

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

JAMES L. DE ROSA, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 STATE OF OKLAHOMA, )  
 )  
 Appellee. )

Case No. D-2001-1416

FILED  
IN COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA  
MAR 20 2013  
MICHAEL S. RICHIE  
CLERK

APPLICATION FOR EXECUTION DATE

COMES NOW E. Scott Pruitt, Attorney General of Oklahoma, by and through Seth S. Branham, Assistant Attorney General, and hereby provides notice to this Court that James L. DeRosa has exhausted all of his regular appeals in state and federal court and that the setting of an execution date is appropriate at this time:

1. James L. DeRosa is an inmate in state custody currently incarcerated at the Oklahoma State Penitentiary in McAlester, Oklahoma. DeRosa is incarcerated pursuant to a Judgment and Sentence entered by the District Court of LeFlore County, State of Oklahoma, Case No. CF-2000-635 for two counts of First Degree Felony Murder for the murders of Curtis and Gloria Plummer. DeRosa's jury sentenced him to death for each murder count after finding the existence of two statutory aggravating circumstances for each murder, namely, that the murders were especially heinous, atrocious or cruel and the murders were committed for the purpose of avoiding or preventing a lawful arrest or prosecution. 21 O.S.1991, § 701.12(4) & (5).

2. This Court affirmed DeRosa's first degree murder convictions and death sentences on direct appeal, *DeRosa v. State*, 2004 OK CR 19, 89 P.3d 1124, and the United States Supreme Court denied certiorari review. *DeRosa v. Oklahoma*, 543 U.S. 1063, 125 S. Ct. 889, 160 L. Ed. 2d 793 (2005). DeRosa's application for state post-conviction relief was thereafter denied in an unpublished order. *DeRosa v. State*, No. PCD-2002-624 (Okl. Cr. May 3, 2004).

3. On December 23, 2005, DeRosa filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, with the United States District Court for the Eastern District of Oklahoma. The federal district court denied habeas relief in an unpublished opinion. *DeRosa v. Workman*, 2010 WL 3894065 (E.D. Okla. Sept. 27, 2010). The Tenth Circuit thereafter affirmed the denial of federal habeas relief. *DeRosa v. Workman*, 679 F.3d 1196 (10<sup>th</sup> Cir. 2012). The Tenth Circuit also denied panel and *en banc* rehearing. *DeRosa v. Workman*, 696 F.3d 1302, 1302-1303 (10<sup>th</sup> Cir. 2012).

4. DeRosa then filed a petition for writ of certiorari with the United States Supreme Court seeking review of the Tenth Circuit's decision. On March 25, 2013, the Supreme Court denied certiorari review in what was DeRosa's last available regular appeal. *DeRosa v. Workman*, No. 12-8632, \_\_U.S.\_\_, \_\_S. Ct.\_\_, \_\_L. Ed. 2d\_\_. The Supreme Court's March 25, 2013, Order List denying DeRosa's petition for writ of certiorari is available online at [www.supremecourt.gov](http://www.supremecourt.gov).

The above considered, the State respectfully requests that this Court set an execution date for DeRosa sixty (60) days from March 25, 2013, or at the earliest date this Court deems fit. *See* 22 O.S.Supp.2004, § 1001.1(D).

Respectfully submitted,

**E. SCOTT PRUITT**  
**ATTORNEY GENERAL OF OKLAHOMA**

A handwritten signature in black ink, appearing to read "Seth S. Branham". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

**SETH S. BRANHAM, OBA #18019**  
**ASSISTANT ATTORNEY GENERAL**

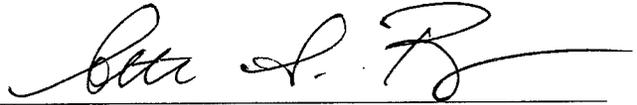
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**ATTORNEYS FOR THE STATE**

**CERTIFICATE OF MAILING**

On this 25th day of March, 2013, a true and correct copy of the foregoing was mailed, via regular first-class United States mail, to:

Thomas D. Hird  
Patti Palmer Ghezzi  
Federal Public Defender's Office  
Western District of Oklahoma  
215 Dean A. McGee, Suite 707  
Oklahoma City, OK 73102

A handwritten signature in cursive script, appearing to read "Seth S. Branham", written over a horizontal line.

SETH S. BRANHAM