



ORIGINAL

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

FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

JUL - 1 2022

JOHN D. HADDEN
CLERK

In Re:
The Setting of Execution Dates
in—

JEMAINÉ MONTEIL CANNON,
ANTHONY CASTILLO SANCHEZ,
PHILLIP DEAN HANCOCK,
JAMES CHANDLER RYDER,
MICHAEL DEWAYNE SMITH,
WADE GREELY LAY,
RICHARD NORMAN ROJEM,
EMMANUEL LITTLEJOHN,
KEVIN RAY UNDERWOOD,
WENDELL ARDEN GRISSOM,
TREMANE WOOD,
KENDRICK ANTONIO SIMPSON,
RAYMOND EUGENE JOHNSON,
CARLOS CUESTA-RODRIGUEZ,
JAMES DWIGHT PAVATT,
CLARENCE ROZELL GOODE,
JR.,
RONSON KYLE BUSH,
ALFRED BRIAN MITCHELL,
MARLON DEON HARMON,

Nos. D-1996-369
D-2006-627
D-2004-1097
D-2000-886
D-2003-1120
D-2005-1081
D-2007-660
D-2000-1609
D-2008-319
D-2008-595
D-2005-171
D-2007-1055
D-2009-702
D-2007-825
D-2003-1186
D-2008-43

DC-2009-1113
D-2008-57
D-2008-657

Appellants,

v.

STATE OF OKLAHOMA,

Appellee.

ORDER SETTING EXECUTION DATES
PURSUANT TO 22 O.S.2021, § 1001.1
(PHASES TWO, THREE, FOUR AND FIVE)

This matter comes before the Court on the State of Oklahoma's request for execution dates in the above-styled and numbered cases, pursuant to 22 O.S.2021, § 1001.1(D),(E). These nineteen inmates have exhausted all state and federal appeals of their convictions and death sentences. The setting of execution dates for these inmates was stayed indefinitely by this Court pending the investigation of, and adjustments to, Oklahoma's lethal injection protocol and resolution of federal litigation challenging same.

The State advises that judgment was recently granted in full, after a trial on the merits, against these inmates' challenges in federal court to the constitutionality of Oklahoma's lethal injection protocol. *See Glossip v. Chandler*, 2022 WL 1997194 (W.D. Okla. June 6, 2022). In light of this federal court ruling, the State tells us there are no further legal impediments to carrying out the executions of these inmates. With one exception, the State requests these inmates be

scheduled for execution based on the order in which they exhausted the appeals of their convictions and death sentences.¹

We have already set execution dates for six death row inmates—Coddington, Glossip, Cole, Fairchild, Hanson and Eizember—who also were plaintiffs in *Glossip v. Chandler*. The six execution dates for these inmates commence on August 25, 2022, and end January 12, 2023.

The State says it has consulted with the Oklahoma Department of Corrections (ODOC) regarding an appropriate date for carrying out the execution of each of the inmates in the present cases. The State has not, however, submitted a proposed execution schedule. Instead, the State has tendered a list of conditions governing the setting of execution dates. In order for ODOC to meet its own operating procedures, and to accommodate the scheduling of clemency hearings before the Pardon and Parole Board, the State requests *inter alia* that each execution be carried out on a Thursday and that executions be scheduled no less than four weeks apart.

¹ The State requests that Wade Lay's execution be scheduled for a date after proceedings are held in Pittsburg County District Court in May 2023 to determine his competency to be executed.

Based upon a thorough review of the record before this Court, we find that the setting of execution dates in these cases is now appropriate and required pursuant to 22 O.S.2021, § 1001.1(D),(E). The stays previously entered by this Court in these cases are lifted. The sheer volume of cases, however, along with the execution dates already ordered and the need to ensure compliance with constitutional requirements make it necessary to establish an execution timetable that offers flexibility in scheduling and allows for this Court to respond to unforeseen contingencies. Therefore, we hereby order the execution of the judgments and sentences of death in these cases to be carried out as follows:

1. The execution schedule is divided into phases consisting of six inmates each being set for execution at least four weeks apart. An open month will separate each phase of the execution schedule to accommodate rescheduling if needed. Coddington, Glossip, Cole, Fairchild, Hanson and Eizember were, by separate order, already assigned to Phase One of the execution schedule which commences on August 25, 2022, and ends on January 12, 2023.

2. The Phase Two execution dates are therefore set as follows:

Execution Date	Inmate
March 9, 2023	Jemaine Monteil Cannon
April 6, 2023	Anthony Castillo Sanchez
May 4, 2023	Phillip Dean Hancock
June 1, 2023	James Chandler Ryder
July 6, 2023	Michael Dewayne Smith
August 3, 2023	Wade Greely Lay

3. The Phase Three execution dates are set as follows:

Execution Date	Inmate
October 5, 2023	Richard Norman Rojem
November 2, 2023	Emmanuel Littlejohn
December 7, 2023	Kevin Ray Underwood
January 11, 2024	Wendell Arden Grissom
February 8, 2024	Tremane Wood
March 7, 2024	Kendrick Antonio Simpson

4. The Phase Four execution dates are set as follows:

Execution Date	Inmate
May 2, 2024	Raymond Eugene Johnson
June 6, 2024	Carlos Cuesta-Rodriguez
July 11, 2024	James Dwight Pavatt
August 8, 2024	Clarence Rozell Goode, Jr.
Sept. 5, 2024	Ronson Kyle Bush
October 3, 2024	Alfred Brian Mitchell

5. The Phase Five execution date is set as follows:


Execution Date	Inmate
December 5, 2024	Marlon Deon Harmon

These execution dates are (obviously) subject to change due to unforeseen delays or other circumstances that may arise with inmates in other phases of the execution schedule. This Court will adjust the execution schedule as needed to ensure that executions progress in a timely and orderly manner. Towards that end, this Court will confirm by written order, at an appropriate date before the commencement of each phase, the execution dates for the inmates in Phases Two, Three, Four and Five.

IT IS SO ORDERED.

WITNESS OUR HANDS AND THE SEAL OF THIS COURT this

1st day of July, 2022.

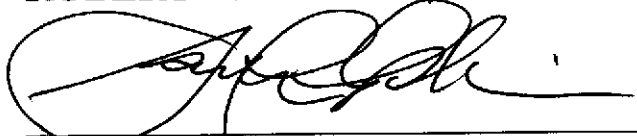


SCOTT ROWLAND, Presiding Judge*

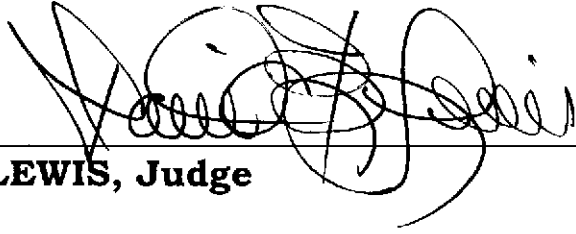
***I recuse in the cases of Carlos
Cuesta-Rodriguez, No. D-2007-825 and
Marlon Deon Harmon, D-2008-657,
but concur as to all other cases.**



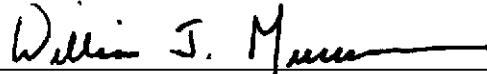
ROBERT L. HUDSON, Vice Presiding Judge



GARY L. LUMPKIN, Judge



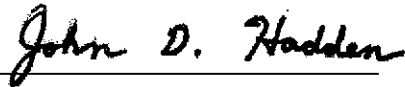
DAVID B. LEWIS, Judge



WILLIAM J. MUSSEMAN, Judge**

****I recuse in the cases of Wade Greely Lay, D-2005-1081, Clarence Rozell Goode, Jr., D-2008-43, and Raymond Eugene Johnson, D-2009-702, but concur as to all other cases.**

ATTEST:



Clerk