

THE IMMENSE COST OF MISTAKES: LEARNING FROM STATE V. GLOSSIP

Presentation to the Oklahoma Senate Public Safety Committee

October 1, 2025

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Jackson Walker LLP

Oklahoma Case Data

- Since 1990, 46 people in Oklahoma have been wrongfully convicted.
 - >50% were overturned based on some form of prosecutorial misconduct.
 - Average of 10 years to correct.
- The U.S. Supreme Court reviewed two (2) death penalty cases in the 2024-2025 term: *Richard Glossip* and *Brenda Andrew*.
 - Both were from Oklahoma County and 2004 trials.
 - Both involved prosecutorial misconduct and error.
 - *Glossip* was reversed and *Andrew* was remanded.
- *Glynn Simmons*: Longest serving wrongful conviction exoneree in U.S. history. Simmons served 48 years in prison.
 - Reached partial settlement of \$7.15 million in his ongoing civil rights lawsuit.

The Costs of State v. Glossip

*Costs are from 2017 Bipartisan Death Penalty Review Commission Report, Appendix I.E., and are conservative estimates.

Jail Costs (pre-trial to sentencing for two trials: 1998 and 2004)*	\$89,722
Jail Costs for 3 rd trial as of 10/1/2025 (accruing at \$66.92 per day) Does not include medical costs	\$10,966.47
Defense Costs (2 trials)*	\$72,934
Prosecution Costs (2 trials)*	\$53,154
Appeals Costs (2 trials - Defense only)*	\$106,060
Oklahoma DOC Costs (for 27 years on death row)*	\$1,170,380.80
Independent Counsel Review (2023)	\$30,000
Supreme Court Appeal (2023-2025)	\$150,000
Prosecution Costs (AG and DAC) for 3 rd trial	undetermined
TOTAL COST TO DATE	\$1,683,217.27

The U.S.
Supreme
Court found
in Feb. 2025:

1) Murderer Justin Sneed discussed “recanting my testimony” and wanting to break his plea agreement pre- and post-trial.

2) State withheld witness statements from Glossip.

3) State violated the rule of sequestration supplying witness testimony to Sneed during trial.

4) The prosecution violated its constitutional obligation to correct false testimony in the 2004 trial.

5) State destroyed evidence in 1999 during Glossip’s pending appeal before his second trial.

May 2003 Justin Sneed Letter to Attorney

(disclosed per OK's crime-fraud exception)

“recanting
my
testimony”

Gina,

05-15-03

Well I hope you are doing O.k. I'm good I guess, trying to get my job and my levels back still. Now I broke my right pinky finger trying to play Basketball.

I was just kinda curious if they found out about the DNA sample thing. No-one has tried to get a sample from me yet, or if they found out it wasn't blood and set my co-defendant a new Trial Date yet.

Curious on if you're still thinking about coming here to try to visit me before his trial. And parts of me are curious that if I chose to do this again, Do I have the choice of re-canting my testimony at any time during my life, or anything like that.

For now I guess that's pretty much it. If there is anything you know, on his Court Date and about re-canting. The most thing I just hate the waiting game, and not seeing what's going to come next, W/APP. Thanks

Sincerely
Justin Sneed

2007
Sneed
Letter to
Attorney:

“some
things I
need to
clean up”

“it was a
mistake”

Giner

First off before I get to deep
into this letter, I need to know if
you still there ~~do~~ like work there
still,

There are alot of things right
now that are eating at me.

Somethings I need to clean
up. If I Can't get in contact
with you or anyone who gets
your mail, I'm going to try to contact
the indigent defense over his case
or the D.A.'s

I think you know were
I'm going it was a mistake
Reliving this.

Please write me back

State's
Destruction of
Evidence
Before
Glossip's 2004
trial

OKLAHOMA CITY POLICE DEPARTMENT

CRIME REPORT

Reported Date: 10/28/99 Time: 15:26 Case: 99-095391 (000) Page: 1
Code: Crime: Class: 422100
Occurrence Date: 10/28/99- Day: THURSDAY - Time: -
Status: AS ASSIGNED Closing Officer: 000406 HOGUE, JANET
Location: 701 COLCORD DR., OK RD: 7

===== NARRATIVE =====
RE: PROPERTY TRANSFER FROM OKLA. COUNTY DA'S OFFICE
APPEALS EXHAUSTED: PROPERTY FOR DESTROY

BODY OF REPORT

On 10-28-99, this detective was assigned to transfer property from the Okla. County DA's office back to the OCPD property room. The case number is listed as CRF97-2261 with the defendants listed as Glossip and Sneed, charged with Murder I. The original officer is listed as Sgt. M. Jones. The incident occurred on 01-07-97 at 301 S. Council. The property listed as:

1. One roll of duct tape
2. One bag with duct tape
3. One envelope with note
4. One bag with glasses
5. One bag wallet, knives, keys
6. One bag with white shower curtain
7. One white box with papers
8. One deposit book
9. Two receipt books

A property card was filled out and the evidence was checked into the property room and marked for destroy by this detective.

Prosecutor Supplying Testimony to Sneed During Trial (Not Disclosed by State Until 2022)*

Gina,

Here are a few items that have been testified to that I needed to discuss with Justin –

1 - Officer Vernon Kriethe says in his report that after he arrested Justin and was transporting him downtown Justin voluntarily said –

It was my job to take him out and his to clean up
The evidence –he didn't do a very good job

Does Justin remember making that statement?

2. -Kayla Pursley says she saw Justin leave in Glossip's car about 5:30 or 6:00 and she doesn't know how long he was gone or where he went. ?????

3 - Our biggest problem is still the knife. Justin tells the police that the knife fell out of his pocket and that he didn't stab the victim with it. There are no stab wounds, however the pocket knife blade is open and the knife is found under the victim's head. The victim and Justin both have "lacerations" which could be caused from fighting/ falling on furniture with edges or from a knife blade. It doesn't make much sense to me that Justin could have control of the bat and a knife, but I don't understand how/when the blade was opened and how/when they might have been cut. Also, the blade tip is broken off. Was the knife like that before or did that happen during?

4 - Justin's clothes were found in the canister in the laundry room. There was a small piece of duct tape stuck on one of the socks. I understand that he hid the clothes while everyone was looking at the car which was well after Glossip was with him and they were taping up the shower curtain – is that right?

5 - Officers testified that the shower curtain to room 102 was missing. Is that the room where they got the shower curtain? I have it listed as room 102 one place in my notes and room 101 in another place????

tip broke when found it. brought knife down one time possible laceration on it hit - touched w/ w/ bat hit in chest w/ knife - turned it -

a.m? p.m.?

Saw when police window left to get police car ~7:30

Thanks - we should get to him this afternoon. Tina wasn't here on Monday so Justin may not get to the old jail until noon.

Connie

*This memorandum was found in the DA Case File boxes (with highlighting and handwriting as shown). Gina Walker was also a state's witness and not allowed to know other trial witness testimony.

Oklahoma County DA Case File Box 8 – Prosecutor Interview Notes Referenced “Dr. Trumpet” (Not Disclosed Until 2023)

10-22-03: H. Walker, C. Pope, myself
& Justin Need-

2X
on Lithium? by appeal
Women
Waiver for records
Man
heavy set? 30 min. Dr. Trumpet?
invest. IQ test Burch GED. VoTech
Suri appeal

STATE OF OKLAHOMA)

)

)

ss.

COUNTY OF OKLAHOMA)

)

Dr. Lawrence “Larry” Trombka, a person of lawful age, being duly sworn, under penalty of perjury do state as follows:

1. I received my medical license in 1987. I graduated from medical school and did a four-year residency in psychiatric services. I am a licensed psychiatrist by the state of Oklahoma. I have worked for the Department of Corrections providing psychiatric and mental health services for inmates at various jails and prisons in the state of Oklahoma.
2. In 1997-1998, I was the sole psychiatrist at the Oklahoma County Jail providing psychiatric and mental health services to the inmates. I would visit the jail once a week.

State's Direct Examination of Sneed at Trial

3 Q. After you were arrested, were you placed on any type of
4 prescription medication?

5 A. When I was arrested I asked for some Sudafed because I
6 had a cold, but then shortly after that somehow they ended
7 up giving me Lithium for some reason, I don't know why. I
8 never seen no psychiatrist or anything.

9 Q. So you don't know why they gave you that?

10 A. No.

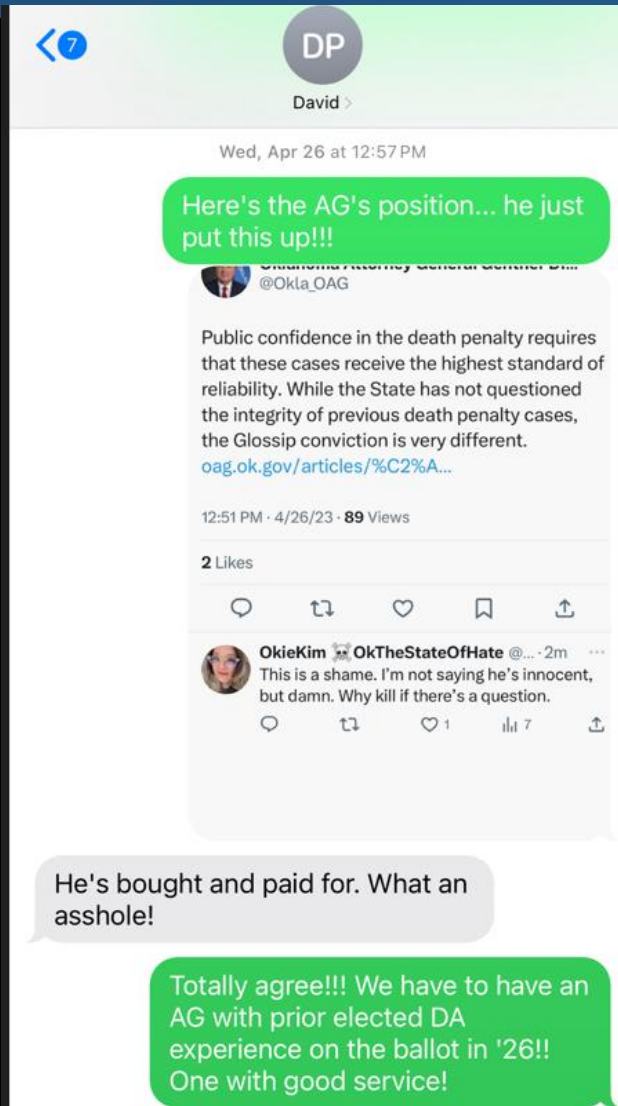
Attorney General's Confession of Error: April 2023

The State is also not comfortable asserting that the outcome of the trial would have been the same if Sneed had testified accurately. There is no dispute that Sneed was the State's key witness at the second trial. If Sneed had accurately disclosed that he had seen a psychiatrist, then the defense would have likely learned of the nature of Sneed's psychiatric condition and the true reason for Sneed's lithium prescription. With this information plus Sneed's history of drug addiction, the State believes that a qualified defense attorney likely could have attacked Sneed's ability to properly recall key facts at the second trial. Stated another way, the State has reached the difficult conclusion that the conviction of Glossip was obtained with the benefit of material misstatements to the jury by its key witness. Accordingly, the State believes Glossip is entitled to post-conviction relief.

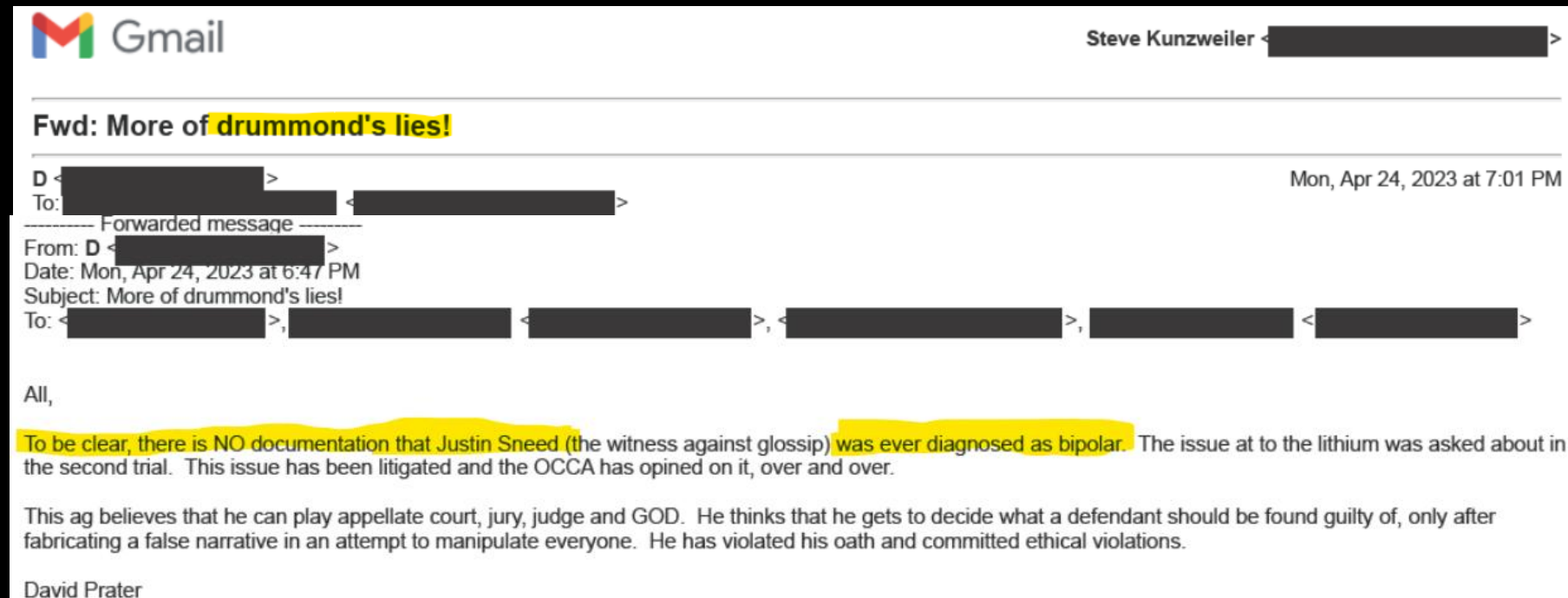
fact the opportunity to weigh Sneed's credibility with the accurate information. Additionally, and even though previously addressed by this Court, the State is concerned that there were multiple and cumulative errors, such as violation of the rule of sequestration and destruction of evidence, that when taken together with Sneed's misstatements warrant a remand to the district court.

Prosecutors' Responses and Takeaways

Oklahoma County DA David Prater about AG's Confession of Error*



I told Drummond that he had irreparably harmed the criminal justice system in Oklahoma and the reputation of prosecutors.



*Despite an open records request, District 14 DA (Tulsa) declined to produce an unredacted version.

The Documentation (obtained from State files)

OKLAHOMA COUNTY SHERIFFS OFFICE

MEDICAL INFORMATION SHEET

INTAKE NUMBER: **IN97502547** NAME: SNEED, JUSTIN BLAYNE

DOB: 09/22/77

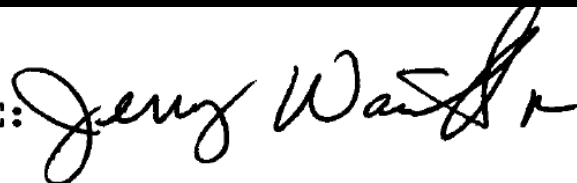
DATE IN CUSTODY: 01/17/97

DATE TRANSFERRED: 07-08-98

GENERAL BEHAVIOR: FAIR

MEDICAL PROBLEMS: **BI-POLAR**

MEDICAL SIGNATURE:



Oklahoma County Trial Prosecutor's Changing Explanations: 2003-2024

From: [Smothermon, Connie S.](#)
To: [Joshua Lockett](#)
Subject: [EXTERNAL] Fwd: Quick follow up question
Date: Thursday, March 16, 2023 12:38:26 PM

See the email below. I asked him to send me a picture of the note. He said no need. But he was more than willing to ask me about it. I told him I didn't remember ever speaking to the jail dr, but maybe I did. I explained that **everyone, including the defense would have had Sneed's medical records** so this was obviously not new evidence. **I asked him why he thought it was Dr Trombka and not Dr Trumpet the jazz musician** and I was making a personal note or something else. He said Reed Smith was able to make that assumption within an hour after FINALLY getting Box 8 after Glossip's attys had asked FOR SOOOO LONG. I told him I never liked making assumptions and wasn't willing to do that here just because Reed Smith was. I think I laughed and said Reed Smith was sure making a lot of logical leaps which I disagreed with.
The whole conversation made me mad. Took about three minutes.
Call if you want this afternoon.

To the U.S. Supreme Court (2024):

Our notes are a memorialization of Sneed's recounting of his conversations with members of Glossip's defense team.

But see her disclosure to Court in 2003:

MS. POPE: And then the fourth one is witness records obtained in this case, specifically the records of Justin Sneed obtained from Joseph Harp. Mr. Ackley and I visited Mr. Sneed early last week. Mr. Sneed told us that Defense counsel, since he had been at Joseph Harp had been to visit him twice. The last time was Mr. Burch and they just merely discussed some things but there was nothing that was given to Mr. Burch in the way of physical documents. But that the first one was an investigator from OIDS and it was a female. He could not remember her name and apparently what she did was have him sign a waiver which he signed for documents of his at Joseph Harp. He said that **his memory was that this waiver excluded medical documents** but they included things like his GED documents and his documents

Attorney General's Position to the Oklahoma Pardon & Parole Board: April 2023

So that I am clear and as supported by unimpeachable evidence, I believe that Mr. Glossip is guilty of accessory after the fact. Although he may be guilty of first degree murder, the record (complete with the new evidence that the jury did not hear nor consider in rendering its verdict and death sentence) does not support that he is guilty of first degree murder beyond a reasonable doubt. This undermines the reliability of the conviction for which the State seeks his execution.

I am not aware of an Oklahoma Attorney General ever supporting a clemency application for a death row inmate. This is for good reason. In every previous case that has come before this Board, the State has maintained full confidence in the integrity of the conviction. That is simply not the case in this matter due to the material evidence that was not disclosed to the jury.

Securing justice can sometimes require extraordinary efforts. I believe the greatest exercise of State sovereignty is the State executing another human. Based on the complete record including the new evidence that the jury did not hear, it would represent a grave injustice to execute a man whose trial conviction was impugned by a litany of errors, that when taken in total would have created reasonable doubt. No execution should be carried out under such questionable circumstances.

I thank you for your service to the People of Oklahoma, and I urge you to vote in favor of clemency for Richard Glossip.

Sincerely,

Gentner Drummond
Attorney General

OK District Attorneys Council to the U.S. Supreme Court

B. No “New” Evidence Exists, and Prosecutors Never “Concealed” Anything.

were entirely correct. The purported concealment of evidence never occurred. See *infra*, at 11. And the dispute pertains to evidence that was not material to Glosip’s aggravated murder conviction. See *infra*, at 12.

District
Attorneys
Council in
2025:

\$500,000 for
new Death
Penalty
Review Team

Oklahoma DA Council seeks funding boost for death penalty case support and fair trials

by Grant Palmer | Fri, September 19th 2025 at 6:21 PM

Spokesperson Damon Gardenhire told FOX 25 the money would go towards creating a team that makes sure the process is done the right way.

"There have been some reports about past death penalty cases, most of those cases that you hear about where something went awry, or the evidence wasn't handled the right way," he said.

"That's a specially unique role. So on the one hand, they're prosecuting a crime, but they're also trying to ensure that everyone is getting a fair shake," he said.

Gardenhire said prosecutors have a dual responsibility, and that having a team will provide the resources to ensure that responsibility is upheld.

DAC Members on *Glossip*: 2023

District 6

Jason >

They posted the Baltazar opinion. Very short and sweet.

Thu, Apr 6 at 7:41 PM

Yeah!!!

Independent counsels opinion on the Glossip case! Crazy!

Honorable Counsel Document
Baltazar Attorney General
11/1/23 11:17 AM
Honorable City, MS, 11/1/23

Re: Independent Counsel Report to the Honorable of Richard Eugene Galt, Jr.
Honorable County case CP 1007-204
Attorney General Document.

Following your January 2023 engagement, I reviewed available materials associated with Odell's prosecution, conviction, sentencing, and post-conviction appeals of Richard Eugene Galt, Jr. (the "Galt" case) (Honorable County case CP 1007-204, documents in a filing in the Matter of Odell's CP 1007-204, Matter in the First Degree).

Additionally, I have met with and spoken to attorneys, investigators, legislators and others. Additional work products developed by private attorneys, law firms and legal experts were also provided for review.

As provided in January, your office provided 50% and 50% payment to every available document and did not influence my investigation. You also retained critical case the information previously withheld from Glossip's trial attorneys, referred to as "Box B" under claims of work product, to be shared with his current attorneys, the Galt's, and attorneys with law firms based South LLP, Jackson Walker LLP, and Chase & Shadley LLP. Box B provided significant discoverable information.

Thousands of hours of investigation and voluminous reports from South LLP and Jackson Walker LLP were instrumental in negotiating a reported 140,000 pages related to the

glossip_re-
port_4.3.2023_redacted

District 8

Brian Hermanson

We need to approach him in private and ask him to ask us to do it. If he says no, then we go public and announce "in the interest of Justice" we are going to represent the unrepresented victim in the briefing and argument cycle.

MMS
10:12 AM

District 2

Brian Hermanson

AG has a conflict of interest because he has taken a position against the victim and so he should appoint one of us.

Absolutely he does!!!

Brian Hermanson

Then we can do it on the AG's nickel.

I actually want it on ODAA agenda

Angela Marsee

It needs to be on the agenda. DAC or ODAA? Has anyone talked to Kim Moyer?

I'm planning to call her this afternoon. We need to get on top of this

Angela Marsee

How do we "force" AG's hand??? Me thinks he is not likely to agree that he needs to recuse.

District Attorneys Council in 2021:

Conviction Integrity Units are "Unnecessary"

From: Steve Kunzweiler CONTACT <stevekunzweiler@tulsacounty.org>

Sent: Monday, March 1, 2021 4:08 PM

To: Baggett, Trent <Trent.Baggett@dac.state.ok.us>; Ballard, Matt <Matt.Ballard@dac.state.ok.us>; Boring, Christopher <Christopher.Boring@dac.state.ok.us>; Boring, Mike <James.Boring@dac.state.ok.us>; Brewer, Kathryn <Kathryn.Brewer@dac.state.ok.us>; Buchanan, Kevin <Kevin.Buchanan@dac.state.ok.us>; Cook, Max <Max.Cook@dac.state.ok.us>; Fields, Michael <Michael.Fields@dac.state.ok.us>; Fisher, Mike <Mike.Fisher@dac.state.ok.us>; Grubb, Allan <Allan.Grubb@dac.state.ok.us>; Hermanson, Brian <Brian.Hermanson@dac.state.ok.us>; Hicks, Jason <Jason.Hicks@dac.state.ok.us>; Iski, Carol <Carol.Iski@dac.state.ok.us>; Kunzweiler, Steve <Steve.Kunzweiler@dac.state.ok.us>; Ladd, Craig <Craig.Ladd@dac.state.ok.us>; Loge, Orvil <Orvil.Loge@dac.state.ok.us>; Marsee, Angela <Angela.Marsee@dac.state.ok.us>; Mashburn, Greg <Greg.Mashburn@dac.state.ok.us>; Matloff, Mark <Mark.Matloff@dac.state.ok.us>; Smith, Fred <Fred.Smith@dac.state.ok.us>; Smith, Jeff <Jeff.Smith@dac.state.ok.us>; Smith, Paul <Paul.Smith@dac.state.ok.us>; Sullivan, Chuck <Chuck.Sullivan@dac.state.ok.us>; Thomas, David <David.Thomas@dac.state.ok.us>; Thomas, Laura <Laura.Thomas@dac.state.ok.us>; Thorp, Jack <Jack.Thorp@dac.state.ok.us>; Webster, Timothy <Timothy.Webster@dac.state.ok.us>; Wright, Kenny <Kenny.Wright@dac.state.ok.us>

Subject: RE: Conviction Integrity Review Unit

eCapitol News

Death row review bill receives green light from Criminal Justice, Corrections Committee

Author: Tyler Talley

Date: 02/25/2021

(eCap) A bill establishing a special unit to reexamine death row cases based on new evidence received a unanimous do pass recommendation Thursday from the House Criminal Justice and Corrections Committee.

The bill, [HB1551](#), was originally a shell bill filed by Speaker Charles McCall, R-Atoka, but Rep. Kevin McDugle presented new language Thursday in the form of a committee substitute.

FYI – below is the e-mail I fired off to Representative McDugle. I believe that his district is actually in Wagoner County.

Representative McDugle:

My cell phone number is [REDACTED]. I would very much like to visit with you about the legislation you are proposing as it relates to a "conviction integrity unit". I am confident that your District Attorney, Jack Thorp would share my concerns about the prospects of casting this unnecessary and likely bureaucratic wrench into an appellate review process which has withstood the test of time. As I

Conviction Review Units (CRUs) Are a Necessary Safety Valve

- The criminal justice system is a human system; errors happen.
- In addition to the enormous cost to the taxpayers, wrongful convictions reduce community safety and public confidence in the criminal justice system.
- 18 states have CIUs:
 - Arizona, Texas, California, Florida, Georgia, Illinois, Kansas, Louisiana, Massachusetts, Michigan, Maryland, Missouri, Nevada, New York, Ohio, Oregon, Pennsylvania, Tennessee.
 - Some State Attorney General's Office have separate and independent CRUs (e.g., Pennsylvania, Illinois, Michigan, NY).
 - This separation from the active prosecutions conducted by the DA's or AG's Office protects the independence and integrity of the CRU. Separation applies to the review, filing decisions, physical files, interview and office space.
 - All six major counties in Texas have separate and independent CRUs.
 - Entirely separate and completely independent units staffed with attorneys who have no connection to the prosecution team or case being reviewed.
 - If errors are found, these separate units handle the filings in Court.
 - Staffing varies with number of attorneys, paralegal, non-legal staff, and investigators.
 - Balanced team of former prosecutors, criminal defense attorneys, and some have a member of the community.
- CRUs demonstrate to the public that being a prosecutor requires being open to reviewing convictions and reinvestigating cases when new information has come to light.
- Assist prosecutors to identify errors and provide root cause analysis to take steps to prevent recurrence.

Other Improvements to Consider

- Revise Criminal Discovery Code to expand 10-day pre-trial disclosure rule.
- Increase resources equally for prosecutors and indigent defense (e.g., attorneys, investigators, experts).
- Mandate annual training by separate, independent source focused on the special responsibilities of prosecutors and unique role as ministers of justice (per Constitution and Oklahoma Rule 3.8).
- Commission a study to refresh the costs of cases and evaluate the current state of the justice system to make it more fiscally responsible and increase effective operations.
- Strengthen prosecutorial accountability tools (e.g., contempt power, mandatory reporting, establish database tracking misconduct).
- Independent review of death penalty and LWOP cases from specific period of time with known problems.

Questions