



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

DISTRICT COURT
FILED

SEP 14 2012

STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.)
)
JAMES DAVID SISNEY,)
)
Defendant.)
)
)

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

Case No. CF-2012-3482
~~3482~~
The Honorable William Kellough

NOTICE TO THE COURT REGARDING GRAND JURY TRANSCRIPTS

Defendant, James David Sisney, hereby respectfully informs the Court that his counsel have requested copies of the grand-jury testimony given before the Thirteenth Multicounty Grand Jury by the witnesses endorsed on the Indictment returned against Mr. Sisney in this matter. On September 10, 2012, Mr. Sisney filed an Application in accordance with 22 *Okla. Stat.* §§ 340 and 355 in District Court of Oklahoma County No. CV-2011-81 (the Court presiding over the conduct of the Thirteenth Multicounty Grand Jury in accordance with Order of the Oklahoma Supreme Court). Also on September 10, 2012, the Honorable Barbara Swinton granted Mr. Sisney's Application.

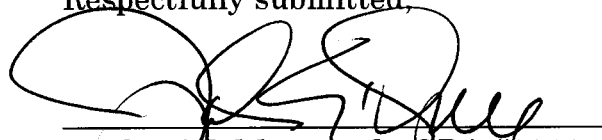
Mr. Sisney's counsel has been in contact with the court reporters who transcribed the grand jury testimony. The court reporters estimate that the transcripts should be completed within the next week to ten (10) days.

The Court previously indicated that it intended to set a date and time for a preliminary hearing in this matter at the September 17, 2012 status conference. In

setting that conference, Mr. Sisney respectfully request that the Court should be cognizant of Oklahoma law which provides that when an accused makes timely request for transcripts of grand-jury testimony in a case such as this "no Preliminary Hearing should be conducted until such time as the transcript is provided to the parties." *English v. Dist. Court of Adair County*, 1972 OK CR 1, ¶ 6, 492 P.2d 1125, 1127.

In light of the foregoing, Mr. Sisney respectfully requests that the Court set the Preliminary Hearing at a date that takes into consideration the fact that the grand-jury transcripts will not be available until at least September 21. Thus, Mr. Sisney requests that the Court take into consideration the need for the accused and his counsel to have ample time to review those transcripts after their completion. In that regard, Mr. Sisney notes that there were twenty-two (22) witnesses who testified before the grand jury, and the length of those witnesses testimony is currently unknown.

Respectfully submitted,



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**ATTORNEYS FOR DEFENDANT,
JAMES DAVID SISNEY**

CERTIFICATE OF SERVICE

I certify that on the 14th day of September, 2012, a true and correct copy of the above and foregoing instrument was served by United States Mail, with proper postage thereon, upon the following:

Charles Rogers, Esq.
George Burnett, Esq.
Megan Tilly, Esq.
Assistant Attorneys General
Office of the Attorney General
313 N.E. 21st Street
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John E. Dowdell