



IN THE DISTRICT COURT OF TULSA COUNTY  
STATE OF OKLAHOMA

DISTRICT COURT  
**FILED**  
OCT 04 2012

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

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

Case No. CF-2012-3842  
The Honorable William Kellough

**DEFENDANT'S WAIVER OF STATE'S  
NON-COMPLIANCE WITH 22 OKLA. STAT. § 384**

In accordance with 22 *Okla. Stat.* § 384, Defendant, James David Sisney, hereby waives endorsement of himself as a witness on the indictment. Under 22 *Okla. Stat.* § 384, “[w]hen an indictment is found, the names of the witnesses examined before the grand jury *must* be endorsed thereon *before* the same is presented to the court . . . .” 22 *Okla. Stat.* § 384 (emphasis added). In this case, an indictment was purportedly returned against Mr. Sisney by the Thirteenth Multi-County Grand Jury (the “Grand Jury”).<sup>1</sup> Mr. Sisney was called as a witness before the Grand Jury in July of 2012 in accordance with a subpoena issued by the State.<sup>2</sup>

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<sup>1</sup> Mr. Sisney maintains that the indictment was a legal nullity for the reasons set forth in his Verified Motion to Set Aside and Dismiss Indictment filed herein on September 17, 2012. Nothing in this pleading should be construed as waiving or otherwise limiting Mr. Sisney’s positions in the Motion to Set Aside.

<sup>2</sup> Charles Rogers represented to Thomas C. Reisen, former counsel to Mr. Sisney, that Mr. Sisney was not a target of the Grand Jury, but was a mere witness. Based upon the witnesses called prior to Mr. Sisney’s testifying before the Grand Jury, it is clear that Mr. Sisney *was* a target of the Grand Jury by the time he was subpoenaed to testify.

Mr. Sisney was not, however, endorsed as a witness on the indictment filed of record in this case before it was presented to this Court (or anytime prior to its filing), in direct contravention of 22 *Okla. Stat.* § 384.

Mr. Sisney hereby waives endorsement of himself as a witness on the indictment. Mr. Sisney does not, however, waive the endorsement of all other witness that may have testified before the Grand Jury in any matter related to the indictment that has been filed of record in this matter, yet which are not currently endorsed on the indictment, if any.

Respectfully submitted,



**Joel L. Wohlgemuth**, OBA #9811

**John E. Dowdell**, OBA #2460

**Ryan A. Ray**, OBA #22281

**NORMAN WOHLGEMUTH CHANDLER & DOWDELL**

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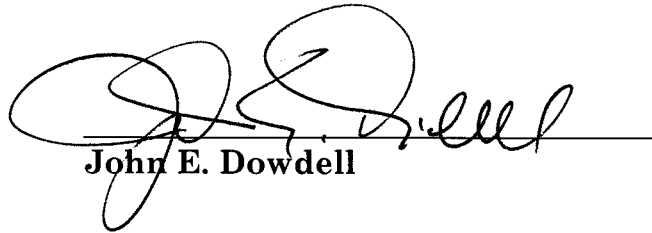
918-584-7846 (facsimile)

**ATTORNEYS FOR DEFENDANT,  
JAMES DAVID SISNEY**

**CERTIFICATE OF SERVICE**

I certify that on the 4<sup>th</sup> day of October, 2012, a true and correct copy of the above and foregoing instrument was served by e-mail and 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  
Oklahoma City, OK 73105

  
John E. Dowdell