

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


APRIL ROSE WILKENS,)
)
 Petitioner,)
)
 vs.) Case No. 02-CV-244-TCK-SAJ
)
 MILLICENT NEWTON-EMBRY, Warden,)
)
 Respondent.)

ORDER

This is a 28 U.S.C. § 2254 habeas corpus proceeding. Petitioner is a state inmate appearing *pro se*. Before the Court are Petitioner's motions to supplement (Dkt. #s 53 and 57). In her first motion to supplement, Petitioner requests that she be allowed to supplement the record with an audiotape recording. Petitioner notes that a transcript of the audiotape is already a part of the record as it is attached to the supporting brief (Dkt. # 2). In her second motion to supplement, Petitioner requests that she be allowed to supplement the record with copies of newspaper articles. The Court finds Petitioner's motions to supplement the record shall be granted. The Court will consider such supplementation, to the extent the materials are relevant, in resolving Petitioner's claims asserted in the petition filed herein.

ACCORDINGLY, IT IS HEREBY ORDERED that Petitioner's motions to supplement the record (Dkt. #s 53 and 57) are **granted**.

DATED THIS 27th day of March, 2007.



TERENCE KERN
UNITED STATES DISTRICT JUDGE

FILED

APR 12 2007

Phil Lombardi, Clerk
DISTRICT COURT

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

APRIL ROSE WILKENS,
PETITIONER,
VS.
MILLICENT NEWTON-EMBRY,
RESPONDENT.

CASE NO. 02-CV-244-K(J)

MOTION TO SUPPLEMENT (RE: O.C.C.A.)

WILL YOU PLEASE ACCEPT THE ATTACHED SUPPLEMENT
FOR FILING?

10 APRIL 2007
DATE

RESPECTFULLY SUBMITTED,
April Wilkens
APRIL WILKENS, PRO SE
M.BCC CIC-117
29501 KICKAPOO
MELOND, OK 74851

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

APRIL ROSE WILKENS,)
PETITIONER,)
V.S.) CASE NO. 02-CV-244-TCK-SAJ
MILLCENT NEWTON-EMERY, WARDEN,)
RESPONDENT.)

PETITIONER'S SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS (RE: O.C.C.A.)

ON 02 AUGUST 2004, THE OKLAHOMA COURT OF CRIMINAL APPEALS ("O.C.C.A.") DENIED MY POST-CONVICTION APPEAL IN O.C.C.A. CASE NO. PC-2003-1002. ALL OF THE O.C.C.A. JUDGES CONCURRED IN THAT DECISION EXCEPT CHARLES CHAPEL, WHO DID NOT PARTICIPATE IN MY CASE. SUBSEQUENTLY, IN JANUARY 2005, THE TULSA WORLD NEWSPAPER REPORTED THAT THE OKLAHOMA ATTORNEY GENERAL'S OFFICE WAS INVESTIGATING STEPHEN LIKE, WHO WAS THE VICE-PRESIDING JUDGE OF THE O.C.C.A. WHEN THAT COURT DENIED MY POST-CONVICTION APPEAL. JUDGE LIKE WAS ALLEGED TO HAVE ALLOWED HIS FORMER SECRETARY TO BE PAID FOR WORK SHE DIDN'T PERFORM, USED COURT FUNDS TO PAY FOR FURNISHINGS FOR HER, AND TO HAVE USED HIS INFLUENCE TO INTERVENE IN HER SON'S CRIMINAL CASES. (SEE EXHIBITS A, B, AND C) LATER, IN MARCH 2005, THAT INVESTIGATION ENDED WHEN JUDGE LIKE RESIGNED FROM THE BENCH. (SEE EXHIBIT D) AT THAT TIME, OKLAHOMA GOVERNOR BRAD HENRY WAS QUOTED SAYING, "GIVEN THE SERIOUS AND TROUBLING NATURE OF THE CIRCUMSTANCES SURROUNDING HIS OFFICE, JUDGE LIKE WITHOUT QUESTION MADE THE RIGHT DECISION IN STEPPING DOWN FROM THE BENCH. OUR JUDICIARY MUST BE HELD TO THE HIGHEST OF ETHICAL STANDARDS. I DO NOT BELIEVE THE CONDUCT

DETAILED IN THE STATE AUDIT REPORT AND OTHER ACCOUNTS WAS CONSISTENT WITH THAT STANDARD." (EXHIBIT D) GIVEN ALL OF THIS, I DO NOT BELIEVE THAT STEPHEN LIKE SHOULD HAVE PARTICIPATED IN MY O.C.C.A. POST-CONVICTION APPEAL. HIS VOTE TO DENY MY O.C.C.A. POST-CONVICTION APPEAL SHOULD BE DISREGARDED.

I HAVE ALSO QUESTIONED O.C.C.A. JUDGE CHARLES JOHNSON'S INVOLVEMENT IN MY POST-CONVICTION APPEAL. IT IS MY UNDERSTANDING THAT CHARLES JOHNSON AND TERRY CARLTON'S FATHER, DON CARLTON, ARE CLOSE FRIENDS. JUDGE JOHNSON DID RECUSE IN MY DIRECT APPEAL, BUT HE FAILED TO RECUSE IN MY POST-CONVICTION APPEAL. CHARLES JOHNSON SHOULD NOT HAVE PARTICIPATED IN MY O.C.C.A. POST-CONVICTION APPEAL, AND HIS VOTE TO DENY THAT APPEAL SHOULD BE DISREGARDED AS WELL.

THERE ARE ONLY FIVE JUDGES ON THE O.C.C.A. ONE (CHARLES CHAPEL) DID NOT PARTICIPATE IN MY O.C.C.A. POST-CONVICTION APPEAL, AND TWO OTHERS (STEPHEN LIKE AND CHARLES JOHNSON) SHOULD NOT HAVE PARTICIPATED. THE REMAINING TWO JUDGES WHO PARTICIPATED IN MY O.C.C.A. POST-CONVICTION APPEAL DO NOT MAKE A QUORUM. THEREFORE, I BELIEVE THAT THE O.C.C.A.'S DECISION IN MY CASE SHOULD BE UTTERLY DISREGARDED. IT SHOULD CARRY NO WEIGHT WHATSOEVER IN THE FEDERAL COURT'S REVIEW OF MY CASE.

10 APRIL 2007
DATE

RESPECTFULLY SUBMITTED,
April Wilkens
APRIL WILKENS, PRO SE
M.B.C.C. CIC-117
29501 KICKAPOO
M^oLOUD, OK 74851

DECLARATION

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

April Wilkens
APRIL WILKENS

CERTIFICATE OF MAILING

I CERTIFY THAT ON THE 10th DAY OF APRIL, 2007, A TRUE AND CORRECT COPY OF THE FOREGOING WAS MAILED, WITH PROPER POSTAGE AFFIXED, TO:

WILLIAM HOLMES AND DIANE STAYTON
ASSISTANT ATTORNEY GENERALS
OFFICE OF THE OKLAHOMA ATTORNEY GENERAL
313 NE 21st ST
OKC, OK 73105

April Wilkens
APRIL WILKENS

PETITIONER'S
EXHIBIT A

Judge pays travel funds back to state

► He had claimed \$1,523.64 in expenses for trips connected to a prison program.

In order to avoid the appearance of a conflict of interest concerning my activities on behalf of RID and my duties on the court, I request that you use the enclosed funds to refund these claims.'

**OKLAHOMA COURT
OF CRIMINAL
APPEALS JUDGE
STEPHEN LILE**

**By BARBARA HOBEROCK
AND PAUL ENGLISH**
World Capitol Bureau

OKLAHOMA CITY — A state appeals court judge reportedly under investigation by Attorney General Drew Edmondson has reimbursed the state more than \$1,500 in travel claims.

The Jan. 6 check by Judge Stephen Lile of the Oklahoma Court of Criminal Appeals, for \$1,523.64, came the same day that the Tulsa World asked for copies of his expense claims.

"Each of the enclosed claims is related to my activities in support of the (Regimented Inmate Discipline) Program within the Department of Corrections," Lile wrote in a Jan. 6 letter to the Office of State Finance. "In order to avoid the appearance of a conflict of interest concerning my activities on behalf of RID and my duties on the court, I request that you use the enclosed funds to refund these claims."

Lile's travel claims came at times when the son of a then-court employee who worked closely with Lile was in the RID program.

SEE LILE A-3

TULSA
WORLD

11 JAN 2005-A-1

LILE:

The judge's former aide is also allegedly under investigation.

FROM A-1

Lile is listed as a friend on the prison visitation list of Loren M. Wilson, 19, the son of Dawn M. Lukasik, Lile's former administrative assistant.

Records show that Lukasik left her court job Jan. 2.

Wilson was in the RID Program from February until June 24 on a drug charge in Stephens County.

Court of Criminal Appeals travel records show that Lile made trips to Fort Supply, Lawton and several other locations, listing "DOC/RID review program" as the purpose of the trip.

Lile was in the same towns on the same dates as Wilson, who was transported to Duncan and Lawton for court appearances.

The Oklahoman reported last week that Edmondson was investigating Lile. The Court of Criminal Appeals confirmed that it had turned a personnel matter over to Edmondson's office but did not say who was the subject of the inquiry.

A source said part of the investigation involves Lukasik, who was hired Aug. 20, 2004, as an administrative assistant to Lile. Her annual salary was \$36,400, according to the Court of Criminal Appeals. "She was never there," the source said.

Lile declined to comment on the allegations.

Lukasik could not be reached for comment. Her attorney, Nicholas D. Garrett, did not return a call for comment late Monday.

Lukasik was arrested Dec. 16 in Lawton on a complaint of possession of methamphetamine. She and two other people were in a car that authorities stopped. The car contained a white powder, which a field test indicated was methamphetamine.

Lawton Police Chief Harold Thorne said he did not expect charges in the case.

"The district attorney did not file the charge, for the reason, I would support the reason, was that one could not say actually that it was this person's," Thorne said. "That's probably why it wasn't filed."

Robert C. Schulte, the district attorney for Comanche and Cotton counties, did not return several calls for comment.

Stephens County District Attorney Robert E. "Gene" Christian said Wilson's defense attorney, Phil Scott, notified him during the Stephens County case that Wilson was related to a woman who worked for Lile.

The source said the investigation involves allegations that Lile intervened in the case.

Christian said he thought Scott's notice to him and then-District Judge George W. Lindley, who handled the trial, was "a courtesy."

"I think defense counsel was obligated. I needed to know," he said.

Scott did not return a call for comment.

Christian said he needed the information to determine whether

he or Lindley had a conflict of interest.

The Court on Criminal Appeals is the highest court in the state for criminal matters.

Christian said he conveyed the information to Lindley, who sent Wilson to prison despite Wilson's request for a deferred sentence.

Lindley, who is no longer a judge, declined to comment, citing a possible investigation.

In addition to reimbursing the travel funds, Lile also wrote the state a check Dec. 3 for \$1,560.43 to reimburse expense claims for the purchase of furniture and other items.

"Internal audit has disclosed that the attached claims were filed in improper total amounts," Lile wrote to the Office of State Finance on Dec. 2. "Please reverse these claims with the enclosed funds."

Lile purchased \$8,577.62 in furniture from August through December, records show.

Barbara Hoberock (405) 528-2465
barbara.hoberock@tulsaworld.com

Paul English (405) 528-2465
paul.english@tulsaworld.com

TULSA WORLD, 13 JAN 2005: A-1

Peer asks audit on appeals judge

► The attorney general is reportedly already investigating the jurist.

By BARBARA HOBEROCK
World Capitol Bureau

OKLAHOMA CITY — Presiding Judge Charles S. Chapel on Wednesday asked for a state audit of the Oklahoma Court of Criminal Appeals following reports that another judge on the court is the target of an investigation.

Sources have said that Attorney General Drew Edmondson's office is investigating Court of Criminal Appeals Judge Stephen E. Lile.

He allegedly allowed his former administrative assistant to be paid for work she didn't perform, intervened in a case involving her son and had questionable spending.

Chapel asked that the audit cover July 1, 2003, through Dec 31, 2004.

Chapel said he sought the audit in light of recent questions and would

SEE AUDIT A-6

AUDIT:

Judge Lile on Dec. 2 wrote the state a check for \$1,560 for furniture purchases.

FROM A-1

have sought a review regardless because he recently took over duties as presiding judge.

"I will, of course, leave it to your discretion as to the type of audit you perform," Chapel wrote to Oklahoma Auditor and Inspector Jeff McMahan. "However, I would request that it include at a minimum a financial and compliance review."

McMahan said he will be doing a special audit that is investigative in nature.

"It does look like they have some legitimate concerns," the state auditor said.

McMahan said he spoke with Edmondson's office to ensure an audit would not impede an inquiry by the attorney general.

"We are somewhat going to work hand-in-hand," McMahan said. "We will issue our separate report, which will be a matter of public record."

Following an open records request for his travel claims by the Tulsa World, Lile repaid the state \$1,523 for trips related to the Regimented Inmate Discipline Program, which his former administrative assistant's son completed in June 2004.

Lile told the Office of State Finance that he was making the reimbursement "in order to avoid the appearance of a conflict of interest concerning my activities on behalf of RID and my duties on the Court."

Department of Corrections officials say Lile had no official connection to the RID program.

The program is based at the William S. Key Correctional Center in Fort Supply. Records indicate that Lile visited Loren M. Wilson, the son of Lile's former administrative assistant, Dawn M. Lukasik, at the facility on June 24, 2004. Wilson, who also goes by the name Loran, is serving a 4-year sentence from Stephens County on drug charges. He faced charges in Grady and Comanche counties.

Seventeen of Lile's travel claims from July 2004 through November 2004 indicate he was traveling to have conferences on the RID program or concerning a RID review.

On a June 26, 2004, travel claim, Lile indicated that his business dealt with the RID program and a conference with a member of the Board of Correc-

tions.

Ernest Godlove is a Lawton attorney who serves on the Board of Corrections. Godlove said he met with Lile, possibly on June 26, 2004.

"I was looking for ideas or suggestions to address my concerns that our incarceration rates in Oklahoma are some of the top in the country," Godlove said, adding that the RID program may also have been discussed.

Lile on Dec. 2 wrote the state a check for \$1,560 for furniture purchases after an internal audit determined the claims were filed in improper total amounts.

Lile filed bankruptcy in 2002, estimating both his assets and debts to be between \$100,001 and \$500,000. The bankruptcy was closed the same year.

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TULSA WORLD, 27 FEBRUARY 2005: A-19

30 death row inmates want judge removed from cases

OKLAHOMA CITY (AP) — Thirty death row inmates filed motions earlier this month asking that Court of Criminal Appeals Judge Steve Lile not participate in their cases, court records showed Friday.

Lile removed himself from considering any cases pending before the appellate court. An order regarding his disqualification from cases was filed Thursday by the Court of Criminal Appeals about the time a critical audit of Lile was released by the state auditor and inspector.

Most of the applications for Lile to disqualify were filed Feb. 15 with the Court of Criminal Appeals, said Vicki Werneke, chief of the section that handles post-conviction relief cases for the indigent defense system.

The inmates' documents regarding the disqualification requested that some information be filed under seal, meaning it is not open to the public.

Friday, the Court of Criminal Appeals issued a two-page order that dismissed the death row inmates' request, saying it was moot since an order already is on file stating that Lile is not going to participate in any cases, effective Feb. 22, until he provides further notice.

The Attorney General's Office has been investigating allegations that Lile's former secretary was a "ghost employee," of using court funds to pay for furnishings for her, and of intervening in her son's criminal cases.

Lile hasn't commented on the investigation.



Judge Stephen Lile

He allegedly allowed his former assistant, Dawn M. Lukasik, to be paid for work that she did not perform. A state audit criticized him for claiming travel costs related to a Corrections Department program in which he had no official role

Appellate judge quits amid state investigation

▶ The Attorney General's Office was reviewing allegations of questionable spending, criticized in a state audit.

By BARBARA HOBEROCK
World Capitol Bureau

OKLAHOMA CITY — Embattled Judge Stephen Lile of the Oklahoma Court of Criminal Appeals submitted his resignation Monday to Gov. Brad Henry's office.

"My respect for this office and this Court compels me to tender my resignation as judge for the 5th District, effective March 1," Lile's letter said.

Lile, who was paid \$106,700 a year, did not return a call seeking comment.

Henry accepted the resignation.

"Given the serious and troubling nature of the circumstances surrounding his office, Judge Lile without question made the right decision in stepping down from the bench," Henry said. "Our judiciary must be held to the highest of ethical standards. I do not believe the conduct detailed in the state audit report and other accounts was consistent with that standard."

Henry said he would move quickly in conjunction with the Oklahoma Judicial Nominating Commission to appoint Lile's replacement.

Lile was under investigation by Oklahoma Attorney General Drew Edmondson's office following allegations of questionable spending, allowing his former assistant, Dawn M. Lukasik, to be paid for work that she did not perform and intervention in

the criminal role with the program, which Lukask's son completed in June. The audit called into question about \$3,000 in questionable spending by Lile.

When the Tulsa World filed an Open Records Act request for his travel records, Lile reimbursed the state \$1,523.64 later that day for travel in connection with the RD program, saying he wanted to avoid a conflict of interest. He also reimbursed the state \$1,560 for furniture and other items after an internal audit determined that his claims were filed improperly.

"I am pleased Judge Lile has accepted responsibility for his actions and tendered his resignation," Edmondson said. "This action con-

cludes our examination of the judge's activities, although there are still elements of our work involving other personnel that are ongoing."

Charlie Price, a spokesman for Edmondson, said Lile and Edmondson did not make a deal.

"This attorney approached our office to inquire as to our position should their client tender his resignation," Price said. "We responded that his resignation would end our investigation. He resigned within the hour."

Presiding Judge Charles S. Chapel of the Court of Criminal Appeals said Lile did the right thing for himself, the court and the state judiciary. The Oklahoma Court of

Lile told the court last week that he would not participate in decisions until further notice. "I think after the audit report issued last week, there was really no other solution than Lile's resignation," Chapel said.

Lile was an assistant district attorney in Comanche and Cotton counties from 1973 until 1977 and was in private practice from 1977 until 1994, when then-Gov. Frank Keating appointed him to the Oklahoma Court of Criminal Appeals.

Lile was an assistant district attorney in Comanche and Cotton counties from 1973 until 1977 and was in private practice from 1977 until 1994, when then-Gov. Frank Keating appointed him to the Oklahoma Court of Criminal Appeals.

Barbara Hoberock (405) 528-2465
barbara.hoberock@tulsa-world.com

LILE:

With his departure, the investigation of him ends.

FROM A-1

a case involving Lukasik's son. An audit released last week by State Auditor and Inspector Jeff McMahan was critical of Lile for billing the state for trips involving the Department of Corrections' Regimented Inmate Discipline Program and questionable spending on furniture and other items. Corrections officials said Lile had no offi-

FILED
APR 12 2007

Phil Lombardi, Clerk
DISTRICT COURT

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

APRIL ROSE WILKENS,
PETITIONER,
VS.
MILLICENT NEWTON-EMBRY,
RESPONDENT.

CASE NO. 02-CV-244-K(J)

MOTION TO SUPPLEMENT (RE: DNA EVIDENCE)

WILL YOU PLEASE ACCEPT THE ATTACHED SUPPLEMENT
FOR FILING?

10 April 2007
DATE

RESPECTFULLY SUBMITTED,
April Wilkens
APRIL WILKENS, PRO SE
M.BCC CIC-117
29501 KICKAPOO
MELBOURNE, OK 74851

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

APRIL ROSE WILKENS,
PETITIONER,

VS.

WILLICENT NEWTON-EMBURY, WARDEN,
RESPONDENT.

CASE NO. 02-CV-244-TCK-SAJ

(RE: DNA EVIDENCE)

PETITIONER'S SUPPLEMENT TO PETITION FOR A WRIT OF HABEAS CORPUS

CBS AFFILIATE KWTV-9 IN OKLAHOMA CITY HAS BEEN INVESTIGATING MY CASE. ON 26 FEBRUARY 2007, THAT STATION BROADCAST A SEGMENT ABOUT MY CASE, AND I LEARNED SOMETHING ELSE THAT MAY HELP MY FEDERAL HABEAS CASE. THE INVESTIGATING JOURNALIST, A FORMER ATTORNEY, SAYS THAT THE RAPE EXAMINATION EVIDENCE COLLECTED ON THE DAY OF THE SHOOTING WAS NEVER SENT TO A LAB FOR ANALYSIS. (SEE "IMPRISONED TULSA WOMAN'S CASE RE-EXAMINED," 26 FEB 2007, AT WWW.NEWSOK.COM. TO LOCATE IT, SELECT NEWS 9 LOCAL/ STATE VIDEO DATE 27 FEB 2007, THEN SCROLL DOWN TO THE 26 FEB 2007 VIDEOS.) TRUE, TERRY CARLTON DID FORCE ME TO DOUCHE IN FRONT OF HIM AFTER HE RAPED ME THAT MORNING. HE HAD RAPED ME A NUMBER OF TIMES BEFORE THAT DAY, AND ONCE PRIOR, ON 07 DEC 1997, A RAPE EXAMINATION WAS PERFORMED. AFTER TERRY RAPED ME ON THE MORNING OF THE SHOOTING, HE TOLD ME THAT HE DIDN'T WANT ANY EVIDENCE LEFT. THAT'S WHY HE MADE ME DOUCHE WITH A DOUCHE KIT THAT HE HAD AT HIS HOUSE. STILL YET, GIVEN THE ADVANCEMENTS IN

DNA SCIENCE, IT'S POSSIBLE THAT LAB ANALYSIS OF THE RAPE EXAMINATION EVIDENCE COULD HELP PROVE THAT TERRY RAPED ME ON THE MORNING OF THE SHOOTING.

10 APRIL 2007
DATE

RESPECTFULLY SUBMITTED,
April Wilkens
APRIL WILKENS, PRO SE
M.L.C.P. C10-117
29501 KICKAPOO
M/OKLAHOMA, OK 74851

DECLARATION

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

April Wilkens
APRIL WILKENS

CERTIFICATE OF MAILING

I CERTIFY THAT ON THE 10th DAY OF APRIL 2007, A TRUE AND CORRECT COPY OF THE FOREGOING WAS MAILED, WITH PROPER POSTAGE AFFIXED, TO:

WILLIAM HOLMES AND DIANE SLAYTON
ASSISTANT ATTORNEY GENERALS
OFFICE OF THE OKLAHOMA ATTORNEY GENERAL
313 NE 21st ST
OKC, OK 73105

April Wilkens
APRIL WILKENS

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

APRIL ROSE WILKENS,)	
)	
Petitioner,)	
)	
vs.)	
)	Case No. 02-CV-244-K (J)
)	
MILLICENT NEWTON-EMBRY, Warden,)	
)	
)	
Respondent.)	

**OBJECTION TO PETITIONER’S MOTION TO SUPPLEMENT -
RE: DNA EVIDENCE**

COMES NOW the Respondent, Millicent Newton-Embry, and hereby objects to the Petitioner’s Motion to Supplement - (re: DNA evidence), filed on April 12, 2007. (Doc. 59) The Petitioner’s request to supplement her Petition for Writ of Habeas Corpus with possible DNA evidence is an end run around 28 U.S.C. § 2254 (b), which requires an exhaustion of state remedies. Pursuant to the provisions of the Oklahoma Post-Conviction Procedure Act, a claim can be made if the Applicant can demonstrate:

that there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;

Tit. 22, Okl. Stat. § 1080(d).

The Respondent does not waive the exhaustion requirement with regard to this Motion to Supplement, or with regard to any issue the Petitioner seeks to add to her Petition for Writ of Habeas Corpus which has not been fully exhausted.

Respectfully submitted,

**W. A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA**

/s William R. Holmes

**WILLIAM R. HOLMES, OBA #11867
ASSISTANT ATTORNEY GENERAL**
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 521-3921, FAX 522-4534
Service E-mail: fhc.docket@oag.state.ok.us

ATTORNEYS FOR RESPONDENT

CERTIFICATE OF MAILING

On this 13th day of April, 2007, a true and correct copy of the foregoing was mailed to the following, who is not a registered participant in the ECF system:

April Rose Wilkens, # 282399
M.B.C.C., 29501 Kickapoo Rd.
McLoud, OK 74851-8339

/s William R. Holmes

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
411 UNITED STATES COURTHOUSE
333 W Fourth Street
TULSA, OKLAHOMA 74103-3819

PHIL LOMBARDI
CLERK

(918) 699-4700
(FAX) 699-4756

October 22, 2007

April Wilkens, #282399
Mabel Bassett Correctional Center
29501 Kickapoo Road
McLoud, OK 74851

Re: Case No. 02-CV-244-TCK

Dear Ms. Wilkens:

This Office is in receipt of your letter requesting a copy of an audiotape recording on file in the above-referenced case. Please be advised that this Office has made a copy of the tape for Sharla Yoder. Ms. Yoder indicated the copy was for your use and paid the \$26.00 cost of copying the tape. Should you need an additional copy, please send \$26.00 to this Office and a copy will be returned to you.

Sincerely,

PHIL LOMBARDI


By

Deputy Clerk