

2008 Vol. 3

... AND JUSTICE FOR ALL



MISSION

It is the mission of the District Attorney's Office to represent the people of District 18, to help provide a safer community for all, to hold offenders accountable for their crimes and to insure that no victim is left behind. We will uphold the law and Constitutions of the State of Oklahoma and the United States.

Assistant
District
Attorney's
Pittsburg
Richard L. Hull
Mike Miller
Wade Dodson
Lisa Birdwell

Haskell
Russell Tacheira



J.B. Miller

District Attorney

Pittsburg & Haskell County

Clint Baker pleads no contest and receives Life Sentence:

On September 18, 2008 Clint Baker entered a plea of no contest and received a Life Sentence in the Oklahoma Department of Corrections. Clint Baker was charged with violently murdering Todd Rich on March 17, 2007. Baker left Rich's body on the side of the road to die and fled the state. The Defendant was later arrested out of state and brought back to Oklahoma to be tried for murder. After a lengthy investigation, which included scientific and forensic evidence linking Baker to the murder, the defendant admitted his involvement and avoided the possibility of a death sentence.

Looking
Ahead

Inmate Michael Rose is charged with Murder in the First Degree for allegedly killing another inmate on July 10 2007. This case is set for Jury Trial on the December 2008 Jury Trial Docket.

I am often asked how the District Attorney's office makes the decision of when to file a charge against someone. The answer is simple: when there is sufficient evidence that supports probable cause that a crime has been committed. The answer is simple, but the process may not always be.

For instance, we recently charged and tried a case involving embezzlement of property by an employee from his employer. The evidence was fairly clear: the employee knowingly removed property from his employer's business and also knew there were rules against removing property. The employee then collected the property and sold it for a sum of money that he put in his own pocket instead of allowing his employer to make the money from the sale of the property. The Defendant admitted he knew it was wrong and tried to hide his actions.

Embezzlement is defined as the fraudulent appropriation of property from its rightful owner and used for a purpose not intended by the owner. 21 O.S. § 1451. This was a fairly clear case according to the law and the evidence. A jury, however, decided differently.

While I never challenge the decisions of juries, I also must state that the District Attorney's office cannot and will not base charges on what we think juries might do. In our office we follow the law. We apply the facts of cases to the law and decide what is the right thing to do. A jury decided that taking property from the rightful owner was not sufficient to find the defendant guilty. The District Attorney's office disagreed with their decision, but a trial by jury is your right as an American and the outcome must be respected.

The case: city employee embezzling metal from the City Landfill. The City operates a landfill at a tremendous cost to the citizens of McAlester. To reduce the costs of operation and generate additional revenue, (as well as reduce the need to raise your water bill) the City recycles materials from the landfill such as metal. The employees were aware of the program and were paid a salary to fulfill the policies set by the City. Instead, however, the employees seized the recyclable metal for their own personal profit. This case was clearly a modern dramatization of "one man's junk is another man's treasure." The ironic thing is that the Defendant claimed the valuable metal he was seizing and selling for his own profit, was just junk. The City claimed the valuable metal was a valuable asset to the City. The jury, apparently, decided junk is junk no matter who makes a profit from it.

Charging decisions are made everyday in our office based on the law and the evidence. We do not randomly select cases or defendants. We prosecute hundreds of cases each year and the vast majority plead guilty or are found guilty by a judge or jury. I cannot imagine the multitude of issues that juries discuss and debate when deliberating the outcome of a trial. But we, as prosecutors, do not have that luxury. We simply follow the law when we decide to file a charge.

J.B. Miller
District Attorney

P.S. The defendant was offered a deal to simply reimburse the City the money he made selling the metal. He declined the offer. All three employees were charged, all admitted they knew it was wrong to take the property. One plead guilty, and one case is still pending, the above defendant was found not guilty by the jury.

Former McAlester Firefighter, Roger Duvall entered a plea of guilty on September 29, 2008 to the following:

CF-2007-673 Possession of Controlled Substance sentenced to 10 years

CF-2008-322 Possession of Controlled Substance sentenced to 10 years

CF-2008-382 Possession of Controlled Drug with Intent to Distribute sentenced to 25 years with last 10 years suspended

CF-2008-433 Escape from Detention sentenced to 2 years and Larceny of Automobile sentenced to 15 years

CF-2008-309 Possession of Controlled Substance sentenced to 10 years

District 18 Drug Task Force Agents on the prowl!

“Seven people were recently charged in Haskell County District Court with drug offenses due to the efforts of the task force, in conjunction with other law enforcement agencies.”

*They're back
and
they're busy.*

Most of the felony drug complaints filed in recent weeks in Haskell County District Court were for having or distributing drugs that are legal, when they're used by the person to whom they're prescribed. But task force agents have been seeing an increased amount of prescription drugs being used illegally, a trend that has been reaching across the country as such drugs as methamphetamine become harder to obtain. “It really seems to be a trend since the prescription drugs are easier to get a hold of.” said Agents “For some reason people seem to think they're safe, since they're approved by the FDA, so we're also seeing a lot more overdoses.” Prescription drugs can only be considered safe when use as prescribed and by the person for whom they are prescribed, according to the American Medical Association. Clayton Dee Foster was charged with distributing hydromorphone, a powerful painkiller. Agents allegedly purchased the drug from him on Oct. 22, according to an affidavit filed in the case. If convicted, Foster could be imprisoned two years to life, fined up to \$20,000 or both. The affidavit indicates an undercover agent accompanied Roy Neal Campbell II to Foster's home to buy the drugs. Campbell himself was charged with unlawful delivery of a narcotic, hydromorphone, for allegedly selling the prescription drugs to an undercover operative on Oct. 22.

Judy Ann Lubak was charged with conspiracy to deliver, manufacture or possess a controlled dangerous substance, a felony. She is alleged to have provided the methadone and hydrocodone Campbell is accused of selling to an undercover agent on Oct. 9.

Kyle Ray Jordan was charged with felony possession of marijuana. He was arrested after a task force agent making a traffic stop on state Highway 9 smelled marijuana coming from the vehicle he was in. Christie Monks was charged Oct. 29 with possession of methamphetamine after a former felony conviction, a felony, as well as misdemeanor counts of possession of marijuana possession of drug paraphernalia. She faces up to 20 years in prison and fines of up to \$10,000. Ali Jamal Nourosoy was charged with felony counts of possession of methamphetamine, possession of Oxycodone (a pain reliever) without a prescription and possession of drug paraphernalia, a misdemeanor. Article provided by Stigler News Sentinel Reporter Doug Russell.

Task Force results: drug charges filed on five! “More charges, more arrests. And more drugs off the streets.” That's the most important thing of all, according to District 18 Drug Task Force agents. Due largely to their efforts, five more people had been charged with drug crimes in district court between Oct. 29 and Friday and another charge had been added to a man already jailed for previous drug complaints.

"They're bringing in a lot of cases right now," Assistant District Attorney Russell Tacheira said. "We've filed charges on some and we've still got more to file." Some of the latest batch of felony drug charges to be filed in Haskell County involve four men, all charged separately and any one of whom could be sentenced to prison for life if convicted.

David Lester Stidham Jr., was charged with conspiracy to deliver, manufacture or possess methamphetamine. He is alleged to have been driving a gray Nissan Pathfinder on June 10 when an individual working with task force agents made a controlled purchase of \$100 worth of methamphetamine from a Stigler resident named Joey Blancas, who was in the passenger seat of the Pathfinder. If convicted, Stidham could be imprisoned for life and fined up to \$100,000. Blancas, also known as Joseph Domingo Martinez, is charged with unlawful delivery of a narcotic for his role in the June 10 incident, as well as a second unlawful delivery charge for another incident later in the month. Each charge carries a penalty of five years to life, a fine of up to \$100,000, or both.

Prosecutors may have additional charges to file against Blancas as well. When officers searched his home on Oct. 22, they seized drug paraphernalia, a police scanner, digital scales and other items associated with selling drugs. In addition, officers seized five .22-caliber rifles, a 12-gauge shotgun and four pistols. Roy Neal Campbell was charged with possession of a controlled substance, hydromorphone, as well as unlawful delivery of a narcotic, hydromorphone, possession of a controlled substance within 2,000 feet of a school or park and two counts of distribution of an imitation controlled substance. The hydromorphone possession charge is punishable upon conviction by imprisonment for two to 10 years and a fine of up to \$10,000. The unlawful delivery charge is punishable by imprisonment for five years to life and a fine of up to \$100,000. Distribution of an imitation controlled substance is punishable by imprisonment for five years to life and a fine of up to \$100,000, while possession of a controlled substance within 2,000 feet of a school or park is punishable by imprisonment for three years to two times life and a fine of up to \$200,000,² according to court documents.

On Oct. 22, task force agents joined forces with members of the Haskell County Sheriff's Department and Oklahoma Bureau of Narcotics & Dangerous Drugs Control to make a controlled purchase of drugs from Campbell, according to court documents. When the officers arrested Campbell, they found hydromorphone pills. Hydromorphone is a powerful pain pill similar to morphine.

But that wasn't Campbell's first round with task force agents, the sheriff's department or the OBN. Earlier in the month, Campbell allegedly sold an undercover agent hydrocodone and methadone, as well as pills alleged to have been Xanax but which contained no controlled substance, at a Stigler home.

In September, court documents indicate Campbell is alleged to have sold an undercover agent some pills at the Panther Apartments, which are within 2,000 feet of Stigler schools. One set of pills tested positive as Oxycontin, another powerful pain reliever, while the other < which had been represented as Xanax, a medication used to ease anxiety, did not contain any controlled substances.

Sixty-one-year-old Keota resident William Harold McClary was charged Monday with possession of oxycodone with the intent to distribute, possession of dihydrocodeine and clonazepam with the intent to distribute, possession of methamphetamine after a former felony conviction, possession of drug paraphernalia and resisting an officer. He, too, faces life imprisonment if convicted.

*Thank you to Doug Russell of the Stigler News Sentinel
for providing the articles in this newsletter and
for your constant support of the District Attorney's Office.*

What Does the District Attorney Do?

As District Attorney for Pittsburg and Haskell Counties, DA Jim Miller and his staff of prosecutors serve as the attorneys for victims of crime. These Attorneys are responsible for reviewing police reports to determine whether the facts and the law warrant filing a charge to initiate a criminal prosecution against a person. There are 6 attorneys and approximately 15 support staff working under the District Attorney's direction. They prosecute criminals, work on behalf of victims, collect restitution for small businesses and crime victims, advocate for deprived and neglected children, and promote crime prevention and intervention. The District Attorney also represents Pittsburg and Haskell County and its Officials and Boards in all civil legal matters.

Did you know????

The State of Oklahoma has a Teen hotline. **Teenline** is staffed by volunteers and there is always a representative available between the hours of noon and midnight. The **TEENLINE** number is **1-800-522-TEEN**. For immediate assistance, 24 hours a day, there is a Reach out Hotline from anywhere in the state toll free **800-522-9054**.

For additional information, or to learn about being a **Teenline** volunteer, you can contact them at 405-522-3835 or Teenline@odmhsas.org

Bogus Check Department

The Bogus Check Department has collected \$180,386.69 worth of restitution for business owners throughout Pittsburg and Haskell Counties from January 1, 2008 to October 15, 2008.

DA SUPERVISION

869 Probationers are currently under supervision by the District Attorney's Office.

The DA's Office has assigned DA Supervision Officer, Brenda Kelley, to help the McAlester community to set up a **Crimestoppers** hotline. **Crimestoppers** will have a hotline phone number that anyone can call and give information regarding crimes that are being committed. The hotline will offer monetary rewards for information leading to the arrest and conviction of the offenders.

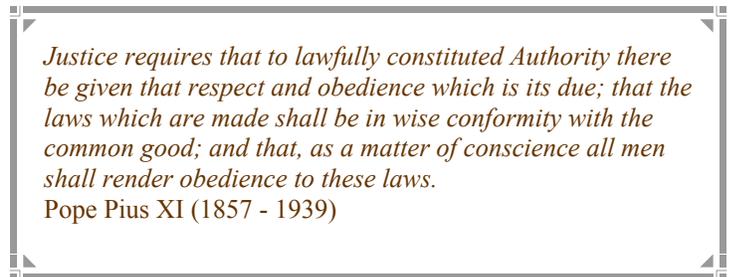
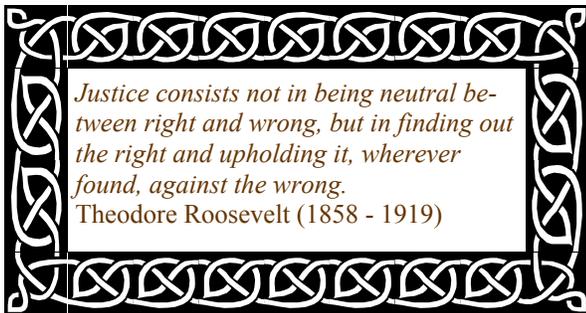
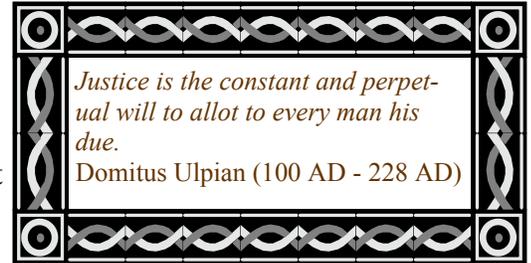
The DA's Office is also working on a program to present to area 3rd & 4th graders too! Our plan is the Multi-Jurisdictional Methamphetamine Task Force (MMTF) and will be rewarding kids who pass the program with honorary Task Force Badges and certificates.

District Attorney attends College and Career Day as Exhibitor:

The Pittsburg County District Attorney's Office had a booth set up at the 2nd Annual College and Career Day hosted for area 8th grade students. The program is set up to take a hands-on approach to exposing these eighth graders, to the opportunities that can await them if they stay in school, make good grades, say no to drugs and alcohol, and stay out of trouble. You never know when you can make a difference in someone's life.

What is Justice?

Wikipedia, the free Internet Encyclopedia, defines Justice as: the concept of moral rightness based on ethics, rationality, law, natural law, fairness and equity. John Locke of the natural law believes that justice would become a natural law, it involves the system of punishments which are prone from choices. In this, it is similar to the laws of physics: in the same way as the Third of Newton's laws of Motion requires that for every action there must be an equal and opposite reaction, justice requires according individuals or groups what they actually deserve, merit, or are entitled to. Webster's Dictionary defines Justice as: the maintenance or administration of what is just especially by the impartial adjustment of conflicting claims or the assignment of merited rewards or punishments.



The Pittsburg County District Attorney's Office is located in the basement of the temporary courthouse at 122 East Carl Albert Parkway, McAlester, Oklahoma. The entrance to the District Attorney's Office is located in the alley on the south side of the building.

The Stigler District Attorney's Office is located in the Haskell County Courthouse.

District 18 Attorney's Office

Pittsburg County
122 E. Carl Albert Pkwy Ste "I"
McAlester, OK 74501
Phone: 918-423-1324
Fax: 918-423-8575

Haskell County
202 East Main
Stigler, OK 74462
Phone: 918-697-4648
Fax: 918-967-2443