

**ORIGINAL**



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

DANIEL K. HOLTZCLAW, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 THE STATE OF OKLAHOMA, )  
 )  
 Appellee. )

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

SEP 14 2018

Case No. F-16-62

**JOHN D. HADDEN**  
CLERK

**MOTION TO FILE A PORTION OF THE BRIEF OF APPELLEE UNDER SEAL**

The State, through Mike Hunter, Attorney General of the State of Oklahoma, respectfully seeks permission to file a portion of the Brief of Appellee under seal. In support hereof, it is submitted as follows:

1. On June 8, 2018, this Court issued an Order Granting Motion to Unseal Documents and Setting Brief Schedule in which it specified that certain documents were to remain under seal, including transcripts of and exhibits admitted at the *in camera* hearing held in Oklahoma County District Court on June 26-27, 2017, and filed in this Court on August 10 and 16, 2017, as well as the trial court's resulting order and amended order, filed in this Court on August 7 and 8, 2017. See Order at 3-4. This Order further stated that "[h]enceforth, only filings which refer in detail, or include, protected material, shall be filed under seal." Order at 4.

2. On August 3, 2018, the defendant's Amendment to Application for Evidentiary Hearing on Sixth Amendment Claims was filed in this Court under seal. According to this Court's Order of the same date, the Brief of Appellee is due to be filed on or before October 2, 2018.

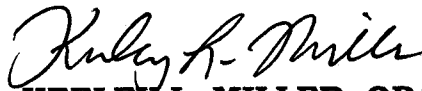
3. Prior to the filing of its Brief, the State seeks permission from this Court to file a portion of its Brief under seal. In response to the defendant's claim of ineffective assistance of counsel in Proposition V, the State has found it necessary to discuss evidence brought out at the *in camera* hearing of June 26-27, 2017, and refer to the trial court's order resulting from that hearing. As the State cites to records under seal, it could be said that Proposition V of the Brief refers to "protected material." Accordingly, and in an abundance of caution, the State seeks permission from this Court to file Proposition V of the Brief of Appellee under seal.

4. This motion is made in good faith and not for the purpose of delay.

For the reasons stated above, the State respectfully requests permission to file a portion (Proposition V) of the Brief of Appellee under seal.

Respectfully submitted,

**MIKE HUNTER**  
**ATTORNEY GENERAL**



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