

Oklahoma 2009

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Thirty men and women had convictions vacated in Tulsa, Oklahoma due to wide-range police misconduct between 2003 and 2009.

(Photo/Tulsa World)

Between 2003 and 2008, misconduct by an agent for the **U.S. Bureau of Alcohol Tobacco and Firearms (ATF)** and police officers in Tulsa, Oklahoma led to the wrongful convictions of 30 men and women, mostly on drug charges. At least 15 other defendants had their charges dismissed prior to trial after the misconduct was uncovered. The earliest wrongful convictions occurred in 2005;



the latest in 2010. According to a federal investigation, the officers falsified applications for search warrants, committed perjury, suborned perjury, and stole money and drugs from defendants. Federal prosecutors indicted seven of the officers, convicting four. The misconduct came to light in early 2009 after a confidential informant used by the officers began cooperating with the **Federal Bureau of Investigation**. The defendants were exonerated between 2009 and 2013.

One of the earliest cases of known misconduct began on May 27, 2004 with a raid on a salvage yard run by a man named **Bobby Haley Sr. Police Officer Jeff Henderson** and his confidential informant testified falsely about the raid's findings, leading in part to Haley's conviction on two counts of possession and one count of conspiracy to distribute drugs.

Sample Search Warrant

Here is a [sample search warrant](#) and also part of a separate [search warrant](#) that Henderson drafted on July 27, 2004:

“Your affiant states that in the past 48 hours, the afore-mentioned RCI has been to the above-described residence and observed a black male hereafter referred to as ‘John Doe’ who is selling cocaine out of this residence. The informant directed your affiant to the residence and pointed it out as a location from which the informant observed the cocaine ... Your affiant further prays the honorable judge grant night service because of the above-mentioned reasons and that your affiant is positive the illegal narcotics cocaine base will be found during the hours of 10 p.m. to 6 a.m.”

As an attorney would later note, the warrant application seemed suspiciously boilerplate. There was no mention that the informant bought drugs at the residence, just that the informant had been there and seen illegal activity.

Featured Case: Bobby Haley Sr.

Henderson often handled search warrant applications. He drafted the applications with an acute knowledge of what he needed to say to secure approval. Sometimes the officers lied, saying they had seen illegal drug activity when they had not, just to bolster an application. In one instance, officers planted a weapon inside a defendant’s house. They used fictitious evidence concerning the presence of the weapon to obtain a search warrant. Then, they “found” the weapon when they searched the house.

Featured Case: Jose Gonzalez

In January 2007, **ATF agent Brandon McFadden** and **Tulsa police officer John K. Gray** raided the home of **Ryan Logsdon**, a suspected drug dealer. The two officers handcuffed Logsdon in his living room while his girlfriend and three-year-old son watched. They threatened him with jail and separation from his child if he did not cooperate. Logsdon then led the officers to \$13,000 in cash and one-half pound of methamphetamine. Henderson and McFadden each grabbed \$1,500 and stole the methamphetamine, which they later sold back to Logsdon for \$7,000. The officers turned the remaining \$10,000 over to the police department and processed Logsdon’s car for forfeiture. Logsdon, who was never charged, became a confidential informant. He also became a customer, buying between \$250,000 and \$300,000 of methamphetamine from the two officers. McFadden later said:

“I used the position as a special agent with ATF to further the drug conspiracy and abused my position as a special agent. During this time, myself and Henderson seized drugs and money which were kept for our own personal benefit.”

At the same time, he asserted, they were also trying to make Tulsa safer by arresting people they suspected of dealing drugs.

Featured Case: Hugo Gutierrez

The officers' misconduct came to light when **Debra Clayton**, a confidential informant, contacted the **Federal Bureau of Investigation** (FBI) with evidence.

Clayton began working with McFadden and Officer John K. Gray in 2007 after they pulled her car over. The officers found \$15,000 and an ounce of methamphetamine in the car. They stole half the drugs and \$14,000 of the cash, and told Clayton she could get the money back only by agreeing to work with them. Clayton began selling methamphetamine for another dealer connected to McFadden. McFadden protected her in this role and intervened on her behalf at least once.

In the summer of 2008, Henderson and **Officer William Yelton** began to worry that McFadden's misconduct might surface. The three men met at a water-treatment plant near Tulsa. Henderson and Yelton urged McFadden to leave town, so he moved in October to the ATF office in Lubbock, Texas.

Tulsa police arrested Clayton again on December 23, 2008. She landed in the Tulsa jail facing felony drug charges. She later told the Tulsa World that she knew McFadden, who had moved to Texas, and Gray would not help her this time. She saw herself as "expendable" in their eyes. But Clayton had secretly recorded her conversations.

"I was sitting in jail with a possession charge and I had these tapes, and I knew that the cops were mad at me and there was talk of a life sentence, so I contacted a detention officer who helped me contact the right people," Clayton said.

The FBI investigation began in early 2009, with Clayton now working for the federal agents. On May 18, the FBI set up a sting at a Super 8 motel in Tulsa. Clayton introduced Gray and **Wells** to an undercover agent posing as a Mexican methamphetamine dealer. Gray and Wells arranged for a third officer to detain the "dealer" while they searched the room finding \$13,620 in cash. Video surveillance shows Gray putting a substantial amount of the cash in his pocket. He initially reported finding only \$8,000. The officers then recruited the "dealer" to work with them.

Wells and Gray became nervous after an officer spotted an agent from the **Department of Justice Office of the Inspector General**. That office was created to detect and deter fraud, abuse, and misconduct among federal agencies, including the ATF. The officers, now spooked, reported all \$13,620 to the police department and excluded Gray's name from all police reports on the incident. But Gray's caution was short-lived. In June and early July, Gray remained in contact with the "dealer," introduced him to another dealer, and helped facilitate drug deals between the two. This happened in June and early July of 2009.

Separately, on July 2, 2009, **Larry Barnes** and **Larita Barnes**, father and daughter, were released from federal prison after a federal investigation revealed that the drug buy that officers and a witness testified about had never taken place. The court placed the order vacating their convictions under seal to maintain the secrecy of the FBI investigation. By the

fall of 2009, Henderson and Yelton learned that Henderson was the subject of a grand jury investigation. When Henderson learned that one of his confidential informants, **Rochelle Martin**, had been subpoenaed to appear before the grand jury, he tried to intimidate her. According to a federal indictment, Henderson confronted Martin in person and told her that she could send him to prison. On another occasion, he parked outside her house.

Featured Cases: Larry and Larita Barnes

The federal indictments against six Tulsa police officers and McFadden were issued in 2010, with Gray and McFadden pleading guilty and becoming cooperating witnesses for the government. Two of the remaining officers were convicted and three were acquitted.

McFadden was indicted on April 7, 2010, charged with four counts: conspiracy to distribute controlled substances; possession with intent to distribute methamphetamine; possession of a firearm in relation to drug-trafficking offense; and aiding and abetting money laundering. He pled guilty on all counts.

Gray was indicted a month later on a single count of stealing government funds in excess of \$1,000. He pled guilty.

Henderson was charged with 58 counts, including perjury, civil rights violations, and conspiracy to distribute drugs on July 19, 2010. He was convicted on August 24, 2011 of eight counts, six for perjury and two counts for depriving people of their civil rights.

Yelton was charged the same day as Henderson with eight counts, including civil-rights violations, witness tampering, and conspiracy to suborn perjury. He was acquitted of all charges.

Wells was indicted on July 19, 2010 on 10 counts. He was convicted in 2011 on four counts and received the harshest sentence, 10 years in prison.

Officers Bruce Bonham and Nick DeBruin were listed on the same indictment with Wells. They were both acquitted at trial.

Two other officers, **Callison Kaiser** and **Eric Hill**, were implicated but never charged. Kaiser resigned from the Tulsa Police Department in 2008. Hill was fired in 2010.

Nineteen of the men and women wrongfully convicted filed lawsuits against some combination of Tulsa, its police department, the U.S. government, and the officers involved in the corruption. **Demario Harris** received \$50,000. He was arrested in 2003, the first documented arrest that led to a wrongful conviction due to the Tulsa police misconduct. In his complaint, he said that Tulsa's "Operation Ceasefire," a city-wide effort begun in 2003 that was aimed at gangs and drug crimes, emboldened officers to bend and ultimately break

the rules. Harris said that Yelton, working with Henderson, illegally obtained a search warrant on December 9, 2003 that led to Harris's arrest and conviction. He was sentenced to life in prison, but his conviction was vacated on October 27, 2010.

Tony Becknell also received a settlement. Becknell had his conviction vacated last even though his 2005 wrongful conviction was among the earliest misconduct cases. Becknell sued Henderson, Tulsa, and others, and received a \$12,600 settlement.

Featured Case: Tony Becknell

Five other plaintiffs received settlements. Larry Barnes received \$425,000. Larita Barnes received \$300,000 from the city of Tulsa and \$4.7 million from the U.S. government. Haley received \$35,000. **Edward Johnson**, who pled no contest to a possession charge after a traffic stop in which he said Hill planted drugs on him, received \$40,000. **Thomas Ranes**, who pled to a single charge of drug possession, received \$10,000.

Courts dismissed the remaining cases without a trial or settlement.

- *Ken Otterbourg*

Members of this group

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Posting Date: 06/17/2019

Last Updated: 04/20/2022

- State: [Oklahoma](#)
- Number of Defendants: 30
- Number of Defendants in Individual Registry: 4
- Crimes:
- [Drug possession/sale, Weapon offenses](#)
- Earliest conviction: 2005
- Most Recent Conviction: 2010
- First Exoneration: 2009
- Most Recent Exoneration: 2013
- Total Known Compensation: \$5,572,600

Persistent Link:

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