

IN THE DISTRICT COURT OF LOVE COUNTY  
STATE OF OKLAHOMA

State of Oklahoma,	)	Case No. <u>CF-16-194</u>
Plaintiff,	)	
Vs.	)	
Marion Joe Russell,	)	
Defendant.	)	

State of Oklahoma, <i>ex. rel.</i>	)	Case No. <u>CV.2016 23</u>
The Fifteenth Oklahoma	)	
Multi-County Grand Jury,	)	
Plaintiff,	)	
Vs.	)	
Marion Joe Russell,	)	
Defendant.	)	

Filed in District Court  
Love County, OK

**AUG 01 2016**

Kim Jackson, Court Clerk  
By \_\_\_\_\_ Deputy

Motion for Gag Order

NOW COMES the defendant and moves this court to enter a gag order in the above styled and numbered cases.

Television news broadcasts in both southern and central Oklahoma provide evidence the media is being feed with investigation reports and transcripts of testimony from a federal court case. The pretrial publicity is unfairly prejudicing the jury pool against the defendant and has been so pervasive that the jury pool may be polluted to the extent it may not be possible to empanel a fair and impartial jury.

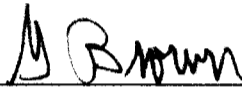
Reporters have invited the defendant to respond and the defendant has deferred comment. Deferring comment doesn't mean the defendant has nothing to say. The defense has much to say but is waiting for the right time and place.

Defense counsel has advised reporters that we don't want to try the case on television or in the newspapers. It is imperative that cases be tried in court where there is a level playing field, where there are rules of evidence with judges who know the law and enforce the rules, and where there are jurors that are not influenced by prejudicial publicity but will follow the law as instructed by the judge and make a decision based upon the evidence presented in court.

Pretrial publicity that unfairly influences a jury is a fundamental issue when a defendant's constitutional rights are in jeopardy. See *Sheppard v. Maxwell*, 384 U.S. 333, 86 S. Ct. 1507, 16 L. Ed. 2d 600, where the United States Supreme Court reversed a criminal conviction on the grounds that Pretrial Publicity had unfairly prejudiced the jury against the defendant and denied him his Sixth Amendment right to a fair trial.

WHEREFORE the defendant respectfully requests the court enter an order to prevent the case from being tried in the media and direct that all parties involved be prohibited from providing material and making extrajudicial public comments to news reporters.

DATED this 1st day of August, 2016.



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Gary R. Brown, OBA # 1190  
P.O. Box 1227  
Seminole, OK 74818  
(580) 276-6151  
Attorney for Marion Joe Russell

#### CERTIFICATE OF MAILING

I hereby certify that on 1 August 2016, I emailed a true and correct copy of the above and foregoing Defendant's Motion for Gag Order to Kathryn R. Savage, Assistant Attorney General at [Kathryn.Savage@oag.ok.gov](mailto:Kathryn.Savage@oag.ok.gov) and Sean Hill, Assistant Attorney General at [Sean.Hill@oag.ok.gov](mailto:Sean.Hill@oag.ok.gov).



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Gary R. Brown