



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

DISTRICT COURT
FILED

OCT 11 2012

THE STATE OF OKLAHOMA,)
Plaintiff,)

vs.)

WINDSTREAM CORPORATION,)
Defendant.)

Case No. CF-12-3841

The Honorable William Kellough

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

THE STATE OF OKLAHOMA,)
Plaintiff,)

vs.)

JAMES DAVID SISNEY,)
Defendant.)

Case No. CF-12-3842

The Honorable William Kellough

**VERIFIED MOTION TO STAY EXECUTION OF ORDER DIRECTING THE
PRODUCTION OF GRAND JURY TRANSCRIPTS FOR WINDSTREAM
CORPORATION, DESIGNATING A MAGISTRATE AND SETTING DATE FOR
PRELIMINARY EXAMINATION IN THE CASES TO PERMIT ORDERLY REVIEW
BY THE COURT OF CRIMINAL APPEALS**

COMES NOW the Plaintiff, State of Oklahoma, by and through E. Scott Pruitt, Attorney General of Oklahoma, and Charles S. Rogers, Assistant Attorney General, and respectfully makes this *Verified Motion to Stay the Execution* of the Court's oral *Order* of September 28, 2012, subsequently recorded by Court minute dated October 9, 2012 in Case Number CF-12-3841 only, and by written *Order* filed on or about October 5, 2012 in Case Number CF-12-3841 only, directing the Official Court Reporters of the Multicounty Grand Jury to produce official shorthand reporter's transcripts of twenty-two (22) named grand jury witnesses appearing before the Thirteenth Oklahoma Multicounty Grand Jury, and provide said transcripts for relevancy review to the Honorable William C. Kellough, District Judge for relevancy review pursuant to English v. District Court of Adair County, 1972 OK CR 1, 492 P.2d 1125, 1127; In Re Proceedings of Multicounty Grand Jury, 1993 OK CR 12, 847 P.2d 812, 815; also directing the transcripts to be made available

to John D. Russell, Warren F. Bickford and Sofia R. Nagada upon payment of the expense for such transcriptions, together with true, full and complete copies of all relevant exhibits provided to the grand jury, use thereof to be governed by 22 O.S. § 340(B); and designating the Honorable Clifford Smith, Special District Judge, to serve as preliminary hearing magistrate. The Court also, by Court minute entered on October 9, 2012, in Case Number CF-2012-3841 only, scheduled both cases for Preliminary Hearing to commence on November 8, 2012.

1. The State respectfully requests a *Stay of Execution* of the above-described September 28, 2012 oral *Order*, subsequently entered by Court minute dated October 9, 2012 and written *Order* filed on or about October 5, 2012, to permit the State to seek an orderly review of said *Order* pursuant to the procedure set forth in Section X, Rules of the Court of Criminal Appeals of Oklahoma, 22 O.S., Ch. 18, App.

2. The State respectfully gives notice to the Court and counsel of its intent to request a writ of prohibition regarding the things *Ordered* as aforesaid.

3. This request for Stay is pursuant to Rule 10.1(B), Rules of the Court of Criminal Appeals of Oklahoma, 22 O.S., Ch. 18, App.

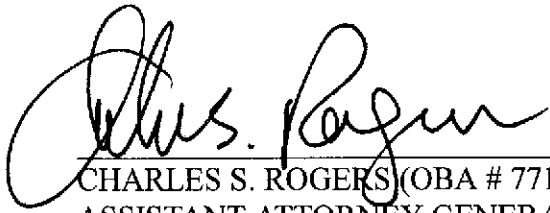
4. This *Verified Motion for Stay of Execution* is timely made, being within ten (10) days of the entry dates of said *Order*.

5. Granting this *Verified Motion for Stay* will permit the orderly review of the this Honorable Court's *Order* by the Court of Criminal Appeals without that Honorable Court being required to also entertain a request for stay.

WHEREFORE, premises considered and good and legal cause shown, the State of Oklahoma prays this Honorable Court to *Stay the Execution* of the Court's above-described *Order* pending review of said *Order* by the Court of Criminal Appeals.

Respectfully submitted,

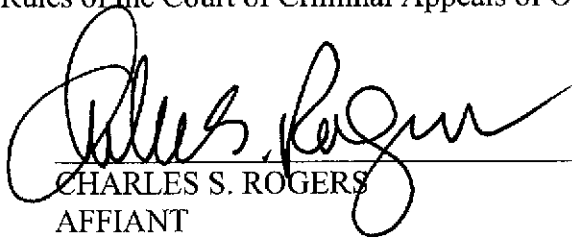
E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA



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ATTORNEYS FOR PLAINTIFF

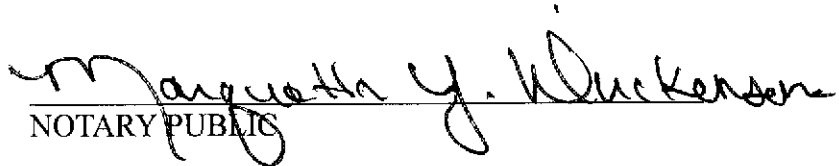
VERIFICATION

I, Charles S. Rogers, Assistant Attorney General, upon my Oath state that the facts stated above in the State's *Motion to Stay Execution* are true, that the foregoing motion is made in good faith and for the purpose of the State of Oklahoma seeking review of the Court's *Order* described therein pursuant to Section X, Rules of the Court of Criminal Appeals of Oklahoma, 22 O.S., Ch. 18, App.


CHARLES S. ROGERS
AFFIANT

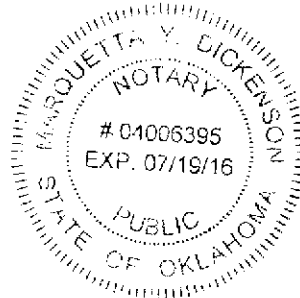
STATE OF OKLAHOMA)
) SS
COUNTY OF OKLAHOMA)

Subscribed and sworn to before me this 11th day of October, 2012.


NOTARY PUBLIC

(seal)

MY COMMISSION EXPIRES: _____
MY COMMISSION NUMBER: _____



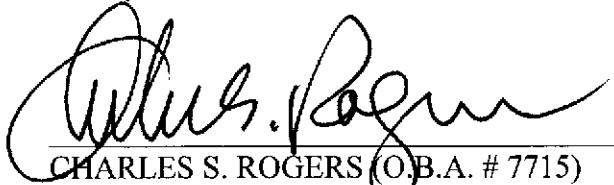
CERTIFICATE OF SERVICE

I, Charles S. Rogers, Assistant Attorney General, do hereby certify that a true, exact and complete copy of the foregoing notice was transmitted by facsimile and a paper copy mailed by regular United States Mail, First Class postage prepaid, to the following attorneys for defendants at the address given this 11 day of October, 2012:

John D. Russell, Esq.
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ATTORNEYS FOR DEFENDANT WINDSTREAM CORPORATION

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(918) 584-7846
ATTORNEYS FOR DEFENDANT JAMES DAVID SISNEY

An additional copy was delivered this date to the chambers of the Honorable William Kellough, District Judge, Fourteenth Judicial District, Tulsa County Courthouse, Room 408, Tulsa, OK 74103



CHARLES S. ROGERS (O.B.A. # 7715)
ASSISTANT ATTORNEY GENERAL