

DEATH PENALTY

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OCT 14 2008

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA
ATTORNEY GENERAL

DARWIN DEMOND BROWN,

Appellant,

v.

THE STATE OF OKLAHOMA,

Appellee.

Case No. D-1997-493
Death Penalty Case

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
OCT 14 2008
MICHAEL S. RICHIE
CLERK

APPLICATION FOR EXECUTION DATE

COMES NOW W. A. Drew Edmondson, Attorney General of the State of Oklahoma, and requests that this Court set an execution date pursuant to 22 O.S. Supp. 2004, § 1001.1, sixty (60) days from October 14, 2008, 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. Darwin Demond Brown, hereinafter referred to as the defendant, was convicted of first degree murder in the District Court of Tulsa County, State of Oklahoma, Case No. CRF-1995-1024 and sentenced to death.
2. The defendant took a direct appeal from his conviction, which was affirmed by this Court at Brown v. State, 1998 OK CR 77, 989 P.2d 913. Rehearing was denied on February 22, 1999.

3. The defendant sought post-conviction relief which was denied by this Court on November 8, 1999. Brown v. State, PCD-1998-1251 (Nov. 8, 1999) (unpub'd).

4. On August 18, 2000, the defendant filed a second request for post-conviction relief in this Court. On April 9, 2003, this Court denied relief. Brown v. State, 2003 OK CR 7, 67 P.3d 917.

5. On September 25, 2000, the defendant filed a petition for writ of habeas corpus. On February 14, 2006, the United States District Court for the Northern District of Oklahoma denied habeas relief. Brown v. Sirmons, 415 F.Supp.2d 1268 (N.D.Okla. 2006).

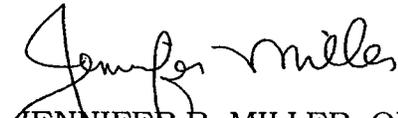
6. On February 5, 2008, the United States Court of Appeals for the Tenth Circuit affirmed the denial of habeas relief at Brown v. Sirmons, 515 F.3d 1072 (10th Cir. 2008).

7. The defendant sought certiorari review from the United States Supreme Court on the decision of the Tenth Circuit. Certiorari review was denied October 14, 2008.

The defendant has exhausted all state and federal appeals. Therefore, the State respectfully requests this Court set an execution date sixty (60) days from October 14, 2008, or the earliest date this Court deems fit.

Respectfully submitted,

W.A. DREW EDMONDSON
ATTORNEY GENERAL

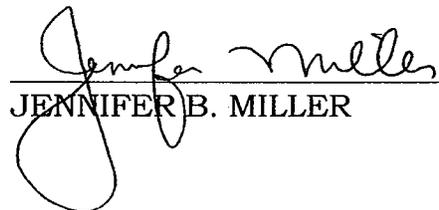

JENNIFER B. MILLER, OBA #12074
ASSISTANT ATTORNEY GENERAL

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

CERTIFICATE OF MAILING

On this 14th day of October, 2008, a true and correct copy of the foregoing was mailed to:

James L. Hankins
Ogle & Welch, P.C.
117 Park Avenue, Third Floor
Oklahoma City, OK 73102



JENNIFER B. MILLER