

Nos. 24A590, 24-6159

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**In the  
Supreme Court of the United States**

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KEVIN UNDERWOOD,

*Applicant,*

v.

OKLAHOMA PARDON AND PAROLE BOARD, et al.,

*Respondents.*

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**Application from The United States Court of Appeals  
for the Tenth Circuit (No. 24-6259)**

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**APPENDIX OF EXHIBITS TO COMBINED BRIEF IN OPPOSITION TO  
KEVIN UNDERWOOD'S PETITION FOR CERTIORARI AND  
RESPONSE TO UNDERWOOD'S EMERGENCY APPLICATION FOR  
STAY OF EXECUTION**

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**\*\*\*RULING REQUESTED BY 10 A.M.  
THURSDAY, DECEMBER 19, 2024\*\*\***

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**EXHIBIT 1**

**FILED**  
United States Court of Appeals  
Tenth Circuit

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**December 11, 2024**

**Christopher M. Wolpert**  
Clerk of Court

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KEVIN UNDERWOOD,

Plaintiff - Appellant,

v.

OKLAHOMA PARDON AND PAROLE  
BOARD, et al.,

Defendants - Appellees.

No. 24-6259  
(D.C. No. 5:24-CV-01266-G)  
(W.D. Okla.)

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**ORDER**

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Before **MATHESON**, **BACHARACH**, and **ROSSMAN**, Circuit Judges.

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Plaintiff Kevin Underwood has filed a *Request for a Stay of Clemency Proceedings and Execution*. We entered a temporary stay to facilitate our consideration of the motion and ordered the defendants to file a response, which they have done. Mr. Underwood has also filed a reply. After briefing was complete, the defendants filed a *Notice of Scheduling of New Clemency Hearing Date and Assurance of Compliance*, which advised the court that the Oklahoma Pardon and Parole Board has rescheduled Mr. Underwood's clemency hearing for December 13, 2024, at 9:00 a.m. CST. Mr. Underwood then filed a *Notice that the Pardon and Parole Board Has Changed the Facts Relied on By the District Court*, and the defendants filed a response to that notice.

Although framed as a request for a stay, Mr. Underwood effectively moves for an injunction pending appeal. We evaluate such motions under Federal Rule of Appellate Procedure 8(a)(2) using the preliminary injunction standard. *See Warner v. Gross*, 776 F.3d 721, 728 (10th Cir.), *aff'd sub nom. Glossip v. Gross*, 576 U.S. 863 (2015). “A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

We have carefully considered these factors, and we conclude Mr. Underwood has not satisfied them. We therefore lift the temporary stay entered on December 8, 2024, and we deny the motion.

Judge Rossman would grant the motion.

Entered for the Court



CHRISTOPHER M. WOLPERT, Clerk

**EXHIBIT 2**

# ORIGINAL



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

STATE OF OKLAHOMA, ex rel.  
GENTNER F. DRUMMOND,  
ATTORNEY GENERAL,

Petitioner, **FILED**  
COURT OF CRIMINAL APPEALS  
STATE OF OKLAHOMA

v.

DEC - 2 2024

OKLAHOMA PARDON AND PAROLE BOARD, JOHN D. HADDEN  
CLERK

Respondent.

OCCA Case

No. **MA 2024 2024 943**

Clemency Hearing re:  
**Kevin R. Underwood,**  
DOC # 576482

**CLEMENCY HEARING  
PREVIOUSLY SCHEDULED  
FOR WEDNESDAY,  
DECEMBER 4, 2024,  
AT 9:00 A.M.**

**EXECUTION SCHEDULED  
FOR THURSDAY,  
DECEMBER 19, 2024,  
AT 10:00 A.M.**

### BRIEF IN SUPPORT OF EMERGENCY PETITION FOR WRIT OF MANDAMUS

COMES NOW Petitioner, the State of Oklahoma, by and through Gentner F. Drummond, Oklahoma Attorney General, as well as Caroline E.J. Hunt, Deputy Attorney General, and Jennifer L. Crabb, Assistant Attorney General and Director of Capital Appeals, and respectfully petitions this Honorable Court for a Writ of Mandamus directed to the Oklahoma Pardon and Parole Board, ordering it to hold, as previously scheduled (but now canceled), the clemency hearing for capital inmate Kevin R. Underwood, Department of Corrections ("DOC") # 576482, on **Wednesday, December 4, 2024, at 9:00 a.m.** The Board's decision to cancel the previously scheduled clemency hearing, despite a quorum of the Board available to proceed, was unauthorized by state law,



extraordinary relief is warranted, and this Court should exercise its mandamus power to order the Board to proceed with the hearing.

### **I. BACKGROUND**

On October 1, 2024, this Court scheduled Underwood's execution for December 19, 2024. On October 2, 2024, the Board scheduled Underwood's clemency hearing for Wednesday, December 4, 2024, at 9:00 a.m. Both parties submitted clemency packets on November 15, 2024. The State—and as far as the State knows, the defense—stood ready to proceed with the December 4 clemency hearing.

The afternoon of Black Friday, November 29, 2024, however, the State learned that the Board was down two members, specifically, that one Board member—Dr. Edward Konieczny—had recently resigned and that another—Mr. H. Calvin Prince III—would be resigning that day. As conveyed to the State, the Board, despite having a quorum of members able to conduct the clemency hearing (i.e., three out of five members) did not wish to hear the clemency until the two vacancies are filled and a full Board will be present. To the State's understanding, Mr. Prince's resignation was tendered later that day via email. Sometime in the early evening of Black Friday, the Board posted on its website that Underwood's December 4 clemency hearing was canceled (as well as the Board's regular December meeting that was set to begin December 2).

As of the filing of this writ, however, no order—executive or judicial—has been entered staying Underwood’s execution.

## **II. ARGUMENT AND AUTHORITY**

### **A. Standard of Review**

To obtain a writ of mandamus, the State must show (1) it “has a clear legal right to the relief sought”; (2) the District Court’s “refusal to perform a plain legal duty not involving the exercise of discretion”; and (3) “the adequacy of mandamus and the inadequacy of other relief.” Rule 10.6(B), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2021).

The State meets all three requirements.

### **B. A Clear Legal Right to the Relief Sought**

The State has a clear legal right to the relief sought. Rule 10.6(B)(1), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2021). The Oklahoma Pardon and Parole Board has the “duty . . . to make an impartial investigation and study of applicants for commutations, pardons or paroles, and by a majority vote make its recommendations to the Governor of all persons deemed worthy of clemency.” Okla. Const. Art. 6, § 10. Per the Board’s administrative rules, the Board is required to schedule a clemency hearing within three days of receiving notice that an execution has been set. PPB Rules

Title 515: 10-3-1.<sup>1</sup> “The clemency hearing will be scheduled on or before the twenty-first calendar day preceding the scheduled execution date, unless otherwise directed by the Chairperson.” *Id.*

Although the clemency hearing is for the benefit of the condemned inmate, the State has an overwhelming interest in ensuring that inmates are afforded all available rights before an execution is carried out. *Cf.* Rule 10.6(B), *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2021) (“Mandamus is also appropriate to ensure procedural due process requirements are followed in administrative proceedings.”).

The Constitution and the Board’s rules speak in mandatory terms. *See Anderson v. State*, 2018 OK CR 13, ¶ 3, 422 P.3d 765, 767 (“the use of the term ‘shall’ in a statute usually indicates a mandatory duty”). The State has a clear legal right to a clemency hearing in advance of Underwood’s execution. *Cf. Woolen v. Coffman*, 1984 OK CR 53, ¶ 8, 676 P.2d 1375, 1377 (granting a writ of mandamus because “[t]he Legislature’s choice of the word ‘shall’ is highly significant. It is usually given the meaning of ‘must’, and is interpreted as implying a command or mandate.”).

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<sup>1</sup> chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://oklahoma.gov/content/dam/ok/en/ppb/documents/rpp/Title\_515.pdf

### C. Plain Legal Duty

Per the previous subsection, the Board's refusal to proceed with Underwood's clemency hearing implicates a plain legal duty, not an exercise of discretion. As long as Underwood's execution date remains December 19, 2024, the Board *must* hold a clemency hearing.

The absence of two Board members does not alter this duty, for only three members constitute a quorum. According to the Board's Policy 101, Subheading "**Officers, Terms of Office, and Qualifications**", paragraph 2, "A quorum shall consist of three (3) members."<sup>2</sup> Thus, the Board has a plain legal duty to hold a clemency hearing for Kevin Underwood. The December 4, 2024, hearing date was already a departure from the Board's twenty-one-day rule. It does not appear that having the hearing on a later date, but still before the December 19 execution date, would address the Board's apparent concern that it lacks the full five members. Accordingly, the Board has a plain legal duty to proceed with the scheduled December 4 date.

As an additional matter, it appears that the Board's cancelation of the clemency hearing did not comply with the Open Meetings Act. The statutes governing the Board provide that "[a]ll meetings of the Pardon and Parole Board shall comply with Section 301 et seq. of Title 25 of the Oklahoma Statutes," i.e.,

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<sup>2</sup> chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://oklahoma.gov/content/dam/ok/en/ppb/documents/rpp/Policy%20101%20-%20Duties%20and%20Responsibilities%20of%20the%20PPB%20Revised%202016.pdf

the Open Meetings Act. 57 Okla. Stat. § 332.2(P). The Board's administrative rules also provide that "Clemency Hearing[s] will comply with the Open Meeting Act as per 25 O.S. § 301." PPB Rules 515:10-5-2.

The Open Meetings Act, in turn, regulates how and when open meetings may be scheduled and/or changed:

All meetings of public bodies, as defined hereinafter, shall be held at specified times and places which are convenient to the public and shall be open to the public, except as hereinafter specifically provided. All meetings of such public bodies, except for executive sessions of the State Banking Board and Oklahoma Savings and Loan Board, shall be preceded by advance public notice specifying the time and place of each such meeting to be convened as well as the subject matter or matters to be considered at such meeting, as hereinafter provided.

25 Okla. Stat. § 303.

If any change is to be made of the date, time or place of regularly scheduled meetings of public bodies, then notice in writing shall be given to the Secretary of State or county clerk or municipal clerk, as required herein, not less than ten (10) days prior to the implementation of any such change[.]

25 Okla. Stat. § 311(A)(8).

Here, the Board did not cancel the clemency hearing at least ten days prior to the scheduled hearing date. Moreover, even assuming the Open Meetings Act allows for cancelations with less notice in emergency situations, no such emergency exists here where the Board has a quorum and could proceed on the scheduled hearing date.

In fact, on information and belief, the Board was aware as of November 6, 2024 (the last day of the Board's regular November meeting) that Chairman Konieczny would not participate in the December meeting (to include Underwood's clemency hearing). Thus, the Board has planned for weeks to hold Underwood's hearing with less than the full complement of members. It is unclear why the loss of an additional member is relevant so long as there remains a quorum.

In any event, regardless of the Open Meetings Act's requirements, the Board must proceed with the clemency hearing in light of Underwood's active, imminent execution date.

**D. The Adequacy of Mandamus and the Inadequacy of Other Relief**

Mandamus is the exclusive adequate remedy for the State. The Board unilaterally canceled Underwood's clemency hearing without any stay of execution in place, leaving the State no option but to file a writ. While the Open Meetings Act provides for legal actions for violations of its provisions, *see* 25 Okla. Stat. § 314, this would not address the much bigger problem here, which is that the Board has abdicated its mandatory duty to hold a clemency hearing in light of Underwood's active and imminent execution date. The State has no other avenue of relief to force the Board to act.

### III. CONCLUSION

For the reasons previously stated, the State has a clear legal right to the relief sought, the Board has refused to perform a plain legal duty in canceling Underwood's clemency hearing scheduled for December 4, 2024, and the State lacks any other remedy than an extraordinary writ. Accordingly, the State respectfully requests that this Court issue a Writ of Mandamus and/or other appropriate relief, ordering the Board to proceed with holding Underwood's clemency hearing on December 4, 2024, as previously scheduled. With the execution scheduled on December 19, 2024 and the clemency hearing supposed to occur on December 4, 2024, the State seeks an expedited briefing schedule and decision on this matter.

Respectfully Submitted,

**GENTNER F. DRUMMOND  
ATTORNEY GENERAL OF OKLAHOMA**



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CAPITAL APPEALS DIRECTOR  
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**ATTORNEYS FOR PETITIONER****

**CERTIFICATE OF MAILING**

On this 2<sup>nd</sup> day of December, 2024, a true and correct copy of the foregoing was mailed to:

Oklahoma Pardon and Parole Board  
Executive Director Tom Bates  
General Counsel Kyle Counts  
4345 N. Lincoln Blvd., Suite 1082 Oklahoma City, OK 73105

Brendan Van Winkle  
Hunter Labovitz  
215 Dean A. McGee Avenue, Ste. 707  
Oklahoma City, Oklahoma 73102  
*Counsel for Underwood*

  
CAROLINE E.J. HUNT

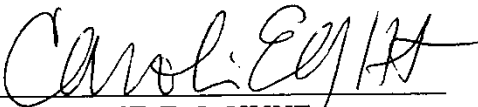


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4345 N. Lincoln Blvd., Suite 1082 Oklahoma City, OK 73105

Brendan Van Winkle  
Hunter Labovitz  
215 Dean A. McGee Avenue, Ste. 707  
Oklahoma City, Oklahoma 73102  
*Counsel for Underwood*

  
\_\_\_\_\_  
CAROLINE E.J. HUNT

**EXHIBIT 3**



FILED

December 5, 2024  
OKLAHOMA SECRETARY  
OF STATE

J. Kevin Stitt  
Office of the Governor  
State of Oklahoma

**ORDER OF APPOINTMENT**


TO: **SECRETARY OF STATE  
OKLAHOMA STATE CAPITOL  
OKLAHOMA CITY, OKLAHOMA**

Please file for record the following executive order. By virtue of the authority vested in me as Governor of the State of Oklahoma, I hereby appoint:

**Susan H. Stava, J.D.  
Tulsa, Oklahoma**

as a member of the **Pardon and Parole Board** as provided by 57 O.S. Section 332.1A et seq. and Article 6 Section 10 of the Oklahoma Constitution for a term serving coterminous with the Governor, ending January 11, 2027. Susan H. Stava, J.D. is replacing H. Calvin Prince III who resigned and will serve as a member with experience in social work. Senate confirmation is not required for this appointment.

**BY THE GOVERNOR OF THE STATE OF OKLAHOMA**

  
\_\_\_\_\_  
J. KEVIN STITT

ATTEST:

  
\_\_\_\_\_  
SECRETARY OF STATE



53419

**EXHIBIT 4**

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

KEVIN UNDERWOOD,

*Plaintiff,*

v.

OKLAHOMA PARDON AND PAROLE BOARD;  
TOM BATES, in his official capacity as  
Director of the Pardon and Parole Board;  
and RICHARD MILLER, in his official  
capacity as Chairperson of the Pardon and  
Parole Board,

*Defendants.*

Case No. 24-cv-1266-G

**DECLARATION OF SUSAN H. STAVA**

I, Susan H. Stava, declare the following under 28 U.S.C. § 1746, and state under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. From 2006 to 2016, I did work with The Junior League of Tulsa (“Junior League”), a group whose stated mission is “to advance women’s leadership for meaningful community impact through volunteer action, collaboration, and training.”
2. My work with Junior League included, but was not limited to, assisting parents obtain information on medical conditions from the Saint Francis Resource Library, working at the Harvest Market serving low-income families in the Eugene Field neighborhood by providing groceries and classes on healthy home cooking, working with women and children in transitional housing after being removed from abusive homes, and working on several of the approximately thirty (30) impact projects a year aimed at ending the cycle of poverty for women in the Tulsa area.

3. Information regarding my background, including experience in social work, was provided to Oklahoma Governor Kevin Stitt in consideration of my prospective appointment to the Pardon and Parole Board.
4. On December 5, 2024, Governor Stitt appointed me to the Pardon and Parole Board based in part on having more than ten (10) years of experience doing social work.
5. Immediately upon my appointment to the Pardon and Parole Board, staff sent me clemency packets from the State of Oklahoma, counsel for Kevin Ray Underwood, and an investigative report prepared by Pardon and Parole Board Staff.
6. At 10:00 AM on December 5, 2024, I met via Zoom with Pardon and Parole Board staff and after introductions, received a presentation from the Pardon and Parole Board's attorney regarding the administrative rules and procedure for clemency hearings.
7. After the Zoom meeting, Pardon and Parole Board staff sent me videos submitted by the State of Oklahoma and Mr. Underwood's counsel and confirmed I was able to access and view the videos.
8. I have had time to read the submitted written materials, view the submitted videos, and familiarize myself with the relevant law, policies, and procedures as it relates to clemency consideration.
9. My studying of Mr. Underwood's case will continue through the coming weekend, and I will be fully prepared to impartially consider Mr. Underwood's request for clemency on Monday, December 9, 2024.

Executed on December 6, 2024.

Susan H. Stava  
Susan H. Stava

**EXHIBIT 5**



IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

Kevin Underwood, )  
)  
Plaintiff, )  
)  
v. )  
)  
Oklahoma Pardon and Parole )  
Board; Tom Bates, in his official )  
capacity as Director of the )  
Pardon and Parole Board; Richard )  
Miller, in his official capacity as )  
Chairperson of the Pardon and )  
Parole Board; )  
)  
Defendants. )

**Execution Date:**  
**December 19, 2024 at 10:00AM**

Case No. CIV-24-1266-G

**PLAINTIFF KEVIN UNDERWOOD’S EMERGENCY MOTION FOR STAY OF  
EXECUTION AND BRIEF IN SUPPORT**

Kevin Underwood, by and through his attorneys, moves this Court for a stay of his clemency hearing and his execution. **Mr. Underwood’s execution is set for Thursday, December 19, at 10:00 A.M.** *See Barefoot v. Estelle*, 463 U.S. 880, 889 (1983) (“Approving the execution of a defendant before his [petition] is decided on the merits would clearly be improper.”); *see also Lonchar v. Thomas*, 517 U.S. 314, 320 (1996) (holding that a court may stay an execution if needed to resolve issues raised in initial petition).

**INTRODUCTION**

This Court’s intervention is now required. A stay of execution is necessary. Under Rule 65, Plaintiff pled specific facts in his complaint that “clearly show that immediate and

irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition.” Undersigned certifies that copies were emailed to Defendants or their representatives. Underwood has worked diligently to file this action as soon as possible.

### **BRIEF IN SUPPORT**

Contemporaneous with the filing of this motion, Mr. Underwood filed a 42 U.S.C. § 1983 complaint seeking injunctive and declaratory relief that Underwood is being deprived of his right to procedural due process in his state clemency proceedings.

Federal courts traditionally consider four factors in evaluating whether to grant a stay: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Nken v. Holder*, 556 U.S. 418, 426 (2009); *see also Glossip v. Gross*, 576 U.S. 863, 876 (2015) (stating plaintiff seeking preliminary injunction must show “that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.”); *Hill v. McDonough*, 547 U.S. 573, 584 (2006); *Nelson v. Campbell*, 541 U.S. 637, 649-50 (2004). Consideration of these factors in this case counsel a finding that a stay of execution is warranted.

**I. Underwood is Likely to Succeed on the Merits.**

Underwood is likely to succeed on the merits of his claim. As Underwood's § 1983 complaint demonstrates, no prisoner should be put to death "without meaningful access to the 'fail-safe' of our justice system." *Harbison v. Bell*, 556 U.S. 180, 194 (2009).

The federal constitution requires "the minimal application of the Due Process Clause [which] only ensures a death row prisoner that he or she will receive the clemency procedures explicitly set forth by state law, and that the procedure followed in rendering the clemency decision will not be wholly arbitrary, capricious or based upon whim, for example, flipping a coin." *Duvall v. Keating*, 162 F.3d 1058, 1061 (10th Cir.1998) (citing *Ohio Parole Authority v. Woodard*, 523 U.S. 272, 289 (O'Connor, J., concurring)). Although the "minimal due process constraints on clemency proceedings are far more limited," this Court focuses "solely on the [Pardon and Parole] Board's compliance with its own rules and its avoidance of wholly arbitrary or capricious action." *Gardner v. Garner*, 383 F. App'x 722, 726 (10th Cir. 2010).

As detailed in the complaint, the Pardon and Parole Board's intent to proceed with Underwood's clemency hearing on December 9, 2024 with: (1) only three members, instead of the constitutionally required five members; and (2) only one member having the statutorily required "training or experience in mental health services, substance abuse services, or social work," Okla. Stat. tit. 57, §332.1B, violates Underwood's due process

rights under the Fourteenth Amendment to the Constitution. Additionally, the Board’s decision to schedule the hearing at a date and time when Underwood’s experienced capital lawyer is unavailable, and his critical mental health expert is not available in person, amounts to a denial of a fair clemency hearing and the right to the meaningful assistance of counsel during the clemency process, which also violates Underwood’s due process rights under the Fourteenth Amendment to the Constitution.

Underwood raised a grave constitutional issue of first impression. And the State has no interest in executing someone in violation of the state or federal constitutions.

The Court should declare that the State has deprived Underwood of his federal constitutional rights, and it should enjoin Defendants from continuing to do so.

For all the reasons presented above, Mr. Underwood has a substantial likelihood of success on the merits.

## **II. Absent a Stay, Mr. Underwood Will Be Irreparably Harmed.**

Denying a stay risks “foreclos[ing] . . . review,” which constitutes “irreparable harm.” *Garrison v. Hudson*, 468 U.S. 1301, 1302 (1984). Allowing the State to execute Mr. Underwood before proceedings have concluded will “effectively deprive this Court of jurisdiction.” *Id.* A stay is generally warranted when, as here, mootness is likely to arise during the pendency of the litigation—as it will if Mr. Underwood is executed December 19e, 2024. See *Chafin v. Chafin*, 568 U.S. 165, 178 (2013).

A stay in this case is necessary because otherwise Mr. Underwood will be executed in violation of his Fourteenth Amendment Right to due process. The harm is clear, serious,

and irreversible. *See, e.g. Wainwright v. Booker*, 473 U.S. 935, 935 n.1 (1985) (Powell, J., concurring) (stating that the requirement of irreparable harm if stay is not granted “is necessarily present in capital cases”).

### **III. Respondent/Defendant Will Be Unaffected by a Stay.**

Moreover, a stay of execution in this case will not substantially harm the Pardon and Parole Board. Underwood seeks merely to maintain the status quo until this action can be resolved on its merits. Indeed, the Board already postponed Underwood’s clemency hearing once this week. There is no reason why it can’t do so again.

As far as the execution, there have been many delays, some lasting years and attributable to the State, on the road to Underwood’s execution. As this Court noted in the *Glossip* lethal injection litigation on May 5, 2020, at that point it had “been 1,625 days since the Attorney General said let’s put this on hold so we can get our act together.” *Glossip v. Chandler*, CIV-14-0665-F, (W.D. Okla. May 5, 2020), Transcript of Motion Hearing before Honorable Stephen P. Friot, at p. 25. Given that delay, Defendant/Respondent should not be heard to complain of a short delay to protect Underwood’s constitutional rights. The several years the State waited to establish a new protocol undermines any argument regarding the purported urgency in proceeding with an execution before the Court has had an opportunity to evaluate Underwood’s claims. *Osorio-Martinez v. Attorney Gen. of the U.S.*, 893 F.3d 153, 179 (3d Cir. 2018). The short stay sought here will ensure the State does not perform an unconstitutional execution, *see Gomez v. U.S. Dist. Ct. for N. Dist. of Cal.*, 966 F.2d 460, 462 (9th Cir. 1992) (Noonan, J.,

dissenting from grant of writ of mandate).

Maintaining the status quo is the very purpose of a stay. If the stay is granted in error and Underwood's § 1983 complaint ultimately fails, then the stay may be lifted, and the State can expeditiously proceed toward a new execution date. A stay of execution in this case will not substantially harm the defendants.

#### **IV. A Stay of Execution Will Serve the Public Interest.**

The public interest is not served by executing someone before they have had a full and fair clemency hearing that comports with the Oklahoma Constitution, state and federal law, and state administrative rules. Rather, the public interest lies in ensuring agencies act in accordance with the Constitution and federal law. *League of Women Voters of U.S. v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016). This interest is only heightened in the context of executions. “[I]t is always in the public interest to prevent the violation of a party’s constitutional rights.” *Hobby Lobby Stores, Inc. v. Sebelius*, 723 F.3d 1114, 1145 (10th Cir. 2013). Indeed, “the public interest has never been and could never be served by rushing to judgment at the expense of a condemned inmate’s constitutional rights.” *In re Ohio Execution Protocol Litig.*, 840 F. Supp. 2d 1044, 1059 (S.D. Ohio 2012) (citation omitted).

The Supreme Court has confirmed that brief stays or injunctions are warranted to permit potentially meritorious claims to be adjudicated before prisoners are executed. *See Barr v. Roane*, 140 S. Ct. 353 (2019) (Alito, J., respecting the denial of stay or vacatur) (“[I]n light of what is at stake, it would be preferable for the District Court’s decision to be reviewed on the merits by the Court of Appeals for the District of Columbia Circuit before

the executions are carried out.”); *see also Barr v. Lee*, 140 S. Ct. 2590, 2593 (2020) (Sotomayor, J., dissenting) (noting that “because of the Court’s rush to dispose of this litigation in an emergency posture, there will be no meaningful judicial review of the grave, fact-heavy challenges respondents bring”).

A stay is in the interest of the public because all citizens have an interest in ensuring that the Constitution is upheld. *See Gannett Co. v. DePasquale*, 443 U.S. 368, 383 (1979). Here, Underwood’s due process claims have newly originated, and he has not had the benefit of its adjudication. The citizens of Oklahoma have an interest in ensuring that such offense does not occur.

#### **V. The All Writs Act**

Further, this Court is empowered to grant the requested stay of execution pursuant to Title 28, United States Code, Section 1651(a), the All Writs Act, which provides:

The Supreme Court and all courts established by Acts of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

The “all writs” authority of Section 1651 “extends to the potential jurisdiction of the appellate court where an appeal is not then pending but may be later perfected,” and is “not confined to the issuance of writs in aid of a jurisdiction already acquired by appeal.”

*Federal Trade Comm'n v. Dean Foods Co.*, 384 U.S. 597, 603 (1966) (citations omitted);

*Harris v. Nelson*, 394 U.S. 286, 299-300 (1969). In *Harris*, the Court held:

the habeas corpus jurisdiction and the duty to exercise it being present, the courts may fashion appropriate modes of procedure, by analogy to existing rules or otherwise in conformity with judicial usage. Where their duties require it, this is the inescapable obligation of the courts. Their authority is

expressly confirmed in the All Writs Act, 28 U.S.C. § 1651. This statute has served since its inclusion, in substance, in the original Judiciary Act as a “legislatively approved source of procedural instruments designed to achieve the rational ends of law.” . . . It has been recognized that the courts may rely upon this statute in issuing orders appropriate to assist them in conducting factual inquiries . . . . In *price v. Johnston* [sic], supra, this Court held explicitly that the purpose and function of the All Writs Act [is] to supply the courts with the instruments needed to perform their duty, as prescribed by the Congress and the Constitution, provided only that such instruments are “agreeable” to the usages and principles of law, extend to habeas corpus proceedings.

*Id.* at 299-300 (internal citations omitted). The All Writs Act has been applied as an “instrument” in furtherance of the courts’ judicial function.

Specifically, the Eleventh Circuit noted Section 1651 “authorizes the Court to issue a stay to preserve issues for judicial review.” *Messer v. Kemp*, 831 F.2d 946, 957 (11th Cir. 1987). This is precisely the relief Mr. Underwood is requesting. It is axiomatic that this Court will irrevocably lose jurisdiction to consider the federal claims that entitle Mr. Underwood to relief if the State of Oklahoma is allowed to execute him before federal review can occur.

Many courts, including the Supreme Court, have used the All Writs Act to grant stay relief. See *Lenhard v. Wolff*, 443 U.S. 1306 (1979); *Republican State Cent. Comm. v. Ripon Soc’y, Inc.*, 409 U.S. 1222 (1972). In *Lenhard*, then Associate Justice Rehnquist, acting on behalf of the whole Court, used the All Writs Act to continue a stay of execution, although he personally would have voted to deny the stay if sitting as a member of the full court. *Lenhard*, 443 U.S. at 1312. The result in *Lenhard* is consistent with the Court’s recognition of the purpose of the All Writs Act:



Procedural instruments are means for achieving the rational ends of law. . . . Unless appropriately confined by Congress, a federal court may avail itself of all auxiliary writs as aids in the performance of its duties, when the use of such historic aids is calculated in its sound judgment to achieve the ends of justice entrusted to it.

*Adams v. United States ex rel. McCann*, 317 U.S. 269, 273 (1942).

In *Federal Trade Commission v. Dean Foods Co.*, 384 U.S. 597 (1966), the Court made it clear that a federal court may use the All Writs Act to preserve its future federal jurisdiction over a matter committed to it by statute. The Seventh Circuit enjoined a company's merger and dissolution to preserve its future jurisdiction under the Administrative Procedure Act, which grants the Court of Appeals original jurisdiction to review final orders of federal administrative agencies. Although the regulatory matter of merger and dissolution was pending before an administrative agency and no federal court action formally had been initiated, the Seventh Circuit was empowered by the All Writs Act to stay the dissolution of the company pending invocation of its jurisdiction under the Administrative Procedure Act. *Dean Foods*, 384 U.S. at 603-605.

In *Application of President and Directors of Georgetown College*, 331 F.2d 1000 (D.C. Cir. 1964), Judge Wright issued an order under the All Writs Act permitting nonconsensual blood transfusions. Recognizing that federal jurisdiction does not depend on a comprehensive initial pleading, the Court explicitly noted and excused defects in the form of the papers filed:

Though the papers may be irregular in form [counsel had appeared in chambers with a proposed order, and filed no other papers], in substance they perform the office of a complaint, indicating the nature of the matter in dispute, the grounds of jurisdiction, and the relief sought. Defects in the

complaint are not fatal under the Rules, certainly where the deficiency is explained by lack of time or skill or the like. . . . Even “the lack of a complaint is not jurisdictional and \*\*\* when there has been no timely objection, a valid judgment may properly be entered in such an informal litigation.

*Id.* at 1001 n.2 (citations omitted).

Historically, the jurisdiction-preserving power of the All Writs Act has been used by the federal courts to stay the execution of state prisoners. The only question the court must address is whether the state prisoner is potentially eligible for federal relief, regardless of whether the inmate filed a formal petition or validly invoked the court's jurisdiction to provide final relief. See, e.g., *Edwards v. New York*, 76 S. Ct. 538 (March 30, 1956) (Harlan, J. in chambers) (despite “grave doubt, to say the least” as to the presence of a substantial federal question, “this being a capital case, I am constrained to give petitioner a reasonable opportunity to petition for a writ of certiorari”); *United States v. Shipp*, 203 U.S. 563, 573 (1906) (Holmes, J.) (even if federal habeas jurisdiction had been absent, the stay of execution as proper, as was contempt prosecution arising from lynching the habeas petitioner during stay; stay was necessary for federal court to determine its own jurisdiction over action).

In *Adderly v. Wainwright*, 58 F.R.D. 389 (M.D. Fla. 1972), the district court relied upon the All Writs Act to justify stays of execution of prisoners absent their filing of individual habeas petitions where other prisoners sought to file a class action on their behalf. The district court determined the All Writs Act conferred authority to apply Federal Rule of Civil Procedure 23 by analogy to a petition for a writ of habeas corpus. The district court held it had been “appropriate, and hence in aid of its habeas corpus jurisdiction, that

a writ issue allowing the petitioners to proceed in accordance with the provisions of Rule 23.” *Id.* at 401.

### CONCLUSION

As shown in his complaint, Mr. Underwood presents serious issues, and there is a likelihood he will succeed on the merits. Moreover, an execution is obviously irreparable. A stay would only continue the status quo. The public interest is in close examination of the instant matter. All things considered, there is strong support for a stay.

Wherefore, Mr. Underwood, by and through his counsel, prays the Court stay his clemency hearing and his execution to allow him to litigate his petition in the ordinary course.

Respectfully submitted,

*s/ Hunter Labovitz*

Hunter Labovitz, NJ Bar #010942006  
Brendan Van Winkle, SC Bar #104768  
Assistant Federal Public Defenders  
Capital Habeas Unit  
Office of the Federal Public Defender  
Western District of Oklahoma  
405-609-5975  
Hunter\_Labovitz@fd.org  
Brendan\_VanWinkle@fd.org

Counsel for Kevin Underwood

**EXHIBIT 6**

**FILED**  
**United States Court of Appeals**  
**Tenth Circuit**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**December 8, 2024**

**Christopher M. Wolpert**  
**Clerk of Court**

KEVIN UNDERWOOD,

Plaintiff - Appellant,

v.

OKLAHOMA PARDON AND PAROLE  
 BOARD, et al.,

Defendants - Appellees.

Appeal Number Pending\*  
 (D.C. No. 5:24-CV-1266-G)  
 (W.D. Okla.)

**ORDER**

Before **MATHESON, BACHARACH**, and **ROSSMAN**, Circuit Judges.

Plaintiff Kevin Underwood has filed a *Request for a Stay of Clemency Proceedings and Execution*. The court has determined that it would be helpful to obtain a response regarding the portion seeking a stay pending appeal of the clemency hearing. On or before 4:00 p.m. Central Standard Time on December 9, 2024, the defendants shall file a response to the plaintiff's request for a stay of the clemency proceedings. On or before 9:00 a.m. Central Standard Time on December 10, 2024, Plaintiff may file a reply. To facilitate the court's consideration of the motion, response, and optional reply, the

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\*Mr. Underwood filed a notice of appeal at 2:12 p.m. MST on Sunday, December 8, 2024. At this time, the electronic docket for this appeal has not yet been created.

court enters a temporary stay of the clemency proceedings scheduled for December 9, 2024.

Entered for the Court,

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', written over a horizontal line.

CHRISTOPHER M. WOLPERT, Clerk

**EXHIBIT 7**

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

KEVIN UNDERWOOD,

*Plaintiff,*

v.

OKLAHOMA PARDON AND PAROLE BOARD;  
TOM BATES, in his official capacity as  
Director of the Pardon and Parole Board;  
and RICHARD MILLER, in his official  
capacity as Chairperson of the Pardon and  
Parole Board,

*Defendants.*

Case No. 24-cv-1266-G

**DECLARATION OF JESSICA STEGNER**

I, Jessica Stegner, declare the following under 28 U.S.C. § 1746, and state under penalty of perjury that the following is true and correct to the best of my knowledge and belief:

1. I am Jamie Bolin's aunt. Jamie's life was violently cut short when she was only ten years old by Kevin Underwood's heinous acts.

2. It was over eighteen years ago that I received a call that Jamie went missing. I immediately drove to Purcell, Oklahoma to try to help find her. I parked my car outside Kevin Underwood's apartment, where the unspeakable happened to my niece during and after the final moments of her life.

3. Since I learned of Jamie's disappearance up to this very moment, I have lived with this prosecution. This is true of so many family and close friends who have shared in the emotional torture and turmoil throughout this legal process. It has been going on for eight years longer than Jamie was alive. I have attended every court hearing and the trial. Every time



we receive a call that a hearing is continued or a new case is filed, we lose hope that this will ever come to an end.

4. Because of how long this case has gone on, some of Jamie's family were never able to see justice served. Jamie's mother, Jennifer Fox, was tragically taken from us last year. Rose Fox, Jamie's grandmother, passed away in 2016.

5. Jamie's father, Curtis Bolin, who has recently undergone chemotherapy, has put off a major surgery to remain available for the scheduled clemency hearing and execution. He will live with constant pain until he is able to take care of his medical issues.

6. Even though the clemency hearing was abruptly rescheduled from December 4, 2024, to December 9, 2024, many family and close friends are making every effort to attend. Due to his medical issues, Curtis Bolin will be attending virtually and may speak if he is capable. Lori Pate, Jamie's sister, and Liesa Montgomery, a close family friend, will attend the hearing and provide victim impact statements. I will attend with my husband and our two sons. Several more of Jamie's family will attend the December 9 hearing, including: Jamie's grandpa, Don Fox; Mercadez Hughes; Lorrie Buettner; Chris (attending virtually) and Mara Gilbert; Kim Baxley; Linda Nix; and Sarah Fox. Additional close family friends Becky Moroney and Kim Sayre will also attend. Everyone has overcome many obstacles and burdens to be there for Jamie, and any additional delays will compound those hardships.

7. Every single one of us will suffer from another emotional roller coaster if this clemency hearing is rescheduled again. Each new case or scheduling change is a huge emotional burden. I am mentally preparing myself for the hearing next Monday, and will have to go through it all over again if the hearing is delayed. We need a final resolution to this case,

so that we can remember Jamie without the shadow of another confrontation with Kevin Underwood following us everywhere we turn.

Executed on December 6, 2024.

  
Jessica Stegner

**EXHIBIT 8**

No. 24-6259

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**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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KEVIN UNDERWOOD,

*Plaintiff-Appellant,*

v.

OKLAHOMA PARDON AND PAROLE BOARD, *et al.*,

*Defendants-Appellees.*

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On appeal from the United States District Court  
for the Western District of Oklahoma  
The Hon. Charles B. Goodwin  
No. 24-cv-1266-G

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**DEFENDANTS' NOTICE OF SCHEDULING OF NEW CLEMENCY HEARING DATE  
AND ASSURANCE OF COMPLIANCE**

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GARRY M. GASKINS, II

*Solicitor General*

ZACH WEST

*Director of Special Litigation*

KYLE PEPLER

*Assistant Solicitor General*

OFFICE OF ATTORNEY GENERAL

STATE OF OKLAHOMA

313 N.E. 21st Street

Oklahoma City, OK 73105

*Counsel for Defendants-Appellees*

Defendants provide notice to this court that since the filing of their Response in Opposition, the Oklahoma Pardon and Parole Board (“Board”) has now scheduled Plaintiff Kevin Underwood’s clemency hearing for December 13, 2024, at 9:00 a.m. *See* Exhibits 1–2. The December 13 hearing is scheduled to take place during a special meeting. *See* OKLA. STAT. tit. 25, § 311(12) (“Special meetings of public bodies shall not be held without public notice being given at least forty-eight (48) hours prior to the meetings.”). The Board provided notice to necessary parties on December 11, 2024, at 8:32 a.m., which was more than forty-eight hours in advance of the December 13 meeting. *See* Exhibit 2. The Board will also display public notice and an agenda twenty-four hours before the special meeting commences. *See* OKLA. STAT. tit. 25, § 311(12).

At least one of the four current Board members is unavailable each day between now and the December 19, 2024, execution. As a result, because of the administrative stay, the Board must now proceed with a three-member quorum to fulfill its constitutional duty to hear the clemency request before the execution.

In the event that this Court or U.S. Supreme Court does not lift the administrative stay prior to the newly scheduled December 13, 2024, special meeting, the Board will not hold the December 13 meeting, as it interprets this Court’s stay to apply to any clemency hearing proceedings until it is lifted.

*s/ Zach West*

---

GARRY M. GASKINS, II

*Solicitor General*

ZACH WEST

*Director of Special Litigation*

KYLE PEPLER

*Assistant Solicitor General*

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*Counsel for Defendants-Appellees*

**CERTIFICATE OF DIGITAL SUBMISSION**

All required privacy redactions have been made as required by 10th Cir. R. 25.5 and the ECF Manual. Additionally, this filing was scanned with Symantec Endpoint Protection antivirus using the latest version (14.2) updated on December 9, 2024.

*s/ Zach West*

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ZACH WEST

**CERTIFICATE OF SERVICE**

I certify that on December 11, 2024, I caused the foregoing to be filed with this Court and served on all parties via the Court's CM/ECF filing system. No paper copies are required pursuant to 10th Cir. R. 27.2.

*s/ Zach West*

---

ZACH WEST

Appellate Case: 24-6259 Document: 7-2 Date Filed: 12/11/2024 Page: 1

# Exhibit 1





Public Body



Subscribe to OKLAHOMA PARDON AND PAROLE BOARD

Name

OKLAHOMA PARDON AND PAROLE BOARD

Address

4345 N. LINCOLN BLVD., SUITE 1082

E-Mail

Address 2

Phone

405-521-6600

City

OKLAHOMA CITY

State

OK

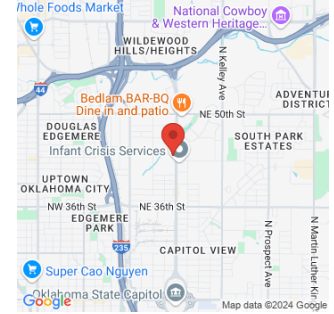
Postal Code

73105

Public Body URL

http://www.ok.gov/ppb/

Description



Meeting

Status

New

Type

Special

Address

4345 N. LINCOLN BLVD

Start Date / Time

12/13/2024  
09:00:00 AM

End Time

Address 2

Name

OKLAHOMA HEALTH CARE AUTHORITY

Room

City

OKLAHOMA CITY

State

OK

Postal Code

73105

Comments

Clemency Hearing for Kevin Ray Underwood

Posted By

Kyle Counts



Appellate Case: 24-6259 Document: 7-2 Date Filed: 12/11/2024 Page: 3  
Share 0 Share Post

**Posted with the Secretary of State's Office on December 11, 2024 at 08:02 AM.**



Appellate Case: 24-6259 Document: 7-3 Date Filed: 12/11/2024 Page: 1

# Exhibit 2

**From:** [Kyle Counts](#)  
**To:** [Jennifer Crabb](#); [Caroline Hunt](#); [Brendan Van Winkle](#)  
**Cc:** [Tom Bates](#); [Melinda Romero](#)  
**Subject:** Special Meeting Notice - December 13, 2024  
**Date:** Wednesday, December 11, 2024 8:32:09 AM

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Good morning,

Please see the following notice regarding a special meeting of the Pardon and Parole Board (“Board”):

[OKLAHOMA PARDON AND PAROLE BOARD](#)

The Board just filed this notice with the Secretary of State for a special meeting scheduled on **Friday, December 13, at 9:00AM**. *Contingent on the Board’s legal authority to proceed, a special meeting will be convened at that time to consider clemency for Kevin Ray Underwood.* A full meeting agenda will be posted to the Board’s website no later than 9:00AM on Thursday morning.

If the meeting proceeds as scheduled, please take note of the following:

- Due to the time constraint, the large boardroom is unavailable and seating can only be reserved for the essential legal staff presenting for the State of Oklahoma and Mr. Underwood, the victim’s family, and Mr. Underwood’s family. The remainder of the room’s limited seating will be made available to attendees on a first come, first served basis on the morning of the meeting.
  - Remote viewing is strongly encouraged, via Zoom, at the following link:  
<https://www.zoomgov.com/j/1611518167>
- Anyone intending to participate via Zoom must clearly identify themselves when logging in, so that they may be elevated to presenter.
- For particular security needs, Director Tom Bates requests that he be contacted directly – [tom.bates@ppb.ok.gov](mailto:tom.bates@ppb.ok.gov).

Respectfully,

**Kyle Counts**

*General Counsel*

Oklahoma Pardon and Parole Board

**Phone** 405-521-2373 **Fax** 405-602-6437

**Web** [www.ok.gov/ppb](http://www.ok.gov/ppb) **Email** [kyle.counts@ppb.ok.gov](mailto:kyle.counts@ppb.ok.gov)

4345 N. Lincoln Blvd., Suite 1082, Oklahoma City, OK 73105



**EXHIBIT 9**

UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Kevin Underwood,

Appellant/Petitioner,

v.

Case No. 24-6259

Oklahoma Pardon and Parole Board;  
Tom Bates, in his official capacity as  
Director of the Pardon and Parole  
Board; and Richard Miller, in his  
official capacity as Chairperson of the  
Pardon and Parole Board,

Appellees/Respondents.

**Underwood's Notice that the Pardon and Parole Board  
Has Changed the Facts Relied on By the District Court**

The Pardon and Parole Board's latest scheduling of Kevin Underwood's clemency hearing for Friday, December 13, 2024, at 9:00 am is yet another example of the Board pushing forward with Underwood's hearing regardless of the impact on the integrity of the proceedings or Underwood's ability to meaningfully appear at his clemency hearing. Most importantly, the Board has now changed the facts which the district court relied on when it denied Underwood's stay motion.

In the court below, Underwood argued that a three-member board arbitrarily changed Underwood's burden of proof. With three members, Underwood must receive 100% of the vote to obtain a majority of the Board. With four members, he

would need 75% and with five members only 60%. Underwood also argued the Board was missing one member of two who are required to have mental health experience, as required by statute. The Board has not said whether Friday's three-member Board will abide by the statute that requires "at least two members of the Pardon and Parole Board shall have five (5) years of training or experience in mental health services, substance abuse services, or social work." Okla. Stat. tit. 57, §332.1B. The Board told the district court Underwood's hearing would be before a four-member board and that the mental health requirement would be satisfied. Relying directly on that information, the district court denied Underwood's stay motion without considering those arguments. *See* District Court Doc. 16 at 7 n. 2.

But now, the Board has again changed the proceedings in a meaningful way and at the last minute. As a result of the Board's representation to the district court, Underwood conceded that some of his claims were moot. That is no longer true. The Board has not said whether the three members who intend to sit at Friday's hearing fulfill the mental health requirement. In the district court proceedings, the Board took great pains to ensure this requirement, and the court repeatedly asked questions about it at the hearing. Given the content of the Board's notice today, which is notably silent on this requirement, Underwood no longer concedes the two claims are moot but rather renews each claim.

Again, it is important to note the present litigation and last-minute nature of it is due to the Board's actions alone. Underwood was prepared and ready to present his clemency case on December 4, but the Board rescheduled it at the last minute. The Board has again scheduled the hearing at the last minute without input from Underwood's legal team. And all of this comes after Underwood's execution was scheduled a week early to avoid the holidays. Instead of his execution being December 26, 2024, as originally thought, it was scheduled for December 19, 2024, the same day as Underwood's birthday. Notice Regarding Execution of Death Warrant, *Underwood v. Oklahoma*, Case No. D-2008-319 (Okla. Crim. App. Sept. 26, 2024). Underwood understands the competing interests at stake, but Underwood's life is on the line. As every other clemency petitioner has had before him, Underwood is due a fair and lawful clemency hearing. He is also entitled to counsel. 18 U.S.C. § 3599(e); *Harbison v. Bell*, 556 U.S. 180, 183-85 (2009).

In its filing, the Board readily admits these last-minute changes to Underwood's clemency hearing impacts the hearing and how many Board members will be present. That is the through line of Underwood's entire case. Last-minute changes to the Board and hearing date fundamentally impact Underwood's opportunity to be heard in a meaningful way. It is unreasonable to think these changes impact the Board but not Underwood and his legal team.



At a minimum, this Court should remand to the district court for factual findings and a legal ruling on the mental health requirement and arbitrary changing of Board members and the burden of proof. As this Court has said explicitly, “we do not find facts on appeal.” *Green v. Post*, 574 F.3d 1294, 1304 n.9 (10th Cir. 2009); *Chiles v. Salazar*, 116 F.4th 1178, 1200 n.17 (10th Cir. 2024). The district court should have the first opportunity to rule and create a record. And any factual finding as to what members will be present on Friday and their qualifications must be made in the district court. The Board cannot present facts to this Court that Underwood has had no opportunity to contest. As of this morning, the district court’s ruling is based on inaccurate information. The Board’s ever-changing positions and shifting of facts further reveals the capriciousness and arbitrariness of its actions. The Board, like all Oklahomans, must follow the law. There is no exception merely because the holidays are upon us.

Respectfully submitted,

s/ Brendan VanWinkle

Brendan VanWinkle, SC Bar #104768

Assistant Federal Public Defender

Emma V. Rolls, OBA #18820

First Assistant Federal Public Defender

Western District of Oklahoma

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[Brendan\\_VanWinkle@fd.org](mailto:Brendan_VanWinkle@fd.org)

[Emma\\_Rolls@fd.org](mailto:Emma_Rolls@fd.org)

**CERTIFICATE OF DIGITAL SUBMISSION**

I certify that with respect to the foregoing *Notice that the Pardon and Parole Board Has Changed the Facts Relied on By the District Court* that: (1) all required privacy redactions have been made pursuant 10th Cir. R. 25.5; (2) the hard copies submitted to the Court via ECF submission are exact copies of the version submitted electronically, and (3) the digital submissions have been scanned for viruses with the most recent version of a commercial virus scanning program, Symantec Endpoint Protection, Version 14.000.15.105, updated daily, and according to the program, is free of viruses.

*s/ Brendan VanWinkle*

\_\_\_\_\_  
BRENDAN VANWINKLE

Assistant Federal Public Defender

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of December, 2024, a true and correct copy of the foregoing *Notice that the Pardon and Parole Board Has Changed the Facts Relied on By the District Court* was served via ECF Notification:

GARRY M. GASKINS, II

*Solicitor General*

OFFICE OF ATTORNEY GENERAL

STATE OF OKLAHOMA

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Oklahoma City, OK 73105

Direct: (405) 521-3921

[Garry.Gaskins@oag.ok.gov](mailto:Garry.Gaskins@oag.ok.gov)

Kyle Peppler, Assistant Solicitor General

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Zach West, Director of Special Litigation  
OFFICE OF ATTORNEY GENERAL  
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[Zach.West@oag.ok.gov](mailto:Zach.West@oag.ok.gov)

*s/ Brendan VanWinkle*  
Brendan VanWinkle

**EXHIBIT 10**

No. 24-6259

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**UNITED STATES COURT OF APPEALS  
FOR THE TENTH CIRCUIT**

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KEVIN UNDERWOOD,

*Plaintiff-Appellant,*

v.

OKLAHOMA PARDON AND PAROLE BOARD, *et al.*,

*Defendants-Appellees.*

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On appeal from the United States District Court  
for the Western District of Oklahoma  
The Hon. Charles B. Goodwin  
No. 24-cv-1266-G

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**DEFENDANTS' RESPONSE TO UNDERWOOD'S NOTICE THAT THE PARDON AND  
PAROLE BOARD HAS CHANGED THE FACTS RELIED ON BY THE DISTRICT COURT**

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GARRY M. GASKINS, II

*Solicitor General*

ZACH WEST

*Director of Special Litigation*

KYLE PEPLER

*Assistant Solicitor General*

OFFICE OF ATTORNEY GENERAL

STATE OF OKLAHOMA

313 N.E. 21st Street

Oklahoma City, OK 73105

*Counsel for Defendants-Appellees*

Earlier today, Defendants notified this Court that the Oklahoma Pardon and Parole Board (“Board”) scheduled a new clemency hearing for Plaintiff Kevin Underwood to occur during a special meeting this Friday, December 13, 2024. Underwood now argues that the composition of the Board on December 13 will violate OKLA. STAT. tit. 57, § 332.1B(B), and reiterates his arguments challenging a three-person quorum of the Board. As to Underwood’s first argument, undersigned counsel for Defendants-Appellees, as an officer of the court, affirms that Section 332.1B(B) will be satisfied by the expected composition of the Board on December 13, 2024. Two of the three members, that is, “shall have five (5) years of training or experience in mental health services, substance abuse services or social work.” *Id.* Defendants reiterate the argument they made to the district court, however, that the language in this statutory subsection plainly says nothing about these two members being required to vote on every case. Moreover, such a requirement would be absurd given the simultaneous requirement of recusal in certain instances. *See* OKLA. STAT. tit. 57, § 332.15(C).

As to the second argument, Defendants thoroughly addressed the legal adequacy of three voting members of the Board—a quorum—being present for Underwood’s clemency hearing. *See* Defendants’ Response at 10–14 (arguing that Underwood has no right to have five Board members vote). Thus, Underwood’s additional objections offer nothing new for this Court to render its decision based on the briefing before it. The legal question is still the same. Put differently, there is no plausible argument that four

members would be constitutional whereas three members would not, when each constitutes a quorum. Underwood’s argument that five members are required is either correct, or it is not. If it is not, then three *or* four members would suffice. And to the extent that there is a dispute about whether two or three votes out of three would suffice to send the recommendation to the Governor, that is purely a hypothetical at this point and should in no way keep the clemency hearing from moving forward. *See Aetna Life Ins. Co. of Hartford, Conn. v. Haworth*, 300 U.S. 227, 240-41 (1937) (courts must decide only “real and substantial controvers[ies]” as opposed to issuing “opinion[s] advising what the law would be upon a hypothetical state of facts”). To the extent it becomes relevant, such a dispute can be litigated *after* the hearing.

Moreover, Underwood’s notice characterizes the developments mentioned in Defendants’ notice as the fault of the Board. But the Board—and, importantly, the victim’s family and friends—were prepared to proceed with a clemency hearing before four voting members of the Board on December 9. It was entirely Underwood’s appeal of the district court’s correct holding, and this Court’s administrative stay of the December 9 hearing, that have necessitated the scheduling of a new hearing, so that the Board can accomplish its constitutional mandate before December 19, 2024. Defendants’ representation to the district court that four voting members of the Board would be present at the December 9 hearing remains correct. That the December 13 special meeting will likely only have three voting members—a quorum of the Board

capable of voting with an affirmative constitutional majority—is a consequence of the December 9 meeting not taking place. And that consequence is a direct result of Underwood’s appeal and stay motion, not anything done by Defendants.

Finally, Underwood claims it is “unreasonable to think these changes impact the Board but not Underwood and his legal team.” Underwood’s Notice at 3. Defendants have never claimed that Underwood and his legal team will not be impacted in some way. But the actual record evidence here explains in detail the ongoing harm that is being done to the victim’s family and friends by delay. Jamie’s aunt testified:

Every single one of us will suffer from another emotional roller coaster if this clemency hearing is rescheduled again. Each new case or scheduling change is a huge emotional burden. I am mentally preparing myself for the hearing next Monday [December 9, 2024], and will have to go through it all over again if the hearing is delayed. We need a final resolution to this case, so that we can remember Jamie without the shadow of another confrontation with Kevin Underwood following us everywhere we turn.

Defs.’ Resp., Ex. 10. Nothing of the sort exists in the record in regard to Underwood or his attorneys.



*s/ Zach West*

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*Solicitor General*

ZACH WEST

*Director of Special Litigation*

KYLE PEPLER

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*Counsel for Defendants-Appellees*

**CERTIFICATE OF DIGITAL SUBMISSION**

All required privacy redactions have been made as required by 10th Cir. R. 25.5 and the ECF Manual. Additionally, this filing was scanned with Symantec Endpoint Protection antivirus using the latest version (14.2) updated on December 9, 2024.

*s/ Zach West*

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ZACH WEST

**CERTIFICATE OF SERVICE**

I certify that on December 11, 2024, I caused the foregoing to be filed with this Court and served on all parties via the Court's CM/ECF filing system. No paper copies are required pursuant to 10th Cir. R. 27.2.

*s/ Zach West*

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ZACH WEST

**EXHIBIT 11**

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**PARDON AND PAROLE BOARD****Policy 101 – Duties and Responsibilities of the Pardon and Parole Board**

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**POLICY:**

The Pardon and Parole Board is established through Article VI, Section 10 in the Oklahoma Constitution, in addition to various statutes and administrative rules. Upon appointment to the Pardon and Parole Board, Board members will be provided a copy of the Pardon and Parole Board's policies.

**Officers, Terms of Office, and Qualifications**

1. As per the Constitution, the Pardon and Parole Board is comprised of five (5) Board members.
2. A quorum shall consist of three (3) members.
3. As per statute, the terms of the Board members are co-terminus with that of the Governor.
4. The Board members will select a Chairperson and Vice-Chairperson annually to preside over the meetings.
5. In the absence of the Chairperson, the Vice-Chairperson shall serve. If the Vice-Chairperson is absent, the Board members present shall designate a presiding officer for the meeting.
6. A Board member may be re-elected as Chairperson and Vice-Chairperson if the member receives the majority of the vote for the position.
7. If a vacancy occurs with the Chairperson, the Vice-Chairperson will automatically succeed to the Chairperson until a vote to elect a Chairperson and Vice-Chairperson can occur. The Chairperson and Vice-Chairperson shall constitute the Executive Committee.
8. All board meetings will be conducted according to the Open Meeting Act, Title 25 O.S. Sections 301-314 and Title 57 O.S. Section 332.2(O).
9. The Board member will attend meetings upon the call of the Chairperson for the investigation and study of candidates for pardons, paroles, commutations, and clemency as allowed under state law.

**Orientation**

Within three (3) weeks of appointment, a newly appointed Board member shall attend an orientation to become familiar with the Pardon and Parole Board operations.

**Meetings**

1. The monthly meetings will be conducted at a time and place designated by the Chairperson (or Vice-Chairperson in the Chairperson's absence), filed with the Oklahoma Secretary of State, and published by the Pardon and Parole Board.
2. Board members who know that they will be unable to attend a meeting will notify the Chairperson of their intended absence at least one week before the scheduled meeting or as soon as it is possible.
3. Failure of any Board member to attend one Board meeting in any calendar year, except for justifiable excuse as determined by the Chairperson, shall preclude the right of the Board member to receive his or her monthly compensation for that month.

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**PARDON AND PAROLE BOARD****Policy 101 – Duties and Responsibilities of the Pardon and Parole Board**

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4. Any Board member who fails to attend two or more Board meetings in any calendar year, except for extraordinary circumstances as determined by the Chairperson, shall be deemed to have committed official misconduct as such term is defined by Section 93 (1) of Title 51 of the Oklahoma Statutes.
5. To initiate a removal from office, the majority of the Board members shall pass a resolution detailing the alleged misconduct. Such removal shall be subject to the provisions of Chapter 3 of Title 51 of the Oklahoma Statutes. Failure to attend meetings of the Board, pursuant to the policy established by the Board, shall constitute cause for removal.
6. The Board members will be reimbursed for travel expenses in accordance with the State Travel Reimbursement Act.
7. Every meeting of the PPB will be electronically recorded (except for executive sessions) from which minutes will be transcribed in summary form. A copy of the minutes will be forwarded to the PPB prior to the next meeting for review. After formal approval of the minutes, as submitted or as amended, the audio recordings shall be destroyed, unless the PPB or the Executive Committee requests that the audio recording not be destroyed. After approval, the Executive Director will sign a copy of the approved minutes which will constitute the official record of the meeting.

**Duties and Responsibilities**

The duties and responsibilities of the Board shall include, but are not limited to the following:

1. Hiring, firing, and setting the salary of the Executive Director;
2. Establishing the duties of the Executive Director;
3. Approving the users of the Purchase Card (P-Card) and the limitations for the maximum purchase on the cards;
4. Adopting policies to implement constitutional and statutory provisions governing the Board and the Pardon and Parole Board administrative functions;
5. Approving the cancellation or rescinding of policies and/or amendments to previously approved policies;
6. Reviewing and approving of candidates for parole of non-violent offenses and review and recommending paroles for violent offenses, commutations, pardons, and clemencies to the Governor; and
7. Establishing standard and special conditions of parole recommendations;

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## PARDON AND PAROLE BOARD

### Policy 101 – Duties and Responsibilities of the Pardon and Parole Board

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8. Adopting guidelines for the conduct of meetings and the release of information, in accordance with state law; and
9. Reviewing and approving the proposed PPB budget before it is submitted to the Office of Management and Enterprise Services (OMES) after the allocation is determined by the Legislature and approved by the Governor.

#### **Board Member Training**

As per statute (57 O.S. § 332.1A), each member of the Pardon and Parole Board shall receive at least twelve (12) hours of training in the first year and six (6) hours of training per year thereafter on matters relating to the duties of the Board.. The training shall be provided according to statutory guidelines adopted.

#### **Procedures for Board Attendance Absences:**

1. If a Board member will be absent for any scheduled Board meeting, the Board member will notify the Board chairperson via email as soon as the absence is known.
2. In the email, the Board member will identify the circumstances as to why an absence is needed.
3. The Board member will copy the Executive Director and Deputy Director on the email so a quorum can be determined and the documentation for the absence can be maintained for audit purposes.
4. The Board Chairperson will respond to the Board member via email as to whether the absence is excused.
5. The Board Chairperson will copy the Executive Director and the Deputy Director on the email so the documentation for the absence can be maintained for audit purposes.
6. For a Board member who has missed a previous meeting during the calendar year, the Board chairperson will need to determine if the absence is an extraordinary circumstance to warrant the second or subsequent absence.

#### **BASIS FOR POLICY AND PROCEDURES:**

- A. Pardon and Parole Board Policy 100 – Pardon and Parole Board Manual
- B. Oklahoma Constitution, Article 6, Section 10
- C. Administrative rules and all statutory provisions governing the Board

Approved: September 1, 2007  
 Revised: September 12, 2010  
 Revised: January 19, 2016  
 Revised: June 13, 2016, Replaces Policy 002  
 Revised: March 26, 2017, Board Approved Attendance Procedures Contained in the Policy  
 Revised: June 11, 2018

**EXHIBIT 12**

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**KEVIN UNDERWOOD,** )  
)  
**Plaintiff,** )  
)  
**v.** )  
)  
**OKLAHOMA PARDON AND** )  
**PAROLE BOARD et al.,** )  
)  
**Defendants.** )

**Case No. CIV-24-1266-G**


**ORDER**

Plaintiff has filed a complaint pursuant to 42 U.S.C. § 1983, as well as an emergency motion, seeking declaratory and injunctive relief. Given Plaintiff’s scheduled clemency hearing date of December 9, 2024, and execution date of December 19, 2024, this matter requires expedited proceedings.

Defendants shall file their response(s) to the Emergency Motion for Stay (Doc. No. 3) no later than 12:00 p.m. on Friday, December 6, 2024.

Plaintiff’s Emergency Motion for Stay is hereby set for hearing on Friday, December 6, 2024, at 2:00 p.m. in Courtroom 305 of the William J. Holloway, Jr. United States Courthouse.

IT IS SO ORDERED this 4th day of December, 2024.

  
\_\_\_\_\_  
CHARLES B. GOODWIN  
United States District Judge



**EXHIBIT 13**

J. Kevin Stitt  
Governor



Tom Bates  
Executive Director

State of Oklahoma  
PARDON AND PAROLE BOARD

**PARDON AND PAROLE BOARD MEETING**  
December 2024

**Meeting Location:**

Oklahoma Health Care Authority  
4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105

**Zoom Information:**

<https://doc-ok.zoomgov.com/j/1612655575>  
Phone Number: 669-254-5252 and 669-216-1590  
Webinar ID: 161 265 5575

**BUSINESS MEETING AGENDA**

**Monday, December 2, 2024**  
**9:00 a.m.**

- I. Call To Order – Calvin Prince, Acting Chairman
    - A. Roll Call
    - B. Assurance of Compliance with Open Meeting Act
  - II. Approval of Minutes
    - A. Discussion and Possible Action on November 2024 Business Meeting Minutes
    - B. Discussion and Possible Action on November 2024 Parole Meeting Minutes
  - III. Agency Updates – Tom Bates, Executive Director, Melinda Romero, Deputy Director, Leroy Long, Field Director, and Kyle Counts, General Counsel
    - A. Personnel Updates – New Hires and Separations
    - B. Field Updates
    - C. Legal Updates
    - D. Director's Update
  - IV. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda
  - V. Adjournment of the Business Meeting
-

**PAROLE MEETING AGENDA**  
**Monday, December 2, 2024**  
**9:15 a.m.**

- I. Call to Order – Calvin Prince, Acting Chairman
  - A. Roll Call
- II. Discussion and Possible Action on Pardon Applicants
- III. Discussion and Possible Action on Jacket Reviews: Commutations, Nonviolent Parole, Violent Parole Stage I, Reentry Docket, Medical Parole Docket, Aging Prisoners Parole, Stage II Commutations, Stage II Violent Parole, Special Reviews, Administrative Parole, and S.I.R. docket

**12:00 p.m.**

- IV. Discussion and Possible Action on Protests from Victims and/or Victims’ Representatives
- V. Discussion and Possible Action on Protests from District Attorneys and/or the Attorney General
- VI. Discussion and Possible Action on Remaining Jacket Reviews from Agenda Item III
- VII. Lunch Recess

**1:30 p.m.**

- VIII. Reconvening of the Meeting – Calvin Prince, Acting Chairman
- IX. Discussion and Possible Action on Jacket Reviews for Inmates with Delegates
- X. Discussion and Possible Action on Remaining Jacket Reviews from Agenda Item III
- XI. Recess for Day

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**Meeting Agenda**  
**Tuesday, December 3, 2024**  
**9:00 a.m.**

- XII. Reconvening of the Meeting – Calvin Prince, Acting Chairman
  - A. Roll Call
- XIII. Discussion and Possible Action on Remaining Jacket Reviews for Inmates with Delegates from Agenda Item IX
- XIV. Discussion and Possible Action on Remaining Jacket Reviews from Agenda Item III
- XV. Discussion and Possible Action for Inmates with Personal Interviews and Delegates

**Oklahoma Health Care Authority (Video Host Facility)**

J. Kevin Stitt  
Governor



Tom Bates  
Executive Director

State of Oklahoma  
PARDON AND PAROLE BOARD

Allen Gamble Correctional Center  
Bill Johnson Correctional Center  
Bridgeway Halfway House  
Clara Waters Community Corrections Center  
Dick Conner Correctional Center  
Dr. Eddie Warrior Correctional Center  
Great Plains Correctional Center  
Jackie Brannon Correctional Center  
Joseph Harp Correctional Center  
John Lilley Correctional Center

Lawton Community Correctional Center  
Lawton Correctional Facility  
Mabel Bassett Correctional Center  
NorthEast Oklahoma Correctional Center  
Oklahoma State Reformatory  
Union City Community Corrections Center  
James Crabtree Correctional Center  
Mack Alford Correctional Center  
Oklahoma State Reformatory

- XVI. Discussion and Possible Action on Remaining Jacket Reviews from Agenda Item III
- XVII. Discussion and Possible Action on Any Unfinished Business from Agenda Items II through XV
- XVIII. Discussion and Possible Action on any Tie votes or Vote Changes from Agenda Items II through XV
- XIX. New Business Not Known or Which Could Not Have Been Reasonably Foreseen Before the Posting of the Agenda
- XX. Recess for Day

**Meeting Agenda**  
**Wednesday, December 4, 2024**  
**9:00 a.m.**

- XXI. Reconvening of the Meeting – Calvin Prince, Acting Chairman
- XXII. Action Item:
  - Clemency Hearing for Kevin R. Underwood, 576482, (Inmate will make a personal appearance via video conference from Oklahoma State Penitentiary)
  - Discussion on Clemency Consideration for Kevin R. Underwood.
  - Vote on Clemency Consideration for Kevin R. Underwood.
- XXIII. Adjournment

**EXHIBIT 14**

**Kyle Counts**

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**From:** meetingnotices@sos.ok.gov  
**Sent:** Monday, December 2, 2024 1:50 PM  
**To:** Kyle Counts  
**Subject:** [EXTERNAL] Open Meetings Confirmation



**Meeting Notice Confirmation**

Kyle Counts  
OKLAHOMA PARDON AND PAROLE BOARD  
4345 N. LINCOLN BLVD., SUITE 1082  
OKLAHOMA CITY, OK 73105  
405-521-6600

**This message confirms your meeting notice posting with the Secretary of State.**

**DATE AND TIME OF POSTING:**

Monday , Dec 02, 2024 01:47 PM

**INFORMATION POSTED**

A Special meeting has been scheduled for:  
Monday , Dec 09, 2024 09:00 AM at  
OKLAHOMA HEALTH CARE AUTHORITY  
4345 N. LINCOLN BLVD  
OKLAHOMA CITY, OK 73105  
Room: Not Specified

Meeting Description: Clemency Hearing for Kevin Ray Underwood, DOC #576482

You may view and print the web postings of your body's meeting notices by visiting our website at: [your meetings page](#).

**EXHIBIT 15**

J. Kevin Stitt  
Governor



Tom Bates  
Executive Director

State of Oklahoma  
PARDON AND PAROLE BOARD

**PARDON AND PAROLE BOARD SPECIAL MEETING**

December 9, 2024

**Meeting Location:**

Oklahoma Health Care Authority  
4345 N. Lincoln Blvd.  
Oklahoma City, OK 73105

**Zoom Information:**

<https://www.zoomgov.com/j/1611518167>  
Phone Number: 669-254-5252 and 669-216-1590  
Webinar ID: 161 151 8167

**SPECIAL MEETING AGENDA**

**Monday, December 9, 2024**

**9:00 a.m.**

- I. Call To Order – Richard Miller, Acting Chairman
  - A. Roll Call
  - B. Assurance of Compliance with Open Meeting Act
  
- II. Action Item:
  - Clemency Hearing for Kevin R. Underwood, 576482, (Inmate will make a personal appearance via video conference from Oklahoma State Penitentiary)
  - Discussion on Clemency Consideration for Kevin R. Underwood.
  - Vote on Clemency Consideration for Kevin R. Underwood.
  
- III. Adjournment



**EXHIBIT 16**

**U.S. District Court  
Eastern District of Oklahoma (Muskogee)  
CRIMINAL DOCKET FOR CASE #: 6:03-cr-00073-RAW-1**

Case title: USA v. Fields

Date Filed: 08/01/2003

Related Case: [6:10-cv-00115-RAW](#)

Magistrate judge case numbers: 6:03-mj-00058  
6:03-mj-00059  
6:03-mj-00061  
6:03-mj-00062

Assigned to: Judge Ronald A. White  
Appeals court case number: 05-7128

**Defendant (1)**

**Edward Leon Fields, Jr.**

represented by **Barry L. Derryberry**  
Federal Public Defender - Muskogee  
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Muskogee, OK 74401  
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Community Defender Appointment*

**Michael A. Abel**  
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*PRO HAC VICE*  
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**Pending Counts**

18:1111(a) and (b), 7(3) and 13: First  
Degree Murder  
(1)

**Disposition**

Sentence of death. 36 months supervised  
release. Restitution in the amount of

18:924(c)(1)(A),(d),(j),7(3) and 13: Use of a Firearm in a Federal Crime of Violence Causing the Death of a Person  
(2)

\$15,323.84. Special assessment in the amount of \$600.00.

Imprisonment for a term of 405 months. Supervised release for a term of 36 months. Restitution in the amount of \$15,323.84. Special assessment in the amount of \$600.00.

18:1111(a) and (b), 7(3) and 13: First Degree Murder  
(3)

Sentence of death. 36 months supervised release. Restitution in the amount of \$15,323.84. Special assessment in the amount of \$600.00.

18:924(c)(1)(A),(d),(j),7(3) and 13: Use of a Firearm in a Federal Crime of Violence Causing the Death of a Person  
(4)

Imprisonment for a term of 405 months. Supervised release for a term of 36 months. Restitution in the amount of \$15,323.84. Special assessment in the amount of \$600.00.

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

**United States of America**

represented by **Christopher J. Wilson**  
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*LEAD ATTORNEY*  
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*TERMINATED: 12/01/2021*  
*Designation: Government Attorney*

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Email: dennis.fries@usdoj.gov  
*TERMINATED: 05/28/2020*  
*Designation: Retained*

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*TERMINATED: 05/28/2020*  
*Designation: Retained*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/18/2003	1	APPLICATION AND AFFIDAVIT for search warrant by USA as to SEALED DEFENDANT: [ 6:03-m -59 ] (seal) (Entered: 07/22/2003)
07/18/2003		SEARCH warrant issued by Magistrate Judge Steven P. Shreder [ 6:03-m -59 ] (seal) (Entered: 07/22/2003)
07/18/2003	<a href="#">1</a>	COMPLAINT against Edward L. Fields [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/18/2003		ARREST Warrant issued for Edward L. Fields by Magistrate Judge Steven P. Shreder [ 6:03-m -58 ] (cjt, Deputy Clerk) (Entered: 07/29/2003)
07/21/2003		INITIAL APPEARANCE MINUTES before Hon. Steven P. Shreder. Government present by Assistant U.S. Attorneys Dennis Fries and Gay Guthrie. Defendant FIELDS present in person and by appointed counsel, Michael A. Abel, Asst. Federal Public Defender. Court appoints Michael A. Abel to represent defendant in this matter. Court Reporter: mb. Court Room Deputy: ct. Defendant acknowledged receipt of copy of Complaint and advised court he had read it. Defendant advised of right to counsel and constitutional rights. Pretrial Services report. Government filed motion for detention hearing. ENTERING ORDER setting preliminary/detention hearing for 7/23/03 at 2:00 p.m. before U.S. Magistrate Judge Steven P. Shreder. Defendant remanded to custody of the U.S. Marshal pending detention hearing. (SPS) [ 6:03-m -58 ] (cjt, Deputy Clerk) (Entered: 07/29/2003)
07/21/2003	<a href="#">2</a>	ORDER by Magistrate Judge Steven P. Shreder appointing Federal Public Defender to represent defendant Edward L. Fields (cc: all counsel) [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/21/2003	<a href="#">3</a>	MOTION for detention hearing by plaintiff USA as to Edward L. Fields [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/21/2003	<a href="#">4</a>	MINUTE ORDER before Magistrate Judge Steven P. Shreder granting plaintiff's motion for detention hearing [3-1] and setting preliminary/detention hearing for 7/23/03 at 2:00 p.m. for Edward L. Fields at the U.S. Courthouse, 5th & Okmulgee Streets, Muskogee,

		OK. (SPS) (cc: all counsel) [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/22/2003	<a href="#">5</a>	MOTION EXPARTE (SEALED) by defendant Edward L. Fields [ 6:03-m -58 ] (cjt, Deputy Clerk). Modified on 7/15/2024 to add document and unseal per minute order [ 370 ] (sms, Deputy Clerk). (Entered: 07/29/2003)
07/22/2003	6	ORDER by Magistrate Judge Steven P. Shreder granting defendant's motion EXPARTE (SEALED) [5-1] [ 6:03-m -58 ] (cjt, Deputy Clerk) (Entered: 07/29/2003)
07/22/2003	7	SEALED PRAECIPE by defendant Edward L. Fields [ 6:03-m -58 ] (cjt, Deputy Clerk) (Entered: 07/29/2003)
07/23/2003		Said cause came on for Preliminary/Detention hearing before Hon. Steven P. Shreder. Government present by Assistant U.S. Attorneys Gay Guthrie and Sheldon Sperling. Defendant FIELDS present in person and by appointed counsel Michael A. Abel and Julia O'Connell, Asst. Federal Public Defenders. Court Reporter: mb. Court Room Deputy: ct. Discussion of defendant's attempted suicide. Government's oral motion to determine competency and for a psychiatric/competency evaluation. Objection by defendant. Defendant requests to brief the issue. ENTERING ORDER setting government's motion for competency for hearing on 7/28/03 at 2:00 p.m. with preliminary/detention hearing to follow if necessary. Defendant is remanded to custody of U.S. Marshal pending detention hearing. (SPS) Defendant's oral request to recall subpoenaed witness back for 7/28/03 at 2:00 p.m. SO ORDERED. (SPS) [ 6:03-m -58 ] (cjt, Deputy Clerk) (Entered: 07/29/2003)
07/24/2003	2	SEARCH warrant returned executed on 7/24/03 with inventory attached of items taken [ 6:03-m -59 ] (seal) (Entered: 07/24/2003)
07/24/2003	1	APPLICATION AND AFFIDAVIT for search warrant by USA as to SEALED DEFENDANT: [ 6:03-m -61 ] (seal) (Entered: 07/24/2003)
07/24/2003		SEARCH warrant issued by Magistrate Judge Steven P. Shreder [ 6:03-m -61 ] (seal) (Entered: 07/24/2003)
07/24/2003	1	APPLICATION AND AFFIDAVIT for search warrant by USA as to SEALED DEFENDANT: [ 6:03-m -62 ] (seal) (Entered: 07/24/2003)
07/24/2003		SEARCH warrant issued by Magistrate Judge Steven P. Shreder [ 6:03-m -62 ] (seal) (Entered: 07/24/2003)
07/24/2003	<a href="#">8</a>	ARREST Warrant returned executed as to defendant Edward L. Fields; defendant arrested on 7/21/03 [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/25/2003	<a href="#">9</a>	ENTRY OF APPEARANCE for defendant Edward L. Fields by Attorney Julia L. O'Connell [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/25/2003	<a href="#">10</a>	ENTRY OF APPEARANCE for defendant Edward L. Fields by Attorney Barry L. Derryberry [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/25/2003	<a href="#">11</a>	MOTION to determine competency of defendant and suggestions for court colloquy with defendant by plaintiff USA as to Edward L. Fields [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/25/2003	<a href="#">12</a>	BRIEF IN RESPONSE by defendant to government's oral motion for hearing on defendant's present competency and sanity at the time of the offense [11-1] [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/28/2003		MOTION FOR COMPETENCY HEARING MINUTES before Hon. Steven P. Shreder. Government present by Assistant U.S. Attorney Robert Gay Guthrie and U.S. Attorney Sheldon Sperling. Defendant FIELDS present in person and by appointed counsel Julia L.



		O'Connell and Barry L. Derryberry, Asst. Federal Public Defenders. Court Reporter: mb. Court Room Deputy: ct. Government's evidence. Government rests. Defendant's evidence. Parties rest. ENTERING ORDER finding the defendant competent to stand trial. (SPS) PRELIMINARY HEARING MINUTES: Government's evidence. Government rests. No defendant's evidence. Parties rest. Defendant waives detention hearing. ENTERING ORDER finding that there is probable cause to believe that a crime was committed and the defendant committed it. Defendant is remanded to custody of U.S. Marshal pending further order of the court. (SPS) [ 6:03-m -58 ] (cjt, Deputy Clerk) (Entered: 07/29/2003)
07/28/2003	<a href="#">13</a>	MOTION for detention hearing by plaintiff USA as to Edward L. Fields [ 6:03-m -58 ] (cjt, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/29/2003)
07/28/2003	2	SEARCH warrant returned executed on 7/28/03 with inventory of items taken [ 6:03-m -61 ] (seal) (Entered: 07/29/2003)
07/28/2003	2	SEARCH warrant returned executed on 7/28/03 with inventory of items taken [ 6:03-m -62 ] (seal) (Entered: 07/29/2003)
07/28/2003	<a href="#">14</a>	MINUTE ORDER before Magistrate Judge Steven P. Shreder finding the plaintiff's motion for detention hearing [13-1] moot. (SPS) (cc: all counsel) [ 6:03-m -58 ] (cjt, Deputy Clerk) Modified on 08/04/2003 (jcb, Deputy Clerk). (Entered: 08/04/2003)
08/01/2003	<a href="#">16</a>	INDICTMENT by USA Counts filed against Edward L. Fields (1) count(s) 1, 2, 3, 4, 5 and 6 (nrh, Deputy Clerk) Modified on 08/04/2003 (jcb, Deputy Clerk). (Entered: 08/01/2003)
08/01/2003		ORDER by Magistrate Judge Steven P. Shreder directing that a criminal warrant be issued for defendant (nrh, Deputy Clerk) (Entered: 08/01/2003)
08/01/2003		NOTICE: SETTING arraignment on 8/6/03 at 2:00 p.m. for Edward L. Fields before Judge Kimberly E. West at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (nrh, Deputy Clerk) (Entered: 08/01/2003)
08/01/2003	<a href="#">15</a>	ORDER by Magistrate Judge Steven P. Shreder denying plaintiff's motion to determine competency of defendant and suggestions for court colloquy with defendant [11-1] finding Edward L. Fields competent to stand trial (cc: all counsel) [ 6:03-m -58] (cjt, Deputy Clerk) Modified on 08/04/2003 (jcb, Deputy Clerk). (Entered: 08/04/2003)
08/01/2003		ARREST Warrant issued for Edward L. Fields by Magistrate Judge Steven P. Shreder (law, Deputy Clerk) (Entered: 08/04/2003)
08/04/2003	<a href="#">17</a>	UNOPPOSED MOTION for continuance of arraignment set for 8/6/03 by defendant Edward L. Fields (law, Deputy Clerk) Modified on 08/18/2003 (jcb, Deputy Clerk). (Entered: 08/04/2003)
08/06/2003	<a href="#">290</a>	TRANSCRIPT of proceedings for the following date(s): 7/28/03 (Re: Testimony of Curtis Todd Grundy) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/06/2003)
08/06/2003		ARRAIGNMENT before Honorable Kimberly E. West. Government present by U.S. Attorney Sheldon J. Sperling. Defendant EDWARD LEON FIELDS, JR. present in person and by AFPD Julia O'Connell. Courtroom Deputy: nh. Court Reporter: mb. Defendant has received copy of Indictment and discussed same with counsel. Defendant advised of right to counsel, constit. rights, nature of charges, and range of punishment. Defendant duly arraigned and does not enter plea and states that the defense stands moot. Court enters Not Guilty plea for deft. Fields as to Counts 1 - 6 of the Indictment. ENTERING ORDER: Defendant will have 11 days in which to file motions, with government having 5 days thereafter in which to respond. JURY TRIAL set 10/6/03 at 9:00 a.m. before Honorable Frank H. Seay. Parties have reviewed Pretrial Services report

		and agree that the issue of detention is moot. Defendant remanded to the custody of the U. S. Marshal. (KEW) (nrh, Deputy Clerk) (Entered: 08/08/2003)
08/07/2003	<a href="#">18</a>	ARREST Warrant returned executed as to Edward Leon Fields Jr.on 8/6/03 (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/08/2003)
08/11/2003		NOTICE of hearing: Jury Trial is set for 10/6/03 at 9:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Frank H. Seay at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 08/11/2003)
08/12/2003	<a href="#">19</a>	MOTION for attorney Isaiah S. Gant to appear pro hac vice by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/12/2003)
08/14/2003		NOTICE of hearing: Hearing is set for 8/28/03 at 12:00 Noon on defendant Edward L. Fields' motion for admission pro hac vice as to attorney Isaiah S. Gant before Judge Frank H. Seay at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 08/14/2003)
08/15/2003	20	MOTION for leave to file motion under seal by defendant Edward Leon Fields Jr. (FILED UNDER SEAL PER ORDER OF COURT OF 8/18/03) (law, Deputy Clerk) (Entered: 08/18/2003)
08/15/2003	21	UNOPPOSED MOTION to continue motion filing deadlines and jury trial by defendant Edward Leon Fields Jr. (FILED UNDER SEAL PER ORDER OF COURT OF 8/18/03) (law, Deputy Clerk) (Entered: 08/18/2003)
08/18/2003	<a href="#">22</a>	MINUTE ORDER before Judge Frank H. Seay granting in part defendant's motion for leave to file motion under seal filed 8/15/03 [20-1]. Accordingly, the Clerk of Court is directed to file defendant's Motion for Leave to File Motion Under Seal and Defendant's Unopposed Motion to Continue Motion Filing Deadlines and Jury Trial filed 8/15/03 UNDER SEAL. (FHS) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/18/2003)
08/18/2003	<a href="#">23</a>	MINUTE ORDER before Judge Frank H. Seay granting defendant's unopposed motion to continue motion filing deadlines and jury trial filed 8/15/03 [21-1]. All motions are due 9/19/03 with responses due 9/29/03. Capital litigation motions are due within five (5) days of the government's formal notice of intent to seek the death penalty. The jury trial set for 10/6/03 at 9:00 a.m. is STRICKEN and RESET to 11/3/03 at 9:00 a.m. The defendant is directed to file a Waiver of Speedy Trial no later than 8/28/03. (FHS) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/18/2003)
08/20/2003	<a href="#">24</a>	MINUTE ORDER before Mag. Judge Kimberly E. West DENYING Defendant's Motion for Continuance of arraignment on 8/6/03 (KEW) (cc: all counsel) (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/20/2003)
08/21/2003	<a href="#">25</a>	MINUTE ORDER before Judge Frank H. Seay Striking the hearing on Defendant's Motion for Counsel to Appeal Pro Hac Vice set on 8/28/03 at 12:00 Noon as to Edward Leon Fields Jr., to be reset at a later date (FHS) (cc: all counsel) (trl, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/21/2003)
08/25/2003	26	SEALED EXPARTE MOTION for subpoena duces tecum by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 08/25/2003)
08/25/2003	27	SEALED ORDER by Judge Frank H. Seay granting defendant's ex parte motion for subpoena duces tecum [26-1] (law, Deputy Clerk) (Entered: 08/25/2003)
08/28/2003	<a href="#">28</a>	WAIVER of Speedy Trial by defendant Edward Leon Fields Jr. (trl, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/28/2003)

09/09/2003	<a href="#">29</a>	MINUTE ORDER before Judge Frank H. Seay granting defendant's motion for attorney Isaiah S. Gant to appear pro hac vice filed 8/12/03 [19-1]. (FHS) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/09/2003)
09/25/2003	<a href="#">30</a>	MINUTE ORDER before Judge Frank H. Seay reassigning case to District Judge James H. Payne . (FHS) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/25/2003)
10/07/2003	<a href="#">31</a>	MINUTE ORDER before District Judge James H. Payne: IT IS ORDERED that this case is reassigned to United States District Judge Ronald A. White. All documents filed in this case in the future shall reflect this reassignment (e.g. CR-03-73-WH). (JHP) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/07/2003)
10/16/2003		NOTICE Pretrial conference/Plea set for 2:00 p.m. on 10/28/03 as to Edward Leon Fields Jr. before Judge Ronald White in the 4th floor courtroom, at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (Also called) (trl, Deputy Clerk) (Entered: 10/16/2003)
10/16/2003	<a href="#">32</a>	MINUTE ORDER before Judge Ronald A. White directing counsel to file requested jury instructions, proposed voir dire, proposed verdict forms and trial briefs no later than 10/27/03 (RAW) (cc: all counsel) (trl, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/16/2003)
10/23/2003	<a href="#">33</a>	UNOPPOSED MOTION for continuance of filing deadline for requested jury instructions, proposed voir dire, proposed verdict forms and trial briefs by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/23/2003)
10/23/2003	<a href="#">34</a>	MINUTE ORDER before Judge Ronald A. White: Defendant's Unopposed Motion for Continuance filed 10/23/03 [33-1] is hereby GRANTED in part. The deadline for requested jury instructions, proposed voir dire, proposed verdict forms and trial briefs is hereby STRICKEN with new deadlines to be established at a later date. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/23/2003)
10/28/2003		STATUS HEARING MINUTES before Honorable Ronald A. White. Plaintiff present by U.S. Attorney Sheldon Sperling and Asst. U.S. Attorney Linda Epperley. Defendant FIELDS present in person and by appointed counsel Julia O'Connell and Isaiah S. Gant, Asst. Federal Public Defenders. Courtroom Deputy: ct. Court Reporter: mb. Discussion of competency issue. Discussion of process and time period for plaintiff to seek capital sentence. Court advised it will strike the jury trial set 11/3/03 and set a status conference in approximately 60 days and the deadline will be set for plaintiff to file its notice of intent whether or not it is seeking the death penalty. Written order to follow. (RAW) (cjt, Deputy Clerk) (Entered: 11/03/2003)
11/03/2003	<a href="#">35</a>	MINUTE ORDER before Judge Ronald A. White striking jury trial set on 11/3/03 at 9:00 a.m. as to Edward Leon Fields Jr. (RAW) (cc: all counsel) (cjt, Deputy Clerk) Modified on 11/03/2003 (jcb, Deputy Clerk). (Entered: 11/03/2003)
01/30/2004		NOTICE of hearing: A status hearing is set for 2/5/04 at 9:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White, Third Floor Hearing Room, at the U.S. Courthouse, 5th & Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 01/30/2004)
02/04/2004		NOTICE STRIKING status hearing set for 2/5/04 at 9:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White, Third Floor Hearing Room, at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 02/04/2004)

02/17/2004		NOTICE: Status hearing is reset for 2/20/04 at 9:15 a.m. for Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, Third Floor Hearing Room, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (cjt, Deputy Clerk) (Entered: 02/17/2004)
02/20/2004		STATUS HEARING before the Honorable Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Linda A. Epperley, Asst. U.S. Attorney. Defendant present in person and with counsel Julia L. O'Connell, Asst. Federal Public Defender. Courtroom deputy: lw. Court reporter: mb. Court addressed with counsel waiver of speedy trial issue. Plaintiff responded advising Court meeting scheduled March 1st with the Department of Justice, Washington, D.C., to review case. Plaintiff requested Court allow counsel to brief speedy trial issue. Defendant responded. Joint brief re: speedy trial issue due to be filed with Court by 3/1/04. Court inquired of counsel regarding schedule. Defendant requested Court allow the parties to return after March 15th for an additional status conference and address schedule at that time. Defendant indicated willingness to waive Speedy Trial Act. (RAW) (law, Deputy Clerk) (Entered: 02/23/2004)
03/01/2004	<a href="#">36</a>	JOINT MOTION for order to clarify Speedy Trial Act exemption as to defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/01/2004)
03/09/2004	<a href="#">37</a>	ORDER by Judge Ronald A. White granting joint motion for order to clarify Speedy Trial Act exemption [36-1], directing the continuance previously granted remain in effect pending conclusion of the death penalty protocol process, deeming the time encompassed by this continuance excludable under the Speedy Trial Act and directing defendant promptly file a written waiver of the Speedy Trial Act for the relevant period (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/09/2004)
03/15/2004	<a href="#">38</a>	NOTICE by plaintiff of intent to seek the death penalty (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/15/2004)
03/26/2004	<a href="#">39</a>	WAIVER by defendant of right to speedy trial (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/26/2004)
04/05/2004		NOTICE of hearing: A status hearing is set for 4/15/04 at 2:00 p.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 04/05/2004)
04/15/2004		STATUS HEARING before the Honorable Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney, and Linda A. Epperley, Asst. U.S. Attorney. Defendant present in person and with counsel Julie L. O'Connell, Asst. Federal Public Defender. Courtroom deputy: lw. Court reporter: mb. Court inquired of counsel as to schedule. Counsel responded. Plaintiff advised the Court it anticipates filing a motion pursuant to Federal Rule of Criminal Procedure 12.2 and requested a deadline for filing of 4/23/04. GRANTED. (RAW) ENTERING ORDER setting jury trial on the February, 2005 jury trial docket. Counsel has until 10/1/04 to file their pretrial motions and until 11/1/04 to file responses. (RAW) The Court further advised a pretrial conference will be set sometime in January, 2005. The parties requested a jury questionnaire be prepared and distributed. ENTERING ORDER directing counsel to submit their proposed jury questionnaire to the Court by 10/1/04. (RAW) Court inquired of defendant as to issue of speedy trial. Defendant and defendant's counsel confess they believe this case qualifies as complex litigation and therefore waives speedy trial. Court directed a written waiver reflecting this be filed with the Court no later than 4/21/04. (RAW) (law, Deputy Clerk) (Entered: 04/16/2004)
04/15/2004	<a href="#">40</a>	MINUTE ORDER before Judge Ronald A. White: Jury trial is set for 1/31/05 at 9:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White, U.S. Courthouse,

		5th and Okmulgee Streets, Muskogee, Oklahoma. Counsel has until 10/1/04 to file their pretrial motions and until 11/1/04 to file their responses. Additionally, counsel is directed to submit their proposed jury questionnaire to the Court by 10/1/04. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/16/2004)
04/23/2004	<a href="#">41</a>	MOTION for order regarding mental health evidence and incorporated brief by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/23/2004)
05/10/2004	42	WAIVER by defendant of right to speedy trial AND... (law, Deputy Clerk) (Entered: 05/10/2004)
05/10/2004	<a href="#">42</a>	...MOTION for order for exemption from Speedy Trial Act by defendant Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 05/10/2004 (jcb, Deputy Clerk). (Entered: 05/10/2004)
05/18/2004	<a href="#">43</a>	ORDER by Judge Ronald A. White granting defendant's motion for order for exemption from Speedy Trial Act [42-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/19/2004)
05/18/2004	<a href="#">44</a>	ORDER by Judge Ronald A. White granting plaintiff's motion for order regarding mental health evidence [41-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/19/2004)
05/24/2004	<a href="#">45</a>	MOTION to vacate and brief in support by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/24/2004)
06/01/2004	<a href="#">46</a>	RESPONSE by plaintiff to defendant's motion to vacate (entitled "Government's Answer and Brief Regarding Defendant's Motion to Vacate Mental Health Order") [45-1] (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/02/2004)
06/02/2004		NOTICE of hearing: Hearing is set on defendant's motion to vacate for 6/11/04 at 9:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 06/02/2004)
06/08/2004		NOTICE of hearing: A hearing on defendant's motion to vacate is reset FROM 6/11/04 at 9:00 a.m. TO 6/14/04 at 10:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 06/08/2004)
06/09/2004	<a href="#">291</a>	TRANSCRIPT of proceedings for the following date(s): 4/15/04 (Re: Status Hearing) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/09/2004)
06/10/2004	<a href="#">47</a>	REPLY by defendant to plaintiff's response to defendant's motion to vacate (entitled "Defendant's Response to Government's Answer and Brief Regarding Motion to Vacate") [45-1] (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/10/2004)
06/14/2004		HEARING ON DEFENDANT'S MOTION TO VACATE before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Linda A. Epperley, Asst. U.S. Attorney. Defendant EDWARD LEON FIELDS, JR. present in person and by counsel Julia L. O'Connell. Courtroom deputy: lw. Court reporter: mb. Court addressed defendant's motion to vacate court's order of 5/18/04. Court directed counsel to transmit by facsimile and mail all motions filed day of filing with exhibit to motion attached reflecting facsimile transmission. Arguments by counsel including updates as to status of case. Defendant's counsel advised Court she believes case will not be ready for trial until May or June,2005. ENTERING ORDER granting defendant's motion to vacate and striking the Court's order of 5/18/04. (RAW) ENTERING ORDER striking all deadlines in this case previously entered except as to the 1/31/05 jury trial date and setting the

		deadline for the filing of pretrial motions 8/2/04 with responses due 9/1/04. (RAW) If the parties wish to confer with regards to a proposed order as to the mental evaluation, the Court would encourage them to do so. The Court will submit an additional notice with regards to the pretrial setting and deadlines for pleadings associated with that setting. Defendant requested extension to September 2004 for the filing of pretrial motions. ENTERING ORDER granting defendant's oral request for extension of deadline for filing pretrial motions. Pretrial motions are due 9/1/04. Responses to pretrial motions are due 9/27/04. (RAW) Again, if parties wish to confer re: proposed order as to other potential deadlines, the Court would encourage them to do so. (RAW) (law, Deputy Clerk) (Entered: 06/14/2004)
06/14/2004	<a href="#">48</a>	MINUTE ORDER before Judge Ronald A. White granting defendant's motion to vacate the Court's order of 5/18/04 filed 5/24/04 [45-1]. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/14/2004)
06/14/2004	<a href="#">49</a>	MINUTE ORDER before Judge Ronald A. White: ENTERING ORDER striking all deadlines in this case previously entered EXCEPT as to the 1/31/05 jury trial date. Pretrial motions are due 9/1/04. Responses to pretrial motions are due 9/27/04. In addition, counsel is directed to transmit by facsimile AND mail any and all motions filed with the Court the day of filing with an exhibit to the motion attached reflecting the facsimile transmission. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/14/2004)
08/26/2004	<a href="#">50</a>	UNOPPOSED MOTION for extension of time to file notice of intent to introduce evidence under Fed.R.Crim.P. Rule 12.2, for extension of time to file motions related to Rule 12.2 evidence and for ex parte hearing by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/26/2004)
08/26/2004	<a href="#">51</a>	ORDER by Judge Ronald A. White directing defendant file ex parte and under seal his supplemental pleading no later than 8/30/04 at 10:00 a.m. [50-1], [50-2], [50-3] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/26/2004)
08/27/2004	<a href="#">52</a>	SEALED EX PARTE SUPPLEMENT by defendant to motion for extension of time (law, Deputy Clerk) (jcb, Deputy Clerk). Unsealed and attached to docket entry per 120 Minute Order filed in 10-cv-115-RAW. (Entered: 08/27/2004)
08/27/2004	<a href="#">292</a>	TRANSCRIPT of proceedings for the following date(s): 6/14/04 (Re: Hearing on defendant's motion to vacate) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/28/2004)
08/30/2004	<a href="#">53</a>	ORDER by Judge Ronald A. White granting in part and denying in part defendant's motion for extension of time to file notice of intent to introduce evidence under Fed.R.Crim.P. Rule 12.2 [50-1] and motion for extension of time to file motions related to 12.2 evidence [50-2] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/30/2004)
09/01/2004	<a href="#">54</a>	MOTION to strike "future dangerousness" non-statutory aggravating circumstance from government's notice of intent to seek the death penalty by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">55</a>	MOTION to strike victim impact from government's notice of intent to seek the death penalty by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">56</a>	MOTION to suppress physical evidence and statements and brief in support by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009:

		# <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">57</a>	MOTION to strike non-statutory aggravation factor of mental anguish on basis of the Eighth Amendment by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">58</a>	MOTION for order that defendant be provided confrontation and cross-examination rights in sentencing phase of trial by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">59</a>	MOTION to strike non-statutory aggravating factors on ground of improper delegation by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">60</a>	MOTION to strike the government's alleged "future dangerousness" aggravating circumstance as unconstitutional by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">61</a>	MOTION for bill of particulars by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Appendix A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">62</a>	BRIEF by defendant in support of motion for bill of particulars (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">63</a>	MOTION for order for preservation and review of notes and brief in support by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/01/2004	<a href="#">64</a>	MOTION for order for second stage procedures and memorandum in support by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 09/01/2004)
09/17/2004	<a href="#">65</a>	SEALED SUPPLEMENTAL EX PARTE MOTION for extension of time to file Rule 12.2 notice by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/17/2004)
09/27/2004	<a href="#">66</a>	ORDER by Judge Ronald A. White granting defendant's motion for extension of time to file Rule 12.2 notice [65-1] extending the deadline for defendant to file his Rule 12.2 notice until 11/1/04 (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/27/2004)
09/27/2004	<a href="#">67</a>	RESPONSE in opposition by plaintiff to defendant's motion to suppress physical evidence and statements [56-1] and brief in support (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/28/2004)
09/27/2004	<a href="#">68</a>	RESPONSE by plaintiff to defendants' constitutional challenges to death penalty matters raised in docketed motions numbered 54, 57, 59 and 60 [60-1] [59-1] [57-1] [54-1] (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/28/2004)
09/27/2004	<a href="#">69</a>	RESPONSE by plaintiff to defendant's motion to strike victim impact as a non-statutory factor (docketed motion number 55) and motion for second stage proceeding (docketed motion number 64) [64-1] [55-1] (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/28/2004)

09/27/2004	<a href="#">70</a>	RESPONSE by plaintiff to defendant's motion for ruling that defendant may be provided confrontation and cross-examination rights in sentencing phase of trial (docketed motion number 58) [58-1] (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/28/2004)
09/27/2004	<a href="#">71</a>	RESPONSE by plaintiff to defendant's motion for bill of particulars (docketed motions number 61-62) [61-1] (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/28/2004)
09/27/2004	<a href="#">72</a>	RESPONSE by plaintiff to defendant's motion for preservation and review of agents' notes (docketed motion number 63) [63-1] (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/28/2004)
10/01/2004	73	SEALED APPLICATION for Protective Order by plaintiff USA (nrh, Deputy Clerk) (Entered: 10/05/2004)
10/05/2004	74	SEALED PROTECTIVE ORDER by Judge Ronald A. White [73-1] (cc: counsel) (nrh, Deputy Clerk) Modified on 10/05/2004 (Entered: 10/05/2004)
10/21/2004	<a href="#">75</a>	ORDER by Judge Ronald A. White granting defendant's motion for order that defendant be provided confrontation and cross-examination rights in sentencing phase of trial (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/21/2004)
10/21/2004	<a href="#">76</a>	ORDER by Judge Ronald A. White denying defendant's motion to strike the government's alleged "future dangerousness" aggravating circumstance as unconstitutional [60-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/21/2004)
10/21/2004	<a href="#">77</a>	ORDER by Judge Ronald A. White denying defendant's motion to strike "future dangerousness" non-statutory aggravating circumstance from government's notice of intent to seek the death penalty [54-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/21/2004)
10/21/2004	<a href="#">78</a>	ORDER by Judge Ronald A. White denying defendant's motion to strike victim impact from government's notice of intent to seek death penalty [55-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/21/2004)
10/21/2004	<a href="#">79</a>	ORDER by Judge Ronald A. White denying defendant's motion to strike non-statutory aggravation factor of mental anguish on basis of the Eighth Amendment [57-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/21/2004)
10/21/2004	<a href="#">80</a>	ORDER by Judge Ronald A. White denying defendant's motion to strike non-statutory aggravating factors on ground of improper delegation [59-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/21/2004)
10/21/2004	<a href="#">81</a>	ORDER by Judge Ronald A. White denying defendant's motion for bill of particulars [61-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/21/2004)
10/21/2004	<a href="#">82</a>	ORDER by Judge Ronald A. White denying defendant's motion for order for preservation and review of notes [63-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/21/2004)
10/21/2004	<a href="#">83</a>	ORDER by Judge Ronald A. White denying defendant's motion for order for second stage procedures [64-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/21/2004)
10/26/2004	<a href="#">84</a>	ORDER by Judge Ronald A. White DENYING defendant's motion to suppress without prejudice. Defendant allowed until 11/2/04 to re-urge his motion supported by legal authority with specific allegations of impropriety by law enforcement officials during the gathering of evidence related to the defendant. [56-1] (cc: all counsel) (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 10/26/2004)



11/01/2004	<a href="#">85</a>	NOTICE by defendant of intent to present expert testimony pursuant to Federal Rule of Criminal Procedure 12.2(b)(1)-(2) (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 11/02/2004)
11/02/2004	<a href="#">86</a>	UNOPPOSED MOTION for extension of deadline by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 11/02/2004)
11/02/2004	<a href="#">87</a>	ORDER by Judge Ronald A. White granting in part defendant's unopposed motion for extension of deadline [86-1] and allowing defendant until 11/8/04 to re-urge a motion to suppress with proper foundation (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/02/2004)
11/08/2004	<a href="#">88</a>	MOTION for More Definitive Rule 12.2 Notice by plaintiff USA as to Edward Leon Fields Jr. (nrh, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 11/09/2004)
11/09/2004	<a href="#">89</a>	STATUS REPORT by plaintiff USA on Agreements Regarding Mental Health Evidence (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/09/2004)
11/16/2004	<a href="#">90</a>	RESPONSE by defendant to government's motion for more definitive Rule 12.2 Notice [88-1] (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 11/16/2004)
11/19/2004	<a href="#">91</a>	ORDER by Judge Ronald A. White that the motion of the government for more definitive Rule 12.2 notice (#88) is hereby DENIED. Discovery pursuant to Rule 16 F.R.Cr.P. shall proceed. The parties may include a discovery cutoff date in their "agreed proposed order" referred to in the government's status report (#89). [88-1] (cc: all counsel) (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/19/2004)
12/14/2004	<a href="#">92</a>	ORDER by Judge Ronald A. White directing the parties to present an agreed proposed order as described in the government's status report on or before 12/17/04 as to defendant Edward Leon Fields Jr. (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 12/14/2004)
12/20/2004	<a href="#">93</a>	ORDER by Judge Ronald A. White regarding mental health evidence and examination as to Edward Leon Fields Jr. (cc: all counsel) (Order unsealed per Court's order of 1/4/05) (law, Deputy Clerk) Modified on 01/05/2005 (jcb, Deputy Clerk). (Entered: 12/20/2004)
12/20/2004	<a href="#">94</a>	MINUTE ORDER before Judge Ronald A. White: The recent agreed order of the parties was filed under seal, without motion, because such designation appeared on the submitted order. The parties shall show cause within 10 days from the date of this order why the agreed order should not be unsealed. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 12/20/2004)
01/04/2005	<a href="#">95</a>	MINUTE ORDER before Judge Ronald A. White directing the Clerk of Court unseal the Order of the Court dated 12/20/04 regarding mental health evidence and examination of defendant Edward Leon Fields Jr. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 01/04/2005)
01/04/2005	<a href="#">96</a>	ORDER by Judge Ronald A. White setting initial pretrial conference for 1/14/05 at 9:00 a.m., directing proposed juror questionnaires be submitted by counsel by 1/11/05 at 12:00 Noon and setting second pretrial conference for 1/27/05 at 10:00 a.m. all as to defendant Edward Leon Fields Jr. (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 01/04/2005)
01/06/2005	<a href="#">97</a>	APPEARANCE for plaintiff USA by Attorney Dennis Fries (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 01/07/2005)

01/06/2005	<a href="#">98</a>	JOINT MOTION to continue jury trial date (with Sealed Exhibit "A" attached) as to Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 01/07/2005 (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 01/07/2005)
01/06/2005	99	SEALED MOTION for protective order by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 02/16/2005 (Entered: 01/07/2005)
01/06/2005	100	SEALED PROTECIVE ORDER by Judge Ronald A. White [99-1] (cc: all counsel) (law, Deputy Clerk) Modified on 02/16/2005 (Entered: 01/07/2005)
01/07/2005		NOTICE of hearing: A hearing is set on Joint Motion to Continue Jury Trial Date for 1/10/05 at 9:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 01/07/2005)
01/10/2005		HEARING ON JOINT MOTION TO CONTINUE JURY TRIAL DATE before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney, and Linda A. Epperley and Dennis Fries, Asst. U.S. Attorneys. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Asst. Federal Public Defender. Courtroom deputy: lw. Court reporter: mb. Court addressed pending joint motion to continue jury trial date. Plaintiff responded to pending motion first advising Court defendant has withdrawn notice previously filed as to expert evidence of mental condition bearing on guilt and requesting Court conduct an ex parte hearing as to this withdrawal. Defendant responded advising notice had not been withdrawn but will be withdrawn. Defendant further responded to pending motion. ENTERING ORDER granting joint motion to continue jury trial date. Jury trial is reset to 7/5/05 at 9:00 a.m. Additionally, plaintiff is directed to file monthly status reports on the first day of each month, all previously imposed deadlines relating to trial are stricken, both parties are directed to submit proposed juror questionnaires by 2/11/05, both parties are directed to submit proposed procedure regarding qualification of death penalty jury panel by 3/11/05, both parties are directed to submit trial briefs specifically addressing any evidentiary issues by 4/8/05 and both parties are directed to submit proposed jury instructions by 5/13/05. (RAW) Court further advised pretrial conferences will be set closer to trial at a later date. Additionally, Court further addressed withdrawal of notice by defendant. Defendant advised anticipated withdrawal to be filed today. ENTERING ORDER setting ex parte hearing on withdrawal by defendant of notice to present expert evidence of mental condition bearing on guilt for 1/12/05 at 9:00 a.m. (RAW) (law, Deputy Clerk) (Entered: 01/10/2005)
01/10/2005	<a href="#">101</a>	NOTICE by defendant of withdrawal of notice to present expert evidence of mental condition bearing on guilt (law, Deputy Clerk) Modified on 01/10/2005 (jcb, Deputy Clerk). (Entered: 01/10/2005)
01/10/2005	<a href="#">102</a>	ORDER by Judge Ronald A. White granting joint motion to continue jury trial date [98-1] and continuing jury trial to 7/5/05 at 9:00 a.m. as to defendant Edward Leon Fields, Jr., directing plaintiff file status report on the first business day of the month, directing parties submit proposed juror questionnaires by 2/11/05, directing parties submit proposed procedures regarding the qualification of the death penalty jury panel by 3/11/05, directing parties submit trial briefs by 4/8/05 and directing parties submit proposed jury instructions by 5/13/05 (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 01/10/2005)
01/10/2005		NOTICE of hearing: An ex parte hearing on defendant's withdrawal of notice to present expert evidence of mental condition bearing guilt is RESET from 1/12/05 at 9:00 a.m. to 1/12/05 at 10:30 a.m. (TIME CHANGE ONLY) as to defendant Edward Leon Fields Jr.

		before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 01/10/2005)
01/12/2005		SEALED EX PARTE HEARING RE: WITHDRAWAL OF NOTICE BY DEFENDANT TO PRESENT EXPERT EVIDENCE OF MENTAL CONDITION BEARING GUILT before Judge Ronald A. White. Plaintiff not present by counsel. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Asst. Federal Public Defender. Courtroom deputy: lw. Court reporter: mb. (RAW) (law, Deputy Clerk) (Entered: 01/12/2005)
01/14/2005	103	Sealed Authorized Individual Oath (law, Deputy Clerk) (Entered: 01/14/2005)
02/01/2005	<a href="#">104</a>	Government's Monthly Status Report - January 2005 (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 02/01/2005)
02/10/2005	105	SEALED MOTION by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 02/10/2005)
02/10/2005	106	SEALED MINUTE ORDER before Judge Ronald A. White [105-1] (cc: all counsel) (law, Deputy Clerk) Modified on 02/10/2005 (Entered: 02/10/2005)
02/11/2005	<a href="#">107</a>	MOTION for order to submit questionnaire to jury panel members by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 02/11/2005 (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 02/11/2005)
02/14/2005	<a href="#">108</a>	SUPPLEMENTAL MOTION to amend order regarding mental health evidence and examination by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 02/16/2005)
02/23/2005	<a href="#">109</a>	MOTION to withhold ruling on plaintiff's pleadings filed 2/10/05 and 2/14/05 by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit) (jcb, Deputy Clerk). (Entered: 02/23/2005)
02/24/2005	<a href="#">110</a>	MINUTE ORDER before Judge Ronald A. White denying plaintiff's motion to withhold ruling on plaintiff's pleadings filed 2/10/05 and 2/14/05 [109-1]. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 02/24/2005)
02/28/2005	<a href="#">111</a>	SEALED OBJECTION by defendant (nrh, Deputy Clerk) Modified on 02/28/2005. Modified on 7/15/2024 to add document and unseal per minute order [ 370 ] (sms, Deputy Clerk). (Entered: 02/28/2005)
03/02/2005	<a href="#">112</a>	COMBINED MOTION for amendment to order regarding mental health evidence and examination concerning fire-walled counsel and status report for February 2005 by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 03/08/2005 (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 03/03/2005)
03/03/2005	113	MINUTE ORDER before Judge Ronald A. White directing the government submit a proposed order as to its "Combined Requested Amendment Concerning Fire-Walled Counsel To Order Regarding Mental Health Evidence And Examination" filed 3/2/05 [112-1] by 3/7/05. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 03/03/2005)
03/08/2005	114	Sealed Authorized Individual Oath (law, Deputy Clerk) (Entered: 03/08/2005)
03/08/2005	115	SEALED ORDER by Judge Ronald A. White (cc: all counsel) (law, Deputy Clerk) (Entered: 03/08/2005)

03/08/2005	116	SEALED MINUTE ORDER before Judge Ronald A. White (cc: all counsel) (law, Deputy Clerk) Modified on 03/08/2005 (Entered: 03/08/2005)
03/11/2005	<a href="#">117</a>	PROPOSED PROCEDURES VOIR DIRE and Memorandum of Law Regarding the Scope and Nature of Proper Voir Dire in a Capital Case by defendant (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/11/2005)
03/11/2005	<a href="#">118</a>	MOTION for order for procedures for panel qualification and voir dire and inclusion of capital questions during pretrial voir dire by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/11/2005)
03/24/2005	119	SEALED Authorized Individual Oath (law, Deputy Clerk) (Entered: 03/25/2005)
03/24/2005	120	SEALED Authorized Individual Oath (law, Deputy Clerk) (Entered: 03/25/2005)
03/24/2005	121	SEALED Authorized Individual Oath (law, Deputy Clerk) (Entered: 03/25/2005)
03/24/2005	<a href="#">122</a>	MOTION for order regarding mental health evidence and incorporated memorandum by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2-Guidelines, # <a href="#">3</a> Exhibit 3 - CV - Emily Fallis PHD, # <a href="#">4</a> Exhibit 4- - Ltr from Balance, # <a href="#">5</a> Exhibit 5- CV - Robert L Denny PSY.D, # <a href="#">6</a> Exhibit 6 - CV - Richard Frederick PH.D, # <a href="#">7</a> Exhibit 7 - CV - Helen Mayberg MD FRCPC, # <a href="#">8</a> Appendix 8 - CV - Randall Rattan PH.D, # <a href="#">9</a> Exhibit 9 - CV - Shelley Stanton MD) (jcb, Deputy Clerk). (Additional attachment(s) added on 7/1/2009: # <a href="#">10</a> Exhibit 10 - CV - Jim Womack Ph.D, # <a href="#">11</a> Exhibit 12 - CV -A. Jeanne Russell Ed.D, # <a href="#">12</a> Exhibit 12 - CV- Michael R. Basso) (jcb, Deputy Clerk). (Entered: 03/25/2005)
03/31/2005	<a href="#">123</a>	RESPONSE by defendant to plaintiff's 3/24/05 motion regarding mental health evidence [122-1] (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/31/2005)
04/05/2005	<a href="#">124</a>	ORDER by Judge Ronald A. White granting in part and denying in part plaintiff's motion for order regarding mental health evidence [122-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/05/2005)
04/05/2005	<a href="#">125</a>	JOINT MOTION for extension of filing deadline by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/06/2005)
04/06/2005	<a href="#">126</a>	ORDER by Judge Ronald A. White granting joint motion for extension of filing deadline [125-1] and extending the trial brief deadline from 4/8/05 to 4/22/05 (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/06/2005)
04/08/2005	<a href="#">127</a>	PRAECIPE by plaintiff and issuing fifty (50) blank subpoenas (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/08/2005)
04/22/2005	<a href="#">128</a>	TRIAL BRIEF by defendant (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/22/2005)
04/22/2005	<a href="#">129</a>	MOTION for protective order by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/26/2005)
04/25/2005	<a href="#">130</a>	ORDER by Judge Ronald A. White denying plaintiff's motion for protective order [129-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/26/2005)
04/25/2005	<a href="#">131</a>	TRIAL BRIEF by plaintiff (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 04/26/2005)
05/13/2005	<a href="#">132</a>	PROPOSED JURY INSTRUCTIONS submitted by plaintiff (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/13/2005)

05/13/2005	<a href="#">133</a>	PROPOSED JURY INSTRUCTIONS submitted by defendant (entitled "Defendant's Tendered Penalty Phase Instructions") (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/13/2005)
05/20/2005	<a href="#">134</a>	ORDER by Judge Ronald A. White setting hearing for 6/3/05 at 9:00 a.m. as to defendant Edward Leon Fields Jr. (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/20/2005)
05/20/2005	<a href="#">135</a>	MINUTE ORDER before Judge Ronald A. White: The hearing set for 6/3/05 at 9:00 a.m. has been STRICKEN and RESET to 5/31/05 at 8:30 a.m. as to defendant Edward Leon Fields Jr. The parties may submit the briefs as to the issues referenced in the Court's order previously entered this date by 5/26/05 at 12:00 Noon. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/20/2005)
05/23/2005	<a href="#">136</a>	UNOPPOSED MOTION to continue briefing and hearing by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 05/23/2005)
05/23/2005	<a href="#">137</a>	NOTICE by plaintiff USA of Filing Verdict Forms. (pyb, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 05/23/2005)
05/23/2005	<a href="#">138</a>	MINUTE ORDER before Judge Ronald A. White denying defendant's unopposed motion to continue briefing and hearing filed 5/23/05 [136-1]. The hearing remains set for 5/31/05 at 8:30 a.m. and the parties may submit their briefs by 5/26/05 at 12:00 Noon. (RAW) (cc: all counsel) (law, Deputy Clerk) Modified on 05/25/2005 (jcb, Deputy Clerk). (Entered: 05/23/2005)
05/24/2005	139	SEALED EX PARTE MOTION for leave to file documents under seal by defendant Edward Leon Fields Jr. (pyb, Deputy Clerk) Modified on 05/25/2005 (Entered: 05/25/2005)
05/25/2005	140	SEALED ORDER by Judge Ronald A. White granting defendant's sealed ex parte motion for leave to file documents under seal [141-1] (cc: all counsel) (pyb, Deputy Clerk) Modified on 05/25/2005 (Entered: 05/25/2005)
05/25/2005	141	SEALED MOTION by defendant Edward Leon Fields Jr. (pyb, Deputy Clerk) Modified on 05/25/2005 (Entered: 05/25/2005)
05/25/2005	142	SEALED ORDER by Judge Ronald A. White granting defendant's sealed motion [143-1] (cc: all counsel) (pyb, Deputy Clerk) Modified on 05/25/2005 (Entered: 05/25/2005)
05/26/2005	<a href="#">143</a>	NOTICE by defendant regarding non-briefing (law, Deputy Clerk) Modified on 05/27/2005 (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 05/26/2005)
05/26/2005	<a href="#">144</a>	NOTICE by plaintiff of intent to abandon non-statutory aggravating factor 1(c) relating to future dangerousness (law, Deputy Clerk) Modified on 05/27/2005 (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 05/26/2005)
05/26/2005	<a href="#">145</a>	BRIEF by plaintiff in support of non-statutory aggravating factor alleging future dangerousness posed by defendant (law, Deputy Clerk) Modified on 05/27/2005 (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Appendix A) (jcb, Deputy Clerk). (Entered: 05/26/2005)
05/26/2005	<a href="#">146</a>	PROPOSED FIRST SUPPLEMENTAL JURY INSTRUCTIONS submitted by plaintiff (law, Deputy Clerk) Modified on 05/27/2005 (jcb, Deputy Clerk). (Additional

		attachment(s) added on 7/1/2009: # <u>1</u> Exhibit A) (jcb, Deputy Clerk). (Entered: 05/26/2005)
05/26/2005	<a href="#">147</a>	NOTICE by plaintiff of the nature of evidence and listing of potential witnesses in support of aggravating factors and death penalty eligibility (law, Deputy Clerk) Modified on 05/27/2005 (Additional attachment(s) added on 7/1/2009: # <u>1</u> Exhibit A) (jcb, Deputy Clerk). (Entered: 05/26/2005)
05/27/2005	148	SEALED AUTHORIZED INDIVIDUAL OATH (law, Deputy Clerk) (Entered: 05/27/2005)
05/31/2005		NOTICE: SETTING final pretrial conference on 6/30/05 at 9:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (nrh, Deputy Clerk) (Entered: 05/31/2005)
05/31/2005		STATUS HEARING before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney, and Linda A. Epperley and Dennis Fries, Asst. U.S. Attorneys. Courtroom deputy: lw. Court reporter: km. Court addressed defendant's trial brief, plaintiff's status reports and notice filed by plaintiff. Defendant responded. ENTERING ORDER finding plaintiff's motion for bill of particulars as moot. (RAW) Court addressed future dangerousness aggravating factors. Plaintiff responded. Defendant responded. Defendant has until 6/10/05 to file brief as to this issue. Plaintiff may file its simultaneous brief as to this same issue by 6/10/05. (RAW) Court addressed mental anguish aggravating factors. Defendant responded. Plaintiff responded and requested Court reserve ruling on this issue until after the evidence has been presented during the first stage of trial. Plaintiff further advised that at this time does not anticipate additional evidence being offered on this factor during second stage. Court directed plaintiff to expand on its notice regarding mental anguish aggravating factors and to do so by 6/10/05. (RAW) Court will withhold ruling as to the issue of mental anguish aggravating factors and as to the issue of future dangerousness aggravating factors. Court further advised it does not intend at this time to strike but it does however intend to limit. Court advised counsel that a final pretrial conference will be conducted in this case on 6/30/05 at 9:00 a.m. Court addressed juror questionnaires. Court advised it currently has approximately 200 ready for distribution. Court instructed counsel to not allow these questionnaires outside their offices. Defendant requested leave to send the questionnaires to co-counsel in Nashville who will be consulting with a juror expert there. Court advised counsel of its concern for the privacy of the jurors involved. Court will so allow however the expert needs to submit something in writing reflecting her understanding of the handling of the questionnaires and the questionnaires are NOT to leave the office of the Federal Public Defender in Nashville. (RAW) Plaintiff inquired as to whether or not counsel may take the questionnaires to their homes to review. Request denied. (RAW) Court tentatively plans on conducting federal juror qualification on 7/5/05 at 9:00 a.m. Upon completion of that, Court will excuse all but approximately 20 jurors and will start individual qualification. Once approximately 100 jurors are qualified, Court will begin jury selection process. Court advised counsel in USA vs. Barrett case will also participate during the qualification phase. Court further advised it will not allow counsel to question jurors during the qualification phase however will allow counsel to conduct voir dire during jury selection. Court's hope is that on approximately 7/11/05 or 7/12/05 jury selection will begin. ENTERING ORDER granting in part and denying in part plaintiff's motion for order to submit questionnaires to jury panel filed 2/11/05. (RAW) ENTERING ORDER granting in part and denying in part plaintiff's motion for order for procedures for panel qualification and voir dire and inclusion of capital questions during pretrial voir dire filed 3/11/05. (RAW) Plaintiff has submitted questions and Court invited defendant to submit questions as well by 6/10/05. Court addressed failure of government to file status reports in the past few months as previously order and inquired as to the status of

		the examination of the defendant. Plaintiff responded. Court advised counsel that at this time it does not anticipate continuance of trial being granted. Defendant advised when trial brief is filed will be addressing issue of victim impact. Court inquired of defendant's counsel as to any additional counsel that will be participating. Defendant advised Asst. Federal Public Defenders Gant and Derryberry will be assisting. Plaintiff addressed victim impact issue. Court advised plaintiff may respond to defendant's trial brief as to this issue only by 6/17/05. If plaintiff wishes to respond to any additional issues raised by defendant in his trial brief, plaintiff must file a motion requesting leave to do so by 6/13/05. Defendant inquired as to further clarification of Court's outline as to juror qualification and selection and Court responded. (RAW) (law, Deputy Clerk) Modified on 06/01/2005 (Entered: 06/01/2005)
05/31/2005	<a href="#">149</a>	MINUTE ORDER before Judge Ronald A. White: Based upon the Court's sua sponte reconsideration of its previous order denying plaintiff's motion for bill of particulars and the record made by counsel today, the Court finds plaintiff's motion for bill of particulars filed 9/1/04 as moot. [61-1] (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/01/2005)
05/31/2005	<a href="#">150</a>	MINUTE ORDER before Judge Ronald A. White granting in part and denying in part plaintiff's motion for order to submit questionnaire to jury panel members filed 2/11/05 [107-1]. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/01/2005)
05/31/2005	<a href="#">151</a>	MINUTE ORDER before Judge Ronald A. White granting in part and denying in part plaintiff's motion for order for procedures for panel qualification and voir dire and inclusion of capital questions during pretrial dire filed 3/11/05 [118-1]. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/01/2005)
06/02/2005	<a href="#">293</a>	TRANSCRIPT of proceedings for the following date(s): 5/31/05 (Re: Status Hearing) by court reporter Karla S. McWhorter (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/04/2005)
06/06/2005	<a href="#">152</a>	ORDER REGARDING JUROR QUALIFICATION PROCESS by Judge Ronald A. White (cc: all counsel and faxed to all counsel, including counsel in CR-04-115-P USA v. Barrett) (pyb, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/07/2005)
06/10/2005	<a href="#">153</a>	BRIEF by plaintiff addressing admissibility of evidence in support of future dangerousness and mental anguish non-statutory aggravating factors (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/10/2005)
06/10/2005	<a href="#">154</a>	MOTION for order to compel government's notice regarding evidence proffered pursuant to Fed.R.Evid. 404(b) by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 06/10/2005)
06/10/2005	<a href="#">155</a>	SUPPLEMENTAL TRIAL BRIEF by defendant (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 06/10/2005)
06/17/2005	<a href="#">156</a>	MINUTE ORDER before Judge Ronald A. White directing plaintiff file its response to defendant's motion to compel government's notice regarding evidence proffered pursuant to Fed.R.Evid. 404(b) filed 6/10/05 [154-1] no later than 6/22/05. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/17/2005)
06/17/2005	<a href="#">157</a>	ORDER by Judge Ronald A. White regarding preliminary exclusion of evidence listed in the government's brief filed 6/10/05 [153-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/17/2005)

06/17/2005	<a href="#">158</a>	SUPPLEMENTAL BRIEF by plaintiff regarding proposed victim impact evidence during second stage proceeding (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 06/17/2005)
06/20/2005	<a href="#">159</a>	MOTION in limine regarding victim impact evidence by defendant Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 02/14/2006 (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 06/20/2005)
06/20/2005	<a href="#">160</a>	MOTION in limine regarding substantial planning and premeditation aggravating factor by defendant Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 02/14/2006 (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B) (jcb, Deputy Clerk). (Entered: 06/20/2005)
06/20/2005	<a href="#">161</a>	AMENDED NOTICE by defendant of intent to present expert testimony pursuant to Federal Rule of Criminal Procedure 12.2(b)(2) (law, Deputy Clerk) Modified on 02/14/2006 (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 06/20/2005)
06/20/2005	162	SEALED MOTION by defendant Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 02/14/2006 (Entered: 06/20/2005)
06/20/2005	163	SEALED ORDER by Judge Ronald A. White [162-1] (law, Deputy Clerk) (Entered: 06/20/2005)
06/21/2005	<a href="#">164</a>	MINUTE ORDER before Judge Ronald A. White setting a deadline for filing motions in limine for no later than 6/24/05 with responses thereto due no later than 6/29/05 at 12:00 Noon. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/21/2005)
06/21/2005	165	SEALED AUTHORIZED INDIVIDUAL OATH (law, Deputy Clerk) (Entered: 06/21/2005)
06/22/2005	166	SEALED PRELIMINARY REPORT of neuropsychological evaluation of defendant (law, Deputy Clerk) (Entered: 06/22/2005)
06/22/2005	167	SEALED MATERIALS extracted per Court Order from Preliminary Report of Neuropsychological Evaluation (law, Deputy Clerk) (Entered: 06/22/2005)
06/22/2005	<a href="#">168</a>	RESPONSE by plaintiff to defendant's motion for order to compel government's notice regarding evidence proffered pursuant Fed.R.Evid. 404(b) (entitled "Statement Regarding Federal Rule of Evidence 404(b)") [154-1] (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 06/22/2005)
06/22/2005	169	SEALED EX PARTE MOTION for leave to file documents under seal by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 06/23/2005)
06/22/2005	170	SEALED ORDER by Judge Ronald A. White granting defendant's ex parte motion for leave to file documents under seal [169-1] (cc: all counsel) (law, Deputy Clerk) (Entered: 06/23/2005)
06/22/2005	171	SEALED MOTION by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 06/23/2005)
06/22/2005	172	SEALED ORDER by Judge Ronald A. White [171-1] (cc: all counsel) (law, Deputy Clerk) (Entered: 06/23/2005)
06/22/2005		Marshal's return on Order of Court dated 4/5/05 - Order returned unexecuted - BOP denied order per S. Sperling, U.S. Attorney (law, Deputy Clerk) (Entered: 07/02/2005)



06/23/2005	<a href="#">173</a>	RESPONSE by plaintiff to defendant's motion in limine regarding victim impact evidence [159-1] (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 06/23/2005)
06/24/2005	<a href="#">174</a>	MOTION and objection re: process for juror qualification by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/24/2005)
06/24/2005	<a href="#">175</a>	MOTION in limine regarding "future dangerousness" by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 06/24/2005)
06/27/2005		NOTICE of hearing: Change of plea hearing is set for 6/30/05 at 9:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 06/27/2005)
06/27/2005	<a href="#">176</a>	MOTION for reconsideration of the Court's orders regarding juror qualification process by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 06/27/2005)
06/29/2005	<a href="#">177</a>	RESPONSE by plaintiff to defendant's motions in limine concerning substantial planning and premeditation [160-1] and future dangerousness [175-1] (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 06/29/2005)
06/29/2005	178	SEALED AUTHORIZED INDIVIDUAL OATH (law, Deputy Clerk) (Entered: 06/29/2005)
06/30/2005		CHANGE OF PLEA/CRIMINAL PRETRIAL CONFERENCE (as to Stage Two only) before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Linda A. Epperley and Dennis Fries, Asst. U.S. Attorneys. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Asst. Federal Public Defender. Courtroom deputy: lw. Court reporter: Gala Watkins. Defendant announced ready to proceed with change of plea as to all counts of the Indictment. Court inquired and counsel for defendant and plaintiff advised there was no plea agreement. Defendant sworn. Defendant advised of right to counsel, constitutional rights, maximum possible charges and enters a plea of guilty to Counts 1, 2, 3, 4, 5 and 6 of the Indictment. WAIVER OF JURY AS TO STAGE ONE ONLY signed by counsel, defendant and Court and ordered filed of record. Plaintiff requested ex parte inquiry of defendant as to why defendant is entering plea. Defendant objected. Requested DENIED. (RAW) ENTERING ORDER: Court finds defendant is mentally competent to understand the nature of the proceedings and charges against him. The Court accepts the defendant's guilty plea and finds the defendant guilty as charged in Counts 1, 2, 3, 4, 5 and 6 of the Indictment. (RAW) Court advised ready to proceed with pretrial conference as to Stage Two only. Court addressed parties' objections to the jury qualification/selection process. Counsel responded. Court responded advising counsel as to how it intends to proceed and further advising counsel that it will no longer be concerned with the jury qualification/selection process in USA vs. Barrett. ENTERING ORDER denying defendants' motion and objection re: process for juror qualification and denying plaintiff's motion for reconsideration of Court's orders re: juror qualification process. Written order will follow. (RAW) Court addressed defendant's motion to compel government's notice regarding evidence proffered pursuant to Fed.R.Evid. 404(b). Defendant responded. ENTERING ORDER finding defendant's motion to compel government's notice regarding evidence proffered pursuant to Fed.R.Evid. 404(b) as moot. (RAW) Court addressed defendant's motion in limine regarding victim impact evidence. Counsel responded. Court advised would allow 3 witnesses regarding victim impact evidence including community impact

		<p>evidence. ENTERING ORDER granting in part and denying in part defendant's motion in limine regarding victim impact evidence. (RAW) Court addressed defendant's motion in limine regarding substantial planning and premeditation aggravating factor. Counsel responded and addressed issue of tapes and transcripts that had not been provided. Plaintiff directed the tapes and transcripts in question be provided to the Court and defendant by 7/1/05 at 12:00 Noon. (RAW)(COURT IN RECESS) Court further addressed defendant's motion in limine regarding substantial planning and premeditation aggravating factor. Motion DENIED at this time except with respect to computer evidence. That evidence will be excluded. (RAW) Court addressed defendant's motion in limine regarding "future dangerousness". Counsel responded. Motion DENIED. (RAW) Plaintiff orally moved for order dissolving "firewall" as to the psychiatric reports and permitting plaintiff's counsel to be able to contact firewall counsel. Counsel responded. Court inquired as to status of final psychiatric reports. Counsel further responded. ENTERING ORDER granting in part plaintiff's oral motion for order dissolving "firewall" as to the medical reports. Court will allow plaintiff's counsel to make any inquiry regarding the completion of the reports. Court further directed reports be filed under seal no later than 7/6/05 at 12:00 Noon. Court advised if reports were not on file by that time that no rebuttal medical testimony will be allowed on behalf of the plaintiff. Once the reports are filed, plaintiff directed to release its reports immediately to defendant.(RAW) Court returned to issues surrounding jury qualification/selection process. Defendant responded requesting counsel be allowed to inquire of jurors during individual qualification. Court advised it is Court's intentions to conduct the questioning of the jurors however pursuant to its previous order may reconsider at a later time. Court advised counsel will possibly conduct an additional pretrial conference immediately prior to the start of the evidence. Plaintiff inquired as to probable date Court anticipates evidence to begin. Court anticipates the evidence to begin on or about 7/13/05 with jury selection to be conducted on or about 7/12/05. Plaintiff requested additional time proposing a 3 to 4 day break between the jury qualification/selection process and the start of the evidence. Request DENIED. (RAW) Plaintiff inquired if case agent needs to be present during the jury qualification/selection process. Court will not require that agent be present. Plaintiff requested 2 agents be allowed to be present at counsel table. Defendant objected. Court will address that issue at a later time. Plaintiff inquired as to its 3432 witness list delivered to defendant yesterday. Defendant responded advising Court counsel can probably settle issues surrounding the list. Court directed counsel to advise if issues cannot be resolved. Defendant inquired as to review of photographs and time constraints. Plaintiff responded. Defendant further inquired as to probable date Court anticipates defendant's evidence to begin. Court advised unable to respond at this time. Plaintiff anticipates 7-8 days for presentation of its evidence. Court responded stating that would dictate defendant's case beginning on or about 7/25/05. Court inquired as to status of defendant's co-counsel Gant. Defendant responded stating Mr. Gant would be present throughout the jury qualification/selection process as well as the trial. (RAW) (law, Deputy Clerk) (Entered: 07/01/2005)</p>
06/30/2005	<a href="#">179</a>	WAIVER OF JURY AS TO STAGE ONE ONLY by defendant (law, Deputy Clerk) Modified on 07/01/2005 (jcb, Deputy Clerk). (Entered: 07/01/2005)
06/30/2005	<a href="#">180</a>	ORDER by Judge Ronald A. White denying defendant's motion and objection re: process for juror qualification [174-1] and plaintiff's motion for reconsideration of the Court's orders regarding juror qualification process [176-1] (cc: all counsel) (law, Deputy Clerk) Modified on 07/01/2005 (jcb, Deputy Clerk). (Entered: 07/01/2005)
07/01/2005	<a href="#">181</a>	PRAECIPE by plaintiff and issuing ten (1) blank subpoenas (law, Deputy Clerk) Modified on 07/01/2005 (jcb, Deputy Clerk). (Entered: 07/01/2005)
07/01/2005	<a href="#">182</a>	Selected Telephone Conversations for Use in Jury Trial by plaintiff (with compact disc attached for Court's review) (law, Deputy Clerk) Modified on 07/01/2005 (Additional

		attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A - Transcript, # <a href="#">2</a> Exhibit B - Transcript, # <a href="#">3</a> Exhibit C - Transcript, # <a href="#">4</a> Exhibit D - Transcript, # <a href="#">5</a> Appendix E - Transcript, # <a href="#">6</a> Exhibit F - Transcript) (jcb, Deputy Clerk). (Entered: 07/01/2005)
07/01/2005	183	SEALED EX PARTE MOTION for leave to file motion under seal by defendant Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 07/01/2005 (Entered: 07/01/2005)
07/01/2005	184	SEALED EX PARTE ORDER by Judge Ronald A. White granting defendant's motion for leave to file motion under seal [183-1] (law, Deputy Clerk) (Entered: 07/01/2005)
07/01/2005	185	SEALED MOTION by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 07/01/2005)
07/01/2005	186	SEALED EX PARTE ORDER by Judge Ronald A. White [185-1] (law, Deputy Clerk) Modified on 07/01/2005 (Entered: 07/01/2005)
07/01/2005	187	SEALED MOTION for leave to file documents under seal by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 07/01/2005)
07/01/2005	188	SEALED EX PARTE ORDER by Judge Ronald A. White [187-1] (law, Deputy Clerk) Modified on 07/01/2005 (Entered: 07/01/2005)
07/01/2005	189	SEALED MOTION by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 07/01/2005)
07/01/2005	190	SEALED EX PARTE ORDER by Judge Ronald A. White [189-1] (law, Deputy Clerk) (Entered: 07/01/2005)
07/01/2005	<a href="#">191</a>	SEALED MENTAL HEALTH EVALUATION of defendant (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/01/2005)
07/01/2005	<a href="#">192</a>	SEALED REPORT OF NEUROPSYCHOLOGICAL EVALUATION of defendant (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/01/2005)
07/01/2005	193	SEALED MOTION for order to disclose expert reports by plaintiff USA as to Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 07/01/2005)
07/01/2005	194	SEALED ORDER by Judge Ronald A. White granting plaintiff's motion for order to disclose expert reports [193-1] (cc: all counsel) (law, Deputy Clerk) (Entered: 07/01/2005)
07/01/2005	<a href="#">195</a>	ORDER by Judge Ronald A. White regarding releasing or authorizing the releasing of information or opinion, etc. as to the criminal proceeding against defendant Edward Leon Fields Jr. (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/01/2005)
07/01/2005	<a href="#">196</a>	ORDER by Judge Ronald A. White finding defendant's motion to compel Rule 404(b) notice [159-1] as moot, granting in part and denying in part defendant's motion in limine regarding victim impact evidence [159-1], granting in part and denying in part defendant's motion in limine regarding substantial planning and premeditation aggravating factor [160-1] and denying defendant's motion in limine regarding future dangerousness [175-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/01/2005)
07/05/2005	<a href="#">197</a>	PROPOSED CAPITAL JUROR QUALIFICATION QUESTIONS by defendant (law, Deputy Clerk) (Additional attachment(s) added on 7/1/2009: # <a href="#">1</a> Exhibit A) (jcb, Deputy Clerk). (Entered: 07/05/2005)
07/05/2005		GENERAL JUROR QUALIFICATION before Judge Ronald A. White (in the second floor/west courtroom). Courtroom deputies: lw/pb. Court reporter: km. Also present at the parties' request were Sheldon J. Sperling, U.S. Attorney, Dennis Fries and Linda Epperley, Asst. U.S. Attorneys and Agent Gary Graff and Agent James Alford. Edward Leon Fields,

		Jr. was present in person and with his counsel Julia L. O'Connell, Barry L. Derryberry, and Isaiah S. Gant, Asst. Federal Public Defenders, and Beth Bochnak assisting defense counsel. 86 prospective jurors were sworn. 2 jurors were excused by the Court. 84 jurors were qualified to serve as federal petit jurors. (RAW) (law, Deputy Clerk) (Entered: 07/07/2005)
07/05/2005		GENERAL JUROR QUALIFICATION before Judge Ronald A. White (in the second floor/south courtroom). Courtroom deputies: lw/pb. Court reporter: km. Also present at the parties' request were Sheldon J. Sperling, U.S. Attorney, Dennis Fries and Linda Epperley, Asst. U.S. Attorneys and Agent Gary Graff and Agent James Alford. Edward Leon Fields, Jr. was present in person and with his counsel Julia L. O'Connell, Barry L. Derryberry, and Isaiah S. Gant, Asst. Federal Public Defenders, and Beth Bochnak assisting defense counsel. 97 prospective jurors were sworn. 1 juror was excused by the Court. 96 jurors were qualified to serve as federal petit jurors. (RAW) (law, Deputy Clerk) (Entered: 07/07/2005)
07/05/2005		INDIVIDUAL JUROR QUALIFICATION FOR PURPOSES OF STAGE TWO PROCEEDINGS before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry, and Isaiah S. Gant, Asst. Federal Public Defenders. Also present was Beth Bochnak assisting defense counsel. Courtroom deputies: lw/pb. Court reporter: km. Courtroom sealed per order of the Court. (RAW) Juror interviews began. 20 jurors interviewed individually. 18 qualified to serve as potential jurors in a death penalty case. ENTERING ORDER CONTINUING SAID CAUSE until 7/6/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/07/2005)
07/06/2005		INDIVIDUAL JUROR QUALIFICATION FOR PURPOSES OF STAGE TWO PROCEEDINGS before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry, and Isaiah S. Gant, Asst. Federal Public Defenders. Also present was Beth Bochnak assisting defense counsel. Courtroom deputies: lw. Court reporter: Gala Watkins. Courtroom sealed per order of the Court. (RAW) Juror interviews began. 20 jurors interviewed individually. 14 qualified to serve as potential jurors in a death penalty case. Defendant's counsel inquired as to schedule and Court responded. ENTERING ORDER CONTINUING SAID CAUSE until 7/7/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/07/2005)
07/07/2005		INDIVIDUAL JUROR QUALIFICATION FOR PURPOSES OF STAGE TWO PROCEEDINGS before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry, and Isaiah S. Gant, Asst. Federal Public Defenders. Also present was Beth Bochnak assisting defense counsel. Courtroom deputy: lw. Court Court reporter: Gala Watkins. Courtroom sealed per order of the Court. (RAW) Juror interviews began. 20 jurors interviewed individually. 14 qualified to serve as potential jurors in a death penalty case. Defendant's counsel inquired as to schedule and Court responded. ENTERING ORDER CONTINUING SAID CAUSE until 7/8/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/09/2005)
07/08/2005	<a href="#">198</a>	EX PARTE MOTION for order for expenses to secure witness testimony by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/09/2005)

07/08/2005	<a href="#">199</a>	ORDER by Judge Ronald A. White granting defendant's ex parte motion for order for expenses to secure witness testimony [198-1] (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/09/2005)
07/08/2005	200	SEALED EX PARTE MOTION for leave to file documents under seal by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 07/09/2005)
07/08/2005	201	SEALED EX PARTE ORDER by Judge Ronald A. White granting defendant's ex parte motion for leave to file documents under seal [200-1] (law, Deputy Clerk) Modified on 07/09/2005 (Entered: 07/09/2005)
07/08/2005	202	SEALED EX PARTE MOTION by defendant Edward Leon Fields Jr. (law, Deputy Clerk) Modified on 07/09/2005 (Entered: 07/09/2005)
07/08/2005	203	SEALED EX PARTE ORDER by Judge Ronald A. White [202-1] (law, Deputy Clerk) Modified on 07/09/2005 (Entered: 07/09/2005)
07/08/2005	204	SEALED EX PARTE MOTION by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 07/09/2005)
07/08/2005	205	SEALED EX PARTE ORDER by Judge Ronald A. White [204-1] (law, Deputy Clerk) (Entered: 07/09/2005)
07/08/2005		INDIVIDUAL JUROR QUALIFICATION FOR PURPOSES OF STAGE TWO PROCEEDINGS before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry, and Isaiah S. Gant, Asst. Federal Public Defenders. Also present was Beth Bochnak assisting defense counsel. Courtroom deputy: lw. Court reporter: Gala Watkins. Courtroom sealed per order of the Court. (RAW) Plaintiff inquired as to tapes it is wanting to review in light of the firewall now being eliminated. Defendant responded advising the Court it could be worked out between counsel. Juror interviews began. Joint oral motion made by plaintiff for disqualification of a specific juror previously qualified. Motion DENIED. (RAW) Juror interviews continued. 19 jurors interviewed individually. 17 qualified to serve as potential jurors in a death penalty case. Defendant's counsel inquired as to schedule and Court responded. Court addressed schedule advising counsel it will reconvene at 7/11/05 at 8:00 a.m. 25 jurors will be interviewed. Defendant requested leave for attorney Derryberry to be excused on 7/11/05. GRANTED. (RAW) Court advised plaintiff's counsel it is interested in seeing order of proof and requested counsel submit something in writing for the Court's review by 7/11/05. Additionally, Court requested at least a verbal representation from the defendant as well. Defendant advised will be reviewing exhibits with plaintiff on 7/10/05. Court reminded counsel it still needed to address recordings of telephone calls. ENTERING ORDER CONTINUING SAID CAUSE until 7/11/05 at 8:00 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/09/2005)
07/11/2005		INDIVIDUAL JUROR QUALIFICATION FOR PURPOSES OF STAGE TWO PROCEEDINGS before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell and Isaiah S. Gant, Asst. Federal Public Defenders. Also present was Beth Bochnak assisting defense counsel. Courtroom deputy: lw. Court reporter: Gala Watkins. Courtroom sealed per order of the Court. (RAW) Juror interviews continued. 25 jurors interviewed individually. 20 qualified to serve as potential jurors in a death penalty case. Plaintiff advised it had reviewed exhibits with defendant and defendant had objections that might need to be

		addressed by the Court. Court advised it anticipated reconvening tomorrow after the juror interviews were completed at approximately 2:00 or 2:30 to address any remaining pretrial issues including exhibits. Court advised it wished to specifically address transcripts of telephone conversations. Court also advised it will be prepared to address jury selection procedure including handling of challenges and alternates. Plaintiff advised of issue of privilege regarding the testimony of Dr. Kemp. Defendant responded. Court will review and advise. Plaintiff requested a written order from the Court. ENTERING ORDER continuing said cause until 7/12/05 at 8:00 a.m. (RAW) (law, Deputy Clerk) Modified on 07/12/2005 (Entered: 07/12/2005)
07/12/2005	<a href="#">206</a>	ORDER by Judge Ronald A. White that no physician-patient privilege exists between Dr. Kemp and the defendant in the context of these proceedings. The Court emphasizes that it is not compelling Dr. Kemp to speak to Dr. Price or to any representative of the U.S. Attorney's Office. This is Dr. Kemp's decision. (cc: all counsel) (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/12/2005)
07/12/2005	<a href="#">207</a>	APPLICATION for WRIT OF HABEAS CORPUS/AD TESTIFICANDUM by plaintiff USA as to Edward Leon Fields Jr. (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/12/2005)
07/12/2005	<a href="#">208</a>	ORDER by Judge Ronald A. White GRANTING Government's Motion for WRIT OF HABEAS CORPUS/AD TESTIFICANDUM [207-1] (cc: all counsel) (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/12/2005)
07/12/2005		WRIT OF HABEAS CORPUS/AD TESTIFICANDUM issued, directing that Tommy Lloyd Payme be brought to the US Courthouse on 7/18/05 at 9:00 a.m. for testimony in this case. (nrh, Deputy Clerk) (Entered: 07/12/2005)
07/12/2005	<a href="#">301</a>	SEALED TRANSCRIPT of proceedings for the following date(s): 7/6/05, 7/8/05 and 7/11/05 (Re: Excerpt from Juror Qualification Procedure) by court reporter Gala J. Watkins (law, Deputy Clerk) Modified on 2/24/2006 (cjt, Deputy Clerk). (jcb, Deputy Clerk). (Entered: 07/12/2005)
07/12/2005		INDIVIDUAL JUROR QUALIFICATION FOR PURPOSES OF STAGE TWO PROCEEDINGS/ADDITIONAL PRETRIAL CONFERENCE before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell and Isaiah S. Gant, Asst. Federal Public Defenders. Also present was Beth Bochnak assisting defense counsel. Courtroom deputy: lw. Court reporter: Gala Watkins. Courtroom sealed per order of the Court. (RAW) Juror interviews continued. 12 jurors interviewed individually. 11 qualified to serve as potential jurors in a death penalty case. Court addressed afternoon schedule. Plaintiff advised Court of evidence defendant needed to review and requested the Court allow enough time during the noon break for that to be accomplished. Court said it would allow. Additionally, plaintiff requested permission of Court to use laptop computer in presentation of evidence and permission of Court to offer firearm as evidence. GRANTED. (RAW) Finally, plaintiff requested permission to be allowed to begin to bring the evidence in this date. GRANTED. (RAW) Defendant advised Court it anticipated asking reconsideration of certain jurors previously qualified. (COURT IN RECESS UNTIL 7/12/05 AT 2:30 P.M.) Defendant first addressed jury selection process. Court responded with its proposal. Plaintiff inquired. Court addressed defendant's previous request to reconsider qualification of certain jurors. Request DENIED. (RAW) Defendant anticipated there would be other jurors he would be asking the Court to reconsider. Court directed defendant submit something in writing by 7/13/05 at 9:00 a.m. Court addressed exhibits. Counsel responded including discussion as to specific exhibits including demonstrative

		exhibits and telephone conversations. Court advised it would allow 2 case agents to remain at plaintiff's table. Defendant inquired as to the presence of each other's experts during experts' testimony. Court responded. Court provided counsel copies of letters received from certain jurors requesting they be excused. Court advised they would be present for jury selection. ENTERING ORDER continuing said cause until 7/13/05 at 9:00 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/14/2005)
07/13/2005	<a href="#">297</a>	TRANSCRIPT of proceedings for the following date(s): 6/30/05 (Re: Change of Plea Hearing) by court reporter Gala J. Watkins (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/13/2005)
07/13/2005	<a href="#">300</a>	SEALED TRANSCRIPT of proceedings for the following date(s): 7/7/05 (Re: Excerpt from Juror Qualification ) by court reporter Gala J. Watkins (law, Deputy Clerk) Modified on 2/24/2006 (cjt, Deputy Clerk). (jcb, Deputy Clerk). (Entered: 07/13/2005)
07/13/2005	<a href="#">296</a>	TRANSCRIPT of proceedings for the following date(s): 1/10/05 (Re: Hearing on joint motion to continue jury trial date ) by court reporter Martha J. Butler (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/13/2005)
07/13/2005	<a href="#">209</a>	MOTION to reconsider excusal of prospective juror by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/14/2005)
07/13/2005		JURY SELECTION FOR PURPOSES OF STAGE TWO PROCEEDINGS before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry and Isaiah S. Gant, Asst. Federal Public Defenders. Also present was Beth Bochnak assisting defense counsel. Courtroom deputies: lw/pb. Court reporter: Gala Watkins. Parties announce ready. 94 jurors present. Opening remarks and instructions by Court. 64 jurors seated. Voir dire conducted by counsel. (JURORS OUT) Court addressed defendant's motion to reconsider excusal of prospective juror. Counsel responded. DENIED. (RAW) (JURORS IN) Jury was passed for cause. Additional voir dire conducted by counsel. (JURORS OUT) Courtroom sealed per order of the Court. (RAW) Peremptory challenges announced by plaintiff and defendant. Courtroom unsealed per order of the Court. (RAW) (JURORS IN) 12 jurors and 4 alternates sworn. (JURORS OUT) Court inquired of counsel as to opening statements. Counsel requested 30 minutes for each party. Court will allow. ENTERING ORDER CONTINUING SAID CAUSE until 7/14/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/15/2005)
07/13/2005	<a href="#">210</a>	MINUTE ORDER before Judge Ronald A. White denying defendant's motion to reconsider excusal of prospective juror filed 7/13/05 [209-1]. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/15/2005)
07/14/2005		JURY TRIAL before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry and Isaiah S. Gant, Asst. Federal Public Defenders. Courtroom deputy: lw. Court reporter: Gala Watkins. Preliminary instructions by Court. Defendant requested rule of sequestration be invoked. SO ORDERED. (RAW) Plaintiff requested exception as to the family members of the victims. Court allowed exception. (RAW) Opening statements by counsel. Plaintiff's evidence. ENTERING ORDER continuing said cause until 7/15/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/15/2005)
07/14/2005	<a href="#">211</a>	STIPULATION (re: partial shoe impression) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/15/2005)

07/14/2005	<a href="#">212</a>	STIPULATION (re: Government's Exhibits 89 and 79, 93, 94, 95 and 96) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/15/2005)
07/14/2005	<a href="#">213</a>	STIPULATION (re: Government's Exhibit 90) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/15/2005)
07/14/2005	<a href="#">214</a>	STIPULATION (re: testimony of Gordon Robertson) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/15/2005)
07/14/2005	<a href="#">215</a>	STIPULATION (re: collection, maintenance and subsequent transportation of a sample of a blood stain, etc.) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/15/2005)
07/15/2005		FURTHER JURY TRIAL before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry and Isaiah S. Gant, Asst. Federal Public Defenders. Courtroom deputy: lw. Court reporter: Gala Watkins. Plaintiff's evidence continues. ENTERING ORDER continuing said cause until 7/18/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/15/2005)
07/15/2005	216	EX PARTE MOTION for leave to file documents under seal by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 07/15/2005)
07/15/2005	217	SEALED EX PARTE ORDER by Judge Ronald A. White granting defendant's motion for leave to file documents under seal [216-1] (law, Deputy Clerk) (Entered: 07/15/2005)
07/15/2005	218	SEALED EX PARTE MOTION by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (Entered: 07/15/2005)
07/15/2005	219	SEALED EX PARTE ORDER by Judge Ronald A. White [218-1] (law, Deputy Clerk) (Entered: 07/15/2005)
07/18/2005		FURTHER JURY TRIAL before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry and Isaiah S. Gant, Asst. Federal Public Defenders. Courtroom deputy: lw. Court reporter: Greg Eustice. (JURY OUT) Court directed defendant to submit his proposed witness list to the Court before close of business today. Court addressed previous testimony and order entered on 6/17/05. Counsel responded. Court and counsel addressed certain exhibits. (JURY IN) Plaintiff's evidence continues. Plaintiff rests as to its case-in-chief. (JURY OUT) Court inquired as to defendant's proposed schedule and as to plaintiff's proposed schedule for its rebuttal and counsel responded. ENTERING ORDER continuing said cause until 7/19/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/18/2005)
07/18/2005	<a href="#">302</a>	SEALED TRANSCRIPT of proceedings for the following date(s): 7/8/05 (Re: Excerpt from Juror Qualification Proceedings ) by court reporter Gala J. Watkins (law, Deputy Clerk) Modified on 2/24/2006 (cjt, Deputy Clerk). (jcb, Deputy Clerk). (Entered: 07/19/2005)
07/19/2005	<a href="#">220</a>	ORDER by Judge Ronald A. White regarding ruling from bench as to Government's preemptory challenge of potential juror Troy Stoutermire. (cc: all counsel) (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/19/2005)
07/19/2005	<a href="#">221</a>	MOTION to strike insufficiently proven aggravating factors by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/19/2005)



07/19/2005		FURTHER JURY TRIAL before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry and Isaiah S. Gant, Asst. Federal Public Defenders. Courtroom deputy: lw. Court reporter: Greg Eustice. (JURY OUT) Court addressed defendant's motion to strike insufficiently proven aggravating factors. Counsel responded. Motion DENIED. (RAW) Court advised defendant may reurge motion at the conclusion of the evidence. (JURY IN) Defendant's evidence. ENTERING ORDER continuing said cause until 7/20/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/20/2005)
07/19/2005	<a href="#">222</a>	MINUTE ORDER before Judge Ronald A. White denying defendant's motion to strike insufficiently proven aggravating factors filed 7/19/05 [221-1]. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/20/2005)
07/20/2005	<a href="#">223</a>	RESPONSE BRIEF by plaintiff in opposition to defendant's Rule 29 motion [221-1] (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/20/2005)
07/20/2005	<a href="#">224</a>	STIPULATION (re: defendant has never previously been convicted of a crime) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/20/2005)
07/20/2005		FURTHER JURY TRIAL before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry and Isaiah S. Gant, Asst. Federal Public Defenders. Courtroom deputy: lw. Court reporter: Greg Eustice. (JURY IN) Defendant's evidence continues. Defendant rests. Plaintiff's rebuttal evidence. (JURY OUT) Court addressed schedule. Counsel responded. ENTERING ORDER continuing said cause until 7/21/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/21/2005)
07/21/2005	<a href="#">295</a>	PARTIAL TRANSCRIPT of proceedings held before Honorable Ronald A. White on 7/20/05 (Re:cross-examination of Dr. George Woods by Mr. Sheldon Sperling) by court reporter Greg Eustice (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/21/2005)
07/21/2005	<a href="#">298</a>	PARTIAL TRANSCRIPT of proceedings held before Honorable Ronald A. White on 7/20/05 (Re: direct examination of Dr. Randall J. Price by Mr.Sheldon Sperling) by court reporter Greg Eustice (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/21/2005)
07/21/2005	<a href="#">225</a>	PROPOSED JURY INSTRUCTION (Mitigation) submitted by defendant (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/21/2005)
07/21/2005		FURTHER JURY TRIAL before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry and Isaiah S. Gant, Asst. Federal Public Defenders. Courtroom deputy: lw. Court reporter: Greg Eustice. (JURY IN) Plaintiff's rebuttal evidence continues. Plaintiff rests. (JURY OUT) Court renewed sua sponte defendant's Rule 29 motion. Defendant affirmed renewal. Court inquired if plaintiff had similar motion as to mitigating evidence of defendant. Plaintiff responded it did not. ENTERING ORDER denying defendant's Rule 29 motion. (RAW)(WRITTEN ORDER TO FOLLOW) Court addressed exhibits directing parties to review prior to submission of the evidence to the jury. Court addressed jury instructions and the parties objections thereto. Counsel responded. Additionally the Court addressed the statute's dictate as to a hearing on the jury's deliberations and the reading of the verdict by the Court. Counsel responded.

		ENTERING ORDER continuing said cause until 7/22/05 at 8:30 a.m. (RAW) (law, Deputy Clerk) (Entered: 07/22/2005)
07/21/2005	<a href="#">226</a>	ORDER by Judge Ronald A. White denying defendant's motion to strike insufficiently proven aggravating factors [221-1] and the defendant's renewal of his motion at the close of all the evidence (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/22/2005)
07/22/2005	<a href="#">294</a>	PARTIAL TRANSCRIPT of proceedings held before Honorable Ronald A. White on 7/20/05 (Re: direct examination of Dr. Randall J. Price by Mr. Sheldon Sperling) by court reporter Greg Eustice (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/22/2005)
07/22/2005		FURTHER JURY TRIAL before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Dennis Fries and Linda Epperley, Asst. U.S. Attorneys. Also present were Gary Graff and James Alford, Case Agents. Defendant EDWARD LEON FIELDS, JR. present in person and with counsel Julia L. O'Connell, Barry L. Derryberry and Isaiah S. Gant, Asst. Federal Public Defenders. Courtroom deputy: lw. Court reporter: Greg Eustice. (JURY IN) Court read instructions to jurors. Closing arguments by counsel. Jurors retire to deliberate in charge of sworn bailiff at 11:40 a.m. Jury returned into open court at 3:38 p.m. and stated they had reached a verdict. VERDICT: Sentence of death (SEE SPECIAL FINDINGS FORM AND VERDICT FORM). Jury polled. Jury discharged. (JURY OUT) Case referred to the U.S. Probation Office for preparation of a presentence report. Defendant remanded to the custody of the U.S. Marshal. (RAW) (law, Deputy Clerk) (Entered: 07/25/2005)
07/22/2005	<a href="#">227</a>	JURY INSTRUCTIONS - SENTENCING PHASE by the Court (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/25/2005)
07/22/2005	<a href="#">228</a>	SPECIAL FINDINGS FORM and VERDICT FORM as to Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/25/2005)
07/22/2005	<a href="#">229</a>	MINUTE ORDER before Judge Ronald A. White directing each party to withdraw their respective trial exhibits, the same to be kept and maintained for possible appeal purposes. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 07/26/2005)
08/02/2005	<a href="#">230</a>	MOTION to Allow Retention of Juror Questionnaires by defendant Edward Leon Fields Jr. (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 08/02/2005)
08/02/2005		Marshal's return on: Writ of Habeas Corpus Ad Testificandum as to witness Tommy Lloyd Payne, partially executed by receiving custody of the witness from Helena, OK - James Crabtree CC on 7/19/05 and delivering to Muskogee County Jail and fully executed by receiving custody of the witness from Muskogee County Jail on 7/28/05 and delivering to FTC-OKC on 7/28/05. (nrh, Deputy Clerk) (Entered: 08/02/2005)
09/12/2005	<a href="#">231</a>	ORDER by Judge Ronald A. White granting defendant's motion to allow retention of juror questionnaires [230-1] (cc: all (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 09/12/2005)
10/04/2005		NOTICE of hearing: Sentencing hearing is set for 10/25/05 at 9:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 10/04/2005)
10/06/2005		NOTICE of hearing: Sentencing is RESET from 10/25/05 at 9:00 a.m. TO 11/10/05 at 10:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 10/06/2005)

10/06/2005		NOTICE of hearing: Sentencing is reset FROM 11/10/05 at 10:00 a.m. TO 11/8/05 at 10:00 a.m. as to defendant Edward Leon Fields Jr. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 10/06/2005)
11/02/2005	<a href="#">232</a>	MOTION for sentence reduction by defendant Edward Leon Fields Jr. (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/03/2005)
11/07/2005	<a href="#">233</a>	RESPONSE by plaintiff USA to defendant Edward Leon Fields' motion for sentence reduction [232-1] (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/07/2005)
11/07/2005	<a href="#">234</a>	MOTION for Order Allowing Release of Certain Items of Personal Property to the Victim's Family by plaintiff USA as to Edward Leon Fields Jr. (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/08/2005)
11/08/2005		<p>SENTENCING before Judge Ronald A. White. Plaintiff present by counsel Sheldon J. Sperling, U.S. Attorney and Linda A. Epperley and Dennis Fries, Asst. U.S. Attorneys. Defendant EDWARD LEON FIELDS, JR. present in person and by counsel Julia L. O'Connell, Barry L. Derryberry and Isaiah S. Gant, Asst. Federal Public Defenders. Courtroom deputy: lw. Court reporter: Greg Eustice. Court addressed plaintiff's motion for order allowing release of certain items of personal property to the victim's family. Plaintiff responded. Defendant responded having no objection. ENTERING ORDER granting plaintiff's motion for order allowing release of certain items of personal property to the victim's family filed 11/7/05. (RAW) Plaintiff had no objections to the presentence report. Defendant had no objections to the presentence report. The presentence report formed factual basis for sentence. No plea agreement. Court addressed defendant's motion for sentence reduction as to Counts 2,4,5 and 6. Defendant responded. ENTERING FINDING denying defendant's motion for sentence reduction filed 11/2/05. (RAW) No additional argument or statements by plaintiff's counsel or defendant's counsel.</p> <p>JUDGMENT &amp; COMMITMENT: In accordance with Title 18, section 3591(a) of the United States Criminal Code, it is the judgment of this Court that as to each of Counts One and Three, defendant is hereby sentenced to death. Said execution of sentence shall be carried out by the United States Bureau of Prisons in accordance with their policies and procedures. In accordance with Title 18 United States Code section 3553(a), it is the judgement of this Court that as to each of Counts Two and Four, defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of 405 months. Said terms of imprisonment on Counts Two and and Four shall be served consecutively to one another and consecutively to any other term of imprisonment imposed. It is the judgement of this Court that defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned on Count Five for a term of 405 months. It is the judgment of this Court that defendant shall be imprisoned on Count Six for a term of 84 months. Should defendant be released from confinement defendant shall be placed on supervised release for a term of 36 months on each of Counts One through Six. In the event defendant should be released from the custody of the Bureau of Prisons defendant shall, within 72 hours following the release, report in person to the Probation Office in the District to which defendant is released. In the event defendant were to be released, while on supervised release, defendant shall not commit another federal, state, or local crime, shall not possess any illegal controlled substance, shall not possess a firearm or destructive device and shall also comply with the standard conditions as set out on Probation Form 7A. As a condition of supervised release, defendant shall refrain from the unlawful use of controlled substances and submit to one drug test within 15 days of defendant's release. Subsequent to the first test, defendant shall submit to at least two additional periodic drug tests. Defendant shall submit to DNA testing as directed by the U.S. Probation Office. Defendant shall make restitution in the amount of \$15,323.84. Of that amount, \$2,654.42 shall be paid to Ron Kohlstrand, 2802 Lakeside Lane, Carrollton,</p>

		<p>Texas 75006; \$2,669.42 shall be paid to Margaret M. Elliot, 184 Link Road, Cottontown, Tennessee 37048 and; \$10,000 shall be paid to The Crime Victim's Compensation Board, 421 NW 13th Street, Suite 290, Oklahoma City, Oklahoma 73103. Restitution is to be made payable to the United States Court Clerk for the Eastern District of Oklahoma and is due and payable immediately. Nothing shall prohibit the United States from executing or levying upon non-exempt property of the defendant discovered before or after the date of this judgement. It is further ordered that defendant shall pay to the United States a Special Assessment of \$100.00 on each of Counts One through Six for a total of \$600.00. Said assessment shall be paid through the United States Court Clerk for the Eastern District of Oklahoma, and is due immediately. Payment of a fine in this case has been considered, but will not be imposed based upon defendant's current financial profile and the sentence imposed in this case. REASONS FOR IMPOSING SENTENCE: In formulating the sentence imposed, this Court has considered the nature and circumstances of the offense as well as the characteristics and criminal history of the defendant. The Court has further taken into consideration the evidence and information presented during the sentencing hearing in this case as well as the jury's verdict. Also taken into consideration are the sentencing guideline calculations and sentencing options identified in the Presentence Report as well as any objections, clarifications, additions or deletions to those guideline calculations or information contained within the report identified in the addendum to the report or announced in open court today. While the Court recognizes that it is not bound by the sentencing guideline calculations, the Court has considered them and finds them to be advisory in nature. The sentence prescribed by this Court reflects the seriousness of the offense, promotes respect for the law and provides just punishment for the offense. This sentence affords adequate deterrence to criminal conduct, protects the public from further crimes of this defendant and provides correctional treatment for the defendant in the most effective manner. The Court has further determined that this sentence is reasonable for this defendant and the crimes of which he has been convicted. The Court notes for the record that this is the same sentence the Court would impose if given the broadest possible discretion, and the same sentence the Court would impose notwithstanding any judicial fact finding occurring by adoption of the Presentence Report or at this hearing. Defendant advised of right to appeal. Court advised of its failure to allow the defendant an opportunity to make a statement and inquired if the defendant wished to make a statement. Court further advised it was prepared to hear any statement the defendant wished to make and resentence if necessary. Defendant advised he had no statement to make. Defendant remanded to the custody of the U.S. Marshal. (RAW) (law, Deputy Clerk) (Entered: 11/08/2005)</p>
11/08/2005	<a href="#">235</a>	<p>MINUTE ORDER before Judge Ronald A. White granting plaintiff's motion for order allowing release of certain items of personal property to the victim's family filed 11/7/05 [234-1]. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/08/2005)</p>
11/08/2005	<a href="#">236</a>	<p>MINUTE ORDER before Judge Ronald A. White denying defendant's motion for sentence reduction filed 11/2/05 [232-1]. (RAW) (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/08/2005)</p>
11/15/2005	<a href="#">237</a>	<p>JUDGMENT AND COMMITMENT as to Edward Leon Fields Jr. by Judge Ronald A. White (cc: all counsel) (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/15/2005)</p>
11/28/2005	<a href="#">238</a>	<p>APPEAL Notice to USCA by defendant Edward Leon Fields Jr. regarding [237-1] (fees ifp) Preliminary Record on Appeal Forwarded to Circuit (cc:all counsel) (nrh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/28/2005)</p>
11/29/2005	<a href="#">239</a>	<p>APPEARANCE for plaintiff USA by Attorney Cheryl R. Triplett (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 11/29/2005)</p>

12/05/2005		APPEAL NUMBER received from USCA regarding [238-1] (Appeal Number: 05-7128) (law, Deputy Clerk) (Entered: 12/05/2005)
12/27/2005	240	APPEAL Designation of Record requested by Edward Leon Fields Jr. regarding [238-1] (law, Deputy Clerk) (Entered: 12/27/2005)
01/03/2006	<a href="#">241</a>	APPEAL Transcript Order Form (TOF) by court reporter Karla S. McWhorter est completion date 2/6/06 regarding [238-1] (law, Deputy Clerk) PDF added on 4/11/2006 (sms, Deputy Clerk). (Entered: 01/04/2006)
01/06/2006	242	APPEAL Transcript Order Form (TOF) by court reporter Gala J. Watkins est completion date 2/1/06 regarding [238-1] (law, Deputy Clerk) (Entered: 01/06/2006)
01/17/2006		LETTER from Tenth Circuit to Karla McWhorter, C.S.R. and Greg Eustice, C.S.R. advising notice of transcript order form was filed however acknowledgement of that order and estimated completion date has not yet been received by that Court (law, Deputy Clerk) (Entered: 01/17/2006)
01/18/2006	<a href="#">243</a>	APPEAL Transcript Order Form (TOF) by court reporter Greg Eustice est completion date 1/30/05 regarding [238-1] (law, Deputy Clerk). PDF added on 4/11/2006 (sms, Deputy Clerk). (Entered: 01/18/2006)
03/01/2006	244	SEALED DOCUMENT Transcript of Juror Qualification Proceedings (Vol. II, 7/6/2005, pages 326-610) (pjw, Deputy Clerk) (Entered: 03/02/2006)
03/01/2006	245	SEALED DOCUMENT Transcript of Juror Qualification Proceedings (Vol. III, 7/7/2005, pages 614-896) (pjw, Deputy Clerk) (Entered: 03/02/2006)
03/01/2006	246	SEALED DOCUMENT Transcript of Juror Qualification Proceedings (Vol. IV, 7/8/2005, pages 902-1174) (pjw, Deputy Clerk) (Entered: 03/02/2006)
03/01/2006	247	SEALED DOCUMENT Transcript of Juror Qualification Proceedings (Vol. V, 7/11/2005, pages 1178-1521) (pjw, Deputy Clerk) (Entered: 03/02/2006)
03/01/2006	248	SEALED DOCUMENT Transcript of Juror Qualification Proceedings (Vol. VI, 7/12/2005, pages 1525-1721) (pjw, Deputy Clerk) (Entered: 03/02/2006)
03/01/2006	249	SEALED DOCUMENT Transcript of Jury Trial Proceedings (Vol. VII, 7/13/2005, pages 1736-1954) (pjw, Deputy Clerk) (Entered: 03/02/2006)
03/01/2006	<a href="#">250</a>	TRANSCRIPT of Proceedings of Jury Trial - Vol. VIII held on 7/14/2005 before Judge Ronald A. White (Court Reporter: Gala J. Watkins) (Pages: 1984-2193) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court, Minutes - Miscellaneous) as to Edward Leon Fields, Jr (pjw, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/02/2006)
03/01/2006	<a href="#">251</a>	TRANSCRIPT of Proceedings of Jury Trial - Vol. IX held on 7/15/2005 before Judge Ronald A. White (Court Reporter: Gala J. Watkins) (Pages: 2196-2425) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court, Minutes - Miscellaneous) as to Edward Leon Fields, Jr (pjw, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/02/2006)
03/02/2006	<a href="#">252</a>	TRANSCRIPT of Proceedings of Jury Trial - Vol. 10 held on 7/18/2005 before Judge Ronald A. White (Court Reporter: Greg Eustice) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court, Minutes - Miscellaneous) as to Edward Leon Fields, Jr (pjw, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/02/2006)
03/02/2006	<a href="#">253</a>	TRANSCRIPT of Proceedings of Jury Trial - Vol. 11 held on 7/19/2005 before Judge Ronald A. White (Court Reporter: Greg Eustice) (Re: Minutes - Miscellaneous, <a href="#">238</a> Notice of Appeal to Circuit Court) as to Edward Leon Fields, Jr (pjw, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/02/2006)

03/02/2006	<a href="#">254</a>	TRANSCRIPT of Proceedings of Jury Trial - Vol. 12 held on 7/20/2005 before Judge Ronald A. White (Court Reporter: Greg Eustice) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court, Minutes - Miscellaneous) as to Edward Leon Fields, Jr (pjw, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/02/2006)
03/02/2006	<a href="#">255</a>	TRANSCRIPT of Proceedings of Jury Trial - Vol. 13 held on 7/21/2005 before Judge Ronald A. White (Court Reporter: Greg Eustice) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court, Minutes - Miscellaneous) as to Edward Leon Fields, Jr (pjw, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/02/2006)
03/02/2006	<a href="#">256</a>	TRANSCRIPT of Proceedings of Jury Trial - Vol. 14 held on 7/22/2005 before Judge Ronald A. White (Court Reporter: Greg Eustice) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court, Minutes - Miscellaneous) as to Edward Leon Fields, Jr (pjw, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/02/2006)
03/02/2006	<a href="#">257</a>	TRANSCRIPT of Proceedings of Sentencing Hearing held on 11/8/2005 before Judge Ronald A. White (Court Reporter: Greg Eustice) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court, Minutes - Miscellaneous) as to Edward Leon Fields, Jr (pjw, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/02/2006)
03/06/2006	<a href="#">258</a>	TRANSCRIPT of Proceedings of General Juror Qualification held on 07/05/05 before Judge Ronald A. White (Court Reporter: Karla McWhorter) (Re: Minutes - Miscellaneous, <a href="#">238</a> Notice of Appeal to Circuit Court) as to Edward Leon Fields, Jr (eje, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/07/2006)
03/06/2006	<a href="#">259</a>	SEALED DOCUMENT - Transcript of Proceedings of Individual Juror Qualification, Vol. 1 of XIV by court reporter Karla McWhorter (eje, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 03/07/2006)
03/07/2006	<a href="#">260</a>	Letter to U.S. Court of Appeals <i>transcripts have been filed and the Record is Complete for appeal purposes</i> as to Edward Leon Fields, Jr (jcb, Deputy Clerk) (Entered: 03/08/2006)
03/24/2006	<a href="#">261</a>	RECORD on Appeal Sent to Circuit Court (Record includes: 1 volume of pleadings; 12 volumes of transcripts; 11 sealed volumes, index of of volumes 1 through 24) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court) as to Edward Leon Fields, Jr (jcb, Deputy Clerk) (Entered: 03/27/2006)
04/20/2006	<a href="#">262</a>	SUPPLEMENTAL DESIGNATION of Record on Appeal (Re: <a href="#">238</a> Notice of Appeal to Circuit Court) as to Edward Leon Fields, Jr (neh, Deputy Clerk) (Entered: 04/20/2006)
04/24/2006	<a href="#">263</a>	JUDGMENT Returned Executed on 12/21/05 as to defendant Edward Leon Fields, Jr (neh, Deputy Clerk) Modified on 4/24/2006 to correct date executed to 12/21/05 (neh, Deputy Clerk). (Entered: 04/24/2006)
04/24/2006	264	NOTICE of Docket Entry Modification; Error: wrong date J&C executed; Correction: corrected J&C execution date (Re: <a href="#">263</a> Judgment Returned Executed) as to Edward Leon Fields, Jr (neh, Deputy Clerk) (Entered: 04/24/2006)
04/24/2006	<a href="#">265</a>	ORDER from Circuit Court granting appellant's motion to supplement record on appeal and directing the clerk of the district court for EDOK to prepare and submit a supplemental record on or before May 30, 2006. Further, granting FPD's motion to borrow the record on appeal and releasing it to FPD Vicki Mandell-King (Re: <a href="#">238</a> Notice of Appeal to Circuit Court) as to defendant Edward Leon Fields, Jr (neh, Deputy Clerk) (Entered: 04/24/2006)
05/03/2006	<a href="#">268</a>	TRANSCRIPT ORDER FORM (Transcripts ordered from Gala Watkins) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court) as to Edward Leon Fields, Jr (pjw, Deputy Clerk) (Entered: 05/03/2006)

		05/23/2006)
05/19/2006	<a href="#">266</a>	TRANSCRIPT of Proceedings of Pretrial Conference held on 10/28/03 before Judge Ronald A. White (Court Reporter: Transcribed by Ken Sidwell) (Pages: 1-17) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court and Minutes - Miscellaneous) as to Edward Leon Fields, Jr (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/19/2006)
05/19/2006	<a href="#">267</a>	TRANSCRIPT of Proceedings of Status Hearing held on 2/20/04 before Judge Ronald A. White (Court Reporter: Transcribed by Ken Sidwell) (Pages: 1-15) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court and Minutes - Miscellaneous) as to Edward Leon Fields, Jr (law, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/19/2006)
05/19/2006	<a href="#">299</a>	SEALED TRANSCRIPT of Proceedings of Sealed Ex Parte Hearing held on January 12, 2005 (Court Reporter: Ken Sidwell) (Pages: 11) (Re: Minutes - Miscellaneous, ) as to Edward Leon Fields, Jr (jcb, Deputy Clerk) Modified on 7/15/2024 to add document and unseal per minute order [ 370 ] (sms, Deputy Clerk). (Entered: 06/14/2017)
05/31/2006	<a href="#">269</a>	TRANSCRIPT of Preliminary / Detention Hearing held on 7/23/03 before Magistrate Judge Steven P. Shreder (Court Reporter: Gala Watkins) (Pages: 1 - 9) (Re: Minutes and <a href="#">238</a> Notice of Appeal to Circuit Court) as to defendant Edward Leon Fields, Jr [held in Magistrate Case 03-58-M-SH (neh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/31/2006)
05/31/2006	<a href="#">270</a>	TRANSCRIPT of Arraignment Proceedings held on 8/6/03 before Magistrate Judge Kimberly E. West (Court Reporter: Gala Watkins) (Pages: 1 - 6) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court, and Minutes of 8/6/03) as to defendant Edward Leon Fields, Jr (neh, Deputy Clerk) (jcb, Deputy Clerk). (Entered: 05/31/2006)
05/31/2006	<a href="#">271</a>	TRANSCRIPT ORDER FORM (Transcripts ordered from Gala Watkins)of Preliminary Hearing of 7/23/03 and Arraignment of 8/6/03; estimated date of completion 5/31/06 (Re: <a href="#">238</a> Notice of Appeal to Circuit Court) as to Edward Leon Fields, Jr (neh, Deputy Clerk) (Entered: 05/31/2006)
06/09/2006	<a href="#">272</a>	SUPPLEMENTAL RECORD on Appeal Sent to Circuit Court (Record includes: 13 Volumes ( 1 Pleadings, 11 Transcripts ( 1 sealed) and 1 volume of sealed pleadings) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court) as to Edward Leon Fields, Jr (jcb, Deputy Clerk) (Entered: 06/09/2006)
10/30/2006	<a href="#">273</a>	TRANSCRIPT of Proceedings of Pretrial Conference held on June 30, 2005 before Judge Ronald A. White (Court Reporter: Gala J. Watkins) (Pages: 1-61) (Re: Minutes - Miscellaneous, <a href="#">238</a> Notice of Appeal to Circuit Court) as to Edward Leon Fields, Jr (jcb, Deputy Clerk) (Entered: 11/01/2006)
01/22/2007		SPECIAL ASSESSMENT received 1/22/07 (Paid to BOP 12/11/06) in the amount of \$50.00, receipt #IPAC (Defendant Edward Leon Fields, Jr) (smg, Deputy Clerk) (Entered: 05/07/2007)
04/16/2007		SPECIAL ASSESSMENT received 4/16/07 (Paid to BOP 3/9/07) in the amount of \$50.00, receipt #IPAC (Defendant Edward Leon Fields, Jr) (smg, Deputy Clerk) (Entered: 05/14/2007)
10/01/2007		SPECIAL ASSESSMENT received 10/1/07 (Paid to BOP 9/10/07) in the amount of \$50.00, receipt #IPAC (Defendant Edward Leon Fields, Jr) (dma, Deputy Clerk) (Entered: 10/26/2007)
01/25/2008		SPECIAL ASSESSMENT received 1/25/08 (Paid to BOP 12/10/07) in the amount of \$50.00, receipt #IPAC (Defendant Edward Leon Fields, Jr) (pjw, Deputy Clerk) (Entered: 01/28/2008)

02/05/2008		SPECIAL ASSESSMENT received 2/5/08 (Paid to BOP 1/9/08) in the amount of \$30.00, receipt #IPAC (Defendant Edward Leon Fields, Jr) (pjw, Deputy Clerk) (Entered: 02/06/2008)
03/12/2008		SPECIAL ASSESSMENT received 3/12/08 (Paid to BOP 2/11/08) in the amount of \$30.00, receipt #IPAC (Defendant Edward Leon Fields, Jr) (pjw, Deputy Clerk) (Entered: 03/13/2008)
04/03/2008		SPECIAL ASSESSMENT received 4/3/08 (Paid to BOP 3/10/08) in the amount of \$30.00, receipt #IPAC (Defendant Edward Leon Fields, Jr) (pjw, Deputy Clerk) (Entered: 04/07/2008)
04/25/2008	<a href="#">274</a>	ORDER from Circuit Court DENYING Appellant's Petition for Rehearing (Re: <a href="#">238</a> Notice of Appeal to Circuit Court ) as to Edward Leon Fields, Jr (eje, Deputy Clerk) (Entered: 04/29/2008)
05/06/2008	<a href="#">275</a>	DECISION from Circuit Court AFFIRMING judgment of the district court, dismissing the Appeal (Re: <a href="#">238</a> Notice of Appeal to Circuit Court ) as to Edward Leon Fields, Jr (With attachments)(eje, Deputy Clerk) (Entered: 05/07/2008)
05/06/2008	<a href="#">276</a>	JUDGMENT from Circuit Court (Re: <a href="#">238</a> Notice of Appeal to Circuit Court ) as to Edward Leon Fields, Jr (eje, Deputy Clerk) (Entered: 05/07/2008)
07/18/2008	<a href="#">277</a>	LETTER from Clerk, Supreme Court, to Clerk, Circuit Court, stating that an extension has been granted to and including 9/22/08 for the filing of the Petition for Writ of Certiorari (Re: <a href="#">238</a> Notice of Appeal to Circuit Court ) as to Edward Leon Fields, Jr (law, Deputy Clerk) (Entered: 07/21/2008)
04/10/2009	<a href="#">278</a>	Unopposed MOTION for Appointment of <i>Counsel</i> by Edward Leon Fields, Jr (Hankins, James) Modified docket entry text on 4/13/2009 (law, Deputy Clerk). (Entered: 04/10/2009)
04/10/2009	<a href="#">279</a>	LETTER from Circuit Court stating that the Petition for Writ of Certiorari has been denied (Re: <a href="#">238</a> Notice of Appeal to Circuit Court ) as to Edward Leon Fields, Jr (With attachments)(law, Deputy Clerk) (Entered: 04/13/2009)
04/17/2009	<a href="#">280</a>	ORDER by Judge Ronald A. Whitegranting defendant's motion for appointment of counsel ( <a href="#">278</a> Motion for Appointment of Counsel )as to Edward Leon Fields Jr. (1) (law, Deputy Clerk) (Entered: 04/17/2009)
05/19/2009	<a href="#">281</a>	MOTION for Attorney Christi Charpentier to be Admitted Pro Hac Vice by Edward Leon Fields, Jr (law, Deputy Clerk) (Entered: 05/20/2009)
05/19/2009	<a href="#">282</a>	MOTION for Attorney Michael Wiseman to be Admitted Pro Hac Vice by Edward Leon Fields, Jr (law, Deputy Clerk) (Entered: 05/20/2009)
05/21/2009	283	MINUTE ORDER by Judge Ronald A. White: granting <a href="#">281</a> defendant's Motion For Admission of Cristi Charpentier Pro Hac Vice as to Edward Leon Fields Jr. (1) (neh, Deputy Clerk) (Entered: 05/21/2009)
05/21/2009	284	MINUTE ORDER by Judge Ronald A. White: granting <a href="#">282</a> defendant's Motion For Admission of Michael Wiseman Pro Hac Vice as to Edward Leon Fields Jr. (1) (neh, Deputy Clerk) (Entered: 05/21/2009)
07/01/2009	285	RECORD on Appeal Returned from Circuit Court as to Edward Leon Fields, Jr. Returned record includes: Volume 1 - Pleadings; Volume 2 - General Juror Qualification Transcript - July 5, 2006; Volume 3 - SEALED - Excerpt from Juror Qualification Proceedings; Volumes 4 through 12 - SEALED - Transcripts of Juror Qualification Proceedings; Volumes 13 through 23 - Jury Trial Proceedings; 2nd Supplemental Record Volume 1 -



		Transcript of Criminal Pretrial Conference as to Stage Two held 6/30/05; 3rd Supplemental Volume 1 - Pleadings; Volume 2 - Sealed Pleadings; Volume 3 - Transcript of Preliminary/Dentention Hearing; Volume 4 - Transcript of Testimony of Curtis Todd Grundy; Volume 5 - Transcript of Arraignment Proceedings; Volume 6 - Transcript of Pretrial Conference; Volume 7 - Transcript of Status Hearing held 2/20/04; Volume 8 - Transcript of Status Hearing held 4/15/04; Volume 9 - Transcript of Hearing on Defendant's Motion to Vacate; Volume 10 - Transcript of Hearing on Joint Motion to Continue Jury Trial Date; Volume 11 - Sealed Transcript of Ex Parte Hearing held 1/12/05; Volume 12 - Transcript of Status Hearing held 5/31/05 and Volume 13 - Transcript of Change of Plea Hearing held 6/30/05. and two (2) Sealed Notebooks of Jury Questionnaires. Broke down same. (Re: <a href="#">238</a> Notice of Appeal to Circuit Court ) as to Edward Leon Fields, Jr (jcb, Deputy Clerk) (Entered: 07/01/2009)
04/06/2010	<a href="#">286</a>	MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 by Edward Leon Fields, Jr (With attachments)(jcb, Deputy Clerk) Civil case 6:10-cv-115 opened. Modified on 12/15/2016 to unterm motion (lal, Deputy Clerk). (Entered: 04/06/2010)
04/06/2010	287	***Remark: Defendant has filed a MOTION to Vacate/Set Aside/Correct Sentence under 28 USC Section 2255 (Re: <a href="#">286</a> MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 ). All future documents regarding Defendant's 2255 motion shall be filed in CIV-10-115-RAW as to Edward Leon Fields, Jr. (law, Deputy Clerk) (Entered: 04/06/2010)
12/15/2016	<a href="#">288</a>	ORDER by Judge Ronald A. White denying defendant's motion to vacate ( <a href="#">286</a> Motion to Vacate/Set Aside/Correct Sentence (2255)) as to Edward Leon Fields Jr. (lal, Deputy Clerk) (Entered: 12/15/2016)
12/15/2016	<a href="#">289</a>	JUDGMENT by Judge Ronald A. White as to Edward Leon Fields, Jr (lal, Deputy Clerk) (Entered: 12/15/2016)
05/12/2017	303	***Remark: NOTICE of Appeal by to Edward Leon Fields, Jr. (Re: <a href="#">288</a> Ruling on Motion to Vacate/Set Aside/Correct Sentence (2255), <a href="#">289</a> Judgment) filed in CIV-10-115-RAW see Pleading #131 (tls, Deputy Clerk) (Entered: 02/21/2020)
12/30/2019		***Remark: DECISION and JUDGMENT from Circuit Court AFFIRMING in part, REVERSING in part and REMANDING to the district court for further proceedings consistent with Opinion as to Edward Leon Fields, Jr. was filed in CIV-10-115-RAW see Pleading #139 and #140. (tls, Deputy Clerk) (Entered: 02/21/2020)
02/21/2020	304	***Remark: MANDATE letter from Circuit Court reopening case as to Edward Leon Fields, Jr. was filed in CIV-10-115-RAW see Pleading #141 (tls, Deputy Clerk) (Entered: 02/21/2020)
05/26/2020	<a href="#">305</a>	SECOND OR SUCCESSIVE MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 by Edward Leon Fields, Jr. (With attachments)(jcb, Deputy Clerk) (Entered: 05/28/2020)
05/28/2020	<a href="#">306</a>	ORDER from Circuit Court granting authorization to file a Second or Successive (Re: <a href="#">305</a> MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 ) as to Edward Leon Fields, Jr (jcb, Deputy Clerk) (Entered: 05/28/2020)
05/29/2020	307	<b>MINUTE ORDER</b> by Judge Ronald A. White: directing the Government to file a Response no later than 6/12/2020 as to Edward Leon Fields, Jr. (Re: <a href="#">305</a> SECOND OR SUCCESSIVE MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255) (tls, Deputy Clerk) (Entered: 05/29/2020)

05/29/2020	308	<b>MINUTE ORDER</b> by Judge Ronald A. White : Counsel for Edward Leon Fields, Jr. is directed to provide forthwith for the Courts use a bound copy of the pleading and/or exhibits as filed at Dkt. # <a href="#">305</a> . Said manual copies shall be EXACT duplicates of the pleading and/or exhibits AFTER said pleading(s) was filed with the Court, including the case and docket number information at the top of each page. Do not reorganize the document or insert other separately docketed items. If copies of sealed items are hereby ordered by the Court, then said copies shall be a separate and complete submission as to Edward Leon Fields, Jr (Re: <a href="#">305</a> MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 ). (lal, Deputy Clerk) (Entered: 05/29/2020)
05/29/2020	<a href="#">309</a>	ATTORNEY APPEARANCE by Jeffrey B. Kahan on behalf of United States of America (Kahan, Jeffrey) (Entered: 05/29/2020)
05/29/2020	<a href="#">310</a>	ATTORNEY APPEARANCE (FPD) by Katherine E. Ensler on behalf of Edward Leon Fields, Jr (Ensler, Katherine) (Entered: 05/29/2020)
05/29/2020	<a href="#">311</a>	ATTORNEY APPEARANCE (FPD) by Hunter S. Labovitz on behalf of Edward Leon Fields, Jr (Labovitz, Hunter) (Entered: 05/29/2020)
06/08/2020	<a href="#">312</a>	LETTER from Circuit Court stating that the Petition for Writ of Certiorari has been filed (U.S. Supreme Court Case Number: 19-8614) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court ) as to Edward Leon Fields, Jr (lal, Deputy Clerk) (Entered: 06/08/2020)
06/09/2020	<a href="#">313</a>	Unopposed MOTION for Extension of Time to Respond to Motion (Re: <a href="#">305</a> MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255) by United States of America as to Edward Leon Fields, Jr (Kahan, Jeffrey) (Entered: 06/09/2020)
06/12/2020	314	<b>MINUTE ORDER</b> by District Judge Ronald A. White: GRANTING <a href="#">313</a> Motion for Extension of Time to Respond to Motion as to Edward Leon Fields Jr. (1). Government's Response due by 6/26/2020. (Re: <a href="#">305</a> SECOND OR SUCCESSIVE MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255) (tls, Deputy Clerk) (Entered: 06/12/2020)
06/17/2020	<a href="#">315</a>	RESPONSE in Opposition to Motion (Re: <a href="#">305</a> MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 ) by United States of America as to Edward Leon Fields, Jr (With attachments)(Kahan, Jeffrey) (Entered: 06/17/2020)
07/01/2020	<a href="#">316</a>	REPLY to Response to Motion (Re: <a href="#">305</a> MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 ) by Edward Leon Fields, Jr (Ensler, Katherine) (Entered: 07/01/2020)
07/20/2020	317	<b>MINUTE ORDER</b> by District Judge Ronald A. White : Pursuant to remand from the United States Court of Appeals for the Tenth Circuit on 2/21/2020, an evidentiary hearing is required as to defendant's claim that his trial counsel was ineffective for failing to adequately investigate and present evidence of his organic brain damage. In light of this, this case is hereby referred to Magistrate Judge Kimberly E. West for purposes of an evidentiary hearing and Report and Recommendation pursuant to Title 28, United States Code, Section 636(b)(1). as to Edward Leon Fields, Jr (lal, Deputy Clerk) (Entered: 07/20/2020)
10/05/2020	<a href="#">319</a>	LETTER from Circuit Court stating that the Petition for Writ of Certiorari has been DENIED (U.S. Supreme Court Case Number: 19-8614) (Re: <a href="#">238</a> Notice of Appeal to Circuit Court) as to Edward Leon Fields, Jr (tls, Deputy Clerk) (Entered: 10/19/2020)
10/15/2020	<a href="#">318</a>	Joint MOTION a Status Conference to Discuss Evidentiary Hearing Scheduling Matters by Edward Leon Fields, Jr. (Labovitz, Hunter) (Main Document 318 replaced with the motion only, docket entry text edited and NEF regenerated on 10/16/2020) (lal, Deputy

		Clerk). Modified to correcting filing event on 10/19/2020 (adw, Deputy Clerk). (Entered: 10/15/2020)
10/19/2020	<a href="#">320</a>	<b>MINUTE ORDER</b> by Magistrate Judge Kimberly E. West - Joint Motion for a Status Conference to Discuss Evidentiary Hearing Scheduling Matters (Docket Entry <a href="#">318</a> ) is hereby GRANTED. A telephonic Status Conference shall be conducted on NOVEMBER 4, 2020 AT 2:00 P.M. The Court will initiate the conference call. Counsel shall inform the Court of the telephone number where they may be reached by e-mailing the number to Allison_Winkle@oked.uscourts.gov, if the number is different than that provided of record. (adw, Deputy Clerk) (Entered: 10/19/2020)
11/04/2020	<a href="#">321</a>	MINUTES of Proceedings held before Magistrate Judge Kimberly E. West: Telephonic Status Conference held on 11/4/2020 as to Edward Leon Fields, Jr. (adw, Deputy Clerk) (Entered: 11/04/2020)
11/04/2020	<a href="#">322</a>	<b>SCHEDULING ORDER for EVIDENTIARY HEARING</b> by Magistrate Judge Kimberly E. West as to Edward Leon Fields, Jr. (adw, Deputy Clerk) (Entered: 11/04/2020)
12/01/2020	<a href="#">323</a>	MOTION for Discovery and Consolidated Supporting Memorandum of Law by Edward Leon Fields, Jr. (Labovitz, Hunter) (Entered: 12/01/2020)
12/01/2020	<a href="#">324</a>	MOTION for Discovery by United States of America as to Edward Leon Fields, Jr (With attachments)(Kahan, Jeffrey) (Entered: 12/01/2020)
12/03/2020	<a href="#">325</a>	<b>ORDER FOR DISCOVERY</b> by Magistrate Judge Kimberly E. West: granting <a href="#">324</a> Motion for Discovery as to Edward Leon Fields Jr. (1). (adw, Deputy Clerk) (Entered: 12/03/2020)
12/03/2020	<a href="#">326</a>	<b>ORDER</b> by Magistrate Judge Kimberly E. West: granting <a href="#">323</a> Motion for Discovery and Consolidated Supporting Brief as to Edward Leon Fields Jr. (1). (adw, Deputy Clerk) (Entered: 12/03/2020)
02/08/2021	<a href="#">327</a>	Joint MOTION to Extend Scheduling Order Dates by Edward Leon Fields, Jr. (With attachments)(Labovitz, Hunter) (Entered: 02/08/2021)
02/25/2021	<a href="#">328</a>	<b>AMENDED SCHEDULING ORDER FOR EVIDENTIARY HEARING</b> by Magistrate Judge Kimberly E. West: granting <a href="#">327</a> Motion to Extend Scheduling Order Dates as to Edward Leon Fields Jr. (1). Telephonic Status Conference set for 8/11/2021 at 02:00 PM in before Magistrate Judge Kimberly E. West. (adw, Deputy Clerk) (Entered: 02/25/2021)
05/24/2021	<a href="#">329</a>	ATTORNEY APPEARANCE by Aaron J. Stewart on behalf of United States of America (Stewart, Aaron) (Entered: 05/24/2021)
06/17/2021	<a href="#">330</a>	Joint MOTION to Extend Scheduling Order Dates and MOTION for Evidentiary Hearing by Edward Leon Fields, Jr. (With attachments)(Labovitz, Hunter). Added MOTION for Hearing on 6/19/2021 (dma, Deputy Clerk). (Entered: 06/17/2021)
06/24/2021	<a href="#">331</a>	<b>SECOND AMENDED SCHEDULING ORDER FOR EVIDENTIARY HEARING</b> by Magistrate Judge Kimberly E. West: granting <a href="#">330</a> Joint Motion to Extend Scheduling Order Dates as to Edward Leon Fields Jr. Telephonic Status Conference set for 12/9/2021 at 02:00 PM before Magistrate Judge Kimberly E. West. The Court will initiate the conference call. (adw, Deputy Clerk) (Entered: 06/24/2021)
11/05/2021	<a href="#">332</a>	Joint MOTION to Extend Scheduling Order Dates for Evidentiary Hearing by Edward Leon Fields, Jr. (With attachments)(Labovitz, Hunter) (Entered: 11/05/2021)
11/05/2021	<a href="#">333</a>	CERTIFICATE of Service (Re: <a href="#">332</a> Joint MOTION to Extend Scheduling Order Dates for Evidentiary Hearing) as to Edward Leon Fields, Jr (Labovitz, Hunter) (Entered: 11/05/2021)

11/09/2021	<a href="#">334</a>	<b>THIRD AMENDED SCHEDULING ORDER FOR EVIDENTIARY HEARING</b> by Magistrate Judge Kimberly E. West: granting <a href="#">332</a> Motion to Extend Scheduling Order Dates as to Edward Leon Fields Jr. Discovery due by 1/26/2022. Exhibit List due by 3/2/2022. Witness List due by 2/17/2022. Telephonic Status Conference set for 3/9/2022 at 2:00 PM before Magistrate Judge Kimberly E. West. (adw, Deputy Clerk) (Entered: 11/09/2021)
01/19/2022	<a href="#">335</a>	Joint MOTION to Extend Scheduling Order Dates for Evidentiary Hearing by Edward Leon Fields, Jr. (With attachments)(Labovitz, Hunter) (Entered: 01/19/2022)
02/14/2022	<a href="#">336</a>	<b>FOURTH AMENDED SCHEDULING ORDER FOR EVIDENTIARY HEARING</b> by Magistrate Judge Kimberly E. West granting <a href="#">335</a> Motion to Extend Scheduling Order Dates as to Edward Leon Fields Jr. Discovery due by 4/26/2022. Exhibit List due by 5/31/2022. Witness List due by 5/18/2022. Telephonic Status Conference set for 6/23/2022 at 10:00 AM in Chambers, Room 430, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Kimberly E. West. (rak, Deputy Clerk) (Entered: 02/14/2022)
04/13/2022	<a href="#">337</a>	SEALED PETITION & ORDER by District Judge Ronald A. White allowing victim name change (jls, Deputy Clerk). Modified on 4/13/2022 to update docket text (sms, Deputy Clerk) (Entered: 04/13/2022)
04/27/2022	<a href="#">338</a>	Joint MOTION to Extend Scheduling Order Deadlines for Evidentiary Hearing by Edward Leon Fields, Jr. (With attachments)(Labovitz, Hunter) (Entered: 04/27/2022)
05/02/2022	<a href="#">339</a>	<b>FIFTH AMENDED SCHEDULING ORDER FOR EVIDENTIARY HEARING</b> by Magistrate Judge Kimberly E. West granting <a href="#">338</a> Motion to Extend Scheduling Order Dates as to Edward Leon Fields Jr. Discovery due by 10/24/2022. Exhibit List due by 11/28/2022. Witness List due by 11/14/2022. Telephonic Status Conference set for 12/7/2022 at 10:00 AM in Chambers, Room 430, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Kimberly E. West. (rak, Deputy Clerk) (Entered: 05/02/2022)
10/20/2022	<a href="#">340</a>	Joint MOTION to Extend Scheduling Order Dates for Evidentiary Hearing by Edward Leon Fields, Jr. (Labovitz, Hunter) (Entered: 10/20/2022)
11/01/2022	<a href="#">341</a>	<b>SIXTH AMENDED SCHEDULING ORDER FOR EVIDENTIARY HEARING</b> by Magistrate Judge Kimberly E. West: granting <a href="#">340</a> Motion to Extend Scheduling Order Dates as to Edward Leon Fields Jr. Discovery due by 4/24/2023. Exhibit List due by 5/29/2023. Witness List due by 5/15/2023. Status Conference set for 6/7/2023 at 10:00 AM in Chambers, Room 430, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Kimberly E. West. (Re: <a href="#">340</a> MOTION to Extend Scheduling Order Dates) (tjm, Deputy Clerk) (Entered: 11/01/2022)
04/12/2023	<a href="#">342</a>	Joint MOTION to Extend Scheduling Order Deadlines for Evidentiary Hearing by Edward Leon Fields, Jr. (With attachments) (Labovitz, Hunter) Modified on 4/14/2023 to edit event (dma, Deputy Clerk). (Entered: 04/12/2023)
04/20/2023	<a href="#">343</a>	<b>SEVENTH AMENDED SCHEDULING ORDER FOR EVIDENTIARY HEARING</b> by Magistrate Judge Kimberly E. West: granting <a href="#">342</a> Motion to Extend Scheduling Order Dates as to Edward Leon Fields Jr. (1) Discovery due by 10/23/2023. Exhibit List due by 11/27/2023. Witness List due by 11/13/2023. Status Conference set for 12/12/2023 at 10:00 AM in Chambers, Room 430, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Kimberly E. West. (Re: <a href="#">342</a> MOTION to Extend Scheduling Order Dates ) (tjm, Deputy Clerk) (Entered: 04/20/2023)
09/26/2023	344	<b>MINUTE ORDER</b> by District Judge Ronald A. White terminating the referral to Magistrate Judge Kimberly E. West and referring to Magistrate Judge Gerald L. Jackson

		for purposes of an evidentiary hearing and Report and Recommendation pursuant to Title 28, United States Code, Section 636(b)(1) as to Edward Leon Fields, Jr. (Re: 317 Minute Order) (tls, Deputy Clerk) (Entered: 09/26/2023)
09/26/2023	345	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: The deadlines in the <a href="#">343</a> Seventh Amended Scheduling Order for Evidentiary Hearing are to remain in place. The Telephonic Status Conference ONLY is hereby RESET from 12/12/2023 to 12/11/2023 at 10:00 a.m. before U.S. Magistrate Judge Gerald L. Jackson as to Edward Leon Fields, Jr. The Court will initiate all conference calls. Counsel should inform Paige Bruce at Paige_Bruce@oked.uscourts.gov by 12/7/2023 at 12:00 p.m. of a telephone number where they may be reached, should it be different from the number of record in the case. (pmb, Deputy Clerk) (Entered: 09/26/2023)
10/18/2023	<a href="#">346</a>	Joint MOTION to Extend Scheduling Order Dates by Edward Leon Fields, Jr. (With attachments) (Labovitz, Hunter) (Entered: 10/18/2023)
10/20/2023	347	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: The Seventh Amended Scheduling Order for Evidentiary Hearing (Doc. No <a href="#">343</a> ) is hereby stricken. The Telephonic Status Conference remains set for 12/11/2023 at 10:00 a.m. before U.S. Magistrate Judge Gerald L. Jackson as to Edward Leon Fields, Jr. The Court will initiate all conference calls. Counsel should inform Paige Bruce at Paige_Bruce@oked.uscourts.gov by 12/7/2023 at 12:00 p.m. of a telephone number where they may be reached, should it be different from the number of record in the case. (jpc, Deputy Clerk) (Entered: 10/20/2023)
12/11/2023	<a href="#">348</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Telephonic Status Conference held on 12/11/2023 as to Edward Leon Fields, Jr. (Court Reporter: Joanna Smith) (pmb, Deputy Clerk) (Entered: 12/11/2023)
12/11/2023	349	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson GRANTING IN PART <a href="#">346</a> Joint Motion to Extend Scheduling Order Deadlines for Evidentiary Hearing as to Edward Leon Fields, Jr. Eighth Amended Scheduling Order to follow. (pmb, Deputy Clerk) (Entered: 12/11/2023)
12/11/2023	<a href="#">350</a>	<b>EIGHTH AMENDED SCHEDULING ORDER FOR EVIDENTIARY HEARING</b> by Magistrate Judge Gerald L. Jackson as to Edward Leon Fields, Jr.: Discovery due 4/26/2024; Parties shall exchange Expert Witness Reports by 5/10/2024; Exchange of Witness and Exhibit Lists by 5/31/2024; Pre-hearing motions including Motions in Limine due by 7/5/2024; Witness Lists shall be filed of record on or before 8/12/2024. (pmb, Deputy Clerk) (Entered: 12/11/2023)
12/11/2023	351	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson setting Evidentiary Hearing for 8/19/2024 at 9:00 AM in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 12/11/2023)
01/30/2024	352	STATUS REPORT received by United States of America as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 01/30/2024)
02/23/2024		***Remark: GOVERNMENT'S FINAL STATUS REPORT received by United States of America as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 02/23/2024)
02/27/2024	<a href="#">353</a>	Unopposed MOTION to Extend Scheduling Order Date for Evidentiary Hearing by Edward Leon Fields, Jr. (With attachments) (Ensler, Katherine) Modified on 2/27/2024 to edit event (dma, Deputy Clerk). (Entered: 02/27/2024)
02/27/2024	354	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson GRANTING IN PART <a href="#">353</a> Unopposed Motion to Extend Scheduling Order Date for Evidentiary Hearing as to

		Edward Leon Fields Jr. The motion is granted to the extent that the Evidentiary Hearing is now set for 9/9/2024 at 9:00 AM in Courtroom 2, Room 224, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson. All other deadlines are to remain in place. (pmb, Deputy Clerk) (Entered: 02/27/2024)
05/02/2024	<a href="#">355</a>	Joint MOTION to Extend Two Deadlines in the Eighth Amended Scheduling Order by Edward Leon Fields, Jr. (Labovitz, Hunter) Modified on 5/2/2024 to edit event (dma, Deputy Clerk). (Entered: 05/02/2024)
05/02/2024	356	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson granting <a href="#">355</a> Joint Motion to Extend Two Deadlines in the Eighth Amended Scheduling Order for Evidentiary Hearing as to Edward Leon Fields, Jr. Ninth Amended Scheduling Order to follow. (pmb, Deputy Clerk) (Entered: 05/02/2024)
05/02/2024	<a href="#">357</a>	<b>NINTH AMENDED SCHEDULING ORDER FOR EVIDENTIARY HEARING</b> by Magistrate Judge Gerald L. Jackson as to Edward Leon Fields, Jr.: Discovery due 4/26/2024; Parties shall exchange Expert Witness Reports by 5/24/2024; Exchange of Witness and Exhibit Lists by 7/11/2024; Pre-hearing motions including Motions in Limine shall be filed 45 days prior to the date for the commencement of the Evidentiary Hearing; Witness Lists shall be filed of record on or before 8/12/2024. (pmb, Deputy Clerk) Modified on 5/2/2024 to correct text (pmb, Deputy Clerk). (Entered: 05/02/2024)
05/14/2024	<a href="#">358</a>	Joint MOTION to Continue Evidentiary Hearing by United States of America as to Edward Leon Fields, Jr (With attachments) (Wilson, Christopher) (Entered: 05/14/2024)
05/14/2024	359	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson granting <a href="#">358</a> Joint Motion to Continue Evidentiary Hearing as to Edward Leon Fields, Jr. Accordingly, the Evidentiary Hearing is RESET from 9/9/2024 to 10/7/2024 at 9:00 AM in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson. Tenth Amended Scheduling Order to follow. (pmb, Deputy Clerk) (Entered: 05/14/2024)
05/14/2024	<a href="#">360</a>	<b>TENTH AMENDED SCHEDULING ORDER</b> by Magistrate Judge Gerald L. Jackson as to Edward Leon Fields, Jr.: Parties shall exchange Expert Witness Reports by 5/24/2024; Witness and Exhibit Lists shall be exchanged by 7/11/2024; Pre-hearing motions, including motions in limine, shall be filed 45 days prior to the date for the commencement of the Evidentiary Hearing; Witness List shall be filed of record on or before 8/12/2024. (pmb, Deputy Clerk) (Entered: 05/14/2024)
05/14/2024		Additional Evidentiary Hearings set as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 06/05/2024)
05/17/2024	<a href="#">361</a>	MOTION for Attorney Hayden Nelson-Major to be Admitted Pro Hac Vice (includes a request to waive the fee) by Edward Leon Fields, Jr. (Labovitz, Hunter) (Entered: 05/17/2024)
05/21/2024	362	<b>MINUTE ORDER</b> by District Judge Ronald A. White: granting <a href="#">361</a> Defendant's Motion For Admission of Hayden Nelson-Major Pro Hac Vice as to Edward Leon Fields Jr. (tls, Deputy Clerk) (Entered: 05/21/2024)
06/05/2024	<a href="#">363</a>	Joint MOTION to Reschedule Evidentiary Hearing Date and to Extend Two Deadlines in the Tenth Amended Scheduling Order for Evidentiary Hearing by Edward Leon Fields, Jr. (Ensler, Katherine) (Entered: 06/05/2024)
06/05/2024	364	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson DENYING <a href="#">363</a> Joint MOTION to Extend Scheduling Order Dates, Joint Motion To Reschedule Evidentiary Hearing Date and to Extend Two Deadlines in the Tenth Amended Scheduling Order. Any witnesses unavailable for the original Evidentiary Hearing beginning October 7, 2024

		will be heard November 12-13, 2024 at 9:00 AM in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson. All other deadlines in the <a href="#">360</a> Tenth Amended Scheduling Order shall remain in place as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 06/05/2024)
06/05/2024		Additional Evidentiary Hearing set for 11/12/2024 through 11/13/2024 at 9:00 AM in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson (see document number 364 ) as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 06/05/2024)
07/08/2024	<a href="#">365</a>	Unopposed MOTION for Appointment of Co-Counsel by Edward Leon Fields, Jr. (Ensler, Katherine) (Entered: 07/08/2024)
07/09/2024	<a href="#">366</a>	<b>ORDER</b> by District Judge Ronald A. White granting <a href="#">365</a> Unopposed Motion for Appointment of Co-Counsel and appointing the Federal Defender Office for the Western District of Oklahoma as co-counsel as to Edward Leon Fields Jr. (tls, Deputy Clerk) (Entered: 07/09/2024)
07/09/2024	<a href="#">367</a>	ATTORNEY APPEARANCE (FPD) by Hunter S. Labovitz on behalf of Edward Leon Fields, Jr (Labovitz, Hunter) (Entered: 07/09/2024)
07/11/2024	<a href="#">368</a>	Unopposed MOTION to Unseal Documents No. 5 and 111, and Transcript from ex parte hearing January 12, 2005 (Re: <a href="#">5</a> Sealed Motion) by Edward Leon Fields, Jr. (Labovitz, Hunter) (Entered: 07/11/2024)
07/12/2024	369	<b>MINUTE ORDER</b> by District Judge Ronald A. White referring <a href="#">368</a> Unopposed MOTION to Unseal Documents <i>No. 5 and 111, and Transcript from ex parte hearing January 12, 2005</i> to Magistrate Judge Gerald L. Jackson for final disposition pursuant to Title 28, United States Code, Section 636(b)(1) as to Edward Leon Fields, Jr (tls, Deputy Clerk) (Entered: 07/12/2024)
07/15/2024	370	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson granting <a href="#">368</a> Unopposed MOTION to Unseal Documents No. <a href="#">5</a> and <a href="#">111</a> , and <a href="#">299</a> Transcript from ex parte hearing January 12, 2005. (pmb, Deputy Clerk) Modified on 7/15/2024 (pmb, Deputy Clerk). (Entered: 07/15/2024)
07/29/2024	<a href="#">371</a>	Unopposed MOTION to Appear at Evidentiary Hearing by Video Teleconference (Re: <a href="#">360</a> Scheduling Order) by Edward Leon Fields, Jr. (Labovitz, Hunter) Modified on 7/30/2024 to edit event (dma, Deputy Clerk). (Entered: 07/29/2024)
07/29/2024	<a href="#">372</a>	Unopposed MOTION to Allow Witnesses to Testify by Video Teleconference (Re: <a href="#">360</a> Scheduling Order) by Edward Leon Fields, Jr. (Labovitz, Hunter) Modified on 7/30/2024 to edit event (dma, Deputy Clerk). (Entered: 07/29/2024)
07/30/2024	373	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson setting Telephonic Motion Hearing (Re: <a href="#">371</a> Unopposed MOTION for Petitioner Appear at Evidentiary Hearing by Video Teleconference and <a href="#">372</a> Unopposed MOTION to Allow Petitioner's Specified Witnesses to Testify by Video Teleconference) for 8/5/2024 at 10:00 AM before Magistrate Judge Gerald L. Jackson as to Edward Leon Fields, Jr. The Court will initiate all conference calls. Counsel should forthwith inform Paige Bruce at Paige_Bruce@oked.uscourts.gov and Katherine_Hayes@oked.uscourts.gov as to whether they will be in attendance and of a telephone number where they may be reached, should it be different from the number of record in the case. (pmb, Deputy Clerk) (Entered: 07/30/2024)
08/05/2024	<a href="#">374</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Motion Hearing (Re: <a href="#">371</a> Motion to Appear at Evidentiary Hearing by Video Teleconference; <a href="#">372</a>

		Motion to Allow Witnesses to Testify by Video Teleconference) held on 8/5/2024, as to Edward Leon Fields, Jr. (kch, Deputy Clerk) (Entered: 08/05/2024)
08/05/2024	375	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: Plaintiff's Unopposed Motion to Appear at Evidentiary Hearing by Video Teleconference (Docket No. <a href="#">371</a> ) is hereby GRANTED. Defendant is hereby directed to notify the Court on or before Thursday, September 5, 2024, to confirm the technology is in place to facilitate Defendant's appearance by video teleconference for the evidentiary hearing beginning Monday, October 7, 2024, at 9:00 a.m. Defendant is further directed that notification to the Court must include a statement identifying the attorney who will be present in person with Defendant during the evidentiary hearing and what, if any, means of communication will be available between Counsel at the hearing and Counsel present with Defendant by video teleconference. (kch, Deputy Clerk) (Entered: 08/05/2024)
08/05/2024	376	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: Plaintiff's Unopposed Motion to Allow Witnesses to Testify by Video Teleconference (Docket No. <a href="#">372</a> ) is GRANTED IN PART, DENIED IN PART, and HELD IN ABEYANCE in part. The motion is GRANTED as to witnesses Erin David Bigler, Ph.D., and Alan Stephen Kaufman, Ph.D.; DENIED as to Clark Clipson, Ph.D., Susan Koslow, M.D., Keving McNally, Esq., Richard Burr, Esq., Michael Burt, Esq., Joseph T. Stanik, and Raymond J. Mach; and HELD IN ABEYANCE as to Gloria Shettles. Defendant is hereby DIRECTED to provide a supplement as to witness Gloria Shettles on or before Monday, August 19, 2024, as to her availability to testify in person. (kch, Deputy Clerk) (Entered: 08/05/2024)
08/06/2024	<a href="#">377</a>	SUPPLEMENT (Re: 376 Ruling on Motion for Leave to Appear, <a href="#">372</a> MOTION for Leave to Appear) as to Edward Leon Fields, Jr (Nelson-Major, Hayden) (Entered: 08/06/2024)
08/06/2024	378	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: In light of the Supplement (Docket No. <a href="#">377</a> ) provided as directed by the Court (Docket No. 376 ), Defendant's motion for witness Gloria Shettles to testify by video at the upcoming evidentiary hearing (Docket No. <a href="#">372</a> ) beginning Monday, October 7, 2024, at 9:00 a.m. is GRANTED as to Edward Leon Fields, Jr. (tjm, Deputy Clerk) (Entered: 08/06/2024)
08/08/2024	<a href="#">379</a>	Supplemental MOTION Regarding his Videoconference Appearance at the Upcoming Evidentiary Hearing (Re: 375 Ruling on Motion for Leave to Appear) by Edward Leon Fields, Jr. (Nelson-Major, Hayden) (Entered: 08/08/2024)
08/08/2024	<a href="#">380</a>	<b>ORDER</b> by Magistrate Judge Gerald L. Jackson: granting <a href="#">379</a> MOTION to Supplement Regarding his Videoconference Appearance at the Upcoming Evidentiary Hearing as to Edward Leon Fields Jr. (tjm, Deputy Clerk) (Main Document 380 replaced on 8/8/2024) (tjm, Deputy Clerk). (Entered: 08/08/2024)
08/09/2024	<a href="#">381</a>	MOTION to Allow Witness Richard Burr, Esq., to Testify Via Videoconferencing by Edward Leon Fields, Jr. (With attachments)(Nelson-Major, Hayden) (Entered: 08/09/2024)
08/12/2024	<a href="#">382</a>	WITNESS LIST by United States of America as to Edward Leon Fields, Jr (Stewart, Aaron) (Entered: 08/12/2024)
08/12/2024	383	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: Defendant is hereby directed to supplement <a href="#">381</a> Motion to Allow Witness Richard Burr, Esq., to Testify Via Videoconferencing, on or before Monday, August 19, 2024, with supporting information for the motion including: (i) the length of Mr. Burr's expected testimony, (ii) the subject matter and relevance of his testimony to the evidentiary hearing, and (iii) the length of time his testimony would require him to be absent from his caretaking duties, including travel time and distance. (pmb, Deputy Clerk) (Entered: 08/12/2024)



08/12/2024	<a href="#">384</a>	EXHIBIT LIST for Evidentiary Hearing as to Edward Leon Fields, Jr (Ensler, Katherine) (Entered: 08/12/2024)
08/12/2024	<a href="#">385</a>	WITNESS LIST for Evidentiary Hearing as to Edward Leon Fields, Jr (Ensler, Katherine) (Entered: 08/12/2024)
08/13/2024	<a href="#">386</a>	SUPPLEMENT (Re: <a href="#">381</a> MOTION to Allow Witness Richard Burr, Esq., to Testify Via Videoconferencing) as to Edward Leon Fields, Jr. (Labovitz, Hunter) (Entered: 08/13/2024)
08/13/2024	387	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: In light of <a href="#">386</a> Supplement, the <a href="#">381</a> MOTION to Allow Witness Richard Burr, Esq., to Testify Via Videoconferencing is hereby GRANTED as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 08/13/2024)
08/14/2024	<a href="#">388</a>	EXHIBIT LIST by United States of America as to Edward Leon Fields, Jr (Wilson, Christopher) (Entered: 08/14/2024)
08/19/2024	<a href="#">389</a>	MOTION in Limine by United States of America as to Edward Leon Fields, Jr (Stewart, Aaron) (Main Document 389 replaced on 8/20/2024) (pmb, Deputy Clerk). Modified on 10/4/2024 (tjm, Deputy Clerk). (Entered: 08/19/2024)
08/26/2024	<a href="#">390</a>	RESPONSE in Opposition to Motion (Re: <a href="#">389</a> MOTION in Limine ) by Edward Leon Fields, Jr (With attachments)(Nelson-Major, Hayden) (Entered: 08/26/2024)
08/29/2024	<a href="#">391</a>	REPLY to Response to Motion (Re: <a href="#">389</a> MOTION in Limine ) by United States of America as to Edward Leon Fields, Jr (Stewart, Aaron) (Entered: 08/29/2024)
08/29/2024	<a href="#">392</a>	Unopposed MOTION for Order for Issuance of Subpoenas and Payment of Travel Costs and Witness Fees (Re: <a href="#">280</a> Ruling on Motion for Appointment, Ruling on Motion for Appointment of Counsel) by Edward Leon Fields, Jr. (With attachments) (Nelson-Major, Hayden) (Entered: 08/29/2024)
08/30/2024	<a href="#">393</a>	<b>ORDER</b> by Magistrate Judge Gerald L. Jackson granting <a href="#">392</a> Petitioner's Unopposed Motion for Order for Issuance of Subpoenas and Payment of Travel Costs and Witness Fees as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 08/30/2024)
09/04/2024	<a href="#">394</a>	NOTICE Regarding Petitioner's Video Teleconference Appearance at the Upcoming Evidentiary Hearing (Re: 375 Ruling on Motion for Leave to Appear) as to Edward Leon Fields, Jr (Nelson-Major, Hayden) (Entered: 09/04/2024)
09/09/2024	<a href="#">395</a>	Joint Pre-Hearing Statement (Re: <a href="#">360</a> Scheduling Order) as to Edward Leon Fields, Jr (Labovitz, Hunter) (Entered: 09/09/2024)
09/11/2024	<a href="#">396</a>	MOTION for Attorney Katherine Thompson to be Admitted Pro Hac Vice (includes a request to waive the fee) by Edward Leon Fields, Jr. (Nelson-Major, Hayden) (Entered: 09/11/2024)
09/11/2024	397	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson granting <a href="#">396</a> Defendant's Motion For Admission Pro Hac Vice of Katherine Thomson as to Edward Leon Fields Jr. (rak, Deputy Clerk) (Entered: 09/11/2024)
09/18/2024	<a href="#">398</a>	MOTION to Withdraw His Request to Appear by Video Teleconference at the Upcoming Evidentiary Hearing by Edward Leon Fields, Jr. (Nelson-Major, Hayden) (Entered: 09/18/2024)
09/18/2024	399	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: granting <a href="#">398</a> MOTION to Withdraw His Request to Appear by Video Teleconference at the Upcoming Evidentiary Hearing as to Edward Leon Fields Jr. (tjm, Deputy Clerk) (Entered: 09/18/2024)

09/18/2024	400	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: In light of this Court's Order (Docket No. 399 ) granting Petitioner's Request to Withdraw his Appearance at the Evidentiary Hearing (Docket No. <a href="#">398</a> ) set to begin on Monday, October 7, 2024, Defendant is hereby directed to confer with Courthouse staff (toni_moore@oked.uscourts.gov) and notify the Court on or before Monday, September 30, 2024, to confirm the technology is in place to facilitate appearance by video teleconference for each witness previously granted leave to appear by video. Defendant is further instructed to notify the Court each evening before the evidentiary hearing is adjourned as to whether any witnesses will be appearing by video teleconference the following day. For any witnesses appearing by video on Monday, October 7, 2024, Defendant is directed to notify the Court on or before October 4, 2024, by email at GLJIntake_oked@oked.uscourts.gov as to Edward Leon Fields, Jr. (tjm, Deputy Clerk) (Entered: 09/18/2024)
09/24/2024	<a href="#">401</a>	Amended EXHIBIT LIST as to Edward Leon Fields, Jr (Labovitz, Hunter) (Entered: 09/24/2024)
09/30/2024	<a href="#">402</a>	SUBPOENA returned executed as to Isaiah Gant. (mdc, Deputy Clerk) (Main Document 402 replaced on 9/30/2024) (jld, Deputy Clerk). (Entered: 09/30/2024)
09/30/2024	403	<b>MINUTE ORDER</b> by District Judge Ronald A. White referring <a href="#">305</a> Second or Successive MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 to Magistrate Judge Gerald L. Jackson for Report and Recommendation pursuant to Title 28, United States Code, Section 636(b)(1) as to Edward Leon Fields, Jr (tls, Deputy Clerk) (Entered: 09/30/2024)
09/30/2024	404	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson setting <a href="#">389</a> Motion in Limine for Hearing on 10/4/2024 at 11:30 AM by phone before Magistrate Judge Gerald L. Jackson as to Edward Leon Fields, Jr. The Court will initiate the call. Counsel should inform Toni Moore at Toni_Moore@oked.uscourts.gov of a number where they may be reached, should it be different from the number of record in the case. (tjm, Deputy Clerk) (Entered: 09/30/2024)
09/30/2024	<a href="#">405</a>	SUBPOENA returned Executed as to Michael Abel. (jld, Deputy Clerk) (Entered: 09/30/2024)
09/30/2024	<a href="#">406</a>	NOTICE Regarding Video Teleconference Technology at the Upcoming Evidentiary Hearing (Re: 400 Order) as to Edward Leon Fields, Jr (Labovitz, Hunter) (Entered: 09/30/2024)
10/03/2024	407	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: Counsel for Edward Leon Fields, Jr. is directed to provide forthwith for the Courts use a bound copy of the pleading and/or exhibits as filed at Dkt. # <a href="#">305</a> . Said manual copies shall be EXACT duplicates of the pleading and/or exhibits AFTER said pleading(s) was filed with the Court, including the case and docket number information at the top of each page. Do not reorganize the document or insert other separately docketed items. If copies of sealed items are hereby ordered by the Court, then said copies shall be a separate and complete submission as to Edward Leon Fields, Jr. (Re: <a href="#">305</a> MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 ) (tls, Deputy Clerk) (Entered: 10/03/2024)
10/04/2024	<a href="#">408</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Telephonic Motion Hearing held on 10/4/2024 as to Edward Leon Fields, Jr. Court Reporter: Shelley Ottwell. (Re: <a href="#">389</a> MOTION in Limine ) (tjm, Deputy Clerk) (Entered: 10/04/2024)
10/07/2024	<a href="#">409</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Evidentiary Hearing (Day 1) held on 10/7/2024 as to Edward Leon Fields, Jr. (Court Reporter: Joanna Smith) (kch, Deputy Clerk) (Entered: 10/07/2024)

10/08/2024	<a href="#">410</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Evidentiary Hearing (Day 2) held on 10/8/2024 as to Edward Leon Fields, Jr. (Court Reporter: Shelley Ottwell) (kch, Deputy Clerk) (Entered: 10/08/2024)
10/09/2024	<a href="#">411</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Evidentiary Hearing (Day 3) held on 10/9/2024 as to Edward Leon Fields, Jr. (Court Reporter: Shelley Ottwell) (kch, Deputy Clerk) (Entered: 10/09/2024)
10/10/2024	<a href="#">412</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Evidentiary Hearing (Day 4) held on 10/10/2024 as to Edward Leon Fields, Jr. (Court Reporter: Karla McWhorter) (kch, Deputy Clerk) (Entered: 10/10/2024)
10/11/2024	<a href="#">413</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Evidentiary Hearing (Day 5) held on 10/11/2024 as to Edward Leon Fields, Jr. Evidentiary hearing continued to November 12-13, 2024, at 9:00 a.m. in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson. (Court Reporter: Karla McWhorter) (kch, Deputy Clerk) (Entered: 10/11/2024)
10/11/2024		Set Hearing as to Edward Leon Fields, Jr: Evidentiary Hearing set for 11/13/2024 at 9:00 a.m. in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson (see document number <a href="#">413</a> ) as to Edward Leon Fields, Jr. (dma, Deputy Clerk) (Entered: 11/04/2024)
10/11/2024		Set/Reset Hearings as to Edward Leon Fields, Jr: Evidentiary Hearing set for 11/12/2024 at 9:00 a.m. AND 11/13/2024 at 9:00 a.m. in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson (see document number <a href="#">413</a> ) as to Edward Leon Fields, Jr (dma, Deputy Clerk) (Entered: 11/04/2024)
10/15/2024	414	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: The parties are hereby directed to submit to the Court on or before Friday, October 18, 2024, dates of availability in November 2024 and December 2024 for continuance of the evidentiary hearing, as previously directed by the Court and in relation to the proposed dates already provided. This case is further set for Telephonic Status Conference Wednesday, October 23, 2024, at 10:00 a.m. as to Edward Leon Fields, Jr. Counsel should inform Paige Bruce at Paige_Bruce@oked.uscourts.gov by October 21, 2024 at 4:30 p.m. as to whether they will be in attendance and of a telephone number where they may be reached, should it be different from the number of record in the case. (pmb, Deputy Clerk) (Entered: 10/15/2024)
10/21/2024	<a href="#">415</a>	Unopposed MOTION to Reconsider Portion of Minute Order Dated August 5, 2024, to Allow Witness Michael Burt, Esq., to Testify via Videoconferencing (Re: 376 Ruling on Motion for Leave to Appear) by Edward Leon Fields, Jr. (Thompson, Katherine) (Entered: 10/21/2024)
10/22/2024	<a href="#">416</a>	Unopposed MOTION for Order for Issuance of Subpoenas and Payment of Travel Costs and Witness Fees (Re: <a href="#">280</a> Ruling on Motion for Appointment, Ruling on Motion for Appointment of Counsel) by Edward Leon Fields, Jr. (Nelson-Major, Hayden) Modified on 10/23/2024 to edit event (dma, Deputy Clerk). (Entered: 10/22/2024)
10/23/2024	<a href="#">417</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Telephonic Status Conference held on 10/23/2024 as to Edward Leon Fields, Jr. (Court Reporter: Shelley Ottwell) (pmb, Deputy Clerk) (Entered: 10/23/2024)
10/23/2024	418	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: Any witnesses remaining after the November 12-13, 2024, continuation of the October 2024 Evidentiary Hearing are to be heard on December 9-11, 2024, at 9:00 AM in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L.

		Jackson. Additionally, the <a href="#">415</a> Petitioner's Unopposed Motion for Reconsideration of Portion of Minute Order Dated August 5, 2024, to Allow Witness Michael Burt, Esq., to Testify via Videoconferencing and the <a href="#">416</a> Petitioner's Unopposed Motion for Order for Issuance of Subpoenas and Payment of Travel and Costs and Witness Fees are hereby held in ABEYANCE until the conclusion of the November 12-13, 2024 portion of the Evidentiary Hearing as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 10/23/2024)
11/01/2024	<a href="#">419</a>	TRANSCRIPT of Proceedings (Unredacted) of Evidentiary Hearing - Volume I - held on October 7, 2024, before Magistrate Judge Gerald L. Jackson (Court Reporter: Joanna Smith) (Pages: 1-243) A party must file a Transcript Redaction Request within 21 calendar days. If a party fails to request redaction, this unredacted transcript may be made electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or may view the transcript at the court public terminal. There is no charge to view the transcript at the court public terminal. (Re: <a href="#">409</a> Minutes of Evidentiary Hearing) as to Edward Leon Fields, Jr (js, Court Reporter) (Entered: 11/01/2024)
11/05/2024	<a href="#">420</a>	TRANSCRIPT of Proceedings (Unredacted) of Evidentiary Hearing - Volume II - held on October 8, 2024, before Magistrate Judge Gerald L. Jackson (Court Reporter: Shelley Ottwell) (Pages: 244-489) A party must file a Transcript Redaction Request within 21 calendar days. If a party fails to request redaction, this unredacted transcript may be made electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or may view the transcript at the court public terminal. There is no charge to view the transcript at the court public terminal. (Re: <a href="#">410</a> Minutes of Evidentiary Hearing) as to Edward Leon Fields, Jr (sdo, Court Reporter) (Entered: 11/05/2024)
11/05/2024	<a href="#">421</a>	TRANSCRIPT of Proceedings (Unredacted) of Evidentiary Hearing - Volume III - held on October 9, 2024, before Magistrate Judge Gerald L. Jackson (Court Reporter: Shelley Ottwell) (Pages: 490-765) A party must file a Transcript Redaction Request within 21 calendar days. If a party fails to request redaction, this unredacted transcript may be made electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or may view the transcript at the court public terminal. There is no charge to view the transcript at the court public terminal. (Re: <a href="#">411</a> Minutes of Evidentiary Hearing) as to Edward Leon Fields, Jr (sdo, Court Reporter) (Entered: 11/05/2024)
11/05/2024	<a href="#">422</a>	TRANSCRIPT of Proceedings (Unredacted) of Evidentiary Hearing - Volume IV - held on October 10, 2024 before Magistrate Judge Gerald L. Jackson (Court Reporter: Karla McWhorter) (Pages: 766-995) A party must file a Transcript Redaction Request within 21 calendar days. If a party fails to request redaction, this unredacted transcript may be made electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or may view the transcript at the court public terminal. There is no charge to view the transcript at the court public terminal. (Re: <a href="#">412</a> Minutes of Evidentiary Hearing) as to Edward Leon Fields, Jr (ksm, Court Reporter) (Entered: 11/05/2024)
11/06/2024	<a href="#">423</a>	Unopposed MOTION to Postpone the Hearing Scheduled for November 12 and 13, 2024 by Edward Leon Fields, Jr. (Enslar, Katherine) Modified on 11/6/2024 to edit event (dma, Deputy Clerk). (Entered: 11/06/2024)
11/06/2024	424	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson granting <a href="#">423</a> Unopposed Motion to Postpone Evidentiary Hearing. The Evidentiary Hearing is RESET from November 12-13, 2024 to December 5-6, 2024, at 9:00 AM in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L.

		Jackson and likewise remains set for December 9-11, 2024, as necessary following the continuation on December 5-6, 2024. Additionally, the <a href="#">415</a> Petitioner's Unopposed Motion for Reconsideration of Portion of Minute Order dated August 5, 2024, to Allow Witness Michael Burt, Esq., to Testify via Videoconferencing and the <a href="#">416</a> Petitioner's Unopposed Motion for Order for Issuance of Subpoenas and Payment of Travel and Costs and Witness Fees are now held in ABEYANCE until the conclusion of the December 5-6, 2024 portion of the Evidentiary Hearing as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 11/06/2024)
11/08/2024	<a href="#">425</a>	TRANSCRIPT of Proceedings (Unredacted) of Evidentiary Hearing Volume V held on October 11, 2024 before Magistrate Judge Gerald L. Jackson (Court Reporter: Karla McWhorter) (Pages: 996-1209) A party must file a Transcript Redaction Request within 21 calendar days. If a party fails to request redaction, this unredacted transcript may be made electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or may view the transcript at the court public terminal. There is no charge to view the transcript at the court public terminal. (Re: <a href="#">413</a> Minutes of Evidentiary Hearing) as to Edward Leon Fields, Jr (ksm, Court Reporter) (Main Document 425 replaced on 11/12/2024) (dma, Deputy Clerk). (Entered: 11/08/2024)
11/13/2024	426	<b>AMENDED MINUTE ORDER</b> by District Judge Ronald A. White clarifying the Minute Order entered on 9/26/2023 (Re: Dkt. No. 344 ). This matter was referred to Magistrate Judge Gerald L. Jackson for purposes of an evidentiary hearing and Report and Recommendation pursuant to Title 28, United States Code, Section 636(b)(1) as to <a href="#">286</a> MOTION to Vacate/Set Aside/Correct Sentence under 28 U.S.C. 2255 as set forth in the remand from the Tenth Circuit (Re: Dkt No. 304 ; see also CIV-10-115-RAW, Docket Nos. 139, 140) as Edward Leon Fields, Jr. (tls, Deputy Clerk) (Entered: 11/13/2024)
11/19/2024	<a href="#">427</a>	Unopposed MOTION to Allow Witness to Testify Via Videoconferencing by Edward Leon Fields, Jr. (Nelson-Major, Hayden) (Entered: 11/19/2024)
11/19/2024	<a href="#">428</a>	Unopposed MOTION for Order for Issuance of Subpoena and Payment of Travel Costs and Witness Fees by Edward Leon Fields, Jr. (Nelson-Major, Hayden) Modified on 11/26/2024 to edit event (dma, Deputy Clerk). (Entered: 11/19/2024)
11/19/2024	<a href="#">429</a>	NOTICE of Withdrawal of Motion to Allow Witness to Testify Via Videoconferencing (Re: <a href="#">427</a> MOTION) as to Edward Leon Fields, Jr (Nelson-Major, Hayden) (Entered: 11/19/2024)
11/20/2024	430	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson setting Telephonic Status Conference and Motion Hearing (Re: <a href="#">389</a> Motion in Limine; <a href="#">415</a> Petitioner's Unopposed Motion for Reconsideration of Portion of Minute Order dated August 5, 2024, to Allow Witness Michael Burt, Esq., to Testify via Videoconferencing; <a href="#">416</a> Petitioner's Unopposed Motion for Order for Issuance of Subpoenas and Payment of Travel and Costs and Witness Fees; <a href="#">428</a> Unopposed Motion for Order for Issuance of Subpoena and Payment of Travel Costs and Witness Fees as to Edward Leon Fields, Jr., for Monday, December 2, 2024, at 10:00 a.m. The Court will initiate all conference calls. Counsel should forthwith inform Paige Bruce at Paige_Bruce@oked.uscourts.gov as to whether they will be in attendance and of a telephone number where they may be reached, should it be different from the number of record in the case. (pmb, Deputy Clerk) (Entered: 11/20/2024)
11/20/2024	431	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson denying as moot <a href="#">427</a> Petitioner's Unopposed Motion to Allow Witness to Testify Via Videoconferencing as to Edward Leon Fields Jr. (pmb, Deputy Clerk) (Entered: 11/20/2024)

12/02/2024	<a href="#">432</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Telephonic Status Conference/Motion Hearing (Re: <a href="#">389</a> Motion in Limine; <a href="#">415</a> Unopposed Motion to Reconsider Portion of Minute Order Dated August 5, 2024, to Allow Witness Michael Burt, Esq., to Testify via Videoconferencing; <a href="#">416</a> Unopposed MOTION for Order for Issuance of Subpoenas and Payment of Travel Costs and Witness Fees; and <a href="#">428</a> Unopposed MOTION for Order for Issuance of Subpoenas and Payment of Travel Costs and Witness Fees) held on 12/2/2024 as to Edward Leon Fields, Jr. (Court Reporter: Karla McWhorter) (pmb, Deputy Clerk) (Entered: 12/02/2024)
12/02/2024	<a href="#">433</a>	<b>ORDER</b> by Magistrate Judge Gerald L. Jackson: Upon sua sponte reconsideration, the <a href="#">389</a> MOTION in Limine as to Edward Leon Fields, Jr. is GRANTED IN PART and DENIED IN PART. (pmb, Deputy Clerk) (Entered: 12/02/2024)
12/02/2024	434	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson DENYING <a href="#">415</a> Unopposed Motion to Reconsider Portion of Minute Order Dated August 5, 2024, to Allow Witness Michael Burt, Esq., to Testify via Videoconferencing as to Edward Leon Fields, Jr. (pmb, Deputy Clerk) (Entered: 12/02/2024)
12/02/2024	435	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: The <a href="#">416</a> Unopposed MOTION for Order for Issuance of Subpoenas and Payment of Travel Costs and Witness Fees is hereby GRANTED ONLY as to witness Joseph T. Stanik. (pmb, Deputy Clerk) (Entered: 12/02/2024)
12/02/2024	436	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: The <a href="#">428</a> Unopposed MOTION for Order for Issuance of Subpoenas and Payment of Travel Costs and Witness Fees is hereby DENIED. (pmb, Deputy Clerk) (Entered: 12/02/2024)
12/04/2024	437	<b>MINUTE ORDER</b> by Magistrate Judge Gerald L. Jackson: Upon consultation with the parties, any remaining portion of the referred Evidentiary Hearing as to Edward Leon Fields, Jr. (Docket No. 426 ) not completed in December 2024 shall be set for Wednesday, January 22, 2025, at 9:00 a.m. in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson. No further extensions of the Evidentiary Hearing shall be granted. (pmb, Deputy Clerk) (Entered: 12/04/2024)
12/05/2024	<a href="#">438</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Evidentiary Hearing (Day 6) held on 12/5/2024 as to Edward Leon Fields, Jr. (Court Reporter: Karla McWhorter) (pmb, Deputy Clerk) (Entered: 12/05/2024)
12/06/2024	<a href="#">439</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Evidentiary Hearing (Day 7) held on 12/6/2024 as to Edward Leon Fields, Jr. (Court Reporter: Joanna Smith) (pmb, Deputy Clerk) (Entered: 12/06/2024)
12/09/2024	<a href="#">440</a>	MINUTES of Proceedings held before Magistrate Judge Gerald L. Jackson: Evidentiary Hearing held on 12/9/2024 as to Edward Leon Fields, Jr. The remaining portion of the referred Evidentiary Hearing as to Edward Leon Fields Jr., is set for January 22, 2025, at 9:00 a.m. in Courtroom 4, Room 420, US Courthouse, 5th & Okmulgee, Muskogee, OK before Magistrate Judge Gerald L. Jackson. (Court Reporter: Shelley Ottwell) (pmb, Deputy Clerk) (Entered: 12/09/2024)

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