

IN THE COURT OF CRIMINAL APPEALS  
OF THE STATE OF OKLAHOMA

FILED  
IN COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

MAY 20 2013

ANTHONY ROZELLE BANKS,

Appellant,

vs.

THE STATE OF OKLAHOMA,

Appellee.

MICHAEL S. RICHIE  
CLERK

Case No. D-1999-1483

Death Penalty Case

**APPLICATION FOR EXECUTION DATE**

The State of Oklahoma, by and through E. Scott Pruitt, Attorney General of the State of Oklahoma, requests that this Court set an execution date pursuant to 22 O.S.2011, § 1001.1, sixty (60) days from May 20, 2013, or the earliest date this Court deems fit, so that the lawful conviction and sentence of the State of Oklahoma rendered in the case herein may be carried out.

In support of this Application, the State would show this Court the following:

1. Anthony Rozelle Banks, hereinafter referred to as "the defendant", was convicted of first degree murder in the District Court of Tulsa County, State of Oklahoma, Case No. CF-1997-3715 and sentenced to death.

2. The defendant filed a direct appeal from his conviction, which was affirmed by this Court. *Banks v. State*, 2002 OK CR 9, 43 P.3d 390. The defendant sought certiorari review from the United States Supreme Court which was denied on January 13, 2003. *Banks v. Oklahoma*, 537 U.S. 1126 (2003).

3. The defendant also sought post-conviction relief which was denied by this Court on May 7, 2002. *Banks v. State*, Case No. PCD-2001-1533, slip op. (Okla. Cr. May 7, 2002) (unpublished).

4. The defendant sought additional state post-conviction relief which was denied by this Court on February 12, 2004. *Banks v. State*, Case No. PCD-2003-1222, slip op. (Okla. Cr. Feb. 12, 2004) (unpublished).

5. On October 1, 2003, the defendant filed a petition for writ of habeas corpus. On September 3, 2010, the United States District Court for the Northern District of Oklahoma denied habeas relief. *Banks v. Workman*, No. 03-CV-0198-CVE-TLW, 2010 WL 3516839 (N.D. Okla. Sept. 3, 2010) (unpublished).

6. The defendant appealed the denial of federal habeas relief to the United States Court of Appeals for the Tenth Circuit. On September 5, 2012, the Tenth Circuit affirmed the denial of habeas relief. *Banks v. Workman*, 692 F.3d 1133 (10<sup>th</sup> Cir. 2012). The Tenth Circuit denied defendant's request for rehearing and rehearing *en banc* on October 19, 2012. *Banks v. Workman*, No. 10-5125 (10<sup>th</sup> Cir. Oct. 19, 2012) (unpublished).

7. The defendant sought certiorari review from the United States Supreme Court on the decision of the Tenth Circuit. Certiorari review was denied May 20, 2013.

The defendant has exhausted all state and federal appeals. Therefore, the State respectfully requests this Court set an execution date sixty (60) days from May 20, 2013, or the earliest date this Court deems fit.

Respectfully submitted,

E. SCOTT PRUITT  
ATTORNEY GENERAL

  
JENNIFER B. MILLER, OBA #12074  
ASSISTANT ATTORNEY GENERAL

313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105  
(405) 521-3921  
(405) 522-4534 (fax)

**CERTIFICATE OF MAILING**

On this 20th day of May, 2013, a true and correct copy of the foregoing was mailed to:

Thomas D. Hird  
Randy A. Bauman  
Assistant Federal Public Defenders  
Office of the Federal Public Defender, W.D. OK  
215 Dean A. McGee, Suite 707  
Oklahoma City, OK 73102

  
\_\_\_\_\_  
JENNIFER B. MILLER