

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES MICHAEL MILLER,)
 DOB: 12/24/1967 SSN: [REDACTED])
)
 Defendant.)

Case No. CF-2011-5312

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

SEP 27 2011

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

INDICTMENT

FOR: Count 1: 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 19th day of July, 2011, A.D., the crime of **Perjury** was committed in Oklahoma County, Oklahoma, by the defendant, **JAMES MICHAEL MILLER**. 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 May 11, 2010, he did not know the OSBI was conducting an investigation of the District 18 Drug Court, as follows:

Q: Now Mr. Miller was your boss, correct?

A: Yes sir, he was.

Q: And you knew that he had actually referred the matter to the OSBI?

A: I did not know that. At that time I didn't.

Q: And the OSBI was there to investigate at his request?

A: I did not know that.

Q: But you knew that the OSBI was investigating, did you not?

A: The only thing I knew at that point was that OSBI had served the subpoena duces tecum. I didn't know how or for what reason the subpoena duces tecum came about. I mean, I had my thoughts and idea of why I thought the subpoena duces tecum was there, but I didn't – it didn't have anything to do with OSBI.

When in truth and fact, the Defendant, in a text message from himself to Angela Marie Marcum on May 11, 2010 following the Defendant's conversation with his boss, Jim Bob Miller, about the investigation of the District 18 Drug Court earlier on the same date, May 11, 2010, did state:

You knowsubpoenas duces tecum usually give you a time and a date by which to produce documents. . . .not a search warrant for osbi to get what they want.

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 19th day of July, 2011, A.D., the crime of **Perjury** was committed in Oklahoma County, Oklahoma, by the defendant, **JAMES MICHAEL MILLER**. 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 May 11, 2010, he did not know a grand jury subpoena duces tecum had been delivered to the District 18 Drug Court, as follows:

Q: So you're telling the grand jury that you weren't aware that there was a grand jury subpoena served?

A: The only thing that I knew that was served was a subpoena duces tecum. I don't think I actually even saw it. I think I just talked to the judge about it – or he told me that – either the judge or Jim Bob told me that this is what was going on, that there's a subpoena duces tecum.

When in truth and fact, the Defendant, in a text message from himself to Angela Marie Marcum on May 11, 2010 following the Defendant's conversation with his boss, Jim Bob Miller, about the investigation of the District 18 Drug Court earlier on the same date, May 11, 2010, did state:

You knowsubpoenas duces tecum usually give you a time and a date by which to produce documents. . . .not a search warrant for osbi to get what they want.

Of course may be different for grand jury. . . .but I don't think so

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, **JAMES MICHAEL MILLER**. 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 he did not know of an investigation by the OSBI of the District 18 Drug Court, until after he was instructed on May 13, 2010 by his First Assistant District Attorney, Richard Hull, to cease interviewing drug court participants, as follows:

Q: When did you learn that it was an OSBI investigation?

A: The day when I interviewed participants, and I'd got through some of them. And then I'd say it was probably 3:30, 4:00, Richard Hull -- I can't remember if he called me or told me to come down or how the communication came about, but he brought me back into -- we were over in a temporary building at the time where all the assistant DAs and the DA -- we were all in the same room.

He brought me back into that room where all of our desks are and everything. He said, "You need to stop the investigation. Don't interview or talk to anybody else and just don't do this anymore." And at that point, I had nothing else to do with it.

Q: So you did not interview any more witnesses that day?

A: No, I did not.

Q: Any other drug court participants?

A: Yes, sir, no, I did not.

When in truth and fact, the Defendant, in interviews conducted with drug court participants Tammy Gay Green, Jason Lee Cox, Brian Keith Wiley, and with Gensi Lynn Hedgecock, who was both sister to and wife of certain drug court participants, and Rachel Leah Lester, the sister of a Drug Court participant, inquired about whether or not that person had been interviewed yet by the OSBI; all of said interviews having been conducted prior to said conversation with First District Attorney Hull. 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 (X)

NO BILL ()

William L. Tucker

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