

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

IN THE MATTER OF THE ESTATE OF:

Terence Crutcher,)
) Case No. PB 2016-777
Deceased,) Judge: Kurt G. Glassco

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

SEP 26 2016

DISTRICT COURT
FILED

**MOTION OF REVEREND JOEY AND MRS. LEANNA CRUTCHER
TO VACATE ORDER ISSUING LETTERS OF
SPECIAL ADMINISTRATION AND TO APPOINT THEM
SPECIAL ADMINISTRATORS OF DECEDENT’S ESTATE**

COME NOW Reverend Joey Crutcher and his wife Mrs. Leanna Crutcher (“Movants”) and respectfully move that the Court vacate its Order Issuing Letters of Special Administration entered on September 23, 2016 (“the Ex-Parte Order”) and enter a new order appointing them as Special Administrators of their son’s Estate, for the following reasons:

1. Movant Revered Joey Crutcher (“Rev. Crutcher”) is the husband of Movant Leanna Crutcher, and is the father of Terence Crutcher, Deceased.
2. Movant Mrs. Leanna Crutcher (“Mrs. Crutcher”) is the wife of Movant Joey Crutcher and is the mother of Terence Crutcher, Deceased.
3. On September 23, 2016, the Court entered the Order and issued Letters of Special Administration to Ms. Frenchel Renae Johnson-Crutcher (“Ms. Johnson”). The Order was entered without notice to either of the Movants or their counsel, despite the fact that Ms. Johnson knew and had reason to know that Reverend and Mrs. Crutcher were already represented by the Riggs Abney Law Firm. Apparently, at the time Ms. Johnson appeared with her attorney before the Court on September 23, 2016, Ms. Johnson failed to disclose to the Court that Terence Crutcher was survived by his parents, that his parents intended to file and pursue a civil action for his wrongful death, and that his parents were already represented by local attorneys. Ms. Johnson also

failed to disclose to the Court that she is a convicted felon, and that Movants have legal custody of the 3 minor children of their son, Terence Crutcher, and Ms. Johnson.

4. At the time Letters of Special Administration were issued to Ms. Johnson, she was disqualified, ineligible, incompetent, lacked standing, and continues to be disqualified, ineligible, and incompetent, and lacks standing, to serve as Special Administratrix of Terence Crutcher's Estate as follows:

a. Pursuant to 58 O.S. §126 "No person is competent to serve as administrator or administratrix, who, when appointed, is: 1. Under the age of majority; 2. Convicted of an infamous crime; and 3. Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence or want of understanding or integrity." See, also, 58 O.S. §102 (same disqualifications for executor under a will). Ms. Johnson is a three time convicted felon.¹ Additionally, Ms. Johnson is currently out on bond and awaiting trial for the felony charge of *Assault and Battery with a Dangerous Weapon*, misdemeanor charge of *Assault and Battery*, and misdemeanor charge of *Obstructing An Officer* in case number CF-2016-4470.²

b. Terence Crutcher was not married to Ms. Frenchel Johnson, and Ms. Johnson is not his widow. There was neither a ceremonial nor a common law marriage, and no marriage license.

c. Rev. and Mrs. Crutcher have had Ms. Johnson's children in their physical and legal custody for most of the children's lives. On the recommendation of Oklahoma DHS, Rev. Crutcher was appointed temporary emergency guardian by the Tulsa District Court on Monday September 19, 2016, in Case No. PG-2016-661, with the consent of Ms. Johnson. Therefore, Movants are the rightful and lawful persons to represent and protect the interests that Ms. Johnson's children by

¹ See Tulsa District Court case numbers CF-2006-4601, CF-2006-4650, and CF-2007-3648.

² See, Criminal Information filed against Ms. Johnson on August 19, 2016, attached as Exhibit 1.

Terence Crutcher have in their father's Estate and in any wrongful-death litigation on behalf of his Estate.

d. Since August 6, 2007, Rev. and Mrs. Crutcher have been and continue to be the true and lawful attorneys-in-fact for Frenchel Renae Johnson herself and in matters related to her children, including "full responsibility and guardianship of my three children."³

5. In addition to being against the law for Ms. Johnson to serve as the Special Administratrix of the Estate of Terence Crutcher, it is not in the best interest of the Estate of Terence Crutcher, Deceased, that Ms. Johnson serve as Special Administratrix of the Estate or that she serves in any other legal or representative capacity relating to Mr. Crutcher's Estate. To the contrary, the filing and pursuit of a wrongful death action on behalf of the Estate of Terence Crutcher, Deceased, will be undermined and unduly complicated if that wrongful-death is brought by Ms. Johnson, whether for herself or in any representative capacity.

6. Both of the Movants are responsible and suitable individuals to serve as Special Administrators of their son's Estate, and are especially well suited to pursue a claim for his wrongful death on behalf of his Estate. They are represented by competent counsel, and their abilities, values, and interests in a successful recovery for wrongful death are superior of those of Ms. Johnson.

7. Movants have formally retained the Riggs Abney Law Firm to file and prosecute a civil action for the wrongful death of their son, Terence Crutcher, and will prosecute that case with skill and diligence. If Movants are appointed as Special Administrators of their son's Estate, their attorneys are prepared to file and prosecute a civil action for the wrongful death of Terence

³ *Durable Power of Attorney* dated and signed under oath by Frenchel Renae Johnson on August 6, 2007.

Crutcher, on behalf of his Estate and on behalf of his children. Movants have retained the Riggs Abney Law Firm not only to represent them and their son's Estate but also the four (4) minor children of Terence Crutcher, each of whom survives him.

8. Rev. Crutcher is the long-time President ("Representative") of the Gospel Music Workshop of America-Tulsa Chapter.⁴ Both Movants are responsible and respected members of this community, and they intend and desire to file and prosecute to the best of their ability, through the Riggs Abney Law Firm, a civil action seeking damages for the wrongful death of their beloved son Terence.

9. The Court should vacate and set aside the Order and cancel or rescind the Letters of Special Administration that were issued to Ms. Johnson on September 23, 2016. Reverend and Mrs. Crutcher stand ready, with their attorneys, to represent the Estate of Terence Crutcher, Deceased, and to assert all claims to which statutory beneficiaries, including the minor children of Terence Crutcher are entitled under Oklahoma's wrongful-death statute, 12 O.S. §1053.


10. Rev. and Mrs. Crutcher care about Ms. Johnson and encourage her to spend time freely with her children and the Crutcher family. As a matter of law, however, Ms. Johnson is disqualified from serving as Special Administratrix, and as a matter of fact, she is not an appropriate person to serve in that capacity.

WHEREFORE, Reverend Joey Crutcher and his wife Mrs. Leanna Crutcher respectfully move that the Court vacate its Order entered on September 23, 2016, and appoint both of them as Joint Special Administrators of the Estate of their son, Terence Crutcher, Deceased.

⁴ The Gospel Music Workshop of America (GMWA) Tulsa Chapter is a part of an international gospel music organization. The Tulsa Chapter is comprised of more than twenty local churches, and features soloists, ensemble performances, and instrumentalists. The choir has performed in Tampa, Detroit, Kansas City, Dallas and at local events throughout the Tulsa Metropolitan and surrounding areas. See, <http://www.gmwanational.net/chapters/u-s-chapters/>.

Respectfully submitted,

Reverend Joey Crutcher and Mrs.
Leanna Crutcher, Movants

By: 
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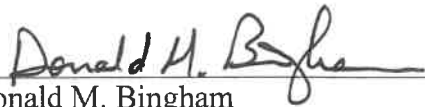
ATTORNEYS FOR MOVANTS
REVEREND JOEY CRUTCHER AND
MRS. LEANNA CRUTCHER

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above and foregoing was transmitted by electronic mail and hand delivery on the 26th day of September, 2016 to the following:

Robbie Emery Burke, Esq.
320 S. Boston, Suite 1130
Tulsa, Ok 74103

Daniel E. Smolen, Esq.
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701 S. Cincinnati Ave
Tulsa, Oklahoma, 74119



Donald M. Bingham



IN THE DISTRICT COURT OF THE FOURTEENTH JUDICIAL DISTRICT OF THE STATE OF OKLAHOMA SITTING IN AND FOR TULSA COUNTY

STATE OF OKLAHOMA,

Plaintiff,

CF - 2016 - 4470 Case No.

Felony Information

Vs.

Frenchel Renee Johnson
A/K/A Shaneka Hopkins
A/K/A Frenchell Renae Johnson

Defendant(s).

DISTRICT COURT FILED

AUG 19 2016

SALLY HOWE SMITH, COURT CLERK STATE OF OKLA. TULSA COUNTY

INFORMATION

BE IT REMEMBERED:

That STEVE KUNZWEILER, the duly elected and qualified District Attorney for Tulsa County, Oklahoma, who prosecutes in the name and by the authority of The State of Oklahoma, comes now into the District Court of Tulsa County, State of Oklahoma, and gives the Court to understand and be informed that:

(COUNT 1)

21 O.S. 645

FRENCHEL RENEE JOHNSON, on or about 8/13/2016, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of ASSAULT AND BATTERY WITH A DANGEROUS WEAPON, a Felony, by unlawfully, feloniously, willfully, wrongfully, and intentionally, without justifiable or excusable cause commit an assault and battery on one Toshiba Sabe Brown with a certain and sharp dangerous weapon, to-wit: kitchen knife held in the hand of said defendant and with which she stab the said Toshiba Sabe Brown with force and violence, and did thereby inflict wounds on and about the body of the said Toshiba Sabe Brown with the unlawful and felonious intent then and there to do her bodily harm,

(COUNT 2)

21 O.S. 644

FRENCHEL RENEE JOHNSON, on or about 8/13/2016, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of ASSAULT & BATTERY, a Misdemeanor, by unlawfully, willfully and wrongfully, commit an assault and battery upon the person of one Toshiba Sabe Brown by then and there spitting her about the face with force and violence and with the unlawful intent to do her corporal hurt and bodily injury,

ORIGINAL

STATE OF OKLAHOMA,

CF - 2016 - 4470
Case No. _____

Plaintiff,

Vs.

Frenchel Renee Johnson
A/K/A Shaneka Hopkins
A/K/A Frenchell Renae Johnson

Defendant(s).

THE STATE FURTHER ALLEGES:

That the said **Frenchel Renee Johnson** was heretofore on 8/17/2007, in Tulsa County, Oklahoma, Case No.CF-2006-4601, convicted of a Felony, to-wit: the crime of **DRIVING UNDER THE INFLUENCE OF ALCOHOL - 2ND OFFENSE** and sentenced to a term of 3 years. Said crime being an offense punishable under the laws of this state by imprisonment in the penitentiary. Said defendant being represented by counsel at the time, and said conviction being a final judgment in the case.

That the said **Frenchel Renee Johnson** was heretofore on 8/17/2007, in Tulsa County, Oklahoma, Case No.CF-2006-4650, convicted of a Felony, to-wit: the crime of **DRIVING UNDER THE INFLUENCE OF ALCOHOL - 2ND OFFENSE** and sentenced to a term of 3 years. Said crime being an offense punishable under the laws of this state by imprisonment in the penitentiary. Said defendant being represented by counsel at the time, and said conviction being a final judgment in the case.

That the said **Frenchel Renee Johnson** was heretofore on 7/31/2007, in Tulsa County, Oklahoma, Case No.CF-2007-3648, convicted of a Felony, to-wit: the crime of **DRIVING UNDER THE INFLUENCE OF ALCOHOL - 2ND OFFENSE** and sentenced to a term of 4 years. Said crime being an offense punishable under the laws of this state by imprisonment in the penitentiary. Said defendant being represented by counsel at the time, and said conviction being a final judgment in the case.

Contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the state.

STEVE KUNZWEILER, District Attorney

By _____

Assistant

WITNESS(ES) ENDORSED FOR THE STATE OF OKLAHOMA

SALLY HOWE-SMITH	TULSA CO. COURTHOUSE	TULSA	OK
RECORDS CUSTODIAN	TULSA POLICE DEPARTMENT	TULSA	OK
RECORDS CUSTODIAN	TULSA CO. SHERIFF'S OFFICE	TULSA	OK

ORIGINAL

DEFENDANT DISCHARGED (OKLA.STAT.Tit.22, Sec. 262)

CE - 2016 - 4470

There being no sufficient cause to believe the within named

guilty of the offense within mentioned, I order him to be discharged.

Dated this _____ day of _____, 20 _____.

Judge

DEFENDANT HELD FOR TRIAL (OKLA.STAT.Tit. 22, Secs. 264, 267)

It appearing to me that the offense named in the within preliminary information, or that the offense of _____ has been committed, and that there is sufficient cause to believe the within named _____ guilty thereof, I order that _____ he _____ be held to answer the same and that _____ he _____ be admitted to bail in the sum of \$ _____ each and be committed to the David L. Moss Criminal Justice Center of Tulsa County until said bail is given.

Dated this _____ day of _____, 20 _____.

Judge

ORIGINAL

CF - 2016 - 4470
(COUNT 3)
21 O.S. 540

FRENCHEL RENEE JOHNSON, on or about **8/13/2016**, in Tulsa County, State of Oklahoma and within the jurisdiction of this Court, did commit the crime of **OBSTRUCTING AN OFFICER**, a Misdemeanor, by unlawfully, willfully, knowingly and wrongfully obstruct one Christopher Turner a Tulsa police officer in the performance of his legal duty in assisting in the arrest of one Frenchel R Johnson for the offense of Assault And Battery with a Dangerous Weapon the said defendant well knowing that the said Christopher Turner was an executive officer then and there in the performance of a duty imposed on him by law, to-wit: defendant refused to follow officer's lawful commands to drop the knife,

Contrary to the form of the statutes in such cases made and provided, and against the peace and dignity of the State.

STEVE KUNZWEILER, District Attorney

By _____ Assistant

WITNESS(ES) ENDORSED FOR THE STATE OF OKLAHOMA

Ofc. Ryan Ayers	Tulsa Police Dept. 600 Civic Center	Tulsa, OK 74103
Off. Stephen Blaylock	Tulsa Police Dept. 600 Civic Center	Tulsa, OK 74103
Off. Westin Hardin	Tulsa Police Dept. 600 Civic Center	Tulsa, OK 74103
John Tyree	Tulsa Police Dept. 600 Civic Center	Tulsa, OK 74103
Cpl. David A Turner 01850	Tulsa Police Dept. 600 Civic Center	Tulsa, OK 74103
Toshiba Sabe Brown	616 E 56th St N	Tulsa, OK 74126
Latoya Chantelle White	5533 N Hartford Ave	Tulsa, OK 74126

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