

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT
 SITTING WITHIN AND FOR OKLAHOMA COUNTY
 STATE OF OKLAHOMA

FILED IN DISTRICT COURT
 OKLAHOMA COUNTY

OCT 20 2021
 RICK WARREN
 COURT CLERK
 27 _____

APPLICATION OF:)
)
 GARLAND PRUITT,)
 HANNAH ROYCE,)
 NICOLE MCAFEE,)
 JESS EDDY, and,)
 TAMYA COX-TOURE,)
)
 CITIZEN RESIDENTS OF THE)
 COUNTY OF OKLAHOMA,)
 STATE OF OKLAHOMA,)
 PETITIONING FOR AN ORDER)
 DIRECTING A GRAND JURY)
 TO BE CONVENED.)

Case No. GJ-2021-2
 JUDGE RICHARD OGDEN

AMENDED PETITION TO IMPANEL GRAND JURY

COMES NOW the Applicants to present this amended petition (“the Petition”) to impanel a grand jury with jurisdiction in Oklahoma County pursuant to Article II, § 18 of the Oklahoma Constitution, 22 O.S. § 1181 *et seq.*, and 38 O.S. § 101 *et seq.* In support, the Applicants assert:

I. ALLEGATIONS OF FACT

1. The undersigned Applicants reside within the boundaries of the County of Oklahoma, State of Oklahoma, and are registered voters of Oklahoma County and Oklahoma State.
2. David Prater (“Mr. Prater”) has, through the Office of District Attorney for Oklahoma County, performed a number of consecutive and related acts, at times in conspiracy with another, motivated by his personal animus for Black Oklahomans on the basis of race, with the intent to injure Black Oklahoman residing within the State of Oklahoma and the County of Oklahoma.

WARNING

It is a felony for anyone to sign a petition for the convening of a grand jury with any name other than his own, or knowingly to sign his name more than once for the convening of the grand jury, or to sign such petition when he is not a legal voter of the county.

3. The acts include, but are not limited to, use and abuse of court proceedings; public statements made to intimidate or otherwise place persons in apprehension of discriminatory and targeted treatment by the Office of the District Attorney on the basis of race and association with persons who are Black; extrajudicial statements and acts made with the intent to intimidate and cause suppression of the exercise and carrying out of Constitutionally-guaranteed rights and statutorily compelled administration of the government.
4. These injuries include, but are not limited to, oppression of Black Oklahoman(s) and associated persons from the exercise of statutorily and constitutionally-guaranteed rights, including but not limited to, deprivation of Julius Darius Jones' ("Mr. Jones") rights afforded to, upon a decision by Oklahoma Pardon and Parole Board ("Board") to accept his application for commutation and clemency, to receive a fair and impartial hearing and a decision made thereupon, by a five-member panel of the Oklahoma Pardon and Parole Board; Trichell Jones's rights to due process and to be free from criminal conduct affecting her legal proceedings; the Oklahoma Governor's right to perform the functions of the Executive of the State of Oklahoma by and through the performance of the functions of the Board; Black Oklahomans' rights to exercise speech in Oklahoma County; any persons' rights to exercise speech in Oklahoma County in support of Black Americans in Oklahoma; and the people of the County and State of Oklahoma's right to a fair and impartial district attorney.
5. On March 1, 2021, Mr. Prater transmitted a letter to the Board in support of his position that Mr. Jones is guilty asking the Board to not hold a commutation hearing for Mr. Jones. The letter was publicly released.

6. On March 4, 2021, Mr. Prater transmitted a letter to Board member Adam Luck (“Mr. Luck”) alleging that Mr. Luck had personal bias in regard to Mr. Jones and requested he recuse from the Board’s consideration of Mr. Jones’ commutation request. The letter was baseless and frivolous.
7. On March 8, 2021 the Oklahoma Pardon and Parole Board voted to advance Mr. Jones’s application for commutation to the second stage hearing for review.
8. In response to the Board’s decision, on March 11, 2021, Mr. Prater filed a frivolous civil action against Oklahoma Governor Kevin Stitt and his executive agency, the Board, alleging Board members Mr. Luck and Ms. Kelly Doyle (“Ms. Doyle”) possessed conflicts of interest. The action was made to with the intent to intimidate Board members Ms. Doyle and Mr. Luck. The action was frivolous such that the responding Governor and Board did not file an Answer to the Petition. According with the lawsuit’s lack of merit and frivolous nature, Mr. Prater could not and did not prosecute the action beyond its filing and ultimately dismissed the action on September 9, 2021.
9. On September 5, 2021, David Prater published an opinion piece in the Oklahoman saying that Jones’ supporters, including pastors, have “malicious, nefarious intent.”
10. On September 8, 2021, Mr. Prater filed an application with the Oklahoma Supreme Court to issue a writ to prohibit Board members Ms. Doyle and Mr. Luck from participating in the September 12, 2021 commutation hearing for Mr. Jones and a request for an order directing the members to refrain participating. The matter came on for hearing September 10, in which Mrs. Sandra Elliott (“Mrs. Elliott”) argued on Mr. Prater’s behalf, and the Court denied Mr. Prater’s request. The filing was a

baseless and frivolous attempt to again intimidate and prohibit Board members from performing their statutory function as an executive agency and prohibit Mr. Jones from exercising his statutory right to review of his application and request for commutation by the Oklahoma Pardon and Parole Board

11. Three days later, on September 12, 2021, Mrs. Elliott, an agent of Mr. Prater, with the intent to intimidate and injure, made baseless allegations at Mr. Jones's commutation hearing that Board members Adam Luck, Kelly Doyle, and Scott Williams had and would violate Board rules by participating in the hearing on Mrs. Elliott's allegation that they had conflicts of interest. Although Mr. Williams did recuse from participating in the hearing, he did so out of an abundance of caution and expressly denied that he was unable to proceed impartially. Regardless, this allegation was baseless and frivolous and was again employed by Mr. Prater and his agent, Mrs. Elliott, to unlawfully obstruct Board members from performing their statutory function as an executive agency and obstruct Mr. Jones from exercising his statutory right to review of his application and request for commutation by the Oklahoma Pardon and Parole Board.
12. Mr. Prater, and/or his agent(s), have perpetrated the foregoing pattern of conduct against Mr. Jones and the Board of his animus for Mr. Jones based on Mr. Jones' race.
13. Mr. Prater has conspired with his agent(s) to advance frivolous judicial and extra-judicial proceedings against Mr. Jones and the Board with discriminatory animus, including but not limited to statements made in Board proceedings and actions filed in Oklahoma County District Court and the Oklahoma Supreme Court. Mr. Prater has

made further discriminatory public statements of his intent to injure Mr. Jones, including asserting that a prominent Jewish American, George Soros, has taken over the State of Oklahoma in concert with “Hollywood.”

14. Similarly situated Death Row inmates who are white have not received the same level of adverse treatment by Mr. Prater and/or his agent(s) that Mr. Jones has received.
15. Similarly situated Death Row inmates have not received the same level of adverse treatment by Mr. Prater and/or his agent(s) that Mr. Jones has received because they are not publicly associated with other Black Oklahomans who are public figures and the Black Community at-large in Oklahoma as Mr. Jones is, nor are they a Black public figure as Mr. Jones is.
16. Mr. Jones is a Black male on Death Row in Oklahoma, convicted of a crime in Oklahoma County District Court, set for execution, and has the opportunity for a clemency hearing before the Board.
17. Bigler Stouffer is a white male on death row in Oklahoma, convicted of a crime in Oklahoma County District Court, set for execution, has the opportunity for a clemency hearing before the Board, and who has not been targeted for adverse treatment by Mr. Prater. Mr. Stouffer is similarly situated to Mr. Jones.
18. Gilbert Postelle is a white male on death row in Oklahoma, convicted of a crime in Oklahoma County District Court, set for execution, has the opportunity for a clemency hearing before the Board, and who has not been targeted for adverse treatment by Mr. Prater. Mr. Postelle is similarly situated to Mr. Jones.
19. James Coddington is a white male on death row in Oklahoma, convicted of a crime in Oklahoma County District Court, set for execution, has the opportunity for a

clemency hearing before the Board, and who has not been targeted for adverse treatment by Mr. Prater. Mr. Coddington is similarly situated to Mr. Jones.

20. In 2020, YWCA OKC Chief Officer of Domestic Violence Victims Services, Angela Beatty, reviewed the facts and circumstances of Oklahoma County case no. CF-2019-432 and submitted an opinion to the Defense, asserting that Defendant, Trichell Jones (“Ms. Jones”) (not related to Julius Jones), was suffering from battered woman syndrome from years of abuse at the hands of her now-deceased male partner when she caused his death and for which she had been charged with homicide. In response, in 2020 or 2021, Mr. Prater communicated to the Chief Executive Officer of the YWCA of Oklahoma City, Janet Peery, that his office would visit consequences upon the YWCA and Ms. Peery if YWCA employee, Angela Beatty, testified as a Defense witness in CF-2019-432, with the intent of intimidating Ms. Peery to cause Ms. Beatty to alter her testimony or prevent her from testifying. Ms. Jones is a Black Oklahoman.
21. Based on the foregoing, Mr. Prater has demonstrated gross partiality against Mr. Jones and, in doing so, willfully neglected his responsibilities as a public official and prosecutor to conduct the business of the State with impartiality.
22. Based on the foregoing, Mr. Prater has acted to oppress Mr. Jones, the Oklahoma Pardon and Parole Board, and its individual members: Mr. Luck, Ms. Doyle, and Mr. Williams.
23. Mr. Prater has demonstrated corruption of public office and maladministration of office by and through his acts to abuse the power of his office and utilize the public

funds sustaining his office and employment to carry out such unlawful conduct as described herein and/or related thereto.

**II. ACCUSATIONS FOR REMOVAL OF
DAVID W. PRATER, DISTRICT ATTORNEY FOR OKLAHOMA COUNTY,
PURSUANT TO 22 O.S. § 1181**

24. The allegations set forth in paragraphs 1 through 23 of this Petition are incorporated as if repeated in this paragraph.

25. The Applicants petition for the convening of a grand jury to investigate matters alleged below as they establish grounds of Gross Partiality in Office; Oppression in Office; Corruption in Office; and Willful Maladministration.

1. Gross Partiality in Office

26. The allegations set forth in paragraphs 1 through 23 of this Petition are incorporated as if repeated in this paragraph.

27. Mr. Prater should be removed from office for the offense of Gross Partiality in Office pursuant to 22 O.S. § 1181 (2).

28. Mr. Prater is guilty of Gross Partiality in Office because of his racial animus against Black Oklahomans, as evidenced by his selective and discriminatory treatment of Mr. Jones and Ms. Jones, and his treatment of the Oklahoma Pardon and Parole Board, and its members, Mr. Luck, Ms. Doyle, and Mr. Williams, related to Mr. Jones.

2. Oppression in Office

29. The allegations set forth in paragraphs 1 through 23 of this Petition are incorporated as if repeated in this paragraph.

30. Mr. Prater should be removed from office for the offense of Oppression in Office pursuant to 22 O.S. § 1181 (3).

31. Mr. Prater is guilty of Oppression in Office because of his racial animus against Black Oklahomans, as evidenced by his selective and discriminatory treatment of Mr. Jones and Ms. Jones, and his treatment of the Oklahoma Pardon and Parole Board, and its members, Mr. Luck, Ms. Doyle, and Mr. Williams, related to Mr. Jones.

3. Corruption in Office

32. The allegations set forth in paragraphs 1 through 23 of this Petition are incorporated as if repeated in this paragraph.

33. Mr. Prater should be removed from office for the offense of Corruption in Office pursuant to 22 O.S. § 1181 (4).

34. Mr. Prater is guilty of Corruption in Office because of his unlawful and wrongful use of his public office to procure a benefit for himself, namely, the vindication of his racial animus against Black Oklahomans, as evidenced by his selective and discriminatory treatment of Mr. Jones and Ms. Jones, and his treatment of the Oklahoma Pardon and Parole Board, and its members, Mr. Luck, Ms. Doyle, and Mr. Williams, related to Mr. Jones, contrary to duty and the rights of others.

4. Willful Maladministration

35. The allegations set forth in paragraphs 1 through 23 of this Petition are incorporated as if repeated in this paragraph.

36. Mr. Prater should be removed from office for the offense of Willful Maladministration pursuant to 22 O.S. § 1181 (6).

37. Mr. Prater is guilty of Willful Maladministration because of his unlawful and wrongful use of his public office to procure a benefit for himself, namely, the vindication of his racial animus against Black Oklahomans, as evidenced by his selective and

discriminatory treatment of Mr. Jones and Ms. Jones, and his treatment of the Oklahoma Pardon and Parole Board, and its members, Mr. Luck, Ms. Doyle, and Mr. Williams, related to Mr. Jones, which acts were committed with bad or evil intent, namely, with racial animus against Black Oklahomans, or were committed contrary to a known duty, namely, the duty to act with impartiality and without racial animus, or were committed with inexcusable recklessness.

III. PRAYER FOR RELIEF

38. The allegations and accusations set forth in paragraphs 1 through 37 of this Petition are incorporated as if repeated in this paragraph.

39. We, the Applicants, and the undersigned qualified electors of the County of Oklahoma, State of Oklahoma, respectfully order that a grand jury be impaneled, pursuant to Article II, § 18 of the Oklahoma Constitution, 22 O.S. § 1181 *et seq.*, and 38 O.S. § 101 *et seq.*, with all powers and authorities provided to a grand jury under Oklahoma law, to inquire into the subject matter and specific identification of areas described above, to determine whether an action for removal of David W. Prater, District Attorney for Oklahoma County, shall issue.

Respectfully submitted:


GARLAND PRUITT


TAMYIA COX-TOURE


HANNAH ROYCE


NICOLE MCAFEE


JESS EDDY

CITIZEN PETITION FOR GRAND JURY TO BE CONVENED IN OKLAHOMA COUNTY

The gist of the proposition is: Applicants, and the undersigned qualified electors of Oklahoma County, Oklahoma, seek to convene a grand jury in Oklahoma County, with all powers and authorities provided to a grand jury under Oklahoma law, to determine whether an action for removal of David W. Prater, District Attorney for Oklahoma County, shall issue for one, some, or all of the following offenses under 22 O.S. § 1181: Gross Partiality in Office; Oppression in Office; Corruption in Office; and Willful Maladministration.

Date (00/00/0000)	Legal Name (Last, First)	Date of Birth (00/00/0000)	Home Address	Zip Code	Oklahoma County Registered Voter (Fill Box)	Signature
					YES <input type="checkbox"/> NO <input type="checkbox"/>	
					YES <input type="checkbox"/> NO <input type="checkbox"/>	
					YES <input type="checkbox"/> NO <input type="checkbox"/>	
					YES <input type="checkbox"/> NO <input type="checkbox"/>	
					YES <input type="checkbox"/> NO <input type="checkbox"/>	
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					YES <input type="checkbox"/> NO <input type="checkbox"/>	
					YES <input type="checkbox"/> NO <input type="checkbox"/>	

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

I, _____, being first duly sworn, say: That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence; I believe that each has stated his or her name, home address, and date of birth associated with his or her Oklahoma voter registration record, and that each signer is a legal voter of the State of Oklahoma.

Subscribed and sworn to before me this ____ day of _____, 2021.

Circulator, original signature

Notary Public address of record

Circulator, complete mailing address

Notary Commission Number

Notary Public, signature

Notary public seal impression here

Notary Commission

Expiration Date:

Attachment A (Page 1 of 2)

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

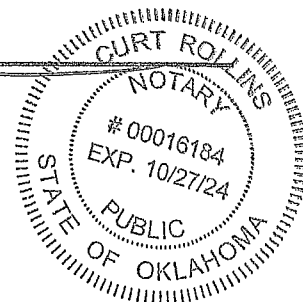
I, Garland Pruitt, being first duly sworn upon oath, states that the allegations set forth in the above Application are true and correct to the best of my information, knowledge, and belief.

Garland Pruitt
Name

Garland Pruitt
Signature

Subscribed and sworn to me this 20th day of October, 2021.

[Signature]
Notary Public



My Commission No.: 00016184
My Commission Expires: 10/27/2024

VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

I, Hannah Royce, being first duly sworn upon oath, states that the allegations set forth in the above Application are true and correct to the best of my information, knowledge, and belief.

Hannah Royce
Name

[Signature]
Signature

Subscribed and sworn to me this 20 day of October, 2021.

[Signature]
Notary Public

My Commission No.: 21013282

My Commission Expires: 10/8/2025



VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

I, Nicole McAfee, being first duly sworn upon oath, states that the allegations set forth in the above Application are true and correct to the best of my information, knowledge, and belief.

Nicole McAfee
Name

[Handwritten Signature]
Signature

Subscribed and sworn to me this 20 day of October, 2021.

[Handwritten Signature]
Notary Public

My Commission No.: 21013286
My Commission Expires: 10/8/2025



VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

I, Jess Eddy, being first duly sworn upon oath, states that the allegations set forth in the above Application are true and correct to the best of my information, knowledge, and belief.

Jess Eddy
Name

[Signature]
Signature

Subscribed and sworn to me this 20 day of October, 2021.

[Signature]
Notary Public

My Commission No.: 21013282

My Commission Expires: 10/8/2025



VERIFICATION

STATE OF OKLAHOMA)
) ss.
COUNTY OF OKLAHOMA)

I, Tamya Cox - Touré, being first duly sworn upon oath, states that the allegations set forth in the above Application are true and correct to the best of my information, knowledge, and belief.

Tamya Cox - Touré
Name

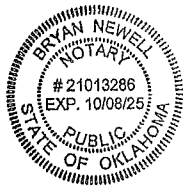
Tamya Cox - Touré
Signature

Subscribed and sworn to me this 20 day of October, 2021.

Bryan Newell
Notary Public

My Commission No.: 21013282

My Commission Expires: 10/8/2025



CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

OCT 20 2021

RICK WARREN COURT CLERK
Oklahoma County

Rick Warren