

IN THE DISTRICT COURT OF LOVE COUNTY  
STATE OF OKLAHOMA

State of Oklahoma, ) Case No. CF-2016-194  
Plaintiff, )  
vs. ) Filed in District Court  
Marion Joe Russell, ) Love County, OK  
Defendant. ) **AUG 23 2016**  
Kim Jackson, Court Clerk  
By \_\_\_\_\_ Deputy

State of Oklahoma, *ex. rel.* ) Case No. CV-2016-23  
The Fifteenth Oklahoma )  
Multi-County Grand Jury, )  
Plaintiff, )  
vs. )  
Marion Joe Russell, )  
Defendant. )

**REQUEST FOR EXCULPATORY EVIDENCE  
IN POSSESSION OF THE GOVERNMENT**

Comes now the defendant, Marion Joe Russell, and requests access to the following exculpatory evidence.

At the time of his arrest in Carter County on 29 May 2015, Carter County Sheriff's Deputies seized a cell phone from George William Russell. Said cell phone may now be in the possession of the Federal Bureau of Investigation.

The cell phone contains a text message from Sara Bamburg to George William Russell declaring, "Your dad didn't even recognize me." The text message is exculpatory evidence tending to prove Marion Joe Russell did not recognize Sara Bamburg on 6 April 2015. It stands to reason that if he did not know who Sara Bamburg was, he clearly could not have known she was seeking to escape arrest for a felony.

WHEREFORE, the defense requests the Court order said cell phone be made available for the defense to retrieve evidence favorable to the defendant.

DATED this 22 August 2016.

Respectfully submitted,


  
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Attorney for Marion Joe Russell

### CERTIFICATE OF MAILING

I certify that a true and correct copy of the request for exculpatory evidence in possession of the government was mailed this 22 August 2016, by electronic mail to the following:

Kathryn R. Savage, Assistant Attorney General, at Kathryn.Savage@oag.ok.gov;  
Sean K. Hill, Assistant Attorney General, at Sean.Hill@oag.ok.gov;  
Justin Kemp, Assistant Attorney General, at Justin.Kemp@oag.ok.gov;  
Megan Tilly, Assistant Attorney General, at Megan.Tilly@oag.ok.gov.

  
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Gary R. Brown