

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

RESPONSE TO PETITIONER'S
SUPPLEMENTAL BRIEF

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November 12, 2025

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CAPITAL CASE
EXECUTION SET: November 13, 2025, AT 10:00 A.M. CST
No. 25-5997

RESPONSE TO PETITIONER'S SUPPLEMENTAL BRIEF

The State of Oklahoma respectfully offers this response to Petitioner's Supplemental Brief and urges this Court to deny Petitioner Tremane Wood's Petition for a Writ of Certiorari to review the judgment and opinion of the Oklahoma Court of Criminal Appeals ("OCCA") entered in this case on September 2, 2025. (Pet. App. 1 at 1a-23a).

STATEMENT OF THE CASE

As explained in the State's Brief in Opposition, Petitioner murdered Ronnie Wipf in the course of a robbery he committed in concert with his brother Zjaiton ("Jake") Wood, Lanita Bateman, and Brandy Warden. (Br. in Opp. at 1-7). Ms. Warden testified against Petitioner pursuant to a plea agreement for reduced charges. (Br. in Opp. at 13). In 2024, Petitioner filed a fifth application for post-conviction relief in which he alleged the State withheld the full extent of its plea agreement with Ms. Warden. (Pet. App. 1 at 84a-145a). The OCCA remanded the claims to Oklahoma County District Court for an evidentiary hearing. (Pet. App. 1 at 146a-155a). Petitioner successfully sought the recusal of the first district judge who was assigned to conduct the hearing. (Supp. Br. at 1-2). The case was reassigned to Judge Susan Stallings. (Supp. Br. at 2).

Before the hearing, Judge Stallings informed the parties that, decades earlier, she had worked at the Oklahoma County District Attorney's Office with former

Assistant District Attorney Fern Smith, who had prosecuted Petitioner and would be a witness at the hearing. (Supp. Br. at 2). Petitioner did not ask Judge Stallings to recuse before the hearing, or during the hearing, in spite of what he now alleges were irregularities in the manner in which Judge Stallings conducted the hearing. (Supp. Br. at 14-15, 19).

After the three-day hearing, at which no witness supported Petitioner's allegations, Judge Stallings issued an Order of Findings of Fact and Conclusions of Law. (Pet. App. 1 at 24a-83a). Both parties then submitted supplemental briefs to the OCCA, which denied relief because there was "no evidence" to support Petitioner's claims. (Pet. App. 1 at 17a).

The OCCA's order is at issue in the pending certiorari petition. As the State explained in its Brief in Opposition, the State and Petitioner learned after the Petition was filed that Judge Stallings had emailed Ms. Smith a copy of her Order. (Br. in Opp. at 22-23). Judge Stallings used her work email address to send the Order to Ms. Smith's work email address (also with the State of Oklahoma). (Supp. Br. Ex. 1 at 29, 55-56). Judge Stallings wrote, "I thought you would like to see the order (unfiled version)." (Resp. App. at 14a). Although Judge Stallings apparently sent a non-file-stamped copy to Ms. Smith, this email was sent five days after her Order was filed of record in the case. (Resp. App. at 14a; Pet. App. at 24a). Ms. Smith thanked Judge Stallings and complemented the Order. (Resp. App. at 14a). Judge Stallings responded that she could not take credit because the Attorney General's Office "did an outstanding job" in crafting its proposed findings. (Resp. App. at 14a).

On October 30, 2025, Judge Stallings held a hearing on a motion to recuse filed by Richard Glossip, whose case is pending retrial after his conviction was reversed by this Court. *See Glossip v. Oklahoma*, 604 U.S. 226 (2025). (Supp. Br. Ex. 1). Petitioner’s attorney, Amanda Bass Castro-Alves (“Ms. Bass”), was a witness at that hearing. (Supp. Br. Ex. 1 at 4-19). Before the hearing, Ms. Bass had provided an affidavit to Mr. Glossip’s counsel, which noted that Judge Stallings was assigned to conduct the hearing after the previous judge recused. (Resp. Supp. App. at 1a-2a). In the final three paragraphs of her affidavit, Ms. Bass made the following averments:

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.

(Resp. Supp. App. at 1a-2a). That is the full extent of the allegations in Ms. Bass's affidavit.

Petitioner has not provided a copy of this affidavit to the Court but has provided the transcript of Ms. Bass's testimony (and the testimony of Ms. Smith) at the hearing in the *Glossip* matter. (Supp. Br. Ex. 1). There, Ms. Bass testified that she could not recall where Judge Stallings had indicated she traveled with Ms. Smith or when the trip occurred. (Supp. Br. Ex. 1 at 7-8). Ms. Bass assumed "from watching British PBS crime dramas" that the trip, which Judge Stallings had described as a "hen do" was "sort of like, you know, a bachelorette party." (Supp. Br. Ex. 1 at 8). Petitioner notes that Ms. Smith recalled having possibly taken three trips with Judge Stallings (to Spain, Las Vegas, and England). (Supp. Br. at 6-7; Supp. Br. Ex. 1 at 23-25). However, Ms. Smith was not certain that Judge Stallings went on the trip to England and, if she did, the two were not truly traveling together. (Supp. Br. Ex. 1 at 25). Rather, Ms. Smith's husband, mother, sister, and mother-in-law were with her. (Supp. Br. Ex. 1 at 25). All three trips were group trips with co-workers and, with the possible exception of the trip to Las Vegas, the two ladies had little interaction during them. (Supp. Br. Ex. 1 at 24-28, 60-61). Finally, Ms. Smith testified that the trip to Las Vegas was not memorable except that Ms. Smith's husband did not pick her up

from the airport because he had an undiagnosed malignant brain tumor.¹ (Supp. Br. Ex. 1 at 23-24).

Neither Ms. Bass's affidavit nor her testimony at the *Glossip* hearing referenced the division of the Oklahoma County District Attorney's Office in which Judge Stallings or Ms. Smith had worked. (Supp. Br. Ex. 1 at 4-19; Resp. Supp. App. at 1a-2a). See (Supp. Br. at 2 ("Judge Stallings held an in-chambers discussion with counsel for Mr. Wood [during which she] acknowledged knowing Fern Smith from when they worked together at the Oklahoma County District Attorney's Office. But she explained that they had worked in different divisions.")).² Further, Petitioner now states that Judge Stallings told his attorneys that "she had last seen" Ms. Smith on this "hen do." (Supp. Br. at 2). Again, this assertion is not supported by Ms. Bass's affidavit nor her testimony at the *Glossip* hearing. (Supp. Br. Ex. 1 at 4-19; Resp. Supp. App. at 1a-2a).³

¹ Ms. Smith testified that she "had never had a text message from Susan Stallings in [her] entire life." (Supp. Br. Ex. 1 at 22). Ms. Smith did not believe she had any contact with Judge Stallings outside of work aside from those three trips until Petitioner's hearing. (Supp. Br. Ex. 1 at 22-23, 29, 31, 33, 35-38). Ms. Smith had never visited Judge Stallings's home and considered her a friend from having worked with her but would not describe their relationship as a personal one. (Supp. Br. Ex. 1 at 36-37, 61).

² Judge Stallings was very briefly an intern under Ms. Smith's supervision and she was later employed as an Assistant District Attorney in an entirely different division, the juvenile division, that was housed in a completely different building than where Ms. Smith worked as a felony prosecutor. (Supp. Br. Ex. 1 at 64-67).

³ Petitioner also complains about rulings Judge Stallings made during the hearing. (Supp. Br. at 3-4). Petitioner did not ask Judge Stallings to recuse based on these rulings or challenge them in his post-hearing supplemental brief to the OCCA. (Pet. App. 2 at 265a-279a). Nor does his Supplemental Brief show these rulings were incorrect. Notably, a review of the evidentiary hearing transcripts on the whole shows

Finally, Petitioner alleges that “Judge Stallings’s order was **cut-and-pasted verbatim** from the State’s proposed factual findings and legal conclusions, including typos and other obvious errors in the State’s brief.” (Supp. Br. at 4 (emphasis added)). However, Ms. Bass acknowledged in her testimony at the *Glossip* hearing that Judge Stallings ordered the parties to submit proposed findings via email in a word processing format. (Supp. Br. Ex. 1 at 9). Judge Stallings’s Order was “largely identical” to the State’s proposed findings, although “there were some things that had been changed”, which she described as “some small changes[.]” (Supp. Br. Ex. 1 at 10-11).

On November 4, 2025, Petitioner filed in the OCCA a motion asking the court to reassume jurisdiction over the case and a motion for a stay of execution. Petitioner alleged Judge Stallings was actually biased or, at the very least, had the appearance of bias.⁴ The OCCA denied both motions on November 10, finding “no credible claims to prevent the carrying out of Petitioner’s sentence on the scheduled date.” (Resp. Supp. App. at 3a-7a).

that Judge Stallings declined to sustain, or expressly overruled, numerous objections by the State. (4/7/25 AM Tr. 20-21, 30, 78, 81, 82; 4/8/25 AM Tr. 54; 4/9/25 AM Tr. 20; 4/9/25 Tr. PM 67). Further, Judge Stallings *sua sponte* obtained a copy of Ms. Warden’s cooperation memorandum, indicating her commitment to fully developing the record. (Pet. App. 2 at 270a).

⁴ Notably, Mr. Glossip’s counsel disavowed any claim of actual bias and expressed confidence that Judge Stallings “would have disclosed or maybe recused earlier if that [actual bias] was the case.” (Supp. Br. Ex. 1 at 74).

On November 11, Petitioner filed a Supplemental Brief in this Court. Petitioner claims information about Judge Stallings “add[s] color” to his Petition. (Supp. Br. at 1, 9).

REASONS FOR DENYING THE WRIT

The State showed in its Brief in Opposition that Petitioner’s claims lack merit. (Br. in Opp. at 8-21, 25-35). Specifically, there is no evidence that prosecutors had an undisclosed plea agreement with any witness, thus, there is no evidence that any witness testified falsely about any benefit they received in exchange for their testimony against Petitioner. (Br. in Opp. at 8-21, 25-31). Nor has Petitioner shown that the OCCA’s Presiding Judge, Gary L. Lumpkin, was required to recuse from post-conviction proceedings based on his knowledge that Petitioner was committing crimes while on death row. (Br. in Opp. at 35-39).

Petitioner’s Supplemental Brief does not raise a new claim for relief based on, what he alleges to be, Judge Stallings’s appearance of bias. Rather, Petitioner twice affirms that he offers the Supplemental Brief only to “add color[.]” (Supp. Br. at 1, 9). To that end, Petitioner’s sole allegation is that Judge Stallings, in his opinion, did not take Mr. Glossip’s recusal motion seriously (although she recused): “To the extent that Judge Stallings’s view of legitimate inquiries about her ability to be impartial reflects a wider attitude among the entire Oklahoma judiciary, these developments suggest that Judge Lumpkin’s entertaining of prejudicial *ex parte* accusations against

Ms. Wood might similarly have been regarded with inadequate scrutiny.”⁵ (Supp. Br. at 10).

In other words, Judge Stallings expressed skepticism over her need to recuse from Mr. Glossip’s case, although **she did** recuse. But Petitioner surmises that there might be an “extent” to which Judge Stallings’s perception of the motivations of Mr. Glossip’s defense team “reflects a wider attitude among the entire Oklahoma judiciary” such that Presiding Judge Lumpkin “**might**” have shirked his responsibility to fairly decide Petitioner’s recusal motion. (Supp. Br. at 10 (emphasis added)). There is no evidence to support this speculation. In fact, Petitioner’s admission that the first Oklahoma County judge to which his case was assigned sustained his motion to recuse, and Judge Stallings’s decision to recuse in Mr. Glossip’s case, disprove his supposition.

The State stands on its Brief in Opposition, in which it described Presiding Judge Lumpkin’s actions after he received the email in question. (Br. in Opp. at 35-37). Presiding Judge Lumpkin did not “entertain[] prejudicial *ex parte* accusations against Mr. Wood[.]” (Supp. Br. at 10). Rather, Presiding Judge Lumpkin was informed of the accusations by the State, after which he notified the full court of the *ex parte* communication. The full court then released the emails to Petitioner’s counsel and the public.

⁵ Petitioner cites Judge Stallings’s concern that Mr. Glossip was “judge shopping”, (Supp. Br. at 7), but does not acknowledge that Judge Stallings was the third judge assigned to Mr. Glossip’s case and the third judge he asked to recuse. See <https://www.koco.com/article/richard-glossip-third-judge-recuses-susan-stallings/69217319>.

Petitioner's allegations regarding Judge Stallings have nothing to do with Presiding Judge Lumpkin's decision not to recuse. Petitioner has provided no evidence that "the entire Oklahoma judiciary", much less Presiding Judge Lumpkin, fails to honor their commitment to impartial justice.

Respondent respectfully asks this Court to deny the Petition.

CONCLUSION

The Petition for Certiorari should be denied.

Respectfully submitted,

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