

6. Don Gravens, Crime Scene Expert, Oklahoma County Public Defenders Office, Oklahoma City, Oklahoma.
7. Anita Jo Vasquez, Prague, Oklahoma 74864.
8. Paul Koltusky, (Husband of Keri Lee Koltusky) Prague, Oklahoma.
9. Sandy Cordray, 513 North Bonita, Shawnee, Oklahoma, Daughter of Hubert Moucka.
10. Becky (Last Name Unknown), Meeker, Oklahoma, Daughter of Hubert Moucka.
11. Mike Hubert Moucka, 31 Doyle Lane, Shawnee, Oklahoma, son of Hubert Moucka.
12. Virginia Bridgman, 1511 Gribble Street, Gainsville, Texas, Mother of the Defendant will testify regarding the family and life history of the defendant including the impact of the death of the defendant's brother, Brandon Stump, upon the defendant, the financial condition of the family, the defendant's father's attitude toward him, and other facts relating to the emotional and psychological development of the defendant and his personality.
13. William Keith Stump, Sr., Arkansas Department of Corrections, father of the defendant, is expected to testify regarding the defendant's life and family history and background. He is expected to testify regarding the death of Brandon Stump, brother of the defendant.
14. Dorothy Tudor, 231 Columbia, Magnolia, Arkansas, aunt of the defendant is expected to testify regarding the life history of the defendant. She is expected to testify regarding his relationship with other members of the family, the impact of the death of his brother, Brandon Stump, upon the defendant, and regarding the personality of the defendant. She will testify regarding mental disease within the defendant's family.
15. Christopher Stump, 231 Columbia, Magnolia, Arkansas, brother of the defendant is expected to testify regarding his relationship with the defendant, the life history of defendant, and the relationship of the defendant with other members of his family. Christopher Stump is expected to testify regarding the time he was left to care for the defendant and their brother, Brandon Stump. He is expected to testify regarding the impact of the death of Brandon Stump upon the defendant.
16. Celia Card, 1930 North Union, Shawnee, Oklahoma, former school teacher of the defendant is expected to testify consistent with her sworn testimony at the preliminary hearing. She is expected to testify regarding her association with the defendant during the time he was a student at Prague Middle School. She is expected to

testify regarding her knowledge of the behavior of the defendant and other students in the Prague school system. Celia Card is expected to testify regarding her relationship with the defendant, about the times she has visited him in the Lincoln County jail, his expressions of remorse for the victims of the homicide, his sense of loss at the death of Robert Anderson, and his personality. Celia Card is expected to testify regarding the impact of the death of Brandon Stump, the defendant's brother, on the defendant, the response of the defendant's family to the death of Brandon Stump, and the family's response to the defendant's grief. She is expected to testify that she cares about the defendant and that she will continue to visit and provide him with support if he is sent to prison. She is expected to testify that she provided the defendant with her telephone credit card number so he could call her at any time and she will testify to her knowledge of his use of her telephone credit card number.

17. Tracy Cox, Paden, Oklahoma, friend of the defendant will testify regarding her relationship with the defendant and the defendant's brother, Brandon Stump. She is expected to testify regarding her observations regarding the impact of the death of Brandon Stump upon the defendant.

18. Kandis Pritchett, Route 1, Box 259C, Prague, Oklahoma 74864, former foster parent of the defendant, she is expected to testify regarding the defendant's life history during the time that she has known him including the time that he lived with her family as a foster child. She is expected to testify regarding her experience with the Oklahoma Department of Human Services, the number of times the DHS case worker visited the defendant and his foster parents while the defendant was in her care, and the attitude of DHS case workers toward the defendant. She is expected to testify regarding allegations that the defendant either took or brought a gun into her home. She is expected to testify regarding the attitude of the schools toward the defendant. She is expected to testify regarding the defendant's relationship with in her family, his behavior, personality and attitudes. Kandis Pritchett is expected to testify regarding her observations of the defendant's biological mother and the defendant's relationship to his biological family. She is expected to testify regarding the impact of Brandon Stumps death upon the defendant.

19. Russell Pritchett, Route 1, Box 259C, Prague, Oklahoma 74864, former foster father of the defendant, he is expected to testify regarding his knowledge of the defendant's life and relationship with the foster family. He is expected to testify regarding the impact of the death of the defendant's brother, Brandon Stump, on the defendant.

20. Norma Kathaline Blocker, 12701 Kings Road, Shawnee, Oklahoma, friend of the defendant she is expected to testify that the defendant was at her house many times over a number of years. She

is expected testify regarding the defendant's personality and behavior during the time he was at her home. She is expected to testify regarding the defendant's brother, Brandon Stump, and the impact of Brandon's death on the defendant. She is expected to testify that her son had to provide the defendant with clothing to wear at times, she is expected to testify that the defendant worked with her husband who is a mason while he was still in school when he was able to do so. She is expected to testify regarding the defendant's desire to have a family and a place to belong. She will testify that she never saw the defendant get into a fight or even become angry.

21. Dr. Wanda Draper, 838 North East 21st Street, Oklahoma City, mental health expert, will testify regarding the defendant's past life which contributed to his mental condition at the time of the homicide. She is expected to testify regarding the mental state of the defendant after the homicide. Dr. Draper will testify to the history of abandonment, neglect, abuse and depression suffered by the defendant and his family which is relevant to the mental condition, and perceptions experienced by the defendant prior to, at the time of and after the homicide. Dr. Draper will testify on the basis of her training, experience and expertise, on the basis of records which are in the possession of the prosecution, tests and evaluations done on the defendant, statements made by the defendant to law enforcement, materials provided to the defense by the prosecution, witness testimony given during the preliminary hearing and the trial of the defendant, medical and psychological assessments conducted in the Lincoln County jail, reports, audio tapes of the statements of witnesses at and around the time of the homicide, audio tapes recorded by law enforcement officers, professional books and documents, and consultations with the defense and other defense experts.

22. Ona Goode, Pecan Meadows Trailer Park, Oklahoma, grandmother of the defendant, she is expected to testify regarding the defendant's life history, the times he and his brothers were left with her by the defendant's mother, their relationship with their mother and father, the failure of their mother to provide things she promised, and her discovery that Brandon Stump and the defendant were in custody of the Oklahoma Department of Human Services. She is expected to testify that the defendant always did what he was asked to do around the house when he lived with her.

23. Rebecca Kepahart, Lincoln County Child Welfare, 1121 North Price Road, Chandler, Oklahoma, case worker of the defendant. Is expected to testify consistent with her sworn testimony at the defendant's preliminary hearing. She is expected to testify to other matter regarding the defendant. The Lincoln County, Oklahoma Department of Human Services has not provided all of its Child Welfare File on the defendant to the defense. Other information will be provided regarding this witnesses expected testimony after these records have been received.

24. Gary Gregston, Donald Wheeler, Jean Cloke, persons associated with the Lincoln County, Oklahoma Department of Human Services who have not provided information regarding the defendant to the defense. A summary of their expected testimony will be provided after the records and information presently withheld is provided the defense.

25. Dwayne Young, minister who visits the defendant at the Lincoln County Jail, additional information will be provided as soon as it is obtained by the defense.

26. Roxie Posey, former foster parent of the defendant, is expected to testify regarding the life history during the time he lived with her family and during the time she was associated with him.

27. Jessie and Sharon Powers, Living Waters Tabernacle, Meeker, Oklahoma, friend of the defendant, they are expected to testify regarding their knowledge of the defendant and his family during the time he stayed with them.

28. Ruby and Red Wimbs, Route 3, Box 133, Wellston, Oklahoma, former foster parents of the defendant, they are expected to testify regarding the time the defendant lived with them.

29. Virginia Reese-Jimenez, M.S.W., Amy Hollopeter, B.A., Ira O'Neal, M.S., Red Rock Mental Health Center, 204 Navel, Chandler, Oklahoma, mental health workers at the Red Rock Mental Health Center who are expected to testify regarding the defendant's treatment, his family background, the therapy they provided the defendant, his personality, behavior and background.

30. Willis Holloway, M.D., doctor at the Hillcrest Medical Center, Oklahoma City is expected to testify regarding his diagnosis and the treatment of the defendant when he was sent to Hillcrest Hospital after the death of his brother, Brandon Stump.

31. Roderick Burdine, friend of the defendant, Prague. More information will be provided before trial.

32. B.J. Salisbury, friend of the defendant, Prague. More information will be provided before trial.

33. Keepers of work, school, jail, Department of Human Services, Red Rock Mental Health Center, Youth and Family Services Center (Hope House), and court records of the defendant.

34. Keepers of the defendant's medical records at Hilcrest Hospital, Oklahoma City, Oklahoma and Shawnee Regional Hospital, Shawnee, Oklahoma.

35. Fred B. Jordan, M.D., Medical Examiner, 901 North Stonewall, Oklahoma City, OK 73113. Will testify regarding his findings and opinions in the homicides of Kathrina Knight and Robert Lowell Anderson.

36. Witnesses listed by the prosecution. The defense might call any of the witnesses listed by the prosecution.

37. Witnesses who submitted law enforcement reports in the case of **State of Oklahoma vs. Joshua Daniel Stump, CF-95-104**, whether listed by the prosecution or not. These witnesses are known to the prosecution and the defense may call any such witnesses submitting reports but not listed by the prosecution.

38. Witnesses named in law enforcement reports or statements in the case of **State of Oklahoma vs. Joshua Daniel Stump, CF-95-104**. Witnesses interviewed by law enforcement but not listed by the prosecution may be called by the defense. These witnesses are known to the prosecution.

39. Martin and Robert Ebbers friends of the defendant who cared for the defendant and his brother after they were abandoned by their family. The Ebbers will testify regarding their attempts to enroll the defendant in school.

40. Philip Carroll, Norman, Oklahoma, cousin of the defendant will testify regarding the defendant and his life history. He will testify regarding his attempts to get custody of the defendant, the defendant's behavior, personality and relationships within the defendant's family.

43. The investigation is on going. The defense is in the process of contacting and interviewing potential witnesses, and reserves the right to list additional witnesses as they become known. The school personnel who informed the Lincoln County Department of Human Services that the defendant had been abandoned by his family is a witness who may be identified and located after the Lincoln County Department of Human Services provide information and records regarding the defendant to the defense. The defense will fully disclose the name, address and telephone number of any subsequently discovered witness along with a statement of the witness' expected testimony.

Exhibits for the defense:

1. Chronology --- chart showing events of stress and trauma, including events which impacted the defendant with a feeling of abandonment, rejection, fear, extreme pain or anger will be presented as an exhibit. This chart is in the process of being prepared and will available for inspection by the prosecution.

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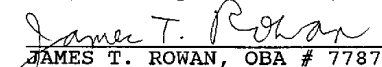
2. Records of the defendant from the Oklahoma Department of Human Services, Red Rock Mental Health Center, Youth and Family Services Inc., Shawnee, and Ada Area Youth Shelter. A copy of these records will be provided to the prosecution.

3. School, work, and hospital records of the defendant. Copies of most of these records will be provided to the prosecution. Other records, including the Child Welfare File on the defendant, which have not been obtained by the defense will be provided to the prosecution as soon as possible after the defense obtains them.

4. Psychological and medical records of family members of the defendant may be used as exhibits. Those records will be provided to the prosecution as they are obtained by the defense.

5. Photographs of the defendant during his childhood and teenager years taken by family, friends and foster family.


Respectfully submitted,


JAMES T. ROWAN, OBA # 7787
Capital Trial Division
Oklahoma Indigent Defense
System
P.O. Box 926
Norman, Oklahoma 73073
405/329-4272

ATTORNEY FOR DEFENDANT

CERTIFICATION OF SERVICE

I, James T. Rowan, certify that on this 13th day March, 1996, a true and correct copy of this document was delivered to the Office of the District Attorney, Lincoln County Courthouse, Chandler, Oklahoma.


JAMES T. ROWAN

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IN THE DISTRICT COURT OF LINCOLN COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,) Case No. CF-95-104
)
 vs.)
)
 JOSHUA D. STUMP,)
)
 Defendant.)

FILED
 MAR 13 1996
 4:16 P.M.
 Linda Siler, Clerk
 By: [Signature] Lincoln Co. Clerk
 Deputy

**AFFIDAVIT IN SUPPORT OF
MOTION FOR CONTINUANCE**

JAMES T. ROWAN, having first been duly sworn upon his oath,
 states:

1. That he is the attorney for Joshua Stump.
2. Joshua Stump is charged with First Degree Murder and the State seeks the death of Joshua Stump.
3. On January 19, 1996, the defense filed the first Motion for Continuance, reciting that the homicide occurred July 15, 1995; the preliminary hearing was concluded December 1, 1995; James T. Rowan replaced David Ball as Stump's attorney December 11, 1995; the Defendant was formally arraigned December 20, 1995, and the Bill of Particulars seeking death was filed that day.
4. The Court continued the trial date until March 25, 1996.
5. On February 23, 1996, the Prosecutor, Barney Barnett,

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announced that the State of Oklahoma had completed its testing of the physical evidence and the State was prepared to deliver to the Defendant the physical evidence pending an agreement concerning the handling of the evidence.

6. An agreement was tendered by FAX to Barney Barnett March 5, 1996. Mr. Barnett signed a modified agreement March 6, 1996. The Court approved the agreement March 7, 1996.

7. The defense attorney was informed that the State was continuing to test the evidence and that it could not be picked up until 11:30 a.m. March 11, 1996.

8. Mary Long, a serologist, informed the defense attorney that date that she hoped to complete her blood tests that date. She refused to discuss the results of her tests with me without the permission of the District Attorney. The District Attorney withheld his permission and to this date the defense is unaware of the results of the blood tests.

9. Similarly, Keith Ferrell has refused to discuss the results of the gunshot residue tests he has performed without the consent of the District Attorney. That consent has yet to be given.

10. I am informed that the crime scene photographs are physically located at the OSBI crime lab on 36th Street. I was there on Monday, March 11, 1996, to pick them up, along with the

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other evidence. I was told they were not there and they must be at the main office on 63rd Street. I left word for OSBI agent, Jackie Johnson, to contact me concerning the photographs.

11. I am now told the photographs might be ready for me by Friday, March 15, 1996, at the OSBI lab. The delay was occasioned by an employee of OSBI being on leave and the OSBI was out of film. The photographs and video tapes of the crime scene are crucial to an understanding of the case. The blood spatter expert, crime scene expert can do nothing without these photographs.

12. The State's evidence is now located at a recognized crime lab. However, the lab technicians are working on a priority murder case in Dallas, Texas, and will be unable to complete required tests by March 25, 1996.

13. The Oklahoma Indigent Defense System is running out of money and is awaiting a supplemental appropriation by the Legislature. To date, the supplemental appropriation has not been approved and, more importantly, the chief executive officer of the Oklahoma Indigent Defense System has not authorized payment of the experts in this case. The experts are reluctant to commence work without a contract guaranteeing payment.

In short, the defense has done everything within its power to prepare for trial. The OSB performed another round of tests

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after the District Attorney said in open court on the record that they were through testing on February 23, 1996 at 4:00 p.m. The defense is hearing second-hand that the State's evidence tends to confirm the fact that Robert Anderson was the shooter. It is absolutely critical that the defense have an adequate opportunity to examine the physical evidence to prevent a miscarriage of justice.

FURTHER AFFIANT SAITH NOT.

James T. Rowan
James T. Rowan

Subscribed and sworn to before me this 13th day of March, 1996.

Laven H. Bonstead
Notary Public

My commission expires:

9-8-99

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