

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

**APPLICATION OF**

\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_.

Case No. \_\_\_\_\_

**CITIZEN RESIDENTS OF THE COUNTY OF  
OKLAHOMA, STATE OF OKLAHOMA,  
PETITIONING FOR AN ORDER DIRECTING  
A GRAND JURY TO BE CONVENED**

**PETITION TO IMPANEL GRAND JURY**

COMES NOW, \_\_\_\_\_,  
\_\_\_\_\_, \_\_\_\_\_,

("Applicants") and hereby makes application to this Court, pursuant to the provisions of the Oklahoma Constitution, Article 2, Section 18 and 38 O.S. § 101, to convene a grand jury with jurisdiction in the County of Oklahoma to investigate areas described herein and allegations made herein and, if its findings warrant, to make indictment by information of and/or present accusations for removal against David Prater, District Attorney of the

**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. Title 22, O.S. § 311.1

County of Oklahoma, District 7, and/or his agent(s), pursuant to Oklahoma Statute, Title 22, §§ 1182, 1193, and in support of this petition further shows the Court as follows:

**FACT ALLEGATIONS**

1. The undersigned Applicants reside within the boundaries of the County of Oklahoma, Oklahoma and are registered to vote therein. As such they are qualified members of the electorate to organize and make this application pursuant to Oklahoma Constitution, Article 2, Section 18.

2. David Prater (“Mr. Prater”) has, through the powers of the office of district attorney and under color of law, performed a number of consecutive and related acts, at times in conspiracy with another, of his personal animus for Black Oklahoman(s) on the basis of race, with the intent to injure Black Oklahoman(s) residing within the State of Oklahoma and the County of Oklahoma.

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<sup>1</sup>

---

<sup>1</sup> 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.

had and would violate Board rules by participating in the hearing on Mrs. Elliott's allegation that they had conflicts of interest. 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) has perpetrated the foregoing pattern of conduct against Mr. Jones and the Board of his animus for Mr. Jones based on the Mr. Jones' race—a Black man.

13. Mr. Prater has conspired with his agent(s) to advance frivolous judicial and extra-judicial proceedings against Mr. Jones and the Board of 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 facts and circumstances of Oklahoma County case no. CF-2019-432 and submitted an opinion to the Defense, asserting that Defendant, Trichell Jones<sup>2</sup>

---

<sup>2</sup> Ms. Trichell Jones has no relation to Mr. Julius Jones.

(“Ms. 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 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.

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

Applicant petitions for the convening of a grand jury to investigate matters alleged herein and below as they establish grounds of Gross Partiality in office; Oppression in

office; Corruption in office; Willful Maladministration; and/or violation of Oklahoma and United States criminal law by David Prater and/or his agent(s).

### **I. Conspiracy Against Rights—18 U.S.C. § 241**

18 U.S.C. §241 makes it unlawful for two or more persons to conspire to “injure, oppress, threaten, or intimidate any persons of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States (or because of his/her having exercised the same).” Punishment for violations includes a fine and/or imprisonment for a maximum of 10 years.

Mr. Prater has conspired with Mrs. Elliott, and potentially other persons, to deprive, and has deprived, Mr. Jones of his free speech, due process, and/or equal protection rights to be free from discrimination on the basis of his race in any government proceeding he or his representative may so engage and make speech in and/or which Mr. Jones or his representative has engaged and made speech in as guaranteed by the First and Fourteenth Amendments of the United States Constitution.

### **II. Deprivation Of Rights Under Color Of Law—18 U.S.C. § 242**

This statute makes it a crime for any person acting under color of law, statute, ordinance, regulation, or custom to willfully deprive or cause to be deprived from any person those rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S. This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race. Acts under



"color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties.

Mr. Jones is a resident of the State of Oklahoma. Mr. Prater's acts effecting, targeting, or involving Mr. Jones were done under color of law; Mr. Prater's act(s) deprived Mr. Jones of his free speech, due process, and/or equal protection rights to be free from discrimination on the basis of his race in any government proceeding he or his representative may so engage and has engaged as guaranteed by the First and Fourteenth Amendment of the United States Constitution; and Mr. Prater acted with the specific intent, alone and/or on in concert with Mrs. Elliott, to deprive Mr. Jones of the aforementioned Constitutional rights.

### **III. Willful Interference In Federally Protected Activities – 18 U.S.C. § 245**

Mr. Prater, acting alone and/or in conspiracy with Mrs. Elliott and/or other person(s), has willfully injured, intimidated, or interfered and/or attempted to injure, intimidate, or interfere with Mr. Jones because of his race and because of his, and/or his legal representative's, participation and/or attempt to participate in the benefits, services, privileges, programs, activities and/or right provided or administered by the Oklahoma Pardon and Parole Board—an Oklahoma statutory entity of the Executive.

### **IV. Conspiracy To Commit A Crime – 21 O.S. § 421**

Pursuant to Oklahoma Law, it is a misdemeanor or felony to conspire to commit any crime. Should a grand jury find it is probable that Mr. Prater and Mrs. Elliott conspired to violate the criminal provisions of 18 U.S.C. §§ 241, 242, 245, it is probable that violation(s) of 21 O.S. 421 also occurred.

**V. Preventing Witness From Giving Testimony – 21 O.S. § 455**

Ms. Jones is entitled to Due Process and Equal Protection under the law. Mr. Prater's act(s) to attempt to prevent Ms. Angela Beatty from providing testimony and/or evidence in Ms. Jones's legal proceeding are in violation of Okla. Stat., Tit. 21, § 455, Preventing Witness from Giving Testimony, a felony under Oklahoma law.

**VI. Common Barratry - 21 O.S. § 551**

Mr. Prater has caused numerous frivolous proceedings with the intent and effect of obstructing Mr. Jones's exercise of rights afforded to him by Oklahoma Statute and the Oklahoma Pardon and Parole Board from fulfilling the duties of the Executive as set forth by Oklahoma law.

**RELIEF REQUESTED**

It is the request of the undersigned that a county grand jury having jurisdiction extending throughout Oklahoma County be convened to investigate the areas and allegations presented herein and, upon a finding, make such necessary indictment and/or accusations for removal of the District Attorney, his agent(s) and/or any other such person found to have violated the law.

The convening of an Oklahoma County grand jury, having jurisdiction extending throughout Oklahoma County, is necessary because the crimes, public offenses, and grounds for removal as defined in Article: 2 § 18, Oklahoma Constitution, in Title 21, Sections 421, 455, and 551 of the Oklahoma Statutes, in Title 18, Sections 241, 242, and 245 of the United States Code, and in Title 22, Sections 1181 *et seq.* can be investigated more effectively through the use of those resources available to an Oklahoma County grand jury. The investigative resources to be utilized by the proposed Oklahoma County grand jury will include, inter alia, the following:

- (a) The subpoena power available to an Oklahoma County Grand jury (Title 22 O.S. 2021, 333):
  - (1) The power to compel the appearance of witnesses before an Oklahoma County grand jury and the power to require the testimony of said witnesses under oath are essential to effectively investigate many crimes; for example organized crime, homicides and fraud. It is a well--known tenet of law enforcement that in every criminal organization there are individuals who have information relevant to said criminal activity, but who decline to provide information to law enforcement officials. If subpoenaed before an Oklahoma County grand jury, it is believed such individuals could be required to testify and provide information to assist a prosecutor in probing the criminal conduct.
  - (2) Often an examination of case files, litigation records, and communication records of corrupt organizations, such as the Office of the District Attorney, is the only means to discover and document illegal activity. The power to issue subpoena

duces tecum and to compel the production of case files, litigation records, relevant documents, communication records, and other relevant evidence is absolutely essential in order to effectively investigate organized crime or fraud in a prosecutor's office.

- (b) The Power to Compel Testimony from those Witnesses Who Have Been Granted Immunity. (Article 2, § 27, Oklahoma Constitution, Title 7.1 O.S. 2021, § 1367). Court Orders of immunity are necessary to compel testimony from reluctant witnesses such as victims, co-conspirators, employees, business associates, family members and others who are involved in criminal activities as defined in Article 2 § 18, Oklahoma Constitution and in Section 331 of Title 22 of the Act including, but not limited to, organized crime, homicides and fraud, who are legitimately concerned with self-incrimination. The power to request orders of immunity and thereby compel testimony enables an Oklahoma County grand jury to effectively obtain testimony from said witnesses or other witnesses who are reluctant to cooperate and provide testimony to said grand jury.

- (c) The Power of Inquiry as set forth in Title 22 O.S. § 331.

4. In addition to the criminal activities specifically described above, an Oklahoma County grand jury may investigate other instances of crime committed in Oklahoma County.

5. It is requested that the Order convening an Oklahoma County grand jury shall:

- (a) Designate a judge of any of the District Courts or appellate Courts of the State of Oklahoma to serve as the presiding judge over such Oklahoma County grand jury;
- (b) Provide for obtaining the services of the Attorney General of the State of Oklahoma or his designee to aid the grand jury as prosecutor, or appoint a special prosecutor to serve as the same;
- (c) Designate a location or locations for the Oklahoma County grand jury proceeding;
- (d) Approve, as to form, Attachment A;
- (e) Provide for such other incidentals relevant to the convening of an Oklahoma County Grand Jury as may be necessary, to include the following:
  - (1) Direct the Oklahoma County Court Clerk to summon qualified citizens to serve for drawing a grand jury pursuant to 38 O.S. 2021, § 21;
  - (2) Provide for payment of costs and expenses concerning the Oklahoma County grand jury;
  - (3) Provide for obtaining the services of a certified court reporter to serve the Oklahoma County grand jury;
  - (4) Provide for obtaining the services of a bailiff to serve the Oklahoma County grand jury;
  - (5) Provide for representation of indigent witnesses who request court appointed counsel;

(6) Provide for the designation of a court clerk to perform all of the necessary and statutory duties of a court clerk relating to the Oklahoma County grand jury;

(7) Perform such duties as prescribed by Sections 311 through 346 of Title 22, Section 59 of Title 57, and other relevant provisions of State law.

-- RESPECTFULLY SUBMITTED --

<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>


**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. Title 22, O.S. § 311.1

**CITIZEN PETITION FOR GRAND JURY TO BE CONVENED IN OKLAHOMA COUNTY**

The below form and signature indicates that you have read, understand and support the attached Petition which makes application to the District Court of the County of Oklahoma State of Oklahoma, pursuant to the provisions of the Oklahoma Constitution, Article 2, Section 18 and 38 O.S. § 101, to convene a grand jury with jurisdiction in the County of Oklahoma to investigate areas described herein and allegations made herein and, if its findings warrant, to make indictment by information of and/or present accusations for removal against David Prater, District Attorney of the County of Oklahoma, District 7, and/or his agent(s), pursuant to Oklahoma Statute, Title 22, §§ 1182, 1193.

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"/>	
					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"/>	
					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

\_\_\_\_\_  
Circulator, complete mailing address

\_\_\_\_\_  
Notary Public, signature

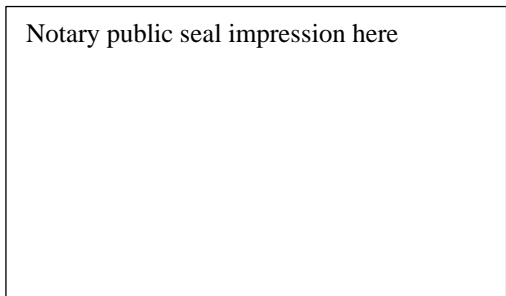
\_\_\_\_\_  
Notary Public address of record

\_\_\_\_\_  
Notary Commission

\_\_\_\_\_  
Notary Commission Number

Expiration Date:

Notary public seal impression here





**VERIFICATION**

STATE OF OKLAHOMA                    )  
  ) ss.  
COUNTY OF OKLAHOMA                )

I, \_\_\_\_\_, 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.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Notary Public

My Commission No.:

My Commission Expires:



**VERIFICATION**

STATE OF OKLAHOMA                    )  
  ) ss.  
COUNTY OF OKLAHOMA                )

I, \_\_\_\_\_, 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.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Notary Public

My Commission No.:

My Commission Expires:

**VERIFICATION**

STATE OF OKLAHOMA                    )  
  ) ss.  
COUNTY OF OKLAHOMA                )

I, \_\_\_\_\_, 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.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

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

\_\_\_\_\_  
Notary Public

My Commission No.:

My Commission Expires:

