

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN THE MATTER OF THE )  
MULTI-COUNTY GRAND JURY )  
 )  
STATE OF OKLAHOMA, )  
Plaintiff, )  
VS. )  
 )  
ROBERT STEVEN COLBERT, )  
SSN: XXX-XX-8370 )  
DOB: 05/24/1955 )  
Defendant. )

Case No. CV-2016-

ACCUSATION FOR REMOVAL

*IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA:*

By the order of the Supreme Court of Oklahoma, the Fifteenth Multicounty Grand Jury was convened with its principal site to be in Oklahoma City, Oklahoma County, Oklahoma, to serve from February 17, 2015 for eighteen (18) months, or until the designated presiding judge determines the Fifteenth Multicounty Grand Jury has reached reasonable completion of its investigations, but, in any event, not more than twenty-four (24) months from the commencement of its term. That the said Multicounty Grand Jury of the State of Oklahoma, being composed of good and lawful men and women, legally drawn and summoned according to law, and then and there examined, impaneled, sworn, and charged according to law to diligently inquire into, and true presentment make, of all public officials not subject to impeachment but committing misconduct authorizing the removal of such public officials from public office, and triable within the State of Oklahoma, upon their oath, and in the name and by the authority of the State of Oklahoma, do present and find cause for removal as described fully herein.

1. At all times relevant hereto, **ROBERT STEVEN COLBERT**, has been, and presently is, the duly-elected Sheriff for **WAGONER COUNTY**, Oklahoma.

2. That said **ROBERT STEVEN COLBERT**, as Sheriff for **WAGONER COUNTY**, Oklahoma, is a public officer not subject to impeachment.
3. That said **ROBERT STEVEN COLBERT** did knowingly, willfully, and unlawfully commit certain misconduct in office for which he should be removed from public office, *to-wit*:

#### **COUNT 1: EXTORTION**

On or about the 13th day of December, 2014, in **WAGONER COUNTY**, Oklahoma, **ROBERT STEVEN COLBERT** did willfully, intentionally, and knowingly extort Torell Wallace and B.B., age 17, to wit: by threatening to complete the booking of Torell Wallace and B.B. into the Wagoner County Jail on charges of possession of drug proceeds, a felony in violation of Section 2-503.1 of Title 63 of the Oklahoma Statutes, and to continue to incarcerate Torell Wallace and B.B. on said charges, unless Torell Wallace and B.B. disclaimed any interest in \$10,000 owned by, and in the possession of, Torell Wallace and B.B., causing Torell Wallace to complete a disclaimer form disclaiming ownership of said \$10,000, and causing B.B. to authorize said disclaimer. That the aforesaid threats against Torell Wallace and B.B. constitutes **EXTORTION**, and said **ROBERT STEVEN COLBERT** should be removed from public office.

#### **COUNT 2: WILLFUL NEGLECT OF DUTY**

On or about the 13th day of December, 2014, in **WAGONER COUNTY**, Oklahoma, **ROBERT STEVEN COLBERT** did willfully, intentionally, and knowingly release Torell Wallace and B.B., both under arrest for possession of drug proceeds, a felony in violation of Section 2-503.1 of Title 63 of the Oklahoma Statutes, from the custody of the Wagoner County Sheriff's Office and the Wagoner County Jail without a court order or either person posting

bond, in exchange for Torell Wallace and B.B. disclaiming any interest in \$10,000 owned by, and in the possession of, Torell Wallace and B.B.. That the aforesaid neglect and failures of **ROBERT STEVEN COLBERT** constitutes *Willful Neglect of Duty*, and said **ROBERT STEVEN COLBERT** should be removed from public office.

**COUNT 3: FAILURE TO PRODUCE AND ACCOUNT FOR ALL PUBLIC FUNDS IN HIS HANDS AT A SETTLEMENT REQUIRED BY LAW**

On or about the 28<sup>th</sup> day of April, 2015, in **WAGONER COUNTY**, Oklahoma, **ROBERT STEVEN COLBERT** failed to produce and account for all public funds in his hands at a settlement required by law, to wit:

- A. On October 22, 2011, official depository voucher #3064 was issued by the Wagoner County Treasurer's Office to **ROBERT STEVEN COLBERT** for the amount of \$2,500.00 cash, said monies being public funds, with said monies to be used for undercover operations by the Wagoner County Sheriff's Office;
- B. On February 15, 2015, the Oklahoma State Auditor and Inspector (OSAI) began an audit of the Wagoner County government, which included the Wagoner County Sheriff's Office, for the fiscal year ending June 30, 2015, said audit being required by law pursuant to Title 19 O.S. § 171 of the Oklahoma Statutes;
- C. On or about April 28, 2015, pursuant to its legally mandated audit, the OSAI requested the Wagoner County Sheriff's Office produce or account for the \$2,500.00 of public monies received by said Sheriff's Office pursuant to official depository voucher #3064;

- D. On or about April 28, 2015, the Wagoner County Sheriff's Office produced \$1,560.00 cash in its custody, said monies having been received by the Wagoner County Sheriff's Office pursuant to voucher #3064;
- E. The OSAI, pursuant to its aforesaid audit, was able to account for an additional \$500.00 of cash received by the Wagoner County Sheriff's Office pursuant to official depository voucher #3064, said funds having been expended by the Wagoner County Sheriff's Office for undercover operations.
- F. **ROBERT STEVEN COLBERT** has failed to produce or account to the OSAI for the remaining \$440.00 of public monies received by him pursuant to Voucher #3064 as required by law.

**WHEREFORE** all premises considered, the Multicounty Grand Jury prays that **ROBERT STEVEN COLBERT**, the duly elected Sheriff of **WAGONER COUNTY**, Oklahoma, be removed from office pursuant to 22 O.S. §1181 for the above stated causes. Further, the Multicounty Grand Jury respectfully requests the District Court order the immediate suspension of **ROBERT STEVEN COLBERT** as the Sheriff of **WAGONER COUNTY**, Oklahoma, pursuant to 22 O.S. §1195, pending trial of this accusation for removal.

Executed and submitted this 31st day March, 2016.

  
FOREMAN  
OKLAHOMA MULTICOUNTY GRAND JURY

**WITNESSES BEFORE THE GRAND JURY**

Jeremy Yerton c/o Oklahoma State Bureau of Investigation, 125 W. 15<sup>th</sup> St #100 Pratt Tower, Tulsa, OK 74119

Agent Troy Wall c/o Oklahoma Bureau of Narcotics, 440 N.E. 39<sup>th</sup> St., Oklahoma City, OK 73105

Jeffrey T. Gragg, 7150 Sally Brown, Muskogee, Oklahoma 74403

Crystal Cole c/o Wagoner Co. District Attorney's Office, 307 E. Cherokee, Wagoner, OK 74467

Karen Sims c/o Wagoner Co. District Attorney's Office, 307 E. Cherokee, Wagoner, OK 74467

N. Jack Thorp c/o Wagoner Co. District Attorney's Office, 307 E. Cherokee, Wagoner, OK 74467

Dana Patten c/o Wagoner County Treasurer's Office, 307 E. Cherokee, Wagoner, OK 74467

B.B., c/o Oklahoma Office of Attorney General, 313 NE 21<sup>st</sup> Street, Oklahoma City, OK 73105

Dale Collins, 604 W. Cherokee St., Wagoner, Oklahoma 74467

Michelle Taylor c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Debra Wheeler c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Brent Roberts c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Andrew Rogers c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Cathy Boswell c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Robert Colbert c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Gary Handley c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Crystal Sidler, 2509 W. Oklahoma, Guthrie, Oklahoma 73044

Jason Sidler, 2509 W. Oklahoma, Guthrie, Oklahoma 73044

Melissa Laffon c/o Oklahoma State Auditor and Inspector, 1000 E. 10<sup>th</sup> St., Ada, Oklahoma 74820

Judy Elliott, 25085 E. 111<sup>th</sup> St., Broken Arrow, Oklahoma 74014

Keylen Reed c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Stephen Anderson c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Daniel Elliot c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Dustin Dorr c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Jason Kelly c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Corey Lakey c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Darren Watkins c/o Wagoner Co. Sheriff's Office, 307 E. Cherokee, Wagoner, OK 74467

Catherine Hoopert, P.O. Box 2346, Broken Arrow, Oklahoma 74013

Richard Gray, Joe D. Adair & Associates, PC, 322 East Cherokee, Wagoner, Oklahoma 74467

Lisa Flood, 3939 Teasley Lane, Denton, Texas 76210

Lisa Brandborg, P.O. Box 2346, Broken Arrow, Oklahoma 74012

William Brad Heckenkemper, 110 W. Seventh, Suite 900, Tulsa, Oklahoma 74119

Patrick Mensching, Doerner Saunders, Williams Center Tower II, Two West Second Street, Suite 700, Tulsa, Oklahoma 74103