

OKLAHOMA COUNTY
SEVENTH DISTRICT
STATE OF OKLAHOMA



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Vicki Zemp Behenna
DISTRICT ATTORNEY

Mykel Fry
FIRST ASSISTANT DISTRICT ATTORNEY

April 25, 2023

Members of the Pardon and Parole Board

The death penalty should be used in the most egregious of cases. Cases that involve mass casualties, or cases where the defendant has had a significant history of violence such that the defendant poses a threat to people and society, even while incarcerated. So, the decision to seek the death penalty, in my opinion, is not a decision that should be made routinely or inconsistently.

As the District Attorney for Oklahoma County, I created procedures and guidelines for my office, to provide consistency and guidance for when the death penalty would be considered an appropriate punishment in a homicide case. Those procedures include the creation of a Capital Case Review Committee. That committee is made up of veteran prosecutors who will consider several factors before a decision is made to seek the death penalty. Those factors including: 1) whether there exists a sufficient statutory aggravating factor or factors that justify a decision to seek the death penalty pursuant to 21 O.S. §701.12; 2) whether the aggravating factors sufficiently outweigh the mitigating factors to justify a sentence of death; 3) the defendant's background; 4) the defendant's criminal history, or lack thereof; 5) the strength and nature of the evidence against the defendant; 6) the heinous nature of the homicide; and 7) whether the case involves a significant harm to Oklahoma County, including a widespread impact on the community.

I believe it is important for the Pardon and Parole Board to know that Mr. Glossip's case would not qualify for the death penalty in Oklahoma County under these new guidelines.

I appreciate the time you have given to the review of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Vicki Zemp Behenna', written over the printed name. The signature is stylized with large loops and a long horizontal stroke extending to the right.

Vicki Zemp Behenna