

Exhibit 1

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,
Plaintiff,

vs.

RICHARD EUGENE GLOSSIP,
Defendant.

)
)
)
) CASE NO. CF-1997-244
)
)
)

TRANSCRIPT OF TESTIMONY OF AMANDA BASS CASTRO ALVEZ AND
FERN SMITH AND COURT'S RULING IN RULE 15 PROCEEDINGS
HAD ON THE 30TH DAY OF OCTOBER, 2025

HEARD BEFORE

THE HONORABLE SUSAN STALLINGS

DISTRICT JUDGE

* * * * *

Reported By:

Elliott Thompson, CSR
Official Court Reporter
321 W. Park
Suite 800
Oklahoma City, Oklahoma 73102
(405) 713-1468

APPEARANCES

FOR THE STATE:

MR. JIMMY HARMON
MS. JENNIFER HINSPERGER
313 NE 21ST STREET
OKLAHOMA CITY, OK 73105

FOR THE DEFENDANT:

MR. CORBIN BREWSTER
2617 EAST 21ST STREET
TULSA, OKLAHOMA 74114

MS. ANDREA MILLER
800 NORTH HARVEY
OKLAHOMA CITY, OK 73102

MR. DON KNIGHT
7852 SOUTH ELATI STREET, STE. 205
LITTLETON, CO 80120

MS. JUDY CLARKE
302 WASHINGTON STREET, STE. 626
SAND DIEGO, CA 92103

MR. TIVON SCHARDL
4804 CASWELL AVE.
AUSTIN, TX 78751

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1 THE COURT: Call your next witness.

2 MS. MILLER: We'll call Amanda Bass Castro Alvez.

3 THE COURT: Good afternoon.

4 THE WITNESS: Good afternoon.

5 THE COURT: Would you raise your right hand please.

6 **AMANDA BASS CASTRO ALVEZ,**

7 called as a witness, after having been first duly sworn,
8 testified as follows:

9 THE COURT: Please have a seat. And as you know the
10 acoustics suck so please speak into the microphone.

11 Counsel, you may inquire.

12 **DIRECT EXAMINATION**

13 BY MILLER:

14 Q. Can you state your full name please?

15 A. Amanda Bass Castro Alvez.

16 Q. What's your occupation?

17 A. I'm an Assistant Federal Public Defender in the District
18 of Arizona's Capital Habeas Unit.

19 Q. What is your title?

20 A. I'm a Supervising Assistant Public Defenders.

21 Q. In that capacity what types of cases do you work?

22 A. I work exclusively on death penalty cases in Arizona and
23 Oklahoma.

24 Q. How do you happen to work on Oklahoma cases if you're
25 based in Arizona?

1 A. I have been assigned Oklahoma cases when there has been a
2 conflict involving the Oklahoma Capital Habeas Unit. So in
3 that situation my office would seek appointment from the
4 Federal District Court here in the Western District to step in
5 as counsel in those cases. So that's how I've inherited my
6 Oklahoma cases.

7 Q. Do you currently represent any Oklahoma death row inmates
8 who's cases are in active litigation?

9 A. I do, yes.

10 Q. How many?

11 A. One.

12 Q. Who is that?

13 A. Tremane Wood.

14 Q. And what is the status of Mr. Wood's case?

15 A. In Mr. Wood's case we are filing a Petition for
16 Certiorari in the United States Supreme Court together with a
17 request for a Stay of Execution.

18 Q. When will that be filed?

19 A. It was filed this afternoon.

20 Q. So his case is ongoing?

21 A. That's right.

22 Q. What was the underlying proceeding that prompted you to
23 file a cert petition of the United States Supreme Court?

24 A. In September of 2024 my office was given permission by
25 District Attorney Behenna to review the prosecution's file in

1 Mr. Wood's case for the first time. As part of that file
2 review we discovered the basis of prosecutorial a misconduct
3 claim and proceeded to file a petition -- a successive post
4 conviction petition in the Court of Criminal Appeals. In
5 March of this year the Court of Criminal Appeals remanded Mr.
6 Wood's case to this Court for an evidentiary hearing on our
7 claims.

8 Q. Who were the prosecutors in that case?

9 A. The prosecutors in Mr. Wood's case were Fern Smith and
10 George Burnett.

11 Q. Was an evidentiary hearing held in Oklahoma County?

12 A. An evidentiary hearing was held.

13 Q. Was -- and who was the hearing before?

14 A. The hearing occurred -- initially it was set to occur
15 before Judge Kathryn Savage. After a Rule 15 hearing Judge
16 Savage recused and Mr. Wood's case was then transferred to
17 Judge Stallings.

18 Q. Did you pursue a Rule 15 procedure in relation to Judge
19 Stallings being assigned to Mr. Wood's case?

20 A. I did not pursue a Rule 15 procedure in Mr. Wood's case
21 with respect to Judge Stallings.

22 Q. Was there an in camera discussion once the case was
23 assigned to her?

24 A. There was an in chambers discussion with the parties.

25 Q. What was the purpose of that?

1 A. The -- Judge Stallings' judicial assistant had reached
2 out to us both me and to Joshua Lockett, the assigned Oklahoma
3 Assistant Attorney General on the case to ask for, you know,
4 the parties to just come together and talk to the Judge
5 because it had just been assigned to Judge Stallings. And so
6 I thought it was going to be a sort of scheduling conference
7 because the hearing I think at that point was set for under a
8 week away. So, yeah, that's what it was.

9 Q. During the course of the in camera hearing with the
10 attorneys was anybody else from the Attorney General's Office
11 working on that case with Mr. Lockett?

12 A. Christina Burns was working with Mr. Lockett on the case
13 but she was not present at that in chambers discussion.

14 Q. Were there other attorneys from your office present?

15 A. There were.

16 Q. Who was present?

17 A. There were three. I'm sorry.

18 Q. Who was present?

19 A. Three other attorneys from my office were present. Cary
20 Sandman, Alison Rose, and Keith Hilzendeger, my co-counsel.

21 Q. During the course of the in camera conversation did Judge
22 Stallings discuss a trip that she had taken with Ms. Smith?

23 A. Yes, Judge Stallings did discuss a trip that she had
24 taken with Fern Smith.

25 Q. Do you recall where the location was the trip was?

1 A. I do not recall the location.

2 Q. Do you recall when the trip occurred?

3 A. I don't recall when it occurred. I know Judge Stallings
4 mentioned when it had occurred. I just don't remember the
5 timeframe.

6 Q. Do you remember how Judge Stallings described the trip?

7 A. I remember Judge Stallings describing it as hen doo.

8 Q. And produce familiar with the term hen doo?

9 A. I was familiar with the term hen parties but it's an
10 unusual term so hen doo stuck with me.

11 Q. What was your understanding of what she was talking
12 about?

13 A. Well, just my own, you know, lay knowledge of a hen party
14 from watching British PBS crime dramas is it's sort of like,
15 you know, a bachelorette party. People go out and get wasted
16 before a big life event or something like that.

17 Q. Was there any other information about who was on the trip
18 with Judge Stallings?

19 A. I believe Judge Stallings also had mentioned that it
20 involved other ladies in the law.

21 Q. Did you have the impression that it involved people that
22 she had worked with?

23 A. You know, I really don't know. I couldn't say whether it
24 was people Judge Stallings worked with or just women who were
25 other lawyers in, you know, that went on this trip.

1 Q. Do you have any memory of whether or not there had been a
2 pretty good lapse in time between the conversation you were
3 having with Judge Stallings and the time the trip occurred?

4 A. Yes, I got the sense that significant time had passed.

5 Q. Did you actually do a hearing in front of Judge Stallings
6 in Mr. Wood's case?

7 A. Yes, we did.

8 Q. Did -- were witnesses called?

9 A. Yes.

10 Q. And at the conclusion of the hearing were the parties
11 asked to provide proposed findings of facts and conclusions of
12 law to the Court?

13 A. Yes.

14 Q. Did both parties provide those proposed findings?

15 A. I believe the State did. I was not copied on an email to
16 Judge Stallings with their proposed findings if in fact they
17 delivered it that way. But after we filed our proposed
18 findings we emailed a file stamped copy as well a Word
19 document of our proposed findings to Judge Stallings and
20 copied both Joshua and Christina.

21 Q. What was the purpose of sending a Word version of your
22 proposed findings?

23 A. That is how Judge Stallings had asked us to submit those
24 to her.

25 Q. Did you receive a file stamped copy of the State's

1 proposed findings?

2 A. I did received a file stamped copy of the State's
3 proposed findings.

4 Q. Did you receive a Word version of the State's proposed
5 findings?

6 A. I did not receive a Word version.

7 Q. When -- and did Judge Stallings ultimately issue an order
8 in that case?

9 A. Yes. Judge Stallings did.

10 Q. Did the order reflect the adoption of one side or the
11 other's proposed findings?

12 A. Yes, it did.

13 Q. Did Judge Stallings adopt your proposed findings?

14 A. No, Judge Stallings did not.

15 Q. Did she adopt the State's proposed findings?

16 A. Yes, Judge Stallings did.

17 Q. How similar -- and I can refresh your memory if you need
18 to look at them, how similar to the State's proposed findings
19 was the order that was adopted by Judge Stallings?

20 A. My recollection is that they were largely identical. I
21 think there were some things that had been changed. But it
22 was largely identical.

23 Q. Do you remember what those small things are?

24 A. Not off of the top of my head. You know, I think --
25 yeah, I just remember noticing some small changes but then

1 doing a side by side comparison and just finding that it was
2 largely the same.

3 Q. Was -- did you subpoena witnesses for that hearing?

4 A. I'm sorry?

5 Q. Did you subpoena witnesses for that hearing?

6 A. I did subpoena witnesses.

7 Q. Did you subpoena Ms. Smith?

8 A. I did.

9 Q. Was there an occasion where -- was the hearing held on
10 the original setting date that the hearing was set?

11 A. It did not occur on the original date that it was
12 scheduled to occur.

13 Q. Do you recall a situation where Ms. Smith came for the
14 original hearing date?

15 A. I do recall learning about that.

16 Q. How did you learn about that?

17 A. I learned about it through a phone call with Josh
18 Lockett. He called me.

19 Q. Let me stop you there. Did -- based on the conversation
20 with Mr. Lockett did you have the impression that Judge
21 Stallings was upset about the fact that Ms. Smith had
22 appeared?

23 MS. HINSPIERGER: Object to leading.

24 THE COURT: Rephrase your question, counsel.

25 BY MS. MILLER:

1 Q. Sorry. Based on your conversations with Mr. Lockett did
2 you have the impression that Judge Stallings was upset with
3 the fact that Ms. Smith had appeared on the original hearing
4 date?

5 MS. HINSPERGER: Object to leading.

6 THE COURT: It's the same question.

7 Based on your conversation Mr. Lockett what if any
8 impression did you get about that?

9 THE WITNESS: I got the impression from my
10 conversation with Josh that Judge Stallings was angry that
11 Fern Smith had not been notified of the changed hearing date.

12 BY MS. MILLER:

13 Q. Were you -- did Judge Stallings call you to address that
14 situation?

15 A. No.

16 Q. Do you recall giving an affidavit for the Court to us for
17 the purposes of this proceeding?

18 A. Yes.

19 MS. MILLER: May I approach, Your Honor?

20 THE COURT: You may.

21 MS. MILLER: I'll direct the parties to Exhibit C.

22 BY MS. MILLER:

23 Q. Does that appear to be a copy of the affidavit you
24 provided?

25 A. It does.

1 Q. Is that your signature on the affidavit?

2 A. It is.

3 MS. MILLER: Judge may we admit Exhibit C?

4 MS. HINSPERGER: Object to hearsay, Your Honor.

5 THE COURT: Okay. Counsel, why don't you just
6 inquire about this? I mean, you have her here on the stand.
7 Why don't you just ask her that questions you need to ask.

8 MS. MILLER: I have asked my questions. I'm just
9 offering it for the purpose of record.

10 THE COURT: And the objection is hearsay. Your
11 response?

12 MS. MILLER: Well, I'd ask for some direction as to
13 which part of the affidavit is hearsay.

14 THE COURT: I believe the whole affidavit is hearsay.

15 MS. MILLER: It's the declarant's statement.

16 THE COURT: Yes, and you have the declarant right
17 here. You can ask her anything you want.

18 MS. MILLER: Your Honor, I'm offering it for the
19 purpose of the record. That's my response.

20 THE COURT: Okay. That will be denied.

21 MS. MILLER: I have no more questions.

22 THE COURT: Any cross examination?

23 MS. HINSPERGER: Yes, Your Honor.

24 **CROSS EXAMINATION**

25 BY MS. HINSPERGER:

1 Q. Can you tell me what last name to you prefer to go by?

2 A. Bass is fine.

3 Q. Okay. Great. Ms. Bass, during the Tremane Wood
4 proceeding my understanding is before the evidentiary hearing
5 was held Judge Stallings gave you the information about a long
6 time going ago going on a trip with Fern SMith; is that
7 correct?

8 A. That's right.

9 Q. You don't recall specifically when that time period would
10 have been?

11 A. I don't.

12 Q. Did she indicate or do you know, was there a date that
13 was given?

14 A. There may have been. I just don't remember.

15 Q. Okay. And it was your understanding that this was a
16 group I think you said of women in the law or other female
17 attorneys?

18 A. Right.

19 Q. Okay. Even so having been given that information, you
20 did not request Judge Stallings to recuse herself; is that
21 correct?

22 A. That's correct.

23 Q. In the Tremane Wood hearing you called Fern Smith as a
24 witness, correct?

25 A. That's correct.

1 Q. And the purpose of calling her was to support your claim
2 that Ms. Smith and Mr. Burnett had committed prosecutorial
3 misconduct in that case; is that correct?

4 A. That's correct.

5 Q. But even knowing that she was a key witness in that case
6 and that Judge Stallings had gone on this trip at some point
7 with her at that point you did not feel a necessity to request
8 her recusal, correct?

9 A. That's correct.

10 Q. Okay. And Judge Stallings eventually did submit proposed
11 findings of fact and conclusions of law, correct?

12 A. That's right.

13 Q. And those were then sent up to the Court of Criminal
14 Appeals for their determination of Mr. Wood's post conviction
15 application, correct?

16 A. That's correct.

17 Q. Ultimately that Court of Criminal Appeals denied his post
18 conviction application, correct?

19 A. That's right.

20 Q. You had mentioned that Judge Stallings had called you in
21 regards to Mr. -- excuse me, Ms. Smith coming up here for the
22 evidentiary hearing was unaware that it had been rescheduled.
23 You had testified that Judge Stallings had called Mr. Lockett
24 rather than yourself even though you had subpoenaed Ms. Smith;
25 is that correct?

1 A. That's right.

2 Q. Did you get the impression that Judge Stallings had --
3 was under the misapprehension that the State was the one who
4 had subpoenaed Ms. Smith?

5 A. I'm sorry. Can you say that again?

6 Q. Was it your understanding that Ms. Stallings was under
7 the misapprehension that it was the State and not the Defense
8 that had subpoenaed Ms. Smith?

9 A. You know, I don't recall what my impression was at the
10 time of how, you know, whether Judge Stallings knew that we
11 had both subpoenaed Ms. Smith or knew that we had and the
12 State hadn't but was reaching out to Joshua for some other
13 reason. I really didn't have an impression one way or another
14 why that was happening.

15 MS. HINSPIERGER: May I have just a moment, Your
16 Honor?

17 THE COURT: You may.

18 (Counsel for the State confer.)

19 MS. HINSPIERGER: Thank you. I have no further
20 questions.

21 THE COURT: Any redirect?

22 **REDIRECT EXAMINATION**

23 BY MS. MILLER:

24 Q. When the Oklahoma Court of Criminal Appeals affirmed the
25 denial of post conviction relief in Mr. Wood's case did they

1 do it on the basis of findings of facts and conclusions of law
2 proposed by the State of Oklahoma?

3 A. That's correct.

4 Q. During the course of that hearing how would you
5 characterize Ms. Smith's direct testimony?

6 MS. HINSPERGER: Objection to relevance, Your Honor.

7 THE COURT: Counsel, relevance?

8 MS. MILLER: It's relevant because it goes to Your
9 Honor's demeanor during Ms. Smith's -- I'm laying the
10 foundation to ask a question about Your Honor's demeanor
11 during Ms. Smith's testimony.

12 MS. HINSPERGER: Your Honor, that would be outside of
13 the scope also of my cross examination.

14 MS. MILLER: I don't believe it was. I think she
15 asked about the hearing and the testimony.

16 THE COURT: All right. Just get to the point,
17 counsel.

18 MS. MILLER: Your Honor, I'm laying a foundation to
19 the question and illegal repeat it --

20 THE COURT: Please do.

21 MS. MILLER: -- with Your Honor's permission.

22 BY MS. MILLER:

23 Q. What was Ms. Smith's demeanor like during her direct
24 examination during the Wood hearing?

25 A. I would characterize Ms. Smith's demeanor as hostile.

1 Q. Do you have a characterization of Judge Stalling's
2 demeanor during the course of Ms. Smith's testimony during the
3 Wood hearing?

4 MS. HINSPERGER: Your honor, that's outside the scope
5 as well.

6 THE COURT: The objection is outside the scope.

7 MS. MILLER: And I believe she asked about the
8 hearing and Ms. Smith's testimony during the hearing. I'm
9 following up on her questions.

10 THE COURT: All right. Overruled.
11 You may answer.

12 THE WITNESS: I don't remember much about Judge
13 Stallings' demeanor only because I was focused on Ms. Smith.

14 MS. MILLER: May I have a moment?

15 THE COURT: You may.

16 (Counsel for the Defense confer.)

17 BY MS. MILLER:

18 Q. In the findings of facts that were adopted by Judge
19 Stallings do you remember what -- how the findings
20 characterized Ms. Smith's testimony?

21 A. It found Ms. Smith's testimony credible.

22 Q. Do you remember whether it uses the term resolute?

23 A. Without reviewing that I couldn't say. I don't recall.

24 MS. MILLER: Thank you.

25 THE COURT: Any recross based on those questions?

1 MS. HINSPERGER: Just one.

2 **RECROSS EXAMINATION**

3 BY MS. HINSPERGER:

4 Q. Ms. Bass, after having had the opportunity to observe Ms.
5 Smith's demeanor during the hearing to the present while Judge
6 Stallings presided over that hearing at no point throughout or
7 at the conclusion of that hearing did you request Judge
8 Stallings to recuse; is that correct?

9 A. That's right.

10 MS. HINSPERGER: I have nothing further.

11 THE COURT: All right. Ms. Bass, thank you for
12 coming back to Oklahoma. You are excused.

13 THE WITNESS: Thank you.

14 THE COURT: All right. Defense, you may call next
15 witness.

16 Mr. Brewster: Judge, we call Fern Smith.

17 THE COURT: Good afternoon, would you raise your
18 right hand please.

19 **FERN SMITH,**

20 called as a witness, after having been first duly sworn,
21 testified as follows:

22 THE COURT: Please have a seat and move that
23 microphone out of your way. All right. Thank you.

24 Counsel, you may inquire.

25 MR. BREWSTER: Thank you.

DIRECT EXAMINATION

1
2 BY MR. BREWSTER:

3 Q. Ms. Smith, you're here under subpoena?

4 A. I'm sorry. I can't hear you.

5 Q. You're here under subpoena?

6 A. I'm here under subpoena. Yes, sir. Do you want it?

7 Q. Well, I've got a copy. I just wanted to ask you, you
8 understand that the subpoena that compelled your attendance in
9 court today had requests for documents? It was a subpoena
10 duces tecum?

11 A. I'm sorry. I can't hear you.

12 MR. BREWSTER: May I move closer, Your Honor?

13 THE COURT: Sure.

14 MR. BREWSTER: Does this move?

15 THE COURT: No, you're going to walk up, pull up a
16 chair if you have to.

17 MR. BREWSTER: Okay.

18 THE COURT: Again, the acoustics in this place are
19 horrible.

20 MR. BREWSTER: Thank you.

21 BY MR. BREWSTER:

22 Q. Ms. Smith, you understand the subpoena that compelled
23 your attendance today was a subpoena duces tecum?

24 A. Yes, I do.

25 Q. And it requested documents?

1 A. Yes, sir.

2 Q. Did you bring any documents with you?

3 A. I don't have any of the documents that you requested.

4 Q. Did you bring any -- so you brought no documents with you
5 today?

6 A. I brought no documents because I didn't have any of the
7 documents that you requested.

8 Q. What did you do to search for the documents I requested?

9 A. I looked through my personal belongings at my home.

10 Q. Okay. Did you do an email search?

11 A. No, I wasn't asked to do an email search. But I don't
12 have any email -- the only email I have concerning this Judge
13 is one that I received last April. She sent me a copy of a
14 findings of fact and conclusions of law in the Tremane Wood
15 case.

16 MR. HARMON: Judge, May I request a copy of the
17 subpoena? The Defense did not serve the State of Oklahoma
18 with their subpoenas duces tecum.

19 THE COURT: Do you have a copy, Counsel?

20 MR. HARMON: I thought that was required but maybe
21 it's not. I think it is.

22 MR. BREWSTER: I have one. Do you want to review it?

23 MR. HARMON: Okay. Can I review it for just a
24 second?

25 MR. BREWSTER: Sure.

1 BY MR. BREWSTER:

2 Q. So, Ms. Smith, I just want to go through. You were
3 requested to bring with you copies of all communications
4 including emails, text messages, social media, or other
5 written exchange either indirect or direct between you and
6 Susan Stallings concerning the Richard Glossip case and it's
7 your testimony that you did no search in your email for any
8 such emails or communication with Judge Stallings; is that
9 correct?

10 A. Well, I don't have to. I know I didn't have any.

11 Q. Okay. And you were also requested for phone records that
12 document any calls or text messages between you and Susan
13 Stallings from 2018 to present. What did you do to search for
14 those communications?

15 A. I've got my phone right here. I don't have any text
16 messages. I told you I don't have any text messages. I've
17 never had a text message from Susan Stallings in my entire
18 life.

19 Q. Okay. Or a phone call? You've not talked to her --

20 A. Not that I recall.

21 Q. You've not talked to Judge Stallings on the phone since
22 her election to the bench in 2018?

23 A. Not to my knowledge. I do not believe I have.

24 Q. Okay.

25 A. I don't believe I've talked to her on the telephone or

1 text message or email except the one I told you about since
2 she left the DA's Office in the late 1990s.

3 Q. Okay. And I want to get to the email you mentioned but
4 the third category that was requested were records of travel
5 including photographs, video, receipts, or communications
6 regarding your trip with Judge Stallings, then just Susan
7 Stallings, 1997. Do you recall that trip?

8 A. I recall the trip, yes.

9 Q. Do you remember --

10 A. I don't know if it was in 1997 but I recall the trip,
11 yes.

12 Q. You recall traveling to Spain with Susan Stallings?

13 A. Yes.

14 Q. Okay. And did you take any photographs of that trip?

15 A. I didn't take photographs then, I don't take photographs
16 now when I travel.

17 Q. Okay. And you don't have any other responsive documents
18 regarding that trip after you searched for it?

19 A. Not to my knowledge.

20 Q. Okay.

21 A. If I do I didn't keep them.

22 Q. Other than that trip to Spain with Judge Stallings what
23 other trips have you been on with her?

24 A. I think in 1996 we went -- the only reason I remember the
25 date is because when we came back my husband was very sick.

1 The first I knew about it. He had a brain tumor. And when we
2 arrived back from the airport he didn't come pick me up
3 because he couldn't find his way because he had just been --
4 just had a brain tumor and I remember that because -- that's
5 the only reason I remember that trip because Judge Stallings
6 was there. And it was a group of people. It wasn't just me
7 and Judge Stallings.

8 Q. I understand. And it was -- the date of 1996 is
9 memorable for you because of your husband's illness?

10 A. Absolutely.

11 Q. And where did you go in '96 with Judge Stallings?

12 A. On that trip we went to Las Vegas.

13 Q. Okay. So there was a trip in '96 that's memorable for
14 you --

15 A. Only because of that incident.

16 Q. Do you remember -- given how memorable that timeframe for
17 you is do you recall the time of year the Vegas trip was
18 absolutely?

19 A. I absolutely do. It was in October.

20 Q. Okay. So in October of '96 you went with Judge Stallings
21 and some other people to Vegas?

22 A. Several other ladies from the DA's Office, yes.

23 Q. Was Susan Caswell on that trip?

24 A. I believe -- I'm not sure it was that trip but I have
25 been on one when Susan Caswell was with us. But I don't think

1 it was that trip.

2 Q. Was Sandy Elliot on that trip?

3 A. Who?

4 Q. Sandy Elliott?

5 A. I don't believe so.

6 Q. Okay.

7 A. I'm not sure.

8 Q. Okay. And then the following year in '97 did you travel
9 to Spain with Judge Stallings and other people?

10 A. I'm not sure it was 1997 but we did take a trip to Spain,
11 yes. With several other -- I believe there was six of us who
12 went to Spain.

13 Q. Okay. So six of you went to Spain. Other than the Vegas
14 trip and the trip to Spain with Judge Stallings what other
15 trips?

16 A. I believe there was one more trip to England and I
17 believe we went to London and Paris. But it wasn't with Susan
18 Stallings. I think it was a group. There were 13 of us who
19 went. And I didn't see -- I do not believe I even saw Judge
20 Stallings. My mother, my husband's mother, my husband, and my
21 sister went. And then a group of other people went. And
22 while we were there I hung around with my mother and my
23 husband's mother and my husband and my sister and really
24 didn't hang around with the other people.

25 Q. Do you recall what year the trip to England was?

1 A. I don't. It would have been before 1996 because my
2 husband died in 1996.

3 Q. And you don't remember whether Judge Stallings was on
4 that trip or not?

5 A. I believe she was on the trip but it was a group trip and
6 I didn't see her very much during the trip.

7 Q. Okay. Let's focus on the trip to Spain. There were just
8 six people --

9 A. Yes.

10 Q. -- that traveled together. Do you recall who else was on
11 that trip?

12 A. Yes, I do.

13 Q. Can you tell us?

14 A. Yes, a lady by the name of Robin Mayes and a lady by the
15 name of Jo Gordon, Emily Miller. Let's see. Lisa Hammond.
16 How many is that?

17 THE COURT: That's four.

18 MR. BREWSTER: Thank you.

19 THE WITNESS: Emily, Lisa, Jo Gordon, myself, Robin
20 Mayes, and Susan Stallings. That's six.

21 By MR. BREWSTER:

22 Q. And while the trip to England was a lot more people,
23 right? I mean, versus six?

24 A. There were more, yes.

25 Q. Okay. And so you may not have had as much contact with

1 Judge Stallings on the England trip but a group six would have
2 been been more closely traveling together?

3 A. Well, when we -- we were in groups. When we went to -- I
4 believe we flew into Madrid if I remember correctly. And I
5 think we stayed one night in Madrid. And four of us went to
6 Portugal on the train. And Susan Stallings and Robin Mayes
7 stayed behind and did their own thing. The group of the four
8 of us took the night train to Portugal. And we stayed there
9 either one or two nights. I can't remember which. And we
10 didn't see or communicate with Robin Mayes and Susan Stallings
11 until we got back.

12 And I believe we met them at -- met them somewhere. And we
13 rented cars. Robin Mayes drove one car and Susan Stallings
14 road with her and Jo Gordon. And the other car was driven by
15 Lisa Hammond and myself and Emily Miller were in that car. We
16 did go to -- although we were in separate cars we did go to --
17 I believe we went to Seville for one night and then we drove
18 down to the Costa Del Sol and stayed there maybe one or two
19 nights.

20 And Judge Stallings and -- it was Susan Stallings then and
21 Robin Mayes, I believe they left -- I'm not sure but I believe
22 they left one night before we -- the rest of us did and went
23 -- had to drive I believe it was Majorca to get the plane out.
24 And then Lisa Hammond, myself, and Jo Gordon then left in our
25 own car. And so, I mean, we were there together but we didn't

1 really have all that much contact.

2 Q. Do you recall going together to the summit of Gibraltar?

3 A. Yes. Well, we drove in separate cars. We didn't all
4 drive in the same car. Lisa Hammond -- I believe I remember
5 Lisa Hammond driving the car because it was scary going up the
6 mountain to where the monkeys were.

7 Q. Do you remember being at the summit of Gibraltar with
8 Susan Stallings?

9 A. Well, I assume she was there. I don't actually remember
10 it but that's where we were going.

11 Q. Okay.

12 A. And -- but we went in separate cars and not together. To
13 the best of my memory because, you know, I don't believe we
14 were in the same car when we went up to the summit. We may
15 have met up there.

16 Q. That was my question.

17 A. To answer your question I don't remember being there but
18 we could have been there. I don't know.

19 Q. Now, I want to -- before I transition here I want to go
20 back to your testimony a few minutes ago. You received an
21 email from Judge Stallings sometime this year with a proposed
22 findings of fact?

23 A. She sent me a copy of the findings of fact and
24 conclusions of law in the Tremane Wood case.

25 Q. And how did she send you a copy? By mail?

1 A. Email.

2 Q. Okay.

3 A. To my work address.

4 Q. Okay. Do you how she got your email?

5 A. I work for the State. Emails for people who work for the
6 State are all the same except for the name.

7 Q. I understand.

8 A. I doubt she even has my email for my home address because
9 I haven't had a computer that has an email since -- I mean, I
10 didn't have one when I left the DA's Office in 2007 to the
11 best of my knowledge. And I haven't had any communications
12 with Susan Stallings in, gosh, over 20 years I would assume
13 before this time. So I doubt she has my email at home.

14 Q. And my question was do you know how she got your email?

15 A. I have no idea.

16 Q. Okay. So you received an email. What email did she send
17 it from? Was it her work email or a private email?

18 A. Oh, I don't know.

19 Q. Well, you know that judges have standard emails too?

20 A. They have what?

21 Q. Standard emails. OSCN.net. Was it from her OSCN email
22 or from a private email?

23 A. I don't know.

24 Q. You don't remember? Could you check? Do you have access
25 to you emails on your phone?

1 A. No.

2 Q. You don't get work emails on your phone?

3 A. I don't get what?

4 Q. Your work email to your phone?

5 A. I do not.

6 Q. Okay. Is there any way -- we could take a break that you
7 could check from which email Judge Stallings sent you this
8 communication?

9 A. No, it's on my computer at work.

10 Q. Okay. To the best of your recollection do you remember
11 if it was an OSCN.net?

12 A. I don't remember that. I told you that. I don't
13 remember it.

14 Q. Okay. I'm just trying to clarify.

15 A. I thought I was plain.

16 Q. So she sent you an attached, which was the file --
17 finding of fact in the Wood case?

18 A. I don't remember. I just remember I got a message on my
19 email at work from Judge Stallings that sent me a copy of the
20 findings of fact and conclusions of law in the Tremane Wood
21 case.

22 Q. Okay. Was there any address to you in the email? Like,
23 Fern, it was great to see you. Please see the attached?

24 A. I don't remember.

25 Q. You may not recall whether there was or not but was there

1 any kind of introduction in the email or was it just a
2 forwarded --

3 A. One again I don't remember.

4 Q. Okay. Did you reply to the email?

5 A. I don't remember. I might have said thank you. I
6 probably did. That's what I would normally do when someone
7 would send me ones. So I don't recall specifically whether I
8 did or not but I probably said thank you.

9 Q. Okay. Other than that email are there any other
10 communications, phone calls, or other emails between you and
11 Judge Stallings?

12 A. No.

13 Q. Okay. Now, earlier this year you were subpoenaed to
14 testify in the Wood case?

15 A. I was, yes.

16 Q. That's the same case that she sent you the findings of
17 fact in, right?

18 A. Yes.

19 Q. Okay. And you testified at a hearing in that case?

20 A. I did.

21 Q. Okay. You were original subpoenaed to a certain date but
22 the hearing got moved; do you recall that?

23 A. Yes.

24 Q. Okay. But you came to court anyway on the original day?

25 A. I came to court because I didn't get notification that it

1 had been moved.

2 Q. Okay. You came to court and there was no hearing the day
3 you came?

4 A. That's correct.

5 Q. Did you have any contact with Judge Stallings on that
6 day?

7 A. I saw her in the hall. I was sitting there when she came
8 to work. She stopped by and said what are you doing here
9 basically. I don't remember the exact words. And she told me
10 that the hearing had been continued and I forget the reason
11 why. And that was the gist of our conversation. With had no
12 conversation whatsoever about this case or about that case.

13 Q. I understand. But this is someone you hadn't seen in
14 20 years, right?

15 A. Absolutely.

16 Q. That you've been to Vegas with?

17 A. I may have said how are you doing and she might have said
18 how am I doing. We didn't talk about Las Vegas. We didn't
19 talk about any trips.

20 Q. I understand. Listen to my question.

21 A. Oh, I'm sorry.

22 Q. This is someone that you had a close enough relationship
23 with that you traveled together to Vegas, England, and Spain,
24 correct?

25 A. Over 20 years ago.

1 Q. Right.

2 A. Almost -- more than probably 25 years ago.

3 Q. And in the 25 years of no contact why Judge Stallings now
4 she's a judge. She at one time was your intern, right?

5 A. I don't if she was my intern or if she worked for me. I
6 can't remember.

7 Q. She at one time worked for you at the --

8 MR. HARMON: Objection. Leading.

9 THE COURT: All right. Rephrase your question.

10 BY MR. BREWSTER:

11 Q. How long did you visit with Judge Stallings on that day?

12 A. Five minutes maybe. Less than five minutes.

13 Q. And you didn't have any -- no catching up?

14 A. I knew that I was getting ready to testify in front of
15 her. I knew that I was not supposed to have any
16 communications with her. I was getting ready to testify in
17 her courtroom. I'm a lawyer. I know better than that. I did
18 not talk to her at all about anything except what I've relayed
19 to you because I knew better.

20 Q. Okay. Did you express to her that you were frustrated
21 that no one communicated that the subpoena -- that the date of
22 the hearing had been moved?

23 A. Oh, I might have said something like, maybe they should
24 have notified me or something. But, no. It wasn't that big a
25 deal.

1 Q. Okay. Do you understand that whether Judge Stallings
2 then called a party ex parte and relayed to the State that she
3 was upset that you were put out coming to that hearing on a
4 date that --

5 A. I got --

6 MR. HARMON: Objection. That assumes --

7 THE COURT: Well, it's a mischaracterization.

8 Rephrase your question, counsel.

9 BY MR. BREWSTER:

10 Q. Do you have any personal knowledge of what Judge
11 Stallings did following your meeting in the hallway?

12 A. What do you mean by personal?

13 Q. Well, do you have any knowledge of what Judge Stallings
14 did following your meeting?

15 A. Yes.

16 Q. What is that understanding?

17 A. Well, someone told me -- Joshua Lockett --

18 MR. HARMON: Objection. That would be hearsay.

19 THE COURT: All right. Hang on. So you --

20 MR. BREWSTER: It's not offered for the truth. I
21 think at this point it's affect on the listener.

22 THE COURT: It's all right.

23 Did you receive a phone call from Mr. Lockett?

24 THE WITNESS: I did.

25 THE COURT: All right.

1 BY MR. BREWSTER:

2 Q. Okay. And what's your understanding of what Judge
3 Stallings did following her meeting with you in the hallway?

4 MR. HARMON: Objection. That's hearsay.

5 THE COURT: Okay. Hang on.

6 MR. HARMON: That's hearsay based upon what Mr.
7 Lockett told a witness. He's trying to prove the underlying
8 truth of what he said.

9 THE COURT: All right. After speaking with Mr.
10 Lockett did you do anything next?

11 THE WITNESS: I'm sorry?

12 THE COURT: After speaking with Mr. Lockett did you
13 doing any after that?

14 THE WITNESS: No.

15 THE COURT: Okay.

16 BY MR. BREWSTER:

17 Q. Okay. Other than the five minute conversation you had
18 with Judge Stallings in the hall that day have you had any
19 other -- and the email that she sent you and your followup
20 thank you to her is there anything other contact that you've
21 had with Judge Stallings since she took the bench?

22 A. No.

23 Q. Not in person?

24 A. No.

25 Q. Not by phone?

1 A. No.

2 Q. No by emails?

3 A. No.

4 Q. Not by text?

5 A. No.

6 Q. Okay. Thank you. Now, I want to go back quite a long
7 time ago when you supervised Susan Stallings, the young
8 attorney or the young licensed legal intern in the DA's
9 Office; do you recall that?

10 A. I recall she worked there, yes.

11 Q. Do you recall the relationship that you had with her
12 while she worked there?

13 A. I don't remember if I was her supervised or not to be
14 honest with.

15 Q. Okay. Did you have a personal relationship with Susan
16 Stallings when she worked at the DA's Office?

17 A. I never been to her home.

18 Q. Okay.

19 A. I have never --

20 Q. Ma'am, you're a lawyer. You told me that --

21 MR. HARMON: Objection. Let her -- can she not
22 answer the question? He asked --

23 MR. BREWSTER: Objection. Nonresponsive. I'd ask
24 that the witness answer the question I asked.

25 MR. HARMON: I have an objection.

1 THE COURT: Counsel, you will address all comments to
2 the bench.

3 MR. HARMON: My objection is he cuts off the witness.
4 He asked if you had a personal relationship. She gave a
5 responsive answer which was started off I've never been to her
6 home. That was a responsive answer. It was much more
7 responsive than the answers I got earlier today from the so
8 called ethics expert.

9 THE COURT: All right. Objection sustained.

10 Ask your next question, counsel.

11 BY MR. BREWSTER:

12 Q. Okay. So you've never been to Ms. Stallings' home?

13 A. I have never been to Ms. Stallings' home.

14 Q. Okay. But you had a personal friendship with her when
15 she worked in the DA's Office?

16 A. I wouldn't call it a personal relationship. I would call
17 it a -- the same relationship I had with all of the people who
18 worked in the DA's Office.

19 Q. Okay. Do you recall the time period she worked in the
20 DA's Office?

21 A. I do not. I know she was there in 1996 because that's
22 when we went to Las Vegas and that's when my husband had --
23 was diagnosed with brain cancer. And that's the only
24 recollection that I can say that I can recall the date because
25 of that event. So I don't know when she left the DA's Office.

1 I know she came back at some point in time but I don't know
2 when that was. But I know I didn't have any communications
3 with her after she left the DA's Office and I left the DA's
4 Office.

5 Q. Okay. Did you guys -- when she was at the DA's Office
6 did you guys ever try a case together?

7 A. I don't think we did. I don't remember for sure.

8 Q. Okay. Give me just the time period that you worked in
9 the Oklahoma County DA's Office?

10 A. I'm sorry. I didn't hear that.

11 Q. When -- what's the time period you worked in the Oklahoma
12 County DA's Office?

13 A. I believe I went to the DA's Office in March of 1983 and
14 I retired from the DA's Office in March of 2007.

15 Q. Okay. So right after David Prater was elected you left
16 the DA's Office?

17 A. Three months. Well, I believe he took office in January
18 and I left in March.

19 Q. Okay. You didn't want to stay around for the Prater
20 administration?

21 A. David Prater in my opinion -- he worked for me. I was
22 his team leader. He was an excellent lawyer. I liked him a
23 lot. I didn't leave for any reason other than it was time for
24 me to retire.

25 Q. Okay. Now, in that time period you worked there under

1 three months of David Prater, before that Wes Lane?

2 A. Seven years for Wes Lane.

3 Q. And before that Bob Macy?

4 A. Robert H. Macy.

5 Q. Okay. Robert H. -- Cowboy Bob Macy, right?

6 THE COURT: Counsel, ask your next question.

7 BY MR. BREWSTER:

8 Q. Was Robert H. Macy also known as Cowboy Bob?

9 A. I never referred to him as Cowboy Bob. I --

10 Q. Have you heard anyone --

11 THE COURT: Counsel --

12 MR. HARMON: Objection. Relevance.

13 THE COURT: Sustained. Move on, counsel.

14 BY MR. BREWSTER:

15 Q. Was the office during the time period you were there at
16 the same time period Susan Stallings was there, was it a
17 collaborative office?

18 A. A what?

19 Q. Collaborative.

20 A. Collaborative what?

21 MR. HARMON: Objection. Relevance.

22 THE COURT: Okay. Ask a specific question, counsel.

23 BY MR. BREWSTER:

24 Q. Was the office of the Oklahoma County District Attorney
25 at the time period that overlapped your tenure and Susan

1 Stallings' tenure, at that time was it a collaborative office?

2 MR. HARMON: Objection. Same question. Same
3 objection.

4 THE COURT: It is the question.

5 What do you mean by that, counsel?

6 THE WITNESS: I don't know what you mean by that?

7 BY MR. BREWSTER:

8 Q. Did you work together with your colleagues in the office?

9 MR. HARMON: Objection. The State will stipulate
10 that prosecutors work together, assistant public defenders
11 work together. The question's not relevant.

12 THE COURT: Counsel, narrowly tailer it?

13 MR. BREWSTER: Okay.

14 BY MR. BREWSTER:

15 Q. When you tried a case did you ask for input or advice or
16 help from other district attorneys even if they weren't
17 assigned to the same case?

18 A. Not usually.

19 Q. Okay. You kept your business to yourself in that office?

20 A. Well, I think I did my job. I knew how do do my job. I
21 knew how to find the answers to the law that I needed. I had
22 investigators that had assisted me. I had the Oklahoma City
23 Police Department who assisted me. I don't believe that there
24 -- it would be a very rare occasion when I asked another
25 lawyer in the office to give me advice. I gave them advice.

1 Q. I appreciate that answer because my followup is when you
2 were the lead attorney on a case it was your case, right?

3 A. Right.

4 Q. When you were the lead attorney on a case you didn't rely
5 on maybe an unassigned attorney to maybe do other things,
6 research for you, or answer questions because it was your
7 case, right?

8 A. No.

9 Q. Okay. And the Richard Glossip case from 1997 through
10 2003 was your case; is that right?

11 A. I'm not sure. I'm not sure if it was my case up until
12 2003. I know it was my case in 1997. I know it was my case
13 threw the trial. I believe when it came back for ineffective
14 assistance of counsel that it was reassigned to Connie Pope.
15 But I'm not sure when that was.

16 Q. If there was --

17 THE COURT: Hang on a second. For the record Connie
18 Pope is Connie Smothermon.

19 MR. BREWSTER: Thank you.

20 BY MR. BREWSTER:

21 Q. If there are transcripts of you appearing in this case as
22 late as 2003 you wouldn't dispute that you were still the lead
23 attorney as late as 2003?

24 MR. HARMON: Objection. That assumes facts not in
25 evidence.

1 THE COURT: Rephrase your question, counsel.

2 BY MR. BREWSTER:

3 Q. Do you dispute that you were the lead attorney in this
4 case in 2003?

5 A. I don't know.

6 Q. Okay. Do you know when Connie Pope slash Connie
7 Smothermon became involved in this case?

8 A. I don't remember the date. That's been what? 22 years
9 ago.

10 Q. Right.

11 A. I don't remember.

12 Q. Okay. Do you recall the time period after that the first
13 trial that there was an appeal? Direct appeal?

14 A. No, I don't remember that.

15 Q. Do you recall when Susan Caswell was assigned the case?

16 A. No, I don't remember that.

17 Q. Do you recall that Susan Caswell recused from the case?

18 A. I don't remember that.

19 Q. Would your handwritten notes written contemporaneous with
20 that recusal refresh your memory?

21 A. Yeah.

22 Q. Okay.

23 MR. BREWSTER: Judge, I'm handing the witness what
24 I've marked for identification purposes as Defendant's Exhibit
25 BB.

1 THE COURT: Say that again.

2 MR. BREWSTER: I'm handing the witness what I've
3 marked for identification purposes as Exhibit BB.

4 THE COURT: BB okay.

5 MR. HARMON: May I have a copy?

6 MR. BREWSTER: I'm not introducing it I'm just
7 refreshing her memory.

8 THE COURT: No, but can he see what you're handing
9 her?

10 MR. BREWSTER: Of course.

11 BY MR. BREWSTER:

12 Q. Let me know after you've reviewed your notes. Well,
13 first of all are those your notes?

14 A. Yes. This is my handwriting, yes.

15 Q. Okay. And there's some dates there?

16 A. Yes.

17 Q. Would you have dated your notes contemporaneously?

18 A. Yes.

19 Q. Okay. I'll just direct you attention for time purposes
20 to the note dated 1-5-01.

21 A. Okay.

22 Q. After you've reviewed it let me know if it's refreshed
23 your memory.

24 A. Okay.

25 Q. Is your memory refreshed?

1 A. I don't remember it but I see that I wrote that note.

2 Q. Okay. It didn't refresh your memory?

3 A. No.

4 Q. Even after reading the notes?

5 A. I don't remember it at all.

6 Q. But those are your notes?

7 A. Yes, they are.

8 Q. And they would have been kept contemporaneous or at the
9 same time or shortly after you're doing these things?

10 A. Yeah.

11 MR. BREWSTER: Okay. Judge, I move to introduce
12 Exhibit BB based on that.

13 MR. HARMON: Objection. First of all you said you
14 weren't going to move to admit it. But it's hearsay. It's
15 not -- she said it didn't refresh her memory. So I'd just ask
16 what exception to the hearsay rule is this offered under.

17 MR. BREWSTER: Well, it was taken contemporaneous.
18 It reflects her state of mind at the time. It's reflects her
19 impressions of what was happening at the time. She doesn't
20 refresh her memory independently. There's no other way to get
21 this in. She confirmed it's her handwriting. It's her notes.

22 THE WITNESS: Well, I don't know what the relevance
23 is of it.

24 MR. HARMON: I don't know what the relevance of it is
25 either. I don't think counsel's identified a sufficient

1 exception to the hearsay rule. But he's in consultation with
2 co-counsel so maybe he's got one.

3 MR. BREWSTER: It's a past recollection recorded,
4 Judge.

5 THE COURT: All right.

6 MR. HARMON: What are the criteria for that it meets
7 is what I would inquire of.

8 THE COURT: She's identified it even though she
9 doesn't recall it. It will be admitted over objection.

10 MR. BREWSTER: Okay.

11 BY MR. BREWSTER:

12 Q. Let me ask. It may not refresh your memory regarding the
13 recusal or the reason for the recusal of Susan Stallings --

14 THE COURT: Susan Caswell.

15 MR. BREWSTER: I'm sorry. Yes, Susan Caswell?

16 BY MR. BREWSTER:

17 Q. Does it refresh your memory that you were still the lead
18 attorney in the case in 2001?

19 A. No.

20 Q. Okay. You think notwithstanding your contemporaneous
21 notes of going to hearings that maybe Connie Pope had taken
22 over the case that early?

23 A. Say that again.

24 Q. Well, you said it doesn't refresh your memory that you
25 were the lead attorney in '01 based on your notes taken

1 contemporaneously at that time. Are you saying that it's
2 possible that Connie Pope was already involved as the lead
3 attorney in the Glossip case at the time?

4 A. Anything is possible.

5 Q. Thank you. And I -- remind me, and I think you testified
6 already to this but remind, was Susan Caswell on the Vegas
7 trip or the Spain trip or the England trip?

8 A. I do not believe Susan Caswell was any of the trips that
9 I took with Susan Stallings.

10 Q. Okay.

11 A. I do remember a trip with where Sandy Elliott and Susan
12 Stallings and Jo Gordon and myself and I believe Carrie Kelly
13 and maybe someone else, I can't remember, were in Las Vegas.
14 But I do not believe that Susan Stallings was there on that
15 trip.

16 Q. That wouldn't have been the very memorable 1996 Vegas
17 trip?

18 A. I'm sorry. Wouldn't have been what?

19 Q. You remember the '96 trip specifically because of what
20 was going on on your life?

21 A. Yes.

22 Q. You're saying there was another trip with Susan Caswell
23 to Vegas that maybe Susan Stallings --

24 A. I have not taken but one trip to Las Vegas with Judge
25 Stallings.

1 Q. In October of '96?

2 A. October of '96.

3 Q. Thank you. When Judge Stallings was elected to the bench
4 are you aware that she was interviewed and gave a statement
5 crediting you as I mentor and having an impact on her her
6 career?

7 A. I read that at a later time. And I certainly hope that
8 that was true. And I would tell you that I tried to instill
9 that in every lawyer that worked under me or with me or for me
10 when I was in the DA's Office. And that is that we are not
11 here just to get convictions. Our job is to see that justice
12 is done.

13 Q. And I appreciate that. And you instilled that in Judge
14 Stallings. You made a point?

15 A. I believe -- I hope so.

16 Q. Okay. And that your -- and as I understand the moral
17 lesson there, it's to seek justice not just convictions?

18 A. Absolutely.

19 Q. But some of the convictions you obtained as lead
20 prosecutor were later found to be unjust and were overturned,
21 right? A number of cases of your were overturned, which
22 involved allegations of prosecutorial misconduct?

23 MR. HARMON: Objection. Relevance.

24 THE COURT: Well, and it lacks specificity.

25 MR. BREWSTER: I'm getting --

1 THE COURT: Then get to it.

2 MR. BREWSTER: It's an opening question. I will.

3 BY MR. BREWSTER:

4 Q. A number of your cases notwithstanding this moral lesson
5 about justice and not convictions you sought convictions that
6 were found by courts to be unjust.

7 A. That doesn't mean --

8 MR. HARMON: Judge, objection. Relevance.

9 THE COURT: Hang on a second.

10 MR. HARMON: My objection is relevance. For instance
11 this was overturned -- it's.

12 THE COURT: Again, I'm going to sustain the objection
13 as to the form of the question.

14 MR. BREWSTER: Okay.

15 THE COURT: Ms. Smith, did you ever have any trials
16 that were reversed?

17 THE WITNESS: Yes.

18 THE COURT: All right. Do you recall about how many?
19 Do you have about how?

20 THE WITNESS: I don't know.

21 THE COURT: All right.

22 BY MR. BREWSTER:

23 Q. More than 10?

24 A. A whole lot more have been affirmed.

25 Q. Okay. More than 10 have been overturned?

1 A. I don't believe so.

2 Q. Do you know him how many have been overturned that
3 involved allegations of prosecutorial misconduct?

4 MR. HARMON: Objection, Your Honor. We're not here
5 to judge Ms. Smith's ability to be fair in this case. We're
6 here to find out if Your Honor can be fair in this case.
7 This is not relevant.

8 THE COURT: All right. Sustained. Move on.

9 MR. BREWSTER: If I could just make a proffer, Judge.
10 It's relevant because this grand moral lesson about seeking
11 justice and not convictions is entirely inconsistent with the
12 record.

13 THE COURT: Okay. The reason that quote was brought
14 up was because it made an impression on me. It doesn't matter
15 what it did with Ms. Smith. Move on.

16 BY MR. BREWSTER:

17 Q. Do you understand that the US Supreme Court reversed this
18 case based on prosecutorial misconduct?

19 MR. HARMON: Objection. Relevance.

20 THE COURT: Well --

21 THE WITNESS: I didn't try this case.

22 THE COURT: Hang on, Ms. Smith. Hang on.

23 My glancing -- scanning of this case, the first trial was
24 reversed because of ineffective assistance of counsel of the
25 defense attorney. It was the second case that Ms. Smith was

1 not on that got reversed.

2 MR. HARMON: That's true. But I feel like the
3 Defense is trying to create the perception -- the
4 misperception that Ms. Smith did something that led to the
5 reversal by the Supreme Court. It's not true. In the trial
6 she tried the defense counsel was ineffective. But Mr.
7 Brewster won't say that.

8 THE COURT: Okay. All right.

9 MR. BREWSTER: Judge, at this time I'd like to quote
10 the US Supreme Court in Glossip versus Oklahoma.

11 MR. HARMON: Objection. We don't need a speech.
12 This isn't his turn to testify.

13 MR. BREWSTER: It's my turn to --

14 THE COURT: Counsel, address your comments to the
15 bench. And we are not going to talk over each other because
16 my court reporter can't do that.

17 Counsel, move on.

18 MR. BREWSTER: Can I make an argument --

19 THE COURT: No.

20 MR. BREWSTER: -- to respond to his argument?

21 THE COURT: No, move on. I've ruled on it. The
22 objection is sustained. Move on.

23 MR. BREWSTER: Okay.

24 BY MR. BREWSTER:

25 Q. Ms. Smith, do you understand how you may become a witness

1 in this third retrial?

2 MR. HARMON: Objection. It calls for speculation and
3 it's not relevant.

4 THE COURT: Overruled. She can answer it if she
5 knows.

6 MR. BREWSTER: Thank you.

7 THE COURT: Don't thank the Court for it's rulings.
8 They weren't done for your benefit.

9 Ms. Smith, did you understand the question?

10 THE WITNESS: I'd ask that it be repeated.

11 BY MR. BREWSTER:

12 Q. Do you understand how you might be a witness?

13 A. No.

14 Q. Okay. Do you understand that while you were lead
15 attorney there were several items of material evidence from
16 the crime scene of this homicide in your possession in the
17 DA's Office that were ordered to be destroyed --

18 MR. HARMON: Objection. That assumes facts not in
19 evidence.

20 THE COURT: Again, counsel, move on.

21 BY MR. BREWSTER:

22 Q. Were you pleased that a judge mentioned you as an
23 influence on her career?

24 A. Was I pleased what?

25 Q. When you heard that a judge, Judge Stallings

1 specifically, had an influence -- that you had had an
2 influence on her career?

3 MR. HARMON: Objection, Your Honor. This has no
4 relevance to the disqualification hearing. What pleased or
5 displeased Ms. Smith.

6 THE COURT: All right. You've made your objection.
7 Sustained. Move on.

8 BY MR. BREWSTER:

9 Q. Did you reach out to Judge Stallings to congratulate her
10 after finding out she thanked you or credited you with your
11 influence on her?

12 A. No.

13 Q. Is there a reason why not?

14 A. No.

15 Q. Okay. There's no reason you didn't?

16 A. No.

17 THE COURT: She answered the question, counsel. Move
18 on.

19 BY MR. BREWSTER:

20 Q. Was it indifference?

21 A. Was it what?

22 THE COURT: Counsel, how is this relevant to the Rule
23 15 against me?

24 MR. BREWSTER: Well, we're at a point, Judge, where
25 the last probably 10 questions I've asked you've sustained

1 objections to. I'm unable to lay a foundation to get into
2 relevant evidence. I'm trying to ask questions of this
3 witness to lay a foundation. I'd ask for some leeway. We're
4 getting to a point now where the Court is gatekeeping evidence
5 in Your Honor's Rule 15 hearing. I'd ask for some leeway
6 here.

7 MR. HARMON: May I respond?

8 THE COURT: You may.

9 MR. HARMON: Your Honor, the last time I checked the
10 Court's function is to serve as a gateway to evidence and to
11 make evidentiary rulings. I know Mr. Brewster knows the
12 evidence code. He's a very sharp lawyer. But he's not asking
13 questions that have any relevance to the decision that this
14 Court has to make in the disqualification motion. They're
15 points they want to make. They want to relitigate the Supreme
16 Court case. That's great all day long. But not for today.
17 That's not what we're here for. And I wouldn't have to object
18 and the Court wouldn't have to sustain objections if Mr.
19 Brewster would ask relevant questions. And maybe he doesn't
20 have anymore. And that's fine to.

21 THE COURT: Well, all right.

22 Counsel, ask your next question.

23 MR. BREWSTER: Let me just ask the Court for some
24 guidance. And if I ask any questions regarding the
25 destruction of evidence in this case or the issues that are

1 going to come up just to present to Your Honor that whoever is
2 presiding over this case is going to be either granting or
3 denying relief on these issues. We have the witness here.
4 It's relevant --

5 THE COURT: Yes, but this is not an evidentiary
6 hearing as to how the Court is going to rule in the future at
7 some time on some evidentiary issue.

8 MR. BREWSTER: And I promise you I am scratching the
9 surface of this issue. I'm scratching the surface to lay a
10 foundation for the Rule 15. I'm not going to get into -- if I
11 was going to into the misconduct of Fern Smith we'd need
12 another day. Okay. But if Your Honor's ruling that this is
13 irrelevant and is not going to allow me to ask those questions
14 I'll move on.

15 THE COURT: Again, I -- the defense has an opinion
16 about Ms. Smith and her actions in this case over the course
17 of several years. The Court is well aware of that.

18 MR. BREWSTER: Okay.

19 THE COURT: All right. But that's not why we're here
20 today.

21 MR. BREWSTER: Okay.

22 THE COURT: So, I mean, again I've read everything.
23 I understand the Defense's position. I am taking that into
24 consideration.

25 MR. BREWSTER: Thank you.

1 THE COURT: All right. So let's move on.

2 MR. BREWSTER: May I confer with my colleagues?

3 THE COURT: Yes, of course.

4 (Counsel for the Defense confer.)

5 MR. BREWSTER: Judge, at this time I'd ask the Court
6 to produce the email and Ms. Smith's response to the email
7 that was referenced in her testimony of this year. I'd ask
8 that that be produced to the parties.

9 MR. HARMON: No objection. I don't know if the Court
10 still has it or not.

11 THE COURT: I can check.

12 MR. BREWSTER: Thank you. And with that I have no
13 further questions.

14 THE COURT: We'll be in recess.

15 (A brief recess was had.)

16 THE COURT: We are back on the record. All parties
17 are present.

18 Counsel, you may continue.

19 MR. BREWSTER: Judge, just for the record, we took a
20 break. Your Honor checked your email and returned to the
21 Court and produced copies to both parties of an email chain
22 from May 7, 2025, between Your Honor and the witness, Fern
23 Smith. It reflects an email from Susan.Stallings@oscn.net to
24 Fern.Smith@dac.state.ok.us. It appears to be consistent with
25 the witness's testimony regarding this email exchange. And

1 I'd like to ask just a few questions of the witness now that I
2 have this email.

3 THE COURT: You may.

4 MR. BREWSTER: Thank you.

5 BY MR. BREWSTER:

6 Q. Ms. Smith, I'm going to hand you what I've marked as
7 Defendant's Exhibit CC.

8 THE COURT: I think she has a copy.

9 MR. BREWSTER: Oh, okay.

10 BY MR. BREWSTER:

11 Q. For purposes of the record the copy of the email chain
12 that I'm referring to I'm marking as Defendant's Exhibit CC
13 but you have a copy as well?

14 A. I do.

15 Q. Is this in fact the email exchange that you testified
16 about earlier?

17 A. Yes.

18 Q. Okay. This is the email from Judge Stallings to you
19 following the Wood hearing?

20 A. Once again, yes.

21 Q. Okay. And while we don't have the attachment to it there
22 was an an attachment? It was the findings of fact in that
23 case?

24 A. Again, yes.

25 Q. And in this it's referenced it was unfiled at the time or

1 the version that she sent you was unfiled?

2 A. That what it says.

3 Q. Okay. And your response to that was, "Thank you so
4 much!! Amazing!! I don't know when I've seen a more thorough
5 analysis and well reasoned opinion."

6 Is that what it says?

7 A. That's exactly what it says.

8 Q. And Judge Stallings responded back to you following that
9 just to --

10 A. I think the exhibit speaks for itself.

11 Q. It probably does but if you'll indulge me. Three minutes
12 later Judge Stallings responded to you saying, "which I can't
13 take credit for. It's the proposed findings from the AG's
14 Office. They did do an outstanding job." Correct?

15 A. That's what it says.

16 Q. Okay. And at the time, May 7, 2025, Tremane Wood is on
17 death row and his appeal is pending, right?

18 A. I don't think he had an appeal pending. I think he had a
19 fifth application for application for post conviction relief
20 pending.

21 Q. Okay. He's on death row. He's not been executed yet.
22 His case is proceeding forward?

23 A. I believe his execution is set for November 13th.

24 Q. Okay. And the judge in his case, the District Court
25 judge that heard the fifth amended post conviction emailed a

1 witness in the case, you.

2 THE COURT: Okay. Counsel, I didn't hear the post
3 conviction. The Court of Criminal Appeals ordered the
4 District Court to have an evidentiary hearing to answer eight
5 questions. They ruled on the post conviction.

6 MR. BREWSTER: I appreciate the clarification, Judge.

7 BY MR. BRESTER:

8 Q. Other than this chain -- this email chain it's your
9 testimony that there are no other communications between you
10 and Susan Stallings since she took the bench?

11 A. Absolutely 100 percent.

12 MR. BREWSTER: Thank you. That's all I have. Well,
13 I would like to introduce Defendant's CC to this record.

14 MR. HARMON: No objection, Your Honor.

15 THE COURT: It will be admitted without objection.
16 Counsel, did you mark it?

17 MR. BREWSTER: I did. I'm going to set it on this
18 book.

19 THE COURT: Cross examination, counsel.

20 MR. HARMON: Thank you, Your Honor.

21 **CROSS EXAMINATION**

22 BY MR. HARMON:

23 Q. I'm going to trying from back here. Ms. Smith, you left
24 the DA's Office in 2007; is that right?

25 A. That's correct.

1 Q. And I believe you testified that you thought that Susan
2 Stallings was still employed there as of the '96, '97
3 timeframe?

4 A. The only thing I can remember that would lead me to
5 remember any date is the 1996 October when my husband was sick
6 and I remember Judge Stallings went to Las Vegas with us at
7 that time. That's the -- I don't know how long she stayed
8 after that. I have recollection of it.

9 MR. HARMON: May I approach the witness to present an
10 exhibit?

11 THE COURT: You may.

12 BY MR. HARMON:

13 Q. Ms. Smith, this is Defendant's Exhibit AA that was
14 admitted earlier during this hearing. And it's purported to
15 be a resignation letter from Susan Stalling from the DA's
16 Office dated May 7, 1993, addressed to Robert H. Macy.
17 Looking at that, I know you're not the author of the letter,
18 probably have never seen the letter before; is that correct?

19 A. Yes, that's correct.

20 Q. Dose you that potentially refresh your memory at all
21 about whether or not Ms. Stalling at the time was in the DA's
22 Office during that '96, '97 timeframe?

23 A. No.

24 Q. Okay.

25 A. I mean -- no.

1 Q. Okay. Ms. Smith, did you ever take any trips when it was
2 just you and Ms. Stalling?

3 A. No.

4 Q. And I believe you said the trip Spain, there were about
5 six of you and there were about 13 on the London France trip,
6 is that right?

7 A. That's correct.

8 Q. Do you remember about the Las Vegas trip?

9 A. I think Spain maybe -- not more than a week. Probably
10 less than a week.

11 Q. Do you remember how many people were on that trip?

12 A. To Spain.

13 Q. To London?

14 A. Oh, London. Yeah, there were 13 people. And I don't
15 recall how long we stayed. I think we stayed three nights in
16 London and three nights in Paris. I'm not sure but I think
17 that's probably --

18 Q. And that my mistake. I meant to ask about Las Vegas?

19 A. I'm sorry.

20 Q. Do you remember -- Las Vegas, do you remember how many
21 people were on that trip?

22 A. No, I don't.

23 Q. But it wasn't just you and Susan Stallings; is that
24 right?

25 A. No.

1 Q. Okay. Was this --

2 A. It a was a group of people ladies from the DA's Office.

3 Q. And was that -- it sounds like that was kind of a common
4 theme during that era of the DA's Office that a group of
5 coworkers may have traveled together?

6 A. Yes.

7 Q. Did that mean you were best friends with that person?

8 A. No.

9 Q. Were you ever close personal friends with Susan
10 Stallings?

11 A. No, I considered her a friend but not a close personal
12 friend. I've never been to her home. I don't know her
13 family. I don't think she knows -- I mean, I don't know but I
14 consider her, like I would any other person that I worked with
15 in the DA's Office, as a friend. I consider you friend. I
16 worked with you in the DA's Office. And Mr. Gieger, I hope
17 I'm his friend. I hope he's my friend. I worked with him in
18 the DA's Office.

19 MR. GIEGER: I'll stipulate that we are, Your Honor.

20 THE COURT: For the record that was Mr. Gieger.

21 THE WITNESS: That doesn't mean we're personal
22 friends. That we hang out together or anything like that.

23 BY MR. HARMON:

24 Q. Right. And after you left -- when you left the DA's
25 Office Susan Stalling was not employed at the DA's Office; is

1 that correct?

2 A. I don't believe so.

3 Q. Okay. And that was in 2007?

4 A. I left in March of 2007, yes.

5 Q. And we know that then Ms. Stallings came back but you had
6 already retired and was not working at the DA's office; is
7 that correct?

8 A. I really don't know.

9 Q. Okay. Did you know that Susan Stalling came back to the
10 DA's Office I believe it was in 2010?

11 A. Yes, I learned that at some time later but I don't know
12 when she came back.

13 Q. When -- prior to coming to court for Tremane Wood the day
14 that you were subpoenaed and they had not told you about the
15 continuance --

16 MR. BREWSTER: Objection. Facts not in evidence.
17 They did. They told her.

18 THE COURT: Okay. Counsel, you address your comments
19 to the bench. All right. I know what the facts were in that
20 case. Objection overruled.

21 BY MR. HARMON:

22 Q. Ms. Smith, when you first came to court on Tremane Wood
23 and saw Judge Stallings in the hallway how many years had it
24 been seen you had seen her?

25 A. I can't say for sure. Probably at least 20 years.

1 Q. And during that time did you have any phone calls that
2 you recall with either Susan Stallings or then Judge
3 Stallings?

4 A. No.

5 Q. Do you recall any emails, text messages, any other form
6 of communication other than the one that is marked as CC?

7 A. I don't recall any communication at all during that time
8 periods we're talking about.

9 Q. And I think you said that you had never been to her home.
10 Has she ever been to your home?

11 A. Not to my knowledge. Not to my knowledge. I could
12 speculate on one time when she may have been there. But I'm
13 not sure she was there when my husband died. She may have
14 come. There were people -- there were multiple people in and
15 out all day long every day for about three days during that
16 time period. And I don't know if she came or not. If she did
17 I appreciate it but I don't recall that. But most of the
18 people in the DA's Office and in the Public Defender's Office
19 and judges all came to my home. She could have. I don't
20 know.

21 Q. And that was your home in Oklahoma City?

22 A. Yes.

23 Q. And over a three day period of just a bunch of friends
24 and acquaintances and coworkers and people in the legal
25 community came to show you their love and support during that

1 time?

2 A. Yes, she came and brought flowers and food and
3 condolences and cards and just goodwill. And oh my goodness I
4 appreciated that so much.

5 Q. And as you sit here today you don't have any specific
6 memory of Susan Stallings being one of those people?

7 A. I don't.

8 MR. HARMON: May I have a moment, Your Honor?

9 THE COURT: You may.

10 (Counsel for the State confer.)

11 BY MR. HARMON:

12 Q. I do have another question. When Susan Stallings was an
13 intern I think you said that you didn't remember if you were
14 her supervisor or not; did I understand that correctly?

15 A. I don't know. I know she worked there. I don't recall
16 whether I was her -- whether she was an intern or whether she
17 was actually an attorney at the time.

18 Q. Do you recall ever being her direct supervisor?

19 A. I don't recall that. I don't know whether I was or not.

20 Q. And I wasn't there in the office during that time but I
21 know that at least later on and I expect it might have been
22 the same, interns might rotate through different teams for,
23 you know, a couple months period or three months or how many
24 ever months and go to a new team with a new team leader. Was
25 it like that back then?

1 A. Yes.

2 Q. Okay. And so is it possible she might have been assigned
3 to your team for a period of time?

4 A. Well, I think it's quite possible. I just don't recall
5 it.

6 Q. Okay. Would there have been a lot of interns go through
7 and rotate through the various teams?

8 A. Yes.

9 Q. Okay. Nothing about that sticks out to you?

10 A. No.

11 Q. And there's been evidence that once Ms. Stallings was
12 hired in the DA's Office she was assigned to the Juvenile
13 Division; did you know that?

14 A. I don't recall that.

15 Q. If Ms. Stalling was -- is the Juvenile Division of the
16 Oklahoma County DA's Office housed in the same building as the
17 main office?

18 A. At the time I was there it was not. The DA's Office was
19 here on Park Avenue and the Juvenile Office was, I don't know,
20 several mile on north. I don't recall the address but, no, it
21 was not even close.

22 Q. Is it -- was it in the 63rd and Western area?

23 A. Yes.

24 Q. Okay. So from downtown that's six or seven miles at
25 least?

1 A. Yes.

2 Q. Somebody at juvenile -- at the Juvenile Office of the
3 DA's Office -- well, let me ask this. Were you ever -- during
4 your -- were you ever assigned to the Juvenile Division?

5 A. When I first went to work for the DA's Office I was
6 assigned to the Juvenile. I worked in the Juvenile Division
7 for about a year in the year of 1983 here in the courthouse.
8 And no way was Susan Stallings in the DA's Office at that
9 time.

10 Q. During the time period that we know that Ms. Stallings
11 was employed by the DA's Office in the Juvenile Division and
12 they were around the 63rd and Western area how often would you
13 have contact with the ADAs at Juvenile?

14 A. Probably none. I don't recall any and there wouldn't be
15 any reason for me to have contact with them.

16 Q. Ask weeks, months go by without seeing someone who's an
17 ADA in the same office but assigned to Juvenile?

18 A. I'm sorry. Say that again.

19 Q. Sure. Could months go by without seeing an ADA who's
20 assigned at Juvenile?

21 A. Oh, sure.

22 Q. Is it fair to say that as an ADA assigned to the main
23 office on a felony -- as a special prosecutor or a felony team
24 leader or whatever role you were in that time you wouldn't
25 have had normally a reason to go to the Juvenile Division of

1 the DA's Office?

2 A. No.

3 Q. Would the Juvenile ADAs normally have a reason to come to
4 the main office of the DA's Office?

5 A. No.

6 MS. HINSPERGER: Thank you, Ms. Smith.

7 I'll the pass witness.

8 THE COURT: Any redirect based on those questions?

9 MR. BREWSTER: No.

10 THE COURT: Ms. Smith, thank you so much for coming
11 down and visiting with us today. You are excused.

12 THE WITNESS: Thank you.

13 THE COURT: Defense, you may call your next witness.

14 MR. BREWSTER: Judge, we have no other witnesses but
15 I do have just some evidentiary housekeeping, which I think --
16 and just some questions for the Court before I make argument.

17 THE COURT: All right.

18 MR. BREWSTER: And, one question I have is, Judge,
19 when you searched Susan Stallings on OSCN there's a number of
20 cases in Pottawatomie County where they attribute you as being
21 a prosecutor in a number of criminal cases in Pott County in
22 the 2016, 2015 timeframe that don't make any sense to me given
23 what I know about your career.

24 THE COURT: I've never been a prosecutor in the
25 Pottawatomie County District Attorney's Office. There was one

1 occasion where I was sent there to take a plea because the DA
2 at the time, Richard Smothermon, had recused from the case.
3 So just to close the case I was sent they're to take the plea.

4 MR. BREWSTER: Okay. And so just one single case?

5 THE COURT: Yes.

6 MR. BREWSTER: Okay. Judge, if at this time I'd like
7 to make some argument. We don't have any other witnesses.

8 THE COURT: No, that's fine. It's time for argument.
9 Well, hang on. Do you have any once you wish to call?

10 MR. HARMON: The State rests.

11 THE COURT: Okay. Make your argument.

12 MR. BREWSTER: Thank you, Mr. Harmon. I didn't mean
13 to skip head of you.

14 MR. HARMON: That's okay.

15 MR. BREWSTER: Judge, I just to want kind of broadly
16 go over the rules here and the law that applies here. The
17 2022 case, Fort versus State, which was a case --

18 THE COURT: Say that again.

19 MR. BREWSTER: Fort versus State. 2022 Oklahoma Crim
20 12. It's a case a lot of people in Oklahoma County may be
21 familiar with. It involved Judge Henderson. But there's some
22 good sort of sketch about Rule 15 and judicial impartiality
23 and the right to a defendant to have an impartial judge. In
24 that case I think -- and you know we're familiar with the
25 facts are very different than the issue here, but the general

1 proposition is a defendant has a constitutional right to an
2 impartial judge under the Oklahoma and US Constitutions.
3 Oklahoma Constitution Article 2, Section 6, US Constitution
4 Articles 5, 14 -- or Amendments 5 and 14. This is a
5 fundamental constitutional right that we're talking about
6 here. This is very important.

7 The Oklahoma Judicial Code of Conduct 2.11 defines when a
8 judge shall recuse or disqualify themselves. And we heard
9 about that from Professor Smith when a judge shall disqualify
10 when a judge's impartiality might reasonably be questioned.
11 Now, when we started the day I thought we had enough.

12 I thought there was enough in the 2009 callout to Fern
13 Smith and the how fundamental Fern Smith will be in pretrial
14 evidentiary hearings. I wasn't allowed to get into it with
15 her but there were a number of items from the crime scene in
16 this case, items that weren't forensically tested with the
17 kinds of tools we have now, weren't forensically tested with
18 all the tools that were available in 1997. There was a roll
19 of duct tape, there was a shower curtain, there were several
20 -- 10 items from the crime scene that were destroyed out of
21 the Oklahoma County District Attorney's Office while Fern
22 Smith was the lead prosecutor.

23 The the prejudice to Mr. Glossip is not cured by the
24 reversal of his first trial, it's not cured by the reversal of
25 the second trial. This is prejudice that will be decided by

1 the judge who oversees the third trial. Or at least the
2 proceedings leading to the third trial. It's incredibly
3 important that we have a judge where impartiality might
4 reasonably be unquestioned with respect to Fern Smith's
5 conduct and the relief that we're going to ask for.

6 Now, we're in a sort of hypothetical. We're in a sort of
7 projection now to say, hey, that day is going to come. But
8 when that day comes and should Judge Stallings deny relief for
9 Mr. Glossip who was scheduled for death nine times, who ate
10 three last meals, who's served 28 years in mostly H Unit,
11 death row in Oklahoma, after two trials that were
12 fundamentally flawed, both with allegations of prosecutorial
13 misconduct, the second one of which the United States Supreme
14 Court granted relief, after 28 years this case is unique.

15 This is not a run-of-the-mill case. This is a case that
16 spans a 28 year history that is relevant when the minute the
17 Oklahoma City Police Department showed up to process the crime
18 scene through the conduct of the first trial and the appeal,
19 through the lead up to the second trial and what happened
20 then, and then for the next 20 years.

21 There were post conviction actions, there were federal
22 habeas actions, there were attorneys -- Don Knight has fought
23 tooth and nail for a decade and Tivon Schardl have fought
24 tooth and nail for a decade to save this man's life. And we
25 have now ended up in your courtroom. And I have been pleased

1 to be in your courtroom today.

2 However, this is very heavy stuff. This is a unique case.
3 And this is different than the Epic Charter case, it's
4 different than the Fort case. It's individual to the factors
5 that we've heard today, we've seen today. When you took the
6 bench you thanked your parents -- you acknowledged your
7 parents and you acknowledge Fern Smith. Fern Smith is so
8 fundamental to the error and misconduct that's going to be
9 litigated leading to this third trial it's hard to believe
10 that the judge who thanked her for making an impression and
11 profound impact on her career can be seen as without
12 impartiality being reasonably questioned.

13 Imagine what might reasonably be questioned if Your Honor
14 were to deny relief in any shape or form along the way.
15 Imagine what might reasonably be questioned if Your Honor were
16 to deny significant relief. Relief around the conduct of Fern
17 Smith. You signaled to the community after you were elected
18 that you were a Fern Smith kind of judge. That she made such
19 a lasting impact from your internship at the Oklahoma County
20 DA's Office that of all the people you've worked with and all
21 the colleagues and all the judge you've appeared in front of
22 you could have acknowledge any number of them.

23 You've had a substantial career. But you thanked Fern
24 Smith and you acknowledge her. You singled her out. Because
25 she's so fundamental to the issues in this case as we move

1 forward one might reasonably question whether you can be
2 impartial in deciding whether Fern Smith's conduct warrants
3 relief.

4 What has surprised me today after Ms. Smith's testimony is
5 that what you revealed about your relationship with her is
6 quite different than what she testified to. Actually what's
7 on the record in this case is different than what you told us
8 in chambers. When we asked you in chambers about Fern Smith
9 you said I've not seen her since I left the DA's Office. When
10 we went on the record I asked you, Judge, just to put it in
11 the record, it's true that you've not seen Fern Smith since
12 you left the DA's Office. And could quote the transcript --

13 THE COURT: That's all right. Keep going, counsel.

14 MR. BREWSTER: My recollection is you said, that's
15 right. No, wait. You initially confirmed that once again
16 twice and then corrected yourself and revealed this 1997 trip
17 to Spain. You minimized it. You said we drove in separate
18 cars. We weren't really that close. There were so many
19 people there.

20 Well, we learned from Fern Smith today that there were six
21 people on that trip and that's not the only trip you took with
22 her. You went to Vegas with her in '96. She recalled it
23 clearly because of what was going on in her personal life.
24 You went to England with her sometime before or after that
25 with a large group. And you went to Spain with six people.

1 She gave us the best of her recollection of that trip. That's
2 different.

3 If the trip alone, if the 2019 callout alone was there.
4 But now we have a conflict. We have a conflict of what Fern
5 Smith has said and what Your Honor has represented to the
6 parties. Fern Smith might be wrong. I don't -- you know, if
7 I -- but I'm not the fact finder of whether what you told us
8 is true or what Fern Smith told us is true. I just know
9 they're different. A reasonable person might question whether
10 you can be impartial when after you disclosed to us such a
11 minimal relationship with her that she came in and testified
12 to something more.

13 Two other trips one other international trip and a trip to
14 Vegas. You excluded the bankruptcy exhibit but I might point
15 out that in 1996 during the time Fern Smith clearly remembered
16 going to Vegas with you were either in or freshly out of
17 bankruptcy. I would understand why it might be embarrassing
18 to disclose that you went to Vegas during or immediately after
19 bankruptcy but -- and maybe it didn't happen. I don't know.
20 But any person might reasonably question whether you can be
21 impartial going forward in this case given the evolving
22 disclosure about trips with Fern Smith.

23 And it's not just someone you went on trips with, it's not
24 just someone you worked with. It's someone who will be
25 witness material to to misconduct for a man who was on death

1 row scheduled to be executed nine times over 28 years and
2 deserves a fair and impartial day in court. There are
3 numerous other judges including, I would say most closely,
4 Susan Caswell who have recused.

5 Susan Caswell recused based on at least one trip, maybe
6 more, we don't know. It was kind of again an evolving sort of
7 understanding of how often these women were traveling with
8 each other. But Susan Caswell saw fit in 2001 to recuse
9 herself from the case. What might a reasonable person say
10 when one judge recuses for the same reason another judge
11 refuses to recuse. I think it gives rise to an appearance of
12 potential bias or potential conflict.

13 Again, we're not -- I really want to be careful and echo
14 what Professor Smith said. We're not accusing you directly of
15 bias. I believe that if you -- I believe that you would have
16 disclosed or maybe recused earlier if that was the case. But
17 these issues are real. These are not bald faced accusations.
18 These -- we heard testimony, we saw exhibits, we've presented
19 evidence in courts all day today.

20 And I was surprised by some of the evidence. We were
21 surprised by Fern Smith's testimony. It compounds the issue
22 quite frankly. I thought we had enough coming into this
23 hearing but after she testified to two additional trips, trip
24 to Vegas during you bankruptcy or shortly thereafter, and a
25 trip to England, which previously undisclosed by the Court,

1 Judge, it is just so clear that there's an enough. The case
2 law on this, Judge, is that any error should be made in favor
3 of disqualification rather than against it.

4 If we're at the tipping point, if we're not sure which way
5 to go any error should be made in favor of disqualification.
6 And I'm saying Miller versus Dollarhide is probably the most
7 cited case on Rule 15, 2007 OK 58. Liljeberg versus Health
8 Services a US Supreme Court 486 US 847 says, If a reasonable
9 person knowing all the relevant facts would harbor doubts
10 about a judge's impartiality the judge must be disqualified."
11 That's US Supreme Court case law.

12 There's a federal constitutional dimension, there's a state
13 constitutional dimension, and the Code of Judicial Conduct
14 just clearly warrants it. Judge, I can't sit down without
15 mentioning the email following the Wood hearing. Fern Smith
16 is not a party to that. Fern Smith was a witness to that
17 hearing. Sending her an email and congratulating each other
18 and thanking each other ex parte to proceeding while a man's
19 on death row and those proceedings may come back to Your Honor
20 or maybe further raised in other courts, it astonishes me that
21 a court, a judge, would reach out to a witness that way.

22 I don't know and I'd ask Your Honor, did you send any other
23 witnesses from that hearing the copy of findings of fact?

24 THE COURT: This is your argument, counsel.

25 MR. BREWSTER: Okay. I'm going to assume you didn't.

1 And I'm going to back to what Your Honor said in the first
2 Rule 15 hearing when you treat -- I will treat Fern Smith or
3 David Prater just like any other witness in my courtroom.
4 You're not sending witnesses you don't know and didn't travel
5 to England, Spain, and Vegas with copies of your findings of
6 fact saying I thought you'd like to see this following a death
7 penalty evidentiary hearing. She's the only one. She's not
8 treated like any other witness in your courtroom.

9 I'd further point out, Judge -- and I appreciate you echoed
10 I think similar sentiment to what Judge Savage declared when
11 she recused, which is, when I took the bench things changed.
12 I left behind being a prosecute and I take very seriously -- I
13 think you said into the marrow of my bones I seriously being a
14 judge.

15 The exhibit you wouldn't admit into the record, your
16 Facebook page has a crime fighting cartoon super hero as an
17 avatar and you're joking about using that crime fighting super
18 hero's special weapon of truth. It's not very serious. It's
19 kind of light hearted. I don't know how serious that appears
20 to the reasonable person. And I'm concerned that the
21 application of the judicial code in light of the case law, in
22 light of the tie goes to the runner, any error should be
23 resolved in favor of disqualification, Your Honor must recuse.

24 Fern Smith's legacy is complicated and her conduct is still
25 impacting this case. And the email in the Wood case, the

1 shout out in 2019, the evolving disclosure about trips with
2 her, the conflict in what she testified to to what you Your
3 Honor told us about those trips, all go the toward a clear
4 issue where a reasonable person might question. And that's
5 the standard. That's 2.11. And so with that, Your Honor, we
6 very somberly urge you to disqualify yourself from this case.

7 THE COURT: Thank you.

8 MR. HARMON: May it please the Court. I want address
9 something that Mr. Knight said in his opening statement it
10 seems like a week ago but it was this morning and said that we
11 are -- the State is fighting to keep Your Honor as the judge.
12 That that is absolutely not true. Judge, we were fine with
13 Judge Coyle. We didn't ask her to disqualify or recuse. We
14 were fine with Judge Savage. We didn't ask her to disqualify
15 or recuse. It's been the Defense all along that has asked
16 every judge.

17 And I think this is important. It may seem like a tangent
18 at first but they think were fine with Judge Coyle. Even
19 though she would have been in very many ways similarly
20 situated to Your Honor in being in the DA's Office. In fact
21 she may have been overlapping with -- in fact I think she was.
22 I think the record will bear out she was overlapping with
23 Connie Smothermon, who has been their devil that they've
24 pointed to as being the destructor of evidence until now,
25 during that time.

1 And they were fine with Judge Coyle until what? Until they
2 got an unfavorable ruling on bond. In fact they said that
3 today. They said that. Mr. Knight said that in opening. We
4 were fine -- I'm paraphrasing his words but then she ruled
5 against us on bond and said facts -- the evidence of guilt is
6 evident. And, well, we can't have that so we've got to recuse
7 her.

8 And what did they go to Judge Coyle about? Was it Fern
9 Smith? No. No. It was all about Connie Smothermon and Gary
10 Ackley and then JW Coyle had met with a witness, Mr. Sneed,
11 and then Mack Martin, who was her campaign manager had met
12 with Mr. Sneed as well. So it was all these other things.
13 And I want to point that out that the State is not fighting to
14 keep a judge.

15 The State is fighting to keep a fair judge who will try
16 this case for a third time. The Defense has made that they do
17 not want a trial. They do not want a trial contrary to how
18 many times they say it. So the State wants this case to move
19 forward with a fair judge who will give both sides a fair
20 trial. And the State has an obligation in these proceedings.

21 And we haven't reached this stage with either Judge Coyle
22 or Judge Savage. Both of those judged recused in the in
23 camera hearing process, which of course is typically much less
24 formal. In fact with Judge Coyle it was in her chambers. We
25 were all gathered around stuffed in her office. Judge Savage

1 held it in her courtroom as did Your Honor. But it seemed
2 like Judge Savage certainly had her mind made up in that
3 regard. I don't criticize her decision but I don't think the
4 standard that she employed of if Mr. Glossip doesn't feel
5 comfortable with me then I'm going to recuse is the
6 appropriate legal standard. I think we all know what that is
7 in the Judicial Cannon Rule 2.7 that we talked about earlier.
8 I won't be repetitive and cite that again.

9 But while we're on this point in preparation for today's
10 hearing I did some counting. Because we talked about Fern
11 Smith so much today. And we've heard from Ms. Smith, who I
12 don't believe I've seen since she left the DA's Office in
13 2007. I was new. I just started in May of '06 so we didn't
14 have much overlap and I certainly didn't know her well. I was
15 way beneath her on the totem pole.

16 But we've heard so much about Fern Smith today and how all
17 this case resolves around Fern Smith. Fern Smith either
18 personally or directed the destruction of evidence. I want to
19 go back to where this case started in the Supreme Court. In
20 the Defendant's cert petition to the Supreme Court, if this
21 was jury selection I would ask any guesses how many times Fern
22 Smith's name was mentioned in the Defendant's cert petition to
23 the United States Supreme Court? Zero.

24 In the rely brief -- in Defendant's reply brief guess how
25 many times Fern Smith's name was mentioned in the reply brief

1 of the Defendant. That's a 16 page document. The cert
2 petition was a 21 page document not counting table of
3 contents. Zero times in the reply brief. Well, once
4 certiorari was granted in the merit stage briefing, that was a
5 50 page brief. I think that was the limit. They used all 50
6 pages. Fern Smith's name is mentioned zero times.

7 Well, how about Connie Smothermon? And luckily Fern Smith
8 has a unique name so I could control F for Fern and figure out
9 that it wasn't mentioned. Smothermon is mentioned -- the word
10 Smothermon is mentioned in the Defendant's merit stage brief
11 63 times. Not Fern Smith. Not once. In the Defendant's
12 reply brief in the merit stage, a 23 page document, does
13 anybody want to take a guess how many Fern Smith's name is
14 mentioned. Zero times. Connie Smothermon is mentioned -- or
15 the word Smothermon is mentioned 25 times.

16 In the United States Supreme Court opinion, which is an 82
17 page document with both majority and the dissents, how many
18 times is Fern Smith's name mentioned? Zero times. Smothermon
19 89 times. In the disqualification hearing before Judge Coyle,
20 an 18 page transcript, how many times is Fern Smith's name
21 mentioned? Zero times. How many times Smothermon mentioned?
22 10 times.

23 In the disqualification hearing before Judge Savage how
24 many times is Fern Smith mentioned? One time. One time. And
25 it is on page five. And all it says on page five, line 12,

1 Fern Smith tried the first trial. That's all it says about
2 her.

3 And then it goes into Connie Smith and Gary Ackley tried
4 the 2024 trial, we anticipate in the course -- and I
5 apologize. Let me see who was talking here. Mr. Brewster was
6 talking. We anticipate in the course of retrying this matter
7 for a third time that there will be motions and hearings
8 involving testimony from Connie Smothermon and Gary Ackley and
9 others in the Oklahoma County DA's office regarding misconduct
10 that the US Supreme Court recognized in it's opinion reversing
11 Mr. Glossip's conviction. That's back when Connie Smothermon
12 and Gary Ackley were the bad guys that destroyed all the
13 evidence.

14 But now when the case was reassigned to Your Honor they had
15 to switch course. Because Your Honor told all of us in your
16 office chambers that you had never met Connie -- to your
17 knowledge never met Connie Smothermon. So they had to switch
18 course. Now it's Fern Smith. It's all Fern Smith. Fern
19 Smith's the devil. And so the level of disingenuous in this
20 is overwhelming.

21 This is a sham. This is nothing more than exactly what Mr.
22 Knight said to this Court it wasn't. Judge shopping. He said
23 it this morning and I'll say it now. That's sexual what this
24 is and each and every one of them know it. Fern Smith -- Mr.
25 Brewster says that Fern Smith gave a totally different story.

1 She did talk about two other trips. I don't know if she's
2 right, I Don't know if she's wrong. It doesn't matter. None
3 of them were Your Honor and her alone. They were group trips.
4 It became obvious in her recounting those trips that often
5 times the two of you weren't even traveling together.

6 It sounded like you came back at different times on
7 different trains in different cars -- or meant to say planes
8 instead of trains. One group went to Portugal the other group
9 I believe including Your Honor stayed in whatever town it was
10 in Spain. That is not that rule. That somebody goes on a
11 group work associate trip together they can never preside over
12 a trial that that person was involved in or their credibility
13 is going to be questioned.

14 Because we expect more of our judges. We expect more of
15 our judge to be able to set aside personal feelings and
16 beliefs and make judgement according to the law. Judges are
17 human just like everyone else. I'm sure every judge in this
18 courthouse, every judge in this state, every judge in this
19 country has lawyers that they like better than other, lawyers
20 they dislike more than others. Lawyers they trust more than
21 others. Because our reputation proceeds us. We can't get
22 away from that. But that doesn't mean that that judge isn't
23 going to do their job and make their judgements based upon the
24 evidence.

25 If I thought for one minute that Your Honor is going to

1 give me a favorable ruling over any of these defense counsel
2 just because we worked in the same office several years ago I
3 would say, yeah, you shouldn't be on this case. You shouldn't
4 be on the bench. But that's not the situation we have here.
5 And there's no indication in any of the rulings being -- that
6 have been made so far that would indicate. And I think that's
7 telling.

8 Defense counsel cannot point to one ruling that was made
9 incorrectly by Your Honor in this case. They cite to the fact
10 that you at some point did make them follow some level of the
11 rules of evidence and authentication -- authenticating some
12 documents and relevance. But that -- those rules got
13 stretched pretty darn far from my perspective and I think a
14 lot of latitude was given, which I understand the
15 circumstances of why Your Honor did that.

16 But at the end of the day this is just conjecture. And
17 this is just speculation. And it's exactly what Mr. Knight
18 said it wasn't Judge shopping and they don't want anyone who
19 ever had any affiliation with the Oklahoma County DA's Office
20 and to preside over this case because they feel like that was
21 an evil place. I can tell you it wasn't.

22 I wasn't there in the Macy era. I can't speak to that.
23 But when I was there it was an honorable place to work and we
24 took our jobs and oaths very seriously. And I won't get on a
25 soap box here but it's offensive to hear they throw around

1 things that are just because it's on internet.

2 Mr. Knight cited a magazine article that supposedly he read
3 this morning. Me guess is he probably planted that story so
4 he could talk about it. That's the sort of media campaign
5 that is getting ran by this table over her. Over and over
6 we'll see an op ed. We'll see a magazine article. We'll
7 seeing something from the Huffington Post or an op ed
8 supposedly written by a former US Attorney.

9 But when you cut through all of that, when you cut through
10 kind of all the malarky at the end of the day we need a judge
11 to try this case. And there's been nothing presented that
12 would indicate that Your Honor could not be fair to both
13 sides. And for those reasons, not because the State wants to
14 try this case in front of Judge Stallings as opposed to Judge
15 Coyle or Judge Savage or whoever but because it's time to move
16 this case forward and give Mr. Glossip the third trial, the
17 third fair trial that he deserves.

18 THE COURT: All right. Mr. Knight?

19 MR. KNIGHT: I'm going to reply.

20 THE COURT: Briefly.

21 MR. KNIGHT: Briefly, Your Honor. In 2025 you sent
22 an email to Fern Smith. You didn't tell us about that email.
23 We had to get it out of Fern Smith. And that email is clearly
24 congratulatory. Hey, I'm just sending this to you. Hey, this
25 is great. This is wonderful yeah, you know, it's not on me

1 because you know what? It's them. They wrote that opinion.
2 And you acknowledged to her that they wrote that opinion for
3 you in. And you're like, yeah, it's fabulous. It's great.

4 You didn't tell us about your relationship with her in that
5 way. You didn't say that to us. If you had said that to us
6 we would have said, oh boy, Judge. I don't know. Fern Smith
7 is going to be a witness. The idea that the only person that
8 matters in this case is Connie Smothermon from the
9 prosecutor's side is absolutely ridiculous. And it comes from
10 something that Mr. Harmon doesn't want to talk about. And
11 that's Exhibit Y. Exhibit Y is Rex Duncan's report.

12 MR. HARMON: Objection to him referring to it. It
13 was not admitted I don't think.

14 MR. KNIGHT: I believe it was admitted.

15 THE COURT: Hang on. Y was not admitted.

16 MR. KNIGHT: It's still part of the record, Your
17 Honor. For the purposes of this hearing it's still part of
18 the record.

19 MR. HARMON: May I respond?

20 THE COURT: You may.

21 MR. HARMON: It is part of the record for appellate
22 review. It is not part of the record that can be cited to as
23 evidence to the Court.

24 THE COURT: All right. Move one, counsel.

25 MR. KNIGHT: Your Honor, this office led by Attorney

1 General Gentner Drummond retained someone named Rex Duncan, a
2 former District Attorney, to look into this case to see if
3 there's a problem before he was executed. These people come
4 across here as if they're some kind of angels. Oh, we're just
5 doing our best. This is great. 28 years that man spent on
6 death row. 28 years for a crime he didn't commit. They don't
7 even want to talk about the fact --

8 MR. HARMON: Objection. That's facts not in evidence
9 that he didn't commit the crime.

10 THE COURT: Counsel, it's argument. But, again,
11 let's stick to this hearing.

12 MR. KNIGHT: Thank you. It went to the Supreme
13 Court. It went to the United States Supreme Court and they
14 found error in this case. It came back here. It's not just
15 error though in -- by Connie Smothermon. The Supreme Court
16 also cited error in the early part of this case.

17 We've talked about the fact that there was evidence that
18 was not collected, there was evidence that was given back to
19 soon, there was evidence that was lost, there was evidence
20 that was destroyed. All of that stuff done at the time when
21 Fern Smith was the prosecutor in the case. She's going to be
22 testifying. I think you know that.

23 I watch you, Your Honor, when you were with her. I watched
24 you interact with these people. Every single thing that
25 happens in this case from this point forward if you don't

1 recuse is going to be looked at through the lens of the
2 hearing that we've had here today and evidence that we
3 presented, the very strong and undoubtedly compelling evidence
4 that we've presented here that you and your relationship with
5 Fern Smith, your relationship with that office, your
6 relationship with David Prater are going to be problems that
7 are going to be seen again and again in this case if the Court
8 stays on this case.

9 I want to look back at Judge Caswell for a second. Judge
10 Caswell, and it looks like from Matthew Haire's testimony,
11 Judge Caswell got off the case just because of one trip.

12 MR. HARMON: Objection, Your Honor. Actually Mr.
13 Haire said he didn't know what Judge Caswell recused.

14 THE COURT: All right. I recall the testimony. And
15 that was the testimony. Mr. Haire said she did not say why
16 she recused.

17 MR. KNIGHT: I understand she did not say -- although
18 Fern Smith said that in her --

19 THE COURT: Counsel, move on. Let's wrap it up.

20 MR. KNIGHT: Judge Caswell got off the case because
21 of a relationship she had with Fern Smith. That was it. She
22 got off for whatever reason other than that. Nonetheless
23 there were two cases at least. Connie Bacon and Antonio Ellis
24 where she refused to get off. The OCCA had it front of them
25 and they sent it back.

1 MR. HARMON: Objection. I don't think that's in
2 evidence. I don't think it's relevant.

3 MR. KNIGHT: It's argument, Your Honor.

4 THE COURT: It is argument. But, counsel, let's
5 stick to what we talked about today.

6 MR. KNIGHT: I am sticking with what we were talking
7 about today, Your Honor. Those two cases went up. What I'm
8 going to tell now is the most important thing about this. If
9 the Court decides not to recuse herself it's structural error.
10 Structural error means it comes back here automatically.
11 There doesn't need to be any prosecutorial misconduct or no
12 other problems with it. If the Court of Appeals finds
13 structural error it comes back to the Court for fourth trial
14 without any other issues needing to be resolved. What the
15 Court is doing is setting this matter up for a fourth trial.

16 And the only thing the Court has to do is say, you know
17 what, I get it. We spent a whole day talking about this. We
18 started out with one trip, we ended up with three trips. We
19 started out without any kind of conversations, any kind of
20 communications, we ended with this email in 2025 that you sent
21 her that I'm sure you didn't send to anybody else. You don't
22 treat her like you treat everybody else.

23 When I spoke this morning I said when they fight hard
24 they're fighting hard for a reason. I told the Court this
25 morning and I'll say it again. We could move this case

1 forward in 20 minutes if they want to sit down with us and
2 say, hey, let's take a look for a judge around this courthouse
3 who isn't somebody who used to be involved in the District
4 Attorney's Office. Now if there's somebody who was in the
5 District Attorney's Office that just got on the bench maybe
6 they just got -- you know they were there just a couple of
7 years ago.

8 But that's not the case here, Your Honor. You stretched
9 way back. This case stretched way back. Everything about
10 this case is different than every other case. We are asking
11 to start at the fair spot. That's what we're asking for.

12 When I said this morning, and again Mr. Harmon
13 mischaracterizes it, I didn't say I didn't want a trial. I'll
14 take a trial if I could have fair trial. If I could have a
15 fair trial and a fair trial starts with a fair judge. I want
16 to start even. I don't want to start here while they start
17 here because of their relationship with you.

18 It came through today, Your Honor. I'm sorry but it did.
19 It came through time and again. You know, I was counting for
20 a while the number of times that you upheld an objection from
21 them or overruled an objection from us. It one wildly out of
22 proportion. They won way more than we did. He said you
23 haven't even had a chance to tell Judge Stallings that she did
24 something wrong. Well, Judge, you know, I don't know about
25 your evidentiary rulings today but I don't think that they

1 were necessarily above reproach. You could very well have
2 been wrong. And it could have been because of your bias.

3 We need a judge who's fair. You might not be because of
4 these relationships that you have. Let us move on with the
5 case. Lord knows Mr. Glossip is in jail. If anybody is
6 suffering from the long history here it's Mr. Glossip. You
7 think we want to move this thing along and we do. We
8 definitely want to move this thing along. But we want to move
9 this thing along in a fair way. Give me a fair judge.

10 Somebody who's not -- you know, it was an interesting part
11 here. Fern Smith is up there. And she said I know him, I
12 know him. You are all friends. Yeah, you're friends. You're
13 friends. Everybody's friends. Everybody is friends. We're
14 not friends. We don't know these people. Jen Hinsperger
15 might be your Facebook friend. We don't know these people.
16 We don't. You guys are all friends. It doesn't look good.
17 It looks bad. It might lead a reasonable person to say I
18 don't have confidence in this. I don't have confidence in
19 this proceeding. That tears at the structure of our judicial
20 system. And I'm going to ask the Court for that reason to
21 recuse yourself.

22 THE COURT: Thank you, counsel.

23 MR. KNIGHT: Thank you.

24 THE COURT: All right. Mr. Knight said in his
25 opening statement he wasn't judge shopping. And yet with his

1 next breath he doesn't want any judge that was in the culture
2 in the District Attorney's Office during that time. That's
3 judge shopping. It's obvious from today's long hearing that
4 the Defense wished to make the Court an distraction in this
5 case to get what they want.

6 Even listening to Professor Smith, who was firm in saying,
7 you know, reasonable people, you know, you should avoid even
8 the appearance of impropriety and bias. Well, she certainly
9 has bias. But that's neither here nor there.

10 In order to move this case along, in order to stop this dog
11 and pony show so that they can continue on their journey to
12 get the judge that they want the Court is going to recuse.

13 Now unfortunately nothing can happen until tomorrow. So
14 the Court will sign a transfer order tomorrow at some time
15 before my other hearing.

16 Anything else for the record?

17 MR. HARMON: Not from the State, Your Honor.

18 MR. BREWSTER: Nothing from the Defendant, Your
19 Honor.

20 THE COURT: We'll close the record.

21 (End of proceedings.)
22
23
24
25

1 IN THE DISTRICT COURT OF OKLAHOMA COUNTY, STATE OF OKLAHOMA

2
3 STATE OF OKLAHOMA,)

4 Plaintiff,)

5 vs.)

CASE NO. CF-1997-244

6 RICHARD EUGENE GLOSSIP,)

7 Defendant.)

8 STATE OF OKLAHOMA)

9) SS. CERTIFICATE OF COURT REPORTER
10 COUNTY OF OKLAHOMA)

11 I, Elliott Thompson, Certified Shorthand Reporter, within
12 and for the State of Oklahoma, duly appointed and qualified
13 reporter in the District Court of Oklahoma County, State of
14 Oklahoma, do hereby certify that I took down by machine
15 shorthand the proceedings as described on Page 1 herein, and
16 the foregoing is a true, complete and accurate record of my
17 shorthand notes so taken of said proceedings.

18 IN WITNESS WHEREOF, I hereunto set my hand and official
19 seal this 2nd day of November, 2025.

20
21
22 Elliott Thompson, CSR #2021
23
24
25