

IN THE DISTRICT COURT OF LINCOLN COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 JOSHUA D. STUMP, )  
 )  
 Defendant. )

Case No. CF-95-104

FILED  
JAN 19 1996  
9:25 AM  
Linda Siler, Ct. Clerk  
By [Signature] Deputy

MOTION FOR CONTINUANCE

COMES NOW the Defendant and moves this Honorable Court to continue the trial date so that his attorneys may more fully prepare for trial. In support of this motion, the Defendant informs the Court:

1. The homicide occurred July 15, 1995, and the Information was filed on July 17, 1995;
2. The preliminary hearing was originally scheduled for September 8, 1995, and was continued on motion by the State to November 17, 1995. The preliminary hearing was recessed until December 15, 1995, and concluded;
3. On December 11, 1995, James T. Rowan entered his appearance and moved to continue the formal arraignment;
4. The Defendant was formally arraigned December 20, 1995, and the State filed a Bill of Particulars in Rem Punishment announcing the prosecutor's intention to seek the death penalty;
5. Since entering his appearance, Defendant's attorney has: assigned an investigator; received discovery from the prosecutor; retained a psychologist to examine the Defendant; retained a ballistics expert, Lannie Emmanuel of the Tarrant County, Texas crime lab; discussed the case with the State's blood-splatter expert; and filed a discovery motion and other motions in a timely manner;

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6. The Defendant claims to be absolutely innocent of the murder of Katrina Knight. In order to expose the false testimony of the state's witnesses, it will be necessary for the defense to take possession of the firearms and have them independently examined under an appropriate protective order;

It will be necessary for the defense to wait until the State completes its test before taking custody of the firearms. A minimum of two weeks will be required for defense tests. Unless the defense is able to transport the shotgun and pistol to Fort Worth, Texas by January 22, 1996, no assurances can be made that the firearms could be tested and returned in time for trial. In the case of Frederick v. State, 902 P.2d 1092 (Okl.Cr.1995), a death penalty case was reversed because the defense was unable to have the Defendant examined by a psychiatrist who specialized in Multiple Personality Disorders prior to trial.

The defense has diligently prepared for trial in the short time between formal arraignment and today's date. The defense will continue to utilize its time wisely in the event the Court grants a continuance of the trial date.

**WHEREFORE**, premises considered, the Defendant requests a continuance of the trial date so that he may properly prepare for trial.

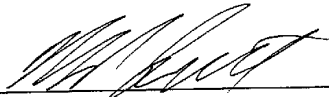
Respectfully submitted,

*for*  OBA #557  
James T. Rowan, OBA #7787  
Oklahoma Indigent Defense System  
Capital Trial Division  
P.O. Box 926  
Norman, OK 73070-0926  
(405) 329-4272  
ATTORNEY FOR JOSHUA D. STUMP

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**CERTIFICATE OF SERVICE**

This is to certify that on this 17<sup>th</sup> day of January, 1996, a true and correct copy of the foregoing instrument was transmitted, via facsimile, [(405) 258-3136] to the office of Barney K. Barnett, Lincoln County Assistant District Attorney, P.O. Box 126, Chandler, Oklahoma 74834.

  
for James T. Rowan

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