

IN THE DISTRICT COURT OF KAY COUNTY
STATE OF OKLAHOMA

Filed in the DISTRICT COURT
Kay County, Oklahoma

APR 29 2010

MARY RAMSEY, COURT CLERK
BY *[Signature]* DEPUTY

STATE OF OKLAHOMA,

Plaintiff,

Vs

WILLIAM L. CLARK, JR.,

Defendant.

CF-2010- 198

**SPECIAL APPEARANCE, DENIAL OF JURISDICTION, CHALLENGE TO
THE GRAND JURY PANEL, MOTION TO QUASH THE GRAND JURY PANEL,
AND MOTION TO QUASH AND SET ASIDE THE INDICTMENT OF THE
DEFENDANT**

COMES NOW the Defendant, WILLIAM L. CLARK, JR., by and through his undersigned counsel, appearing specially for the purpose of pleading to the jurisdiction of this Court and challenging the Grand Jury panel and for these motions only, and denies that this Court has jurisdiction of the person of said defendants and challenges the Grand Jury panel, and moves the Court to quash, set aside and hold for naught both the Grand Jury panel and the purported indictment in the above-styled and numbered cause for the following reasons, to-wit:

1. That the Grand Jury which returned the purported indictment herein was not called, drawn, summoned and impaneled as provided by law.
2. That said Grand Jury did not consist of twelve (12) persons qualified to serve as Grand Jurors; that there were members of said Grand Jury who were not qualified electors for jury service as required by law, and, therefore, said Grand Jury was composed of less than twelve (12) qualified jurors and merely constituted a group of individuals who were not authorized to act as a Grand Jury.
3. That the purported indictment failed, upon its face, to state an offense against the laws of the State of Oklahoma.
4. That the purported indictment shows, upon its face, that any offense alleged therein is now barred by the statute of limitations.
5. That the evidence heard by the Grand Jury was insufficient to support the

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purported indictment returned against this defendant.

6. That the purported indictment does not comply with the requirements and conditions of the Constitution and Statutes of the State of Oklahoma, and, therefore, is void.

7. That the members of the Grand Jury were subjected to outside influences which influenced their considerations and deliberations concerning the purported indictment.

8. That unauthorized persons were permitted to be present in the Grand Jury room during the time it was in session and during its deliberations and during its voting.

9. That the Grand Jury heard and considered hearsay and secondary evidence; that said Grand Jury did consider information, evidence, and statements made to them or obtained by them outside the Grand Jury room which consisted of evidence not presented under oath and which was unauthorized, thus, vitiating the Grand Jury proceedings.

10. That the purported indictment was not voted upon separately as required by law but was voted on together with other indictments and indictments of other persons, all of which occurred at the same time.

11. That the purported indictment was not drawn by the Grand Jury; the District Attorney, or the Attorney General of the State of Oklahoma or his Assistant; but was prepared by someone that was not authorized to be involved in the Grand Jury, that the Grand Jury declined to follow the legal advice of the District Attorneys, Assistant Attorney General or the Judge of the District Court, or the Constitution and Statutes of the State of Oklahoma.

12. That the names of all witnesses examined before the Grand Jury with reference to the purported indictment were not made to appear thereon before the same was presented as required by law.

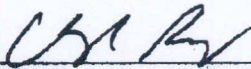
13. That the Grand Jury did not function entirely within the Grand Jury room as provided by law, but at various places away from the Grand Jury room. That it continually recessed and adjourned without the knowledge or permission of the Court and without proper daily admonitions from the Court concerning the reading of newspapers, listening to radio, watching television, or refraining talking to or permitting anyone to talk to them, while away from the Grand Jury room, concerning any matters before the Grand Jury and that they were not interrogated daily by the Court, or admonished daily by the Court concerning such matters and were susceptible to outside influences, thus denying procedural

due process of law to these defendants, vitiating said proceedings.

14. That the Grand Jury received legal advice and opinions from person other than members of the District Attorney's staff or the office of the Attorney General.

WHEREFORE, the Defendant, WILLIAM L. CLARK, JR., states that he is acting in good faith in the presentation of this special appearance, denial of jurisdiction, challenge to the Grand Jury panel, motion to quash the Grand Jury panel and motion to quash and set aside the indictment; that the facts herein set forth were unknown to this defendant at or before the time the Grand Jury was impaneled; that this denial of jurisdiction, challenge to the Grand Jury panel, motion to quash the Grand Jury panel, and motion to quash and set aside the indictment are meritorious and not made for the purpose of delay; that the Defendant, WILLIAM L. CLARK, JR., therefore respectfully requests that the Court deny jurisdiction, sustain the challenge to the Grand Jury panel, quash the Grand Jury panel, and quash and set aside the purported indictment and warrant herein.

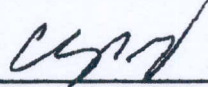
Respectfully submitted,
SZLICHTA AND RAMSEY


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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF DELIVERY

I, **CHERYL A. RAMSEY**, do hereby certify that a true and correct copy of the above and foregoing Special Appearance, Denial of Jurisdiction, Challenge to the Grand Jury Panel, Motion to Quash the Grand Jury Panel, and Motion to Quash and Set Aside the Indictment of the Defendant was delivered this 20th day of April, 2010, to Mr. John Wampler, District Attorney, District Three.


CHERYL A. RAMSEY

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