

Mayes County judge dismisses threat charge against father

By Krystal J. Carman

A Mayes County judge has ordered charges of threatening a judicial officer be dropped against a Tulsa County father embroiled in a lengthy child custody case in Rogers County.

In his ruling dated April 27, Judge Gary J. Dean dismissed two charges against James A. Hall in connection with alleged threats made against two Rogers County judicial officials after reviewing the case since January. Hall was accused of making threatening comments on a Department of Human Services hotline in February 2006.

The dismissal order made by Dean came six months after Hall's court-appointed attorney filed a motion to dismiss the charges in October.

The probable cause affidavit originally filed in Rogers County stated a call came into the DHS hotline and through a DHS Referral Information Report, Rogers County Special District Judge Erin Oquin was alerted to the alleged threats.

The report added that Hall identified himself as the caller, but kept referring to himself as "the father." Part of the referral report was quoted in the affidavit as follows: "Caller said when the father and his lawyer get through, there will be one less judge, one less district attorney and several less DHS workers in Rogers County."

Misdemeanor charges were subsequently filed in connection with that phone call stating the threats were made against Judge Oquin and Rogers County Assistant District Attorney Jenny Sanbrano. However, Hall and his attorney at the time claimed the phone call was not threatening.

Hall immediately filed a motion to dismiss and change of venue request the day after he turned himself into the Rogers County Sheriff's Office. Those motions were taken up by Judge Dean and sustained last week.

According to his ruling, Dean states the call made to the DHS hotline was not made, did not originate and was not received in Rogers County, but was made in Arkansas and received in Oklahoma County. In making that finding, Judge Dean states, "Proper venue if such communication was criminal would lie within Oklahoma County where received, or the location in Arkansas where the call originated."

The prosecution stated that Hall "utilized the 'intervention of an innocent or guilty agent'." However, Judge Dean states in his ruling, "There is no evidence of any intent of the defendant to have the Oklahoma County DHS telephone worker 'pass along' to anyone this purported threat, and in fact did not even name the persons he was referring to.

The judge whom the State speculates the call referred to is a member of the 12th Judicial District of Oklahoma bench, sitting in Rogers, Mayes and Craig Counties.

“Under the theory of the state, it could ‘pick’ one of the three counties in which the Judge sits as the county for venue of this cause.”

Dean also considered the words spoken by Hall on the hotline telephone call, “While this Court has some very serious doubt that the words spoken by the defendant ... constitute any criminal acts, that question is not before the court.”