



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

**DANIEL K. HOLTZCLAW,**

**Appellant,**

v.

**THE STATE OF OKLAHOMA,**

**Appellee.**

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

**MAR 31 2017**

**No. F 2016-0062**

**MICHAEL S. RICHIE**  
**CLERK**

**ORDER DENYING MOTION TO FILE AMICUS CURIAE BRIEF**

On March 9, 2017, Prof. Randall T. Coyne and J. Christian Adams, by and through counsel Laura K. Deskin, filed a motion for leave to file an *amicus curiae* brief in support of Appellant Daniel K. Holtzclaw. Movant states that the “proposed brief will assist this Court with regard to both the facts and the law in resolving the issue of whether Holtzclaw, under these unique and troubling circumstances, received a fair trial.”

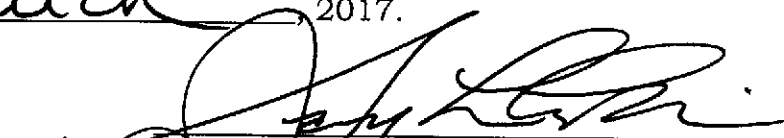
On March 21, 2017, Appellee, by and through Matthew D. Haire, Assistant Attorney General, filed an objection. Appellee argues that “it appears that *amici curiae* propose to make exactly the same arguments as the defendant already has made with the same law and based upon the same facts from the record.” Appellee asserts that to permit the proposed *amicus curiae* brief “reiterating the same arguments, authorities and citations to the record unfairly and improperly permits the defendant more briefing space on an issue than his appointed attorneys chose to allot to it in his appeal” and that filing of such brief would be prejudicial to the State.


Rule 3.4(F)(4), Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch.18, App. (2017), directs that a motion to the Court requesting authorization to file an *amicus curiae* brief shall set out with specificity the basis in law or fact why an *amicus curiae* brief would be of assistance to the Court in deciding the issue presented. After reviewing the motion and the State's objection, Movant's request for leave to file an *amicus curiae* brief is **DENIED**.

**IT IS SO ORDERED.**

**WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this 31<sup>st</sup>

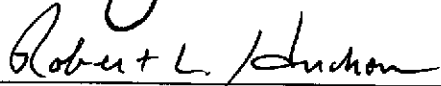
day of March 2017.

  
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**GARY L. LUMPKIN, Presiding Judge**

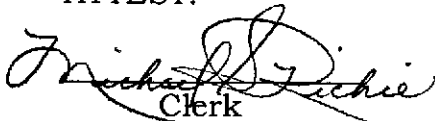
 - Dissenting the brief and they decide this issue.  
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**DAVID B. LEWIS, Vice Presiding Judge**

  
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**ARLENE JOHNSON, Judge**

  
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**CLANCY SMITH, Judge**

  
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**ROBERT L. HUDSON, Judge**

ATTEST:

  
Clerk

NF