

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JUL 02 2026

RICK WARREN
COURT CLERK

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STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.)
)
RONALD BRENT SWADLEY,)
)
Defendant.)

Case No. CF-24-629
Hon. Susan Stallings

Hearing Requested

**APPLICATION FOR INJUNCTIVE RELIEF ENJOINING THE ATTORNEY
GENERAL’S OFFICE, OKLAHOMA COUNTY DETENTION CENTER, AND NCIC
FROM RECORDING, INTERCEPTING, AND RELEASING ATTORNEY-CLIENT
PROTECTED CALLS IN VIOLATION OF THE SIXTH AMENDMENT, AND MOTION
FOR EVIDENTIARY HEARING AND RELATED DISCOVERY**

The State of Oklahoma knows better than to covertly listen to attorney-client calls for tactical advantage in a criminal proceeding and yet State records irrefutably show this happened and continues, as recently as June 26, 2026:¹

calldate	phone number	inmatename	duration	listenedby	sernotes
2026-06-08 16:00:50-05	9703	Swadley, Brent	187	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.
2026-06-08 09:36:23-05	4054	Swadley, Brent	92	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.
2026-06-07 13:31:07-05	4054	Swadley, Brent	117	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.; william.lutz@oag.ok.gov(2026-06-08): Call Downloaded.; william.l
2026-06-07 11:51:27-05	9703	Swadley, Brent	834	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.
2026-06-05 08:50:49-05	4054	Swadley, Brent	35	gayland.gieger@oag.ok.gov	gayland.gieger@oag.ok.gov(2026-06-05): Call Monitored.; gayland.gieger@oag.ok.gov(2026-06-05): Call Monitored.
2026-06-05 08:37:13-05	4054	Swadley, Brent	257	gayland.gieger@oag.ok.gov	gayland.gieger@oag.ok.gov(2026-06-05): Call Monitored.; gayland.gieger@oag.ok.gov(2026-06-05): Call Monitored.; gayla
2026-06-03 19:39:00-05	4054	Swadley, Brent	479	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-04): Call Monitored.; Mark.Opgrande@okcountyc.net(2026-06-04): Call Downloaded.;
2026-06-03 09:57:13-05	9703	Swadley, Brent	639	gayland.gieger@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; william.lutz@oag.ok.gov(2026-06-03): Call Downloaded.; john.mci
2026-06-02 18:01:14-05	9703	Swadley, Brent	19	john.mcmahan@oag.ok.gov	john.mcmahan@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountyc.net(2026-06-04): Call Download
2026-06-02 16:50:28-05	4054	Swadley, Brent	3	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountyc.net(2026-06-04): Call Downloaded.
2026-06-02 16:48:31-05	4054	Swadley, Brent	8	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountyc.net(2026-06-04): Call Downloaded.

The U.S. Supreme Court has characterized deliberate prosecutorial interceptions of attorney-client communications “government intrusion of the grossest kind upon the confidential relationship between the defendant and his counsel.” *Hoffa v. United States*, 385 U.S. 293, 306

¹ The image above is an illustrative excerpt. *See* Ex. 1: Government access log documenting the State prosecutors intercepting at least twenty six (26) attorney-client calls from June 2-9, 2026. Upon information and belief, due to the interception of attorney-client calls to date by the Attorney General’s Office continuing to occur, as recently as June 26, 2026, the interception count is up to at least thirty-eight (38) attorney-client calls. This signifies a continuing violation that warrants immediate Court intervention.

(1966). Prosecutors have a well-established affirmative obligation “not to act in a manner that circumvents and thereby dilutes the protections afforded by the right to counsel.” *Maine v. Moulton*, 474 U.S. 159, 170–71 (1985). That obligation was violated in this case.

When Defense Counsel raised this Constitutional intrusion and possible motion to enforce Mr. Swadley’s rights with the Attorney General’s (“AG”) Office, its response was to threaten additional felony charges to be filed against Mr. Swadley unless he dropped the motion.

Since the Court’s last hearing in this matter, the defense has learned that the Oklahoma AG’s Office has been surreptitiously monitoring and listening to Defendant Brent Swadley’s attorney-client communications since he entered State custody on or about May 28, 2026. By deliberately intruding upon confidential and protected communications between Mr. Swadley and his counsel, the State has engaged in conduct that strikes at the heart of the Sixth Amendment right to counsel and casts a shadow on the fairness and integrity of these adversarial proceedings. Immediate judicial intervention is necessary to stop the violation, neutralize the taint caused by the State’s intrusion, remedy the prejudice caused to Mr. Swadley, and restore fairness and integrity to these proceedings. In a *nearly identical* case involving Kansas prosecutors intercepting privileged calls (that played a similar recording at the beginning as here), the Court was so troubled by the Government’s conduct that it ordered a Special Master to conduct an investigation.² The Court must intervene immediately to remedy the prejudice inflicted upon Mr. Swadley.

² See *United States v. Black, et al.*, 2017 WL 2151861, at *7-8 (May 2017, D. Kansas)(noting “[t]he fact that the government takes this litigation posture, coupled with the fact that the government unilaterally decided the telephone calls were not privileged, and did so without notice to the Court or the parties, leads this Court to direct the Special Master to conduct a Phase III investigation into the government's conduct concerning these audio recordings.”) This investigation ultimately resulted in litigation, individual actions for the impacted defendants, one mandamus action, and a protracted evidentiary hearing during which over a dozen prosecutors testified. *U.S. v. Carter*, 429 F.Supp.3d, 788, at 805 (D. Kan. 2019); *In re United States*, No. 18-

The State's actions to date have had a chilling effect on Mr. Swadley's Sixth Amendment right to counsel and tainted the proceedings. Due to the State's interception of attorney-client calls, Mr. Swadley is not able to communicate freely and meaningfully assist his counsel in preparing his defense.³ Mr. Swadley has already been prejudiced for his upcoming appeal bond hearing, sentencing, and his direct appeal process is being infected by the State's lack of safeguards and reckless disregard for his Constitutional rights. The State simply cannot guarantee at this point that governmental intrusion into the Constitutionally-protected attorney-client relationship will not reoccur. This Court must intervene to contain this issue from further infecting the upcoming proceedings and the direct appeal process.

State records recently obtained reveal numerous technological system flaws with the NCIC phone system⁴ and jail process failures known to the Oklahoma County Detention Center for at least a year.⁵ The evidence shows the AG's Office took advantage of these system failures to

3007 (10th Cir. Feb. 26, 2018) (denying government's petition for mandamus requesting termination of Special Master investigation; limiting scope of investigation in part).

³ See, e.g., Ex. 3: Affidavit of Hannah Gregory.

⁴ Upon information and belief, the Oklahoma County Detention Center uses a vendor, NCIC, to provide the system by which jail calls are recorded and intercepted by the State's prosecutors. Based on what happened with Mr. Swadley's calls with attorneys being intercepted by the prosecutors and then later released to the media (now twice in a span of two weeks), there appears to be multiple system flaws and process gaps in immediately registering restricted attorney and legal staff numbers for inmates to call. Further, it appears there are no additional safeguards in place to protect to mitigate these failures and respect Constitutional rights.

⁵ In fact, the Oklahoma County Detention Center official (responsible for approving all attorney numbers to be restricted and thus protected from recording by the NCIC system) represented to another Oklahoma County District Court in 2025 that there could be "inadvertent" jail recordings of attorney-client calls but that the recordings are not sent to the AG's Office. This is at best incomplete and misleading because what has been discovered by Mr. Swadley's defense team (and not because the AG's Office itself affirmatively disclosed this) is that the AG's Office has *direct access* to the NCIC system and all recordings so it does not need the Oklahoma County Detention Center to send it anything. What is more troubling is that there appear to be no safeguards in place

intercept attorney-client calls for tactical benefit. These known defects in the current State apparatus allowed Mr. Swadley's attorney-client calls to be recorded and then intercepted by the AG's Office. NCIC still retains these recordings and the AG's Office maintains direct access.

The AG's Office failed to notify Mr. Swadley's Counsel or the Court of the attorney-client calls in its possession, and continue to intercept calls even after Defense Counsel's notification.

Instead, the AG's Office remained silent and continued to intercept day after day (over 20 attorney-client calls in the span of only seven days) to gain intelligence that it would not ordinarily be permitted to and prejudice Mr. Swadley in the upcoming appeal bond and sentencing hearing as well as future proceedings. What is equally troubling is that Deputy AG Gayland Gieger, the lead prosecutor in this case, represented to one of Defense Counsel's team members that once they realized it was an attorney-client call, they stopped listening. The objective evidence from the State's own records, however, refutes this.

The AG's Office, the Oklahoma County Detention Center, and its agent, NCIC, have thus violated and continue to interfere with Mr. Swadley's Sixth Amendment right to counsel. The State's lack of safeguards, disregard for Mr. Swadley's Constitutional rights, and the exploitation of the known system flaws have already caused Mr. Swadley prejudice for the upcoming appeal bond hearing as the State has improperly gained defense strategy and intel it would not have had. The State has also hindered and adversely affected the quality and effectiveness of Mr. Swadley's defense and legal representation. This prejudice continues every day he is confined to the Oklahoma County Detention Center with its existing system flaws incapable of protecting his Sixth Amendment right to counsel, and an AG's Office all too willing to take advantage irrespective of

or those safeguards are wholly inadequate to protect against interception by the prosecutors of attorney-client calls.

Constitutional rights. The State apparatus, as it exists today, has impaired the fair administration of justice and integrity of these proceedings, destabilized a core Constitutional right, and threatens the very bedrock of the adversarial process our criminal justice system is built on.

No legitimate law enforcement purpose existed for the recording or interception of attorney-client calls. This purposeful intrusion by the Government into the attorney-client relationship impedes Mr. Swadley's Constitutional rights to meaningfully assist in preparation of his defense, and has corrupted the integrity of these proceedings. The State has demonstrated that it is unable to guarantee that this impermissible intrusion will not continue.

Emergency relief from the Court is thus necessary to not only enjoin the State from further intrusion, but to restore Mr. Swadley's rights and reinstate fairness and integrity to these proceedings. Mr. Swadley's Constitutional right to freely communicate with his attorneys in the preparation of his defense has been and continues to be significantly impaired by the State's actions and lack of any safeguards in place to prevent recurrence. Mr. Swadley respectfully asks this Court⁶ to grant on an emergency basis the appeal bond in order to restore his rights and further mitigate any prejudice caused to him. He also respectfully requests an evidentiary hearing and discovery to fully inform the Court and any relief it deems appropriate.

BRIEF IN SUPPORT OF MOTION

“This is Peter Scimeca. Oklahoma Attorney Bar number 28105. This is an Attorney client communication – please terminate your recording devices and if

⁶ Defendant moves this Court pursuant to the Seventh Judicial District Court Rule 13, 22 O.S. § 2002(E)(1), Administration of Courts Rule 7, 20 O. S. A. Ch. 1, App. 2, Oklahoma Constitution Section VII-7, and the U.S. Constitution, to enjoin the State from continuing to violate his Sixth Amendment right to counsel and neutralize the taint and prejudice caused to Mr. Swadley.

*you inadvertently record this, please delete this now. Brent, we'll wait about ten (10) seconds..."*⁷

The Oklahoma County Detention Center and the AG's Office both ignored this unequivocal disclosure.⁸ Instead, over the next few weeks, the Oklahoma County Detention Center recorded and the AG's Office intercepted and listened to over twenty (25) attorney-client calls between Mr. Swadley and his legal team.⁹ By doing so, the State has gained tactical advantage over defense strategy, defense motions to be filed, legal advice given, details about the impending appeal bond hearing, sentencing, and the direct appeal.

The government has impermissibly violated Mr. Swadley's Sixth Amendment right by purposefully intruding into his attorney-client relationship and by intercepting his attorney-client communications to gain the upper hand. The Court must intervene to neutralize the taint, restore fairness, and mitigate the harm to his Constitutional right to freely and without governmental intrusion assist his attorneys in preparation of his defense.

1. Objective Facts Known to Date from State Records

The objective evidence that has come to light since the Court's continuance of the June 4, 2026 appeal bond hearing shocks the conscience. Government records in the form of access logs from the NCIC system objectively demonstrate that the State of Oklahoma (specifically, *multiple attorneys* from the AG's Office, including the lead prosecutor on this case, Deputy AG Gieger)

⁷ June 1, 2026, call from attorney Peter Scimeca to Mr. Swadley while in State custody. Mr. Scimeca made this disclaimer on each and every one of his attorney-client calls. The evidence shows the State ignored these requests for privacy and covertly listened anyway.

⁸ *See* Ex. 1: Government access log of intercepted attorney-client calls. Defense Counsel has redacted the phone numbers for privacy purposes but can provide an unredacted copy to the Court.

⁹ *Id.* Upon information and belief, the State prosecutors continue to intercept attorney-client calls as recently as June 26, 2026 and bringing the interception count to thirty eight (38).

intercepted, listened to, and/or downloaded at least twenty-six (26) calls in a period of seven (7) days between Mr. Swadley and his attorneys and legal staff. Upon information and belief, the AG's Office continues to intercept attorney-client calls, as recent as June 26, 2026, bringing the interception count to thirty eight (38).¹⁰

After listening to Mr. Swadley's attorney-client calls and gaining invaluable insight into his defense strategy, the State took no action to alert Counsel or this Court. Instead, Deputy AG Gieger and multiple members of his team, including but not limited to Assistant Attorney General ("AAG") William "Rick" Lutz and AAG John McKenzie McMahan, continued to intercept and listen to Mr. Swadley's attorney-client calls with no legitimate law enforcement purpose other than to gain tactical advantage in filings and upcoming hearings. This callous disregard for Mr. Swadley's Constitutional rights and fairness of these proceedings cannot go unanswered.

To gain further strategic advantage for its position that Mr. Swadley should be denied bond, the AG's Office used at least one attorney-client call¹¹ in the USB (flash) drive provided to the Defense with its Second Supplement to State's Response to Defendant Ronald Brent Swadley's Brief Regarding Appeal Bond ("Second Supplement").¹² No speculation is necessary as to the

¹⁰ This is the number the Defense was able to ascertain with a limited investigation – the number of intercepted calls might well be higher.

¹¹ This particular call was with Oklahoma attorney Scot Conner. It was included on the USB (flash) drive the State provided to Defense Counsel on June 4 minutes before the bond hearing commenced.

¹² The State submitted this filing to the Court *before* it provided any audio recordings it sought to use to the defense. In fact, emails show that Deputy AG Gieger and his team reached out to the Oklahoma County Detention Center employees as early as June 3 – an entire day before providing the jail recordings to Counsel and his team was listening to calls starting on June 2. These litigation-by-ambush tactics used by the State forced the defense to file objections and motion to strike, which were denied by the Court, and in the alternative, move for a continuance, which the Court granted, continuing the appeal bond hearing until July 2, 2026. This ripple effect caused Mr. Swadley to remain incarcerated for another month, and enabled the AG's Office to prolong its secret access to more of Mr. Swadley's attorney-client calls in violation of his Sixth Amendment

State's intended use of this intercepted call because it explicitly stated the reason in its filing and to the Court – *i.e.*, it was using the jail recordings to attempt to influence the Court's decision to deny the appeal bond:

Following the filing of the State's

First Supplement, the State discovered calls made by the defendant while in the Oklahoma County Detention Center that **this Court should also consider in determining whether to grant the defendant an appeal bond.** A copy of the defendant's recorded calls will be provided to the Court, and the State will admit a copy of the defendant's recorded calls into evidence at the June 4, 2026 appeal bond hearing.

Deputy AG Gieger explained that “Judge, the flash drive we provided them before this hearing began contains the jail phone calls that are referenced in the State's second supplemental filing as well as some additional phone calls that we believe are potentially relevant but are not named in the specific filings.” June 4, 2026 Hearing Tr. 6:10-15.¹³

While an evidentiary hearing is needed to ascertain the full extent of violations and relief necessary (beyond the immediate restoration of Mr. Swadley's right to be able to speak freely and uninhibited from governmental intrusion which *cannot happen now in State custody under the current apparatus*), the facts known to date are as follows:

right. The evidence obtained shows that the State Prosecutors, did in fact, seize on this delay opportunity *and listened to at least eight (8) additional attorney-client calls* on June 5, 7, 8, and 9, 2026. As of the date of the filing of this motion, neither Deputy AG Gieger nor his team have notified the defense or the Court of the attorney-client communications in the State's possession.

¹³ This confirms the State was planning to use at least one intercepted attorney-client call to advance their position at the bond hearing. Though the AG's Office had also by this time intercepted multiple calls with lead attorney, Peter Scimeca, and his paralegal, Hannah Gregory, and attorney Mark Stonecipher, the State did not disclose to Defense Counsel or the Court that it had attorney-client calls in its possession. Instead, the AG's Office stayed silent and continued to covertly intercept attorney-client calls through at least June 26, 2026.

A. Summer 2025: Oklahoma County Detention Center and AG’s Office Aware of System Flaws Resulting in Attorney-Client Calls Being Recorded

- In the Summer 2025, the Oklahoma County Detention Center was aware that there could be “inadvertent” recordings between incarcerated defendants and their attorneys, and that State prosecutors could access these attorney-client calls.

The Oklahoma County Detention Center, however, in its policy, recognizes “the unrestricted confidential correspondence and access to attorneys and other legal counsel” as a right. Nowhere (either on the website or in the Resident Handbook)¹⁴ does NCIC or the Oklahoma County Detention Center disclose¹⁵ or make clear that attorneys need to register their number with NCIC online *and also* confirm separately with the Oklahoma County Detention Center. That is, *unless and until* the Oklahoma County Detention Center approves the attorney request and changes the

¹⁴ [Inmate Services | OK County](#) (last visited on June 26, 2026). “Inmate handbooks are designed to inform and educate inmates about the rules and procedures of this facility. It is essential for inmates to familiarize themselves with the contents of the handbook to ensure compliance with the facility's policies and regulations.” Further, the Oklahoma County Detention Center describes the Inmate handbook as “[a]n inmate's handbook is a document created by detention facility to provide comprehensive information and guidelines for individuals who are incarcerated. The handbook serves as a reference guide to inform inmates about the rules, regulations, policies, procedures, and expectations within the correctional facility.” The handbook, however, contains no information about the requirement that attorneys have to register their numbers in order to stop recordings of privileged calls, or how to go about effectuating that. <https://www.okcountycdc.net/resident-handbook>. The handbook notably does not disclose that prosecutors or other law enforcement have direct access to the NCIC system to intercept these calls and listen in. *See* Ex. 2: Oklahoma County Detention Center Resident Handbook at pp. 7-8.

¹⁵ *See* Ex. 3-2: Photographs of information for inmates posted in the Oklahoma County Detention Center. Neither show any disclosure or warning to attorneys (or inmates) to register their phone numbers as restricted to stop them from being recorded and intercepted by the AG’s Office.

number to restricted, the system will record privileged attorney-client calls and they will be available for access.¹⁶ See the following relevant excerpts from the Resident Handbook:¹⁷

RESIDENT RIGHTS AND PRIVILEGES

A **RIGHT** is something to which you are entitled. Rights are determined by law.

Rights include:

- Safe, clean, and sanitary living conditions.
- Balanced, nutritional diet.
- Access to Courts, Attorneys and Legal Materials.
- Freedom of Religion
- Contact with family and friends via mail
- Disciplinary Due Process
- Adequate Medical Services

A **PRIVILEGE** is a benefit granted by the Detention Facility that can be lost due to poor behavior, failure to obey rules and regulations, being a security risk, or during emergencies.

Privileges include:

- Attendance in Programs
- Recreation room access

OKLAHOMA COUNTY DETENTION CENTER | RESIDENT HANDBOOK | EFFECTIVE January 1, 2024

¹⁶ The Oklahoma County Detention Center’s website discloses other information but fails to provide any instruction or notification that attorneys must register with NCIC and also confirm with Oklahoma County Detention Center separately in order to stop recordings of their privileged calls from occurring. See, e.g., [NCIC communications | OK County](#). In the nearly identical jail recordings case (*U.S. v. Black et al.*), the prison’s handbook there gave more notification and stated: “Your attorney may request of our facility that calls to their office not be recorded to ensure Attorney/Client privilege. They may request this by way of sending CCA/LDC a fax on their office letterhead. This request must include contact information and signature. They may fax it to (913)727-2231. **IT IS YOUR RESPONSIBILITY TO ENSURE THAT YOUR ATTORNEY IS AWARE OF THIS PROCEDURE: THEIR TELEPHONE CALLS ARE SUBJECT TO BEING RECORDED IF THEY DO NOT REQUEST THAT THEY BE RESTRICTED.**” *U.S. v. Black et al.*, 2017 WL 2151861, at FN 32 Gov. Ex. 2 (May 2017, D. Kansas).

¹⁷ Ex. 2: Oklahoma County Detention Center Resident Handbook, effective January 1, 2024, pp. 22-23, available https://www.okcountycdc.net/files/ugd/bb0645_812f609eb80f429781eaad5835ef51f3.pdf (last visited June 26, 2026); see also [Inmate Services | OK County](#) (last visited on June 26, 2026).

RESIDENT RESPONSIBILITIES

All rights of residents will be equally available to all residents. All resident responsibilities will be equally enforced.

No resident under the supervision of the Oklahoma County Detention Center will be subject to discrimination based on race, religion, nationality, gender, political belief, handicap, or sexual orientation.

Detention Center Administrators and employees will ensure residents are aware of the following rights and responsibilities while under the authority of the Oklahoma County Detention Center:

- The **right** to confidential interviews and correspondence with an attorney and the **responsibility** not to abuse the confidential contacts made available.

ACCESS TO COURTS

Residents have a right to freedom of access to the court through unrestricted confidential correspondence and access to attorneys and other legal counsel. Your attorney may visit you during reasonable hours established by jail administration.

If you do not have an attorney and cannot afford your own, the court may appoint one to you. We recommend you write to your attorney often. Your attorney will visit you when they feel it is necessary

The Resident Handbook further informs that telephone “[c]ommunications may be monitored and/or recorded from time to time for security purposes.”¹⁸ Nowhere does it disclose that attorney-client calls will be recorded and intercepted by the AG’s Office *unless and until* the attorney registers that specific number *and* the Oklahoma County Detention Center manually changes the number to be restricted in the NCIC system.

TELEPHONE RULES

- Phone use is a privilege and not a right.
- You may make telephone calls from your housing PODs, cells, or tablets.
- Communications may be monitored and/or recorded **from time to time for security purposes.**
- Do NOT make 3-way phone calls. You will be disconnected and may face disciplinary action.
- If the resident phones or tablets are used to threaten to commit or cause to commit a crime, introduce contraband, attempt escape, threaten or intimidate others, or for any other illegal purposes, violators will lose telephone privileges permanently and additional charges may be filed.

¹⁸ Ex. 2: Resident Handbook at p. 12.

B. May 29, 2026: Multiple Members of the Legal Defense Team Register with the Oklahoma County Detention Center as Attorneys Representing Mr. Swadley

- On May 29, 2026, Oklahoma attorneys Mark Stonecipher and Scot Conner registered with the Oklahoma County Detention Center as attorneys representing Mr. Swadley. They scheduled a privileged legal visit with Mr. Swadley on Monday, June 1 at 1 p.m. This registration involved listing their Oklahoma bar numbers.¹⁹ The Oklahoma County Detention Center was thus put on notice that Messrs. Stonecipher and Conner were Mr. Swadley’s attorneys.

OCDC - Attorney Visits
405-713-1972
<http://okcountycdc.net/>

Hi Mark Stonecipher
Your Booking is confirmed.

Bookings details	
Service Name	Attorney Visit

Your Details

Name of Agency / Law Firm
Fellers Snider

Badge Number / Bar number
10483

Estimated time needed for visit
30 min

Name of Inmate (Last, First) (DOB)
Swadley, Brent 07/01/1970

Will anyone else be accompanying you during your Visit / Interview with the Resident?

Yes

If yes, list all individual's names, agency name, and reason for joining.

Scot Conner, Vaught & Conner, OK Bar No. 11627

¹⁹ Ex. 4: Confirmation from Oklahoma County Detention Center of attorney information for legal visit.

C. June 2, 2026: Another Member of Mr. Swadley’s Legal Defense Team Registers Her Number through NCIC to Designate Attorney-Client Protected Calls

- On June 2, 2026, Hannah Gregory, Defense Team paralegal, registered using the NCIC app as part of the legal team and to restrict her number.²⁰ She received a confirmation from NCIC her request was successful.²¹ Unbeknownst to Ms. Gregory (and the rest of the legal team), however, the NCIC system does not immediately or automatically register numbers as restricted. Instead, the Oklahoma County Detention Center (and only the Oklahoma County Detention Center) has to go online and approve the number, switching it to be restricted.²² Nowhere is this disclosed. In addition, seven days went by here with no action taken by the Oklahoma County Detention Center.


During this time, attorney-client calls continued to be recorded and intercepted by the State.

²⁰ Ex. 3: Affidavit of Hannah Gregory.

²¹ Ex. 3-B: NCIC Confirmation. This is also attached to Ex. 3: Affidavit of Hannah Gregory.

²² Upon information and belief, the Oklahoma County Detention Center represented that once the legal team registered their numbers, the restriction protections that are triggered to stop the system from record calls is “immediate.” That is simply not the case in practice and it demonstrates unawareness of system gaps and process failures. When Ms. Gregory called the NCIC “Get Help” hotline, the NCIC representative stated it would probably take 24-48 hours, depending on how many requests are preceding hers and the existing backlog. Ms. Gregory had to go in person to alert the Oklahoma County Detention Center and get them to restrict her number. The Resident Communication Specialist explained that she does not always go into check the online attorney requests to approve. *See* Ex. 3: Affidavit of Hannah Gregory. The Oklahoma County Detention Center’s Resident Communication Specialist’s approval, however, is the sole determinative factor in whether an attorney number is registered as restricted or not, meaning recordings will continue unless and until Oklahoma County Detention Center approves the request and manually switches the number in the NCIC system. Otherwise, the attorney-client calls will be recorded and available for access by the State AG’s Office. These system gaps and process flaws demonstrate the inadequacy of the current State apparatus to protect Mr. Swadley’s Constitutional rights from intrusion.

You have this facility contact.


 **Success** 

Your request has been sent successfully.

Lawyer Status

If You Are A Lawyer, Here Is Where You Will Submit Your Request To The Facility For Privileged Communications.

- I Am A Lawyer**
Select the checkbox to submit your request to the facility for privileged communications.

Select an option 

Oklahoma County Detention Center - OK - Pending 

Please provide any supporting information to assist with your approval process.

yesterday with a letter stating my name, position and employer on company letterhead and my business card attached. As part of his legal team, my communications are subject to the attorney client privilege.

Not providing supporting information could result in the denial of your request.

 Save Lawyer Request

D. June 2-3, 2026: AG’s Office Intercepts Several Attorney-Client Calls Despite Clear Warning Given by Lead Defense Counsel²³ and Does Not Disclose This Interception

- On June 2-3, 2026, based on the government’s own access log,²⁴ the Attorney General’s Office intercepted and listened to Mr. Swadley’s attorney-client calls (example below):

facilityname	calldate	phone num	inmatename	duration	listenedby
Oklahoma County Detention Center - OK	2026-06-01 09:54:57-05	405	Swadley, Brent	251	william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-01 08:56:21-05	970	Swadley, Brent	685	william.lutz@oag.ok.gov

On one of the June 1st calls that the AG’s Office listened to, Mr. Swadley’s lead counsel explicitly stated:

“This is Peter Scimeca. Oklahoma Bar number 28105. This is an Attorney client communication – please terminate your recording devices and if you inadvertently record this, please delete this now. Brent, we’ll wait about 10 seconds.”

This call unequivocally placed the Oklahoma County Detention Center, NCIC, and the AG’s Office on notice there were attorney-client communications in their possession that the Oklahoma County Detention Center system had somehow recorded.²⁵ Yet the State Prosecutors

²³ NCIC had Peter Scimeca’s number previously registered as an attorney. Even if Mr. Scimeca had done *everything correctly*, the NCIC system would not have registered his number as restricted for the Oklahoma County Detention Center, and his calls would have still been recorded with his client *unless and until* he went in physically and flagged down the Oklahoma County Detention Center’s Resident Communication Specialist to manually approve the request and switch the number in the NCIC system. In fact, the system is set up such that *only* the Oklahoma County Detention Center can take this action and there appears to be a week-long backlog based on what happened in this case. *See, e.g.*, Ex. 3: Affidavit of Hannah Gregory (stating she registered through the app on June 2, but seven (7) days later, her calls were *still* being recorded and intercepted by the AG’s Office, unbeknownst to her).

²⁴ *See* Ex. 1: Government access log documenting intercepted attorney-client calls by the AG’s Office from June 2-9, 2026. Due to the passage of time (and the AG’s Office continuing to intercept calls), that number has increased to at least thirty-eight (38).

²⁵ The calls were recorded by the State despite members of the Defense team registering with the Oklahoma County Detention Center as attorneys (in preparation of privileged legal visits with Mr. Swadley) and/or following the NCIC online application (app) registration. *See* Ex. 3: Affidavit of

did not stop listening, nor did they notify Defense Counsel or the Court of their discovery.²⁶ Instead, the AG's Office continued to intercept and eavesdrop on *nearly every single* attorney-client call (38 total that the Defense is aware of) that Mr. Swadley had between June 1 and June 26, 2026.

Hannah Gregory. Ms. Gregory, lead counsel's paralegal (and well known to the Attorney General's Office as part of the Defense Team), for example, registered her number through the NCIC app on June 2, 2026. Yet her calls *continued to be recorded* by the Oklahoma County Detention Center and its agent, NCIC, *and intercepted* by the AG's Office through at least June 9, 2026. Mr. Scimeca, while registered with NCIC previously as an attorney, was not aware that the Oklahoma County Detention Center had to separately register his number. *See Ex. 3: Affidavit of P. Scimeca.* As an additional precaution, he clearly identified himself on *every* call with his full name, Oklahoma Attorney Bar number, stated it was an attorney-client call and to cease and desist recording or listening. Based on the government access log, the State ignored these warnings and listened to all of his calls. *See Ex. 1.* The State did not, however, alert Mr. Scimeca, Mr. Stonecipher, or Ms. Gregory that their calls were still being recorded. This lack of notification is particularly egregious given that the State received an ongoing benefit obtaining more intel that it ordinarily would not be privy to by covertly intercepting the attorney-client calls.

²⁶ Oklahoma Evidence Code rules govern the admissibility and use of evidence obtained by a party ("The rules of privilege are to be given effect in individual proceedings and evidence excluded because of any privilege recognized by the courts of this State shall not be admitted into evidence.") Okla. Admin. Code § 150:1-11-10(a)(1). Further, Oklahoma Rules of Professional Conduct Rule 4.4 Respect for Rights of Third Persons is informative here:

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence ***that violate the legal rights of such a person.***

(b) A lawyer who receives a document or electronically stored information relating to the representation of the lawyer's client and knows or reasonably should know that the document or electronically stored information was inadvertently sent ***shall promptly notify the sender.*** (Emphasis added). Under the Oklahoma Security of Communications Act, even if the Government had authority to intercept a communication (which it did not), the communication still would not lose its privileged status. 13 Okl.St. Ann. § 176.8(D) ("No otherwise privileged wire, oral or electronic communication intercepted in accordance with, or in violation of, the provisions of the Security of Communications Act shall lose its privileged character.")

- On June 2-3, 2026, the government access log shows that the State Prosecutors, including lead prosecutor for the State (Deputy AG Gieger), intercepted more of Mr. Swadley’s attorney-client calls.²⁷

facilityname	calldate	phone number	inmatename	duration	bookingnumber	listenedby
Oklahoma County Detention Center - OK	2026-06-03 19:39:00-05	405	Swadley, Brent	479	140118351	william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-03 09:57:13-05	970	Swadley, Brent	639	140118351	gayland.gieger@oag.ok.gov, john.mcmahan@oag.ok.gov, william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-03 09:55:57-05	970	Swadley, Brent	7	140118351	
Oklahoma County Detention Center - OK	2026-06-02 18:01:14-05	970	Swadley, Brent	19	140118351	john.mcmahan@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-02 17:57:49-05	970	Swadley, Brent	10	140118351	
Oklahoma County Detention Center - OK	2026-06-02 17:56:39-05	405	Swadley, Brent	5	140118351	
Oklahoma County Detention Center - OK	2026-06-02 16:50:28-05	405	Swadley, Brent	3	140118351	william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-02 16:48:31-05	405	Swadley, Brent	8	140118351	william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-02 11:20:23-05	405	Swadley, Brent	9	140118351	william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-02 11:18:16-05	405	Swadley, Brent	12	140118351	william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-02 11:09:30-05	970	Swadley, Brent	463	140118351	william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-02 10:05:00-05	970	Swadley, Brent	11	140118351	william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-02 07:45:01-05	970	Swadley, Brent	48	140118351	william.lutz@oag.ok.gov

One of the June 3rd attorney-client calls (19:39) with lead Defense Counsel again had the following advisement at the beginning:

Counsel: Brent
 Brent Swadley: Hey
 Counsel: Hey man
 Brent Swadley: You ok?
 Counsel: Yeah
 Brent Swadley: Everything’s going good...
 Counsel: Hang on, hang on. This is Peter Scimeca, Oklahoma Attorney Bar 21805 – if this call is being recorded, please terminate now. If this call has been inadvertently recorded, please delete the remainder of this call and I’ll wait five seconds from now.
 It is noteworthy that on June 3rd, the government access log shows that *all three*

prosecutors listened to another legal call between Mr. Swadley and his Defense Counsel’s legal staff. None of the prosecutors, however, made any disclosure to Defense Counsel or the Court:

²⁷ Upon Defense Counsel later notifying Deputy AG Gieger regarding his improperly intercepting attorney-client calls, Mr. Gieger did not deny that he intercepted them, or that they were attorney-client privileged calls, but claimed he stopped listening once he realized they were attorney-client calls. That statement belies the evidence documenting Mr. Gieger himself listening to several attorney-client calls on at least two separate days, and his team listening to over 30 additional attorney-client calls for two-plus weeks. It strains credulity that seasoned prosecutors would inadvertently listen 34 times, for seventeen (17) days total. It also does not account for why the AG’s Office downloaded (a separate feature of the NCIC system from listening) multiple attorney-client calls. Finally, no explanation was provided to date for the State’s failure to disclose or notify the Court or Defense Counsel of the State’s possession of attorney-client calls.

calldate	phone number	inmatename	duration	listenedby	usernotes
2026-06-03 09:57:13-05	9703	Swadley, Brent	639	gayland.gieger@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; william.lutz@oag.ok.gov(2026-06-03): Call Downloaded.; john.mcmahan@oag.ok.gov(2026-06-03):

It is further informative that the AG’s Office was accessing jail calls on June 2, 2026. Deputy AG Gieger, however, represented to the Court on June 4th that his team only had the jail calls for “a little over 24 hours.”²⁸ Mr. Gieger made this representation in the context of making a record following the Court’s granting the Defense’s motion for continuance where Mr. Gieger stated “with that the State takes issue with *any reference that we have acted in bad faith*”²⁹ and “to insinuate the State Oklahoma is delaying this or the State Oklahoma is acting in bad faith is quite frankly not born out by the record and we object to that. I understand the Court’s ruling and we will be prepared.”³⁰ Mr. Gieger did not disclose at this time to the Court or Defense Counsel that his team was in possession of attorney client calls, calls they had started listening to on June 2:³¹

calldate	phone number	inmatename	duration	listenedby	usernotes
2026-06-08 16:00:50-05	9703	Swadley, Brent	187	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.
2026-06-08 09:36:23-05	4054	Swadley, Brent	92	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.
2026-06-07 13:31:07-05	4054	Swadley, Brent	117	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.; william.lutz@oag.ok.gov(2026-06-08): Call Downloaded.; william.lutz@oag.ok.gov
2026-06-07 11:51:27-05	9703	Swadley, Brent	834	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.
2026-06-05 08:50:49-05	4054	Swadley, Brent	35	gayland.gieger@oag.ok.gov	gayland.gieger@oag.ok.gov(2026-06-05): Call Monitored.; gayland.gieger@oag.ok.gov(2026-06-05): Call Monitored.
2026-06-05 08:37:13-05	4054	Swadley, Brent	257	gayland.gieger@oag.ok.gov	gayland.gieger@oag.ok.gov(2026-06-05): Call Monitored.; gayland.gieger@oag.ok.gov(2026-06-05): Call Monitored.; gayland.gieger@oag
2026-06-03 19:39:00-05	4054	Swadley, Brent	479	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-04): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.; william.lutz@
2026-06-03 09:57:13-05	9703	Swadley, Brent	639	gayland.gieger@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; william.lutz@oag.ok.gov(2026-06-03): Call Downloaded.; john.mcmahan@oag.o
2026-06-02 18:01:14-05	9703	Swadley, Brent	19	john.mcmahan@oag.ok.gov	john.mcmahan@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-06-02 16:50:28-05	4054	Swadley, Brent	3	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-06-02 16:48:31-05	4054	Swadley, Brent	8	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-06-02 11:21:22-05	4056	Swadley, Brent	353	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; william.lutz@oag.ok.gov
2026-06-02 11:20:23-05	4054	Swadley, Brent	9	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-02): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-06-02 11:18:16-05	4054	Swadley, Brent	12	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-02): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-06-02 11:09:30-05	9703	Swadley, Brent	463	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-02): Call Monitored.; william.lutz@oag.ok.gov(2026-06-02): Call Monitored.; william.lutz@oag.ok.gov
2026-06-02 10:05:00-05	9703	Swadley, Brent	11	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-02): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-06-02 07:45:01-05	9703	Swadley, Brent	48	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-02): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-06-01 09:54:57-05	4054	Swadley, Brent	251	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-06-01 09:10:55-05	4056	Swadley, Brent	339	john.mcmahan@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; william.lutz@oag.ok.gov
2026-06-01 09:00:43-05	4056	Swadley, Brent	32	william.lutz@oag.ok.gov	Downloaded.; nwalters(2026-06-04): Call Monitored.; john.mcmahan@oag.ok.gov(2026-06-04): Call Monitored.; william.lutz@oag.ok.g
2026-06-01 08:56:21-05	97030	Swadley, Brent	685	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-06-01 08:25:53-05	4056	Swadley, Brent	49	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.
2026-05-31 19:55:15-05	4056	Swadley, Brent	231	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; william.lutz@oag.ok.gov
2026-05-31 17:59:21-05	4056	Swadley, Brent	11	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-03): Call Monitored.; Mark.Opgrande@okcountycd.net(2026-06-04): Call Downloaded.

²⁸ June 4, 2026 Hearing Tr. at 9:7-10.

²⁹ *Id.* at 10:12-13 (emphasis added).

³⁰ *Id.* at 10:23-11:1.

³¹ Ex. 1: Government access log.

- On June 3, 2026, the State reached out to the Oklahoma County Detention Center to arrange witness testimony and authentication of the jail recordings they had in their possession (but had yet to disclose to Defense Counsel) and sought to use in support of the State’s position against an appeal bond for Mr. Swadley:³²

From: John McMahan <John.McMahan@oag.ok.gov>
Sent: Wednesday, June 3, 2026 11:42
To: Opgrande, Mark <mark.opgrande@okcountycdc.net>
Cc: Gayland Gieger <Gayland.Gieger@oag.ok.gov>
Subject: Jail Call Authentication

You don't often get email from john.mcmahan@oag.ok.gov. [Learn why this is important](#)

Good morning Mark,

My name is John McMahan, and I am an Assistant AG with the Attorney General's Office. Malissa West provided me with your email in response to who we would contact regarding authentication of jail calls in court.

Would you be the person we would need to contact regarding authenticating jail calls in court or is there someone on your team that does that?

Thank you,

John McKenzie McMahan
Assistant Attorney General
Multicounty Grand Jury Unit

Deputy AG Gieger explained that his team was compiling a flash drive with jail recording calls he was intending to use for the appeal bond hearing and warned “there may be more depending on what calls are made this evening.”³³

³² Ex. 6: June 3, 2026 Email.

³³ *Id.*

From: Gayland Gieger <Gayland.Gieger@oag.ok.gov>
Date: Wednesday, June 3, 2026 at 2:20 PM
To: Opgrande, Mark <mark.opgrande@okcountycdc.net>
Cc: John McMahan <John.McMahan@oag.ok.gov>
Subject: Re: Jail Call Authentication

Mr. Opgrande -

Thank you for your help. Our hearing is tomorrow at 2 in Judge Stalling's courtroom. **We are compiling a list of approximately 10 calls which we will have on a flash drive. There may be more depending on what calls are made this evening.**

What do you need for us in order to verify those calls?

Gayland Gieger

According to the government access log, *one of those calls that evening was an attorney-client call between Mr. Swadley and his lead Defense Counsel, Peter Scimeca:*³⁴

facilityname	calldate	phone number	inmatename	duration	bookingnumber	listenedby
Oklahoma County Detention Center - OK	2026-06-03 19:39:00-05	405	Swadley, Brent	479	140118351	william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-03 09:57:13-05	970	Swadley, Brent	639	140118351	gayland.gieger@oag.ok.gov, john.mcmahan@oag.ok.gov, william.lutz@oag.ok.gov
Oklahoma County Detention Center - OK	2026-06-03 09:55:57-05	970	Swadley, Brent	7	140118351	

E. June 4, 2026: The State AG's Office Intercepts and Downloads Another Attorney-Client Call Yet Fails to Disclose This at the Appeal Bond Hearing

- On June 4, 2026: This same attorney-client call was listened to by the AG's Office, according to the government access log:

calldate	phone number	inmatename	duration	listenedby
2026-06-08 16:00:50-05	9703	Swadley, Brent	187	william.lutz@oag.ok.gov
2026-06-08 09:36:23-05	4054	Swadley, Brent	92	william.lutz@oag.ok.gov
2026-06-07 13:31:07-05	4054	Swadley, Brent	117	william.lutz@oag.ok.gov
2026-06-07 11:51:27-05	9703	Swadley, Brent	834	william.lutz@oag.ok.gov
2026-06-05 08:50:49-05	4054	Swadley, Brent	35	gayland.gieger@oag.ok.gov
2026-06-05 08:37:13-05	4054	Swadley, Brent	257	gayland.gieger@oag.ok.gov
2026-06-03 19:39:00-05	4054	Swadley, Brent	479	william.lutz@oag.ok.gov
2026-06-03 09:57:13-05	9703	Swadley, Brent	639	gayland.gieger@oag.ok.gov, j
2026-06-02 18:01:14-05	9703	Swadley, Brent	19	john.mcmahan@oag.ok.gov
2026-06-02 16:50:28-05	4054	Swadley, Brent	3	william.lutz@oag.ok.gov

³⁴ During the course of this case, Deputy AG Gieger has called Mr. Scimeca numerous times on this very same number. Further, according to the government access log, Deputy AG Gieger's team intercepted and downloaded this attorney-client call on June 4. See Ex. 1.

Deputy AG Gieger, however, failed to disclose this fact at the hearing. Further, Mr. Gieger represented to the Court at the June 4th hearing that the reason the AG’s Office was delayed in disclosing to the Defense the USB (flash) drive³⁵ until minutes before the appeal bond hearing began was because some of them happened the evening before.³⁶ Deputy AG Gieger omitted, however, that one of those calls listened to by the AG’s Office (and not ultimately selected) was an intercepted attorney-client call:

7 | After filing that one we were able to access the jail phone
8 | calls. So we've had this information for about a little over
9 | 24 hours, maybe -- yeah, a little over 24 hours we've had this
10 | information. And I will point out to the Court that some of
11 | the calls that are included in our pleading, including him
12 | referencing Senator Lankford, happened just yesterday. So we
13 | got them to them as timely as we could. Plus I didn't know
14 | what kind of phone calls were going to be made last night in
15 | anticipation of the hearing. All of those phone calls are
16 | accurate and complete. They are not taken out of context.
17 | But the record will bear that out as this proceeds. They have

- On June 4, 2026 at 10:18 a.m., Deputy AG Gieger, emailed Counsel a copy of the filed *Second Supplement*.³⁷ Prior to filing this, the Attorney General’s Office had not provided a copy of the jail recordings to Defense Counsel.

³⁵ This USB (flash) drive contained sixteen (16) selected audio recordings of calls that the State intended to use to argue for the denial of any appeal bond for Mr. Swadley. One of those audio recordings (tape 8) is an attorney-client call between Oklahoma attorney Scot Conner and Mr. Swadley. Mr. Swadley states “Hey, Scot” and Mr. Conner states “Hello, Brent...I’m coming to visit to you today – Mark and I are.” This is referencing the legal attorney visit attorney Mark Stonecipher booked on May 29, 2026 with the Oklahoma County Detention Center. See Ex. 4. They discuss, among other things, the bond hearing and strategy for choosing appellate counsel.

³⁶ June 4 Hearing Tr. at 9:13-15. An excerpt of the transcript is provided above for ease of reference.

³⁷ Ex. 5: Email from Mr. Gieger to Defense Counsel.

From: Gayland Gieger <Gayland.Gieger@oag.ok.gov>
Sent: Thursday, June 4, 2026 10:18 AM
To: Peter Scimeca <pscimeca@fellerssnider.com>; Mark Stonecipher <MSTONECIPHER@fellerssnider.com>; Bryan King <Bking@fellerssnider.com>; Joseph Wheeler <jwheeler@fellerssnider.com>; John W. Coyle <jwcoyle@fellerssnider.com>; David D. Smith (daviddsmithlaw@outlook.com) <daviddsmithlaw@outlook.com>; Billy Bock <billybock@wbocklaw.com>; Bob Wyatt <bobwyatt@wyattlaw.com>
Cc: John McMahan <John.McMahan@oag.ok.gov>; Colleen Galaviz <Colleen.Galaviz@oag.ok.gov>; Jimmy Harmon <Jimmy.Harmon@oag.ok.gov>
Subject: State's Second Supplemental Pleading regarding appeal bond

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Counsel –

Find attached the State's Second Supplemental Response pleading regarding appeal bond.

Gayland Gieger,
Deputy Attorney General
Oklahoma Attorney General's Office

The State, by filing its *Second Supplement* with the Court including excerpts of 16 jail recordings selected to use by the AG's Office, started a chain of events that ended with the release of all jail recordings (what would be over 80 calls by Friday June 5th *including at least 18 attorney-client calls*) to the media. More calls were released on June 18th *including several additional* (at least six more) attorney-client calls. The State knew the Oklahoma County Detention Center had recorded attorney-client calls (because they listened to them and even downloaded some), exploited these system failures, disclosed to neither Defense Counsel or the Court, and did nothing to stop the releases to the media.

- On June 4, 2026, at 11 a.m., Deputy AG Gieger, emailed the Oklahoma County Detention Center personnel requesting their presence at the appeal bond hearing for Mr. Swadley.³⁸

³⁸ No notice was provided by the State to the Defense of this witness or a copy of the jail recordings at this particular time.

- On June 4th, the State continued to line up its witnesses for testifying at the appeal bond hearing to authenticate the jail recording calls hand-selected by the State prosecutors:³⁹

From: Gayland Gieger <Gayland.Gieger@oag.ok.gov>
Sent: Thursday, June 4, 2026 11:04 AM
To: Opgrande, Mark
Cc: John McMahan
Subject: Re: Jail Call Authentication

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from gayland.gieger@oag.ok.gov. [Learn why this is important](#)

Hey Mark, It

I think to be safe we would like you guys to appear at 2 o'clock in front of Stallings just in case you're needed. If you have any questions, please call me at 405-

- Later on June 4th, at 1:52 p.m., approximately eight (8) minutes before the appeal bond hearing was to commence, Deputy AG Gieger handed Mr. Swadley's Counsel a USB (flash) drive with certain jail recordings he was to use against Mr. Swadley.⁴⁰

Again, at no time did AG Gieger disclose to Defense Counsel or the Court that the State had attorney-client calls in its possession. Due to the eleventh-hour production of evidence to be used against Mr. Swadley, Defense Counsel objected and moved to strike the jail recordings.⁴¹ The Court denied but granted the Defense's subsequent motion for a continuance so that Counsel could

³⁹ Ex. 6: June 4, 2026 Email.

⁴⁰ See Ex. 3: Affidavit of Hannah Gregory.

⁴¹ June 4, 2026 Ronald Brent Swadley's Objections to State's Untimely Second Supplemental Pleading Regarding Appeal Bond, Motion to Strike, Case No. CF-2024-629.

listen to the jail recordings recently disclosed by the State and properly prepare for the appeal bond hearing. The Court's ruling appears rooted in principles of fairness and maintaining a level playing field between the adversaries: "Your motion to strike the State's second supplement will be denied. Your motion for a continuance will be granted since you just got these recordings and I believe you're entitled to hear what they have to say."⁴²

Deputy AG Gieger did not disclose to the Court that: (a) he had the jail recordings since June 2nd, (b) his team had listened to attorney-client calls between Mr. Swadley and his attorneys for days, (c) he *himself* had listened to at least three (potentially more) attorney-client call(s) between Mr. Swadley and his legal staff on two separate days, or (d) he and his team had contacted the Oklahoma County Detention Center employees to help verify selected jail recordings on June 3rd.⁴³

F. The AG's Office is Put on Notice and Tacitly Permits Release of All Jail Recordings to the Media

- Following the June 4th appeal bond hearing, upon information and belief, the AG's Office was notified that its Second Supplement filing and in-court discussion of the jail recordings it sought to use, would cause the media to make requests to the Oklahoma County Detention Center to obtain the jail recordings. Upon information and belief, the AG's Office was also notified that the Oklahoma County Detention Center was going to release everything. *At no time did the AG's Office object,*

⁴² June 4, 2026 Hearing Tr. at 8:8-11.

⁴³ The AG's Office apparently had the time to undertake these activities but could not find the time to disclose the jail recordings to Counsel until eight (8) minutes preceding the bond hearing. This can only be interpreted as bad faith and gamesmanship by the State. Further, the lack of candor exhibited by the State to the Court and fellow counsel is unbecoming of members of the Bar and even more troubling from attorneys who are ministers of justice.

intercede, attempt to stop, or notify the Court or Counsel there were attorney-client calls recorded and in its possession.

G. The AG’s Office Continues to Intercept Attorney-Client Calls on June 5th and Takes No Action to Stop Their Release to the Media

- On the morning of June 5th, the government access log memorializes that Deputy AG Gieger listened to two more attorney-client calls between Mr. Swadley and his lead counsel, Mr. Scimeca.

calldate	phone number	inmatename	duration	listenedby
2026-06-08 16:00:50-05	9703	Swadley, Brent	187	william.lutz@oag.ok.gov
2026-06-08 09:36:23-05	4054	Swadley, Brent	92	william.lutz@oag.ok.gov
2026-06-07 13:31:07-05	4054	Swadley, Brent	117	william.lutz@oag.ok.gov
2026-06-07 11:51:27-05	9703	Swadley, Brent	834	william.lutz@oag.ok.gov
2026-06-05 08:50:49-05	4054	Swadley, Brent	35	gayland.gieger@oag.ok.gov
2026-06-05 08:37:13-05	4054	Swadley, Brent	257	gayland.gieger@oag.ok.gov
2026-06-03 19:39:00-05	4054	Swadley, Brent	479	william.lutz@oag.ok.gov
2026-06-03 09:57:13-05	9703	Swadley, Brent	639	gayland.gieger@oag.ok.gov

At no time did Deputy AG Gieger notify Defense Counsel, the Court, object or intercede to stop the Oklahoma County Detention Center from releasing the jail recordings to the media, which he would have known from his own listening, included attorney-client calls. His failure to do anything is indicative of his prioritizing the State’s continued clandestine use for tactical advantage over a defendant’s Constitutional rights.⁴⁴

⁴⁴ It is particularly troubling given the fact that Deputy AG Gieger is an experienced prosecutor, being part of the Oklahoma County District Attorney’s Office from 1999-2023, and ran for District Attorney in 2022 representing to voters that he was an “ethical and truly experienced prosecutor,” and that “[t]eamwork matters, and it is how we bring criminal offenders to justice while safeguarding the constitutional rights of all involved.” See GiegerDA2022 Instagram Posts dated December 22, 2021, and April 20, 2022, respectively, available at [\(1\) Instagram](#) (last visited June 28, 2026). It is difficult to align these prior statements with Mr. Gieger’s actions taken in this case to date.

- On June 5th, several media outlets and publications requested all jail recordings for Mr. Swadley.⁴⁵

H. Oklahoma County Detention Center Releases All Jail Recordings Including Attorney-Client Calls Which Are Played on the Evening News and on YouTube

- By the afternoon of June 5th, the Oklahoma County Detention Center had released over 80 jail recordings, *including at least 18 attorney-client calls*, to the media.
- By the evening of June 5th, the media had uploaded the jail recordings and reported the content on the evening news cycle. Several media outlets were able to ascertain there were attorney-client calls included in the released recordings.⁴⁶

I. June 7-9, 2026: The AG's Office Continues to Intercept and Listen To Attorney-Client Calls Providing No Disclosure to the Defense or the Court

- On June 7, 2026, NonDoc published its article on the jail recording calls specifically referencing that some of the calls with lead counsel, Peter Scimeca, were included.

⁴⁵ Both the AG's Office and the Oklahoma County Detention Center's legal counsel did not object or stop this production of jail recordings from being released to the media. There are grave concerns at play here which warrant an evidentiary hearing to understand the full scope of system gaps and actors involved and to better understand how to prevent its recurrence in the future. In the interim, the State should not gain a tactical advantage or be rewarded for intruding into Mr. Swadley's Sixth Amendment rights. The State, per its own pleading and representation to the Court, utilized jail recordings to further its position that the appeal bond for Mr. Swadley should be denied. Granting the State's request at this point in the face of this objective evidence would incentivize prosecutors to follow this conduct at the expense of safeguarding Constitutional rights. Further, the continuing intrusion into Mr. Swadley's Sixth Amendment right (as recently as June 26, 2026 by the State AG's Office) has and will continue to infect the sentencing and direct appeal. The Court can stop this now by restoring Mr. Swadley's rights and granting the appeal bond so that he may freely speak with his attorneys and meaningfully prepare in his defense for sentencing and direct appeal. This is a narrowly tailored remedy to neutralize the taint.

⁴⁶ See e.g., Allen, Mike, *Taste test: Brent Swadley jail calls flavorful, yet bitter*, available at <https://nondoc.com/2026/06/07/taste-test-brent-swadley-jail-calls-flavorful-yet-bitter/> (last visited June 21, 2026) containing references to Defendant's conversations with Attorney Peter Scimeca; see also the release of calls with Attorney Scot Conner and paralegal Hannah Gregory, available at <https://www.youtube.com/watch?v=dvno1oQDpdQ> (last visited June 17, 2026); see also [Brent Swadley rushed to ER after jail incident, attorney says](#) (last visited June 27, 2026).

It is interesting the media was able to immediately ascertain this fact yet the AG’s Office listened to call after call yet never disclosed to the Defense or the Court that it had attorney-client calls in its possession.

- On June 7-9, the Attorney General’s Office listened to and downloaded additional attorney-client calls.⁴⁷

	A	D	F	H	I
1	Listened	Call Date	Caller Name	Detected Voice	Destination Number
3	william.lutz@oag.ok.gov	06/09/2026 08:16:13	Swadley, Brent	Short Call Duration	405
4	william.lutz@oag.ok.gov	06/09/2026 09:06:03	Swadley, Brent	Not Checked	970

	C	E	H	J	L	M
1	calldate	phone num	inmatename	duratio	listenedby	usenotes
3	2026-06-08 16:00:50-05	9703096695	Swadley, Brent	187	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.
4	2026-06-08 09:36:23-05	4054748067	Swadley, Brent	92	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.
7	2026-06-07 13:31:07-05	4054748067	Swadley, Brent	117	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.; william.lutz@oag.ok.gov(2026-06-08): Call Downloaded.;
8	2026-06-07 11:51:27-05	9703096695	Swadley, Brent	834	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.

J. NCIC Tells Swadley Legal Defense Team That Only Oklahoma County Detention Center Can Designate Their Numbers to Be Restricted and Cites Known Delays

- On June 9, 2026, in the morning, Ms. Gregory called NCIC and spoke with a representative at the “Get Help” hotline. The NCIC representative (Natasha) relayed to Ms. Gregory that it usually takes 24-48 hours from the time when an attorney requests legal restriction on their phone number, but it depends on “the line of people before you.” She also confirmed that it is the Oklahoma County Detention Center, and only the Oklahoma County Detention Center, that has to make this manual change in the system, and NCIC is unable to assist with making the legal designation to stop the recording (and subsequent intercepting) of calls.⁴⁸

⁴⁷ Ex. 1: Government access log.

⁴⁸ Ex. 3: Affidavit of Hannah Gregory.

K. Oklahoma County Detention Center Confirms It Does Not Always Check the Online System for Requests from Attorneys in a Timely Manner

- On June 9, 2026, Mr. Swadley’s Defense team physically went to the Oklahoma County Detention Center and requested to meet with Malissa West, the Resident Communication Specialist. When a member of the legal team notified Ms. West that she had registered using the app as attorney/legal and got successful confirmation, yet her calls were still being recorded by the Oklahoma County Detention Center, Ms. West explained that she has to go in and check the app for these kinds of legal requests to manually approve, but that she does not do so all the time.⁴⁹
- On June 17, 2026, Ms. Gregory received notification from NCIC that her request to have her number restricted as protected was rejected, despite *already* being approved by Ms. West on June 9.⁵⁰ This demonstrates there continues to be a significant disconnect between the NCIC system online and the Oklahoma County Detention Center in terms of protecting attorney-client calls from being recorded.

⁴⁹ *Id.*

⁵⁰ Ex. 3-E.

You have pending contacts. Go to one of the services provided by this facility and select your contact that you would like to add as a contact.

Lawyer Status

If You Are A Lawyer, Here Is Where You Will Submit Your Request To The Facility For Privileged Communications.

I Am A Lawyer

Select the checkbox to submit your request to the facility for privileged communications.

Select an option

Oklahoma County Detention Center - OK (This approval request was auto-rejected as it exceeds the facility's waiting limit.) Rejected

Please provide any supporting information to assist with your approval process.

I am a paralegal at Fellers Snider law firm in Oklahoma City. I have been granted in person visitation access to our client Ronald Brent Swadley, whom I visited yesterday with a letter stating my name, position and employer on company letterhead and my business card

Not providing supporting information could result in the denial of your request.

Save Lawyer Request

Dashboard Chat Transactions Account

- On June 15, 2026, when Defense Counsel raised the listening to privileged phone calls, Deputy Chief Gieger admitted he did listen but claimed he stopped as soon as he recognized it was an attorney-client call. Mr. Gieger did not explain why he listened to at least three (3) attorney-client calls (two of lead Defense Counsel's on June 5th and one of legal staff's on June 3rd), or why two of his team members listened to over thirty (30) other attorney-client calls between June 2-26.⁵¹ He also gave no explanation why he failed to provide notice to Defense Counsel or the Court.

⁵¹ The objective evidence does not tend to support Mr. Gieger's characterization of a one-time mistake. It defies logic that three attorneys would inadvertently listen countless more times to the

- On June 18, 2026, the Oklahoma County Detention Center, despite being put on notice it had attorney-client calls in its possession, released a second swathe of jail recordings to the media.
- On June 22-26, 2026, upon information and belief, the AG’s Office continues to intercept Mr. Swadley’s attorney-client calls.

2. Governing Law

In all criminal prosecutions, the accused shall enjoy the right . . . to have the Assistance of Counsel for his defence.

U.S. Const. amend. VI.

“[T]he right to counsel is the right to the effective assistance of counsel.” *McMann v. Richardson*, 397 U.S. 759, 771 n.14 (1970); *see also United States v. Morrison*, 449 U.S. 361, 364 (1981). This involves the right to communicate confidentially with an attorney. *Weatherford v. Bursey*, 429 U.S. 545, 554 n.4 (1977). The Sixth Amendment confers this right to effective counsel due to the “critical” role attorneys play in the “ability of the adversarial system to produce just results.” *United States v. Hohn*, 2024 WL 5192809 (10th Cir. Dec. 16, 2024), *cert. pet. denied*, *citing Strickland v. Washington*, 466 U.S. 668, 685 (1984). This right is “indispensable to the fair administration of our adversarial system of criminal justice.” *Maine v. Moulton*, 474 U.S. 159, 168 (1985). It “safeguards the other rights deemed essential for the fair prosecution of a criminal proceeding.” *Id.* at 169.

same phone numbers after the first time they realized it was an attorney-client call. Upon information and belief, the call recordings are organized and listed by phone number in the NCIC system. Deputy AG Gieger also did not explain why he and his team failed to notify Defense Counsel or the Court of their discovery.

Government interference into the attorney-client relationship constitutes a violation of the Sixth Amendment.⁵² This is because the government’s intrusion into the attorney-client relationship “inhibit[s] free exchanges between defendant and counsel” and therefore constrains an attorney’s ability to effectively represent his/her client, the defendant. *Id.*; see *Mohawk Indus., Inc. v. Carpenter*, 558 U.S. 100, 108 (2009)(“By assuring confidentiality, the [attorney-client] privilege encourages clients to make ‘full and frank’ disclosures to their attorneys, who are then better able to provide candid advice and effective representation.”).

“The purpose of the [attorney-client] privilege is to encourage full and frank communication between attorneys and their clients and thereby promote broader public interests in the observance of law and administration of justice. The privilege recognizes that sound legal advice or advocacy serves public ends and that such advice or advocacy depends upon the lawyer’s being fully informed by the client.” See, e.g., *St. Simons Waterfront, LLC v. Hunter, Maclean, Exley & Dunn, P.C.*, 293 Ga. 419, 422; 746 S.E.2d 98 (2013) (quoting *Upjohn Co. v. United States*, 449 U.S. 383, 389 (II) (1981)). “One threat to the effective assistance of counsel posed by government interception of attorney-client communications lies in the inhibition of free exchanges between defendant and counsel because of the fear of being overheard.” See *Weatherford v. Bursey*, 429 U.S. 545, 554 n.4 (1977).

The Sixth Amendment guarantees criminal defendants the right to effective assistance of counsel “at all ‘critical’ stages of the criminal proceedings.” *Missouri v. Frye*, 566 U.S. 134, 140, 132 S.Ct. 1399, 182 L.Ed.2d 379 (2012) (quotations omitted). Sentencing is one of the “critical

⁵² The right to counsel begins when formal criminal proceedings start and continues through every critical stage, including sentencing and direct appeal. Conviction does not extinguish it. *United States v. Morrison*, 449 U.S. 361, 364–65 (1981); see generally *Weatherford v. Bursey*, 429 U.S. 545 (1977); see also *U.S. v. Orduno-Ramirez*, 61 F.4th 1263, 1266-67, 1274 (recognizing that the Sixth Amendment applies after conviction).

stages.” See, e.g., *Strickland v. Washington*, 466 U.S. 668, 686, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984).

The State may attempt to justify its conduct by asserting that Mr. Swadley had no reasonable expectation of privacy given the recording’s warning at the beginning of the call.⁵³ But this argument misleadingly conflates two separate legal concepts and is unsupported by the case law. In a nearly identical case where Kansas prosecutors were discovered to be intercepting attorney-client calls (which also had recordings at the beginning of each call) and video recordings of in-person meetings, the District Court was deeply troubled that “the government made the unilateral decision that the audio-recordings of attorney client telephone calls in this investigation were not privileged; and they made the decision to neither notify the Court nor the Defendants nor affected CCA inmates that they were in possession of such recordings.” *United States v. Black, et al.*, 2017 WL 2151861, at *7-8 (May 2017, D. Kansas). The Special Master Investigation also found that multiple other prosecutors “unilaterally determined that recorded attorney-client calls were available for review, without approval from the court or notice to the defense.” *U.S. v. Carter*, 429 F.Supp.3d 788, 858 (D. Kan. 2019).

⁵³ The recording states: “All phone calls are subject to monitoring and recording.” It does not state, however, that all calls will be accessed and intercepted by the Attorney General’s Office regardless of any lack of jail security issues, and used against an individual in a court of law, *including* any attorney-client communications. See *Montejo v. Louisiana*, 556 U.S. 778, 786 (2009) (affirming that a defendant’s Sixth Amendment right to counsel remains intact unless “the right is voluntar[ily], know[ingly], and intellig[ent]ly” waived). The *Black* Court, which had nearly identical facts to this case here, also noted that “any waiver must be done knowingly and intelligently.” *United States v. Black, et al.*, 2017 WL 2151861, at *8 (May 2017, D. Kansas). Further, when an attorney clearly states his name, bar number, and to cease and desist recording and listening to the call because it an attorney-client communication, that negates any purported consent or waiver. He made a clear request for privacy. Finally, when members of the legal team undertook the necessary steps to restrict their calls and the government actors still do not honor that request, it refutes the idea that any waiver was voluntary, knowing, and intelligent as required by the law.

In the Kansas cases, the government argued that the inmates waived any privilege, because when an inmate placed a phone call on the Securus pay telephones at CCA, they heard a pre-recorded warning that all calls are recorded or monitored. According to the government, this warning, coupled with signage on and around the Securus phones, placed the inmates on notice that their calls were recorded, and constituted a waiver of their attorney-client privilege. **“The fact that the government takes this litigation posture, coupled with the fact that the government unilaterally decided the telephone calls were not privileged, and did so without notice to the Court or the parties, leads this Court to direct the Special Master to conduct a Phase III investigation into the government's conduct concerning these audio recordings.”** *United States v. Black, et al.*, 2017 WL 2151861, at *7-8 (May 2017, D. Kansas)(emphasis added).⁵⁴

Further, the Tenth Circuit has in the last few years again confirmed that the “Sixth Amendment right to attorney-client confidentiality and the attorney-client privilege furnish separate protections over the attorney-client relationship – one flowing from Constitution’s text and the other flowing from evidentiary principles that predate the Constitution.” *United States v. Hohn*, 123 F.4th 1084, 1094 (10th Cir. 2024), *cert. denied*. “We agree that Sixth Amendment attorney-client confidentiality is distinct from and broader than the attorney-client privilege.” *Id.* *citing Weatherford*, 429 U.S. at 554 (disagreeing that “the defendant assumes the risk” and relinquishes the right). The *Black* Court also noted that “any waiver must be done knowingly and intelligently.” *United States v. Black, et al.*, 2017 WL 2151861, at *8 (May 2017, D. Kansas).

⁵⁴ *See, also, U.S. v. Carter*, 429 F.Supp.3d 788 at 800 (D. Kan. 2019) (noting, three years into its inquiry, that the government continued to assert that the attorney-client communications it collected were “fair game” and that prosecutors could unilaterally decide to access them).

It is also informative that other courts⁵⁵ faced with similar jail recordings of attorney-client calls have held that “the mere fact that CCA warned detainees in various ways that their calls would be subject to recording and monitoring is not enough, standing alone, to waive the privilege given the many other facts in the record that detainees and their attorneys were led to believe these warnings did not apply to them.” *United States v. Carter*, 429 F.Supp.3d 788, 898 (2019), order vacated in part by *U.S. v. Carter*, 2020 WL 430739 (D.Kan. 2020) (noting that the government prosecutors conceded that a “purposeful intrusion” into the defendant’s Sixth Amendment right would involve evidence of a prosecutor listening to the attorney-client calls).

In *U.S. v. Carter*, the Court there heard evidence that Corrections Corporation of America Leavenworth Detention Center (“CCA Leavenworth”) recorded outgoing phone calls placed by inmates to their attorneys unless the inmate informed CCA Leavenworth that they were placing a call to counsel. Pending a further investigation, the Court found reason to order all detention facilities in Kansas and Missouri, as well as CCA, that house detainees charged in this District, to immediately cease and desist all: (1) audio-visual recording of attorney-client communications in the detention facility; (2) *audio recording of attorney-client phone calls*; and (3) audio-visual recording of attorney-client videoconference calls.⁵⁶

To establish prejudice, a defendant must normally show “that there is a realistic possibility of injury to defendants or benefit to the [government].” *U.S. v. Orduno-Ramirez*, 61 F.4th 1263,

⁵⁵ While not binding on this Court, it is informative that the Fifth Circuit held that “[i]t is well settled that an intrusion by the government upon the confidential relationship between a criminal defendant and his attorney, either through surreptitious electronic means or through an informant, is a violation of the Sixth Amendment right to counsel.” *United States v. Diaz*, 941 F.3d 729, 738 (5th Cir. 2019) (per curiam) (quoting *United States v. Zarzour* 432 F.2d 1, 2 (5th Cir. 1970) (citing *Hoffa v. United States*, 385 U.S. 293 (1966); and *Black v. United States*, 385 U.S. 26 (1966)).

⁵⁶ *U.S. v. Black, et al.* Case No. 16-20032-JAR, Memorandum and Order, ECF No. 102 (D. Kansas, Aug. 2016).

1267 (10th Cir. 2023) quoting *United States v. Mastroianni*, 749 F.2d 900, 907 (1st Cir. 1984) (quotations omitted)).

3. Argument

The State cannot justify its interception of attorney-client calls by arguing the recording with its limited disclaimer constituted a waiver of attorney client privilege. That argument fails. The existence of a generic recording warning does not authorize prosecutors to monitor a defendant’s attorney-client communications. The warning at issue merely states: “All phone calls are subject to monitoring and recording.” It does not advise detainees that calls with counsel may be intentionally intercepted by the AG’s Office, that attorney-client warnings provided by counsel will be disregarded, or that confidential legal communications may be reviewed and used against the defendant in pending criminal proceedings. *See Montejo v. Louisiana*, 556 U.S. 778, 786 (2009) (affirming a defendant’s Sixth Amendment right to counsel remains intact unless “the right is voluntar[ily], know[ingly], and intellig[ent]” waived). The *Black* Court also explained “that any waiver must be done knowingly and intelligently” as well when the Kansas prosecutors took the position that a waiver had occurred due to the recording at the beginning of each phone call.⁵⁷ Further, when an attorney clearly states his name, bar number, and to cease and desist recording and listening to the call because it an attorney-client communication, that negates any purported consent or waiver. Further, when members of the legal team undertook the necessary steps to restrict their calls and the government actors still do not honor that request, it eviscerates the idea that any waiver was voluntary, knowing, and intelligent as required by the law.

⁵⁷ *United States v. Black, et al.*, 2017 WL 2151861, at *7-8 (May 2017, D. Kansas).

As the case law has made clear (most recently in 2024 with the *Hohn* decision from the Tenth Circuit), the “Sixth Amendment right to attorney-client confidentiality and the attorney-client privilege furnish separate protections over the attorney-client relationship – one flowing from Constitution’s text and the other flowing from evidentiary principles that predate the Constitution.” *United States v. Hohn*, 123 F.4th 1084, 1094 (10th Cir. Dec. 2024). That is, the “Sixth Amendment attorney-client confidentiality is distinct from and broader than the attorney-client privilege.” *Id. citing Weatherford*, 429 U.S. at 554 (disagreeing that “the defendant assumes the risk” and relinquishes the right).

Members of the legal team thought they had taken or did take the necessary steps to register their numbers in the NCIC system but due to several NCIC system flaws, delays by Oklahoma County Detention Center personnel to stop the recordings of attorney-registered numbers,⁵⁸ and a lack of any safeguards to account for these issues, Mr. Swadley’s attorney-client calls continued to be recorded by the NCIC system. The AG’s Office then intercepted all of the attorney-client calls between June 1 - 9, 2026.⁵⁹ Further, the Oklahoma County Detention Center was aware of these systemic flaws and the very real possibility that attorney-client calls would be recorded since at least summer of 2025. These facts counter any waiver or consent to have the government intrude into the attorney-client relationship.

The constraining of an attorney’s ability to effectively represent his/her client is exactly the type of prejudice inflicted upon Mr. Swadley by the State since he has been incarcerated on May 28, 2026. Due to the State continually eavesdropping on his attorney-client communications (over thirty five (35) times in the month of June to give the Court some scale of the intrusion), he has

⁵⁸ *See, e.g.*, Ex. 3: Affidavit of Hannah Gregory.

⁵⁹ Ex. 1: Government access log.

been effectively prevented from the ability to freely discuss and as often as he needs with his defense team in order to help his attorneys meaningfully prepare his defense. The government's interference has prejudiced the quality and effectiveness of Mr. Swadley's defense and legal representation.

This deliberate governmental intrusion has thus negative impacted Mr. Swadley's appeal bond hearing, and longer-term his sentencing hearing, and his direct appeal. The Court must intervene to restore his Constitutional rights and fix the imbalance gained by the State's interception of his attorney-client communications for no legitimate law enforcement purpose other than to gain tactical advantage in the appeal bond and other upcoming hearings.

The Tenth Circuit instructs in *Hohn* that the "Supreme Court precedents predating *Shillinger* establish that the right to communicate confidentially with an attorney is not one that exists 'for its own sake,' *United States v. Cronin*, 466 U.S. 648, 658 (1984), but rather one that exists because of its positive residual effect on the fairness of criminal proceedings." *U.S. v. Hohn*, 123 F.4th 1084, 1109 (10th Cir. 2024) citing *Strickland v. Washington*, 466 U.S. 668, 685 (1984). The Court must restore the fairness to these proceedings by taking immediate action to neutralize and remedy the harm caused by the State's interference with Mr. Swadley's Sixth Amendment right to counsel.

The prejudice resulting from the States's conduct is ongoing. Because the Attorney General's Office has been monitoring attorney-client communications, Mr. Swadley has been unable to freely and candidly communicate with his counsel regarding matters critical to his defense. The State's intrusion has impaired counsel's ability to provide effective representation; chilled necessary attorney-client communications; and afforded the prosecution access to defense strategy, legal analysis, and discussions concerning the appeal bond proceedings, sentencing, and

direct appeal. “One threat to the effective assistance of counsel posed by government interception of attorney-client communications lies in the inhibition of free exchanges between defendant and counsel because of the fear of being overheard.” *See Weatherford v. Bursey*, 429 U.S. 545, 554 n.4 (1977). Both Mr. Swadley and his attorneys remain constrained in their ability to discuss the case openly by phone (calls now are of “short duration” according to government access logs). Mr. Swadley cannot fully assist in his defense, and counsel cannot communicate with him in the manner necessary to prepare for sentencing and appeal.

It is clear “that an accused does not enjoy the effective aid of counsel if he is denied the right of private consultation[.]” *Coplon v. United States*, 191 F.2d 749, 757 (1951); *Geders v. United States*, 425 U.S. 80 (1976); *Hoffa v. United States*, 385 U.S. 293 (1966); *Massiah v. United States*, 377 U.S. 201 (1964)

The government’s interference has effectively compromised the quality and effectiveness of Mr. Swadley’s defense and legal representation and has given the State a tactical advantage. Mr. Swadley is being effectively denied counsel at a critical stage when the Sixth Amendment right is still very present prior to his sentencing and his direct appeal.

This is all to the substantial detriment of Mr. Swadley. The AG’s Office, including the lead prosecutor,⁶⁰ gained valuable insight into defense motions, appellate strategy, and information

⁶⁰ Unlike here where the lead prosecutor, Deputy AG Gieger, and two of his team members (AAG McMahon, co-counsel of record for the State, and AAG Lutz) listened to over 35 attorney-client calls, in *U.S. v. Orduno-Ramirez*, a compelling factor for the Tenth Circuit against finding prejudice was the “lead prosecutor did not view the videos, and the other prosecutor withdrew from the case before Mr. Orduno-Ramirez’s sentencing. ROA, Vol. II at 385-86. Thus, no prosecutor involved in the sentencing was aware of the contents of the recordings.” *U.S. v. Orduno-Ramirez*, 61 F.4th 1263, 1277 (10th Cir. 2023). Unlike here, Mr. Orduno-Ramirez also did not contend he was prejudiced. At the very least, the three prosecutors on this case (and the AG’s Office) should be removed from this case given their transgressions including covert interception of 38 attorney-client calls and failure to notify anyone of this issue. *See, e.g., CCA Recordings 2255 Litigation v. United States*, 543 F.Supp.3d 1030 (2021) citing *Shillinger v. Haworth*, 70 F.3d

about the upcoming appeal bond hearing. This has prejudiced Mr. Swadley and impacted the fairness and integrity of the adversarial proceedings.⁶¹ It is also unknown the full extent to which the State has already used or will use the knowledge gained by its purposeful intrusion into the attorney-client calls.⁶² Compounding the problem, the AG’s Office was notified that the Oklahoma County Detention Center was planning to release all of the jail recordings to the media and tacitly approved, taking no action except covertly listening to more attorney-client calls.

The State simply cannot guarantee at this point the impermissible intrusion by the government and the prejudice to Mr. Swadley will not continue. The Court must take action to restore fairness to these proceedings, restoration of Mr. Swadley’s Constitutional rights, and level the playing field by granting the appeal bond. Otherwise, this Court is incentivizing the State to further intrude into Mr. Swadley’s Sixth Amendment right. If discovery of materials provided by an attorney to a client were permitted, “[t]he effect on the legal profession would be demoralizing. And the interests of the clients and the cause of justice would be poorly served.” *Upjohn Co. v.*

1132, 1142-43 (10th Cir. 1995) (remanding for an evidentiary hearing to determine if the remedy imposed was tailored to cure the taint of the intentional-intrusion violation or whether the government’s conduct justified a different remedy, including recusal of the original prosecution team.) *Shillingworth*’s structural error rule was overruled by the Tenth Circuit *en banc* to require a showing of prejudice in addition to purposeful intrusion by the Government. *United States v. Hohn*, 2024 WL 5192809 (10th Cir. Dec. 16, 2024), *cert. pet. denied*. In addition to recusal of government counsel, other remedies the Tenth Circuit identified for restoring the Sixth Amendment rights post-intrusion include exclusion of evidence, retrial, or dismissal. 70 F.3d at 1143.

⁶¹ The “‘benchmark’ of a Sixth Amendment claim is ‘the fairness of the adversary proceeding.’” *U.S. v. Orduno-Ramirez*, 61 F.4th 1263 at 1276 fn 16 (quoting *Nix v. Whiteside*, 475 U.S. 157, 175, 106 S.Ct. 988, 89 L.Ed.2d 123 (1986)).

⁶² The expectation of *privacy* such as in the Fourth Amendment—*i.e.*, the expectation of being free from unreasonable searches and seizures—should not be conflated with the Sixth Amendment expectation of *confidentiality*—*i.e.*, the expectation that attorney-client privileged communications are or will remain confidential.

United States, 449 U.S. 383, 398 (1981). This issue will loom over every proceeding and decision this Court makes, as well as negatively impact his direct appeal. The need for neutralizing the taint and deterrence of this type of conduct is real here.

The AG's Office (at least three prosecutors shown in the government's records) chose time and time again to do nothing except protect and conceal their surreptitious intrusions into the attorney-client relationship. This was purposeful⁶³ and deliberate – they intercepted and listened to nearly all of the attorney-client calls in the month of June and informed no one on the Defense team or the Court of their actions. This appears to be an abdication of the ethical duties as ministers of justice, officers of this Court, and members of the Oklahoma Bar.⁶⁴

There is also no legitimate law enforcement purpose at play here. Mr. Swadley is not a violent felon, nor is he under any suspicion or investigation by the Oklahoma County Detention

⁶³ See, e.g., *U.S. v. Carter*, 429 F.Supp.3d 788, 898 (2019), order vacated in part by *U.S. v. Carter*, 2020 WL 430739 (D.Kan. 2020) (noting that the government prosecutors conceded that a “purposeful intrusion” into the defendant’s Sixth Amendment right would involve evidence of prosecutor listening to the attorney-client calls).

⁶⁴ Oklahoma is a mandatory reporting state and we must inform the Court that we are evaluating our duties to report these potential ethical violations to the Oklahoma Bar Association, as the Court should as well. See, e.g., Oklahoma Rules of Professional Conduct 4.4 (*Respect for Rights of Third Persons*); 3.3 (*Candor to the Tribunal*), 3.4 (*Fairness to Opposing Counsel and Parties*), 3.5 (the impartiality and decorum of the tribunal) 3.8 (*Special Responsibilities of Prosecutors*) which is based on American Bar Association Model Rule 3.8 (comment 1: “A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice...”), and 8.4 (*Prejudicial to the Administration of Justice*). The OBA Standards of Professionalism also are informative for evaluating attorney conduct here. See, e.g., Section 1.2: “A lawyer's word should be his or her bond. We will not knowingly misstate, distort or improperly exaggerate any fact, opinion or legal authority, and will not improperly permit our silence or inaction to mislead anyone. Further, if this occurs unintentionally and is later discovered, it will immediately be disclosed or otherwise corrected”; Section 1.6: “Our conduct with clients, opposing counsel, parties, witnesses and the public will be honest, professional and civil”; Section 3.1(a): “We will be civil, courteous, respectful, honest and fair in communicating with adversaries, orally and in writing”; Section 4.5: “We will never knowingly misrepresent, mischaracterize, misquote, miscite facts or authorities, or otherwise engage in conduct which misleads the court or agency.”

Center involving any threat to the jail, the jail staff, or other inmates. Upon information and belief, the Oklahoma County Detention Center does not engage in real-time monitoring of the phone recordings and only accesses them on a random basis or when there is a specific need (*e.g.*, an incident or lawsuit occurs involving a specific inmate). The State apparatus, as currently set up with its multiple flaws and gaps, appears to have no legitimate law enforcement purpose. It also is operating with little to no regard or respect for the attorney-client relationship or Constitutional rights. There are inadequate, if any, built-in safeguards to account for these known design flaws and both the Oklahoma County Detention Center and the AG's Office seem to have been aware of these problems for at least a year and did nothing to rectify.

Despite the State's abject failure to notify Counsel or the Court that it was in possession of Mr. Swadley's attorney-client communications, the evidence shows the State in fact had ample time to do so. Instead, the State spent that time waiting for more attorney-client calls to come in, listening to the calls, reaching out to the Oklahoma County Detention Center personnel to prepare its exhibits and lining up witness testimony to use in its *Second Supplement* filing to the Court as well as at the June 4th appeal bond hearing.

The State's conduct is particularly troubling because, once it became apparent that attorney-client communications had been intercepted, its obligation was clear: stop, disclose, and seek guidance from the Court. Instead, the State continued to collect, review, and make use of those communications while withholding their existence from both the Defense and the Court. A prosecutor's duty is not to capitalize on constitutional violations, but to prevent and remedy them. *See Berger v. United States*, 295 U.S. 78, 88 (1935)(a prosecutor's "interest ... in a criminal prosecution is not that it shall win a case, but that justice shall be done").

The Oklahoma County Detention Center's actions are no better. For a year, it has been aware of its system flaws and lack of safeguards to protect against intrusion into the attorney-client relationship, yet took little to no mitigation steps. At best, the Oklahoma County Detention Center's policies and system are not functioning as intended; at worst, there is a reckless disregard for protection of Mr. Swadley's Constitutional rights. Further, these events have demonstrated there are *no* sufficient safeguards in place to protect against the prejudice Mr. Swadley has already suffered by this blatant disregard of his Constitutional rights by the prosecutors and the jail, and nothing to prevent this harm from continuing to occur. Even if they represent it will not happen again, how can anyone reasonably take their word at this point. They have not fixed knowing of this issue for a year, they are aware their system apparatus is not registering numbers correctly or immediately, and they implemented no fail-safes to account for these design flaws.

Further, the evidence suggests that the Oklahoma County Detention Center and its legal counsel may be operating under the mistaken belief that *Lawson v. LeFlore*, 2025 OK 87, authorizes the wholesale production of requested records without a meaningful legal review to identify privileged, confidential, or constitutionally protected information. Whatever *Lawson* permits, it cannot be read to authorize the disclosure of attorney-client communications or to relieve government actors of their obligation to safeguard Constitutional rights.

The circumstances surrounding the June 5 disclosures are particularly concerning. The Oklahoma County Detention Center received the media requests that morning and, by that same afternoon, had collected, reviewed, approved, and produced more than 500 pages of records and nearly five hours of jail recordings in time for the evening news cycle. The speed of that production raises serious questions about whether any meaningful review occurred before the records were released.

Even assuming the Detention Center acted with remarkable haste, the AG's Office had the ability to prevent the disclosure. By its own account, the AG's Office had been aware of the recordings for at least twenty-four hours before their release and knew or should have known that they contained attorney-client communications. Yet rather than intervening to prevent disclosure, notify Counsel, or seek guidance from the Court, the AG's Office stood by while the recordings were released. At a minimum, the release occurred with the State's acquiescence; at worst, it occurred despite the State's knowledge that attorney-client communications were being disclosed to the public.

The evidence learned to date demonstrates this was not mere clerical error or a type of error that can be easily and quickly fixed. These were deliberate acts by multiple State actors and a complete lack of regard for a defendant's Constitutional rights. The State importantly is unable to guarantee that this kind of impermissible intrusion into Mr. Swadley's Sixth Amendment rights will not recur. The Court must restore Mr. Swadley's Sixth Amendment right to counsel by immediately granting him bond so that he may be allowed to freely communicate with his counsel and properly prepare his case without intrusion from the government. Prosecutors in our criminal justice system have a unique role wearing two hats and a special obligation to pursue justice – not win at all costs, particularly when doing so comes at the expense of a defendant's Constitutional rights. The Government's avowed intention to use these recordings for investigation or directly in the criminal proceedings aggrieves the defense by violating the attorney-client privilege and the Sixth Amendment.

The State, by its own actions here, has effectively isolated Mr. Swadley in jail by impeding his ability to candidly and freely communicate with his attorneys as guaranteed by the Sixth Amendment. His attorneys are now not taking his calls or they are censoring him to limit saying

anything substantive over the phone.⁶⁵ Upon information and belief, the Oklahoma County Detention Center also monitors in-person attorney-client meetings. Based on the Oklahoma County Detention Center's (and its agent, NCIC's) lack of fixing known issues for a year regarding recording attorney-client calls, the recording and accessing of multiple attorney-client calls (over 35 times to be exact in the month of June)⁶⁶ with Mr. Swadley even after members of his legal team followed NCIC's instructions to register their numbers, and the AG's Office's utter disregard for safeguarding or respecting Mr. Swadley's Constitutional rights or the administration of justice, the State cannot guarantee that this kind of impermissible intrusion will not continue. The remedies suggested are appropriate and necessary under these circumstances.

The State's actions have already irreparably harmed Mr. Swadley and prejudiced him for his appeal bond hearing, and this conduct cannot be rewarded by this Court. The State should not get any presumption it argues against bond. If the appeal bond is denied, the message sent will incentivize prosecutors to seek out and use attorney-client calls when this kind of conduct should be swiftly and severely discouraged. The State's actions to date have had a chilling effect on Mr. Swadley's Sixth Amendment right to counsel – for his appeal bond hearing, his sentencing hearing and his direct appeal.⁶⁷ The Court must eliminate this continuing intrusion into Mr. Swadley's

⁶⁵ *See also* Ex. 3: Affidavit of Hannah Gregory.

⁶⁶ This was what the Defense was able to ascertain with their limited investigation. The number could very well be higher.

⁶⁷ The State's actions to date have also had a long-term chilling effect on Mr. Swadley's right to counsel which will impact his direct appeal. The State cannot guarantee at this point that this will not happen again. It simply would not be credible if it did considering its current apparatus rife with system flaws, process failures, backlogs of attorney approval requests, and an AG's Office willing to take advantage of these gaps.

Sixth Amendment right and restore the balance of fairness by enjoining the State and immediately releasing Mr. Swadley on appeal bond, with any conditions the Court deems appropriate.⁶⁸

RELIEF REQUESTED

The process for sentencing and for detention while awaiting sentencing and appeal have been fundamentally affected *and will continue to be negatively impacted* if direct, immediate, and broad action is not taken. Therefore, Defendant respectfully requests, on an emergency and expedited basis, as follows:

- a. An immediate injunction by this Court that forbids the access, review, recording, listening to, viewing or accessing transcripts, and/or downloading of jail calls stored in the NCIC system, in possession of the Oklahoma County Detention Center, and Attorney General's Office for this defendant until an evidentiary hearing can be held on a date to be determined by the Court;
- b. An immediate injunction by this Court that prohibits future recording or interception of jail calls of this defendant through any system until an evidentiary hearing can be held on a date to be determined by the Court;
- c. That this Court issue its ruling granting the appeal bond on an emergency basis to restore fairness, enable Mr. Swadley to assist free from government intrusion in the preparation of his defense, and to prevent further prejudice to him and neutralize the taint in future proceedings;
- d. An evidentiary hearing on a date to be determined by the Court to ascertain the full scope and extent of the interceptions of attorney-client calls, to identify all

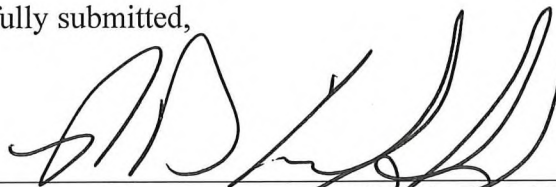
⁶⁸ Such tools at the Court's disposal, for example, are having Mr. Swadley surrender his passport, wear an ankle monitor, have a curfew. Mr. Swadley defers to the Court for any additional safeguards it wishes to impose to assuage any concerns.

responsible parties, and to inform the Court as to any additional appropriate relief;

- e. A preservation order directing the government (the AG's Office, the Oklahoma County Detention Center, and its vendor, NCIC) to preserve all relevant documentation, emails, transcriptions, phone calls, notes, other electronic records, and system data relating to attorney-client calls with Mr. Swadley;
- f. An impoundment or clawback order directing the government (the AG's Office, the Oklahoma County Detention Center, and its vendor, NCIC) to gather and surrender to the Court all audio recordings, transcriptions, notes, emails, other electronic data, or system data in its possession, or in the possession of any investigative agencies;
- g. That the previous second supplemental filing of the state be sealed until the State has fully redacted and scrubbed it of protected information including but not limited to attorney-client communications;
- h. Subpoenas duces tecum to the Oklahoma County Detention Center, NCIC, and the Attorney General's Office, as filed separately with this motion;
- i. Any other relief the Court deems appropriate.

WHEREFORE, premises considered, Defendant respectfully moves that the Court address these matters above.

Respectfully submitted,



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Attorneys for Defendant, Ronald Brent Swadley

CERTIFICATE OF SERVICE

I hereby certify that on July 2, 2026 a true and correct copy of the foregoing instrument was hand-delivered to the following:

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Sam Black
Addison Gaut
Jimmy Harmon, AAG
Gayland Gieger, AAG
McKenzie McMahon, AAG
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Attorneys for Plaintiff


Robert Don Gifford

calldate	phone number	inmatename	duration	listenedby	usernotes
2026-06-08 16:00:50-05	9703	Swadley, Brent	187	william.lutz@oag.ok.gov	william.lutz@oag.ok.gov(2026-06-08): Call Monitored.
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RESIDENT HANDBOOK



Oklahoma County Detention Center

EXHIBIT

2

exhibitsticker.com

TABLE OF CONTENTS

4	Our Mission, Vision, and Values
5	Introduction
5	Reception and Orientation
5	Resident Movement
5	Classification
6	General Rules and Regulations
7	Resident Rights and Privileges
8	Resident Responsibilities
9	PREA
10	Fire/Emergency Evacuation
10	NCIC Video/Messaging Services
11	Resident Tickets
11	NCIC Telephone Service
12	Reporting an Incident
12	Telephone Rules
12	Tablet Rules
13	Electronic Mail Delivery
13	Incoming Mail Delivery
13	Rejected Mail
14	Outgoing Mail Delivery
15	Clothing and Laundry
16	Personal Hygiene
17	Personal Property
17	Cell/Housing POD Maintenance and Housekeeping
18	Damages/Destruction of Property Costs
18	Trust Fund Procedures
19	Money Release
19	Jail Incarceration Cost
19	Commissary
20	Request to Staff
20	Grievance
21	Medical
21	Medical Sick Call
22	Mental Healthcare
22	Other Available Healthcare Services
22	Access to Courts
22	Electronic Law Library Services
22	Notary and Copy Services
23	Chaplin Services
23	Recreation
23	Resident Programs

23	Discharge Information
24	Resident Work Program
24	Voting
24	Conduct and Disciplinary Procedures
25	Disciplinary Procedure
25	Resident Rule Violations
25	Notice to All Residents
26	Offense/Class



Our Mission Statement

The Oklahoma County Detention Center is here to exhibit professionalism, courtesy, ethical conduct, and moral standards to Oklahoma County and the State of Oklahoma.

Our Vision

The Oklahoma County Detention Center will strive to provide a safe and secure detention facility that cultivates a positive and empathetic culture, provides transparent and accountable service, and positively impacts the lives of all individuals.

Our Values

- | | |
|-------------------------|---|
| Professionalism: | Competency, character, or skill that is expected of a professional |
| Respect: | Having a high regard for someone |
| Accountability: | Being responsible for what you do and able to give a satisfactory reason for it |
| Integrity: | The quality of being honest and having strong moral principles |
| Service: | Being of help or assistance to others |
| Empowerment: | Giving or delegating power or privilege through encouragement |

The members of the Oklahoma County Detention Center will strive daily to instill and promote Professionalism, Respect, Accountability, Integrity, Service, and Empowerment to strive for excellence and PRAISE others.

This handbook is an important part of your orientation into this facility. You should read it carefully and completely. It will help you understand what kind of conduct is expected of you while you are here and it will explain the types of services that are available to you.

INTRODUCTION

The information contained in this Handbook pertains to each resident at the Oklahoma County Detention Center. It is the responsibility of each resident to know and understand this information. Each resident is issued a PIN number which will allow access to the handbook, phone system, and Trust account. Additionally, a printed copy of the handbook is available in the POD office of each housing unit for review by any resident upon request. If any resident needs assistance with reading and understanding the contents of this handbook, request assistance from any staff member who will assist.

This handbook provides information to each resident about expectations available programs, and services during their incarceration. If a resident does not understand the contents of this handbook or any other material which involves Detention Center rules due to a literacy, language, or hearing impairment, an interpreter or another form of communication is available upon request to ensure that the resident understands the rules and responsibilities.

This handbook contains information current of the publication date; however, it is subject to change. The resident will be made aware of any changes through the kiosk and tablet digital messaging system and by materials posted in resident living areas.

RECEPTION AND ORIENTATION

This handbook is an important part of your orientation into this facility. You should read it carefully and completely. It will help you understand what kind of conduct is expected of you while you are here, and it will explain the types of services available to you. After you have finished reading the handbook, you may ask your housing officer questions about any part of the book you do not understand. All residents will receive initial orientation within 5 days of reception. This orientation shall be provided to each resident and consist of a verbal explanation and/or a video presentation.

RESIDENT MOVEMENT

When going to another area such as Medical, Attorney Visits, or Court, unless ordered otherwise, you will be required to present your issued identification, and are expected to walk quietly, in a single line. *Residents are prohibited from talking, making loud noises and/or hand signs, touching walls, or displaying any other disruptive behaviors while in the hallways.*

CLASSIFICATION

Initial Classification

Residents will be given wristband or card to verify Identification.

Classification is responsible for assigning all residents incarcerated in the Oklahoma County Detention Center. Housing assignments are based off a variety of factors.

The Classification Officer will perform an electronic assessment of and create a classification file for each resident. This assessment will consider resident behavior and any special needs that the resident might have. Based on these and other factors, a determination will be made regarding resident's housing assignment; security level; and if eligible, job or program assignments.

WARNING IN REGARD TO SEARCHES

Be advised that anything you say or do while incarcerated at the Oklahoma County Detention Center may be used against you in a court of law or during a disciplinary hearing. You have no right to privacy by law in this regard. Further, by law or implication, you have no right to any expectation of privacy while you are held here, unless specifically stated in this handbook or by subsequent order. Due to the tendency of some people to obtain contraband items such as drugs, weapons, personal property belonging to other inmates, etc., cell and personal searches are necessary. Staff will routinely conduct these searches throughout the duration of your stay. You may not be in your cell or bunk area at the time of the search. You do not have the right to be present during any search. You must cooperate with searches and follow all orders given by any staff member.

GENERAL RULES AND REGULATIONS

Please read through the entire handbook to help you understand what is expected of you while you are housed in Oklahoma County Detention Center. These rules and regulations are general guidelines to be followed by all residents. They are not totally inclusive of all rules and regulations and are subject to change. For specific rules, please refer to the relevant section in this handbook. Detention personnel will be able to answer questions about rules and regulations.

All orders, directives, and requests will be complied with immediately.

- **BEHAVIOR:** General 'horseplay' or conduct that disrupts the orderly operation of the facility will not be tolerated. All Detention staff will be called Mr., Ms., or Officer, as appropriate, along with their last names. No other terms will be used. Fighting will result in disciplinary sanctions, the incident will be investigated, and you may be charged criminally.
- **ASSIGNED AREAS:** Residents are required to be in their assigned areas, unless otherwise authorized by a supervising staff member. Residents shall not enter any cell or POD area where they are not assigned.
- **PERSONAL HYGIENE:** Residents are encouraged to be neatly groomed. All residents are required to shower at least three (3) times per week.
- **ISSUED CLOTHING:** Residents will dress in issued jail uniform at all times when outside of their cells for any reason. All clothing must be worn appropriately (example: pant legs must not be rolled up, pants must be worn around waist). Nothing should be worn on or around the head or face. YOU are responsible for the condition of these items and will be held responsible for any damage or alterations.

- **BEDDING:** We have invested in upgraded mattresses and expect you will care for them. Any damage to mattresses or bedding will result in disciplinary action and you will be required to pay for the damage. Report damaged items immediately upon issue so you are not held responsible.
- **PHONE/TABLETS/KIOSK:** Do not share your login information with anyone. It is your responsibility to safeguard this information. Damage to this equipment will result in disciplinary action and you will be required to pay for the damage.
- **MAIL:** Do **NOT** seal outgoing mail. It must be inspected before we can send it through the Postal Service. Incoming mail is limited to legal or medical mail and softcover books as described in this handbook. All other mail is scanned in and delivered to you digitally.
- **HOUSEKEEPING:** You are to maintain a clean, sanitary environment. Cleaning supplies are routinely provided.
- **GRAFFITI/DAMAGE:** You are not to mark on or affix anything to walls or any jail fixture. You are not to damage any jail property including sprinkler heads, wash basins, toilets, light fixtures, walls, and windows. Doing so will result in disciplinary action and you will be required to pay for damage.
- **CONTRABAND:** Contraband is defined as any item which a resident is not authorized to have in his/her possession, any item not issued by an employee, any item altered from its original condition or any item illegal to possess. Possession of these items will result in disciplinary action and/or criminal charges.

This is not an inclusive list of all rules and regulations, but general guidelines for expected conduct. Please refer to handbook for specific rules and regulations.

OCDC WILL FILE CHARGES FOR CRIMINAL ACTS OCCURRING IN OUR FACILITY!

RESIDENT RIGHTS AND PRIVILEGES

A **RIGHT** is something to which you are entitled. Rights are determined by law.

Rights include:

- Safe, clean, and sanitary living conditions.
- Balanced, nutritional diet.
- Access to Courts, Attorneys and Legal Materials.
- Freedom of Religion
- Contact with family and friends via mail
- Disciplinary Due Process
- Adequate Medical Services

A **PRIVILEGE** is a benefit granted by the Detention Facility that can be lost due to poor behavior, failure to obey rules and regulations, being a security risk, or during emergencies.

Privileges include:

- Attendance in Programs
- Recreation room access

- Access to and use of the resident telephone system
- Visitation with family and friends
- Purchase of Commissary items
- Television
- Tablet Use
- Kiosk Use

RESIDENT RESPONSIBILITIES

All rights of residents will be equally available to all residents. All resident responsibilities will be equally enforced.

No resident under the supervision of the Oklahoma County Detention Center will be subject to discrimination based on race, religion, nationality, gender, political belief, handicap, or sexual orientation.

Detention Center Administrators and employees will ensure residents are aware of the following rights and responsibilities while under the authority of the Oklahoma County Detention Center:

- The **right** to confidential interviews and correspondence with an attorney and the **responsibility** not to abuse the confidential contacts made available.
- The **right** to file administrative grievances and receive assistance from other residents in doing so and the **responsibility** to present honestly to Detention Center Administration any complaints or problems.
- The **right** to a healthful place in which to live which includes clean and orderly surroundings, nutritious meals, proper bedding and clothing, adequate opportunities to shower, proper ventilation for warmth, access to recreational opportunities, toilet articles, medical and dental care as needed, and the **responsibility** to eat properly, to follow the laundry and shower schedule, to maintain neat and clean living quarters, and to seek medical and dental care as needed.
- The **right** to correspond with public officials, officials of the confining authority of the Detention Center Administrator and the **responsibility** to be truthful.
- The **right** to practice a religion within the limitations of resources available and security procedures in effect and the **responsibility** not to abuse the religious practices available.
- The **right** to be treated respectfully, impartially, and fairly by all persons, which includes being called by name rather than number and the **responsibility** to treat other residents and employees with respect.
- The **right** to be informed of the appropriate rules, procedures, and schedules governing the operations of the Detention Center and the **responsibility** to know and abide by the rules and procedures.
- The **right** to due process hearings for alleged rule violations before punishment is imposed and the **responsibility** to cooperate fully in investigations.
- The **right** to equal access to various programs and work assignments, as available, in keeping with their eligibility, interests, needs, and abilities and the **responsibility** to take advantage of activities which may enhance their ability to live a successful and law-abiding life in the community.
- The **right** to be involved in classification status.

- The **right** to protection from physical abuse, corporal punishment, personal injury, disease, property damage, sexual assault, sexual abuse, and/or harassment.
- The **responsibility** to abide by the rules, to strive for self-achievement, and to make constructive plans.
- The **responsibility** that no resident or group of residents is given control or authority over other residents.
- The **responsibility** to respect Detention facility property and the property of others. Destruction of property in any form only costs taxpayers more money. Please assist us in maintaining the integrity of the building and equipment. Please report any damage to the building or issued property to a rover as soon as possible.
- The **responsibility** to maintain your cell and dayroom in a clean, orderly, and sanitary manner. This includes making your bunk when you get up for the day.
- The **responsibility** to maintain personal hygiene. Residents are required at minimum to shower three (3) times per week.
- The **responsibility** to conduct yourself in a responsible manner. There will be no tolerance given for altercations. Treat everyone with respect. When announcements are made by officers, please quiet down and listen to what is being said.
- The **responsibility** to comply with all rules and regulations of the Detention Center. Failure to comply with rules and regulations will be met with progressive discipline.
- The **responsibility** to refrain from any type of sexual harassment. Sexual harassment includes, but is not limited to, unwanted sexual advances, request for sexual favors and other verbal or physical contact of a sexual nature.
- The **responsibility** to always keep your resident ID on you. ID's may be requested at any time for positive identification during movements, meals, medications, and other times throughout the day. If you damage or lose your ID notify a rover immediately to obtain a replacement. **The Detention Center reserves the right to charge a replacement fee of \$5.00 for a replacement ID.**
- The **responsibility** to stay in your assigned area. Unauthorized movement throughout the facility will be met with prudent response in attempt to maintain safety, security, and orderly operation. This includes open dormitory style POD's during lockdown.
- The **responsibility** to keep your head uncovered. Officers must be able to see your face during sight checks. If your face is not visible, officers may have to wake you up and have you remove your head covering or other obstructions to maintain visibility.
- The **responsibility** to wear your issued clothing appropriately (See Clothing & Laundry).
- The **responsibility** to not cover windows, lights, or bunks to ensure proper sight checks can be conducted by staff.
- If you have any questions concerning operations, please ask the staff. They will be able to provide you with the proper answer or gateway for obtaining your answer.

PREA

The Prison Rape Elimination Act of 2003 was enacted by Congress to address the problem of sexual abuse of persons in the custody of U.S. Confinement Facilities. The Oklahoma County Detention Center has a zero-tolerance policy for incidence of resident sexual abuse and sexual harassment. This applies to both resident-on-resident sexual abuse and staff sexual misconduct. Alert a member

of the jail's staff immediately if you feel you have been sexually assaulted during incarceration. They will contact the appropriate person to conduct the investigation. You may also fill out an "Resident Request to Staff" or grievance. Your privacy will be fully protected during any investigation. A PREA hotline is available free of charge through NCIC on each resident phone.

If you feel you are at risk for imminent sexual abuse, you may utilize the Sexual Abuse Hotline. After your pin number, enter the number 7, wait for the prompt then enter the number 3, and you will be connected to the Sexual Assault Hotline.

We want you to feel and be safe while at the facility. If you make a report and feel you are being retaliated against for making the report, tell a staff member or follow the Grievance procedures. Retaliation ***WILL NOT*** be tolerated.

All reports of sexual assault and sexual harassment will be investigated.

If you are assaulted, DO NOT change your clothes, brush your teeth, shower, wash your hands, or use the restroom (if possible). You may destroy important evidence.

The OCDC has a zero-tolerance policy for Sexual Abuse and Sexual Harassment.

FIRE/EMERGENCY EVACUATION

If an emergency evacuation is necessary, Detention Center Staff will coordinate the evacuation process.

Residents must comply with all directions and orders given by Detention Center Staff and are responsible for knowing fire emergency procedures and evacuation routes. Evacuation route diagrams are posted in various locations throughout the facility.

NCIC VIDEO/MESSAGING SERVICES

The video and messaging services are available to all residents. All video and messaging services may be monitored. Privileges may be revoked up to thirty (30) days or more due to a violation occurring by the detainee and/or user. Residents are responsible for informing the user of the specific procedures for this service.

A list of common violations includes but is not limited to:

- Images or conversations containing anything that may compromise the safety, security, or order of the Detention Center.
- Illegal activity.
- Gang affiliated hand gestures.
- Weapons, such as knives, guns, etc. shown on video or pictures.
- Showing or use of drugs, tobacco, alcohol by user or resident.
- Violence.
- Nudity, partial nudity, sexually suggestive gestures or photos by user or resident.
- Gruesome content that depicts any form or simulated abuse to animals or humans.
- Residents allowing other residents to use their PIN number.

- Visitors and residents' visitation privileges will be suspended for, but not limited to hitting the screens, slamming the receivers, tampering with or attempting to tamper with equipment, showing photographs, producing a cell phone, being disruptive or altering clothing to be revealing or provocative.

Residents will need to speak to the Unit Manager of the floor they are placed on to obtain use of a tablet. You may also use the kiosk while on recreation.

Video visits: .20 cents a minute plus taxes

Chat messages: .25 cents per message

Attachments: .35 cents

Video messages: .35 cents

RESIDENT TICKETS

Resident tickets give residents a way to reach out to other departments with their questions. Listed below are some of the departments the residents can reach out to for information.

- **2nd – 13th Floor Requests to Staff** Directs requests to the Clerk, Staff, or Unit Manager for the floor you are currently housed on.
- **Commissary** Commissary pin changes, questions about orders.
- **Communications** Questions about the video visits, messaging & phone service.
- **Disciplinary Office** Questions related to discipline status.
- **Diversion Hub** Questions about Diversion Services.
- **Grievance Office** Submitting a grievance (Generally, you must submit requests to staff before escalating to a grievance, or it will be denied.)
- **In/out of state holds** Questions for warrant information in Oklahoma counties or out of state.
- **Judgment/Sentence** Questions regarding court hearings and sentencing.
- **Kitchen** Questions about kitchen / meals provided.
- **Laundry** Laundry services.
- **Maintenance** Informs maintenance of issues in the cell.
- **Mail** Questions related to resident mail.
- **Religious Programs** Any religious questions or requests.
- **Resident Programs** Available programs, request to enter programs.
- **Resident Trust Account** Questions related to resident funds
- **Resident Worker** Requesting to become a trustee.
- **Sick Call Request** For non-emergency medical requests.
- **TEEM** Questions related to TEEM (The Education & Employment Ministry)
- **TIPLINE** Investigators – Information kept CONFIDENTIAL. (Do not share your login information, keep it private to maintain confidentiality)

NCIC TELEPHONE SERVICE

Phones are in most cells and in all the recreation dayrooms. Misuse of the telephone and or video system will result in the loss of telephone and or video privileges and even additional criminal charges being filed against you.

All calling rates are per-minute, there are no connection fees.

Inmate Telephone System	
Call Types	Per-Minute Rate
All calls within the United States:	\$0.11
Mexico & Canada:	\$0.25
All Other International:	\$0.35

REPORTING AN INCIDENT

Emergency Reporting

All emergencies can be reported by entering 0 on the telephone located in the cell or any dayroom telephone.

Sexual Assault

After your pin number followed by the # key is entered, the system will ask for the number you wish to call. **Enter the number 7, wait for the prompt then enter the number 3,** and you will be connected to the Sexual Assault Hotline.

TELEPHONE RULES

- Phone use is a privilege and not a right.
- You may make telephone calls from your housing PODs, cells, or tablets.
- Communications may be monitored and/or recorded from time to time for security purposes.
- Do NOT make 3-way phone calls. You will be disconnected and may face disciplinary action.
- If the resident phones or tablets are used to threaten to commit or cause to commit a crime, introduce contraband, attempt escape, threaten or intimidate others, or for any other illegal purposes, violators will lose telephone privileges permanently and additional charges may be filed.

TABLET RULES

- Tablets are a privilege and not a right. Resident access to the tablets may be suspended, limited, or revoked when necessary for the safety, security, and/or orderly operations of the facility.
- Do not share your login information and do not allow another person to use your tablet login to communicate with others. If you allow others to use your tablet account for messaging, your messaging feature will be turned off. Refunds will NOT BE ISSUED for loss of messages due to rule violations.
- Tablet correspondence may be monitored and/or recorded for security purposes.

- If a tablet is used to threaten to commit or cause to commit a crime, introduce contraband, attempt escape, threaten or intimidate others, or for any other illegal purposes, violators will lose tablet privileges permanently and additional charges may be filed.
- Do not attempt to pry or break the tablet case or screen. You will be charged for damage and face disciplinary action.
- Tablets can only connect with the software server and do not have open access to the internet.
- Staff may suspend your access to a tablet without formal disciplinary action. Reasons for administrative suspension do not have to be related to tablet use.
- Tablets are to be turned in upon request by any detention staff. Failure to turn in a tablet when asked to do so will result in disciplinary action.

Neither OCDC, OCCJA, nor OKLAHOMA COUNTY is responsible for any loss related to stolen phone or tablet login information. It is YOUR responsibility to safeguard this information.

ELECTRONIC MAIL DELIVERY

NOTICE

All incoming mail must be sent to PO Box 591, Longview, Texas 75606 for processing. Once the mail is processed and received electronically by the resident it will be destroyed. This includes pictures or anything else mailed to the processing facility. **By sending the mail to PO Box 591, Longview, Texas 75606 you agree to the items being destroyed and understand that anything you mail to PO Box 591, Longview, Texas 75606 will not be returned or reimbursed for.** No legal or medical mail will be accepted.

Resident Name
SO#
Oklahoma County Detention Center
PO BOX 591
Longview, Texas 75606

Privileged Correspondence/mail that is **properly and clearly** marked “Legal Mail,” and/or Medical Mail will be inspected for contraband and verified prior to delivery to the resident. *Legal, Privileged and Medical Mail may only be opened in the resident’s presence.*

INCOMING MAIL DELIVERY

Only the following items will be accepted through the mail system for residents:

- Two softbound books one softbound Bible sent directly from an authorized distributor or publisher.
- Money orders and cashier’s checks **ONLY. NO CASH WILL BE ACCEPTED.**
- Privileged correspondence, if so marked, may be opened and inspected in your presence for security and to detect the presence of contraband, but not read by jail staff. Privileged correspondence is defined as mail to or from: Your attorney, judge, Governor, a member of the State or Federal Legislature, Oklahoma County Criminal Justice Authority / Detention Center,

the Clerks of the State and Federal Courts, and the news media. Legal mail must clearly indicate it is from one of the above sources.

REJECTED MAIL

Mail that would otherwise be permitted may be rejected and impounded if such mail:

- Contains drugs or other contraband.
- Contains wire, spiral bindings, metal, plastic, pens, pencils, or any other items deemed inappropriate or unacceptable for safety or security reasons.
- Contains obscene images, graphics, or any exposed genitalia, including but not limited to pornography.
- Contains content of any sort that tends to incite violence, riot, racism, or threaten the safety or security of the facility, residents, or staff.
- Contains any perceived biohazard, i.e. powder, lipstick, gloss, scents, residue, etc.
- Contains glitter, stickers, markings in crayon or marker, layered cards, or cards with electronic devices.
- Contains images of other residents.
- Contains unused postage stamps within the mail.
- Poses any safety and security concerns for the operation of the jail.
- Is not clearly addressed to the resident or does not otherwise meet the requirements of incoming mail contained in his policy.
- Does not contain any return address and, after subjected to the screening process, is believed by OCDC staff or the mail processing center to pose a security threat or to contain contraband or any of the prohibited content noted above.

The above are examples of impermissible mail and not an exhaustive list.

ALL CONTRABAND OR UNACCEPTABLE ITEMS THAT ARE DELIVERED BY THE POSTAL SERVICE WILL BE IMPOUNDED AS EVIDENCE OR FOR DESTRUCTION AND DISPOSAL. Items will not be sent back to the sender and the resident will be notified.

Jail Resident to Jail Resident (formerly inmate-to-inmate) correspondence is **NOT** allowed. This includes mail from residents located at other facilities.

OUTGOING MAIL DELIVERY

When cost is paid by the resident, there is no limit as to the amount of mail that can be sent unless it is determined that the type of mail or source of delivery or destination of mail is contrary to public safety. Residents may not correspond with other residents unless specifically authorized by the Jail Administrator. Funds must be available to mail packages out. A request to staff will be sent to Resident Trust prior to mailing.

The following procedures must be followed for all mail:

- All outgoing envelopes must have the following information printed in the upper left-hand corner:

Resident's First and Last Name
Oklahoma County Detention Center
201 N. Shartel Ave.
Oklahoma City, Ok. 73102

- **DO NOT SEAL ENVELOPE** – It must be inspected before delivering to the post office. Any sealed mail received by the mailroom will be returned to you and not delivered.

“**Privileged Mail**” means correspondence sent to or received from the following: Governor of the State of Oklahoma, elected member of the Oklahoma State Legislature, Oklahoma Board of Corrections members, Oklahoma Pardon and Parole Board members, Oklahoma Secretary of Safety and Security, Oklahoma Department of Justice and Detention Center Administration.

“**Legal Mail**” means correspondence sent to or from the Attorney General of the State of Oklahoma, the courts, or attorneys on file/of record. *Mail to/from attorney's assistant/legal aid assistant is not considered legal mail.*

CLOTHING AND LAUNDRY

Upon booking, each resident shall receive one complete set of clothing and bedding. Once a resident is classified and assigned to a housing unit, each resident will receive three sets of undergarments each week, subsequently, each resident shall receive a complete change of clothes and linen once a week on a scheduled basis.

Issuing of clothing and bedding will be documented, and each resident shall be held accountable for the condition and return of each item. **If items are damaged and not returned, the resident will then be charged for the missing or damaged bedding and clothing.** Residents are responsible for notifying the officer immediately of any damaged clothing or linens to avoid being charged for the damage.

Trustee residents working in the kitchen and other designated jobs will be allowed to exchange clothing daily.

- **ALL** residents **MUST** wear a complete uniform when outside of their living areas, including the day rooms. Jail-issued uniforms shall be worn properly, with pants unrolled and not tucked into socks.
- No item shall be worn on or around the head.
- You are required to keep your clothing clean and not marked, torn, or altered in any way.
- You are to be clothed at all times when outside of your cell (except in the shower area).
- Blankets are not allowed in the dayrooms.

A violation of these rules will result in disciplinary action, and you will be required to pay for the damage.

The following is a list of items which are allowed in your room. This list will be used as a guideline by officers when conducting inspections. All items found in your cell which are not on this list will be considered contraband and will be taken. Your bed is to be properly made up when you are not occupying it.

1. (1) jail issued uniform shirt
2. (1) jail issued uniform pants

- | | |
|---|--|
| <ul style="list-style-type: none"> 3. (3) pair of socks (white only) 4. (1) pair of jail issued sandals 5. (3) pair of underwear (white only) 6. (3) bras (females only) 7. (1) complete set of thermal underwear (must be purchased on Commissary) 8. (1) jail issued blanket 9. (1) towel 10. (1) jail-issued mesh laundry bag 11. Hygiene kit includes shampoo, soap, toothbrush, toothpaste, and deodorant. Note: When item containers are emptied, the containers must be discarded, and not used to store other items. | <ul style="list-style-type: none"> 12. Commissary items not to exceed \$100.00. 13. One cubic foot of legal material. 14. (5) Magazines or books. 15. (1) Bible, Quran, or similar religious text. 16. Dentures and related adhesives. 17. One pair of prescription glasses, no tint. 18. Wheelchair, crutches, prosthetic device, if approved by the medical provider. Personal shoes will NOT be allowed. |
|---|--|

YOU ARE RESPONSIBLE FOR ALL ITEMS ISSUED TO YOU

- You must keep all items issued to you in good condition.
- You must sign for all items issued to you.
- You must have all items issued to you ready for inspection by jail staff at all times.
- If you damage or destroy any item issued to you, disciplinary action will result, and you may be required to pay for the damage. You may also face additional criminal charges.
- You will wear jail issued clothing to court, unless directed otherwise.
- Releasing clothing for relatives or friends to launder and return to you is not permitted.
- Jail issued clothing and linens will be picked up on a regular basis, laundered and exchanged with you on a one-for-one basis at least once per week.
- Have your items ready to be exchanged for your scheduled day and time. We will re-issue to you clothing of the same size if it is available, otherwise you will receive clothing similar in size. **DO NOT ASK FOR OVERSIZED CLOTHING.** You are responsible to pay for damages to all issued clothing and laundry.

PERSONAL HYGIENE

Unless there is a legitimate medical reason, all residents held over twenty-four (24) hours shall be required to shower. You are expected to keep your body, clothing, and bedding clean at all times – take a shower regularly. Shower times are available during dayroom hours. **All residents must shower**

a minimum of three (3) days a week unless otherwise excused. Any violation of cleanliness may result in disciplinary action.

Each resident will be given a hygiene pack after assignment to housing. Unless indigent, you are expected to purchase hygiene items from Commissary and will not be given hygiene packs after your initial housing.

PERSONAL PROPERTY

When you were booked in, your property was collected, inventoried, and sealed in a property bag. It will be returned to you when you are released.

If you are sent from this facility to DOC, you are allowed to have a family member or friend pick up your property at this facility within ten (10) days following your transfer. Property not claimed within ten (10) days will be donated or appropriately disposed of. At the time of initial booking or transfer to the Department of Corrections or any other facility, property release forms will be completed.

CELL AND HOUSING POD MAINTENANCE/HOUSEKEEPING

Cell and common use living area sanitation and building care standards will be maintained by each resident occupying a cell, using a dayroom, shower, and other communal area.

Each resident is responsible for the cleanliness of his/her assigned cell. This includes but is not limited to the walls, floors, toilet, sink, window area, and furniture. If the area is not properly cleaned, privileges will be suspended until cleaning is complete. If you refuse to clean your cell or refuse to help with cleaning the housing POD each day, you will receive disciplinary action.

All authorized property will be stored in the storage compartment under the bunks in a neat and orderly fashion.

- Nothing will be placed over the windows, air vents, light fixtures, or phone. The cell door window will be left unobstructed.
- The walls and all areas of the cell will be kept free of any writing, paintings, or any type of graffiti. Painted surfaces shall not be scratched or defaced in any manner. Violations will result in cell confinement and disciplinary action until properly cleaned.
- Do not affix anything on any area of the cell.
- The cell shall not be damaged or modified from the condition it was built in.
- Locks, locking devices, or locking systems shall not be tampered with or breached using any type of method.
- Residents shall not install or use a clothesline of any design. No pictures, self-made curtains, screens, paper or cellophane, cardboard or any other item will be hung anywhere in the

housing POD, including cells, cell doors, windows, walls, bunks, vents or in the day room because of fire hazards and security objectives.

- Do not throw paper or garbage on the floor. You are responsible for sweeping and mopping your cell and housing POD.
- Do not flush any foreign objects or Commissary packaging. You may be charged for damages and/or face disciplinary action.
- All residents are responsible for keeping the dayroom and POD's clean at all times. You are given equipment to clean daily.
- Residents shall not tamper with and/or break Sprinkler Heads

FAILURE TO FOLLOW THE DIRECTIVES ABOVE WILL RESULT IN LOSS OF PRIVILEGES WHICH MAY INCLUDE COMMISSARY, RECREATION, PHONE OR TABLET ACCESS.

DAMAGES/DESTRUCTION OF PROPERTY COSTS

Any violation of damaging a sprinkler head is mandatory 30 days of disciplinary segregation, loss of all privileges and assessed restitution of \$122.76 per sprinkler head.

Any destruction to county property will also result in disciplinary action and reimbursement to the County. Below is a breakdown of the itemized cost to repair items within the facility.

Icon Button (Water or Toilet)	\$196.10	ICON Computer Control Box	\$637.95
Fire Sprinkler Head Replacement	\$122.76	New Cell Light Fixture	\$1,169.62
Old Cell Light Fixture Lamp & Lens	\$440.72	Light Glass / Lens Only (New or Old Fixture)	\$221.14
Door Window	\$59.19	Cell Wall Hole	\$188.24
Willo Lock Repair (New Locks)	\$594.90	Old Style Cell Door Locks	\$250.00
Shirt	\$6.45	Pants	\$8.00
Blanket	\$5.60	Shoes	\$2.88
Jail Mattress	\$106.00	Towel	\$3.50
Laundry Bag	\$4.00	Resident ID (Card or Wristband)	\$5.00
Phones	\$185.00 plus 2 hours labor at \$50.00 per hour		
Kiosk	\$1,100.00 plus 2 hours labor at \$50.00 per hour		
Tablet	\$250.00		

TRUST FUND PROCEDURES

Any money you had when you were booked into OCDC was deposited in a Resident Trust Fund account. If you came from another agency and your money was in the form of a check, it will be entered into a Resident Trust Fund account. If you have any payroll checks or third-party checks, they

will be placed in your personal property. In addition to Commissary, phone, and messaging fees, your account may be charged for medical visits, medication, requests for copies/notary service, and damage to property.

Cashier's checks, certified checks, money orders, ACH deposits or wired funds received from friends /relatives in the mail will be credited to the resident's Trust Fund account.

The kiosk in the front lobby will accept cash, debit, and credit cards and includes a fee paid by the depositor. The funds are electronically added to the Resident Trust Fund or phone account. This excludes ACH deposits and wire transfers. Resident will not receive a receipt for the deposit of funds into an account.

Upon release, residents with a credit balance will be issued a pay card. All others and agency releases will be issued a check. If you owe OCDC money from prior visits, it can and will be deducted from any funds you are booked in with; the jail accounting software will deduct from your account any funds that have been deposited until the balance is paid in full.

MONEY RELEASE

Money may be released for the following reasons only:

- To a bondsman to post your own bond.
- To your attorney with your permission.

JAIL INCARCERATION COST

In accordance with 22.0.S. §979a individuals who are jailed for violating provisions of state law, and upon **conviction** or receiving a **deferred sentence** are responsible for and will be required to pay the cost associated with their incarceration pursuant to 22.0.S. §979a. Upon conviction or acceptance of a deferred sentence, you must pay the daily cost of incarceration established annually by the Oklahoma County District Court.

***The current daily jail incarceration rate is \$66.49 Effective 2024
per Oklahoma County Judicial Administrative Order A072024-010***

Pursuant to the statute, you can contest the amount of cost solely because the number of days served is incorrect.

If you have any question regarding the costs of your incarceration and your debt owed to the Oklahoma County Detention Center, please contact:

**OCDC Resident Trust
405-713-1962
Monday – Friday
8:00 am – 5:00 pm.**

COMMISSARY

The Commissary is a service which is made available to all residents for the purchase of assorted items such as food, hygiene articles, note paper, envelopes, and stamps.

To be eligible for Commissary purchases, the resident's money must be deposited in their Trust Fund account before the time of purchase. Commissary is a privilege and may be revoked for security, safety reasons and disciplinary sanctions.

After the initial supplies are provided when the cell is assigned, hygiene supplies will only be provided through request to the Commissary. Hygiene items and mail kits will be provided to indigent residents at no cost.

Indigent is defined as a resident who has a balance of \$15.00 or less in the Trust Fund account from the first day through the last day of the preceding month.

Residents who are not indigent will be charged for hygiene items and mail kits. Commissary prices are subject to change without notice. When and where possible, price changes will be posted. Commissary spending limit is \$100 per week. Any resident that has more than the maximum of \$100 worth of Commissary will have the excess immediately confiscated at that time and considered contraband. Your Commissary account **will not** be credited for the confiscated items.

- Commissary draws will be made available one time each week in accordance with the Commissary schedule posted in the POD dayroom and other locations.
- Commissary order times will begin at 8:00 am the day after Commissary delivery and end the day before at 12:00 pm.
- A resident assigned to medical housing may have their Commissary draw limited to personal hygiene, and mail kits.

REQUEST TO STAFF

The Request to Staff is an internal administrative system for responding and providing resolution to a resident's request for assistance or informal handling of complaints.

Requests to Staff & Grievances will be submitted on the kiosk located in the day room, a tablet, or by a Request to Staff form. The resident will log into the kiosk or tablet using pin number provided at intake. This pin number will also be used to order commissary or to use the telephone.

GRIEVANCE

Internal administration means resolving complaints and identifying potential problems. It is designed to supplement but not replace the informal communication "Request to Staff" procedure. Unless an emergency exists, a resident must attempt to resolve all issues or complaints through oral communication and by submitting a "Request to Staff."

- If the resident does not follow instructions as explained in this procedure, the Grievance may be returned unanswered for proper completion.
- A Grievance may be submitted if the resident believes that any type of reprisal has occurred.

- Grievances may not be filed concerning matters that are currently in litigation.
- Resident may not file a grievance on behalf of another resident concerning an issue not directly affecting the resident excluding PREA incidents.
- Resident with ICE holds are given the same opportunity as all other residents in the Oklahoma County Detention Center for submitting “Request to Staff” and Grievance forms. They are also allowed access to speak to the ICE liaison about complaints and Grievance issues.
- Resident, to include third party, may confidentially disclose any incidents of sexual misconduct, sexual contact, sexual abuse, and sexual harassment through the grievance system. Such grievances will be handled as an Emergency Grievance. A resident who reports an incident of sexual misconduct, sexual contact, sexual abuse, or sexual harassment **may request and be treated anonymously.**
- An Emergency Grievance is an emergent grievance which may be submitted without informal resolution.

The resident will detail in the Complaint:

- a. Describe the reason the individual believes the grievance to be of an emergency nature that justifies not submitting the form through the normal procedures and attempting informal resolution.
- b. Specify the personal injury, assault, or irreparable harm at risk.

MEDICAL

Initial Intake

Before being accepted into custody of the Oklahoma County Detention Center, every resident shall complete a medical screening. A \$15.00 Co-pay will be charged for this initial screening.

The medical screening will address the medical condition and mental health condition of each resident. Before administering any prescribed medication, medical staff must first verify the prescription. It is very important to notify medical staff of any prescription medications, the prescribing doctor, and the pharmacy you use to fill the prescription so you can continue your medications as soon as possible.

MEDICAL SICK CALL

A resident requiring medical or mental health services of a non-emergency nature must complete a Sick Call ticket on the tablet/kiosk or request a Medical Request form.

In the event of an emergency medical or mental health problem, dial 0 on the phones or tablets and report it immediately. If a Detention Officer or Housing Monitor is in your POD, also notify them immediately. Detention Officers have been trained to assist in emergencies and will notify medical personnel to manage the problem.

Emergency Medical Care is provided twenty-four (24) hours a day.

The medical department is here to provide help with serious medical needs, not to provide comfort items or deal with custodial/security issues. The medical department will not address issues

concerning specialty or secondary mattresses, specialty pillows, specialty shoes, or any other extra items(s) that are not clearly related to legitimate medical needs.

It is the policy of The Oklahoma County Detention Center to charge residents for designated medical treatments pursuant to Oklahoma State Law 19 O.S. 531.

No resident will be denied any medical treatment due to insufficient funds in the resident's money trust fund.

The resident will still be required to pay the medical fee(s) when the residents Trust Funds are sufficient again for payment.

When individuals are taken into custody, medical care is not usually provided by their own private doctor.

MENTAL HEALTH CARE

If you feel you may need to see a mental health specialist, submit a request to Medical (Sick Call) through the kiosk or tablets.

If you are feeling suicidal or encounter other residents thinking about suicide, please call 0 on the phones or tablets or notify OCDC staff member to initiate help for yourself and others.

OTHER AVAILABLE HEALTHCARE SERVICES

Copying Medical Records: Upon release, a resident may request a copy of the medical records. This is subject to a copying charge of \$0.25 cents per page.

Eye Exams: At the medical provider's discretion eye exams and glasses may be available to residents who have been incarcerated for more than one year at the resident's expense by submitting a medical request form explaining what is needed and we will contact you on how to pay for the exam.

Mental Health Services: Mental Health services are focused on crisis intervention, medication management, and psycho educational groups for certain locations. Co-payment collections do not apply for mental healthcare treatment as determined by the Provider.

Pregnant Detainee Services: Pre-Natal and Post-Natal care is available to pregnant residents. Qualified, licensed medical professionals provide care.

Dental Services: Dental services offered are tooth extractions, fillings, free yearly dental exam. Restorative services, cleaning, dentures, root canals, caps, etc., **will not** be offered or provided.

ACCESS TO COURTS

Residents have a right to freedom of access to the court through unrestricted confidential correspondence and access to attorneys and other legal counsel. Your attorney may visit you during reasonable hours established by jail administration.

If you do not have an attorney and cannot afford your own, the court may appoint one to you. We recommend you write to your attorney often. Your attorney will visit you when they feel it is necessary

and in your best interest. OCDC has no control over when your attorney visits and has no way of knowing what attorney has been assigned to you.

ELECTRONIC LAW LIBRARY SERVICES

Residents are afforded access to legal materials and an opportunity to prepare legal documents in the Electronic Law Library. Specific questions about the law should be directed to your own attorney or, in the event you are pro se, the attorney assigned to assist with your case. OCDC staff are not permitted to offer legal advice or recommendations.

NOTARY AND COPY SERVICES

The following services are available and will be deducted from your Resident Trust account at the time of service. You must have money on your account to use these services:

- **NOTARY:** \$5.00 We cannot notarize handwritten copies, they must be printed and either mailed to you for legal mail sent to you by your attorney or other legal entity as described in LEGAL MAIL section or hand-delivered to the Detention Center. This service is available Monday through Friday 8:00 a.m. to 5:00 p.m.
- **COPIES:** .25 cents per page.

CHAPLAIN SERVICES

The Detention Center has a Chaplain Ministry available to residents upon request of staff. On the kiosk when submitting, specify religious preference.

RECREATION

Residents are afforded the opportunity to participate in leisure time activities in the dayroom while out of their cells. Activities include television, interaction, stretching, and walking. Indoor recreation is available during waking hours so long as other activities are not being conducted (medication pass, mealtimes, etc.) When available, during daylight hours, outdoor recreation may be provided to some classifications of residents. Should staff give verbal commands to move to the wall of the housing units, all residents will comply. Failure to comply can result in the suspension of the current recreation time.

RESIDENT PROGRAMS

There will be a tentative schedule posted in the housing units or on tablets/kiosks for available programs.

Resident programs are available upon request for qualified residents as determined by initial and current classification status. If a program is not offered in a specific housing unit, residents names will be placed on a waiting list and the resident will be notified when it is available.

Programs can change or be canceled at any time, as determined by security request and security needs. Available programs are posted on the kiosk.

Residents are subject to removal from programs should they become a threat to the safety and security of the facility, other residents, staff, or program volunteers or disrupt the program. If you

refuse to attend a program you have signed up for, you will be suspended from all current programs and future programs until space becomes available.

Programs are continually evolving to include more opportunities to assist you with rehabilitation. From time to time, additional programs designed for individuals with specific needs or meeting specific criteria may be available. The Programs staff will send out information on the kiosks/tablets or discuss them in person with you when these program opportunities arise.

DISCHARGE INFORMATION

For discharge information including resources for rehabilitation, support groups, housing assistance, sober living, and more, please submit a ticket to Programs staff on the kiosk or tablet.

NOTE:

Program staff cannot offer legal advice, petition the court, or conduct some screenings or evaluations without prior authorization from the court.

Please do not ask for screenings the court has not ordered.

RESIDENT WORK PROGRAM

The Classification Officer and Detention Supervisors will assign residents to jobs based on each resident's classification, security level, job vacancies, resident's individual abilities, and qualification to perform the specific job(s) to meet Detention Center needs. Clothing required for these work assignments will be described and given during work orientation.

Residents sentenced to County Jail time that are assigned jobs and who satisfactorily perform the duties of the job may be awarded trustee time and good time credit in accordance with applicable Oklahoma State statutes.

Residents may be provided an opportunity through the Unit Manager to participate as a POD orderly with successful mandatory medical physical. No compensation or credit will be allowed for such services.

VOTING

Residents eligible to vote will be provided the opportunity by absentee ballot. You may request to vote using a Request of Staff directed to the detention clerks. Our staff will assist you in the process. If you cannot afford to mail your absentee ballot, postage will be provided for you. The Oklahoma state Statute sets strict deadlines for requesting absentee ballots before an election.

CONDUCT AND DISCIPLINARY PROCEDURES

OCDC staff is trained in the handling of all types of conflicts that could happen while you are incarcerated here in the jail.

Loss or restriction of privileges is based on your behavior and actions. Our preference would be to conduct the jail operations in an orderly and peaceful manner, thus avoiding the necessity of any

disciplinary or administrative action against you. While you are in jail, you must follow all rules and all orders from jail staff to avoid such actions.

If you receive disciplinary action, a report **WILL** be placed in your inmate file and possibly forwarded to the Court. If you are sentenced to Department of Corrections, the reports will accompany you to prison and may affect your classification levels.

Do not direct any anger or discontent at being in jail toward anyone on the jail staff since your presence in jail is not of staff's doing. The function of the jail staff is only to maintain a safe, secure, and orderly environment. Any misconduct toward the jail staff in the way of physical or verbal abuse is subject to disciplinary action, criminal charges, or civil action against you.

Any offense committed while you are in jail that is a violation of a state law will result in additional criminal charges being filed against you.

Any attempt to commit, ordering another person to commit, or making plans to commit any offense is considered to be the same as the commission of the infraction itself.

DISCIPLINARY PROCEDURE

For the safety and security of all persons in the Detention Center, each resident will be required to comply with all laws, policies, and procedures. Violations may result in the application of disciplinary actions and/or criminal prosecution.

RESIDENT RULE VIOLATIONS

Class 1	Disciplinary Segregation	1-30 days
	Loss of specified privileges	1-30 days
Class 2	Disciplinary Segregation	1-20 days
	Loss of specified privileges	1-20 days

NOTICE TO ALL RESIDENTS

All residents convicted of a crime and sentenced to serve county jail time shall be entitled to receive earned credits provided the resident obeys the rules and regulations and is willing to work by being assigned to any available job or work at maintaining sanitation in their cells and housing units.

If you are determined guilty after a disciplinary hearing, you may be ineligible to receive good time and work credits. These may be deducted from your earned credits and your sentence will be recalculated.

If you are sentenced to prison, all disciplinary records, and reports for your stay at Oklahoma County Detention Center will be provided to the Department of Corrections and will affect your classification level at prison.

Be advised, we also communicate disciplinary issues with the judges, prosecutors, and public defenders.

An attempt to commit an offense is the same as committing the offense!

OFFENSE/CLASS

01-1	1	Banding together for the purpose of demonstration, work stoppage, hunger strike etc.
01-2	1	Taking over a part of the physical plant.
01-3	1	Participation with others in a course of disorderly conduct; with the purpose to commit or facilitate commission of a felony or misdemeanor: (b) with purpose to prevent or coerce official action.
01-4	1	Insinuating or participation in a riot.
01-5	1	Involvement in writing, circulating, or signing a document that poses a threat to the security of the facility.
02-1	2	Aiding or abetting in the commission of any rule violation.
02-2	1	Under the influence of and/or any use of illegal drugs, alcohol intoxicating chemicals, or any medication in an unauthorized manner or refusal to a substance abuse testing.
02-3	2	Employment misconduct-quitting job without prior approval; getting fired for misconduct on job, tardiness, or shirking of duties.
02-4	1	Unauthorized use of mail or telephone to include passing unauthorized messages or conducting unauthorized activities.
02-5	1	Use of mail or telephone to conduct illegal business.
02-6	2	Unauthorized contacts with the public.
02-7	2	Correspondence/conduct with visitor in violation of posted regulations, excluding sexual activity.
02-8	1	Running from or resisting apprehension within facility.
02-9	2	Interfering with taking of count.
02-10	1	Tattooing/ self-mutilation/any attempt to inflict self-injury or ingestion of any harmful or poisonous substance.
02-11	1	Carryout any action designed to coerce administration.
02-12	2	Tampering with or blocking any lock or locking device.
02-13	1	Attempt to contaminate, pollute, alter, substitute, or destroy any urine sample or report.
02-14	1	Failure to cooperate in any investigation, does not include disciplinary procedures investigations.
02-15	1	To alter or mutilate any official document or evidence or to destroy or attempt to destroy any evidence by eating it or flushing it down a toilet.
02-16	1	Violation of Policy and Procedures 4010.00 entitled "Resident Correspondence Publications."
02-17	1	Selling, trading, bartering, or giving prescribed medication/drugs to another person.
03-1	1	The maiming of or killing another person(s).
03-2	1	Participation in activity that directly results in the intentional death of another person(s).
03-3	1	Battery of another
03-5	1	Rape or forced sexual act.
03-6	1	Kidnapping another person.
03-7	1	Seizing another person as a hostage.

- 03-8 1 Battery of a staff member with physical contact which does result in bodily harm.
- 03-9 1 Battery of a staff member with physical contact which does not result in bodily harm.
- 04-1 1 Assault; any willful attempt or threat to inflict injury upon the person of another.
- 04-2 1 Making sexual threats to another person.
- 04-3 1 Making sexual threat to, or stalking a staff member or citizen.
- 05-1 1 Demanding/receiving money or favors or anything of value in return for protection against others. To avoid bodily harm, or under threat of informing.
- 06-1 2 Unauthorized use of county property/supplies.
- 06-2 2 Forgery of any type to obtain goods/materials.
- 06-3 2 Taking of property.
- 07-1 1 Destruction of county property.
- 07-2 1 Destruction of property of another person.
- 07-3 1 Setting or attempting to set a fire.
- 07-4 1 Adulteration of any foods or drinks.
- 07-5 1 Flooding one's cell or living quarters.
- 08-1 1 Possession/introduction of any explosive, combustible substance, or fireworks.
- 08-2 1 Possession/introduction of any gun, firearm, weapon, ammunition, knife, sharpened instrument, Class A, B or C tool, to include keys and security equipment.
- 08-3 1 Possession/introduction of any drug, narcotic, intoxicant, chemical, drug paraphernalia not prescribed by medical staff.
- 08-4 1 Possession of money or currency, or negotiable instrument.
- 08-5 1 Possession of property belonging to another person, unauthorized property, or official documents/materials.
- 08-6 2 Possession of clothing or property not authorized by facility.
- 08-7 1 Possession of staff uniforms.
- 08-8 1 Manufacture of intoxicants.
- 08-9 1 Counterfeiting, forging, or unauthorized reproductions of any document, article of identification, money, security, or official paper.
- 08-10 2 Possession of gambling paraphernalia not specifically authorized by this facility.
- 08-11 1 Possession of unauthorized identification.
- 08-12 1 Possession/introduction of unauthorized tool.
- 08-13 1 Possession/introduction of any drug, narcotic prescribed by medical including hoarding or "cheeking" the medication.
- 09-1 1 Engaging in sexual activity with another consenting person.
- 09-2 1 Making sexual proposals to another person.
- 09-3 1 Indecent exposure.
- 10-1 1 Insolence to staff members or citizens.
- 10-2 2 Using abusive/obscene language.
- 10-3 2 Making profane/obscene gestures to staff member or citizens.
- 11-1 2 Failure to obey verbal and/or written order of staff member in a prompt manner.
- 11-2 2 Failure to obey a group order i.e., lock down.

- 12-1 1 Lying to staff member.
- 12-2 2 Malingering, feigning an illness.
- 13-1 2 Preparing or conducting a gambling operation.
- 13-2 2 Participating in games of chance for gain/profit.
- 14-1 1 The receiving, trading, selling, or loaning of property.
- 14-2 2 Attempting to give, giving, or receiving money or anything of value as a bribe or in document.
- 15-1 1 Escape from custody of the Oklahoma County Detention Center.
- 15-2 1 Participating in any activity that aids or abets an escape.
- 15-3 1 Any attempt to escape from the custody of the Oklahoma County Detention Center.
- 16-1 1 Violation of City, County, State or Federal Law. (Does not require conviction in a court)
- 17-1 2 Outside defined boundaries.
- 17-2 2 Failure to follow any check-out procedures.
- 17-3 2 Unauthorized absences from work/school assignment or another program Activity.
- 17-4 2 Unauthorized persons in another's cell/living area.

AFFIDAVIT OF HANNAH GREGORY

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA) ss.

Hannah Gregory, a person of lawful age, being duly sworn, under penalty of perjury states as follows:

1. My name is Hannah Gregory. I am over the age of eighteen (18) years, competent to testify, and have personal knowledge of the matters set forth herein.

2. I am employed as a paralegal with Fellers, Snider, Blankenship, Bailey & Tippens, P.C., counsel for Defendant Ronald Brent Swadley.

3. On June 1, 2026, I visited Mr. Swadley at the Oklahoma County Detention Center (“OCDC”) alongside some of his attorneys. While in the lobby, I observed posted signs and pamphlets for the NCIC Inmate Communications. I took a photo of the poster and put a pamphlet in my folder. *See Exhibits G and H.*

4. On June 2, 2026, I followed the instructions outlined in the pamphlet and downloaded the NCIC app. Upon creating my account and registering my mobile phone number, (970) [REDACTED], through the NCIC app, I selected the attorney box to notify the system that I was part of the Swadley legal defense team, and request that my calls are registered under attorney-client privilege. This option is available whether you are an attorney/legal staff or not. *See Exhibit A.*

5. I received confirmation that my request was successfully submitted and pending. *See Exhibit B.*

6. I did not think my calls were being listened to by the Attorney General’s Office or the OCDC given my request to have my number be treated as restricted and protected attorney-client communications.



7. While I did hear the recording at the beginning of the call stating “All calls are subject to recording and monitoring” I believed that was for jail security purposes only.

8. I did not knowingly or intelligently waive any privilege. I am not aware of Mr. Swadley knowingly or intelligently waiving any privilege either.

9. I was personally present in the courtroom during the hearing held on June 4, 2026, concerning Mr. Swadley’s Application for Appeal Bond.

10. Approximately eight (8) minutes before the bail hearing commenced, and after the State had already filed its Second Supplement to State’s Response with the Court, our defense team was handed by lead prosecutor for the State, Deputy Attorney General Gayland Gieger, a USB drive.

11. I recall Mr. Gieger stating that these were audio recordings of the jail recorded calls of Mr. Swadley.

12. I later accessed the files on the USB drive from the State and observed there were sixteen (16) total call recordings. There were no transcripts or other authentication materials included.

13. On June 5, 2026, I became aware from the internet that the media had obtained and published 86 jail recording calls involving Mr. Swadley.

14. I am aware of the State directly providing us the one USB drive on June 4, 2026 minutes before the hearing that contained only sixteen (16) call recordings.

15. On Tuesday, June 9, 2026, I became concerned that my calls were still being recorded despite my request to restrict my number a week prior. I called the NCIC “Get Help” Hotline and I spoke to Natasha (last name unknown). She informed me that only the OCDC could

approve my request and switch my number to restricted. She stated that it is not immediate, and there is typically a delay of “24-28 hours depending on who is in line in front of you.”

16. After that call, I relayed what NCIC had told me to Mr. Scimeca and we both physically went down to the OCDC in the afternoon of June 9, 2026. I asked the front desk attendant who we should talk to about the issue, and was told that person is Malissa West, Communications Specialist. I asked if she was available to meet with us and was told that she was not in the office. Mr. Scimeca and I then went back for our scheduled client visitation.

17. While waiting in the attorney’s visitation area to meet with our client, I asked a second jail attendant how best to contact Ms. West. They told me Ms. West was in fact at the office and went to go get her. A couple of minutes later, Ms. West appeared.

18. Ms. West was not surprised that my request in the NCIC app had been pending for days. She confirmed that she does not always look at the online requests and only she can approve the number to become restricted in the NCIC system. Ms. West asked for our phone numbers and added us to the system. Upon confirming that we had successfully been registered, she said that we would no longer get the recording disclaimer at the beginning of the calls and they would no longer be recorded. She also added a \$20.00 call allowance to both our individual accounts. Before leaving, Ms. West asked that I send her an email as well with our names and phone numbers for her own records, which I did later that afternoon. *See Exhibit C.*

19. Despite Ms. West confirming our registration on June 9th, the NCIC app still showed my approval request was pending the following day. *See Exhibit D.*

20. I regularly continued to check the status of my approval request on the NCIC app thereafter.

21. On June 17, 2026, the NCIC app showed that “[my] approval request was auto-rejected as it exceeds the facility’s waiting limit.” *See* Exhibit E. I immediately re-submitted the request and continue to check on the status regularly.

22. As of the date of this affidavit, the NCIC app still shows my approval request for privileged communications is pending with the OCDC.

23. We have tried to go visit Mr. Swadley in person but it is time-consuming and the logistics of in-person meetings at the OCDC can have its own set of complications.

24. I am not able to talk to Mr. Swadley as often or as freely as I need to.

25. The OCDC informed us that they do videotape the in-person attorney-client meetings but there is no audio recording. I have no way of confirming that statement.

26. During the June 4th hearing, I recall that the Court indicated that additional time was needed for defense counsel to review and authenticate recordings that had recently been disclosed by the State to the defense and granted continuance to a future hearing date.

27. The Court initially proposed June 18, 2026, and June 25, 2026, as possible dates for the continued hearing.

28. Mr. Geiger said “I’m showing [the 25th is] a Saturday. *See* Exhibit F, at 11:19.

29. Mr. Smith responded “June 18th is a Thursday.” *Id.*, at 11:21.

30. Mr. Geiger stated “The 25th I thought you said.” *Id.*, at 11:22.

31. David Smith confirmed he was available “the 18th later in the morning or late in the afternoon. Mr. Scimeca is not available on the 25th.” *Id.*, at 12:4-6.

32. Mr. Geiger responded “Judge, we prefer the 25th if we could.” *Id.*, at 12:7.

33. I did not hear anyone from the Defense team at any time say they were unavailable on the 18th. I only heard that they would prefer the 25th.

34. The Court went off the record in order to work out an agreeable date with the parties.

35. At that time, I observed Attorney General Drummond, who was present in the courtroom and seated directly behind lead prosecutor Gieger, motion for Mr. Gieger to come speak with him. I observed Mr. Gieger then approach Attorney General Drummond and engage in a conversation with him.

36. I was situated close enough to observe the interaction and heard Attorney General Drummond instruct Mr. Gieger to push the hearing date back as far as possible. I heard Attorney General Drummond state “push it as far as you can.” I saw Mr. Geiger respond, “I know” and returned to the prosecution table.

37. As a result of the subsequent scheduling discussion, the hearing was ultimately continued until July 2, 2026, at 2:00 p.m. Mr. Swadley has remained in custody at the OCDC during this delay.

38. The facts set forth above are based upon my personal observations and recollection of the events occurring in open court on June 4, 2026.

39. I declare under penalty of perjury under the laws of the State of Oklahoma that the foregoing is true and correct.

Hannah Gregory

34. The Court went off the record in order to work out an agreeable date with the parties.

35. At that time, I observed Attorney General Drummond, who was present in the courtroom and seated directly behind lead prosecutor Gieger, motion for Mr. Gieger to come speak with him. I observed Mr. Gieger then approach Attorney General Drummond and engage in a conversation with him.

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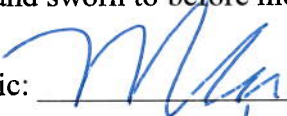
39. I declare under penalty of perjury under the laws of the State of Oklahoma that the foregoing is true and correct.


Hannah Gregory

STATE OF OKLAHOMA

COUNTY OF OKLAHOMA

Subscribed and sworn to before me this 2 day of July, 2026, by Hannah Gregory.

Notary Public: 

My Commission Expires: 4/15/29

Commission Number: 25004538





Create an NCIC Account

Fill out the form to create your account.

Phone Number

Email Address

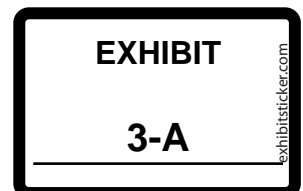
Password

Date Of Birthday

- I Am A Lawyer**
Select the checkbox to submit your request to the facility for privileged communications.
- I have read and agree to the [Terms and Conditions](#)

 I'm not a robot reCAPTCHA

Already Have an Account?



You have this facility contact.



Success



Your request has been sent successfully.

Lawyer Status

If You Are A Lawyer, Here Is Where You Will Submit Your Request To The Facility For Privileged Communications.

I Am A Lawyer

Select the checkbox to submit your request to the facility for privileged communications.

Select an option



Oklahoma County Detention Center - OK - Pending

Please provide any supporting information to assist with your approval process.

yesterday with a letter stating my name, position and employer on company letterhead and my business card attached. As part of his legal team, my communications are subject to the attorney client privilege.

Not providing supporting information could result in the denial of your request.

Save Lawyer Request

Dashboard

Transactions

Account

EXHIBIT

3-B

Hannah Gregory

From: West, Malissa <malissa.west@okcountydc.net>
Sent: Tuesday, June 9, 2026 5:33 PM
To: Hannah Gregory
Cc: Peter Scimeca
Subject: Re: Swadley Attorney Phone Numbers

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

You are welcome.

Get [Outlook for iOS](#)

From: Hannah Gregory <hgregory@fellerssnider.com>
Sent: Tuesday, June 9, 2026 4:41 PM
To: West, Malissa <malissa.west@okcountydc.net>
Cc: Peter Scimeca <pscimeca@fellerssnider.com>
Subject: Swadley Attorney Phone Numbers

You don't often get email from hgregory@fellerssnider.com. [Learn why this is important](#)

970 [REDACTED] Hannah Gregory

405 [REDACTED] Peter Scimeca

Thank you for your help today!



Hannah Gregory
Paralegal
100 N. Broadway Ave., Suite 1700
Oklahoma City, OK 73102
P: 405.232.0621
F: 405.232.9659
E: hgregory@fellerssnider.com

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Please consider the environment before printing this e-mail.



June 10
5:34 PM



5:34

No Pending Contacts

You have no pending contacts. Go to one of the services provided by this facility and select your contact that you would like to add as a contact.

Lawyer Status

If You Are A Lawyer, Here Is Where You Will Submit Your Request To The Facility For Privileged Communications.

I Am A Lawyer

Select the checkbox to submit your request to the facility for privileged communications.

Select an option

Oklahoma County Detention Center - OK - Pending

Please provide any supporting information to assist with your approval process.

I am a paralegal at Fellers Snider law firm in Oklahoma City. I have been granted in person visitation access to our client Ronald Brent Swadley, whom I visited yesterday with a letter stating my name, position and

Not providing supporting information could result in the denial of your request.

Save Lawyer Request



Dashboard



Transactions



Account

EXHIBIT

3-D

exhibitstick.com



June 17
11:22 AM



You have no pending contacts. Go to one of the services provided by this facility and select your contact that you would like to add as a contact.

Lawyer Status

If You Are A Lawyer, Here Is Where You Will Submit Your Request To The Facility For Privileged Communications.

I Am A Lawyer

Select the checkbox to submit your request to the facility for privileged communications.

Select an option



Oklahoma
County
Detention
Center - OK

-
Rejected

(This approval request was auto-rejected as it exceeds the facility's waiting limit.)

Please provide any supporting information to assist with your approval process.

I am a paralegal at Fellers Snider law firm in Oklahoma City. I have been granted in person visitation access to our client Ronald Brent Swadley, whom I visited yesterday with a letter stating my name, position and employer on company letterhead and my business card

Not providing supporting information could result in the denial of your request.

Save Lawyer Request



Dashboard



Chat



Transactions



Account

EXHIBIT

3-E

exhibitsticker.com

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IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
Plaintiff,)
)
vs.) CASE NO. CF-2024-629
)
RONALD BRENT SWADELY,)
Defendant.)

TRANSCRIPT OF APPEAL BOND PROCEEDINGS

HAD ON THE 4TH DAY OF JUNE, 2026

HEARD BEFORE

THE HONORABLE SUSAN STALLINGS

DISTRICT JUDGE

* * * * *

Reported By:

Elliott Thompson, CSR
Official Court Reporter
321 W. Park
Suite 800
Oklahoma City, Oklahoma 73102
(405) 713-1468



1 the Courts's ruling and we'll be prepared. Your Honor, we are
2 not available next week. Mr. McMahan is out of town and the
3 grand jury is in session.

4 THE COURT: All right. Well, I want to point out on
5 the record that it was the Court that expedited this hearing.

6 MR. GIEGER: Judge, all I'm saying is the State of
7 Oklahoma responded as quickly and as expeditiously as we
8 could.

9 THE COURT: I know. So, again, if there's any blame
10 on, you know, that the State didn't have time to respond that
11 is on the Court. All right.

12 MR. SMITH: We respect the Court honoring, Judge, our
13 request on that. We do appreciate that.

14 THE COURT: Are the parties available on either
15 June 18th or June 25th, what are respectively two weeks or
16 three weeks from today?

17 MR. GIEGER: Did you say the 25th, Your Honor?

18 THE COURT: Right.

19 MR. GIEGER: I'm showing that's a Saturday. Am I
20 wrong?

21 MR. SMITH: June 18th is a Thursday.

22 MR. GIEGER: The 25th I thought you said.

23 THE COURT: Yeah, June 25th is a Thursday.

24 MR. GIEGER: Okay. Then I'm not looking at the right
25 calendar. Sorry.

1 MR. SMITH: What time?

2 THE COURT: Well, you tell me. I have nothing set on
3 either of those days.

4 MR. SMITH: I can do the 18th later in the morning or
5 late in the afternoon. Mr. Scimeca is not available on the
6 25th.

7 MR. GIEGER: Judge, we prefer the 25th if we could.

8 MR. SCIMECA: Is the 18th not available to the State?

9 THE COURT: They just said it's not available for
10 them.

11 We're going to go off the record while we figure this out.

12 (A brief recess was had.)

13 THE COURT: We are back on the record. We had an off
14 the record discussion as to the appropriate time to continue
15 this. That will be -- this matter is continued until July 2,
16 2026, at 2:00 PM.

17 While I have you here do you want to address the motion
18 about the clothing?

19 MR. SMITH: Yes, ma'am.

20 MR. SCIMECA: Sure. Your Honor, the request is
21 simple in that he be allowed to wear civilian clothing to
22 dress out, which -- and be given some level of dignity.

23 THE COURT: I'm sorry. Are you saying that inmates
24 that come to this courthouse in jailhouse attire is not
25 dignified?



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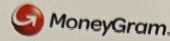
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NCIC.com

INMATE PHONE CALLS

SET UP A COLLECT ACCOUNT

In order to set up a Secure Collect Account, you will need one of the following forms of payment:



Valid credit, debit, or prepaid debit

Set Up or Add Funds to Your Account:

- Call 1-800-943-2189
- Scan the code or visit account.ncic.com to add funds to your NCIC Account.
- Visit a MoneyGram or Western Union location (Walmart, local grocery store, etc...)



Western Union

WALK-IN CASH PAYMENTS:

- Call 1-800-325-6000 or visit WesternUnion.com for a participating agent location.
- Fill out the blue Western Union payments form at the agent location. A receipt will be provided.

TELEPHONE PAYMENTS:

24/7 by calling 1-800-634-3422

PAY TO:

Company Name: NCIC INMATE COMMUNICATIONS

Attention: Code City = NCIC TX

Sender's Account Number: (Phone # associated with your acct.)

MoneyGram

WALK-IN CASH PAYMENTS:

- Bring enough cash to add funds **AND** pay the MoneyGram fee.
- Account Number: Your NCIC Inmate Communications Account Number
- Receive Code: 14200

Please add 800-943-2189 to your approved contact list so that calls from inmates do not get blocked.



NCIC Mobile
Video Visitation App
is available for download.



InTouch INMATE MESSAGING

SET UP INMATE MESSAGING

With NCIC InTouch Inmate Messaging, you can easily and securely communicate with your incarcerated friend or family member. All you need to do is set up an account at www.ncic.com to start sending and receiving messages.

Schedule a Visit

Go to www.ncic.com and click "Send a Message". You will need to have a valid phone number and email address to set up an account as well as name, address and (depending on facility) a valid photo identification.

Select a Facility

Once the account is created, select the facility where your inmate is located.

Select Chat to Verify your Billing Account

If you already have a billing account it will ask you to verify the billing information from that account. If you do not have an account, please call 1-800-943-2189 to receive live assistance with setting one up.

Add Your Contact

Once you have successfully verified your billing account, select "chat", and then select "add contact". You will have to select the facility from the drop down list and then select the inmate you would like to chat with. Based on the facility settings you will be able to chat right away or wait for approval to connect with that person.

InTouch REMOTE VISITATION

SET UP A REMOTE VISIT

With NCIC InTouch Video Visitation there is no need to take off work, no long lines waiting to visit, and no gas or transportation costs. Remote visitation is available from any computer or smartphone. To begin using NCIC Inmate Video Visitation, all you will need to do is set up an account.

Schedule a Visit

Go to www.ncic.com and click "Schedule a Visit". You will need to have a valid phone number and email address to set up an account as well as name, address and (depending on facility) a valid photo identification.

Select a Facility, Date, and Time to Visit

Once the account is created, select the facility where your family member or friend is located and select a date and time for visiting.

Submit for Approval

Your visit request will then be submitted to the facility for approval. Once reviewed you will receive an email notification that visit is approved.

25145 04/2025

From: OCDC - Attorney Visits <AttorneyBonds1@okcountydcc.net>
Sent: Friday, May 29, 2026 2:14 PM
To: Mark Stonecipher <MSTONECIPHER@fellerssnider.com>
Subject: Confirmed: Attorney Visit

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



OCDC - Attorney Visits
405-713-1972
<http://okcountydcc.net/>

Hi Mark Stonecipher

Your Booking is confirmed.

Bookings details

Service Name	Attorney Visit
With	Attorney Bonds



When
Monday, June 1, 2026
1:00 PM - 1:30 PM
(UTC-06:00) Central Time (US & Canada)

Location
Oklahoma County Detention Center (201 N Shartel Ave,
Oklahoma City, OK, 73102, United States)

[Reschedule](#) 

Your Details

Name of Agency / Law Firm

Fellers Snider

Badge Number / Bar number

10483

Estimated time needed for visit

30 min

Name of Inmate (Last, First) (DOB)

Swadley, Brent 07/01/1970

Does your inmate need keep apart/separations from another inmate(s)

No

If Yes, Please list name of Resident(s) to keep apart/separate.

Reason(s) for keep apart/separations

Will anyone else be accompanying you during your Visit / Interview with the Resident?

Yes

If yes, list all individual's names, agency name, and reason for joining.

Scot Conner, Vaught & Conner, OK Bar No. 11627

Additional Information / Notes

OCDC - Attorney Visits

The Policies and Practices of OCDC - Attorney Visits apply to the use of your data

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From: Gayland Gieger <Gayland.Gieger@oag.ok.gov>

Sent: Thursday, June 4, 2026 10:18 AM

To: Peter Scimeca <pscimeca@fellerssnider.com>; Mark Stonecipher <MSTONECIPHER@fellerssnider.com>; Bryan King <Bking@fellerssnider.com>; Joseph Wheeler <jwheeler@fellerssnider.com>; John W. Coyle <jwcoyle@fellerssnider.com>; David D. Smith (daviddsmithlaw@outlook.com) <daviddsmithlaw@outlook.com>; Billy Bock <billybock@wbocklaw.com>; Bob Wyatt <bobwyatt@wyattlaw.com>

Cc: John McMahan <John.McMahan@oag.ok.gov>; Colleen Galaviz <Colleen.Galaviz@oag.ok.gov>; Jimmy Harmon <Jimmy.Harmon@oag.ok.gov>

Subject: State's Second Supplemental Pleading regarding appeal bond

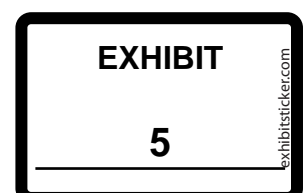
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Counsel –

Find attached the State’s Second Supplemental Response pleading regarding appeal bond.

Gayland Gieger,
Deputy Attorney General
Oklahoma Attorney General’s Office
(405) 521-3921

Confidentiality Notice: This may contain privileged, confidential, and protected information. If you are not the addressee, any disclosure, copying, distribution, or use of this message is prohibited.



Opgrande, Mark

From: Gayland Gieger <Gayland.Gieger@oag.ok.gov>
Sent: Thursday, June 4, 2026 11:04 AM
To: Opgrande, Mark
Cc: John McMahan
Subject: Re: Jail Call Authentication

Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from gayland.gieger@oag.ok.gov. [Learn why this is important](#)

Hey Mark, It

I think to be safe we would like you guys to appear at 2 o'clock in front of Stallings just in case you're needed. If you have any questions, please call me at 405-808-0493.

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From: Gayland Gieger <Gayland.Gieger@oag.ok.gov>
Sent: Wednesday, June 3, 2026 2:20:59 PM
To: Opgrande, Mark <mark.opgrande@okcountycdc.net>
Cc: John McMahan <John.McMahan@oag.ok.gov>
Subject: Re: Jail Call Authentication

My cell phone is [REDACTED] - feel free to call or email.

Gayland Gieger

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From: Gayland Gieger <Gayland.Gieger@oag.ok.gov>
Date: Wednesday, June 3, 2026 at 2:20 PM
To: Opgrande, Mark <mark.opgrande@okcountycdc.net>
Cc: John McMahan <John.McMahan@oag.ok.gov>
Subject: Re: Jail Call Authentication

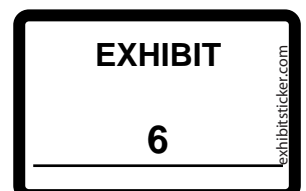
Mr. Opgrande -

Thank you for your help. Our hearing is tomorrow at 2 in Judge Stalling's courtroom. We are compiling a list of approximately 10 calls which we will have on a flash drive. There may be more depending on what calls are made this evening.

What do you need for us in order to verify those calls?

Gayland Gieger

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From: Opgrande, Mark <mark.opgrande@okcountycdc.net>
Date: Wednesday, June 3, 2026 at 1:32 PM
To: John McMahan <John.McMahan@oag.ok.gov>
Cc: Gayland Gieger <Gayland.Gieger@oag.ok.gov>
Subject: [EXTERNAL] Re: Jail Call Authentication

Good afternoon,

Yes, you can start with me and I can help facilitate. We have a representative of NCIC, the jail phone system, who is knowledgeable on the system and available to authenticate phone records. He has testified before. Most recently in Federal court. I have not personally testified to authentic records, but I can if need be.

Mark



Mark Opgrande
Communications Director
Oklahoma County Criminal Justice Authority
Oklahoma County Detention Center

201 North Shartel Ave
Oklahoma City, Oklahoma 73102
Phone: 405.593.3786

www.okcountycdc.net mark.opgrande@okcountycdc.net

From: John McMahan <John.McMahan@oag.ok.gov>
Sent: Wednesday, June 3, 2026 11:42
To: Opgrande, Mark <mark.opgrande@okcountycdc.net>
Cc: Gayland Gieger <Gayland.Gieger@oag.ok.gov>
Subject: Jail Call Authentication

You don't often get email from john.mcmahan@oag.ok.gov. [Learn why this is important](#)

Good morning Mark,

My name is John McMahan, and I am an Assistant AG with the Attorney General's Office. Malissa West provided me with your email in response to who we would contact regarding authentication of jail calls in court.

Would you be the person we would need to contact regarding authenticating jail calls in court or is there someone on your team that does that?

Thank you,

John McKenzie McMahan
Assistant Attorney General
Multicounty Grand Jury Unit