

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT, IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA

State of Oklahoma

PLAINTIFF,

VS.

CM - 2013 - 08 50

LYNNELL ANDERSON HARKINS

DEFENDANT.

MAR 13 2013

INFORMATION
TIM RHODES
COURT CLERK

15

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW
DAVID W. PRATER THE DULY ELECTED, QUALIFIED AND ACTING DISTRICT ATTORNEY IN
AND FOR OKLAHOMA COUNTY, DISTRICT NO. 7, STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE
DISTRICT COURT THAT

COUNT 1 : ON OR ABOUT THE 23RD DAY OF MAY, 2011, A.D., THE OFFENSE OF WILLFULLY
VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA
COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF
THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE
25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE
MATTERS OF INMATES KAREN MATTHEWS AND LARRY YARBROUGH WHILE
KNOWING THAT THOSE MATTERS WERE NOT LISTED ON THE BOARD'S PUBLISHED
AGENDA FOR THAT MEETING DAY, CONTRARY TO THE PROVISIONS OF TITLE 25
SECTIONS 303 AND 314 AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF
OKLAHOMA

COUNT 2 : ON OR ABOUT THE 21ST DAY OF JUNE, 2011, A.D., THE OFFENSE OF WILLFULLY
VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA
COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF
THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE
25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE
MATTERS OF INMATES RANDEL CHERRY AND JAMES GODBEY WHILE KNOWING THAT
THOSE MATTERS WERE NOT LISTED ON THE BOARD'S PUBLISHED AGENDA FOR THAT
MEETING DAY, CONTRARY TO THE PROVISIONS OF TITLE 25 SECTIONS 303 AND 314
AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA

COUNT 3 : ON OR ABOUT THE 11TH DAY OF OCTOBER, 2011, A.D., THE OFFENSE OF WILLFULLY
VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA
COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF
THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE
25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE
MATTERS OF INMATES WESTLEY GABELT, WALTER HILL JR, AND RICHARD SIPE III
WHILE KNOWING THAT THOSE MATTERS WERE NOT LISTED ON THE BOARD'S
PUBLISHED AGENDA FOR THAT MEETING DAY, CONTRARY TO THE PROVISIONS OF
TITLE 25 SECTIONS 303 AND 314 AND AGAINST THE PEACE AND DIGNITY OF THE STATE
OF OKLAHOMA

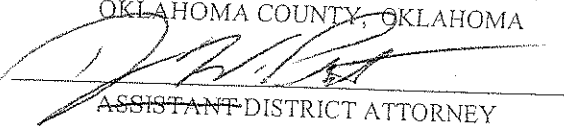
COUNT 4 : ON OR ABOUT THE 24TH DAY OF JANUARY, 2012, A.D., THE OFFENSE OF WILLFULLY
VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA
COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF
THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE
25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE MATTER
OF INMATE PATRICIA SPOTTEDCROW WHILE KNOWING THAT MATTER WAS NOT
LISTED ON THE BOARD'S PUBLISHED AGENDA FOR THAT MEETING DAY, CONTRARY
TO THE PROVISIONS OF TITLE 25 SECTIONS 303 AND 314 AND AGAINST THE PEACE AND
DIGNITY OF THE STATE OF OKLAHOMA

- COUNT 5 : ON OR ABOUT THE 21ST DAY OF FEBRUARY, 2012, A.D., THE OFFENSE OF WILLFULLY VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE 25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE MATTER OF INMATE JACK A LOGSDON WHILE KNOWING THAT MATTER WAS NOT LISTED ON THE BOARD'S PUBLISHED AGENDA FOR THAT MEETING DAY, CONTRARY TO THE PROVISIONS OF TITLE 25 SECTIONS 303 AND 314 AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA
- COUNT 6 : ON OR ABOUT THE 20TH DAY OF MARCH, 2012, A.D., THE OFFENSE OF WILLFULLY VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE 25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE MATTERS OF INMATES MAELENE CHAMBERS, STEPHEN CHANCELLOR, AND ROCKY MCKINLEY WHILE KNOWING THAT THOSE MATTERS WERE NOT LISTED ON THE BOARD'S PUBLISHED AGENDA FOR THAT MEETING DAY, CONTRARY TO THE PROVISIONS OF TITLE 25 SECTIONS 303 AND 314 AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA
- COUNT 7 : ON OR ABOUT THE 17TH DAY OF APRIL, 2012, A.D., THE OFFENSE OF WILLFULLY VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE 25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE MATTERS OF INMATES EASKER BROOKS III WHILE KNOWING THAT THOSE MATTERS WERE NOT LISTED ON THE BOARD'S PUBLISHED AGENDA FOR THAT MEETING DAY, CONTRARY TO THE PROVISIONS OF TITLE 25 SECTIONS 303 AND 314 AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA
- COUNT 8 : ON OR ABOUT THE 15TH DAY OF MAY, 2012, A.D., THE OFFENSE OF WILLFULLY VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE 25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE MATTER OF INMATE CURTIS HORTON WHILE KNOWING THAT MATTER WAS NOT LISTED ON THE BOARD'S PUBLISHED AGENDA FOR THAT MEETING DAY, CONTRARY TO THE PROVISIONS OF TITLE 25 SECTIONS 303 AND 314 AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA
- COUNT 9 : ON OR ABOUT THE 19TH DAY OF JUNE, 2012, A.D., THE OFFENSE OF WILLFULLY VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE 25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE MATTER OF INMATE JONATHAN DAVIS WHILE KNOWING THAT MATTER WAS NOT LISTED ON THE BOARD'S PUBLISHED AGENDA FOR THAT MEETING DAY, CONTRARY TO THE PROVISIONS OF TITLE 25 SECTIONS 303 AND 314 AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA
- COUNT 10 : ON OR ABOUT THE 17TH DAY OF JULY, 2012, A.D., THE OFFENSE OF WILLFULLY VIOLATING THE OKLAHOMA OPEN MEETING ACT WAS COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY LYNNELL ANDERSON HARKINS, WHO, BEING A MEMBER OF THE OKLAHOMA PARDON AND PAROLE BOARD, A PUBLIC BODY AS DEFINED IN TITLE 25 SECTION 304 OF THE OKLAHOMA STATUTES, CAST A VOTE TO DECIDE THE MATTER OF INMATE KAREN MATTHEWS WHILE KNOWING THAT MATTER WAS NOT LISTED ON THE BOARD'S PUBLISHED AGENDA FOR THAT MEETING DAY, CONTRARY TO THE PROVISIONS OF TITLE 25 SECTIONS 303 AND 314 AND AGAINST THE PEACE AND

DIGNITY OF THE STATE OF OKLAHOMA

DAVID W. PRATER
DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

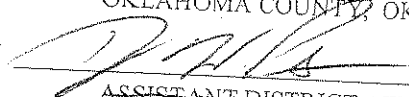
BY



ASSISTANT DISTRICT ATTORNEY

I HAVE EXAMINED THE FACTS IN THIS CASE AND RECOMMEND THAT A WARRANT DO ISSUE, (22 O.S.: 231).

DAVID W. PRATER
DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY 
ASSISTANT DISTRICT ATTORNEY

NAME OF WITNESSES

GARY EASTRIDGE
OKLAHOMA COUNTY DISTRICT ATTORNEY
505 COUNTY OFFICE BLDG.
OKLAHOMA CITY OK, 73102

TRACY LYNNE GEORGE
11013 NW 101ST
OKLAHOMA CITY, OK 73107

TERRY JAMES JENKS
2401 NW 122ND APT 216
OKLAHOMA CITY, OK 73120

MICHAEL KRIS STEELE
14 NE 13TH
OKLAHOMA CITY, OK 73104

GAY TUDOR
2200 COLCHESTER DR
EDMOND, OK 73034

STEPHANIE LEIGH WESTBROOK
5413 KEITH DR
OKLAHOMA CITY, OK 73135

IN THE DISTRICT COURT OF OKLAHOMA COUNTY)
STATE OF OKLAHOMA)

vs.)

) AFFIDAVIT OF
) PROBABLE CAUSE

DEFENDANTS:

Lynnell Anderson Harkins B/F 9-26-1939)

STATE OF OKLAHOMA)

) SS. CHARGES:

COUNTY OF OKLAHOMA)

Violation of Oklahoma Open Meeting Act 25 OS 2001 – 10 counts

I, Gary Eastridge, being first duly sworn upon oath, depose and state as follows:

Your Affiant is a peace/police officer employed as the Chief Investigator by the Oklahoma County District Attorney's Office. I was first certified as a police officer in 1979. Since that time I have had training and experience in many aspects of criminal investigation. My employment responsibilities as Chief Investigator include investigation of suspected criminal conduct in Oklahoma County, Oklahoma. Your Affiant has learned through the investigation set forth herein as follows:

On July 19, 2012 Oklahoma County District Attorney David Prater received a call from the family of a man killed by Maelene Chambers. The family was concerned as they had received notification that Chambers was set for a parole hearing in July 2012. Chambers was convicted of Manslaughter I on March 4 2008. Chambers received a split sentence of 25 years with 15 years suspended after completion of 10 years' incarceration. The sentence fell under the guidelines of the 21 OS 13.1 as a crime requiring a convicted person to serve not less than 85% of their sentence. Based on this legal requirement Chambers should not have been eligible for parole consideration until she had served 4 more years of her sentence.

District Attorney Prater made inquiry to the Pardon and Parole board as to how inmate Chambers was placed on a parole docket early. He learned that the Pardon and Parole board used a process they termed Pre-Docket Investigation or PDI to insert an inmate in to the parole process early. A review of 2 and 1/2 years (January 2010 through July 2012) of Oklahoma Pardon and Parole board agendas revealed that PDI or Pre Docket Investigation never appeared as an item of business. However it was discovered that an undefined agenda item of "Docket Modification" appeared. No reference of a docket being considered for modification was listed. This agenda item gives no notice to the public of what business the board will be conducting under this item. Review of the board minutes verifies that numerous inmates' cases were "moved, seconded and voted on" by board members during the "docket Modification" agenda item. The names of

inmates moved and seconded and voted on for early parole consideration are first revealed within the published minutes which are approved at a later date.

Based upon this information a criminal investigation was opened by the Oklahoma County District Attorney's Office. On August 10, 2012 your affiant received a Subpoena for copies of all agendas, dockets, meeting notices, and any addendums or attachments relating to any meeting from January 1 2010 through the date of the subpoena. In addition the subpoena directed that copies of the minutes, addendums, ballots, video and audio recordings of the meetings and all correspondence between board members be provided to investigators. The subpoena was served by your affiant on the same day as received. The materials subpoenaed were provided by Oklahoma Pardon and Parole General Counsel Tracy George.

A review of that material revealed the following.

The March 2010 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning March 23, 2010. The published agenda for the March 2010 meeting lists item "II C. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the March 2010 meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect that business was conducted on March 23, 2010 under item "VI. Docket Modifications- J.D. Daniels" then lists that the following offenders were voted on and approved to be placed on the next available docket.

- 1) Ben W. Jones (#0088216): Mr. Johnson moved to place offender on the next available docket. Seconded by Mr. Dugger All members vote Yes
- 2) James A McElfresh (#145155): Ms. Harkins moved to place offender on the next available docket. Seconded by Ms. Loving All members vote Yes
- 3) Nicholas W. Molt (#425943): Ms. Loving moved to place offender on the next available docket. Seconded by Mr. Dugger All members vote Yes
- 4) Robert H. Taylor (#196417): Mr. Brown moved to place offender on the next available docket. Seconded by Ms. Harkins All members voted Yes
- 5) Daryl E. Whitebird (#234967): Ms. Loving moved to place offender on the next available docket. Seconded by Mr. Dugger All members vote Yes

The minutes were voted on and approved as accurate during the April 2010 Pardon and Parole Board meeting. This is the first time the names of the inmates and the business conducted is published.

The April 2010 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning on April 20, 2010. The published agenda for the April 2010 meeting lists item "II B. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the April 2010 meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect business was conducted on April 20, 2010 under item "VI. Docket Modifications- J.D. Daniels" then lists that the following offenders were voted on. One was approved to be placed on the next available docket and one was not seconded resulting in the motion failing.

- 1) Michael R. Hicks (#143124): Ms. Loving moved to place offender on the next available docket. Seconded by Ms. Harkins All members vote Yes
- 2) Traci L Switch (#145155): Ms. Loving moved to place offender on the next available docket. No one seconded the motion. The motion failed.

The minutes were voted on and approved as accurate during the May 2010 Pardon and Parole Board meeting. This is the first time the names of the inmates and the business conducted is published.

The May 2010 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning on May 24, 2010. The published agenda for the May 2010 meeting lists item "II C. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the May 2010 meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect business was conducted on May 24, 2010 under item "VI. Docket Modifications- J.D. Daniels" then lists that the following offenders were voted on and approved to be placed on the next available docket.

- 1) Clayton J. Appleton (#135764): Ms. Loving moved to place offender on the next available docket. Seconded by Ms. Harkins. All members vote Yes
- 2) Roger Duvall (#585374): Mr. Brown moved to place offender on the next available docket. Seconded by Mr. Dugger All members voted Yes

The minutes were voted on and approved as accurate during the June 2010 Pardon and Parole Board meeting. This is the first time the names of the inmates and the business conducted is published.

The June 2010 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning on June 15 2010. The published agenda for the June 2010 meeting lists item "II C. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the June 2010 meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" then lists that the following offenders were voted on and approved to be placed on the next available docket.

- 1) Cody Lee Black (#546845): Ms. Harkins moved to place offender on the next available docket. Seconded by Mr. Dugger. All members vote Yes
- 2) Charles Schnoebelen (#574763): Mr. Johnson moved to place offender on the next available docket. Seconded by Mr. Dugger. All members vote Yes

The minutes were voted on and approved as accurate during the July 2010 Pardon and Parole Board meeting. This is the first time the names of the inmates and the business conducted is published.

The July 2010 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning on July 13 2010. The published agenda for the June 2010 meeting lists item "II C. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the July 2010 meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect business was conducted on July 13, 2010 under item "VII. Docket Modifications- J.D. Daniels" then lists that the following offenders were voted on and approved to be placed on the next available docket.

- 1) Pamela A. Dover (#175800): Offender was passed and will be considered for early docket placement No further information provided in the minutes. Audio recording not available.
- 2) Leroy Albert Jordan (#422194): Mr. Brown moved to place offender on the next available docket. Seconded by Mr. Johnson. All members voted Yes

The minutes were voted on and approved as accurate during the July 2010 Pardon and Parole Board meeting. This is the first time the names of the inmates and the business conducted is published.

The August 2010 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning August 17, 2010. The published agenda for the August 2010 meeting lists item "II C. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the August 2010 meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" August 17th then lists that the following offenders were voted on and approved to be placed on the next available docket.

- 1) James R. Bibbee (#208665): Motion to Place offender on the next available docket made by Mr. Dugger and seconded by Ms. Loving All members vote Yes
- 2) Bart L. Morris (#394109): Motion to Place offender on the next available docket made by Ms. Loving and seconded by Ms. Harkins All members vote Yes

- 3) Lawrence T Watts (#483988): Motion to Place offender on the next available docket made by Mr. Brown and seconded by Mr. Dugger All members voted Yes

The minutes were voted on and approved as accurate during the August 2010 Pardon and Parole Board meeting. This is the first time the names of the inmates and the business conducted is published.

The September 2010 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning September 14, 2010. The published agenda for the September 2010 meeting lists item "II C. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the September 2010 meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" on September 14th then lists that the following offenders were voted on and approved to be placed on the next available docket

- 1) Earnest D. Fairchild (#440254): Motion to Place offender on the next available docket made by Ms. Loving and seconded by Mr. Dugger All members vote Yes
- 2) Nickey D. Hamilton (#138445): Motion to Place offender on the next available docket made by Ms. Loving and seconded by Ms. Harkins All members vote Yes
- 3) Pedro Hueta (#400910): Motion to Place offender on the next available docket made by Mr. Dugger and seconded by Ms. Loving All members vote Yes
- 4) Joe A. Johnson (#067563): Motion to Place offender on the next available docket made by Ms. Loving and seconded by Mr. Dugger All members vote Yes
- 5) Jeremy L. Ross (#598349): Motion to Place offender on the next available docket made by Mr. Dugger and seconded by Ms. Loving All members vote Yes
- 6) Richard W. Sipe (#464566): Motion to Place offender on the next available docket made by Mr. Johnson and seconded by Ms. Loving All members vote Yes
- 7) Donald J. Webb (#216250): Motion to Place offender on the next available docket made by Mr. Brown and seconded by Mr. Johnson All members voted Yes

The minutes were voted on and approved as accurate during the October 2010 Pardon and Parole Board meeting. This is the first time the names of the inmates and the business conducted is published.

The October 2010 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning October 12, 2010. The published agenda for the October 2010 meeting lists item "II C. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the October 2010 meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" October 12th then lists that the following offenders were voted on and approved to be placed on the next available docket

- 1) Callie J. Barrington (#281514): Motion to Place offender on the next available docket made by Ms. Loving and seconded by Ms. Harkins (*No second noted in the minutes, information from review of the audio recording*) All members vote Yes
- 2) Kevin A. Daniels (#257285): Motion to Place offender on the next available docket made by Ms. Loving and seconded by Mr. Dugger (*No second noted in the minutes, information from review of the audio recording*) All members vote Yes
- 3) Daniel G. Liles (#131013): Motion to Place offender on the next available docket made by Ms. Loving and seconded by Mr. Dugger (*No second noted in the minutes, information from review of the audio recording*) All members vote Yes
- 4) James T. Turner III (#576499): Motion to Place offender on the next available docket made by Mr. Brown and seconded by Mr. Dugger (*No second noted in the minutes, information from review of the audio recording*) All members voted Yes

The minutes were voted on and approved as accurate during the November 2010 Pardon and Parole Board meeting. This is the first time the names of the inmates and the business conducted is published.

The November 2010 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning November 16, 2010. The published agenda for the November 2010 meeting lists item "II C. Docket Modifications – J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the November 2010 meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" November 16th then lists; N/A. A review of the audio however reveals two docket modifications on November 16th @ 01:22:40.

- 1) Richard Mayberry (#): Motion to Place offender on the next available docket made by Mr. Johnson and seconded by Ms. Harkins All members vote Yes
- 2) Derrick Parker (#): Motion to Place offender on the next available docket made by Mr. Johnson and seconded by Mr. Dugger All members vote Yes

Due to a technical problem with the printer, there were no copies of the November 2010 meeting distributed to the Board. Approval of the November regular meeting minutes was postponed until the January 2011 Board Meeting. The minutes were voted on and approved as accurate during the January 2011 Pardon and Parole Board meeting. The names of the inmates and the business conducted are never published.

2011

The February 2011 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning February 22, 2011.

The published agenda for the February 2011 meeting lists item "II C. Docket Modifications – J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the February meeting were James Brown, Clinton Johnson, Richard Dugger, Lynnell Harkins and Susan Loving. The published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" February 22 then lists;

- 1) DeAngelo Gordon (#256692): Motion to place Gordon on the May 2011 docket was made by Ms. Loving and seconded by Mr. Dugger. All members vote yes.
- 2) Ronald Skinner (#145128): Motion to place Skinner on May 2011 docket made by Mr. Brown and seconded by Mr. Dugger. All members vote yes.

The April 2011 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning April 19, 2011. The published agenda for the April 2011 meeting lists item "II C. Docket Modifications – J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the April meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Marc Dreyer, and David Moore. The published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" April 19 then lists;

- 1) Gordon Lewis (#590737): Motion was made to place Lewis on an earlier docket by Mr. Ballard and seconded by Mr. Dreyer. All members vote yes.

Note: Although the official motion to accelerate was made by Mr. Ballard, a review of the audio reveals that Gordon Lewis was also nominated by Mr. Dreyer. Mr. Ballard, Mr. Dreyer, and Ms. Harkins all admit to being contacted personally by Sen. Ron Justice regarding the early release of Gordon Lewis. Mr. Justice and Gordon Lewis are both from Chickasha.

Also of interest under item IV.B. The minutes reflect "Training on Open Meetings/Open Records Act –Gay Abston Tudor, Assistant Attorney General Chief. General Counsel Section – (see handouts)". Review of the audio reveals that AAG Tudor was introduced as an expert on the Oklahoma Open Meetings act. Over the course of nearly an hour Tudor advises the board on the requirements of the Oklahoma Open Meetings Act. One of the board members asks questions about how much detail must be included on the agenda when describing an agenda item. Tudor defers on the question to caution the board members on the use of electronic communications such as email. Tudor then returns to the question and explains that the agenda is "a really big thing". She explains that the agenda must specify the date time and place of the meetings and the items of business to be discussed. She then offers suggestions on what detail should be included in the agenda. She uses an example of someone walking by the board and sees the agenda

posted should be able to say “hmm they are going to be hearing from so and so about such and such, I want to be there”. She explained that there should be enough there for people to have an idea.

Tudor then reviews the agenda and the board members explain on the personal appearances they do not list the name and case number due to the volume however they give directions on how to access that information. Tudor advised under the circumstances that would be “adequate”. Tudor then offers input on the reports listed under agenda items suggesting more detail be added. During this conversation a female voice can be heard referencing “docket modification”. Tudor makes clear that if the possibility of action being taken is not listed you cannot take action. The female (believed to be Ms. Harkins) then specifically says “that would be like docket modification item where we are going to bring someone forward”.

Tudor then discusses violations of the Open Meetings Act and explains that willful violations do not require malice, only that the person knew or should have known and they didn't do it right. Tudor explains that penalties can range from \$500, a year in jail or both. A male board member (thought to be Mr. Dreyer) asks “do you have to prove intent?” and Tudor responds “just willful, whether you knew or should have known and see now you know.”

The May 2011 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning May 23, 2011. The published agenda for the May 2011 meeting lists item “III D. Docket Modifications – J.D. Daniels”. There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the May meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Marc Dreyer, and David Moore. The published minutes reflect business was conducted under item “VI. Docket Modifications- J.D. Daniels” April 19 then lists;

- 1) Karen Matthews (#220493): Motion was made to place Matthews on an earlier docket by Mr. Ballard and seconded by Mr. Moore. All members vote yes.
- 2) Larry Yarbrough (#125218): Motion was made to place Yarbrough on an earlier docket by Mr. Ballard and seconded by Mr. Dreyer. All members vote yes.

Note: There is no audio for the first day of the meeting on May 23, 2011. As such, the PDI information above is based solely on the minutes of the meeting and an analysis of the accompanying documents.

The June 2011 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning June 21, 2011. The published agenda for the June 2011 meeting lists item “III D. Docket Modifications – J.D. Daniels”. There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the June meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Marc Dreyer, and David Moore. The

published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" April 19 then lists:

- 1) Randel Cherry (#234549): Motion was made to place Cherry on an earlier docket by Mr. Dreyer and seconded by Mr. Ballard. All members vote yes.
- 2) James Godbey (#170449) Motion was made to place Godbey on an earlier docket Mr. Dreyer and seconded by Mr. Ballard. All members vote yes.

The minutes reflect no other business conducted under this item however a review of the audio recording reveals that motion was made to place Kelly Ledford (#386374) on an earlier docket by Mr. Dreyer and seconded by Mr. Ballard. All members vote yes. Motion was made to place Luwana Brown (#280985): on an earlier docket by Ms. Harkins and seconded by Mr. Moore. All members vote yes.

The August 2011 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning August 16, 2011. The published agenda for the August 2011 meeting lists item "III D. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the August 2011 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer and David Moore. The published minutes reflect business was conducted under item "IV. Docket Modifications- J.D. Daniels" on August 16th then lists N/A.

Note: During the August 16th meeting the board members make reference to yesterday's meeting but there are no records for a meeting on August 15, 2011.

The October 2011 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning October 11, 2011. The published agenda for the September 2011 meeting lists item "III D. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the October 2011 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer and David Moore. The published minutes reflect business was conducted under item "IV. Docket Modifications- J.D. Daniels" on October 11th then lists that the following offenders were voted on and approved to be placed on the next available docket:

- 1) Westley Gabelt (#584891): Motion to Place offender on the next available docket made by Ms. Harkins and seconded by Mr. Ballard. All members vote yes. Review of audio shows this was a request by Attorney Dorfield.

- 2) Walter Hill Jr. (#222287): Motion to Place offender on the next available docket made by Mr. Dugger and seconded by Mr. Ballard. All members voted yes. Review of audio shows this was a request by Wes Lane.
- 3) Richard Sipe III (#464566): Motion to Place offender on the next available docket made by Mr. Dreyer and seconded by Mr. Ballard. All members voted yes. Review of audio shows this was a request by the offender's family and attorney.

On Walter Hill Jr. Mr. Daniels states this is a commutation and he is an 85% inmate. The board also has discussion on how they do not follow Robert's Rules of Order.

The December 2011 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning December 6, 2011. The published agenda for the December 2011 meeting lists item "IX D. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the December 2011 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer and David Moore. The published minutes reflect "none" for business conducted under item "VI. Docket Modifications- J.D. Daniels" However review of the audio reveals discussion for a future docket modification.

- 1) Chancellor, Stephen (#522176): A male asks about Stephen Chancellor and is told that he is not due for parole until August 2012 but they would look into it for him.

2012

The January 2012 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning January 24, 2012. The published agenda for the January 2012 meeting lists item "IX D. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the January 2012 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer, and David Moore. The published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" "Patricia Spottedcrow's file was discussed during the January 2012 meeting. Ms. Spottedcrow will be placed on the April 2012 parole docket". The minutes do not reflect a motion, second or vote however the audio recording reveals.

Patricia Spottedcrow: Motion to Place offender on the next available docket made by Mr. Dugger and seconded by Ms. Harkins. All members vote yes

The February 2012 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning February 21, 2012. The published agenda for the February 2012 meeting lists item "Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the February 2012 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer, and David Moore. The published minutes reflect business was conducted under item "VII. Docket Modifications- J.D. Daniels" on February 23.

"Of the three proposed PDI's two were withdrawn. Consideration of Nikisha Farris #370945 was withdrawn by Ms. Hawkins. Consideration of Melvyn Felton #577493 was withdrawn by Mr. Ballard."

The minutes do not reflect where, when, or who proposed the PDI's. The published minutes then list that the following offender was voted on and approved to be placed on the next available docket.

- 1) Jack A. Logsdon (#581018): Motion to Place offender on the next available docket made by Mr. Ballard and seconded by Dr. Dreyer. All members vote Yes

The March 2012 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning March 20, 2012. The published agenda for the March 2012 meeting lists item "IX D. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the March 2012 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer, and David Moore. The published minutes reflect business was conducted under item "VI. Docket Modifications- J.D. Daniels" on March 22, then lists that the following offenders were voted on and approved to be placed on the next available docket. (*Note: Minutes show under Item VI - The Business meeting began at 4:30 pm. on Thursday, March 20, 2012, however, under Item VII - the document shows - The Business meeting recessed at 6:00 pm. on March 22, 2012*)

- 1) Marlene Chambers (#566933): Motion to Place offender on the next available docket made by Mr. Dugger and seconded by Ms. Harkins. All members vote Yes
- 2) Stephen Chancellor (#522176): Motion to Place offender on the next available docket made by Mr. Moore and seconded by Mr. Ballard. All members vote Yes
- 3) Rocky McKinley (#608810): Motion to Place offender on the next available docket made by Mr. Moore and seconded by Mr. Ballard. All members vote Yes

(Note: inmate 566933 is Maelene Chambers not Marlene Chambers)

The April 2012 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning April 17, 2012. The

published agenda for the April 2012 meeting lists item" IX D. Docket Modifications – J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the April 2012 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer, and David Moore. The published minutes reflect business was conducted under item "VI.D Docket Modifications - J.D. Daniels" on April 19, then lists that the following offender was voted on and approved to be placed on the next available docket.

- 1) Easker Brooks III (#456389): Motion to place Brooks on the next available docket made by Mr. Dugger and seconded by Mr. Dreyer. All members vote Yes

The May 2012 Pardon and Parole Board meeting held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma on May 15, 2012. The published agenda for the May 2012 meeting lists item" IX D. Docket Modifications – J.D. Daniels".

(Note: The agenda shows this item was addressed on Thursday, April 19, 2012. This appears to be a typographical error on the agenda). There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the May 2012 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer, and David Moore. The published minutes reflect business was conducted under item "VI.D Docket Modifications - J.D. Daniels" on May 17, then lists that the following offender was voted on and approved to be placed on the next available docket.

- 1) Curtis Horton (#578191): Motion to Place offender on the next available docket made by Mr. Ballard and seconded by Mr. Dreyer. All members vote Yes

The June 2012 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma beginning June 19, 2012. The published agenda for the June 2012 meeting lists item" IX D. Docket Modifications – J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the June 2012 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer, and David Moore. The published minutes reflect business was conducted under item" VI.D. Docket Modifications- J.D. Daniels" on June 21, then lists that the following offenders were voted on and approved to be placed on the next available docket.

- 1) Jonathan Davis (#135656): Motion to Place offender on the next available docket made by Dr. Dreyer and seconded by Mr. Moore. All members vote Yes except Mr. Dugger who recused
- 2) Jenó Jones (#592923): Motion to Place offender on the next available docket made by Dr. Dreyer and seconded by Mr. Moore. All members vote Yes

The July 2012 Pardon and Parole Board meeting was held at 3300 Martin Luther King Ave. Oklahoma City, Oklahoma County, Oklahoma on July 17, 2012. The published agenda for the July 2012 meeting lists item "IX D. Docket Modifications - J.D. Daniels". There are no other details published in regards to this agenda item.

The published meeting minutes show the members present for the July 2012 meeting were Richard Dugger, Lynnell Harkins, Currie Ballard, Dr. Marc Dreyer, and David Moore. The published minutes reflect business was conducted under item" VI. Docket Modifications - J.D. Daniels" on July 19, then lists that the following offender was voted on and approved to be placed on the next available docket.

- 1) Karen Matthews (#2204493) (*Actual # is believed to be 220493*): Motion to Place offender on the next available docket made by Mr. Dreyer and seconded by Mr. Dugger. (*Audio recording reflects Mr. Ballard making the motion and Mr. Dugger seconded.*) All members vote Yes except Mr. Moore who was absent

Summary

Your Affiant's investigation has revealed that the Oklahoma Open Meeting Act 25 OS 2001 301 requires public bodies to post their agendas and conduct their meetings in public. The Oklahoma Pardon and Parole board is a public body and must conduct business in accordance with the Oklahoma Open Meeting Act. The defendant's willful and intentional practice of using an undefined, vague agenda item with no details of business to be conducted to place inmates into the parole process before their eligible date without declaring the inmates name or the nature and purpose of the discussion in advance on the agenda for the meeting in which the discussion took place is a violation of the Oklahoma Open Meeting Act.

Your affiant's investigation revealed that Lynnell Harkins as a member of the Oklahoma Pardon and Parole board conducted business not listed on the agenda and by doing so violated the Oklahoma Open Meeting Act on the following dates:

- Ct.1 May 23 2011
- Ct.2 June 21 2011
- Ct.3 October 11 2011
- Ct.4 January 24 2012
- Ct.5 February 21 2012
- Ct.6 March 20 2012
- Ct.7 April 17 2012
- Ct.8 May 15 2012
- Ct.9 June 19 2012
- Ct.10 July 17 2012

ABE
AFFIANT KARY B. EASTRIDGE

Subscribed and sworn to before me this 13th day of March, 2013.

Rita Zimnail
03003862 3/6/13