

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

STATE OF OKLAHOMA,)
 Plaintiff,)
vs.)
MARION JOE RUSSELL,)
 Defendant.)
)
)

Case No. CF-2016-194

STATE OF OKLAHOMA, ex. rel.)
THE FIFTEENTH OKLAHOMA)
MULTI-COUNTY GRAND JURY,)
 Plaintiff,)
vs.)
MARION JOE RUSSELL,)
 Defendant.)

Case No. CV-2016-23

Filed in District Court
Love County, OK

AUG 30 2016

Kim Jackson, Court Clerk
By _____ Deputy

**STATE OF OKLAHOMA'S RESPONSE TO DEFENDANT'S REQUEST FOR
EXCULPATORY EVIDENCE IN POSSESSION OF THE GOVERNMENT**


COMES NOW, the State of Oklahoma, by and through its duly elected and acting Attorney General E. Scott Pruitt, through his Assistant Attorney General Justin Kemp, notifies defense counsel and this Honorable Court that the Federal Bureau of Investigation is in physical possession of the cell telephone belonging to William Russell.

Defense Counsel is able to view the physical device upon request allowing for reasonable time for the parties to make arrangements for viewing. However, the Defendant's request in this case to examine the text message data that may or may not be located upon the device is unavailable for viewing by both the State and the Defendant at this time due to their being no waiver of search for the phone's contents/data being signed by the cell phone's owner, William Russell. At this point, the State is attempting to obtain said waiver, and once it has been secured, will attempt to extract the contents/data from the phone and make it available for viewing by the defense.

WHEREFORE, Plaintiff notifies this Court and the Defendant that once said waiver has been obtained for search of the device and the data extracted if possible, the State will provide such evidence to the Defendant in this case. If the owner of the cellular telephone, William Russell, refuses to sign such waiver, the State will then explore whatever other legal means are possibly available to obtain such contents/data.

**E. SCOTT PRUITT
ATTORNEY GENERAL**

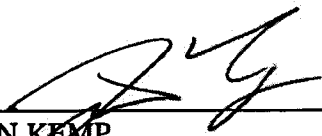
by:



**JUSTIN KEMP
ASSISTANT ATTORNEY GENERAL**

CERTIFICATE OF MAILING

I do hereby certify that on the 26th day of August, 2016 I delivered a true and correct copy of the above and foregoing **MOTION FOR ORDER DIRECTING DISCLOSURE AND PRODUCTION** to: Gary Brown, Attorney for the Defendant via electronic mail at: gary.brown1190@gmail.com



**JUSTIN KEMP
ASSISTANT ATTORNEY GENERAL**