

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

**MAY 14 2026**

**RICK WARREN  
COURT CLERK**

STATE OF OKLAHOMA, )  
 )  
 Plaintiff, )  
 )  
 v. ) CF-1997-244  
 )  
 RICHARD EUGENE GLOSSIP, )  
 )  
 Defendant. )

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**ORDER**

On February 12, 2026, the Motion to Set Bail came on for a hearing before this Court for consideration of whether Defendant, Richard Glossip (“Glossip”), should be granted bail pending remand for a new trial on the charge of Murder in the First Degree of Barry Van Treese. Glossip appeared at the hearing with counsels Miller, Bookman, Olive, Clarke, Knight, Schardl, and Brewster. The State appeared by Assistant Attorneys General Harmon, Lutz, and Hinsperger.

Neither Glossip nor the State presented witnesses. The State submitted affidavits from Glossip’s former spouses, detailing their experiences with Glossip and opinions of his character, and a phone call. Glossip submitted a letter from Attorney General Gentner Drummond to the Honorable Members of the Pardon and Parole Board and a list of capital cases in Oklahoma wherein bail was granted. In a supplement to the Court record on May 13, 2026, Glossip submitted letters from family, friends, and members of the faith community showing spousal, family, and community ties, ability of spouse to provide care

and support for Glossip, need for out-of-detention medical care and treatment, and family and faith community support structure should he be granted bail.

The State asserts that the evidence against Glossip remains strong and a third trial free of the previous errors will result in the same verdict. Glossip contends that the State's evidence of his guilt was initially weak, but has since eroded further over time. He argues that since the second jury trial in 2004, newly produced evidence demonstrating prosecutorial misconduct rendered the testimony of Justin Sneed ("Sneed"), the State's main witness against Glossip, completely unworthy of belief. Further, that the Court should adopt and follow the factual findings in *Glossip v. Oklahoma*, 604 U.S. 226 (2025).

The Court took judicial notice of the court record, transcripts of the preliminary hearing, the 1998 and 2004 jury trial proceedings, *Glossip v. Oklahoma*, 29 P.3d 597 (2001), as corrected (August 17, 2001) 29 P.3d 597 (2001), *Glossip v. State*, 157 P.3d 143 (2007), *Glossip v. State*, 529 P.3d 218 (2023), postconviction proceedings leading up to and including *Glossip v. Oklahoma*, 604 U.S. 226 (2025), the June 2025 bail hearing before Oklahoma County District Judge Heather Coyle, the July 2025 Order Denying Glossip's Motion to Set Bail, Glossip's Supplement to Motion to Set Bond filed April 13, 2026, and the State's Response thereto, filed April 24, 2026.

#### PROCEDURAL HISTORY

Though this case has spanned 29 years and counting since its filing on January 15, 1997, the Court is now tasked with a decision typically made near the inception of a case - whether to grant Glossip bail pending a jury trial on the merits on a single charge of Murder

in the First Degree. A brief synopsis of the procedural history from the court record and post-conviction proceedings in this case is helpful to bring it to the present status.

1. On January 15, 1997, the State filed its information in this case alleging one count of Murder in the First Degree against Sneed.

2. Glossip was charged by information on the same day in CF-1997-256 with one count of Accessory to a Felony, to wit Murder.

3. On January 23, 1997, the State amended its information in this case to add one count of Murder in the First Degree against Glossip.

4. The Court dismissed CF-1997-256 on January 27, 1997, at the request of the State.

5. The Court held a preliminary hearing on April 22-23, 1997, for Glossip.

6. On April 23, 1997, the State filed its Bill of Particulars to give notice of its intent to seek the death penalty against Glossip.

7. The Court bound Glossip for trial on Count 1: Murder in the First Degree against Barry Van Treese on April 28, 1997.

8. The capital jury trial against Glossip was conducted from June 1 through June 11, 1998 (“Glossip 1”), on a single count of Murder in the First Degree against Glossip for the death of Barry Van Treese. On June 10, 1998, the jury found Glossip guilty of Murder in the First Degree. The jury recommended a death sentence on June 11, 1998.

9. On June 18, 1998, Sneed pled guilty to one count of Murder in the First Degree against Barry Van Treese and sentenced to life without parole.

10. The Court sentenced Glossip to death on August 14, 1998.

11. On July 17, 2001, and as corrected on August 17, 2001, the Court of Criminal Appeals of Oklahoma reversed Glossip's death sentence on two grounds: 1) ineffective assistance of trial counsel due to lack of preparation, failure to utilize available impeachment evidence against Sneed, upon whose testimony the State's entire case relied, and failure to formulate any type of trial strategy and 2) defendant was entitled to an instruction on accessory after the fact. *Glossip v. Oklahoma*, 29 P.3d 597 (2001), as corrected (August 17, 2001) 29 P.3d 597, 602-604 (2001) ("Glossip Appeal 1").

12. Following remand, both the State and Glossip commenced a series of robust motion practice. The State also filed an Amended Bill of Particulars in re Punishment.

13. On May 11, 2004, the second jury trial against Glossip commenced through June 2, 2004 ("Glossip 2"). The jury found Glossip guilty of Murder in the First Degree on June 1, 2004, and recommended a death sentence on June 3, 2004.

14. The Court followed the jury's recommendation and sentenced Glossip to death on August 27, 2004.

15. On April 13, 2007, the Court of Criminal Appeals of Oklahoma, by a vote of three to two, affirmed Glossip's death sentence. *Richard Eugene Glossip v. State of Oklahoma*, 157 P.3d 143 (2007) ("Glossip Appeal 2").

16. Glossip commenced numerous postconviction applications and proceedings in both state and federal courts challenging his conviction and sentence from the remainder of 2007 through early 2025.

17. During the postconviction period, the State released seven boxes of case files to Glossip. Glossip then filed his fourth motion for postconviction relief alleging: 1) the

State violated *Brady v. Maryland*, 373 U.S. 83 (1963) (a prosecutor has a duty to disclose exculpatory evidence), and 2) the prosecution violated the rule of sequestration. The State opposed Glossip's motion.

18. In January 2023, the State released an additional 8<sup>th</sup> box of evidence to Glossip. Based on information from the Glossip 2 prosecutor's notes contained therein, Glossip filed his fifth postconviction application in March 2023, alleging a *Brady* violation for failure to provide evidence of Sneed's previously unknown bipolar disorder. The State supported Glossip's application, arguing the prosecutor's notes released in the eighth box proved the prosecutors violated *Brady* and *Napue v. Illinois*, 360 U.S. 264 (1959) (a prosecutor has an obligation to correct known false testimony).

19. On April 20, 2023, the Court of Criminal Appeals of Oklahoma unanimously denied Glossip's fifth motion for postconviction relief, finding Glossip's actual innocent claim was procedurally barred and that both claims failed on the merits. *Glossip v. State*, 529 P.3d 218 (2023).

20. On February 25, 2025, the Supreme Court of the United States reversed the judgment of the Oklahoma Court of Criminal Appeals and remanded the case for further proceedings not inconsistent with its opinion. *Glossip v. Oklahoma*, 604 U.S. 226 (2025).

21. On April 22, 2025, the Court of Criminal Appeals of Oklahoma issued mandate to the district court directing a new trial to be held.

22. Glossip filed his Motion to Set Bond with the motion heard by the Honorable Heather Coyle on June 17, 2025. The Court denied bond by written order, citing exclusively

to the Glossip 2 jury trial, except one reference to Sneed's testimony in the Glossip 1 jury trial.

23. The undersigned was assigned this case on December 5, 2025, after a series of recusals.

24. On December 23, 2025, Glossip filed his second Motion to Set Bond with hearing held on February 12, 2026, and the record reopened on May 13, 2026, for Glossip to admit Exhibit 3 without objection from the State.

#### LEGAL AUTHORITY

Article II, Section 8 of the Oklahoma Constitution, effective July 1, 1989, provides:

1. All persons shall be bailable by sufficient sureties, except that bail may be denied for:
  1. capital offenses when the proof of guilt is evident, or the presumption thereof is great;
  2. violent offenses;
  3. offenses where the maximum sentence may be life imprisonment or life imprisonment without parole;
  4. felony offenses where the person charged with the offense has been convicted of two or more felony offenses arising out of different transactions; and
  5. controlled dangerous substances offenses where the maximum sentence may be at least ten (10) years imprisonment.

On all offenses specified in paragraphs 2 through 5 of this section, the proof of guilt must be evident, or the presumption must be great, and it must be on the grounds that no condition of release would assure the safety of the community or any person.

Okla. Const., art. II, § 8(A) (emphasis added).

It is the bedrock principle of Oklahoma law that bail is not used as a form of punishment. Rather, bail is simply the means to ensure that a defendant will appear to face the charges pending against him. *Brill v. Gurich*, 965 P.2d 404, 408 (1998). Before July 1, 1989, the Oklahoma Constitution made all offenses, except capital offenses, bailable. Okla. Const., art. II, § 8, *Creech v. State*, Okl. Cr., 500 P.2d 861 (1972). Bail is guaranteed to an accused subject to limited exceptions based upon the legal principle that a person accused of a crime is presumed to be innocent of the charged offense and shall be admitted to bail until his or her guilt has been determined. *Petition of Humphrey*, 601 P.2d 103, 106 (1979). Bail is a means for the court to ensure sufficient security that the defendant will appear for all court proceedings. The presumption of innocence will lose its meaning unless the right to bail before trial is preserved. Bail before a conviction permits the defense to adequately prepare for its case. *Stack v. Boyle*, 342 U.S. 1, 4 (1951).

The citizens of Oklahoma, by way of State Question No. 612, Legislative Referendum No. 269, adopted a constitutional amendment mandating that all persons, including those charged with a capital offense, shall be eligible for bail except for very limited circumstances. Okla. Const., art. II, § 8(A). By amending Section 8 of Article 2 of the Oklahoma Constitution to include capital crimes, the citizens of Oklahoma expressed the clear dictate that bail, even in a capital case, must not be used as a tool of punishment and that bail denial is allowed only when proof is evident, or the presumption thereof is great. *Id.* “The burden of proof as to the provisions of Article 2, Section 8, is that of clear and convincing evidence”. *Brill v. Gurich*, 965 P.2d, 408 (1998). If bail is *denied*, the court must follow certain procedural requirements including issuing a written order with specific

findings of fact and a statement of the reasons for detention, as supported by clear and convincing evidence. *Id.* Judges are tasked with the application of the Oklahoma Constitution relating to bail and adherence to federal constitutional due process rights. *Id.* 406, *United States v. Salerno*, 481 U.S. 739, 741 (1987).

The crime with which Mr. Glossip stands charged, Murder in the First Degree, is a capital offense. *See* 21 O.S.Supp.1987, § 701.9 (A); *In re Kennedy*, 512 P.2d 201, 203-04 (1973); *Martley v. State*, 519 P.2d 544, 548 (1974).

#### ANALYSIS

Glossip concedes at the bond hearing on February 12, 2026, he is charged with a capital crime. This Court is beholden to the directive of the citizens of Oklahoma through their 1989 vote amending Article 2, Section 8 of the Oklahoma Constitution to include bail eligibility for a defendant charged with a capital crime such as Glossip. Further, that bail must not be used as a tool of punishment and must be granted except through narrow circumstances unless there exist clear and convincing evidence that “proof of guilt is evident, or the presumption thereof is great.” *Brill*, 965 P.2d 404, 407-08 (1998), Okla. Const. art. II, § 8 (A). Glossip has been in custody since January 1997, thus the Court recognizes its ongoing duty to adjudicate bail when requested to do so.

Typically, when a court must make a bail decision, it is extremely rare that the record is as well developed as it is in this case. The Oklahoma Court of Criminal Appeals found in Glossip Appeal 1 that “the evidence at trial tending to corroborate Sneed's testimony was extremely weak,” even with its ultimate finding that in Glossip 1, “trial counsel's conduct was so ineffective that [it had] no confidence that a reliable adversarial proceeding took

place”. *Glossip v. Oklahoma*, 29 P.3d 597, 599 (2001). A closely divided Oklahoma Court of Criminal Appeals affirmed Glossip 2, holding that circumstantial evidence sufficiently corroborated Sneed's testimony. *Glossip v. Oklahoma*, 157 P.3d 143, 151–153 (2007), with two dissenting judges arguing that the majority “overstate[d] the strength of the accomplice corroboration evidence.” *Id.*, at 164–165, 175.

Post Glossip 2, the State released eight boxes of case files and evidence to Glossip, which led to Glossip’s fourth and fifth postconviction relief. In his fourth postconviction motion for relief, Glossip alleged: 1) the State violated *Brady v. Maryland*, 373 U.S. 83 (1963) when it failed to produce potentially exculpatory evidence relating to a possible request by Sneed to “recant” prior to Glossip 2, and 2) the prosecution violated the rule of sequestration during the trial when the prosecutor wrote “we need to get to [Sneed]”. The State opposed Glossip’s motion at the time. *Glossip v. Oklahoma*, 604 U.S. 226, 238-239 (2025).

After the January 2023 release of the final 8<sup>th</sup> box of evidence to Glossip, he filed his fifth postconviction application alleging a *Brady* violation due to the prosecution’s failure to provide evidence of Sneed’s previously unknown bipolar disorder. The State, this time, *supported* Glossip’s application by confessing error, arguing the prosecutor’s notes released in the eighth box proved the prosecutors violated *Brady* failing to produce potentially exculpatory evidence. It also argued that a violation of *Napue v. Illinois*, 360 U.S. 264 (1959) when the prosecutor in Glossip 2 failed to correct testimony she knew, or should know, to be false. *Id.* at 238-241, 246.

Ultimately, the Supreme Court of the United States determined that a *Napue* error occurred when the prosecutor knowingly allowed Sneed's false testimony about being mistakenly prescribed lithium after his arrest to treat either dental pain (in pretrial hearing) or a cold (in Glossip 2) to go uncorrected. *Id.* at 246-251. The record showed that someone diagnosed Sneed with bipolar disorder while in pre-trial detention prior to Glossip 1, and prescribed lithium to Sneed to treat that psychiatric condition. *Id.* 246-247. It is undisputed that Sneed admitted in both Glossip 1 and Glossip 2 to regularly using methamphetamine and marijuana in the months and weeks prior to murdering Barry Van Treese. Any potential effect on Sneed's mood while being on illicit drugs when diagnosed with bipolar disorder was not explored nor presented to the jury in either trial as the information was not produced until years later. *Id.* 249-250. The Court found that Glossip was entitled to a new trial under *Napue* because "had the prosecution corrected Sneed on the stand, his credibility plainly would have suffered. That correction would have revealed to the jury not just that Sneed was untrustworthy, but also that Sneed was willing to lie to them under oath." *Id.* 248-249. The Supreme Court also noted that some items of evidence had been lost or destroyed before trial, further "reinforc[ing] [the] conclusion that the *Napue* error . . . prejudiced the defense." *Id.* at 250.

## CONCLUSION

It is only when a judge is denying bail that the court must explicitly, by written order, make specific findings of fact and a statement of the reasons for detention, as supported by clear and convincing evidence. Nevertheless, this court finds it is important to elucidate its findings in the decision made today in the interest of transparency.

Based on the ample record at this point in time, the Court finds that it cannot deny bail to Glossip while adhering to the clear constitutional mandate of Article 2, Section 8 of the Oklahoma Constitution and *Brill v. Gurich*, 965 P.2d 404 (1998). Stated another way, as said by the Attorney General in a letter dated April 24, 2023, written to the Oklahoma Pardon and Parole Board, “Although [Glossip] may be guilty of first degree murder, the record (complete with new evidence that the jury did not hear nor consider in rendering its verdict and death sentence) does not support that he is guilty of first degree murder beyond a reasonable doubt.” Defendant’s Exhibit 2, p. 2. The Court fully expects that the State will rigorously prosecute its case going forward and the defense will provide robust and effective representation for Glossip. The Court hopes that a new trial, free of error, will provide all interested parties, and the citizens of Oklahoma, the closure they deserve.

Accordingly, the Court finds Mr. Glossip’s request for bail should be, and is hereby, GRANTED, subject to the following conditions which may change at the Court’s discretion, upon notice to the parties:

1. Bail is set at five hundred thousand dollars (\$500,000.00), subject to release only to an approved pre-trial release program as determined by the Court to be fitted for electronic monitoring device;
2. Glossip shall be monitored by electronic means (“GPS”) during pre-trial release using a Court approved pre-trial monitoring program;
3. Glossip shall only reside with his spouse at the marital home and shall report the residential address to a Court approved pre-trial monitoring program;
4. Glossip shall observe residential curfew hours from 10:00 P.M. to 7:00 A.M.;

5. Glossip shall not travel outside of the state of Oklahoma;
6. Glossip shall not establish, maintain, or otherwise have any type of communication (by any means), direct or indirect contact or interactions with any potential witness (whether testifying or not) or victim's family members in this case unless such contact or interactions are made through counsels;
7. Glossip shall not establish, maintain, or otherwise have any communication (by any means), direct or indirect contact or interactions with any person in the custody of the Oklahoma Department of Corrections, the Oklahoma County Detention Center, or any other jail or detention facility;
8. Glossip shall not use or consume any alcohol, illegal drugs, or marijuana and shall be subject to testing any time upon request;
9. Glossip shall not commit any crime or otherwise engage in any illegal activities; and
10. Any other conditions as may be required by the Court by subsequent order.

A violation of any condition imposed by the Court may result in immediate revocation of bail.

So Ordered this <sup>cfw</sup> 14 day of May, 2026.

  
\_\_\_\_\_  
Natalie Mai  
District Judge

CERTIFICATE OF SERVICE

On this 14<sup>th</sup> day of May 2026, a true and correct copy of the foregoing *Order* was emailed to and mailed, postage prepaid to:

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CLERK OF THE COURT