

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

MICHAEL BASCUM SELSOR,)
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)
)
Appellant,)
)
vs.)
)
)
THE STATE OF OKLAHOMA,)
)
)
Appellee.)

Case No. D-1998-531

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
FEB 21 2012
MICHAEL S. RICHIE
CLERK

APPLICATION FOR EXECUTION DATE

COMES NOW E. Scott Pruitt, Attorney General of the State of Oklahoma, and hereby respectfully requests that this Court set an execution date pursuant to 22 O.S.Supp.2004, §1001.1, for sixty (60) days after February 21, 2012, or at the earliest date this Court deems fit, 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. Defendant, Michael Bascum Selsor, was charged and convicted by a jury for the crimes of Murder in the First Degree in violation of 21 O.S.Supp.1973, § 701.1, in Case No. CRF-75-2181, Shooting with Intent to Kill in violation of 21 O.S.1971, § 652, in Case No. CRF-75-2182, and Robbery with Firearms in violation of 21 O.S.1971, § 801, in Case No. CRF-75-2183, in Tulsa County District Court.

2. The jury returned a verdict of guilty as to all three counts and set Selsor's punishment at death for Murder in the First Degree, twenty (20) years imprisonment for Shooting with Intent to Kill and twenty-five (25) years imprisonment for Robbery with Firearms.

3. This Court modified Selsor's sentence of death to life imprisonment for Murder in the First Degree and otherwise affirmed the convictions and sentences. *Selsor v. State*, 1977 OK CR 141, 562 P.2d 926.

4. Denial of Selsor's first application for post-conviction relief — filed on November 8, 1978 — was affirmed on June 11, 1980, in an unpublished opinion. *See Selsor v. Kaiser*, 81 F.3d 1492, 1496 (10th Cir. 1996). This Court affirmed denial of his second application for post-conviction relief on August 18, 1989. *Selsor v. State*, No. PCD-1989-766, (Okla. Crim. App. Aug. 18, 1989) (unpublished).

5. The United States Supreme Court denied a petition for writ of certiorari to this Court on November 13, 1989. *Selsor v. Oklahoma*, 493 U.S. 968, 110 S.Ct. 414, 107 L.Ed.2d 379 (1989).

6. Selsor filed a Petition for Writ of Habeas Corpus in the District Court for the Northern District of Oklahoma on October 21, 1991, which was denied on December 4, 1992. *Selsor v. Kaiser*, No. 91-CV-826-E (N.D. Okla. Dec. 4, 1992) (unpublished).

7. The Tenth Circuit Court of Appeals reversed and remanded for further proceedings on May 2, 1994. *Selsor v. Kaiser*, 22 F.3d 1029 (10th Cir. 1994).

8. After the federal district court again denied relief, *Selsor v. Kaiser*, No. 91-C-826-E (N.D. Okla. Nov. 10, 1994) (unpublished), the Tenth Circuit reversed and remanded for grant of habeas relief without prejudice to the state retrying Selsor within a reasonable time. *Selsor v. Kaiser*, 81 F.3d 1492 (10th Cir. 1996).

9. Re-trial was initiated in Tulsa County District Court in May, 1996, and a Bill of Particulars was filed in Tulsa County District Court Case No. CRF-75-2181, on August 6, 1996.

10. This Court denied Selsor's *Application to Assume Original Jurisdiction and Petition for Writ of Prohibition and/or Mandamus* seeking to strike the Bill of Particulars on October 14, 1997. *Selsor v. Turnbull*, 1997 OK CR 61, 947 P.2d 579.

11. Selsor was again convicted by jury of the crimes of Murder in the First Degree, Shooting with Intent to Kill, and Robbery with a Firearm as originally charged (See ¶ 1, above).

12. During the second stage of trial, the jury found as to the murder charge the existence of two (2) aggravating circumstances beyond a reasonable doubt: (1) that Selsor knowingly created a great risk of death to more than one person; and (2) that Selsor committed the murder for the purpose of avoiding or preventing a lawful arrest or prosecution. The jury set his punishment at death for the murder, life imprisonment for the shooting with intent, and twenty (20) years for the armed robbery. On April 3, 1998, the trial court sentenced Selsor in accordance with the jury's verdicts.

13. This Court affirmed Selsor's convictions and sentences for the murder and shooting offenses, but reversed the conviction for armed robbery with instructions to dismiss. *Selsor v. State*, 2000 OK CR 9, 2 P.3d 344. Rehearing was denied on May 10, 2000.

14. The United States Supreme Court denied a writ of certiorari on May 10, 2001. *Selsor v. Oklahoma*, 532 U.S. 1039, 121 S.Ct. 2002, 149 L.Ed.2d 1004, (2001).

15. The federal district court denied Selsor's Petition for Writ of Habeas Corpus on September 29, 2009. *Selsor v. Workman*, No. 01-CV-721-CVE-TLW, 2009 WL 3233806 (N.D. Okla. Sept. 29, 2009) (unpublished).

16. The Tenth Circuit affirmed the denial of habeas relief on May 2, 2011. *Selsor v. Workman*, 644 F.3d (10th Cir. 2011). Panel and *en banc* rehearing was denied on November 11, 2011.

16. Finally, Selsor sought certiorari review of the Tenth Circuit's decision which the United States Supreme Court denied on February 21, 2012. *Selsor v. Workman*, __ U.S. __, __ S. Ct. __, __ L. Ed. 2d __, 2012 WL 538517 (U.S., Feb. 21, 2012) (Case No. 11-7744). 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 February 21, 2012, or at the earliest date this Court deems fit.

Respectfully submitted,

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA



ROBERT L. WHITTAKER, OBA #9570
ASSISTANT ATTORNEY GENERAL

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

ATTORNEY FOR APPELLEE

CERTIFICATE OF MAILING

On this 21st day of February, 2012, a true and correct copy of the foregoing was mailed to:

Madeline S. Cohen
633 17th Street, Suite 1000
Denver, Colorado 80202

Gary Peterson
211 N. Robinson Ave., Suite 450 South
Oklahoma City, Oklahoma 73102

Robert Nance
5891 Broadway, Ste 101
Oklahoma City, Oklahoma, 73118



ROBERT L. WHITTAKER