUESTIONS!



RESPECTFULLY

MADE LAY AT O.S.P.

3rd Page 95/23  
 Notary Date

PO Box 97

McALESTER, OK 74402

10/1/23

PC. i

## OCCA

IN THE SUPREME COURT STATE OF OKLAHOMA

In re WADE GREELEY, LAY

CASE NO. 21-224

## 1. TO THE CHIEF JUSTICE COURTS:

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 HOMAGE 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,

PC-2

3. A CAPITAL CASE WHERE FRAUDULENT FILINGS 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 O.S.D.C. E.D. /OK HAS PRODUCED FRAUDULENT CLAIMS OF FRUOLOUS CHARGES AND APPEALS. FURTHERMORE, THE DIRECTOR OF OKLA. INDIGENT DEFENSE SYSTEM LIES, EXCEPTING SHE FILLED OUT THE i.f.p. FOR THE FEDERAL HABEAS CASE NO. CN-08-617-TEX-PJC. (SEE EXHIBITS 854-C, AND 854-D, IN *Lay v. O.D.O.C. (18001)*). FILED IN THIS COURT.

5. IT IS EASY TO ASCERTAIN THAT IT IS NAWROT JOYCE (O.S.P. TRUST FUND) WHO FILES OUT THE i.f.p., AND THAT CHRISTI CHRISTOPHER (DIR. AT O.I.D.S.) IS LYING. (SEE EXHIBIT 854-A IN *Lay v. O.D.O.C. (18001)*). 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 BOSUS MISCONDUCT. JUST AS HE DID IN JUNE OF 2021, SETTING UP THE CIRCUMSTANCES LEADING TO THIS TRIAL SET FOR MAY OF 2024.

PC 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 - CV-14-665-F, JUDGE FRUIT IN THE U.S.D.C. W.D. OK. THIS IS REMINISCENT OF O.S.P. WARDEN ROYAL, AND DEP. WARDEN COOPER, WARDEN STENDING \$400<sup>00</sup> TO THE U.S.D.C. W.D. OK., TO DESTROY WADDE LAY'S LAWFUL FILED CERTIORARI PETITION Lay v. O.D.O.C. 19-5942. (SEE DKT# 66, Lay v. O.D.O.C. CV-17-224-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, POSITIONING HIM BEFORE THE HEARING, ALLOWING A PRISON OFFICIAL (KIRBY) WHO IS DIRECTLY INVOLVED, & THE PERSON COMPLAINING ABOUT THE SO-CALLED "PRISONER ADVOCACY AGENT" (NICOLE FLEMING) TO INVESTIGATE THE MISCONDUCT REPORT.

8. THE TRUTH OF THIS TRAIL, IS THAT, THE STATE COURTS ARE ACTUALLY, EVEN ACTIVELY PARTICIPATING IN A FRAUDULENT PRACTICE TO CENSOR

PL 4

BY U.S. CITIZENS 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!

COURT

10. THIS SUPREME'S HOLD ENBRACE ARTICLE VI,  
 WHICH IN THE JUSTICES STAND EXAMINE ~~MERLIN~~  
 J. HENDERSON'S Lessee, 14 U.S. 304 (1816). LOOK AT JUDGE  
 WILLIAM JOHNSON'S CONCERNING OPINION. HE WRITES:  
 "THE WORDS, 'SHALL EXTEND TO,' <sup>†</sup> NOW THAT WHICH  
 EXTENDS TO DOES NOT NECESSARILY INCLUDE IN,  
 SO THAT THE CIRCLE MIGHT ENLARGE UNTIL IT REACHES  
 THE OBJECTS THAT LIMIT IT, AND YET NOT TAKE  
 THEM IN." (P.N. & READS "ARTICLE VI, SECTION 2, CLAUSE 1").

Pca 5

12. THIS PROFOUND STATEMENT BY JUSTICE THOMAS,  
 (REFERNED 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 THESE IN PURS-  
 UANCE TO THE U.S. CONSTITUTION, OR IS THERE  
 A DESIGN DISPLAYED TO REDUCE US TO DESPOT-  
 ISM?

13. IT APPEARS THE STATE COURTS INVOLVED IN THIS  
 CASE IN '77 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; FOR WHEN I MEET WITH  
 THE STATE'S PSYCHIATRIST YOU MUST SANCTION  
 THIS RECKLESS AND IRRESPONSIBLE JUDGMENT  
 (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. MARDEE)  
 IS SANCTIONED. I WILL NOT COMM-  
 UNICATE WITH EITHER SIDE IN  
 THESE TRIAL PREPARATIONS.

RESPECTFULLY YOURS,



O.S.P.

D.O. BOX 97

308 Page 91523  
 Notary Date  
 McAlester, OK 74502

PL. 10815

OKCA  
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 GREENE, LAY #516263  
OKLAHOMA STATE PENITENTIARY  
P.O. Box 97  
MCLESTER, OKLA. 74502

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 CONSTI-  
TUTION, AND IS SUPERSEDED BY THE RESERVED POWERS  
ACT OF OKLAHOMA. (SEE 74 OKLA. ST. ANN. § 18B, 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 VIOL-  
ATION 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: "WHALE LAY APPEARS

PC: 30613

3. "ON THE OKLAHOMA REGISTRY OF FERNICIOUS OR NAKU-

OUS APPEALS THREE TIMES,"; TO THE CONTRARY, THE

DOCUMENTS REVEAL THAT THE CLAIM IS FALSE.

4. IT IS SIMPLE TO SEE, THAT *Hay v. Oklahoma Dept. of*

*Corrections, et. al.*, CIV-18-481-RAW-SPS, IS REGISTERED TWICE

BY THE U.S.D.C. E.D.OK., AS BEING FERNICOUS, WHEN IN

ACTUALITY IT COULD ONLY BE REGISTERED ONCE, AS IT

IS THE FIRST JUDGEMENT AND ORDER (DOC. NO. EX-810)

WERE RENDERED ON AN INOPERATIVE PLEADING (DOC. NO. 12)

AND REMANDED BACK TO THE E.D. COURT FOR RECONSIDER-

ATION.

5. ADDITIONALLY, EVEN THOUGH THE RENDERING OF *Hay v. O.D.O.C., 13-*

*481-1* IS ALTOGETHER A WORK OF PREJUDICE AND ABUSE OF

DISCRETION BY JUDGE WHITE IN THE U.S.D.C. E.D.OK.,

PC. 4EF13

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. *Hay v. O.D.O.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 FALACIOUS. PETITIONER COULD ELABORATE WITH VOLUMES OF EVIDENCE STANDED THE BAD BEHAVIOR OF THESE WAYLAWED JUDGES IN THE U.S.D.C. E.D. OK., SUCH AS, DISMISSING *Hay v. Orman*, I, CIV-15-170-JAH-SPS FOR NON PAYMENT OF INITIAL FILING FEES WHILE MORE THAN  $\$40^{00}$  HAD BEEN TAKEN

*P. 15*  
) 1. *Hay v. O.D.O.C.* 13-481; AND *Hay v. C.T.L.*,

PG. 5 OF 13

6. FROM LAW'S ACCOUNT UNDER 28 USC § 1915  
 ON TWO MONTHLY INSTALLMENTS, SUBSEQUENTLY,  
 THE FED. COURT ILLEGITIMATELY REFUSED FILING FEES  
 FOR *Hay v. O'Donnell*, 13-481; AND *Hay v. Orman*, 15-170,  
 NEARLY \$1000, WHILE THE CASES WERE PENDING.

7. THERE IS A PLETHORA OF EVIDENTIARY MATERIAL AVAILABLE  
 TO THE COURT, EASILY ACCESSIBLE, ON THE PUBLIC  
 RECORD, WHICH IS THE REASON FOR FINDING 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

FINDING

) THIS CLEARLY VIOLATES 28 USC § 1915

PS. 6 of 3

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 STATUTE CONST-  
ITUTING 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 FED-  
ERALIST PAPERS Nos. 80-84, FROM WHICH JUSTICE STORY  
RECEIVES HIS CONFIDENCE.

9. HAMILTON IN FEDERALIST NO. 82, PAR. 6 ESTABLISHES THE

76. 70513

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 DISCILIARIES TO THE EXECUTION OF THE LAWS OF THE UNION, AND AN APPEAL FROM THEM WILL AS NATURALLY LIE TO THAT TRIBUNAL WHICH IS DESIGNED 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 COMBINING 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 THOROUGHFARE, ONE OPERATING THROUGH ARTICLE VI, CLAUSE 2. HAMILTON EMPHASITICALLY STATES, THAT TO THIS PARTICULAR OBTINANCE, 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 MEMBER STATES, 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 EXPANSES 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

PC. 9025

12. "MANIPER IN WHICH SUCH ACTS, RECORDS, AND PROCEEDINGS SHALL BE PROVED, AND THE EFFECT THEREOF." A CONVERSATION 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 COINCIDENCE 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 10005

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 ENTHUSIASMS 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 *Martini*, IF THE NATIONAL GOVERNMENT SHOULD MAKE LAWS THAT VIOLATE THE PROHIBITION AGAINST EX-POST-FACto LAWS, OR BILLS OF ATTAINMENT, SANCTIONED BY THE FEDERAL COURTS; BY WHAT MEANS COULD A CITIZEN OF OKLAHOMA SEEK A REMEDY, IF NOT WITHIN THE COURT'S OF THE STATE. THIS IS NOT

TC. 11 08/23

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

7. AT THE CENTER OF THIS ODEAL, WHAT IS THE SUBJECT MATTER  
 OF APPEAL, IS THE ACTIONS OF FEDERAL AGENTS 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 § 3591 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  
LOAD LAC# NC263  
P.O. BOX 97  
MCNEELEY, OK 74562



US POSTAGE MARTINE BOWES  
ZIP 74562 \$003.03<sup>0</sup>  
02 4W  
0000387873 SEP 21 2023

RECEIVED  
SEP 25 2023  
Clerk, U.S. District Court  
WEST. DIST. OF OKLA

U.S. Courthouse  
4th St. Suite 120  
200 W. 11th  
Oklahoma City, OK 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,

v.

CHRISTI CRICK,

(WARDEN AT O.S.P.)

RESPONDENT.

=

CASE NO. 23-858-J

23-326 Raw

CAPITAL CASE

OCT 30 2023

BONNIE HACKLER  
Clerk, U.S. District Court

By Deputy Clerk

PETITIONER'S MOTION FOR EVIDENTIARY  
HEARING PRECEDED BY DISCOVERY AND  
STAY OF THE PROCEEDINGS IN THE PIT-  
TSBURGH COUNTY DIST. COURT (21-229)  
WITH IMMEDIATE ORDER FOR PROTECT-  
ION OF WADE LAY FROM O.S.P. PRISON  
OFFICIALS

WADE GREENE LAY #516263  
AT O.S.P.  
P.O. BOX 991  
MCALLEN, TX, 78502

*[Signature]*

Page 1

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 CERTAINS OF SCOTT R.

PC. 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 1,

SECTION 9, CLAUSE 2, AS A PROHIBITIVE CLAUSE.

APPLICABLE TO THE NATIONAL GOVERNMENT AND NOT

THE STATES.

WHERE THE DRAFT BODY OF THE CONSTITUTION, AS

RECOGNIZED BY ALEXANDER HAMILTON IN FEDERALIST

NO. 84, COULD BE WITNESS TO 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, I.E.,

THE IMPEDIMENT CLAUSES.

HOWEVER, UNDER THE DOCTRINE OF SUBSTANTIVE

DOE PROCESS, DUE TO THE INTERPOSITION OF THE

FEDERAL COURTS, AS DICTATED BY THE OPINIONS

OF THE SUPREME COURT OF THE UNITED STATES,

THE CONTRACTING POWERS RESERVED TO THE

STATES, SIMILAR TO THE "RIGHTS OF THE APPLICANT",

MAY BE RECONSIDERED INEFFECTIVE. THEREFORE,

1. SEE 28 USC § 2254 (b).

IN THE EVENT, THE IMPEDIMENT TO FILING A  
WRY OF HABEAS CORPUS IS CAUSED BY A COMBINA-  
TION OF STATE AND FEDERAL ACTORS WHO ARE,  
DUE TO THE ABOVE STATED DOCTRINE, SUBJUGATED  
WITHIN A PARTICULAR PARADIGM, THE PARADIGM  
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  
COURTLY GLANCE AT THE FACTS IS ACCOMPLISHED,  
THAT O.S.D. (WARDEN - CHRISTI CRUICK) HAS TARGETTED  
LAURIE LAY, USING THE POWERS OF DISCRETION

K-5

IN AN ABUSIVE MANNER, TO ACCOMPLISH SUCH

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

HAS CONTINUED TO DEPRIVE WADE LAY OF HIS

PROPERTY AND SECURES PAD/COMPUTER, DEPR-

IVING HIM OF THE EQUAL RIGHT TO THE WESTLAKE

ACCESS, REMOVING HIS ABILITY TO PREPARE

FOR THE COMPTEROCK TRIAL.

THIS TRIAL, SCHEDULED FOR MAY OF 2024 IS A

PROCEDURE IMPPOSED BY THE FEDERAL PUBLIC

DEFENDER (FPD) IN OKC. THE TRIAL IS A

PART OF THE IMPEDIMENT. FOR THAT REASON,

AND THE PARADIGM AS ALLOWED TO ABOVE, THE

PCo. 6

BURDEN UNDER SUBSTANTIVE DUE PROCESS,

falls upon this court, to ASCERTAIN THE

FACTS, TO DISCOVER THE TRUTH. THE EVID-

ENTIARY HEARING PRECEDED BY DISCOVERY

IS ABSOLUTELY NECESSARY IN THE INTEREST

OF JUSTICE.

RESPECTFULLY SUBMITTED

BY WADDELL LAW AT O.S.P.

P.O. BOX 97

MCALESTER, OKLA. 74502

Zakiya Pope  
Notary  
Date 10/23/23



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 AGGRAVATION CAUS-

ING THE IMPEDIMENT - THE O.D.O.C.; THE PRISON, O.S.P.;

AND THE FEDERAL PUBLIC DEFENDER (F.P.D.) 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. CHRAM TO ENTER LAY'S CELL (SW4CC), AFTER TWO SECURITY OFFICERS DISCRETELY PRESENTED THE NEED UNDER SECURITY TO EXECUTE AN ORDINARY SHAKE DOWN. SGT CHRAM HAD BEEN ORDERED BY THE OKLAHOMA DEPT. OF CORRECTIONS (O.D.O.C) INSPECTOR GENERAL (I.G.) PRISON RAPe ELIMINATION ACT (PREA) OFFICE - TO HAVE NO CONTACT WITH INMATE LAY, DUE TO SGT. CHRAM'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 BEHAVIOR TO  
ACCOMPLISH A PARALLEL PURPOSE BEYOND THAT WHICH  
THE LAW UNDER THE ADMINISTRATIVE PROCEDURE ACT  
AFFORDS. IN THE CASE OF WAPE 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

INQUITY, AND CONDITIONS OF CONFINEMENT BEING

UNLAWFUL, SUCH AS: THE ABUSE OF DISCRETION,

INSTIGATING BOGUS MISCONDUCT CHARGES, TARGETTING

SPECIFIC PRISONERS, APPLYING RULES THAT ARE LEFT

LIVING 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.) ILLEGAL BEHAVIOR BY PRISON OFFICIALS, IS A CONSISTENT AND DELIBERATE PATTERN OF BEHAVIOR THAT FOR VAGUE LAW, THE CIRCUMSTANCES EXIST TO SERVE A PRIMARY PURPOSE, TO CREATE AN IMPEDIMENT TO FILING A WRIT OF HABEAS CORPUS THAT IS CORROBORATIVE TO THE "BACKNATED-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.) PERFECTLY 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 EVALUATIONS.

6.) IN A NUTSHELL, WHAT HAS TRANSPRIED, 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 CONFI-  
SCATED ALL OF LAY'S PROPERTY (LEGAL AND perso-  
NAL). 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" NICOLE 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. WILBANKS  
OUT TO LAY'S CELL WITH A PROMISE TO RETURN  
ALL OF WADE LAY'S PROPERTY IF LAY WOULD  
SKIN 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 LAY WITH PHYSICAL VIOLENCE,  
STEALS ALL OF HIS BELONGINGS - TO INCLUDE HIS  
SECURUS COMPUTER, DESTROYING HIS ABILITY TO  
PREPARE FOR THE UPONCOMING "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 ENTHUSED IN THIS SAME BEHAVIOUR, EMPLOYING SUCH TACTICS A NUMBER OF TIMES DATING ALL THE WAY BACK TO 2009, WILLFULLY STEPPING INTO THE ROLE OF AN EXECUTIVE AGENT WITHIN THE SPHERE OF JUDICIAL PROCEEDINGS.

9.) LIKE BEFORE, IN EACH SCENARIO, i.e., THE MULTIPLE INCIDENTS THAT OCCURRED, SUCH AS THE EVENTS SURROUNDING THE JUNE 1<sup>ST</sup>, 2015 ACTIVITIES DESCRIBED ABOVE (supra - BEGINNING AT PG. 2) MADE LAY KEPT EXCELLENT RECORDS, FILING MULTIPLE

9.) LAW SUITS KNOWNING 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 JUNCT-  
URE WHAT IS DIFFERENT, WHAT IS UNIQUE,  
THERE ARE MULTIPLE, MORE THAN FIVE D.O.C.  
EMPLOYEES, TWO OF WHICH ARE NO LONGER  
EMPLOYED UNDER THE O.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  
ILICIT AGENDA CONTRARY TO LAW IS ABOUND-  
ANT.

11.) THE FACTS SHOW, THAT OSP. HAS BEEN A WILLING  
CONTRIBUTOR IN THIS ILICIT 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-  
OB-617-TCK-PJC). THIS ILLEGAL ACT WAS DONE  
WITHOUT LAY'S KNOWLEDGE OR APPROVAL, AND

11.) NEW EVIDENCE HAS EMERGED PROVIDING PETIT-  
JURORS CLAIMS OF FRAUDULENT FLICK.

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

13.) 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. Giguers, U.S. ( ) : and Ford V. Wren-  
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.) MADE LAW WAS WRITING IN GREAT DETAIL

CONCERNING THESE PROFOUND PRINCIPLES WHEN

IN MID JULY OF 2023, THE BDOC WITH THE

ASSISTANCE OF SECURUS CORP. ILLICITLY CONFISCATES

E.N. & J. SEE LAY K. GTH,

14<sup>-1</sup>) ~~2000 PAGES~~ FROM LAY'S SECUTUS 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 SECUR-

US PAD, NOT BECAUSE MADE LAY IS A

PROBLEM PRISONER, BUT BECAUSE HE

MADE GOOD AND EFFECTIVE USE OF

HIS COMPUTER, i.e., WESTLAW 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 TESTIMONI-  
ALS OF PRISON OFFICIALS BUTTRESSED BY  
SIMPLE DISCOVERY PROCESSES, AN EVIDENTIARI  
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

PC. 16

6.-) FILED OF LAY V. SIMMONS, CN-08-617-TCK-PS.

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 LAY AT O.S.P.

P.O. BOX 97

MCALISTER, OK 74502

LIST OF EXHIBITS: INTRODUCTION

1. IT WAS ON 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.G. 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 (OEP. WARDEN) AND ROYAL (WARDEN).

Such as, the 51% of the monthly credits  
sent to made Lay in October of 2018,  
rather than the 70% 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. controller) without  
out Lay's knowledge or approval.  
This illicit embezzlement clearly mis-  
led this court (see doc no. 45, Lay v. O.D.O.C.,  
CIV-17-1224-D) and the U.S.DCs W.D. OK  
attempted to reassert jurisdiction of the  
case on certiorari appeal (19-5942).

PC. iii

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

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

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

EXHIBITS - LIST & DESCRIPTION:

1. IF THE MAGISTRATE AND JUDGE JONES WILL PUBLISH

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 RIS# 22-2645 IT SHOWS THAT THE PROBLEMS

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

EPIC. THEREFORE, WHEN LAY APPROACHED THE O.D.O.C. PRISONER  
ADVOCATE NICKOLE FLEMING INHORN HAD TOLD LAY'S SISTER  
SHEDULED 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. COULD  
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  
EXONERATORY, SEE EXHIBIT 2131-A) THAT WAS PUT  
FORWARD BY THE SECURITY CHIEF MR. KIRBY. THESE  
RECORDINGS, WHICH LAY EMPHASITICALLY DEMANDED  
TO REVIEW IN ORDER TO PROVE HIS INNOCENCE  
THE PETITIONER MOVES THE COURT FOR DISCOVERY  
TO SUBPOENA THOSE RECORDINGS TO SHOW

RE. 3

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 ILLEGITIMATE GOAL. IN THIS INCIDENT O.S.P. WANTED TO REMOVE PETITIONER FROM HIS SECURITY 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 DUE PROCESS, THE

4. DEPRIVATION OF A HEARING BASED ON A PLEA  
BARRACAN FROM AN OFFICER HAVING NO AUTHORIZED  
CONNECTION TO THE COMMISSION, MAKING PROMISES  
GOVERNING THE JUDGMENT AND SANCTIONS THAT  
ARE SUBSEQUENTLY DELIVERED BY THE HEARING  
OFFICER MISS CHANNING. THE AUTHORITY TO  
OFFER A SUSPENDED SENTENCE IN EXCUSA-  
BLE FOR A GUILTY PLEA WAS CONFERRED AND  
LOCATED TO SGT. WILBANKS, WHICH IS WHY  
O.S.P. HAS REFUSED TO PROVIDE ANY RECORD  
ON PAPER TO THIS MISCONDUCT CHARGE -  
ONCE THE ACCUSATION AND PHYSICAL PUNISHMENT

4. TO 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 Lacy K. Orman, CV-15-170-JHS-SPS, DKT# 6).

5. 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 VIOLATES  
THE SECURITY CHIEF (MR. KIRBY) THE INDIVIDUAL  
BEING ~~COMPLAINED~~ THE PRIMARY SUBJECT  
COMPLAINED ABOUT INITIATES THE ~~CHARGE~~ 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 CRIMINAL. THE REASON IS,  
THE CLAIM IS FALSE, THERE ARE NO THREATS

PC, 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 IMPOSED 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

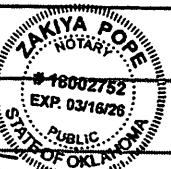
1288871-31  
12-8

8. TO ORDER AN EVIDENTIARY HEARING TO ASCERTAIN THE FACTS BEHIND THE IMPEMENT TO FILE A WITNESS STATEMENT BY O.S.P. AND THE F.P.D.

9. PETITIONER CANNOT WAIT FOR A LONG PROCESS TO DETERMINE THIS QUESTION.

ON NOV. 8<sup>TH</sup> 2023, LAY WILL FILE AN INTERLOCUTORY APPEAL IF NEEDED TO THE 10TH CIRCUIT. THE IMPEMENT CLAUSES DEMAND INQUIRY, AND THE CIRCUMSTANCES IN THIS CASE REQUIRIES AN IMMEDIATE RESPONSE.

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



~~3rd page~~  
~~Notary~~  
~~10/23/23~~  
~~Date~~

~~RESPECTFULLY SUBMITTED~~

WADE 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								
<b>Section I</b>											
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) Name _____ Title _____		Signature of Reporting Employee _____ Date 08 / 25 / 23 Time 8:30 a.m.									
<b>Section II</b>											
<table border="1"> <tr> <td colspan="2">To be reviewed within 24 hours from the time the violation is reported.</td> </tr> <tr> <td colspan="2">Informal Resolution Dismissed</td> </tr> <tr> <td colspan="2">Name <u>Rhonda Kopid Lansley</u> Title <u>SM</u> Date <u>8/25/23</u> Time: <u>8:41 AM</u></td> </tr> <tr> <td colspan="2">Within 24 hours of affirming a rule violation has occurred:  <input checked="" type="checkbox"/> Referred for investigation</td> </tr> </table>				To be reviewed within 24 hours from the time the violation is reported.		Informal Resolution Dismissed		Name <u>Rhonda Kopid Lansley</u> Title <u>SM</u> Date <u>8/25/23</u> Time: <u>8:41 AM</u>		Within 24 hours of affirming a rule violation has occurred:  <input checked="" type="checkbox"/> Referred for investigation	
To be reviewed within 24 hours from the time the violation is reported.											
Informal Resolution Dismissed											
Name <u>Rhonda Kopid Lansley</u> Title <u>SM</u> Date <u>8/25/23</u> Time: <u>8:41 AM</u>											
Within 24 hours of affirming a rule violation has occurred:  <input checked="" type="checkbox"/> 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)  
(5-ACI-3C-11, 5-ACI-3C-13)

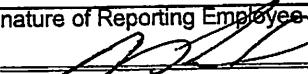
Date Delivered

Time Delivered

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

DOC 060125A (R 01/22)

## OKLAHOMA DEPARTMENT OF CORRECTIONS OFFENSE REPORT

Name of Facility	OSP	Facility Computer Code	20-A																
<b>Section I</b>																			
Inmate Name:	ODOC#:	Date of Offense:	Time:																
Lay, Wade	516263	8-20-23	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:																	
Class of Offense:	X	X-25																	
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)		Signature of Reporting Employee																	
Name	M. Kirby																		
Title	Chief of Security		Date 08 / 25 / 23 Time 8:30 a.m.																
<b>Section II</b>																			
<table border="1"> <tr> <td colspan="2">To be reviewed within 24 hours from the time the violation is reported.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Informal Resolution</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Dismissed</td> </tr> <tr> <td colspan="2">Name <u>Rhonda Kaptchansky</u></td> </tr> <tr> <td colspan="2">Title <u>CSM</u></td> </tr> <tr> <td colspan="2">Date <u>8/25/23</u> Time: <u>8:41 AM</u></td> </tr> <tr> <td colspan="2">Within 24 hours of affirming a rule violation has occurred:</td> </tr> <tr> <td colspan="2"><input checked="" type="checkbox"/> Referred for investigation</td> </tr> </table>				To be reviewed within 24 hours from the time the violation is reported.		<input type="checkbox"/>	Informal Resolution	<input type="checkbox"/>	Dismissed	Name <u>Rhonda Kaptchansky</u>		Title <u>CSM</u>		Date <u>8/25/23</u> Time: <u>8:41 AM</u>		Within 24 hours of affirming a rule violation has occurred:		<input checked="" type="checkbox"/> Referred for investigation	
To be reviewed within 24 hours from the time the violation is reported.																			
<input type="checkbox"/>	Informal Resolution																		
<input type="checkbox"/>	Dismissed																		
Name <u>Rhonda Kaptchansky</u>																			
Title <u>CSM</u>																			
Date <u>8/25/23</u> Time: <u>8:41 AM</u>																			
Within 24 hours of affirming a rule violation has occurred:																			
<input checked="" type="checkbox"/> Referred for investigation																			
<b>Section III Inmate should initial appropriate response</b>																			
<input type="checkbox"/> I have received a copy of the written charge against me. I realize that I have a right to remain silent. <input type="checkbox"/> I plead guilty and waive my right to an appeal. <input checked="" type="checkbox"/> I plead not guilty. <input type="checkbox"/> I plead not guilty and waive my right to 24 hours preparation time.																			
Inmate's Signature <u>Dixon</u>		ODOC #	Date <u>8/25/23</u> Time <u>1000</u>																
<input checked="" type="checkbox"/> Inmate chose not to sign for a copy of the offense report at this time.		Date Delivered <u>8-25-23</u>	Time Delivered <u>1000</u>																
Offense Report Delivered to above inmate by (Print and Sign) (5-ACI-3C-11, 5-ACI-3C-13)																			

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

DOC 060125A (R 01/22)

EX-1 2136-152  
DISCIPLINARY COORDINATOR'S REPORT

Investigating Officer (Print): Dixon CSM I DHO Date referred for investigation: 8-25-23

Inmate Name and ODOC#: Lay 516263 Date investigation completed: 8-25-23

Offense: menacing Offense Code: X-25 Date of Offense: 8-20-23

Statement 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)

- Inmate provided documentary evidence to investigator. If yes, state evidence.
- Statement(s) provided by witness/es attached (or document refusal to provide information).
- Discretionary action taken regarding witness testimony. Documentation/justification attached.
- Inmate has received photocopy/description of all evidence.
- Written confidential witness testimony/evidence taken (not provided to inmate).
- 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: \_\_\_\_\_
- Inmate requested documentary evidence. If yes, state evidence: \_\_\_\_\_ If denied, state reason for denial: \_\_\_\_\_
- 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 threatening 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.

9/1/23  
Date of  
Hearing/Disposition1700 / TBD  
Time and Location of  
Hearing/DispositionDixon DHO *Dixon*  
Signature of Disciplinary  
Coordinator

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

*Copy Given*  
Inmate's Signature

Date 8/25/23

Original: Commitment Document Folder  
First Copy: Field File  
Second Copy: Inmate

DOC 060125B (R 01/22)

## 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
Incident Date	Incident Time	SW-4-H
COS M. Kirby		Incident Location
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

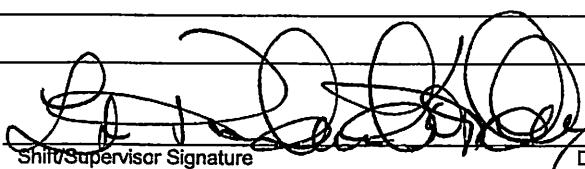
**Inmate/Offender Known Associates****DETAILED DESCRIPTION OF INCIDENT** (print or type what happened, who, where, when, how, and why):

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

**Record of Delivery of Copies of Evidence to Inmate**Copies of the following items were delivered to Lay Wadr ODOC# 516 263Offense 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. \_\_\_\_\_

Copy Given  
Inmate's SignatureDixon CSM I DHO  
Disciplinary Coordinator's  
Signature/Hearing Officer8/25/23 1 1000  
Date TimeDistribution

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)

IW LIBRARY

52615

Inmate/Offender Grievance Process  
REQUEST TO STAFF

JUL 21 2022

STAFF MEMBER / FACILITY

(NAME AND TITLE OF STAFF MEMBER)

FACILITY/UNIT: O.S.P. / F-UNIT DATE: 07/08/22

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. / F-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: 10/12

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 06/19/2022 I FILED A R.T.S. BECAUSE I WAS DENIED A SHOWER. (SEE RTS# 22-2234) I BELIEVE THE FACTS WILL SHOW, THAT, THE PRIMARY CAUSE CURRENTLY THAT PRISONERS ARE BEING DENIED OF FUNDAMENTAL RIGHTS, IS DUE TO THE UNNECESSARY PROTOCOLS REGARDING TWO STAFF MEMBERS REQUISITE FOR ESCORT. THE PROTOCOLS  
 (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 CONVELED BY FARRIS AND CHUMLY TO RETURN O.S.P. TO THE 2007 PROTOCOLS, AT LEAST FOR SHOWERS AND YATED. I WILL BE SUBMITTING THIS BEFORE THE 30TH OF MAY OF 2023.

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

SIGNATURE: WADE LAY WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Thank you for letting me know Lay

STAFF MEMBER

DATE

7/28/22

AUG 09 2022

Date response sent to inmate/offender:

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

DOC 090124D  
(R 01/22)

DOC 090124D  
(R 01/22)

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

Date response sent to inmate/offender:

JAN 06 2023

DATE

STAFF MEMBER

1/3/23

DO NOT WRITE BELOW THIS LINE

WORKASSIGNMENT:

1/3/23

(PRINT)

(PRINT)

NAME: ~~CODE 263~~ DOC# ~~516263~~ UNIT # CELL NUMBER: ~~516263~~

TO TAKE AND STOWE OUT THE ESCORT, AS DESCRIBED  
PICKUP COADS AT 2008, AUTOMATIC RELEASES TO THE  
CODE 263 AT 10:00 P.M.; OR, RETURN TO THE  
CODE 263 AT A REQUEST HOUR - BETWEEN  
10:00 AND 12:00

EXACTLY SHOULD BE DONE AND HOW.

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

(USE OTHER SIDE IF MORE SP, CE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

COME THE (ONE)ST TIME - ATTEND, SCHEDULES THIS DAY

SIDE, THE SAME SCHEDULE IS PRACTICALLY THIS DAY

COMPLETE UNTIL 3:00 AM ON 12/21/22, OR THERE

DO NOT STAY UNTIL 12:30 AM, AND DO NOT

May result in this being returned unanswered. DO NOT STAY SCHEDULES UNLESS

affectected. One issue or incident per "Request to Staff". Your failure to specifically state your problem

statement must be specific as to the complainant, dates, places, personnel involved, and how you were

subject: State completely, but briefly, the problem on which you desire assistance. This

request may only be answered by the disciplinary coordinator assigned to the misconduct.

This request is pending, indicate case number and court: ~~1/2~~

If a lawsuit is pending, indicate case number and court: ~~1/2~~

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

If yes, what date: ~~1/2~~ Facility: ~~1/2~~ grievance #: ~~1/2~~

I have  already submitted a "Request to Staff" or grievance on this same issue.

If yes, what date: ~~1/2~~ Facility: ~~1/2~~ grievance #: ~~1/2~~

ASSIGNED TO: <u>UN</u>	DE BY TO: <u>MISS</u>	NAME AND TITLE OF STAFF MEMBER: <u>1/2</u>
REQUEST TO STAFF: <u>3</u>	DATE: <u>12/21/22</u>	DATE: <u>12/21/22</u>
REQUESST TO STAFF		
Inmate/Offender Grievance Process		
LAW LIBRARY	Master BE Submitted Through the Law Library or Designer	RTS # <u>2022-4417</u> DEC 3 0 2022

DOC 090124D (R 4/19)

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

CEP 2 2023

Dale Leisphouse sent to inmate/other:

STAFF MEMBER

DATE

DISPOSITION: DO NOT WRITE BELOW THIS LINE

### DISPOSITION:

**SUBJECT:** State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complainant, 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.

**ACTION REQUESTED:** State exactly how you believe your request may be handled; that is, what exactly should be done and how. I have a request to the Director of the Office of Civil Rights.

**NAME:** ALAN D. E. SMITH **DEE NUMBER:** 51624NT **PRINT & CELL NUMBER:** 51624

**WORK ASSIGNMENT:** WORK

**SIGNATURE:** ALAN D. E. SMITH

I have _____ have not _____ already submitted a "Request to Staff" or grievance on this same issue.	If yes, what date: <u>1/1/14</u>	Facility: <u>LLH</u>	Grievance #: <u>101</u>
I affirm that I do _____ do not _____ have a grievance pending on this issue.	I affirm that I do _____ do not _____ have a grievance pending on this issue.		
If a lawsuit is pending, indicate case number and court: <u>LLH</u>			
This request is a lawsuit of any type pending that relates in any way to this issue.			
If a lawsuit is pending, indicate case number and court: <u>LLH</u>			
This request may only be answered by the disciplinary coordinator assigned to the misconduct.			

## Inmate/Offender Grievance Process

SEP 26 2023

## REQUEST TO STAFF

FACILITY/UNIT: H-200T

DATE: 10/24/23

(NAME AND TITLE OF STAFF MEMBER)

EXHIBIT 2831-B-2

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

If yes, what date: 10/14/23 facility: WIA grievance #: Not

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: WIA

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. THE SINGULAR ISSUE IN THIS ICS 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 PRISINGER ADVOCATE  
PICOLE FLEMING, RESULTED 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. RETENTION OF MY PROPERTY YOUR  
TARGETTING AND DECET PROVES MY  
CLAIMS THERE IS A DAY OF ACCUST  
ABILITY COMING SO EVERY DAY YOU KEEP MY  
PROPERTY TO MAKE ME STRONGER

NAME: WADE LAY DOC NUMBER: 516263 UNIT & CELL NUMBER: Sc04H

(PRINT)

SIGNATURE: Wade Lay WORK ASSIGNMENT: WIA

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

DOC 090124D (R 4/19)

RE: Comp

EXHIBIT 2/31-B.3

## 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.

To: Jeffrey McPhee, Chap. Wk Facility/Unit: 1A-100

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's request being denied.

*Jeffrey McPhee, Chap. Wk*  
 I APPRECIATE YOU MAKING MY WEEKS AND MONTHS TO HELL DEUCE.  
 I IGN A COURT DECISION YOU WORLD COM NEVER  
PLACED YOU BELL OUT ON MY PROPER PROPERTY  
THAT IS NOT RIGHT.  
 Name: Jeffrey McPhee, Chap. Wk  
 Print: Jeffrey McPhee, Chap. Wk

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

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

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

*Jeffrey McPhee, Chap. Wk*  
 You were not told you would receive anything for a guilty plea  
 You yourself offered in front of your attorney. This is your  
 off word. Take a goodly share for suspended sentences and clean  
 apologize. Do not make false allegations.

Date: 9-12-23

Staff Member

DOC 030101A  
 (R 01/22)

WHERE IN THE DATERIORATING PROPERTY  
RECEIPT, GUILTY PLEA, I NEED THE FACTS  
Inmate Request AND I HAVE A RIGHT TO  
MY PROPERTY

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. 231-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: CHANNOE

(Name/Title of Staff Member)

Facility/Unit: H-901T

Date: 09/08/23

**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 SET. WILBANKS  
SAID: YOU TOLD HIM YOU MISS CHANNOE WOULD RETURN MY  
PROPERTY AND TABET, AND MISS DAY SAID THE SAME  
THAT. SET. WILBANKS HAS SAID HE WILL TELL THE  
TRUTH AT TRIAL. JUST LIKE THE FALSE ALLEGATION I  
THREATENED FLEMING, THAT'S THE REAL LIE!*

Name: WADE LAY  
(Print)

DOC #: 516263 Unit & Cell #: SW4A

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

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

DO NOT WRITE BELOW THIS LINE

**DISPOSITION:**

*I never told Willbanks 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 your agency. Your discipline from your agency at the hearing individual I have had nothing to do with being transferred I was not assigned the hearing.*

Staff Member

Date 10-3

---

**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 Designee JAN 10 2022  
UE BY: 1-20-22 Inmate/Offender Grievance Process

## REQUEST TO STAFF

P.W.

TO: Warden / M.R. FORTRESS FACILITY/UNIT: H-2007 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: 1/10/22 facility: WIA grievance #: WIAI 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: WIAThis 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 BEABLE TO COMMUNICATE WITH MY FAM-  
ILY AND THE MEDIA, OR I CANNOT 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 FILED UP THIS FIGHT AS IT IS UNLESS  
PALLAD (LAWYER) TRIED TO FORCE AN UNLAWFUL  
COMMAND. I NEED TO HAVE MY LEVEL 4 RESTATED;  
AND MY SHEETS AND TOWELS, AND PILLOWS  
RETURNED IMMEDIATELY!*

NAME: Glade Lay DOC NUMBER: 516263 UNIT & CELL NUMBER: 5K263  
(PRINT)SIGNATURE: Glade Lay WORK ASSIGNMENT: WIA

DO NOT WRITE BELOW THIS LINE

## DISPOSITION:

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

2-7-22

STAFF MEMBER

DATE

Date response sent to inmate/offender:

FEB 07 2022

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

DOC 090124D (R 4/19)

## LAW LIBRARY Must Be Submitted Through the Law Library or Designee

TS # 2022912  
SIGNED TO: Deputy Warden  
UE BY: 8/29/22

## Inmate/Offender Grievance Process

AUG 17 2022

## REQUEST TO STAFF

(NAME AND TITLE OF STAFF MEMBER)

FACILITY/UNIT: H-UNIT, O.S.P. DATE: 08/16/22I have        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/AI 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/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. OR ABOUT 08/02/2022, I SUBMITTED AN INMATE REQUEST FOR MY SISTER TO HAVE AVAILABLE TO HER THE

ABILITY TO PICK UP PROPERTY (SHEETS AND TOWELS) THAT WERE TAKEN  
UNDER THE PRETENSE OF THE PROPERTY MATRIX. THAT REQUEST WAS NOT  
ANSWERED, AND MY SISTER WAS NOT ABLE TO PICK UP THE PROPERTY. 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 O.D.O.C. AND ADMINISTRATIVE STAFF ALREADY  
KNOW THAT A STRICT ADHERENCE TO POLICY IS REQUISITE IN MATTERS  
OF PROPERTY AND TRUST FUND ACCOUNTS. THAT IS WHY THE IMPLICATION OF THEFT  
IS SO STRONG. JUST LIKE THE MONEY SENT TO THE O.D.O.C. W.D.OK., CONTRARY TO LAW  
IN 2018, AND MY HOT POT AND MP4 PLAYER STOLEN IN 2017. THEREFORE,  
ACCOUNTABILITY AND RESTITUTION IS YOUR OBLIGATION. IT IS THE ONLY REMEDY!

NAME: Glade, L.A. ODOC #: 516263 UNIT & CELL NUMBER: 508PH

(PRINT)

SIGNATURE: L.A. WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Copy

STAFF MEMBER

DATE

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

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

DOC 090124D  
(R 01/22)

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

Must Be Submitted Through the Law Library or Designee DEC 28 2021  
Inmate/Offender Grievance Process  
REQUEST TO STAFF

TO: Administrator (FEB 2021) FACILITY/UNIT: H-501T DATE: 12/23/21  
(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: 1-4 facility: 1-1 grievance #: N/A

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 12/21/21 I WAS TALKED TO BY THE WARDEN AND  
HE TALKED TO ME AND TALKED TO THE GUARDIAN AD LITEM  
ABOUT THE GUARDIAN AD LITEM'S ILLEGAL CONDUCT  
AND THAT I WOULD HAVE TO COOPERATE WITH THE ILLEGAL  
CONDUCT OF THE GUARDIAN AD LITEM.

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

THE GUARDIAN AD LITEM'S ILLEGAL CONDUCT  
IS THAT HE ALLOWED THE GUARDIAN AD LITEM TO USE  
THEIR POWERS TO ISSUE ILLEGAL COMMANDS, AND  
HE CANNOT ALLOW A GUARDIAN TO BE PUNISHED FOR  
INSISTING ON BEING PROTECTED BY THE LAW AND POLICY

NAME: Debra L. Cade DOC NUMBER: 516263 UNIT & CELL NUMBER: 5-44

SIGNATURE: Debra L. Cade WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

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

Debra L. Cade

1/9/21

STAFF MEMBER

DATE

FEB 02 2022

Date response sent to inmate/offender:

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

DOC 090124D (R 4/19)

PPV: .....

Continued VIOLATION O.D.O.C. POLICY CP 03011-03019.  
 I REBOKED HER WITH PAPER AND CONFLICT COOP,  
 BECAUSE HER NEGLECT TO ENFORCE THE RULE  
 CAUSES SERIOUS HARM IN MULTIPLE FORMS IN  
 THE 500 QUAD, TO BOTH STAFF AND PRISONER.  
 SHE H-ON'T MR. CLEARLY CAME TO THE RON  
 TO STIR UP A CONFLICT, AND BECAUSE I  
 CORRECTED HER SHE IS ATTEMPTING TO PUNISH  
 ME. YOU ARE OBSCURED. AS YOU KNOW, TO  
 MAINTAIN THE LAWFUL ORDER! FOR ANY  
 ADMINISTRATIVE STAFF MEMBER TO BLATANTLY  
 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  
 ORDER SAVIOR IMMORTAL.

AS YOU PROBABLY ALREADY KNOW, A LOCAL  
 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  
 TONERANCE ON THAT DAY, ~~12/21/21~~ (12/21/21) AND  
 12/14/21, THE DAY PAPER EXERCISED TACTICAL  
 AND PREJUDICE AGAINST ME HOLDING ME TO  
 THE PROPERTY MATRIX WITH NO OTHER PRISONER  
 HAS BEEN SUBJECT TO, WITH MY SHEETS KEPT  
 POWERS AND RECALL WORK. THIS WILL BE BEFORE  
 HE PUBLISH THE VERY SOON. IT IS IMPORTANT  
 YOU UPHOLD THE LAW, AND NOT ALLOW ME TO BE  
 UNSHED SIMPLY BECAUSE I AM SEEKING TO  
 AMEND CONTROL BY THE PRISON OVER THE  
 HENCE, AS O.D.O.C. HAS CLAIMED IS IN EFFECT  
 AS WRITTEN.

LAW LIBRARY	Step 22
SIGNED TO: Deputy Warden	1-7-22
BY:	

DEC 28 2021

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

TO: WARDEN / FAZIIS 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 WERE TOLD TO FOLLOW THE MILITARY RULE, i.e., THE STAFF: PRISONERS WILL COST-  
 ROL THE HONES, AND PRISONERS WOULD HAVE TO LEAVE TO  
 "SHAKE", VIOLATING O.D.O.C. POLICY 060101, AND 030119. I THOUGHT  
 YOU SHOULD KNOW THIS IS A FUNDAMENTAL COMMAND LINE.~~

(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 WITHIN  
 A PRISON OFFICIAL. STAFF TO USE THEIR POSITION TO  
 IMPULSE AND ILLICIT PARADIGM. PRISONERS ARE NOT ESTAB-  
 LISHED TO PAY RESPECT TO STAFF UNLESS PLEASE~~

NAME: CUADE <sup>(PRINT)</sup> DOC NUMBER: 516263 UNIT & CELL NUMBER: sector

SIGNATURE: Cuade WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE.

**DISPOSITION:**

Per OP-060101 which isolates Attitude/Relationship to staff  
 and other inmates) the inmate will consistently cooperative  
 behavior toward staff, other inmates, and facility visitors. It is  
 documented your behavior with staff has been poor. therefore you will  
 continue to remain level 1.  
1/9/21

STAFF MEMBER

DATE

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

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

DOC 090124D (R 4/19)

RULE THAT STATES THAT NO STATE OR FEDERAL 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  
3

LAW LIBRARY

ITS # 21-5621

ASSIGNED TO: Deputy Warden  
UE BY: 1-7-22

Must Be Submitted Through the Law Library or Designee

DEC 28 2021

Inmate/Offender Grievance Process

## REQUEST TO STAFF

TO: WARDEN / FARRIS FACILITY/UNIT: H- COURT DATE: 12/27/21  
(NAME AND TITLE OF STAFF MEMBER)I have   already submitted a "Request to Staff" or grievance on this same issue.

If yes, what date: 12/14 facility: 17A grievance #: 114

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: 12/14

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 12/23/2021 miss patrick in the office of

THE D.D.O.C. DIRECTOR SCOTT CROWELL TOLD MY SISTER I NEED TO SEND  
TO YOU THIS REQUEST. I HAVE BEEN TARGETTED BY MISS  
PILLAR (H-UNIT MGR.) HOLDING ME TO A STANDARD NO OTHER  
PRISONER HAS BEEN HELD TO. DEPARTMENT USE 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 TSED FILE

NAME: elaine loat DOC NUMBER: 56265 UNIT & CELL NUMBER: 504HSIGNATURE: elaine loat WORK ASSIGNMENT: 1/4

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.

CQuick

1/9/22

STAFF MEMBER

DATE

FEB 02 2022

Date response sent to inmate/offender:

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

DOC 090124D (R 4/19)

PROPERTY LIKE BEDDING - SHEETS, TOWELS, PILLOWS  
THAT FULLY SEAT IN. NO OTHER PRISONER HAS BEEN  
HELD TO THE ARCHAIC POLICE THAT YOU  
CANNOT POSSIBLY IMPLEMENT WITH AN ENTERTAINMENT  
SEEING YOU CANNOT EVEN SHOWER PRISONERS  
OR RUN TRAIL, WHICH IS WHY THE HOT WATER  
HAS BEEN SHOT OFF, SO NOONE WANTS TO SHOWER  
IN ICE WATER.

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

LAW LIBRARY	TS # 21-5621
SIGNED TO: Debra Warden	JE BY: 1-7-22

Must Be Submitted Through the Law Library or Designee

DEC 28 2021

Inmate/Offender Grievance Process

## REQUEST TO STAFF

TO: Warden / Farris FACILITY/UNIT: H - Court DATE: 12/24/21  
 (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: 12/12 facility: 17A grievance #: 114

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: 12/12

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 PELLER IN THE OFFICE OF THE O.D.O.C. DIRECTOR SCOTT CROWD TOLD MY SISTER I NEED TO SEND TO YOU THIS REQUEST. I HAVE BEEN TARGETTED BY MISS PELLER (LAW OFFICER) HOLDING ME TO A STANDARD NO OTHER PRISONER HAS BEEN HELD TO. DEPARTMENT 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.

RETOOK MY BED DUE

NAME: Debra Warden DOC NUMBER: 56263 UNIT & CELL NUMBER: Seg 4  
 (PRINT)

SIGNATURE: Debra Warden WORK ASSIGNMENT: 17A

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.

Debra Warden

1/9/22

STAFF MEMBER

-- DATE: 1/9/22

Date response sent to inmate/offender:

FEB 02 2022

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

DOC 090124D (R 4/19)

RP: .....

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

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

LAW LIBRARY	RTS # <u>22-9</u>
ASSIGNED TO: <u>DC Party Warden</u>	Must Be Submitted Through the Law Library or Designee
DUE BY: <u>1-18-2022</u>	IN MATE IT IS

IN MATE IT IS

JAN 05 2022

## Inmate/Offender Grievance Process

## REQUEST TO STAFF

BY:

TO: WADDELL HARRISFACILITY/UNIT: WSTDATE: 12/29/21

(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: WIA facility: WIA grievance #: WIAI 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: CPTThis 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 12/29/21 WST MAR. PALLEAS CAME TO MY CELL WITH MY ABSE OF HER AUTHORITY. 1725 0800000 ON 12/21/21 SHE ORDERED SGT. LOPEZ TO DECAY ME 1 HOUR ACCESS, AND, IT BEGS THE QUBS TOLG NICE BEING ASK TO MC. CLOES,

(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.

TOP PALLEAS, IN HER ATTEMPT TO FASTER-  
CATE A CHARGE WITHOUT DUE PROCESS. THIS IS  
YOUR OPPORTUNITY TO DO THE JUST AND HONEST  
THING. THIS WILL BE REVEALED TO THE PEOPLE  
SOON.

NAME: Waddeley DOC NUMBER: 12823 UNIT & CELL NUMBER: WST

(PRINT)

SIGNATURE: Waddeley WORK ASSIGNMENT: WIA

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

Quick1/14/22

STAFF MEMBER

DATE

Date response sent to inmate/offender: JAN 18 2022

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

DOC 090124D (R4/19)

DO OR ELSE, AS AWARENESS, DECLINING  
TO SILENTNESS WHICH WHICH WHICH SEAS-  
ON, THE STAFF RELATED THE RULES  
TO THE WEDDING CLADS, OR WERE  
NO LONGER FAMILIAR WITH THE  
WEDDING CLADS.

ALL ALSO MEDICAL IS UNIVERSITY WITH YOUR  
1100 DOLLY MEDICAL CENTER OF THE CROSS RIVER  
THIS PLACE OF MAY 8<sup>th</sup>  
AND 9<sup>th</sup>, 2001, WHERE YOU DID A VERY  
SMALL THING THAT HAD OUT MAG  
1000 00 12/21/01 WITH THE DOCTOR.  
S, MICHAEL

2003 TUESDAY 12/29/01 ~~see TUESDAY 12/29/01~~ ~~see TUESDAY 12/29/01~~

600 TUESDAY TO HIGH PRIORITY. TO

According to the present policies, the

LAW LIBRARY RTS # 22-2645	Inmate/Offender Grievance Process REQUEST TO STAFF	JUL 21 2022
ASSIGNED TO: <u>W. CHUNY</u> DUE BY: <u>10/05/2022</u>	FACILITY/UNIT: <u>O.S.P./DOCCT</u> DATE: <u>07/05/22</u>	
(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. & DOCCT grievance #: RTS# 22-2259

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: 12/12

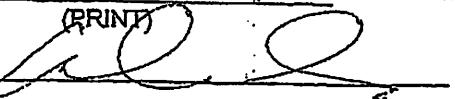
This request  does  does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

**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 06/19/2022 I FILED A R.T.S. BECAUSE

I WAS DENIED A SHOWER. (SEE RTS# 22-2251) I BELIEVE THE FACTS WILL SHOW, THAT, THE PRIMARY CAUSE CURRENTLY THAT PRISONERS ARE BEING DENIED OF FUNDAMENTAL RIGHTS, IS DUE TO THE UNNECESSARY PROTOCOLS REGARDING TWO STAFF MEMBERS REQUISITE FOR ESCORT. THE PROTOCOLS  
 (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 CROWN, THAT O.S.P. CANNOT FULFILL ITS OBLIGATIONS DUE TO STAFF SHORTAGES. THE D.O.C. SHOULD BE COMPELLED BY FARIS AND CHUNY TO RETURN O.S.P. TO THE 2007 PROTOCOLS, AT LEAST FOR SHOWERING AND TARD. I WILL BE BRINGING THIS BEFORE THE JURY IN MAY OF 2023.

NAME: Wade Lay ODOC# 516263 UNIT & CELL NUMBER: SWH  
 (PRINT)

SIGNATURE:  WORK ASSIGNMENT: N/A

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Thank you for letting me know Lay

STAFF MEMBER

DATE

7/28/22

AUG 09 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 2020 OR THEREABOUT ARE NOT ENOUGH ESCORT WERE SUFFICIENT AND SAFE, BECAUSE THE H-UNIT BUILDINGS DESIGNED FOR THAT TYPE OF OPERATIONS AT GREAT EXPENSE. THIS IS THE SINGULAR ISSUE, THE PROTOCOLS IN PLACE ARE DECEPTIVE AND UNNECESSARY, AND O.S.P. CAN NOT FULFILL ITS OBLIGATIONS UNDER LAW, DUE TO INSUFFICIENT ROSTER, I.E., THE PRISON CANNOT KEEP ENOUGH STAFF ON DUTY.

SHOWERS ARE DONE SPORADICALLY, SOMETIMES IN THE MORNING OR AFTERNOON, OR SOMETIMES IN THE MIDDLE OF THE NIGHT, AT 1:00 OR 2:00 A.M. THE SOLE PURPOSE FOR THIS NEGLECT IS STAFF SHORTAGES. THIS LACK OF STAFF IS PRESENT BECAUSE OF A LITANY OF ECONOMIC REASONS Brought ON BY THE PANDEMIC AND EXAGGERATED BY THE WAR 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 ALREADY BEEN A MEANS TO ACQUIRE GREATER APPROPRIATIONS FROM THE STATE LEGISLATURE. NOW, THAT THE LARGER MARKET IS SO MUCH IN FAVOR OF THE WORKERS, 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 ATTORNEY'S 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 (NIGHT) 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 D.O.C. HAS PUT EXCESSIVE BURDEN ON STAFF, REQUIRING THEM TO DO THINGS THEY KNOW ARE RIDICULOUS. THIS FOSTERS CONTUMPT, 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 O.S.P. DOES NOT RUN SHOWERS AT ANY GIVEN TIME, WITH-OUT ANY CONSISTENCY, PRISONERS CANNOT POSSIBLY BE PENALY FOR THE INCIDENTAL MOMENT, WHETHER IT BE 1:00 P.M. IN THE AFTERNOON, OR 1:00 A.M. IN THE MORNING, EVEN THOUGH THIS MAY SURPRISE MANY AT O.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. SCOGGS) AND (OFF. REVERA). THIS LATE HOUR IS DUE TO STAFF SHORTAGES. THIS DISRUPTED MY SLEEP CYCLES WHICH IS WHY I WAS ASLEEP AT 10:00 - 12:00 (NIGHT) ON THURSDAY 07/01/22. 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, FOR THE BOASTED PURPOSE TO SAVE TAXPAYERS MONEY, NOW BUT IN SUCH A PRODICAL MANNER. FOR GREED, FOR EXCESS BUDGETS, UNDER PRETENSE OF SECURITY, WHAT A SHAME! I WAS DENIED A SHOWER ON 07/01/22 DUE TO STAFF SHORTAGES, OFFICER KILLION PASSED BY MY CELL FOR THE ABOVE STATED REASONS.

LAW LIBRARY		Inmate/Offender Grievance Process	
RTS #	20-2355	REQUEST TO STAFF	
ASSIGNED TO	Chief	JUN 21 2022	
DUE BY	14/06/22	FACILITY/UNIT	ESP. B UNIT
(NAME AND TITLE OF STAFF MEMBER)		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 #: 22-2231  
 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: 11th Circuit 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 R.T.S.

CONCERNING THE INJUST PROTOCOLS THAT HAVE RESULDED  
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.

(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 YOUR SECURITY OFFICERS TO INJURE PRISONERS BY  
TARGETING THEIR RIGHTS - EG. SHOWERERS, TRAYS,  
ELECTRIC POWER, WATER & WATER PRESSURE, BANISHING  
PROPERTY, DEPRIVING PROPERTY OTHERS ARE ALLOWED, SUCH AS A HOT-DO

NAME: CLAUDE LAY ODOC# 51C263 UNIT & CELL NUMBER: South  
 (PRINT)

SIGNATURE: C. Lay 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.

SJ

6-22-22

STAFF MEMBER

DATE

JUN 22 2022

Date response sent to inmate/offender:

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 SEEKS LAWFUL PROTECTION.

THIS TOO WILL BE AN ISSUE AT TRIAL!

IN RE: WADE M.Y. 2021-224 (ATTICA 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 KNEW THEY SHOT 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 2021, WHEN SHE TOLD ME I NEEDED TO GET THE PHONE FROM PRISONERS, DELIBERATELY VIOLATING THE RULE OF O.DOC. POLICY IN ORDER TO PREFACE A BOLUS MISCONDUCT. IF YOU ILLEGITIMATELY 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 08/11/2022

Facility or Unit

H-UNIT + OSPName WADE LAY

Facility Housing Unit

SW 4 H

(Print)

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 H-UNIT, 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.O.C.), THAT IS DELIBERATE, AND VIOLATES THE ADMINISTRATIVE PROCEDURES ACT (45 OKLA. ST. ANN. § 250, TITLE 75). THE UNDERLYING CAUSE, IS THAT, ON 06/19/2022 WADE LAY WAS DENIED A SHOWER, BUT THE UNDERLYING CAUSE FOR THAT IS MUCH MORE OVER 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 ENDSTAFFER FILED LAY V. A.C.L.U. - THIS PROBLEM DATES BACK TO 2010, WHEN THE D.O.C. BEGAN THIS DECEPTIVE CAMPAIGN TO COMPLETELY ALTER THE DYNAMIC OF H-UNIT, DUE TO THE FINANCIAL CRISIS OF 2008.*
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. *STAFF TO FULFILL ITS SELF IMPOSED OBLIGATIONS.*
3. The action you believe the reviewing authority may lawfully take. *O.S.R. DOES NOT HAVE ADEQUATE REVIEWING AUTHORITY. SHOULD BE COMMENDED TO THE DIRECTOR, (SCOTT CROW) THAT H-UNIT AT O.S.R., RETURN TO THE PROTOCOLS OF 2005, SURROUNDED OPERATIONS AND PRISONER ESCORT.*

Grievance report sent to (warden/facility head/administrator/correctional health services administrator):

WADE LAY  
Name 516263

Signature of Grievant

Title

Date Sent to Reviewing Authority

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

THESE OF THIS STATUTE. WADE LAY ALLEGES: 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. STAT. ANN. § 306) OF THE ADMINISTRATIVE PROCEDURES ACT (APA).

THE RULE REFERENCED ABOVE, IS THE O.D.O.C. PROTOCOLS REQUIRING A TWO AND A HALF HOUR ESCORT FOR PRISONERS AT O.S.D. H-UNIT TO MOVE FROM CERTAIN LOCATIONS WITHIN THE QUAD. THIS ALSO APPLIES TO OTHER CORRECTIVE ACTIONS. THE SELF IMPOSED PROTOCOL HAS NO LAWFUL VALIDITY. THE DISINGENUOUS IMPLEMENTATION OF THE AFORESAID RULE / PROTOCOL, IS AN EGREGIOUS ABUSE OF DISCRETION BY THE O.D.O.C.. THE RULE VIOLATES SPECIFICALLY SUB-SECTIONS 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 Lay*, 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 BOLDFACES PERFECTLY WITH THE BACKGROUND, I.E., *Lay v. Orman*, CN-5-170-FHS-SPS, AND THE CLAIMS PENDING IN THE PITTS. COUNTY COURT, PAVING SO CLEARLY, THAT <sup>THE</sup> EXISTING WARDEN (MR FARRIS) HAS ACTIVELY ENGAGED IN AN ILLEGIT CONSPIRACY WITH FEDERAL ACTORS TO CAUSE WADE LAY'S EXECUTION THAT WAS STAYED (JAN. 06, 2022). SEE ALSO *Lay v. A.G.L.U.*, CN-21-214-JFH-SPS).

THE CONSPIRACY, OR TO PROPERLY STATE THE CONDITION, THE ACQUIESCE, INNOCENCE, AND POLITICAL ASSENT BY THE STATE OF OKLAHOMA, TO THE ALL CONSUMING POWER OF FEDERAL JUDGES, PROPELLED THIS STATE OF GREED TO ITS PRESENT CONDITION. THE O.D.O.C. MUST KEEP 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 BE A FRUGAL ADMINISTRATION, SAVING SO MUCH IN OVERSIGHT COST, THE BUDGET WOULD NOT EXIST. RATHER, THE COST-EFFECTIVE ATTRIBUTES WOULD TAKE THE TAXPAYERS THEIR HARD EARNED MONEY.

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

THE PROMISES MADE BY THE O.D.O.C. AND THE LEGISLATURE = THIS STATE, PREDICATED ON SPECIFICS, SUCH AS, THE CORRECT = THIS BUILDING'S OPERATIONAL FUNCTIONS, PROMISES = STATED = 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 YOURS CAPABLE 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., HUNTSVILLE, OKLAHOMA - RE: HOT WATER -

THE PRISON IS ALLOWING FOR HOT WATER BETWEEN  
8:30 A.M., AND 1 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 GOING TO SHOWERS, DESTROYING  
THE RIGHT. SIGN IF YOU AGREE.

1. WADE LAY

*x* *WADE LAY*

02/08/2023

IW4H

2. Denson Bush

*x* *Denson Bush*

2-8-2023

SW4I

3

4

5

6

7

8

9

10.

ONE MAN WAS TOLD TO STOP PASSING  
THIS PETITION ON THE 08TH OF FEB.  
2023.

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

<p>WADE LAY,</p> <p>v.</p> <p>CHRISTIE QUICK,</p>	<p>)</p> <p>)</p> <p>Plaintiff,</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>Defendant.</p> <p>)</p>	<p><b>No. CIV 23-326-RAW-DES</b></p>
---	---	--------------------------------------

**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

EC-1

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

WADE LAY,

PETITIONER,

VS.

CASE NO. CV-23-326 EWD/DRS

CHRISTI CRICK,

(WARDER AT O.S.P.)

RESPONDENT.

FILED

NOV 27 2023

BONNIE HACKLER  
Clerk, U.S. District Court

By \_\_\_\_\_ Deputy Clerk

NOTICE OF APPEAL RULE 18

Role of the Supreme Court

WADE GREENE LAY # 516263

OKLAHOMA STATE PENITENTIARY

DATE:

P.O. BOX 97

PRO-SE

MCALISTER, OKLA. 74502

1. IN ACCORDANCE TO RULE 18 - RULES OF THE SUPREME COURT OF THE UNITED STATES, MADE LAW NOTIFIES THIS U.S. DIST. COURT HIS INTENT TO APPEAL DIRECTLY TO THE U.S. SUPREME COURT THE "IMPEDEMENT CLAUSE IMPETUS" PURSUANT TO 28 USC § 2244 AND 28 USC § 2255.
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 IMPEDEMENT, ALONG WITH THE

2. THE U.S.D.C. N.D./OK. AND THE TENTH CIRCUIT COURT OF APPEALS, A RULE 10 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. 6.1 WHICH HE PRESENTED TO THE U.S.D.C. E.D./OK. IN LAY V. UNITED STATES BUT THE DISTRICT COURT REFUSED TO DOCKET THE FILING.

4. PETITIONER'S PETITION UNDER RULE 10 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  
FOTIFIES THE U.S.D.C. F.D./OK, AND THE U.S.D.C.  
W.D./OK, OF THE PENDING HABEAS APPEAL.

RESPECTFULLY SUBMITTED

BY ANDRE LAY AT P.S.O.



P.O. BOX 97

11/20/2023 McALESTER, 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



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-RW-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,



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			
<b>PACER Login:</b>	jrf33503	<b>Client Code:</b>	OAG
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	6:23-cv-00326-RAW-DES
<b>Billable Pages:</b>	2	<b>Cost:</b>	0.20



**ORIGINAL**

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

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

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

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

**FILED**

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

**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

---

<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.

---

<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**



**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

JAMES CHANDLER RYDER,

DEC 14 2023

Appellant,

JOHN D. HADDEN  
CLERK

v.

THE STATE OF OKLAHOMA,

Case No. D-2000-886

Appellee.

**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.**

---

<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

SCOTT ROWLAND, Presiding Judge

Robert L. Hudson

ROBERT L. HUDSON, Vice Presiding Judge

~~Gary L. Lumpkin~~ (See the Part)  
GARY L. LUMPKIN, Judge  
Concurs in ~~Part~~ <sup>Do not read</sup>  
Part <sup>with writing</sup>  
Dissent in Part Writing

DAVID B. LEWIS, Judge

Attached

William J. Musseman

WILLIAM J. MUSSEMAN, Judge

ATTEST:

John D. Hadden

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

---

<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

---

<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

---

<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,

---

<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.

---

<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

RECEIVED AND FILED  
IN DISTRICT COURT  
PITTSBURG COUNTY, OKLA  
2024 APR 19 AM11:00  
PATA SMITH  
S DEPUTY

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

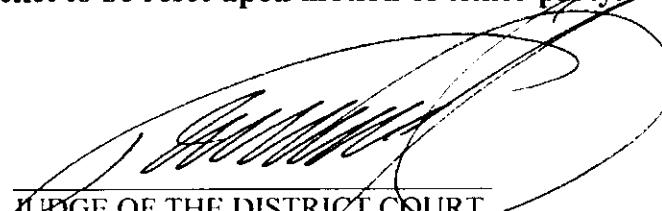
OTHERS

TAPE NO.

COURT REPORTER

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

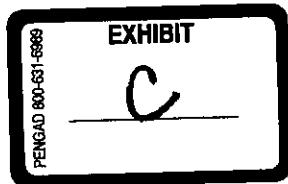
This matter comes on for trial this 9<sup>th</sup> day of MAY, 2024. Mr. Wade Greeley Lay appears by and through counsel of record, Mr. Jeffrey Byers, Ms. Callie Heller, and Ms. Tricia Russell, and his appearance is waived for good cause. The State appears through the Pittsburg County District Attorney,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

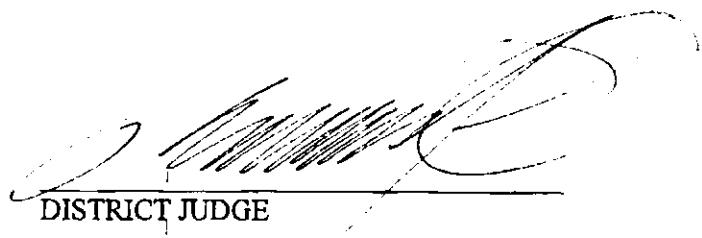
This Court further orders the Oklahoma Department of Mental Health and Substance Abuse Services to immediately coordinate with the Oklahoma Department of Corrections (and, if the Department of Mental Health and Substance Abuse Services so wishes, another entity with personnel qualified to provide restoration 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.

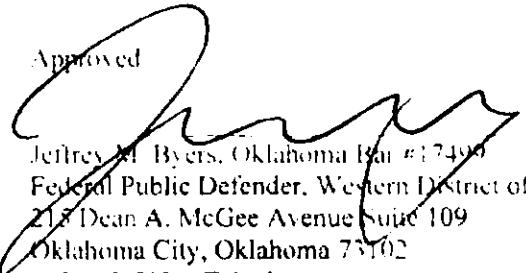
Finally, Mr. Lay's competence to be executed shall be reevaluated by the Oklahoma Department of Mental Health and Substance Abuse Services, and a report indicating whether Mr.

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.

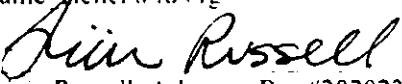


A handwritten signature in black ink, appearing to read "D. L. Lay" or a similar variation, is written over a horizontal line. Below the line, the words "DISTRICT JUDGE" are printed in a standard, sans-serif font.

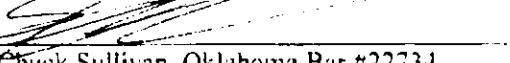
Approved

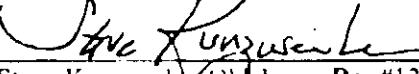
  
Jeffrey M. Byers, Oklahoma Bar #17499  
Federal Public Defender, Western District of Oklahoma  
215 Dean A. McGee Avenue Suite 109  
Oklahoma City, Oklahoma 73102  
405-609-5930 (Telephone)  
405-609-5932 (Facsimile)  
Jeff\_Byers@fd.org

  
Callie Heller, Texas Bar #24101897 (appearing Pro Hac Vice)  
215 Dean A. McGee Avenue Suite 707  
Oklahoma City, Oklahoma 73102  
405-609-5975 (Telephone)  
405-609-5976 (Facsimile)  
Callie\_Heller@fd.org

  
Tricia Russell, Arkansas Bar #2020232 (appearing Pro Hac Vice)  
215 Dean A. McGee Avenue Suite 707  
Oklahoma City, Oklahoma 73102  
405-609-5975 (Telephone)  
405-609-5976 (Facsimile)  
Tricia\_Russell@fd.org

*Attorneys for Petitioner Wade Greeley Bay*

  
Chuck Sullivan, Oklahoma Bar #22734  
Pittsburg County District Attorney  
115 E. Carl Albert Pkwy.  
 McAlester, Oklahoma 74501  
918-423-1424 (Telephone)  
918-423-8575 (Facsimile)  
Chuck.sullivan@dac.state.ok.us

  
Steve Kunzweiler, Oklahoma Bar #13398  
Tulsa County District Attorney  
500 S. Denver Ave., #900  
Tulsa, Oklahoma 74103  
918-596-4805 (Telephone)  
stevekunzweiler@tulsacounty.org

Jennifer Crabb, Oklahoma Bar #20546  
Assistant Attorney General  
313 N.E. 21st Street  
Oklahoma City, OK 73105  
405-521-3921 (Telephone)  
405-522-4534 (Facsimile)  
Jennifer.crabb@oag.ok.gov

ORIGINAL



IN THE COURT OF CRIMINAL APPEALS OF  
THE STATE OF OKLAHOMA

JAMES CHANDLER RYDER, )  
Appellant, )  
v. ) No. D-2000-886  
THE STATE OF OKLAHOMA, )  
Appellee. )

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.

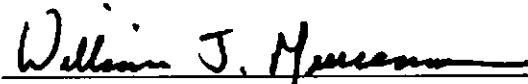
In addition to other statutorily required reporting, and to ensure the treatment and status of Appellant's return to competency under the statutory procedures, the treating entity shall provide periodic reports to the District Court and this Court every thirty (30) days setting forth the treatment provided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

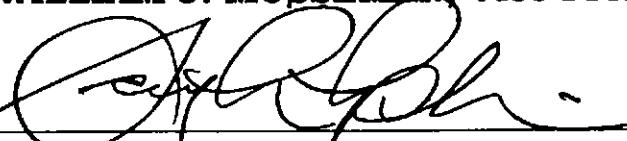
**IT IS THEREFORE THE ORDER OF THIS COURT** that the execution be stayed until further order of this Court.

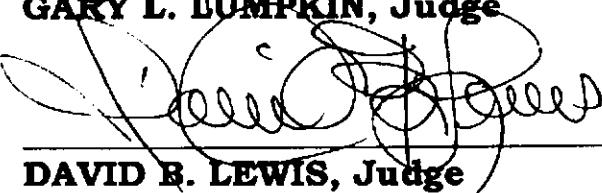
**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this

2 day of April, 2024.

  
**SCOTT ROWLAND, Presiding Judge**

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

  
**GARY L. LUMPKIN, Judge**

  
**DAVID B. LEWIS, Judge**

*Robt. L. Hudson*  

---

**ROBERT HUDSON, Judge**

ATTEST:

*John D. Hadden*

---

Clerk

**ORIGINAL**



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

**FILED**

IN COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

**WADE GREELY LAY,**

MAY 24 2024

**Appellant,**

JOHN D. HADDEN  
CLERK

**v.**

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

**THE STATE OF OKLAHOMA,**

**Appellee.**

**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

---

<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

---

<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**

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

GARY L. LUMPKIN  
**GARY L. LUMPKIN, Judge**

DAVID B. LEWIS  
**DAVID B. LEWIS, Judge**

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

ATTEST:

John D. Hadden  
**John D. Hadden**  
Clerk