

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

State of Oklahoma

PLAINTIFF,

VS.

INFORMATION

RANDALL TERRILL

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

DEBORAH ANN LEFTWICH

DEC 22 2010

DEFENDANTS.

PATRICIA PRESLEY, COURT CLERK

by _____

CF-2010-8067

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW ^{DEPUTY} *David W. Prater*
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 1ST DAY OF FEBRUARY, 2010, THROUGH THE 6TH DAY OF JUNE, 2010, A.D., THE CRIME OF OFFERING A BRIBE FOR WITHDRAWAL OF CANDIDACY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY RANDALL TERRILL, WHO INTENTIONALLY, WILLFULLY, AND KNOWINGLY DID OFFER A THING OF VALUE TO DEBORAH ANN LEFTWICH FOR HER WITHDRAWAL OF CANDIDACY TO WIT: BY RANDALL TERRILL ATTEMPTING TO LEGISLATIVELY CREATE AND FUND AN \$80,000 PER YEAR STATE JOB WITH THE OKLAHOMA MEDICAL EXAMINER'S OFFICE AND THROUGH POLITICAL INFLUENCE AND/OR INTIMIDATION FORCE DEBORAH ANN LEFTWICH'S APPOINTMENT TO SAID JOB IN RETURN FOR DEBORAH ANN LEFTWICH WITHDRAWING HER CANDIDACY FOR OKLAHOMA STATE SENATE SEAT 44 FOR THE 2011-2014 TERM, CONTRARY TO PROVISIONS OF SECTION 16-107 OF THE OKLAHOMA STATUTES AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA

COUNT 2 : ON OR ABOUT THE 1ST DAY OF FEBRUARY, 2010 THROUGH THE 6TH DAY OF JUNE, 2010 A.D., THE CRIME OF SOLICITING AND/OR ACCEPTING A BRIBE FROM ANOTHER FOR WITHDRAWAL OF CANDIDACY WAS FELONIOUSLY COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY DEBORAH ANN LEFTWICH, WHO INTENTIONALLY, WILLFULLY, AND KNOWINGLY DID SOLICIT AND/OR ACCEPT A THING OF VALUE FROM RANDALL TERRILL FOR DEBORAH ANN LEFTWICH'S WITHDRAWAL OF CANDIDACY TO WIT: BY DEBORAH ANN LEFTWICH SOLICITING AND/OR ACCEPTING FROM RANDALL TERRILL HIS ATTEMPT TO LEGISLATIVELY CREATE AND FUND AN \$80,000 PER YEAR STATE JOB WITH THE OKLAHOMA MEDICAL EXAMINER'S OFFICE AND THROUGH POLITICAL INFLUENCE AND/OR INTIMIDATION, FORCE DEBORAH ANN LEFTWICH'S APPOINTMENT TO SAID JOB IN RETURN FOR DEBORAH ANN LEFTWICH WITHDRAWING HER CANDIDACY FOR OKLAHOMA STATE SENATE SEAT 44 FOR THE 2011-2014 TERM, CONTRARY TO THE PROVISIONS OF SECTION 16-108 OF TITLE 26 OF THE OKLAHOMA STATUTES AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA

DAVID W. PRATER

DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY *[Signature]*
ASSISTANT DISTRICT ATTORNEY

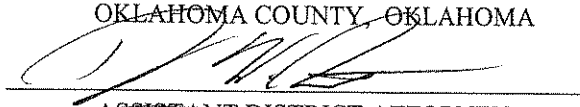
[Handwritten mark]

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

CHAD ALEXANDER
4020 N LINCOLN BLV STE 100
OKLAHOMA CITY, OK 73105

CHEROKEE BALLARD
901 N STONEWALL
OKLAHOMA CITY, OK 73117

SANDRA BALZAR
313 NE 21ST STR
OKLAHOMA CITY, OK 73105

CHRIS BENGE
3804 S ROLLING OAKS DR
TULSA, OK 74107

MIKE CHRISTIAN
2300 N LINCOLN BLV ROM 537C
OKLAHOMA CITY, OK 73105

GLEN COFFEE
2300 N LINCOLN BLV ROM 104
OKLAHOMA CITY, OK 73105

MARIAN COOKSEY
2300 N LINCOLN BLV ROM 409
OKLAHOMA CITY, OK 73105

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

MIKE GOULD
OKLAHOMA COUNTY DISTRICT ATTORNEY
505 COUNTY OFFICE BLDG.
OKLAHOMA CITY OK, 73102

DUSTIN GREEN
3015 N KENTUCKY AVE
OKLAHOMA CITY, OK 73106

MIKE JOHNSON
2300 N LINCOLN BLV ROM 417B
OKLAHOMA CITY, OK 73105

CLARK JOLLEY
2300 N LINCOLN BLV ROM 425
OKLAHOMA CITY, OK 73105

TOM JORDAN
701 CEDAR LAKE BLVD
OKLAHOMA CITY, OK 73114

INVESTIGATOR DELBERT KNOPP
OKLAHOMA COUNTY DISTRICT ATTORNEY
505 COUNTY OFFICE BLDG.
OKLAHOMA CITY OK, 73102

MARK MCCULLOUGH
2300 N LINCOLN BLV ROM 328B
OKLAHOMA CITY, OK 73105

JENNIFER MULLENS
2300 N LINCOLN BLV ROM 309
OKLAHOMA CITY, OK 73105

PAT MURPHY
1001 S TELEPHONE RD
OKLAHOMA CITY, OK 73160

DAVID MYERS
2300 N LINCOLN ROM 414
OKLAHOMA CITY, OK 73105

LESLIE OSBORN
2300 N LINCOLN BLV ROM 300
OKLAHOMA CITY, OK 73105

ANASTASIA PITTMAN
2300 N LINCOLN BLV ROM 505
OKLAHOMA CITY, OK 73105

JOHN RACINE
1001 S TELEPHONE RD
OKLAHOMA CITY, OK 73160

ANNETTE RILEY
901 N STONEWALL
OKLAHOMA CITY, OK 73117

MIKE ROWLETT
OKLAHOMA COUNTY DISTRICT ATTORNEY
505 COUNTY OFFICE BLDG.
OKLAHOMA CITY OK, 73102

JAMIE WALLEN
5825 CADDO CTR
WARR ACRES, OK 73122

OPERS BENEFIT REPRESENTATIVE
5801 N BROADWAY STE 400
OKLAHOMA CITY, OK 73118

RANDY ROSE
1419 SW 43RD
OKLAHOMA CITY, OK 73119

ANTHONY SYKES
2300 N LINCOLN BLV ROM 426
OKLAHOMA CITY, OK 73105

AGENT DARRELL WEAVER
OKLAHOMA BUREAU NARCOTICS
440 NE 39TH STR
OKLAHOMA CITY OK, 73105

IN THE DISTRICT COURT OF OKLAHOMA COUNTY)
STATE OF OKLAHOMA)
))
vs.) AFFIDAVIT OF
) PROBABLE CAUSE
DEFENDANTS: RANDALL TERRILL)
DEBORAH ANN LEFTWICH)

STATE OF OKLAHOMA)
))
) SS. CHARGE(S):
COUNTY OF OKLAHOMA) COUNT ONE (1) - DEFENDANT TERRILL:
) OFFERING A BRIBE FOR WITHDRAWAL
) OF CANDIDACY
))
) COUNT TWO (2) – DEFENDANT LEFTWICH:
) SOLICITATION OR ACCEPTANCE OF A
) BRIBE FOR WITHDRAWAL OF
) CANDIDACY

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

I am a peace/police officer employed as the Chief Investigator by the Oklahoma County District Attorney's Office. I have been a police officer for approximately thirty-two (32) years, having served twenty-two (22) years with the Oklahoma City Police Department. My employment responsibilities include investigation of suspected criminal conduct in Oklahoma County, Oklahoma. Based on facts as set forth herein, a criminal investigation was initiated by the Oklahoma County District Attorney's Office. Therein, information was obtained via grand jury subpoenas, voluntary interviews, public record searches, unsolicited contacts, review of Oklahoma Law, and other investigative methods.

As a result, your Affiant has learned the following which forms the basis for this affidavit and filing:

Relevant Provisions of Oklahoma Law

1. Article 5 Section 23 of the Oklahoma Constitution prohibits a state legislator from accepting state employment within two years of the expiration of their term.
2. The Oklahoma Attorney General's Office has issued its opinion in 2004 OKAG 25 & 2005 OKAG 13 that a state legislator may accept state employment if that employment is not funded by appropriated monies.
3. Title 26 Oklahoma Statutes Section 16-107 states it is a felony criminal offense for any person to, "...offer or give to another anything of value to induce or cause such other person to withdraw from a political contest as a candidate or nominee at any election ...".
4. Title 26 Oklahoma Statutes Section 16-108 states it is a felony criminal offense for any person to, "...solicit or accept from another anything of value for withdrawing from any political contest as a candidate or nominee for any office at any election. . .".
5. A "Candidate" is defined in Oklahoma Law in two separate statutory provisions (i.e., Title 21 Oklahoma Statutes Section 187, & Title 74 Oklahoma Statutes Section 257 1-1-2) as:
". . . a person who seeks nomination or election to state office. An Individual is a candidate when the individual:
. . .
(4) solicits or accepts contributions, makes expenditures or gives consent to an individual, organization, party committee, or other committee to solicit or accept contributions or make expenditures to secure election to any state office at any time, whether or not the office for which the individual will seek nomination or election is known when the:
(A) solicitation is made;
(B) contribution is accepted; or
(C) expenditure is made.

Information Received
By the Oklahoma County District Attorney's Office

On May 28, 2010, the last day of the 2010 legislative session, Senator Debbe Leftwich publicly withdrew her candidacy and announced her intent not to seek another term as Senator for Senate District 44. On Tuesday, June 1, 2010, the Oklahoma County District Attorney's Office received information that illegal activities may have been involved in Debbe Leftwich's decision to withdraw her candidacy for Senate District 44.

It was reported that Representative Randy Terrill, Representative Mike Christian and Senator Deborah Leftwich were involved in a plan to create the "Transition Coordinator" position for Sen. Leftwich at the Oklahoma State Medical Examiner's Office. The plan was for Sen. Leftwich to be offered the position to induce her to withdraw her candidacy for Senate District 44. Rep. Christian had voiced an interest in running for Senate District 44, but didn't want to run against an incumbent. Christian was interested in the Senate seat because his ultimate goal was to seek election for the Oklahoma County Sheriff's position. The Senate seat and the Sheriff's position are not on the same election cycle. Therefore, Christian could run for Sheriff without being required to step down from his position as a state senator if he was successful in his campaign for Senate District 44.

Terrill was responsible for the language in SB 738 that created the transition coordinator position in the Medical Examiner's Office. Senate Bill 738 created the position of "Transition Coordinator" in the Oklahoma Medical Examiner's Office. Senate Bill 738 was passed on May 27, 2010, the day before the end of the 2010 legislative session. House Bill 2486 diverted \$90,000 from the Drug Money Laundering and Wire Transmitter Revolving Fund of the Oklahoma Bureau of Narcotics and Dangerous Drug Control to the Special Cash Fund of the State Treasury. The Bill then appropriated the \$90,000.00 to the Medical Examiner's Office. An emergency clause was attached to HB 2486 and the Bill passed on May 28, 2010, the day after SB 738 passed, and the last day of the 2010 session.

The information indicated that Terrill devised a plan to circumvent the Oklahoma Constitutional prohibition of legislators taking state positions within two years of the expiration of their term. The Oklahoma Attorney General's Office had opined that if the money used to fund the state position is not "appropriated" money, then the constitutional prohibition may not apply.

Terrill used a revised version of HB 2486 to divert money from the Drug Money Laundering and Wire Transmitter Revolving Fund of the Oklahoma Bureau of Narcotics and Dangerous Drug Control (a fee and not a state appropriation) to the Medical Examiner's Office. The revised version of the bill did not designate the intended use or justification for the diverted money. The diverted money was outside of the budget negotiations that had been finalized between the legislature and the governor's office.

Upon receipt of this information and a review of the law referenced above, an investigation was begun by the Oklahoma County District Attorney's Office to determine if these allegations could be corroborated. Through the investigation, your Affiant has learned the following:

Background Information
Regarding Oklahoma State Senator Deborah Leftwich
& State Representatives Randall Terrill & Mike Christian

Deborah Leftwich

Debbe Leftwich, State Senator from District 44 in South Oklahoma City, was elected in a special election December 9, 2003 to fill the vacancy left by her husband, Senator Keith Leftwich, who died of cancer in September that year. She was re-elected in 2006. On January 1, 2007, Leftwich organized her campaign committee named: "Debbe Leftwich Senate District 44 – 2010". She filed her statement of organization with the Oklahoma State Ethics Commission and was assigned 110003 as her Ethics Commission number. The name appearing as the Candidate in Box #1 of the Statement of Organization is: Leftwich, Deborah Ann.

On January 1, 2007 Leftwich reported transferring a balance of \$34,730.69 from her 2006 campaign account to her 2010 campaign account. Leftwich received individual and committee contributions to her campaign beginning March 19, 2007. Leftwich began expending money from her 2010

campaign fund on January 2, 2007. As of Leftwich's last Ethics report filing on October, 21, 2010, Leftwich reports her most recent expenditure to have occurred on September 20, 2010. These candidacy activities are evidenced by required public record filings with the Oklahoma Ethics Commission. The activities by Leftwich are consistent with the statutory definitions of "candidate" referenced above. On May 28, 2010, the day HB 2486 passed and the day after SB 738 passed, Leftwich announced she was withdrawing her candidacy for Senate District 44 and not seeking reelection.

Leftwich Decision Not to Seek Reelection

Based on published news articles, Leftwich's annual salary for her senate seat was \$38,400.00 a year. Leftwich is entitled to receive \$23,040.00 a year in state pension benefits if she retired December 1, 2010 at the end of her current term. If Leftwich were to be employed for three years at the Medical Examiner's Office, at a salary of \$80,000.00, her pension benefits would have increased to \$43,200.00 a year. That would have led to an annual pension increase of \$20,160.00.

During the investigation it was learned that Leftwich has a high school diploma, but no college degree. The Transition Coordinator position set no educational or experience requirements to qualify for the position, unlike the

Chief Administrative Officer position in the same bill wherein qualifications were set.

Additionally, SB 738 required that the Transition Coordinator position be appointed by July 1, 2010. (If the emergency clause had passed, the bill would have become law upon the governor signing the bill. The emergency clause failed when SB 738 was passed. On June 6, 2010, the governor vetoed SB 738 and HB 2486 after he learned of this investigation.) The bill also mandated the person who was appointed to the position begin, "On or before January 1, 2011." The duration of the position was limited to three years.

It was confirmed that Leftwich was in a unique position to have knowledge the position was to be filled by July 1, 2010. The expiration of her senate term would also make her available to fill the position, "on or before January 1, 2011." The three year life of the transition coordinator position would permit Leftwich to work the required months at the higher salary to make her eligible for increased pension benefits.

Christian's Intent to Run for Senate Seat 44

In July, 2010, Representative Christian was interviewed and provided the following information:

Christian contemplated running for Senate Seat 44 as early as February, 2010. He voiced an interest in running for Senate District 44, but was concerned about running against Leftwich, the incumbent. He was interested in the Senate seat because his ultimate goal was to seek election for the Oklahoma County Sheriff's position. The Senate seat and the Sheriff's position are not on the same election cycle. Therefore, Christian could run for Sheriff without having to step down from his position as a state senator if he successful in his campaign for Senate District 44.

In February, 2010, Christian noticed that Leftwich appeared to be losing influence in her Senate District. Christian talked to Jay Means about Christian running for Senate District 44 and also asked Means if he was interested in running for Christian's House Seat. Christian conferred with his political consultants, AH Strategies, about potential polling in Senate District 44 to gauge the likelihood of his success in a race against Leftwich. AH Strategies did not poll the district, because of Christian's inability to pay for the poll.

In late February or early March, Jerrod Berja, with the Senate Political Action Committee, contacted Christian in an apparent attempt to recruit him to run for Senate 44's seat in the legislature and to assist him in raising money for the campaign.

Christian stated in March, 2010, Leftwich asked to speak with him. She was upset and crying. She wanted to know if Christian was planning on running for her senate seat. Leftwich said to Christian, "How can you do this, I thought we were friends." Christian claimed that Leftwich told him that a poll had been conducted in Senate District 44. Christian told her he was getting a lot of pressure to run against her, but he had not made a decision. Christian stated he downplayed his interest as he did not want to further upset her at that time.

Christian stated he then contacted Terrill and advised him Leftwich was very upset about Christian running for her senate seat. In Mid-March, following a poll showing Christian would have a favorable result in a race against Leftwich, Christian learned from Chad Alexander, his political consultant, that Leftwich may not run for her Senate seat, but that she was going to take a job at the Medical Examiner's Office.

[Chad Alexander is a partner in the political consulting firm of Majority Designs. Randy Terrill is also a client of Majority Designs. Fount Holland is a partner in Majority Designs and a partner in the consulting firm of AH Strategies. Christian is also a client of AH Strategies.]

It was confirmed during this investigation that Christian's political consultants would be paid a victory bonus of \$20,000.00 if he won re-election to his House

District. Christian's political consultants would be paid a \$40,000.00 victory bonus if he were to win election to Senate District 44.]

Upon learning the information from Alexander, Christian called Terrill and asked if Leftwich was going to continue her campaign for Senate District 44. Christian said that Terrill refused to answer the question.

Around May 20, 2010, a *Sine Die* party was held at the Oklahoma City Golf and Country Club. Christian said that he had too much to drink and that he began to talk about running for Leftwich's seat. The next day Terrill called Christian and told him to keep his mouth shut about running for Leftwich's Senate Seat. Shortly thereafter, Leftwich contacted Christian and told him not to talk about her candidacy.

On May 29, 2010, one day after the 2010 legislative session, one day after HB 2486 was passed and two days after SB 738 was passed, Chad Alexander told Christian that Leftwich was not going to seek re-election.

On May 31, 2010, Christian announced that he was running for Senate District 44. When this investigation became known to the public on June 4, 2010, Christian decided not to run for Senate District 44 and announced that he would seek re-election to his House District (Christian was successful in his reelection bid in the General Election on November 2, 2010.)

Senate Bill 738 & House Bill 2468

During the 2009/2010 legislative session Oklahoma Senate Bill 738 was authored to attempt to correct current issues with the Medical Examiner's Office. The initial draft of SB 738 was approved in committee, but **did not** include language creating a "Transition Coordinator" position with the ME's Office. Late in the legislative session, Representative Terrill added the language to this Senate Bill (explained further in detail herein) wherein the "Transition Coordinator" position was created. Terrill personally dictated the "Transition Coordinator" position as follows:

The position must be offered to before July 1, 2010
The position must be filled on or before January 1, 2011
The term of the position is three years
The pay is set at \$80,000/yr

Note: Unlike the Chief Administrative Officer position, no qualifications or experience requirements were included in the language creating the transition coordinator position.

Also during the 2010 legislative session House Bill 2486 was authored. This bill diverts \$90,000/yr from the Oklahoma Bureau of Narcotics Drug Money Laundering and Wire Transmitter Revolving Fund to the Board of Medicolegal Investigations. Representative Terrill also was involved in this attempted legislative transfer of monies (as will be further explained herein).

Senate Bill 738 was passed May 27, 2010.
House Bill 2486 was passed May 28, 2010.

Terrill & Leftwich's Involvement with SB 738

SB 738 was originally introduced in 2009. In May, 2010, Senator Anthony Sykes was tasked by Pro-Tem Coffee (the author of SB-738) with getting SB 738 moving as the session was nearing a close. Senator Coffee told Senator Sykes to determine what language needed to be added to allow passage in the House of Representatives. Sykes was interviewed and provided information that he contacted Terrill and inquired what language Terrill wanted put into SB 738 in order for the House to pass it.

On May 16, 2010, Terrill met with Sykes at the International House of Pancakes in Moore, Oklahoma, to discuss SB 738. Upon that discussion beginning, Terrill asked if Sykes minded if Leftwich joined them. Sykes indicated he did not mind, and Terrill called Leftwich. She arrived at the restaurant within a short time period.

Sykes advised that the three legislators discussed in detail what language should be in the final version of SB 738. Sykes said that he doesn't remember if anyone used the term, "Transition Coordinator" while discussing the proposed language, but if they did, it was just in passing and the position was not discussed. The three of them discussed the bill and they left the restaurant.

On May 18, 2010, a Senate Staffer was summoned to Sykes' capital office to make changes to SB 738. The Senate Staffer was interviewed and provided information that after arriving at Sykes' Office, he made a phone call. A short time later both Terrill and Leftwich joined the meeting in Sykes' Office. Sykes instructed the Senate Staffer to insert all the language that Terrill was going to dictate into SB 738.

The staffer stated only Terrill discussed specific changes in the bill directly with her. She stated Terrill was very specific on changes to the bill. Terrill dictated the language he wanted added to SB 738 from notes he was holding. She recorded those changes and provided a copy of her handwritten notes from that meeting. She stated Terrill inserted the language creating the transition coordinator job at the State Medical Examiner's Office and included specific detailed information on the job including the salary and the date the position was to be filled. She stated in her experience, the setting of the salary and the specific date for filling the position was something unusual and was a "red flag" to her. She stated that Terrill discussed the transition coordinator position twice during the meeting. During the meeting, Sykes and Leftwich did not offer input on the transition coordinator language dictated by Terrill, but listened and appeared familiar with the proposed amendments to the bill.

When Sykes was asked why he didn't question the "transition coordinator" language when Terrill dictated the language creating the position in SB 738, he

said, he thought any bad language would be vetted in conference committee. Sykes said he was suspicious of the language, but if there was a problem with it the committee would get rid of it.

Terrill's Involvement with & HB 2468

On May 25, 2010, Terrill informed Sykes that Terrill was going to divert money to the Medical Examiner's Office from the Oklahoma Bureau of Narcotics' Drug Money Laundering and Wire Transmitter Revolving Fund. Terrill told Sykes he already told OBN's Director, Darrell Weaver, about the diversion.

Sykes later contacted Weaver and confirmed Terrill had notified him of the diversion of Bureau of Narcotics funds. Weaver told Sykes that he did not like the fact the diversion was going to take place, but what was he supposed to do; Terrill was his appropriations chairman. Susan Rogers, OBN's General Counsel, confirmed that Terrill advised her and Weaver that the money was to be diverted in order to purchase vehicles for the Alcohol Beverage Law Enforcement Commission. Rogers said Terrill never told them that the OBN funds would be used to fund a "Transition Coordinator" position at the Medical Examiner's office. Rogers advised that Terrill did tell them that he might use OBN's fund to pay for additional pathologists at the Medical Examiner's Office.

On May 28, 2010, Sykes stated he learned Leftwich was not running for reelection and that Christian was running for Senate Seat 44.

Leftwich & Terrill's Attempted Influence/Intimidation of the ME's Office

In 2009-2010, Tom Jordan was Chief Administrative Officer, Cherokee Ballard was Public Information Officer, and Annette Riley was an administrative assistant for the ME's Office. Through interviews with these individuals, it was learned:

In 2009, Leftwich told Jordan she was interested in his position at the ME's Office, but she was not qualified because she did not have a college degree.

In February, 2010, Dr. Collie Trant was terminated as Chief Medical Examiner. Thereafter, Leftwich met with Jordan and encouraged him to hire her friend and former co-worker, Dr. A.J. Chapman as the Chief Medical Examiner.

In April 2010, the Medical Examiner's Board offered Dr. Chapman the position of Interim Chief Medical Examiner, but he declined the offer.

Following that offer to Dr. Chapman, in late April or early May, 2010, Leftwich summoned Jordan to meet with her at the capitol, but he was unavailable. Instead, Ballard and Riley responded and met with Leftwich.

Leftwich chastised Ballard and Riley for "insulting" Dr. Chapman by only offering him the Interim Chief Medical Examiner's position.

Also in late April or early May, 2010, Terrill approached Jordan regarding the ME's Office. Terrill told Jordan the ME's Office needed a "Transition Coordinator" to oversee moving the ME's Office to Edmond.

In May, 2010, Leftwich approached Jordan and told him she was not running for reelection to Senate Seat 44 and was interested in the Transition Coordinator's position with the ME's Office.

On May 13, 2010, Terrill requested an urgent meeting with Jordan and Ballard. Jordan was not available until May 17, 2010. During the meeting on May 17, 2010, Terrill told them the subject matter he was discussing was "*dead man's talk*." Terrill then told Ballard and Jordan that he thought Leftwich would be the obvious choice for the Transition Coordinator position at the ME's Office. Terrill said, "Can you think of a better choice?" Terrill then looked at Ballard and Jordan and asked what their salaries were. Ballard told Terrill that she made \$70,000.00 a year. Jordan reported a salary of \$90,000.00 a year, Terrill then said, "She won't make as much as you (Jordan), it will be around 80,000."

Terrill then acknowledged the Oklahoma Constitution's two year prohibition on state employment by former legislators (referenced above) and

stated he had other sources of non-appropriated monies available to fund the position. Terrill explained he created a fund and can arrange for monies to be moved from that fund to the ME's Office. (Your Affiant has learned that Terrill was involved in creating the Drug Money Laundering and Wire Transmitter Revolving Fund overseen by the Oklahoma Bureau of Narcotics.)

Ballard and Jordan discussed the meeting as they left the capitol. They agreed that they were being pressured to hire Leftwich and that the decision was already made by Terrill. Ballard and Jordan both felt that something "dirty" was occurring.

During the week after the May 17, 2010 meeting, Leftwich called Jordan several times and expressed how she is looking forward to working with him at the Medical Examiner's Office. She said, "We will make a great team."

Unknown to Terrill or Leftwich, Jordan announced his resignation from the ME's Office on May 24, 2010 and informed the ME's Office employees that he was directed by the Board not to hire or fire anyone.

On the last day of session, May 28, 2010, Ballard was at the capitol and learned Leftwich announced she was not running for reelection. Later that same day, Terrill approached Ballard and stated he wanted to have lunch with her and Jordan. Ballard told Terrill that Jordan would not be available as he had

resigned. Terrill responded by telling Ballard that Jordan is "still on the books" and needs to "do one more thing" for him before Jordan officially leaves his job. Ballard stated Terrill repeated that he needed Jordan to do this "one more thing" three separate times.

Ballard felt Terrill was pressuring her and was attempting to intimidate her. Terrill then asked if Ballard was interested in the Chief Administrative Officer position that Jordan was vacating. Terrill told Ballard that if she was interested he could, "help her with that." Terrill ended this encounter by suggesting Ballard and Leftwich would make a good team at the ME's Office.

Despite Jordan's resignation, on June 2, 2010, Terrill's requested meeting with Jordan occurred at the diner in the Warren Theater in Moore. Both Terrill and Leftwich were present for this meeting with Jordan. Terrill spent the meeting "pushing" Jordan to appoint Leftwich as the Transition Coordinator. Jordan told Terrill he could not make the appointment because SB 738 had not been signed by the Governor and it was not law yet. Terrill responded by telling Jordan that the legislature authorized him to hire for the position because the bill was a "legislative mandate". Terrill pressured Jordan to hire Leftwich as the Transition Coordinator immediately.

Terrill then told Jordan that he would call a "House (of Representatives) Attorney" to clear up any confusion. Terrill acted like he made a phone call (it is

unknown if a call was actually made). After the apparent call, Terrill told Jordan the lawyer advised it was permissible for Jordan to appoint the transition coordinator because the passage of the bill was a legislative mandate to create the transition coordinator position. Jordan refused to hire Leftwich. Jordan ended the meeting by informing Terrill he would not take any action until conferring with the Attorney General's Office.

After the meeting, Jordan called Darrell Weaver, OBN Director, and told him that the deal Terrill was trying to do "stinks" and that he would not be a part of it. Jordan said that Weaver said he did not blame him. Weaver then told Jordan that when Terrill passed the Wire Transfer Fee bill, Terrill told Weaver that Terrill could do anything he wanted with the money.

Jordan contacted Assistant Attorney General Sandra Balzer, and requested an opinion regarding his ability to appoint a Transition Coordinator under the authority of SB 738. In an opinion letter dated June 4, 2010, Balzer opined Jordan could not appoint Leftwich to this position as it is prohibited by Article 5, Section 23 of the Oklahoma Constitution. [When a fee is diverted by the legislature to another agency, it's status changes to an appropriation.]

ADDITIONAL RELEVANT INFORMATION:

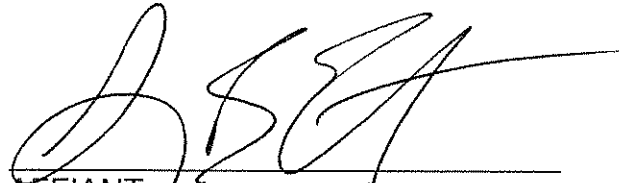
Numerous legislators, lobbyists, consultants and other Oklahoma State Capital insiders were interviewed in this investigation. During those interviews it was revealed that the last two weeks of the legislative session are chaotic because the legislature is attempting to craft final versions of bills and prepare them for votes in the respective chambers.

It was reported that legislators who want to include language in a bill that otherwise would be vetted out, include the language in the last two weeks of session because, "nobody can read the hundreds of bills they are voting on." One lobbyist noted that was just the way it works at the capitol. He said that everyone waits to insert "special" language into their bills because they rely on the "chaotic atmosphere and pace" to prevent the language from being vetted out. He said, "We do it every session, that's just the way it is. You will destroy our way of life at the capitol if the public learns of what it is really like in the last week."

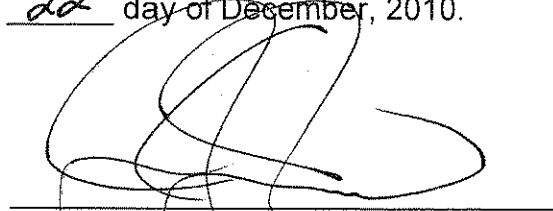
Conclusion

Based upon the information and corroborative evidence identified herein, your Affiant believes probable cause exists that Defendant Randall Terrill committed the crime of Offering to Bribe Another to Withdraw from Candidacy in

violation of Title 26 Oklahoma Statutes Section 16-107. Your Affiant further believes probable cause exists that Defendant Deborah Leftwich committed the crime of Soliciting and / or Accepting from Another Anything of Value for the Withdrawal of Candidacy in violation of Title 26 Oklahoma Statutes Section 16-108.


AFFIANT / GARY B EASTREDGE

Subscribed and sworn to before me this 22nd day of December, 2010.


Judge of the District Court