

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.)
)
WILLIAM HARBERT LAYDEN, JR.,)
DOB: 06/13/1950 SSN: [REDACTED])
)
Defendant.)

Case No. CF-2011-5476

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

OCT 05 2011

INDICTMENT

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

FOR: PERJURY, 21 O.S., § 491

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 February 22, 2011 until August 22, 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, impaneled, 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: PERJURY

On or about the 30th day of March, 2011, A.D., the crime of **Perjury** was committed in Oklahoma County, Oklahoma, by the defendant, **WILLIAM HARBERT LAYDEN, JR.** That is

to say that on or about said date and within said County and State, the Defendant was a witness in an investigation by the Multicounty Grand Jury of Oklahoma, and after being sworn upon his Oath to tell the whole truth, did knowingly, willfully and feloniously give false testimony that fees paid to the District 18 Drug Court were not deposited as provided by law with the County Court Clerk because the Court Clerk did not want to receive or account for them, as follows:

Q: Okay. But you're saying "she" was making the collections, you're talking about Angie, correct?

A: Yes.

Q: When Angie would be collecting the fees from the participants? The participants weren't paying the court clerk, were they?

A: No.

Q: The participants were paying Angie, who was depositing them into the Treasurer's Office?

A: With the treasurer, yeah. I believe I talked to the court clerk once and she didn't want to do it, or couldn't, so we did not go through the court clerk on that.

* * *

Q: Do you know what legal authority District 18 Drug Court staff had to receive the fees instead of the District Court clerk?

A: No, other than the people that helped set it up. That's the way it was done. And they approved of it, so I didn't really question it.

Q: You saw in the manual from mental health that it appears those monies were supposed to be paid to the court clerk and not to the drug court staff?

A: Well, like I said, I remember talking to the court clerk once and she couldn't do that or didn't want to do that.

When in truth and fact, the Court Clerk never spoke to the Defendant about collecting and accounting for Drug Court fees nor refused to receive or account for such fees as provided by law,

all of which the Defendant well and truly knew at the time when he testified. All of the foregoing being committed in violation of Section 491 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

COUNT 2: PERJURY

On or about the 30th day of March, 2011, A.D., the crime of **Perjury** was committed in Oklahoma County, Oklahoma, by the defendant, **WILLIAM HARBERT LAYDEN, JR.** That is to say that on or about said date and within said County and State, the Defendant was a witness in an investigation by the Multicounty Grand Jury of Oklahoma, and after being sworn upon his Oath to tell the whole truth, did knowingly, willfully and feloniously give false testimony that the District 18 Drug Court fee of Four Thousand, Five Hundred Dollars (\$4,500.00) that was set forth in the District 18 Drug Court contract with program participants was not a set fee that must be paid in full in order to successfully complete the program, as follows:

Q: All right. Well, on page 4 of the contract it talks about fines and cost and says, "Drug court program drug testing, alcohol testing, and supervision costs will be a set fee. However, additional drug testing and alcohol testing fees could be applied if sanctioned due to positive drugs or alcohol screens." \$4,500?

A: Right.

Q: Seems like a set fee.

A: Well, in my understanding that was just the outside estimate of what it might cost, because everybody wanted to know. And she had got that from other coordinators around the state that did it that way.

And they would credit the number of tests they took, the amount of money they paid, and then they'd look at it at the end when they'd get to graduate, and if they -- you know, they might have only paid \$1500. And then she'd zero credit that out and they wouldn't owe us anything.

When in truth and fact, District 18 Drug Court participants were not usually permitted to

successfully complete the District 18 Drug Court program until the set fee set forth in the Drug Court contract of Four Thousand, Five Hundred Dollars (\$4,500.00) was paid in full, though said fee was greatly in excess the fee for such program as provided by law, all of which the Defendant well and truly knew at the time when he testified. All of the foregoing being committed in violation of Section 491 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

COUNT 3: PERJURY

On or about the 19th day of July, 2011, A.D., the crime of **Perjury** was committed in Oklahoma County, Oklahoma, by the defendant, **WILLIAM HARBERT LAYDEN, JR.** That is to say that on or about said date and within said County and State, the Defendant was a witness in an investigation by the Multicounty Grand Jury of Oklahoma, and after being sworn upon his Oath to tell the whole truth, did knowingly, willfully and feloniously give false testimony that fees paid to the District 18 Drug Court were not deposited as provided by law with the County Court Clerk because the Court Clerk did not want to receive or account for them, as follows:

Q: When you testified on March 30th, 2011, you stated repeatedly that the drug court participants did not pay their program fees in to the court clerk but, instead, paid the drug court directly because the court clerk declined to handle such payments.

Do you remember doing that?

A: Yes.

Q: How would you explain that the court clerk says you never approached her about handling drug court program fee payments?

A: I asked her if -- when this came down, whether I could have the participants go into her office and pay her rather than handling any money, and she informed me that couldn't be done.

Q: And that was Ms. Eller?

A: Yes.

When in truth and fact, the Court Clerk never spoke to the Defendant about collecting and accounting for Drug Court fees nor refused to receive or account for such fees as provided by law, all of which the Defendant well and truly knew when he testified. All of the foregoing being committed in violation of Section 491 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

COUNT 4: PERJURY

On or about the 11th day of August, 2011, A.D., the crime of **Perjury** was committed in Oklahoma County, Oklahoma, by the defendant, **WILLIAM HARBERT LAYDEN, JR.** That is to say that on or about said date and within said County and State, the Defendant was a witness in an investigation by the Multicounty Grand Jury of Oklahoma, and after being sworn upon his Oath to tell the whole truth, did knowingly, willfully and feloniously give false testimony that on or about May 13, 2010 he had requested Mike Miller, an Assistant District Attorney for Pittsburg County, Oklahoma, and Larry Cook, the Compliance Officer for the District 18 Drug Court only to investigate a missing receipt book belonging to the District 18 Drug Court, as follows:

A: When Angie returned, I don't know, it might have been the next day, she told me that she'd had a receipt book stolen a day or two before that at a meeting she had with nine or ten girls. And I said, "Well, you need to tell the OSBI that." She told them that. I told Mike Miller one those people -- she had a book stolen at that meeting, would you talk to the gals that were in there and see if you can find out what's happened. Yes, I did.

Q: "Talk to the gals in there"?

A: The gals. It was a meeting between eight or nine girls that had been messing up and Angie had a Friday night meeting with them to talk to them.

* * *

Q: But you knew that there was an investigation on the 13th of May undergoing and you chose to direct an assistant DA to do an investigation too?

A: I didn't know what was going on at that point about an investigation or anything.

Q: What difference does it make?

A: Well, I thought that if the OSBI -- if they were looking into this and they wanted the record, they should know that she'd had a book stolen a couple days before that. So I told the district attorney's office, Mr. Miller with the drug court, to look into it.

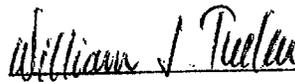
* * *

A: Right. My reason was to talk to these ladies to see if they knew anything about that stolen book. I didn't care about anything what they were telling the OSBI. I didn't know what was going on at that point. I told him just look into that stolen receipt book. And I also told Larry Cook, and he said he'd do an investigation of it too. I didn't know what was going on at that point.

When in truth and fact, the Defendant, a Special District Judge in and for the 18th Judicial District, requested Mr. Miller to investigate why the Oklahoma State Bureau of Investigation was investigating the District 18 Drug Court, and Mr. Cook was requested by the Defendant to investigate why money was missing from the District 18 Drug Court, all of which the Defendant well and truly knew when he testified. All of the foregoing being committed in violation of Section 491 of Title 21 of the Oklahoma Statutes and against the Peace and Dignity of the State of Oklahoma.

TRUE BILL ()

NO BILL ()



FOREMAN

OKLAHOMA MULTICOUNTY GRAND JURY

Penalties:

Perjury, 21 O.S., §§ 490 and 64(B): Imprisonment in the State Penitentiary for not more than Five (5) years imprisonment and a fine not to exceed Ten Thousand Dollars (\$10,000.00).

WITNESSES (Before the Grand Jury):

John Jones, O.S.B.I., 701 West Carl Albert Expressway, McAlester, OK 74501
John Graham, O.S.B.I., 701 West Carl Albert Expressway, McAlester, OK 74501
Wes Edens, Office of State Auditor & Inspector, 100 State Capitol, Oklahoma City, OK 73105
Cara Nichole Hafeman, HC 67, Box 790, Canadian, OK
Genci Hedgecock, 324 W. Adams, McAlester, OK
Wacey Lee Nowlin, P.O. Box 39, Blanco, OK
Tresa Pippin, HC 63, Box 222, Eufaula, OK
Jason Lee Cox, HC 67, Box 309, Indianola, OK
Tony Joe McNatt, Route 6, Box 42, Eufaula, OK
Larry Joe Cook, HCR 74, P.O. Box 17B, Hartshorne, OK
Heather Lester, 18 Cecilia Road, Lot 31, Krebs, OK
James Jonathan Ryan Dalpaos, HCR 73, Box 72, Hartshorne, OK
Tammy Gay Green, Route 5, Box 1751, Eufaula, OK
Hon. Cerita Morley, County Treasurer, Pittsburg County, Pittsburg Co. Courthouse, McAlester, OK
Lisa Renee Russell, P.O. Box 27, Eufaula, OK
Shonda June Huddleston, Route 6, Box 4, McAlester, OK
Krystal Renee Johnson, P.O. Box 266, Indianola, OK
Eugene Tilman, III, 528 S. 7th Street, McAlester, OK
Cecilia Miers, Executive Director, PC-Care, Inc. 501 E. Delaware, McAlester, OK
Kim Cain, Oklahoma Department of Mental Health Substance Abuse Services, 1200 N.E. 13th Street, Oklahoma City, OK 73152-3277
Malinda Joy Alexander, P.O. Box 42, Haileyville, OK
Kristy Janes, 1103 Fleming, Apt # 26, McAlester, OK
Rachel Leah Lester, 1020 East Polk, Apt. #2, McAlester, OK
Jessica Gilliam, McAlester, OK 1557 E. Hereford Lane, McAlester, OK
Amy Roseanna James, 637 W. Monroe, McAlester, OK
Matt Ryan Lenardo, 1411 S. Street, McAlester, OK
Brian Wiley, P.O. Box 418, Savanna, OK
Rebekkah Wilson, McAlester, OK
Jim Lyles, Chief of Police, City of McAlester, P. O. Box 578, McAlester, OK
Jim Bob Miller, 4100 Pyle Mountain Road, McAlester, OK
Honorable Cindy Eller, Pittsburg County Court Clerk, 115 E. Carl Albert Parkway, McAlester, OK
William Layden, Associate District Judge, Pittsburg County Courthouse, McAlester, OK
James Michael Miller, c/o Warren Gotcher, Esq., McAlester, OK
Angela Marie Marcum, P.O. Box 1472, McAlester, OK