

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

TIMOTHY SHAUN STEMPLER,)
)
 Appellant,)
)
 vs.)
)
 STATE OF OKLAHOMA,)
)
 Appellee.)

Case No. D-1998-201

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
JAN - 9 2012

APPLICATION FOR EXECUTION DATE

MICHAEL S. RICHIE
CLERK

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 Timothy Shaun Stemple 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. Stemple is an inmate in state custody currently incarcerated at the Oklahoma State Penitentiary in McAlester, Oklahoma. Stemple is incarcerated pursuant to a Judgment and Sentence entered by the District Court of Tulsa County, State of Oklahoma, Case No. CF-96-5169 for the first degree murder of his wife, Trisha Stemple. Stemple's jury sentenced him to death for the murder after finding existence of two statutory aggravating circumstances, namely, that Stemple committed the murder for remuneration or the promise of remuneration, or otherwise employed another to commit the murder for remuneration or

promise of remuneration; and the murder was especially heinous, atrocious or cruel. 21 O.S.1991, § 701.12(3) & (4).¹

2. This Court affirmed Stemple's first degree murder conviction and death sentence on direct appeal, *Stemple v. State*, 2000 OK CR 4, 994 P.2d 61, and the United States Supreme Court denied certiorari review. *Stemple v. Oklahoma*, 531 U.S. 905, 121 S. Ct. 247, 148 L. Ed. 2d 178 (2000). Stemple did not file a state post-conviction relief application.

3. On October 1, 2001, Stemple filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, with the United States District Court for the Northern District of Oklahoma. The federal district court denied habeas relief in an unpublished opinion. *Stemple v. Workman*, 2009 WL 1561566 (N.D. Okla. Jun. 3, 2009). The Tenth Circuit thereafter affirmed the denial of federal habeas relief. *Stemple v. Workman*, 418 Fed. Appx. 732 (10th Cir. Apr. 4, 2011) (unpublished). The Tenth Circuit also denied panel and *en banc* rehearing. *Stemple v. Workman*, No. 09-5097, Order (10th Cir. May 31, 2011) (unpublished).

4. Stemple then filed a petition for writ of certiorari with the United States Supreme Court seeking review of the Tenth Circuit's decision. On January 9, 2012, the Supreme Court denied certiorari review in what was Stemple's last available regular appeal.

¹ Stemple was also convicted on separate counts of conspiracy to commit first degree murder and attempted first degree murder to which the jury sentenced him to 10 years imprisonment and 22 years imprisonment respectively. On direct appeal, this Court dismissed Stemple's conviction for attempted murder and affirmed his conspiracy conviction and sentence. *Stemple v. State*, 2000 OK CR 4, ¶ 78, 994 P.2d 61, 74-75.

Stemple v. Workman, No. 11-7143, __U.S.__, __S. Ct.__, __L. Ed. 2d__. The Supreme Court's January 9, 2012, Order List denying Stemple's petition for writ of certiorari is available online at www.supremecourt.gov.

The above considered, the State respectfully requests that this Court set an execution date for Stemple sixty (60) days from January 9, 2012, 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



SETH S. BRANHAM, OBA #18019
ASSISTANT ATTORNEY GENERAL

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

ATTORNEYS FOR THE STATE

CERTIFICATE OF MAILING

On this 9th day of January, 2012, a true and correct copy of the foregoing was mailed, via regular first-class United States mail, to:

James L. Hankins
Ogle Law Office, P.L.L.C.
100 Park Avenue, Suite 500
Oklahoma City, Oklahoma 73102
jameshankins@ocdw.com

David B. Autry
Attorney at Law
1021 N.W. 16th Street
Oklahoma City, Oklahoma 73106
dbautry@hotmail.com



SETH S. BRANHAM