

ORIGINAL



FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

SEP 29 2015

MICHAEL S. RICHIE
CLERK

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

RICHARD GLOSSIP)
)
 Petitioner,)
)
 vs.)
)
 THE STATE OF OKLAHOMA,)
)
 Respondent.)

Case No. PCD-2015-820

District Court of Oklahoma County
Case No: . CF-97-256

PETITION FOR REHEARING AND MOTION TO RECONSIDER
SEPTEMBER 28, 2015 OPINION DENYING SUBSEQUENT APPLICATION
FOR POST-CONVICTION RELIEF, MOTION FOR EVIDENTIARY
HEARING, MOTION FOR DISCOVERY AND EMERGENCY REQUEST
FOR A STAY OF EXECUTION

Petitioner, Richard Glossip, by undersigned counsel, asks this Court to reconsider its September 28, 2015 Decision on the following grounds.

1. As set forth below, some information and questions decisive of the case and duly submitted by the attorney of record have been overlooked by the Court. See Court of Criminal Appeals Rule 3.14, 22 O.S.A. Ch. 18, App., and rehearing should be considered and granted. Due to the scheduled execution date of tomorrow September 30 at 3:00 p.m., this Court should stay that date for due consideration of this request for rehearing.

2. This Court should reconsider its decision in light of the information provided in Petitioner's *Reply To State's September 24, 2015 Response To Petitioner's Supplement To*

*Successive Application For Post-Conviction Review ("Reply").*¹ This pleading contains a transcript of a September 21, 2015 videotaped interview of Justin Sneed by reporter Cary Aspinwall, which provides additional newly discovered evidence undermining the credibility of the State's key witness, Justin Sneed. See Attach. S to *Reply*; see also https://www.youtube.com/watch?v=9hATRLml_PY (last visited 9.28.15).

3. Petitioner also asks this Court to reconsider in light of the information in the following pleadings, which were not referenced in this Court's decision:

- Reply To State's Response To Petitioner's Successive Application For Post-Conviction Review, Motion For Discovery, And Motion For Evidentiary Hearing, filed 9.22.15
- Notice Of State Efforts To Oppose Innocence Witnesses, And Request To Protect Innocence Witnesses, filed 9.23.15

In the 9.23 Notice, Petitioner sets forth facts that show the State's effort to suppress exculpatory information in their treatment of Affiants Scott and Tapley whose affidavits are on file as Attachment F and Attachment N. These facts show additional cause for vacating the September 30 execution date and permitting Petitioner more time to collect evidence to support his claim of innocence and his application for postconviction relief.

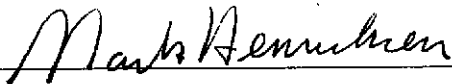
The 9.22 Reply sets forth facts and legal authority that refute the State's arguments in response to the successive application and similarly state grounds why the majority has erred in its decision; these grounds were overlooked by the court and are incorporated by this reference.

¹ Petitioner had already written and prepared for filing this *Reply*, when counsel Mark Henricksen received a call from this Court informing him that the court had just issued its decision denying relief. This *Reply* was filed with the Court on September 28, 2015.

4. At page 6 of its decision, the majority finds that “Glossip’s conviction is not based solely on the testimony of a codefendant and the execution of the sentence will not violate the Eighth Amendment to the United States Constitution.” However, the court overlooks the irrefutable fact that the sole aggravating factor that supports a death sentence, murder for remuneration or murder for hire, is “based solely on the testimony of a codefendant,” and this violates Petitioner’s rights under the Eighth Amendment.

5. Lastly, Petitioner respectfully asks Judge Hudson to consider whether he should recuse himself because of his past position as First Assistant to the Attorney General from 2011-2012, a time when the Attorney General was actively advocating to uphold Petitioner’s conviction and death sentence in the Tenth Circuit.

Respectfully submitted,



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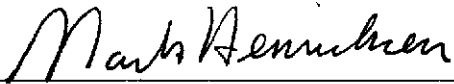
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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2015, a true and correct copy of the foregoing pleading was delivered to the Office of the Clerk of the Court to be delivered to the office of the Attorney General.



Mark Henricksen