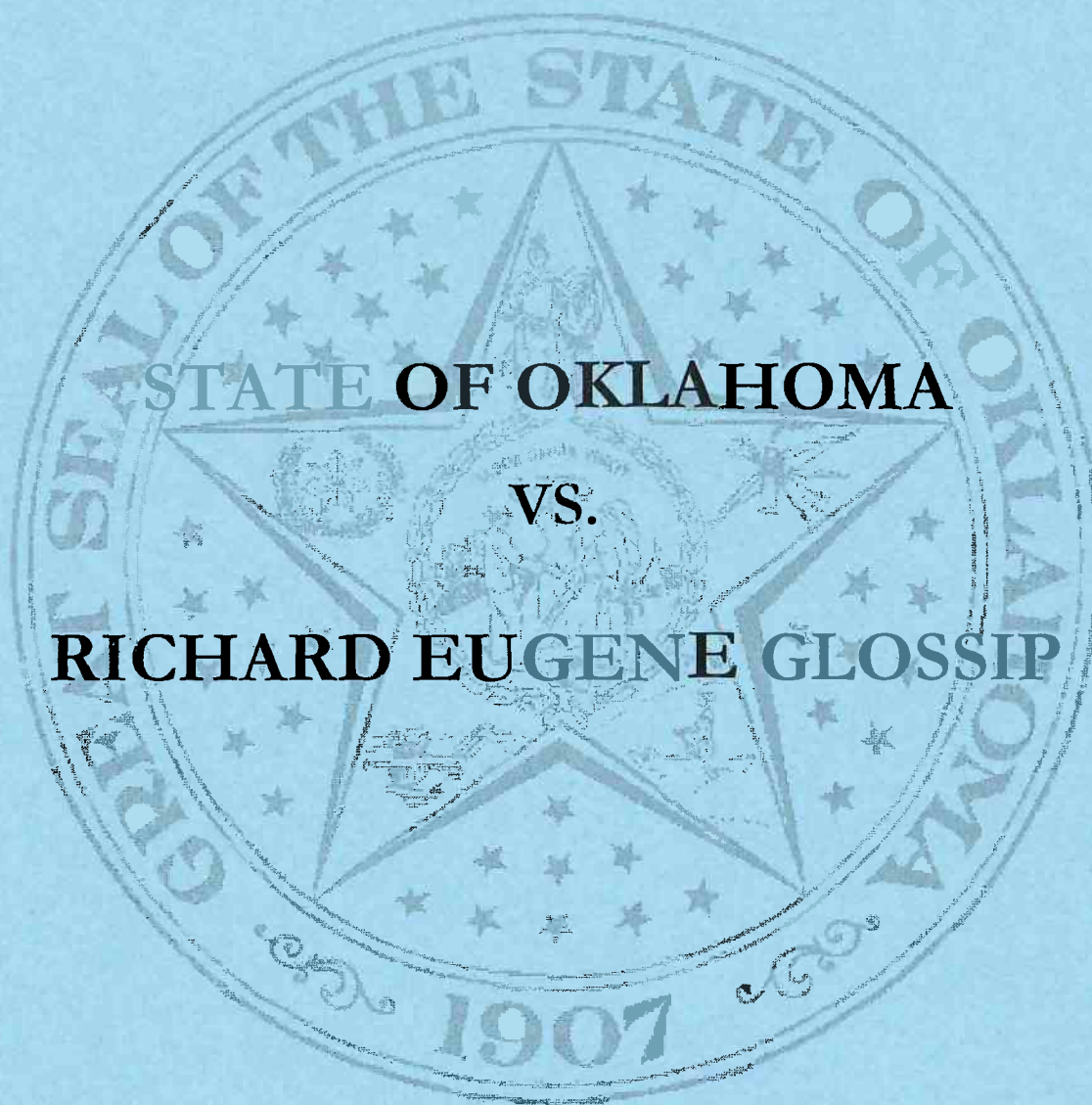


**OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA**



**STATE OF OKLAHOMA
VS.
RICHARD EUGENE GLOSSIP**

CLEMENCY HEARING

**October, 24, 2014
1:00 P.M.**

**Submitted by:
Assistant Attorney General Seth S. Branham**

**CLEMENCY HEARING
OF
RICHARD EUGENE GLOSSIP
OCTOBER 24, 2014
1:00 P.M.**

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RICHARD EUGENE GLOSSIP

I. Introduction.

In June 2004, an Oklahoma County jury convicted Richard Eugene Glossip of the first degree malice aforethought murder of Barry Van Treese. Based on its finding of the murder for remuneration aggravating circumstance, the jury sentenced Glossip to death. At formal sentencing, the trial judge sentenced Glossip in accordance with the jury's verdict.¹ The Oklahoma Court of Criminal Appeals (OCCA) affirmed Glossip's murder conviction and death sentence on direct appeal, *Glossip v. State*, 157 P.3d 143 (Okla. Crim. App. 2007), *cert. denied*, 552 U.S. 1167 (Jan. 22, 2008), and denied state post-conviction relief. *Glossip v. State*, No. PCD-2004-978, slip op. (Okla. Crim. App. Dec. 6, 2007) (unpublished).

On November 3, 2008, Glossip filed a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254. The federal district court denied relief in an unpublished opinion. *Glossip v. Workman*, No. CIV-08-0326-HE, slip op. (W.D. Okla. Sept. 28, 2010) (unpublished). The Tenth Circuit thereafter affirmed the denial of habeas relief. The Tenth Circuit also denied panel and *en banc* rehearing. *Glossip v. Trammell*, 530 Fed. Appx. 708 (10th Cir. 2013) (unpublished). On May 5, 2014, the United States Supreme Court denied Glossip's petition for writ of certiorari seeking review of the Tenth Circuit's decision. *Glossip v. Trammell*, ___ U.S. ___, 134 S. Ct. 2142 (2014). The OCCA set a November 20, 2014, execution date for

¹ This was Glossip's second trial for Barry Van Treese's murder. Glossip's original trial in 1998 resulted in a first degree murder conviction and death sentence but was reversed by the Oklahoma Court of Criminal Appeals on direct appeal for ineffective assistance of trial counsel. *Glossip v. State*, 29 P.3d 597 (Okla. Crim. App. 2001).

Glossip. Having exhausted all state and federal appeals available to challenge the validity of his conviction and sentence, Glossip now seeks executive clemency under Article VI, § 10 of the Oklahoma Constitution.²

II. Statement of the Case.

Barry Van Treese owned the Best Budget Inn located at 301 South Council Road in Oklahoma City (Tr. IV 32-33; Tr. XIII 107). Van Treese hired Richard Glossip in 1995 as on-site manager of this fifty-four (54) room motel. Glossip and his girlfriend, D-Anna Wood, lived at the motel in an apartment behind the front office. Van Treese paid Glossip a salary plus free rent and utilities on the apartment (Tr. IV 38, 42-43, 46, 50, 182-83). Van Treese resided in the Lawton area but visited the motel every couple of weeks to pick-up daily receipts, check balance sheets and inspect the motel property. Glossip, however, was responsible for the daily operations of the motel (Tr. IV 31-32, 41-42, 51-55).

In the second half of 1996, Van Treese's visits to the Oklahoma City motel decreased dramatically due to illness and deaths in his family. Van Treese made overnight visits to the motel only four (4) times during the last half of 1996 (Tr. IV 36-40, 42, 58-59). However, Van Treese and his wife maintained telephone contact with Glossip during this time period regarding, *inter alia*, daily collections and daily volume (Tr. IV 39, 41, 85, 120-21). During

² Glossip, along with twenty (20) other Oklahoma death row inmates, is a plaintiff in the federal civil rights law filed by the Federal Public Defender's Office on June 25, 2014, against the Oklahoma Department of Corrections (ODOC) in Western District of Oklahoma Case No. CIV-14-665-C. That lawsuit challenges the constitutionality of ODOC's execution protocol and seeks an injunction prohibiting the execution of Glossip's death sentence.

1996, Van Treese and his wife, Donna, noticed shortages on the books for the Oklahoma City motel in relation to the number of rooms rented. By the end of December 1996, the Van Treeses discovered that approximately \$6,101.92 was missing from accounts receivables for the entire year (Tr. IV 62-66). Glossip provided unsatisfactory explanations for these shortages when questioned at various points during the year (Tr. IV 72-78). Donna testified that she and Barry “were very upset” about this shortage (Tr. IV 66). Glossip, as manager of the motel, was responsible for maintaining the ledger and doing the accounting to make sure that the revenue turned over to the Van Treeses matched the volume of actual business at the motel. Glossip was personally in possession of the daily motel receipts because Van Treese did not use a local Oklahoma City bank for motel deposits. Glossip simply kept the cash in an envelope in his kitchen until Van Treese arrived to collect it (Tr. IV 53-55).

Because of the shortage, Barry Van Treese told his wife that he intended to audit the motel and perform a room-to-room inspection to determine what repairs and renovations needed to be done at the motel. Van Treese intended to confront Glossip with the shortages and get an explanation during his visit to the motel on January 6, 1997 (Tr. IV 70-72). Indeed, in December 1996, Van Treese told Billye Hooper, a desk clerk at the motel, that he “knew things had to be taken care” regarding Glossip’s management of the motel and that he would take care of those things after he returned from Christmas vacation (Tr. VII 37-40; Tr. VIII 32-34). The Van Treeses had previously tolerated the shortages on the motel books because of the distraction of their many family problems in the second half of 1996 (Tr. V

20-21). Cliff Everhart, who claimed one percent ownership of the motel, had audited the motel records on several occasions and felt Glossip “was probably pocketing a couple hundred a week extra” from the motel cash receipts during the last two or three months of 1996 (Tr. XI 172-73). Everhart told Van Treese his concerns. Based on that information, Van Treese arranged with Everhart to confront Glossip the night of January 6th about the shortages at the motel (Tr. XI 169-70, 172-77, 201).³

On January 6, 1997, around 6:00 p.m., Van Treese arrived at the Oklahoma City motel to make payroll for his employees and collect daily sheets and revenues that had accumulated since his last visit (Tr. IV 79-80; Tr. VII 53, 55). Van Treese picked up approximately \$3,500.00 to \$4,000.00 in receipts that evening (Tr. VII 77; Tr. XIV 28-30; State’s Exhibit 2; Court’s Exhibit 4 at 4-5). Shortly before 8:00 p.m., Van Treese left for a motel he owned in Tulsa (Tr. VIII 109-11; Tr. XIV 5-7; State’s Exhibit 1; Court’s Exhibit 3 at 9). Van Treese arrived at the Tulsa motel sometime before midnight (Tr. VIII 62, 109). William Bender, manager of the Tulsa motel, observed that Van Treese “was all puffed up. He was upset. He was mad . . . He was all red in the face.” (Tr. VIII 63). Bender had never seen Van Treese that angry (Tr. VIII 64). Van Treese stayed at the Tulsa motel for approximately thirty (30) to forty-five (45) minutes (Tr. VIII 64). During that visit, Van Treese made Bender produce the current daily sheet and daily report for the motel. Van Treese made

³ Everhart did not have the opportunity to confront Glossip that night. Everhart arrived at the motel well before Van Treese arrived. Because Van Treese was not there, Everhart went home and made no further attempt to contact Van Treese. Everhart testified that he did not speak with Van Treese that night (Tr. XI 174-77).

Bender inspect with him several of the motel rooms to ensure no one was staying in rooms that were, according to the daily report, not rented out (Tr. VIII 80).

During this inspection, Van Treese told Bender that there were a number of registration cards missing at the Oklahoma City motel in addition to weekend receipt money missing and people staying in rooms that were not registered (Tr. VIII 81). Van Treese was angry about what was going on at the Oklahoma City motel and was inspecting Bender's rooms because he assumed the same thing was happening at the Tulsa motel (Tr. VIII 81-82). Van Treese told Bender he gave Glossip until he returned to Oklahoma City "to come up with the weekend's receipts that were missing and if [Glossip] came up with that, he was going to give him another week to come up with the registration cards and get all the year-end receipts together." (Tr. VIII 82). Otherwise, Van Treese was going to call the police (Tr. VIII 82).

After inspecting the rooms and obtaining from Bender financial records he needed for year-end reports, Van Treese returned to Oklahoma City (Tr. VIII 83). Pikepass records show that Van Treese arrived at the Oklahoma City Turner Turnpike gate at 1:36 a.m. on January 7th (Tr. VIII 109). He therefore arrived at the motel sometime around 2:00 a.m. (Tr. XIII 115-17).

The following account is taken from Justin Sneed's trial testimony. About 3:00 a.m., Glossip banged on the door to Room 117 and awoke Justin Sneed (Tr. XII 94; State's Exhibit 77). Sneed had lived at the motel for several months and became Glossip's close friend.

Sneed, an eighteen (18) year-old high school dropout, worked for Glossip as a maintenance man at the motel. Sneed received a free room in exchange for this work but no salary. Sneed depended largely on Glossip for food (Tr. VII 28; Tr. XII 44-47, 71-73). Glossip asked Sneed five (5) to ten (10) times previously to kill Barry Van Treese (Tr. XII 75-90). Glossip had told Sneed that with Van Treese out of the way, Glossip could control both the Oklahoma City and Tulsa motels owned by Van Treese. Glossip claimed that he could talk Van Treese's wife into letting him control both motels if Van Treese was killed. Glossip promised Sneed money if he killed Van Treese (Tr. XII 89-90).

Once inside Room 117, Glossip told Sneed that Van Treese had just returned to the motel. Glossip appeared "real nervous, real jittery" and wanted Sneed to murder Van Treese "right now" (Tr. XII 95). Glossip said that if Van Treese walked around the motel in the morning and "seen a couple of the rooms that were already supposed to be remodeled that weren't that [Glossip] was going to get fired." (Tr. XII 95). Glossip was supposed to have completely remodeled one of the handicapped rooms at the motel and made minor repairs in other rooms (Tr. XII 96-97). Glossip threatened that Sneed too would be evicted from the motel if Glossip were fired (Tr. XII 95-96). Glossip told Sneed that Van Treese was asleep in Room 102 (Tr. XII 98). As he walked out of Room 117, Glossip picked up a baseball bat laying in Sneed's room and said "why don't [you] just grab that bat and go over there and do it right now." (Tr. XII 96). Glossip urged Sneed to murder Van Treese three or four times during this conversation. Glossip promised \$10,000.00 to Sneed if Van Treese was killed

immediately. Glossip also promised that he would put Sneed in charge of one of the motels once Van Treese was dead (Tr. XII 98-99).

Sneed agreed to kill Van Treese and Glossip left (Tr. XII 99-100). After walking to a nearby Sinclair station where he bought a soda, Sneed returned to his room, grabbed the baseball bat and his master room key, and walked to Room 102 (Tr. XII 100-01). When Sneed opened the door to the darkened room, Van Treese got out of bed and started walking towards him. Sneed described for the jury what happened next:

At that point I took one swing with the baseball bat. [Van Treese] pushed me back into a chair and when I tripped and fell in the chair the end of the baseball bat hit the window shattering the outside window, and he tried to make it to the door and I got up out of the chair and grabbed him by the back of his shirt, because I think he was sleeping in a nightshirt and pulled him sideways so he tripped over my feet and his own feet and put him on the ground.

And then at one point . . . I took my knife out of my pocket and tried to force it through his chest but it didn't go, and then that caused him to roll over onto his stomach to where his back was facing the ceiling and then I hit him quite a few more times with the baseball bat.

(Tr. XII 101-02).

John Beavers, a long-term resident of the motel, testified he was walking through the parking lot around 4:30 a.m. when he heard the breaking glass from Room 102's window. Beavers could see glass from the broken window "pushed out into the sidewalk and a little into the parking lot." (Tr. VI 23, 25, 51-52). The window was broken out from the inside of the room (Tr. VI 23). Beavers heard agitated voices engaged in "clipped speech" going back

and forth prior to the window breaking. Based on what he heard, Beavers believed “there was a fight going on” but he could not tell what was being said (Tr. VI 20-26, 30). Beavers did not stop to investigate, however, instead proceeding to the nearby Sinclair station for a snack (Tr. IV 31). Before walking away, Beavers noticed that Barry Van Treese’s car was sitting in front of the motel where Van Treese normally parked (Tr. IV 30).

John Prittie, a motel guest, testified he was sleeping in Room 103 during the early morning hours of January 7th (Tr. IV 150, 156). Prittie testified that he heard what he described as “an argument” coming from Room 102 next door (Tr. IV 155). Prittie also heard something aluminum hitting the ground and glass breaking (Tr. IV 156-57). Prittie heard the voices of more than one person coming from the adjacent room (Tr. IV 158). Prittie looked out the window to check his truck and, not seeing any activity, returned to bed (Tr. IV 162-63).⁴

⁴ According to a January 7, 1997, police report, Prittie described what he heard in Room 102 as follows:

Prittie said after the disturbance was over he heard moaning coming from inside the next room, 102, and it stopped about 15 minutes later. Prittie said the argument turned into a fight and then he heard glass breaking. Prittie said he heard something hitting the ground that sounded like aluminum hitting the ground.

Prittie said he started to get up and tell the occupants next door to knock it off, but he didn’t. Prittie thought it was some couple into a domestic. Prittie said he got out of the bed and walked over to the window facing south, the only window in the room when the argument turned into a fight. He wanted to look outside to see if his vehicles were okay, and they were.

(continued...)

Sneed testified that he was in Room 102 for fifteen (15) or twenty (20) minutes and that he hit Van Treese a maximum of ten times with the baseball bat (Tr. XII 112-13, 223). Sneed left the murder weapon in Room 102 (Tr. XII 119). Once Sneed believed Van Treese was dead, he returned to Room 117 and changed out of his bloody clothes. Sneed stuffed the bloody clothes and the victim's car keys into a metal popcorn container.⁵ Sneed then went to the motel office and made contact with Glossip (Tr. XII 117-19). Sneed told Glossip that Van Treese was dead and that the window to Room 102 was broken (Tr. XII 120-22). Glossip told Sneed to clean up the glass from the sidewalk in front of Room 102, to retrieve the bat from Room 102 and then to return to his motel room (Tr. XII 122). Sneed complied and Glossip eventually appeared at Sneed's room (Tr. XII 123, 168). Glossip "was nervous" and made Sneed go with him to Room 102 to make sure that Van Treese was dead (Tr. XII 123). Once inside Room 102, Glossip removed a one hundred dollar bill from Van Treese's wallet and pocketed it (Tr. XII 123-24). Glossip then told Sneed to drive Van Treese's car to an adjacent parking lot at a nearby credit union, that Sneed would find the money he was

⁴(...continued)

(Tr. XIII 125). Prittie testified he gave as accurate a statement of events to the police as possible, that he had no reason to believe this account was inaccurate and that his memory was better when he gave this statement than at the time of trial (Tr. IV 170, 176).

⁵ Police recovered the bloody clothes from a large popcorn can found in the motel's laundry room. The victim's keys (including his car keys) were found on top of the clothes, inside the can. Police recovered these items on January 14, 1997, after interviewing Justin Sneed. These items were found precisely where Sneed said they would be (Tr. IX 152, 160-70; Tr. XIV 10-12; State's Exs. 19-21). Photographs of Sneed's bloody clothes are made part of the State's appendix to this brief. Appx. 79-81.

promised under the front seat of Van Treese's car (Tr. XII 124). Sneed retrieved Van Treese's car keys from a pair of jeans laid over the back of a love seat and complied with Glossip's orders. Sneed found an envelope with approximately \$4,000.00 cash in the place described by Glossip (Tr. XII 125-27, 129).

Glossip met Sneed in Room 117 where they divided up the money. Sneed testified that Glossip took half of the cash (Tr. XII 128-29). Glossip and Sneed returned to Room 102 and duct taped a shower curtain over the inside part of the room's window (Tr. XII 130, 132). Sneed also placed a sheet over Van Treese's body "out of respect" (Tr. XII 131). Glossip directed Sneed to turn up the air conditioner "full blast" so that Van Treese's body would not start to smell (Tr. XII 130, 132). As they walked out of the room around dawn, Glossip asked Sneed to break a key off in the lock. Sneed complied and the lock's tumbler fell out (Tr. XII 130, 137). Glossip told Sneed to tell anyone who asked about the broken window in Room 102 "that two drunks had rented the room and they had ended up breaking the window and then early in the morning we ran them off the premises." (Tr. XII 136). To keep the motel maids away from the body, Glossip told Sneed that they would perform housekeeping on the downstairs rooms at the motel, which included Room 102 (Tr. IX 49-51; Tr. XII 138-39). Glossip told Sneed to go to the hardware store and buy a sheet of plexiglass that would fit over the outside of the broken window. Glossip also told Sneed to buy some trash bags, a hacksaw and muriatic acid. Glossip explained that the muriatic acid and hacksaw could be used to dissolve and cut up Van Treese's body and that the remains

could be disposed of in the trash bags (Tr. XII 142-46). Sneed returned later that morning with a sheet of plexiglass, trash bags and a hacksaw—he was unable to find any muriatic acid (Tr. XII 147). Glossip and Sneed installed the sheet of plexiglass over the outside of the broken window (Tr. XII 149, 167; State’s Exhibit 30).⁶

Around 2:30 or 3:00 p.m., Billye Hooper received a call from Weokie Credit Union telling her that Van Treese’s unlocked car had been found in the credit union parking lot adjacent to the motel (Tr. VII 70). The search for Barry Van Treese ensued (Tr. IX 193). Cliff Everhart arrived at the motel around 4:00 p.m. and told Glossip to have Sneed search all the rooms in the motel for Van Treese. Glossip made it appear as though he complied with that request. He also assisted Everhart search the area around the motel. During the feigned search of the motel rooms, Glossip told Sneed to pack his things and “no matter what . . . to get my stuff and leave.” (Tr. XI 185-87; Tr. XII 156-59). In response, Sneed testified that he returned to his room and began packing some of his things, like his skateboard and jacket and his half of the money for the killing (Tr. XII 159). As Sneed sat in his motel room, smoking a cigarette, Glossip arrived and the following occurred:

And [Glossip’s] telling me again that I need to leave that I need to leave right now, that I can’t stay there, that I’ve got to go. So he leaves again. And when he left out I just grabbed my skateboard and my jacket and the money and walked across that side of the parking lot and crossed McDonald’s parking lot,

⁶ John Prittie, the motel guest in Room 103, testified that he saw two white males fixing the window to Room 102 later that morning. Although Prittie could not identify either man years later at trial, he testified they were “younger men” (Tr. IV 163-65). At the time of the murder, Glossip was 33 years old. Sneed was 18 years old.

across Council, across the Braum's parking lot onto Reno, and then I skateboarded down to half-way down Reno. Between Council and Reno there was a bridge and I got underneath that bridge.

(Tr. XII 160). Sneed waited until nightfall and made his way to the mobile home of the roofing contractor he previously worked for in Oklahoma City (Tr. XII 161-62). Sneed was hired on the spot to return to work as a roofer for his old crew (Tr. XII 162).

Glossip provided multiple and conflicting statements throughout the day in order to deflect attention from Room 102. Around 8:30 a.m. that morning, Glossip told Billye Hooper that Van Treese had "got up early that morning and had gone to get breakfast and was going to go get some materials. They were going to start working on the motel." (Tr. VII 62). Hooper was surprised because "[a]s a rule when [Barry] was on the property and spending the night, he was not in the office prepared to do work or to eat breakfast at 8:00 in the morning . . . prior to that it had never happened." (Tr. VII 63). When Kayla Pursley, another long-term resident of the motel, inquired that morning about the broken window in Room 102, Glossip told her two drunks got into a fight, threw a footstool through the window and that Glossip and Sneed threw them out of the motel (Tr. IX 45-47). When that same resident mentioned that she saw blood on the outside of the window to Room 102, Glossip told her that someone got cut cleaning up the glass (Tr. IX 53-56).

During a telephone conversation between 3:30 and 4:30 p.m. with the victim's wife—after the victim's vehicle was located—Glossip said he had last seen Barry sometime between 7 and 7:30 a.m. that morning and that Barry told him he was going to buy supplies

for the motel and he would be back later (Tr. IV 99). Glossip said Barry looked and sounded fine (Tr. IV 100). During this phone conversation, Glossip promised to check all the rooms in the motel, and the area around the motel property, in search of the victim (Tr. IV 101-02).

After Van Treese's vehicle was located, Glossip told Sgt. Tim Brown of the Oklahoma City Police Department (OCPD) that he last saw Van Treese walking through the motel parking lot at 7:00 a.m. that morning (Tr. IX 193-95). During a second conversation that night, Glossip told Sgt. Brown that Sneed said "that a couple of drunks had got in a fight and broke the window and that he had to take them off the property." Glossip stated that he saw Van Treese after the broken window incident (Tr. IX 206). Glossip later told Sgt. Brown that "everything started getting confused" and "[r]eally, the last time I remember seeing [Van Treese] is 8:00 the night before when he was picking up the payroll money" right before Van Treese left for Tulsa (Tr. IX 209). Glossip stated that he saw someone walking through the motel parking lot the morning of January 7th but he was not sure it was Van Treese (Tr. IX 215-19). When Sgt. Brown mentioned to Glossip his original statement about seeing Van Treese at 7:00 a.m., Glossip denied making that statement (Tr. IX 219).

Around 9:30 p.m., Sgt. Brown and Cliff Everhart discussed Glossip's conflicting statements and decided to enter Room 102 (Tr. IX 220-21; Tr. XI 191). Finding the lock tumbler to the door knob missing, they made entry using a pair of hemostats to open the door. Once inside, the pair discovered the body on the floor, under a pile of bed linens, and Sgt. Brown secured the room (Tr. IX 222-24; XI 193-97). It was cold inside the room and the

heater was not running (Tr. XI 194). Sgt. Brown took Glossip into investigative detention. Once in the backseat of the patrol car, Glossip made the spontaneous statement that “[w]ell, I guess I better tell you now” that he heard the glass breaking earlier that morning followed by Sneed banging on the side wall of his apartment. Glossip stated that he believed the entire time that Sneed had something to do with Van Treese’s disappearance but did not want to say anything until he knew for sure. Glossip also stated that Sneed “had said something to him in the past about setting up a fake robbery.” (Tr. IX 233-34).

Glossip was interviewed by homicide detectives in the early morning hours of January 8, 1997. During that interview, Glossip denied any involvement in, or prior knowledge of, the murder. However, Glossip told homicide detectives in a second interview on January 9th that Sneed appeared at his apartment early in the morning on January 7th and confessed to the murder. Glossip admitted his involvement in cleaning up the glass in front of Room 102 and sealing up the broken window with plexiglass. He also admitted that he did not share any of this information with investigators, or anyone else for that matter, during the search for Van Treese. However, Glossip denied either going inside Room 102 or seeing Van Treese’s body (Tr. XIV 5-7, 29; State’s Exhibits 1 & 2; Court’s Exhibits 3 & 4).

On the evening of January 8, 1997, William Bender (manager of the victim’s Tulsa motel) spoke with Glossip by telephone. Bender called to find out whether the victim had been found. Glossip said yes, that Barry Van Treese’s body had been found and that Glossip had just returned from the police department where he had been interrogated all night.

Glossip said the police believed he had killed Barry (Tr. VIII 87). Glossip also said the victim was "beat to a bloody pulp. They found him cold as ice, dead as a doornail." (Tr. VIII 87-88). Bender testified that Glossip's demeanor when saying this was "[j]ust like we're having an every day conversation." (Tr. VIII 88). When Bender asked if Glossip had done it, Glossip responded no, he did not, but he knew who did (Tr. VIII 88). Glossip did not mention who it was but said he was "in fear for his life." (Tr. VIII 88). Glossip also said if he had not been instructed by the police to stick around, he would have already left and that Bender "ought to get out of my hotel because it was going to come down." (Tr. VIII 88).

After his first interview with detectives, Glossip began selling off his personal property to people at the motel. Glossip basically sold everything he owned. Cliff Everhart described this as "a liquidation sale." (Tr. XI 199). Glossip sold his furniture, a big screen television, an aquarium and some vending machines located at his manager's apartment at the motel (Tr. XI 200-01). Glossip told Everhart that "he was going to be moving on." (Tr. XI 199-200). When he missed a previously scheduled meeting with homicide detectives on January 9, 1997, police intercepted Glossip and took him downtown to meet with detectives. Glossip was arrested at the conclusion of his second interview with detectives.

Sneed was arrested on January 14th at the home of his roofing employer and, after initially denying participation in the homicide, implicated both himself and Glossip in the murder (Tr. VI 4-6; Tr. XIV 74-75). When he was arrested, Sneed had an obvious black eye

which he sustained during the murder of Barry Van Treese. Appx. 82 (Tr. XII 207; Tr. XIII 129).

III. Physical Evidence, Crime Scene and Autopsy.

The crime scene diagrams prepared by police, and introduced as exhibits at trial, are included with this packet for the Board's review. Appx. 34-35. Investigators found Barry Van Treese's body face down on the floor inside Room 102, covered with a bedspread and bedsheet (Tr. X 60-61). The bed was completely stripped of linens and the victim's body was clothed in a t-shirt and underwear. Appx. 43, 58 (Tr. X 61; Tr. XI 35-36). The window to the room was broken and a piece of plexiglass had been sealed over the exterior of the window opening using caulk. Appx. 38-41 (Tr. X 52-53, 67-68). A plastic shower curtain had been taped over the inside of the window opening using duct tape. Appx. 45-47 (Tr. X 61-63). A pile of broken glass was neatly stacked in a chair adjacent to the window and front door. Appx. 48 (Tr. X 58). A nearly used-up roll of duct tape was found next to the broken glass stacked in the chair. Appx. 48 (Tr. X 58, 111). No glass was found on the floor, in the doorway or in the entryway outside leading into the room (Tr. X 130). All of the glass that appeared to have come from the broken window was stacked neatly in the chair inside the room (Tr. X 130).

Van Treese's jeans, sweater, belt and coat were found laying on a love seat next to the front window; his glasses remained on the night stand next to the bed. Appx. 45, 49 (Tr. X 120-21). The victim's wallet and a piece of paper with names and phone numbers were

found with the clothing (Tr. X 121). The victim's wallet contained credit cards, identification cards and photographs belonging to the victim (Tr. X 123-24). Investigators found \$4.08 in cash amongst the victim's belongings (Tr. X 108). Two folding pocket knives were also found in the right rear pocket of the victim's blue jeans (Tr. X 124). Donna Van Treese testified that her husband "always . . . filled his pockets and he always used a pocketknife. He never knew when he was going to need it." (Tr. IV 105, 189).

When the bedding was moved back, a watch was found next to the victim's right elbow. Appx. 67 (Tr. X 86, 89). Donna Van Treese identified this watch as belonging to the victim (Tr. IV 104). A belt buckle with no belt was also found on the carpet bordering the east wall, also near the body. Appx. 71 (Tr. X 76-78). When Van Treese's body was removed by the medical examiner, a pocket knife covered in blood was found underneath the victim's head. Appx. 68 (Tr. X 86-88, 126). The blade to this pocket knife was opened and its tip was broken off (Tr. X 126-27). Justin Sneed testified that the belt buckle on the floor and the knife found underneath the victim's head both belonged to him (Tr. XII 110-12, 114).

The walls and furnishings in the part of Room 102 closest to the front door were covered in blood. A small amount of blood was visible from outside the room on the blinds in the window (Tr. X 136). No blood was found on the shower curtain taped over the window (Tr. X 114-15, 136; State's Exs. 30 & 95). The inside of the door to Room 102 was covered in blood, including several large transfer marks where the victim made contact with

his bleeding head.⁷ Appx. 52-55. The door knob and area surrounding it on the door were also covered in blood. Appx. 55 (Tr. X 97-98, 104-05). Large blood stains were found on the cushions to the chair and love seat in Room 102's small living area. Appx. 49-50. One of the stains was a possible blood transfer mark from the victim's head onto the love seat. Appx. 50 (Tr. X 70-71). Blood spatter was observed on the air conditioner unit separating the chair and love seat. Appx. 51 (Tr. X 63). A bloody palm print was found on the waterbed mattress (Tr. X 145). Blood spatter and a large blood transfer mark were also found on the television set. Appx. 56-57 (Tr. X 90-91, 119-20). Blood spatter and blood castoff patterns were observed on the east wall near the victim's upper body. Appx. 44, 69-73 (Tr. X 74-85).⁸

⁷ John Fiely, a technical investigator for the Oklahoma City Police Department who processed the crime scene, explained for the jury using State's Exhibit 68 (Appx. 54) why the large blood marks on the inside of the door appeared to have been made by the victim's head:

Q. Is there something that you can see that you can explain to us now?

A. Well, if you can imagine your hair being wet and you rub against a wall or rub against your counter, you're going to see the hair striations. You can look at that and definitely tell that that's not a hand print, because we all know what a hand print would look like if you were to touch it in paint or blood or ink.

This here looked like to me, after looking around the room and looking at our victim, that at one time this . . . part of his head had touched this wall.

(Tr. X 105).

⁸ John Fiely, the OCPD technical investigator, explained that blood castoff comes from an object
(continued...)

Van Treese's t-shirt was soaked in blood, as was his head and upper body, from the numerous lacerations present on his head. Appx. 58-63 (Tr. X 92-94). Blood was observed on Van Treese's legs as well as the soles of his feet. Appx. 65-66 (Tr. X 92-94). Dr. Chai Choi, the medical examiner, testified that Van Treese's cause of death was head injury by blunt force trauma (Tr. XI 62). Dr. Choi found nine (9) lacerations to Van Treese's head marked by large tears to the skin. Appx. 74-77 (Tr. XI 13-29). These injuries were consistent with having been made by a blunt object like a baseball bat (Tr. XI 50). Essentially, the victim bled to death. Van Treese went into a coma due to blood loss from the numerous lacerations to the head and died from blood loss. Dr. Choi testified that Van Treese's life could have been saved with proper medical intervention within hours (not minutes) of the injuries being inflicted (Tr. XI 48, 55-57).

Dr. Choi also observed scratch marks on the victim's knees, consistent with him falling or bumping into furniture during the attack. Appx. 64 (Tr. XI 40). A pattern of four abraded contusions (meaning scratches with some bruises) were observed on the victim's left chest. These four abraded contusions were not stab wounds because the skin was not penetrated or punctured. However, all four injuries could have been made by the same type of instrument (Tr. XI 37, 73, 76, 88). Blood on the soles of the victim's feet was consistent with the victim moving around after he began bleeding. Appx. 66 (Tr. XI 53). A large

⁸(...continued)

saturated with blood. The blood castoff patterns he observed on the east wall were consistent with an object moved in rapid or violent fashion once it had blood on it (Tr. X 106).

bruise to the area over Van Treese's left shoulder blade was also consistent with having been made by a baseball bat (Tr. XI 41-42). Bruises and scratches were also present on Van Treese's elbows and hands (Tr. XI 42-44). Van Treese's wedding band, which was on his hand during the attack, was "flattened out" and "no longer round" (Tr. IV 106). A vertical cut below the left elbow and a cut to the right middle finger were the only cuts present on the victim's body (Tr. XI 42, 46). All of the other injuries were associated with a blunt object or blunt trauma (Tr. XI 46). And all of Van Treese's injuries were about the same age and were inflicted before death (Tr. XI 47).

When asked to describe what he believed happened in Room 102 based on the physical evidence, John Fiely, the OCPD technical investigator, testified:

There was a good fight going on inside of this room to where the victim was trying to get away in several parts of the room, and we see this by the blood transfer marks on several different areas of the room.

(Tr. X 103-04). The blood stains in the room indicated to Fiely "[s]ignificant body movement by the victim." (Tr. X 117).

IV. Corroboration of Justin Sneed's Testimony.

Justin Sneed pled guilty to the first degree murder of Barry Van Treese and testified that he personally went inside Room 102 and beat Van Treese to death with a baseball bat. However, Sneed testified that the only reason he murdered Van Treese was because Richard Glossip repeatedly asked him to do it and on the night of the murder, Glossip offered Sneed, *inter alia*, \$10,000.00 to commit the murder. Sneed testified that Glossip feared being fired

by Van Treese if he lived to see the condition of various rooms at the motel that were supposed to have been renovated or repaired by Glossip but were not. Glossip also threatened that Sneed would be evicted from the motel by Van Treese if Glossip was fired. Sneed received a plea deal of life without possibility of parole in exchange for his truthful testimony at Glossip's trial (Tr. XII 57-58, 75-101, 174, 178, 184; State's Exhibit 43).

Under Oklahoma law, Sneed's accomplice testimony against Glossip required corroboration before the jury could consider it. 22 O.S.2001, § 742. "To be adequate, the corroborative evidence must tend in some degree to connect the defendant to the commission of the offense charged without the aid of the accomplice's testimony. Even slight evidence is sufficient for corroboration, but it must do more than raise a suspicion of guilt." *Glossip*, 157 P.3d at 152. Glossip's jury was provided the Oklahoma uniform jury instructions stating the requirement that accomplice testimony must be corroborated if used to convict a defendant. Discussing Justin Sneed's testimony during closing argument, the prosecutor told the jury that "[t]he instructions say that the testimony of Justin Sneed must be corroborated . . . The instructions say that no person may be convicted on the testimony of an accomplice unless the testimony of that witness is corroborated by other evidence. And there's no getting around it." (Tr. XV 89). The prosecutor then discussed the balance of instructions and detailed the evidence he believed provided sufficient corroboration for Sneed's accomplice testimony (Tr. XV 89-98). Glossip's jury was also instructed on the lesser-related offense of accessory to first degree murder, thus allowing the jury to convict Glossip

of some crime other than first degree murder (O.R. 1289-91). Nonetheless, the jury found Sneed's testimony corroborated and credible and convicted Glossip of first degree malice aforethought murder.

On direct appeal, the OCCA held that Justin Sneed's testimony was sufficiently corroborated to support Glossip's first degree murder conviction. *Glossip*. 157 P.3d at 153-54 ("Here, all of the evidence taken together amounts to sufficient evidence to, first, corroborate Sneed's story about Glossip's involvement in the murder, and, second, the evidence sufficiently ties Glossip to the commission of the offense, so that the conviction is supported."). Review of the record shows why. In this case, the State presented evidence showing Glossip: (1) actively concealed, and deflected attention from, the victim's body in Room 102 over a nearly seventeen hour period while civilians and law enforcement searched for the victim at and around the motel; (2) possessed proceeds from the \$4,000.00 Sneed recovered from the victim's car after the murder; (3) had strong motive and opportunity to cause the victim's death; (4) had control over the actions of Justin Sneed, an immature, uneducated 18 year old; and (5) began selling his possessions and stated his intention to leave the state. This evidence connects Glossip as an aider and abettor to the first degree malice murder of Barry Van Treese and therefore corroborates Sneed's testimony.

Glossip's actions and statements the day of the murder are the primary evidence connecting him with the murder. However, his actions and statements must be interpreted by reference to the other circumstantial evidence presented at trial. As shown below, Glossip

actively concealed the fact of the murder for approximately seventeen (17) hours from both law enforcement and civilians at the motel who were searching for the victim. Even after the body was found, Glossip lied to detectives during his first interview by claiming that he knew nothing about the murder. Glossip then admitted during the second interview that he knew about the murder but actively concealed its existence during the search for Van Treese. Glossip's words, taken in conjunction with his clear motive to kill and his undisputed control over Sneed, and evidence showing his possession of the victim's money after the murder, all establish a substantive connection between Glossip and the first degree malice murder of Van Treese that is inconsistent with either Glossip's innocence or Glossip's culpability as mere accessory after the fact.

1. Actively Concealing the Murder. Evidence that Glossip lied to motel employees, guests and police the day of the murder in order to conceal the location and condition of the victim's body in Room 102 corroborates Sneed's testimony. Glossip admitted to Detective Bemo in the second interview on January 9th that he knew in the early morning hours of January 7th that Van Treese had been murdered and that the body was in Room 102. According to Glossip, Sneed told him that he committed the murder because he thought the victim would evict him from the motel. Glossip further admitted that he did nothing to disclose Sneed's confession to anyone during the extensive search at the motel that day. Indeed, Glossip admitted that he told Sneed to clean up the broken glass from Room 102's

broken window. Glossip also admitted helping Sneed install plexiglass over the broken window later that morning (Tr. XIV 28-30; State's Exhibit 2; Court's Exhibit 4 at 6-16, 22).

In addition, Glossip provided multiple conflicting versions of when he last saw the victim alive. Glossip provided no fewer than three (3) different stories to Sgt. Tim Brown when asked to tell the last time he saw Van Treese alive. Sgt. Brown was actively searching for Van Treese throughout the afternoon of January 7th. Glossip initially told Sgt. Brown that he last saw Van Treese at 7:00 a.m. on January 7th walking across the motel parking lot (Tr. IX 193-95). Later, Glossip told Sgt. Brown that he had seen Van Treese shortly after 4:30 a.m. on January 7th. Glossip claimed that Sneed told him that the window in Room 102 was broken out by a couple of drunks who got into a fight. Glossip said he observed Van Treese in the motel parking lot after the window was broken. Glossip claimed that Sneed told him that he had taken the drunks who broke the window off the property (Tr. IX 206). Later in the evening, Glossip told Sgt. Brown that "everything started getting confused" and "[r]eally, the last time I remember seeing [Van Treese] is 8:00 the night before when he was picking up the payroll money" before leaving for Tulsa (Tr. IX 209). When Sgt. Brown mentioned to Glossip his original statement about seeing Van Treese at 7:00 a.m., Glossip denied making the statement (Tr. IX 219).

Glossip also concealed the fact of the murder from employees and residents of the motel that day. Glossip told Billye Hooper around 8:00 a.m. that Van Treese had "got up early that morning and had gone to get breakfast and was going to go get some materials.

They were going to start working on the motel.” (Tr. VII 62). Glossip told Hooper that Van Treese was staying in Room 108 (Tr. VII 66). Glossip also told Hooper not to put Room 102 on the housekeeping list because he and Sneed were going to clean up that room (Tr. VII 64). Glossip explained that Van Treese had rented that room to “a couple of drunks and they had busted out a window” and that Glossip had run the drunks off the motel property (Tr. VII 64-66). Hooper said Glossip did not normally clean rooms (Tr. VII 65).

Around the same time, Glossip told Kayla Pursley, a long-term resident of the motel who had asked about Room 102's broken window, that two drunks got into a fight inside the room, threw a footstool through the window and that he and Sneed threw them off the motel property. Glossip suggested a man Pursley observed at the Sinclair station earlier that morning was one of the drunks who broke the motel room's window (Tr. IX 45-48). Glossip told Jackie Williams, a housekeeper at the motel, not to clean any downstairs rooms, which would include Room 102 (Tr. VIII 122). Williams had never before been given that type of instruction (Tr. VIII 123). During a telephone conversation, Glossip told the victim's wife sometime after 3:00 p.m. that the last time he saw the victim was between 7:00 and 7:30 a.m. on January 7th. Glossip said at that time the victim told him “he was going to buy supplies for the motel and he would be back later” (Tr. IV 99). Glossip said the victim looked and sounded fine (Tr. IV 100). Glossip told her that he would search all rooms at the motel for the victim (Tr. IV 101-02).

Gossip originally told Cliff Everhart during the search for Van Treese that the victim had arrived back at the motel from Tulsa around 2:30 or 3:00 a.m. on January 7th and had gone to bed (Tr. XI 182-83). Gossip also told Everhart that he had rented Room 102 to a couple of drunk cowboys who eventually broke the window out (Tr. XI 188-90). Later in the evening, Gossip told Everhart that he last saw the victim at 7 a.m. that day when the victim left the motel (Tr. XI 183-84). In Everhart's presence, Gossip made it appear as though he had Sneed search the motel rooms for the victim (Tr. XI 185-86). Gossip also actively searched the motel grounds with Everhart that day to make it appear as though he did not know the location or condition of the victim (Tr. XI 187). Gossip even provided false leads to those searching for the victim. At some point during the search, Gossip told Everhart and Sgt. Brown that he believed some people in an upstairs motel room may have been responsible for Van Treese's disappearance because they left their property in their room and had disappeared without checking out. Based on that information, Everhart and Sgt. Brown needlessly searched the motel room described by Gossip (Tr. XI 191-92).

Gossip did not stop lying, however, when the victim's body was found. Gossip attempted to exculpate himself by shifting blame for the murder to Sneed. When Sgt. Brown placed Gossip into investigative detention immediately after discovering the body, Gossip said he always suspected Sneed had something to do with the murder but he "didn't want to say anything until he knew for sure" and that Sneed said something to Gossip in the past about "setting up a fake robbery" (Tr. IX 233). Gossip also lied to homicide detectives

during his first interview on January 8th around 3:00 a.m., claiming that he knew nothing about the murder or the body being in Room 102 (Tr. XIV 5-7, 85; State's Exhibit 1; Court's Exhibit 3).

In the present case, the prosecution presented extensive evidence showing that Glossip provided multiple conflicting and false statements for nearly seventeen hours at the motel on January 7th in order to deflect attention from the victim's body in Room 102. These statements, combined with the other circumstantial evidence presented to corroborate Sneed's testimony, connect Glossip to the first degree malice murder of Barry Van Treese. Simply put, Glossip's active attempts to conceal the victim's murder for most of the day on January 7th is totally inconsistent with either his innocence of the murder or his alleged culpability as an accessory after the fact. Glossip's own words during the second interview make that point clear.

It is significant that during the second interview, Glossip denied that he lied about the murder in order to protect Sneed. **Rather, Glossip said he initially lied to detectives because when Sneed told him about the murder, he felt like he "was involved in it, I should have done something right then" and that he did not want to lose his girlfriend over it** (State's Exhibit 2; Court's Exhibit 4 at 16-17). This statement is wholly inconsistent with either Glossip's innocence or his mere culpability as an accessory after the fact. Glossip's active concealment of the body in Room 102 on the day of the murder, and his many lies to detectives during the first interview, are consistent with Glossip as mere

accessory only if one believes he is attempting to protect Sneed. Accessory after the fact, by definition, requires concealment of, or aid to, the offender with knowledge he has committed a felony and with intent that the offender may avoid or escape arrest, trial, conviction or punishment. 21 O.S.2001, § 173. Glossip's admission to police that he actively concealed the body not to protect Sneed but because he "felt like he was involved in it" is wholly inconsistent with Oklahoma's definition of accessory and, by extension, any theory of Glossip as mere accessory.

2. Proceeds from Murder. Recovery at book-in by police of approximately \$1,757.00 from Glossip's person on January 9, 1997, also corroborates Sneed's testimony (Tr. XII 5-13). Sneed testified that he recovered approximately \$4,000.00 from an envelope under the front seat of the victim's vehicle after committing the murder. According to Sneed, Glossip told him where the money was located. Sneed testified that he split this amount with Glossip as proceeds for committing the murder (Tr. XII 124-30).

Glossip admitted to Detective Bemo in the second interview that he gave the victim approximately \$4,000.00 to \$4,500.00 in motel receipts, all in cash and traveler's checks, in the motel office the night before the murder (Tr. XIV 28-30; State's Exhibit 2; Court's Exhibit 4 at 4-5). Billye Hooper testified that motel records established that the victim picked up approximately \$3,500.00 to \$4,000.00 in motel receipts from Glossip the night before the murder (Tr. VII 77). Glossip had no legal source for approximately \$1,200.00 of the cash recovered from his person at time of book-in. On January 6, 1997, Glossip received

a paycheck from the victim for \$429.33 (Tr. XIV 42; Tr. XV 17). Glossip spent all but approximately \$60.00 of that paycheck on January 7th (Tr. XIV 42-43). Glossip received, at most, around \$500.00 for furniture, vending machines and an aquarium he sold prior to his arrest (Tr. XV 16-17). Glossip had no apparent savings according to his girlfriend D-Anna Woods. She told police the pair were living paycheck to paycheck and “she didn’t think [Glossip] could save any money.” (Tr. XIV 44).

Thus, Glossip had approximately \$1,200.00 cash at book-in with no legitimate source. The jury could infer that this money was proceeds from the cash he split with Sneed immediately after the murder. This evidence, taken together with the evidence described below, corroborates Sneed’s testimony as it tends to connect Glossip with the murder-for-hire plot concocted by Glossip.

3. Motive. The State presented evidence establishing that Barry Van Treese was going to confront Glossip on January 6th or 7th about shortages on the motel books that had persisted through the end of 1996. Cliff Everhart testified he was supposed to meet Van Treese at the Oklahoma City motel on the night of January 6th so they could confront Glossip about these shortages (Tr. XI 169-70, 172-77, 201). Everhart had previously told Van Treese he believed Glossip “was probably pocketing a couple hundred a week extra” from the motel cash receipts during the last two or three months of 1996 (Tr. XI 172-73). In December 1996, Billye Hooper, the front desk clerk, had also shared her concerns about Defendant’s management of the motel with Van Treese, who told her he “knew things had to be taken

care” of regarding Glossip’s management of the motel. Van Treese promised her that he would take care of it after Christmas (Tr. VII 37-40; Tr. VIII 32-34). Van Treese’s wife testified that by the end of December 1996, she and the victim discovered shortages from the motel accounts receivables totaling \$6,101.92 and that the victim intended to confront Glossip about these shortages on January 6th. Van Treese told his wife that he would also audit the Oklahoma City motel and perform a room-to-room inspection of the motel at that time (Tr. IV 62-66, 70-72).

William Bender testified that Van Treese “was all puffed up. He was upset. He was mad . . . He was all red in the face” when Van Treese arrived at the Tulsa motel just before midnight on January 6th (Tr. VIII 63-64). During Van Treese’s brief visit to the motel, he told Bender that there were a number of registration cards missing at the Oklahoma City motel, that weekend receipt money was missing and that Glossip was falsifying the motel daily reports by allowing people to stay in rooms that were not registered (Tr. VIII 80-82). Van Treese said that he gave Glossip until he returned to Oklahoma City “to come up with the weekend’s receipts that were missing and if he came up with that, he was going to give him another week to come up with the registration cards and get all the year-end receipts together.” Otherwise, Van Treese told Bender he was going to call the police (Tr. VIII 82).

Evidence was presented that the condition of the Oklahoma City motel on January 7th was deplorable. Kenneth Van Treese, the victim’s brother, assumed control of the motel immediately after the murder. He discovered that only around 24 of the rooms at the motel

were in habitable condition. 12 rooms had no working heat. Other problems included keys that did not fit room doors, broken or dirty plumbing fixtures and broken telephone systems (Tr. XI 116-18). Kenneth testified that “the main thing that was wrong with the motel was it was filthy . . . absolutely filthy” (Tr. XI 119). The jury could easily infer that the victim was unaware of these deteriorating conditions because he made only four overnight trips to the motel during the last half of 1996 (Tr. IV 36-40, 42, 58-59).

This evidence corroborates Sneed’s testimony that Glossip feared being fired the morning of January 7th because of Glossip’s mismanagement at the motel and provides strong motive for the murder. Glossip’s motive to murder Barry Van Treese explains why Glossip’s active concealment of the body for seventeen hours is inconsistent with either Glossip’s innocence or mere culpability as an accessory. The jury could infer that Glossip wanted the victim murdered so he would not lose his job and not be prosecuted for embezzlement.

4. Control Over Sneed. Justin Sneed testified that the sole reason he murdered the victim was because of pressure from Glossip. The State presented extensive evidence that Glossip largely controlled Sneed, an 18 year old, eighth-grade dropout who worked as a maintenance man for Glossip at the motel (Tr. XII 47-48) and that Sneed’s mental capacity and personality made it unlikely he would plan to kill anyone, let alone Van Treese, whom he barely knew. One motel resident testified that, based on his limited observations, Sneed “didn’t have a lot of mental presence.” (Tr. VI 16). Bob Bemo, a retired homicide detective who interviewed Sneed, testified that Sneed did not appear very mature and had below

average intelligence. He also testified that Glossip appeared more aggressive and intelligent than Sneed. Bemo observed that Glossip was “a very intelligent individual . . . a very manipulative individual . . . what he does with everything that he does is he’s manipulating, using people.” (Tr. XIV 46-48). Kayla Pursley, another motel resident, described Sneed as being “very childlike” (Tr. IX 17). Sneed assisted caring for her children when Pursley broke her foot. Pursley testified that Sneed played with her children “[m]ore as a peer . . . [that] he fit kind of in with my boys, you know, he played and he was real simple. He had a skateboard and that was his life . . . he didn’t make a lot of decisions. You had to tell him sometimes what to do.” (Tr. IX 17). Pursley described how Sneed would not eat unless someone told him to eat (Tr. IX 18).

Glossip and Sneed were described as “very close” friends by Billye Hooper, the front desk clerk at the motel (Tr. VII 28). Sneed was largely dependent upon Glossip for food and money (Tr. VII 28; Tr. IX 21). Pursley testified that Sneed usually followed Glossip when they were together, that you normally did not see one without the other and that “[Glossip] would have to tell him what to do and how to do it.” (Tr. IX 19-20, 23). Glossip had control over Sneed because Sneed had no other place to go and no family in the area (Tr. IX 21 & 24). Pursley observed that “[y]ou had to almost tell [Sneed] what to do in any circumstance, whether it was a working relationship or personal.” (Tr. IX 23). Cliff Everhart testified that Sneed was Glossip’s “puppet”, that Sneed “was not self-motivated. [Glossip] told him everything to do. [Glossip] would tell him to do this, he’d do it . . . If he needed something,

he'd come to [Glossip]." (Tr. XI 185). Billye Hooper testified that Sneed did not know the victim very well (Tr. VII 34). This corroborated Sneed's testimony that he had only met the victim approximately three times prior to the murder during which time the pair had no real conversations (Tr. XII 76-77). Witnesses who knew both Glossip and Sneed testified that, based on Sneed's personality, they did not believe Sneed would commit a murder on his own (Tr. VII 34; Tr. IX 25).

This evidence shows that Glossip largely had control over Sneed's actions, that Sneed was dependent upon Glossip and that Sneed's personality and mental capacity made it unlikely that he would murder Barry Van Treese, practically a stranger, on his own volition. The evidence shows Sneed had the type of personality in January 1997 that allowed him to be easily influenced by Glossip into committing the murder. In the words of the trial judge during a bench conference, Sneed was "an illiterate guy who's just one notch above a street person" (Tr. XIII 61). Evidence of Sneed's personality and mental capacity and Glossip's control over him, combined with evidence that Glossip: (1) turned up with a large sum of cash shortly after the murder; (2) actively concealed the body in Room 102 for practically an entire day by misleading investigators and others who were searching for the victim at the motel; and (3) had strong motive to kill the victim, tends to connect Glossip with the murder in this case.

5. Stated Intent to Flee. After being interviewed by detectives, Glossip began the process of selling all of his possessions. He told Cliff Everhart that "he was going to be

moving on” (Tr. XI 199-200). When homicide detectives got word of Glossip’s stated intention to leave Oklahoma, they put police surveillance on him (Tr. XIV 23). On January 9th, Glossip failed to appear for a previously scheduled meeting with homicide detectives at police headquarters. Glossip was eventually intercepted and taken downtown to meet with homicide detectives where he eventually gave a second interview (Tr. XII 6-9). Evidence that Glossip sold off his possessions shortly after his initial contact with homicide detectives (but before he admitted in the second interview to actively concealing the victim’s body in Room 102) represents evidence tending to connect Glossip with the murder of the victim. Evidence that Glossip was preparing to leave the state demonstrates a consciousness of guilt which, combined with the additional circumstantial evidence discussed above, corroborates Sneed’s testimony by tending to connect Glossip with the murder.

Summary. Based on the above evidence, the OCCA concluded Justin Sneed’s testimony was sufficiently corroborated to support Glossip’s first degree murder conviction.

Glossip, 157 P.3d at 151-54. In summary, the OCCA held:

In this case, the State presented a compelling case which showed that Justin Sneed placed himself in a position where he was totally dependent on Glossip. Sneed testified that it was Glossip’s idea that he kill Van Treese. Sneed testified that Glossip promised him large sums of cash if he would kill Barry Van Treese. Sneed testified that, on the evening before the murder, Glossip offered him \$10,000 dollars if he would kill Van Treese when he returned from Tulsa. After the murder, Glossip told Sneed that the money he was looking for was under the seat of Van Treese’s car. Sneed took an envelope containing about \$4,000.00 from Van Treese’s car. Glossip told Sneed that he would split the money with him, and Sneed complied. Later,

the police recovered about \$1,200.00 from Glossip and about \$1,700.00 from Sneed. The most compelling corroborative evidence, in a light most favorable to the State, is the discovery of the money in Glossip's possession. There was no evidence that Sneed had independent knowledge of the money under the seat of the car.

Id. at 152. The Court also concluded:

Glossip's motive, along with evidence that he actively concealed Van Treese's body from discovery, as well as his plans to "move on," connect him with the commission of this crime. Evidence that a defendant attempted to conceal a crime and evidence of attempted flight supports an inference of consciousness of guilt, either of which can corroborate an accomplice's testimony.

Id. at 153. In response to Glossip's claim that the State's evidence showed merely that he was an accessory after the fact, the OCCA wrote: "[d]espite this claim, a defendant's actions after a crime can prove him guilty of the offense. Evidence showing a consciousness of guilt has been used many times." *Id.*

In a separate opinion, OCCA Judge Charles Chapel agreed that the unexplained presence of the \$1,200.00 in Glossip's possession was the most compelling corroborative evidence for Sneed's testimony:

Although the question is very close, I agree with the majority that "the most compelling corroborative evidence . . . is the discovery of the money in Glossip's possession." Unfortunately, this single, conclusory sentence represents the entirety of the Court's analysis on this critical issue. I offer the following as an alternative, more narrow resolution of this issue.

According to the record in this case, when Glossip was questioned and then arrested on January 9, 1997, he was carrying \$1,757 in cash, approximately \$1,200 of which could

not be accounted for by Glossip. Such unaccounted-for cash, when not uniquely identified by serial number or some other marking, is not nearly as strongly corroborating as the presence of identifiable stolen goods that are found in the defendant's possession. Nevertheless, considering this case as a whole, including the State's evidence that Glossip was a person of very limited means, who was low on cash at the time, and the timing of his arrest, I agree that this evidence materially corroborated Sneed's testimony. The evidence regarding Glossip's paycheck, sales, and purchases, which could not explain where he obtained approximately \$1200 of the cash in his possession at the time of his arrest, materially corroborated Sneed's testimony that Glossip offered him money to kill Van Treese and then paid Sneed for accomplishing the murder, using half of the cash stolen from Van Treese's car, and then kept the remaining stolen money for himself. . . . **I conclude that the amount of unaccounted-for cash found in Glossip's possession two days after the murder does tend to directly link him to this murder-for-hire killing and adequately corroborates the testimony of his accomplice, Justin Sneed.**

Glossip, 157 P.3d at 173-74 (emphasis added) (footnotes omitted). Judge Chapel concluded his analysis with the following: "I agree with the majority that the State presented a strong circumstantial case against Glossip, which when combined with the testimony of Sneed directly implicating Glossip, was more than adequate to sustain his conviction for the first-degree murder of Barry Van Treese." *Id.* at 175.

Glossip has spilt much ink over the years attempting to undermine the reliability of Justin Sneed's testimony. As shown above, Sneed's testimony was sufficiently corroborated. It was also highly credible. Proof of this fact may be found in the words of the trial judge, the late Twyla Mason Gray, during an in camera instructions conference:

Well, you know, I find myself in a very unique position here because generally when cases are retried by the Court, so far I guess in my six years here, the cases that I've had for retrial, some of them were my own and some of them were tried by somebody else. I've never had a situation where I've had to basically study the entire first trial and then try the case again.

* * * * * I've also had an opportunity to observe the witnesses and it is fascinating to me to see the difference that it makes to observe the witnesses on the stand. Some of the opinions that I had based on reading the first transcripts I, frankly, had very different opinions after listening to the testimony as it was presented and observing the witnesses. **And I've got to tell you that one of those observations was about Justin Sneed. And I did find him to be a credible witness on the stand.**

(Tr. XV 44-45) (emphasis added).

V. Murder for Remuneration Aggravating Circumstance.

On appeal, Glossip challenged the sole aggravating circumstance found by the jury, i.e., that the person committed the murder for remuneration or the promise of remuneration or employed another to commit the murder for remuneration or the promise of remuneration. The OCCA rejected Glossip's challenge, finding sufficient evidence to support the jury's finding of this aggravator:

In proposition six, Glossip claims there was insufficient evidence to support the sole aggravating circumstance of murder for remuneration. Murder for remuneration, in this case, requires only that Glossip employed Sneed to commit the murder for payment or the promise of payment. 21 O.S.2001, § 701.12.

Here, Glossip claims that Sneed's self-serving testimony was insufficient to support this aggravating circumstance. Glossip claims that the murder was only a method to steal the money from Van Treese's car.

The flaw in Glossip's argument is that no murder needed to occur for Sneed and Glossip to retrieve the money from Van Treese's car. Because Glossip knew there would be money under the seat, a simple burglary of the automobile would have resulted in the fruits of their supposed desire. The fact is that Glossip was not after money, he wanted Van Treese dead and he was willing to pay Sneed to do the dirty work. He knew that Sneed would do it for the mere promise of a large payoff. There was no evidence that Sneed had any independent knowledge of this money.

There is sufficient evidence that Glossip promised to pay Sneed for killing Van Treese.

Glossip, 157 P.3d at 161.

The OCCA's observation that "Glossip was not after money, he wanted Van Treese dead" is evident in the fact that police recovered nearly \$23,000.00 in cash from the trunk of Van Treese's car (Tr. IV 107-08; Tr. X 152; State's Exs. 10-12). The money was found in several envelopes in the trunk of the car (Tr. X 150). Donna Van Treese, the victim's wife, testified Barry did not normally carry that large an amount of cash but he was bundling this particular cash in anticipation of a balloon note coming due on the motel (Tr. IV 126; Tr. V 16).

VI. Glossip's Mitigation Evidence.

During the penalty phase, Glossip presented testimony from five mitigation witnesses, which included several family members and a mental health expert. This evidence was summarized and listed in an instruction to the jury which was reprinted in the OCCA's mandatory sentence review on direct appeal:

1. The defendant did not have any significant history of prior criminal activity;
2. The defendant is 41 years of age;
3. The defendant's emotional and family history;
4. The defendant, since his arrest on January 9, 1997, has been incarcerated and has not posed a threat to other inmates or detention staff;
5. The defendant is amenable to a prison setting and will pose little risk in such a structured setting;
6. The defendant has a family who love him and value his life;
7. Has limited education and did not graduate from high school. He has average intelligence or above. He has received his G.E.D.
8. After leaving school, the defendant had continuous, gainful employment from age 16 to his arrest on January 9, 1997;
9. The defendant could contribute to prison society and be an assistance to others;
10. Prior to his arrest, the defendant had no history of aggression;
11. The defendant was not present when Barry Van Treese was killed;
12. The defendant had no significant drug or alcohol abuse history.

Glossip, 157 P.3d at 164. In addition, the trial court instructed that the jury could decide that other mitigating circumstances exist and they could consider them as well. *Id.*

This evidence is significant for the absence of alleged mental illness or abuse which is often claimed by death row inmates. During the penalty phase, the defense presented mitigation testimony from the defendant's mother, Sally Glossip. Glossip's mother described how the defendant had seven (7) brothers and eight (8) sisters, that he grew up in Galesburg, Illinois, and he was "a good child" who never gave his mother any problems (Tr. XVII 34).

Glossip “got along good” with his siblings (Tr. XVII 39). The defendant made it through eighth grade in school then “quit and went to work because he liked to work.” (Tr. XVII 34-35). Glossip was a good student while in school and was never in trouble (Tr. XVII 35). He later earned a general equivalency diploma. Glossip mowed lawns and went to work for Domino’s Pizza after leaving school (Tr. XVII 35). Glossip had no major medical issues as a child. Glossip has been married twice and has four children (Tr. XVII 36-37). Glossip’s mother lived in Choctaw, Oklahoma, for twenty years (Tr. XVII 38). Glossip moved to the Oklahoma City area after his mother; he worked at the Grand Continental motel and a pizza restaurant before being hired by Barry Van Treese as manager of the Best Budget Inn (Tr. XVII 39).

Notably, Glossip’s mother denied that he was ever neglected:

Q. Do you think [Richard Glossip] was neglected as a child?

A. No, he was not.

Q. Even though he was a member of a large family, you thought that he had the attention that he received as he was growing up?

A. A large family don’t always get neglected. My children, none of them were neglected. I did not leave them with a babysitter. I always took care of them myself.

Q. Were you a stay-at-home mother or did you also work.

A. No, I did not work. I stayed home and took care of my family.

(Tr. XVII 39-40).

During a bench conference, Glossip's trial counsel emphasized that "[t]here is not now nor has there ever been a mental retardation or mental health issue as far as Mr. Glossip is concerned." (Tr. XVI 55). Further, "[t]here has never been an issue regarding competency or an ability to understand intelligence and things of that nature" with Glossip (Tr. XVI 56). Defense testimony from Dr. Jeanne Russell, a licensed psychologist, was offered during penalty phase. Dr. Russell testified that, while Glossip "was very cooperative" with her evaluation, the defendant

was less than enthusiastic about having a psychologist evaluate him, did not want any kind of mental health issues brought up in mitigation. But he didn't show any signs of being psychotic or having a major mental illness. He didn't appear particularly depressed. He was just fairly normal, cooperative, and just reluctant really to do much testing or assessment. And, also, I mean as far as intellectual level, functioning, he seemed to be at least average, perhaps a little higher than that.

(Tr. XVI 98-99).

Dr. Russell also reported that substance abuse was not an issue with Glossip:

[Glossip] denied using drugs or alcohol and, as I said before, there weren't any drug or alcohol abuse records to suggest otherwise. He did report that he drank heavily for about one month after a divorce, but that was the extent of what he reported and I had nothing else on it.

(Tr. XVI 101).

VII. Conclusion

Richard Glossip's request for executive clemency should be denied. Glossip arranged a horrific murder-for-hire in the middle of the night which resulted in Barry Van Treese's

brutal murder. The evidence shows Glossip was motivated by simple greed—a desire to avoid being terminated the next day upon discovery by the victim of Glossip’s complete mismanagement and neglect of the motel. So far, Glossip has maintained his innocence of first degree murder, insisting merely that he is guilty of accessory after the fact because he covered up Sneed’s act of murder—a claim squarely undermined by the prosecution’s evidence.

It is notable that Glossip’s murder conviction and death sentence has been upheld on appeal against a variety of meritless claims. For the Board’s convenience, the State has included in the appendix to this packet excerpts of the OCCA’s direct appeal opinion as well as the federal district court’s and Tenth Circuit’s respective opinions rejecting various claims raised by Glossip over the years which may be discussed at the hearing. Appx. 83-128. Additionally, the State has included an affidavit from Connie Smothermon, one of the prosecutors, regarding Glossip’s challenge on appeal to the demonstrative exhibits used by the State at trial. Appx. 129-133.

The State has also included with this packet letters from friends and family members of Barry Van Treese, as well as the prosecutors who tried this case expressing their view that Glossip’s request for clemency be denied. Appx. 4-14, 134. Family photographs featuring Mr. Van Treese and his family members are also included for the Board’s consideration. Appx. 1-3. The State has also included victim impact statements presented by family members during the sentencing phase of Glossip’s capital murder trial. Appx. 15-33.

In closing, the State would point out observations from the trial judge at formal sentencing regarding the appropriateness of Glossip's murder conviction and the death sentence recommended by the jury, the makeup of the jury and the performance of Glossip's trial counsel:

THE COURT: Mr. Glossip, the law requires me to complete a capital felony report and I have submitted that to the attorneys for them to look over and to make any comments that they think are appropriate. I think it's also fair for you to know what I have included in the report. It asks for your name and your date of birth, your social security number, identifiers. It talks about the representation and I have noted that Mr. Lyman worked with Mr. Burch beginning in January of the year 2000, and then when Mr. Burch withdrew as counsel, Mr. Lyman became the first chair and Mr. Woodyard got involved. Both of your attorneys are court-appointed and employed by OIDS. Mr. Lyman has continuously practiced criminal law since 1989 and has focused on capital litigation since September of 1997 and Mr. Woodyard has 27 years of primarily capital experience and tried his first death penalty case approximately 20 years ago.

This report asks for my comments regarding their representation and it would be my finding, sir, that both Mr. Woodyard and Mr. Lyman did a very good job representing you. They were well-prepared, they were articulate and diligent, I believe, in their jobs. I believe both of them cared deeply about you and did all that they could to assist you. I have noted in the report that you sometimes disregarded their advice both prior to trial and during the trial. I do think that the State did an outstanding job in meeting their burden of proof and I think that your attorneys did the very best that they could with what they had to work with.

The general consideration that the Court of Criminal Appeals wants addressed is the issue of race which was not an issue in your case. I believed that somewhere around 50 percent of the population of Oklahoma County would be essentially what we

would say is a Caucasian male and noting that members of your race were represented on the jury, I would also find that this jury was one of the most diverse juries that I have ever seen. We had seven males and five women, including an elderly woman who was a German citizen who was a war bride and became an American citizen. We had an African American male, we had a full-time student, a Department of Defense engineer, clerical worker, banker, furniture delivery man, a retired school teacher, operations manager of an amusement park, a surgical nurse, a retired airport security guard and a CPA. I don't know that I've ever really seen a jury like this one. I do not believe that there was publicity about this case surrounding this case that would have in any way impacted the case or the consideration.

Finally, it asked me to comment on whether or not there was anything, either in the pretrial proceedings or the trial or in sentencing that would cause me to question the appropriateness of the death sentence and as you know, Mr. Glossip, the Court of Criminal Appeals originally sent this case back for an evidentiary hearing when it was on appeal the first time and I am the one who had to have that evidentiary hearing and I made a finding at that time to the Court of Criminal Appeals I could not have confidence in the decision that was reached in your first trial. **I would say that after observing the witnesses and hearing the testimony I have absolute confidence in the decision the jury reached, both to convict you, to find the aggravators [sic] and to impose the sentence of death.**

(Tr. XVII 115-18) (emphasis added).

Finally, in imposing the death sentence recommended by the jury, the trial judge made the following comments:

THE COURT: Mr. Glossip, I would also tell you that when I came to this bench in 1998 I made up my mind then that I'm really glad that in most instances the jury makes the determination on sentencing. However, I sign death warrants and I take that responsibility very seriously. I made up my mind that if I were ever in a position where I did not have confidence

in the jury's decision I would set aside that because I'm not going to sign a death warrant in that case where I have any questions in my mind. I want you to know I have no questions in my mind about sentencing [you] to death, sir. And I have signed those warrants today.

(Tr. XVII 119).

All things considered, Richard Eugene Glossip's request for executive clemency should be denied.

Respectfully submitted,

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

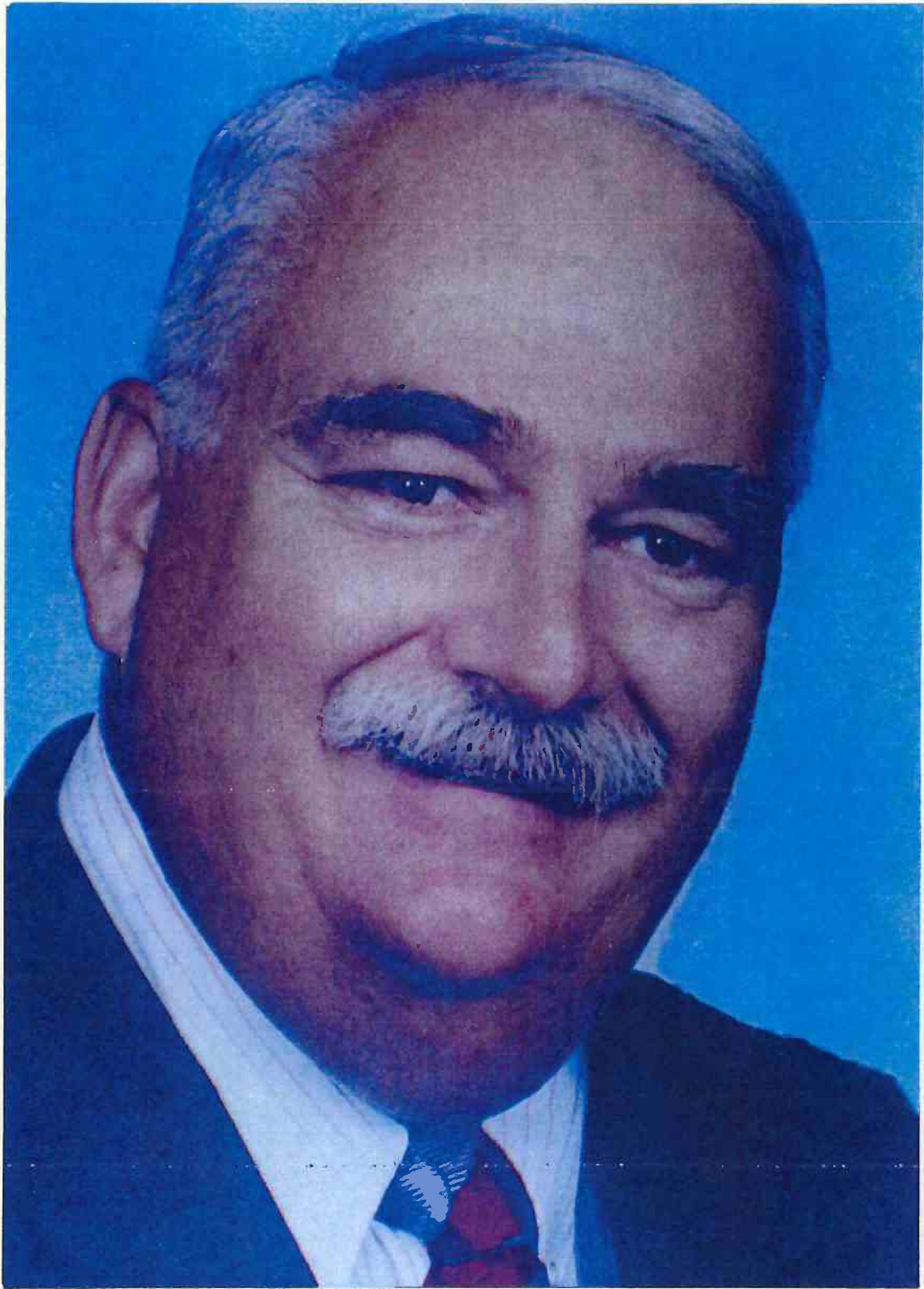
A handwritten signature in black ink, appearing to read "Seth S. Branham", with a long horizontal flourish extending to the right.

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)

COUNSEL FOR THE STATE

APPENDIX

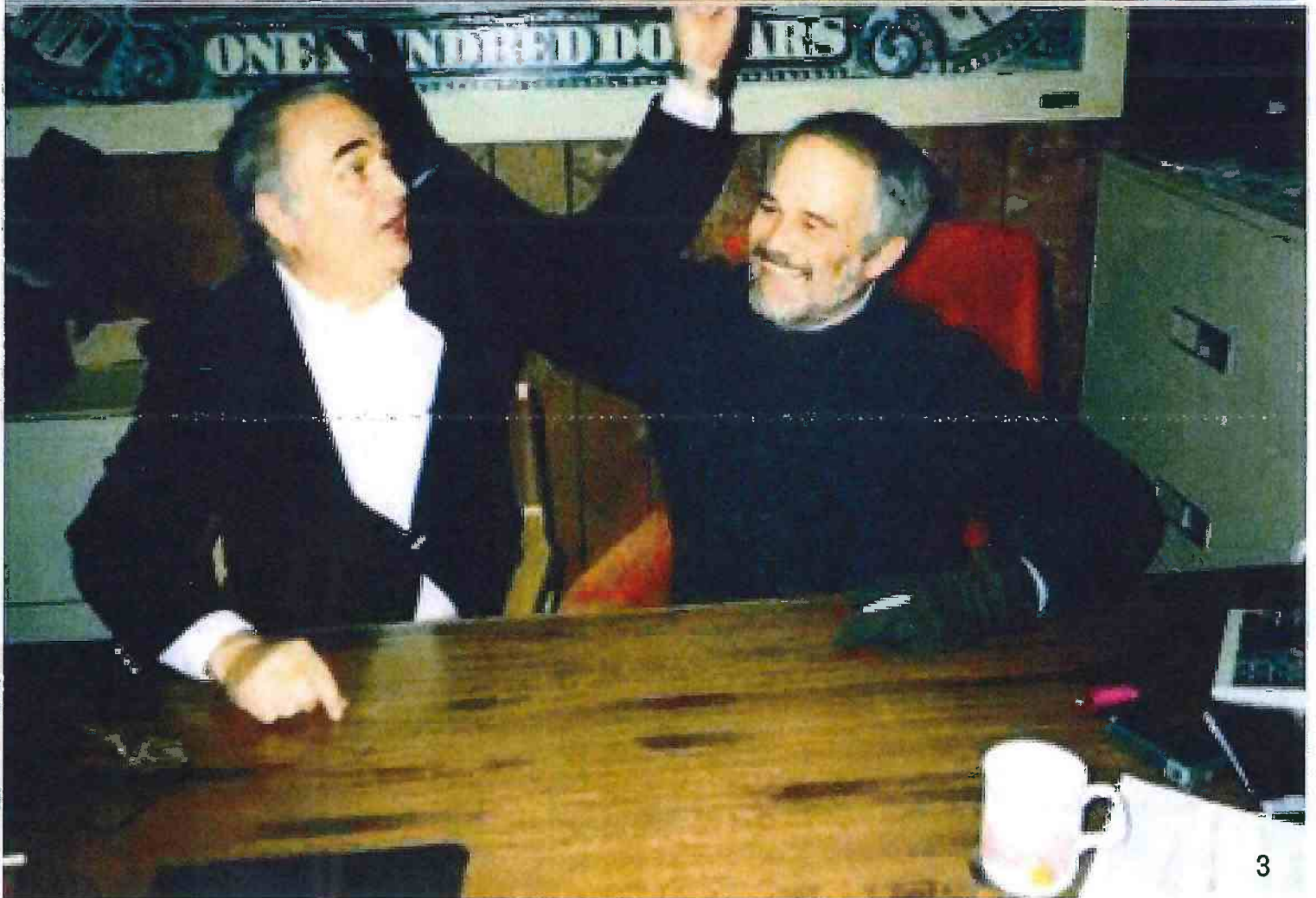


PENCAD - Bayonne, N. J.
**STATE'S
EXHIBIT**
79

CF-97-244

copy





Impact Statement from Donna Van Treese Oct. 2014

There are two dates that changed my life forever, October 20th 1978 was the day I met Barry, and January 7th 1997 is the day that the love of my life was stolen from me and my family in cruel act of violence; We had only 18 short years together. The emotional impact has been the hardest on every member of our family because we have not had Barry here to guide and support us through all these years.

As the wife I lost the most important person to me my husband and the father to my children. I have had a very hard time just moving on one day at a time, and physically I have been under more stress than any one person should endure in a lifetime. Financially has been the hard part, I was a stay at home mom that worked part time at our business from home; I have lost our home and have had to move several times. I have had to work hard to provide for my children and they have worked hard to better their lives. We have all suffered and with God's guidance made it through another day.

Barry was a man that loved everyone; he was a great husband a wonderful father and a best friend. He was the type of person that if you were in need, he would help in any way possible. He would try to always find the best in any person he met. My heart aches every day for losing my best friend. I will always be his voice and strive to make him proud; I live my life for the both of us, and for our children and grandchildren.

We all are who we are today because we know and loved Barry, and He loved all of us.

5 October 2014

Dear Clemency Board Members,

How can one ever adequately capture and express in words the impact of the loss of a father, a husband, a brother, a son or an uncle? A loss, due not to an unfortunate accident, an illness, military service or a natural disaster, but due to the conscious decision of one human being to purposefully end the life of another for the sake of personal convenience and financial gain. Like the surface of a lake after someone tosses in a stone, the ripples expand infinitely. A loss of this nature is unique in its emotional toll, and it impacts everyone and everything. All of us carry scars from the blows that took the life of Barry Alan VanTreese.

My father was murdered over seventeen years ago. Relatively speaking, I suppose I was the lucky one. Unlike my five youngest siblings, I had my Dad around until I was a grown woman. I have wonderful memories of him that I can carry with me throughout my life. He walked me down the aisle when I married the love of my life, and was overjoyed in subsequent years when my children were born. I have first hand knowledge that my father loved me and was proud of me. These things are vitally important, because they shape and mold a person's life and impact their relationships with others. I am very thankful for the times I shared with my Dad, but I still miss him and I still need him no matter how old I become.

My children can't remember him at all. My daughter was only two months old when Dad was killed. He never got to see her in person. My two sons were simply too young back then to remember anything about their Grandpa Barry now. So, I try my best to convey to them who he was: his ebullient personality, his playful nature, his love of God, his talent at playing the organ, his interest in tinkering with things like cars and ham radios, his entrepreneurial spirit, the uninhibited joy on his face when we sang Elvis songs full blast during that road trip just the two of us took together, and his heart for the down-on-their-luck. I do this in the hope that they can get some sense of the man who helped shape me into the woman that I am, because understanding where and who you come from matters.

My younger siblings were just children when their father's life was stolen by bad men. A child never really feels completely safe again after something like that. Imagine trying to put a child to bed who is troubled, not by imaginary monsters lurking under the bed, but by the very real monsters that live amongst us. The murder of our father robbed them of their childhood innocence and altered forever their perception of the world. My brothers and my sister had to struggle emotionally and financially for the rest of their childhoods. Dad wasn't there to share in their sporting events, their high school and college graduations, their weddings or the birth of their children. They will never hear, this side of heaven, Dad tell them how proud he is of the grown up people they have become. These things matter.

My stepmother Donna was left to pick up the pieces of a shattered life. Not only did she have to deal with the loss of her husband at the hands of evil men, but she had to raise five children on her own. I am a mother of three, with a loving, supportive husband to help me, and I recall periods of sheer exhaustion and times that I felt overwhelmed. I believe that children need both parents, a father and a mother, in order to have the best shot to thrive. Parents need each other for mutual support, for rest, and for financial stability. Single parenting can certainly be done, but it is not the ideal situation for raising children, and it is just plain hard. A fatherless upbringing and single-parenting was forced upon Donna and the kids.

Seventeen years later, my children are almost all grown. We are almost empty nesters. The struggles of raising children are over, but there are other trials. Now, I am battling cancer. How I wish that I could talk with my Dad and seek comfort in his strength and his faith, or just forget it all for a moment and laugh and sing with him. The ripples in the water, the impact of his untimely and unnecessary death, continue to this day.

It is an impossible task to adequately describe the impact of the loss of a human being upon those who love him, especially over a period of seventeen years. When the loss is due to natural circumstances, one can eventually come to accept and understand it. However, when the loss is completely unnecessary, senseless, and due solely to the actions of others who valued their own selfish gains more than the life of another human being, there is no acceptance, no understanding, and no end to the emotional suffering.

That, dear Clemency Board Members, is my best attempt to paint for you a picture, to offer you a glimpse into the impact of Richard Glossip's decisions and actions upon our family.

Barrie L. Hall

October 8, 2014

I am Barry Alan Van Treese's little brother, one of four boys. Our two sisters made a smooth half dozen kids in the family. Our mother and daddy did all they could to raise children who were contributing members of society. They were a success as parents, my brothers and sisters have all produced a big string of success. Barry had set the path for all his younger siblings, first as a banker then as an entrepreneur. Barry was a big man, at 5'11 and 195 pounds, he was a stud. Two wives and seven children, Vantreese left his mark. His children are all adults with kids of their own, not a flake in the group.

Barry was always one of my hero guys. He played music on his trombone and would rock out on our Hammond organ in our home in Lawton. Barry and Gary were the older brothers while Jimmy and I brought up the rear. Then the girls Alana and Vivian six kids in ten years.

As a businessman Barry did the same thing most young guys do... he went for the big brass ring. He had been in the banking business for a dozen years so he knew how valuable other peoples money can be when used intelligently. Barry borrowed a lot of money to purchase real estate. When he was murdered he had control of several commercial properties that were worth millions of dollars. Unfortunately it requires lots of people to make real estate pay for itself. He and I disagreed on how to get people on your team. Barry always tried to hire employees for as little money as they would take. Richard Glossip took advantage of Barry's attitude. He stole the difference between what he agreed to work for and what he thought he was worth. When he got caught he decided to get rid of the problem by talking a young man into killing Barry.

Two juries have analyzed the facts around the murder of Barry VanTreese and have concluded that Richard Glossip is undoubtedly responsible for his death. Two women have been responsible for presenting the facts surrounding the grizzly death. Two trials years apart with the same result. Guilty with death as the price for Glossip to pay. Seventeen years have passed since the murder of my brother and Richard Glossip recently wrote about the pain he will endure when he is given an injection designed to end his miserable life. I will speak for my brother: it hurts like hell to have your head bashed in with a baseball bat. Do not feel sorry for the bastard that took my life!

Love Barry

Kenneth C. VanTreese

October 7, 2014

Haunting memories.

Why, Why, Why???? Wailed one Barry & Donna's little sons. Yes, it makes no sense. It is incomprehensible. It is real. It is final. It is forever.

When someone is murdered, the death is sudden, violent, final and incomprehensible. The loved one is no longer there – the shared hopes and plans are no longer possible. The grief is felt in different ways by each depending on their relationship with the victim.

But for..... Richard Glossip.

I often wonder about what Barry must have thought when he awoke to the blows of the bat to his head; as the adrenalin rushed and he began the fight for his life.

The fact that the violence was intentional. Planned and directed by Richard Glossip, who Barry trusted to manage the daily operations of his business; the business which provided the livelihood for Barry's family, and all of his employees, including Richard Glossip.

Since the trials, and having had the opportunity to face the killer and hear the painful details of Barry's death, I often think about the extent to which Barry suffered. When the beating was over and he lay there in pain and bleeding to death, was he aware? Did he see the faces of his family? Did he know this is the end?

Loss through murder is one of the most traumatic experiences an individual can face; it is an event for which no one can adequately prepare, but which leaves tremendous emotional pain and upheaval. It has impacted every area of our lives. The trauma does not end once the convicted murderer is sentenced. Ongoing appeals and hearings trigger reactions for the family. In our family's case, this process has taken over 17 years.

Nothing can make this reality disappear. The pain of victims' relatives never ends. The death penalty isn't revenge. It is the law.

Alana D. Van Treese Mileto
Barry's sister

October 7th, 2014

To Whom It May Concern:

Why did Richard Glossip not just move and walk away? I have analyzed this question so many times over the last 17 years. He had in his hands the ability to begin again but chose to stay, arrange my Brother's murder and body disposal and blame anyone but himself. I will never understand.

We will never again get to hear his funny jokes, his wise advice or hear him play the organ with such passion and eloquence.

Barry was a dedicated HAM radio person and was able to speak with people all over the world and make friends with each of them. I will miss hearing his updates.

I can't stand that his precious Grandchildren will never get to experience Barry and his fun ways. He would be so proud of them and they would love him.

I sincerely hope, in all these years of incarceration, that Richard Glossip has thought of all these things and how he has cheated all of Barry's friends and family out of having him in our lives.

Barry VanTreese is sorely missed! I am forever changed.

Vivian VanTreese Stone

Barry's Sister



DAVID W. PRATER
DISTRICT ATTORNEY

SCOTT ROWLAND
FIRST ASSISTANT DISTRICT ATTORNEY

October 8, 2014

Pardon and Parole Board
Attention: Board Communications
First National Center
120 N. Robinson Ave., Suite 900
Oklahoma City, OK 73102

Subject: Clemency hearing for Richard Eugene Glossip #267303

To the Members:

The State strongly objects to a recommendation of clemency for Mr. Glossip.

This letter details our concerns.

Mr. Glossip was sentenced to die for his part in the planning and completion of the murder of Barry VanTreese on January 7, 1997.

Glossip deserves to die for his crime for two essential reasons:

1. The betrayal, greed, and inhumanity of his actions, and
2. The great harm done to the family of the victim.

Betrayal, Greed, and Inhumanity:

Mr. Glossip was the resident manager of the Best Budget Inn, a motel owned by the victim. Mr. VanTreese had been something of an absentee owner for several months due to issues with his family. During this time, Glossip had wildly neglected the maintenance and operation of the motel, had wrongly hired other people to perform his own duties, and gross financial irregularities had been noticed in the records of the motel.

The evening before Barry Van Treese was murdered, he collected money and business reports from Glossip, made an appointment to meet him the next day to discuss motel business, and asked Glossip to reserve a room for him for the night.

Glossip arranged for his unauthorized employee and co-defendant, Justin Sneed, to enter the motel room of the sleeping VanTreese and kill him with a baseball bat, in exchange for the promise of cash.

Glossip helped hide the body of Barry VanTreese, paid Sneed about \$2000 of cash from the victim's business, repaired a window broken during the murder, went shopping, and began disposing of his personal belongings in preparation to leave town.

He took at least one phone call that day from a worried Donna VanTreese, the wife of Barry, and lied to her about his whereabouts, saying he had not seen her husband.

Within the day, police had discovered the victim's car, parked at a business nearby, and found his body in the motel room about 9:30 that night.

This brutal and unnecessary crime was committed, in essence, because Glossip coveted the business owned by the victim, and the income generated by it.

Justin Sneed, the accomplice, was an 18 year-old man who came here from a small town in Texas to work as a roofer. He soon found hanging around the motel, doing chores, and relaxing with Glossip and guests of the motel much preferable to the hot Oklahoma sun. He stayed when the roofing crew and his brother returned to Texas.

In the months of his tenure there, Sneed had been asked to kill Barry VanTreese by Glossip on several occasions. The plan was that Glossip would become the general manager of the business for the widow VanTreese, Sneed would run their Tulsa motel, Glossip would stay in Oklahoma City, and everyone but the murder victim would

prosper.

Sneed lost his enthusiasm for the plot. He was arrested a few days later at the home of friends in Oklahoma City, having spent very little of the blood money Glossip gave him. He agreed to testify against Glossip, and was sentenced to life without the possibility of parole for Murder in the First Degree in June of 1998.

Great Harm:

Barry VanTreese was the father of 5 children. Donna, his wife, and the children have struggled to maintain the kind of family life they intended to enjoy with Barry.

Barry's brother and sister, likewise, have suffered a devastating and unnecessary loss at the hands of the defendant.

This pointless suffering was initiated solely for the singular and predatory benefit of Richard Glossip.

The striking observation I make about this case is that the circumstances which led to murder here occur in businesses across the land every day.

All employees wish, understandably, to share in the successes and profits of the businesses at which they toil.

Some employees ultimately prove themselves indispensable to the enterprise and are promoted into management.

Only a tiny number plan to kill the boss to take over the operation, and an even smaller number actually do it.

Richard Glossip actually did it.

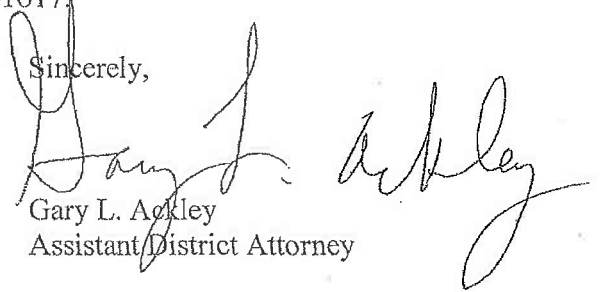
Glossip has been treated with courtesy, respect, and as a valued citizen in his dealings with the government since his crime.

He richly deserves the punishment so carefully thought through by this jury 10 years ago.

I ask the Board not to recommend clemency in this case.

Please contact me if I can assist you, at (405) 713-1617.

Sincerely,

A handwritten signature in cursive script that reads "Gary L. Ackley". The signature is written in black ink and is positioned to the right of the typed name.

Gary L. Ackley
Assistant District Attorney

October 2, 2014

Members of the Pardon and Parole Board
First National Center
120 N. Robinson Avenue
Suite 900W
Oklahoma City, OK 73102

RE: Richard Glossip Clemency Hearing; Oklahoma County

Dear Members of the Board:

I write this letter to voice my strong opposition to any clemency that might be considered by the Board for Richard Glossip.

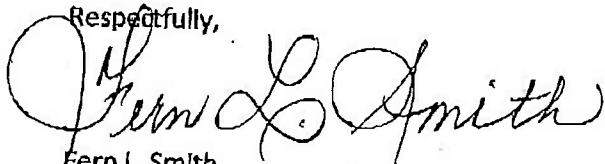
I was the prosecuting attorney in Glossip's first trial. As I am now retired from the office of the District Attorney of Oklahoma County, I cannot speak on behalf of the District Attorney, but knowing the facts of the horrendous crime Glossip committed, the tremendous pain and suffering he caused to the victim's family and his total lack of remorse, I cannot remain silent.

The victim, Barry Van Treese, was a devoted and loving husband to Donna Van Treese and the father of seven children who adored him. He was a totally innocent victim who was attacked and brutally murdered while he slept. His beautiful wife and precious children were robbed of his love and care by the greed of Richard Glossip. Glossip deserves no mercy and no clemency.

Glossip had the benefit of two trials by his peers. Twenty-four jurors who heard the evidence presented for and against him refused to show him mercy and chose the appropriate sentence according to the law and evidence. He has been given due consideration by Appellate Courts and deserves no further consideration by this Board.

I respectfully request this Board give Barry Van Treese's surviving family the justice they have so long awaited by denying clemency for Richard Glossip and allowing the State to carry out the just sentence he deserves.

Respectfully,



Fern L. Smith
Retired Assistant District Attorney
Oklahoma County

1 (Thereupon, the following was had in open court.)

2 THE COURT: The State's motion is stained.

3 MS. SMOTHERMON: Thank you, Your Honor. The
4 State's first witness in stage two, State of Oklahoma, calls
5 Barrie L. Hall.

6 **BARRIE HALL,**

7 having been first duly sworn, testified as follows:

8 **DIRECT EXAMINATION**

9 **BY MS. SMOTHERMON:**

10 Q. Ma'am, would you introduce yourself to this jury,
11 please.

12 A. My name is Barrie Hall. I am the oldest child of seven
13 of my father --

14 Q. Now, we've heard about --

15 A. -- Barry Van Treese.

16 Q. -- your father, Barry Van Treese. I'm sorry to
17 interrupt you. We've heard about the five children that
18 Barry and Donna had.

19 A. Uh-huh.

20 Q. There's you and someone else?

21 A. Yes, my brother, Brent.

22 Q. And how old is he now?

23 A. He's 35.

24 Q. And how old are you?

25 A. Thirty-seven.

1 Q. I have asked you to prepare a statement about how the
2 death of your father has impacted your life and the lives of
3 your family. Have you done so?

4 A. Yes, ma'am.

5 Q. And do you have that in front of you?

6 A. Yes, ma'am.

7 Q. All right. Ma'am, I'm going to first show you what has
8 been introduced as State's Exhibit No. 79. Do you know who
9 that is?

10 A. Yes, I do.

11 Q. Who is that?

12 A. That's my dad.

13 Q. And I spelled your name in opening. Did I get it
14 correctly?

15 A. Yes, ma'am.

16 Q. So your name is spelled differently, but it's --

17 A. Spelled the same.

18 Q. I'm sorry?

19 A. It sounds the same.

20 Q. Were you named after your dad?

21 A. Yes, ma'am.

22 Q. You're fairly soft-spoken. If we can't hear you, you
23 have to repeat it. So will you speak up so we just have to
24 go through it once?

25 A. Yes, ma'am.

1 Q. All right. Ms. Hall, I would ask you to read your
2 prepared statement about the impact that Barry Van Treese's
3 life has had on you?

4 A. Okay. "January 6th, 1997, seemed like so many other
5 fun-filled family nights. That evening my husband, my three
6 children, and I attended our first Las Vegas Thunder hockey
7 game. Many other friends from my husband's Air Force
8 squadron joined us and it was a night of merriment and
9 laughter. I know now how quickly things can change.

10 "My youngest child was only two months old, so I was up
11 late at night nursing her and I received a telephone call, a
12 call that would kind of change my life. The voice on the
13 other line was that of my uncle and he was telling me that
14 my dad had been killed. You can understand, I was shocked.

15 "My mind raced for a few seconds about how that could
16 be. Had he suffered a heart attack? Had he been involved
17 in an automobile accident? These are the things that would
18 pop into your head. The truth was much worse. As the fog
19 of my initial shock began to clear, began to focus in on the
20 exact words that my uncle had used. "Dad had been killed."
21 What did that mean?

22 "That is when my uncle gently tried to explain to me
23 that someone had murdered my dad. Someone had beaten him to
24 death. Can you even imagine that? Someone had stolen my
25 dad's life away from him. Someone had robbed seven children

1 of their father. Someone had denied four grandchildren at
2 that time, now five from ever, ever knowing their Grandpa
3 Barry.

4 "The next few hours were a blur for me. I stayed on
5 the telephone trying to find a flight and got to Oklahoma as
6 quickly as I could, and the whole time I'm on the plane just
7 thinking, you know, who, who would do this? Why? Why would
8 anybody want to kill my dad? I wouldn't have those answers
9 immediately. It would take a little while before arrests
10 were made.

11 "I remember I was sitting in my grandmother's recliner
12 and I was watching the evening news one night after the
13 funeral. I was shocked to see that the news of my father's
14 murder was on television. My dad's picture was on the
15 screen. My dad's picture was in all the newspapers. That's
16 a surreal experience.

17 "I find now that when I see the news and I see stories
18 like this I kind of take them a little personally now. I
19 know that each of those news stories mean a string of broken
20 hearts and shattered dreams.

21 "It's been seven years since my dad died. It doesn't
22 get any easier to accept. I've lost other loved ones from
23 old age or disease and there's a little more closure that
24 way. My dad was killed in a very brutal way. I wonder what
25 his thoughts were when he lost his grandpa in this life. I

1 wonder if there came a moment when he realized that he
2 wasn't going to make it.

3 "The only solace that I have is the faith that our
4 family shares and I do believe that my dad is in a better
5 place. However, those of us left behind still have to try
6 to raise our families in this world where such evils take
7 place.

8 "People who commit such crimes should not be allowed
9 the freedom or the opportunity to repeat them. My kids,
10 they ask about Grandpa Barry. I really wish they could have
11 known him. I tell them all the wonderful things that I
12 remember about my father. It's not the same.

13 "Sometimes I feel guilty because I had my dad until I
14 was grown. My dad walked me down the aisle when I married
15 the man that I love. My dad bounced my two oldest children
16 on his knee and he made them laugh. I have pictures of my
17 dad with my two older children.

18 "My younger brothers and my sister will never have
19 those things and that thought really breaks my heart."

20 Q. Ms. Hall, in addition to asking you to write down your
21 thoughts, we also asked some of your younger brothers and
22 your younger sister to write down some of their thoughts.

23 A. Yes, ma'am.

24 Q. You have a bunch of brothers, but just one sister,
25 right?

1 A. That's right.

2 Q. What's her name?

3 A. Her name is Bridget.

4 Q. And how old is Bridget now?

5 A. She's 14.

6 Q. How old was she when her father was murdered?

7 A. She was seven.

8 Q. Has she written her thoughts about how it's like to
9 have grown from seven to 14 without her father?

10 A. Yes, ma'am.

11 Q. And do you have those in front of you?

12 A. Yes, ma'am.

13 Q. I would ask that you read then the thoughts of your
14 sister, Bridget, to this jury.

15 A. Yes, ma'am.

16 "I didn't know my dad very well at all. But to see my
17 friend with their dads, I feel left out like someone stole
18 an essential part of my body and it can't be replaced. The
19 only thing I do know about my dad is what he looked like.
20 And I also remember begging him not to leave that night. I
21 was only seven years old but still old enough to really want
22 him to stay home. Though, I wasn't old enough to know
23 anyone very well, but I felt as though my father needed to
24 stay home. I loved him so much.

25 "I am 14 now and, personally, I miss him dearly. He

1 was my father and guider. My life wouldn't be ruined if he
2 was still here. I cry for him -- I'm sorry. I cry for him
3 and the life I could have had if he hadn't been murdered."

4 MS. SMOTHERMON: Pass this witness, Your Honor.

5 THE COURT: Thank you.

6 MR. LYMAN: We have no questions, Your Honor.

7 THE COURT: Thank you.

8 You may step down.

9 MS. SMOTHERMON: Donna Van Treese, Your Honor.

10 THE COURT: Ms. Van Treese, you've been previously
11 sworn in this proceeding. You continue to testify under
12 that oath. Please be seated.

13 **DONNA VAN TREESE,**

14 having been first duly sworn, testified as follows:

15 **DIRECT EXAMINATION**

16 **BY MS. SMOTHERMON:**

17 Q. Ms. Van Treese, we have heard from you already in this
18 trial and we're acquainted with who you are as the wife of
19 Barry Van Treese. In addition to some of the nuts and bolts
20 in the motel that we've talked about before, have I asked
21 you to write down your thoughts about your life since Barry
22 Van Treese has been murdered?

23 A. Yes, ma'am.

24 Q. And would you like to share that with the jury now?

25 A. Yes.

1 Q. You may read your statement.

2 A. Can I start off with Ben's first?

3 Q. All right. Would that be easier for you to do it in
4 that order?

5 A. Yes, it would, please.

6 Q. All right. Let's talk about that then. In addition to
7 writing your thoughts, I also asked if any of the other
8 children wanted to share their thoughts with the jury; is
9 that correct?

10 A. That is correct.

11 Q. And we don't have statements from all of them, but we
12 have statements from three of Barry Van Treese's sons; is
13 that correct?

14 A. That is correct.

15 Q. And we're going to start with Ben's?

16 A. Yes, if we could, please.

17 Q. Okay. And is Ben's full name Benjamin?

18 A. Yes, that's correct.

19 Q. Benjamin Van Treese. How old is Ben now?

20 A. Ben is 19.

21 Q. And how old was Ben on the day that his father was
22 murdered?

23 A. He was 11.

24 Q. Tell us -- put the five children that were remaining at
25 home, Barry who we just heard of from and her brother had

1 already left the house; is that correct?

2 A. That is correct.

3 Q. Okay.

4 A. They were already married with children.

5 Q. Tell us the names of the five children and in their
6 order so that we know where Ben and where Bridget that we
7 just heard from and where the other children fit in that.

8 A. Okay. Our oldest son is Derrick.

9 Q. And how old is he now?

10 A. Derrick is 24 now. Benjamin is 19. Daniel is 16.
11 Bridget is 14 and Joseph is 12.

12 Q. So Ben who we're getting ready to hear from now, 19
13 now, 11 at the time his father was murdered, second oldest
14 at home?

15 A. That's correct.

16 Q. And these are Benjamin's words that you're going to
17 read to the jury; is that correct?

18 A. That's correct.

19 Q. All right. Then you may proceed.

20 A. "In this I am to tell you how the death of my father
21 affected my life. Although I cannot say how I thought he
22 lived his life, I knew how he want wanted me to live my own.
23 My older brother spent more time with me and tried to help
24 me understand the man my father wanted me to grow into, but
25 my father will never see me come into that state.

1 "His death affected me in the sense that I no longer
2 have a role model to watch as I grow into adulthood and
3 through my teenage years. I have been forced to decide on
4 my own what is moral and right. Although I still have my
5 mother, it is never the same as having a father to show you
6 things that he wanted from me and that I wanted to learn
7 from him.

8 "I will never get to have him teach me how to use his
9 favorite hobby, his ham radio operator. I will never get to
10 have him hug me and congratulate me from graduating from
11 high school or for receiving a scholarship from college. He
12 won't be there to give me advice and special love a father
13 gives when I marry. He won't ever be able to hold my first
14 child and see his grandchild take its first breath.

15 "I will never be able to hug him or even just talk with
16 him ever. This was all stolen from me before I knew my
17 father as more than a father. Before I was old enough to
18 know him as my mentor and friend. He was murdered when I
19 was merely 11 years old, at that time when a young man needs
20 a father most to bring him into the world where you are not
21 yet a man but no longer a boy. I cannot remember what it's
22 like to have a father.

23 "My memories of him have faded, but the pain resides in
24 my heart. And never having him there at the special times
25 in my life when I wish he was. I am 19 now and I only hope

1 that I have come close to being the man my father wished me
2 to become.

3 "This tragedy affected me in more than just losing my
4 father. The pain it brought to my family, the loss of the
5 things he brought into our home. This pains me dearly for
6 it is a horrible sight to see when I look upon my sibling
7 and realize that I am the closest to a father that they have
8 and I am not ready for that. My place is not to be a father
9 but a son for I am merely still not a boy but not yet a
10 man."

11 Q. Ms. Van Treese, as we listened to these being read,
12 your family was given an option whether or not to write
13 these; is that correct?

14 A. That is correct.

15 Q. And it's a choice that you've made because you want
16 this jury to have information about your life?

17 A. That is correct.

18 Q. So with your permission, we're going to go on. Is that
19 okay?

20 A. That's fine.

21 Q. What do you want to do next? Which one?

22 A. Daniel's.

23 Q. Now, if I can remember this correctly, Daniel is the
24 one just under Ben; is that correct?

25 A. That is correct.

- 1 Q. So it goes Derrick, Ben, and then Daniel?
- 2 A. That is correct.
- 3 Q. Then we have Bridget and then Joseph?
- 4 A. Yes.
- 5 Q. Okay. Tell us how old Daniel is now.
- 6 A. Daniel is 16.
- 7 Q. And how old was he at the time his father was murdered?
- 8 A. He was nine.
- 9 Q. Tell us then Daniel's thoughts on his father.
- 10 A. Okay. "He was loving and caring, thoughtful and
- 11 daring. He knew what to do in case of a flu. He knew how
- 12 to fight the sting of a bite. When a car came into view, he
- 13 knew what to do. When we were not nice, he knew what would
- 14 suffice. When we helped us with our bikes, he knew what we
- 15 would like."
- 16 Q. Do you want to read Joseph's next?
- 17 A. Yes.
- 18 Q. Joseph being the youngest child of Barry Van Treese; is
- 19 that correct?
- 20 A. That is correct.
- 21 Q. How old is Joseph now?
- 22 A. Joe is 12.
- 23 Q. And how old was Joe when his father was murdered?
- 24 A. He was five.
- 25 Q. Okay. Tell us then what Joe Van Treese has to say

1 about the way that his father's murder has affected him.

2 A. Okay. "Let me tell you about my life. I lost my
3 father when I was five years old. I miss him so much. I
4 wish he was here to hug me and hold me in his arms again,
5 but some people took him from me and the rest of his family.
6 I wish he was still alive. I remember when he used to play
7 with me and my friends, but now he is gone. Gone forever.
8 Now I am left playing alone.

9 "I remember when I asked my mom when was he coming
10 back, but my mom explained it to me. It is still hard to
11 live my life the way it should be lived. Some people don't
12 understand what it is like to lose a father, but I do. It
13 hurts inside because my heart is broke. I miss him dearly,
14 but I will have to live with that fact that he is gone
15 forever. I just want to see him.

16 "When I pass on then my family will understand, too,
17 that I love him so much. It is hard to live for the fact
18 that he is gone. I get sad sometimes and cry because he is
19 not here. Now I'm in the sixth grade and 12 years old. The
20 murder happened seven years ago on January the 7th, 1997.
21 That is about all I have to say."

22 Q. These children still live with you?

23 A. Ben -- I'm sorry, Derrick is married and he lives on
24 his own with his wife, and Ben has attended college and he
25 lives on his own, and Daniel, Bridget, and Joe still live

1 with me at home.

2 Q. All right. Ms. Van Treese, I think that brings us to
3 then your thoughts on the impact of Barry Van Treese's life
4 or his death on your life and on your family's life.

5 A. Okay.

6 Q. Are you ready to read those thoughts, ma'am?

7 A. Yes.

8 Q. Okay.

9 A. "My name is Donna Van Treese. My husband, Barry
10 Van Treese was beaten to death on January the 7th, 1997. At
11 the time of his death Barry and I had been married for 18
12 years. We have five children, four boys and one girl, ages
13 at his death, 16, 11, 9, 7 and 5. Barry also has two
14 children from a previous marriage. At the time of his death
15 they were age 30 and 28 and four grandchildren, aged two
16 months, two, three, and five.

17 "Since this time we've had a new grandson and now a
18 daughter-in-law. Now we are all left without him, husband,
19 father, grandfather, son, brother, nephew, and cousin due to
20 the senseless and horrible act. I was a widow at 38 with
21 five children to raise on my own and trying to explain to
22 them why their daddy would never be coming home again.

23 "My first thought when I was told at 3:00 p.m. on
24 January -- on Tuesday, January the 7th, 1997, that Barry's
25 car was found and Barry was missing, I knew that something

1 was very wrong. I prayed for me, I prayed for help and to
2 give me strength to make it through. When I closed my eyes
3 I could see Barry and I knew at that moment that Barry was
4 gone and I hurt so bad and then a very warm and peaceful
5 feeling came over me. I knew that Barry was with me and
6 would always be with me and with the kids to help us along
7 our way through life.

8 "Then all that was on my mind was to find him. That
9 took until 10:30 p.m. and I received the phone call at 2:30
10 a.m. that they had found Barry and he was no longer with us
11 and that he had been beaten.

12 "At 8:30 a.m. the next morning, I had one of the
13 hardest things that I have ever had to do before, the job of
14 telling our children that their daddy would never be coming
15 home again. With a lot of help from the school counselors,
16 our church family, and our family, I began to tell them that
17 their daddy had been beaten and the hurt was so bad that
18 daddy couldn't stand the pain and that their daddy was in
19 heaven to be with their grandmother.

20 "The children were very upset and they all had someone
21 to hold them and try to answer all their questions.

22 "Next came the coroner. That was all on Wednesday.
23 Then on Thursday morning he finally came to Lawton. My next
24 thought was to take care of Barry, to make sure that the
25 funeral was all arranged.

1 "On Friday we went to the cemetery and made the
2 arrangements, then to the funeral home to see Barry, to know
3 that it was real. I was still feeling that I could hardly
4 believe that this had happened to all of us. Well, it was
5 true. As I looked at the man that I expected to grow old
6 with, the father of my children, my best friend and my
7 world, my whole world fell apart.

8 "We talked with the children and they all wanted to see
9 their daddy.. Then the children came to see their daddy all
10 together and then they left, and came in one at a time to
11 say their goodbyes to their daddy. Our daughter was the
12 hardest hit at the time. She did not want to leave her
13 daddy. She told me that she didn't want him to be alone.
14 Bridget stood at the casket and hugged her daddy's chest. I
15 had to explain to her that her daddy was in heaven and was
16 not alone. That what she was seeing was only his earthly
17 body and that the daddy that she loved, the one that loved
18 to play and laugh, that that was his spirit. And his spirit
19 was in heaven. Then with my help she kissed his cheek and
20 said, "I will love you forever."

21 "Then on Saturday morning at 10:00 a.m. we had the
22 services at the church. The service was blessed with many
23 family, friends, church family, the Boy Scouts, and the
24 amateur radio club. The service was upbeat for the children
25 to remember their father.

1 "Barry always told me all that he wanted for his family
2 was to be happy and to live life to its fullest and to be
3 good Christian people. I have tried so hard to keep my chin
4 up and to do what I thought Barry would have wanted me to
5 do. I know without a doubt in my mind that Barry will
6 always be right beside me helping me through all my life. I
7 love Barry so very much and I will always love him.

8 "In our hearts he will always live and we will always
9 remember the loving and happy times that we were blessed to
10 share with Barry.

11 "Barry always told me that I was a lot stronger than I
12 gave myself credit for. Well, I guess he was right. I
13 still cry for my loving husband. Our children still ask and
14 wonder why. But I have told them that the why and the how
15 will only be answered in heaven and by then we will all be
16 at home and the why and the how will not matter anymore.

17 "Once our son, Joe, who was age six asked me, "When
18 will my daddy be home?" And I had to explain to him again
19 and he said "Oh, I'm sorry. I forgot for a minute."

20 "This has affected the lives of all who knew and loved
21 Barry. This is something that will take a lifetime to be
22 able to live with. The important days of our lives will
23 never be shared with him here beside us in the flesh. The
24 Eagle Scout ceremonies, the graduations, the weddings, the
25 birth of grandchildren. But you can be for sure of this,

1 that they will be told of the man that loved all of us and
2 the man that was taken long before his time.

3 "My life has changed since my husband's death. My
4 children have all grown and are troubled by the fact that
5 they no longer have a father. I hurt for them more than I
6 hurt for myself. I've had to be strong and keep on keeping
7 on, not just for myself, as an example to my children that
8 life does go on.

9 "The life that I once had is gone forever. I was able
10 to stay home with my children and be the stay-at-home mom,
11 but now I don't have a choice. I don't have that choice.
12 I've had to work to make a living for my children to have
13 the essential things in life.

14 "The man that I expected to grow old with, my best
15 friend, my husband, is gone. I miss my friend. The only
16 one that made me feel secure and safe in this crazy world.

17 "My children and I have stayed together and stuck
18 together through a lot. We try to carry on one day at a
19 time. The hurt that is deep inside of me will always be
20 there. It's been seven years since I lost the one that was
21 so dear to my heart. The pain and loss is as close and as
22 fresh as if it happened yesterday. I still cry and long for
23 the one true love of my life, the father of my children, and
24 the grandfather.

25 "Our oldest son got married. The pain in his eyes

1 longing for his father to be there and to be proud of him.
2 He's now served our country as a marine. He and his wife
3 are having to try -- he and his wife are trying to have a
4 baby this year. This will be another grandchild that will
5 never get to know the love of a grandfather.

6 "It pains me to know that the love that this baby will
7 miss from Barry. You see, Barry's death did not just impact
8 on me as his wife, but on his entire family and the future
9 family. The impact will last a lifetime for our children
10 and for their children.

11 "As I sit here writing this, I am compelled to scream
12 and cry and try to let you get a glimpse of the impact a
13 death can have on a family. The word family goes out a long
14 way. There's a lot of impact. There are a lot of people
15 impacted by this, wives, children, grandchildren, father,
16 brother, sister, and so on. So you see, I am also their
17 voices."

18 MS. SMOTHERMON: Pass the witness, Your Honor.

19 MR. LYMAN: The Defense has no questions.

20 THE COURT: Thank you very much. You may step
21 down.

22 MS. SMOTHERMON: Your Honor, the State of Oklahoma
23 rests as to the sentencing phase of the trial of the State
24 of Oklahoma versus Richard Glossip for Murder in the First
25 Degree.

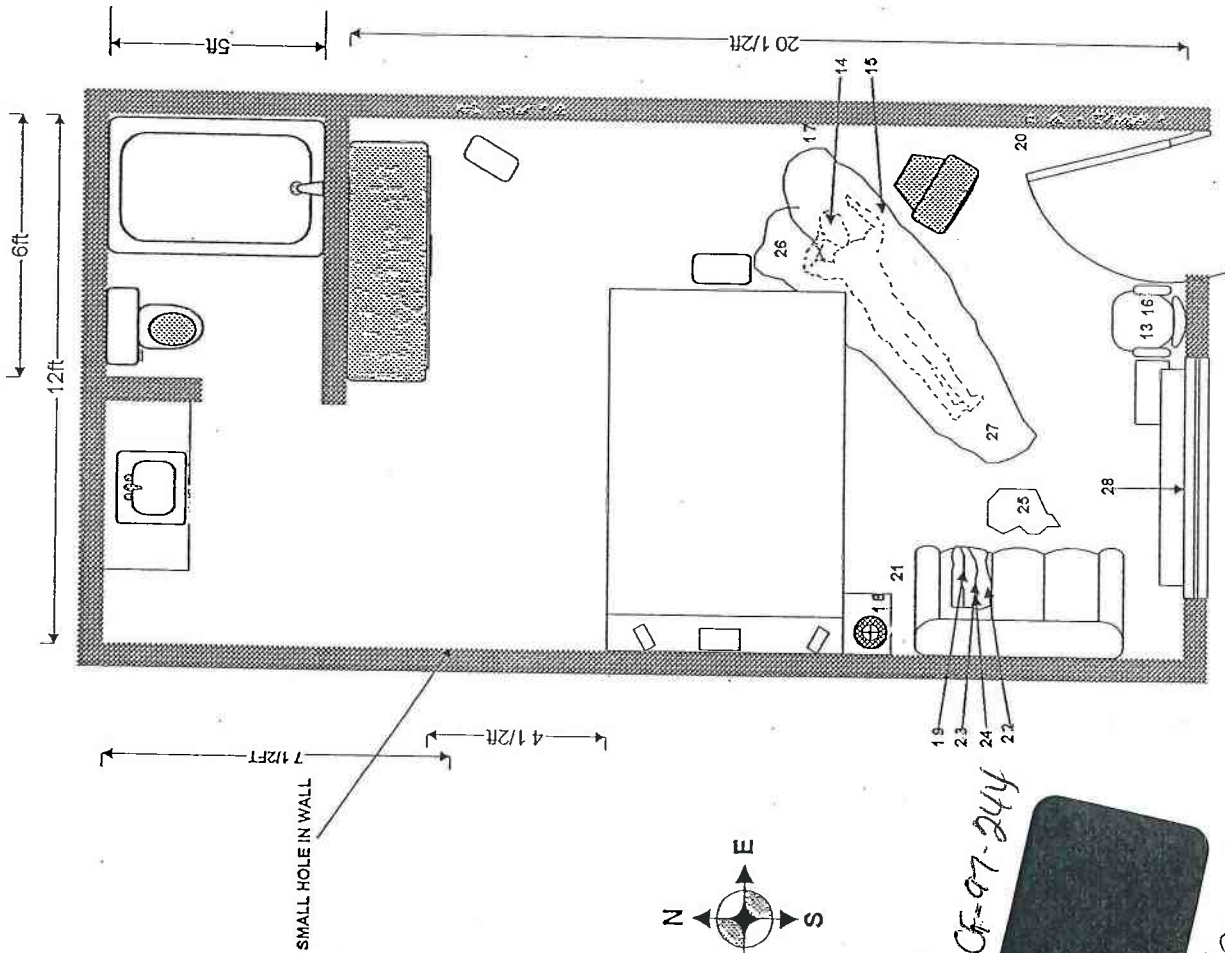
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301 S. COUNCIL #102
VI-BARRY VANTREESE
 W/M 12-3-42

TI-SGT. FIELY I-8

NOT TO SCALE

EVIDENCE COLLECTED

- #13 - BROKEN GLASS
- #14 - KNIFE
- #15 - WATCH
- #16 - ROLL DUCT TAPE
- #17 - SMALL BELT BUCKLE
- #18 - GLASSES
- #19 - NOTE
- #20 - LEFT T-SHOE
- #21 - TWO SOCKS, RIGHT T-SHOE
- #22 - GREEN COAT
- #23 - MULTI-COLORED SWEATER, JEANS AND BELT
- #24 - WALLET MISL PERSON ITEMS
- #25 - BLOODY SHEET
- #26 - BLOODY SHEET AND COVER
- #27 - BLOODY QUILT
- #28 - SHOWER CURTAIN W/DUCT TAPE



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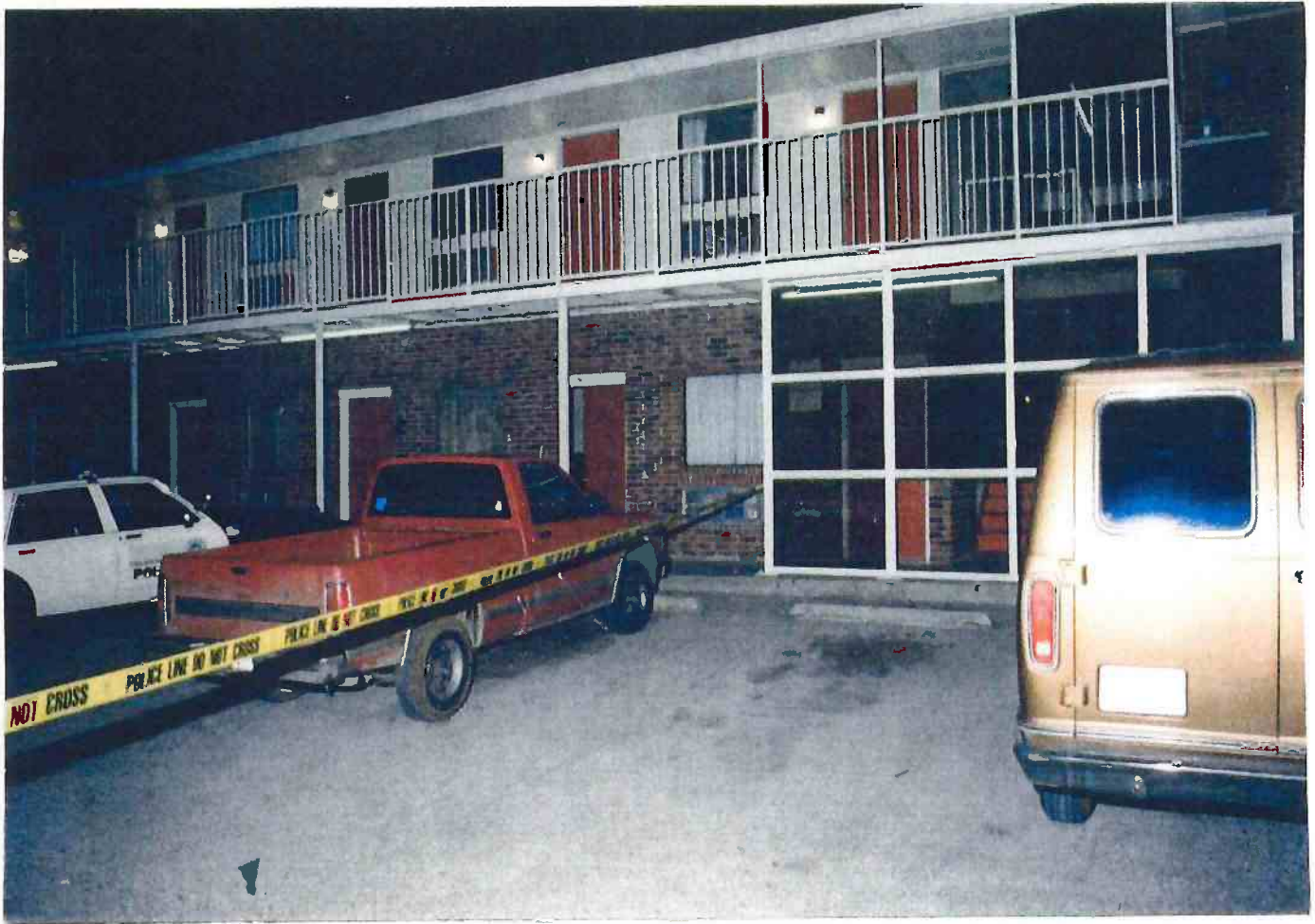


State's Exhibit 42



STATE'S
EXHIBIT
33

CF-97-244
COPY 36



STATE'S
EXHIBIT
18

copy



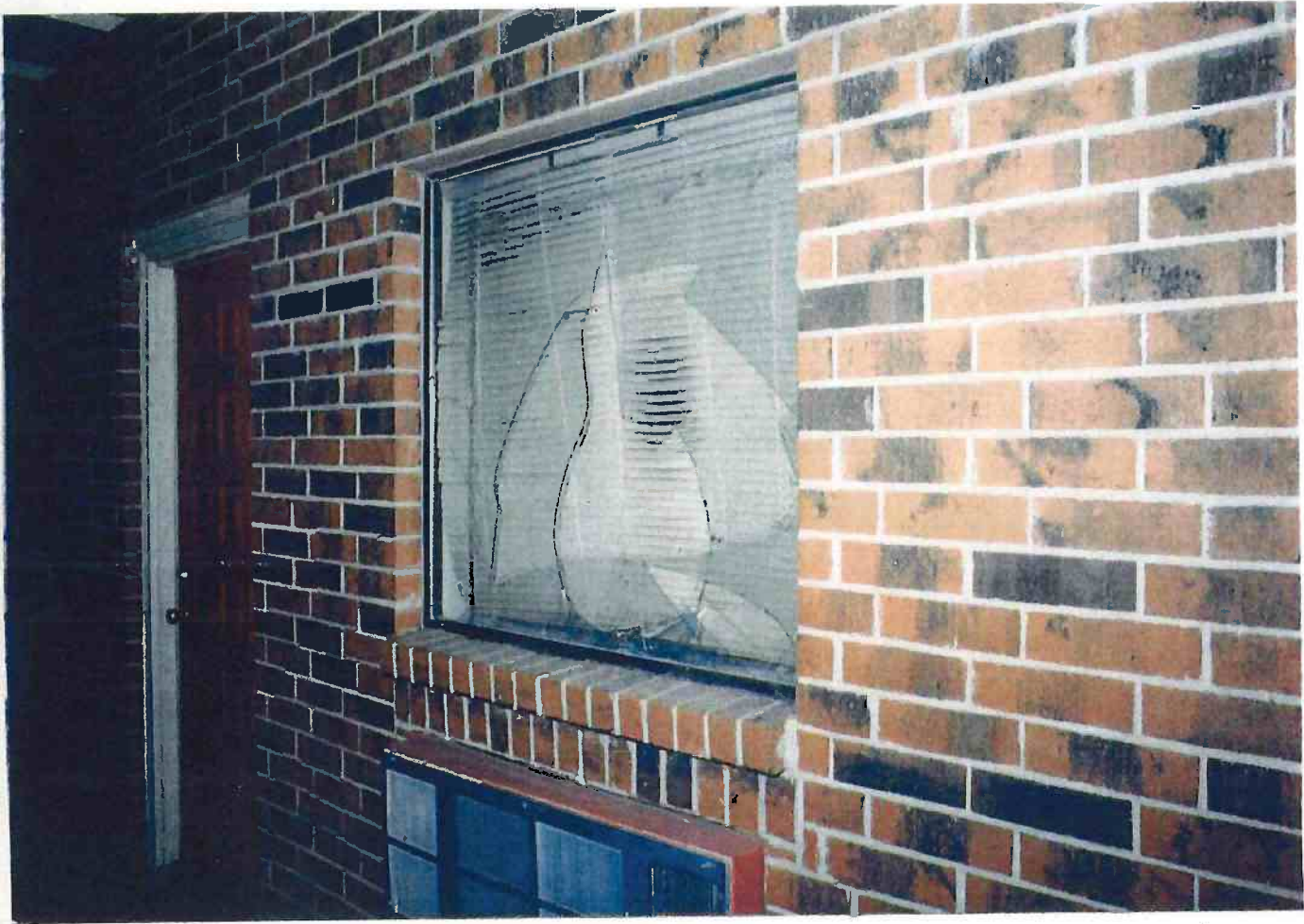
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