### Case No. 25-5997

### **CAPITAL CASE**

#### In the

### SUPREME COURT OF THE UNITED STATES

## TREMANE WOOD, Petitioner,

-vs-

## STATE OF OKLAHOMA, Respondent.

On Petition for Writ of Certiorari To the Oklahoma Court of Criminal Appeals

## RESPONDENT'S SUPPLEMENTAL APPENDIX

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## Exhibit C

#### AFFIDAVIT OF AMANDA BASS CASTRO ALVES

STATE OF ARIZONA,	)	
	)	SS.
COUNTY OF MARICOPA.	)	

Before me, the undersigned Notary, on this <u>17</u>th day of September, 2025, appeared Amanda Bass Castro Alves, known to me of lawful age, who being by me first duly sworn, on her oath, deposes and says:

- My name is Amanda Bass Castro Alves. I am a licensed attorney and an Assistant Federal Public Defender in the Capital Habeas Unit of the Office of the Federal Public Defender for the District of Arizona. In that capacity, I represent Arizona and Oklahoma death row prisoners.
- 2. In 2010, the United States District Court for the Western District of Oklahoma appointed my office to represent Oklahoma death row prisoner Tremane Wood who, in 2004, was sentenced to death for first-degree felony murder in Oklahoma County Case No. CF-2002-46. Since 2019, I have been lead habeas counsel for Mr. Wood.
- 3. In September 2024, I was allowed to review parts of the Oklahoma County District Attorney's file in Mr. Woods's case that included new information we had not been previously provided. That new information included work-product created by Oklahoma County Assistant District Attorneys Fern Smith and George Burnett who capitally prosecuted Mr. Wood between 2002 and 2004.
- 4. Based on the new information I reviewed during that timeframe, I filed a post-conviction application on November 5, 2024 in Oklahoma Court of Criminal Appeals Case No. PCD-2024-879. The new post-conviction application alleged violations of Mr. Wood's constitutional rights under *Brady v. Maryland*, 373 U.S. 83 (1963), *Napue v. Illinois*, 360 U.S. 264 (1959), and the Oklahoma Constitution's corresponding due process guarantees.
- 5. On March 11, 2025, over the State of Oklahoma's objection, the Oklahoma Court of Criminal Appeals remanded Mr. Wood's case to the Oklahoma County District Court for an evidentiary hearing on Mr. Wood's *Brady* and *Napue* claims.
- 6. Initially, Mr. Wood's case was assigned to Oklahoma County District Court Judge Katherine Savage. Following a Rule 15 hearing on March 27, 2025, Judge Savage recused from Mr. Wood's case and entered a transfer order. Mr. Wood's case was subsequently assigned to Judge Susan Stallings.

EXHIBIT B

- 7. On March 28, 2025, Judge Stallings held an in-chambers discussion with the parties after Mr. Wood's case was transferred to her from Judge Savage. During that in-chambers discussion, Judge Stallings stated that she had been on a trip with Fern Smith. I don't specifically recall where they traveled to or the timeframe of the trip. However, I do recall that Judge Stallings referred to the trip as a "hen do."
- 8. During Mr. Wood's remanded district court proceedings, the evidentiary hearing date was continued from April 1-3, 2025 to April 7-9, 2025. Subpoenas ad testificandum had already been issued for the earlier hearing date. As such, as soon as the hearing dates were postponed, I contacted all the witnesses who I had subpoenaed, including Fern Smith, to notify them of the changed hearing dates.
- 9. Despite the fact that I had contacted Ms. Smith via email to notify her of the changed hearing dates, Ms. Smith nevertheless went to the Oklahoma County courthouse on the original hearing date. I learned this from opposing counsel, Assistant Oklahoma Attorney General Joshua Lockett, who notified me that Judge Stallings had called him very upset because no one had advised Ms. Smith of the change in hearing dates. Judge Stallings told Mr. Lockett that Ms. Smith had driven many miles from her home and the failure to let Ms. Smith know about the changed hearing dates was disrespectful.

FURTHER AFFIANT SAYETH NOT.

Amanda Bass Castro Alves

Subscribed and sworn to before me this 17 th day of September, 2025.

VALERIE D. DUCKETT

Notary Public - State of Arizone

MARICOPA COUNTY

Corrunission # 631043

Expires May 20, 2026

NOTARY PUBLIC

My commission number is:

My commission expires: May 20,2024.





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

FILED COURT OF CRIMINAL APPEALS STATE OF OKLAHOMA

TREMANE WOOD,	NOV 1 0 2025
Appellant/Petitioner, )	SELDEN JONES CLERK
v. )	Case No. D-2005-171 PCD-2024-879
THE STATE OF OKLAHOMA,	
Appellee/Respondent.)	

ORDER DENYING MOTION FOR STAY OF EXECUTION PENDING
RESOLUTION OF REQUEST THAT THE COURT REASSUME
JURISDICTION, RECALL THE MANDATE, AND GRANT A NEW
EVIDENTIARY HEARING ON BRADY/NAPUE CLAIMS AND

## **AND**

ORDER DENYING MOTION REQUESTING THE COURT REASSUME JURISDICTION, RECALL THE MANDATE, AND GRANT A NEW EVIDENTIARY HEARING ON BRADY/NAPUE CLAIMS

On November 4, 2025, Petitioner, by and through counsel, Jon M. Sands, Federal Public Defender, District of Arizona, and Keith J. Hilzendeger, Assistant Federal Public Defender, filed with this Court a Motion for Stay of Execution Pending Resolution of Request That The Court Reassume Jurisdiction, Recall The Mandate, And Grant A New

Evidentiary Hearing on Brady/Napue Claims. Petitioner seeks a stay of his November 13, 2025, execution date to allow this Court to review evidence that he claims shows the Honorable Susan Stallings, who presided over the evidentiary hearing on his Brady/Napue <sup>1</sup> claims, "operated under an unconstitutionally intolerable appearance of bias" in ruling on his claims. Petitioner asserts this evidence, which he claims was discovered "just last week", resulted in Judge Stallings' recusal from another criminal case based on her relationship with Fern Smith, "the same prosecutor whose credibility was at issue in [Petitioner's] case." The State has filed an objection and response to Petitioner's motions and request for a stay.

Our authority to grant a stay of execution is limited by 22 O.S.2021, § 1001.1(C). Under this section, this Court may grant a stay of execution only when: (1) there is an action pending in this Court; (2) the action challenges the death row inmate's conviction or death sentence; and (3) the death row inmate makes the requisite showings of likely success and irreparable harm. See also Lockett v. State, 2014 OK CR 3, ¶ 3, 329 P.3d 755, 757.

<sup>&</sup>lt;sup>1</sup> Brady v. Maryland, 373 U.S. 83 (1963); Napue v. Illinois, 360 U.S. 264 (1959).

The first two criteria have been met by Petitioner's contemporaneous filing of a Motion Requesting The Court Reassume Jurisdiction, Recall The Mandate, And Grant A New Evidentiary Hearing on Brady/Napue Claims. Petitioner argues the new information of Judge Stallings alleged bias warrants a new evidentiary hearing before an impartial decisionmaker. Petitioner asserts that should this Court grant this motion, he will have grounds for staying the execution because he will not have exhausted his appeals.

To meet the third requirement for a stay of execution, Petitioner must show "there exists a significant possibility of reversal of the defendant's conviction, or vacation of the defendant's sentence, and that irreparable harm will result if no stay is issued." 22 O.S.2021, § 1001.1(C). After thorough consideration of Petitioner's motions and arguments, included attachments and legal authority, and for the reasons set forth in our denial of his Fifth Application for Post-Conviction Relief, we find Petitioner has not met his burden of showing the necessity for a stay of execution. Petitioner's allegations regarding the professional/personal acquaintance between Judge Stallings and Ms. Smith do not show the existence of a significant

possibility of a reversal of his conviction or vacation of his sentence. This Court has found no credible claims to prevent the carrying out of Petitioner's sentence on the scheduled date. **THEREFORE**, the STAY OF EXECUTION IS DENIED.

In as much as we have denied the stay of execution, there is no reason to recall the mandate and grant a new evidentiary hearing.

Accordingly, the Motion For a Stay of Execution and Motion Requesting this Court Reassume Jurisdiction and Grant a New Evidentiary Hearing are DENIED.

IT IS SO ORDERED.

WITNESS MY HAND AND THE SEAL OF THIS COURT this \_\_/()\_\_

day of <u>MOVEMBOR</u>

GARY L. LUMPKIN, Presiding Judge

WILLIAM J. MUSSEMAN, Vice Presiding Judge

reer

DAVID B. LEWIS, Judge

JAMES R. WINCHESTER, Justice<sup>2</sup>

RICHARD DARBY, Justice<sup>3</sup>

ATTEST:

Deputy Clerk

<sup>&</sup>lt;sup>2</sup> The Honorable James Winchester, Justice of the Oklahoma Supreme Court, sitting by assignment.

<sup>&</sup>lt;sup>3</sup> The Honorable Richard Darby, Justice of the Oklahoma Supreme Court, sitting by assignment.