

- **Claremore and Singer have hidden Singer's impeachment evidence for years.**
- **It would be a mistake for this Court to grant a witness the same Constitutional protections afforded victims.**
- **Claremore's lawyer lacks City Council approval and in addition failed to provide with his motion the attachment required by statute in order to even seek intervention.**
- **Counsel for Claremore told this Court that the City Council voted recently to ratify the Motions to Intervene.** See "Transcript of Proceedings", February 22, 2013 attached and incorporated hereto as State's Exhibit "C" for reference, p. 29-30, ln. 1-25, ln. 1-11.
- **Published Agendas of the Claremore City Council do not support this claim.¹**
- **Singer failed to attach the required document to his intervention motion as well.**
- **Allowing intervention in this case violated the separation of powers doctrine.**
- **Allowing intervention has caused unintended results in allowing Claremore and Singer to run wild with unfounded accusations in the media, which was wholly inappropriate under the circumstances.**

¹ ¶ 17 It is also clear that its attorney advised Beggs' governing board that the Water Purchase contract could be properly considered and approved as an unlisted item of "old business", although the OMA does not define the term. However, any construction of the OMA which would permit a public body's consideration of an item not listed on its posted agenda, apart from "new business" "not known about or which could not have been reasonably foreseen prior to the time of posting" allowed by 25 O.S. § 311(A) (9), totally vitiates the underlying mandate of the OMA to notify the public of the time and place of meetings of a public body, and the matters the public body intends to consider. Any reading of the OMA notice provisions to permit consideration of unspecified "old business", in our opinion, "has the effect of actually deceiving or misleading the public regarding the scope of matters to be taken up at the meeting," and invites "agency action which exceeds the scope of action defined by the notice." Haworth Bd. of Ed., 1981 OK CIV APP 56, ¶ 10, 637 P.2d at 904.

¶ 18 The plain language of § 303 mandates the posting of a notice of the matters to be considered at a meeting of a public body. The failure of Beggs' governing board to post proper notice of its intent to consider the execution and approval of the water contract with Okmulgee, although based on advice of counsel, constitutes a "willful," "conscious" violation of the OMA "by those who know, or should know the requirements of the Act." Rogers, 1984 OK 95, ¶ 14, 701 P.2d at 761. Absent posted notices of its intent to consider the 2004 water contract, Beggs' execution and approval of the 2004 contract is invalid as "exceed[ing] the scope of action defined by the notice[s]." Haworth Bd. of Ed., 1981 OK CIV APP 56, ¶ 10, 637 P.2d at 904.

Okmulgee County Rural Water Dist. No. 2 v. Beggs Pub. Works Auth., 2009 OK CIV APP 51, 211 P.3d 225, 229

- **There is no cognizable legal theory or claim allowing intervention by Singer or City. Intervention cannot be extended to witnesses such as Singer, or employers such as Claremore.**
- **“Limited” intervention is not recognized in Oklahoma jurisprudence.**
- **Even if “limited” intervention was recognized, it is not warranted in this case since City and Singer seek materials already in their possession, save and except an improved tape that only alleviated the necessity of “ear buds” and a transcript of the tape.**
- **Notwithstanding Singer’s cry that dissemination would ruin him, either Singer or City have widely disseminated the materials in question.**
- **The Duties and Responsibilities set forth by the Giglio Doctrine create a duty of action and obligation for each, individual prosecutor.**
- **Claremore, as Singer’s employer, has an absolute duty and obligation to disclose impeachment materials, and intentionally has failed to do so for years.**
- **Claremore never responded to the State’s motion to dismiss or objection in this case, because there is no legal theory it can assert.**
- **Singer did file a “response” in this case, same being a legal and factual nullity.**
- **The Office of the District Attorney did not disclose to this Court the prior requesting of a Giglio determination by a Rogers County Judge in another case, which was criticized by this Court. However, the DA’s office did not do so because the decision in the case in question was “sealed” by the Judge, and the case presented that of a “close call”. The materials in question in this case do not present a “close call”, and must be disclosed under Giglio.**

The District Attorney recently sought directly from the City of Claremore Chief of Police any information that may be considered Giglio materials. Such is the obligation of the State United States v. Agurs, 427 U.S. 97, 107-08, 96 S. Ct. 2392, 2399-400, 49 L. Ed. 2d 342 (1976). The response from the City was an intentional failure to fully disclose such information. This is clear from the email exchange between the District Attorney and Chief Brown. See State’s Exhibit “A” attached for reference. Since the hearing held before this Court on February 22, 2013, the District Attorney’s Office, **without any**

cooperation from the City, found information previously unknown to it, yet clearly known by Singer and the City, as his supervising entity, concerning a 2010 DETERMINATION BY A FEDERAL COURT THAT BEHAVIOR OF SINGER CONSTITUTED, IN FACT, GIGLIO MATERIAL AND SHOULD BE DISCLOSED TO DEFENDANT'S COUNSEL. IN ESSENCE, SINGER HAS BEEN THE SUBJECT OF GIGLIO DISCLOSURE IN PREVIOUS CASES AND IN OTHER COURTS SINCE 2001. SINGER AND THE CITY INTENTIONALLY WITHHELD THAT INFORMATION FROM DISTRICT ATTORNEY STEIDLEY AND THIS COURT. Claremore and Singer appear to have such low regard for the criminal justice system that they feel entitled to play word games with the District Attorney. In response to the District Attorney's direct request to the City for materials it was entitled to from the city, Claremore opted to play word games – there is nothing in his personnel file. All the time, Claremore knew exactly what was being requested. The City could argue that it did not know about the prior ruling of the federal court that Singer was the subject of a Giglio disclosure. If that were the case, there is no explanation for their failure to make a direct inquiry from Singer. After all, Claremore announced in its Motion to Intervene that the City is well aware of its duty and obligation to provide impeachment material to prosecuting agencies.

STANDARD OF REVIEW

By Statute, the Court may, no later than thirty (30) days after the judgment, decree, or appealable order prepared in conformance with Okla. Stat. Ann. tit. 12, § 696, may correct, open, modify or vacate a judgment, decree, or appealable order on its own initiative. Okla. Stat. Ann. tit. 12, § 1031.1.² While Oklahoma Statutes do not provide a

² A. A court may correct, open, modify or vacate a judgment, decree, or appealable order on its own initiative not later than thirty (30) days after the judgment, decree, or appealable order prepared in conformance with Section 696.3 of this title has been filed with the court clerk. Notice of the court's action shall be given as directed by the court to all affected parties.

B. On motion of a party made not later than thirty (30) days after a judgment, decree, or appealable order prepared in conformance with Section 696.3 of this title has been filed with the court clerk, the court may correct, open, modify, or vacate the judgment, decree, or appealable order. If the moving party did not prepare the judgment, decree, or appealable order, and Section 696.2 of this title required a copy of the judgment, decree, or appealable order to be mailed to the moving party, and the court records do not reflect the mailing of a copy of the judgment, decree, or appealable order to the moving party within three (3) days, exclusive of weekends and holidays, after the filing of the judgment, decree, or appealable order, the

procedural vehicle called “motions to reconsider”, Oklahoma appellate courts have determined that such motions can be heard by this Court.³ Additionally, newly discovered evidence is a recognized reason for a reexamination of an issue by a trial court of law or fact or both. Okla. Stat. Ann. tit. 12, § 651.

Prior Judicial Determination Requested by the District Attorney’s Office

1. The documents filed by the State and titled “Motion to Dismiss” and “Objection” are incorporated as if fully set forth herein, including all legal authorities cited and legal arguments made therein.
2. The following discussion is provided **only** for the purpose of addressing the criticism of the Court on the process the District Attorney’s Office went through in reaching a conclusion that Singer’s prior actions required that a Giglio disclosure be made. **The following is not presented seeking the Court’s response on the ultimate decision made by the State. As stated in the State’s Objection, that decision does not fall on the Court as it lies solely and exclusively within the province of the prosecution.**
3. The State did not choose this course of action lightly or swiftly, but with great care and diligence. Prosecution calls for difficult choices to be made and crucial decisions to be reached.

motion to correct, open, modify, or vacate the judgment, decree, or appealable order may be filed no later than thirty (30) days after the earliest date on which the court records show that a copy of the judgment, decree, or appealable order was mailed to the moving party. The moving party shall give notice to all affected parties. A motion to correct, open, modify, or vacate a judgment or decree filed after the announcement of the decision on all issues in the case but before the filing of the judgment or decree shall be deemed filed immediately after the filing of the judgment or decree

Okla. Stat. Ann. tit. 12, § 1031.1

³ Burghart v. Corr. Corp. of Am., 2009 OK CIV APP 76, 224 P.3d 1278, 1280

¶ 7 Although “motions to reconsider” are not technically authorized by Oklahoma procedural law, McMillian v. Holcomb, 1995 OK 117, n. 3, 907 P.2d 1034, 1036 n. 3, the court is required to treat a motion as the substance of the motion dictates regardless of the name assigned by the parties. Horizons, Inc. v. Keo Leasing Co., 1984 OK 24, ¶ 4, 681 P.2d 757, 758–59. (“A motion seeking reconsideration, re-examination, rehearing or vacation of a judgment or final order, which is filed within 10 days of the day such decision was rendered, may be regarded as the functional equivalent of a new trial motion, no matter what its title”).

See also Derrick v. State ex rel. Dept. of Pub. Safety, 2007 OK CIV APP 56, ¶¶ 7-8, 164 P.3d 250, 252

4. This Court has criticized the Office of the District Attorney for not disclosing that it had requested a judicial determination on potential Giglio materials in another case in this County. See “Transcript of Proceedings”, February 22, 2013 attached and incorporated hereto as Exhibit “B”, a Hearing occurred before the Honorable Dynda R. Post, District Judge, p. 18, ln. 17-20. The Office of the District Attorney is concerned as this was handled by another judge, concerned a different law enforcement officer under a different set of facts and the hearing on the matter was “sealed” by the judge. It would not have been appropriate to disclose those materials, nor was it necessary.
5. In that case, the District Attorney’s Office was unsure as to whether or not such information had to be disclosed under Giglio, and in turn litigated the issue at the insistence of defense attorney Williams Higgins.
6. The Judge, in that case, ultimately concluded the information did, in fact, constitute Giglio materials, and same were disclosed.
7. However, the judge ordered the hearing sealed and thus in would have been inappropriate to state factual particulars of the State’s argument in the State’s previous brief.

Singer’s Giglio Materials

8. In the case of John Singer, the Office of the District Attorney is aware of the following facts:
 - a. Singer was called by a friend, a member of another law enforcement agency, regarding the alleged “rape” of the friend’s daughter
 - b. The victim in question was over 16 years of age, but under the age of majority. In essence, the following was required for the prosecution to prove the charge of “rape” in this circumstance:
 - First, the person penetrated the vagina;
 - Second, of any victim;
 - Third, with (an inanimate object);
 - Fourth, **without the victim’s consent** and

Fifth, **where force/violence was used** against (the victim)/ (another person)] or [where force/violence was threatened against (the victim)/ (another person) and the defendant had the apparent power to carry out the threat of force/violence]

- c. Singer, through his law enforcement investigative career, presumably knows the elements of “rape”.
- d. Singer interrogated the accused, along with the law enforcement partner of the victim’s father, who had no jurisdiction in the case and whose presence was, at the very least, inappropriate.
- e. The interrogation was videotaped.
- f. The video was not provided with the report submitted by Singer.
- g. It was only after numerous attempts, spanning several days that the tape was provided to the District Attorney’s Office.
- h. The video revealed that the Accused never confessed to using force against the alleged victim.
- i. Singer also filled out a probable cause affidavit stating that the accused “told your affiant that she (sic) put his finger into the 16 year-old girl’s vagina against her will.”
- j. Singer also requested and obtained two search warrants in which the affidavit in each application stated that the accused “told your affiant at least the following;” in which at the end of the paragraph Singer wrote “later in the evening, (accused) began kissing (alleged victim,) put his hand in her panties, and put his finger into her vagina. This occurred without (alleged victim’s) consent and against her will.”
- k. Based upon the initial information provided by Singer, The State filed charges on August 31, 2011.
- l. The court, based on the probable cause affidavit, set a bond amount of \$100,000 on Count 1 alone, which was substantiated by the above statement. The court ordered two search warrants based on the corresponding affidavits.
- m. On or about August 25, 2011, the Office of the District Attorney requested a copy of the videotape from the City of Claremore Police Department of the alleged confession. See State’s Exhibit “C” attached hereto.

- n. When the tape was not produced to the DA's Office within a few days of the request, an Assistant District Attorney attempted to contact Singer directly to renew the request. Singer did not respond.
- o. Singer failed to produce the videotape until approximately a full month after the arrest and only a day or two before the initial appearance, but before doing so asked the District Attorney's Investigator, Gary Stansill, "why the DA's office wanted the videotape." Singer also stated to Stansill that he had obtained a confession. Stansill observed that Singer was upset that the prosecutor needed the video before she filed the case.
- p. Shortly before the initial appearance, Singer produced the videotape, but there was not enough time for the Assistant District Attorney handling the case to properly assess the tape.
- q. Upon further review, the sworn probable cause affidavit by Singer, and the search warrant affidavits by Singer, all were contradicted by the videotaped interview, although parts of the tape were difficult to hear.
- r. It is unclear why Claremore and Singer were unwilling to produce the recorded interview to the District Attorney in a timely fashion.
- s. To insure all the videotape could be understood, and trying to give Singer the benefit of the doubt, the Office of the District Attorney sought and received an improved version of the videotape. The improved version merely cleaned up the audio portion of the tape by removing background noises. Nothing was added. Nothing other than background noise was removed. No confession could be heard on the improved version.
- t. Every criminal prosecutor in the office independently determined that the affidavits and related materials constituted matters that had to be disclosed under Brady/Giglio Doctrine and the Oklahoma Rules of Professional Responsibility. There were nine (9) prosecutors in total, including District Attorney Janice Steidley, who determined the matters must be disclosed in their cases involving Singer as a witness.
- u. Upon further review, the probable cause affidavit and the search warrant affidavits by Singer were all contradicted by the videotaped interview.

9. Now, the prosecutors in the District Attorney's Office must take the above, the newly-discovered information in U.S. v. Stout, United States District Court For The Northern District of Oklahoma, Case No. 10-CR-50-JHP, (see discussion below) that Singer has been the subject of Giglio disclosure since **at least** 2010, and the sworn testimony of Singer recorded in the Transcript of Proceedings, Wednesday, June 9, 2010, See State's Exhibit "D" attached hereto, false statements made in the Verified Complaint filed in his lawsuit against District Attorney Steidley and First Assistant Lair know, along with any other information learned regarding Singer's credibility and consider it together for Giglio disclosure.

It was previously determined Singer is subject to a Giglio disclosure

10. Singer has previously been determined to be "subject to a Giglio disclosure", and in fact has been subject to a Giglio disclosure since 2001. See State's Exhibit "D", p. 4 ln 14-17.
11. Singer has already testified in federal court that he has before lied to his supervisor in covering up an automobile accident that caused damage to his car. He did so in the case of U.S. v. Stout, United States District Court For The Northern District of Oklahoma, Case No. 10-CR-50-JHP.
12. According to the "Transcript of Proceedings, Wednesday, June 9, 2010" attached and incorporated hereto as State's Exhibit "D", a Motion Hearing occurred before the Honorable Frank H. McCarthy, Magistrate Judge.
13. In ruling on Singer's Giglio issues the Court identified and ruled on two issues as follows (See excerpts beginning at Page 3, Line 21, and ending on Page 5, Line 24 of the attached Transcript)(emphasis added):

"The first issue is whether or not there's information that should be disclosed to the defense under Brady or Giglio. The second issue to be decided is if it is disclosed, if the information is disclosed to the defense, may the defense cross-examine the witness concerning that information? Concerning the first issue . . . **The Court finds that the information should be disclosed under Brady and Giglio.** The information is favorable to the defendant because it is impeaching evidence of a central government witness. The information is material to the issues regarding the legality of the search . . . The information is directly relevant to the

central government witness's credibility. The witness was the affiant on the application for the search warrant and he was the lead investigator in this investigation. Without this being disclosed, it would undermine the court's confidence in the accuracy of the ruling on the motion to suppress.

.....

The second issue that's presented by the notification is whether or not this information should be allowed to be used by the defense at the hearing, and the court finds that it would be allowed to be used under 608(b). Once again, **the information is directly probative of the truthfulness or untruthfulness of the witness.** The witness's testimony is relevant to the issues of the legality of the search. And although the information is ten years old, because it is so directly relevant to his truthfulness or untruthfulness, I think that he balance tips in favor of **allowing the defense to inquire on cross-examination** under Rule 608 concerning this area

14. Beginning on Page 8, Line 11 of the Transcript, on direct examination by Janet Sue Reincke, Assistant U.S. Attorney, Singer testified as follows:

Q: Okay, did you have an occasion to be involved in an accident with your car?

A: More than once.

Q: And the second time, what happened?

A: I rear-ended another police car causing damage to my own.

Q: How much damage?

A: It creased the front clip.

Q: What did you do?

A: Lied to my supervisor, failed to disclose that I had hit another police car for fear of losing my job, and instead claimed that I had hit a deer.

Q: And what did you do to support that?

A: Put the hair from a deer in the grill in case it had been examined.

At Page 20: CROSS-EXAMINATION BY MR. LYONS:

Q. Is it "investigator" -

A. It is.

Q. -- or "detective," or what's your appropriate title?

A. Investigator.

Q. Okay. Investigator Stout, -

MS. REINCKE: Excuse me. His name is Singer.

MR. LYONS: Oh. Singer. Excuse me.

Q. (BY MR. LYONS) Investigator Singer, with regard to the incident when you were on probation as a police officer, how long did this deception occur before it was either discovered or revealed, in terms of was it a couple of hours, was it a couple of days, couple of weeks? How long did this go on?

A. I don't understand.

Q. Well, the deception about you ran into a car, you had already hit one, you're on probation already for hitting one, and you then come up with this plan to get the deer fur and put it in there and whatever, how long did that deception run from the beginning of it until it was discovered or revealed, whichever?

A. I never told a supervisor about it until after I was off probation. And the supervisor who was involved at the time, the person I worked for at the time, I don't know that he ever knew.

Q. So then this deception that we're talking about -- by the way, who did you tell that you had hit a deer with your car?

A. Lieutenant David Sandusky.

Q. And then how many months or years later was it that you revealed to him that you had not, in fact, hit a deer?

A. I didn't work for Sandusky again after that, and so we've never had that conversation. It was to another supervisor some period later, some couple of years later that I told the supervisor about that.⁴

Q. And where did you obtain the -- and, by the way, was it deer hair or deer hide? What was it that you -

A. Hair.

Q. Hair?

A. Hair.

Q. And where did you obtain this deer hair?

A. From an associate who has deer, who farms deer.

Q. And you, what, backed into another car?

A. No, I hit the back of another car.

Q. You hit it with the front of your patrol car?

A. Correct.

⁴ Based upon this testimony, the City of Claremore was put on notice of the lie. What Claremore did with this information is clear based on Chief Brown's response to the District Attorney's request -- the City did nothing. Sadly, they continued to do nothing to this day. This does not pass the smell test. It is for others to decide if this should be described as a cover up, or protected by some collective bargaining agreement.

Q. And so then you left there, knew a friend that raised deer, you went out to this person, you got some deer, you placed it in the grill of your car; is that right?

A. Basically.

Q. And then you came back and you told, what, Lieutenant Sandusky this story that you had hit a deer, which explained the damage to your car?

A. Correct.

Q. And over how long a period of time did it take for you to formulate this plan to come up with this deception?

A. I –

Q. In other words, was it a couple of hours, was it a couple of days? How long did it take you to formulate this idea and put it into effect and then tell Lieutenant Sandusky about it?

A. Oh, I don't know. That's been a decade. I downed my car for repair at some point. That would had to have occurred within a couple of days, so over that period of time.

Q. It was a couple of days before -- or after you had damaged the car that you went out and got the deer fur, put it in there, and then revealed it to the lieutenant?

A. It's an assumption on my part. I would have had to down my car for service after several days had elapsed. So, in that time period sometime.

Q. And then after you revealed this to Lieutenant Sandusky, was there any report or any information put in your personnel file that you had done this?

A. No.

Q. Did you ask that it not be put in there?

A. No.

Q. Had it been revealed that you had wrecked your patrol car a second time while on probation, would you have likely been terminated?

MS. REINCKE: Objection, Your Honor; calls for speculation.

THE COURT: Overruled.

A. Looking back, no, I don't think so. It was my belief at the time, but I've now learned that probably not.

Q. (BY MR. LYONS) But your fear was that you were going to get terminated and that's why you went to the lengths for this deception that you did; is that -

A. Correct.

15. The transcript, at Page 8, indicates Singer's cover-up may have happened in approximately 2000 or 2001, although it is impossible to determine exactly. The Claremore Police Department has refused to even acknowledge the existence of Singer's auto accident and prior Giglio determination (see below).

16. Singer has been subject to Giglio disclosure since at least 2001.
17. Yet Singer has stated, in his Motion to Intervene in the matter herein, “The dissemination of this material will cause very significant, potentially irreversible damage to Intervenor's reputation and employment with the Claremore Police Department. In fact, Intervenor has been informed by his superiors that, if the material in question is, in fact, Giglio Material, his employment with the Claremore Police Department will be terminated.” Page 2, paragraph 7 of Singer’s Motion to Intervene.⁵

Claremore denies the existence of Singer’s prior Giglio materials

18. The District Attorney sought directly from the City of Claremore Chief of Police any information that may be considered Giglio materials. See attached State’s Exhibit “A”. Such is the obligation of the State United States v. Agurs, 427 U.S. 97, 107-08, 96 S. Ct. 2392, 2399-400, 49 L. Ed. 2d 342 (1976).
19. The response from the City was an intentional failure to fully disclose such information. This is clear from the email exchange between the District Attorney and Chief Brown. See attached State’s Exhibit “A”.
20. **IN ESSENCE, SINGER HAS BEEN THE SUBJECT OF GIGLIO DISCLOSURE IN PREVIOUS CASES AND IN OTHER COURTS SINCE 2001. SINGER AND THE CITY INTENTIONALLY WITHHELD THAT INFORMATION FROM DISTRICT ATTORNEY STEIDLEY AND THIS COURT.**
21. Claremore and Singer appear to have such low regard for the criminal justice system that they feel entitled to play word games with the Court and the District Attorney.
22. In response to the District Attorney’s direct request to the City for materials it was entitled to from the city, Claremore opted to play word games – there is nothing in his personnel file. All the time, Claremore knew exactly what was being requested.
23. The City could argue that it did not know about the prior ruling of the federal court that Singer was the subject of a Giglio disclosure. If that were the case, there is no

⁵ Singer has also filed a federal civil rights lawsuit against Janice Steidley and Bryce Lair alleging he has “an exemplary record as a law enforcement officer.” Page 4, paragraph 14 of Complaint filed in U.S. Northern District Case 13CV-72 GKF – TLW.

explanation for their failure to make a direct inquiry from Singer. After all, Claremore announced in its Motion to Intervene that the City is well aware of its duty and obligation to provide impeachment material to prosecuting agencies.

24. City admits, in its court papers, that it has the duty and obligation to turn over all Giglio materials it has in its possession to the Office of the District Attorney, who has requested such information pertinent to Singer. See Motion to Intervene file by City of Claremore, ¶ 10.

Therefore, the most shocking fact not contained in any briefs filed by Singer and the City, is the fact that Singer is already subject to a Giglio disclosure, **and that neither Claremore nor Singer disclosed same to this Court.**

25. Given the work the Office of the District Attorney has had to put out in responding to the Motions filed by Singer and the City, and the resources redirected from serious criminal cases to deal with this frivolous matter, only leads to one conclusion – Our System of Justice cannot allow motions such as those filed in this case.

Effect of This Court's Ruling

26. Immediately following the hearing before this Court, The City of Claremore through Chief Brown issued the statement attached as State's Exhibit "E". This statement purposefully misstates the ruling by the Court. Claremore's statement boldly implies that this Court ruled "there has been no finding that Det. Singer committed any act of dishonesty or acted in any way improperly." The Court made no such finding, and it was merely a coy media ploy on behalf of City and Singer.
27. What is most troubling about the City's letter is that it summarized the full and complete failure by the City to understand the meaning of Giglio. **Giglio disclosure is not limited to actions that are dishonest or improper. As stated repeatedly by the State, Giglio disclosures center on potential impeachment information that has been generally defined as impeaching information that is material to the defense. It also includes information that either casts a substantial doubt upon the accuracy of any evidence-including witness testimony- the prosecutor intends to rely on to prove an element of any crime charged, or might have a significant**

bearing on the admissibility of prosecution evidence. This information may include but is not strictly limited to: (a) specific instances of conduct of a witness for the purpose of attacking the witness' credibility or character for truthfulness; (b) evidence in the form of opinion or reputation as to a witness' character for truthfulness; (c) prior inconsistent statements; and (d) information that may be used to suggest that a witness is biased.

28. The effect of this Court's ruling must not have been intended.
29. The ruling by the Court creates a slippery slope that will lead to a lengthening of the judicial process in both juvenile and criminal matters. Opening the door to intervention where no door has existed before has serious and far-reaching repercussions. The courts will be bogged down with numerous attempts to do the very same thing in other actions in this judicial district. Clearly, that was not the intent of the Court's ruling. It is evident that the Court expended much time and effort in reviewing the pleadings in the case along with the referenced authority therein and, in the words of the Court, conducted her own research. However, the unintended consequences of the Court's decision are reasons that reconsideration would be in order.
30. The Court could not have known much of the newly discovered above and foregoing withheld information, and did not predict the fallout of allowing an unprecedented "limited" intervention.
31. Up and until the Court's order to release the information in open court on February 22, 2013, Singer's Giglio information had not been released by the Office of the District Attorney, except under a protective order. There is one exception. In the juvenile deprived case, this Court originally ordered a protective order. Later the Court withdrew the protective order for the reason that deprived hearings are closed hearings by definition.
32. The Office of the District Attorney did not release such information in order to protect the identity of the minor child who was the alleged victim in Singer's investigation, and, in effect, protecting the identity of the minor child in such a way also protected Singer.

33. John Singer has filed a Verified Complaint claiming Section 1983 civil rights suit in the United States Federal District Court, Northern District of Oklahoma, against Janice Steidley and Bryce Lair, as individuals and as District Attorney and First Assistant District Attorney, respectively, purporting and claiming that they have:
- a. Manufactured evidence that Singer had acted wrongfully in the investigation of a crime;
 - b. Determined that evidence manufactured by the District Attorney and the First Assistant constituted Giglio materials; and
 - c. Disseminated the manufactured evidence to other law enforcement agencies, defense attorneys and the public.
34. District Attorney Steidley and First Assistant Lair and every Assistant District Attorney in this Office know for a fact that assertions by Singer in the verified Complaint are false.
35. Singer, by the filing of a verified Complaint containing false information has now created the very thing he complains of in his Motion to Intervene - employment issues and dissemination of the information to the public.
36. **Of even more importance, the false filing by Singer creates a credibility issue in and of itself. Singer has himself created materials that are subject to a Giglio disclosure.**
37. This Court questions why the Office of the District Attorney did not disclose in its briefing in this case that the DA's Office previously sought a judicial determination over whether or not another officer was Giglio-impaired (as Singer puts it), when the issue was forced upon the office, and the determination was, in fact made. In that case the following facts, not present here on this officer, were involved.
- a. The officer's investigation, in that case, did not contain **inconsistencies within the investigation itself** as presented.
 - b. The officer's report omitted facts that were later learned of by the prosecution.
 - c. There was a question in the mind of the prosecutor as to whether this constituted Giglio materials.

38. This Court should recognize the unauthorized and unwarranted filings of City and Singer are for ulterior motives, have no basis whatsoever in the law, and must be sanctioned.
39. This Court is faced with a decision. This Court should rule against intervention. This Court should assess sanctions.
40. Counsel for Singer and Counsel for the City have an ethical duty to exercise candor toward the Court. OK ST RPC Rule 3.3.
41. Counsel for the City boldly announced in its Motion to Intervene that the City is well aware of its duty and obligation to provide impeachment material to prosecuting agencies. See Motion to Intervene filed by City in the above-entitled matter at ¶ 10.
42. City was directly asked by District Attorney Steidley to provide materials of that type.
- 43. The City denied the existence of any such materials. See Exhibit "A". When pressed further by the District Attorney, the City declined to respond.**

In the alternative, this Court is asked to enter an order capable of being appealed without the filing of a Writ, so that the criminal case can be appealed to the Court of Criminal Appeals, and so that the juvenile deprived case can be appealed to the Supreme Court.

CONCLUSION

It is axiomatic that the law enforcement officer who is the subject of Giglio materials may not agree, or may even vehemently disagree, with a prosecutor's decision regarding Giglio release. Similarly, it can be anticipated that the supervising agency of that law enforcement officer, charged with the duty to train that officer and the corresponding liability and obligation to provide impeachment evidence to prosecuting agencies would also disagree with the prosecutor's decision.

The United States Supreme Court addressed the prosecutor's duty on the issue of Giglio this way: Will the court proceeding end with a result that brings confidence in the decision reached by a jury after consideration of all evidence presented? Here, Singer and the City (and Claremore Chief of Police Stan Brown) seem less concerned with the public's confidence in the court system and more concerned about playing games.

Games of hide the information from the prosecution do little to advance the confidence in the public in law enforcement. Such behavior by Singer, Brown and the City only fuel the general climate of skepticism held by some members of the public. This is a dangerous game and has no place in the courts.

The State discovered evidence after the February 22, 2013 hearing before this Court concerning a 2010 DETERMINATION BY A FEDERAL COURT THAT BEHAVIOR OF SINGER WAS, IN FACT, GIGLIO MATERIAL AND SHOULD BE DISCLOSED TO DEFENDANT'S COUNSEL. IN ESSENCE, SINGER HAS BEEN THE SUBJECT OF GIGLIO DISCLOSURE IN PREVIOUS CASES AND IN OTHER COURTS SINCE 2001. **SINGER AND THE CITY INTENTIONALLY WITHHELD THAT INFORMATION FROM DISTRICT ATTORNEY STEIDLEY AND THIS COURT.**

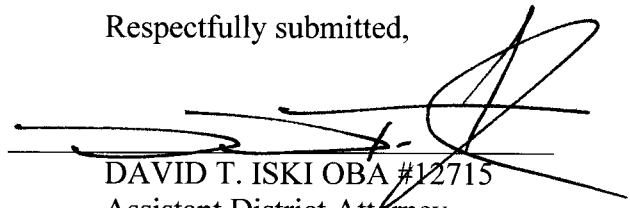
Claremore and Singer appear to have such low regard for the criminal justice system that they feel entitled to play word games with the district Attorney. In response to the District Attorney's direct request to the City for materials it was entitled to from the city, Claremore opted to play word games – there is nothing in his personnel file. All the time, Claremore knew exactly what was being requested. The City could argue that it did not know about the prior ruling of the federal court that Singer was the subject of a Giglio disclosure. If that were the case, there is no explanation for their failure to make a direct inquiry from Singer. After all, Claremore announced in its Motion to Intervene that the City is well aware of its duty and obligation to provide impeachment material to prosecuting agencies.

Based upon the sworn testimony of Singer in the federal court hearing, the City of Claremore was put on notice of the lie Singer admitted to in the hearing. What Claremore did with this information is clear based on Chief Brown's response to the District Attorney's request – the City did nothing. Sadly, they continued to do nothing to this day. This does not pass the smell test. It is for others to decide if this should be described as a cover up or protected by some collective bargaining agreement. If the City of Claremore is so intent on playing word games with the District Attorney's Office and intentionally withholding information it knows is requested and required to reveal - serious questions are raised as to how far such questionable practices reach.

Should this Court determine that this motion is filed prematurely because the a written has not yet been filed, this Motion, by Statute, is considered filed at the point the written order is filed.⁶ For the above and foregoing reasons, the State respectfully urges this Court to reconsider the decision to allow intervention sought by Singer and the City.

In the alternative, this Court is asked to enter an order capable of being appealed without the filing of a Writ, so that the criminal case can be appealed to the Court of Criminal Appeals, and so that the juvenile deprived case can be appealed to the Supreme Court.

Respectfully submitted,



DAVID T. ISKI OBA #12715
Assistant District Attorney
Rogers County District Attorney's Office
Civil Division
219 South Missouri Avenue
Claremore, OK 74017
Tel. (918) 341-3164
Fax (918) 341-3693

⁶ C. A motion for new trial filed after the announcement of the decision on all issues in the case but before the filing of the judgment or decree shall be deemed filed immediately after the filing of the judgment or decree.

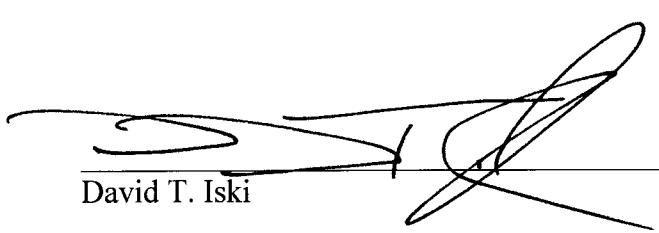
CERTIFICATE OF MAILING

I hereby certify that on March 5, 2013, I mailed a true and correct copy of the foregoing to:

Matthew J. Ballard
Rosenstein, Fist & Ringold
525 South Main, Suite 700
Tulsa, OK 74103

Gene Haynes
15181 Fox Run Drive
Claremore, OK 74017

Chad M. Neuens
2021 S. Lewis Ave., Suite 660
Tulsa, OK 74104


David T. Iski

State's Exhibit
"A"

Steidley, Janice

From: Steidley, Janice
Sent: Tuesday, January 08, 2013 8:31 PM
To: Stan Brown
Subject: Re: Brady/Giglio

Okay. The Feds said that he had an incident back approx 2002-2003 regarding an accident with a vehicle that he received administrative action on and that they stated it was Giglio and brought it up in a hearing or trial they had going on. Something about him wrecking his patrol car and not telling the truth of the damage.

We are going to have Brady/Giglio forms that we will be sending all law enforcement agencies when a case is set for trial from here on out.

Thanks

Janice

Sent from my iPhone

On Jan 8, 2013, at 8:24 PM, "Stan Brown" <sbrown@claremorecity.com> wrote:

> There is nothing in his file that constitutes "Brady/Giglio".
> Nothing in any of his performance or personnel actions has ever had the need to be presented to a finder of fact for consideration of wrongful action regarding this area of case law.

>
> "Leadership is an action, not a position"

>
> Stan Brown
> Chief of Police
> Claremore, OK
> 918-341-1212

>
> Sent from my iPhone

>
>
> On Jan 8, 2013, at 4:25 PM, "Steidley, Janice" <Janice.Steidley@dac.state.ok.us> wrote:

>
>> Stan:

>>
>> We have a trial with Singer and our discovery is due this Friday, we need anything in his personnel file which would constitute Brady/Giglio. We need this information tomorrow, sorry to ask at the last minute.

>>
>> Thanks

>>
>> Janice Steidley

>>
>> Sent from my iPhone

State's Exhibit
"B"

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE DISTRICT COURT IN AND FOR ROGERS
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)
)
Plaintiff,)
)
VS.) CASE NO. CF-2012-655
)
JENNIE RUNIONS,)
)
Defendant.)

* * * * *

TRANSCRIPT OF PROCEEDINGS
OFFICER JOHN SINGER'S MOTION TO INTERVENE
CITY OF CLAREMORE'S MOTION TO INTERVENE

HELD ON THE
22nd DAY OF FEBRUARY, 2013
BEFORE THE
HONORABLE DYNDA R. POST

* * * * *

REPORTED BY:
MINDIE BAAB, CSR
Certified Shorthand Reporter
Official Court Reporter
Rogers County District Courthouse
219 S. Missouri Street
Claremore, Oklahoma 74017

COPY

2

APPEARANCES

1

2

3

4 FOR THE STATE OF OKLAHOMA:

5 MR. TIMOTHY WANTLAND

6 MR. DAVID ISKI

7 MR. DON PALIK

8 Assistant District Attorneys

9 Rogers County District Courthouse

10 219 S. Missouri Street

11 Claremore, Oklahoma 74017

12

13

14

15 FOR THE DEFENDANT RUNIONS:

16 MR. GENE HAYNES

17 Attorney At Law

18 15181 Fox Run Drive

19 Claremore, Oklahoma 74017

20

21

22

23

24

25

15 FOR THE CITY OF CLAREMORE:

16 MR. MATTHEW BALLARD

17 Attorney At Law

18 525 South Main, Suite 700

19 Tulsa, Oklahoma 74103

20 FOR CLAREMORE POLICE OFFICER JOHN SINGER:

21 MR. CHAD E. NEUENS

22 Attorney At Law

23 2021 S. Lewis Ave., Suite 660

24 Tulsa, Oklahoma 74104

25

4

PROCEEDINGS

FEBRUARY 22, 2013

1

2

3

4

5 THE COURT: We are on-the-record in CF-2012-655,

6 State of Oklahoma vs. Jennie Runions.

7 This matter has been reassigned to me for the limited

8 purpose of determining the Motion to Intervene filed by the

9 City of Claremore in the Motion to Intervene as Third Parties

10 on a Limited Issue Basis by Detective John Singer.

11 Let's see, for the State of Oklahoma, on this matter who

12 is here?

13 Mr. Wantland, you are shown as attorney of record on this?

14 MR. WANTLAND: Yes.

15 THE COURT: Okay.

16 For Jennie Runions who is here?

17 MR. HAYNES: Your Honor, I represent Jennie Runions

18 in her criminal case; although, I don't anticipate

19 participating in this limited argument.

20 THE COURT: Is that still a pending criminal case?

21 MR. HAYNES: Yes, it is. It is still pending, Your

22 Honor.

23 THE COURT: That is a case in which materials that

24 are alleged to be Giglio or Brady Materials were given to her?

25 MR. HAYNES: Yes. We were provided information that

3

I N D E X

1

2

3

4

5 The Court sets out the Parameters for the hearing.....11

6

7 ARGUMENT ON BEHALF OF THE STATE OF OKLAHOMA:

8 (By Mr. Wantland).....12

9

10 ARGUMENT ON BEHALF OF DETECTIVE JOHN SINGER:

11 (By Mr. Neuens).....25

12

13 ARGUMENT ON BEHALF OF THE CITY OF CLAREMORE:

14 (By Mr. Ballard).....29

15

16

17

18 THE COURT'S FINDINGS.....34

19

20 Order to be prepared by Mr. Neuens.....41

21 State delivers Giglio packet to intervenors in open court...42

22

23 Certificate of the Court Reporter.....45

24 Word Index.....46

25

5

1 was alleged to be Giglio Material.

2 THE COURT: That was before bindover to District

3 Court Arraignment?

4 MR. HAYNES: Yes, it was.

5 THE COURT: Okay.

6 Judge Steidley is the judge in that case?

7 MR. HAYNES: He is -- I don't --

8 MR. WANTLAND: Your Honor, if I may?

9 THE COURT: Yes, sir.

10 MR. WANTLAND: Ms. Runions has waived Preliminary

11 Hearing --

12 MR. HAYNES: That's correct, Your Honor.

13 MR. WANTLAND: -- and information was given to her

14 prior to our hearing last week or whenever. The name of this

15 case was provided to counsel, as we said. So, that's how they

16 got invited in this.

17 Also, to make sure the record is clear, Your Honor, from

18 the District Attorney's Office today is Dave Iski and Don

19 Palik, as well.

20 THE COURT: Thank you.

21 (To Mr. Haynes) So, you are here just as an observing

22 party and you do not have a direct interest in this matter

23 today?

24 MR. HAYNES: I do not anticipate having any

25 participation in this hearing. I'm here as an observing party

6

1 as an attorney for Ms. Runions.

2 THE COURT: Okay.

3 MR. HAYNES: She is not present, Your Honor, because

4 she is out-of-state. I did not see the need to have her come

5 back for this.

6 THE COURT: I think you are right about that. She

7 is not a necessary party for today's proceedings.

8 For the record just to recap this, I accepted a

9 reassignment on February 13th on the limited issue of deciding

10 on the Pending Motions to Intervene filed by the City of

11 Claremore and by Mr. Singer. The Motions to Intervene were

12 filed on February 14th and the hearing on the Motions to

13 Intervene was set today.

14 (To Mr. Neuens) Although the Motion to Dismiss the

15 Motions to Intervene were filed February 21st, I do not think

16 there has yet been a Reply filed in this matter; is that

17 right?

18 MR. NEUENS: Your Honor, there was a Reply filed

19 that was in the juvenile matter, but we referenced the Runions

20 matter in that.

21

22 (The Court confers with the Court Clerk off-the-record

23 regarding the court file.)

24

25 THE COURT: For the record, Mr. Neuens, you are here

7

1 on behalf of Mr. Singer as the Petitioning Intervenor.

2 MR. NEUENS: That is correct, Your Honor.

3 THE COURT: Likewise, Mr. Ballard, you are here for

4 the other Petitioning Intervenor, the City of Claremore?

5 MR. BALLARD: That is correct.

6 THE COURT: All right.

7 MR. NEUENS: With me is Danny Wilson, who is our

8 legal intern.

9 THE COURT: Danny, what is your last name?

10 LEGAL INTERN: Wilson.

11 THE COURT: Wilson?

12 LEGAL INTERN: Yes, Your Honor.

13 THE COURT: Okay.

14 Gentlemen, the State has filed its Motion to Dismiss. I

15 reviewed that. It was filed February 21st. Have you filed

16 replies in this that are similar in sum and substance to the

17 replies that you submitted in the juvenile case?

18 MR. NEUENS: I believe we did.

19 MR. BALLARD: I believe the Reply filed by Officer

20 Singer references the Runions Case. The City did not

21 specifically reference the Runions Case in its Reply, but I

22 believe there is sufficient similarity of the issues that I

23 believe this Court has all of the information it needs to make

24 a ruling on this.

25 MR. NEUENS: Your Honor, we did not file a specific

8

1 Reply in the Runions matter.

2 THE COURT: So, you are not asking to split this out

3 on the issues; you are ready to go forward on it today as

4 well?

5 MR. NEUENS: That's correct, Your Honor.

6 THE COURT: Okay.

7 Are you, as well, Mr. Ballard?

8 MR. BALLARD: Yes, Your Honor, we would ask the

9 Court to do that. We have concerns that if we don't move

10 forward that we will end up in the same place we were with the

11 case we previously filed where the defendant ended up pleading

12 and the case was dismissed; the issue was rendered moot before

13 we could get it before the Court.

14 THE COURT: Okay.

15 Mr. Wantland, did the State have any objection to going

16 forward on the Runions Case today, as well?

17 MR. WANTLAND: No, Your Honor. We also filed a --

18 THE COURT: Surreply?

19 MR. WANTLAND: We filed a Surreply, but we also

20 filed an Objection by the State for Motions to Intervene in

21 the CF Case, as well, Judge. That was done this morning. I

22 doubt very seriously Counsel for the Petitioners have had an

23 opportunity to do much of anything on that.

24 Just for a housekeeping matter, Judge, I agree in part

25 that the issues are extremely similar, but I have a problem

9

1 with going forward on both cases.

2 THE COURT: We're not combining them.

3 MR. WANTLAND: Okay.

4 I wanted to make sure that that's not what they're asking.

5 THE COURT: No, we are not.

6 MR. WANTLAND: All right.

7 THE COURT: But, if both parties are ready for

8 hearing we can certainly reference some of this. I don't

9 think we have to do anything twice.

10 MR. WANTLAND: I don't either. I don't either,

11 Judge, as long as we know the ground rules on the deprived

12 case.

13 MR. NEUENS: We want to keep this very limited to

14 both cases, Your Honor.

15 THE COURT: The other case was set first. Certainly

16 the criminal case is a public matter. The issue of public

17 verses confidentiality in the juvenile case we do need to

18 address today.

19 So, do the parties want to go forward on the Runions Case

20 first; do you have a preference?

21

22 (No Response)

23

24 I'm happy to pick, but if you want to be heard on one

25 before the other -- we actually had the other case set first.

1 MR. WANTLAND: Judge, I think we would just as soon
2 go forward on the Runions Case first. That probably is the
3 more germane case to the situation based upon all the
4 information we have received and we are prepared to do that.

5 Again, they probably have not had an opportunity to look
6 at our Objection, but I'm sure they would agree they are very
7 similar to the objection in the other case, at least the main
8 aspect of it. Again, that was the deprived case so there are
9 actually some different issues, but other than that they are
10 very similar.

11 MR. NEUENS: Your Honor, we're prepared to go
12 forward with the Runions Case.

13 THE COURT: Very well.

14 Did you all get a copy of the Objection filed by the State
15 of Oklahoma file-stamped February 22nd?

16 MR. BALLARD: Yes.

17 THE COURT: Mr. Neuens, did you get that?

18 MR. NEUENS: Yes, I believe I have that here.

19 THE COURT: Okay.

20 MR. NEUENS: It was almost identical to the other
21 one we received.

22 THE COURT: Okay.

23 They looked very similar.

24 We have a juvenile matter set today. In the interest of
25 having some public access to what is in some ways a public

1 issue of what to do with these materials is a separate issue.
2 I have reviewed the Briefs today. I'm prepared for any
3 brief argument that the parties wish to make today before we
4 address the first issue.

5 Who is the lead attorney for the State?

6 MR. WANTLAND: Your Honor, that would be me at this
7 point.

8 THE COURT: Mr. Wantland, you may proceed, sir.

9 MR. WANTLAND: Your Honor, basically the Court has,
10 I believe, looked at this correctly. The first and most
11 important aspect of this case is the intervention. I think
12 that the Briefs that we have provided to the Court with our
13 Case Law speaks well to that issue.

14 Obviously, we're objecting to any intervention of this
15 type. We are objecting to the City of Claremore's
16 intervention. We're objecting to the intervention by the
17 officer involved in this matter.

18 Your Honor, there is no Statute, there is no Case
19 Authority, and there is no Constitutional Authority that we
20 can find that would allow these Petitioners to do what they
21 are asking this Court to do. They are do this, as they say,
22 for a limited purpose, but I think it is replete in the
23 information that the Court has before it that if someone is
24 allowed to intervene it is the whole way. There is nothing in
25 this situation which would allow them to intervene partially;

1 interest issue, we will go forward with the Runions Case
2 first, also at the request of the parties.

3 Mr. Haynes will be shown present on behalf of Ms. Runions,
4 who is not directly interacting in this particular issue of
5 the case.

6 Although I don't usually talk first before we have
7 argument, I think it's important to set out the parameter of
8 the issues before the Court today and the way in which I think
9 we need to proceed for purposes of argument.

10 I have read what has been presented. I have reviewed the
11 cases, some of which I find helpful some of them I do not,
12 which is not untypical.

13 I think we have two issues here:

14 *First of all is the Motion to Intervene by
15 Mr. Singer and by the City of Claremore and they are
16 somewhat differently situated.

17 *The second issue and it is a threshold issue whether
18 the Motion to Intervene is to be granted. If the
19 Motion, either or both Motions, are granted the
20 second issue is what is the scope of their standing
21 to intervene? Certainly they are limited in
22 everything that they would be able to do as
23 intervened parties.

24 I think the rulings need to be separate. I think the
25 legal groundwork is separate. Even if intervened parties, the

1 there is nothing that gives them that opportunity to do that.
2 The intervention, itself, is simply an action by which
3 they wish to get to the second part of this argument, which I
4 think depending upon how the Court rules, will not even be
5 brought up for this Court.

6 The second part of this argument deals with the
7 evidentiary aspects of what the State of Oklahoma, through the
8 District Attorney's Office, has to do with its cases. Again,
9 it is clear, I think this Court is well aware, of what our
10 duties are and what we have to do.

11 I will point out, Your Honor, and I think it's set out in
12 the Briefs, it's not just a right and a responsibility it's a
13 duty that we have to do. We have to turnover information, and
14 to allow anyone to intervene for that purpose is obfuscating
15 what we as prosecutors do in particular cases.

16 Now, the other aspect of this, too, Judge, is that
17 although we're not talking about it directly, I think to
18 shorten this argument down somewhat, in a deprived case there
19 is even more of an opportunity not to allow someone to
20 intervene. I think that is part and parcel of the argument
21 that we will do in the deprived case, as well.

22 Your Honor, the facts of this case or the facts of their
23 argument, again as I stated, there is nothing that indicates
24 that there is any rationale or legitimate reason for them to
25 enter into a criminal case for any reason. Witnesses cannot

1 enter criminal cases, cities cannot enter criminal cases for
2 this type of intervention. We're not dealing with situations
3 where there is any Constitutional right or any authority to
4 allow them to do that.

5 For them to have this Court to allow them to intervene, I
6 think, muddies the situation between the Judicial Branch and
7 the Executive Branch. I think they would like the Court to
8 tell the District Attorney's Office how they are to handle
9 their case. The Court cannot do that.

10 Obviously the Court through Motions in Limine and through
11 Motions to Suppress can do things of that nature, but that is
12 different than what we're dealing with here. What we are
13 dealing with here is simply information that we, by a duty
14 that we have, must turnover as we see it. This is an
15 individual choice this is not a policy that is done. This is
16 by the Constitution. This is by all the aspects, again, cited
17 in the Briefs. For us to not do that, Your Honor, I think
18 puts us in great jeopardy.

19 It's our decision and it must be our decision. It cannot
20 be the decision of the City, it cannot be the decision of an
21 individual, nor can it be the decision of the Court.
22 Therefore, the intervention by itself will do nothing but, I
23 think, muddy these waters to the point that it causes great
24 turmoil down the road in any situation.

25 At a proper time we can address how we can deal with this

1 at this point.

2 THE COURT: Mr. Wantland, when you characterize
3 something as "Giglio materials" we all know what this case
4 stands for it's not a difficult case, what do you think that
5 implies?

6 MR. WANTLAND: That implies, Your Honor, that we --
7 an individual prosecutor may, or several prosecutors may --

8 THE COURT: When you hold up materials and you say
9 these are Giglio materials and we are disclosing them as we
10 are required to do under the Giglio Case --

11 MR. WANTLAND: Uh-huh.

12 THE COURT: -- U.S. Supreme Court Giglio Case, and
13 its progeny --

14 MR. WANTLAND: Correct.

15 THE COURT: -- it has been cited in other cases, in
16 your mind what do you think that means?

17 MR. WANTLAND: Let me --

18 THE COURT: What do you infer --

19 MR. WANTLAND: Okay.

20 THE COURT: -- from that label of the materials?

21 MR. WANTLAND: That means that the materials that we
22 have, for whatever reason, we believe that there is an
23 inconsistency, and I'm using my terms now, or something that
24 is not compatible or there may be a credibility issue. On its
25 face it does not mean criminal activity. It doesn't mean

1 issue and I know that we can and we will deal with the issue
2 that concerns the City of Claremore and the Officer involved
3 in this. Based upon that, I think, there lies the real
4 argument, because it is not right at this point to do anything
5 about it because nothing has happened adverse at this point.
6 Nothing that has taken place, at this point, has caused any
7 jeopardy to anything.

8 All that we are simply trying to do is make sure that we
9 do what we are charged to do, that we have been given an
10 obligation to do and by doing that we have fulfilled our
11 obligations and our duty. By allowing them to intervene,
12 again, still does not change what we have to do as the
13 Prosecutors nor as the State of Oklahoma.

14 There is nothing in the motions by the City of Claremore
15 that has supported any authority to file this Motion, Your
16 Honor. There is nothing that gives them the right to do that.
17 They have not shown that there is any proper mechanism that
18 they have done this at this point. We're not really sure how
19 the City came into this, other than just filing papers. It's
20 clear that they did not get the proper authority that they
21 needed. There is nothing in their pleadings that talks about
22 authority for either of the Petitioners in this matter. For
23 those reasons we believe on its face, Your Honor, that their
24 Motion to Intervene should be denied and that we be allowed to
25 move forward through our cases and through what we need to do

1 anything other than we believe after reading, or looking at,
2 or talking to, again we are talking generalities now of any
3 kind of material of that discoverable aspect, that is in and
4 of itself something that we think is a little odd or a little
5 different that causes problems and we see it as such.

6 In other words, if we did not turn this over and the
7 defense were to find out about it, not only would that case be
8 in jeopardy, but we individually; not just the office, not
9 just the District Attorney's Office, but we individually as
10 attorneys for the District Attorney's Offices could be in
11 jeopardy.

12 The Case law is pretty clear on what can happen. So, if
13 we make a determination, or if I make a determination, that
14 there is information in the case that goes to credibility and
15 it goes to consistency and I truly believe that, then I must
16 give that to the defense counsel in the case.

17 Now, having said that, Your Honor, that does not mean that
18 I want them to use that in the case; on the contrary, I don't
19 want them to use that in the case. If they were to bring it
20 up, unless it is materials to that case or it is something
21 that can be used directly with the facts of that case, I file
22 Motions in Limine and we would have motions that would keep
23 that out. It's just like the information we turnover of other
24 nature that we do not think are necessarily appropriate for
25 that case, but we have to turn that over.

1 It is not Brady; it is not exculpatory directly, but it
2 comes from that progeny of what the State has to do.
3 Therefore, we are not saying use it and I think that has kind
4 of been lost in this. We are saying just the opposite. We do
5 not want the defense lawyers to use it. We do not want them
6 to do that. We will fight keeping it out if we need to, but
7 if it's germane to that particular case, then absolutely yes.
8 Your Honor, you will recall -- and these gentlemen were
9 not here at that time, but they should have been provided a
10 copy of the transcript of the juvenile proceeding. This Court
11 asked me what I thought about that case with the Officer. I
12 said I find no credibility issues, with this Officer, in this
13 case at all; it is a case-by-case situation. Therefore, I had
14 no problems with that particular case.

15 However, just like in this case, we had to turn that
16 material over, because if we did not then we would ourselves
17 perhaps lose a case; which that is not really the idea to win
18 cases, but to get to the truth of the matter to get
19 information out. Like I said, we could be held personally
20 responsible.

21 THE COURT: So, when you brought material to my
22 court and brought this other material in this particular case
23 to Judge Crosson's court, don't you under the Giglio Case by
24 saying we are disclosing what we believe to be Giglio
25 materials, aren't you saying your office has made a

1 determination that this represents a credibility issue of this
2 witness, in this case, Detective John Singer?

3 MR. WANTLAND: Judge, it can be the office making
4 the decision, but I will go one step further, it does not --

5 THE COURT: Well, doesn't somebody have to make that
6 decision?

7 MR. WANTLAND: The individual prosecutor does if --

8 THE COURT: So, when you handed that to me in the
9 juvenile case or in the Runions Case someone; was it you
10 handed it to Judge Crosson?

11 MR. WANTLAND: It was me, Judge, I was involved in
12 that case, as well.

13 THE COURT: Aren't you saying by that, labeling it
14 as Giglio material, aren't you saying I have reviewed this and
15 this represents a credibility issue to me?

16 MR. WANTLAND: In the particular case, yes, Your
17 Honor, in the case of the information we handed over --

18 THE COURT: In the Runions Case?

19 MR. WANTLAND: Not in the Runions Case, in another
20 case prior to that, the one that we have talked about before.
21 that's the case that we found the --

22 THE COURT: The case at issue in the Giglio
23 materials?

24 MR. WANTLAND: Yes, Your Honor. Yes, Your Honor.

25 THE COURT: So, because of that bundle of materials

1 didn't you sponsor that as representing, in your own mind,
2 credibility issues of Detective Singer; which you disseminated
3 to --

4 MR. WANTLAND: Yes, Your Honor.

5 THE COURT: -- the parties --

6 MR. WANTLAND: Yes, Your Honor.

7 THE COURT: -- in that case?

8 MR. WANTLAND: Again, credibility issues that --

9 let's make sure we are clear on this, that is simply we have
10 to turnover. That does not mean that we could not go forward
11 with other cases. It does not mean that we could not
12 continue. We would have to with some cases; it is just simply
13 a matter that we are going to have to do some things on that,
14 but for that particular purpose, yes, Your Honor.

15 THE COURT: So, are you telling me that there are
16 times when credibility is an issue with Detective Singer and
17 times that it is not?

18 MR. WANTLAND: That is kind of a trick question,
19 Your Honor, but I will --

20 THE COURT: No --

21 MR. WANTLAND: -- answer it.

22 THE COURT: -- it's just an honest question.

23 MR. WANTLAND: I will answer it this way, Your
24 Honor:

25 In some cases that I have dealt with there is not a

1 credibility issue; that is exactly correct, I have
2 not found anything.

3 Again, in the case we talked about, that you asked me
4 about at that hearing, I did not find any issues.

5 Now, the defense attorney can say:

6 Well, because we had this issue in this one case and
7 this issue in this case.

8 I disagree with that on principle, because I don't believe
9 that's necessarily correct; however, I still by my duty have
10 to turn that information over. I can still defend that issue
11 in another case. I could not defend it in that case
12 necessarily. The case that all of this is about, but in --
13 for example in the juvenile case or the Runions Case, I could
14 defend that. I could say:

15 Okay, you have a problem here, but not in this case.

16 THE COURT: The case that is at issue that is the
17 subject of this packet of the Giglio materials was there any
18 Judicial Finding about a lack of credibility in Detective
19 Singer's testimony?

20 MR. WANTLAND: No, Your Honor.

21 THE COURT: That was never --

22 MR. WANTLAND: No, Your Honor.

23 THE COURT: -- tested through any court proceedings?

24 MR. WANTLAND: Never tested, no.

25 THE COURT: So, only a prosecutorial determination

22

1 has been made that those represent Giglio materials?

2 MR. WANTLAND: Correct.

3 THE COURT: Okay.

4 Is each individual prosecutor in your office making that

5 call?

6 MR. WANTLAND: In general or just in this particular

7 case? In this particular case I believe every prosecutor in

8 the District saw this and came to the conclusion that it was

9 Giglio material, independently --

10 THE COURT: Okay.

11 MR. WANTLAND: -- based upon the information we had

12 at the time and still do.

13 THE COURT: Okay.

14 MR. WANTLAND: It was not an Office Policy,

15 necessarily to turn it over; however, the mechanism by which

16 we did it we discussed it as an Office Policy to try to best

17 keep the aspect of it, as you know the underage victim in that

18 case, her name out of the paper and things of that nature. So

19 that is why we did it with a Protective Order. As far as an

20 Office Policy, that's the only policy that we had, what just

21 how -- what mechanism to use.

22 As far as I know, I don't want to speak for everybody else

23 in the District; although I have been told that all of us

24 agree that it is Giglio, I don't think I have heard one person

25 say that it's not.

23

1 THE COURT: It was discussed and provided to all of

2 the members of the Prosecution Team for the Twelfth Judicial

3 District?

4 MR. WANTLAND: Judge, I know that in the Rogers

5 County District Attorney's Office we all received the packet

6 and said please look at this. I was not present at Craig

7 County or Mayes County so I do not know if they did it that

8 way or not; I could not tell the Court. I do know that after

9 the fact, I personally spoke with at least one of the Mayes

10 County Prosecutors and they agreed it is and said that

11 everybody in their office said it was, as well.

12 THE COURT: Okay.

13 Did a conversation occur with Detective John Singer about

14 these materials?

15 MR. WANTLAND: Not to my knowledge. I mean, I never

16 had a conversation with him. I don't know if anybody else

17 did. I am not aware of that. I don't know.

18 THE COURT: So, when it was handed out in court in

19 the Runions Case; which is what we are here about, to your

20 knowledge, as the person who made that Giglio determination as

21 a prosecutor, it had not been given first or even discussed

22 with Detective John Singer?

23 MR. WANTLAND: Judge, I know and again your --

24 THE COURT: You can just speak to your own

25 knowledge; did --

24

1 MR. WANTLAND: Yeah.

2 THE COURT: -- you?

3 MR. WANTLAND: I did not speak to Detective Singer.

4 I know that there was an attorney, Mr. Higgins, who had

5 conversation with him. I don't know the timeline of when

6 those conversations were held.

7 THE COURT: Mr. Higgins does not represent the

8 District Attorney's Office.

9 MR. WANTLAND: I understand that, but I don't know

10 if he inturn spoke with our office for Detective Singer; that

11 I don't know. I don't know. I know he --

12

13 (Mr. Wantland pauses.)

14

15 THE COURT: It's not a pivotal issues, but I just

16 wanted to know if you had that conversation with Detective

17 Singer, because it has been inferred from what you said that

18 you did not --

19 MR. WANTLAND: I did not.

20 THE COURT: -- and perhaps no one did.

21 MR. WANTLAND: I did not. Judge, I do not want to

22 say that no one did. To my knowledge, no one did, but it

23 could have happened. I just don't know. I know that I

24 personally did not.

25 THE COURT: Okay.

25

1 Anything else on behalf of the State on this issue?

2 MR. WANTLAND: No, Your Honor.

3 THE COURT: All right, sir, thank you.

4 Mr. Neuens?

5 MR. NEUENS: Thank you, Your Honor.

6 First, I would like to discuss the Giglio material. This

7 alleged Giglio material was pulled out of a case, I believe

8 the Sunday Case; which was involving a juvenile and --

9 THE COURT: Involving a minor, a sixteen-year-old

10 minor.

11 MR. NEUENS: Excuse me, involving a minor; I used

12 the wrong word.

13 THE COURT: A minor, who was a victim.

14 MR. NEUENS: In the Sunday Case, Detective Singer

15 interviews a witness. Then, Detective Singer executes Arrest

16 Affidavits and Subpoenas. Apparently, although this has not

17 been told to us, the allegations are that there were

18 inconsistencies between the interview and the Arrest

19 Affidavit, but this material was never turned over in the

20 Sunday Case.

21 If it were truly Giglio material that would be the most

22 important case bearing upon Detective Singer's credibility.

23 It was not turned over; it was set on for eighteen months.

24 Then, when it was finally turned over it was turned over in

25 certain cases in this county and other counties, to the U.S.

1 Attorney's Office, to the Chief of Police of Pryor, Chief of
2 Police of Claremore, and to the Claremore Newspaper. This
3 isn't --

4 THE COURT: Materials were shown or materials were
5 turned over?

6 MR. NEUENS: They were either discussed or directly
7 turned over. We're trying to figure it out. We tried to
8 subpoena some of this information, but we still have not
9 received it yet. We still have not received what has been
10 submitted as Giglio information.

11 With regard to Giglio itself it is a subset of Brady, but
12 it's different, because it is testimony information concerning
13 a witness that can be used to attack their credibility, but it
14 has to be material.

15 THE COURT: And, it is unsolicited discovery
16 information?

17 MR. NEUENS: That is correct. It is required to be
18 material under Giglio.

19 Now, what it sounds like to me is that this information is
20 being turned over and then a later determination is being made
21 on a case-by-case basis as to whether it is material. That
22 seems to be the opposite of what Giglio requires.

23 So, our argument is that this is not Giglio material. If
24 it was Giglio material it would be the same in every case and
25 not on a case-by-case basis. It would impact on Detective

1 the State's request. This is not a separation of powers
2 issue. This is something that the Court is and should be able
3 to do.

4 We believe that Officer Singer has a right. We agree that
5 there is no Case Law in Oklahoma or Statute in Oklahoma that
6 allows, in a criminal case, officer Singer to intervene. We
7 believe the case we cited from other jurisdictions concerning
8 a intervention to protect a Constitutional Right are
9 applicable here. So, we believe he does have a right to
10 intervene in the criminal case.

11 The deprived case, I think, we would be looking at Title
12 12 Oklahoma Statute, Section 2024, and there is two ways to
13 intervene in that:

14 One, as a right;

15 Two, with the Court's discretion.

16 We believe that Officer Singer does have a right. He has
17 an interest in the proceeding. We also believe that this
18 Court can, in the Judge's discretion, can allow the
19 intervention for judicial economy to get a decision on this
20 matter now. We're not trying to enlarge proceeding. We're
21 just trying to get a ruling on this. That's all we're
22 seeking.

23 Thank you, Your Honor.

24 THE COURT: Thank you, sir.

25 Mr. Ballard?

1 Singer's credibility in every case.

2 So, it belies the argument that this is Giglio material by
3 the State when they are not turning it over in every case and
4 they do not believe it is material in every case.

5 Back to the initial purpose for the Motion, all we're
6 seeking to intervene is so we could request that the Court
7 make a determination as to whether this is Giglio material.
8 It has already been turned over, the bell has already been
9 rung. It has been turned over in the public, discussed in the
10 public and that bell has been rung. We're trying to get, in
11 order to protect Detective Singer's reputation, and his job,
12 and protect the Judicial Process -- he's the sole prosecutor
13 on the juvenile case, he's the one who has the information.
14 It's his intent to protect all of those interest by
15 intervening and requesting a Giglio determination.

16 We believe that the Court can allow this intervention. We
17 believe, based upon the cases we cited in Oklahoma, limited
18 intervention can be allowed in a case involving a juvenile or
19 a minor. We cited those cases for the Court on that.

20 The State has argued that this -- any ruling by this Court
21 as to whether this material is Giglio would be a violation of
22 the separation of powers. This is an evidentiary ruling, the
23 Court is ruling as to whether this is truly Giglio material.
24 Another Court in this very same courthouse has been asked that
25 question before by the State and has ruled on that question at

1 MR. BALLARD: Judge, I would like to first address
2 the authority of the City of Claremore to file the documents
3 that we did. I appreciate that the District Attorney's Office
4 is now reporting to be a scholar on the City's Charter;
5 however, I think it is clear from the Case Law that we cited
6 going back to 1929 that public officials have the implied
7 authority to bring lawsuits to carry out their official
8 duties.

9 In this particular case, this involves the employment of
10 Officer Singer. The City Manager authorized me to file the
11 documents. It is clear that we have the authority to do that.

12 The District Attorney's Office cites the City's Charter
13 for the provision that we do not have the authority to do it;
14 yet when the Oklahoma Supreme Court looked at the issue in the
15 City of Tulsa vs. Oklahoma State Pension and Retirement Board
16 it is 674 P.2d 10, 1983 OK 80, the Court made it very clear
17 that the municipal attorney may bind the municipality to the
18 same extent that any attorney may bind his client.

19 Cases have been extremely clear that the City Attorney is
20 allowed the power to take necessary steps to protect the legal
21 interest of the City.

22 The District Attorney's Office can cite no authority that
23 we would not have the ability to do that. I believe it's
24 abundantly clear that the City Officials authorized this and
25 that the City Attorney had full authority to file the Motion

1 to Intervene.

2 In addition, I will tell the Court that the City Counsel
3 has recently approved and sustained the fact that this
4 intervention was filed. The City Counsel has voted at a
5 public meeting and has specifically found that the City
6 Manager has, and always has had, the authority to do this.

7 So, to the extent there ever was an issue, it has been
8 fully ratified by the City Council. I believe this is not an
9 issue that the Court need look at any further. I believe it's
10 abundantly clear that the City has every authority to have
11 filed the motions that we have so far.

12 I would like to next address this proposition that
13 intervention is an all or nothing proposition that
14 Mr. Wantland referenced. The District Attorney's Office, I
15 believe, is trying to create a slippery slope argument here
16 that if the Court allows intervention here in this case that
17 essentially it loses control of its dockets and would have to
18 allow it in every case. I believe the Courts are quite clear
19 that just because a party intervenes does not mean that they
20 become a full party.

21 In fact, in the cases that we have cited that is
22 abundantly clear. The most common types of intervention in
23 criminal cases are cases in which the press intervenes to gain
24 access to court proceeding, or where a party might attempt to
25 assert a privilege and know that documents might be produced

1 are the City's obligations; what does the Police Department
2 have to do? Officer Singer is, as this Court and the District
3 Attorney's Office is very well aware, is a very active
4 officer. In fact, to be quite frank, he is one of our better
5 officers. He is one of the ones who is out there making
6 arrests, generating business, and doing work on behalf of the
7 Claremore Police Department. If we have a problem with that
8 officer, that is a significant issue for the Police Department
9 and one that we are willing to address, but before we do that
10 we're needing some basis for doing so.

11 I can tell the Court that the City has conducted its
12 investigation and has had an independent law enforcement
13 agency conduct an investigation on this, as well, and both the
14 City and the outside law enforcement agency have determined
15 there was no wrongdoing and no Giglio material to be produced.

16 Regarding the issue of standing on this, again the City
17 does not have to have, or Officer Singer does not have to have
18 standing in the sense that we are the defendant or the State.
19 we can have standing by an interest in an issue in the
20 litigation. The Supreme Court has been clear that a property
21 interest can be sufficient interest to intervene.

22 Finally, regarding the separation of powers issue that has
23 been raised, I believe Mr. Neuens addressed that, but I
24 believe it's absolutely clear that this Court has the
25 authority to make a review under Giglio. In fact, the cases

1 in response to a criminal subpoenas or search warrant; a party
2 intervenes to assert their standing to that.

3 In our Motion we cite a case in which a Grand Jury witness
4 was allowed to intervene to attempt to quash a subpoena. All
5 of those circumstances are by their very nature limited
6 intervention. When the press intervenes in a criminal case
7 and is allowed to come in and assert their interest in an open
8 hearing they do not become a defendant or the State in that
9 case; by its very nature it is a very limited intervention.
10 Same thing with a witness that comes in and wants to support a
11 privilege; they don't become a defendant or the State, the two
12 parties that are allowed in a criminal case, they do it for a
13 limited purpose.

14 I believe the City of Claremore and Officer Singer have
15 both made it very clear that we're seeking only a limited
16 intervention. The City has no interest in this criminal
17 litigation, other than in the employment of Officer Singer.

18 The City is also somewhat differently situated in that we
19 have obligations under Giglio/Brady, as well. Court Cases
20 have made clear that just because the material is not in the
21 possession of the prosecutor it extends to the Government and
22 is a branch of the Government. As apart of that, the Police
23 Department would also have a duty to provided Giglio material.
24 If that is the case the City needs to be advised of that.

25 We're asking the Court to make a determination as to what

1 arising out of Giglio presume that the Court has that
2 authority. The District Attorney's own actions presume the
3 Court has that authority. There is no Case Law that suggests
4 that the Court some how loses the authority to review the
5 Giglio materials simply because it is the District Attorney's
6 office that has requested the review versus the District
7 Attorney's Office opposing the review. The Separation of
8 Powers Doctrine would apply either way. It is clear the Court
9 has that authority.

10 Based upon our Motion to Intervene, the City would request
11 that this Court conduct a review of the materials and that
12 this Court make a determination. I believe the Court asked
13 what is Giglio material and the blunt answer to that is that
14 it is evidence of untruthfulness.

15 In this particular case when we have an Officer that has
16 filed an Affidavit, if you are untruthful in an Affidavit that
17 is a crime. That is a significant allegation to level against
18 an employee of the City and one that we believe needs to be
19 vetted by this Court. That is precisely what we are asking
20 this Court to do.

21 Thank you.

22 THE COURT: Thank you, sir.

23

24

25

THE COURT'S FINDINGS

1 THE COURT: The Motion to Intervene by Detective
2 Singer will be granted.

3 The Court finds a present adverse impact does occur to a
4 witness by the dissemination of materials labeled "Giglio
5 materials" in that it is raising an inconsistency or
6 credibility issue of a material nature for that witness. That
7 is directly from Giglio and its progeny. You cannot split the
8 baby. You cannot handout materials and then pretend that it
9 can be used in some places and not in others. By the
10 dissemination of those materials, the District Attorney's
11 Office is sponsoring it as material that represents
12 credibility issues for the witness.

13 There is a phrase on Page Three of the Supplemental Reply
14 to the State's Response to the Motion to Intervene in
15 Detective John Singer's Brief and I actually already had this
16 written in the margin of something else and I did not have a
17 case that said it as well. The case said it better than I
18 did, but I think this is the essential issue here before me
19 today and its why we're here:

20 *"Representation of a parties interest may or may not
21 be adequate and if the representation is not adequate
22 the party must seek independent representation."*

23 Had this information been disseminated to Detective

1 Singer, I don't think we would be here today. If this
2 information had been discussed with Detective Singer, if the
3 District Attorney's Office had made contact with him and at
4 least had some conversation about what had been deemed by them
5 to be "Giglio materials" we would be in a different situation.

6 I think it is important to observe, at this point in time,
7 that the Giglio Case is about prosecutorial misconduct and not
8 about law enforcement misconduct. The applicability of the
9 Giglio Case to these materials is questionable. Nevertheless,
10 we have used the phrase Giglio materials to include
11 credibility issues and that is essentially what we are here
12 about.

13 The City of Claremore's Motion to Intervene will be
14 granted by the Court. I want to define, especially, the
15 City's right to intervene. It is conjoined with Detective
16 Singer's Motion to Intervene. They are only present as
17 intervenor parties because of their interest in the employment
18 standing of Detective Singer, their sponsorship of him in law
19 enforcement, certified through the City of Claremore's Police
20 Department, and they have a direct interest in protecting and
21 carrying out that duty effectively.

22 This is in my findings today a permissive intervention, it
23 is a limited intervention, it is within the Court's discretion
24 and it is only on the issue before me today about the Giglio
25 materials disseminated in the Runions Case.

1 A Prosecutor's obligation is to see that justice is done,
2 but it's important that justice be done even to their own
3 witnesses. That includes, in this case, a law enforcement
4 officer sponsored by the State of Oklahoma through the
5 Prosecutor.

6 A Prosecutor is uniquely positioned to carry out and
7 administer justice for the State of Oklahoma and for the
8 people of the State of Oklahoma. The Prosecution for the
9 State of Oklahoma is not just a bystander in the process of
10 doing justice. Actively prosecuting the guilty within the
11 parameter of the law is the unique and sole responsibility of
12 the District Attorney.

13 The Court cannot order prosecution not to disclose
14 material within its possession, which it deems discoverable
15 under any aspect of the Oklahoma Criminal Discovery Code, and
16 always the prosecutor should error on the side of full
17 disclosure. However, the Prosecutor has a right to either
18 dismiss a case, if they believe the information was false and
19 they believe they have a witness, whether it be law
20 enforcement or someone else, if it's false information the
21 Prosecution has an ethical duty to dismiss the case if it's
22 based upon false testimony or false data.

23 If the State of Oklahoma goes forward in prosecuting a
24 case they have an obligation to do just that; prosecute the
25 case, to rehabilitate the witnesses they can rehabilitate, to

1 address credibility issues, and to do their job in prosecuting
2 the guilty within the parameters of the law.

3 If the prosecution had simply disclosed these materials,
4 with the victim's name redacted where necessary, we would not
5 be here today. The Motion to Intervene is made necessary by
6 the methodology used in disclosing the Giglio materials and
7 the failure to disclose this or address this with this
8 officer.

9 There is a material interest in anyone who is in a law
10 enforcement positioned and is subject to materials represented
11 in a public body to be Giglio materials; whether the materials
12 themselves are made public or not. Labeling it as Giglio
13 materials sets into motion and a label of lack of credibility
14 for, in this case, Detective Singer or anyone else similarly
15 situated.

16 The second part of the hearing today is about the Court
17 making a determination of whether these are Giglio materials.

18 Now, as intervenor parties, I'm ordering that these
19 materials be provided today to Detective Singer. The
20 materials given to Detective Singer are to be made available
21 to the City of Claremore, but they are chiefly for Detective
22 Singer. He's ordered to make those available to the City of
23 Claremore as the intervenor, because they are tied with
24 Detective Singer; if that makes sense.

25 The analogy, I think here has to go back to Civil Law.

1 These are really civil matters much more than criminal
2 matters. The period of time within which the status of being
3 an intervenor only exists for today's hearing.

4 The Giglio Case and the Brady materials are all about
5 exculpatory evidence and the provision of exculpatory evidence
6 to a party defendant. I have reviewed the cases that have
7 been presented. I have looked for other cases and I cannot
8 find any authority from my Court today, although I have been
9 requested to do so by these intervenor parties, I cannot find
10 that there is authority for me to, on the basis of not the
11 defendant or not the State, to determine a Giglio status of
12 these materials. I do not believe I have the authority to do
13 that.

14 In the criminal case, nor in the juvenile case, I do not
15 think there is authority for these intervenors to ask, under
16 the criminal cases that have been cited, for the Court to make
17 a Giglio determination. I was very disturbed by, I did know
18 that Judge Crosson had been asked to make a Giglio
19 determination by this District Attorney's Office. I was
20 dismayed to see that it was absent from the State's brief. In
21 my opinion it should have been in there, but it was not. I'm
22 having a transcript prepared and I did not ever receive it so
23 I'm not sure if it has yet been prepared. I do not know under
24 what authority the State of Oklahoma asked for that material
25 to be reviewed, but that did indeed occur and Judge Crosson

1 THE COURT: Okay.

2 At the conclusion of the court proceeding today that will
3 be provided.

4 (To Mr. Neuens) What you do with those materials -- I'm
5 not sure what you do with those materials. He is entitled to
6 have them. What you do with them is up to you.

7 MR. NEUENS: Thank you, Your Honor.

8 THE COURT: I will leave the parties as intervenor
9 in the Runions Case for thirty (30) days for the parties to
10 consider their appeal rights. I suppose there are some
11 Interlocutory Appeal possibilities of my rulings here today
12 and we will convene separately on the record in the juvenile
13 case to carry this over into the juvenile case, because we
14 have these same issues in that case.

15 MR. WANTLAND: Your Honor, may I -- if I can have
16 one quick thing?

17 THE COURT: Yes, Mr. Wantland?

18 MR. WANTLAND: The Court's analysis of what Judge
19 Crosson did is correct, but if the record will reflect that's
20 a different case all together than what we're dealing with
21 today.

22 THE COURT: It's a different officer as well, is it
23 not?

24 MR. WANTLAND: Yes, it is, Your Honor.

25 THE COURT: Yes, sir.

1 confirmed that when I inquired of him about that.

2 As I understand it, the State is not asking the Court
3 still to make a Giglio determination of this, nor is
4 Mr. Haynes here today, on Ms. Runions' behalf, asking the
5 Court to make a Giglio determination. I find no authority to
6 do so otherwise. So, at this time the Court would decline to
7 review these materials to do a Giglio determination outside of
8 what the State has provided.

9 One of the things that I think was important today was to
10 set the parameters of why the State provided these materials.
11 I think it has been made clear that the State of Oklahoma
12 provided these based upon their belief that there is a
13 credibility issue with Detective Singer, as a law enforcement
14 witness, in their cases that they provided it.

15 The materials are to be provided for appeal purposes. I
16 will hold onto the ones provided to me. I have not reviewed
17 them. I will leave it that way until someone shows me
18 authority otherwise. The materials will be provided to the
19 Intervenor Party Detective Singer.

20 (To Mr. Wantland) Can you do that today?

21 MR. WANTLAND: Yes, Your Honor, we can.

22 THE COURT: Okay.

23 We'll do that in open court.

24 MR. WANTLAND: It's actually in the office, Your
25 Honor, I'll have them --

1 MR. WANTLAND: I know the Court knows that and I
2 know the Petitioners/Intervenor knew that, but I wanted to
3 make sure it was clear for the record.

4 THE COURT: Sure. I don't think I said that, but I
5 did know that.

6 MR. WANTLAND: Your Honor, will the Court reduce
7 that to a Written Order; the Court's Findings today?

8 THE COURT: I'm going to direct Mr. Neuens to
9 prepare the Order.

10 MR. NEUENS: Certainly, Your Honor.

11 THE COURT: Yes, it needs to be a Written order.

12 (To Mr. Neuens) You have ten (10) days to prepare that.

13 MR. NEUENS: Thank you, Your Honor.

14 THE COURT: Mr. Neuens, anything further on your
15 client's behalf?

16 MR. NEUENS: Not on the Runions Case, Your Honor.

17 THE COURT: Mr. Ballard, anything further on behalf
18 of the City of Claremore?

19 MR. BALLARD: No, Your Honor.

20 THE COURT: Mr. Wantland, anything further on behalf
21 of the State of Oklahoma?

22 MR. WANTLAND: No, Your Honor.

23 THE COURT: If there is nothing further in
24 CF-2012-655, we will be in recess.

25

1 (At this time a brief recess was had. Thereafter, with all
2 parties and counsel present as before, with the exception of
3 Mr. Haynes, the following occurred on-the-record:)

4
5
6

7 THE COURT: We are on-the-record in CF-2012-655,
8 reconvening on the Runions Case with the parties and their
9 counsel present.

10 MR. WANTLAND: Your Honor, I have the packets and I
11 would like to deliver that in open court.

12 THE COURT: Are you choosing to give each --

13 MR. WANTLAND: I am,

14 THE COURT: -- Intervenor a packet?

15 MR. WANTLAND: I am, Your Honor.

16 THE COURT: Very well.

17 MR. WANTLAND: Your Honor, I'm handing Mr. Ballard
18 and Mr. Neuens each a packet of material.

19
20 (Mr. Wantland hands a packet to Mr. Ballard and a packet to
21 Mr. Neuens.)

22

23 (To Mr. Neuens) There you go, sir.

24 MR. NEUENS: Thank you.

25 THE COURT: Mr. Wantland, as an Officer of the

1 and Mr. Ballard.

2 MR. NEUENS: Thank you, Your Honor.

3 THE COURT: Okay.

4 (To Mr. Wantland) Do all of these represent materials
5 either prepared by or in the possession of the District
6 Attorney's Office, itself?

7 MR. WANTLAND: Yes, Your Honor.

8 THE COURT: Okay.

9 Anything else before we close the Runions record?

10 MR. WANTLAND: Nothing from the State, Your Honor.

11 MR. NEUENS: No, thank you.

12 MR. BALLARD: No, Your Honor.

13 THE COURT: We will be in recess in this matter.

14
15
16
17
18
19
20
21
22
23
24
25

(This concludes the proceedings held.)

1 Court, do you represent to me that these are the same
2 materials labeled "Giglio materials" that I had been given?

3 MR. WANTLAND: Yes, Your Honor.

4

5 (Mr. Palik converses with Mr. Wantland.)

6

7 MR. PALIK: Judge, for the record, we never placed
8 any writing or label --

9 MR. WANTLAND: No.

10 MR. PALIK: -- of "Giglio material" on the packet
11 that we presented to the Court. I believe, if anything, it
12 only said "Singer" at the top of the manilla envelope.

13 MR. WANTLAND: Yeah, it is just the materials, Your
14 Honor, there is nothing saying --

15 THE COURT: But these --

16 MR. WANTLAND: -- what it is --

17 THE COURT: -- are the materials that were --

18 MR. WANTLAND: -- the same.

19 THE COURT: -- labeled in my Court as Giglio

20 materials?

21 MR. WANTLAND: Yes, Your Honor.

22 THE COURT: Okay.

23 MR. WANTLAND: Yes, Your Honor.

24 THE COURT: All right.

25 For the record, they have been handed to both Mr. Neuens

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

3 STATE OF OKLAHOMA)
4 COUNTY OF ROGERS) ss.

6 I, Mindie Baab, Certified Shorthand Reporter within and
7 for the State of Oklahoma, CSR No. 01396, do hereby certify
8 that the foregoing is a true and correct transcription of my
9 shorthand notes of proceedings had in CF-2012-655, on the 22ND
10 of FEBRUARY, 2013, before the Honorable Dynda Post.

12 I further certify that I am not a relative, employee, or
13 counsel of any of the parties, nor am I a relative or employee
14 of any of the parties' attorney or counsel connected with the
15 action, nor am I financially interested in the action.

17 WITNESS MY HAND AND SEAL this 28TH day of FEBRUARY,
18 2013.

Mindie Baab, CSR

MINDIE BAAB, CSR
Certified Shorthand Reporter
Official Court Reporter
CSR NO. 01396



Mindie Le Jane Baab
State of Oklahoma
Certified Shorthand Reporter

CSR # 1396

Pages 42 to 45

My Certificate Expires 12-31-19

0
01396 45:7, 45:21

1
10 29:16, 41:12
12 28:12
13 6:9
14 6:12
15 1:1
16 2:1
17 2:6
18 6:15, 7:15
19 4:2
20 10:15, 45:9
21 45:17

2
2013 4:2, 45:10, 45:18
2021 2:21
2024 28:12
219 2:7
21st 6:15, 7:15
22 4:2
22nd 10:15, 45:9
23 45:17

3
30 40:9

5
525 2:16

6
660 2:21
674 29:16

7
700 2:16
74017 2:7, 2:12
74103 2:17
74104 2:22

8
80 29:16

A
ability 29:23
able 11:22, 28:2
absent 38:20
absolutely 18:7, 32:24
abundantly 29:24,
30:10, 30:22
accepted 6:8
access 10:25, 30:24
action 13:2, 45:15,
45:15
actions 33:2
active 32:3
actively 36:10
activity 16:25
addition 30:2
address 9:18, 12:4,
14:25, 29:1, 30:12,
32:9, 37:1, 37:7
addressed 22:23
adequate 34:23, 34:23
admission 36:7
adverse 15:5, 14:5
advised 31:24
Affidavits 25:19,
33:16, 33:16
Affidavits 25:16
against 33:17
agency 32:13, 32:14
agree 8:24, 10:6,
22:24, 28:4
agreed 23:10
allegation 33:17
allegations 25:17
alleged 4:24, 5:1,
25:7
allow 12:20, 12:25,
13:14, 13:19, 14:4,
14:5, 27:16, 28:18,
30:18
allowed 12:24, 15:24,
27:18, 29:20, 31:4,
31:7, 31:12
allowing 13:11
allows 28:6, 30:16
already 27:8, 27:8,
34:17
although 4:18, 6:14,
11:6, 13:17, 22:23,
25:16, 38:8
analogy 37:25
analysis 40:18
anticipate 4:18, 5:24
apart 31:22
Apparently 25:16

appeal 39:15, 40:10,
40:11
applicability 35:8
applicable 28:9
apply 33:8
appreciate 29:3
appropriate 17:24
approved 30:3
areas 18:25, 19:13,
19:14
argued 27:20
argument 3:7, 3:10,
3:13, 4:19, 11:7,
11:9, 12:3, 13:3,
13:6, 11:18, 13:20,
13:23, 15:4, 26:23,
27:2, 30:15
arising 33:1
Arraignment 5:3
arrests 32:6
asking 8:2, 9:4,
11:21, 31:25, 33:19,
39:2, 39:4
aspect 10:8, 12:11,
13:16, 17:3, 22:17,
36:15
aspects 13:7, 14:16
assert 30:25, 31:2,
31:7
Assistant 2:6
attack 26:13
attempt 30:24, 31:4
attorney 2:11, 2:16,
2:21, 4:13, 6:1, 12:5,
21:5, 24:4, 29:17,
29:18, 29:19, 29:25,
36:12, 45:14
Attorney's 5:18, 13:8,
14:8, 17:9, 17:10,
23:5, 24:8, 26:1,
29:3, 29:12, 29:22,
30:14, 32:3, 33:2,
33:5, 33:7, 34:12,
35:3, 38:19, 44:6
attorneys 2:6, 17:10
authority 12:19,
12:19, 14:3, 18:15,
18:20, 15:22, 29:2,
29:7, 29:11, 29:13,
29:22, 29:25, 30:6,
30:10, 32:25, 33:2,
33:3, 33:4, 33:9,
38:8, 38:10, 38:12,
38:15, 38:24, 39:5,
39:18
authorized 29:10,
29:24
available 37:20, 37:22
Ave 2:21

B
Bab 45:6, 45:20
baby 34:10
Baldard 2:15, 7:3,
7:5, 7:19, 8:7, 8:9,
10:16, 28:25, 29:1,
41:17, 41:18, 42:17,
42:20, 44:1, 44:12
Baldard..... 3:13
basically 12:9
bearing 25:22
became 30:20, 31:8,
31:11
behave 3:7, 3:10,
3:13, 7:1, 11:3, 28:1,
32:6, 39:4, 41:15,
41:17, 41:20
believe 39:12
beliefs 27:2
bell 27:8, 27:10
best 22:16
better 32:4, 34:19
bind 29:17, 29:18
blindover 5:2
blind 33:13
board 29:15
body 37:11
brady 4:24, 18:1,
26:11, 38:4
branch 14:6, 14:7,
31:22
brief 12:3, 34:17,
38:20, 42:1
Briefs 12:2, 12:12,
13:12, 14:17
bring 17:19, 29:7
brought 13:9, 18:21,
18:22
bundle 19:25
bystander 36:9

C
cannot 13:23, 14:1,
14:8, 14:19, 14:20,
34:9, 34:10, 36:13,
39:7, 39:9
carry 29:7, 36:6,
40:13
carrying 35:21
case 4:18, 4:20, 4:23,
5:6, 5:15, 7:17, 7:20,
7:21, 8:11, 8:12,
8:16, 8:17, 9:12,
9:15, 9:16, 9:17,
9:19, 9:25, 10:2,
10:3, 10:7, 10:8,
10:30, 11:1, 11:5,
12:12, 12:13, 12:18,
13:18, 13:21, 13:22,
13:25, 14:9, 16:3,
16:4, 16:10, 15:12,
17:7, 17:12, 17:14,
17:16, 17:18, 17:19,
17:20, 17:21, 17:25,
18:7, 18:11, 18:13,
18:14, 18:15, 18:17,
18:22, 18:23, 19:2,
19:9, 19:9, 19:12,
19:16, 19:17, 19:18,
19:19, 19:20, 19:21,
19:22, 20:7, 21:3,
21:6, 21:7, 21:11,
21:21, 21:12, 21:13,
21:13, 21:15, 21:16,
22:7, 22:7, 22:18,
23:19, 25:7, 25:8,
25:14, 25:20, 25:22,
26:24, 27:1, 27:3,
27:4, 27:13, 27:18,
28:5, 28:6, 28:7,
28:10, 28:11, 29:5,
29:9, 30:16, 30:18,
31:3, 31:6, 31:9,
31:12, 31:24, 33:3,
33:15, 34:19, 34:19,
35:7, 35:9, 35:25,
36:3, 36:18, 36:21,
36:24, 36:25, 37:14,
38:4, 38:14, 38:14,
40:9, 40:13, 40:13,
40:14, 40:20, 41:16,
42:8
case-by-case 18:13,
26:21, 26:25
cases 9:1, 9:14,
11:11, 13:8, 13:15,
14:1, 14:1, 15:25,
16:15, 18:18, 20:11,
20:12, 20:25, 25:25,
27:17, 27:19, 29:19,
30:21, 30:23, 30:23,
31:19, 32:25, 38:6,
38:7, 38:15, 39:14
ceased 15:6
cases 14:23, 17:5
certain 28:25
certainly 9:8, 9:15,
11:21, 41:10
Certification 3:23
certified 35:19, 45:6,
45:20
certify 45:7, 45:12
CF 8:21
CF-2012-655 4:5,
41:24, 42:7, 45:9
CHAD 2:20
change 15:12
characterize 16:2
charged 15:9
Chartar 29:4, 29:12
Chief 26:1, 26:1
chiefly 37:21
choices 14:15
choosing 42:12
circumstances 31:5
cite 29:22, 31:3
cited 14:16, 16:15,
27:17, 27:19, 28:7,
29:5, 30:21, 38:15
cities 29:12
cities 14:1
City 2:15, 3:13, 4:9,
6:10, 7:4, 7:20,
11:15, 12:15, 14:20,
15:2, 15:14, 15:19,
29:2, 29:10, 29:15,
29:19, 29:21, 29:24,
29:25, 30:2, 30:4,
30:5, 30:8, 30:10,
31:14, 31:15, 31:18,
31:24, 32:17, 32:14,
32:15, 33:10, 33:18,
35:13, 35:15, 37:21,
37:22, 41:18
City's 29:4, 29:12,
32:1, 35:15
civil 37:25, 38:1
Claremore 2:7, 2:12,
2:15, 2:20, 3:13, 4:9,
6:11, 7:4, 11:15,
15:2, 15:14, 26:12,
26:2, 29:2, 31:14,
32:7, 37:21, 41:18
Claremore's 12:15,
35:13, 35:19
clear 5:17, 13:9,
16:20, 17:12, 20:9,
29:5, 29:11, 29:15,
29:19, 29:24, 30:10,
30:18, 30:22, 31:15,
31:20, 32:20, 32:24,
33:8, 39:11, 41:3
Clerk 6:22
client 29:18
client's 41:15

close 44:9
Code 26:15
combining 9:2
comes 18:2, 31:10
common 30:22
compatible 16:24
concerning 26:12, 26:7
concerns 8:9, 15:2
concludes 44:21
conclusion 22:8, 40:2
conduct 32:13, 33:11
conducted 32:11
conducts 6:22
confidentiality 9:17
confirmed 39:1
conjoined 35:15
connected 45:14
consider 40:10
consistency 17:15
Constitution 14:16
Constitutional 12:19,
14:3, 28:6
contact 35:3
continue 20:12
contrast 17:18
control 30:17
convince 40:12
conversation 23:13,
23:16, 24:5, 24:16,
35:4
conversations 24:6
convince 43:5
correct 5:12, 7:2,
7:5, 8:5, 16:14, 21.1,
21:9, 22:2, 28:17,
40:19, 45:8
correctly 12:10
counsel 5:15, 8:22,
17:16, 30:2, 30:4,
30:8, 42:3, 42:9,
45:13, 45:14
couples 28:25
country 2:6, 23:5,
23:7, 23:7, 23:10,
25:25, 45:4
count 3:5, 3:23, 4:5,
4:15, 4:20, 4:23, 5:2,
5:3, 5:5, 5:9, 5:20,
6:2, 6:6, 6:22, 6:22,
6:23, 6:25, 7:3, 7:6,
7:9, 7:11, 7:13, 7:23,
8:2, 8:6, 8:9, 8:13,
8:14, 8:18, 9:2, 9:5,
9:7, 9:15, 10:13,
10:17, 10:19, 10:22,
11:8, 12:8, 12:9,
12:12, 12:21, 12:23,
13:4, 13:5, 13:9,
14:5, 14:7, 14:9,
14:10, 14:21, 16:2,
16:8, 16:12, 16:12,
16:15, 16:18, 16:20,
18:10, 18:21, 18:22,
18:23, 19:5, 19:8,
19:13, 19:18, 19:22,
19:25, 20:5, 20:7,
20:15, 20:20, 20:22,
21:15, 21:21, 21:23,
21:23, 21:25, 22:3,
22:10, 22:13, 23:1,
23:8, 23:12, 23:18,
23:18, 23:24, 24:2,
24:7, 24:15, 24:20,
24:25, 25:3, 25:9,
25:13, 26:4, 26:15,
27:6, 27:16, 27:19,
27:20, 27:23, 27:24,
28:2, 28:18, 28:24,
29:4, 29:16, 30:2,
30:9, 30:16, 30:24,
31:19, 31:25, 32:2,
32:11, 32:20, 32:24,
32:3, 33:3, 33:4,
33:8, 33:11, 33:12,
33:12, 33:19, 33:20,
33:22, 34:3, 34:5,
35:14, 36:13, 37:16,
38:8, 38:16, 39:2,
39:5, 39:6, 39:22,
39:23, 40:1, 40:2,
40:6, 40:17, 40:22,
40:25, 41:1, 41:4,
41:6, 41:8, 41:11,
41:14, 41:17, 41:20,
41:22, 42:7, 42:11,
42:12, 42:14, 42:16,
42:25, 43:1, 43:11,
43:15, 43:17, 43:19,
43:19, 43:22, 43:24,
44:2, 44:6, 44:13,
45:21
Court's 3:18, 28:15,
34:1, 38:23, 40:18,
41:7
court... 42:1
courthouse 2:6, 27:24
courts 30:18
Craig 23:6
create 30:15
credibility 16:24,
17:14, 18:12, 19:1,
19:15, 20:2, 20:8,
20:16, 21:1, 21:18,
25:22, 26:13, 27:1,

34:8, 34:14, 35:11,
37:1, 37:13, 39:13
crime 33:17
criminal 4:18, 4:20,
9:16, 13:25, 14:1,
14:1, 16:25, 28:6,
28:10, 30:23, 31:1,
31:6, 31:12, 31:16,
36:15, 38:1, 38:24,
38:16
Crosson 19:10, 38:18,
38:25, 40:19
Crosson's 18:23
CR 45:7, 45:20, 45:21

D
Danny 7:7, 7:9
data 36:22
Dave 5:19
DAVID 2:5
deal 14:25, 15:1
dealing 14:2, 14:12,
14:13, 40:20
deals 13:6
dealt 20:25
dealing 6:9
Decision 14:19, 14:19,
14:20, 14:20, 14:21,
19:4, 19:6, 28:19
Decline 39:6
Deced 35:4
Deems 36:14
Defend 21:10, 21:11,
21:14
Defendant 2:10, 8:11,
31:8, 31:11, 32:18,
38:6, 38:11
defense 17:7, 17:16,
18:5, 21:5
define 35:14
deliver 42:11
delivers 3:21
denied 15:24
Department 31:23,
32:1, 32:7, 32:8,
38:20
depending 13:4
deprived 9:11, 10:8,
13:18, 13:21, 28:11
Detective 3:10, 4:10,
19:2, 20:2, 20:16,
21:18, 23:13, 23:22,
24:3, 24:10, 24:16,
25:14, 25:15, 25:22,
26:25, 27:12, 24:3,
34:17, 34:25, 35:8,
35:15, 35:18, 37:14,
37:19, 37:20, 37:21,
37:24, 39:13, 39:19
determination 17:13,
17:13, 19:1, 21:25,
23:20, 26:20, 27:7,
27:15, 31:25, 33:12,
37:17, 38:17, 38:19,
39:3, 39:5, 39:7
determine 36:11
determined 32:14
determining 4:8
differently 11:16,
31:8
difficult 16:4
direct 5:22, 35:20,
41:8
directly 11:4, 13:17,
17:21, 18:1, 26:6,
34:9
disagree 21:8
disclose 36:13, 37:7
disclosed 37:3
disclosing 16:9,
18:24, 37:6
disclosure 36:17
discoverable 17:3,
36:14
discovery 26:16, 36:15
discretion 28:15,
28:18, 35:23
discuss 25:6
discussed 22:16, 23:1,
23:21, 26:6, 27:9,
35:2
dismissed 38:20
dismiss 6:14, 7:14,
36:18, 36:21
dismissed 5:12
disseminated 20:2,
34:25, 35:25
dissemination 34:6,
34:12
District 2:6, 2:6,
5:2, 5:18, 13:8, 14:8,
17:9, 17:10, 22:8,
22:23, 23:3, 23:5,
24:8, 29:3, 29:12,
29:22, 30:14, 32:2,
33:2, 31:6, 33:6,
34:12, 35:3, 36:12,
38:19, 44:5
disturbed 38:17
doctors 30:17
Doctrina 33:8
documents 29:2, 29:11,
30:25

Don 2:5, 5:18
doubt 8:22
Drive 3:10
duties 12:11, 29:8
duty 13:13, 14:13,
15:11, 21:9, 31:23,
33:21, 36:21
Dynda 45:10

E
economy 28:19
effectively 35:21
eighth 25:23
either 9:10, 9:10,
11:19, 15:22, 26:6,
33:8, 36:17, 44:5
employee 33:18, 45:12,
45:13
employment 29:9,
31:17, 35:17
ended 6:11
enforcement 32:12,
32:18, 35:8, 38:13,
36:3, 36:20, 39:10,
39:13
enlarge 28:20
enter 13:25, 14:1,
14:1
entitled 40:5
envelope 43:12
error 36:16
especially 35:14
essential 34:20
essentially 30:17,
35:11
ethical 36:21
everybody 22:22, 23:11
everything 11:22
evidence 33:14, 38:5,
38:5
evidentiary 13:7,
27:22
exactly 21:1
example 21:13
exception 42:2
expository 18:1,
38:5, 38:5
Execute 25:11
executes 25:15
Executive 14:7
exists 38:3
extends 31:21
extent 29:18, 30:7
extremely 8:25, 29:19

F
face 15:23, 16:25
facts 13:22, 13:22,
17:21
failure 37:7
false 36:18, 36:20,
36:22, 36:22
February 4:2, 6:9,
6:12, 6:15, 7:15,
10:15, 45:10, 45:17
fight 18:6
figure 26:7
file 6:23, 7:25,
15:15, 17:21, 29:2,
29:10, 29:25
file-stamped 10:15
filed 4:8, 6:10, 6:12,
6:15, 6:16, 6:18,
7:14, 7:15, 7:15,
7:19, 8:12, 8:17,
8:19, 8:20, 10:24,
30:4, 30:11, 33:16
filing 15:19
finally 25:24, 32:22
financially 45:15
finding 21:18
findings 34:1, 35:22,
41:7
FINDINGS..... 3:18
fins 34:5
fingering 45:8
forward 8:3, 8:10,
8:16, 9:1, 9:19, 10:2,
10:12, 11:1, 15:25,
20:10, 36:23
Fox 2:11
Frank 32:4
fulfilled 15:10
Full 29:25, 30:20,
36:16
fully 30:8

G
gain 30:23
GANE 2:10
general 22:6
generalities 17:2
generating 32:6
gentlemen 7:14, 18:8
germane 10:3, 18:7
Giglio 3:21, 4:24,
5:1, 16:3, 16:9,
16:10, 16:12, 18:23,
18:24, 19:14, 19:22,

21:17, 22:1, 22:9,
22:24, 23:20, 25:6,
25:7, 25:21, 26:10,
26:11, 26:18, 26:22,
26:23, 26:24, 27:2,
27:17, 27:15, 27:23,
27:23, 31:23, 32:15,
32:25, 33:1, 33:5,
33:13, 34:6, 34:9,
35:5, 35:7, 35:9,
35:10, 35:24, 37:6,
37:11, 37:12, 37:17,
38:4, 38:11, 38:17,
38:18, 39:3, 39:5,
39:7, 43:2, 43:10,
43:19
giglio/brady 31:19
given 4:24, 5:13,
15:9, 23:23, 37:20,
43:2
gives 13:1, 15:16
goals 17:14, 17:15,
36:23
Government 31:21,
31:22
Grand 31:3
granted 11:18, 11:19,
34:4, 35:14
ground 9:11
groundwork 11:25
guilty 36:10, 37:2

H

handed 19:8, 19:10,
19:17, 23:18, 43:25
handing 42:17
handle 14:8
handout 34:10
hands 42:20
happen 17:12
happened 15:5, 24:23
happy 9:24
having 5:24, 10:25,
17:17, 38:22
Haynes 2:10, 4:17,
4:21, 4:25, 5:4, 5:7,
5:12, 5:21, 5:24, 6:3,
11:3, 39:4, 42:3
he's 27:12, 27:13,
37:22
heard 9:24, 22:24
hearing 5:11, 5:14,
5:25, 6:12, 9:8, 21:4,
31:8, 37:16, 38:3
hearing..... 3:5
held 18:19, 24:6,
44:21
helpful 11:11
hereby 45:7
Higgins 24:4, 24:7
hold 16:8, 39:15
honest 20:22
honor 4:17, 4:22, 5:8,
5:12, 5:17, 6:3, 6:18,
7:2, 7:12, 7:25, 8:5,
8:8, 8:17, 9:14,
10:11, 12:6, 12:9,
12:18, 13:11, 13:22,
14:17, 15:15, 15:23,
16:6, 17:17, 18:8,
19:17, 19:24, 19:24,
20:4, 20:6, 20:14,
20:19, 20:24, 21:20,
21:22, 29:2, 29:5,
28:23, 39:21, 39:25,
40:7, 40:15, 40:24,
41:6, 42:10, 42:13,
41:16, 41:19, 43:22,
42:10, 42:15, 42:17,
43:3, 43:14, 43:21,
43:23, 44:2, 44:7,
44:10, 44:12
honorable 45:10
honesty 8:24
however 18:15, 21:9,
22:15, 29:5, 36:17

I

idea 18:17
identical 10:20
impact 26:25, 34:5
implied 29:6
implied 16:5, 16:6
include 35:10
includes 36:3
inconsistencies 25:18
inconsistency 16:23,
34:7
indeed 38:25
independent 32:12,
34:24
independently 22:9
index..... 3:24
indicates 13:23
individual 14:15,
14:21, 16:7, 19:7,
22:4
individually 17:8,
17:9
infer 16:18
inferred 24:17

information 4:25,
5:13, 7:23, 10:4,
12:23, 13:13, 14:13,
17:14, 17:23, 18:19,
19:17, 21:10, 22:11,
26:8, 26:10, 26:12,
26:16, 26:19, 27:13,
34:25, 35:2, 36:18,
36:20
initial 27:5
inquired 39:1
island 27:14
interesting 11:4
interest 5:22, 10:24,
11:1, 27:24, 28:17,
29:21, 31:7, 31:16,
32:19, 32:22, 32:21,
34:22, 35:17, 35:20,
37:9
intended 45:15
interlocutory 40:11
interim 7:8, 7:10, 7:13
intervene 4:8, 4:9,
6:18, 6:11, 6:13,
6:15, 8:20, 11:14,
11:18, 11:21, 12:24,
12:25, 13:14, 13:20,
14:5, 15:21, 15:24,
27:6, 28:6, 28:10,
28:13, 30:1, 31:4,
32:21, 33:10, 34:3,
34:16, 35:13, 35:15,
35:16, 37:5
interviewed 11:23,
11:25, 35:17, 37:18,
38:9, 39:19, 40:8
intervene 30:19,
30:23, 31:2, 31:6
intervening 27:15
intervenor 7:1, 7:4,
37:23, 38:3, 42:14
intervenor's 3:21,
38:15
intervention 12:11,
12:14, 12:16, 12:16,
13:2, 14:2, 14:22,
27:16, 27:18, 28:8,
28:19, 30:4, 30:13,
30:16, 30:22, 31:6,
31:9, 31:16, 35:22,
38:23
interview 25:18
interviews 25:15
inturn 24:10
investigation 32:12,
32:13
invited 5:16
involved 12:17, 15:2,
19:11
involves 29:9
involving 25:8, 25:9,
25:11, 27:18
Iraqi 2:5, 5:18
Iraq's 26:3
issue 4:10, 6:9, 8:12,
9:16, 11:1, 11:4,
11:17, 11:17, 11:20,
12:1, 12:1, 12:14,
12:13, 15:1, 15:1,
16:24, 19:1, 19:15,
19:22, 20:16, 21:1,
21:6, 21:7, 21:10,
21:16, 25:1, 28:2,
29:14, 30:17, 30:9,
32:8, 32:18, 32:19,
32:22, 34:8, 34:20,
35:24, 39:13
issues 7:22, 8:3,
8:25, 10:9, 11:8,
11:13, 19:12, 20:2,
20:8, 21:4, 24:15,
34:14, 35:11, 37:1,
40:3
itself 13:2, 14:22,
17:4, 26:11, 44:6

J

Jennie 4:6, 4:16, 4:17
jeopardy 14:18, 15:7,
17:4, 17:11
job 27:11, 37:1
John 2:20, 3:10, 4:10,
19:2, 23:13, 23:22,
34:17
judge 5:6, 5:6, 8:21,
8:24, 9:11, 10:1,
13:16, 18:23, 19:3,
19:10, 19:11, 23:4,
23:23, 24:21, 29:1,
38:18, 38:25, 40:18,
42:7
Judge's 28:18
judicial 14:6, 21:18,
23:2, 27:12, 28:19
jurisdiction's 28:7
jury 31:3
justice 36:1, 36:2,
36:7, 36:10
juvenile 6:19, 7:17,
9:17, 10:24, 18:10,
19:9, 21:13, 25:8,
27:13, 27:18, 38:14,
40:12, 40:13

K

keeping 18:6
knowledge 23:15,
23:20, 23:25, 24:22
knows 41:1

L

label 16:20, 37:13,
43:8
labeled 34:6, 43:2,
43:19
labeling 19:13, 37:12
lack 21:18, 37:13
later 26:20
law 2:11, 2:16, 2:21,
12:13, 17:12, 28:5,
29:5, 32:12, 32:14,
33:3, 35:8, 35:18,
36:3, 36:11, 36:19,
37:2, 37:9, 37:25,
39:13
lawsuits 29:7
lawyers 18:5
lead 12:5
least 10:7, 23:9, 38:4
leave 39:17, 40:8
legal 7:8, 7:10, 7:12,
11:25, 29:20
legitimate 13:24
let's 4:11, 20:9
level 33:17
Lewis 2:21
lies 15:3
Likewise 7:3
Limine 14:10, 17:22
limited 4:7, 4:10,
4:19, 6:9, 9:13,
11:21, 12:22, 27:17,
31:5, 31:9, 31:13,
31:25, 35:23
litigation 31:17,
32:20
looking 17:1, 28:11
lose 18:17
loses 30:17, 33:4
lost 18:4

M

main 2:16, 10:7
makes 37:24
making 19:3, 22:4,
32:5, 37:17
Manager 29:10, 30:6
manilla 43:12
margin 34:38
material 5:1, 17:3,
18:16, 18:21, 18:22,
19:14, 23:9, 25:6,
25:7, 25:19, 25:21,
26:14, 26:18, 26:21,
26:22, 26:24, 27:2,
27:4, 27:7, 27:21,
27:23, 31:20, 31:23,
32:18, 33:13, 34:8,
34:13, 36:14, 37:9,
38:24, 42:18, 43:10
materials 4:23, 4:24,
12:1, 16:3, 16:8,
16:9, 16:20, 16:21,
17:20, 18:26, 19:23,
19:25, 21:17, 22:1,
23:14, 26:4, 26:14,
33:5, 33:11, 34:6,
34:7, 34:10, 34:12,
35:5, 35:9, 39:10,
35:25, 37:3, 37:6,
37:10, 37:11, 37:11,
37:13, 37:17, 37:19,
37:20, 38:4, 38:12,
39:7, 39:10, 39:15,
39:18, 40:4, 40:5,
43:2, 43:2, 43:13,
43:17, 43:20, 44:4
matter 4:7, 4:11,
5:22, 6:16, 6:19, 9:16,
10:24, 15:17, 15:22,
18:10, 20:13, 28:20,
44:13
matters 18:1, 38:2
MATTHEW 2:15
Mayes 33:7, 23:9
means 16:16, 16:21
mechanism 15:17,
22:15, 22:21
meeting 30:5
members 23:2
methodology 37:6
mind 16:16, 20:1
Mindie 45:6, 45:20
minor 28:9, 28:10,
28:11, 28:13, 27:19
misconduct 35:7, 35:8
Missouri 2:7
months 25:23
most 8:12
morning 8:21
motion 4:8, 4:9, 6:14,

K

7:14, 11:14, 11:16,
11:19, 15:15, 15:24,
27:5, 28:25, 31:3,
33:10, 34:9, 34:16,
35:13, 35:16, 37:5,
37:13
motions 6:10, 6:11,
6:12, 6:15, 8:20,
11:19, 14:10, 14:11,
15:14, 17:22, 17:22,
30:11
move 8:9, 15:25
muddles 14:6
muddy 14:23
municipal 29:17
municipality 29:17

N

nature 14:11, 17:24,
22:18, 31:5, 31:9,
34:8
necessarily 17:24,
21:9, 21:12, 22:15
necessary 6:7, 29:20,
37:4, 37:5
needed 15:21
needling 32:10
needs 7:23, 11:24,
31:18, 41:11
Neuens 2:20, 6:14,
6:18, 6:25, 7:2, 7:7,
7:18, 7:25, 8:8, 9:13,
10:11, 10:17, 10:18,
10:20, 25:4, 25:5,
25:13, 25:14, 25:16,
26:17, 32:23, 40:4,
40:7, 41:8, 41:10,
41:12, 41:13, 41:34,
41:16, 42:18, 42:21,
42:23, 42:24, 43:25,
44:2, 44:11
Neuens..... 3:10
Neuens..... 3:20
Nevertheless 35:9
Newspaper 26:2
nor 14:21, 15:13,
38:14, 39:3, 45:13,
45:15
notes 45:9
nothing 12:24, 13:1,
13:23, 14:22, 15:5,
15:6, 15:14, 15:16,
15:21, 30:13, 41:23,
43:14, 44:10

O

obfuscating 13:14
objecting 12:14,
12:15, 12:15
objection 8:15, 8:20,
10:6, 10:7, 10:14
obligation 15:10,
36:1, 36:24
obligations 15:11,
31:19, 32:1
observe 35:6
observing 5:21, 5:25
Obviously 12:14, 14:10
occur 23:13, 34:5,
36:25
occurred 42:3
odd 17:4
off-the-record 6:22
office 5:18, 13:8,
14:8, 17:8, 17:9,
17:10, 18:25, 19:13,
22:4, 22:14, 22:16,
22:8, 23:5, 23:11,
24:8, 24:10, 25:1,
29:3, 29:12, 29:22,
30:14, 32:3, 33:6,
33:7, 34:13, 35:3,
35:7, 39:24, 44:6,
48:19, 2:20, 7:13,
12:17, 15:2, 18:11,
18:12, 28:4, 28:6,
28:15, 29:10, 31:14,
31:17, 32:2, 32:4,
32:8, 32:17, 33:15,
36:4, 37:8, 40:22,
42:25
officers 32:5
official 29:7, 65:21
officials 29:6, 29:24
OK 29:16
Oklahoma 2:4, 2:7,
2:12, 2:17, 2:22, 3:7,
4:6, 4:11, 10:15,
13:7, 15:13, 27:17,
28:5, 28:5, 28:12,
28:14, 29:15, 36:4,
36:7, 36:8, 36:9,
36:15, 36:23, 38:24,
39:11, 41:21, 45:3,
48:7
on-the-record 4:5,
42:3, 42:7
ones 32:5, 39:16
onto 39:16
open 3:21, 31:7,
39:23, 42:11

P

P.24 29:16
packet 3:21, 21:17,
23:5, 42:14, 42:18,
42:20, 42:20, 43:20
packets 42:10
Palak 2:5, 8:19, 43:5,
43:7, 43:10
parameter 11:7, 36:11
parameters 3:5, 37:2,
39:10
parcel 13:20
partially 12:25
participating 4:19
participation 5:25
particular 11:4,
13:15, 18:7, 18:14,
18:22, 19:16, 20:14,
22:6, 22:7, 29:9,
33:15
parties 4:9, 9:7,
9:19, 11:2, 11:23,
11:28, 12:3, 20:5,
31:12, 34:22, 35:17,
37:18, 38:9, 40:8,
40:9, 42:2, 42:9,
45:13, 45:14
party 5:22, 5:25, 6:7,
30:19, 30:20, 30:24,
31:1, 34:24, 38:6,
39:19
pauses 24:13
pending 4:20, 4:21,
6:10
Pension 29:15
perhaps 18:17, 24:20
perked 38:2
permissive 35:22
personally 18:19,
23:9, 24:24
Petitioners 8:22,
12:20, 15:22
Petitioners/Inte 4:2
Petitioning 7:1, 7:4
phrase 34:18, 35:10
pick 9:24
pivotal 24:15
placed 43:7
places 34:11
pleading 8:11
pleadings 15:21
please 23:6
point 12:7, 13:11,
14:23, 15:14, 15:8,
15:8, 15:18, 16:1,
35:6
Police 2:20, 26:1,
26:2, 31:22, 32:1,
32:7, 32:8, 35:15
policy 14:15, 22:14,
22:16, 22:20, 22:20
positioned 36:6, 37:10
possession 31:21,
36:14, 44:5
possibilities 40:11
Post 45:10
power 29:20
powers 27:22, 28:1,
32:22, 33:8
previously 33:19
preference 9:20
Preliminary 5:10
prepare 41:9, 41:12
prepared 3:10, 10:4,
10:11, 12:2, 38:22,
38:23, 44:5
present 6:3, 11:3,
22:6, 34:5, 35:16,
42:2, 42:9
presented 11:10, 38:7,
43:11
press 30:23, 31:6
pressure 33:1, 33:2
pretend 34:10
previously 8:11
principle 21:8
prior 5:14, 19:20
privilege 30:25, 31:11
probably 10:2, 10:5
problem 8:25, 21:15,
32:7
problems 17:5, 19:14
proceed 11:9, 12:8
proceeding 18:10,
28:17, 28:20, 30:24,
40:2

Q

quash 31:4
questionable 35:9
quick 40:16
quite 30:18, 32:4

R

raised 32:23
raising 14:7
ratified 30:8
rationale 13:24
reading 17:1
ready 8:3, 9:7
real 15:3
really 15:18, 18:17,
38:1
reason 13:24, 13:25,
16:22
reasons 15:23
reassigned 4:7
reassignment 6:9
recap 6:8
receive 38:22
received 10:4, 10:21,
23:5, 26:9, 26:9
recently 30:3
recess 41:24, 42:1,
44:23
reconvening 42:8
record 4:13, 5:17,
6:8, 6:25, 40:12,
40:19, 41:3, 43:7,
43:28, 44:9
redacted 37:4
reduce 41:6
reference 7:21, 9:8
referenced 6:19, 30:14
referencen 7:20
reflect 40:19
regard 26:11
regarding 6:23, 32:16,
32:22
rehabilitate 36:25,
36:25
relative 45:12, 45:13
rendered 8:12
replete 12:22
replies 7:16, 7:17
Reply 6:16, 6:18,
7:19, 7:21, 8:1, 34:15
Reporter 45:6, 45:20,
45:21
Reporter..... 3:23
reporting 29:4
represent 4:17, 22:1,
24:7, 43:1, 44:4
representation 34:22,
34:23, 34:24
represented 37:10
representing 20:1
represents 19:1,
19:15, 34:13

reputation 27:11
request 11:2, 27:6,
28:1, 33:10
requested 33:6, 38:9
requesting 27:15
required 16:10, 26:17
requires 26:22
response 9:22, 31:1,
34:16
responsibility 13:12,
36:11
responsible 18:20
Retirement 29:16
review 32:25, 33:4,
33:6, 33:7, 33:11,
39:7
reviewed 7:15, 11:10,
12:2, 19:14, 38:6,
38:25, 39:16
rights 40:10
road 14:24
Rogers 2:6, 23:4, 45:4
ruled 27:25
rules 9:11, 13:4
ruling 7:24, 27:20,
27:22, 27:23, 28:21
rulings 11:24, 40:11
Runa 2:11
rung 27:9, 27:10
Runions 2:10, 4:6,
4:16, 4:17, 5:10, 6:1,
6:19, 7:20, 7:21, 8:1,
8:16, 9:19, 10:2,
10:12, 11:1, 11:3,
19:9, 19:18, 19:19,
21:13, 23:19, 35:25,
39:4, 40:9, 41:16,
42:8, 44:9

S

saying 18:3, 18:4,
18:24, 18:25, 19:13,
19:14, 43:14
scholar 29:4
scope 11:20
SGL 45:17
search 31:1
section 28:12
seek 34:24
seeking 27:6, 28:22,
31:15
seems 26:22
sense 32:18, 37:24
separate 11:24, 11:25,
12:1
separately 40:12
separation 27:22,
26:1, 32:22, 33:7
seriously 8:22
setout 11:7, 13:11
sets 3:8, 37:13
several 16:7
shorten 13:18
shorthand 45:5, 45:9,
45:20
shows 4:12, 11:3,
15:17, 25:4
shows 39:17
significant 32:8,
33:17
similar 7:16, 8:25,
10:7, 10:10, 10:23
similarity 7:22
similarly 37:14
simply 13:2, 14:13,
15:6, 20:9, 20:12,
33:5, 37:3
Singer 2:20, 3:10,
4:10, 6:11, 7:1, 7:20,
11:15, 19:2, 20:2,
20:16, 23:13, 23:22,
24:3, 24:10, 24:17,
25:14, 25:15, 28:4,
28:6, 28:16, 29:10,
31:14, 31:17, 32:2,
32:17, 34:4, 35:1,
36:2, 35:18, 37:14,
37:19, 37:20, 37:22,
37:24, 39:12, 39:19,
43:12
Singer's 21:19, 25:22,
27:1, 27:11, 34:17,
38:16
situated 11:16, 31:18,
37:15
situation 10:3, 12:25,
14:6, 14:24, 18:13,
35:5
situations 14:2
sixteen-year-old 25:9
slippery 30:15
slope 30:15
sole 27:12, 36:11
somebody 19:5
someone 12:23, 13:19,
19:9, 36:20, 39:17
somethings 20:13
somewhat 11:18, 13:18,
31:18
sounds 26:19
South 2:16
speak 22:22, 23:24,
24:3

speaks 12:13
specific 7:25
specifically 7:21,
30:5
split 8:2, 34:9
spoke 23:9, 24:10
sponsor 20:1
sponsored 36:4
sponsoring 14:13
sponsorship 35:18
as 45:3
standing 11:20, 31:2,
32:16, 32:18, 32:19,
35:18
stands 16:4
State 2:4, 3:7, 3:21,
4:6, 4:11, 7:14, 8:15,
8:20, 10:14, 12:5,
13:7, 15:13, 18:2,
25:1, 27:3, 27:20,
27:25, 29:15, 31:8,
31:11, 32:18, 36:4,
36:7, 36:8, 36:9,
36:23, 38:11, 38:24,
39:2, 39:8, 39:10,
39:11, 41:21, 44:10,
45:3, 45:7
State's 28:1, 34:16,
36:20
stated 13:23
status 38:2, 38:11
Statute 12:18, 28:5,
28:12
Staidley 5:6
step 19:4
steps 29:20
Street 2:7
subject 21:17, 37:10
submitted 7:17, 26:10
subpoena 26:8, 31:4
subpoenas 25:16, 31:1
subset 26:11
substance 7:16
sufficient 7:22, 32:31
suggests 33:3
suite 2:16, 2:21
sum 7:15
Sunday 25:8, 25:14,
25:20
Supplemental 34:15
support 31:10
supported 15:15
suppose 40:10
suppress 14:11
Supreme 16:12, 29:14,
32:20
surely 8:18, 8:19
sustained 30:3

T

taken 15:6
talks 15:21
Team 23:2
telling 20:15
tan 41:12
tarns 16:23
tasted 21:23, 21:24
testimony 21:19,
26:12, 36:22
thank 5:20, 25:3,
25:5, 26:23, 28:24,
33:21, 33:22, 40:7,
41:13, 42:24, 44:2,
44:11
themselves 37:12
Thereafter 42:1
Therefore 14:22, 18:3,
18:13
they're 9:4
thing 31:10, 40:16
Third 4:9
thirty 40:9
threshold 11:17
tied 37:23
timeline 24:8
TIMOTHY 2:4
Titla 28:11
today 5:18, 5:23,
6:13, 8:3, 8:16, 9:18,
10:24, 11:8, 12:2,
12:3, 34:21, 36:1,
35:22, 35:24, 37:5,
37:16, 37:19, 38:8,
39:4, 39:9, 39:20,
40:2, 40:11, 40:21,
41:7
today's 6:7, 38:3
top 43:12
transcript 18:10,
38:22
transcription 45:8
trick 20:18
tried 26:7
true 45:8
truly 27:15, 25:21,
27:23
truth 18:18
Tulan 2:17, 2:22,
23:15
turnout 14:24
tuss 17:6, 17:25,
18:15, 21:10, 22:15
tusses 25:19, 25:23,

25:24, 25:24, 26:5,
26:7, 26:20, 27:8,
27:9
turning 27:3
turnover 13:13, 14:14,
17:23, 20:10
Twelfth 23:2
twice 9:9
type 12:15, 14:2
types 30:22

U

U.S 16:12, 25:25
Uh-huh 16:11
underage 22:17
understand 24:9, 39:2
unique 36:11
uniquely 36:6
unless 17:20
unsolicited 26:15
untruthful 33:15
untruthfulness 33:14
untypical 12:12
upon 10:3, 13:4, 15:3,
22:11, 25:22, 27:17,
33:10, 36:22, 39:12
using 16:23
usually 11:6

V

verses 9:17
versus 13:6
vatted 33:18
victim 22:17, 25:13
victim's 27:4
violation 27:21
voted 30:4

W

waived 5:10
wanted 9:4, 24:16,
41:2
Wantland 2:4, 4:13,
4:14, 5:8, 5:10, 5:13,
8:15, 8:17, 8:19, 9:3,
9:5, 9:10, 10:1, 12:6,
12:8, 12:9, 16:2,
16:6, 16:11, 16:14,
16:17, 16:18, 16:21,
19:3, 19:7, 19:11,
19:16, 19:19, 19:24,
20:4, 20:6, 20:8,
20:18, 20:21, 20:23,
21:20, 21:22, 21:24,
22:2, 22:6, 22:11,
22:14, 23:4, 23:15,
23:23, 24:1, 24:3,
24:9, 24:13, 24:19,
24:21, 25:2, 30:14,
39:20, 39:21, 39:24,
40:15, 40:17, 40:18,
40:24, 41:1, 41:6,
41:20, 41:22, 42:10,
42:13, 42:15, 42:17,
42:20, 42:25, 43:3,
43:5, 43:9, 43:13,
43:16, 43:18, 43:21,
43:23, 44:4, 44:7,
44:10
Wantland)..... 3:7
wants 31:10
warrant 31:1
waters 14:23
ways 10:25, 28:12
We'll 39:23
we're 9:2, 10:11,
12:14, 12:16, 13:17,
14:2, 14:12, 15:18,
26:7, 27:5, 27:10,
28:20, 28:20, 28:21,
31:15, 31:25, 32:10,
34:21, 40:20
week 5:14
whatever 16:22
whenever 5:14
whether 11:17, 26:21,
27:7, 27:21, 27:23,
36:19, 37:11, 37:17
whole 12:24
willing 32:9
Wilson 7:7, 7:10, 7:11
win 18:17
wish 12:3, 13:3
within 35:23, 36:10,
36:14, 37:2, 38:2,
45:6
witness 19:2, 25:15,
26:13, 31:3, 31:10,
34:6, 34:8, 34:14,
36:19, 39:14, 45:17
witnesses 13:25, 36:3,
36:25
writing 43:8
written 34:18, 41:7,
41:11
wrong 25:12
wrongdoing 32:15

Y

Yeah 24:1, 43:13
yet' 6:16, 26:9, 29:14,
38:23

State's Exhibit
"C"

Iski, David

From: Steidley, Janice
Sent: Thursday, February 28, 2013 3:13 PM
To: Iski, David
Subject: FW: RE: Sunday Case

From: Steidley, Janice
Sent: Thursday, August 25, 2011 7:18 PM
To: Lahmeyer, Kathy
Subject: Fwd: RE: Sunday Case

Just for your fyi.

Sent from my U.S. Cellular® Android phone
Will Do, is Friday OK

Lt. C. A. Goad III
Claremore Police Department
918-341-1212

From: Steidley, Janice [<mailto:Janice.Steidley@dac.state.ok.us>]
Sent: Thursday, August 25, 2011 5:13 PM
To: Chuck Goad
Subject: Sunday Case

Chuck:

I texted John yesterday about getting the texts that he had gotten from the Sunday case, I told him I needed the additional information today. I haven't heard a reply back nor have I received this information. I verbally spoke to John August 22, 2011 and he stated he had them – but we hadn't received them.

Within the report it was stated an interrogation was done of the suspect but a video was not included. We passed the Initial Appearance because my office wanted to review the interrogation of the suspect.

Before we file a case we want to review all evidence, which is at our disposal. The initial appearance is set for this coming Wednesday, Singer told me there were approx. 400 pages of texts – we want to review this prior to filing.

Can you please get this for us – and whatever other evidence comes in to make sure it gets to us without us having to request it.

Thank you for your prompt attention. Kathy Lahmeyer is handling the case and the evidence can be dropped off with Kim Donelson.

Janice Steidley
District Attorney
District 12

**State's Exhibit
"D"**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CASE NO. 10-CR-50-JHP
)
 GRANT ANDREW STOUT,)
)
 Defendant.)

TRANSCRIPT OF PROCEEDINGS
WEDNESDAY, JUNE 9, 2010
BEFORE THE HONORABLE FRANK H. MCCARTHY
MAGISTRATE JUDGE PRESIDING

MOTION HEARING

A P P E A R A N C E S

FOR THE PLAINTIFF: MS. JANET SUE REINCKE
Asst. United States Attorney
110 West 7th Street, Suite 300
Tulsa, OK 74119-1013

FOR THE DEFENDANT: MR. MARK D. LYONS
LYONS & CLARK, INC.
616 S. Main
Suite 201
Tulsa, OK 74119

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX

PLAINTIFF'S WITNESSES:

JOHN SINGER

DIRECT (By Ms. Reincke)	7
CROSS (By Mr. Lyons)	20
REDIRECT (By Ms. Reincke)	34
Witness Excused	35

STEVE COX

DIRECT (By Ms. Reincke)	36
CROSS (By Mr. Lyons)	43
REDIRECT (By Ms. Reincke)	64
Witness Excused	69

1 PROCEEDINGS:

2 -----

3 (THE FOLLOWING PROCEEDINGS WERE HAD IN THE COURT'S
4 CONFERENCE ROOM:)

5 THE DEPUTY COURT CLERK: This is case number 10-CR-
6 50-JHP, United States of America vs. Grant Stout.

7 Counsel, please enter your appearance for the record.

8 MS. REINCKE: Jan Reincke for the United States.

9 MR. LYONS: Mark Lyons on behalf of Mr. Stout.

10 THE COURT: All right. Last week we had a sealed
11 hearing concerning the government's ex parte notification of
12 potential impeachment testimony and I allowed the defense to
13 submit a response to it. The defense has now submitted that
14 response, I've read it, and I'm prepared to make a ruling,
15 unless the lawyers feel that there's some compelling need for
16 further argument.

17 MS. REINCKE: Not from the government, Your Honor.

18 MR. LYONS: No, Your Honor.

19 THE COURT: All right. Based upon the government's
20 notification, the court perceives that there's two issues that
21 are presented. The first issue is whether or not there's
22 information that should be disclosed to the defense under Brady
23 or Giglio. The second issue to be decided is if it is
24 disclosed, if the information is disclosed to the defense, may
25 the defense cross-examine the witness concerning that

1 information?

2 Concerning the first issue, the court declined to decide
3 the Brady/Giglio issue in an ex parte fashion and suggested to
4 the government that some procedure be implemented that would
5 provide the defense with some level of notice and an
6 opportunity to be heard.

7 I anticipated that the government might suggest some form
8 of generic notice to the defense of the general nature of the
9 potential Brady/Giglio information. Instead, the government
10 provided the information in the notification to the defense
11 attorney at a sealed hearing and requested and obtained a
12 protective order against defense counsel's disclosure of that
13 information pending a decision by the court.

14 The court finds that the information should be disclosed
15 under Brady and Giglio. The information is favorable to the
16 defendant because it is impeaching evidence of a central
17 government witness. The information is material to the issues
18 regarding the legality of the search.

19 The court is specifically not addressing whether or not
20 this information would be material to the guilt or innocence
21 issue if this case goes to trial. The information is directly
22 relevant to the central government witness's credibility. The
23 witness was the affiant on the application for the search
24 warrant and he was the lead investigator in this
25 investigation. Without this information being disclosed, it

1 would undermine the court's confidence in the accuracy of the
2 ruling on the motion to suppress.

3 Based upon all of those factors, the court will order that
4 the information is, in fact, Brady/Giglio material that should
5 be disclosed to the defense, and has, in fact, been disclosed
6 to the defense, and that the defense be given the opportunity
7 to utilize that information for the purposes of this motion
8 hearing. Therefore, the protective order that was previously
9 entered is dissolved.

10 In the response, the defense sought an opportunity to take
11 the deposition of the officer. No authority is cited for that
12 proposition and that proposition will be denied.

13 The second issue that's presented by the notification is
14 whether or not this information should be allowed to be used by
15 the defense at the hearing, and the court finds that it should
16 be allowed to be used under 608(b). Once again, the
17 information is directly probative of the truthfulness or
18 untruthfulness of the witness. The witness's testimony is
19 relevant to the issues of the legality of the search. And
20 although the information is ten years old, because it is so
21 directly relevant to his truthfulness or untruthfulness, I
22 think that the balance tips in favor of allowing the defense to
23 inquire on cross-examination under Rule 608 concerning this
24 area.

25 Finally, the court has considered the factors under Rule

1 403 and those factors do not in any way militate toward not
2 allowing this examination in the context of a motion hearing.

3 All right. That's the rulings on all of the -- on the
4 notification issues. Are we ready to proceed with the
5 suppression hearing?

6 MS. REINCKE: Yes, Your Honor.

7 MR. LYONS: Yes, Your Honor.

8 THE COURT: All right. I'll see you out there in a
9 few minutes.

10 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT:)

11 THE DEPUTY COURT CLERK: This is case number 10-CR-
12 50-JHP, United States of America vs. Grant Stout.

13 Counsel, enter your appearance for the record.

14 MS. REINCKE: Good afternoon, Your Honor. Jan Reincke
15 for the United States.

16 MR. LYONS: Mark Lyons on behalf of Mr. Stout.

17 THE COURT: All right. We're here for a hearing on
18 the defendant's motion to quash statements and evidence due to
19 illegal arrest. Is the government prepared to proceed?

20 MS. REINCKE: The government is ready, Your Honor. We
21 have two witnesses and we would ask for the rule on witnesses.

22 THE COURT: Is the defense ready to proceed?

23 MR. LYONS: The defense is, your Honor.

24 THE COURT: All right. The government has asked for
25 the rule. Mr. Lyons, do you have any witnesses that you

JOHN SINGER - DIRECT (By Ms. Reincke)

7

1 anticipate calling?

2 MR. LYONS: I do not, Your Honor.

3 THE COURT: All right. The government can call their
4 first witness.

5 MS. REINCKE: The government calls John Singer.

6 THE COURT: Very well.

7 (WITNESS SWORN)

8 **JOHN SINGER,**

9 being first duly sworn to testify the truth, the whole truth,
10 and nothing but the truth, testified as follows:

11 **DIRECT EXAMINATION**

12 BY MS. REINCKE:

13 Q. Would you please state your name for the court, and spell
14 your last name for the record.

15 A. John Singer. S-I-N-G-E-R.

16 Q. How are you employed?

17 A. I'm a police officer for the City of Claremore.

18 Q. How long have you been with the City of Claremore?

19 A. Since 1999.

20 Q. Do you recall when in 1999?

21 A. The summer.

22 Q. And what type of training and experience have you had in
23 connection with the service of search warrants, federal
24 firearms laws, federal drug trafficking laws?

25 A. I've spent the majority of my time enforcing state and

JOHN SINGER - DIRECT (By Ms. Reincke)

8

1 federal firearms and drug laws, to include I'm a graduate of
2 the Drug Enforcement Administration's Investigator Academy and
3 the Oklahoma Bureau of Narcotics' Investigator Academy, and
4 have authored and executed more than 250 search warrants, a
5 vast majority of those relating to guns and drugs.

6 Q. Officer Singer, in 1999, 2000, were you on probation with
7 the Claremore Police Department?

8 A. Until mid 2001.

9 Q. All right. So it was a period of --

10 A. A year after academy graduation.

11 Q. Okay. Did you have an occasion to be involved in an
12 accident with your car?

13 A. More than once.

14 Q. And the second time, what happened?

15 A. I rear-ended another police car causing damage to my own.

16 Q. How much damage?

17 A. It creased the front clip.

18 Q. What did you do?

19 A. Lied to my supervisor, failed to disclose that I had hit
20 another police car for fear of losing my job, and instead
21 claimed that I had hit a deer.

22 Q. And what did you do to support that?

23 A. Put the hair from a deer in the grill in case it had been
24 examined.

25 Q. And did you file any written reports?

JOHN SINGER - DIRECT (By Ms. Reincke)

9

1 A. No.

2 Q. What happened to the damaged car?

3 A. It was sent to our city shop for repair.

4 Q. Was an insurance claim filed?

5 A. Not that I'm aware of.

6 Q. Did you ever fill out any paperwork in which you put down
7 false statements concerning what happened?

8 A. No.

9 Q. Have you lied during the rest of your career in any kind of
10 case that you've been involved with?

11 A. No.

12 Q. Have you intentionally ever filled out any false report in
13 any type of case in which you've been involved with?

14 A. No.

15 Q. Have you ever provided false testimony while you were under
16 oath, either in state court or in federal court?

17 A. Never.

18 Q. Have you ever testified falsely before a federal grand
19 jury?

20 A. No.

21 Q. Is this the only time in your career as a police officer
22 that you have lied to a superior?

23 A. That I can recall, yes.

24 Q. Directing your attention to March 21st of this year, did
25 you have occasion to find out some information about Grant

State's Exhibit
"E"

Go

STAN BROWN
CHIEF OF POLICE

CITY OF CLAREMORE
POLICE DEPARTMENT
200 W. FIRST ST. • CLAREMORE, OK 74017
(918) 341-1212 • FAX (918) 341-1643

CHARLES DOWNUM
ASSISTANT CHIEF

Friday, February 22, 2013

Media Release: John Singer Alleged *Giglio* Action and Court Hearing
From: Stan Brown, Chief of Police

We appreciate the court's review of this matter. The ruling today means there has been no finding that Det. Singer committed any act of dishonesty or acted in any way improperly. While this matter was pending, the City requested a review of Det. Singer's actions from a senior officer in an independent police department outside of Rogers County. We received that report this week and Det. Singer was completely exonerated from any wrongdoing. In fact, the management-level officer concluded as follows regarding Det. Singer's investigation that was called into question by the D.A.'s office: "Having read and approved thousands of reports during the course of my career, I am comfortable in saying this was a very thorough report and a competent and complete investigation. I do not find any more that Detective Singer could have done and it is my belief that his affidavit certainly met the standard of probable cause." This is the same conclusion that the Claremore Police Department previously reached independently.

In addition, the D.A.'s office initially alleged that this was a career-ending act, but an assistant district attorney has now acknowledged in open court that they do not have a problem with Det. Singer's credibility. From the court's ruling and the D.A.'s perplexing retreat from their hard-line position, it is clear that we would not be here if not for the mishandling of this matter by the D.A.'s office. We have now been provided access to all materials in the possession of the D.A.'s office regarding Det. Singer and no new revelations have been made and the City's position is unchanged.

Det. Singer was previously asked to not undertake any new investigations while this process played out. With today's ruling, there is no decision pending and any restrictions on Det. Singer's investigative activities are hereby lifted. Det. Singer is fully authorized to do the job for which he was hired -- to investigate criminal activity and to work to keep our citizens safe. The City has full confidence in his ability to do so.

Poll

The U. S. Post Office has announced it will end mail delivery on Saturdays. Do you agree or disagree?

- Yes
 No