

SUZANNE McCLAIN ATWOOD
Executive Coordinator

TRENT H. BAGGETT
Assistant Executive Coordinator



STATE OF OKLAHOMA

DISTRICT ATTORNEYS COUNCIL

421 NW 13TH ST, SUITE 290 □ OKLAHOMA CITY, OKLAHOMA 73103-3710

EXECUTIVE	FINANCE	GRANTS	VICTIMS	MIS
405-264-5000	405-264-5004	405-264-5008	405-264-5006	405-264-5002
FAX 405-264-5099	405-264-5099	405-264-5095	405-264-5097	405-264-5099

MINUTES

**NOVEMBER 2, 2016, AT 10:00 A.M.
DISTRICT ATTORNEYS COUNCIL
421 N.W. 13TH STREET, SUITE 125
OKLAHOMA CITY, OKLAHOMA**

COUNCIL MEETING

1) CALL TO ORDER/ROLL CALL

The meeting was called to order by Mike Fields at 10:09 a.m. The following Council members were present: District Attorney Mike Fields, District Attorney Kevin Buchanan, First Assistant Attorney General Mike Hunter, and District Attorney Greg Mashburn. It was noted there was a quorum present.

2) STATEMENT OF COMPLIANCE WITH OPEN MEETING ACT

It was noted the agenda had been properly posted and the office of the Secretary of State notified. Written notice was provided to the Secretary of State on November 10, 2015. Annie Daniel posted the amended agenda on October 28, 2016, at 10:30 a.m. at Council Headquarters, 421 N.W. 13th Street, Oklahoma City, Oklahoma.

3) INTRODUCTIONS AND ANNOUNCEMENTS

Suzanne McClain Atwood announced the Criminal Law Luncheon was being held that day at 12:00 p.m. at the Petroleum Club. She encouraged everyone to attend. Ms. Atwood also announced a press conference that was being held at the Fraternal Order of Police at 1:30 p.m. regarding State Question 780. Ms. Atwood then informed that the new DAConnect, now called DART Board, will be launching that day. A demo will be available at the Fall Conference.

The following District Attorneys were present: Brian Hermanson, Angela Marsee, Chris Boring, Ken Darby, Fred Smith, Chuck Sullivan, Chris Ross (entered the meeting late), Jason Hicks, Max

Cook, Brian Kuester, Emily Redman, Orvil Loge, Jeff Smith, and Rex Duncan. Others in attendance: Lori Carter, Dennis Smith, and Tyler Talley, eCapitol. The following DAC staff were also present: Suzanne McClain Atwood, Bud Webster, Annie Daniel, Christiana Burgess, Trent Baggett, David Bebbler, Stephanie Lowery, and Amy Bruce.

Ms. Atwood introduced Lori Carter as the new Legislative Liaison for the Attorney General's office and welcomed her. She also recognized Dennis Smith as a former Chair of the District Attorneys Council, retired now, and welcomed him also.

4) APPROVAL OF MINUTES OF SEPTEMBER 15, 2016, REGULAR MEETING

A motion was made by Kevin Buchanan and seconded by Greg Mashburn to approve the minutes from the September 15, 2016 regular meeting. The motion carried as follows:

AYE: Fields, Buchanan, Hunter, Mashburn
NAY: None
ABST: None

5) APPOINTMENT OF POLICE CHIEF REPRESENTATIVE FOR THE JAG BOARD

Stephanie Lowery announced that there is a vacancy on the JAG Board for Police Chief Representative after Chief Chuck Foley retired. Chief Phil Cotton submitted three names for consideration; however, Chief Investigator George Haralson was Chief Foley's designee on the JAG Board and the Oklahoma Association of Chiefs of Police would like him to continue to serve on the JAG Board as its new representative. A motion was made by Greg Mashburn and seconded by Kevin Buchanan to appoint George Haralson to the JAG Board as the Police Chief Representative. The motion carried as follows:

AYE: Fields, Buchanan, Hunter, Mashburn
NAY: None
ABST: None

6) APPOINTMENT OF THE SHERIFF REPRESENTATIVE FOR THE FORENSIC SCIENCES IMPROVEMENT TASK FORCE

Stephanie Lowery announced that Sheriff Ron Lockhart from Sequoyah County has stepped down from this position. Ray McNair, Executive Director of the Sheriffs Association, was asked to submit three names for consideration and had only one person who showed interest in this position, Sheriff Rob Seale of LeFlore County. Ms. Lowery mentioned that Mr. McNair felt like the lack of interest was because others were under the impression that they would need an extensive background in forensic science.

A motion was made by Kevin Buchanan and seconded by Greg Mashburn to select Rob Seale for as the Sheriff Representative for the Forensic Sciences Improvement Task Force. The motion carried as follows:

AYE: Fields, Buchanan, Hunter, Mashburn
NAY: None
ABST: None

7) REPORT FROM TECHNOLOGY COMMITTEE

Brian Hermanson deferred to the ones who reported in the Technology Committee meeting that day for updates:

Suzanne McClain Atwood stated that she informed the Committee that she had been contacted by Roger Thompson, who is conducting a review of IT unification in the state. She and Trent Baggett met with him at his request. He asked a number of questions as it related to the DAs and also asked Ms. Atwood to present to an Interim Study scheduled for November 14th. She is waiting for further information as to what he will want her to share. Unification has not yet happened for DAC; however, the newly proposed service agreement dramatically changes the structure of IT services. She and Bud Webster have requested additional information regarding the proposed cost of services.

Ms. Atwood also reported that after evaluation of costs surrounding JustWare, the Technology Committee recommended the user fee per user for the Attorney General's office be raised to \$1,629.44 for FY18. The Technology Committee approved this recommendation to the Council.

Trent Baggett updated the Council on the personal identifiers on court documents. He reviewed the documents that will no longer be viewable on the internet, including arrest warrant, bench warrant, search warrant, wildlife tickets, traffic tickets, and others. He said that sites such as NCIC are not included in this order. He encouraged everyone to look at the Court of Criminal Appeals directive and the SCAD. (See attachments.)

A motion was made by Greg Mashburn and seconded by Kevin Buchanan to recommend to the Attorney General's office that the user fee for IT services be set at \$1,629.44 per user for FY18.

AYE: Fields, Buchanan, Mashburn

NAY: None

ABST: Hunter

8) OKLAHOMA LAW ENFORCEMENT INCIDENT SUBMISSION SOLICITATION

David Bebber reported that the OKLEIS solicitation closed as of November 1st. Evaluations will begin on November 7th and the timeline looks like it will proceed as scheduled. Mr. Bebber stated that only one application was received.

No action was taken.

9) REVIEW AND UPDATE ON OKLAHOMA COURT OF CRIMINAL APPEALS ORDER RELATING TO PERSONAL IDENTIFIERS ON COURT DOCUMENTS

Trent Baggett covered this in item number 7.

No action was taken.

10) REVIEW AND POSSIBLE UPDATE TO CRITICAL NEEDS REQUEST AND FY18 BUDGET REQUEST

Bud Webster informed the Council that the request has been submitted, as approved at the last Council meeting. Brian Kuester submitted a revised request for his district after it had been submitted. Mr. Webster stated that we can advise the Committees of the change in that number when we present at our budget hearing.

No action was taken.

11) REQUEST TO RECEIVE DONATION FROM DISTRICT 12

District 12 requested to receive a donation from the Cherokee Nation in the approximate amount of \$1,000.00 to purchase forensic equipment.

A motion was made by Greg Mashburn and seconded by Kevin Buchanan to approve the request. The motion carried as follows:

AYE: Fields, Buchanan, Hunter, Mashburn
NAY: None
ABST: None

12) REQUEST TO RECEIVE DONATION FROM THE CHICKASAW NATION TO FUND AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITION

District 22 requested to receive a donation in the amount of \$60,000 from the Chickasaw Nation to partially fund an Assistant District Attorney position. This is a donation that Mr. Ross receives every year.

A motion was made by Greg Mashburn and seconded by Kevin Buchanan to approve the request. The motion carried as follows:

AYE: Fields, Buchanan, Hunter, Mashburn
NAY: None
ABST: None

13) DISTRICT ATTORNEY NARRATIVE FOR PARDON AND PAROLE BOARD

The new form is being tested in District 23 and is ready to be adopted if the Council wishes to do so. The old and new forms were available as handouts. (See attachments.) Kevin Buchanan moved to postpone consideration to the December meeting to allow time for review by districts and to allow Mr. Smothermon to address the changes. There was no second or vote on this motion. Mike Fields stated it would be postponed until the December meeting.

14) CONSIDERATION OF JEANNE LESTER V. STATE OF OKLAHOMA, EX REL., THE DEPARTMENT OF HUMAN SERVICES, AND THE DISTRICT ATTORNEYS COUNCIL

Suzanne McClain Atwood advised the Council that agenda items 14 and 15 are similar, so both were discussed under this agenda item. During the child support negotiations last year, District 21's contract was terminated and was not renewed, resulting in several of Greg Mashburn's employees not being retained. These lawsuits are a result of that. Kari Hawkins with the Attorney General's office is representing DAC. Ms. Atwood stated that it is DAC's and the Attorney General's office's position that DAC is not an appropriate party to the lawsuit since the Council has no hiring or terminating authority. Risk Management has been notified.

No action was taken.

15) CONSIDERATION OF RICHARD STEVENS V. STATE OF OKLAHOMA, EX REL., THE DEPARTMENT OF HUMAN SERVICES, AND THE DISTRICT ATTORNEYS COUNCIL

This was covered under item 14.

No action was taken.

16) PUBLIC RELATIONS PLAN AND DAC STAFF UPDATE

Suzanne McClain Atwood announced the new division at DAC, Training and Outreach. The division will be headed by Meagan Conway and the training positions at DAC will be part of that team. Ms. Atwood presented a new DAC Organizational Chart to the Council. Ms. Atwood expressed her excitement about the success this new division has already achieved.

No action was taken.

17) REPORT OF THE EXECUTIVE COORDINATOR

Suzanne McClain Atwood extended her gratitude to Farley Ward for his many years of service. Mr. Ward recently announced his retirement. She also welcomed and introduced Chuck Sullivan, who is the new District Attorney in District 18.

Ms. Atwood reported on HB3146, which took effect on Tuesday, November 1st. Trent Baggett informed the Council that as of Tuesday, DUIs will no longer go through courts not of record. One quarter of the costs will now go to the municipality of the arresting officer and one quarter will go to the District Attorney's Office in which it is filed. Mr. Baggett suggested keeping track of how many DUIs each District Court had before the passing of this bill, and how many each will have after the passing of this bill.

Ms. Atwood announced the Fall Conference and summarized the schedule of events. She also announced the JustWare Conference for key personnel, scheduled November 30th and December 1st. She encouraged all to send staff for training.

Ms. Atwood then shared her meetings and events report, sharing key events since late August.

No action was taken.

18) NEW BUSINESS NOT KNOWN 24 HOURS PRIOR TO MEETING

Ms. Atwood acknowledged Chris Ross' retirement announcement. No vote was taken.

19) ADJOURNMENT

Mike Fields adjourned the meeting at 11:11 a.m. No vote was taken.

SUZANNE McCLAIN ATWOOD
Executive Coordinator

TRENT H. BAGGETT
Assistant Executive Coordinator



STATE OF OKLAHOMA

DISTRICT ATTORNEYS COUNCIL

421 NW 13TH ST, SUITE 290 □ OKLAHOMA CITY, OKLAHOMA 73103-3710

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FAX 405-264-5099	405-264-5099	405-264-5095	405-264-5097	405-264-5099

MINUTES

THURSDAY, SEPTEMBER 15, 2016, AT 10:00 A.M.
DISTRICT ATTORNEYS COUNCIL
421 N.W. 13TH STREET, SUITE 125
OKLAHOMA CITY, OKLAHOMA

COUNCIL MEETING

1) CALL TO ORDER

The meeting was called to order by Mike Fields at 10:01 a.m.

2) STATEMENT OF COMPLIANCE WITH OPEN MEETING ACT

It was noted the agenda had been properly posted and the office of the Secretary of State notified. Written notice was provided to the Secretary of State on November 10, 2015. Annie Daniel posted the amended agenda on September 13, 2016, at 11:30 a.m. at Council Headquarters, 421 N.W. 13th Street, Oklahoma City, Oklahoma.

3) INTRODUCTIONS AND ANNOUNCEMENTS

Suzanne McClain Atwood stated there were no announcements. Introductions were as follows:

The following District Attorneys were present: Brian Hermanson, Mike Boring, Angela Marsee, Steve Kunzweiler (entered the meeting during agenda item 6), Chris Boring, Ken Darby, Fred Smith, and Rex Duncan. Others in attendance: Michael Neylon, Federal Bureau of Investigations, Tim Turner, Task Force Agent, District 18, Chuck Sullivan, First Assistant District Attorney, District 18, Travis White, Oklahoma Bureau of Narcotics, Tyler Talley, eCapitol, Brett Sebastian, Journal Record and Barbara Hoberock, Tulsa World. The following DAC staff were also present: Suzanne McClain Atwood, Bud Webster, Annie Daniel, Christiana Burgess, Trent Baggett, and David Beber.

4) APPROVAL OF MINUTES OF AUGUST 18, 2016, REGULAR MEETING

A motion was made by Kevin Buchanan and seconded by Greg Mashburn to approve the minutes from the August 18, 2016 regular meeting. The motion carried as follows:

AYE: Fields, Buchanan, Hunter, Mashburn

NAY: None

ABST: Prater

5) APPROVAL OF EXPERT WITNESS FEE, DISTRICT 14 – SUZANNE MCCLAIN ATWOOD

Suzanne McClain Atwood stated that all materials could be found in the agenda packet regarding the request for Shawn Roberson, Ph.D., as an expert witness in District 14. A motion was made by David Prater to approve the expert witness fee request as submitted and seconded by Kevin Buchanan. The motion carried as follows:

AYE: Fields, Buchanan, Prater, Hunter, Mashburn

NAY: None

ABST: None

6) PRESENTATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE FBI CJIS NATIONAL DATA EXCHANGE PROGRAM – MICHAEL P. NEYLON, FBI CJIS N-DEX PROGRAM

Suzanne McClain Atwood introduced Michael P. Neylon, with the Criminal Justice Information Services Division in Clarksburg, West Virginia. Mr. Neylon delivered a presentation regarding the National Data Exchange Program (N-DEX), a national information sharing system that enables criminal justice agencies to search, link, and analyze local, state, tribal, and federal records. Mr. Neylon showed a short video, then a powerpoint. Many benefits of the N-DEX program were discussed, including the nature of records kept within the database and the fact that it is offered at no-cost to participants. Chris Boring asked if the search in N-DEX would take the place of the Triple-I search already being conducted within his offices. Mr. Neylon said no, it would not take the place of that. But with specially granted permissions, an N-DEX search would perform the Triple-I search at the same time. If the searches are performed separately, the N-DEX search would be supplemental to the Triple-I search, as it would contain information the Triple-I search would not. Mike Boring asked if the N-DEX search would be supplemental to the deconfliction process already being used in his office. Mr. Neylon stated that this would help in a collaborative way by connecting agencies that might be looking into the same individual. Greg Mashburn asked how he could get access, whether it would be on an individual basis or if it would be as a system. Mr. Neylon stated that it could be done either way. Mr. Neylon concluded by offering to share additional information after the meeting with anyone interested who was with a criminal justice agency.

A motion was made by Greg Mashburn and seconded by Kevin Buchanan for DAC to begin discussion on how they could implement a system-wide participation with the N-DEX system. The motion carried as follows:

AYE: Fields, Buchanan, Prater, Hunter, Mashburn

NAY: None

ABST: None

7) ROLL CALL

CHAIR MIKE FIELDS NOTED ROLL HAD NOT BEEN CALLED AT THE BEGINNING OF THE MEETING. The following Council members were present: District Attorney Mike Fields, District Attorney Kevin Buchanan, District Attorney David Prater, First Assistant Attorney General Mike Hunter, and District Attorney Greg Mashburn. The Chair noted all members were present from the time the meeting was called to order.

8) ALLOCATION OF FY17 RETURNED FUNDS – BUD WEBSTER

Bud Webster stated that DAC started out with an FY16 state appropriation of approximately \$38.8 million. In the first part of the year, DAC received a 3% reduction, then later received a 4% reduction. By the end of the year, DAC's appropriation was down to \$36.1 million. At the beginning of 2016, the budget was reduced another \$1.6 million, making the starting appropriation for FY17 approximately \$34.4 million.

Mr. Webster advised that DAC has been notified by the Oklahoma Management and Enterprise Services that they will receive \$1,002,226.60. Based on previous Council action, Bud has prepared an allocation returning funds to districts as they were taken away. [See attached.]

A motion was made by David Prater and seconded by Greg Mashburn to approve the allocation of returned funds in the manner in which they were taken from districts as presented in the attachment. The motion carried as follows:

- AYE: Fields, Buchanan, Prater, Hunter, Mashburn
- NAY: None
- ABST: None

9) APPROVAL OF FY18 BUDGET REQUEST

Bud Webster stated that, pursuant to Council direction, he has prepared a proposed budget request for FY18 based on a critical needs assessment prepared by each district. The total for critical needs from each district equals \$11,472,284.00. The necessary appropriation totals \$46,337,180.60, which is the critical needs total added to the \$34,864,896.00 that DAC currently has.

David Prater stated the Council should carefully consider how the funds would be distributed with regards to the critical needs submitted from each district to Mr. Webster. Mr. Prater is concerned the funds will be put back into the formula that has always been used and each district will not get the amount they requested. He suggested that the Council may need to start rethinking how it distributes the money in the future. Suzanne McClain Atwood stated that Mr. Prater's concerns are duly noted and that the position of the Council thus far has been to allocate money as it was taken away until DAC reaches the \$42 million dollar starting point it once had.

After discussion, Mr. Prater moved to request \$45 million. The motion was seconded by Kevin Buchanan. Before a vote was taken, Ms. Atwood asked for clarification. After discussion, Mr. Prater's motion and Mr. Buchanan's second was amended to say that DAC would submit a request for FY18 to the appropriations total of \$46,337,180.60. The motion carried as follows:

- AYE: Fields, Buchanan, Prater, Hunter, Mashburn
- NAY: None
- ABST: None

10) REPORT OF THE EXECUTIVE COORDINATOR – SUZANNE MCCLAIN ATWOOD

Suzanne McClain Atwood shared with the Council a thank you letter from the Oklahoma County Family Justice Center to the Victims of Crime Advocates Board regarding Camp Hope. David Prater shared some information about the Family Justice Center, which is modeled after the one in San Diego. Mr. Prater stated that it is an opportunity to provide all the services necessary to at-risk families who are dealing with child abuse, domestic abuse and other issues in one location. Camp Hope is one of those services. Mr. Prater gave credit to Oklahoma City Police Chief Bill City and Kim Garrett for the great work that is being done. Ms. Atwood stated that it is exciting to see prosecutors engaged in this kind of work.

Ms. Atwood then notified the District Attorneys present that immediately following adjournment, they were invited to go to the Capitol for the signing of HB 3146, which is the DUI Court of Record Bill. Ms. Atwood encouraged everyone to join her. Mike Fields followed up by encouraging everyone to attend also.

No action was taken.

11) NEW BUSINESS NOT KNOWN 24 HOURS PRIOR TO MEETING – MIKE FIELDS

None.

12) ADJOURNMENT

A motion was made by Greg Mashburn and seconded by Kevin Buchanan to adjourn the meeting at 11:01 a.m. The motion carried as follows:

AYE: Fields, Buchanan, Prater, Hunter, Mashburn
NAY: None
ABST: None

JAG Board Police Chief Representative

3 names submitted from Chief Phil Cotton (ret.), OACP:

- 1) Chief Investigator George Haralson, Board of Dentistry. He is currently the Vice-President of OACP and worked many years at the Tulsa PD and Tulsa County Sheriff's Office as well as being the Chief of Police of Miami, OK. He was Chief Chuck Foley's designee on the JAG Board.
*OACP would like Mr. Haralson to continue to serve on the JAG Board as its representative.
- 2) Chief Don Hyde of Calera PD. Chief Hyde currently serves as the representative for OACP on the VAWA Board.
- 3) Chief Don Sweger of Guthrie PD.

NFSIA Task Force Sheriff Representative

Only 1 name was submitted after many attempts by Ray McNair, OSA, to solicit responses of interest. Mr. McNair believes that the lack of interest is due to the belief that it is a position in which you must be heavily into the forensic science field to understand what is being discussed.

- 1) Sheriff Rob Seale, LeFlore County

OkLEIS Timeline

Solicitation Posted – Tuesday, October 11, 2016

Questions Due – Thursday, October 20, 2016 (Amendment to answer no later than 10/25)

Solicitation Closes – Tuesday, November 1, 2016

Evaluations – Monday, November 7, 2016 (Up to half a day, need whole evaluation team)

Interviews – Tuesday, November 15, 2016 Interview vendors that proceed from evaluations. Half up to whole day depending on number of vendors

Kick-Off/Pre-Award – Thursday, December 1, 2016, this can have evaluators as well as anybody else DAC wishes to participate. It may be done telephonically is necessary. This is where the single selected vendor presents their first scope of work for review.

Award: No later than January 6, 2017. Could be earlier depending on quality of scope of work originally presented

ORIGINAL



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

SCAD No. 2009-101

AUG 23 2010

Re: District Court Case Types

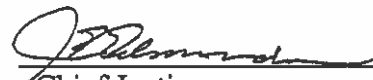
MICHAEL S. RICHIE
CLERK

Administrative Directive No. 2009-101 is amended to add the following:

Case Prefix	Description
YO	Youthful Offender

The Oklahoma Court Information System (O.C.I.S.) is directed to program this amendment as soon as possible.

Approved by the Supreme Court this 23rd day of August, 2010.



Chief Justice

Rec'd (date)	<u>8-23-10</u>
Posted	<u>JD</u>
Mailed	<u>JD</u>
Distrib	<u>JD</u>
Publish	yes <u>X</u> no

FEB - 1 2010

MICHAEL S. HICHEL
CLERK

2009 OK 87

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE DISTRICT COURT NUMBERING)
SYSTEM, CASE TYPES, AND COVER) S.C.A.D. 2009 - 101
SHEETS.) FOR OFFICIAL PUBLICATION

¶ 0 CORRECTION ORDER

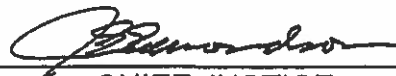
¶ 1 The Order of the Court filed herein on November 24, 2009, shall be corrected as follows.

1. The Order's caption preceding the style stating "STATE OF OKLHAOMA" shall be changed to the corrected form stating "STATE OF OKLAHOMA"

2. In "Exhibit B" the Civil Cover Sheet the word "PRINCIPLE" in the phrase "PRINCIPLE CAUSE OF ACTION" shall be changed to the corrected form stating "PRINCIPAL" so that the phrase states "PRINCIPAL CAUSE OF ACTION"

¶ 2 The Order shall otherwise remain as filed November 24, 2009.

¶ 3 DONE BY ORDER OF THE SUPREME COURT THIS 1st DAY OF
FEBRUARY, 2010.



CHIEF JUSTICE

ORIGINAL



2009 OK 87

FOR OFFICIAL PUBLICATION

FILED
SUPREME COURT
STATE OF OKLAHOMA

NOV 24 2009

MICHAEL S. RICHIE
CLERK

SCAD

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Administrative Directive No. 2009 - 101

Re: District Court Numbering System, Case Types, and Cover Sheets

Five previous Administrative Directives have been issued by this court regarding a uniform numbering system, case types/prefixes and/or cover sheets for the district courts. Each of these directives (No. 68-1, 89-1, 89-7, 92-06 and 99-87) is amended as it relates to the subject matter of this new directive.

Effective January 1, 2010, all district courts shall adopt a uniform case numbering system. All cases shall bear a case prefix, then a hyphen and then all four digits of the calendar year, which shall be followed by a hyphen and the number of the case. Cases shall be consecutively numbered within a calendar year.

Beginning January 1, 2010, and on each January 1 thereafter, the four digits of the calendar year designation shall be changed and the consecutive case number shall begin again with number 1. Case numbers must be assigned by the District Court Clerks to ensure that the cases remain in sequence.

Effective January 1, 2010, each court shall adopt and exclusively use the case types/prefixes set forth on attached Exhibit "A" which is incorporated herein by reference. If other case types/prefixes are needed in the future for the orderly filing of cases, the Administrative Director of the Courts may present recommended changes or new case types/prefixes to the Chief Justice for approval.

Effective January 1, 2010, each district court shall adopt and use the attached civil and criminal cover sheets. These cover sheets shall accompany each party's initial filing in a case.

The new cover sheets are not to be filed, nor made a part of the case. The clerk of the court shall destroy each cover sheet within thirty days.

Approved by the Supreme Court this 23rd day of November, 2009.

Chief Justice

CONCUR: EDMONDSON, C.J., TAYLOR, V.C.J., WATT, WINCHESTER, COLBERT, REIF, JJ.

CONCURS IN PART; DISSENTS IN PART: KAUGER, J.

NOT VOTING: HARGRAVE, OPALA, JJ.

Collected (date)	11-24-09
Posted	<input checked="" type="checkbox"/>
Mailed	<input checked="" type="checkbox"/>
Distrib	<input checked="" type="checkbox"/>
Publish	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>

Exhibit "A"

Index

- I. Civil Proceedings
- II. Criminal Proceedings
- III. Family and Domestic Proceedings
- IV. Juvenile Proceedings
- V. Licenses
- VI. Miscellaneous Filings
- VII. Probate and Trust Proceedings

Civil Proceedings

<u>Case Prefix</u>	<u>Description</u>
AO	Civil Administrative
CJ	Civil Cases in which the relief sought exceeds \$10,000
CS	Civil Cases seeking money damages in which the relief sought does not exceed \$10,000
CV	Miscellaneous Civil Cases
GJ	Grand Jury or Multicounty Grand Jury Cases
SC	Small Claims Cases in which the monetary relief is less than \$6,000
TL	Tax Liens

Criminal Proceedings

<u>Case Prefix</u>	<u>Description</u>
AM	Anna McBride Act – Mental Health Court
CA	Cost Administration
CF	Criminal Felony Proceedings
CM	Criminal Misdemeanor Proceedings
CPC	Criminal Probable Cause
DC	Drug Court
DTR	Declined Traffic Tickets
MI	Criminal Miscellaneous Proceedings
NF	Criminal Proceedings – Not Filed
SW	Search Warrants
TR	Traffic Tickets
WL	Wildlife

Family and Domestic Proceedings

<u>Case Prefix</u>	<u>Description</u>
AI	Artificial Insemination
FA	Adoption Proceedings
FD	Family and Domestic Proceedings
FI	Income Assignment Proceedings
FMI	Family and Domestic Miscellaneous Proceedings
FP	Paternity Proceedings
FR	Reciprocal Child Support Cases

Juvenile Proceedings

<u>Case Prefix</u>	<u>Description</u>
JD	Juvenile Deprived Proceedings
JDH	Juvenile Deprived Show Cause Hearings
JDHT	Juvenile Mental Health
JDL	Juvenile Delinquency Proceedings
JDLH	Juvenile Delinquency Show Cause Hearings
JMI	Juvenile Miscellaneous
JS	Juvenile in Need of Supervision Proceedings
JT	Juvenile in Need of Treatment Proceedings

Licenses

<u>Case Prefix</u>	<u>Description</u>
BL	Bondsman License
BV	Beverage License
CO	Closing Out Sale
FS	Foreign Process Server
MC	Ministers Credentials
ML	Marriage License
PP	Passports
PH	Pool Hall
PS	Process Server
PSS	Process Server / State-wide
TM	Transient Merchants License

Miscellaneous Filings

<u>Case Prefix</u>	<u>Description</u>
CP	Criminal Property Proceedings
MH	Mental Health
MR	Miscellaneous Receipts
MRC	Miscellaneous Receipts – Criminal
MRCV	Miscellaneous Receipts – Civil Cases
MRFD	Miscellaneous Receipts – Family Domestic
MRPB	Miscellaneous Receipts – Probate
MRSC	Miscellaneous Receipts – Small Claims
SD	Surface Damage
WH	Writs of Habeas Corpus
PO	Protective Orders

Probate and Trust Proceedings

<u>Case Prefix</u>	<u>Description</u>
FB	Full Blood Filings
PB	Probate Proceedings
PC	Conservatorship
PG	Guardianships
PMI	Probate Miscellaneous Proceedings
PT	Trust Proceedings
WIL	Filing of Wills

Exhibit B

IN THE DISTRICT COURT OF _____ COUNTY STATE OF OKLAHOMA

CIVIL COVER SHEET

TYPE OF CASE (MUST CHECK ONE) & ALL INFORMATION REQUIRED

CIVIL

CJ _____ (over \$10,000)
CS _____ (under \$10,000)
CV _____ (Miscellaneous Civil)
SC _____ (Small Claims-less than \$6,000)
SC _____ (Forcible E & D up to \$1,500)

FAMILY AND DOMESTIC

AI _____ (Artificial Insemination)
FA _____ (Adoption)
FD _____ (Divorce)
FI _____ (Income Assignment)
FP _____ (Paternity)
FR _____ (Reciprocal)
FMI _____ (Miscellaneous)

PROBATE

PB _____ (Probate)
PC _____ (Conservatorship)
PG _____ (Guardianship)
FB _____ (Full Blood)

PRINCIPLE CAUSE OF ACTION: _____ AMOUNT ENCLOSED: \$ _____

_____ Defendant's Initial Pleading-Entry of Appearance/Answer/ 3rd Party Petition Existing Case No. _____

(MUST FILL OUT FOLLOWING INFORMATION)

ATTORNEY INFORMATION:

Party Representing: _____
Name: _____ Firm: _____
Mailing Address: _____ City: _____ State: _____ Zip Code: _____
Phone Number: _____ Fax Number: _____
Bar # _____ E-Mail Address _____

PLAINTIFF INFORMATION

NAME: _____ LAST FIRST MIDDLE
ADDRESS: _____ MAILING ADDRESS PHYSICAL ADDRESS
CITY: _____ STATE: _____ ZIP: _____
DATE OF BIRTH: _____ SOCIAL SECURITY NO./EIN _____
D.L. NO. _____ PHONE NO. _____
CELL PHONE NO. _____ E-MAIL ADDRESS _____

DEFENDANT INFORMATION

NAME: _____ LAST FIRST MIDDLE
ADDRESS: _____ MAILING ADDRESS PHYSICAL ADDRESS
CITY: _____ STATE: _____ ZIP: _____
DATE OF BIRTH: _____ SOCIAL SECURITY NO./EIN _____
D.L. NO. _____ PHONE NO. _____
CELL PHONE NO. _____ E-MAIL ADDRESS _____

SUMMONS INFORMATION

NUMBER OF SUMMONS TO BE ISSUED: _____ SUMMONS TO BE ISSUED BY COURT CLERK _____

PETITION & SUMMONS TO BE SERVED BY:

_____ ISSUED TO ATTORNEY _____ NO SUMMON ISSUED _____ SHERIFF _____ COUNTY: _____
PROCESS SERVER: _____ PUBLICATION _____ REGISTERED /CERTIFIED MAIL _____

Exhibit B

IN THE DISTRICT COURT OF _____ COUNTY, STATE OF OKLAHOMA

CRIMINAL COVER SHEET

STATE OF OKLAHOMA

vs

Defendant _____

CF _____ (Felony)
 CM _____ (Misdemeanor)
 JDL _____ (Juvenile Delinquent)
 JS _____ (Juvenile/Supervision)
 JT _____ (Juvenile/Treatment)
 JD _____ (Juvenile/Deprived)
 JDHT _____ (Juvenile/Mental)
 JDLH _____ (Juvenile/Show Cause)

DEFENDANT INFORMATION

Last Name: _____ First Name: _____ Middle Name: _____
 Address: _____
 City: _____ State: _____ ZIP: _____
 Address Type: H W Other Phone: Home# _____ Phone: Cell# _____
 Phone: Work# _____ Email: _____ Date/Birth: _____
 Driver License #: _____ Driver License State: _____ SS#/EIN#: _____
 Race: _____ Gender: M F Language/Dialect: _____
 Additional Defendants: Y N Total Number of Defendants: _____

ATTORNEY INFORMATION

(If licensed in Oklahoma, fill in address information, only if it has changed since registering with the Oklahoma Bar Association.)
 (Attach additional cover sheets for additional attorneys.)

Last Name: _____ First Name: _____ Middle Name: _____
 Address: _____
 City: _____ State: _____ ZIP: _____
 Bar Number (Required): _____ Telephone: _____ Email: _____

OFFENSES

COUNT(S)	OFFENSES CHARGED	OKLA. STAT. CITATION	NCIC CODE
1.			
2.			
3.			
4.			

Signature: District Attorney/Defendant Attorney: _____

OCT - 5 2016

MICHAEL S. RICHIE
CLERK

2016 OK CR 20

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

IN RE:)

REVISION OF PORTION OF)
THE RULES OF THE COURT)
OF CRIMINAL APPEALS)

FOR PUBLICATION

CASE NO. CCAD-2016-2

**ORDER ADOPTING REVISION IN AND REPUBLISHING PORTION
OF THE RULES OF THE COURT OF CRIMINAL APPEALS**

¶1 In response to the Oklahoma Legislature's passage of 22 O.S.Supp.2016, § 977, we find that revision of the Rules for the Oklahoma Court of Criminal Appeals is necessary to ensure the security and proper use of personal identifier information in criminal prosecutions. Pursuant to the provisions of Section 1051(b) of Title 22 of the Oklahoma Statutes, we hereby revise, adopt, promulgate and republish portions of the *Rules of the Oklahoma Court of Criminal Appeals*, 22 O.S.Supp. 2013, Ch. 18, App. (2016), set forth as follows and as set out in the attachment to this order:

SECTION II. INITIATING AN APPEAL FROM THE TRIAL COURT

Rule 2.2(G) (*Amended*)

Rule 2.6 Internet (*New Rule*)

Rule 2.7 Procedures for Sealing Record (*New Rule*)

SECTION XIII. FORMS

FORM 13.3 Pauper's Affidavit (*Amended*)

FORM 13.8 Uniform Judgment and Sentence (*Amended*)

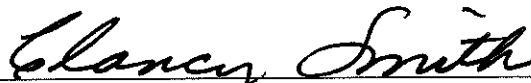
FORM 13.10 Uniform Plea of Guilty--Summary of Facts (*Amended*)

¶2 **IT IS THEREFORE ORDERED ADJUDGED AND DECREED** that these revisions shall become effective on the date of this order and shall only apply prospectively.

¶3 **IT IS THE FURTHER ORDER OF THIS COURT** that these revisions be available for access via the internet from this Court's website www.okcca.net on the date of this order and provided to West Publishing Company for publication. The Administrative Office of the Courts is requested to provide these Rules, amendments, and revisions to the judges of the District Courts via the Oklahoma State Court Network (OSCN) and the District Courts of the State of Oklahoma are directed to implement the utilization of these revisions effective on the date of this order.

¶4 **IT IS SO ORDERED.**


¶5 **WITNESS OUR HANDS AND THE SEAL OF THIS COURT** this 5th day of October, 2016.



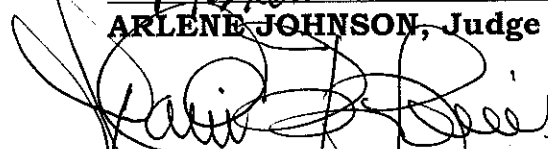
CLANCY SMITH, Presiding Judge



GARY L. LUMPKIN, Vice Presiding Judge



ARLENE JOHNSON, Judge



DAVID B. LEWIS, Judge

Robert L. Hudson

ROBERT L. HUDSON, Judge

ATTEST:

Michael D. Richie

Clerk

SECTION II. INITIATING AN APPEAL FROM THE TRIAL COURT

Rule 2.2 Form and Contents of Record

A. Duties of Clerk to Assemble Record. After a designation of the record is made, the trial court clerk shall promptly assemble, in chronological sequence, all of the instruments on file, together with transcripts as required by subpart B of this Rule, which have been designated for inclusion in the record on appeal. The instruments, numbered consecutively, indexed and bound in volumes which shall not exceed two hundred (200) pages each, shall be certified under the seal of the clerk of the trial court. All designations of record and a certified copy of all the appearance docket sheets, as well as the Judgment and Sentence **AND/OR** final order, shall be included. In accordance with Rule 3.2, three (3) certified copies shall be prepared for transmission to this Court and appellant's attorney. The Court recognizes the provisions of Section 1054 of Title 22, but directs the clerk of the trial court to retain the original record in the trial court. See Rule 4.3 for duties in certiorari appeals. (Emphasis added by the Court)

B. Duties of Court Reporter to Assemble Exhibits.

(1) The court reporter shall ensure trial exhibits are indexed and incorporated into the transcript by physical attachment. In the event the exhibit cannot be physically attached, the court reporter shall attach a clear and viewable photograph or photocopy accurately depicting the exhibit to both the original transcript (or separate volume if necessary) and copies as required below. All copies of exhibits, including photographs, provided pursuant to this Rule shall be in color unless the original exhibit was in black and white. Black and white photo copies of color exhibits are not acceptable. If the exhibit is an audio or video tape or other electronically reproduced medium, the reporter shall be responsible for ensuring that the original and two (2) copies of the item are filed with the transcripts. In each instance, as a condition to the admissibility of the exhibit for consideration on appeal, the trial court shall ensure the party introducing the exhibit shall be responsible for both its reproduction in the same quality as the original, including delivery to the court reporter, and the cost of reproduction. If a party fails to comply with a reporter's request to provide copies of exhibits in accordance with this Rule, the court reporter, after completion of the transcripts, shall file a notice of non-completion with the clerk of the District Court and the Clerk of this Court setting out with specificity the items that have not been provided, when the request was made and the party who has failed to comply with this Rule.

(2) The original transcript, indexed and certified as correct, together with two (2) certified copies (original and three (3) certified copies in capital

cases), and attached exhibits or photos or copies of exhibits, in volumes not to exceed three hundred (300) pages of text per volume, shall be filed with the court clerk in the trial court by the court reporter within sufficient time to allow the trial court clerk to file the notice required by Rule 2.3(A) within ninety (90) days of Judgment and Sentence in misdemeanor and regular felony appeals, and within six (6) months in capital appeals.

(3) Upon the filing of the transcript, the court reporter is required to notify in writing the defendant's appellate attorney, the district attorney, the attorney general, the trial court clerk and the Clerk of this Court that the transcripts have been filed with the trial court clerk. This notice shall be specific, itemizing and describing with particularity all transcripts (by volume number or date of hearing) and exhibits (by number/letter and description) filed with the court clerk. If more than one court reporter was involved in the proceedings at issue, each court reporter shall be responsible for filing a separate specific, itemized list. The clerk of the trial court shall file the notice with the record.

(4) No exhibits other than documentary, photographic or electronically recorded evidence, as required by subpart (B)(1) of this Rule, shall be incorporated into the record on appeal or transmitted to the Clerk of the Court of Criminal Appeals; PROVIDED HOWEVER, this Court may direct supplementation of the record for any exhibit necessary for the determination of the appeal. Under no circumstances will controlled or dangerous substances, weapons, or ammunition, or body fluids or tissues be included in the record.

C. Transcript Not Available. If no transcript has been previously prepared and no tape recording is available for any portion of the trial proceedings, the trial attorneys may stipulate or submit affidavits as to what transpired during the proceeding not transcribed or recorded. The trial judge shall enter an order adjudicating any matters upon which the attorneys cannot agree regarding what transpired during the unrecorded or untranscribed proceedings.

D. Transcript Available. The transcript prepared by the court reporter shall constitute the record of the proceedings from which it was transcribed. When such transcript is made, tape recordings made by the court reporter as a supplementary backup to the stenographic record to the completed transcript of proceedings shall not constitute a part of the official record unless such proceedings were recorded in accordance with Section 1223.1 of Title 22. See Sections 106.4(a), 106.4a, and 106.5 of Title 20. This Rule does not preclude findings of extreme necessity by the trial court that such recordings, if they exist, are necessary to supplement inadequate transcripts.

E. Form of Certification for Original Record in Trial Court. The original record to be filed in this Court must be certified by the clerk of the trial court utilizing the form set out in Section XIII, Form 13.9.

F. When a City or Municipality is a Party. When a city or municipality is a party, a certified copy of the specific ordinance(s) involved in the case shall be included in the record. It shall be the responsibility of the city or municipality to ensure the ordinance(s) are included in the record for appellate review. See *Hishaw v. City of Oklahoma City*, 1991 OK CR 122, 822 P.2d 1139.

G. When the Record Includes Child Pornography. When the record includes exhibits which depict or contain child pornography (See Section 1024.1 of Title 21), the trial court shall take precautionary steps in the handling of such exhibits. An exhibit depicting or containing child pornography may only be possessed by the court, the court clerk, the district attorney, an assistant district attorney, and law enforcement.

(1) An exhibit depicting or containing child pornography shall not be copied, duplicated, or reproduced in any manner. The condition to admissibility requiring the party introducing an exhibit to be responsible for delivering copies to the court reporter in Subsection B, above, shall not apply to an exhibit depicting or containing child pornography.

(2) The trial court shall enter an order sealing any exhibit introduced at trial which depicts or contains child pornography in accordance with Section 24A.29(A)(3) of Title 51. The trial court clerk shall take possession of the sealed exhibit and secure it in a locked, secured repository with access only as directed by the trial court and this Court.

(3) An exhibit depicting or containing child pornography shall not be transmitted with the record. Upon receipt of the Notice to Transmit, the District Court shall enter an Order to Transport directing the district attorney, assistant district attorney or law enforcement to transport the exhibit under seal with two (2) copies of the Order to Transport and hand-deliver both the sealed exhibit and the copies of the Order to Transport to the Clerk of this Court. Any exhibit depicting or containing child pornography shall be transported to the Clerk of this Court within ten (10) days of receipt of the Notice to Transmit. The trial court clerk shall certify the exhibit on the copies of the Order to Transport utilizing the form set out in Section XIII, Form 13.16.

(4) Upon receipt of the sealed exhibit and copies of the District Court's Order to Transport, the individual transporting such an exhibit shall execute and file a Receipt to Transport and acknowledge receipt of the sealed exhibit with the trial court clerk. The individual shall maintain proper chain-of-custody of the exhibit until hand-delivered to the Clerk of

this Court with two (2) copies of the Order to Transport. The individual shall return one copy of the District Court's Order to Transport with the Clerk of this Court's acknowledgment of receipt to the trial court clerk.

(5) Upon receipt of a sealed exhibit depicting or containing child pornography, the Clerk of this Court shall acknowledge receipt of the exhibit on one (1) copy of the District Court's Order to Transport and file one (1) copy of the Order to Transport. The clerk of this Court shall enter the exhibit on the case docket and secure the exhibit in a locked, secured repository with access only as directed by this Court. Counsel for Appellant and for the State may contact the Marshal of this Court for viewing of any exhibit depicting or containing child pornography. When an exhibit depicting or containing child pornography is no longer needed for judicial review, this Court will ~~order~~ enter an Order to Transport and return the sealed exhibit to the District Court and direct the destruction of the exhibit; upon the completion of federal habeas review.

Rule 2.6 Internet

A. Effective Date. As of November 1, 2016, pleadings, documents and materials filed in criminal cases in the courts of this state shall be governed by the following guidelines. This rule shall have prospective effect only.

B. Online Database. The Oklahoma State Courts Network's case search feature provides the public a convenient way to search for court records in the district and appellate courts. This online database does not replace the case management systems used by the courts to file cases and documents. In the event of a discrepancy between the case management system and the online database, this Court will rely upon the record set forth in the case management system. Rules 1.13 and 2.2 govern the Record on Appeal.

C. Personal Identifier Information. If a filer includes personal identifier information such as Social Security numbers, Tax Identification numbers, Financial Account numbers, Driver's License numbers, dates of birth, addresses or other sensitive information, in any document filed with the courts the document becomes a public record as filed. Filers should be aware that certain documents filed in a case file may be viewable on the Oklahoma State Courts Network or On Demand Court Records websites via the Internet.

D. Responsibility of Filer. The responsibility for following the guidelines set forth below rests solely with counsel, the parties, or any other filer. The Clerk of the Court shall not have any duty to review documents for compliance with this rule.

(1) Guidelines. Unless otherwise ordered or as otherwise provided by law, every filer shall limit the following information in all pleadings, papers, exhibits or other documents:

(a) Social Security Numbers. A social security number shall include only the last four digits.

(b) Taxpayer Identification Numbers. A taxpayer identification number shall include only the last four digits.

(c) Financial Account Numbers. A financial account number shall include only the last four digits.

(d) Credit Card Numbers. A credit card number shall include only the last four digits.

(e) Driver's License. A driver's license number shall include only the last four digits.

(f) Date of Birth. A date of birth shall include only the month, year and place of birth.

(2) Applicability of the Rule. An Arrest Warrant, Bench Warrant, Costs Warrant, Search Warrant, Information, or Traffic Ticket may contain complete personal identifier numbers if the document or any return on such document is not viewable on the Internet or World Wide Web after filing in the case file. The National Crime Information Center (NCIC), Law Enforcement Enterprise Portal (LEEP), National Data Exchange (N-DEX), National Instant Criminal Background Check System (NICS), or any other similar shared data management concept between the federal, state, local, and tribal criminal justice agencies is not considered part of the Internet or World Wide Web for the purposes of this rule.

E. Protected Materials. It is necessary in the interests of justice that certain materials are withheld from view on the Oklahoma State Courts Network and On Demand Court Records websites. Every filer shall advise the court clerk that a filing contains protected materials prior to presenting the item for filing. Counsel, the parties, or any other filer have a continuing duty to review documents for compliance with this rule.

(1) The following materials shall be withheld from view on the internet. To the extent that any of the materials are otherwise subject to the Oklahoma Open Records Act (51 O.S. § 24A.1, *et seq.*) the materials shall only be made available at the physical location of the court clerk's office.

(a) Juvenile records or any records the Legislature has determined are confidential;

(b) Names and personal information concerning prospective and sitting jurors as set forth in 38 O.S.Supp.2015, § 36;

(c) Any document or exhibit, other than the transcript of a court proceeding, which lists a crime victim's or surviving family member's date of birth, address, telephone number, place of employment, social security number, taxpayer identification number, financial account number, or driver's license number. 21 O.S.2011, § 142A-9;

(d) Any post-mortem photograph or video of the victim of a homicide or an exhibit containing such images;

(e) Any document or exhibit, other than the transcript of a court proceeding or exhibit revealing prior conviction, which lists a witness' date of birth, social security number, taxpayer

identification number, financial account number, or driver's license number. 21 O.S.2011, § 142A-9;

(f) Any photograph or video depicting injuries to the victim of a sexual offense or an exhibit containing such images. 21 O.S.2011, § 142A-9;

(g) Any photograph or video depicting "Lewdness," "Nudity," "Sexual conduct," "sexual excitement," "Sodomasochistic abuse," or "obscene material" as defined by 21 O.S.2011, §§ 1024.1, 1030, 1040.75.

(h) Any document or materials which have been withheld, removed, or sealed from the public record pursuant to court order. 51 O.S.Supp.2012, 24A.29.

(i) Any photograph, video, document, or other material depicting either alleged child pornography or explicit child pornography. 18 U.S.C. § 2252A; 21 O.S.2011, § 1040.80.

(j) Any document or materials, other than the transcript of a court proceeding, which contains complete personal identifier information, *e.g.*, Arrest Warrant, Bench Warrant, Costs Warrant, Search Warrant, Information, Traffic Ticket, or Report of Trial Judge in Capital Felony.

Rule 2.7 Procedures for Sealing Record

A. Effective Date. As of November 1, 2016, pleadings, documents and materials filed in criminal cases in the courts of this state shall be governed by the following guidelines. This rule shall have prospective effect only.

B. Orders sealing materials. Any court order which directs the sealing, withholding, or removal of pleadings or other material from the record shall comply with the requirements of 51 O.S.Supp.2012, § 24A.29.

C. Filing of sealed portions of the record on appeal. When materials sealed by a protective order of the district court are sent as part of the record, the trial court clerk shall:

- (1) Separate the sealed materials from other portions of the record on appeal but insert notice at the point in the record from which the materials are extracted giving notice that part of the record is sealed;
- (2) enclose the materials in a sealed manila envelope clearly marked "CONFIDENTIAL," and listing where in the record the materials were extracted;
- (3) affix a copy of the protective order to the outside of the envelope;
- (4) list the sealed materials in the index as "confidential documents";

D. Request to seal materials.

(1) A party may request that the court seal a pleading, document or other matter by filing a written motion, or the Court may, upon its own motion, initiate proceedings to seal or redact a court record. A party or attorney of record seeking to seal a pleading, document or other matter shall comply with the requirements of 51 O.S.Supp.2012, § 24A.29. The motion shall disclose, in its title, that sealing is being sought and the grounds upon which sealing is required. The motion must be served on all parties to the action;

(2) The pleading, document or other matter sought to be sealed shall be enclosed in a manila envelope clearly marked "CONFIDENTIAL" and filed with the clerk of this Court in accordance with 51 O.S.Supp.2012, § 24A.29;

(3) When a motion to seal a pleading, document or other matter has been filed, the information to be sealed remains confidential pending the Court's ruling on the motion;

E. Limitations on sealing. This Court will only remove materials from the public record in those instances where such withholding is necessary in the interest of justice and required by law. *Nichols v. Jackson*, 2001 OK CR 35, ¶ 10, 38 P.3d 228, 231; 51 O.S.Supp.2012, § 24A.29;

Materials shall not be sealed under these rules when a reasonable redaction will adequately resolve the issue. *Nichols v. Jackson*, 2001 OK CR 35, ¶ 15, 38 P.3d 228, 232; 51 O.S.Supp.2016, § 24A.5(2).

F. Procedures for maintaining sealed court records. The clerk, all parties, and attorneys of record shall maintain the confidentiality of materials sealed by protective order.

(1) When the clerk of this Court receives a protective court order directing the sealing or withholding of specified records, pleadings, documents or other matters, the clerk shall:

(a) File the protective order, which shall be accessible to the public.

(b) Docket the confidential materials as either “confidential record” or “confidential materials”;

(c) Restrict access to the confidential materials so as to prevent unauthorized viewing of the materials.

(2) Confidential materials shall be opened and viewed only by an order of the Court.

(3) This Court will review confidential materials as part of the proper review of the record on appeal and as necessary to determine the issues raised. After such review, unless otherwise ordered, the materials shall remain confidential, sealed and withheld from the public record.

Form 13.3 Pauper's Affidavit

IN THE DISTRICT COURT OF _____ COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, Plaintiff,

vs.

Case No. _____

_____, Defendant.

PAUPER'S AFFIDAVIT

I, (Name) _____, (Last four digits of Soc. Sec.#) _____,

(Address) _____, upon
oath, do depose and state:

I. PERSONS IN HOUSEHOLD

Is Person a Dependent

Spouse: _____ Yes() No()

Children: _____ Yes() No()

_____ Yes() No()

_____ Yes() No()

Others: _____ Yes() No()

Are you claimed as a dependent by parent or guardian? Yes() No()

If so, explain:

II. FINANCIAL STATUS--ASSETS (Defendant or person(s) responsible for defendant's support):

A. 1. Cash on Hand: \$ _____

2. Bank Accounts:

Bank Name/Address	Last four digits of Account #	Checking/Savings	\$ Amount
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. Bonds & Securities

Description

Value

_____	_____
_____	_____
_____	_____

4. All Other Possessions of Value: (including tax refunds, notes, accts. receivable, etc.)

Description

Value

_____	_____
_____	_____
_____	_____

B. 1. Current Employment:

2. Earnings:

3. If not currently employed, last employment:

Place & Date:

4. Supplemental Income: (V.A., Soc. Security, Disability, Child Support, etc.)

C. Home and Other Real Estate:

<u>Real Property</u>	<u>Value</u>	<u>Balance Owed</u>
----------------------	--------------	---------------------

D. Vehicle(s):

<u>Description</u>	<u>Value</u>	<u>Balance Owed</u>
--------------------	--------------	---------------------

E. Personal Property: (furniture, appliances, tools, equipment, etc.)

<u>Items</u>	<u>Market Value</u>	<u>Balance Owed</u>
--------------	---------------------	---------------------

F. Litigation you or your spouse have pending for recovery of money:

<u>Case No.</u>	<u>County</u>
-----------------	---------------

III. FINANCIAL STATUS--LIABILITIES

A. Charge or Open Accounts:

<u>Description</u>	<u>Balance</u>
--------------------	----------------

B. Housepayment or Rent:

<u>Mortgagee/Landlord</u>	<u>Monthly Payment</u>
---------------------------	------------------------

If own, balance: _____

C. Child Support Obligations

Monthly Payment: _____

D Other Debts:

<u>Creditor</u>	<u>Balance</u>
_____	_____
_____	_____
_____	_____

IV. OTHER

A. Have you transferred or sold any assets since charges were filed in this case? Yes() No()

If so, describe the buyer and the amount received:

B. Have you retained counsel in this case or in any other pending criminal case? Yes() No()

If so, state the case number, court, attorney and amount paid to attorney for services:

C. If you have posted bond, who provided the funds for the bond?

D. Do you have any friends or relatives who are able and willing to assist you in hiring counsel and paying for transcripts? Yes() No()

If so, have those persons been asked to help? Yes() No()

E. If a friend or relative has given previous financial assistance in this case, including the posting of bond, but is no longer able or willing to do so, an affidavit to that effect from that person shall be attached, stating why such help is no longer available.

I further swear and affirm that I am without funds or other sources of income to pay an attorney or to pay for transcripts and costs associated with this case. I understand I am under a continuing obligation to keep this Court informed of any changes in my financial status and this Court may conduct another hearing to determine my indigent status at any time.

Applicant's Signature

Subscribed and sworn to before me this _____ day of _____ 20_____.

State of Oklahoma
County of _____ OR

COURT CLERK

By: _____
Deputy

Notary Public

My Commission Expires _____

Form 13.8 Uniform Judgment and Sentence

IN THE DISTRICT COURT OF _____ COUNTY
THE STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 _____,)
)
 Defendant.)

Case No.: _____

Year of Birth/DOB: _____

Place of Birth: _____

Last four digits of SS#: _____

DOC #: _____

Last four digits of DL #: _____

State of issuance: _____

JUDGMENT AND SENTENCE

Now, on this _____ day of _____, 20____, this matter comes on before the undersigned Judge, for sentencing and the Defendant, _____, appears personally and by Attorney _____, the State of Oklahoma represented by _____, and the Defendant, having previously:

- () Entered a plea of guilty
- () Entered a plea of Nolo Contendere
- () Been found guilty by jury
- () Been found guilty by Judge after waiver of jury trial
- () Other _____

To/of the crime(s) of:	Statutory Reference
Count _____:	_____ O.S. _____
Count _____:	_____ O.S. _____
Count _____:	_____ O.S. _____

(Attach additional sheet for additional counts or if computerized, add to body of Judgment and Sentence at each appropriate place.)

() The defendant has previously been convicted of _____ (insert number) felony crimes and the sentence has been enhanced in accordance with the provisions set forth in _____ O.S. _____; and,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the Defendant,

_____, is guilty of the above described offenses and is sentenced as follows:

TERM OF IMPRISONMENT

COUNT SENTENCED TO A TERM OF:

Under the custody and control of:

- Oklahoma Department of Corrections;
- the _____ County Sheriff; or
- other: _____

These terms to be served as follows (consecutive/concurrent):

Upon release from such confinement, the Defendant shall serve a term of post-imprisonment supervision, under conditions prescribed by the Department of Corrections, for a period of:

TERM OF IMPRISONMENT WITH EXECUTION OF SENTENCE SUSPENDED IN PART
(Attach additional sheet(s) to clarify, if necessary)

COUNT SENTENCED TO A TERM OF:

With all except the first _____ suspended under the custody and control of:

() Oklahoma Department of Corrections; or

() the _____ County Sheriff,

pursuant to the rules and conditions of probation entered by the court.

These term(s) to be served as follows (consecutive/concurrent):

TERMS OF IMPRISONMENT WITH EXECUTION OF SENTENCE SUSPENDED

(Attach additional sheet(s) to clarify, if necessary)

COUNT SENTENCED TO A TERM OF:

Under the custody and control of:

() Oklahoma Department of Corrections; or

() the _____ County Sheriff,

All of said term(s) of imprisonment suspended pursuant to the rules and conditions of probation entered by the court.

These term(s) to be served as follows (consecutive/concurrent):

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that in addition to the preceding terms, the Defendant is also sentenced to:

FINE

() The defendant shall pay a fine of \$ _____

() immediately; or

() on or before _____, 20__ at the rate of \$ _____ per _____, or within

_____ days of release from the Department of Corrections.

() payment of \$ _____ is suspended pursuant to Rules and Conditions of probation.

COSTS, VCA, RESTITUTION

() The defendant shall pay costs, fees, and restitution in accordance with the schedule attached as Exhibit _____.

RULES AND CONDITIONS OF PROBATION

The rules and conditions of probation as ordered by the court and signed by the defendant, acknowledging his/her understanding of the rules and conditions, are incorporated as Exhibit _____.

ATTORNEY FEES

() The defendant shall pay court-appointed attorney fee in the amount of \$ _____ on or before _____, 20____, to _____.

HEARING ON ABILITY TO PAY AFTER INCARCERATION

() The defendant shall report to the District Court of _____ County within _____ days of release for a hearing on the defendant's ability to pay fines and costs pursuant to Section VIII of the Rules of the Court of Criminal Appeals, 22 O.S., Ch. 18, App.

IT IS FURTHER ORDERED that judgment is hereby entered against the Defendant as to the fines, costs and assessments set forth above.

The Court further advised the Defendant of his/her rights and procedure to appeal to the Court of Criminal Appeals of the State of Oklahoma, and that if he/she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State subject to reimbursement of the cost of representation in accordance with Sec. 1355.14 of Title 22. The Court further advised the Defendant that, in the event the above sentence is for a crime involving domestic violence where the Defendant is or was a spouse, intimate partner, parent, or guardian of the victim or is or was involved in another similar relationship with the victim it may be unlawful for him or her to possess, purchase, receive, transport or ship a firearm including a rifle, pistol or revolver or ammunition pursuant to federal law under 18 U.S.C. Section 922(g)(8) or (9), or state law, or both.

In the event the above sentence is for incarceration in the Department of Corrections, the Sheriff of

_____ County, Oklahoma, is ordered and directed to deliver the Defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the Defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of the Sheriff for the transportation and imprisonment of the Defendant as herein before provided. The Sheriff to make due return to the Clerk of this Court, with his proceedings endorsed thereon.

COURT CLERK'S DUTY

[TRIAL JUDGE TO COMPLETE THIS SECTION]

IT IS FURTHER ORDERED that the Clerk of this Court shall register or report the following circumstances in accordance with the applicable statutory authority:

() As to Count(s) _____, the defendant is ineligible to register to vote pursuant to Section 4-101 of Title 26.

() Pursuant to Section 985.1 of Title 22, the Court departed from the mandatory minimum sentence of imprisonment as to Count(s) _____.

() As to Count(s) _____, the defendant is subject to the Methamphetamine Offender Registry requirements as set forth in Section 2-701 of Title 63.

() Defendant is a lawyer and certified copies of this document shall be transmitted to the Chief Justice of the Supreme Court and the General Counsel of the Bar Association within five (5) days as set forth in Rule 7.2 of the Oklahoma Rules of Professional Conduct, 5 O.S.Supp.2014, ch. 1, app. 1-A.

Witness my hand the day and year first above mentioned.

(SEAL)

JUDGE OF THE DISTRICT COURT

(Name of Judge Typed)

ATTEST:

Court Clerk

Deputy Clerk

CLERK'S CERTIFICATION OF COPIES

I, _____, Clerk of the District Court of _____ County, State of Oklahoma, do hereby certify the foregoing to be true, correct, full and complete copy of the original Judgment and Sentence in the case of the State of Oklahoma vs. _____ as the same appears of record in my office.

WITNESS my hand and official seal this _____ day of _____, 20____.

(SEAL)

By:

Court Clerk

Deputy Court Clerk

SHERIFF'S RETURN

I received this Judgment and Sentence the _____ day of _____, 20____,

and executed it by delivering the Defendant to the Warden of the Lexington Assessment and Reception Center at Lexington, Oklahoma, on the _____ day of _____, 20____.

I also certify the above prisoner has served _____ days in the County Jail on the present charge or charges.

Sheriff

Deputy Sheriff

Form 13.10 Uniform Plea of Guilty - Summary of Facts

IN THE DISTRICT COURT OF _____ COUNTY
 THE STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 _____,)
)
 Defendant.)
)
Last four digits of SS# _____ D.O.B. _____)
Last four digits of DL# _____ State _____)
Year of Birth _____ Place of Birth _____)
Oklahoma DOC # _____)
 _____)

Case No. _____

[NOTE: The trial judge shall ensure the defendant is sworn either prior to completing the Summary of Facts or prior to inquiry by the Court on the Plea. If the defendant is entering a nolo contendere, or other type guilty plea, correct by pen change where term "guilty" used.]

(Home Address)

PLEA OF GUILTY

SUMMARY OF FACTS

Part A: Findings of Fact, Acceptance of Plea

CIRCLE

1. Is the name just read to you your true name? Yes No
 If no, what is your correct name? _____
 I have also been known by the name(s): _____

2. My lawyer's name is: _____
3. (a) Do you wish to have a record made of these proceedings by a Court Reporter? Yes No
 (b) Do you wish to waive this right? Yes No
4. Age: _____ Grade completed in school: _____
5. Can you read and understand this form? (If the answer above is no, Addendum A is to be completed and attached.) Yes No

6. Are you currently taking any medications or substances which affect your ability to understand these proceedings? Yes No

7. Have you been prescribed any medication that you should be taking, but you are not taking? Yes No

If so, what kind and for what purpose? _____

8. Have you ever been treated by a doctor or health professional for mental illness or confined in a hospital for mental illness? Yes No

If yes, list the doctor or health professional, place, and when occurred:

9. Do you understand the nature and consequences of this proceeding? Yes No

10. Have you received a copy of the Information and read its allegations? Yes No

11. Does the State move to dismiss or amend any case(s) or count(s) in the information or on page 2 of the information? If so, set forth the cases/counts dismissed or amended. Yes No

12. A. Do you understand you are charged with:

Crime Statutory Reference

(1) _____ O.S. _____ Yes No

(2) _____ O.S. _____ Yes No

(3) _____ O.S. _____ Yes No

(4) _____ O.S. _____ Yes No

For additional charges: List any additional charges on a separate sheet and label as PLEA OF GUILTY ADDENDUM B.

B. Are you charged after former conviction of a felony? Yes No

If yes, list the felony(ies) charged: _____

13. Have you previously been convicted of a felony? If so, when, where and for what felony/felonies? _____

14. _____ (Check if applicable) Do you understand you are subject to the Delayed Sentencing Program for Young Adults and what that sentencing program involves? Yes No

_____ (Check if applicable) Do you understand that upon a conviction on a plea of guilty to the offense(s) of _____ you will be required to serve a minimum sentence of: Yes No

_____ 85% of the sentence of imprisonment imposed before being eligible for parole consideration and are not eligible for earned or other type of credits which will have the effect of reducing the length of sentence to less than 85% of the sentence imposed? Yes No

_____ % of the sentence of imprisonment imposed or received prior to becoming eligible for state correctional earned credits toward completion of your sentence or eligibility for parole? Yes No

_____ (Check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Oklahoma Sex Offender Registration Act? Yes No

_____ (Check if applicable) Do you understand that any person sentenced to imprisonment for two (2) years or more for the offense(s) of _____, involving sexual abuse, sexual exploitation, or illegal sexual conduct, shall be required to serve a term of post-imprisonment supervision for at least three (3) years under conditions determined by the Department of Corrections in addition to the actual term of imprisonment. There will be no post-imprisonment supervision for a sentence of life or life without the possibility of parole for offenses involving sexual abuse, sexual exploitation, or illegal sexual conduct. Yes No

_____ (Check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Oklahoma Methamphetamine Offender Registry Act? Yes No

_____ (Check if applicable) Do you understand that the Court is required to include in the sentence of any person convicted of a felony and sentenced to a term of imprisonment after November 1, 2012, a term of post-imprisonment supervision. The post-imprisonment supervision shall be for a period of not less than nine (9) months nor more than one (1) year following confinement of the person and shall be served under conditions prescribed by the Department of Corrections. There will be no post-imprisonment supervision for a sentence of life without the possibility of parole. Yes No

15. What is/are the charge(s) to which the defendant is/are entering a plea today?

16. Do you understand the range of punishment for the crime(s) is/are: (List in same order as in No. 15 above)?

- | | | | |
|-----|--|-----|----|
| (1) | Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ | Yes | No |
| (2) | Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ | Yes | No |
| (3) | Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ | Yes | No |
| (4) | Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ | Yes | No |

17. Read the following statements: You have the right to a speedy trial before a jury for the determination of whether you are guilty or not guilty and if you request, to determine sentence. (If pleading to capital murder, advise of procedure in 21 O.S. § 701.10(B)). At the trial:

- (1) You have the right to have a lawyer represent you, either one you hire yourself or if you are indigent a court appointed attorney.
- (2) You are presumed to be innocent of the charges.
- (3) You may remain silent or, if you choose, you may testify on your own behalf.
- (4) You have the right to see and hear all witnesses called to testify against you and the right to cross-examine them.
- (5) You may have your witnesses ordered to appear in court to testify and present evidence of any defense you have to these charges.
- (6) The state is required to prove your guilt beyond a reasonable doubt.
- (7) The verdict of guilty or not guilty decided by a jury must be unanimous. However, you can waive a jury trial and, if all parties agree, the case could be tried by a Judge alone who would decide if you were guilty or not guilty and if guilty, the appropriate punishment.

Do you understand each of these rights? Yes No

18. Do you understand by entering a plea of guilty you give up these rights? Yes No

19. Do you understand that a conviction on a plea of guilty could increase punishment in any future case committed after this plea? Yes No

20. Have you talked over the charge(s) with your lawyer, advised him/her regarding any defense you may have to the charges and had his/her advice? Yes No

21. Do you believe your lawyer has effectively assisted you in this case and are you satisfied with his/her advice? Yes No

22. Do you wish to change your plea of not guilty to guilty and give up your right to a jury trial and all other previously explained constitutional rights? Yes No

23. Is there a plea agreement? Yes No

What is your understanding of the plea agreement? _____

24. Do you understand the Court is not bound by any agreement or recommendation and if the Court does not accept the plea agreement, you have the right to withdraw your plea of guilty? Yes No

25. Do you understand that if there is no plea agreement the Court can sentence you within the range of punishment stated in question 16? Yes No

26. Do you understand your plea of guilty to the charge(s) is/are after: (check one) Yes No

- no prior felony convictions
 - one (1) prior felony conviction
 - two (2) or more prior felony convictions
- List prior felony convictions to which pleading: _____

27. What (is) (are) your plea(s) to the charge(s) (and to each one of them)?

28. Did you commit the acts as charged in the Information? Yes No

State the factual basis for your plea(s) (attach additional page as needed, labeled as ADDENDUM C):

- | | | |
|-----|---|--------|
| 29. | Have you been forced, abused, mistreated, or promised anything by anyone to have you enter your plea(s)? | Yes No |
| 30. | Do you plead guilty of your own free will and without any coercion or compulsion of any kind? | Yes No |
| 31. | If you are entering a plea to a felony offense, you have a right to a Pre-Sentence Investigation and Report which would contain the circumstances of the offense, any criminal record, social history and other background information about you. Do you want to have the Report? | Yes No |
| 32. | (a) Do you have any additional statements to make to the Court? | Yes No |
| | (b) Is there any legal reason you should not be sentenced now? | Yes No |

HAVING BEEN SWORN, I, the Defendant whose signature appears below, make the following statements under oath:

(1) CHECK ONE:

____(a) I have read, understood and completed this form.

____(b) My attorney completed this form and we have gone over the form and I understand its contents and agree with the answers. See Addendum "A"

____(c) The Court completed this form for me and inserted my answers to the questions.

(2) The answers are true and correct.

(3) I understand that I may be prosecuted for perjury if I have made false statements to this Court.

DEFENDANT

I Acknowledge this ____ day of _____, 20__.

Notary Public/Deputy Court Clerk/Judge

33. I, the undersigned attorney for the Defendant, believe the Defendant understands the nature, purpose and consequence of this proceeding. (S)He is able to assist me in formulating any defense to the charge(s). I am satisfied that the Defendant's waivers and plea(s) of guilty are voluntarily given and he/she has been informed of all legal and constitutional rights.

ATTORNEY FOR DEFENDANT

34. The sentence recommendation in question 23 is correctly stated. I believe the recommendation is fair to the State of Oklahoma.

35. Offer of Proof (Nolo contendere plea) _____

36. On entering a plea to a felony offense, the State has a right to a pre-sentence investigation and report. The State waives the right to a pre-sentence investigation? Yes No

ASSISTANT DISTRICT ATTORNEY

THE COURT FINDS AS FOLLOWS:

37. A. The Defendant was sworn and responded to questions under oath.
- B. The Defendant understands the nature, purpose and consequences of this proceeding.
- C. The Defendant's plea(s) of _____ is/are knowingly and voluntarily entered and accepted by the Court.
- D. The Defendant is competent for the purpose of this hearing.
- E. A factual basis exists for the plea(s) (and former conviction(s), if applicable).
- F. The Defendant is guilty as charged: (check as appropriate)
- after no prior felony convictions.
 - after one (1) prior felony conviction.
 - after two (2) or more prior felony convictions.
- G. Sentencing or order deferring sentence shall be: imposed instanter (); or continued until the ____ day of _____, 20__, at ____ m.
- If the Pre-Sentence Investigation and Report is requested, it shall be provided to the Court by the ____ day of _____, 20__.
- H. Defendant is committed to:
- _____ The RID Program
 - _____ The FORT Program
 - _____ The Delayed Sentencing Program for Youthful Offenders

DONE IN OPEN COURT this ____ day of _____, 20__.

Court Reporter Present

JUDGE OF THE DISTRICT COURT

Deputy Court Clerk

NAME OF JUDGE TYPED OR PRINTED

Part B: Sentence on Plea

Case No. _____

State v. _____

Date: _____

[NOTE ON USE: Part B to be used with the Summary of Facts if contemporaneous with the entry of plea or may be formatted as a separate sentencing form if sentencing continued to future date.]

THE COURT SENTENCES THE DEFENDANT AS FOLLOWS:

TIME TO SERVE

1. You are sentenced to confinement under the supervision of the Department of Corrections for a term of years as follows:
(list in same order as in question No. 15 in Part A)

Upon release from such confinement, you shall serve a term of post-imprisonment supervision under conditions prescribed by the Department of Corrections for a period of:

2. The sentence(s) to run:

_____ (concurrently/consecutively)

(OR)

_____ NOT APPLICABLE

3. Defendant shall receive:

_____ Credit for time served

_____ No credit for time served

DEFERRED SENTENCE

1. The sentencing date is deferred until _____, 20__ at _____m.

2. You (will/will not) be supervised. The terms set forth in the Rules and Conditions of Probation found in Addendum D shall be the rules you must follow during the period of deferment.

SUSPENDED SENTENCE or SUSPENDED AS TO PART

1. You are sentenced to confinement under the supervision of the Department of Corrections for a term of years as follows:

To be suspended as follows:

(a) ALL SUSPENDED YES ____ NO ____

(b) suspended **except** as to the first _____ (months)(years) of the term(s) during which time you are to be held in the custody of the Department of Corrections, the remainder of the sentence(s) to be suspended under the terms set forth in the Rules and Conditions of Probation found in Addendum D.

_____ Said period of incarceration shall be in the custody of the Department of Corrections, to be served in the County Jail, in lieu of the Department of Corrections, pursuant to the Community Service Sentencing Program, 22 O.S. Section 991a - 4.1.

_____ Defendant's term of incarceration shall be calculated as:

_____ Calendar days with credit for good behavior only (57 O.S Section 65)

_____ As calculated by the Sheriff with all implemented and allowable credits allowed by law

2. The sentence(s) to run:

_____ (concurrently/consecutively)

(OR)

_____ NOT APPLICABLE

3. Defendant shall receive:

_____ Credit for time served

_____ No credit for time served

FINES AND COSTS

You are to pay a fine(s), costs, fees and/or restitution to the _____ County District Court Clerk as set out in Addendum E which is attached and made a part of this Order.

[NOTE ON USE: District Courts may develop and utilize schedules for payment of fines and costs as appropriate for each district and attach as Addendum E.]

COURT CLERK'S DUTY
[TRIAL JUDGE TO COMPLETE THIS SECTION]

IT IS FURTHER ORDERED that the Clerk of this Court shall register or report the following circumstances in accordance with the applicable statutory authority:

- () As to Count(s) _____, the defendant is ineligible to register to vote pursuant to Section 4-101 of Title 26.
- () Pursuant to Section 985.1 of Title 22, the Court departed from the mandatory minimum sentence of imprisonment as to Count(s) _____.
- () As to Count(s) _____, the defendant is subject to the Methamphetamine Offender Registry requirements as set forth in Section 2-701 of Title 63.
- () Defendant is a lawyer and certified copies of this document shall be transmitted to the Chief Justice of the Supreme Court and the General Counsel of the Bar Association within five (5) days as set forth in Rule 7.2 of the Oklahoma Rules of Professional Conduct, 5 O.S.Supp.2014, ch. 1, app. 1-A.

"NOTICE OF RIGHT TO APPEAL"

Sentence to Incarceration, Suspended or Deferred:

To appeal from this conviction, or order deferring sentence, on your plea of guilty, you must file in the District Court Clerk's Office a written Application to Withdraw your Plea of Guilty within ten (10) days from today's date. You must set forth in detail why you are requesting to withdraw your plea. The trial court must hold a hearing and rule upon your Application within thirty (30) days from the date it is filed. If the trial court denies your Application, you have the right to ask the Court of Criminal Appeals to review the District Court's denial by filing a Petition for Writ of Certiorari within ninety (90) days from the date of the denial. Within ten (10) days from the date the application to withdraw plea of guilty is denied, notice of intent to appeal and designation of record must be filed pursuant to Oklahoma Court of Criminal Appeals Rule 4.2(D). If you are indigent, you have the right to be represented on appeal by a court appointed attorney.

- | | | |
|--|-----|----|
| Do you understand each of these rights to appeal? | Yes | No |
| Do you want to remain in the county jail ten (10) days before being taken to the place of confinement? | Yes | No |
| Have you fully understood the questions that have been asked? | Yes | No |
| Have your answers been freely and voluntarily given? | Yes | No |

I ACKNOWLEDGE UNDERSTANDING OF RIGHTS AND SENTENCE IMPOSED.

DEFENDANT

I, the undersigned attorney, have advised the Defendant of his appellate rights.

ATTORNEY FOR DEFENDANT

Done in open court, with all parties present, this _____ day of _____, 20____.

Court Reporter Present

JUDGE OF THE DISTRICT COURT

Deputy Court Clerk

NAME OF JUDGE TYPED OR PRINTED

ADDENDUM "A"

CERTIFICATE OF DEFENSE COUNSEL

As the attorney for the defendant, _____, I certify that:

1. The Defendant has stated to me that he/she is (able/unable) to read and understand the attached form, and I have: (check appropriate option)

_____ Determined the Defendant is able to understand the English language.

_____ Determined the Defendant is unable to understand the English language and obtained to interpret.

2. I have read and fully explained to the Defendant the allegations contained in the Information in this case.

3. I have read and fully explained to the Defendant all of the questions in the Plea of Guilty/Summary of Facts and the answers to the questions set out in the Summary of Facts are the Defendant's answers.

4. To the best of my knowledge and belief the statements and declaration made by the Defendant are accurate and true and have been freely and voluntarily made.

Dated this _____ day of _____, 20____.

ATTORNEY FOR DEFENDANT

FY18 District Budget Needs

Budget Totals	Total	1	2	3	4
Civil Services	\$144,011	\$0.00	\$0.00	\$0.00	\$0.00
Drug Court/Mental health/Veterans ct.	\$190,935	\$0.00	\$0.00	\$0.00	\$0.00
Mental Health	\$73,321	\$0.00	\$0.00	\$0.00	\$0.00
Prosecutorial Services	\$10,070,949	\$498,900.00	\$474,440.00	\$388,393.00	\$356,610.00
Supervision Services	\$202,082	\$0.00	\$0.00	\$0.00	\$0.00
Victim Services	\$107,501	\$0.00	\$55,086.00	\$0.00	\$0.00
M&O	\$411,295	\$0.00	\$0.00	\$0.00	\$0.00
Budget-DAC	\$272,190	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$11,472,284	\$498,900.00	\$529,526.00	\$388,393.00	\$356,610.00

			2	1	3
	1		3.67		1
			1	1	1

Comments

1 Support Staff Funding to alleviate reliance on civil forfeitures and DPA's	7 Additional staff; 1 victim comp. clerk with 2 ADA and 4 support staff for Prosecutorial Services. Increase pay for other staff to agency average to assist with retaining staff	2 Additional staff; 1 ADA and 1 investigator. Increase pay to assist with retaining exp- erience staff	5 Additional staff; 1 investi- gator, 3 ADA's and 1 Support Staff.
--	--	--	--

New Staff	\$8,762,318	76.4%	61100	443861	178338	356610
Salary Adjustments to Assist with Retaining Staff	\$1,338,653	11.7%		85665	210055	
Local Funding Issues	\$960,018	8.4%	437800			
M&O	\$11,800	0.1%				
Equipment	\$399,495	3.5%				
	\$11,472,284	100.0%	498900	529526	388393	356610

FY18 District Budget Needs

Budget Totals	Total	5	6	7	8
Civil Services	\$144,011	\$0.00	\$0.00	\$42,900.00	\$0.00
Drug Court/Mental health/Veterans ct.	\$190,935	\$0.00	\$0.00	\$0.00	\$0.00
Mental Health	\$73,321	\$73,321.00	\$0.00	\$0.00	\$0.00
Prosecutorial Services	\$10,070,949	\$325,944.00	\$456,717.00	\$1,470,546.00	\$154,500.00
Supervision Services	\$202,082	\$202,082.00	\$0.00	\$0.00	\$0.00
Victim Services	\$107,501	\$0.00	\$0.00	\$0.00	\$0.00
M&O	\$411,295	\$7,595.00	\$0.00	\$0.00	\$0.00
Budget-DAC	\$272,190	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$11,472,284	\$608,942.00	\$456,717.00	\$1,513,446.00	\$154,500.00

	3	2	9	1
	1	3	8	
	3		2	

Comments

7 Additional staff; 1 investigator for MH, DC, VC., 2 Invest. and 1 support staff for Supervision Services. 3 ADA's for Prose. Services. Computers for all	5 Additional staff; 2 ADA 3 support staff Increased pay for other staff to assist with retaining experienced employees.	19 Additional staff; 9 ADA's for Prosecutorial Services. 8 support staff, 2 Investigators Amount to cover county funding shortfall.	1 ADA Salary compensation adjustments to assist with retaining staff.
--	--	---	--

New Staff	\$8,762,318	601347	419397	1470546	82500
Salary Adjustments to Assist with Retaining Staff	\$1,338,653		37320		72000
Local Funding Issues	\$960,018			42900	
M&O	\$11,800				
Equipment	\$399,495	7595			
	\$11,472,284	608942	456717	1513446	154500

FY18 District Budget Needs

Budget Totals	Total	9	10	11	12
Civil Services	\$144,011	\$0.00	\$0.00	\$0.00	\$0.00
Drug Court/Mental health/Veterans ct.	\$190,935	\$0.00	\$0.00	\$0.00	\$0.00
Mental Health	\$73,321	\$0.00	\$0.00	\$0.00	\$0.00
Prosecutorial Services	\$10,070,949	\$197,770.00	\$157,000.00	\$153,000.00	\$232,325.00
Supervision Services	\$202,082	\$0.00	\$0.00	\$0.00	\$0.00
Victim Services	\$107,501	\$0.00	\$0.00	\$0.00	\$0.00
M&O	\$411,295	\$8,300.00	\$0.00	\$0.00	\$0.00
Budget-DAC	\$272,190	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$11,472,284	\$206,070.00	\$157,000.00	\$153,000.00	\$232,325.00

	1		1		1
			1		2
					2
	2				

Comments				
	3 Additional staff; 1 ADA and 2 legal interns in Pros. Services. Increased pay for other staff to assist with retaining. Add'l funds for insurance and leave, new server.	2 Additional staff; 1 support staff and 1 ADA in Pros. Services.	Increased pay for staff to assist with retaining staff. Add'l funding to offset continued revenue decreases from cuts to state appropriations.	5 Additional staff; 2 support staff, 2 investigators and 1 ADA in Pros. Services.

New Staff	\$8,762,318	113000	157000		232325
Salary Adjustments to Assist with Retaining Staff	\$1,338,653	44694		58000	
Local Funding Issues	\$960,018	40076		95000	
M&O	\$11,800				
Equipment	\$399,495	8300			
	\$11,472,284	206070	157000	153000	232325

FY18 District Budget Needs

Budget Totals	Total	13	14	15	16
Civil Services	\$144,011	\$101,111.00	\$0.00	\$0.00	\$0.00
Drug Court/Mental health/Veterans ct.	\$190,935	\$0.00	\$125,935.00	\$0.00	\$0.00
Mental Health	\$73,321	\$0.00	\$0.00	\$0.00	\$0.00
Prosecutorial Services	\$10,070,949	\$270,263.00	\$296,564.00	\$529,767.00	\$202,000.00
Supervision Services	\$202,082	\$0.00	\$0.00	\$0.00	\$0.00
Victim Services	\$107,501	\$0.00	\$52,415.00	\$0.00	\$0.00
M&O	\$411,295	\$156,900.00	\$0.00	\$69,200.00	\$0.00
Budget-DAC	\$272,190	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$11,472,284	\$528,274.00	\$474,914.00	\$598,967.00	\$202,000.00

1	4	2	1
	2	4	1
2		1	1
	1	1	

Comments

<p>3 Additional staff 1 ADA for Civil and County 2 Investigators for Pros. Increased pay for other staff to assist with retaining staff. Vehicle replacement \$140,000 High Speed Internet Access \$5,000</p>	<p>7 Additional staff that include 4 ADA's, 2 Support Staff and 1 Victim Advocate</p>	<p>8 Additional staff 2 ADA, 1 Investigator, 4 Support Staff, 1 Victim Compensation New computers, furniture, vehicles, supplies</p>	<p>3 Additional staff; 1 support staff 1 ADA and 1 investigator for investigations.</p>
--	---	--	--

New Staff	\$8,762,318	253431	474914	529767	202000
Salary Adjustments to Assist with Retaining Staff	\$1,338,653	117943			
Local Funding Issues	\$960,018				
M&O	\$11,800	5000		6800	
Equipment	\$399,495	151900		62400	
	\$11,472,284	528274	474914	598967	202000

FY18 District Budget Needs

Budget Totals	Total	17	18	19	20
Civil Services	\$144,011	\$0.00	\$0.00	\$0.00	\$0.00
Drug Court/Mental health/Veterans ct.	\$190,935	\$0.00	\$0.00	\$0.00	\$0.00
Mental Health	\$73,321	\$0.00	\$0.00	\$0.00	\$0.00
Prosecutorial Services	\$10,070,949	\$290,184.00	\$131,094.00	\$135,747.00	\$186,885.00
Supervision Services	\$202,082	\$0.00	\$0.00	\$0.00	\$0.00
Victim Services	\$107,501	\$0.00	\$0.00	\$0.00	\$0.00
M&O	\$411,295	\$0.00	\$0.00	\$3,000.00	\$24,700.00
Budget-DAC	\$272,190	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$11,472,284	\$290,184.00	\$131,094.00	\$138,747.00	\$211,585.00

	1	1		1
	1	1	2	2
	2			

Comments

3 Additional staff; 1 ADA, 1 support staff and 2 investigator for Pros. Services.	1 ADA, 1 SS Salary adjustment to retain valuable experienced employees.	Bring ADA from PT to FT 2 PT Support Staff Add'l funds for salary adjust. to assist with retaining staff Computer for new SS - \$3000	3 Additional staff; 1 ADA and 2 support staff Add'l funds for salary adjust. to assist with retaining staff Computers for staff
--	---	---	---

New Staff	\$8,762,318	290184	101594	18956	163145
Salary Adjustments to Assist with Retaining Staff	\$1,338,653		29500	116791	23740
Local Funding Issues	\$960,018				
M&O	\$11,800				
Equipment	\$399,495			3000	24700
	\$11,472,284	290184	131094	138747	211585

FY18 District Budget Needs

Budget Totals	Total	21	22	23	24
Civil Services	\$144,011	\$0.00	\$0.00	\$0.00	\$0.00
Drug Court/Mental health/Veterans ct.	\$190,935	\$65,000.00	\$0.00	\$0.00	\$0.00
Mental Health	\$73,321	\$0.00	\$0.00	\$0.00	\$0.00
Prosecutorial Services	\$10,070,949	\$286,406.00	\$463,115.00	\$123,499.00	\$258,552.00
Supervision Services	\$202,082	\$0.00	\$0.00	\$0.00	\$0.00
Victim Services	\$107,501	\$0.00	\$0.00	\$0.00	\$0.00
M&O	\$411,295	\$0.00	\$0.00	\$0.00	\$0.00
Budget-DAC	\$272,190	\$0.00	\$0.00	\$0.00	\$0.00
Totals	\$11,472,284	\$351,406.00	\$463,115.00	\$123,499.00	\$258,552.00

1	2	1	1
	3	1	2
	1		

Comments

1 Additional staff; ADA for alternative courts. Add'l funds for salary adjust. to assist with retaining staff	6 Additional staff; 2 ADA, 3 support staff, 1 investigator	2 Additional staff; 1 ADA, 1 sup.	3 Additional staff 1 ADA, 2 SS
--	--	-----------------------------------	-----------------------------------

New Staff	\$8,762,318	65000	463115	123499	258552
Salary Adjustments to Assist with Retaining Staff	\$1,338,653				
Local Funding Issues	\$960,018	286406			
M&O	\$11,800				
Equipment	\$399,495				
	\$11,472,284	351406	463115	123499	258552

FY18 District Budget Needs

Budget Totals	Total	25	26	27	DAC
Civil Services	\$144,011	\$0.00	\$0.00	\$0.00	\$0.00
Drug Court/Mental health/Veterans ct.	\$190,935	\$0.00	\$0.00	\$0.00	\$0.00
Mental Health	\$73,321	\$0.00	\$0.00	\$0.00	\$0.00
Prosecutorial Services	\$10,070,949	\$220,000.00	\$475,728.00	\$1,335,000.00	\$0.00
Supervision Services	\$202,082	\$0.00	\$0.00	\$0.00	\$0.00
Victim Services	\$107,501	\$0.00	\$0.00	\$0.00	\$0.00
M&O	\$411,295	\$30,000.00	\$111,600.00	\$0.00	\$0.00
Budget-DAC	\$272,190	\$0.00	\$0.00	\$0.00	\$272,190.00
Totals	\$11,472,284	\$250,000.00	\$587,328.00	\$1,335,000.00	\$272,190.00

	2	2	5.5
	1	1	5
		1	2
		1	

3

Comments				
	3 Additional staff; 2 ADA, 1 sup. staff Additional funds for veh. replacement and salary adj. for current staff to assist with retaining experienced staff	5 Additional staff; 2 ADA, 1 sup. staff, 1 investigator and 1 RAD coordinator for Pros. Services Add'l funds for salary adjust. to assist with retaining staff Computers and Vehicles	12.5 Additional staff; 5.5 ADA, 5 support staff, 2 investigators Add'l funds for salary adjust. to assist with retaining staff	Budget Officer Public Info. Officer Receptionist CS Funding Replaced


New Staff	\$8,762,318	170000	375728	942055	214354
Salary Adjustments to Assist with Retaining Staff	\$1,338,653	50000	100000	392945	
Local Funding Issues	\$960,018				57836
M&O	\$11,800				
Equipment	\$399,495	30000	111600		
	\$11,472,284	250000	587328	1335000	272190

Request to Receive Donation and Affidavit of Ethics Compliance

The office of the District Attorney, District 12 hereby requests the Oklahoma District Attorneys Council receive the below outlined donation on behalf of District 12. The Cherokee Nation has offered to donate the following:

- (1) Monetary donation in excess of \$500 (approximately \$1,000);
- (2) To be utilized to purchase forensic equipment, specifically, to extract evidence, such as photographs, text messages, e-mails, and other digital evidence from cellular telephones and other devices in order to assist in the prosecution of criminal cases throughout the 12th District and Northeast Oklahoma; and
- (3) The Cherokee Nation regularly disburses donations to law enforcement agencies throughout northeast Oklahoma and this donation was requested as part of the annual funds available to individual Cherokee Nation tribal councilors.

The undersigned District Attorney understands that pursuant to Title 19, Section 215.28(H)(3), the District Attorneys Council may “accept and expend monies, gifts, grants or services from any public or private source.” It is further acknowledged that agencies receiving donations must be ever mindful of potential ethical conflicts that could arise by accepting a gift or donation. I hereby certify that I have carefully reviewed the Oklahoma Rules of Professional Conduct (Title 5, Chapter 1, App. 3-A *et seq.*) and Section Standard 257:20-1-9 of the Ethics Commission and determined that receipt of such donation by the Office of the District Attorney does not create an ethical conflict or violation.



District Attorney, District 12

9/20/16

Date

The District Attorneys Council hereby accepts the aforementioned property on behalf of District 12.

Executive Coordinator, DAC

Date

Request to Receive Donation and Statement of Ethics Compliance

(Adopted by the District Attorneys Council 10/19/06)

The Office of the District Attorney, District 22 hereby requests the Oklahoma District Attorneys Council receive the below outlined donation on behalf of District 22. The Chickasaw Nation has offered to donate the following:

Provide (1) a complete description of the proposed gift, including whether the proposed contribution is in the form of property, money or services, AND (2) a brief description of how the District intends to utilize the donation.

\$60,000 which will be used to partially fund an assistant district attorney's position. This has been a continuing annual donation for several years. I would ask that the contribution be approved for as many years as the Chickasaw Nation desires to provide it. The Nation has never approached me, called me, or otherwise attempted to influence my decision on any matter.

The proposed donation was was not (circle one) solicited. The estimated value of the donation is:

(The initial contribution was solicited.)

Less than \$500.00.

\$500 or greater.

The undersigned District Attorney understands that pursuant to Title 19, Section 215.28(H)(3), the District Attorneys Council may "accept and expend monies, gifts, grants or services from any public or private source". It is further acknowledged that agencies receiving donations must be ever mindful of potential ethical conflicts that could arise by accepting a gift or donation. I hereby certify that I have carefully reviewed the Oklahoma Rules of Professional Conduct (Title 5, Chapter 1, App. 3-A *et seq.*) and Section Standard 257:20-1-9 of the Ethics Commission and determined that receipt of such donation by the Office of the District Attorney does not create an ethical conflict or violation.



District Attorney, District 22

10-31-16

Date

The District Attorneys Council hereby accepts the aforementioned property on behalf of District 22.

Executive Coordinator, DAC

Date

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF
THE STATE OF OKLAHOMA SITTING IN AND FOR WASHINGTON COUNTY

DISTRICT ATTORNEY'S NARRATIVE REPORT

For Sentences Exceeding Two Years

19 O.S. § 215.39

DATE: 05/13/2015

CASE NO: Test Case 17
DEFENDANT: JohnTest Test

TO: Director
Lexington A&R Center
PO Box 260
Lexington, OK 73051

TO: Administrator
Pardon & Parole Board
2915 N. Classen Blvd., Suite 405
Oklahoma City, Ok 73106

SSN: ***-**-9999
DOB: 12/31/1970

OFFENSE: Count 1: ROBBERY SECOND DEGREE, a FELONY, 21 O.S. § 799

SENTENCE(S): Count 1: Life Sentence

DOCKET: _____ (Pardon & Parole Board Use Only)

LOCATION: _____

This charge included:

___	Plea Agreement	___	Use of Weapon	___	Use of Alcohol/Drugs
___	Jury Trial	___	Injury to Victim	___	at Time of Incident
___	Court Trial	___	Property Loss	___	Narcotic/Marijuana
___	Guilty Plea on	___	Restitution Ordered	___	Offense in the
	Original Charge		\$ _____		Amount of _____
___	Guilty Plea on	___	Financial Loss	___	Prior Arrests
	Lesser Charge		Claimed by Victim	___	Number of Prior
			\$ _____		Felonies _____

As part of your continuing duty to present the state's case, you are required to provide the following information:

___ This offense was not unusual in any way and contained only circumstances commonly associated with the offense for which the defendant was convicted.

___ The following narrative describes the state's version of this offense and any factors which might enhance or diminish the gravity of the offender's conduct.

See Attached "Exhibit A"

DATED this _____ day of October, 2016.

KEVIN D. BUCHANAN
DISTRICT ATTORNEY

By: _____
Lenard Ames
Assistant District Attorney

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF
THE STATE OF OKLAHOMA SITTING IN AND FOR WASHINGTON COUNTY

DISTRICT ATTORNEY'S NARRATIVE REPORT

For Sentences Exceeding Two Years

19 O.S. § 215.39

Exhibit A

**IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF
THE STATE OF OKLAHOMA SITTING IN AND FOR WASHINGTON COUNTY**

DISTRICT ATTORNEY'S NARRATIVE REPORT

For Sentences Exceeding Two Years

19 O.S. § 215.39

Date: 04/10/2015
Case Number: CF-2014-TEST
Defendant: Marshall Tester Edwards
SSN: ***-**-5555
DOB: June, 1966

TO: Administrator Pardon & Parole Board 2915 N. Classen Blvd., Suite 405 Oklahoma City, Ok 73106
TO: Director, Lexington A&R Center PO Box 260 Lexington, OK 73051

DOC #: _____ (For Pardon and Parole Board use only)
--

OFFENSE:

Count 1: UNLAWFUL USE OF COMMUNICATION FACILITY, a FELONY, 13 O.S. § 176.3(8)
Count 2: POSSESSION OF CONTROLLED DANGEROUS SUBSTANCE, a FELONY, 63 O.S. § 2-402

SENTENCE(S):

Count 1: 7 years

This charge included:

<input type="checkbox"/> Plea Agreement	<input type="checkbox"/> Use of Weapon	<input type="checkbox"/> Use of Alcohol/Drugs at Time of Incident
<input type="checkbox"/> Jury Trial	<input type="checkbox"/> Injury to Victim	
<input type="checkbox"/> Court Trial	<input type="checkbox"/> Property Loss	
<input type="checkbox"/> Guilty Plea on Original Charge	<input type="checkbox"/> Restitution Ordered \$ _____	<input type="checkbox"/> Narcotic/Marijuana Offense in the Amount of _____
<input type="checkbox"/> Guilty Plea on Lesser Charge	<input type="checkbox"/> Financial Loss Claimed by Victim \$ _____	<input type="checkbox"/> Prior Arrests Number of Prior Felonies _____

The District Attorney Narrative Report is the only opportunity to provide a perspective from the District Attorney for consideration by the Pardon and Parole Board. Pursuant to 19 O.S. § 215.39(A), the District Attorney is required to provide the following information:

1. Written narrative report describing the commission of the offense; and
2. Any Factors which might enhance or diminish the gravity of the offender's conduct.

DA NARRATIVE REPORT (Continuing or additional information can be provided in Exhibit A)

Exhibit A

DATED this October 04, 2016.

KEVIN D. BUCHANAN
DISTRICT ATTORNEY

By: _____
Russ Cochran
Assistant District Attorney

ATTORNEY CLIENT PRIVILEGE COMMUNICATION
DO NOT DISSEMINATE
STATUS REPORT

DATE: October 11, 2016
TO: Julie Corley, Kari Hawkins, Suzanne McClain Atwood
FROM: Kindy Jones
RE: *Lester v. DHS, DAC*
Case No.: CJ-16-1133 (Cleveland County)
AAG ASSIGNMENT: Kari Hawkins
PLAINTIFF(S) COUNSEL: Stan Ward

BRIEF STATEMENT OF THE FACTS: Plaintiff was employed by the District Attorney for District No. 12. She worked in the Child Support Division of the office, which had contract with DHS to provide these services. As a result of the budget crisis, DHS terminated its contract with the DA's office and plaintiff lost her job. She claims she was subjected to a reduction-in-force and did not receive the benefits. Plaintiff's employment was terminated by DA Greg Mashburn on June 30, 2016.

STATEMENT OF THE CASE: On September 30, 2016, Plaintiff filed this action against DHS and DAC, neither of which were her employer. Plaintiff seeks a declaratory judgment declaring that she is entitled to benefits pursuant to the State Government Reduction-in-Force and Severance Benefits Acts and that "defendants" denied her these benefits. She claims that by denying her benefits, defendants also violated state labor laws and are therefore liable for double wages, costs and attorney fees. Kari Hawkins will provide representation.

DEFENDANT(S) POSITION: All defenses will be explored and asserted. DAC is not and was not plaintiff's employer. Plaintiff has no cause of action against DAC. Her employer is DA District 21.

ANTICIPATED COSTS: Unknown

DAMAGES: Unspecified.

OTHER INSURANCE: Unknown

A SETTLEMENT OR JUDGEMENT WILL NOT BE PAID WITHOUT THE INFORMATION REQUESTED IN THIS SECTION.

SYNOPSIS OF SIGNIFICANT DEPOSITIONS AND EVALUATION OF WITNESSES: N/A

LIKELIHOOD OF SETTLEMENT: NA

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

RICHARD STEVENS,)
)
Plaintiff,)
)
Vs.)
)
STATE OF OKLAHOMA, *EX REL.*, THE)
DEPARTMENT OF HUMAN SERVICES,)
AND THE DISTRICT ATTORNEY'S)
COUNCIL,)
)
Defendants.)

Case No.: CJ-2016-1206 TS

SUMMONS

To The Above-Named Defendant: The District Attorney's Council

You have been sued by the above-named Plaintiff, and you are directed to file a written answer to the attached Petition in this Court at the above address within twenty (20) days after service of this Summons upon you exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the Plaintiff.

Unless you answer the Petition within the time stated, judgment will be rendered against you with costs of the action.

Issued this 20 day of October, 2016.

MARILYN WILLIAMS, COURT CLERK

By: S/ Larry Bierman
Deputy Court Clerk

(SEAL)

Attorneys for Plaintiffs:

WARD & GLASS, LLP
1601 36TH Avenue, N.W.
Norman, Oklahoma 73072
(405) 360-9700 (405) 360-7902 (fax)

This Summons is being mailed/served on 10-21-16
(date of mailing/serving)


Signature of Person Mailing/Serving Summons

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA

RICHARD STEVENS,)
)
 Plaintiff,)
)
 Vs.)
)
 STATE OF OKLAHOMA, *EX REL.*, THE)
 DEPARTMENT OF HUMAN SERVICES,)
 AND THE DISTRICT ATTORNEY'S)
 COUNCIL,)
)
 Defendants.)

Case No.: CJ-2016-1206 TS

STATE OF OKLAHOMA } S.S.
 CLEVELAND COUNTY }
 FILED In The
 Office of the Court Clerk
 OCT 20 2016

In the office of the
Court Clerk MARILYN WILLIAMS

PETITION

Plaintiff, Richard Stevens, (“Plaintiff” or “Stevens”), for his cause of action against Defendants, The State of Oklahoma, *ex rel.*, The Department of Human Services (“DHS”) and the District Attorney’s Council (“DAC”) alleges and states:

THE PARTIES

1. At all relevant times herein mentioned, Plaintiff was and now is a resident of the City of Norman, Cleveland County, State of Oklahoma.
2. At all times herein mentioned, Defendant DHS was and now is an agency of the State of Oklahoma that conducts its business in Cleveland County and all other counties in the State of Oklahoma.
3. At all times herein mentioned, Defendant DAC was and now is a statutorily created entity by virtue of 19 O.S. § 215.28 that has the power to contract with

state agencies and employ personnel as it in its judgment finds necessary to carry out the provisions of the Act.

JURISDICTION AND VENUE

4. This Court has personal jurisdiction over the parties and subject matter jurisdiction.
5. Venue is properly laid in this Court by virtue of 12 O.S. § 134 and § 139.

FACT ALLEGATIONS

6. Plaintiff is an attorney at law duly licensed to practice in the State of Oklahoma.
7. Plaintiff was employed by Defendants' Child Support Division from 1989 to 1995, and returned to Defendants' employment in the Child Support Division in 2008 where he remained employed until June 30, 2016.
8. Plaintiff performed his duties as an assistant district attorney for Defendant DAC, District No. 21, and was supervised by District Attorney Greg Mashburn ("Mashburn") at the time of his termination of employment.
9. At all times during Plaintiff's course of employment, he was an unclassified employee.
10. In May, 2016, Plaintiff and others in the Child Support Division of Defendant DAC, District No. 21 received notice that Defendant DHS's Child Support Services would no longer contract with the District Attorney for services in Norman and Pauls Valley.

11. The notice Plaintiff received dated May 20, 2016 further stated that the Bethany Child Support Services employees and the Child Support Services employees from Defendant DHS's state office would be re-assigned to the Norman office and its cases.
12. The notice advised Plaintiff and its other recipients that Defendant DHS was developing a reduction-in-force plan that was to begin July 1, 2016, and that Defendant DHS was extending one last voluntary benefit offer to employees like Plaintiff whose job classes were being reduced.
13. Several days later, the District Attorney of District No. 21, Greg Mashburn, ("Mashburn"), sent an email dated May 23, 2016 to Sharon Sitzman, the supervisor in charge of the District No. 21 Child Support Division, that the Norman office of Defendant DAC's Child Support Division was being dismantled, that Defendant DHS did not negotiate in good faith, and that Defendant DHS's decision was final.
14. Plaintiff was informed and believes and thereon further alleges that Defendant DHS and Defendant DAC entered into contracts whereby Defendant DAC agreed to provide collection of child support arrearages for Defendant DHS and Defendant DHS agreed to pay Defendant DAC for the provision of those services.
15. Defendant DHS's decision was to retain classified DHS employees and to eliminate the unclassified employees like Plaintiff in the District No. 21 Child Support Division effective July 1, 2016. At the end of June, 2016, Plaintiff and

other unclassified employees in the District No. 21 Child Support Division were notified there would be no pay severance compensation paid.

16. District No. 21 District Attorney Mashburn sent Plaintiff a letter dated June 29, 2016, a copy of which is attached hereto as **Exhibit "1"** and incorporated herein by reference advising Plaintiff that he believed until recently that Defendant DHS intended to keep the Cleveland County office open and operating as it currently functioned and that he had hoped that Defendant DHS would transfer Plaintiff's employment from Defendant DAC to Defendant DHS. The letter further advised Plaintiff that his last date of employment with the State of Oklahoma would be the close of business on June 30, 2016.
17. The Oklahoma Legislature enacted reduction-in-force plan legislation in 1982 that was in force and effect as of June, 2016, and this legislation is contained in Title 74 O.S. § 840-2.27B, et seq. (the "Legislation").
18. In keeping with the letter that Plaintiff received from District Attorney Mashburn, Plaintiff was terminated by the reduction-in-force that was effective July 1, 2016, and did not receive any of the benefits as an "affected employee" as provided by the Legislation.

FIRST CAUSE OF ACTION – FOR DECLARATORY JUDGMENT

19. Plaintiff incorporates paragraphs 1 through 18 as though set forth in full herein.
20. An actual controversy and dispute has arisen between Plaintiff and Defendants in that Plaintiff asserts and contends:

- A. He was an unclassified State employee while employed by Defendants until June 30, 2016;
- B. That he was terminated by a reduction-in-force as defined by § 840-2.27B(11) as a result of conditions that caused Defendant DHS and Defendant DAC to implement a reduction-in-force;
- C. That he is entitled to severance benefits as provided in § 840-2.27D(A) that further provides:

Agencies shall provide severance benefits to affected employees who are separated from the state service as a result of a reduction-in-force due to reorganization or any other action by an agency which results in affected positions being abolished and affected employees being severed from the state service. Severance benefits shall be given to the following categories of affected employees: permanent classified affected employees and affected employees on probationary status after reinstatement from permanent classified status without a break in service; provided, however, affected employees of the University Hospitals Authority must have been continuously employed in the state service since on or before January 1, 1995, to receive severance benefits. Pursuant to this section and Section 840-5.1A of this title, state agencies may provide severance benefits provided by this subsection to regular unclassified employees with one (1) year or more continuous state service who are separated from the state service for budgetary reasons; **however, state agencies shall offer regular unclassified state employees with one (1) year or more continuous state service who are separated from the state service the same severance benefit as the affected employees in a reduction-in-force if the unclassified employees' separation is as a result of the conditions causing the agency to implement a reduction-in-force.** Affected employees who qualify for severance benefits pursuant to this section, in addition to the payment of any compensable accrued leave or other benefits an affected employee is eligible to receive upon separation from the state service, shall receive severance benefits consisting of the following elements...(Emphasis added)

- D. That he had more than one year of continuous service and was denied the benefits provided in Section 840-2.27(D)(A)(1), (2) and (3)and (B).
- E. That the Oklahoma State Treasurer has a Reduction-In-Force Emergency Cost Fund created by § 840-2.27(G) to fund payments to employees such as Plaintiff to be used for the payment of benefits of employees who are terminated by a reduction-in-force.
- F. That Defendants have wrongfully withheld and refused to pay to Plaintiff the statutory mandated payments for health insurance, and refused to pay out-placement assistance and employment counseling prior to and after the reduction-in-force.
- G. That Defendants have violated 40 O.S. § 197.9 by failing to pay Plaintiff wages less than he was entitled to receive and failed to pay wages that he was entitled to receive and Plaintiff is entitled to receive double the amount of wages denied to him, court costs, and attorney's fees.
21. On the other hand, Defendants ostensibly contend and assert that Plaintiff and the other District No. 21 employees in the Child Support Division could be terminated without complying with 74 O.S. § 840-2.27B, et seq., and 40 O.S. § 197.9.
22. This action is brought pursuant to 12 O.S. § 1651, et seq., to determine and declare the dispute and controversy that has arisen between Plaintiff and Defendants.
- WHEREFORE, Plaintiff prays for judgment declaring and determining that:
1. Defendants terminated Plaintiff as an unclassified state employee as part of a reduction-in-force plan implemented by Defendants;

2. As an unclassified state employee Plaintiff is an affected employee within the meaning of 74 O.S. § 840-2.27B, et seq., and entitled to all statutory protections provided therein;
3. Defendants failed and refused to provide Plaintiff with the benefits mandated by 74 O.S. § 840-2.27B et seq. and especially § 840-2.27D(A)(1)(2)(3) and (B);
4. Plaintiff is entitled to all severance benefits including but not limited to compensation, health insurance, and outplacement assistance and employment counseling;
5. Defendants violated 40 O.S. § 197.9 by willfully refusing to pay Plaintiff the benefits due and owing to him and that Plaintiff be paid the wages he is entitled to receive double the full amount of those wages, court costs, and attorney's fees; and
6. For such other and further relief as the Court deems just and proper.

Respectfully submitted,

WARD & GLASS, L.L.P.

Stanley M. Ward, OBA#9351
Woodrow K. Glass, OBA#15690
R. Ben Houston, OBA#14751
Brent L. Neighbors, OBA#15910
Barrett T. Bowers, OBA#30493
Bryan B. Young, OBA#31434
Geoffrey A. Tabor, OBA#32880
1601 36th Ave. NW, Ste. 100
Norman, Oklahoma 73072
(405) 360-9700 / (405) 360-7902 (fax)
Attorneys for Plaintiff

JURY TRIAL DEMANDED

GREG MASHBURN
District Attorney



SUSAN P. CASWELL
First Assistant District Attorney

DISTRICT ATTORNEY'S OFFICE, DISTRICT 21
Cleveland, Garvin and McClain Counties
State of Oklahoma

June 29, 2016

Dear Richard:

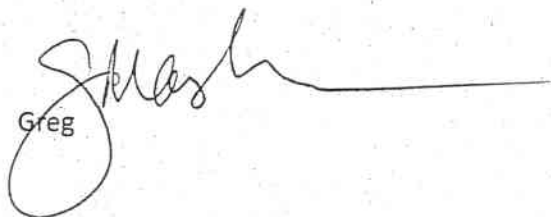
Let me begin this letter by expressing my sincere appreciation for your hard work and dedication to this office and the citizens of Cleveland County. Your contributions have meant a great deal to thousands of children and families throughout Oklahoma, and I am very proud of the accomplishments of the child support team.

Unfortunately, the state's budget crisis has adversely affected both this office and apparently DHS as well. During contract negotiations, DHS informed me that it could not fund all of the positions required under the contract. Although we tried to stretch our existing funds to enable the office to continue as a DA office, the deep state budget cuts made contract renewal impossible. As unhappy as I was not to be able to continue to provide child support services through this office for all of District 21, I believed until recently that DHS intended to keep the Cleveland County office open and operating as it currently functions, and I sincerely hoped that DHS would simply transfer your employment from DAC to DHS.

I now realize that DHS has decided to restructure the office completely, and that as a result, a majority of the current employees will not be retained or transferred. Sadly, this leaves no alternative for me other than to advise you that unless DHS rehires or retains you, your last official day of employment with the State of Oklahoma will be close of business on June 30, 2016.

Your services to this office and the people of Oklahoma have been invaluable, and accordingly, I will be happy to provide recommendations and any other assistance I can as you transition to different employment. I encourage you to apply for any openings that occur in this, the Purcell or Pauls Valley offices. Stay in touch with Andree' and let her know if you have interest in future openings.

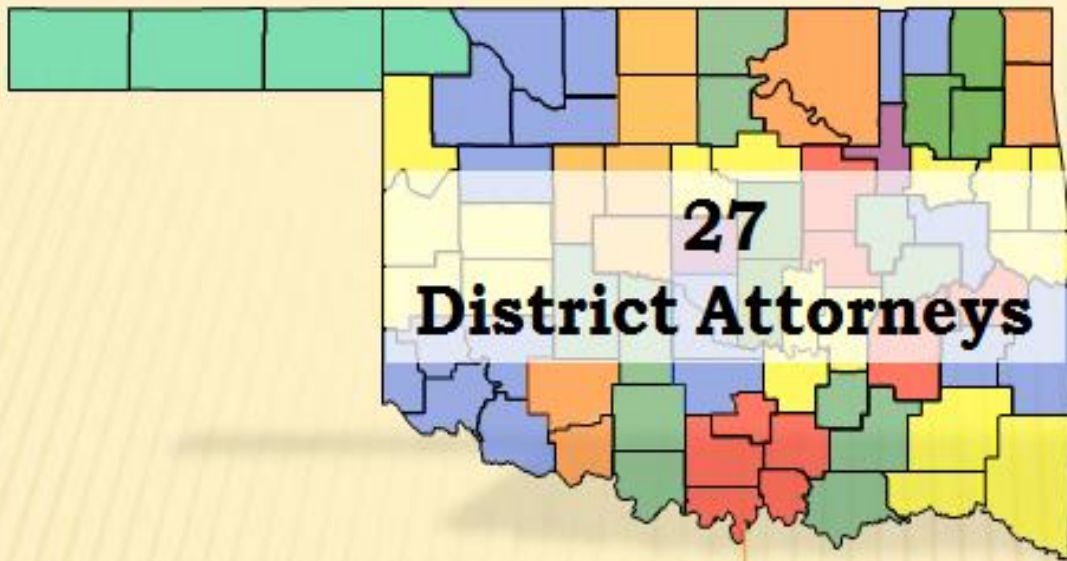
Sincerely,


Greg

Cleveland County DA's Office
201 S. Jones, Suite 300
Norman, OK 73069-6097
(405) 321-8268 • Fax (405) 360-7840

Garvin County DA's Office
201 W. Grant, Rm. 15
Pauls Valley, OK 73075
(405) 238-1141 • Fax (405) 238-5018


tabbles
**PLAINTIFF'S
EXHIBIT**
1
McClain County DA's Office
121 N. 2nd, Suite 212
Purcell, OK 73080
(405) 527-6574 • Fax (405) 527-2362



Suzanne McClain Atwood
Executive Coordinator

Executive

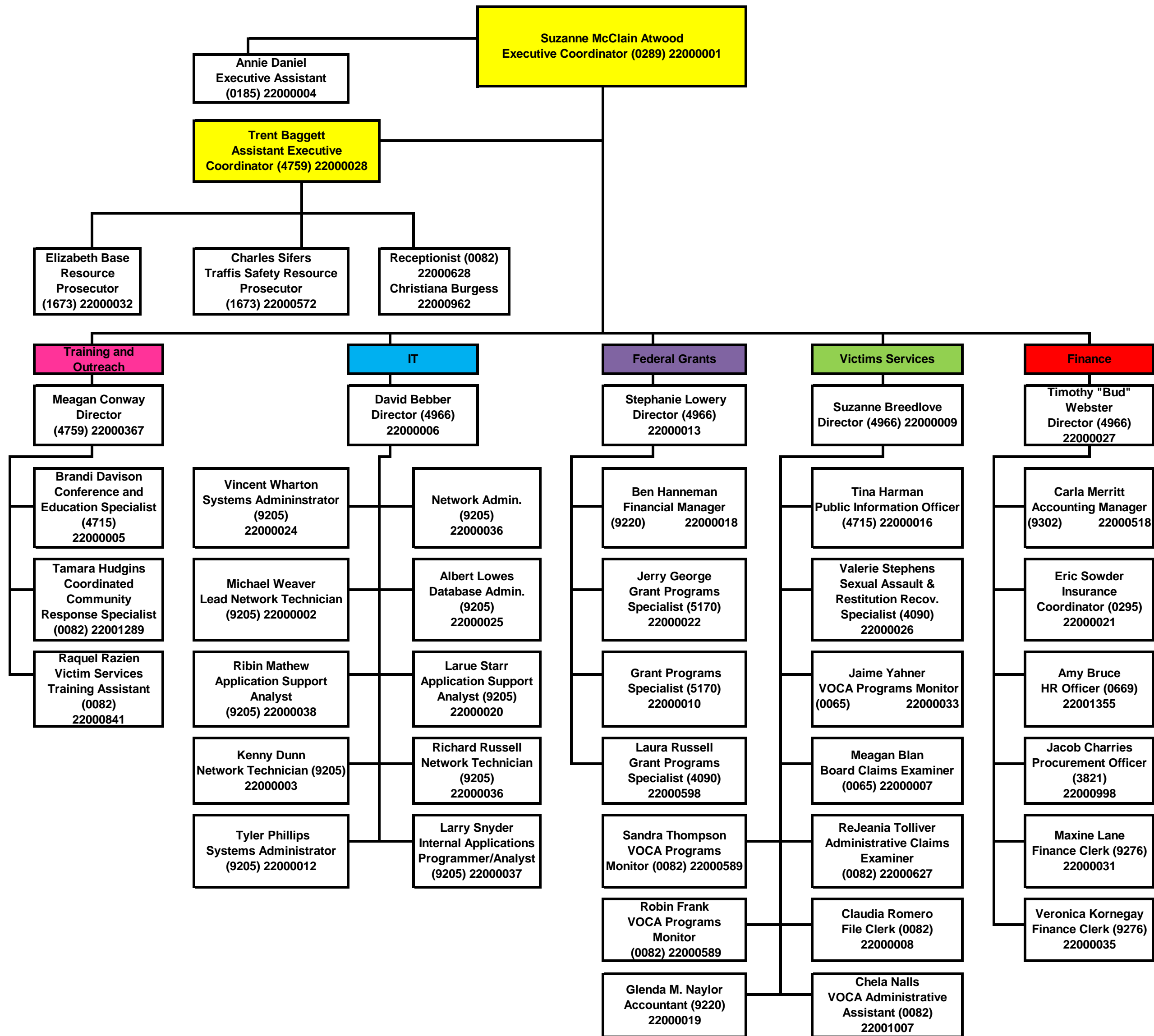
**Training &
Outreach**

Finance

**Information
Technology**

**Federal
Grants**

**Victim
Services**



An Act

ENROLLED HOUSE
BILL NO. 3146

By: Sanders, Kannady, Tadlock,
Loring, Walker, Billy,
McCullough, Roberts (Sean)
and Biggs of the House

and

Treat, Loveless, Sharp and
Brooks of the Senate

An Act relating to the offense of driving under the influence of alcohol or other intoxicating substances; creating the Impaired Driving Elimination Act; amending 11 O.S. 2011, Section 14-111, which relates to municipal ordinances; establishing an assessment for violation of certain municipal ordinances; remitting assessment to the Oklahoma Impaired Driver Database Revolving Fund; requiring certain arrest reports be completed and entered into impaired driver database; amending 28 O.S. 2011, Section 153, which relates to court fees in criminal cases; establishing an assessment for misdemeanor and felony offenses involving driving under the influence of alcohol or other intoxicating substances; remitting assessment to the Oklahoma Impaired Driver Database Revolving Fund; amending 28 O.S. 2011, Section 153.1, which relates to costs in cases involving driving under the influence of alcohol or other intoxicating substances; modifying dispersal of costs charged in cases involving driving under the influence of alcohol or other intoxicating substances; amending 47 O.S. 2011, Section 11-902, as last amended by Section 3, Chapter 393, O.S.L. 2013 (47 O.S. Supp. 2015, Section 11-902), which relates to driving under the influence of alcohol; expanding cases to be filed in district court; providing for the preemption of certain laws of municipalities and political subdivisions; prohibiting municipalities and political subdivisions from prosecuting certain ordinances; providing an exception to mandatory

preemption; providing that act does not prohibit establishment of municipal criminal courts of record; authorizing Commissioner of the Department of Public Safety to oversee creation of certain database; providing for assistance from the Office of Management and Enterprise Services; requiring certain arrest reports be completed and entered into impaired driver database; requiring Commissioner to prescribe the form and format of the impaired driver arrest report; creating the Oklahoma Impaired Driver Database Revolving Fund; stating purpose of fund; providing for codification; providing for noncodification; and providing an effective date.

SUBJECT: Driving under the influence of alcohol or other intoxicating substances

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Impaired Driving Elimination Act" (IDEA).

SECTION 2. AMENDATORY 11 O.S. 2011, Section 14-111, is amended to read as follows:

Section 14-111. A. The governing body of a municipality may provide for enforcement of its ordinances and establish fines, penalties, or imprisonment, as authorized by subsections B through D of this section, for any offense in violation of its ordinances, which shall be recoverable together with costs of suit. The governing body may provide that any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas, and public grounds of the municipality, subject to the direction of the street commissioner or other proper officer, at a rate per day as the governing body may prescribe by ordinance, but not less than Fifty Dollars (\$50.00) per day for useful labor, until the fine or costs are satisfied.

B. 1. Except for municipal ordinances related to prostitution and as otherwise provided in this section, cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or imprisonment not exceeding six (6) months or both the fine and imprisonment, but shall not have authority to enact any ordinance making unlawful an act or omission declared by state statute to be punishable as a felony. Cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding six (6) months or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges. Cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and costs or imprisonment not exceeding six (6) months or both such fine and imprisonment for alcohol-related or drug-related traffic offenses. The court shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral fee to a fund of the municipality that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. The sum of Fifteen Dollars (\$15.00) shall be assessed in every case for violations of municipal ordinances relating to the offense of driving under the influence of alcohol or other intoxicating substance and shall be remitted to the credit of the Oklahoma Impaired Driver Database Revolving Fund created pursuant to Section 8 of this act.

2. For violations of municipal ordinances relating to prostitution, including but not limited to engaging in prostitution or soliciting or procuring prostitution, a municipal criminal court of record may enact ordinances prescribing an imprisonment not to exceed six (6) months, and fines as follows: a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) upon the first conviction for violation of any such ordinances, a fine of not more than Five Thousand Dollars (\$5,000.00) upon the second conviction for violation of any of such ordinances, and a fine of not more than Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or subsequent convictions for violation of any of such ordinances, or both such fine and imprisonment as well as a term of community service of not less than forty (40) nor more than eighty (80) hours.

C. Municipalities having a municipal court not of record may enact ordinances prescribing maximum fines pursuant to the provisions of this subsection. A municipal ordinance may not impose a penalty, including fine or deferral fee in lieu of a fine and costs, which is greater than that established by statute for the same offense. The maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to speeding or parking shall not exceed Two Hundred Dollars (\$200.00). The maximum fine or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed Eight Hundred Dollars (\$800.00). For all other offenses, the maximum fine or deferral fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral fee to a fund of the municipality that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. The ordinances may prescribe costs pursuant to the provisions of Section 27-126 of this title or imprisonment not exceeding sixty (60) days or both the fine and imprisonment; provided, that municipalities having only a municipal court not of record shall not have authority to enact any ordinance making unlawful any act or omission declared by state statute to be punishable as a felony; provided further, that municipalities having a municipal court not of record may enact ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges. If imprisonment is available for the offense, then that person charged shall have a right to a jury trial.

D. Municipalities having both municipal criminal courts of record and municipal courts not of record may enact ordinances, within the authority of this section, for each court.

E. No municipality may levy a fine or deferral fee in lieu of a fine of over Fifty Dollars (\$50.00) until it has compiled and published its penal ordinances as required in Sections 14-109 and 14-110 of this title.

F. No municipality may levy a fine of more than Ten Dollars (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for exceeding the posted speed limit by no more than ten (10) miles per hour upon any portion of the National System of Interstate and

Defense Highways, federal-aid primary highways, and the state highway system which are located on the outskirts of any municipality as determined in Section 2-117 of Title 47 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 34-108 of Title 11, unless there is created a duplication in numbering, reads as follows:

In any case in which a person is arrested for driving under the influence of alcohol or other intoxicating substance, an impaired driver arrest report shall be completed by the municipal law enforcement officer who made the arrest and shall be entered into the impaired driver database created pursuant to Section 8 of this act.

SECTION 4. AMENDATORY 28 O.S. 2011, Section 153, is amended to read as follows:

Section 153. A. The clerks of the courts shall collect as costs in every criminal case for each offense of which the defendant is convicted, irrespective of whether or not the sentence is deferred, the following flat charges and no more, except for standing and parking violations and for charges otherwise provided for by law, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants, orders, and other services to the date of judgment:

1. For each defendant convicted of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour, whether charged individually or conjointly with others \$77.00
2. For each defendant convicted of a misdemeanor traffic violation other than an offense provided for in paragraph 1 or 5 of this subsection, whether charged individually or conjointly with others \$98.00
3. For each defendant convicted of a misdemeanor, other than for driving under the influence of alcohol or

- other intoxicating substance or an offense provided for in paragraph 1 or 2 of this subsection, whether charged individually or conjointly with others \$93.00
4. For each defendant convicted of a felony, other than for driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others \$103.00
 5. For each defendant convicted of the misdemeanor of driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others \$433.00
 6. For each defendant convicted of the felony of driving under the influence of alcohol or other intoxicating substance, whether charged individually or conjointly with others \$433.00
 7. For the services of a court reporter at each preliminary hearing and trial held in the case \$20.00
 8. For each time a jury is requested \$30.00
 9. A sheriff's fee for serving or endeavoring to serve each writ, warrant, order, process, command, or notice or pursuing any fugitive from justice
 - a. within the county \$50.00, or
 mileage as established by the Oklahoma Statutes, whichever is greater, or
 - b. outside of the county \$50.00, or

actual, necessary
expenses, whichever
is greater

10. For the services of a language interpreter, other than an interpreter appointed pursuant to the provisions of the Oklahoma Interpreter for the Deaf Act, at each hearing held in the case, the actual cost of the interpreter.

B. In addition to the amount collected pursuant to paragraphs 2 through 6 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In addition to the amount collected pursuant to subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and collected in every traffic case for each offense other than for driving under the influence of alcohol or other intoxicating substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and collected in every misdemeanor case for each offense; the sum of Fifteen Dollars (\$15.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance; the sum of Twenty-five Dollars (\$25.00) shall be assessed and collected in every felony case for each offense; and the sum of Twenty-five Dollars (\$25.00) shall be assessed and collected in every felony case for each offense for driving under the influence of alcohol or other intoxicating substance.

D. In addition to the amounts collected pursuant to subsections A and B of this section, the sum of Twenty-five Dollars (\$25.00) shall be assessed and credited to the Oklahoma Court Information System Revolving Fund created pursuant to Section 1315 of Title 20 of the Oklahoma Statutes.

E. In addition to the amount collected pursuant to paragraphs 1 through 6 of subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and credited to the Sheriff's Service Fee Account in the county in which the conviction occurred for the purpose of enhancing existing or providing additional courthouse security.

F. In addition to the amounts collected pursuant to paragraphs 1 through 6 of subsection A of this section, the sum of Three Dollars (\$3.00) shall be assessed and credited to the Office of the Attorney General Victim Services Unit.

G. In addition to the amounts collected pursuant to paragraphs 1 through 6 of subsection A of this section, the sum of Three Dollars (\$3.00) shall be assessed and credited to the Child Abuse Multidisciplinary Account. This fee shall not be used for purposes of hiring or employing any law enforcement officers.

H. In addition to the amount collected pursuant to paragraphs 5 and 6 of subsection A of this section, the sum of Fifteen Dollars (\$15.00) shall be assessed in every misdemeanor or felony case for each offense of driving under the influence of alcohol or other intoxicating substance and credited to the Oklahoma Impaired Driver Database Revolving Fund created pursuant to Section 8 of this act.

I. Prior to conviction, parties in criminal cases shall not be required to pay, advance, or post security for the services of a language interpreter or for the issuance or service of process to obtain compulsory attendance of witnesses.

~~F.~~ J. The amounts to be assessed as court costs upon filing of a case shall be those amounts above-stated in paragraph 3 or 4 of subsection A and ~~subsection~~ subsections B, C, D and E of this section.

~~F.~~ K. The fees collected pursuant to this section shall be deposited into the court fund, except the following:

1. A court clerk issuing a misdemeanor warrant is entitled to ten percent (10%) of the sheriff's service fee, provided for in paragraph 9 of subsection A of this section, collected on a warrant referred to the contractor for the misdemeanor warrant notification program governed by Sections 514.4 and 514.5 of Title 19 of the Oklahoma Statutes. This ten-percent sum shall be deposited into the issuing Court Clerk's Revolving Fund, created pursuant to Section 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing the warrant with the balance of the sheriff's service fee to be deposited into the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county in which service is made or attempted. Otherwise, the sheriff's service fee, when collected, shall be deposited in its entirety into the Sheriff's Service Fee

Account of the sheriff in the county in which service is made or attempted;

2. The sheriff's fee provided for in Section 153.2 of this title;

3. The witness fees paid by the district attorney pursuant to the provisions of Section 82 of this title which, if collected by the court clerk, shall be transferred to the district attorney's office in the county where witness attendance was required. Fees transferred pursuant to this paragraph shall be deposited in the district attorney's maintenance and operating expense account;

4. The fees provided for in subsection C of this section shall be forwarded to the District Attorneys Council Revolving Fund to defray the costs of prosecution; and

5. The following amounts of the fees provided for in paragraphs 2, 3, 5 and 6 of subsection A of this section, when collected, shall be deposited in the Trauma Care Assistance Revolving Fund, created pursuant to the provisions of Section 1-2530.9 of Title 63 of the Oklahoma Statutes:

- a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee provided for in paragraph 2 of subsection A of this section,
- b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee provided for in paragraph 3 of subsection A of this section,
- c. One Hundred Dollars (\$100.00) of the Four-Hundred-Thirty-three-Dollar fee provided for in paragraph 5 of subsection A of this section, and
- d. One Hundred Dollars (\$100.00) of the Four-Hundred-Thirty-three-Dollar fee provided for in paragraph 6 of subsection A of this section.

~~K.~~ L. Costs required to be collected pursuant to this section shall not be dismissed or waived; provided, if the court determines that a person needing the services of a language interpreter is indigent, the court may waive all or part of the costs or require the payment of costs in installments.

~~L.~~ M. As used in this section, "convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence.

~~M.~~ N. A court clerk may accept in payment for any fee, fine, forfeiture payment, cost, penalty assessment or other charge or collection to be assessed or collected by a court clerk pursuant to this section a nationally recognized credit card or debit card or other electronic payment method as provided in paragraph 1 of subsection B of Section 151 of this title.

~~N.~~ O. Upon receipt of payment of fines and costs for offenses charged prior to July 1, 1992, the court clerk shall apportion and pay Thirteen Dollars (\$13.00) per conviction to the court fund.

SECTION 5. AMENDATORY 28 O.S. 2011, Section 153.1, is amended to read as follows:

Section 153.1 In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance within a municipality with a municipal court, ~~one half (1/2)~~ :

1. Twenty-five percent (25%) of the costs charged in the case as provided for in Section 153 of this title shall be paid to the municipality to be used to defer the cost of such prosecution to the municipality if the arresting officer was an employee of the municipality's law enforcement agency of the municipality; and

2. Twenty-five percent (25%) of the costs charged in the case as provided for in Section 153 of this title shall be paid to the District Attorneys Council Revolving Fund to defray the costs of prosecution.

SECTION 6. AMENDATORY 47 O.S. 2011, Section 11-902, as last amended by Section 3, Chapter 393, O.S.L. 2013 (47 O.S. Supp. 2015, Section 11-902), is amended to read as follows:

Section 11-902. A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state, whether upon public roads, highways, streets, turnpikes, other public places or upon any private road, street, alley or lane which provides access to one or more single or multifamily dwellings, who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Has any amount of a Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid at the time of a test of such person's blood, saliva, urine or any other bodily fluid administered within two (2) hours after the arrest of such person;

4. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

5. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

C. 1. Any person who is convicted of a violation of the provisions of this section shall be guilty of a misdemeanor for the first offense and shall:

- a. participate in an assessment and evaluation pursuant to subsection G of this section and shall follow all recommendations made in the assessment and evaluation,
- b. be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and
- c. be fined not more than One Thousand Dollars (\$1,000.00).

2. Any person who, during the period of any court-imposed probationary term or within ten (10) years of the date following the

completion of the execution of any sentence or deferred judgment for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided in subsection A of this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, commits a second offense pursuant to the provisions of this section or has a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section and within ten (10) years of the date following the completion of the execution of such sentence or deferred judgment commits a second offense pursuant to the provisions of this section shall, upon conviction, be guilty of a felony and shall participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than five (5) days, the person shall serve a term of imprisonment of at least five (5) days.

3. Any person who is convicted of a second felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in subsection A of this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense,

two hundred forty (240) hours of community service and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, or

- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or
- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the treatment in subsection G of this section does not include residential or inpatient treatment for a period of not less than ten (10) days, the person shall serve a term of imprisonment of at least ten (10) days.

4. Any person who is convicted of a third or subsequent felony offense pursuant to the provisions of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in subsection A of this section, Section 11-904 of this title or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes shall participate in an assessment and evaluation pursuant to subsection G of this section and shall be sentenced to:

- a. follow all recommendations made in the assessment and evaluation for treatment at the defendant's expense, followed by not less than one (1) year of supervision and periodic testing at the defendant's expense, four hundred eighty (480) hours of community service, and use of an ignition interlock device, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes, for a minimum of thirty (30) days, or
- b. placement in the custody of the Department of Corrections for not less than one (1) year and not to exceed twenty (20) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or

- c. treatment, imprisonment and a fine within the limitations prescribed in subparagraphs a and b of this paragraph.

However, if the person does not undergo residential or inpatient treatment pursuant to subsection G of this section the person shall serve a term of imprisonment of at least ten (10) days.

5. Any person who, after a previous conviction of a violation of murder in the second degree or manslaughter in the first degree in which the death was caused as a result of driving under the influence of alcohol or other intoxicating substance, is convicted of a violation of this section shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than five (5) years and not to exceed twenty (20) years, and a fine of not more than Ten Thousand Dollars (\$10,000.00).

6. Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than eight-hundredths (0.08).

7. In any case in which a defendant is charged with a ~~second or subsequent~~ driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.

D. Any person who is convicted of a violation of driving under the influence with a blood or breath alcohol concentration of fifteen-hundredths (0.15) or more pursuant to this section shall be deemed guilty of aggravated driving under the influence. A person convicted of aggravated driving under the influence shall participate in an assessment and evaluation pursuant to subsection G of this section and shall comply with all recommendations for treatment. Such person shall be sentenced to:

1. Not less than one (1) year of supervision and periodic testing at the defendant's expense; and

2. An ignition interlock device or devices, as provided by subparagraph n of paragraph 1 of subsection A of Section 991a of

Title 22 of the Oklahoma Statutes, for a minimum of ninety (90) days.

Nothing in this subsection shall preclude the defendant from being charged or punished as provided in paragraph 1, 2, 3, 4 or 5 of subsection C of this section. Any person who is convicted pursuant to the provisions of this subsection shall be guilty of a misdemeanor for a first offense and shall be punished as provided in paragraph 1 of subsection C of this section. Any person who, during the period of any court-imposed probationary term or within ten (10) years of the completion of the execution of any sentence or deferred judgment, commits a second violation of this subsection shall, upon conviction, be guilty of a felony and shall be punished as provided in paragraph 2 of subsection C of this section. Any person who commits a second felony offense pursuant to this subsection shall, upon conviction, be guilty of a felony and shall be punished as provided in paragraph 3 of subsection C of this section. Any person who commits a third or subsequent felony offense pursuant to the provisions of this subsection shall, upon conviction, be guilty of a felony and shall be punished as provided in paragraph 4 of subsection C of this section.

E. When a person is sentenced to imprisonment in the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or

2. A correctional facility operated by the Department of Corrections with assignment to substance abuse treatment. Successful completion of a Department-of-Corrections-approved substance abuse treatment program shall satisfy the recommendation for a ten-hour or twenty-four-hour alcohol and drug substance abuse course or treatment program or both. Successful completion of an approved Department of Corrections substance abuse treatment program may precede or follow the required assessment.

F. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked driving privilege when the person

meets the statutory requirements which affect the existing driving privilege.

G. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in an alcohol and drug substance abuse evaluation and assessment program offered by a certified assessment agency or certified assessor for the purpose of evaluating and assessing the receptivity to treatment and prognosis of the person and shall follow all recommendations made in the assessment and evaluation for treatment. The court shall order the person to reimburse the agency or assessor for the evaluation and assessment. Payment shall be remitted by the defendant or on behalf of the defendant by any third party; provided, no state-appropriated funds are utilized. The fee for an evaluation and assessment shall be the amount provided in subsection C of Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation and assessment shall be conducted at a certified assessment agency, the office of a certified assessor or at another location as ordered by the court. The agency or assessor shall, within seventy-two (72) hours from the time the person is evaluated and assessed, submit a written report to the court for the purpose of assisting the court in its sentencing determination. The court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to participate in and successfully complete all recommendations from the evaluation, such as an alcohol and substance abuse treatment program pursuant to Section 3-452 of Title 43A of the Oklahoma Statutes. If such report indicates that the evaluation and assessment shows that the defendant would benefit from a ten-hour or twenty-four-hour alcohol and drug substance abuse course or a treatment program or both, the court shall, as a condition of any sentence imposed, including deferred and suspended sentences, require the person to follow all recommendations identified by the evaluation and assessment and ordered by the court. No person, agency or facility operating an evaluation and assessment program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated and assessed pursuant to this section for any treatment program or substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or substance abuse service offered by such person, agency or facility. If a person is sentenced to imprisonment in the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this

subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation and assessment report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment required by this subsection. If the defendant fails or refuses to comply with an order of the court to obtain the evaluation and assessment, the Department of Public Safety shall not reinstate driving privileges until the defendant has complied in full with such order. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

H. Any person who is found guilty of a violation of the provisions of this section may be required by the court to attend a victims impact panel program, as defined in subsection H of Section 991a of Title 22 of the Oklahoma Statutes, if such a program is offered in the county where the judgment is rendered, and to pay a fee of not less than Fifteen Dollars (\$15.00) nor more than Sixty Dollars (\$60.00) as set by the governing authority of the program and approved by the court to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

I. Any person who is found guilty of a felony violation of the provisions of this section shall be required to submit to electronic monitoring as authorized and defined by Section 991a of Title 22 of the Oklahoma Statutes.

J. Any person who is found guilty of a violation of the provisions of this section who has been sentenced by the court to perform any type of community service shall not be permitted to pay a fine in lieu of performing the community service.

K. When a person is found guilty of a violation of the provisions of this section, the court shall order, in addition to any other penalty, the defendant to pay a one-hundred-dollar assessment to be deposited in the Drug Abuse Education and Treatment Revolving Fund created in Section 2-503.2 of Title 63 of the Oklahoma Statutes, upon collection.

L. 1. When a person is eighteen (18) years of age or older, and is the driver, operator, or person in physical control of a vehicle, and is convicted of violating any provision of this section while transporting or having in the motor vehicle any child less than eighteen (18) years of age, the fine shall be enhanced to double the amount of the fine imposed for the underlying driving under the influence (DUI) violation which shall be in addition to any other penalties allowed by this section.

2. Nothing in this subsection shall prohibit the prosecution of a person pursuant to Section 852.1 of Title 21 of the Oklahoma Statutes who is in violation of any provision of this section or Section 11-904 of this title.

M. Any plea of guilty, nolo contendere or finding of guilt for a violation of this section or a violation pursuant to the provisions of any law of this state or another state prohibiting the offenses provided for in subsection A of this section, Section 11-904 of this title, or paragraph 4 of subsection A of Section 852.1 of Title 21 of the Oklahoma Statutes, shall constitute a conviction of the offense for the purpose of this section for a period of ten (10) years following the completion of any court-imposed probationary term.

N. If qualified by knowledge, skill, experience, training or education, a witness shall be allowed to testify in the form of an opinion or otherwise solely on the issue of impairment, but not on the issue of specific alcohol concentration level, relating to the following:

1. The results of any standardized field sobriety test including, but not limited to, the horizontal gaze nystagmus (HGN) test administered by a person who has completed training in standardized field sobriety testing; or

2. Whether a person was under the influence of one or more impairing substances and the category of such impairing substance or substances. A witness who has received training and holds a current certification as a drug recognition expert shall be qualified to give the testimony in any case in which such testimony may be relevant.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-902c of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way the prosecution of offenses relating to driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired to the complete exclusion of any order, ordinance, local legislation or regulation by any municipality or other political subdivision of this state.

B. No municipality or other political subdivision shall prosecute any laws or ordinances relating to the offense of driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired. Any existing or future orders, ordinances, local legislation or regulations in violation of this section is void and unenforceable.

C. The preemption provisions of this section shall not apply to prosecutions in municipal criminal courts of record for offenses relating to driving under the influence of alcohol or any other intoxicating substance or operating a motor vehicle while impaired. Nothing in this section shall prohibit a municipality from establishing a municipal criminal court of record pursuant to the provisions of Section 28-101 of Title 11 of the Oklahoma Statutes.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-902d of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Commissioner of the Department of Public Safety is hereby authorized to oversee the creation, development and implementation of a statewide impaired driver database with assistance from the Office of Management and Enterprise Services subject to fiscal limitations and the availability of federal funds.

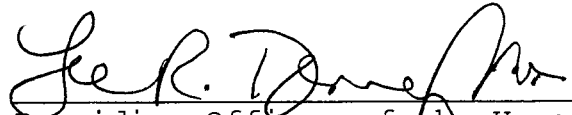
B. In any case in which a person is arrested for driving under the influence of alcohol or any other intoxicating substance, an impaired driver arrest report shall be completed by the law enforcement officer that made the arrest and shall be entered into the impaired driver database. The Commissioner shall prescribe the form and format of the impaired driver arrest report.

C. There is hereby created in the State Treasury a revolving fund for the Department of Public Safety to be designated the "Oklahoma Impaired Driver Database Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All

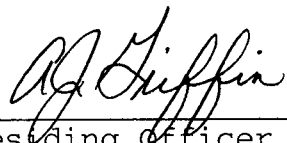
monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department for the exclusive purpose of implementing, developing, administering and maintaining an impaired driver database. Expenditures from the funds shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 9. This act shall become effective November 1, 2016.

Passed the House of Representatives the 7th day of March, 2016.


Presiding Officer of the House
of Representatives

Passed the Senate the 19th day of April, 2016.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 21st

day of April, 20 16, at 3:23 o'clock P M.

By: Audrey Ledwell

Approved by the Governor of the State of Oklahoma this 25th

day of April, 20 16, at 3:59 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 25th

day of April, 20 16, at 4:23 o'clock P. M.

By: Chris Benz