

**IN THE DISTRICT COURT IN AND FOR PITTSBURG COUNTY  
STATE OF OKLAHOMA**

DISTRICT COURT  
PITTSBURG COUNTY, OKLA.

**IN RE: PITTSBURG COUNTY )  
GRAND JURY )**

2009 SEP -2 A M 0-

Case No. **CJ-2009-240**

BY \_\_\_\_\_  
DEPUTY

**FINAL REPORT OF THE GRAND JURY**

We, the undersigned members of the Pittsburg County Grand Jury, having been duly empaneled on the 24<sup>th</sup> day of August 2009, upon the verified application of the Attorney General of the State of Oklahoma and by order of the District Court in and for Pittsburg County, and pursuant to provisions of the Constitution and Statutes of the State of Oklahoma, OKLA. CONST. Art. II, § 18 and 22 O.S.1991 §§ 311 *et seq.*, have been charged with the responsibility of investigating certain matters, criminal activity and conduct occurring within the county of Pittsburg, alleged public offenses against the State of Oklahoma. We have met and faithfully investigated allegations of criminal conduct and other requests for investigation some of which involved allegations of misconduct by a public official.

The Grand Jury, sitting in McAlester, Oklahoma, with its principal meeting place being the Pittsburg County courthouse, having met for three (3) days, and having issued subpoenas, heard testimony 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:

## I. JAIL INSPECTIONS

During this term, the Grand Jury met its statutory obligation requiring a county grand jury to inspect any and all jails located within the county in which a grand jury is impaneled. On September 1, 2009, the Pittsburg County Grand Jury inspected the Pittsburg County Jail located within the sheriff's office.

Our inspection of the Pittsburg County jail included a physical tour of the jail and an inspection of records in reference to the most recent jail inspection which was conducted March 12, 2009. We found the Pittsburg County jail to be a newly constructed facility in need of no improvement. Our County Sheriff, Joel Kern, was kind enough to personally serve as our tour guide. Upon inspection of jail records, there appeared to be no inmates being housed without charges. At the time of the inspection, there were one-hundred and fifty-two (152) inmates housed in the Pittsburg County jail. During our physical tour of the county jail, we observed a clean, organized and well run facility. As citizens of Pittsburg County, we are proud of the condition of the county jail and how it is presently run.

The grand jury encourages county commissioners and the citizenry of Pittsburg County to ensure adequate funding is appropriated for the operation and maintenance of the jail.

## II. ACCUSATIONS

The Grand Jury found no grounds for accusation.

## III. INDICTMENTS

We have returned one (1) Indictment containing three (3) counts as charged against one named accused.

#### IV. EXPRESSIONS OF APPRECIATION

While the work we were asked to perform has been difficult, required consideration of unpleasant and sexually graphic subject matter, we enjoyed our service and are proud of our contribution to Pittsburg County. Our job would have been more difficult if we had not been assisted in this process by various individuals whom we would like to thank and acknowledge in this report.

The Grand Jury desires to first express its appreciation to our Presiding Judge, the Honorable John Maley, who was specially assigned to the Grand Jury and was required to travel from another county. Judge Maley always put the Grand Jury's needs first. He demonstrated flexibility which allowed the Grand Jury and legal advisors to work steadily. Judge Maley's professional courtesy to us and our legal advisors made our experience as grand jurors a pleasant one.

The Pittsburg County District Court Clerk, Cindy Eller, has also been of great assistance both prior to and during the Grand Jury's service. We would also like to thank our court reporter Tamara Richards who was available as needed. We also thank our bailiff Jerry Grubbs and Shala Harper for their constant assistance and professionalism.

The Grand Jury also wishes to thank the Oklahoma Attorney General, W.A. Drew Edmondson, and his staff for assisting the Grand Jury. Investigators Michael Wooldridge, Jordan Lair and Fred Ellis carried out many investigative steps which allowed the grand jury to expedite proceedings and remain on schedule. The Attorney General's investigators were responsible for gathering information and interviewing witnesses regarding various areas of investigation. As well, Assistant Attorneys General, Tom Gruber, Joel-lyn McCormick and Tom Bates served as legal

advisors to the Grand Jury. It was obvious from the manner in which evidence was presented that our legal advisors spent significant time preparing for the Grand Jury session.

#### V. REQUESTS FOR INVESTIGATION

As a part of its function, the Grand Jury received requests for investigation from citizens alleging misconduct, criminal activity or mistreatment by public officials. Complaints received from citizens were investigated for their validity. The Grand Jury has little choice but to rely on information from concerned citizens who requested that the Grand Jury make inquiry. Upon inquiry, the Grand Jury found that the majority of the requests for investigation submitted for the Grand Jury's consideration can best be described as requests concerning matters that have been previously investigated or fully adjudicated. The Grand Jury declined to investigate matters fitting these descriptions.

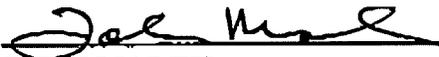
In addition, the Grand Jury also declined to question and therefore, refused to investigate matters concerning alleged misconduct that appeared to be based on trivial explanation or allegations supported only by broad un-attributed hearsay. Without sound evidence, the Grand Jury is left with no choice other than to dismiss an allegation and decline further investigation. The Grand Jury believes it is not possible for this body, as an impartial entity, to determine the reasonableness and accuracy of an allegation based solely on conjecture and multiple generation hearsay. Furthermore, to do so would thwart sound principles upon which the grand jury system is based.

We, the Grand Jury were empaneled to seek the truth. Accordingly, it is not the function of this Grand Jury to become entrenched into what may appear to be deep-seeded vengeful conduct toward any entity or individual. We dispelled questions of misconduct or criminal activity raised in any request for investigation for which sufficient evidence was not available.

Delma L. Waggon  
 Jennifer Whitten  
 Durti Wehl  
 Justin Butler  
 Charles E. Greenett  
 John Gabriel Simmons  
 R. L. King  
 Micah Avery  
 Foreman

Thomas White's  
 Brenda Gibson  
 Stephen Dean Reddy  
 Larry Powell  
 Jesse Finley  
 Greg Hammon  
 W. Joann Wayland

This Final Report of the Pittsburg County Grand Jury is received and ordered submitted this day 2<sup>nd</sup> of September 2009.

  
 JOHN MALEY  
 Presiding Judge  
 Pittsburg County Grand Jury