

**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,            )  
    Plaintiff,                    )  
                                      )  
v.                                    )  
KRIGEL, JEFFREY PRICE        )  
    Defendant.                 )

CASE NO. CF-2021-2283  
JUDGE CF Docket D

**DISTRICT COURT  
FILED  
FEB 10 2022**

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

**DEFENDANT'S MOTION TO STRIKE NONPARTY DAVID GUTEN'S  
MOTION TO SEAL SUBPOENA**

COMES NOW the Defendant by and through his attorney of record Brendan Mchugh and does hereby move this Court to Strike the Motion to Seal Subpoena filed by the State of Oklahoma's Attorney General's Office (AG) filed February 7th, 2022 and sealed by District Judge Drummond (Judge Drummond) on February 8th, 2022. In support of the following the Defendant would state the following:

1. That the entry of an order before a response is filed without any inquiry if an objection exists is yet the latest example of bias against Defendant and Tulsa County cronyism. This includes the following:

A. That Defendant caused a subpoena to be issued and served on Judge Guten regarding a bar complaint he made against Defendant and any extra-judicial conversations he had regarding Defendant. Judge Guten filed a motion to quash on December 1, 2021. On December 2, 2021 Judge Godsby granted the motion to quash filed by her colleague, Judge Guten. Jude Guten did not even attend the hearing. This begs the question how did he know not to attend? Did he have any communications regarding his motion to quash?

B. That as further evidence of bias, Judge Godsby granted her colleague's motion to quash without a hearing before court began even before Defendant filed his motion to disqualify the AG's Office and his response to the motion to quash. Judge Godsby did not have jurisdiction to quash a Subpeona at her own recusal hearing, her authority was already stayed. The Court ruling on a pending motion while a recusal request was pending violates the mandates of due process and staying the case pending resolution of the matter. *Miller Dollarhide, P.C. v. Moshe Tal*, 2007 OK 58, 163 P. 3d 548.

C. Judge Godsby would not take up Defendant's Motion to Disqualify the AG office from representing Nonparty Judge Guten filed December 1, 2021. At first the Court by and through Judge Godsby did not even want to allow counsel for the Defendant to make an offer of proof as to why Nonparty Judge Guten's testimony was necessary on December 2, 2021. Likewise the Court did not read Defendant's response to the AG's office Motion to Quash Defendants Subpoena on Nonparty Judge Guten.

D. There remains pending a motion to disqualify the AG's Office from representing Judge Guten. Yet, the AG's Office continues to file documents and whatever the AG wants the AG gets.

E. Defendant has a pending motion for rehearing seeking the Chief Judge to hear Defendant's recusal request. He filed this request before the then-Presiding Judge LaFortune (Judge Lafortune) on December 7th, 2021. As of this date, Defendant has numerous pending motions in his criminal case. Defendant has due process rights

associated with his criminal case, his liberty and livelihood are at stake. Yet, he has gotten no hearing date or rulings. Judge Guten has twice gotten immediate rulings on matters far less important. Moreover, he got a ruling from a Judge during an outstanding recusal request and also has a pending motion to disqualify the AG.

2. Exhibit 1 is the exact file stamped copy as it appeared in the clerks file prior to the Nonparty Judge Guten filing by and through his attorney the AG. It should be noted that Exhibit 1's address is and has always been blocked out.

3. Judge Guten's address is public knowledge and readily accessible to anyone who looks on the Tulsa Tax Assessor Website. Exhibit 2. Exhibit 2 has been redacted to not show Judge Guten's address but again this is public information readily accessible to anyone with a computer and internet. The Court Clerk could have been merely directed to redact the address from the subpoena return.

4. The minute order from February 8, 2022 sealing Judge Guten's Subpoena did not state any legal authority or basis. The Minute is not signed and purports to be based on a court finding notwithstanding the unsigned nature of the minute. The State of Oklahoma has a public policy against striking publicly filed documents. *See* Kristen Rasmussen, Oklahoma High Court Rejects Rule Requiring Redacted Filing, Reports Committee for Freedom of The Press, (Dec. 16, 2011), <https://www.rcfp.org/browse-media-law-resources/news/oklahoma-high-court-rejects-rule-requiring-redacted-filings>, attached hereto as Exhibit 3. This violates the text, policy, history and spirit of the Oklahoma Open Records Act, 51 O.S. § 24.1 *et. seq.* (ORA). The ORA provides:

As the Oklahoma Constitution recognizes and guarantees, all political power is inherent in the people. Thus, it is the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their

government. The Oklahoma Open Records Act shall not create, directly or indirectly, any rights of privacy or any remedies for violation of any rights of privacy. . . .

51 O.S. § 24A.2 (emphasis added).

5. In *Citizens Against Taxpayer Abuse v. City of Oklahoma City*: 2003 OK 65, 73 P.3d 871 the Court stated: "The public body urging an exemption has the burden to establish the applicability of such exemption." *Id.* at ¶ 12; *Merrill v. Oklahoma Tax Commission*, 1992 OK 53, ¶8, 831 P.2d 634.

6. In *SHADID v. HAMMOND*, 2013 OK 103, 315 P.3d 1008, Justice Taylor concurring stated:

Court records are public records. There are specific statutory exceptions to this rule (juvenile, adoption, mental health, etc.). Otherwise, documents filed with the Court Clerk's office are public records and available for public access.

There are no provisions in the Oklahoma Open Records Act that allow parties to simply agree to seal a public record and submit a summary agreed order to the court. Sealing a public record should be a very rare event that occurs in only the most compelling of circumstances.

If after very careful and independent consideration a District Court decides to seal a public record, it "shall" make a specific finding that sealing the public record is "necessary in the interests of justice to remove the material from the public record". 51 O.S. 24A.29. That is a very high standard for good reason and is required in every case.

*Id.*

7. The Court can merely direct the clerk to redact the address on the return, but in any event the process needs to be fair. It was not in this case. This includes that the pending disqualification of the AG be ruled on, that all pending motions be set for hearing not just Judge Guten's, that the Court wait for a response to be filed or an agreed order submitted and a detailed order in conformance with applicable law. Defendant does not necessarily object to the motion by Judge Guten. However, the process must be fair; it wasn't. Defendant requests that he be at

the very least afforded the same treatment that the AG and Judge Guten receive: that his filings be either set for hearing and/or ruled on, that he be afforded his statutory prescribed response time or an agreed order be entered; that the pending motion seeking disqualification be ruled on.

RESPECTFULLY SUBMITTED BY:

*B. McHugh*

Brendan M. McHugh  
Attorney at Law  
P.O. Box 1392  
Claremore, Ok  
phone 918-608-0111  
fax 918-803-4910

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the DAY OF FILING, a true and correct copy of the within and foregoing instrument, Motion to Strike [redacted] was mailed by first class mail, postage prepaid, faxed or hand-delivered to the following persons:

Wagoner County DA Office

Attn: John Bennett

307 E Cherokee St

Wagoner, OK 74467

*and*

*AG's office BMM*

*B. McHugh*

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA, )  
Plaintiff, )  
 ) CASE NO. CF-2021-2283  
 ) JUDGE CF Docket D  
v. )  
 )  
KRIGEL, JEFFREY PRICE )  
Defendant. )

**SUBPOENA**  
**DAVID GUTEN**

DISTRICT COURT  
**FILED**  
DEC 01 2021

STATE OF OKLAHOMA )  
 )  
 ) SS:  
COUNTY OF TULSA )

DON NEWBERRY, Court Clerk  
STATE OF OKLA. TULSA COUNTY

TO: David Guten  


Greeting: You are commanded to appear before JUDGE MARY ANN GODSBY., a justice of the peace of of the district court of Tulsa County on December 2nd, at 3 pm, and remain in attendance on and call of said Court from day to day and term to term until lawfully discharged, as a witness in a criminal action prosecuted by the State of Oklahoma against Jeffrey Price Krigel. Pursuant to 22 O.S. 707, 22 O.S. 708. and Section 2004.1(A)(3) of Title 12 of the Oklahoma Statutes.

***THIS YOU SHALL IN NO WAY OMIT UNDER PENALTY OF LAW.***

**HEREOF, fail not under penalty of law**

Issued on this 30 day of Nov., 2021.



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- Download Forms

**Resources**

- Ad Valorem Property Taxes
- Statistics and Analysis
- Plat Filings by Year
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- Statutes and Rules

**Community Outreach**

- About the Program
- Need a Speaker?
- Calendar of Events

**Our Office**

- Our Commitment
- Assessor Biography
- Assessment Process
- Appraiser Accreditation

**Quick Facts**

<b>Account #</b>	R73212832753330
<b>Parcel #</b>	73212-83-27-53330
<b>Situs address</b>	10624 S ERIE PL E TULSA 74137 <a href="#">Map it</a>
<b>Owner name</b>	GUTEN, DAVID & MAURA A WILSON-GUTEN
<b>Fair cash (market) value</b>	\$350,000 <a href="#">Similar properties</a>
<b>Last year's taxes</b>	\$5,359
<b>Legal description</b>	Subdivision: SOUTHERN OAKS ESTATES II Legal: LT 15 BLK 2 Section: 27 Township: 18 Range: 13



**General Information**

<b>Situs address</b>	10624 S ERIE PL E TULSA 74137
<b>Owner name</b>	GUTEN, DAVID & MAURA A WILSON-GUTEN
<b>Owner mailing address</b>	10624 S ERIE PL TULSA, OK 74137
<b>Land area†</b>	0.33 acres / 14,420 sq ft
<b>Tax rate</b>	T-5A [JENKS]
<b>Legal description</b>	Subdivision: SOUTHERN OAKS ESTATES II Legal: LT 15 BLK 2 Section: 27 Township: 18 Range: 13
<b>Zoning</b>	RES SINGLE-FAMILY LOW DENSITY DISTRICT [RS1]

**Tax Information**

	2020	2021	2022
<b>Fair cash (market) value</b>	\$350,000	\$350,000	—
<b>Total taxable value (capped)</b>	\$350,000	\$350,000	—
<b>Assessment ratio</b>	11%	11%	—
<b>Gross assessed value</b>	\$38,500	\$38,500	—
<b>Exemptions</b>	\$0	\$0	—
<b>Net assessed value</b>	\$38,500	\$38,500	—
<b>Tax rate</b>	T-5A [JENKS]		
<b>Tax rate mills</b>	136.26	139.19	—
<b>Estimated taxes</b>	\$5,246	\$5,359	—
<b>Most recent NOV</b>	February 9, 2016		

**Values**

	2020	2021	2022
<b>Land value</b>	\$90,743	\$90,743	—
<b>Improvements value</b>	\$259,257	\$259,257	—
<b>Fair cash (market) value</b>	\$350,000	\$350,000	—

**Tax detail (2021 millages)**

	%	Mills	Dollars
<b>City-County Health</b>	1.9	2.58	\$99.33
<b>City-County Library</b>	3.8	5.32	\$204.82
<b>Tulsa Technology Center</b>	9.6	13.33	\$513.21
<b>Emergency Medical Service</b>	0.0	0.00	\$0.00
<b>Tulsa Community College</b>	5.2	7.21	\$277.59



**ORIGINAL**

**FILED  
SUPREME COURT  
STATE OF OKLAHOMA  
DEC 12 2011  
MICHAEL RICHIE  
CLERK**

**2011 OK 101  
IN THE SUPREME COURT OF THE STATE OF OKLAHOMA**

In re Amendment to 12 O.S. Ch.2, ) SCAD No. 2011-86  
App., Rules for the District Courts )  
of Oklahoma, Creating New Rule 31. ) **FOR OFFICIAL PUBLICATION**

- ¶0 Order Creating new Rule 31, Rules for the District Courts of Oklahoma.
- ¶1 The Court hereby creates Rule 31, 12 O.S. Ch. 2, App., Rules for the Districts Courts of Oklahoma.

Rules of the District Courts of Oklahoma, Rule 31, is created to read as follow.

**RULE 31. Guidelines for Filers**

**A. Responsibility of Filer**

The responsibility for following the guidelines set forth below rests solely with counsel, the parties, or any other filer. The Clerk of the Court shall not have any duty to review documents for compliance with this rule. If a filer includes personal identifier information such as Social Security numbers, Tax Identification numbers, Financial Account numbers, Driver's License numbers, dates of birth, addresses or other sensitive information, in any document filed with the courts, electronically or otherwise, the document becomes a public record as filed.

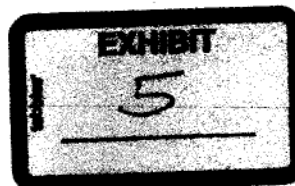
**B. Applicability of the Rule**

This Rule does not apply in felony cases, misdemeanor cases, traffic ticket cases, or any other cases where statutory law or Rules and Forms promulgated by the Court of Criminal Appeals require the inclusion of the complete personal identifier number.

**C. Personal Identifier Information**

Unless otherwise ordered or as otherwise provided by law, every filer, filing electronically or otherwise, may limit the following information in pleadings, papers, exhibits or other documents:

whether Rec'd (date)	12-12-11
in all	
Posted	<i>JD</i>
Mailed	<i>JD</i>
Distrib	<i>JD</i>
Publish	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no



1. Social Security Numbers: A social security number may include only the last four digits.
2. Taxpayer Identification Numbers: A taxpayer identification number may include only the last four digits.
3. Financial Account Numbers: A financial account number may include only the last four digits.
4. Driver's License: A driver's license number may include only the last four digits.

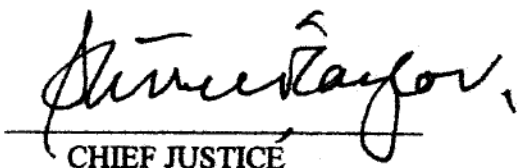
**D. Confidentiality**

Nothing in this rule shall impact the confidentiality of juvenile records or any other records the Legislature has determined are confidential.

¶3 Rules for the District Courts of the State of Oklahoma, Rule 31, shall be created by this order and shall take effect December 12, 2011. [REDACTED]

¶4 DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE

THIS 12<sup>th</sup> DAY OF December 2011.

  
CHIEF JUSTICE

COLBERT, V.C.J., WATT, WINCHESTER, EDMONDSON, REIF, COMBS,  
GURICH, JJ. - concur

TAYLOR, C.J., with whom KAUGER, J., joins, concurring in result

I concur in result because this rule affirms the doctrine that (other than those sealed or closed by long-established law) every document filed with the Court Clerk is a public record. And this rule does not prohibit the inclusion of any information in any filed document. Information included in a document will be determined by the filer.