

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2025

WILLIAM LEWIS REECE,

Petitioner,

vs.

THE STATE OF OKLAHOMA,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO
THE OKLAHOMA COURT OF CRIMINAL APPEALS

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February 2, 2026

QUESTIONS PRESENTED

1. Whether Oklahoma's application of the abuse of discretion standard violates *Payne v. Arkansas*, *Chapman v. California*, and *Arizona v. Fulminante* requiring de novo review of constitutional claims.

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CAPITAL CASE

No. _____

**IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 2025**

WILLIAM LEWIS REECE,

Petitioner,

vs.

THE STATE OF OKLAHOMA,

Respondent.

**PETITION FOR WRIT OF CERTIORARI TO
THE OKLAHOMA COURT OF CRIMINAL APPEALS**

To: The Honorable Chief Justice and Associate Justices of the
United States Supreme Court:

Petitioner prays that a Writ of Certiorari issue to review the judgment of
the Oklahoma Court of Criminal Appeals entered in this case.

OPINION BELOW

The Oklahoma Court of Criminal Appeals issued a published opinion in this case, *Reece v. State*, 2025 OK CR 10, 575 P.3d 95. (Appendix A)

JURISDICTION

Jurisdiction of this Court is invoked under 28 U.S.C. § 1257(3). The judgment of the Oklahoma appellate court was entered July 16, 2025. (Appendix A) A Petition for Rehearing and Motion to Recall Mandate was filed on August 5, 2025 and subsequently denied in an unpublished order on September 3, 2025. (Appendix B and C)

CONSTITUTIONAL AND RELEVANT STATUTORY PROVISIONS

United States Constitution, Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

United States Constitution, Amendment XIV:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Okla. Stat. tit. 21, § 701.7(A):

A. A person commits murder in the first degree when that person unlawfully and with malice aforethought causes the death of another human being. Malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

STATEMENT OF THE CASE

1. Facts of the case.

On July 26, 1997, around 11:30 p.m. Bethany Police Officer John Reid noticed an abandoned white car at the Sunshine Car Wash in Bethany, Oklahoma. Officer Reid and Detective Daniel Mobley drove by forty-eight (48) minutes later and the same white car was sitting in the same spot. Officer Reid and Detective Mobley approached the car and saw that the keys were still in the ignition, the doors were unlocked, and the floor mats were hanging in the stall to be washed. Officer Reid started trying to contact the owners of the car, Tiffany and Ryan Johnston. (Tr. VIII 90-93, 96-97) Bethany Police contacted Ryan Johnston, Ms. Johnston's husband, and it was determined that Tiffany Johnston was a missing person. (Tr. VIII 100-101) On July 27, 1997 Jerry Callaway, his wife, and a friend were driving down dirt roads around Highway 66 and Southwest 15th west of Yukon, Oklahoma. They saw an area of smashed down weeds and found a girl's body laying facedown, naked other than a bathing suit top on and they called 911. (Tr. VIII 130-131, 133-136)

Bill Reece made involuntary statements while in prison on a separate crime during one of many interviews with Texas Ranger Jim Holland on March

1, 2016. (State's Ex. 86) During this interview, Mr. Reece stated that on July 26, 1997, he was driving in Oklahoma City, OK when something malfunctioned on his truck and oil was under his truck. Mr. Reece's truck was smoking and he pulled into a carwash. Mr. Reece was washing off his truck when a girl, Tiffany Johnston, complained about getting wet. He then drug her into the tack room of his horse trailer and snapped off her overalls. Mr. Reece told Ranger Holland that he put his penis in her vagina for about two (2) minutes, but it was hot, and he could not get it up. (4-29-21 Tr. 123-134)(State's Ex. 86) Mr. Reece stopped, started to get up when Ms. Johnston hit him in the back of the head with a horseshoe. According to Mr. Reece, this made him mad. Mr. Reece and Ms. Johnston got into a struggle, and he started to choke her with his hands. Mr. Reece then grabbed a horse bridle and wrapped it around Ms. Johnston's throat and killed her. (4-29-21 Tr. 124)(State's Exhibit 86) Mr. Reece took Ms. Johnston's body on the interstate for a bit then exited off on a feeder road and took a bridge that went over the interstate. He drove down the road that had tall grass on either side and eventually placed Ms. Johnston's body in the grass. (4-29-21 Tr. 127) A calling card registered to Mr. Reece was later discovered which showed that a call was made from Yukon, Oklahoma on July 26th, 1997 at 6:22 p.m. (Tr. XIII 49-53)

Dr. Chai Choi with the Oklahoma Medical Examiner's office testified that she examined Tiffany Johnston and Ms. Johnston's face was "puffy, swollen, with a purple color." (Tr. IX 17) Ms. Johnston had petechiae on most of her face, neck, and eyes, most likely caused by compression of her neck before

death. Ms. Johnston had scratches and bruises on the right side of her cheek and neck. (Tr. IX 17,23)(State's 68-69) Dr. Choi said that there were scratches and bruises on Ms. Johnston's wrist and a contusion and bruises on both of her hands, which indicated possible bondage. (Tr. IX 27-28, 38-43)(State's Exhibit 70) Dr. Choi testified that under Ms. Johnston's neck there were bruises that look like knuckles and fingers that indicated combined strangulation and Ms. Johnston most likely died within ten (10) to forty (40) minutes of being strangled. (Tr. IX 30, 47) Dr. Choi said that Ms. Johnston's nose was bleeding and had scratches on both shoulders, bruises on her left arm, and a bruise on her left hip. (IX 35-37,45,48-49)(State's Exhibit 54-55)

Dr. Choi testified that there was a pressed mark on Ms. Johnston's left lower chest under the right breast which indicated being held down and something pressing against her body. (Tr. IX 51-52) Dr. Choi said that there were also indications of small bruises on the right side scalp skin which could only be seen from flipping the skin back which was caused by blunt force trauma. There were muscle bruises from when she was struggling and not from sustained injuries. The same injuries were also on her left side. (Tr. IX 56-57, 59)(State's Exhibit 74) Dr. Choi testified that Ms. Johnston had a fractured hyoid bone on the left side which is often associated with strangulation. (Tr. IX 64-65) Dr. Choi testified that there was "fine petechiae of the right side wall of the vaginal canal, there were no other injuries to the genitalia. (Tr. IX 68) Dr. Choi determined that Ms. Johnston's cause of death as asphyxiation by strangulation and the manner of death was homicide. (Tr. IX 78)

A rape kit was collected from Tiffany Johnston's body. (Tr. VIII 260-261, Tr. IX 66) DNA testing was performed from a rectal swab taken from Tiffany Johnston's body. The partial profile obtained from the rectal swab showed that Mr. Reece could not be excluded as the donor of the partial profile. The probability of selecting an unrelated individual from the population having the DNA profile is at least one (1) in 11,200. (Tr. X 97-98) A YSTR DNA profile from a vaginal swab from Tiffany Johnston could be separated into a major and a minor component. Mr. Reece and "all his paternal male relatives are included as a potential source of the major component...using a published YSTR DNA population database this YSTR profile has been observed in 40 of 22,388 total individuals within the United States YSTR database." (Tr. X 116-117)

2. Disposition of claim that Mr. Reece's statements were not knowingly and voluntarily made.

On February 9 and 15, 2016, Texas Ranger James Holland went to Texas Department of Criminal Justice, Ellis Unit to interrogate William Reece. During the interrogation, Ranger Holland coerced and induced Mr. Reece into confessing to murdering Tiffany Johnston, and three (3) other individuals. (4-29-21 Tr. 77-79)(State's Exhibit 101¹ and 102²) Ranger Holland used the death penalty as a weapon to convince Mr. Reece to confess. Ranger Holland told Mr. Reece that if he cooperated he would not get the death penalty, in reality Ranger Holland's coercion and inducements made it that even though Mr.

¹ At the hearing on 4-29-21 the exhibit was admitted as State's Exhibit 5. At trial, the recording was admitted with redactions as State's Exhibit 101.

² At the hearing on 4-29-21 the exhibit was admitted as State's Exhibit 6. At trial, the recording was admitted with redactions as State's Exhibit 102.

Reece cooperated he still got the death penalty. Ranger Holland through these interrogations also inflated how much power he had which in turn made Mr. Reece trust him.

After two days of hearings on the voluntariness of Mr. Reece's confession,³ the trial court ruled that the statements made by Mr. Reece over all multiple days of interrogations were knowingly and voluntarily made. The trial court reasoned that regardless of the overt and implied promises made by Ranger Holland, Mr. Reece knew there were no deals in place. The trial court said that "Ranger Holland made a promise that he would try to get everybody on board. He fulfilled that promise. It was not up to him. It was up to the district attorney, Mr. Reece knew that, to give the last word." (5-7-21 Tr. 106-107)

On direct appeal, Mr. Reece relied on Oklahoma Court of Criminal Appeals cases that cite *Chapman v. California*, 386 U.S. 18 (1967) and *Arizona v. Fulminante*, 499 U.S. 279 (1991) and argued that the constitutional violation of admitting involuntary statements must be reviewed under a harmless error standard. The Oklahoma Court of Criminal Appeals ignored its own precedence, as well as *Chapman* and *Fulminante*, and reviewed the claim under an abuse of discretion standard.

Reece preserved this error with contemporaneous objections; thus, we review the trial court's decision to allow the confessions into evidence for an abuse of discretion; the decision will not be disturbed absent an abuse of that discretion.

³ (4-29-21 Tr. 7-208; 5-7-21 Tr. 81-108)

Reece, 2025 OK CR at ¶ 42, 575 P.3d at 110. After reviewing the evidence under this standard, the appellate court held:

The trial court heard all of this evidence and determined that the statements were freely and voluntarily given, especially in light of his February 15th demands knowing that there was no agreement between the parties about foregoing the death penalty. We find that the trial court's decision did not amount to an abuse of discretion and the statements were admissible. Proposition One is denied.

Reece, 2025 OK CR at ¶ 61, 575 P.3d at 112.

REASONS FOR GRANTING THE WRIT

THE COURT SHOULD GRANT THE WRIT TO ANSWER THE IMPORTANT QUESTION OF WHETHER OKLAHOMA'S APPLICATION OF THE ABUSE OF DISCRETION STANDARD VIOLATES *PAYNE V. ARKANSAS*, *CHAPMAN V. CALIFORNIA*, AND *ARIZONA V. FULMINANTE* REQUIRING DE NOVO REVIEW OF CONSTITUTIONAL CLAIMS.

A. Oklahoma's appellate court's application of the abuse of discretion standard failed to quantitatively assess the constitutional trial error in the context of the other evidence presented in order to determine whether its admission was harmless beyond a reasonable doubt.

The Fifth and Fourteenth Amendments guarantee an accused the right to not be deprived of life, liberty, or property without due process of law. U.S. Const. amends. V and XIV. "The use in a state criminal trial of a defendant's confession obtained by coercion—whether physical or mental—is forbidden by the Fourteenth Amendment." *Payne v. Arkansas*, 356 U.S. 560, 561 (1958).

"Certainly error, constitutional error, in illegally admitting highly prejudicial evidence or comments, casts on someone other than the person prejudiced by it a burden to show that it was harmless . . . [B]efore a federal constitutional error can be held harmless, the court must be able to declare a belief that it was harmless beyond a reasonable doubt."

Chapman v. California, 386 U.S. 18, 24 (1967). “The Court has the power to review the record *de novo* in order to determine an error’s harmlessness.” *Arizona v. Fulminante*, 499 U.S. 279, 295 (1991). Instead of conducting the proper constitutional error analysis, the Oklahoma Court of Criminal Appeals treated the constitutional claim as an evidentiary issue and deferred to the trial court’s findings. “We normally give great deference to the factual findings of the state court. Nevertheless, the ultimate issue of voluntariness is a legal question requiring independent federal determination.” *Id.* at 287. (internal citations omitted).

Under the Oklahoma Court of Criminal Appeals’ reasoning, the burden to show that the admission of the involuntary, coerced confession violated Mr. Reece’s constitutional right was placed fully on Mr. Reece. “On appeal, Reece bears the burden to show that the trial court abused its discretion in ruling that his statements were admissible under the facts and circumstances of this case. We find that he has not met his burden.” *Reece*, 2025 OK CR at ¶ 47, 575 P.3d at 110. This application of the incorrect abuse of discretion analysis allowed the court to fail to conduct a *de novo* review to determine whether there was an error. The Oklahoma Court of Criminal Appeals failed to perform an independent *de novo* review of the entire record and determine if the admission of the confession was harmless beyond a reasonable doubt.

B. This case presents a good vehicle for the Court to determine whether the Oklahoma Court of Criminal Appeals is reviewing the constitutional error of admitting a coerced confession in direct conflict with *Payne v. Arkansas*, *Chapman v. California*, and *Arizona v. Fulminante*.

In *Payne*, this Court made it clear that the admission of a coerced confession is a constitutional violation. This Court then went on in *Chapman* to hold that unless a constitutional violation is so severe that it causes structural error, the error must be reviewed under a harmless error analysis where the party not prejudiced by the violation must show that the violation was harmless beyond a reasonable doubt. Finally, in *Fulminante*, the majority of this Court determined that harmless error analysis applies to coerced confessions. The Oklahoma Court of Criminal Appeals disregarded this entire line of cases and treated the constitutional claim as an evidentiary issue.

Petitioner's case presents a good vehicle for the Court to decide the question of whether the Oklahoma Court of Criminal Appeals is reviewing the constitutional error of admitting a coerced confession in direct conflict with *Payne*, *Chapman*, and *Fulminante*. Petitioner submits that the Oklahoma appellate court is acting in direct conflict with this Court.

The issue is now before the Court having been fully developed below. Accordingly, the case provides a good vehicle for determination of this issue that impacts virtually all active capital jurisdictions in the United States.

CONCLUSION

Petitioner prays the Court grant his petition to decide that when a defendant makes the claim that his Fifth and Fourteenth Amendment due process rights are violated by the admission of involuntary, coerced confession, the Oklahoma Court of Criminal Appeals must review the claim under a harmless error analysis.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Marva A. Banks, member of the bar of this Court, do hereby certify that I have served a copy of the Petition for Writ of Certiorari to the Oklahoma Court of Criminal Appeals on counsel for the Respondent, State of Oklahoma, by depositing the same in the U.S. Mail, postage prepaid, to Jimmy Harmon, Chief of the Criminal Division, Office of the Attorney General, 313 NE 21st Street, Oklahoma City, Oklahoma 73105, this 2nd day of February, 2026. All parties required to be served have been served.


MARVA A. BANKS