

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

Gentner F. Drummond
Attorney General of Oklahoma

Christina Burns
Asst. Attorney General
**Counsel of Record*

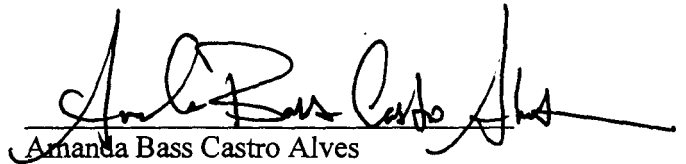
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November 12, 2025

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.




NOTARY PUBLIC

My commission number is: 631043

My commission expires: May 20, 2026

ORIGINAL



IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF
OKLAHOMA

FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

NOV 10 2025

SELDEN JONES
CLERK

TREMANE WOOD,

Appellant/Petitioner,

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*¹ 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.

¹ *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.

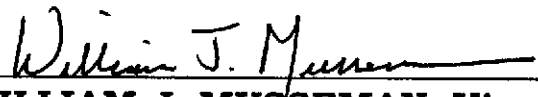
Accordingly, the **Motion For a Stay of Execution and Motion Requesting this Court Reassume Jurisdiction and Grant a New Evidentiary Hearing are DENIED.**

IT IS SO ORDERED.

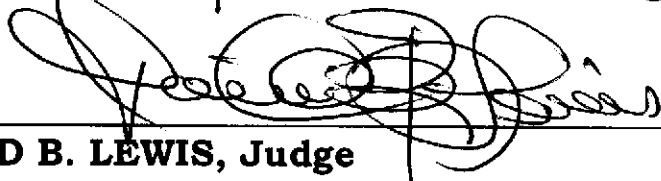
WITNESS MY HAND AND THE SEAL OF THIS COURT this 10
day of November, 2025.



GARY L. LUMPKIN, Presiding Judge



WILLIAM J. MUSSEMAN, Vice Presiding Judge



DAVID B. LEWIS, Judge



JAMES R. WINCHESTER, Justice²



RICHARD DARBY, Justice³

ATTEST:



Deputy Clerk

² The Honorable James Winchester, Justice of the Oklahoma Supreme Court, sitting by assignment.

³ The Honorable Richard Darby, Justice of the Oklahoma Supreme Court, sitting by assignment.