

SEP 05 2008

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by

Deputy



ELEVENTH MULTICOUNTY GRAND JURY

FINAL REPORT

**IN THE SUPREME COURT OF THE STATE OF OKLAHOMA
IN THE DISTRICT COURT OF OKLAHOMA COUNTY, OKLAHOMA**

IN RE: ELEVENTH MULTICOUNTY) SCAD -06-103
 GRAND JURY)
) District Court No. CJ-07-202

FINAL REPORT

We, the undersigned members of the State of Oklahoma's Eleventh Multicounty Grand Jury, having been duly empaneled on the 20th day of February 2007, upon the verified application of the Attorney General of the State of Oklahoma and by order of the Supreme Court of the State of Oklahoma dated 9th day of January, 2007, and pursuant to provisions of the Constitution and Statutes of the State of Oklahoma, OKLA. CONST. Art. II, § 18 and 22 O.S.1991 §§ 350 *et seq.*, have been charged with the responsibility of investigating in all seventy-seven (77) counties of the State, alleged public offenses against the State of Oklahoma, to include murder, rape, bribery, extortion, arson, perjury, fraud, embezzlement, violations of the Uniform Controlled Dangerous Substances Act, organized crime, public corruption, securities violations, and crimes involving the sale or purchase of goods or services by state and local subdivisions. We have met and faithfully investigated allegations of criminal conduct within these enumerated areas over the last nineteen (19) months.

The Eleventh Multicounty Grand Jury, sitting in Oklahoma City, Oklahoma County, Oklahoma, at its principal meeting place, having met for forty-one (41) days over fourteen (14) sessions, and having issued two thousand four hundred and ninety seven (2,497) subpoenas and having entertained one-hundred and forty-five (145) witness appearances, and having, in a fair and impartial manner, duly considered all such testimony and exhibits to the best of our ability and understanding, with due regard to the Court's instructions, and having heretofore, after due deliberation, voted according to law, submits to this Honorable Court its Final Report as follows:

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I. BACKGROUND

During this term, the Eleventh Multicounty Grand Jury has extensively used its statutory powers to investigate various types of alleged criminal activity throughout the State. Ever mindful of the protection of individual rights under the Constitutions of the United States of America and the State of Oklahoma, it has become very apparent to us that the power to subpoena documents, records and other evidence, compel the attendance and testimony of witnesses under oath, and investigate allegations unrestrained by county boundaries are extremely effective weapons to combat the far-reaching crimes for which the Multicounty Grand Jury was created. The power to compel testimony has enabled the Multicounty Grand Jury to obtain the testimony of reluctant witnesses whose vital information would not likely have been obtained in any other circumstance apart from the Multicounty Grand Jury process. The authority to subpoena records of bank accounts, telephone subscriber information and toll logs, and other financial data and business records has been pivotal in discovering and documenting criminal activity throughout the State without prematurely alerting those under investigation and giving them the opportunity to dispose of evidence, change their method of operation or otherwise hinder lawful investigations.

The grand jury process is critical to a free citizenry in a representative republic such as ours. The Multicounty Grand Jury is composed of ordinary citizens from our State. The grand jury process ensures that no government agency, power, or person will unjustly or unfairly accuse or incriminate another citizen or public official without due process. It is important that no person, either governing or governed, be subjected to unfair or unjust accusation without access to a court of competent jurisdiction in which to meet his or her accusers. The Multicounty Grand Jury does not decide guilt or innocence but rather, determines whether or not there is sufficient evidence which, if unexplained

or uncontradicted and presented in court to a jury of one's peers, would prove the defendant's guilt beyond a reasonable doubt and result in a conviction. When there is sufficient evidence of both type and quality, the grand jury's responsibility is to bring an indictment, or accusation of crime, so that the State may require the indicted to face his accusers and stand trial. We have worked diligently and believe we have fulfilled our responsibility to the best of our ability in this regard. The necessity and effectiveness of the Multicounty Grand Jury have been demonstrated by the assistance this body has rendered to the numerous federal, state and local law enforcement agencies investigating crimes within this body's jurisdiction. Again, most law enforcement agencies, either by manpower, resources and/or authority, do not have the tools available to them that the Multicounty Grand Jury brings to the investigative table. The Multicounty Grand Jury made a significant difference in many investigations.

The Multicounty Grand Jury has employed its powers to investigate a variety of crimes. These include: Racketeering; Embezzlement by Public Official; Embezzlement; Uttering of Forged Instruments; Perjury; Controlled Dangerous Substance violations; Conspiracy Against the State; Sexual Assault; Fraud; Workers' Compensation Fraud; Medicaid Fraud; False, Fictitious or Fraudulent Claims Against the State; Pandering; Adoption Fraud; Obstruction of Justice; Violation of the Computer Crimes Act; Larceny; Official Misconduct; Environmental Crimes; and Making a False and Fraudulent Claim to the State. In the investigation of the above-referenced crimes, the Multicounty Grand Jury has assisted one hundred and twenty seven (127) local, state and federal law enforcement agencies or departments as set out in "*Appendix I*" marked and attached hereto.

II.

GENERAL DESCRIPTION OF ACTIONS TAKEN

This Multicounty Grand Jury, during the course of its investigation, returned nine (9) indictments charging a total of sixteen (16) individuals and one (1) ouster. In numerous instances, the Multicounty Grand Jury directly assisted District Attorneys including David Prater, Christopher Ross, Richard Smotherman, Craig Ladd and Thomas Guilioli among others, in their pursuit of criminal investigations. The Multicounty Grand Jury also worked closely with numerous Assistant District Attorneys. Part of the assistance the Multicounty Grand Jury provided was in the investigations of various alleged homicides and a number of "cold cases". There were numerous matters in which the assistance of the Grand Jury was sought and, accordingly, we were able to question numerous witnesses. By obtaining testimony, the respective District Attorneys and local law enforcement agencies were able to eliminate individuals as potential suspects, strengthen their investigations, make charging decisions and/or further pursue leads resulting from testimony.

As previously noted, the Eleventh Multicounty Grand Jury assisted many state agencies. Further, the Eleventh Multicounty Grand Jury has partnered with federal law enforcement in matters which were either completed by the Eleventh Multicounty Grand Jury or otherwise pursued through proper channels within the federal system.

III.

PARTICULAR AREAS OF INVESTIGATION

We do not find it necessary to use this report to address each and every investigation covered by the Eleventh Multicounty Grand Jury. This report details areas which we believe are worthy of specific mention as follows:

A. D & E Pharmaceuticals / Eric Organ

In the early 2000's, Oklahoma, like many other states, experienced an epidemic in the number of methamphetamine (meth) clandestine laboratories operating throughout the state. As general principles of economics would dictate, there was a high number of meth labs and an inordinate number of meth users. In order to address the meth problem head-on, Oklahoma led the nation in what was considered by most as aggressive legislation created to combat production of methamphetamine by passing new legislation in 2003.

The 2003 law targets the sale of cold medicines containing the active ingredient pseudoephedrine from which ephedrine can be derived and requires strict regulation of sales. As a result of the 2003 legislation, many products containing pseudo-ephedrine are no longer available at grocery stores, convenient stores and gas stations. The 2003 law established the requirement that the regulated products be moved behind pharmacy counters and also established the requirement that consumers show photo identification and sign a registry showing where and how much of the regulated products they bought. The law has had its intended impact on methamphetamine users and producers. However, the grand jury's investigation of Eric Organ reveals an example of how those who desire to avoid or violate the law find a way to do so even as new laws are being created.

From this investigation, the grand jury returned one (1) Indictment containing twenty-one (21) felony counts alleging as follows: Conspiracy, *21 O.S. 2001, § 424* [Count 1], Selling Products Used as Precursor in Manufacture of Methamphetamine, *Title 63 O.S. § 2-333 (A)* [Counts 2-8], Distribution of Controlled Dangerous Substance Title 63 O.S. *§ 2-401 et seq.* [Counts 9-20], and Racketeering, *22 O.S. 2001 Section 1403* [Count 21].

The grand jury assisted the Drug Enforcement Administration (DEA) in this investigation.

The investigation disclosed that the named defendant, Eric Organ, as the owner and operator of D & E Pharmaceuticals, d/b/a Bolt Energy (D & E) with its principal place of business located in Bloomingdale, New Jersey, used his business to distribute bulk quantities of products containing pseudoephedrine and ephedrine a schedule IV controlled dangerous substance in the State of Oklahoma. The grand jury learned that the referenced business was not licensed to do business in the State of Oklahoma. As well, the grand jury's investigation revealed that the defendant and D & E neglected to follow various laws and regulatory guidelines governing the distribution of the referenced products. In that regard, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control (OBN) is a state agency charged by law with the regulation and licensing of all wholesalers, retailers and other persons who sell, transfer or otherwise furnish any precursor substance defined in subsection 4 of Title 63 O.S. 2-322 in the State of Oklahoma. OBN is responsible for issuing licenses and/or permits to persons or businesses approved to sell, manufacture, transfer or otherwise furnish various precursors including but not limited to ephedrine, its salts, optical isomers and salts of optical isomers and/or pseudoephedrine, its salts, optical isomers and salts of optical isomers. All transactions involving the sale or transfer of the referenced products should have been properly documented and reported to OBN as the regulatory agency as well as to DEA.

The defendant completed numerous transactions involving bulk quantities of ephedrine and/or pseudoephedrine via mail order and internet sales to individuals and businesses in the State of Oklahoma. The quantities were not reported to regulatory authorities and far exceeded the quantities necessary for any legitimate purposes. For example, the defendant sold *bulk* quantities over the course of twenty-two (22) months as follows:

- A. 244, 704 ephedrine tablets to the owners of a local country store and diner located in

- Stidham, Oklahoma. Stidham has a population of 23;
- B. 82,944 ephedrine tablets to the owners of a general store located in Council Hill, Oklahoma. The population of Council Hill is 129;
 - C. 82,944 ephedrine tablets to the owners of a general store located in Leonard, Oklahoma. The population of Leonard is unknown;
 - D. 172,800 ephedrine tablets to the owners of a convenience store located in Kansas, Oklahoma. Kansas, Oklahoma has a population of 685;
 - E. 62,208 ephedrine tablets to the owners of a gas station located in Pharaoh, Oklahoma. Pharaoh has a population of 75;

The grand jury's investigation revealed numerous other examples similar to those set out above. The defendant's customer base for the State of Oklahoma included dozens of individuals as well as small establishments located in rural communities where the meth problem has been the most challenging to combat. The grand jury was privy to statistics reflecting the sale of similar products during the same period of time by the Wal-Mart Supercenter and Walgreens located in Norman, Oklahoma where the population is approximately 102,800 (full-time residents). Wal-Mart and Walgreens total sales during the relevant period of time represent less than .05% of the number of tablets sold by the defendant to each of the establishments referenced above. The defendant's mail order business and others like it have become a way to escape the regulation otherwise required by Oklahoma law. Any one of the sales made by the defendant to private individuals or small businesses in Oklahoma exceeds reasonable limits for any legitimate use of the products sold by the defendant. The defendant's distribution is an example of another area in need of strict regulation on either the state or federal level.

**B. Illegal and Fraudulent Circulation of Initiative Petition No. 379
Regarding the Taxpayer Bill of Rights (TABOR)**

From this investigation, the grand jury returned one (1) Indictment containing two (2) felony counts alleging as follows: Conspiracy to Defraud the State, *21 O.S. § 424* and Filing a False, Fraudulent and Fictitious Initiative Petition, *34 O.S. § 23*. The defendants charged in the grand jury's Indictment include Richard Merrill Carpenter, Susan Johnson and Paul Jacob. Richard Merrill Carpenter of Oklahomans In Action, Paul Jacob of Citizens In Charge and Susan Johnson of National Voters Outreach knowingly, willfully, fraudulently and feloniously caused to be filed initiative petitions knowing the same to be falsely made. The grand jury learned that Oklahomans In Action was formed for the specific purpose of forwarding Initiative Petition No. 379, State Question 726 commonly known as TABOR, an acronym for Taxpayer Bill of Rights, a measure which sought to amend Art. 10 §23 of the Oklahoma Constitution setting limits on the growth of state spending and requiring any surplus funds to be placed in a constitutional emergency fund. Defendant Carpenter was an officer for Oklahomans In Action during the relevant time and was the named proponent of the initiative petition.

The grand jury learned that on September 29, 2005, defendant Carpenter filed Initiative Petition No. 379 with the Oklahoma Secretary of State and, therefore commencing the running of ninety (90) days during which signatures must be gathered. On or about December 19, 2005, the referenced ninety (90) day period would expire and the proponent was required to submit at least 219,564 signatures in support of the initiative petition.

Defendant Johnson is the head of National Voters Outreach, a Nevada corporation, which is

the entity responsible for the circulation and signature collection process in support of the TABOR petition. In consideration for Johnson's effort to obtain signatures through circulators, many of which were out-of-state circulators, National Voter Outreach was paid by and through defendants Carpenter and Jacob for signatures gathered in support of the TABOR petition.

During the relevant ninety (90) day period, the defendants hired and used out-of-state residents to circulate the herein referenced citizen initiative petition and to gather signatures. During the grand jury's investigation, invoices relating to out-of-state circulators were generated by National Voter Outreach indicate that out-of-state circulators were paid between approximately \$1.50 and \$1.75 per signature, that individual managers throughout the state had the option of paying circulators under their supervision at higher rates and exercised such discretion at various times during the circulation period.

Oklahoma law requires that each circulator provide an oath affirming that the signatures offered in support of the petition are true and correct signatures. Circulators must swear that the individual listed on the petition sheet signed the petition in their presence. Furthermore, each time the circulator executes the verification of signatures, the individual also affirms to being a qualified elector of the State of Oklahoma and provides a post office address. Nothing less than an accurate address for the circulator will constitute substantial compliance with the statutory requirement of providing a post office address.

At the end of the ninety (90) day period used to circulate an initiative petition, signatures gathered in support of the petition must be submitted for verification to the Secretary of State for the

State of Oklahoma. As part of the verification process, the Secretary of State certifies that only registered voters have signed the petition, among other things.

The grand jury's investigation revealed many instances when out-of-state circulators were issued form 1099s for tax purposes for their circulation of the TABOR petition. Said 1099s were mailed to the out-of-state circulators' true residence beyond the State of Oklahoma. The referenced defendants provided payment of signatures collected during the TABOR drive. All of these facts when viewed collectively by the grand jury assisted the grand jury in determining that the defendants brought circulators into the State of Oklahoma specifically for the purpose of circulating the TABOR petition and for no other reason. Said out-of-state circulators, in multiple instances, signed a certificate to verify by sworn testimony that the circulator is a qualified elector - that being a United States citizen over the age of 18 and a bona-fide Oklahoma resident. Further during the circulation period, the defendants corruptly and deceitfully devised and carried out a plan to gather the requisite number of signatures at whatever cost with total disregard as to legal requirements governing initiative petitions. The defendants defrauded the State of Oklahoma by impairing, obstructing or defeating the function of the Secretary of State as it relates to verification of signatures submitted in support of law as set out in Title 34 Okla. Stat. § 3.1 and Article III § 1 of the Oklahoma Constitution. Furthermore, by enlisting and employing out of state residents to come into the State of Oklahoma for the specific purpose of circulating petitions and gathering signatures in support of the TABOR initiative the defendants defeated their cause and defrauded citizens within Oklahoma who legitimately support TABOR.

Oklahoma law regarding who may circulate an initiative petition could not be more simple, straight forward and free from doubt as to what is required. We find the defendants' actions

extreme. In their violation of State law regarding circulation of initiative petitions, the defendants exhibited intense devotion to a particular "cause". This grand jury's review of the evidence and ultimate decision could not have been further removed from supporting a particular "cause" or position regarding TABOR. This grand jury never allowed its investigation to focus on the political issues concerning TABOR. In fact, it is fair to say that members of the grand jury fall on either side of the "TABOR" debate. However, it was our job to review evidence as it relates to the laws governing circulation of initiative petitions. This grand jury considers the defendants' illegal use of out of state circulators an effort to import democracy. The defendants' illegal conduct resulted in an infringement upon the rights of all Oklahomans. This grand jury is not concerned with what some may characterize as fanatical conduct. The grand jury does point out that the defendants allowed their enthusiasm to erupt into intentional and willful acts in blatant violation of Oklahoma law. Unless and until the law is changed regarding who may circulate an initiative petition any and all individuals who violate Oklahoma's legal requirements should be held accountable with no respect to person, political affiliation or the nature of the cause.

C. Kiamichi Technology Center

We are the second Multicounty Grand Jury to investigate criminal misuse of public property belonging the Kiamichi Technology Center School District. In each of these grand jury investigations, the public property that was allegedly misused was diverted by school district employees from its public purpose in order to use it in support of a political campaign for Board Members of the Kiamichi Technology Center Board of Education. In each of these grand jury investigations, certain actions have been undertaken by persons under investigation and others to impede or block or punish witnesses giving evidence regarding the crimes being investigated by the

grand jury.

The latest such matter investigated by the Eleventh Multicounty Grand Jury involved the misuse of computers, computer printers and photocopiers to support the candidacy of a person for the Kiamichi School District Board of Education. School district employees, aided and abetted by other persons including at least one State employee, used school equipment and State equipment, both during the school day and in off-school hours, to produce printed campaign materials in support of their board member candidate. The investigation required the seizure of several computers owned by the school district, computers owned by the Department of Human Services, and a computer owned by a state university, each of which were used to create campaign literature for this candidate. Expert examination of the seized school district computers revealed that the school district computers had been repeatedly used regarding the processing of campaign literature for other, currently serving, members of the Kiamichi School District Board of Education. The grand jury attempted to look into this discovered other misuse, but this further investigation was effectively blocked by the actions of a majority of the members of the current Board of Education.

The grand jury's investigation was initiated pursuant to a report by the then-Superintendent of Kiamichi Technology Center School District, Dr. Gregory Zane Winters. Dr. Winters, acting pursuant to school district policy, promptly reported the original discovery of misuse of school district equipment to law enforcement after informing his Board of Education of the need to make the report. Assisted by the long-time legal counsel for Kiamichi School District, Dr. Winters testified before the grand jury and aided the grand jury in its investigation by supplying the names and possible testimony of probable witnesses to these crimes. Members of the Board of Education were then summoned and asked questions about whether the reported actions were authorized by the school district. The grand

jury also began inquiring why the campaign of the other Board of Education members was found on the seized school district computers. Almost immediately, the majority of the members of the Board of Education commenced taking actions against the Superintendent and the school's legal counsel, ultimately resulting in the termination of both the school Superintendent and legal counsel. Particularly disturbing to the grand jury was the replacement of the school's attorney with the very attorney and law firm that had attempted to represent four of the persons under investigation by the grand jury.

Persons who were found to have been involved in the misuse of the school district property were charged based upon the evidence gathered and presented to this grand jury, and many of these persons' cases have been concluded. One defendant's case remains to be tried later this month. Charges for witness intimidation against the members of the Board of Education were dismissed by the preliminary hearing magistrate.

We are concerned that a culture of corruption remains in the Kiamichi School District. We believe that part of this culture of corruption is brought about because the Board of Education members, though elected, stand for election at times other than when other public officers such as Governor, members of the Legislature, Court officials and County officers. Because of this, we believe a smaller number of electors tend to participate in these elections. All of the members of the governing Board of Education, though elected to serve a particular "zone" within the school district, are elected in at-large elections, making it unlikely that the majority of the people voting will actually know the board member being elected. Another possible sustaining factor for the culture of corruption is the extraordinary size of the school district, which encompasses most of the southeast

quarter of the State, and creates a great political force within that section of Oklahoma. We accordingly offer the following recommendations:

1. The size of the school district should be reduced. We recommend that it be broken up into small units, more responsive to the People.
2. Term limits should be established for membership on the Board of Education.

We also recommend that the rules and regulations of the Kiamichi Technology Center School District Board of Education be amended to clearly state that no equipment, including but not limited to vehicles or computer equipment, shall be used for political purposes.

We commend the honor, integrity and extraordinary courage of Dr. Gregory Z. Winters. During the three years of Dr. Winters' service to Kiamichi Technology School District, the school district was awarded the Gold Star District award two times, though it had never previously received such an award for excellence. Although aware that reporting the crime to law enforcement and the grand jury might not be well received by the Board of Education, Dr. Winters did not hesitate to do his professional and civic duty. We are aware that Dr. Winters has recently been retained as Superintendent of another technology school district, and wish him constant success.

D. District Attorney ("DA") District 20

This grand jury focused a significant amount of time investigating allegations of wrongdoing arising from DA District 20. This investigation stood out because it concerned possible wrongdoing within a law enforcement agency. From this investigation, this Grand Jury returned one (1) indictment charging one (1) individual, Kevin McIntire, with one (1) felony count alleging Embezzlement, 21 O.S. 1451.

The grand jury's investigation focused on events occurring between April 26, 2004 and February 28, 2007 during which time the defendant was employed as an investigator for District 20 District Attorney. As a DA investigator, the defendant was entrusted with property consisting of, but not limited to, monies seized from arrests and execution of search warrants, with said property being entrusted to the defendant to be held as evidence and/or for use only for a public purpose, and more specifically, for use in connection with the defendant's public duties at the said District #20 District Attorney Drug Task Force (DTF). In particular, the grand jury's investigation focused on the defendant's April 2004 arrest of a subject from whom the defendant seized an amount of U.S. currency in the sum of approximately \$2600.00. The defendant seized the referenced funds and subsequently wrote a report in which he made no reference to the amount of currency seized from the arrestee. Furthermore, the defendant failed to file or cause to be filed a petition or notice of intent to forfeit said funds.

The grand jury learned that on November 7, 2006, the 2004 arrestee filed a replevin action seeking the return of funds seized by defendant at which time, the prosecutor preparing to answer the replevin made inquiry of the defendant regarding the status and location of the seized funds. The defendant was unable to produce the seized funds and offered no explanation as to why he did not file or cause to be filed a petition for forfeiture or notice of seizure and intent to forfeit the referenced amount seized. Initially, the defendant was not advised that circumstances surrounding the missing funds would be further investigated, and the defendant agreed to "pay the money back" by making installment payments. However, on or about February 21, 2007, between 4:00 p.m. and 5:00 p.m., the defendant was advised by the District Attorney for District 20 that the DA decided to call for an

independent investigation regarding the referenced funds.

Later that same evening, the defendant reported his discovery of an alleged burglary of the District #20 DTF Office located at 1032 NW Cottonwood, Ardmore, Oklahoma. A preliminary inventory of the DTF immediately following the alleged burglary revealed no missing guns, no missing drugs, digital cameras, at least one lap top computer and U.S. currency located throughout the offices within the DTF office easily accessible and/or in plain view. It was finally determined that the defendant was not only the person who discovered the alleged burglary but also the last person to leave the office on February 21, 2007 and that he did not set the alarm when leaving the building. It was also determined that the only items supposedly taken during the alleged burglary were funds in the possession of or entrusted to the defendant and estimated in the amount of approximately Three Thousand Dollars (\$3000.00).

On the morning of February 22nd, 2007, at around 10:30 a.m., while in the course of rearranging the recently burglarized office, the defendant allegedly discovered the funds seized during the 2004 arrest. Ardmore Police Department conducted an investigation of the alleged burglary and said investigation led trained investigators to conclude that the event occurring on February 21, 2007, was actually a staged crime scene absent evidence of an actual burglary.

It became obvious from the grand jury's investigation that a short time after learning there would be an official investigation of the missing funds seized by the defendant, he may have staged the February 21st burglary of the DTF office and may have created an opportunity not only to acquire or convert funds which he used to replace the 2004 seized funds but also to stage an opportunity for

his discovery of the envelope in which the defendant enclosed the replacement funds.

Investigation of this matter required the appearance of a number of witnesses, mostly law enforcement officers. One of the material witnesses appearing before the grand jury was the elected District Attorney. Early on, this grand jury realized that a majority of the material witnesses were members of the DTF or law enforcement agencies who routinely work with the DTF. This group of witnesses is part of a brotherhood relying on each other for the success of their jobs as well as their safety. This level of law enforcement requires a strong bond of trust. Witnesses were placed in the difficult position of being called to testify in a matter that could and did result in the prosecution of one of their own. The grand jury recognized that it was an arduous task placed on the witnesses. Overall, the grand jury applauds the witnesses who testified in this matter starting with the elected District Attorney who exercised his leadership wisely by requesting an independent investigation. Most witnesses appeared, of course, without anticipating the outcome of the grand jury's investigation. Most witnesses carried out their oath to tell the truth regardless of what implication the grand jury's investigation may have on them individually or their agencies.

The District 20 DTF practices in place at the time of the events relevant to the grand jury's investigation included the practice of agents being required to complete paperwork which would prompt the filing of a forfeiture action for seized funds. In other words, prosecutors would have no way of knowing exactly what should be forfeited from seized property but for the submission of a form to the prosecuting agency by the DTF agent. This practice is not unique to the District 20 DTF. In this case, the embezzled funds were not "documented" by the DTF agent.

The collective opinion of the law enforcement officers assigned to investigate the alleged burglary was that the DTF office lacked significant signs of being a real crime scene. Questions

regarding the condition of the alleged crime scene including property that was in plain view but not taken by the intruder coupled with the defendant's conduct called into question whether the alleged burglary was actually the subject of reprisal and coverup for the embezzled funds.

During this investigation, the grand jury learned about the procedures and/or common practices used by DTF throughout the State. The grand jury gained an appreciation for the purpose of DTF's and has come to realize the necessity of keeping DTF's in operation so as to address the war on drugs from a community based perspective. Agents working on DTF's constantly handle cash in the form of drug forfeiture funds and buy money. The nature of DTF enforcement lends itself to the need for many checks and balances. This grand jury realizes there are already requirements for agents to generate reports and complete certain documentation regarding their receipt or withdrawal of cash. However, documentation is not always timely completed. Further, this grand jury is aware of various other requirements such as the requirement that a second party count funds for verification purposes. These types of procedures seem to be lost in routine and allow for abuse. Given the type of work carried out by DTF's, one cannot afford to deviate from routine procedures established to protect the integrity of this specialized area of law enforcement. It is obvious to the grand jury that protocol and procedures regarding various aspects of work performed by DTF agents are already established and in place. However, for various reasons agents sometimes fall into a routine of not following well established protocol and procedures. It is obvious that law enforcement officers working in this area would benefit if they were provided assistance by support staff in carrying out basic clerical tasks. The grand jury believes the necessary checks and balances to guard against wrongdoing are already established and should be strictly enforced by any and all agency officials responsible for administering

a DTF. In summary, DTFs are a necessary faction within law enforcement and administrators must tighten up the ranks across the board.

E. Homicide, Missing Person and Cold Case Investigations

This grand jury was used by a number of agencies in cold cases, missing persons investigations and unsolved homicides. Use of the grand jury to further investigate these types of matters is essential. To illustrate the value of the grand jury's work in furtherance of an unsolved homicide, the grand jury highlights its investigation of the William Boudrie homicide.

This case dates back to 1980 at which time William Boudrie and Judie Ann Hansen (formerly Boudrie) were in the middle of a divorce. This case went cold in 1988. This grand jury heard testimony regarding Hansen's purchase of a .22 caliber handgun from a pawn shop and evidence that Boudrie was shot with a .22 caliber weapon. The murder weapon used to kill Boudrie was never recovered. Evidence before the grand jury also revealed that Hansen gave inconsistent statements regarding her contact with Boudrie and that she was the last person to see Boudrie alive.

The evidence causing this investigation to be reopened was presented to this grand jury and ultimately assisted this body in returning an Indictment charging Hansen with one (1) count of homicide in violation *21 O.S. § 701.1* for the homicide of Boudrie. The new evidence presented to this grand jury was vital to the grand jury's overall consideration.

Part of the use of future grand juries must be invested in solving homicides especially cold cases. In the Boudrie investigation, the grand jury's involvement was especially rewarding because we were able to reach a determination that Hansen should be charged and tried for the homicide of William Boudrie. Not all of the homicides presented to the grand jury have been solved as of the date of this Final Report, however, the grand jury views the time and effort vested in these types of

investigations as time and effort well spent. The grand jury heard testimony from witnesses in six (6) different homicide cases. However, the grand jury assisted in a total of fifty-two (52) homicide, missing person or cold case investigations in some way. These types of cases are tough. Furtherance of any homicide investigation through the grand jury's involvement is of major significance if there is any possibility that the list of suspects will be narrowed or the crime will ultimately be solved.

IV. EXPRESSIONS OF APPRECIATION

The Multicounty Grand Jury wishes to express our appreciation to several individuals and agencies who have contributed to a successful term. In appreciation, we thank the Oklahoma Supreme Court for their Order convening the Grand Jury and for their appointment of Judge Noma Gurich as Presiding Judge of the Multicounty Grand Jury. Judge Gurich always made sure we were comfortable and seemed willing to accommodate the grand jury and/or our legal advisors even when she was presented with scheduling conflicts. Many times our legal advisors were required to present or defend legal challenges before Judge Gurich. Our legal advisors have always represented Judge Gurich as being reasonable and fair even when the request of the legal advisors on behalf of the grand jury was denied. Our expression of appreciation to Judge Gurich should not be viewed as gratuitous or a simple courtesy. Judge Gurich has been an asset to the grand jury process and served the grand jury well.

We also commend Attorney General W.A. Drew Edmondson and Assistant Attorney General Joel-lyn McCormick and the members of their staff for their professionalism, support, legal advice and assistance. The grand jury would like to offer a special thanks to Shelia Tiffin, legal assistant and

subpoena clerk for the Office of Attorney General Multicounty Grand Jury Unit, for her work with the grand jury each month. Also, to the Oklahoma County Commissioners and staff for their indulgence; to the office of the Oklahoma County District Attorney David Prater and his staff for the use of his offices; and to the office of the Oklahoma County Public Defender Bob Ravitz and his staff for the use of his offices on numerous occasions and for providing counsel to indigent witnesses; to the Office of the Court Administrator, Renee Hildebrant, and her staff; to Shelly Schmidt and Betty Lawson who served as bailiff; to Oklahoma County Court Clerk Patricia Presley and her staff, in particular deputy clerks Teresa Davis and Joann Sykes; and finally, to City Reporter and particularly to Debra Garver.

Finally, we wish to thank our families for their support, patience, and understanding. We also express our appreciation to our employers for their support and understanding over the past nineteen (19) months.

V. ADMINISTRATIVE RECOMMENDATIONS

Historically, the Multicounty Grand Jury has been rather displaced regarding its meeting location. During our nineteen (19) month term, this grand jury met at a location within the Oklahoma County Courthouse. It is our understanding that we are the first Multicounty Grand Jury to use this area for a full term. We are most appreciative to the Oklahoma County Commissioners, the presiding District Court Judge and other courthouse staff for these accommodations. The Eleventh Multicounty Grand Jury was never made to feel as if they were an unwanted guest in the Oklahoma County Courthouse.

VI. CONCLUSION

Based upon our experience, that the Multicounty Grand Jury is an essential, necessary and invaluable tool for law enforcement in the State of Oklahoma. We are confident this grand jury has played an important role in many criminal investigations wherein justice may not have been served.

We are pleased to have served as part of the Eleventh Multicounty Grand Jury. Information and evidence were obtained, investigations progressed and many cases were solved, that would likely not have occurred without the use of the subpoena and investigatory powers of the Multicounty Grand Jury. We believe it is a process which should be continued, funded and fully supported by the citizens, Governor, judiciary, legislature, and law enforcement community of the State.

Barry Bell

FOREMAN

Dana Craig

William C. Hehl

Sharon Burnett

Rhea Payne

Sharon Kobzen

Lisa Robbins

Thoma Blakeley

Jamae Barrows

Wendy Harris

Burdette

Mike Hunt

This Final Report of the Oklahoma Eleventh Multicounty Grand Jury is received and ordered filed this 5 day of September 2008.

Noma D. Gurich

**NOMA GURICH
PRESIDING JUDGE OF THE TENTH
MULTICOUNTY GRAND JURY**

APPENDIX

AGENCIES USING THE ELEVENTH MULTICOUNTY GRAND JURY

1. ABLE
2. Ada PD
3. AG/CPU
4. AG/EPU
5. AG/IFU
6. AG/MCGJ
7. AG/MFCU
8. AG/WCFU
9. Bartlesville FD
10. Bartlesville PD
11. Beaver County SO
12. Bethany PD
13. Bixby PD
14. Blanchard PD
15. Broken Arrow PD
16. Canadian County SO
17. Carter County SO
18. Choctaw PD
19. Claremore PD
20. Cleveland County DA's Office
21. Cleveland County SO
22. Comanche County SO
23. Creek County DA's Office
24. Okfuskee County DA's Office
25. Del City PD
26. DHS/OIG/McAlester
27. DHS/OIG/OKC
28. DHS/OIG/Tulsa
29. Dewey PD
30. Dibble PD
31. District 16 DA's Office
32. District 19 DA's Office
33. District 20 DA's Office
34. District 23 DA's Office
35. District 27 DA's Office
36. District 2 Drug Task Force
37. District 3 Drug Task Force
38. District 22 Drug Task Force
39. DOC/McAlester
40. DOC/OKC
41. DOC/Tulsa

42. Durant PD
43. Edmond PD
44. Elk City PD
45. Ellis County SO
46. El Reno PD
47. Enid PD
48. Garfield County SO
49. Garvin County SO
50. Glenpool PD
51. Grove PD
52. Guthrie PD
53. Harrah PD
54. HIDTA Central Oklahoma Task Force
55. Jackson County SO
56. Jenks PD
57. Kingfisher County SO
58. Krebs PD
59. Lawton PD
60. LeFlore County SO
61. McAlester FD
62. McAlester PD
63. Moore PD
64. MWCPD
65. Muskogee PD
66. Noble County SO
67. Norman PD
68. Oklahoma Bureau of Narcotics
69. Oklahoma City PD
70. Oklahoma County DA's Office
71. Oklahoma County SO
72. Oklahoma Department of Agriculture
73. Oklahoma Department of Corrections/Internal Affairs
74. Oklahoma Department of Environmental Quality
75. Oklahoma Highway Patrol
76. Oklahoma Horse Racing Commission
77. Oklahoma Insurance Department
78. OSBI/Ada
79. OSBI/Alva
80. OSBI/Calera
81. OSBI/Cordell
82. OSBI/Elk City
83. OSBI/Guymon
84. OSBI/Hugo

85. OSBI/Lawton
86. OSBI/McAlester
87. OSBI/Muskogee
88. OSBI/OKC
89. OSBI/Ponca City
90. OSBI/Poteau
91. OSBI/Stroud
92. OSBI/Tahlequah
93. OSBI/Tulsa
94. OSBI/Woodward
95. Osage County SO
96. OSU PD/Stillwater
97. OSU PD/Tulsa
98. Ottawa County SO
99. OUPD/Norman
100. OUPD/HSC
101. Owasso PD
102. Pauls Valley PD
103. Perry PD
104. Picher PD
105. Pittsburg County SO
106. Pocola PD
107. Ponca City PD
108. Pottawatomie County SO
109. Pryor PD
110. Purcell PD
111. Rogers County SO
112. Sand Springs PD
113. Sayre PD
114. Sequoyah County SO
115. Shawnee PD
116. Skiatook PD
117. Stillwater PD
118. Texas and Southwestern Cattle Raisers Association
119. The Village PD
120. Tillman County SO
121. Tulsa County SO
122. Tulsa PD
123. U.S. Department of Forestry
124. U.S. Marshal's Service Fugitive Squad
125. U.S. Postal Inspector
126. Washington County SO
127. Woods County SO