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September 4, 2013

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Bryce,

Several local news outlets covered the press conference held at the Claremore Police Department today. At least one of the quotes attributed to Claremore Police Chief Stan Brown is untrue or taken out of context, so I'm writing to address the key events and timeline in this matter, some of which you may be aware. Chief Brown stated, "...nor any other Oklahoma District Attorney will pursue charges against Singer for perjury." That statement may be found in the Tulsa Channel 8 story online this evening and similar versions are available on websites for Tulsa Channels 2, 6 and 23, respectively. Specifically, Chief Brown's statement concluded other District Attorneys won't prosecute John Singer. My office was prepared to file felony perjury charges against Claremore Police Investigator John Singer, pending completion of the OSBI investigation I requested.

Following Janice's written recusal request of January 11, 2013 the Oklahoma Attorney General's Office appointed my office to handle the perjury allegations against Investigator John Singer. The AG's appointment letter was dated January 24, 2013 and my office subsequently received the file from your office. My First Assistant District Attorney and I reviewed the file.

On April 1, 2013 I wrote to Kevin Garrett, OSBI Agent In Charge of Oklahoma's North-Central Division, requesting an investigator be assigned since our office at that time did not have an investigator on staff. Additionally, I specifically asked that an agent "not assigned to Rogers, Mayes or Craig Counties" be assigned to better insure it was somebody unlikely to personally know Mr. Singer. In that letter I expressed my concern the defendant in the underlying criminal investigation did not confess, "It is clear from the interview video... that he did not confess or admit to..... against her will." The OSBI assigned Agent Todd Spurlock, an Internal Affairs agent assigned to the Tahlequah office.

Agent Spurlock called and made an appointment to pick up the file on or about April 15, 2013. That was the first time I'd worked with Agent Spurlock and we discussed the investigation

during that first meeting. I told Agent Spurlock the matter appeared to be straight-forward. Either Investigator Singer committed perjury when he signed an arrest affidavit and two search warrant affidavits, or he didn't. All three affidavits signed by Investigator Singer alleged the defendant in the underlying criminal investigation admitted to committing the crime in question against the will of the victim.

However, the videotaped interrogation clearly did not support Investigator Singer's three affidavits proving acts against the victim's will. In fact, the video shows the defendant, on multiple occasions denied acting against the will of the victim. An impartial person could not watch the video and conclude the defendant confessed to acting against the will of the victim. You may recall Investigator Singer had an OHP Trooper present in the interview room. Singer appeared to introduce the Trooper as his partner, but the defendant correctly recognized him as a colleague of the girl's father, also an OHP Trooper.

Following the April 15, 2013 meeting with Agent Spurlock, I called the OSBI and asked that Agent Spurlock be removed from the investigation. I did so after learning Agent Spurlock's wife is also an OSBI Agent and she had worked with Investigator Singer on other cases. I shared my concern the appearance of favoritism would overshadow the investigation if handled by an Agent with such close ties to the subject thereof.

On April 24, 2013 Mr. Bob Harshaw, OSBI Division Director, Investigative Services called me back and advised he personally assigned Agent Spurlock to the case and he would remain in charge. Further, he stated his internal inquiry revealed Agent Spurlock's wife was not currently handling any matters in conjunction with Investigator Singer and he didn't think a conflict existed. I told Director Harshaw any concerns Spurlock was too close to Singer would continue if no Probable Cause Affidavit for Singer's arrest was presented. I also told him, however, that any such assertions of favoritism would be cured if an arrest affidavit was presented.

On May 17, 2013 I called OSBI Director Stan Florence to discuss my concerns regarding the investigation. By this time I'd heard Agent Spurlock was investigating employees of your office, not John Singer as I had requested. Director Florence was not in that day and I left a message.

On May 24, 2013 Director Florence called me back. He told me the investigation had been slow but it was then back on track. Director Florence told me the investigation should be completed in 10-14 days and I'd get the investigation packet. That was the last conversation I had with any member of the OSBI on this matter.

On August 8, 2013 I received a call from an Assistant Attorney General, calling on behalf of First Assistant Attorney General Tom Bates. The nature of that call was to ask for my cell phone number to receive a call from Mr. Bates. Since I was out of town on vacation, I provided my cell number and asked the Assistant AG about the nature of the impending call. I was advised it dealt with the John Singer investigation and that the AG's Office was considering "taking the case back" or assigning it to another DA. I told the Assistant AG the State Multi-County Grand Jury would be a good fit given the allegation was against a career police officer.

During the conversation, I told the Assistant AG I would not fight them to keep the case since I had the smallest DA staff in the state and also considering the (unpleasant) prospect of prosecuting a police officer. First Assistant AG Tom Bates never called my cell phone.

Later, I received a letter from the Attorney General's Office, dated August 12, 2013 advising the John Singer matter had been reassigned to District Attorney Dennis Smith, District 2, for Beckham, Ellis, Custer, Roger Mills and Washita Counties. The letter advised me to call DA Smith and make arrangements to get the file to his office.

Late on the morning of August 19, 2013 I called DA Dennis Smith's office and spoke to his Administrative Assistant. Dennis had gone to a civic group lunch meeting and I asked that he call me back between 3:00 pm and 5:00 pm. Late that same afternoon Dennis called me back and we discussed the Singer file. He told me he had just received the 625 page report and barely had time to begin a review. He said the file dates indicated it had been completed in June 2013, and I think he told me early June, which was consistent with when Director Florence told me I'd receive the file. I asked Dennis how he got the file since I hadn't mailed our copy to him. He told me an OSBI Internal Affairs Agent (I believe he said a Lieutenant) hand-delivered it to him. I thought that was odd, but during this conversation we also discussed his service as an OSBI Agent, earlier in his professional career. I chalked it up as a favor to a retired Agent.

My office never received a copy of the report, either a partial or complete version. I have no idea what any of the 625 pages concern, which is ironic considering I'm the person who requested the OSBI investigation. It's also puzzling that Director Florence told me I'd get a copy (expected by the second week of June) and although the report appears to have been completed by that time I had not received it by August 8, 2013. That's the day the Assistant AG called to ask whether I would relinquish the assignment. If the investigation was complete for approximately two months (from the 2nd week of June to August 8th) I have no idea why the OSBI didn't give it to me.

Between late January 2013 and August 8, 2013 I spoke to several OSBI employees about this matter, including Director Florence and Bob Harshaw, the Division Director, Investigative Services. I believe my intention to file perjury charges was evident from my comments and assessment of the file, especially regarding the interview DVD. To the best of my recollection, I've never met Claremore Chief Stan Brown and I don't know where he got his information, "that the Attorney General's office nor any other Oklahoma District Attorney will pursue charges against Singer for perjury." That statement just isn't accurate and he certainly would not have drawn such a conclusion if we'd spoken about the matter.

Respectfully,



Rex Duncan
District Attorney
Osage and Pawnee Counties