

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

STEVEN RAY THACKER,)
)
 Appellant,)
)
 vs.)
)
 THE STATE OF OKLAHOMA,)
)
 Appellee.)

Case No. D-2003-21

FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
JAN - 7 2013
MICHAEL S. HICHIE
CLERK

APPLICATION FOR EXECUTION DATE

COMES NOW E. Scott Pruitt, Attorney General of the State of Oklahoma, by and through Jennifer J. Dickson, Assistant Attorney General, and hereby respectfully requests that this Court set an execution date pursuant to 22 O.S. 2011, §1001.1, for sixty (60) days after January 7, 2013, so that the lawful conviction and sentence of the State of Oklahoma may be carried out.

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

1. The defendant, Steven Ray Thacker, is incarcerated pursuant to a Judgment and Sentence rendered in the District Court of Mayes County, State of Oklahoma, Case No. CF-99-305. Thacker pled guilty to first degree malice aforethought murder in violation of 21 O.S. 1991, 701.7 (A) and was sentenced to death¹.

¹ Petitioner also pled guilty to Kidnapping in violation of 21 O.S. 1991, § 741 and First Degree Rape in violation of 21 O.S. 1991, § 1114(A)(3) for which he was sentenced to ten years imprisonment and fifty years imprisonment respectfully.

2. The defendant's conviction and sentence of death was affirmed by this Court in Case No. D-2003-21, on October 21, 2004. *Thacker v. State*, 2004 OK 32 14, 100 P.3d 1052.

3. A petition for writ of certiorari to this Court was denied by the United States Supreme Court in *Thacker v. State of Oklahoma*, 544 U.S. 911, 125 S.Ct. 1611, 161 L.Ed.2d 288 (2005).

4. This Court denied the defendant's initial application for post-conviction relief on September 13, 2005 in Case No. PCD-2003-137, *Thacker v. State*, 2005 OK CR 18, 120 P.3d 1193. The defendant's second and third post-conviction applications were denied by this Court on August 31, 2007. *Thacker v. State*, Nos. PCD-2005-990, PCD-2006-1273, slip ops. (Okla. Crim. App. 2007). The defendant did not file a petition for writ of certiorari in the United States Supreme Court to challenge the denial of post-conviction relief.

5. The defendant filed a Petition for Writ of Habeas Corpus in the United States District Court, pursuant to 28 U.S.C. § 2254, in the Northern District of Oklahoma on September 8, 2006. The federal district court denied the petition on September 2, 2010.

6. The Tenth Circuit Court of Appeals denied the defendant's appeal of the denial of habeas relief on April 23, 2012. *Thacker v. Workman*, 678 F.3d 820 (10th Cir. 2012). His petition for rehearing *en banc* was denied on June 11, 2012.

7. The defendant sought certiorari review in the United States Supreme Court on November 6, 2012 and same was denied on January 7, 2013. *Thacker v. Workman*, Case No. 12-7135, 2013 WL 57436 (January 7, 2013). At this time, all appeals in state and federal courts have been exhausted.

The above considered, the State respectfully requests that this Court set an execution date sixty (60) days after January 7, 2013.

Respectfully submitted,

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



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CERTIFICATE OF SERVICE

On this 7th day of January, 2013, a true and correct copy of the foregoing was mailed to:

Thomas Kenneth Lee
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JENNIFER J. DICKSON