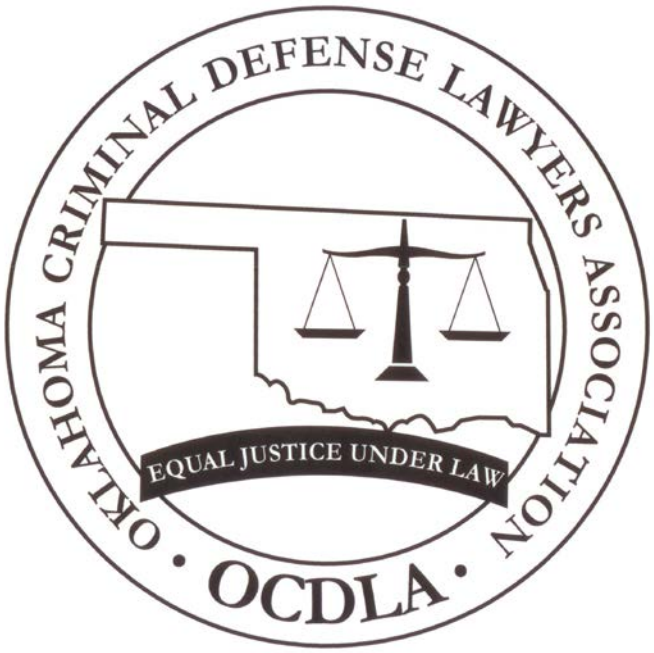
THE GAUNTLET

The Law Journal of the

OKLAHOMA CRIMINAL DEFENSE LAWYERS ASSOCIATION



SPRING 2017

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THE GAUNTLET

To confront: (1) To throw down the Gauntlet; (2) To take up the Gauntlet

JACQUELYN FORD
Editor-in-Chief

Associate Editor
MIKE WILDS, *Broken Arrow*

TABLE OF CONTENTS

The *Oklahoma Criminal Defense Lawyers Association* (OCDLA) distributes over five hundred (500) copies of *The Gauntlet* to OCDLA members, law schools, law libraries and law professors. OCDLA and its members provide over seventy (70) hours of Continuing Legal Education (CLE) each year and publish *My Little Green Book*. *The Gauntlet* is a peer-reviewed journal. All articles are reviewed by members of the OCDLA prior to publication; however, the articles do not necessarily reflect the views of the OCDLA. Please send any comments regarding *The Gauntlet* to **ocdla @ bdp@for-the-defense.com.**

IN MEMORY OF JACK DEMPSY POINTER

It is with mixed emotions that I write about Jack Dempsey Pointer. There is both sadness at his passing but joy in having known him and being better for that experience.

Jack was the driving force behind many of the accomplishment of OCDLA of the past several years. He was certainly the inspiration for the Little Green Book and he touted the list serve to everyone and made sure that all knew how it made the practice of criminal defense so much better. He was also instrumental in many of our CLE programs.

Jack's primary focus with OCDLA was the betterment of attorneys in general and specifically the betterment of criminal defense as a whole. He wanted to make sure that young attorneys had everything they needed to effectively defend their clients and believed strongly that it was incumbent on the senior members of the bar to assist in this. The legacy that Jack leaves is one of mentorship and a tenacious defense of every client.

Jack was never one to back down from a fight, much in keeping with his namesake, the great fighter Jack Dempsey. He could be heard from a great distance expressing his thoughts and all knew exactly where he stood. Although he could be gruff at times, those who knew him were well aware that Jack would help anyone at anytime and was especially willing to help new attorneys. He was the first to instill confidence in many and behind the sometimes rough exterior was one of the kindest people you would wish to meet.

I like many others owe a debt of gratitude to Jack Pointer for his assistance in the early years of my practice as well as his help while I have been president of OCDLA. Jack saw to it that OCDLA is and will stay an organization dedicated to professionalism and service to the law and the community. He is the primary reason that we are the organization we are today and we should all appreciate what he has done to enhance our practices and protect each and every person accused of a crime regardless of their status or means.

I will miss the times that Jack would throw up his hands at OCDLA board meetings, ask what if anything I was thinking with certain ideas, and then say good job at the end of the sentence. He was the person who encouraged so many and took great pride in the accomplishments of others. Jack took pleasure in being behind the scenes and helping others succeed. He was most proud of the successes of his children and you would hear that often from him. His extended children were the literally hundreds or more that he helped in the practice of law throughout the years.

Jack Dempsey Pointer leaves a legacy of service, mentoring and leadership that is hard to follow but we can all honor him through our dedication to continual improvement in our professional and personal lives by following the examples he set to help our fellow attorneys and fellow man. Certainly we can all say his was a life well lived and a job well done. Rest in peace my dear friend.

ALBERT J. HOCH, JR.

In Memory of Jack Dempsey Pointer

D. Michael Haggerty, II

I would like to take a moment or two to comment on the life and legacy of Jack Dempsey Pointer. Specifically, I would like to note his impact on the practice of criminal defense and on the Oklahoma Criminal Defense Lawyers Association. Jack's devotion to this organization and to the criminal defense bar is well-known. He was devoted to a better-educated and more professional criminal defense bar, as he knew that our best weapons in protecting our clients from the ever-encroaching powers of the State and law enforcement were to be ***better lawyers*** than the prosecutors arrayed against us. Our system is neither perfect nor fair, and we have to be better than our opponents in order to level the playing field to give our clients a fighting chance. Jack knew that and he strove tirelessly to help us to achieve that goal.

Jack set this standard of professionalism for us all by his example. As an attorney, he practiced the professionalism that he preached. He also led the OCDLA through some of its darkest days to make sure it could continue to give the rest of us the tools we need to achieve the high standard he set for all of us. His devotion to that great work taught generations of younger lawyers, including me, how to practice criminal law the right way. His impact on the Oklahoma criminal defense bar is literally incalculable.

Jack also had an enormous impact on me personally. In part because of his example and his friendship, I work very hard to make myself the best lawyer I can be. I also try to give back, to pay it forward, both to the OCDLA and to the profession as a whole. I know I am not the only lawyer who Jack impacted in this way. I can think of no better professional legacy for this giant of the Oklahoma criminal defense bar. We all owe Jack a tremendous debt of gratitude for simply being the person he was, and for what he gave us all.

ONE OF THE BEST

Lord, take my experiences, the good and the bad,
And combine them with those that are happy and sad.
From those make me strong, like the giant oak tree,
And mold me into a person who is bold and free.
Help me be the best husband, father, friend and lawyer as well;
So that I can stand tall and strong when life seems like hell.
Allow me to climb the mountains that I need to climb,
And not worry about the valleys and what is behind.
May I be an example for those that I love,
And give me your guidance from your throne up above.
Let me not be selfish with the gifts that I have,
And grant me the wisdom to take the right path.
Let me not forget those that have shown me the way,
And appreciate their guidance with each passing day.
And when it is time for my final rest,
May all that have known Me say “He Was One of The Best.”

- Merle Gile
August 1998

Federal Criminal Law 101: Nuts and Bolts – The Anatomy of a Federal Criminal Case

This is intended to be a summary and overview of federal criminal procedure with guideposts outlined in seven (7) basic steps, but this is not a practice manual. There are significant differences in Oklahoma state court proceedings and federal criminal defense. For more detailed information, please consult a federal criminal practitioner.

Step One: The Indictment -

The federal criminal defense system begins with an alleged criminal act, an investigation, and a grand jury. Investigations can last months and even years before presentation to a grand jury. A grand jury listens to witness testimony and reviews the evidence presented by the federal prosecutor. Grand jury proceedings are secret. When a grand jury meets to hear evidence, the only people allowed in the room are the grand jury members, the federal prosecutor, the court reporter, and the witness. The alleged suspect or target, his/her attorney, and a Judge do not participate. After listening to the evidence, the grand jury votes to determine if probable cause exists and if there is probable to believe that the suspect/target committed the alleged crime. If the majority votes that probable cause exists, the grand jury will issue charges. This document is called an indictment. This is the formal document that identifies all of the alleged defendant(s).

In comparison, a state court action is generally shorter in terms of length of the investigation. Usually, after an alleged crime is committed, a police report is prepared and submitted to the local District Attorney's Office to determine if charges should be filed. Law enforcement usually attempts to interview witnesses and/or the suspect and there is no grand jury indictment. In fact, the sole decision to file charges is made by an Assistant District Attorney. If charges are filed, the document called an Information.[1]

Step Two: Initial Appearance -

Post-Indictment, the defendant will either be summoned to appear in court before a magistrate judge for the initial appearance voluntarily or arrested. The magistrate will ask the defendant if he/she is named (including if their name is spelled correctly) in the Indictment. The magistrate will advise the defendant of the charge(s), the penalties associated, and constitutional rights. If the defendant cannot afford a lawyer, the court will ask for a completed financial affidavit. If the defendant qualifies, they will receive a court-appointed attorney - a federal public defender or a criminal justice act ("CJA") attorney.

Pursuant to the Bail Reform Act of 1984, the court also discusses the issue of bond. If the government files a motion for detention, the magistrate judge will schedule a detention hearing. A detention hearing will usually be scheduled within a few days after the initial appearance. At the hearing, there is a presumption against release in certain cases (typically drug cases). If the defendant has a pending action, was in custody on a state case or was on probation

[1] Federal prosecutors can proceed by filing a Complaint pursuant to Fed. R. Cr. P. 3, 4 and 4.1. Upon receipt of an affidavit by a law enforcement agent providing facts from which a magistrate judge can assess probable cause, a magistrate judge may issue a complaint finding a determination that probable cause exists for the arrest. Once arrested, the government has 30 days to seek an indictment under 18 U.S.C. § 3161.

or supervised release at the time of the alleged offense, it is unlikely they will be released. The court will also consider the nature of the alleged offense, criminal history and whether or not there was a victim.

During this step, a federal probation officer in the pretrial services division will meet with the defendant (many times before an attorney is appointed or retained) to determine the defendant's background, criminal history, employment status, living arrangement, etc. The pretrial services office works for the court and provides a recommendation as to whether the defendant should be released on bond. If released on bond, the defendant is usually released on an unsecured bond or a surety bond. In sum, the defendant does not actually post or put forth money to bond out.

Step Three: Arraignment -

The attorney and defendant appear before the magistrate judge to read and sign an "Advice of Rights" form. This form advises of all the rights that the magistrate just reviewed and executing the form does not waive the defendant's rights and a plea of not guilty is entered. There is no right to a preliminary hearing because probable cause has already been determined by the grand jury. The Arraignment on Indictment triggers discovery obligations by the government.

Step Four: Discovery-

Discovery can come in the form of written documents, audio and video recordings, electronic discovery, lab reports, guns or drugs. Attorneys should keep in mind that federal cases are often more extensive and complex than state cases and target large enterprises or conspiracies. Other considerations in discovery include, issuing subpoenas to third-parties, requests for protective orders from the government, filing motions to dismiss, motions to suppress and witness statements.

Other discovery to request from the government includes, but is not limited to: 1) statements or reports made by a government witness or prospective government witness (other than the defendant), but only after the witness has testified. *Jencks Act*, 18 U.S.C. §3500; 2) *Giglio* material. There is comprehensive Department of Justice policy regarding this issue. The government must disclose crimes committed by officers, untruthfulness and other dishonesty, and anything suggesting an officer's bias toward the defendant. The government also must disclose agreements with witnesses; and 3) *Brady* material. The government must produce exculpatory or impeaching information and evidence that is material to the guilt or innocence or to the punishment of a defendant. There are several other hearings and motions available to counsel as articulated in federal case law.

Unlike state court, defense attorneys also must hunt for and obtain the defendant's criminal history from original sources. Don't rely on the government to produce this as it may be incorrect. In addition, defense counsel **must review** the federal sentencing guidelines and determine range of punishment. This is one of the most notable differences between state and federal court. It is **not as simple as reading the criminal statute and reading the exact number of months or years identified.** Defense counsel must calculate (yes, there is addition and subtraction involved) to determine the range of punishment for the defendant. If you have

difficulty, please consult a federal practitioner. The goal is the find ways to mitigate and reduce the overall number of projected months of imprisonment.

Step Five: Plea Negotiations –

After you determine the range of punishment, it may be time to plea bargain. The first question to ask is whether the defendant needs a plea agreement to obtain the desired outcome. Many plea agreements contain provisions to waive various rights and if there are multiple defendants or future indictments are likely, an agreement to testify in the future will probably be included in the agreement.

State plea-bargaining involves a defendant entering a plea after back and forth discussions for a specific sentence or range. For example, a trafficking charge may be reduced to a possession with intent and an agreed number of years. In the federal system, these kinds of plea bargains are rare; punishment is primarily derived from the United States Sentencing Guidelines ("USSG"). Defendants are usually required to make a decision to plea without a firm and certain sentence decided between the parties. The parties can come to an agreement on what they believe the range of punishment may be from the USSG, but the Court is not bound to that. This is why it is important to thoroughly review the defendant's criminal history, review the potential enhancements available in the USSG, and any applicable Department of Justice Manuals and/or Memorandums that give guidance on appropriate punishments.[2] e.g., Holder Memorandum on charging mandatory minimum sentences.

Step Six: Trial and Sentencing-

If the defendant does not plea or get dismissed from the Indictment, the next step is trial. Inopportunely, a majority of criminal matters will plea. If a plea is entered and the court accepts it, the defendant will meet with a probation office to conduct a presentence report ("PSR") interview that will cover the client's entire background (criminal, financial, health, etc.). The interview will be condensed into a PSR which will include a very detailed summary of the criminal activity, the sentencing factors and a discussion of the sentencing guidelines.

Defendants can lodge objections to the PSR and submit a sentencing memorandum. They can also file motions to deviate from the sentencing guidelines if they meet certain guideline factors. At sentencing, the Court will review the PSR to determine the correct guidelines and resolves any objections. Afterwards, the parties have an opportunity to speak. Both the AUSA, defense counsel and the defendant(s) will speak. Defendants have the opportunity to present witness testimony and/or statements to help sway the Court in their favor.

Step Seven: Appellate Proceedings, Supervised Release, and Revocation

Appeals-

If the defendant is convicted and has an applicable ground to appeal, he/she can do so. More specifically, if the defendant did not waive the right to appeal in the plea agreement, the

[2] Other considerations include cooperation with the government in a Rule 11 letter and/or meeting, and reduction in the range of punishment for acceptance of responsibility of the actions that brought the defendant before the Court. Keep in mind that the sentencing guidelines are advisory – not mandatory.

defendant can appeal. If the defendant is incarcerated and cannot afford counsel, a CJA attorney can be appointed. Grounds for appeal can include, but is not limited to standard errors, ineffective assistance, and unreasonable sentences.

Supervised release-

In the late 1980s, supervised release replaced parole for federal crimes. It involves restrictions on the liberty of defendants and lasts for a specific term as outlined in the plea agreement or by statute. The term also depends on the class (Class A, B, etc.) of the offense that resulted in the conviction. Some conditions are mandatory, others are discretionary (e.g., refrain from criminal activity vs. report to the probation officer on a regular basis).

Revocations-

By statute, a court must revoke a defendant's supervised release for unlawful drug or firearm possession, refusal to comply with a drug testing condition, or three or more positive drug tests within a single year. Guidelines declare that a court must revoke a defendant's supervised release for the commission of any federal or state crime punishable by imprisonment for more than a year. A court's revocation jurisdiction, however, expires when the term of supervised release has expired, unless the government began the revocation process prior to expiration or unless a defendant was imprisoned for 30 days or more in connection with a conviction for a federal, state or local crime.

About the Author, Ruth J. Addison

Ms. Addison is an attorney at Crowe & Dunlevy and primarily practices criminal defense in state and federal court. She also practices labor and employment defense, civil rights, and commercial litigation.

2017 LEGISLATIVE PREVIEW

by

D. Casey Davis

"No man shall be deprived of the free enjoyment of his life, liberty, or property, unless declared to be forfeited by the judgment of his peers, or the law of the land."

- Magna Carta

"No man's life, liberty or property are safe while the Legislature is in session."

- *Final Accounting in the Estate of A.B.*, 1 Tucker 248 (N.Y. Surr. 1866)

While budget shortfalls, teacher pay, and salacious scandals may top the headlines, the 56th Oklahoma Legislature's agenda is replete with measures aimed at making major changes to Oklahoma's legal landscape.

As Schoolhouse Rock taught us, the road from filing to enactment is fraught with peril and few survive the journey. Proposed legislation made its first run through the gauntlet when it faced consideration in the legislative committee to which it was assigned. In order to survive this first test, a bill must have been reported out of committee in its chamber of origin by March 2, 2017. Of the 2264 bill filed this session, 868 made it out of committee. These measures then had to be passed on a floor vote in their chamber of origin by March 23, 2017. Following this most recent deadline, 675 measures were still alive, including 314 House Bills and 337 Senate Bills.

Following passage out of the chamber or origin, measures are then sent to the opposite house where they are again assigned to a committee for consideration. Measures from the opposite house must be reported out of committee by April 13, 2017. The opposite house has until April 27, 2017 to vote final passage of the measure. During the final month of the session, differences are hammered out and surprises are sure to emerge before the Legislature adjourns sine die on May 26, 2017.

With the successful passage of State Questions 780 and 781 in November, and the work of the Governor's Justice Reform Task Force, the session began with a strong wind in the sails of criminal justice reform. The Senate has passed a number of criminal justice reform measures.

- Senate Bill 689 is a significant piece of reform legislation aimed at improving opportunities for the successful rehabilitation of offenders. It waives fines, court costs, and fees for offenders enrolled in an institution of higher education, vo-tech, or a workforce training program. It also waives fines, costs, and fees at an amount equal to minimum wage for each 40 hour work week an offender completes. In addition, the bill requires the use of graduated sanctions and incentives prior to revocation or acceleration.

- Senate Bill 603 will require the Department of Corrections to "develop a case plan for each inmate to guide the inmate's rehabilitation while in the Department's custody in order to reduce the likelihood of recidivism."

- Senate Bill 649 prohibits prior felony convictions for drug possession to be used for enhancement of subsequent felony charges.

- Senate Bill 650 reduces the amount of time before a defendant is eligible for an expungment. In the case of non-violent felonies, the waiting period is reduced to 5 years from 10 years. For violent felonies, the waiting period is reduced from 20 years to 10 years.

Across the rotunda, the House of Representatives has also passed significant changes to the criminal justice system. Those measures include:

- House Bill 1482 partially rolls back changes made by State Question 780. This bill would make it a felony to possess or purchase any controlled dangerous substance within 1,000 feet of "a day care, public or private elementary or secondary school, or in the presence of any child under twelve (12) years of age."

- House Bill 1605, called the "Debra Reed Act", contains a number of provisions stiffening the punishments for DUI and APC. Specifically, it would allow judges to order a person convicted of DUI or APC to "abstain or refrain from consuming alcohol for such period as the court shall determine and to require that a notation of this restriction be affixed to the driver license of the person at the time of reinstatement of the license." The bill states the restriction shall remain on the license for three (3) years, but "may be modified or removed by order of the court." Failure to comply with the abstinence order would "be a violation of the sentence and may be punished as deemed proper by the sentencing court." Additionally, the bill would make it a felony offense for any person to "knowingly sell, furnish or give alcoholic beverages to a person who has been ordered by a court to abstain or refrain from consuming alcohol."

- House Bill 1122 "preempts the entire field of legislation in this state touching in any way the prosecution of offenses relating to the possession of controlled dangerous substances, except marijuana, to the complete exclusion of any order, ordinance, local legislation or regulation by any municipality or other political subdivision of this state." Municipal courts of record would still be able to enforce ordinances for possession of CDS other than marijuana. Municipal courts not of record would be limited to marijuana possession only.

- House Bill 1468 would extend the statute of limitations for certain crimes against minors from within 12 years after the discovery of the crime to the 45th birthday of the alleged victim. It contains a provision that bars prosecution based solely on repressed memories recovered through psychoanalysis and requires independent evidence substantiating the charge in such situations.

- House Bill 1306 would limit the sentencing options to death or life without parole for all first degree murder convictions where the victim is a police officer, corrections officer or employee. During committee debate on this bill, the author had to be convinced to amend the bill to include LWOP as a possible punishment in order for the measure to survive constitutional scrutiny.

- House Bill 1326 would make it a misdemeanor to fly an unmanned drone over agricultural property without permission. Similarly, House Bill 1123 expands the areas of "critical infrastructure" over which drones may not be flown.

- House Bill 2159 would cancel the current registration of any motor vehicle registered to a defendant who fails to appear for arraignment or otherwise fails to satisfactorily resolve a traffic citation.

Not all "reform" measures considered this session have been driven by the high minded ideals of improved rehabilitation or public safety. Over the past several years, legislative voices have sounded increased animosity toward the judiciary, primarily in response to the courts declaring various legislative enactments unconstitutional. One member went so far as to threaten self immolation on the steps of the Supreme Court. This session, legislation was sought that would fundamentally alter the judiciary.

In the early days of the session, the Senate Committee on the Judiciary advanced a series of measures that many considered an attack on the independence of the judiciary. Among the most alarming were a set of proposals aimed at overhauling the judiciary through a series of measures including forced retirements and partisan elections. Additional changes include modifications to the membership and powers of the Judicial Nominating Committee and requiring Senate confirmation for certain judicial appointments.

The following are several of the measures reported out of the Senate Judiciary Committee as "Do Pass." While each of these measured failed to pass a floor vote and are therefore dead or dormant until next session, they are illustrative of the open hostility some members harbor for the courts as they are currently composed.

- Senate Bill 699, authored by Sen. Anthony Sykes, Moore (R), would impose a "Rule of 80" requiring that "all appellate Justices and Judges in Oklahoma shall be automatically retired when the sum of their years of judicial service and age equals eighty (80)."

- Senate Joint Resolution 42, also authored by Sen. Sykes, calls for a referendum to amend the Oklahoma Constitution to change the elections of Justices and Judges of the Supreme Court, Court of Criminal Appeals, and Court of Civil Appeals to partisan elections.

- Senate Joint Resolution 14, authored by Sen. Nathan Dahm, Broken Arrow (R), would increase the amount of votes necessary for an appellate judge to be retained in office from a majority to sixty percent.

- Under its current composition, the Judicial Nominating Commission includes six attorney members, with the Speaker of the House and the President Pro Tempore of the Senate each appointing three members. Under SB700, authored by Sen. Sykes, "all appointed attorney member positions of the current Judicial Nominating Commission shall be deemed vacant and the terms of such members serving on the Commission shall be deemed terminated." The legislation would then provide for replacement of these terminated members.

Not all efforts at this brand of judicial "reform", however, were unsuccessful. The Senate passed several measures aimed at courts. These measures include:

- Senate Joint Resolution 40 takes aim at the "one subject" provision in Constitution that the Legislature has been found to repeatedly violate. This proposed constitutional amendment would allow legislation to "embrace either one general subject, or one comprehensive subject."

- Senate Joint Resolution 43 seeks to alter the manner in which judicial vacancies are filled. Under this plan, the Governor nominates an appointee to fill the position. This appointee is then screened by the Judicial Nominating Committee and is rated as either qualified or unqualified. After this review, the appointee must then be approved by the Senate.

- Senate Joint Resolution 44 also seeks to change the process for filling judicial vacancies. Under SJR 44, the Judicial Nominating Committee would submit five names to the Governor for consideration. The Governor's pick would then be subject to approval by the Senate.

With the first session of the 56th Legislature having reached the halfway point, the opportunity for meaningful criminal justice reform remains very much alive. While there are definitely some measures which should be cause for concern, on the whole the Legislature appears to serious about improving the system in which we work. That being said, never forget that no one is safe until sine die.

FREE LEGAL RESOURCES ON THE INTERNET

BY

MIKE WILDS

American Bar Association (ABA)
http://www.americanbar.org/resources_for_lawyers.html

- Provides legal information on numerous topics. Many are free sources open to the general public.

Cardiff's Index to Legal Abbreviations
http://www.legalabbrevs.cardiff.ac.uk

- This source provides insight as to legal abbreviations.

Casetext
https://casetext.com/about

- This is a good database for federal cases, statutes, and regulations. It also contains some state resources.

Congressional Research Service Reports (CRS)
http://digital.library.unt.edu

- This source is updated by the University of North Texas and provides public CRS reports. They provide a good source for legislative history.

Digital Commons Network
http://network.bepress.com/law/

- Provides access law review and law journals.

FindLaw
http://www.findlaw.com/?DCMP=ADC-FLAW_Brand-Name&HBX_PK=findlaw

- This free site, produced by Thomson Reuters, is a good resource for current criminal law updates, cases and statutes.

Justia
http://law.justia.com

- Justia provides U.S. case law, codes, and regulations. It also contains state-by-state legal resources and information about law schools. The Justia newsletter sends daily court opinion and current legal news.

Legal Information Institute
https://www.law.cornell.edu/

- This database, provided by Cornell University Law School, contains Supreme Court cases, the U.S. Code, the Code of Federal Regulations, and the Uniform Commercial Code). It links to state websites that contain state legal information.

Legiscan
https://legiscan.com/CO/legislation

- This is a good site to track legislation in the 50 states.

Lex Legal and Medical Dictionary
http://legal-dictionary.thefreedictionary.com/lex

- This site contains a legal and medical dictionaries as well as a thesaurus, acronyms, idioms, and an encyclopedia.

Open States
http://openstates.org

- A good source to track current state legislation as well as the contact information for state and federal legislators.

Oyez
www.oyez.org

- Chicago-Kent College of Law provides Supreme Court oral arguments and legal summaries of each case.

Wex
www.law.cornell.edu/wex

A legal dictionary and encyclopedia

Expungement Nuggets - A Brief Introduction.

I receive calls several times a week from prospective clients about how they can obtain an expungement of criminal charges for themselves or a loved one. More often than not, the client or loved one was convicted of a non-violent offense in the last ten years and is now experiencing difficulty obtaining gainful employment, obtaining a professional license certificate or obtaining a loan. When I receive these calls I immediately ask if they are seeking an expungement of the record of the criminal disposition or expungement of both the arrest and criminal disposition records. After a pause, the prospective client usually explains that they have no clue what I am talking about and do not know the difference between the two. This is when I begin a brief, but pointed explanation that under Oklahoma law there are two types of expungements available.

If the prospective client received a deferred sentence and successfully completed the terms and conditions of probation~~,~~ under 22 O.S. § 991(c), they may be eligible for an expungement of their criminal disposition record. This type of expungement removes the record from public forums such as www.oscn.net or www1.odcr.com, but it does not fully remove the file from public records. The arrest record will remain on file and subject to review. More specifically, this record may appear on a routine background check. The record notation of the disposition is removed, but the file will continue to reflect an arrest date and identification of the charge (e.g. January 1, 2007 - Arrest, Possession of Marijuana).

The second type of expungement is commonly referred to by criminal defense attorneys as a "Section 18 & 19 expungement" and involves expungement of not only the prospective client's criminal disposition, but the arrest record as well. Pursuant to 22 O.S. §§ 18 and 19, this type of expungement has the effect of sealing records from public review (i.e., it will still remain visible to law enforcement, prosecutors or judges). Currently, there are 14 different grounds by which a person may obtain this kind of expungement. Examples include:

- Nonviolent felony offenses that have been dismissed after successful completion of a deferred sentence. These offenses can be expunged in five years. Previously this was ten years;
- Misdemeanor convictions in which the defendant was sentenced to a fine only that was less than $500.01 are eligible for an immediate expungement; and
- Misdemeanor convictions in which the defendant was sentenced to a term of imprisonment, received a suspended sentence, or fined greater than $500.00 can expunge their conviction after five years. Previously this was ten years as well.

The process for a Section 18 & 19 expungement requires the filing of a publicly available civil petition with notice to all interested records custodians. The parties then try to obtain a final order executed by the judge. If successful, at the conclusion, the petition is removed from public records and sealed.

In sum, expungements are useful tools to help deserving people move forward and contribute to the community by joining the workforce and improving their economic situation.

Ruth J. Addison is an Attorney at Crowe & Dunlevy and member of the Criminal Defense Compliance & Investigation Practice Group. She is also a member of the Labor & Employment Practice Group.

Dear OCDLA Members,

The Oklahoma Uniform Jury Instructions Committee for the criminal section meets several times of year. This committee is made up of prosecutors, defense counsel, and court/faculty. Once we approve a OUJI we then send it to the Court for approval and publication.

The members of the committee can submit request to the committee to write a OUJI if one is missing or wrong. We also receive request from the Court of Criminal Appeals when case law changes an exsisting law.

I am a member of this committee. If you see a problem or missing OUJI you can send me and email with a request. There is not a quick turn around so do not wait a week before trial.

Shena Burgess

Please send your submission to sburgess@smilinglaw.com. Please cite the statute and/or OUJI with your email and what you see as the problem.

Keep It Simple Stupid (KISS):
Beating the Government With Their Own Evidence

By
Casey Davis and Jacqui Ford

When you find yourself in a knife fight, sometimes the best weapon you can pull is Occam's Razor. Occam's Razor is a problem solving principle loosely defined as "the simplest solution is to be preferred." More generally, it is a call to look to the basics first. In two recent cases, Jacqui Ford did just that, and as a result, won her clients dismissals in both.

Sometimes we, as lawyers, can live up to our reputations by making things more complicated than they need to be. In the process, we can unwittingly lose sight of the fundamental issues by adding needless layers of assumption and analysis. By employing Occam's Razor, we can often shave away unnecessary complexity to reveal the simplest solution at our case's core.

The "basics" to which Ford looked are the bedrock of our adversarial system, i.e. due process and the requirement the state must prove its case beyond a reasonable doubt through the introduction of reliable evidence. In both cases, Ford discovered that the state had lost or destroyed key pieces of evidence.

The following are the motions she filed to win her clients cases without the need to go to trial.

IN THE DISTRICT COURT OF KAY COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,	)	
Plaintiff,	)	
	)	
vs.	)	**Case No.: CF-2013-790**
	)	
	)	
CHARLES SCOTT LOFTIS,	)	
Defendant.	)	

MOTION TO DISMISS COUNT II, OR IN THE ALTERNATIVE, SUPPRESS THE STATE'S MOST PROBATIVE EVIDENCE

COMES NOW, Defendant, C. Scott Loftis (hereinafter "Loftis"), by and through counsel, Jacquelyn L. Ford, and respectfully moves the Court to dismiss Count II of the Information in the above styled action, or in the alternative, suppress the State's most probative evidence. In support of said motion the following is presented to the Court:

I. RELEVANT FACTS

1. The State of Oklahoma (hereinafter "State") charged Loftis by Information with three (3) felonies and one (1) misdemeanor.
2. In Court 2 of the Information, the State accuses Loftis of conspiracy to bring contraband into a penal institution by conspiring with Terome Porter, Gale McArthur and Pamela Miller to bring a cellular phone into the Kay County Detention Center ("KCDC").
3. During the first trial, pictures of a cellular phone alleged to be the object of the conspiracy was introduced into evidence.
4. During the first trial, that cellular phone was not identified by Pamela Miller or anyone else as the same phone allegedly used in the conspiracy.

5. Cliff Cannon will testify that multiple cellular phones were in the possession of inmates and that cellular phones were brought into KCDC in a variety of methods. See Attached Affidavit.

6. The State has lost or destroyed the cellular phone in question, and can provide no reasonable explanation why it has not been preserved.

II. ARGUMENT AND AUTHORITY

A. THE STATE'S FAILURE TO PRESERVE EVIDENCE VIOLATES DEFENDANT'S DUE PROCESS RIGHTS

It is well established that the Fourteenth Amendment's Due Process Clause requires that "criminal prosecutions must comport with prevailing notions of fundamental fairness" by affording criminal defendants "a meaningful opportunity to present a complete defense." *California v. Trombetta*, 467 U.S. 479, 485, 104 S.Ct. 2528, 81 L.Ed.2d. 413 (1984). Through a series of cases, the U.S. Supreme Court has sought to protect this right through "what might loosely be called the area of constitutionally guaranteed access to evidence." *Id*.

The existing "access to evidence" case law distinguishes whether a violation of due process exists based in large part on the materiality of the evidence and its significance to the case. The Supreme Court has held:

> To meet this standard of constitutional materiality, see United States v. Agurs, 427 U.S., at 109-110, evidence must both possess an exculpatory value that was apparent before the evidence was destroyed, and be of such a nature that the defendant would be unable to obtain comparable evidence by other reasonably available means.

Id. at 489.

In cases involving evidence that meets this test, the Due Process Clause "makes the good or bad faith of the State irrelevant when the State fails to disclose to the defendant material exculpatory evidence." *Arizona v. Youngblood*, 488 U.S. 51, 57, 109 S.Ct. 333, 102 L.Ed.2d. 281 (1988). However, in cases where "the failure of the State to preserve evidentiary material of which no more can be said than that it could have been subjected to tests, the results of which might have exonerated the defendant," failure to preserve "potentially useful evidence does not constitute a denial of due process" unless a defendant can show bad faith on the part of the State. *Id*. at 57 – 58. In determining whether bad faith exists, the Court has looked to whether the State followed established practices and procedures, as well as "allegations of official animus towards respondents or of a conscious effort to suppress exculpatory evidence." *Trombetta* at 488.

In the case at bar, the cellular phone is central and fundamental to the crime charged – conspiracy to bring contraband, i.e. a cellular phone, into a penal institution. Its evidentiary value far surpasses the threshold for constitutional materiality in that its exculpatory value is beyond question and the defense has no other means of obtaining comparable evidence.

In the first trial, the State made significant use of the cellular phone through introduction of pictures into evidence and by reference to it and the information it contained. While the phone was introduced into evidence at the first trial, no witness, including Pamela Miller, authenticated it as the phone Pamela Miller, Terome Porter, and Loftis allegedly conspired to smuggle into KCDC. A fundamental component of the defense's case is whether the phone introduced was in fact the same phone. The identification of the phone is critical because there is evidence that multiple cellular

phones were present in KCDC and these phones were smuggled into the jail through a variety of ways. Without the cellular phone, the defense is deprived of the ability to question whether the cellular phone is the same one that Pamela Miller is alleged to have conspired to smuggle into KCDC. Additionally, the defense is deprived of the ability to examine the phone to make a number of determinations critical to presenting a complete defense. These include whether the cellular phone is capable of being smuggled into KCDC in the manner in which the State alleges, and whether the phone contains any data or other information of exculpatory value.

In light of extant law, the failure of the State to preserve the cellular phone constitutes a violation of Loftis' due process right to access to evidence. Given the constitutional materiality of the cellular phone, it is not necessary for Loftis to show bad faith on the part of the State. However, there is a strong indication that bad faith does exist. The State can offer no good reason why the cellular phone is no longer available, as it is general practice to preserve physical evidence until the conclusion of a criminal proceeding. Additionally, a key component of Loftis' defense has been "allegations of official animus towards [him]." The State's failure to safeguard this essential exculpatory evidence has destroyed the constitutional safeguard to a fair trial.

B. THE APPROPRIATE REMEDY IS DISMISSAL OF COUNT II OR IN THE ALTERNATIVE, SUPPRESSION OF THE STATE'S MOST PROBATIVE EVIDENCE

In *Trombetta*, the U.S. Supreme Court considered the appropriate remedy for violations of due process in "access to evidence" cases. It held, "when evidence has been destroyed in violation of the Constitution, the court must choose between barring further

prosecution or suppressing… the State's most probative evidence." *Trombetta* at 487. The State's failure to preserve the cellular phone has robbed Loftis of the ability to pursue a fundamental line of defense and seriously jeopardized the likeliness that he can received a fair trial on Count II. The nature and severity of the damage is so egregious as to warrant barring further prosecution by the State. It is fundamentally unjust to allow the State to benefit from its own wrongful acts. Therefore, in the alternative, this Court should suppress all mention of the cellular phone and any and all evidence derived there from, including but not limited to any data, records, or other information.

Respectfully,

Jacquelyn L. Ford, OBA #21179
1621 N. Classen Boulevard
Oklahoma City, OK 73106
(405) 604-3200 Telephone
(405) 239-2595 - Facsimile

IN THE DISTRICT COURT OF GRADY COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CF-2014-373
	)	CF-2014-374
RAY TERREL CRAIG, SR,	)	CF-2014-375
RAY TERRELL CRAIG, II,	)	
JAY JERDEE,	)	
	)	
Defendants.	)	

DEFENDANTS' MOTION FOR ORDERS REGARDING SPOILATION OF EVIDENCE

COMES NOW the Defendants Ray T. Craig, II, by and through his counsel of record, Peter L. Scimeca, Ray T. Craig, Sr., by and through his counsel of record JW Coyle, and Jay Jerdee, by and through his counsel of record Jacqui Ford, and move this honorable Court for orders regarding apparent spoliation of exculpatory evidence. In the support of their Motion, Defendants allege and state:

1. Jerdee maintained records of Microsoft licensing for schools that Craig PC Sales and Service, LLC ("Craig PC") was responsible for. Jerdee's filing cabinet contained licensing documents from where the schools purchased computers and purchased their own licensing. The FBI labeled Jerdee's room "J" and seized the documents. Jerdee maintained these records in a file cabinet in his office. During the FBI search in January 2011, the FBI photographed these file folders while they were on Jerdee's desk and thereafter seized them. (See Exhibit 1).

2. On June 20 and June 23, 2016, Defendants and/or their counsel went through the entirety of the records seized by the FBI during the January 2011 search of Craig PC, including Box "J" and cannot locate these documents.

3. Defendants cannot reasonably obtain the evidence from alternative methods because said records are no longer kept by Microsoft or the schools upon information and belief.

4. These documents are exculpatory and the exculpatory nature should have known immediately because the case is about licensing for Microsoft operating systems.

BRIEF IN SUPPORT AND ARGUMENT

Due process requires the government and its agent to preserve evidence that "might be expected to play a significant role in the suspect's defense." *California v. Trombetta*, 467 U.S. 479 488 (1984). Due process is violated when the government fails to preserve evidence when the exculpatory character of the evidence is known and when the defendant cannot obtain comparable evidence by other reasonably available means. See *id.* As to potentially exculpatory evidence, when the government or its agents "by their conduct indicate that the evidence could form a basis for exonerating the defendant" and destroy it nonetheless, such actions constitute bad faith destruction of evidence warranting dismissal or suppression. *Arizona v. Youngblood*, 488 U.S. 51, 57 (1988).

PRAYER FOR RELIEF

Defendants pray the Court entered orders as follows:

1. Make a finding that the requested documents by Defendants are exculpatory and the FBI should have known the exculpatory nature of the documents immediately upon viewing.

2. For an order directing the State to produce the requested documents or explain what happened to the documents and, if the documents are not produced;

3. For an order excluding all mention of the number of licenses purchased for any computer related to this case;

4. And/or for order dismissing the case against all Defendants.

Respectfully submitted,

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Email: fordlawok@gmail.com
ATTORNEY FOR DEFENDANT
JAY JERDEE

NOTICE OF HEARING

This Motion shall be heard on the 11th day of July, 2016, before the honorable Richard Van Dyke at 10:00 a.m.

THE OCDLA ANNUAL AWARDS

This is a reminder that the *Oklahoma Criminal Defense Lawyers Association* is now accepting nominations for its annual awards. These awards are prestigious and represent acknowledgment by our peers of superior work in criminal defense advocacy. The awards open for nomination are:

THE CLARENCE DARROW AWARD

Clarence Darrow was born in Ohio in 1857. After being admitted to the bar in 1878, he became a small-town lawyer for nine years. During WWI, Darrow defended anti-war activists and was critical of The Espionage Act which at that time was used to stifle anti-war activities. Darrow's magnificent and tenacious advocacy is illustrated in his famous cases such as the *Scopes Monkey Trial* and the *Leopold-Loeb Murder Trials*. A 1936 FBI memo to Clyde Tolson, *aide-de-camp* to J. Edgar Hoover, gave Mr. Hoover some quotes that Clarence Darrow had made in an article entitled *Attorney for the Defendant*. It was suggested that Mr. Hoover could use these quotes in speeches to point out how unscrupulous criminal defense lawyers foster disrespect for the law and influence crime conditions.

The Clarence Darrow Award recognizes the efforts of an individual who has, during the year, exemplified the zealous advocacy in criminal cases that befits the namesake of the award. It is in the deeds and spirit of Clarence Darrow that this award is given each year. The only qualification is that the events upon which the nomination is based must have taken place during the current year.

THE LORD THOMAS ERSKINE AWARD

Lord Thomas Erskine, Lord Chancellor of the United Kingdom, was a Scotsman and the third son of Henry David Erskine, the Tenth Earl of Buchan. Lord Erskine was educated at the Royal High School of Edinburgh and later at Trinity College, Cambridge. He was called to the bar in 1778, and became a strong advocate and defender of popular liberties and constitutional rights. His defense of Thomas Paine cost him his post of Attorney General to the Prince of Wales.

The Lord Thomas Erskine Award is bestowed to honor a member of the Oklahoma criminal defense bar who has, over the years, steadfastly placed the preservation of personal liberties over his or her own personal gain or reputation. The award is intended to recognize these qualities during an attorney's career or lifetime and is not limited to any particular activities in any given year. The cumulative nature of this award, in addition to its prestige, precludes bestowment automatically every year. Thus, although nominations may be received for this award, it may or may not be bestowed in any given year.

THE THURGOOD MARSHALL APPELLATE ADVOCACY AWARD

Thurgood Marshall, the grandson of a slave, was born in 1908 in Maryland. In 1930, Marshall desired to attend law school in his hometown but was denied admission to the University of Maryland Law School because of the school's segregation policy. This event had a dramatic influence on his future professional life. Marshall sought admission to, and was accepted at, Howard University where he graduated from law school in 1933. In 1934, he began his association with the NAACP. In 1954, he dismantled public school segregation in the spectacular 1954 victory of *Brown v. Board of Education of Topeka.* He later desegregated graduate schools with his victory in *McLaurin vs. Oklahoma State Regents*. As a judge on the United States Court of Appeals for the Second Circuit, he issued 112 opinions, all of which were upheld before the United States Supreme Court. As Solicitor General of the United States, he won 14 of 19 cases argued before the United States Supreme Court. In 1967, Marshall became the first African-American appointed to the United States Supreme Court. He was often the lone voice of dissent against the death penalty (although accompanied frequently by Justice Brennan) and always spoke for voiceless Americans in his opinions. He died in 1993.

The only qualification for the Thurgood Marshall Appellate Advocacy Award is that the nominee must be the appellate attorney of record in the decision(s) that form the basis for the nomination. However, there is no requirement that the decision must have occurred within the current year.

NOMINATION PROCEDURE & DEADLINE

DEADLINE: FOR NOMINATIONS IS **FRIDAY, June 2, 2017, at 5:00 p.m.**
Nominations must be submitted in writing in any of the following ways:

BY MAIL: OCDLA, P.O. Box 2272, Oklahoma City, OK, 73101.

BY FAX: 405.212.5024 (Attention Awards Committee)

BY E-MAIL: To Brandon Pointer, Administrator, bdp@for-the-defense.com.

NOTE: These awards are intended to honor ***any*** Oklahoma lawyer in the categories listed and are not limited to members of the OCDLA, either with regard to nominations or receiving any award. The OCDLA does not hold a monopoly on good criminal defense work.

The 2017
Patrick A. Williams
Criminal Defense Institute
&
OCDLA Annual Meeting

June 29 & 30, 2017
Sheraton Reed Center
Midwest City, OK

The Oklahoma Criminal Defense Lawyers Association, Oklahoma Indigent Defense System, Oklahoma County and Tulsa County Public Defender Offices proudly present the **2017 *Patrick A. Williams* Criminal Defense Institute & OCDLA Annual Meeting**. This year the CDI will be in at the Sheraton Reed Conference Center in Midwest City, OK. Come join us for some outstanding CLE & an all-around good time.

The awards presentation dinner will take place on Thursday evening of the Institute. Dinner will be served along with a sponsored happy hour, followed by a cash bar. OCDLA leadership will also conduct its annual meeting prior to the awards presentation..

Awards eligibility period is from June 1, 2016 to June 2, 2017.
Cutoff date for nominations is June 2, 2017 @ 5:00pm.
For more info on the awards & past award winners please visit www.ocdlaoklahoma.com

Please send nominations to:

Mail:	**OCDLA** **PO Box 2272** **OKC, OK 73101-2272**	**Email:** **Fax:**	**bdp@for-the-defense.com** **405-212-5024**

MCLE Credit

- OK - 12 Hours, includes 1 hour ethics

Location

The Sheraton Reed Center has a room rate of **$98.00** for the CDI. This rate is good until **June 14th**. For room reservations please call **1-800-325-3535 or** online @ ***www.sheratonmidwestcity.com.*** Use Group Code: **reference the CDI or OCDLA** visit OCDLA website for direct link

Visit *www.OCDLAOKLAHOMA.com* to register or mail this ad with payment to:
OCDLA, PO BOX 2272, OKC, OK 73101
FOR MORE INFO: Email: *bdp@for-the-defense.com* or call the OCDLA: 405-212-5024

2017 CRIMINAL DEFENSE INSTITUTE SCHEDULE

Thursday, June 29

Main Session

8:00 - 8:30 am	**Welcome** *Al Hoch, Jr., OCDLA President; Bob Ravitz, Chief Public Defender OK County; Rob Nigh, Chief Public Defender Tulsa County; Craig Sutter, OIDS Executive Director*
8:30 - 10:10 am	**Tipping the Scales In Your Favor: Pretrial Jury Selection Strategies** *Paul Bruno, Nashville, TN & Inese Neiders, Columbus, OH*
10:20 - 11:10 am	**The Art of Persuasion** *Jessie Wilson, Colorado Springs, CO*
11:10 - 12:00 pm	**Reconciliation in the Felony and Capital Case** *Richard Burr, Houston, TX*

Lunch On Your Own

BREAKOUT SESSIONS

Track 1

1:30 - 2:20pm	**Issues With Foreign Nationals** *Heather Roberts, OKC*
2:20 - 3:10pm	**Interdiction, Forfeiture, Drug Dogs** *Douglas Parr, OKC*
3:20 - 4:10pm	**Cell Phones & Sting Rays** *Gary Davis, Tulsa*
4:10 - 5:00pm	**Cell Phones & Sting Rays, contd.** *Gary Davis, Tulsa*

Track 2

1:30 - 2:20pm	**Defending Murder Cases** *Joi Miskel, OKC*
2:20 - 3:10pm	**LWOP & Juveniles** *Ernie Nalagan, OKC*
3:20 - 4:10pm	**Motion Practice & Forms** *Travis Smith, Tulsa CO PD Office*
4:10 - 5:00pm	**Case Update-Including 780 & 781 Status** *James Hankins, OKC*

Friday, June 30th

8:00 - 8:30am	**Welcome**
8:30 - 9:20am	**Ethics and Appearing Before the OBA*** *Shiela Naifeh, Tulsa*
9:20 - 10:10am	**The SANE Exam** *Evangeline Barefoot, Nashville, TN*
10:20 -11:10pm	**The Forensic Interview** *Jamie Vogt, Tulsa*
11:10 -12:00pm	**Cannabis & DUID Cases** *Jay M. Tiftickjian, Denver, CO.*

The 25th Annual

Patrick A. Williams

Criminal Defense Institute & OCDLA Annual Meeting

June 29 & 30, 2017
Sheraton Reed Center
Midwest City, OK

Registration Fees

- OCDLA Member	**_____ $225.00**
- Non Member	**_____ $300.00**
- Printed Materials	**_____ $40.00**
-Addition Dinner Guest	**_____ $25.00**
TOTAL (if any additions)	**_____**

Full Name: _____OBA#:_____

Address: _____

City: _____ State_____ Zip: _____

Phone: _____Email: _____

Credit Card # :_____ Exp. Date: ___/___

Check:____

SEND FORM TO:
FAX: 405-212-5024
EMAIL: bdp@for-the-defense.com
Mail: OCDLA PO Box 2272, OKC, OK 73101

Registration and More Info @ WWW.OCDLAOKLAHOMA.COM

2017 Criminal Defense Institute
Speaker Previews

Jay M. Tiftickjian Cannabis & DUID (Friday @ 11:10am)

"Colorado was the first state to legalize recreational marijuana, and as a result law enforcement across the state increased and focused on drugged drivers and DUID prosecutions. As a result, Jay Tiftickjian, who was voted "best DUI lawyer" in Colorado's bar journal four consecutive years, has seen an increase in DUID cases involving marijuana. In his presentation, Mr. Tiftickjian will discuss the intricacies and controversies surrounding marijuana impairment, THC limits, drug recognition exams, and how to successfully defend DUID cases from jury selection to a not guilty verdict."

Jesse Wilson, The Art of Persuasion (Thursday 29th @ 10:20pm)

"Jesse Wilson is a communication specialist, speaking coach, and trial lawyer consultant. A graduate of the Juilliard School in Theater Arts and TEDx Speaker, his background in the theater spans over 20 years as both director and actor. Jesse co-developed a Theater-Behind-Bars program for inmates called Crossroads. The program helped inmates make powerful changes in their lives. The experience resulted in the creation of Lessons From the Stage.

Lessons From The Stage is a breakthrough communications company that empowers attorneys to deliver high-impact presentations, as well as rapidly transform their collaboration skills for all aspects of pre-trial and trial work including the preparation of clients and witnesses to testify. By utilizing the tools, techniques, and strategies of the theater, Lessons From The Stage is designed to help lawyers breakthrough their personal and professional obstacles to master the art of The Winning Story.

Whether Jesse is speaking on stage, giving a seminar, workshop, or consulting on a trial, his primary intention is to help people always make the human connection. www.LFTStage.com"

Gary Davis: (Thursday 29th @ 3-5pm TRACK #1)

Will present on issue spotting in digital device warrants, tracker warrants, etc. for PC deficiencies. The process of gaining a warrant for cell phone and how it can end up being a warrant for email, Facebook, Snapchat, etc. Sting rays and trigger fish is a whole other ball of worms that will be covered also.

Jamie Vogt: Child Forensic Interviewing (Friday 11:20am)

Jaime Vogt, MS, LPC will be presenting on child forensic interviewing. This will be a brief overview regarding a number of topics such as critiquing the forensic interview, assessing the veracity of children's statements, signs of coaching, issues of memory and suggestibility.

Travis Smith-Motion Practice (Thursday 3:20 pm TRACK 2)

Anatomy of trial motion practice: A practical guide to the utilization of motions from arraignments to trial. This guide will be a conversation on motions, forms, and oral argument discussing the importance of syllogism in the craft of criminal defense.

More information on the CDI Agenda available on www.ocdlaoklahoma.com

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Oklahoma City, OK 73101-2272

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Mail to OCDLA, P.O. Box 2272, Oklahoma City, OK 73101-2272 or fax to (405) 212-5024

[ ] $250 Sustaining Member
[ ] $125 Regular Member (*OBA Member 3+ years*)
[ ] $100 Regular Member (*OBA Member 3 or less years*)
[ ] $100 Public Defender / OIDS Rate
[ ] $125 Affiliate
[ ] $85 Student Membership
Law school _____
Graduate date _____

Name _____

Address _____

City _____ State _____ Zip _____

OBA # _____ County _____

Telephone _____ Fax _____

Email _____

Payment method: Check ___ Visa _____ MasterCard _____ Discover ____ AMX _____

Credit Card Number _____ Exp. Date _____

By submitting this application, I verify that I am *not* a prosecutor, a member of law enforcement, or a full-time judge.

Signature

_____