

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA,

STATE OF OKLAHOMA)
CLEVELAND COUNTY) S.S.

Plaintiff,

FILED In The
Office of the Court Clerk
Case No.

CF 2011-803

vs.

JUN - 3 2011

ROLAND BENAVIDES

D.O.B. 1-30-1967

SSN: [REDACTED]

DOCKET PAGE RECORDED

Rhonda Hall, Court Clerk

DEPUTY

Defendant.

INDICTMENT

FOR:

USING A COMPUTER TO VIOLATE THE ANTI-GAMBLING ACT in violation of Title 21 O.S. §1958. [Count 1]

COLLUSION in violation of Title 21 O.S. § 948. [Count 2]

VIOLATION OF THE ANTI-GAMBLING ACT in violation of Title 21 O.S. § 942 [Count 3]

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA:

By the order of the Supreme Court of Oklahoma, the Thirteenth Multicounty Grand Jury was convened with its principal site to be in Oklahoma City, Oklahoma County, Oklahoma, to serve from January 24, 2011 until July 24, 2012 or until the designated presiding judge determines the Thirteenth Multicounty Grand Jury has reached reasonable completion of its investigations, but in any event, no more than twenty-four (24) months from the commencement of its term. That the said Multicounty Grand Jury of the State of Oklahoma, being composed of good and lawful men and woman, legally drawn and summons according to law and then and there examined, empanelled, sworn and charged according to law to diligently inquire into and

true presentment make of all public offenses against the State of Oklahoma committed and triable within the State of Oklahoma, upon their oath and in the name and by the authority of the State of Oklahoma, do present and find that:

COUNT 1: USING A COMPUTER TO VIOLATE THE ANTI- GAMBLING ACT

Commencing on or about the 22nd day of August, 2008, A.D., through the 22nd day of September, 2010, A.D., the crime of **USING A COMPUTER TO VIOLATE THE ANTI- GAMBLING ACT** was feloniously committed in Cleveland County, State of Oklahoma by **ROLAND BENAVIDES**. During all times set forth herein, and within said Counties and State, **ROLAND BENAVIDES**, who acting knowingly utilized a computer to violate the Anti-Gambling Act, to wit:

ROLAND BENAVIDES utilized a computer to access an on-line gambling site, www.gato21.com, which allowed him to access data and communicate with David Roy Tune to obtain gambling information. **ROLAND BENAVIDES** electronically transferred data to David Roy Tune which consisted of bets on sporting events or other games of chance. **ROLAND BENAVIDES** pledged money or other valuable consideration in exchange for his bet. Said acts by **ROLAND BENAVIDES** are contrary to the provisions of section 1958 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

COUNT 2: COLLUSION

Commencing on or about the 22nd day of August, 2008, A.D., through the 22nd day of September, 2010, A.D., the crime of **COLLUSION** was feloniously committed in both Seminole and Cleveland Counties, State of Oklahoma by **ROLAND BENAVIDES**. During all times set forth herein, and within said Counties and State, **ROLAND BENAVIDES**, a peace officer in and for the City of Oklahoma City, who acting knowingly engaged in illegal gambling, to wit:

ROLAND BENAVIDES using a computer based on-line program, www.gato21.com, placed bets for valuable consideration on sporting events whose outcome depends upon chance. Said acts by **ROLAND BENAVIDES** are contrary to the provisions of section 948 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

COUNT 3: VIOLATION OF THE ANTI- GAMBLING ACT

Commencing on or about the 22nd day of August, 2008, A.D., through the 22nd day of September, 2010, A.D., the crime of **VIOLATION OF THE ANTI- GAMBLING ACT** was unlawfully committed in both Seminole County and Cleveland County, Oklahoma by **ROLAND BENAVIDES**. During all times set forth herein, and within said Counties and State, **ROLAND BENAVIDES** who acting knowingly placed bets on games of chance to wit:

ROLAND BENAVIDES placed bets on sporting events and/or other games of chance with David Roy Tune in which there was an expectation of either receipt or payment of money or other valuable consideration which was dependent upon the outcome of said sporting event and/or other games of chance. Said acts by **ROLAND BENAVIDES** are contrary to the provisions of section 942 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

TRUE BILL (X)

NO BILL ()

William J. Tucker

FOREMAN

13TH MULTICOUNTY GRAND JURY

Penalties:

- Count 1: Using a computer to violate Oklahoma statutes shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.
- Count 2: Collusion shall a felony and is punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years, and such judgment of conviction shall carry with it an immediate removal from office and a disqualification to hold any office of profit or trust in the State of Oklahoma.
- Count 3: Violation of the anti-gambling statutes shall be a misdemeanor punishable by a fine of not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a term of not less than one (1) day, nor more than thirty (30) days, or by both such fine and imprisonment.

WITNESSES APPEARING BEFORE THE MULTICOUNTY GRAND JURY:

Lt. Doug Kimberlin, Oklahoma City Police Department, 701 Colcord, Oklahoma City, OK
Roland Benavides, 3331 Hollister Trail, Norman, OK 73071
Denise Tune, c/o Neal Lynn, Attorney at Law, 2910 N. Classen, OKC, OK
William Davis, 10813 Garnada Lane, OKC, OK 73165
Alan McCalip, 402 Morehead, Washington, OK 73093
Jason O'Connor, 9 Quail Ridge, Shawnee, OK 74804
Jeremy Hollifield, 5611 Sally Brown Road, Muskogee, OK 74401
Colley Andrews, 305 W. Waterfront Drive, Tuttle, OK 73089
Claude Richards, 115 E. Dale, Norman, OK 73069
Mack Shelton, 546 Center, Shawnee, OK 74801
David Roy Tune, 14064 NS 354.5 Road, Konawa, OK 74849