

COMES NOW

IN THE DISTRICT COURT OF THE EIGHTEENTH JUDICIAL DISTRICT
OF THE STATE OF OKLAHOMA SITTING IN AND FOR PITTSBURG COUNTY

2023 MAR 10 PM 3:50

STATE OF OKLAHOMA)

Plaintiff,)

BY _____)

DEPUTY)

vs.)

TYLER LEROY JANZ,)

Defendant.)

CM-2023-103

STATE'S RESPONSE TO DEFENDANT'S MOTION FOR "BRADY" LETTER

COMES NOW, Charles B. "Chuck" Sullivan, the duly elected and qualified District Attorney for District No. 18 of the State of Oklahoma, the Plaintiff, by and through First Assistant District Attorney Adam R. Scharn, and offers the following response to Defendant's Motion for "Brady" Letter, confessing the motion in part. The State moves this Honorable Court to enter an order based on the Defendant's Motion and the State's response.

STATEMENT OF THE FACTS

According to the Probable Cause Affidavit submitted by Deputy David Woody, he responded to a 911 call hangup on February 21, 2023, after dispatchers at the Pittsburg County Sheriff's Office were unable to connect with the caller by going to the caller's and defendant's home. He made contact with Whitney Ronk at approximately 2:00 a.m., who stated her boyfriend, the Defendant, had used drugs earlier in the day, came back to residence, and she did not want him there. Deputy Woody states in his affidavit that he went to the back of the house, where he made contact with the suspect, who Deputy Woody observed to be sweating profusely, banging his head against a wall, and yelling while outside in direct view of the neighborhood. Deputy Woody stated that he was agitated, unsteady on his feet, his pupils were dilated, and he was aggressive, so he was placed into custody for public intoxication. The Court should note that the District 18 District Attorney reviewed the affidavit, concluded that public intoxication

was not an appropriate charge because the Defendant was on private property, but based on the statement that he was yelling and banging his head against the wall, determined that a charge of Disturbing the Peace was supported by the evidence.

Upon receipt of Defendant's Motion, the State requested the video footage recorded by Deputy Woody's body camera from the Sheriff and reviewed it. The undersigned has reached the conclusion that the sequence of events contained in Deputy Woody's affidavit are wholly inaccurate with what actually transpired. When Woody first makes contact with Ronk, no yelling or loud noises can be heard. As Woody heads toward the back of the house, no yelling can be heard, nor is the Defendant yelling or banging his head against the wall as Woody rounds the corner and sees him. Woody never appears to get close enough to see whether the Defendant is "sweating profusely," and the back of the house was so poorly lit that Woody had to shine his flashlight. The Defendant can be seen sitting against the back door of the house, quietly, with his head rested against the door. Woody asks the Defendant what he has taken, to which the Defendant replies that he has taken nothing. At no time during the initial encounter does the Defendant raise his voice or act in an aggressive manner. The Defendant does stand up, but when Woody asks him to sit back down, he complies. During this initial encounter, Woody tells the Defendant he is not in trouble and to stay where he is for the moment. Woody returns to his patrol unit, advises dispatch that he is out on a domestic, despite no evidence thus far that a domestic assault and battery has taken place, and requests an additional unit, stating that the Defendant is extremely high and aggressive. The Court should note that while distance cannot be estimated, Woody appeared to be more than 10 feet (and probably further) from the Defendant during the initial encounter, which lasted approximately 40 seconds.

for identification.

After calling dispatch, Deputy Woody returns to the Defendant, who stated he just wanted a cigarette. Woody tells the Defendant he has cigarettes in his car in what appears to be an attempt to lure the Defendant to his patrol unit, which is parked on a public roadway. Deputy Woody frisked the Defendant, without articulating any facts or circumstances that would show a reasonable suspicion that a crime was in progress, then handcuffed him, while reassuring him that he was not under arrest and was not going to jail. Woody then calls dispatch and states, "I've got him in custody." This is the first time the Defendant raises his voice. Woody asks Ronk for identification, then places the Defendant in the front passenger seat of his patrol unit and tells the Defendant he works narcotics and knows he is on something. Woody returns to Ronk, collects her identification card, tells her the Defendant is going to jail for public intoxication, and explains to her that he is sweating profusely and his pupils are dilated and not reacting to light. Up to this point, Deputy Woody has not done any Standardized Field Sobriety Tests or even a type of light test on the Defendant's eyes and will not before the end of the video. Deputy Woody gives Ronk some social advice, then returns to his patrol unit to take a picture of her driver's license. Defendant asks Woody once again to explain what he has done wrong, which is where the video ends.

ARGUMENT

Defendant has asked this Court to find that Deputy David Woody is not a reliable witness and order the State to draft and maintain a letter to that effect. Defendant has titled his motion, "Motion for "Brady" Letter. The State assumes Defendant refers to *Brady v. Maryland*, but that is a bit of a misnomer, as *Giglio v. United States*, 405 U.S. 150, is the controlling case for dishonesty of a witness. "As long ago as *Mooney v. Holohan* (internal citations omitted), this Court made clear that deliberate deception of a court and jurors by the presentation of known

false evidence is incompatible with rudimentary demands of justice.” *Giglio* at 153. The *Giglio* Court reiterated a point made *Napue v. Illinois*, 360 U.S. 264. “The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears.” *Giglio*. An affidavit is a sworn statement. There is a line at the end of the affidavit. “Upon oath, I declare that the above information is true and correct to the best of my knowledge and belief.” While the State is confessing the Defendant’s motion in part, the State finds it necessary and appropriate to submit its own response and recitation of the facts for the record. The State relies upon the information contained within a probable cause affidavit to determine what, if any, charges should be filed against a Defendant. In the instant case, the State did not find evidence sufficient to support a charge for public intoxication, but based on Deputy Woody’s statement that the Defendant was outside, banging his head and yelling in direct view of the neighborhood when Woody first made contact, the State determined that Defendant was disturbing the peace of the neighborhood. Review of the body camera footage shows that no such evidence exists, and that this allegation never occurred. The State cannot proceed with the prosecution of this case knowing these facts and what actually transpired.

CONCLUSION

The State shares both the Defendant’s and the general public’s interest in protecting society from dishonest law enforcement officers. To proceed with prosecution after discovering that the facts in a law enforcement officer’s probable cause affidavit are so blatantly false and contrary to the actual events of an incident not only puts the State’s credibility and integrity with its citizens and the courts at risk, but also jeopardizes due process and the criminal justice system. The Defendant in this case has moved for an evidentiary hearing on this matter. The State submits that such a hearing is not necessary, as it would merely result in the recitation of

facts above and the video of the incident becoming the record. The State submits that the combined Statements of Facts of both parties is a sufficient record for the Court to make its ruling. The District 18 District Attorney's Office can no longer allow Deputy David Woody to testify, in this case or any other case, due to a lack of credibility. The State agrees that the Court should issue an order dismissing the case based on Deputy Woody's lack of credibility.

WHEREFORE, PREMISES CONSIDERED, the State prays this Honorable Court issue an order as set forth above regarding Deputy Woody's credibility and order the Council on Law Enforcement Education and Training to maintain it.

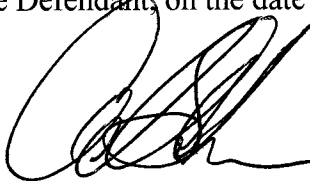
Respectfully submitted,

By: 

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CERTIFICATE OF MAILING

I, Adam Scharn, do hereby certify that I delivered a true and correct copy of the above and foregoing document to Brecken Wagner, counsel for the Defendant, on the date of filing.



ADAM SCHARN, ADA