

Grubb Denies Any Claim of Misconduct

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District Attorney Allan Grubb

Body

The orders and motions continue to be filed in the case between the Multi-County Grand Jury and District Attorney Allan Grubb.

Grubb received a subpoena to appear before the Multi-County Grand Jury early in July. After multiple motions to have this dismissed, he went before the Grand Jury on July 21. Although when asked during a forum in June about whether or not he was being investigated, he said he was not, his office was being investigated and he had requested this to look into his finances.

Grubb owed the District Attorney Council more than \$600,000 at one point. He cut budgets and reduced staff to bring expenses down and began paying his debt. As of Wednesday, Aug. 3, Kathryn Brewer with the DAC said records show Grubb still owes \$250,677.68.

During this time, there were also a couple of grants used to fund the Child Advocacy Center, which is under the Pott. County DA's Office that were lost. The Pott. County Commissioners agreed to allocate up to \$400,000 to keep the center open.

Two more judges have recused themselves from the case. Paperwork for District Court Judge John Canavan, Jr. was filed July 28, and Associate District Judge Sheila Kirk's paperwork was filed July 29.

The Honorable Lori Walkley, Cleveland County District Judge, is now assigned to hear and decide all matters in the District Court of Pottawatomie County.

A motion asking the Attorney General to appoint a conflict counsel at state expense was filed on July 27. This motion states that Attorney Robert Gifford and David McKenzie have filed with the AGs office to be on a list of approved attorneys for conflicts when the AG cannot represent a state official. It also states that Grubb submitted a request for conflict counsel and payment for the attorney fees.

State Attorney General John O'Conner is the defense counsel for Grubb in a case originating in Lincoln County in Dec. 2021 and removed to the Western District Court of Oklahoma on Jan. 20, 2022.

In the lawsuit filed by Rodney Alexander Topkov, Topkov alleges defendants DA Allan Grubb, assistant district attorney, Lincoln County Commissioners Lee Doolen, Carl Munson, and Marlon Miller, and the Dist. 23 task force destroyed his legally operating marijuana grow business.

In an article by Mike McCormick with the *Lincoln County News*, Grubb is quoted as saying, "OBN (Oklahoma ureau of Narcotics) gave us inaccurate information. Their new system is having problems."

At the time, the OBN was transferring information from an old operating system to a new one.

Grubb is quoted as saying, "We always double-check with OBN; we check everything four or five times. I want to do things correctly, accurately and want the people to trust us. It's our responsibility to double and triplecheck. And to make sure to instill the public trust."

Gifford told the *Countywide & Sun*, Monday, Aug. 1, "Mr. Grubb has asked the AG to withdraw from the federal case as well. He has no confidence in them defending him properly."

Gifford said, "The DPAs (Deferred Prosecution Agreement) referenced are questionable as what they claim they say is not accurate. There will be a motion to dismiss the grand jury for misconduct filed soon."

He said, “DPAs in general, they are often used to try to get someone on probation that the State believes is guilty, but does not have the admissible evidence to prove it beyond a reasonable doubt. If the offender violates the terms of his probation under a DPA, he can be immediately prosecuted without a trial. The other option [is] to do the trial, knowing you may not win, and the defendant is acquitted. Victims suffer when they see their attacker walk out on a ‘not guilty’ verdict.”

“Mr. Grubb denies any claim of misconduct and will hold the AGs office accountable in the courtroom for their reckless accusations in this political charade,” said Gifford. Being the sole DA to support criminal justice reform in the state with the highest incarceration rate in the world is how Mr. Grubb became a target.”

The Motion To Dismiss Removal For Grand Jury Misconduct was filed Monday, Aug. 1. It states the Accusation of Removal was “conducted without due process, fairness, or compliance with the law.”

The ten-page document says, “The Attorney General’s Office knowingly, or recklessly, presented false information to the jurors regarding the Deferred Prosecution Agreements (DPAs), improperly disclosed grand jury material to members of the media, and issues illegal ‘gag orders’ to witnesses without statutorily complying with the statute. The validity of the Multi-County Grand Jury is questionable as it is housed in the office of the Attorney General without any judicial supervision, where jurors interact with attorneys, staff, and witnesses.”

The documents also state, “In addition, the Attorney General appears to garner favor of those jurors by providing them taxpayerfunded food and beverages. The Multi-County Grand Jury process is not conducted in any form or fashion that complies with even an appearance of due process or fairness. It is a ‘star chamber’ process, with the only result being what the Attorney General desires, prejudice to any Oklahoman they want to target. “

Two additional motions were filed Monday. The Motion for Expedited and Shortened Civil Discovery Process states, “Grubb is entitled to discovery prior to a trial on removal, but the Attorney General has not followed proper statutory authority. “

The Motion for Expedited Grand Jury Transcripts At State’s Expense asks that the court “order the expedited production of all transcripts from the Multi-County Grand Jury at [the] State’s expense. The Attorney General’s Office is pursuing immediate suspension, and [the] defendant should be entitled to the evidence against him as soon as possible to defend himself in that hearing.

The first hearing on the Accusation for Removal and Request for Immediate Suspension is scheduled for Aug. 16, 2022, at 1:30 pm.