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TULSA WORLD

Judge cites illegal search, orders inmate's release in Tulsa

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Saturday, July 21, 2012

7/21/12 at 6:58 AM

✈ Grand jury investigates police corruption: Read all of the stories, view a timeline and read key documents. (<http://tulsaworld.com/grandjury>)

A man was ordered freed from prison Friday about seven years after a Tulsa police officer falsified a search warrant and illegally searched his home, according to a federal judge's order.

U.S. District Judge James Payne vacated Tony Becknell Jr.'s sentence and ordered Friday afternoon that he be released.

Becknell, who was serving time in a federal prison in El Reno, has been in the Tulsa Jail while proceedings in his case unfolded in court here. His family waited eagerly at the jail to see him Friday night, but he still had not been released by 10:30 p.m.

Including Becknell, at least 45 people's sentences have been vacated or cases modified because their civil rights were violated or problems with their cases were uncovered as a result of a police corruption probe.

The federal investigation, which began as early as 2008, resulted in charges against six former Tulsa police officers and a former federal agent, as well as accusations of criminal behavior against five more officers who were never charged.

Becknell was convicted in federal court in 2005 on two counts of drug possession with intent to distribute and was sentenced to more than 15 years in prison. Changes in law during his time in

prison allowed him to get his sentence reduced to 10 years.

Until Friday's ruling, Becknell was scheduled for release in January 2014.

"I'm just really happy for Tony's family," his attorney, Paul DeMuro, said after the judge's order. "And I've never been more proud to be an attorney."

DeMuro focused his case on the lack of documentation regarding the alleged confidential informant used by police.

Jeff Henderson, a Tulsa police officer at the time, had filed court affidavits that he used to obtain warrants to search places Becknell was known to stay.

In the affidavits, Henderson said a confidential informant had been on the premises a few days previously and had seen drugs inside, court records show.

Henderson, who was convicted of perjury and civil rights violations in the corruption probe, is serving a 42-month sentence in South Dakota. He was brought back to Tulsa to testify in Becknell's case last month.

Henderson testified that he never documented who the informant was, but he told the court the name of a man he said was his informant.

Henderson described the man and their interactions on the Becknell case, saying he rode with the informant to Becknell's house and talked on the phone with the informant and that the informant had bought drugs at Becknell's home.

The turning point in Becknell's case came a week after Henderson's testimony.

DeMuro was able to demonstrate to the court that the person identified by Henderson as the informant was in the Tulsa Jail in March 2005, when Henderson filed the affidavits to obtain the search warrants, and for several months before and after that month.

An effort by prosecutors to identify new leads ended Thursday when the Tulsa U.S. Attorney's Office recused itself from the court proceedings in Becknell's case and was replaced by Jane Duke, the first assistant U.S. attorney for the Eastern District of Arkansas.

On joining the case, Duke said efforts to identify new leads or possible informants had yielded no results and that the government would not introduce any new evidence.

Police corruption probe: wrongful convictions, lawsuits, imprisoned cops

The federal investigation of Tulsa police officers and a federal agent began as early as 2008 and resulted in charges against six current or former Tulsa police officers and the federal agent, as well as accusations of criminal behavior against five unindicted officers.

At least 45 people have been freed from prison or had their cases modified because of civil rights violations or potential problems with their cases.

Additionally, at least 12 lawsuits have been filed against the city and individual police officers as a result of the police corruption investigation.

The law enforcement defendants:

- Jeff Henderson, who was hired by the Tulsa Police Department in 1995, was convicted on two counts of civil rights violations and six counts of perjury. He was acquitted on 45 counts of perjury, civil rights violations, drug conspiracy and witness tampering. Henderson was sentenced to 42 months in prison, which he is serving in South Dakota.
- Brandon McFadden, hired as an agent for the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives in 2002, was sentenced to 21 months in a Texas prison after pleading guilty to drug conspiracy. McFadden cooperated with prosecutors.
- John K. "J.J." Gray, hired by the Tulsa Police Department in 1990, pleaded guilty to stealing money and was sentenced to four months in a Louisiana prison. He was released May 1. Gray cooperated with prosecutors.
- Harold R. Wells, hired as a Tulsa police officer in 1975, was convicted on five counts, but a federal judge later dismissed one count. Wells was sentenced to 10 years in federal prison, which he is serving in Minnesota.
- Three police officers - Nick DeBruin, Bruce Bonham and Bill Yelton - were acquitted on civil rights violations in two cases.

Bonham was charged with five counts and DeBruin was charged with six counts related to theft of U.S. funds, civil rights violations, drug possession and possession of firearms. The Tulsa Police Department fired DeBruin and Bonham on Jan. 20 for failing to follow policies regarding "conduct unbecoming an officer" and "duty to be truthful and obedient."

Yelton retired in May, about nine months after police announced that an internal investigation was under way.

GRAND JURY INVESTIGATION RESULTS

Defendants or convictions affected

These 45 people have been freed from prison, had felony charges dropped, had prison sentences reduced or been granted a new trial as a result of the federal investigation into police corruption. Here are details on each case. (Listed in order of release.)

U.S. District Court

LARITA BARNES: Convicted of a drug felony April 23, 2008, and sentenced Oct. 3, 2008. Freed from federal prison July 2, 2009. Was serving two 10-year sentences. Filed suit in U.S. District Court against the city of Tulsa, former ATF Officer Brandon McFadden and Tulsa Police Officer Jeff Henderson. The suit alleges Barnes was deprived of her rights and illegally incarcerated. Federal prosecutors allege Henderson and McFadden coached a drug informant and fabricated a drug buy on May 8, 2007, that sent Barnes and her father, Larry Barnes Sr., to prison.

U.S. District Court



Larita Barnes



Larry Barnes Sr.



Fred Shields Jr.

LARRY BARNES SR.: Convicted of a drug felony April 23, 2008, and sentenced Oct. 3, 2008. Freed from federal prison July 2, 2009. Was serving two five-year sentences. Barnes and his wife, Linda Sue Barnes, filed a lawsuit in Tulsa County District Court against the city of Tulsa, former Tulsa Police Chief Ronald Palmer, Jeff Henderson and Brandon McFadden.



Demarco Williams



Jamon Pointer



Alphonse Phillip McKinney

FRED SHIELDS JR.: Convicted of drug trafficking March 24, 2009. Conviction dismissed Feb. 19 before sentencing had occurred. Currently charged with first-degree murder and conspiracy in the death of Tulsa businessman Neal Sweeney. In state court, charged April 14, 2008, with drug trafficking, resisting an officer and destroying evidence. Charge dismissed Sept. 7.



Bobby Haley Sr.



Demario T. Harris



Lindell Pointer

DEMARCO WILLIAMS: Convicted of drug charges April 25, 2008, and sentenced July 30, 2008. Freed from federal prison April 30, 2010. Was serving two life sentences. Sued the city.



Melvin L. Bailey Jr.



Ivan A. Silva-Arzeta



Cleo D. Hill

JAMON POINTER: Convicted Oct. 1, 2008, of drug trafficking and sentenced Dec. 29, 2008. Conviction dismissed April 8, 2010. Was serving 10 years in federal prison. Remained in state prison due to a separate case but had his state sentence reduced from 10 years to five years in February 2012.



Antonio J. Armstrong



Erskin D. Adkinson



Tony M. Becknell Jr.

ALPHIE PHILLIP MCKINNEY: Pleaded guilty to possession of a firearm and was sentenced Oct. 9, 2008, to 48 months in federal prison. Released in April 2010.

BOBBY HALEY SR.: Convicted Sept. 30, 2005, of drug and conspiracy charges and sentenced Jan. 4, 2006, to 22 years in prison. Released from federal prison in May 2010. Filed a federal lawsuit

against the city of Tulsa and the Tulsa Police Department.

HUGO ALBERTO GUTIERREZ: Pleaded guilty to possession of methamphetamine with intent to distribute and was sentenced July 28, 2008, to eight years and one month in federal prison. Released from federal prison July 30, 2010. Filed a lawsuit against the city.

DUSTIN ROBERT EASTOM: Convicted Nov. 16, 2007, and sentenced to seven years in prison in February 2008. Found guilty of possession of methamphetamine with intent to distribute and possession of a firearm. Conviction set aside Sept. 3 and freed from federal prison Sept. 7, 2010. Filed a lawsuit against the city.

JOSE ANGEL GONZALEZ: Pleaded guilty in November 2008 to possessing a sawed-off shotgun but was never sentenced in the case. The charge was dismissed in 2010, although Gonzalez still faces a federal drug case. He remains free on bond.

DEMARIO T. HARRIS: Convicted April 20, 2005, of possession of cocaine with intent to distribute and felon in possession of a firearm; sentenced to life plus 10 years to run concurrently. The conviction was vacated, and he was freed from prison in 2010. Filed a lawsuit against the city.

LINDELL POINTER: Pleaded guilty Sept. 7, 2008, to possession of cocaine with intent to distribute. Sentenced Dec. 29, 2008, to serve 14 years in federal prison. Freed from a federal holding facility in 2010.

MELVIN L. BAILEY JR.: Convicted June 27, 2008, on two counts of possession of cocaine with intent to distribute and one count of maintaining a drug-involved premises, records show. On Sept. 22, 2010, Bailey pleaded guilty to one count of using a telephone for a drug transaction. Sentenced to 30 years in prison. Released in 2011.

Ivan A. Silva-Arzeta: Convicted June 1, 2007, of possessing methamphetamine with intent to distribute, possession of firearm by an illegal alien and during a drug crime. Also pleaded guilty to use of false Social Security number, use of false identification and possessing a counterfeit registration card. Sentenced to 11 years in prison. Was in custody from May 31, 2006, until released Dec. 10, 2010. Drugs and weapons charges vacated. Resentenced on remaining counts and released on time served.

Cleo D. Hill: Charged Sept. 8, 2010, with being a felon in possession of a firearm during drug trafficking and possession of marijuana with intent to distribute. Case dismissed Dec. 9, 2010. Hill later was a federal witness in the criminal case against a Tulsa police officer.

ANTONIO J. ARMSTRONG: Convicted April 28, 2005, of possession of crack cocaine with intent to distribute and possession of a firearm by a felon. He was sentenced to federal prison Aug. 19, 2005. Sentenced to concurrent sentences of 12 years for the drug conviction and 10 years for the weapon's charge. Drug conviction thrown out May 13, 2011. Released August 2011.

ERSKIN D. ADKINSON: Pleaded guilty on March 17, 2009, to being a felon in possession of firearms

and ammunition during a June 2008 traffic stop. In June 2009, he was sentenced to four years and seven months in prison. On Feb. 1, 2012, Adkinson's plea and prison sentence were vacated, and he was released from custody.

JUAN A. MATA JR.: Pleaded guilty Sept. 17, 2007, to drug trafficking and weapons charges resulting from a June 2007 search warrant and sentenced to five years in prison. In October 2010, Mata's plea and prison sentence were vacated, and he was released from custody. He filed a lawsuit against the city.

TONY M. BECKNELL JR.: Pleaded guilty June 16, 2005, to two counts of possession of drugs with intent to distribute resulting from a March 2005 search warrant. Becknell originally was sentenced to more than 15 years in prison. On Friday, Becknell's case was dismissed by the government, and he was released from custody.

Tulsa County District Court

PATRICK N. LONDON: Charged Jan. 20, 2009, with trafficking in illegal drugs and spent 435 days in jail before a district judge dismissed his case in March 2010 because a Tulsa police officer connected to the grand jury investigation allegedly lied about the facts of probable cause in London's arrest. London later filed a lawsuit against the city, but the claims were dismissed.

Tulsa County District Court

		
Patrick N. London	Melanie Richardson	Seanta Sinclair
		
Richard Miller	Rodney Titsworth	Parra Nishimoto
		
Deon White	Kewon Newton	Brandon G. Scott
		

MELANIE RICHARDSON: Charged Oct. 14, 2009, with possession of a controlled drug with intent to distribute. Case dismissed April 9, 2010.

SEANTA SINCLAIR: Charged Oct. 14, 2009, with possession of a controlled drug with intent to distribute. Case dismissed April 9, 2010.

RICHARD MILLER: Charged Sept. 10, 2009, with possession of a controlled drug. Case dismissed April 20, 2010.

RODNEY TITSWORTH: Charged Jan. 14, 2009, with possession of a controlled drug with intent to distribute. Charge dropped April 20, 2010.

TERRY PERRYMAN: Charged Jan. 14, 2009, with possession of a controlled drug with intent to distribute. Charge dropped April 20, 2010.

PARRA NISHIMOTO: Convicted Aug. 1, 2008, of aggravated trafficking in illegal drugs and sentenced to 15 years in state prison. Conviction dismissed July 27, 2010.



DEON WHITE: Charged Dec. 10, 2008, with trafficking in illegal drugs and possession of controlled drugs. Charges dismissed July 29, 2010.

KEWON NEWTON: Charged July 16, 2008, with drug trafficking. Charge dismissed Sept. 1, 2010.

BRANDON G. SCOTT: Charged Aug. 12, 2009, with drug possession with intent to distribute. Charge dismissed Sept. 1, 2010. Scott was named in the federal indictment against Officer Jeff Henderson as someone whose civil rights were violated by Henderson.

PAULA M. REEVES: Charged June 14, 2004, with trafficking in illegal drugs, reduced to unlawful possession of controlled drug with intent to distribute. Convicted March 14, 2005, and received an eight-year suspended sentence. Conviction vacated Sept. 10, 2010.

DANNY W. BILBY: Charged Feb. 6, 2009, with manufacturing a controlled dangerous substance and drug possession. Case dismissed Sept. 29, 2010.

DONALD K. JORDAN: Charged July 17, 2007, with various counts, including one count of drug trafficking.

Convicted June 10, 2008, of drug trafficking and received a 25-year prison sentence. Conviction overturned Nov. 10, 2010.

SHIRON D. DAVIS: Convicted May 5, 2010, of possession of a controlled drug with intent to distribute. Sentenced to eight years in prison. Sentence reduced Nov. 16, 2010, to one year in prison and four years of probation. Released from prison. Sentence and conviction vacated Jan. 27, 2011.

RUBEN FLORES-OLMOS: Charged Jan. 25, 2007, with possession of a controlled drug with intent to distribute. Pleaded no contest March 6, 2007, and received a six-year suspended sentence. Conviction vacated Dec. 27, 2010. Flores-Olmos was an illegal immigrant who was expected to be deported.

Jerry M. Shields: Charged Feb. 21, 2008, with drug trafficking and possession of controlled drugs. Case was dismissed Dec. 22, 2010.

EMMITT R. WEAVER: Charged July 27, 2009 with possession of a controlled drug. Case was dismissed April 18, 2011.

JASON E. HENSON: Charged Aug. 14, 2009, with endeavoring to manufacture a controlled drug. Case was dismissed April 26, 2011.

DARIUS D. PAYNE: Convicted of possession of drugs with intent to distribute April 2009 and sentenced to life in prison. His life sentence was thrown out May 5, 2011. Payne remains in prison because he is still serving life without parole in a separate drug conviction from 2010.

BREN M. MURPHY: Charged Nov. 3, 2009, with possession of drugs with intent to distribute and pleaded guilty Jan. 27, 2010. His probation on a second-degree manslaughter conviction from 2006 was revoked, and he was sentenced to six years in prison on the drug conviction. Freed from prison May 11, 2011.

EDWARD D. WHITE: Pleaded no contest June 11, 2010, to possession of a controlled drug in two separate cases and sentenced to four years in prison. Conviction vacated Jan. 27, 2011, and new trial ordered. Case dismissed May 6, 2011, and White was ordered to be freed.

BETTY WOLFE: Entered a blind plea and was convicted of felony drug possession with intent to distribute. Received a 12-year prison sentence May 8, 2008. Wolfe was released from prison May 17, 2011.

STACEY DISHMAN: Dishman was on probation after pleading guilty to drug possession with intent to distribute and possession of a controlled drug in the presence of minor children. She pleaded guilty May 3, 2010. Dishman received a five-year sentence but was placed on probation. Dishman was charged in 2008 with Jerry M. Shields, whose case had been dismissed in December 2010. Dishman's conviction was vacated Aug. 19, 2011.

DUFFY J. KANE: Freed from prison September 2011 after having his sentence reduced. Kane was serving 40 years for a 2005 jury conviction of possession of a controlled drug. His conviction was vacated, and Kane pleaded guilty to possession of a controlled drug and received an eight-year sentence with time served.

THOMAS RANES: Pleaded no contest April 29, 2010, to unlawful possession of a controlled drug. He was sentenced to two years in prison. Ranes served his prison term and was out of prison when he filed a motion to have his conviction vacated. Conviction thrown out in September 2011.

DEMARRIO OATES: On Dec. 20, 2011, Oates' life sentence on drug trafficking was vacated and he pleaded no contest to possession of a controlled drug with intent to distribute and received an eight-year sentence. Oates remains in prison. He is convicted on other drug charges.

Original Print Headline: Judge orders inmate's release

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Associated Images:



Tony M. Becknell Jr.: A federal judge ruled his home was illegally searched.



Paul DeMuro: "I'm just really happy for Tony's family, and I've never been more proud to be an attorney."

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