

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

Filed in District Court
Love County, OK

JUL 19 2016

Kim Jackson, Court Clerk
By _____ Deputy

IN THE MATTER OF THE)
MULTI-COUNTY GRAND JURY)
STATE OF OKLAHOMA,)
Plaintiff,)
VS.)
MARION JOE RUSSELL,)
SSN: XXX-XX-7525)
DOB: 09/21/1953)
Defendant.)

Case No. CV-2016-23

ACCUSATION FOR REMOVAL

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA:

By the order of the Supreme Court of Oklahoma, the Fifteenth Multicounty Grand Jury was convened with its principal site to be in Oklahoma City, Oklahoma County, Oklahoma, to serve from February 17, 2015 for eighteen (18) months, or until the designated presiding judge determines the Fifteenth Multicounty Grand Jury has reached reasonable completion of its investigations, but, in any event, not more than twenty-four (24) months from the commencement of its term. That the said Multicounty Grand Jury of the State of Oklahoma, being composed of good and lawful men and women, legally drawn and summoned according to law, and then and there examined, impaneled, sworn, and charged according to law to diligently inquire into, and true presentment make, of all public officials not subject to impeachment but committing misconduct authorizing the removal of such public officials from public office, and triable within the State of Oklahoma, upon their oath, and in the name and by the authority of the State of Oklahoma, do present and find cause for removal as described fully herein.

1. At all times relevant hereto, **JOE RUSSELL**, has been, and presently is, the duly-elected Sheriff for **LOVE COUNTY**, Oklahoma.

2. That said **JOE RUSSELL**, as Sheriff for **LOVE COUNTY**, Oklahoma, is a public officer not subject to impeachment.
3. That said **JOE RUSSELL** did knowingly, willfully, and unlawfully commit certain misconduct in office for which he should be removed from public office, *to-wit*:

COUNT 1: CORRUPTION IN OFFICE

On or between the 2ND day of April 2011, through the 29th day of May 2015, in **LOVE COUNTY**, Oklahoma, **JOE RUSSELL** did willfully, intentionally, and knowingly keep and/or maintain a dwelling house where persons often kept and used controlled dangerous substances, to wit: methamphetamine, in violation of the controlled dangerous substances act, a felony in violation of Section 2-404 of Title 63 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma. That the aforesaid maintaining of the dwelling constitutes **CORRUPTION WHILE IN OFFICE**, and said **JOE RUSSELL** should be removed from public office.

COUNT 2: HABITUAL OR WILLFUL NEGLECT OF DUTY

On or between the 2ND day of April 2011, through the 29th day of May 2015, in **LOVE COUNTY**, Oklahoma, **JOE RUSSELL** did habitually, willfully, intentionally, and knowingly keep and/or maintain a dwelling house where persons often kept and used controlled dangerous substances, to wit: methamphetamine, in violation of the controlled dangerous substances act, a felony in violation of Section 2-404 of Title 63 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma. That the aforesaid **HABITUAL OR WILLFUL NEGLECT OF DUTY** constitutes willful neglect of duty, and said **JOE RUSSELL** should be removed from public office.

COUNT 3: CORRUPTION IN OFFICE

On or between the 20th day of March, 2015, through the 6th day of April, 2015, in **LOVE COUNTY**, Oklahoma, **JOE RUSSELL** did knowingly and intentionally allow the following corrupt behaviors to occur, to wit:

- A. On the 5th day of May, 2014, an arrest warrant was issued for Sara Bamburg for one (1) count of Knowingly Concealing Stolen Property, as set out in Love County case number CF-2014-111.
- B. On the 8th day of September, 2014, a bench warrant was issued for Sara Bamburg, pursuant to a *Motion to Accelerate a Deferred Sentence*, as set out in Carter County case number CF-2013-647.
- C. On the 23rd day of September, 2014, a failure to pay warrant was issued for Sara Bamburg, as set out in Carter County case number CF-2013-647.
- D. On the 6th day of October, 2014, an arrest warrant was issued for Sara Bamburg for one (1) count of False Personation of Another, as set out in Carter County case number CF-2014-595.
- E. At all times on and between the 20th day of March, 2015, through the 6th day of April, 2015, while living in the home of **JOE RUSSELL**, Sara Bamburg had four (4) active arrest warrants. That while Sara Bamburg was living in the home of Sheriff **JOE RUSSELL**, he knew or should have known of the existence of said warrants. That **JOE RUSSELL** never attempted to arrest Sara Bamburg on her four (4) outstanding arrest warrants and allowed her to live in his home free from the consequences of said warrants.

- F. On or about the 6th day of April 2015, Sara Bamburg left the home of Willie and **JOE RUSSELL**.
- G. On or about the 6th day of April 2015, Sara Bamburg moved in with Cory Carlile.
- H. On the 9th day of April, 2015, three days after Sara Bamburg moved out of **JOE RUSSELL'S** home, Sheriff **JOE RUSSELL** arrested Sara Bamburg on all four (4) felony arrest warrants and presented charges to the Love County District Attorney's Office against Cory Carlile for harboring a fugitive, Sara Bamburg.
- I. This habitual and/or willful neglect of duty to arrest Sara Bamburg on her four (4) outstanding warrants by **JOE RUSSELL**, committed while serving in his capacity as Sheriff of Love County, amounts to **HABITUAL OR WILLFUL NEGLECT OF DUTY**, and said **JOE RUSSELL** should be removed from public office.

COUNT 4: HABITUAL OR WILLFUL NEGLECT OF DUTY

On or between the 20th day of March, 2015, through the 6th day of April, 2015, in **LOVE COUNTY**, Oklahoma, **JOE RUSSELL** did knowingly and intentionally allow the following corrupt behaviors to occur, to wit:

- A. On the 5th day of May, 2014, an arrest warrant was issued for Sara Bamburg for one (1) count of Knowingly Concealing Stolen Property, as set out in Love County case number CF-2014-111.
- B. On the 8th day of September, 2014, a bench warrant was issued for Sara Bamburg, pursuant to a *Motion to Accelerate a Deferred Sentence*, as set out in Carter County case number CF-2013-647.
- C. On the 23rd day of September, 2014, a failure to pay warrant was issued for Sara Bamburg, as set out in Carter County case number CF-2013-647.


- D. On the 6th day of October, 2014, an arrest warrant was issued for Sara Bamburg for one (1) count of False Personation of Another, as set out in Carter County case number CF-2014-595.
- E. At all times on and between the 20th day of March, 2015, through the 6th day of April, 2015, while living in the home of **JOE RUSSELL**, Sara Bamburg had four (4) active arrest warrants. That while Sara Bamburg was living in the home of Sheriff **JOE RUSSELL**, he knew or should have known of the existence of said warrants. That **JOE RUSSELL** never attempted to arrest Sara Bamburg on her four (4) outstanding arrest warrants and allowed her to live in his home free from the consequences of said warrants.
- F. On or about the 6th day of April 2015, Sara Bamburg left the home of Willie and **JOE RUSSELL**.
- G. On or about the 6th day of April 2015, Sara Bamburg moved in with Cory Carlile.
- H. On the 9th day of April, 2015, three days after moving out of Sheriff **JOE RUSSELL'S** home, Sheriff **JOE RUSSELL** arrested Sara Bamburg on all four (4) felony arrest warrants and presented charges to the Love County District Attorney's Office against Cory Carlile for harboring a fugitive, Sara Bamburg.
- I. This habitual and/or willful neglect of duty to arrest Sara Bamburg on her four (4) outstanding warrants by **JOE RUSSELL**, committed while serving in his capacity as Sheriff of Love County, amounts to **HABITUAL OR WILLFUL NEGLECT OF DUTY**, and said **JOE RUSSELL** should be removed from public office.

COUNT 5: WILLFUL MALADMINISTRATION

On or between the 1st day of March, 2014, through the 9th day of July, 2014, in **LOVE COUNTY**, Oklahoma, **JOE RUSSELL** did willfully, intentionally, and knowingly instruct Sheriff's Office personnel to allow James Conn Nipp, an inmate of the Love County jail, to meet with family members, unattended by any Sheriff's Office personnel, in a deputy's office where evidence is stored for the Love County Sheriff's Office. That the aforesaid behavior of **JOE RUSSELL** constitutes **WILLFUL MALADMINISTRATION** of the Sheriff's Office, and said **JOE RUSSELL** should be removed from public office.

WHEREFORE all premises considered, the Multicounty Grand Jury prays that **JOE RUSSELL**, the duly elected Sheriff of **LOVE COUNTY**, Oklahoma, be removed from office pursuant to 22 O.S. §1181 for the above stated causes. Further, the Multicounty Grand Jury respectfully requests the District Court order the immediate suspension of **JOE RUSSELL** as the Sheriff of **LOVE COUNTY**, Oklahoma, pursuant to 22 O.S. §1195, pending trial of this accusation for removal.

Executed and submitted this 14th day July, 2016.


FOREMAN
OKLAHOMA MULTICOUNTY GRAND JURY

WITNESSES BEFORE THE GRAND JURY

Prentis Stephen West, FBI, 2007 N. Commerce St. #230, Ardmore, OK 73401
Harvey Stewart, Love County Sheriff's Office, 408 W Chickasaw St., Marietta, OK 73448
Rex Swearingen, 3222 Highway 82, Gainesville, TX 76241
Teramine Hodges, 242 E. Street N., Duncan, OK 73533
Sara Bamburg, Hillside Community Corrections Center, 3300 N. MLK Ave, OKC, OK 73111
Lindsay Price, 930 N. Howeth Street, Gainesville, TX 76240
Jason Bone, RR 2 Box 280A, Marietta, OK 73448
Derek Perryman, 171 Pine Street, Wilson OK 73463
David Wolfe, Jim E. Hamilton Correctional Center, Hodgen, OK 74939