

CASE NO _____

IN THE SUPREME COURT OF THE UNITED STATES

MICHAEL DEWAYNE SMITH,

Applicant,

v.

CHRISTE QUICK, Warden
Oklahoma State Penitentiary,

Respondent

On Petition For Writ of Certiorari
to the Oklahoma Court of Criminal Appeals

APPENDIX

THIS IS A CAPITAL CASE WITH IMMINENT EXECUTION SCHEDULED
FOR APRIL 4, 2024 AT 10:00 A.M.

April 2, 2024

MARK HENRICKSEN, OBA #4102
LANITA HENRICKSEN, OBA #15016
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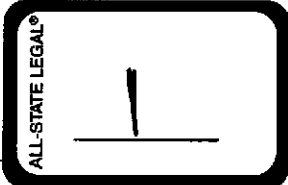
APPENDIX TO
EMERGENCY APPLICATION FOR STAY OF EXECUTION

AFFIDAVIT OF SHEENA JOHNSON

STATE OF OKLAHOMA)
) **ss.**
COUNTY OF OKLAHOMA)

Before me the undersigned notary, on this 9th day of December, 2009, personally appeared Sheena Johnson, known to me to be a credible person and of lawful age, who being sworn, on her oath, deposes and says:

1. My name is Sheena Johnson and I was a State's witness in *State of Oklahoma v. Michael Dewayne Smith*, Oklahoma County Case No. CF-02-1329.
2. Mr. Smith's case was before the Honorable Twyla Mason Gray.
3. Prior to my testimony, I received a call telling me that I was needed at court and that a taxi would be sent for me. I brought my 3 week old and one year old children with me. After waiting in the witness room, I was told that there was a mistake and that there was not a court hearing. I was told a cab would be called to take me home. I waited and when I saw a cab, the cab driver told me that I was not who he was assigned to pick up. I took my children and went back to let someone know my cab had not arrived. At this time I was told that Judge Gray wanted to see me in her chambers.
4. I was brought back into Judge Gray's chambers and I was asked to leave my children with someone in the witness room. There were about 5 - 7 people in Judge Gray's chambers, but the only one's I recognized were OCPD Detectives McNutt and Sterling. Judge Gray informed me that if I ignored the subpoena that she would hold me in contempt, place me in jail, and make me pay for the days I was incarcerated. I had expressed fear for my safety because of living in the same place I was in when the crimes happened. I wanted help moving somewhere else before I testified so my children and I would be safe. I informed her that I could not go to jail because I was a single mother.
5. Judge Gray then told me that "I had too much on my plate," without further explanation, and that protective services were here and that they were taking my



children away that day. My children were immediately taken from me, while I was still in Judge Gray's chambers. I asked one of the OCPD detectives, either Sterling or McNutt, if I would get my children back after I testified. She told me that I would and that she knew I was a good mother. I testified because I wanted my children back, however, I did not get them back at the completion of my testimony.

6. Prior to trial, Detectives Starling and McNutt came to my house to see me approximately 10 times. During these visits, I was told about the cash register and the clerk being set on fire at the convenience store and that this needed to be in my testimony even though Michael Smith said nothing about setting fires in the convenience store. I did what the detectives told me to do, because I wanted to get my children back.
7. The same detectives also told me about the convenience store shooting being a gang-related revenge murder and that this also needed to be in my testimony. Michael did not tell me why the convenience store clerk was shot, but I testified that he did.
8. I believe Judge Gray and the detectives held my children in order to force me to testify against Michael Smith.
9. I swear and affirm that the foregoing statement is true and correct.

Sheena Johnson
Sheena Johnson

Subscribed and sworn to before me this 9 day of December, 2009.



Julie Gardner
NOTARY PUBLIC

AFFIDAVIT OF SHEENA JOHNSON

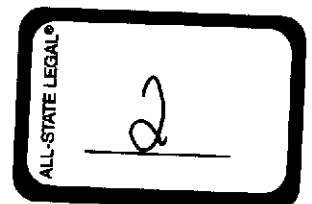
STATE OF OKLAHOMA

COUNTY OF OKLAHOMA

)
)
)
SS.

Before me, the undersigned notary, on this 29th day of March, 2024, personally appeared Sheena Johnson, known to me to be a credible person and of lawful age, who being sworn, on her oath, deposes and says:

1. My name is Sheena Johnson, and I was a State's witness in *State of Oklahoma v. Michael Dewayne Smith*, Oklahoma County Case No. CF-02-11329.
2. Michael Smith's case was before the Honorable Twyla Mason Gray.
3. Before my testimony, I received a call telling me that I was needed at court and a taxi would be sent to pick me up. I brought my three-week-old and my one-year-old child with me that day. After waiting in the witness room, I was told that there was a mistake and that there would not be a court hearing. I was then told a cab would come pick me up to take me home. I waited until I saw the cab, and the cab driver told me that I was not who he was assigned to pick up. I took my two children and went back to let someone know my cab had still not arrived. At this time, I was told that Judge Gray wanted to see me in her chambers.
4. I was brought back into Judge Gray's chambers, and I was asked to leave my two children with someone in the witness room. There were about 5 – 7 people in Judge Gray's chambers, but the only ones I recognized were OCPD Detective McNutt and Sterling. Judge Gray then informed me that if I chose to ignore the subpoena she would hold me in contempt, place me in jail, and make me pay for the days I was incarcerated. I had expressed fear for my safety and my children's safety because I was living in the same place where the crimes happened. I wanted help moving somewhere else before I testified so my children and I would be safe. I informed her that I could not go to jail because I was a single mother.
5. Judge Gray then told me that, "I had too much on my plate," without any further explanation of that statement. Judge Gray then proceeded to tell me that protective services were here and that they were taking my children away that day. My children



were immediately taken from me, while I was still in Judge Gray's chambers. I asked one of the OCPD detectives, either Sterling or McNutt, if I would get my children back after I testified. She told me that I would get them back and she knew I was a good mother. I testified because I wanted my children back, however, I did not get them back after my testimony, it was roughly a year later before I got them back.

6. Before the trial, Detectives Sterling and McNutt came to my house to see me approximately ten times. During these visits, I was told about the cash register and the clerk being set on fire at the convenience store and that this needed to be in my testimony even though Michael Smith said nothing about setting fires in the convenience store and this was something I had no previous knowledge of. I did what the detectives told me to do and say because I wanted to get my children back.
7. Detectives Starling and McNutt also told me about the convenience store shooting being a gang-related revenge murder and that this also needed to be in my testimony. I had no previous knowledge of this matter, Michael did not tell me why the convenience store clerk was shot, but I testified that he did because that is what I was told to do.
8. During the trial, I said, "I do not feel comfortable doing it, I don't want to do it," because it was not the full truth. I was told to just place my hand above the Bible but to not touch it if I was not comfortable doing so. At the time, Judge Gray and the district attorney knew I did this.
9. I was not the person that called crime stoppers, it was a family member. At the time, I told them I did call crime stoppers because I needed the extra money, which I still to this day have not received.
10. I believe Judge Gray and the detectives held my children to force me to testify against Michael Smith.
11. I swear and affirm that the foregoing statement is true and correct.



Sheena Johnson

Subscribed and sworn to before me this 29th day of March, 2024.

Dr. Mikayla Saramosing

NOTARY PUBLIC

