

Deputy on unpaid suspension following ruling on credibility

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A southeast Oklahoma sheriff's deputy is on an unpaid suspension after a judge ruled the deputy "lacks credibility" due to body camera footage contradicting a sworn affidavit.

District 18 Associate District Judge Tim Mills made the ruling March 10 in a misdemeanor case where a Pittsburg County man was charged with disturbing the peace.

Pittsburg County Sheriff Chris Morris said deputy David Woody was placed on the unpaid suspension following the ruling while an internal investigation is conducted.

"If that's the case, we can't have officers lying on affidavits," Morris said. "Your word is your credibility and when you fill out an affidavit you're signing under oath, swearing that's the truth and if you don't, you'll never be able to testify in court and can't be a police officer."

Morris said Woody will go through due process in regard to his employment.

In the affidavit, Woody said he arrested the man on Feb. 21 after responding to a 911 call hang-up at a residence near Canadian.

Woody wrote in his report he observed the man "sweating heavily and banging his head against the house wall and yelling while outside in direct view of the neighborhood" and that he observed signs of the man being under the influence of narcotics.

The man was booked into the Pittsburg County jail on an initial complaint of public intoxication and was charged by the District 18 District Attorney's Office on Feb. 22 with disturbing the peace.

On Feb. 28, the man's defense attorney, Brecken Wagner, filed a motion for discovery, asking for all evidence in the case, including body camera footage.

Wagner then filed a motion for a "Brady" letter after watching the footage from Woody's body-worn camera.

"The video evidence contained from the deputy's body worn camera shows a very different story," Wagner wrote in the motion.

Wagner wrote the video footage shows Woody entering the back yard to “deafening silence” and a flashlight is shined on the man, who is sitting and not “making any noise or banging his head in any way.”

The motion continues to state the man sat quietly throughout the entire video and never banged his head and cooperated with the deputy before he was led to the patrol car and handcuffed where he was told he was not under arrest.

The district attorney’s office filed a motion in response to the defense, agreeing that Woody’s affidavit was “wholly inaccurate with what actually transpired” as seen on the body worn camera.

The motion states the DA’s office concluded that a charge of public intoxication was not appropriate because the man was on private property and used Woody’s statement that the man was “yelling and banging his head against the wall” to charge the man with disturbing the peace.

“Review of the body camera footage shows no such evidence exists and that this allegation never occurred,” District 18 First Assistant Adam Scharn wrote in the state’s response. “The state cannot proceed with the prosecution of this case knowing these facts and what actually transpired.”

Scharn wrote that a hearing on the matter was not necessary.

“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 lack of credibility,” the motion states.

District 18 District Attorney Chuck Sullivan said his office will look “on a case by case basis” into other cases Woody was involved in.

“Law enforcement is a position of extreme public trust,” Sullivan said. “When any officer swears by affidavit that something is true, it has to be true.”

Sullivan said that body-worn cameras are used to keep an unbiased record of what happened with the cameras being used a majority of the time to keep officers safe from false allegations.

“Obviously they don’t tell the whole story,” Sullivan said about body-worn cameras. “But they certainly tell a bunch.”

Mills wrote in his ruling that “inaccurate reporting does occur and can often have an innocent explanation.”

“However, when the accuracy of the report fails so staggeringly once contact is made with the suspect that even the information the state relied on to make a charging decision does not exist, this court cannot find an innocent explanation that would cure the defect,” Mills wrote.

Mills then ruled Woody “lacks credibility to testify regarding the incident” and dismissed the case filed against the man that was charged.

Wagner said dishonesty in police reports is not fair to any party involved.

“All we’re trying to do is keep it fair,” Wagner told the *News-Capital* on Tuesday. “It’s not fair for the defense, just as it’s not fair for the state, when we have law enforcement officers who are not telling the truth on the reports.”