



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

MAY 14 2021

RICK WARREN
COURT CLERK

09 _____

THE STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 LARUE HADID BRATCHER,)
)
 Defendant.)

CF-2020-2459

STATE OF OKLAHOMA'S NOTICE OF INTENT TO OFFER EVIDENCE OF OTHER
CRIMES, WRONGS OR ACTS (BURKS EVIDENCE), OR IN THE ALTERNATIVE, RES
GESTAE EVIDENCE

The State of Oklahoma, pursuant to *Burks v. State*, 1979 OK CR 10, 594 P.2d 771 and 12 O.S. § 2404(B), hereby notifies the Defendant of its intent to use the below described evidence to demonstrate proof of absence of mistake or accident and intent:

- On October 19th, 2019, the Defendant was pulled over for a traffic violation while driving a California rental car in Oldham County, TX. During the traffic stop, the Defendant was very nervous, had chemicals with the word "bud" on them on the passenger floorboard of the vehicle, and was unable to provide a travel story that made sense. A K9 was used on the vehicle after the Defendant refused consent to search and the K9 alerted on the trunk area of the car. In the trunk, a large duffle bag containing 20 vacuum sealed bundles of marijuana and more chemicals for growing marijuana were located and seized. Each vacuum sealed bundle weighed over 1 pound.
- In the present case, the Defendant was illegally growing marijuana at his business. On May 27th, 2020, he was at his illegal grow business very late in the evening when he shot through the middle of a barricaded metal door 3 times, striking the victim who was on the other side. During his interview with the homicide detective, he told the detective that he had a license to grow marijuana and denied that he had been arrested in 2019. After the interview, once the detective learned that the Defendant's marijuana growing license had expired, he confronted the Defendant about that, and the Defendant acknowledged that his license was expired and stated that he did not have the money to get it renewed.

Burks v. State requires the State of Oklahoma to:

- (1) give notice at least 10 days prior to trial of our intent to offer other offenses;
- (2) specify the exception under which the evidence is sought to be admitted;

- (3) demonstrate a visible connection between the offense charged and the offense sought to be proved;
- (4) show the evidence is necessary to support the State's burden of proof and is not merely cumulative; and
- (5) establish the commission of the other crimes by clear and convincing evidence.

1. Notice at least 10 days prior to trial.

This matter is presently set for trial on May 24th, 2021 before the Honorable Judge Heather Coyle. Therefore, notice has been provided at least 10 days prior to trial.

2. Specification of the *Burks* exceptions.

The State seeks to introduce this evidence pursuant to the *Burks* exceptions of absence of mistake or accident and intent. The Defendant during his interview initially stated that he did have a license to grow marijuana. Once confronted with the fact that it had expired, he claimed that he didn't have the money to renew the license. This evidence regarding the arrest for over 20 pounds of marijuana down in Texas goes to prove that it was not a mistake that his license was not renewed, but rather an intentional action due to the fact that he was smuggling drugs from another state and had recently been arrested for that offense.

3. Visible connection between offenses.

The Defendant is charged with Murder in the First Degree (or in the alternative, Murder in the Second Degree), Unlawful Cultivation of Marijuana, Possession of CDS with the Intent to Distribute, and Possession of an Offensive Weapon in the Commission of a Felony. The fact that he was arrested for that significant of an amount of marijuana just months before this case is very visibly connected to this case where he is charged not only with the homicide but the drug related offenses as well. The fact that he was arrested with items related to growing marijuana in a vehicle down in Texas is also visibly connected to the cultivation charge here.

4. Evidence is necessary to support State's burden and not merely cumulative.

At trial, the State of Oklahoma will have the burden to prove each element of the

charged crimes beyond a reasonable doubt. Furthermore, the licensing status of the Defendant's business is a key issue in this case. The Defendant put his licensing status directly at issue by lying about it during the interview. This evidence is also not cumulative, as it is a separate (but visibly connected) incident.

5. Clear and convincing evidence.

The State will prove by clear and convincing evidence through the testimony of Deputy Jeremy Oretagon that the Defendant committed the act of possessing over 20 pounds of marijuana as well as grow supplies in October of 2019.

CONCLUSION

Because this evidence goes to the Defendant's marijuana grow licensing status and specifically goes to the issue of absence of mistake or accident and intent, the State of Oklahoma respectfully requests that this Court deem this evidence admissible.

Respectfully submitted,

DAVID W. PRATER
DISTRICT ATTORNEY



KELLY COLLINS, OBA #31967
ASSISTANT DISTRICT ATTORNEY

320 Robert S. Kerr Avenue, Suite 505
Oklahoma City, Oklahoma 73102
405-713-1636
405-235-1567 (fax)