

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

FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

JUN 11 2026

SELDEN JONES
CLERK

CLARENCE ROZELL GOODE, JR.,)

Petitioner,)

v.)

THE STATE OF OKLAHOMA,)

Respondent.)

NOT FOR PUBLICATION

Case No. PCD-2025-572

**OPINION DENYING SUBSEQUENT APPLICATION FOR
POST-CONVICTION RELIEF, MOTION FOR EVIDENTIARY
HEARING, AND MOTION FOR DISCOVERY**

LEWIS, JUDGE:

Clarence Rozell Goode, Jr.,¹ Petitioner has filed with this Court a Subsequent Application for Post-Conviction Relief and other related motions. The record reflects Goode was convicted of three counts of first-degree murder, in violation of 21 O.S.Supp.2004, § 701.7, and one count of first-degree burglary, in violation of 21 O.S.2001, § 1431, in Tulsa County District Court case number CF-2005-3904, before the Honorable Tom C. Gillert, District Judge. The jury assessed punishment at death on each of the three first degree murder

¹ Goode indicates his legal name is Clarence Rozell Goode, Jr. We use the name under which the charges were filed, and the Judgment and Sentence was issued.

convictions, after finding the existence of two aggravating circumstances in all three murders.² The jury assessed punishment at twenty (20) years' imprisonment and a \$10,000.00 fine on the first-degree burglary count. Judge Gillert formally sentenced Goode in accordance with the jury verdict on January 7, 2008.

He is now before this Court with his sixth subsequent application for post-conviction relief along with a motion for evidentiary hearing and motion for discovery. The facts of Goode's crime are sufficiently detailed in the 2010 direct appeal Opinion;³ however, facts relevant to Goode's propositions are outlined below. Goode raises four propositions in support of his subsequent post-conviction appeal.

1. The State withheld material impeachment evidence favorable to the defense when it failed to disclose information that contradicted the testimony of the State's star witness and the State's theory of the case, violating Goode's right to due process under the Fourteenth Amendment to the United States Constitution and Article II, Sections 7 and 20 of the Oklahoma Constitution.
2. The State knowingly presented and failed to correct false testimony violating Goode's right to due process under the

² (1) The defendant knowingly created a great risk of death to more than one person; and (2) there exists a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society. 21 O.S.2001, § 701.12 (2) and (7).

³ *Goode v. State*, 2010 OK CR 10, 236 P.3d 671.

Fourteenth Amendment to the United States Constitution and Article II, Section 7 and 20 of the Oklahoma Constitution.

3. Goode was deprived of effective assistance of counsel in violation of the Sixth and Fourteenth Amendments.
4. The cumulative effect of all the Constitutional errors that accrued at Goode's capital trial and sentencing proceeding render those proceedings, and his resulting convictions and death sentences fundamentally unfair and unreliable in violation of the Eighth and Fourteenth Amendments to the United States Constitution and Article II, Sections 7, 9, and 20 of the Oklahoma Constitution.

As this is a subsequent post-conviction proceeding, this Court's review is limited by the Oklahoma Post-Conviction Procedure Act.⁴ Title 22 O.S.2021, § 1089(D)(8) (provides for the filing of subsequent applications for post-conviction relief). The Post-Conviction Procedure Act is not designed or intended to provide applicants with repeated appeals of issues that have previously been raised on appeal or could have been raised but were not. *Slaughter v. State*, 2005 OK CR 6, ¶ 4, 108 P. 3d 1052, 1054. The Court's review of subsequent post-conviction applications is limited to errors which would have changed

⁴ Goode filed this subsequent application on July 21, 2025. This Court ordered the State to respond, and its response was filed on December 22, 2025. Goode filed a request to file a reply brief, which we granted.

the outcome and claims of factual innocence. *Id.* ¶ 6, at 1054.

This Court's rules also limit issues which can be raised in subsequent applications.

No subsequent application for post-conviction relief shall be considered by this Court unless it is filed within sixty (60) days from the date the previously unavailable legal or factual basis serving as the basis for a new issue is announced or discovered.

Rule 9.7(G)(3), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App (2026).

These time limits preserve the legal principle of finality of judgment. *Sporn v. State*, 2006 OK CR 30, ¶ 6, 139 P.3d 953, 954, *Malicoat v. State*, 2006 OK CR 25, ¶ 3, 137 P.3d 1234, 1235, *Massaro v. United States*, 538 U.S. 500, 504 (2003). This Court's rules and our case law, however, do not bar the raising of a claim of factual innocence at any stage. *Slaughter*, 2005 OK CR 6, ¶ 6, 108 P.3d at 1054. Innocence claims are the Post-Conviction Procedure Act's foundation. *Id.*

This post-conviction application deals with alleged previously unavailable facts, which Petitioner claims constitute newly discovered evidence, and which serve as the basis for Petitioner's new issues.

Newly discovered evidence is that which is presented within sixty (60) days of the discovery of the evidence. It must contain evidence which has not been and could not have been previously presented in the original application because the factual or legal basis was unavailable, as defined in Section 1089(D)(9) of Title 22.

Relevant facts taken from the original opinion are that Ronald (Bunny) Thompson and one of the victims, Mitch Thompson, were cousins. J.R. Hoffman and Ronald Thompson got into a fight over a financial dispute. Goode intervened and punched Hoffman in the mouth. Hoffman returned with Mitch Thompson; they had armed themselves with bats. Mitch Thompson beat Ronald Thompson with the bat.

After that Mitch Thompson called D.H.S. on his sister, Michelle Chastain (who was dating Goode); he got Michelle fired from her job and attempted to get Goode fired from his. The State's theory was that Goode, Ronald Thompson, and Kenneth Johnson killed Mitch Thompson and his family as revenge.

Once entering the house, Ronald Thompson went to the bedroom where he thought Hoffman was staying, and Goode went to the master bedroom where Mitch, Tara Thompson, and the child [T.B.] were

sleeping. The trial evidence was that Goode and Kenneth Johnson shot the three; Thompson entered the room later and fired shots after being ordered to do so at gunpoint. Ronald Thompson carried a .22 caliber handgun and one of Tara Thompson's wounds was possibly caused by a .22 caliber bullet.

At trial, Ronald Thompson, in Petitioner's cross-examination, denied that he held a grudge against Hoffman, that he did not know why they were going to the Thompson home, and that he only fired his gun after being threatened.

Now, Petitioner claims that new evidence exists that could cause the evidence presented at trial to be impeached. He claims that newly discovered evidence includes a report identifying Brandy Thompson (now Heisler) as a "confidential informant" and information about Ronald (Bunny) Thompson's intent to kill Hoffman as provided by Brandy Thompson.⁵ Petitioner also claims other police reports undermine key witnesses' credibility.

Petitioner's first two claims are interrelated. The claims are that the State suppressed evidence favorable to Petitioner and, further,

⁵ The report by officer Denton identifying Brandy as the confidential informant is dated November 19, 2007.

presented false testimony that Ronald Thompson did not hold a grudge against Hoffman, and did not intend to kill anyone; contrary to his admission to Brandy. The first claim brought pursuant to *Brady v. Maryland*, 373 U.S. 83, 87 (1963). The second claim is brought under *Napue v. Illinois*, 360 U.S. 264 (1959).

Petitioner argues that the evidence of the State's transgressions was held by the State in the form of a statement made by confidential informant, whose identity was withheld by the State until Petitioner learned, by happenstance, that Brandy Thompson was the confidential informant in February of 2025.

The crux of the *Brady* claim is that Ronald Thompson allegedly told Brandy Thompson that he intended to kill J.R. Hoffman, whom he believed was living with Mitch Thompson, before the trio of killers went to the Thompson home on August 25, 2005. Brandy indicates that she gave this information to officer Denton after the killing, and the State never disclosed this information to the defense. Petitioner argues that Thompson's statements to Brandy contradict his trial testimony in a way which would have impeached his testimony sufficiently to change the outcome of the trial, thus meeting the definition of *Brady* evidence.

The issue is not whether the State failed to disclose the name of a confidential informant, but whether the State withheld evidence which would have impeached Thompson's testimony. Namely evidence that Thompson had an intent to kill Hoffman prior to entering the house where Hoffman lived, contrary to his testimony denying any such plan.

Petitioner also claims that the State withheld other evidence favorable to him other than the Brandy Thompson evidence. The material consists of police reports containing names of witnesses who did not participate in the trial. Petitioner has not shown that the information contained in these reports was not provided prior to trial, nor has he shown that the evidence was favorable to him as substantive evidence or impeachment evidence. Moreover, Petitioner's mention of these items is insufficient to raise a claim under our rules, thus the argument is waived. See Rule 3.5 (A)(5), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2026).

The crux of the *Napue* claim is that the State failed to correct Thompson's alleged false testimony denying that he had any intent to kill Hoffman prior to entering the house, that he did not know what

the plan was before entering the home, and that he fired shots only after being threatened.

In a subsequent post-conviction application, a Petitioner must show that his claims are timely and prejudicial, otherwise the claims are waived. 22 O.S.2021, § 1089 (D)(8)(b)(1) & (2). First, it must be shown that the factual basis for the claim was unavailable as it was not ascertainable through the exercise of reasonable diligence at the time of filing a previous appeal or post-conviction application. 22 O.S.Supp.2022, § 1089 (D)(8)(b)(1); see *Davison v. State*, 2023 OK CR 11, ¶ 5, 531 P.3d 649, 651. Second, it must be shown that “the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for the alleged error, no reasonable factfinder would have found the applicant guilty of the underlying offense or would have rendered the penalty of death.” 22 O.S.Supp.2022, § 1089 (D)(8)(b)(2); *Davison*, *Id.*

The *Brady* issue is not whether the State told Petitioner that their confidential informant was Brandy Thompson, the issue is whether the State suppressed a statement made by Ronald Thompson to Brandy that he intended to kill Hoffman. The *Napue*

claim is whether the State failed to correct Ronald Thompson's testimony that he had no desire to kill Hoffman, knowing that his testimony was false.⁶

This Court could create an indeterminate discussion on whether Petitioner exercised reasonable diligence in his failure to ascertain evidence supporting these claims many years after trial and numerous previous post-conviction appeals. Discussions would necessarily include whether Petitioner is under any duty to discover evidence which the State is obligated to disclose. Discussions would

⁶ The confidential informant claim is a red herring to make us believe that the alleged failure to reveal their confidential informant equates to a suppression of the alleged exculpatory, impeachment evidence, and without this evidence he was unable to adequately impeach Ronald Thompson with the fact that he intended to kill Hoffman when he entered the Mitch Thompson home.

It seems this impeachment evidence was available to Petitioner well before the filing of his earlier post-conviction appeals. It is even plausible that the State revealed their confidential informant Ronald Thompson's statements to the informant prior to trial. Prior to trial, the trial court ordered the State to divulge the identity of the confidential informant in a hearing on May 18, 2007, by stating "find that guy [Denton] and he'll have that information to you for us by next Friday, so we don't have to continue this." Nothing in the record contains any mention of the identity of the confidential informant after that date, even though there were several subsequent hearings where discovery was discussed. The real issue is whether the State disclosed Brandy Thompson's statement indicating that Ronald Thompson had an intent to kill prior to entering the victim's house, and whether that information was exculpatory, so it's not the identity of the informant that matters.

also include whether Petitioner made any attempt at discovering additional evidence the State might be holding and whether the State intentionally or inadvertently withheld evidence from Petitioner. This Court could also delve into whether the evidence constituted *Brady* material or whether the State violated *Napue* at trial. However, the bottom line in this subsequent post-conviction application is, even if Petitioner's allegations are true, whether Petitioner was prejudiced by the errors alleged in the Application. We find that he was not.

The ultimate question in these types of post-conviction claims coming years after trial and conviction is whether the "new evidence" supports a conclusion that, if not for the alleged error, the jury would have found Petitioner guilty and sentenced him to death. As with all claims, an appellant must show error plus injury. The injury that Petitioner must show here is whether the undisclosed evidence or the false testimony was material as to guilt or punishment, i.e., may have affected the outcome of the trial. *Brady*, 373 U.S. at 87; *Napue*, 360 U.S. at 272.

Prejudice exists if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. *United States v. Bagley*, 473 U.S. 667, 682

(1985). When an error is of such constitutional magnitude, this Court must find, beyond a reasonable doubt, that the error did not contribute to the verdict. *Id.* at 680.

First, the State did not align itself with Ronald Thompson and did not downplay his involvement in the crime. The State did not present a theory that Ronald Thompson had no premeditated intent to kill Hoffman when he entered the Mitch Thompson home.

The State presented evidence that the plan of the three home invaders was that Ronald was to enter the home and shoot Hoffman. Evidence showed that Ronald Thompson entered the house and immediately headed for Hoffman's room, but Hoffman was not there. The State did not endorse Ronald Thompson's downplaying of his involvement. The State actually argued that he entered the home with the same intent to kill as the others. The State presented evidence that Ronald was beaten by Mitch Thompson and Hoffman, and he told Detective Muelenberg he would take care of it himself. Conversely, the testimony of Ronald's denial of his revenge motive was elicited by defense counsel on cross-examination.

Moreover, Petitioner confessed his involvement in the murders to Michelle Chastain. After the murders, he told Chastain that he just

shot her brother (Mitch Thompson). Goode also threatened Chastain and her family with harm if she talked to the police. Hours later Goode described the shooting to Chastain, claiming that Ronald Thompson started the shooting. He also said he turned the lights on, saw Mitch Thompson on the floor, said, "die like a bitch," and shot him again in the face. He told Chastain that they would have shot Ronald Thompson, but he took off running.

Goode shared details of the crime with another Tulsa County inmate; details only the perpetrator would have known. He also told Michelle Chastain that he was emulating "Scarface" when he killed Mitch Thompson. He also had a notebook and a t-shirt with images of "Scarface."

Evidence of Petitioner's guilt was overwhelming. The evidence clearly showed that he was the ringleader in this crime. Petitioner has not shown by clear and convincing evidence, that, if not for the alleged error, the jury would not have found him guilty and sentenced him to death. See 22 O.S.2021, § 1089(D)(8)(b)(2). We find, beyond a reasonable doubt, even if the State withheld this evidence and the State, in fact, failed to correct Ronald Thompson's culpability claims, the jury would have found Petitioner guilty and would have sentenced

him to death. Propositions One and Two are denied.

In Proposition Three, Petitioner claims that he was denied the effective assistance of counsel at trial and on direct appeal. His claim of ineffective assistance of counsel at trial is either barred by the doctrine of *res judicata*, because he raised ineffective assistance claims on direct appeal, or waived because the factual basis for the claims could have been ascertained through the exercise of reasonable diligence at the time of direct appeal. *Hooks v. State*, 1995 OK CR 56, ¶ 4, 902 P.2d 1120, 1123.

His claims of ineffective assistance of counsel revolve around previous counsel's failure to ascertain the name of the confidential informant and information received from the informant, and the failure to raise the claims discussed in the previous propositions.

Whether previous counsel were ineffective in failing to address these issues are judged in light of *Strickland v. Washington*, 466 U.S. 668 (1984). Petitioner must overcome a strong presumption of competence to show that counsel's performance was objectively unreasonable, and he must demonstrate a reasonable probability that, if appellant counsel had raised the omitted claims, he would

have received relief. See *Bench v. State*, 2021 OK CR 39, ¶ 13, 504 P.3d 592, 598.

In our discussion of Propositions One and Two, this Court determined that Petitioner was not prejudiced; therefore, he cannot show that trial counsel and previous appellate counsel's performance prejudiced him in any way. He has failed to satisfy the prejudice prong of *Strickland*, thus Proposition Three is denied.

In Proposition Four, Petitioner argues that the cumulative effect of errors raised in this petition and errors raised in previous pleadings affected the fundamental fairness of the proceedings against him. An accused is entitled to relief under the cumulative error doctrine when several errors occurred at trial affecting accused right to fair trial, even though none alone warrants reversal. *Napoleon v. State*, 2025 OK CR 25, ¶ 30, 583 P.3d 295, 305; see also *Bechtel v. State*, 1987 OK CR 126, ¶ 12, 738 P.2d 559, 561. When the errors considered together do not affect the outcome of the proceeding, an accused is not deprived of a fair trial, and no relief is required. *Napoleon*, 2025 OK CR 25, ¶ 30, 583 P.3d at 305. There are no errors, considered individually or cumulatively, that merit relief in this case. Proposition Four is denied.

Petitioner has filed separate motions with the Court seeking an evidentiary hearing and discovery to develop the factual basis for his claims. Petitioner has failed to demonstrate the material being sought would have resulted in a different outcome at trial, as required by Rules 9.7(D)(1)(b) and (D)(3). This Court will only grant an evidentiary hearing where the petitioner shows “by clear and convincing evidence the materials sought to be introduced have or are likely to have support in law and fact to be relevant to an allegation raised in the application for post-conviction relief.” Rule 9.7(D)(5). Having determined Petitioner’s claims raised herein are without merit based upon the existing record, Petitioner fails to show an evidentiary hearing is warranted. Petitioner’s motion for discovery and motion for an evidentiary hearing are, therefore, denied.

CONCLUSION

After carefully reviewing Goode’s subsequent application for post-conviction relief, we conclude that he is not entitled to relief. Accordingly, Goode’s application for post-conviction relief is **DENIED**. Further, Goode’s motion for an evidentiary hearing and motion for discovery are also **DENIED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch.18, App. (2026), the

MANDATE is **ORDERED** issued upon the delivery and filing of this decision.

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OPINION BY LEWIS, J.

LUMPKIN, P.J.: Concur in Result
MUSSEMAN, V.P.J.: Recused
HUDSON, J.: Concur
ROLAND, J.: Concur