

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

SEP 29 2021

RICK WARREN
COURT CLERK

100 _____

APPLICATION OF DAVID W. PRATER,)
DISTRICT ATTORNEY, DISTRICT 7,)
REQUESTING AN ORDER DIRECTING THAT)
A COUNTY GRAND JURY, HAVING)
JURISDICTION IN OKLAHOMA COUNTY)
OKLAHOMA, BE CONVENED.)

No. GJ-2021-1

**APPLICATION OF DAVID PRATER, DISTRICT ATTORNEY, REQUESTING AN ORDER
DIRECTING THAT A COUNTY GRAND JURY
HAVING JURISDICTION IN OKLAHOMA COUNTY, BE CONVENED**

TO THE HONORABLE CHIEF ADMINISTRATIVE JUDGE FOR OKLAHOMA COUNTY:

David W. Prater, the duly-elected, and -qualified District Attorney in and for District 7, and hereby makes application pursuant to the provisions of Article 2 § 18, *Oklahoma Constitution*, for the convening of a county grand jury having jurisdiction in Oklahoma County. In support of this *Application*, your Applicant offers as follows:

1. I am the District Attorney for District 7 and, as such, have the responsibility and authority to conduct grand jury investigations before county grand juries within my District which includes the entirety of Oklahoma County, Oklahoma, 22 O.S. 2021, § 340(A). In this regard, I respectfully state:

(a) One purpose for calling an Oklahoma County grand jury is for it to investigate credible allegations that involve official corruption and/or official neglect that are alleged to have been committed by State and/or County officials including the following examples:

1) Operation of the Oklahoma County Jail.

The Oklahoma State Department of Health has faithfully reported unhealthy and even lethal uncorrected mismanagement of the Oklahoma County Jail that reportedly occurred at least from the beginning of Fiscal Year 2020-2021 and has not since abated, resulting in unhealthy jail living conditions,

lack of physical security for both inmates and staff, and even preventable loss of life. A March 8, 2021 report from the Oklahoma State Health Department to the Oklahoma County Jail's Administrator reported more than thirty serious violations of jail regulations. These included violations of mandatory requirements requiring timely reporting of serious injuries to staff or inmates to the Oklahoma State Department of Health's Division for Jail Inspection being repeatedly ignored. Mandatory requirements requiring timely reporting of inmate suicides or attempts to commit suicide to the Oklahoma State Department of Health's Division for Jail Inspection were also repeatedly ignored. Mandatory sight check requirements regarding persons who had been identified as significant suicide risks were repeatedly ignored.

The operation of the Oklahoma County Jail is subject to regulations promulgated for jail operations by the Oklahoma State Department of Health pursuant to its authority under Title 74, Section 192 of the Oklahoma Statutes and create lawful duties that must be met by the persons operating and managing a jail such as the Oklahoma County Jail. The Oklahoma County Jail is managed by an Administrator, who is a public officer. The Oklahoma County Jail Administrator is appointed by and directly supervised by the Oklahoma Criminal Justice Authority, a public agency of the State, governed by a Board of Trustees who are individually public officers. Such Administrator and Trustees, as public officers not subject to *Impeachment*, are therefore subject to *Removal* upon an *Accusation* brought by a grand jury pursuant to the provisions of Title 22 O.S. 2021, § 1181 (First) & (Sixth), and 22 O.S. 2021, § 1182. Such persons may also be subject to criminal penalties pursuant to the provisions of Title 21 O.S. 2021, §§ 343 and 424.

2) Oklahoma Pardon and Parole Board

The Oklahoma Pardon and Parole Board is a State Agency created by the *Oklahoma Constitution*, *see, Okla.Const.* art. VI, § 10. Members of the Oklahoma Pardon and Parole Board are State Officers and its

meetings and records are subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act and its adopted procedures govern the actions of its members for which the members are lawfully duty-bound to follow. Its meetings occur in Oklahoma County, Oklahoma and its official records are located there. Credible allegations have been made regarding the circumstances of parole/clemency consideration and recommendations regarding inmates Lawrence Anderson (DOC inmate # 54777), Jonathan Perez (DOC inmate # 680408) and perhaps others, suggesting that violations of State law and Rules of the Pardon and Parole Board have occurred. Members of the Pardon and Parole Board, as public officers not subject to *Impeachment*, are subject to *Removal* upon an *Accusation* brought by a grand jury pursuant to the provisions of Title 22 O.S. 2021, § 1181 (First) & (Sixth), and 22 O.S. 2021, § 1182. Such persons may also be subject to criminal penalties pursuant to the provisions of Title 21 O.S. 2021, §§ 343 and 424 and other provisions of the Oklahoma Criminal Code.

(b) Another purpose for calling an Oklahoma County grand jury at this time is the recent adjournment of the State Multicounty Grand Jury. The latest Multicounty Grand Jury has now adjourned *sine die* this month, and I am informed that it is unlikely that another Multicounty Grand Jury will be empaneled until January 2022, if then. When in session, a State Multicounty Grand Jury provides invaluable assistance to county and local Law Enforcement criminal investigations by timely obtaining otherwise unobtainable tangible physical evidence and statements from reluctant witness before memories become stale over time leading to the solving of crime, the charging of the culpable, the clearing of the innocent and the vindication of Justice. Availability of an Oklahoma County grand jury, particularly during a time when the State Multicounty Grand Jury is unavailable, will promote the prompt, professional investigation of allegations of criminal conduct and help safeguard these important societal objectives.

2. It is my judgment as District Attorney for District Attorney District 7 that the convening of a county grand jury having jurisdiction extending throughout Oklahoma County during the time period in which a State Multicounty Grand Jury is unavailable is necessary due to the reported commission of felony crimes and other public offenses as defined in Article 2 §18 of the *Oklahoma Constitution*, and further defined in section 331 of Title 22, that are not fully investigated, and the full and fair investigation thereof would benefit from a county grand jury.

3. The convening of an Oklahoma County grand jury having jurisdiction extending throughout Oklahoma County, is necessary because the crimes and public offenses as defined in Article 2 §18, *Oklahoma Constitution*, section 4 of Title 21, and section 331 of Title 22 of the Oklahoma Statutes can be investigated more effectively through the use of those resources available to an Oklahoma County grand jury. The investigative resources to be utilized by the proposed Oklahoma County grand jury will include, *inter alia*, the following:

(a) The Subpoena Power Available to an Oklahoma County Grand Jury (Title 22 O.S. 2021, §§ 333 and 705):

(1) The power to compel the appearance of witnesses before an Oklahoma County grand jury and the power to require the testimony of said witnesses under oath are essential to effectively investigate many crimes; for example organized crime, homicides and fraud. It is a well-known tenet of law enforcement that in every criminal organization there are individuals who have information relevant to said criminal activity, but who decline to provide information to law enforcement officials. If subpoenaed before an Oklahoma County grand jury, it is believed such individuals could be required to testify and provide information to assist law enforcement agencies in their respective investigations that otherwise would not be available.

(2) Often an examination of the finances and business records of corrupt organizations, which operate much like large corporations, is the only means to discover and document illegal activity. The power to issue subpoena *duces tecum* and to compel the production of financial documents, business records and other relevant evidence is absolutely essential in order to effectively investigate organized crime or fraud.

(b) The Power to Compel Testimony from those Witnesses Who Have Been Granted Immunity (Article 2, § 27, Oklahoma Constitution, Title 21 O.S. 2021, § 1367).

Court Orders of immunity are necessary to compel testimony from reluctant witnesses such as victims, co-conspirators, employees, business associates, family members and others who are involved in criminal activities as defined in Article 2 §18, Oklahoma Constitution and in Section 331 of Title 22 of the Act including, but not limited to, organized crime, homicides and fraud, who are legitimately concerned with self-incrimination. The power to request orders of immunity and thereby compel testimony enables an Oklahoma County grand jury to more effectively obtain testimony from said witnesses or other witnesses who are reluctant to cooperate and provide testimony to said grand jury.

4. In addition to the criminal activities specifically described above, an Oklahoma County grand jury may investigate other instances of crime committed in Oklahoma County. This applicant is aware of pending investigations involving felony financial crimes that have occurred or are occurring in Oklahoma County. The Oklahoma County grand jury's ability to compel testimony and subpoena bank records would be especially useful to local Law Enforcement in this type of investigation.

5. It is requested that the Order convening an Oklahoma County grand jury shall:

(a) Designate an Oklahoma County District Court judge to serve as the presiding judge over such Oklahoma County grand jury;

(b) Designate a location or locations for the Oklahoma County grand jury proceeding;

(c) Provide for such other incidentals relevant to the convening of an Oklahoma County Grand Jury as may be necessary, to include the following:

(1) Direct the honorable Oklahoma County Court to summon qualified citizens to serve as the venire for drawing a grand jury pursuant to 38 O.S. 2021, § 21;

(2) Provide for payment of costs and expenses concerning the Oklahoma County grand jury;

(3) Provide for obtaining the services of a certified court reporter to serve the Oklahoma County grand jury;

(4) Provide for obtaining the services of a bailiff to serve the Oklahoma County grand jury;

(5) Provide for representation of indigent witnesses who request court appointed counsel;

(6) Provide for the designation of a court clerk to perform all of the necessary and statutory duties of a court clerk relating to the Oklahoma County grand jury;

(7) Perform such duties as prescribed by Sections 311 through 346 of Title 22, Section 59 of Title 57, and other relevant provisions of State law.

6. A proposed *Order* is respectfully submitted herewith for the Court's consideration.

WHEREFORE, your Applicant, the District Attorney for District Attorney District 7 hereby respectfully requests that this Honorable Court, pursuant to the provisions of Article 2 § 18, *Oklahoma Constitution*, issue an *Order* directing that an Oklahoma County grand jury having jurisdiction extending throughout Oklahoma County, be convened and that said order shall:

(a) Designate an Oklahoma County District Court judge to be the presiding judge over such Oklahoma County grand jury;

(b) Designate a location or locations for the holding of the Oklahoma County grand jury proceeding; and

(c) Provide for such other incidental arrangements as may be necessary, as set forth above in paragraph 5(c).

Respectfully submitted,

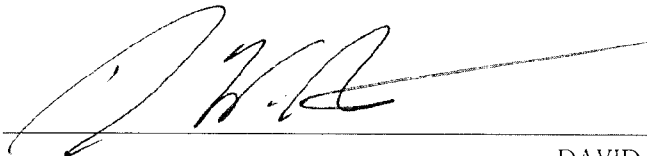


DAVID W. PRATER
DISTRICT ATTORNEY

VERIFICATION

STATE OF OKLAHOMA)
) SS.
COUNTY OF OKLAHOMA)

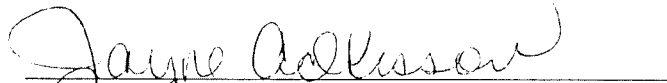
I, DAVID W. PRATER, being duly sworn on oath, say that the statements set forth in the above Application are true.



DAVID W. PRATER
DISTRICT ATTORNEY

Subscribed and sworn to before me this 29th day of September, 2021.

(Seal)


NOTARY PUBLIC

My Commission Expires: 4-26-23
My Commission Number: 3004488

CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

SEP 29 2021

RICK WARREN COURT CLERK
Oklahoma County
