

10/11/15



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

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

**Case No. PCD-2015-820**  
**Execution September 30, 2015**

**FILED**  
**IN COURT OF CRIMINAL APPEALS**  
**STATE OF OKLAHOMA**  
SEP 29 2015  
**MICHAEL S. RICHIE**  
**CLERK**

**MOTION TO STRIKE PETITIONER’S 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 STAY OF EXECUTION**

COMES NOW the State of Oklahoma, by and through Jennifer J. Dickson, Assistant Attorney General, and hereby moves to strike Petitioner’s 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, filed with this Court on September 29, 2015.

This Court should strike and not consider Petitioner’s Petition for Rehearing and Motion to Reconsider because the Petition is not permitted by this Court’s Rules, as this is a post-conviction proceeding. Rule 3.14(E) states that “[a] petition for rehearing may be filed only in regular appeals, as defined by Rule 1.2.” Rule 3.14(E), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2015). “Post-Conviction Appeals” are not listed in Rule 1.2(A), which provides a list of types of “Regular Appeals”; instead, “Post-Conviction Appeals” are listed in Rule 1.2(C). Rule 1.2, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22,

Ch. 18, App. (2015). Thus, because this proceeding is not a regular appeal, a Petition for Rehearing may not be filed according to this Court's rules, and this Court should therefore strike and decline to consider Petitioner's Petition for Rehearing.

Based upon the foregoing, Petitioner's Petition for Rehearing and Motion to Reconsider should be stricken.

Respectfully submitted,

**E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA**



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**ATTORNEYS FOR THE RESPONDENT**

**CERTIFICATE OF MAILING**

I certify that on this 29<sup>th</sup> day of September, 2015, a true and correct copy of the foregoing was mailed, with full first-class postage pre-paid, to:

Mark Henricksen  
600 N. Walker, Suite 201  
Oklahoma City, OK 73102



**JENNIFER J. DICKSON**