

ORIGINAL



IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

JOHN MARION GRANT,)
JULIUS DARIUS JONES,)
BIGLER JOBE STOUFFER,)
WADE GREELY LAY,)
DONALD ANTHONY GRANT,)
GILBERT RAY POSTELLE,)
JAMES ALLEN CODDINGTON,)
)
Appellant,)

FILED
COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

SEP 3 2021

JOHN D. HADDEN
CLERK

v.)
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STATE OF OKLAHOMA,)
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Appellee.)

Case No. D-2000-653 (Grant, J.)
D-2002-534 (Jones)
D-2003-277 (Stouffer)
D-2005-1081 (Lay)
D-2006-14 (Grant, D.)
D-2008-934 (Postelle)
D-2008-655 (Coddington)

SUPPLEMENTAL NOTICE REGARDING EXECUTION DATE

COMES NOW, the State of Oklahoma, by and through Attorney General John M. O'Connor, and supplements its August 25, 2021 notices regarding execution dates in the above-styled cases. In those notices, the State requested execution dates for the defendants based on the federal district court's final judgment against them in litigation regarding the State's method of execution, as well as the conclusion of all avenues for challenging the convictions and sentences.

Each of the defendants has filed objections to the requested settings, which rest primarily upon their ability to ask the federal court to reopen its

judgment, and they have since made that request in federal court. This Court has not yet ruled on the State's requests or the defendants' objections.

Specifically, as to John Grant, the State requested an execution date of October 7, 2021. However, the Oklahoma Department of Corrections' procedures require a 35-day notice to the defendant after the setting of an execution date and before the execution (OP-040301 at 13). For that reason, the requested October 7th date is no longer appropriate.

After taking a number of factors into consideration, the Department of Corrections has requested that executions be held on Thursdays. And the Oklahoma Pardon and Parole Board has asked that executions not be scheduled less than three weeks apart so that they have adequate time to consider each request for clemency that might be made. Further, the Board held a meeting on August 31, at which it considered the State's requested dates and determined the dates on which each defendant's clemency hearing—should they request one—would be held if the State's requests are granted.

In light of the foregoing, the State respectfully asks this Court to set execution dates in the following order:¹

- John Grant
- Julius Jones
- Bigler Stouffer
- Wade Lay
- Donald Grant
- Gilbert Postelle
- James Coddington

¹ This order is based on the order in which each defendant has exhausted all challenges to their convictions and sentences.

The State further asks that this Court, to the extent possible, use the dates previously requested by the State, such that John Grant's execution would be on October 28 (or November 18) and the remainder of the executions would follow at a minimum of every three weeks.

Respectfully submitted,

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CERTIFICATE OF SERVICE

On this 3rd day of September, 2021, a true and correct copy of the foregoing was mailed, via regular first-class United States mail, to:

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