

**Nos. 25-5997 & 25A494
CAPITAL CASE**

**In the
SUPREME COURT OF THE UNITED STATES**

TREMANE WOOD, *Petitioner,*

-vs-

STATE OF OKLAHOMA, *Respondent.*

**To the Honorable Brett Kavanaugh,
Associate Justice of the Supreme Court of the United States**

**RESPONSE IN OPPOSITION TO
APPLICATION FOR STAY OF EXECUTION**

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Execution Scheduled for November 13th, 2025, at 10:00 a.m. CST

On January 1, 2002, Applicant Tremane Wood (“Petitioner”) murdered Ronnie Wipf, and robbed Mr. Wipf’s friend Arnold Kleinsasser, with his accomplices Zjaiton “Jake” Wood¹, Brandy Warden, and Lanita Bateman. *Wood v. State*, 158 P.3d 467 (Okla. Crim. App. 2007). An Oklahoma jury convicted Petitioner of one count of First-Degree Felony Murder and sentenced him to death in 2004. *Id.* Petitioner was also convicted of Robbery with Firearms and Conspiracy to Commit a Felony, both After Former Conviction of a Felony. *Id.*

Petitioner exhausted all state and federal appeals and is now scheduled for execution on November 13, 2025, nearly a quarter century after murdering Mr. Wipf. Now, two weeks before his execution, Petitioner seeks a stay of his execution pending the disposition in this Court of a petition for certiorari review of the decision by the Oklahoma Court of Criminal Appeals (“OCCA”) denying the *Brady*² and *Napue*³ violations he alleged in a successive application for post-conviction relief. Petitioner’s application for a stay should be denied. Petitioner waited almost sixty days after the OCCA’s decision to request a stay. Moreover, Petitioner’s claims are meritless.

¹ For clarity, Petitioner’s brother Zjaiton Wood will be referred to as Jake.

² *Brady v. Maryland*, 373 U.S. 83 (1963).

³ *Napue v. Illinois*, 360 U.S. 264 (1959).

STATEMENT OF THE FACTS

As detailed in the State’s Brief in Opposition to Petition for Writ of Certiorari, Petitioner fatally stabbed Mr. Wipf in the course of an armed robbery he committed in concert with Jake, Ms. Warden, and Ms. Bateman.

STATEMENT OF THE CASE

Petitioner was convicted of the murder of Mr. Wipf in 2004. *Wood v. State*, 158 P.3d 467 (Okla. Crim. App. 2007). Since then, as detailed in the State’s Brief in Opposition, his convictions and sentences have withstood myriad challenges.

In 2024, Petitioner filed a fifth application for post-conviction relief. The OCCA denied the application on September 2, 2025, finding no factual support whatsoever for Petitioner’s *Brady* and *Napue* claims. (Pet. App. 1 at 11a-17a, 20a). The court further held that even if the facts were as Petitioner supposed them to be, the alleged error “would not have impacted the verdict or sentence in Petitioner’s case.” (Pet. App. 1 at 17a-21a).

On September 12, 2025, the OCCA issued an order scheduling Petitioner’s execution on November 13, 2025. Nonetheless, Petitioner waited until October 30 to seek a stay of execution from this Court.

ARGUMENT

This Court will not grant a stay pending the filing and disposition of a certiorari petition unless the Petitioner establishes:

(1) a reasonable probability that four Justices will consider the issue sufficiently meritorious to grant certiorari; (2) a fair prospect that a majority of the Court will vote to reverse the judgment below; and (3) a likelihood that irreparable harm will result from the denial of a stay. In

close cases the Circuit Justice or the Court will balance the equities and weigh the relative harms to the `applicant and to the respondent.

Hollingsworth v. Perry, 558 U.S. 183, 190 (2010) (*per curiam*); *see also Lucas v. Townsend*, 486 U.S. 1301, 1304 (1988) (Kennedy, J., in chambers); *Evans v. Alabama*, 461 U.S. 1301, 1302 (1983) (Powell, J., in chambers); *Rostker v. Goldberg*, 448 U.S. 1306, 1308 (1980) (Brennan, J., in chambers).

“A stay is not a matter of right, even if irreparable injury might otherwise result,” and is “instead an exercise of judicial discretion,” “dependent upon the circumstances of the particular case.” *Nken v. Holder*, 556 U.S. 418, 433 (2009) (quotation marks omitted). “The party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion.” *Id.* at 433-34. Moreover, in the execution context, the decision whether to grant a stay “must be sensitive to the State’s strong interest in enforcing its criminal judgments.” *Hill v. McDonough*, 547 U.S. 573, 584 (2006); *see also Murphy v. Collier*, 139 S. Ct. 1475, 1480 (2019) (Alito, J., dissenting). “Both the State and the victims of crime have an important interest in the timely enforcement of a sentence.” *Hill*, 547 U.S. at 584. Accordingly, last-minute execution stays are especially disfavored. *See Dunn v. Price*, 587 U.S. 929, 929 (2019); *Bucklew v. Precythe*, 587 U.S. 119, 149-50 (2019); *Hill*, 547 U.S. at 584.

Here, Petitioner cannot show a reasonable probability that certiorari review will be granted, let alone a significant possibility of reversal, because his claims lack merit. Moreover, Petitioner’s delay in requesting a stay of execution strongly counsels against the equitable relief he seeks.

I. Petitioner fails to meet his burden of showing he is entitled to a stay of execution.

As shown in the contemporaneously filed Brief in Opposition, Petitioner has not shown a reasonable probability that four members of this Court will be of the opinion that the issues are sufficiently meritorious to warrant a grant of certiorari, let alone a significant possibility of reversal of the OCCA's decision. *Hollingsworth*, 558 U.S. at 190. Moreover, the balance of equities weighs in favor of the State.

A. A stay is unwarranted because Petitioner's claims are meritless.

As shown in the State's Brief in Opposition, Petitioner's *Brady* and *Napue* claims are based on misrepresentations of the facts. The State demonstrated at a three-day evidentiary hearing that it did not have undisclosed agreements with witnesses. The agreement upon which Petitioner bases his claim was expressly superseded by a later agreement with witness Brandy Warden. (Pet. App. 2 at 363a). Moreover, the OCCA correctly determined that any alleged error was not material in light of the strength of the evidence presented by the State.

Regarding Petitioner's claim of judicial bias, OCCA Presiding Judge Gary L. Lumpkin took no action when he received an ex parte email from the State requesting a delay in the setting of Petitioner's execution date. Rather, he notified the full court of the communications, which were provided to Petitioner and made public. In addition, the content of the communications was unrelated to the claims raised in Petitioner's post-conviction application.

Petitioner cannot show a reasonable probability that certiorari review will be granted, let alone a significant possibility of reversal, because his claims lack merit.

B. The remaining factors weigh against granting a stay.

Further, Petitioner has not shown a likelihood of irreparable harm if he is not granted a stay, nor has he shown that the balance of equities and harms weighs in his favor. *Hollingsworth*, 558 U.S. at 190.

(1) Petitioner fails to show irreparable harm.

Petitioner argues he will be irreparably harmed if a stay is denied because “[t]here is no harm more irreparable than a wrongful execution.” Pet. App. for Stay, at 5. Yet, Petitioner admits his guilt of felony murder and does not contest that he committed the pizza restaurant armed robbery that supported the jury’s finding that he poses a continuing threat to society. (Resp. App. at 1a-2a). Unlike in *Glossip*, then, Petitioner’s guilt of the capital offense is not in question. *See Glossip v. Oklahoma*, 604 U.S. 226 (2025) (reversing a conviction where the State conceded error, the petitioner consistently maintained his innocence, and the credibility of the witness in question was determinative of guilt).⁴

⁴ Petitioner claims this Court “voted to correct a misapplication of this Court’s due-process rules . . . by both the Oklahoma Court of Criminal Appeals” and the Tenth Circuit Court of Appeals in another Oklahoma case this year. Pet. App. for Stay, at 4 (citing *Andrew v. White*, 604 U.S. 86 (2025) (*per curiam*)). This is incorrect. This Court did not address the merits of Ms. Andrew’s due process claim. Rather, this Court held that the Tenth Circuit misapplied 28 U.S.C. § 2254(d)(1) and remanded the case for further proceedings. *Andrew*, 604 U.S. at 92-96. This Court made no assessment of the OCCA’s decision. *Id.*

To be clear, the State takes its duty to ensure fair trials very seriously, as proven by the concession it made in *Glossip*. But an inmate cannot show irreparable harm simply from the fact he will be executed where he fails to also show that his claims have merit. See *Hill*, 547 U.S. at 584; *Wainwright v. Booker*, 473 U.S. 935, 935 n.1 (1985) (Powell, J., concurring) (“For our system of justice to function effectively, litigation in cases such as this . . . must cease when there is no reasonable ground for questioning either the guilt of the defendant or the constitutional sufficiency of the procedures employed to convict him.”). Under the circumstances, with meritless claims and his guilt conceded, Petitioner has failed to show irreparable harm.

(2) A balancing of the equities and harms weighs against Petitioner.

Moreover, Petitioner fails to show that a balancing of the equities weighs in his favor. This Court “must be sensitive to the State’s strong interest in enforcing its criminal judgments without undue interference from the federal courts.” *Hill*, 547 U.S. at 584. It has been almost a quarter of a century since Petitioner murdered Ronnie Wipf. The interests of the State and the victims’ families⁵ would certainly be harmed by a stay. See *Booker*, 473 U.S. at 935 n.1 (1985) (Powell, J., concurring) (“For our system of justice to function effectively, litigation in cases such as this . . . must cease when there is no reasonable ground for questioning either the guilt of the

⁵ For religious reasons, Mr. Wipf’s family is not advocating for the death sentence. Nonetheless, they are interested and following the proceedings in court and before the Pardon and Parole Board. Thus, further delay, and the ensuing uncertainty, will harm them.

defendant or the constitutional sufficiency of the procedures employed to convict him.”).

Additionally, a stay is not in the public interest. Petitioner’s convictions and sentences have been affirmed over decades of judicial review. *See Hill*, 547 U.S. at 584. To stay Petitioner’s lawful execution based on these meritless claims would be against the public interest. *Hill*, 547 U.S. at 584. The people of Oklahoma and the families of the victims of Petitioner’s crimes “deserve better.” *Bucklew*, 587 U.S. at 150.

Finally, the necessity of a stay of execution is a problem of Petitioner’s own making. While he diligently filed his post-conviction application, he was not diligent in seeking a stay from this Court after the OCCA denied that application. The OCCA denied post-conviction relief on September 2 and issued its order setting an execution date on September 12. Yet, Petitioner did not file his stay application until October 30. With a looming execution, Petitioner should not have waited almost two months to ask this Court for a stay. *See* 28 U.S.C. § 2101(f) (permitting this Court to issue a stay pending this Court’s review); *Sullivan v. Wainwright*, 464 U.S. 109 (1983) (*per curiam*) (denying request for “a stay pending **filing** of a writ of certiorari”) (emphasis added).

Neither of the parties is a stranger to pre-execution litigation. *See Hooper v. Shinn*, No. 22A431 (stay of execution pending circuit court appeal sought by Arizona Federal Public Defender Jon M. Sands); *Dixon v. Shinn*, No. 21A705 (same as to impending petition for writ of certiorari). There is an expectation that an inmate

under a sentence of death will proceed expeditiously and that, if he does so, the State and this Court will make every effort to respond and rule before the scheduled execution. *See Barefoot v. Estelle*, 463 U.S. 880, 894-95 (1983) (permitting federal courts of appeal to use expedited procedures in capital cases with pending execution dates); *Hanson v. Oklahoma*, No. 24-7397 (petition and stay application both filed the day after relief was denied in the lower court); *Underwood v. State*, No. 24-6159 (petition and stay application both filed six days after relief was denied in the lower court); *Dixon v. Shinn*, No. 21A705 (stay application filed on the day after relief was denied in the lower court); *cf. Rodriguez v. Texas*, 515 U.S. 1307, 1307 (1995) (Scalia, J.) (denying stay of execution where the Court had two months in which to decide the petition).

Numerous inmates comply with that expectation. *See Boyd v. Hamm*, No. 25-5928 (petition and stay application both filed the day after relief was denied in the lower court); *Crawford v. Mississippi*, No. 25-385 (petition and stay application both filed 18 days after relief was denied in the lower court); *Shockley v. Adams*, No. 25-5869 (petition and stay application both filed the day after relief was denied in the lower court); *Hanson*, No. 24-7397 (petition and stay application both filed the day after relief was denied in the lower court); *Underwood v. State*, No. 24-6159 (petition and stay application both filed six days after relief was denied in the lower court); *Dixon v. Shinn*, No. 21A705 (stay application filed on the day after relief was denied in the lower court). Petitioner's failure to do so supports denying the equitable relief he seeks.

In light of Petitioner's undue delay, he fails to meet his burden of showing that the balance of the equities weighs in his favor. Therefore, the remaining stay factors weigh against granting Petitioner a stay.

CONCLUSION

This Court should deny Petitioner's stay application.

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