



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

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

SEP 24 2015

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

**MICHAEL S. RICHIE**  
CLERK

Case No. PCD-2015-820

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

**NOTICE OF STATE EFFORTS TO OPPOSE INNOCENCE WITNESSES, AND  
REQUEST TO PROTECT INNOCENCE WITNESSES**

Petitioner, Richard Glossip, by undersigned counsel, provides this Court with notice of the following and requests the Court's assistance in ensuring that existing innocence witnesses are not intimidated by the State and that additional innocence witnesses not be suppressed and/or intimidated from coming forward by the State.

As explained below,

**AN INNOCENCE WITNESS WAS ARRESTED SO THAT  
HE COULD BE FORCED TO TALK WITH DISTRICT  
ATTORNEY DAVID PRATER AND HIS INVESTIGATOR.**

**I. Statement Of Facts Supporting Request For Relief**

Michael Scott has completed an affidavit in support of Mr. Glossip's innocence claim that is currently pending in this court. In this affidavit, Mr. Scott has stated that, while he was a prisoner at Joseph Harp Correctional Center in 2006, he overheard Justin Sneed laughing about framing Mr. Glossip for the murder of Barry Van Treese. Specifically he stated as follows:

5. While I was housed near Mr. Sneed, and on more than one occasion, I heard Justin Sneed talk about the murder case that he was in prison for, and about Richard Glossip. I clearly heard Justin Sneed say that, in his statements and testimony, he set Richard Glossip up, and that Richard Glossip didn't do anything.
6. Among all the inmates, it was common knowledge that Justin Sneed lied and sold Richard Glossip up the river.
7. As a specific example, within the first month or two of my arrival at Joseph Harp, I learned that Justin Sneed had snitched on a guy who didn't do anything. I specifically remember Justin on the top run with a couple of other inmates, fixing some food, and laughing with them about setting Richard Glossip up for a crime Richard didn't do. It was almost like Justin was bragging about what he had done to this other guy – to Richard Glossip. Justin was happy and proud of himself for selling Richard Glossip out.
8. I know Justin made stuff up to try to save his own life, and to get a better deal: a life sentence on a soft yard. I heard Justin talking about the deal he made, and what he did to Richard.
9. When I heard Justin Sneed say these things, I did not tell anyone. Honestly, there seemed to be many other things that I saw or heard that were much worse. However, when I saw the Dr. Phil show about Justin Sneed and about Mr. Glossip being executed, I knew I had to say something, because I realized just how important this information was. So I called Don Knight's office, since I saw him on Dr. Phil.

See Attachment F to Application and Supplement to Application.

Upon information and belief, following the release of this affidavit, David Prater, the elected District Attorney for Oklahoma County made several attempts to locate and call Mr. Scott. Mr. Scott knew it was Mr. Prater himself who was attempting to find him, as Mr. Prater actually talked to Mr. Scott's mother, Nancy Scott, asking about her son's whereabouts. Mr. Scott, wishing to be left alone by the authorities and the media in this high profile case, declined to accept Mr. Prater's calls. He said in his affidavit that he would appear and testify in court. He came forward with this critical information out of a concern for Mr. Glossip's life and his desire to help prevent an innocent man from being killed by the state. He had no desire to have his name brought up in the media or to be harassed by the authorities. He did not return Mr. Prater's calls.

Sometime before Saturday, September 19, 2015, an unknown person with access to Oklahoma Department of Corrections files pulled a confidential record from Michael Scott's ODOC file and fed that document and/or information from that document to a friendly member of the press. On Saturday, September 19, 2015, the Oklahoman ran an article under the headline "CREDIBILITY OF GLOSSIP CASE WITNESS COMES INTO QUESTION, RECORDS SHOW" on the front page of the paper along with a large picture of Mr. Scott. The release of confidential information without Mr. Scott's permission may well be a violation of law. Mr. Scott did not welcome the release of this information, from so many years ago, which seemed designed only to smear him. Mr. Scott wanted nothing more than to come forward and tell the truth about an innocent man framed by a murderer.

Earlier this year, Michael Scott had been arrested on charges that included Driving under the Influence and Possession of a residual amount of marijuana. He pled guilty in Rogers County District Court and received a 1-year suspended jail sentence. The terms and conditions of the suspended sentence, under District Attorney supervision, were to pay fines and court costs, complete community service, and not receive any criminal charges. Mr. Scott has not violated any law while under supervision. He is currently unable to work due to injuries he suffered in a car accident, and so has fallen behind in his payments. To date, he is approximately \$200.00 behind in his payments. He has not completed his community service. As of the close of business on Monday, September 21, 2015, there were no warrants for Mr. Scott's arrest based upon the fact that he was not current in his payments or community service.

On Tuesday, September 22, 2015 local and state police authorities confronted Michael Scott's mother at her place of employment, seeking Mr. Scott's whereabouts. Later on the same day, police officers from Claremore and other agencies surrounded Mr. Scott's house, called him

on the phone, and demanded that he leave the house. They said he could walk out the back and that they wouldn't humiliate him in front of the neighbors. They had previously told his mother that they just wanted to pick Mr. Scott up and that they did not want violence. When Mr. Scott agreed to exit the house, the police said nothing about guns. However, upon leaving out his back door, Mr. Scott was confronted with police officers with their service weapons drawn and pointed at him. Michael Scott was scared to death.

Mr. Scott was arrested on a warrant that had been issued just earlier on the same day for failure to pay the fines and failure to complete his community service. There were at least 10-15 officers involved in this arrest, both at his mother's place of employment and his house. It appears to have been a coordinated arrest among various agencies. Mr. Scott was handcuffed and taken to the Claremore Police department. When he asked if he could just pay his fines, he was told that the police "had to bring him in," and "we have to take you to talk to some people."

At the police station in Rogers County, Mr. Scott, while still in handcuffs, was placed in a chair in the interrogation room. On the table in the room was an accordion file with the name "Richard Glossip" and the word "Stay" written on the folder. This room was equipped with a camera, although Mr. Scott did not know if it was turned on or not. The elected District Attorney for Oklahoma County, David Prater, and an investigator with the last name of Eastbrook then entered the room and began interrogating Mr. Scott. They asked him questions concerning the affidavit that he signed and that has been filed with this Court in Glossip v. State, Case No. PCD-2015-820. They asked Mr. Scott questions about his life and his time in the Oklahoma Department of Corrections. When he tried to tell them that he did not want to answer these questions, due to the fact that he (Scott) as not on trial, Prater and Eastbrook told him that if he did not tell them about his personal life, then how could they decide if he was telling the truth about anything.

Prater and Eastbrook continued to ask him questions about his drug use. They even asked him questions about prescription medication that his mother is taking. The only way they could have known about this is to have entered the house that Mr. Scott shares with his mother at some point after his arrest. When he was arrested, no one else was home, and no one gave the police permission to enter the premises. It was clear to Mr. Scott that the questions being asked concerned whether or not he was telling the truth in his affidavit with this court. The questions also seemed designed to confuse or to trick Mr. Scott, or to get him to change his affidavit or to otherwise discredit him.

Mr. Scott told Mr. Prater that he did not know if he (Scott) should talk to him. However, he was in custody and was not being permitted to see a lawyer or to make bond. He felt intimidated and coerced into talking with Mr. Prater and Mr. Eastbrook. Mr. Prater told Mr. Scott that he specifically called over to Rogers County and learned that Mr. Scott was on DA supervision, and that he may be in violation. Mr. Prater continued to advise Mr. Scott that, as soon as he learned that Mr. Scott may be in violation, he told the authorities in Rogers County to issue a warrant for Scott's arrest. Mr. Prater specifically told Mr. Scott that he ordered this action so that Scott would be forced to talk with Prater and his investigator. While in the interrogation room, Mr. Scott did not feel free to decline to talk with Prater and his investigator. He did not feel free to say he did not want to talk. Michael Scott felt that, in the circumstances that exist today, where people are often killed in police custody that he was in very real danger of being harmed just for having stood up and told the truth.


After they finished questioning Mr. Scott about his statements in the Glossip matter, Prater and Eastbrook left him to be processed and released on \$500.00 bond, pending a court appearance today in the Rogers County Courthouse in case number CM-2015-167.

Upon information and belief, Donald Knight, one of the attorneys acting for Mr. Glossip, learned that, on September 23, 2015, a similar warrant was issued for the arrest of another of the witnesses to Mr. Glossip's innocence, Joe Tapley, who has, through his own attorney, informed David Prater that he does not wish to talk with him about the affidavit that was filed with this court on September 21, 2015. After Mr. Prater learned Mr. Tapley did not wish to speak with him, which is Mr. Tapley's right as a witness, a warrant was issued for Mr. Tapley's arrest.

## II. Prayer for Relief

This intimidating conduct of innocence witnesses by the State should be immediately stopped.

Respectfully submitted,



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*Pro hac vice* motion pending

**CERTIFICATE OF SERVICE**

I hereby certify that on September 23, 2015, a true and correct copy of the foregoing Notice was delivered to the Office of the Clerk of the Court to be delivered to the office of the Attorney General.



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Mark Henricksen