

ORIGINAL



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

FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

JAN 24 2023

JOHN D. HADDEN
CLERK

In Re:)
The Setting of Execution Dates)
in—)

RICHARD GLOSSIP,)
JEMAINÉ MONTEIL CANNON,)
ANTHONY CASTILLO SANCHEZ,)
PHILLIP DEAN HANCOCK,)
JAMES CHANDLER RYDER,)
MICHAEL DEWAYNE SMITH,)
WADE GREELY LAY,)

Nos. D-2005-310
D-1996-369
D-2006-627
D-2004-1097
D-2000-886
D-2003-1120
D-2005-1081

Appellants,)

v.)

STATE OF OKLAHOMA,)

Appellee.)

**ORDER GRANTING ATTORNEY GENERAL'S REQUEST
TO RESET PHASE TWO EXECUTION DATES**

On January 9, 2023, this Court issued an order confirming the Phase Two execution dates. The above styled and numbered cases represent Phase Two of the execution schedule, along with the execution date for Richard Glossip which was scheduled by separate order of the Governor. On January 17, 2023, Attorney General Gentner F. Drummond filed a motion to reset these execution dates

pursuant to 22 O.S.2021, § 1001.1. Finding good cause exists for the Attorney General's request, the execution dates for these cases are hereby reset and shall be carried out as follows:¹

1. Richard Glossip is incarcerated pursuant to a judgment and sentence of death rendered in the District Court of Oklahoma County, Case No. CF-1997-244. *See Glossip v. State*, 2007 OK CR 12, 157 P.3d 143. **The execution of Richard Glossip is reset for May 18, 2023.**

2. Jemaine Monteil Cannon is incarcerated pursuant to a judgment and sentence of death rendered in the District Court of Tulsa County, Case No. CF-1995-727. *See Cannon v. State*, 1998 OK CR 28, 961 P.2d 838. **The execution of Jemaine Monteil Cannon is reset for July 20, 2023.**

3. Anthony Castillo Sanchez is incarcerated pursuant to a judgment and sentence of death rendered in the District Court of Cleveland County, Case No. CF-2000-325. *See Sanchez v. State*, 2009 OK CR 31, 223 P.3d 980. **The execution of Anthony Castillo Sanchez is reset for September 21, 2023.**

¹ In line with the Attorney General's request, we reset these execution dates approximately sixty days from the original March 2023 start of the Phase Two execution schedule.

4. Phillip Dean Hancock is incarcerated pursuant to a judgment and sentence of death rendered in the District Court of Oklahoma County, Case No. CF-2002-3562. *See Hancock v. State*, 2007 OK CR 9, 155 P.3d 796. **The execution of Phillip Dean Hancock is reset for November 30, 2023.**

5. James Chandler Ryder is incarcerated pursuant to a judgment and sentence of death rendered in the District Court of Pittsburg County, Case No. CF-1999-147. *See Ryder v. State*, 2004 OK CR 2, 83 P.3d 856. **The execution of James Chandler Ryder is reset for February 1, 2024.**

6. Michael DeWayne Smith is incarcerated pursuant to a judgment and sentence of death rendered in the District Court of Oklahoma County, Case No. CF-2002-1329. *See Smith v. State*, 2007 OK CR 16, 157 P.3d 1155. **The execution of Michael DeWayne Smith is reset for April 4, 2024.**

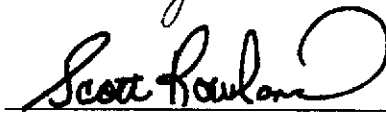
7. Wade Greely Lay is incarcerated pursuant to a judgment and sentence of death rendered in the District Court of Tulsa County, Case No. CF-2004-2320. *See Lay v. State*, 2008 OK CR 7, 179 P.3d 615. **The execution of Wade Greely Lay is reset for June 6, 2024.**

The execution dates for Phases Three through Five have not been confirmed. This Court will address the dates for the remaining executions at an appropriate time in the future.

IT IS SO ORDERED.

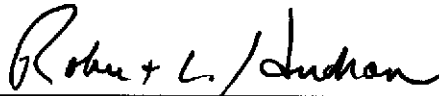
WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

24th day of January, 2023.



SCOTT ROWLAND, Presiding Judge

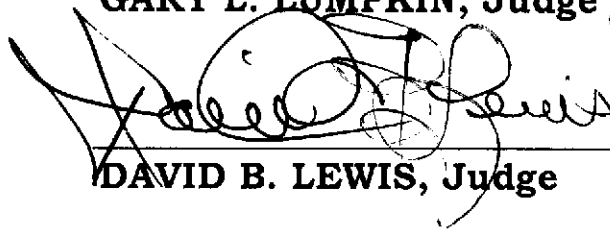
***I recuse in the case of Richard Glossip, D-2005-310, but concur as to all other cases.**



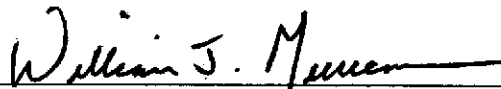
ROBERT L. HUDSON, Vice Presiding Judge



GARY L. LUMPKIN, Judge *concur in Results writing attached.*



DAVID B. LEWIS, Judge



WILLIAM J. MUSSEMAN, Judge*

***I recuse in the case of Wade Greely Lay, D-2005-1081, but concur as to all other cases.**

ATTEST:

John D. Hadden

Clerk

LUMPKIN, J., CONCURRING IN RESULTS:

Recognizing the Executive Branch of our state government is the branch vested with the authority and responsibility to execute the laws passed by the Legislative branch of our government and the application of the law as interpreted by the Judicial Branch of our government I am required to concur in the results set out in this Order.

However, the original execution dates on these cases were scheduled pursuant to a schedule request by the Department of Corrections (DOC) and the Attorney General allowing thirty days between execution dates. While the thirty days was a longer period than previously considered by this Court, it was a reasonable time period and therefore approved by the Court. Now the DOC and Attorney General are seeking to expand this time period with no more than a claim of inconvenience, thus moving the goalpost they originally established.

All parties recognize the application of the death penalty is a serious function of a government and should be carried out with proper protocol. That protocol has been established and known to the

DOC for over a year after its approval by the federal court and has served the State well in the application to the executions carried out since then. Each branch of government has the responsibility to carry out its duties professionally and the major complaint in the application of the death penalty is the amount of time it takes to complete the carrying out of the sentence to provide finality for crime victims and their families. To reiterate, the DOC has used the current schedule several times. The protocol is the same with each execution; therefore, no additional time between them should be necessary.

The time period between execution dates should have been a part of the due diligence the DOC and the Attorney General considered prior to submitting the original request for execution dates to the Court. Changing the time between executions does not assist in addressing the finality of the sentence or provide the closure victims seek in this process.