

*Independent Investigation of  
State v. Richard E. Glossip*

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**Second  
Supplemental  
Report\*  
Reed Smith LLP**

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August 20, 2022

Since the Reed Smith Independent Investigation report was made public on June 7, 2022 (“Report”), and our Supplemental Report was made public on August 9, 2022 (“Supplemental Report”), we have continued to investigate. We have recently learned a disturbing new fact central to the understanding and reliability of the case: that the State’s primary witness, Justin Sneed, discussed “re-canting my testimony” prior to Richard Glossip’s retrial. This is a material discovery given the State’s murder-for-hire case against Glossip entirely depended on Sneed’s testimony being repeated at retrial – certainly not recanted. The jury never heard that Sneed was thinking about recanting, nor did they hear that he wanted to break his plea deal or leverage his testimony to get a better deal.

We have also recently obtained other additional information that further supports our Report’s findings, including that no reasonable jury hearing the complete record would have convicted Richard Glossip of first-degree murder. This is intended to supplement our Report and Supplemental Report and only details new information learned since August 9, 2022. We continue to investigate and may submit additional supplemental reports as necessary.

### 1. Sneed’s Own Statement in 2003 (Pre-Retrial): “Do I Have the Choice of Recanting My Testimony”

Newly obtained evidence shows Sneed’s pre-retrial statements significantly call into question the reliability of his 2004 trial testimony. Specifically, Sneed’s May 15, 2003 statements,<sup>1</sup> in his own handwriting:

Curious on if you still thinking about coming here to try to visit me before his trial. And parts of me are curious that if I chose to do this again, Do I have the choice of re-canting my testimony at anytime during my life, or anything like that. For now I guess that's pretty much it. If there is anything you know, on his court date and about re-canting. The most things I just hate the waiting game, and not seeing what's going to come next, W/APP Thanks.

Sincerely,  
Justin Sneed

<sup>1</sup> Exhibit A: May 15, 2003 Letter from J. Sneed. In an August 15, 2022 interview, when asked about this and the 2007 letter, Sneed stated that two male representatives from the Attorney General’s Office came to visit about a week prior asking about the 2007 letter, which we addressed in our August 9, 2022 Supplemental Report. In the August 2022 interview, Sneed stated that what he really meant by “re-canting my testimony” is he wanted to break his plea deal and get a better deal. Considering (1) the timing of this explanation in relation to the visit by representatives from the Attorney General’s office, (2) his 2007 letter where he discusses contacting Glossip’s attorneys which would have nothing to do with his plea deal, (3) his 2003 letter does not state anything about the deal but refers to “re-canting my testimony,” and (4) the fact that Sneed had informed others he had been a jailhouse lawyer since before Glossip’s retrial, we find this explanation strains credulity. Sneed also stated he never made any statements to cell mates that would contradict his testimony. August 15, 2022 Reed Smith Interview of J. Sneed.

On May 21, 2003, Gina Walker writes back to Sneed “[t]he remainder of the things you mention in your letter I will talk to you about in person.”<sup>2</sup>

This May 2003 letter from Sneed where he discusses “re-canting my testimony” is deeply troubling. Sneed’s testimony was crucial to obtaining a conviction against Glossip for first degree murder and the murder for remuneration aggravator that attached the death sentence to Glossip. Sneed and his testimony were described as follows:

- by Judge Twyla Gray as “the State’s star witness in the case against Richard Glossip.”<sup>3</sup>
- by the Oklahoma Court of Criminal Appeals described the State’s case against Glossip as relying “entirely” on the testimony of Sneed.<sup>4</sup>
- by ADA Fern Smith informed the Court that “[t]his case rests basically on the testimony of Justin Sneed.”<sup>5</sup>
- by co-prosecutor ADA Gary Ackley as “if the jury didn’t believe that testimony that came direct to their ears from Justin Sneed, there’s no way they would have convicted Richard Glossip.”<sup>6</sup>

It should be noted that two years prior to Sneed asking about recanting, in April 2001, Sneed met with and wrote to Glossip’s post-conviction team (Oklahoma Indigent Defense System (OIDS) Attorney Wyndi Hobbs and OIDS investigator Lisa Cooper). Sneed thereafter wrote to both in May and June 2001 stating the following:

- **May 2001** (Sneed’s Letter to Hobbs): Sneed asks for his plea agreement, his competency evaluation by the State’s psychologist (Dr. King), and states “it gives me a lot of time to think and ponder such things.” “I thank you and hope that any information I help provide to you was of any benefit or use to you and your client’s case.”<sup>7</sup>
- **June 2001** (Sneed’s letter to Cooper): “Also closer to getting my co-defendant’s case back in court I’d like to speak with you or possible someone on what choices I have and possible outcomes on those choices. If they (D.A.’s Office) try to call me back to Oklahoma City. Because that still disturbs me. It was definitely un-expected to learn that. Thanks for letting me know such ahead of time. It will give me time to **ponder the right thing to do.**”<sup>8</sup>

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<sup>2</sup> Exhibit B-1: May 21, 2003 Letter from G. Walker.

<sup>3</sup> *Glossip v. State*, Findings of Fact and Conclusions of Law After Evidentiary Hearing On Remand From the Court of Criminal Appeals, March 12, 2001, at p. 14.

<sup>4</sup> *Frederick v. State*, 400 P.3d 786, 828 (Okla. Crim. App. 2017).

<sup>5</sup> May 29, 1998 Pre-Trial Motions Hearing, Case No. CF-97-244 at p. 12:7-9.

<sup>6</sup> Radical Media Interview with G. Ackley, at p. 42 (June 23, 2016).

<sup>7</sup> Exhibit C: May 2001 Letter from J. Sneed. This is a puzzling statement and not in alignment with his testimony that Glossip manipulated him into murdering a man and essentially caused him to be in prison for the rest of his life.

<sup>8</sup> Exhibit D: June 2001 Letter from J. Sneed (emphasis added).

All of this is consistent with Sneed's desire to recant his testimony as he expressed in 2003 and 2007. As the evidence shows, prior to 2003, Sneed was openly discussing the case with Glossip's defense team, and pondering "the right thing to do." This is also inconsistent with Sneed's 2022 explanation given to Reed Smith Investigators that "recanting" meant asking for a new plea deal.<sup>9</sup> Of course, Glossip's defense team had no power to negotiate Sneed's plea agreement so it does not explain why Sneed would be discussing this with Glossip's defense team or expressing that he wanted to contact them in 2007 to "clean things up."<sup>10</sup>

## **2. After Asking His Attorney About "re-canting my testimony," Sneed Met With Prosecutor ADA Connie Pope Where He Discussed His Testimony and Wanting to Get a Better Deal**

A brief timeline is provided below to illustrate the sequencing of timing and close proximity of events:

- **October 23, 2002:** Glossip's attorney Lynn Burch interviews Sneed alone. Sneed tells him he did not wish to testify in the new trial and would seek to avoid it. Sneed also expressed to Burch that he hoped Richard obtained a good result in his retrial and bore no ill will towards him.<sup>11</sup>
- **January 22, 2003:** Sneed's attorneys Tim Wilson and Gina Walker write to Glossip's attorney Lynn Burch and tell him to not meet with their client, "it is my belief that you have given him legal advice," and Burch is in violation of ethics rules doing so.
- **May 15, 2003:** Sneed writes to Gina Walker stating: "Curious on if your [sic] still thinking about coming here to try to visit me before his trial. And parts of me are curious that if I chose to do this again. **Do I have the choice of re-canting my testimony at anytime during my life, or anything like that.** For now I guess that's pretty much it if there is anything you know, on his court date and **about re-canting.**"<sup>12</sup>
- **May 21, 2003:** Gina Walker writes to Sneed: "As for your other questions, yes, I do plan to come visit you...The remainder of the things you mention in your letter I will talk to you about in person."<sup>13</sup>

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<sup>9</sup> August 15, 2022 Reed Smith Interview of J. Sneed.

<sup>10</sup> 2007 Letter from J. Sneed (detailed in our August 9, 2022 Supplement).

<sup>11</sup> In his August 15, 2022 interview, Sneed stated he was confronted by Glossip's trial attorney who informed Sneed of a statute that dealt with testifying untruthfully. Sneed stated he probably mentioned this encounter to ADA Pope and Gina Walker.

<sup>12</sup> Exhibit A: May 15, 2003 Letter from J. Sneed (emphasis added).

<sup>13</sup> Exhibit B-1: May 21, 2003 Letter from G. Walker.

- **June 12, 2003:** Meeting held in Court chambers between the State and Glossip's counsel. Due to the reassignment of counsel for the State and the Court's own schedule, Glossip's defense counsel agreed to a continuance of the trial date until November 3, 2003. "This agreement was made after assurances were given by counsel for the State that the case against Mr. Glossip would be re-evaluated with an eye toward possible reduction in charge."<sup>14</sup>
- **August 2003:** Connie Pope replaces Fern Smith as lead ADA on the Glossip case.
- **August 15, 2003:** ADA Connie Pope and DA Investigator Larry Andrews meet with Glossip's defense counsel regarding possible disposition of the case.
- **September 23, 2003:** ADA Pope and Gina Walker visit Sneed.<sup>15</sup>
- **September 29, 2003:** State serves subpoena to Sneed's attorney, Gina Walker, to appear to testify.
- **October 1, 2003:** Sneed writes to Gina Walker referencing her and the D.A.'s recent visit: "But, I've learned, as you & the DA's said on the 23<sup>rd</sup>, there's a lot in words & details that can tell people a lot."<sup>16</sup>
- **October 20, 2003:** The State formally adds Gina Walker to the witness list. The State also files amended Bill of Particulars adding the murder for remuneration (the sole death penalty aggravator that Glossip was convicted of). The State also files a More Definite and Certain Statement adding some new information from Sneed regarding the murder for hire.
- **November 3, 2003:** Hearing before Judge Gray where ADA Connie Pope explains why Gina Walker was added to the witness list including possibly to rehabilitate and rebut Sneed's testimony, the original plea agreement, and Sneed's visit with Mr. Burch.
- **May 5, 2004:** Second meeting with Sneed – in attendance are ADAs Pope, Ackley, and Sneed's attorney, Gina Walker.

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<sup>14</sup> Motion to Compel Co-Defendant Justin Sneed to Provide a DNA Sample to Defendant Glossip for Testing Purposes, Case No. CF-97-244, Filed October 1, 2003.

<sup>15</sup> ADA Pope visited Sneed twice: September 23, 2003 and May 5, 2004. See Exhibit B-2: October 1, 2003 Letter from J. Sneed; Exhibit H: April 22, 2004 Request from Gina Walker to Karen Crampton regarding Attorney Visit with Justin Sneed. This request documented that Ms. Walker would be there at 9 a.m., and would be "later joined at approximately 11 a.m. by Assistant District Attorneys Connie Smothermon and Gary Ackley."

<sup>16</sup> Exhibit B-2: October 1, 2003 Redacted Letter from J. Sneed.

### **Sneed's Meeting with ADA Pope in September 2003**

In the August 15, 2022 interview, Sneed confirmed that he met with representatives of the District Attorney's Office along with his attorney, Gina Walker, where his plea agreement was discussed.<sup>17</sup> For the most part they (ADA Connie Pope, Gina Walker, Sneed) were all sitting there and he would turn to Ms. Walker and make comments, and then Ms. Walker would interpret those comments and talk to ADA Pope.<sup>18</sup> They were all together in the room and ADA Pope would hear the comments that Sneed was making to Ms. Walker.<sup>19</sup> According to Sneed, they discussed Sneed's desire to break his plea deal and get a better one (i.e., what Sneed now defines as "re-canting").<sup>20</sup> There is no evidence located to date that ADA Pope ever informed the defense of Sneed's comments or wishes to break his deal and get a better one, or anything else that was discussed at this meeting. The DA's office turned over no notes or summary of this meeting with Sneed to the defense.

Defense counsel confirmed that any of this information (Sneed wanting to recant, discussing recanting, leveraging his testimony, expressing a desire to break his deal and seek a better one) would have been critical for the cross examination of Sneed and the entire case.<sup>21</sup>

### **ADA Pope's Actions Taken After Meeting with Sneed Show Concern Over Sneed's Testimony**

ADA Pope's subsequent actions appear to be informative clues regarding the substance of her discussions with Sneed not only related to his leveraging his testimony and desire to break the deal and receive a better one, but also to "re-cant" his testimony as that term is normally used (i.e., to repudiate a prior statement).

Specifically, six days after meeting with Sneed, on September 29, 2003, ADA Pope served subpoenas of witnesses for retrial, including the unusual step of subpoenaing Sneed's lawyer, Gina Walker.<sup>22</sup>

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<sup>17</sup> Aug. 15, 2022 Reed Smith Interview of J. Sneed. Sneed informed us that a week prior, he was visited by two male representatives from the Attorney General's Office and thought that their meeting was recorded despite him not consenting. We have asked the Attorney General's Office to turn over the recording. To date, no recording or transcript has been provided.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> August 2022 Reed Smith Interview of former Glossip attorney W. Woodyard.

<sup>22</sup> Exhibit E: September 29, 2003 Subpoena to Gina Walker, filed in the District Court of Oklahoma County on September 30, 2003. It is perplexing how Ms. Walker would have been able to testify without breaking the attorney-client privilege as she would be discussing in part information she solely learned from her client, Sneed, and subject to cross examination. It seems she could only break privilege if she did not want to participate in suborning privilege or prevent a fraud on the Court. See Okla. Stat. tit. 5A § 1.6. Rule 1.6(b) details that a "lawyer may reveal information relating to representation of a client to the extent the lawyer reasonably believes necessary: (1) to prevent reasonably certain death or substantial bodily harm; (2) to prevent the client from committing: (i) a crime; or (ii) a fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services."

STATE OF OKLAHOMA  
vs

CHARGE: MURDER I  
COURT: (8)

RICHARD EUGENE GLOSSIP  
IN THE NAME OF THE STATE OF OKLAHOMA

TO: GINA WALKER  
OK CO OFC BLDG, 320 ROBERT S KERR  
Room # 600  
OKLAHOMA CITY OK, 73102

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.  
SEP 30 2003

PATRICIA WESLEY COOKS, CLERK  
by: *Connie S. Pope*  
Deputy

9-29-03  
served the same by mailing a  
copy to each witness listed at  
the address shown.  
*Sm*

Subpoena Clerk  
PROSECUTOR District Attorney's Office  
CONNIE POPE

You are hereby COMMANDED to appear before the Presiding Criminal Judge on **11/03/2003 08:30 AM**  
by reporting to Room 211 of the Oklahoma County Office Building, 320 Robert S. Kerr, Oklahoma City, Oklahoma,  
to testify as a witness on behalf of the State of Oklahoma, and remain in attendance and on call of said Court, from  
day to day and term to term, until lawfully discharged as a witness for the State of Oklahoma.

Failure to appear is punishable by law.

WHEN YOU RECEIVE THIS SUBPOENA, YOU MUST  
IMMEDIATELY CALL THE DISTRICT ATTORNEY'S  
OFFICE.

Please call: (405) 713-1639  
Between 8:30 a.m. and 5:00 p.m.  
Issued: 08/26/2003 08:54 am  
If your address or phone number changes,  
Please call.

C. WESLEY LANE II  
District Attorney, Oklahoma County, Oklahoma  
By: *C. Moses*  
Authorized Subpoena Clerk

On October 20, 2003, ADA Pope filed an amended witness list adding Gina Walker to the State's Witness List.<sup>23</sup>

**ADDITIONAL LIST OF WITNESSES PURSUANT TO CONSTITUTION OF  
OKLAHOMA ARTICLE 2 § 20  
FIRST STAGE AND SECOND STAGE**

Pursuant to Art. 2 § 20 of the Constitution of the State of Oklahoma the prosecution herewith provides the defendant a list of witnesses, with their post office address, some or all of whom, will be called in chief in the first stage of the proceedings herein (guilt determining stage) to prove the allegations of the Information, as to each count, and to prove the allegations of the Bill of Particulars demanding imposition of the death penalty:

1. Ron Shipman - State of Oklahoma DOC, P.O. Box 606, Guthrie, OK 73044
2. Gina Walker - Oklahoma County Public Defender's Office, 320 Robert S. Kerr, 6<sup>th</sup> Floor, Oklahoma City, OK 73102

Respectfully submitted,

C. WESLEY LANE II  
DISTRICT ATTORNEY

*Connie S. Pope*  
Connie S. Pope  
Assistant District Attorney

<sup>23</sup> Additional List of Witnesses Pursuant to Constitution of Oklahoma Article 2 Section 20, First Stage and Second Stage, Case No. CF97-244, filed October 20, 2003.

In the Additional Summary of Witness Testimony filed on October 20, 2003, ADA Pope stated the following:<sup>24</sup>

**4. Gina Walker - Will testify to gaining information that Mr. Sneed was visited by the defendant's attorneys in an attempt to prevent him from testifying.**

It is important to note that Ms. Walker was not present at the meeting between Mr. Burch and Sneed. The only way Ms. Walker would be able to testify as to Mr. Burch's purported "attempt to prevent him from testifying" would be from information she learned from communications with her client, Sneed. It is unclear how Ms. Walker would have been allowed to break the attorney-client privilege<sup>25</sup> unless Sneed was recanting on the stand or changing his testimony, and she thought ethically she had to testify and break privilege in order to not suborn perjured testimony or prevent a fraud on the Court because if Sneed did recant that would mean he either lied when he testified at the first trial, or was now lying at the second trial.<sup>26</sup> Additionally, if Sneed testified to something inconsistent, Ms. Walker would be taking an adverse position against her client, triggering numerous ethical issues. This was a very unusual move by ADA Pope and one that indicates she had concern over Sneed taking the stand and what he might say.

Combining the recently-obtained May 2003 "recantation letter" with ADA Pope's anticipated need for Ms. Walker to now take the stand, it seems the only logical reason Ms. Walker's testimony regarding Mr. Burch could have any relevance is if ADA Pope and Ms. Walker anticipated Justin Sneed changing his testimony substantively, i.e., "re-canting my testimony" as his letters show he was considering back in May 2003. Presumably, the theory the State would offer was that Mr. Burch coerced Sneed into recanting, and that his trial one testimony should be believed over his recantation in the retrial. If the State expected Sneed to testify consistently with his testimony at the first trial, then Ms. Walker's testimony seemingly would be unnecessary.<sup>27</sup>

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<sup>24</sup> October 20, 2003, Additional Summary of Witness Testimony, Case No. CF97-244.

<sup>25</sup> Oklahoma Code of Professional Responsibility DR 4-101 protects confidences and secrets of clients and defines both a confidence and a secret. As set forth in DR 4-101(A), "'Confidence' refers to information protected by the attorney-client privilege under applicable law, and 'secret' refers to other information gained in the professional relationship that the client has requested to be held inviolate or the disclosure of which would be embarrassing or would be likely to be detrimental to the client."

<sup>26</sup> Okla. Stat. tit. 5A § 1.6.

<sup>27</sup> This appears to be the case based on what ADA Pope informed the Court on November 3, 2003. If Sneed recanted or changed his testimony on the stand, ADA Pope through Ms. Walker's testimony was going to claim that Mr. Burch caused Sneed to recant or change his testimony. However, the documentary evidence shows that Sneed was researching and contemplating breaking his deal long before Burch's October 2002 meeting. No notes of any such conversations have been provided, although we know from Mr. Ackley that there were numerous discussions between Ms. Walker and the prosecution team at the courthouse or otherwise.



## **ADA Pope Informs the Court that Sneed's Testimony May Need Rehabilitation or Rebuttal From His Own Attorney**

Further, on November 3, 2003, ADA Pope informed the Court at a pre-trial hearing that one of two reasons for Ms. Walker's testimony was a possible rehabilitation of Justin Sneed and rebuttal of an express or implied claim of recent fabrication. Specifically, the discussion with the Court went as follows:<sup>28</sup>

THE COURT: And tell me, if you can, somebody, how you think that potentially Ms. Walker could be called as a witness in this case.

MS. POPE: Your Honor, we have listed her out of an abundance of caution and to meet the notice requirements that are set upon us by law. As we have told anyone who has asked, including Defense Counsel, we would not anticipate that she would be called as a case in chief witness in order to substantively prove the guilt of Richard Glossip.

However, Justin Sneed is going to be called as a witness. Depending on how the cross-examination goes and/or the tenure and the questions that are asked or the impressions that are left, **there may need to be some rehabilitation of some issues**. I believe that's how Ms. Walker would come to be a witness.

I believe that there will be, could potentially be, again, I don't know how cross-examination is going to go, but I think there **potentially could be an express or implied claim of fabrication, recent fabrication. I believe that she could be called under the law in order to rebut that**. She has potentially, I believe, two areas in which she conceivably could be a witness.

ADA Pope went on to explain to the Court the two areas of knowledge Ms. Walker might possibly testify about included: 1) Gina Walker's knowledge of making the original plea agreement, and 2) information that she was still representing Sneed when Glossip's OIDS Attorney Lynn Burch went to visit Sneed and correspondence Ms. Walker sent to Mr. Burch.<sup>29</sup> ADA Pope also claimed that "Gina Walker has been on the witness list from the beginning because of her involvement with the plea agreement."<sup>30</sup> However, Ms. Walker was only added by ADA Fern Smith to the State's witness list for the evidentiary hearing *after* Glossip's first trial,

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<sup>28</sup> November 3-4, 2003 Transcript of Proceedings, Pretrial Record, Jury Trial Reset, Case No. CF-97-244, at 8:2-23.

<sup>29</sup> Mr. Burch was Glossip's attorney at the time and visited Sneed only two times pre-retrial: 1) January 24, 2000 with co-counsel Matthew Haire, and 2) October 23, 2002 alone. Co-Counsel Silas Lyman and Wayne Woodyard were at the prison expecting to go in but the prison would only allow Mr. Burch in to see Sneed. The evidence shows that at both meetings, Sneed was informed and aware that they represented Glossip.

<sup>30</sup> November 3-4, 2003 Transcript of Proceedings, Pretrial Record, Jury Trial Reset, Case No. CF-97-244, at 9:22-24.

and directly in response to allegations made by Glossip's attorneys in his direct appeal that ADA Smith had suborned perjury from Sneed.<sup>31</sup>

Both justifications by ADA Pope given to the Court on November 3, 2003 are perplexing as the plea agreement would be the best evidence of the deal and would speak for itself, and Mr. Sneed would have direct knowledge of his own encounter with Glossip's attorney, Mr. Burch (not Ms. Walker, who was absent from this October 2002 meeting with Mr. Burch and would undoubtedly have to break privilege to testify on what Sneed told her happened at that meeting with Mr. Burch). Again, if Ms. Walker thought she could break privilege, it would only be due to her seemingly feeling compelled by ethical responsibilities and as an Officer of the Court to not participate in suborning perjury or perpetrating a fraud on the Court, as Sneed's recantation would mean that Sneed was either lying in trial one or at the retrial. A recantation by Sneed also would put him in possible jeopardy in terms of his plea agreement where he agreed to testify truthfully and by recanting, he would be admitting that he did not testify truthfully at one trial or the other. Perhaps Ms. Walker hoped to avoid any such negative consequences to her client by seeking to put the blame for all of this on Mr. Burch and felt that justified breaking privilege. Given these ethical issues, this again was a very unusual move by ADA Pope and one that indicates she (and Ms. Walker) had concern over Sneed on the stand.

The correspondence referenced by ADA Pope between Ms. Walker and Mr. Burch was also recently obtained and does not align or explain ADA Pope's actions from a timing perspective – as Ms. Walker and the State were aware of Mr. Burch's meeting with Sneed since January 2003.<sup>32</sup> The proximity to the September 23, 2003 meeting between Sneed and ADA Pope is closer and is more likely the impetus for ADA Pope subpoenaing Ms. Walker on September 29, 2003 than Mr. Burch's meeting with Sneed nearly a year prior.<sup>33</sup>

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<sup>31</sup> February 27, 2001 Subpoena to Gina Walker for March 5, 2001 Evidentiary Hearing, Case No. CF-97-244; State's Witness List and Summary of Expected Testimony for Evidentiary Hearing, February 23, 2001. "Gina Walker – Sneed's attorney. Will testify that Fern Smith only met with co-defendant Sneed on time. That meeting was in the Oklahoma County jail. It was a meeting of short duration. Fern Smith did not tell Justin Sneed to lie or to change his statement. She only told him to tell the truth. She believes Justin Sneed did tell the truth."

<sup>32</sup> Exhibit F: January 23, 2003 Letter from Sneed's attorneys, Tim Wilson and Gina Walker, to Glossip's attorney, Lynn Burch. We also obtained Mr. Burch's January 24, 2003 Letter response stating that he met with Sneed only twice, and he "clearly and unequivocally informed each time that I was there as legal counsel for Richard Glossip, whom Mr. Sneed testified against in exchange for his plea agreement." Mr. Burch also referred Sneed to contact the last counsel of record, Gina Walker, and that when Sneed was moved to Oklahoma County Jail he called Mr. Burch to relay to Ms. Walker that Sneed was back in Oklahoma County. Exhibit F: January 24, 2003 Letter from L. Burch. The State was aware of Mr. Burch's meeting with Sneed since January 10, 2003, when he informed the Court in a January 2003 hearing where ADA Fern Smith expressed that "in his agreement there are some consequences if he decides not to do so and Ms. Walker is the one who needs to talk with him about those, not Mr. Burch....I will talk with Ms. Walker and ask her to let us know what his feelings are at that time." Transcript of Proceedings, Motion Hearing, January 10, 2003 Hearing at 56:18-22; 57:20-21.

<sup>33</sup> Mr. Burch met with Sneed on October 23, 2002.

**GINA K. WALKER**  
Assistant Public Defender

January 22, 2003

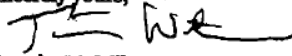
G. Lynn Burch, III  
Oklahoma Indigent Defense  
Capital Trials Division  
P.O. Box 926  
Norman, OK 73070

Re: Oklahoma County District Court Case CF-97-244

Dear Mr. Burch:

It has come to my attention that you have spoken with our client, Justin Sneed on at least three separate occasions. It is my belief that you have given him legal advice. I am sure you are aware that this office represents Mr. Sneed. Any contact with him is in violation of the Oklahoma Rules of Professional Conduct. We ask that you refrain from any future contact with our client.

Sincerely yours,



Timothy M. Wilson

Cc: File

The justifications given to the Court by ADA Pope are equally puzzling for why she added Ms. Walker to the State's witness list. In explaining to the Court in November 2003 why the second area of Ms. Walker's testimony would be relevant to the State's case (i.e., Ms. Walker's knowledge of Mr. Burch's visit with Sneed), ADA Pope proffered what she expected Sneed would testify to (it is unclear how ADA Pope knew this but for the September 23, 2003 meeting she had with Sneed).<sup>34</sup> Mr. Burch soon after believing he would be a witness asked to withdraw from the case.

The impetus for ADA Pope's actions in September-November 2003 seem to be directly connected to her September 2003 meeting with Sneed due to the close proximity of events. That is, Sneed discussing in front of ADA Pope that he wanted to break the deal, not testify, and seek a better deal, or possibly to even recant his testimony in the traditional sense, seems to have prompted the concern that ADA Pope may need to rehabilitate or rebut his testimony with Ms. Walker's testimony. The fact that the State took this unusual step of adding Sneed's own attorney to the State's witness list does not comport with the proffered areas of subject matter Ms. Walker would address. This is troubling in and of itself because ADA Pope did not disclose this knowledge or discussion with Sneed to the defense. It is even more concerning because while having knowledge or a prior concern that Sneed may recant or wanted to break the deal to get a better one (which goes directly to his credibility and reliability as a witness), ADA Pope during the trial affirmatively raised on her direct of Sneed (before any cross examination had taken place) her visits with Sneed and his gaining no benefit from testifying:

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<sup>34</sup> November 3-4, 2003 Transcript of Proceedings, Pretrial Record, Jury Trial Reset, Case No. CF-97-244, at 9:9-18.

**Example 1:**<sup>35</sup>

Q. And did Ms. Walker either before we got there, while we were there, or after we left, did she tell you what your answers should be?"

A. No, ma'am.

**Example 2:**<sup>36</sup>

Q. You are serving life without parole, is that correct?

A. Yes, ma'am.

Q. Now, you know because, I mean, you've been in prison with guys that are serving either life sentences or less than life sentences that they have fairly scheduled parole hearings, right?

A. Yes, ma'am.

Q. Where if they've done some good things, they might get out?

A. Yes, ma'am.

Sidebar with Court:<sup>37</sup>

ADA Pope: The final question would be, he knows he's not ever going to get a parole hearing. That doesn't matter what good thing – he's in prison and he's never getting out.

Defense objection: The prosecution is trying to vouch save the credibility of this witness. And she's trying to bolster his credibility by saying you're here testifying and you're not going to get any benefit from it. And to me that's a back doorway of trying to bolster the credibility of this witness. That would be another reason why we object.

**Example 3:**<sup>38</sup>

Q. Mr. Sneed, let's get back on track. You understand that what your sentence is, what you have been ordered by a court is to be sentenced for the murder of Barry Van Treese life without the possibility of parole?

A. Yes, ma'am.

Q. Do you think that anything that you have said today or could say today would get your sentence anything less than spend the rest of your life in prison?

A. No, I do not.

Q. You're not going to go and be able to use this in any way to get out of what you have been sentenced to, correct?

A. No.

**ADA Pope Made Misleading Statements to the Jury in Light of Newly-Obtained Evidence of Sneed's Recanting and Leveraging His Testimony to Obtain a Better Deal**

ADA Pope also made statements to the jury in the State's closing commenting on how it did not make sense for Justin Sneed to be making up his testimony.<sup>39</sup> A few examples of ADA Pope's commentary to the jury about Justin Sneed's truthfulness and credibility are provided below:

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<sup>35</sup> Trial 2 Transcript, Testimony of J. Sneed, Vol. 12, 61:5-62:19.

<sup>36</sup> Trial 2 Transcript, Testimony of J. Sneed, Vol. 12, 174:3-179:14

<sup>37</sup> Trial 2 Transcript, Side Bar of Counsel, Vol. 12, 176:11-19.

<sup>38</sup> Trial 2 Transcript, Testimony of J. Sneed, Vol. 12, 178:5-11.

<sup>39</sup> State's Closing, Trial 2 Transcript, Vol. 15, 151:19-20; 171:11-13; 155:22-25.

**Example 1:**<sup>40</sup>

19 | It doesn't make any sense. It is nonsense that Justin Sneed  
20 | would act alone. Nonsense.  
21 |                   But for Richard Glossip, Justin Sneed would never  
22 | have killed Barry Van Treese. And you heard that. You

**Example 2:**<sup>41</sup>

11 | accomplices. Let's just put the bat in his hand. It  
12 | doesn't make any sense that Justin Sneed would make this up.  
13 | And you got to see him for five hours. We kept him here a

**Example 3:**<sup>42</sup>

22 | one. And they want you to believe that because of that his  
23 | whole testimony comes into question. And you know what? I  
24 | mean, what a poor liar if that kid really is lying about  
25 | that. Why would he give you every little detail, why would

The recently-obtained evidence showing Sneed's expressing that he wanted to recant or break his plea deal and leverage his testimony to get a better one converts these statements made by ADA Pope to the jury to having a more misleading undertone. The fact that none of this was ever disclosed to the defense severely hindered the defense in its cross examination of the State's star witness, Justin Sneed, as well as the entire case given the critical importance of Sneed's testimony. It also gave ADA Pope free reign to argue whatever she wanted with impunity. Had the jury heard that Sneed was wanting to recant his testimony or break his plea deal in order to leverage his testimony and get a better deal, it may well have changed the jury's assessment of Sneed and his ultimate reliability as a witness in the case against Glossip. It in the very least would have leveled the playing field by hindering ADA Pope's ability to so unequivocally vouch for the truthfulness of Sneed's testimony in direct examination and the State's closing arguments.

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<sup>40</sup> State's Closing, Trial 2 Transcript, Vol. 15, 151:19-20; 171:11-13; 155:22-25.

<sup>41</sup> State's Closing, Trial 2 Transcript, Vol. 15, 171:11-13.

<sup>42</sup> State's Closing, Trial 2 Transcript, Vol. 15, 155:22-25.

We spoke with co-prosecutor ADA Gary Ackley and he recalled being at only one meeting with Justin Sneed.<sup>43</sup> We obtained documentation this meeting took place on May 5, 2004.<sup>44</sup>

GINA K. WALKER  
ASSISTANT PUBLIC DEFENDER

---

TO: KAREN CRAMPTON  
DATE: 4-22-04  
RE: ATTORNEY VISIT WITH JUSTIN SNEED, #265681

---

DEAR KAREN, PURSUANT TO OUR TELEPHONE CONVERSATION, PLEASE ACCEPT THIS FAX AS CONFIRMATION OF AN ATTORNEY VISIT WITH JUSTIN SNEED, #265681 ON WEDNESDAY, MAY 5, 2004.

I, GINA WALKER, BAR# 15132 WILL BE THERE AT 9:00 A.M.

I WILL LATER BE JOINED AT APPROXIMATELY 11:00 A.M. BY ASSISTANT DISTRICT ATTORNEYS CONNIE SMOTHERMON, BAR # 16598 AND GARY ACKLEY, BAR # 123

THANK YOU VERY MUCH FOR YOUR ASSISTANCE IN THIS MATTER. I PLAN TO BRING EQUIPMENT TO SHOW MR. SNEED A VIDEO TAPE THAT PERTAINS TO HIS LEGAL REPRESENTATION.

SINCERELY, GINA WALKER

Mr. Ackley recalls that he joined the Glossip case shortly before the November 3, 2003 hearing and does not recall knowing that Sneed ever wanted to recant his testimony or that Sneed expressed any concerns with his testimony.<sup>45</sup> Mr. Ackley remembered being told that Mr. Burch had induced/threatened/encouraged Sneed not to testify.<sup>46</sup> Mr. Ackley also stated that he views a witness like Sneed discussing recanting as triggering Brady obligations. Any failure to provide *Brady* material to the defense requires a new trial. Specifically Mr. Ackley stated:<sup>47</sup>

- Q. Based on what you remember as a prosecutor, if your office had heard that somebody like Sneed was thinking about recanting, is that something you'd tell the defense about?
- A. Of course. Maybe not thinking about it- I don't know how I'd learn of that. But if somebody told me Sneed told me he is thinking about recanting, of course, that's clearly Brady material.

Sneed expressing a desire to recant his testimony, or break his deal to get a better one (implying he would say anything for leverage) goes directly to his credibility and reliability as a

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<sup>43</sup> August 2022 Interview with G. Ackley. We also reached out to former ADA Connie Pope to give her the opportunity to be heard but she has not agreed to speak with us as of the date of this Second Supplemental Report.

<sup>44</sup> April 22, 2004 Communication from G. Walker regarding Sneed Visit with ADAs C. Smothermon and G. Ackley.

<sup>45</sup> August 13, 2022 Reed Smith Interview of G. Ackley.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

witness. ADA Pope and Gina Walker were present when Sneed discussed this, and ADA Pope was made aware of it. This awareness is evidenced by the actions taken by ADA Pope to subpoena Gina Walker and add her to the State's witness list. The transcript of the November 2003 hearing raises serious questions regarding disclosure obligations of ADA Pope to defense counsel. It is troubling that ADA Pope then went on to vouch for the truthfulness of Sneed's testimony both during her examination of Sneed and in argument while knowing about this undisclosed information.

The reliability and credibility of Sneed as a witness was critical to both the State and the defense – in essence, Sneed's testimony and his reliability as a witness decided the entire case against Glossip – both guilt phase and punishment phase. Sneed's testimony has been described as follows:

- “[I]f the jury didn’t believe that testimony that came direct to their ears from Justin Sneed, there’s no way they would have convicted Richard Glossip.”<sup>48</sup>
- ADA Fern Smith: "This case rests basically on the testimony of Justin Sneed. The physical evidence basically all goes to Justin Sneed."<sup>49</sup>
- The State's case against Glossip relied “entirely” on testimony of Sneed.<sup>50</sup>
- Judge Gray's description of Sneed's testimony: “Sneed was the State's star witness in the case against Richard Glossip.”<sup>51</sup>

In addition, Oklahoma law requires independent corroboration of accomplice testimony “to protect an accused from being falsely implicated by another criminal in the hope of clemency, a desire for revenge, or for any other reason.”<sup>52</sup>

The fact that this information about Sneed expressing he wanted to recant or break his deal and leverage his testimony in order to get a better deal was not disclosed to the defense is extremely troubling. As one of the defense lawyers we interviewed stated, this would have been “critical” information for the defense in terms of their cross-examination of Sneed at trial and the entire case given Sneed's importance as a witness.<sup>53</sup>

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<sup>48</sup> Radical Media Interview with G. Ackley at p. 42 (June 23, 2016).

<sup>49</sup> May 29, 1998 Pre-Trial Motions Hearing at 12:7-9.

<sup>50</sup> Frederick v. State, 400 P.3d 786, 828 (Okla. Crim. App. 2017).

<sup>51</sup> Judge Gray's March 12, 2001 Findings of Fact at p. 14.

<sup>52</sup> Fleming v. State, 760 P.2d 208 citing Howard v. State, 561 P.2d 125 (Okla. Cr. 1977).

<sup>53</sup> August 2022 Interview of W. Woodyard.

### 3. Before Moving to Oklahoma or Meeting Glossip, Sneed Threatened to Kill His Principal

We continue to obtain information demonstrating that the State's theory of Sneed as a meek puppet who was dominated and controlled by Glossip, to the point of committing a heinous murder, is unsupported by objective and credible evidence. We recently located and interviewed former Principal Mary Schustereit from Cisco Junior-High School. Sneed attended this junior high school, completing the 8<sup>th</sup> grade before dropping out. Principal Schustereit personally observed and directly interacted with Sneed, having frequent interaction with him in the two years he was in the 8<sup>th</sup> grade.<sup>54</sup> As Principal, she recalled experiencing a lot of trouble with Sneed and that he caused her a great deal of stress.<sup>55</sup>

Principal Schustereit stated that based on her observations and interactions with Sneed, he "was not meek or non-violent."<sup>56</sup> "Justin had a lot of pent up anger which a lot of it I believe came from his environment and situation at home."<sup>57</sup> Principal Schustereit stated "it was my belief that Justin's aggressions and outbursts toward others were how he handled his frustration and stress in life" and that "she felt sorry for Justin even though he caused me a great deal of stress."<sup>58</sup> Ms. Schustereit found Sneed "to be pretty bright. I did not observe him to have any developmental disorders. I believe he did pretty well in school when he wanted to."<sup>59</sup> Based on her observations, "Justin's impulsivity was a big problem, particularly combined with his frustration with life. Because Justin did not have coping skills necessary to properly deal with stress or stressful situations, it instead manifested in violence and aggression towards others."<sup>60</sup>

Principal Schustereit confirmed the multiple disciplinary issues and misconducts of fighting, vulgar, and insubordinate behavior exhibited by Sneed that were documented in his school records. Principal Schustereit also recalled that "one summer, right before the 8<sup>th</sup> grade, before school started, I received a message that a young male had left on my answering machine threatening me. The message said that if I came back to school that next year, I 'would be killed.'"<sup>61</sup> Principal Schustereit explained that she "recognized his voice as Justin's and the police and I thought it was Justin. I called the Cisco police but we determined there was not enough proof to bring charges. I know Justin really did not care for me."<sup>62</sup> "After talking with police, we thought it was just a scare technique. I was not really scared by it or fearful so I went back to school the next year and decided to take Justin under my wing."<sup>63</sup> Principal Schustereit offered

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<sup>54</sup> August 2022 Reed Smith Interview of Principal M. Schustereit. Ms. Schustereit, who has extensive education and training in educational development and child psychology, also provided a sworn affidavit detailing her frequent and substantive observations of and interactions with Sneed while he was in school. See Exhibit G.

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.* (emphasis added)

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*



Sneed a job as her hall monitor/special assistant. She observed improvement in Sneed's behavior and attitude, and she had no more trouble with him to the extent she had before.<sup>64</sup>

This information from the Principal assumes importance because it is consistent with and lends further support to the finding in our Report that Sneed was not how the State portrayed him to be to the jury. That is, this new information provided by the Principal demonstrates the falsity of the State's portrayal of Sneed as a meek, non-violent, follower who had to be told what to do. Rather, this evidence further shows that Sneed was prone to violent outbursts and impulsive to the point of threatening to kill a school principal. If the jury had heard this information from this witness who had frequent and substantive interactions with Sneed for two years who had the training and education to properly assess, as opposed to the State's lay witnesses (Billye Hooper, Kayla Pursley, John Beavers, Cliff Everhart, etc.) who all knew Sneed for less than a few months and interacted with him in a very limited capacity, it very well might have changed the jury's opinion and assessment of Sneed and his testimony.

#### **4. Seven Boxes of Case Files from the District Attorney's Office Now With the AG's Office But Still Not Provided**

We have recently learned that the seven boxes of the District Attorney's case files have been transferred from Oklahoma County District Attorney's Office to the Attorney General's Office. We assume the AG's office has reviewed the contents of these boxes but they have not confirmed that. In light of our continuing investigation and the newly-discovered evidence, we requested access be granted to these seven boxes.<sup>65</sup> As of the date of this Report, 62 legislators have requested the Attorney General consent to an evidentiary hearing.<sup>66</sup> As of the date of this Report, access has not been granted.

We believe these boxes contain highly relevant material, including potential *Brady* material, such as interview notes of Cliff Everhart, Donna Van Treese, Ken Van Treese, Justin Sneed, Jacqueline Williams and other witnesses. We also believe there may be information on the Sinclair Gas Station video which has to date not been located by the police or the District Attorney's office, as well as information regarding the State's destruction of evidence. Current District Attorney David Prater has suggested to the media (and the State has speculated in its recently filed response to Glossip's post-conviction relief petition) that the DA's office took no part in the destruction of evidence—that it was only a police department operation—but the DA has offered no proof and his statements contradict information obtained from Oklahoma City police officers with firsthand knowledge regarding what occurred in 1999. It is also likely that information regarding the DA's visits to Sneed in 2003 and 2004 as well as other information to support or contradict DA Prater's statements will be among the materials in these boxes.

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<sup>64</sup> *Id.*

<sup>65</sup> Oklahoma Representative Kevin McDugle also formally requested the Attorney General grant Reed Smith access to these seven boxes of evidence.

<sup>66</sup> The 62 legislators include 46 Republicans and 16 Democrats. See Exhibit I.

# **EXHIBIT A**

Dina,

05-~~2~~<sup>15</sup>-03

Well I hope you are doing O.k. I'm good I guess, trying to get my job and my levels back still. Now I broke my right pinky finger trying to play Basketball.

I was just kinda curious if they found out about the DNA sample thing. No-one has tried to get a sample from me yet, or if they found out it wasn't blood and set my co-defendant a new trial date yet.

Curious on if you still thinking about coming here to try to visit me before his trial. And parts of me are curious that if I chose to do this again, do I have the choice of re-examining my testimony at anytime during my life, or anything like that.

For now I guess that's pretty much it. If there is anything you know, on his court date and about re-examining. The most thing I just hate the waiting game, and not seeing what's going to come next, W/ABP. Thanks

Sincerely  
Antonio Inez

# **EXHIBIT B-1**

## PUBLIC DEFENDER OF OKLAHOMA COUNTY

611 COUNTY OFFICE BUILDING  
320 ROBERT S. KERR AVE.  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 713-1550 (main)  
(405) 713-1561 (direct)  
(405) 713-7169 (fax)

**ROBERT A. RAVITZ**  
PUBLIC DEFENDER

**ROBERT J. MILDFELT**  
FIRST ASSISTANT PUBLIC DEFENDER

**GINA K. WALKER**  
Assistant Public Defender

May 21, 2003

Justin Sneed  
DOC# 265681  
J.H.C.C. C-2-210  
P.O. Box 548  
Lexington, OK 73051

Dear Justin:

How are you? I just read your letter dated May 15, 2003. I am not able to tell you when the buckle swab will be taken. I asked Fern Smith the other day, and she said she had not heard anything. I suppose there is an outside chance it won't even happen. I will keep you updated as I find out more about it. As for your other questions, yes, I do plan to come visit you. I have a death penalty trial set June 16, 2003. It will take about two weeks. I was planning to see you after that. I will write you and let you know the date I will come to see you after the trial is over. The remainder of the things you mention in your letter I will talk to you about in person.

I hope you are doing well. Stay healthy and keep your spirits up! I look forward to seeing you after the trial.

Sincerely yours,



Gina Walker

# **EXHIBIT B-2**

Gina,

10-01-03

But, I've learned, As you & the DA's said on the 23rd  
that a lot in words & details, that can tell people a lot

*[Handwritten signature]*

Page 7

# **EXHIBIT C**



Wyndi Hobbs  
Oklahoma Indigent  
Defense System  
1623 Cross Center Drive  
Norman, Oklahoma  
73019

Dear Wyndi Hobbs,

I am writing this in reference to our last meeting. I wanted you to know, even though you are not representing me, I appreciated your sympathy and concern, that you expressed.

I ~~did~~ wanted to let you know, that any and all transcripts you have on me would be appreciated, if you could send them, especially my pre-trial, "the agreement" I signed, and any documentation that you might have that Dr. King, the doctor I seen during that competency hearing I had, evaluated me on. I would like to know what it says. The agreement I would like for sure though, so I can investigate it. I appreciate you letting me know there's a chance they, (D.A's Office), will call me back up there. Because I had no clue of that. And I sure didn't want it to come out of the blue. It gives me alot of time to think and ponder on such things. It would really be appreciated, if you would also let me know if he gets his case back in court, In case I miss hearing about it. Which, will ~~be~~ be highly unlikely!

LWW 20518

I thank you, and hope that any information  
I help provide to you was of any benefit  
or use to you and your clients case.

Sincerely

*Justin Sneed*

Justin Sneed #265681

P.O. Box 548

Lexington, Oklahoma

73061

LWW 20519

SNEED

Lisa Cooper, Investigator.

Oklahoma Indigent Defense System

Capital Post Conviction Division

1623 Cross Center Drive,

Dear Lisa,

Enclosed is the form you sent to me. Sorry it took so long, but, the hours they do notary hours interfere's with my work hours. I got it done though.

They (My unit team) told me you called them Friday to ask about it. It made them, one in particular, want to try to get all up in someone's business, like they had a say.

Also, by now you should of received some information from Janie Cross, about the Vo-tech I'm involed in. I signed some forms for her to release such information.

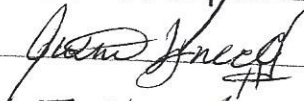
I do have a question or two though. I don't understand why in your letter you mentioned, that you didn't need a report of my grades, you just wanted to show the courts I have taken advantage of a program that has been offered to me. Because you all are not technically working in

my behalf? Also, closer to getting my co-defendants case back in court I'd like to speak with you or possible someone on what choices I have and possible outcomes on those choices. If they (D.A.'s office) try to call me back to Oklahoma City. Because that still disturbs me. It was definitely un-expected, to learn that. Thanks for letting me know such ahead of time. It will give me time to ponder on the right thing to do.

Also, I would like to know the moment he gets a new trial, and wait's, in case I miss it. But, something tells me my name will be off in the middle of it.

Please send copies of what Janie sent you for my records. There's some stuff they even keep secret from us.

Sincerely



Justin Sneed

## CONSENT FOR RELEASE OF FINGERPRINTS

Regarding: ..... Justin B. SNEED

Birth date: .....

Social Security Number: .....

I, Justin B. SNEED, authorize the release of one applicant fingerprint card with my inked fingerprint impressions to the Oklahoma Indigent Defense System, Capital Post Conviction Division, 1623 Cross Center Drive, Norman, Oklahoma 73019..

06-02-01

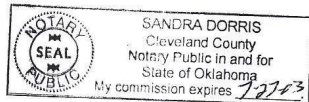
DATE

*Justin B. Sneed*  
SIGNATURE

Subscribed and sworn to before me this 2<sup>nd</sup> day of June, 2001.

*Sandra Dorris*  
NOTARY PUBLIC

My Commission Expires: 7-27-03



LWW 20526

# **EXHIBIT E**



STATE OF OKLAHOMA

CHARGE: MURDER I  
COUNT(S)

vs

RICHARD EUGENE GLOSSIP

IN THE NAME OF THE STATE OF OKLAHOMA

TO: GINA WALKER  
OK CO OFC BLDG, 320 ROBERT S KERR  
Room #600  
OKLAHOMA CITY OK, 73102

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.  
SEP 30 2003

PATRICIA PRESLEY COURT CLERK  
by *[Signature]*  
Deputy

9-29-03  
served the same by mailing a  
copy to each witness listed at  
the address shown.

*[Signature]*  
Subpoena Clerk  
PROSECUTOR District Attorney's Office  
CONNIE POPE

You are hereby COMMANDED to appear before the Presiding Criminal Judge on **11/03/2003 08:30 AM**  
by reporting to Room 211 of the Oklahoma County Office Building, 320 Robert S. Kerr, Oklahoma City, Oklahoma,  
to testify as a witness on behalf of the State of Oklahoma, and remain in attendance and on call of said Court, from  
day to day and term to term, until lawfully discharged as a witness for the State of Oklahoma.

Failure to appear is punishable by law.

WHEN YOU RECEIVE THIS SUBPOENA, YOU MUST  
IMMEDIATELY CALL THE DISTRICT ATTORNEY'S  
OFFICE.

Please call: (405)713-1639  
Between 8:30 a.m and 5:00 p.m.  
Issued: 09/28/2003 09:54 am  
If your address or phone number changes,  
Please call.

C. WESLEY LANE II  
District Attorney, Oklahoma County, Oklahoma  
By: *[Signature]*  
Authorized Subpoena Clerk



226664

# **EXHIBIT F**



JAMES D. BEDNAR  
EXECUTIVE DIRECTOR

FRANK KEATING  
GOVERNOR

**STATE OF OKLAHOMA  
OKLAHOMA INDIGENT DEFENSE SYSTEM**

TULSA CAPITAL TRIAL DIVISION  
P.O. BOX 926  
NORMAN, OKLAHOMA 73070  
VOICE (405) 801-2601  
FACSIMILE (405) 325-7567

*G. Lynn Burch, III*  
*Capital Defense Counsel*

January 24, 2003

Timothy M. Wilson  
Public Defender of Oklahoma County  
611 County Office Building  
320 Robert S. Kerr Ave.  
Oklahoma City, OK 73102

RE: State of Oklahoma v. Richard Glossip, Okla. Co. Case No. CF-97-244

Dear Mr. Wilson:

I am in receipt of your letter of January 22, 2003 regarding my interviews of Justin Sneed. Your letter contains several points that require immediate correction.

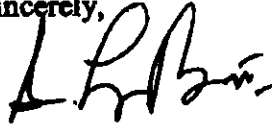
My recollection and memoranda indicate that I have interviewed Mr. Sneed twice regarding the case against my client, Richard Glossip. I only contacted Mr. Sneed after confirming via court dockets that he had no pending cases or proceedings arising from Case No. 97-244 and thus was *not* represented by legal counsel. Mr. Sneed then voluntarily agreed to see me on both occasions.

Mr. Sneed was clearly and unequivocally informed each time that I was there as legal counsel for Richard Glossip, whom Mr. Sneed testified against in exchange for his plea agreement. I also made clear several times that if he had any questions about his own case, status or legal rights, that he should contact Gina Walker of your office, whom my records indicated was his last counsel of record. I also made clear that I was not in any guise giving him legal advice as I was not his lawyer but rather Mr. Glossip's. Mr. Sneed indicated that he understood these matters both times that I recall speaking with him. The substance of my conversations with Mr. Sneed will not be discussed in this letter, although I would consider speaking with you or Ms. Walker about them if you desire.

In fact, when Mr. Sneed was brought back to the Oklahoma County Jail via the State's writ several days ago, he called me on the telephone and asked if I would let Gina Walker know that he was back in Oklahoma County, which I did immediately. I have not spoken to Mr. Sneed since that time, and have no intention of attempting to do so. Should I conclude that I would like to speak again with Mr. Sneed, I can assure you that no such overture would be made without contacting you or Ms. Walker for permission.

I am quite comfortable that at all times in this matter I have complied with the Oklahoma Rules of Professional Conduct, and can assure you that I will continue to do so as I zealously represent the interests of Mr. Glossip. Should you have any further questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Lynn Burch, III". The signature is written in a cursive style with a large initial "G" and "L".

G. Lynn Burch, III

cc: Gina Walker, Okla Co. Public Defender's Office  
file

**PUBLIC DEFENDER OF OKLAHOMA COUNTY**

611 COUNTY OFFICE BUILDING  
320 ROBERT S. KERR AVE.  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 713-1550 (main)  
(405) 713-1561 (direct)  
(405) 713-7169 (fax)

**ROBERT A. RAVITZ**  
PUBLIC DEFENDER

**ROBERT J. MILDFELT**  
FIRST ASSISTANT PUBLIC DEFENDER

**GINA K. WALKER**  
Assistant Public Defender

January 22, 2003

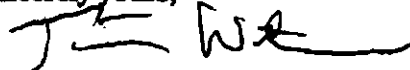
G. Lynn Burch, III  
Oklahoma Indigent Defense  
Capital Trials Division  
P.O. Box 926  
Norman, OK 73070

Re: Oklahoma County District Court Case CR-97-244

Dear Mr. Burch:

It has come to my attention that you have spoken with our client, Justin Sneed on at least three separate occasions. It is my belief that you have given him legal advice. I am sure you are aware that this office represents Mr. Sneed. Any contact with him is in violation of the Oklahoma Rules of Professional Conduct. We ask that you refrain from any future contact with our client.

Sincerely yours,



Timothy M. Wilson

Cc: File

# **EXHIBIT G**

**AFFIDAVIT OF MARY O. SCHUSTEREIT**

STATE OF TEXAS                    )  
  )  
  )        ss.  
COUNTY OF DENTON            )

Ms. Mary O. Schustereit, a person of lawful age, being duly sworn, deposes and states as follows:

1. I was employed in 1991 as Principal of Cisco Junior-Senior High School. Prior to being Principal of the junior high school, I was a counselor at the high school. I was the Principal of the junior high school for two years, and then became the Principal of the Cisco Elementary School.
2. In 1991, I had a masters in special education and a mid-management administrator certification as well as an education counseling certification and later obtained my Ed.D. in Educational Leadership. Part of these degree programs entailed education and training on child psychology, child development, education, and education for special needs children.
3. When I was Principal of the middle school, I personally observed and interacted directly with Justin B. Sneed.
4. I had frequent interaction with Justin in the two years he was in the 8<sup>th</sup> grade. He was a no show for his 9<sup>th</sup> grade year. He left Cisco Middle School during the fall semester of the 91-92 school year and never received grades for that year. He returned in the fall of 92-93 as an 8<sup>th</sup> grade student once again. He remained for the entire year, but did not return to Cisco schools for his 9<sup>th</sup> grade year.
5. As Principal of the junior high school, I experienced a lot of trouble with Justin while he was in attendance during the 91-92 school year. He caused me a great deal of stress.
6. I have been provided a copy of his school records from Cisco Junior-High School's files and these records refreshed my recollection as to his disciplinary issues. I was also provided a photo of Justin that I identified as the individual I recalled.
7. In his junior high school years, I remember Justin was thinner and taller. Based on my observations and interactions with Justin, I would characterize Justin as an angry teen. I did not find Justin to be meek or non-violent. Justin had a lot of pent up anger which a lot of it I believe came from his environment and situation at home. He was in a bad home situation and environment. His father was not a good role model for him and may have physically abused him.

8. It is my belief that Justin's aggressions and outbursts toward others were how he handled his frustration and stress in life.
9. I felt sorry for Justin even though he caused me a great deal of stress.
10. I found Justin to be pretty bright. I did not observe him to have any developmental disorders. I believe he did pretty well in school when he wanted to.
11. I did not find Justin to have special needs or to be mentally challenged. I did observe him to have tendencies to get easily distracted.
12. Based on my observations, Justin's impulsivity was a big problem, particularly combined with his frustration with life. Because Justin did not have coping skills necessary to properly deal with stress or stressful situations, it instead manifested in violence and aggression towards others.
13. In Justin's 1991-92 school records show he was observed several times fighting and suspended for such misconduct. Justin also displayed vulgar and insubordinate behavior towards teachers and staff. The school records document that he was placed in detention and threatened with expulsion in October 1991.
14. Specifically, on October 16, 1991, I wrote his mother a letter to inform her that:

"Justin Sneed was in a fight at school today and he has been suspended from school for three days.

Upon arriving at school he walked directly to another student and hit him three times. One blow was to the eye, which appeared to be cut and swollen immediately after being hit. The other student did not strike back or attempt to harm Justin in any way. Justin has been suspended from school on two other occasions. Once on September 18<sup>th</sup> for fighting and again on September 23<sup>rd</sup> for throwing BB's in a classroom and chipping a student's tooth. He also received lunch detention on October 2<sup>nd</sup> for chasing a student and threatening him.

If Justin commits another serious offense at school he will be expelled for the remainder of the semester."
15. I recall that one summer, right before the 8<sup>th</sup> grade, before school started, I received a message that a young male had left on my answering machine threatening me. The message said that if I came back to school that next year, I "would be killed."
16. I recognized his voice as Justin's and the police and I thought it was Justin. I called the Cisco police but we determined there was not enough proof to bring charges. I know Justin really did not care for me.

17. After talking with police, we thought it was just a scare technique. I was not really scared by it or fearful so I went back to school the next year and decided to take Justin under my wing. At the beginning of the year, I called him in and offered him a job as hall monitor/my special assistant. This was approved by Superintendent Ray Saunders (now deceased) and we paid him a little money.
18. The reason I took Justin under my wing and gave him a job is because I felt sorry for him. Justin was such a sad case, he was from such a poor background and a bad home environment. I felt that Justin was so in need.
19. Taking Justin under my wing and providing him a job where he could earn a little money helped improve his behavior. I observed that giving him this position as my hall monitor and special assistant changed him immensely for that year. It seemed to change his attitude. I had no more trouble with him to the extent we had before.

I swear upon penalty of perjury that the statement in the foregoing three pages is true and accurate to the best of my knowledge and recollection.

Further, Affiant sayeth naught.



Mary O. Schustereit

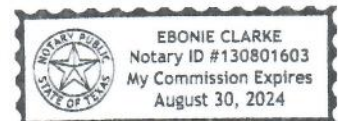
Notary Acknowledgement:

County of Denton  
State of Texas

Subscribed, sworn to and acknowledged before me on this 15<sup>th</sup> day of August, 2022.

Notary Signature: Ebonie Clarke

Print Name: Ebonie Clarke



# **EXHIBIT H**



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PUBLIC DEFENDER OF OKLAHOMA COUNTY

320 ROBERT S. KERR AVE., RM. 611  
OKLAHOMA CITY, OKLAHOMA 73102  
(405) 713-1550

ROBERT A. RAVITZ  
PUBLIC DEFENDER

ROBERT J. MILDFELT  
FIRST ASSISTANT PUBLIC DEFENDER

GINA K. WALKER  
ASSISTANT PUBLIC DEFENDER

---

TO: KAREN CRAMPTON

DATE: 4-22-04

RE: ATTORNEY VISIT WITH JUSTIN SNEED, #265681

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DEAR KAREN, PURSUANT TO OUR TELEPHONE CONVERSATION, PLEASE ACCEPT THIS FAX AS CONFIRMATION OF AN ATTORNEY VISIT WITH JUSTIN SNEED, #265681 ON WEDNESDAY, MAY 5, 2004.

I, GINA WALKER, BAR# 15132 WILL BE THERE AT 9:00 A.M.

I WILL LATER BE JOINED AT APPROXIMATELY 11:00 A.M. BY ASSISTANT DISTRICT ATTORNEYS CONNIE SMOTHERMON, BAR # 16598 AND GARY ACKLEY, BAR # 123

THANK YOU VERY MUCH FOR YOUR ASSISTANCE IN THIS MATTER. I PLAN TO BRING EQUIPMENT TO SHOW MR. SNEED A VIDEO TAPE THAT PERTAINS TO HIS LEGAL REPRESENTATION.

SINCERELY, GINA WALKER

# **EXHIBIT I**



August 9, 2022

The Honorable John O'Connor  
Attorney General  
State of Oklahoma  
313 NE 21st Street  
Oklahoma City, OK 73105

Re: The pending execution of Richard Glossip

Dear General O'Connor,

At the request of a group of legislators, a highly respected national law firm, Reed Smith LLP, conducted an independent investigation into the 2004 murder-for-hire conviction of Richard Glossip and found serious problems with the trial. The report concluded that no reasonable juror who heard all the evidence would find Mr. Glossip guilty.

We appreciate your July 6<sup>th</sup> response to Mr. Glossip's successor petition waiving procedural defenses pertaining to his claim of factual innocence. Thank you for taking time to study the Reed Smith report and review the new evidence. **We respectfully ask your office to please join in Mr. Glossip's request asking the Oklahoma Court of Criminal Appeals to order an evidentiary hearing.**

As elected officials representing the citizens of this great state, we believe it is vitally important to conduct a serious review of this case so that the truth might be conclusively found. Only in this way will we be certain the State of Oklahoma is not executing an innocent man.

Thank you for your consideration of our request.

Sincerely,

Meloyde Blancett, D-Tulsa  
*House District 78*

Jeff Boatman, R-Tulsa  
*House District 67*

Mary Boren, D-Norman  
*Senate District 16*

Denise Brewer, D-Tulsa  
*House District 71*

David Bullard, R-Durant  
*Senate District 6*

Ty Burns, R-Perry  
*House District 35*

Rusty Cornwell, R-Vinita  
*House District 6*

Dean Davis, R-Broken Arrow  
*House District 98*

Eddie Dempsey, R-Valliant  
*House District 1*

Mickey Dollens, D-OKC  
*House District 93*

Tom Dugger, R-Stillwater  
*Senate District 21*

Scott Fetgatter, R-Okmulgee  
*House District 16*

Andy Fugate, D-OKC  
*House District 94*

Regina Goodwin, D-Tulsa  
*House District 73*

Brian Hill, R-Mustang  
*House District 47*



JJ Humphrey, R-Lane  
*House District 19*

Shane Jett, R-Shawnee  
*Senate District 17*

Gerrid Kendrix, R-Altus  
*House District 52*

Dell Kerbs, R-Shawnee  
*House District 26*

Chris Kidd, R-Ringling  
*Senate District 31*

Mark Lawson, R-Sapulpa  
*House District 30*

James Leewright, R-Bristow  
*Senate District 12*

Dick Lowe, R-Amber  
*House District 56*

Jason Lowe, D-OKC  
*House District 97*

Ken Luttrell, R-Ponca City  
*House District 37*

T.J. Marti, R-Broken Arrow  
*House District 75*

Stan May, R-Broken Arrow  
*House District 80*

Kevin McDugle, R-Broken Arrow  
*House District 12*

Garry Mize, R-Guthrie  
*House District 31*

Cyndi Munson, D-OKC  
*House District 85*

Casey Murdock, R-Felt  
*Senate District 27*

Joe Newhouse, R-Tulsa  
*Senate District 25*

Monroe Nichols, D-Tulsa  
*House District 72*

Jim Olsen, R-Roland  
*House District 2*

Mike Osborn, R-Edmond  
*House District 81*

Daniel Pae, R-Lawton  
*House District 62*

Kenton Patzkowsky, R-Balko  
*House District 61*

Roland Pederson, R-Burlington  
*Senate District 19*

Logan Phillips, R-Mounds  
*House District 24*

Ajay Pittman, D-OKC  
*House District 99*

Melissa Provenzano, D-Tulsa  
*House District 79*

Randy Randleman, R-Eufaula  
*House District 15*

Eric Roberts, R-OKC  
*House District 83*

Cindy Roe, R-Lindsay  
*House District 42*

Cody Rogers, R-Jenks  
*Senate District 37*

Jacob Rosencrats, D-Norman  
*House District 46*

Lonnie Sims, R-Jenks  
*House District 68*

Rob Standridge, R-Norman  
*Senate District 15*

Marilyn Stark, R-Bethany  
*House District 100*

Jay Steagall, R-Yukon  
*House District 43*

Wendi Stearman, R-Collinsville  
*House District 11*

Blake Stephens, R-Tahlequah  
*Senate District 3*

Danny Sterling, R-Tecumseh  
*House District 27*

Judd Strom, R-Copan  
*House District 10*

John Talley, R-Stillwater  
*House District 33*

Tammy Townley, R-Ardmore  
*House District 48*

Mauree Turner, D-OKC  
*House District 88*



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Emily Virgin, D-Norman  
*House District 44*

John Waldron, D-Tulsa  
*House District 77*

Collin Walke, D-OKC  
*House District 87*

Max Wolfley, R-OKC  
*House District 95*

George Young, D-OKC  
*Senate District 48*