

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT STEVEN COLBERT)
)
 DOB 05/24/1955, SSN: ***-**-8370)
)
 JEFFREY T. GRAGG)
)
 DOB 02/23/1968, SSN: ***-**-3221)
)
 Defendants.)

Case No. _____

INDICTMENT

FOR:

COUNT 1: CONSPIRACY TO RECEIVE A BRIBE, 21 O.S. § 421 [Count 1 as to All Defendants]

OR, IN THE ALTERNATIVE,

COUNT 1: CONSPIRACY TO EXTORT INDUCED BY THREATS, 21 O.S. § 421

COUNT 2: RECEIVING A BRIBE, 21 O.S. § 382 [Count 2 as to All Defendants]

OR, IN THE ALTERNATIVE,

COUNT 2: EXTORTION INDUCED BY THREATS, 21 O.S. § 1482

COUNT 3: EXTORTION INDUCED BY THREATS, 21 O.S. § 1482 [Count 3 as to All Defendants]

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, no more than twenty-four (24) months from the commencement of its term. That said Multicounty Grand Jury of the State of Oklahoma, being composed of good and lawful men and woman, 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 offenses against the State of Oklahoma committed 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:

COUNT 1: CONSPIRACY TO RECEIVE A BRIBE, 21 O.S. § 421

On or before the 13th day of December, 2014, the crime of **CONSPIRACY TO RECEIVE A BRIBE** was committed in **WAGONER COUNTY**, Oklahoma, by the defendants, **ROBERT STEVEN COLBERT** and **JEFFREY T. GRAGG**. That is to say that on and between December 13, 2014, and December 3, 2015, Defendant **ROBERT STEVEN COLBERT** was the duly elected Sheriff of Wagoner County, Oklahoma, and Defendant **JEFFREY T. GRAGG** was employed as a CLEET-certified deputy for the Wagoner County Sheriff's Office. On or before December 13, 2014, and within said County and State, the defendants did conspire, one with the other, to accept a bribe from Torell Wallace, to wit: in exchange for disclaiming any interest in \$10,000 owned by, and in the possession of, Torell Wallace and B.B., age 17, the defendants agreed to release Torell Wallace and B.B. from the custody of the Wagoner County Sheriff's Office and the Wagoner County Jail. The following overt acts were committed in furtherance of said **CONSPIRACY**:

- A. At approximately 2:10 p.m. on December 13, 2014, Defendant **JEFFREY T. GRAGG**, while acting in his official capacity as a CLEET-certified deputy for the

Wagoner County Sheriff's Office, initiated a traffic stop at Highway 69 and 80th Road, located in **WAGONER COUNTY**, Oklahoma, of a 2014 Dodge Avenger driven by Torell Wallace, and in which B.B. was a passenger;

- B. During the course of said traffic stop, Defendant **JEFFREY T. GRAGG** conducted a search of the 2014 Dodge Avenger and located \$10,000 cash wrapped in rubber bands, a FoodSaver vacuum sealer, plastic wrap, dryer sheets, Mean Green odor killer, and an open bottle of liquor;
- C. During the course of said traffic stop, Defendant **JEFFREY T. GRAGG** contacted Defendant **ROBERT STEVEN COLBERT** and advised him that he had recovered \$10,000 cash, prompting Defendant **ROBERT STEVEN COLBERT** to travel to the scene of said traffic stop;
- D. Both Torell Wallace and B.B. told defendants **JEFFREY T. GRAGG** and **ROBERT STEVEN COLBERT** that they each had an ownership interest in the \$10,000 cash located in the 2014 Dodge Avenger;
- E. Based upon the evidence located in the 2014 Dodge Avenger, Defendant **JEFFREY T. GRAGG** placed both Torell Wallace and B.B. under arrest for possession of drug proceeds, a felony in violation of Section 2-503.1 of Title 63 of the Oklahoma Statutes, placed both in handcuffs, and advised Torell Wallace of his Miranda Rights;
- F. At approximately 2:59 p.m., B.B. was transported by another Wagoner County deputy to the Wagoner County Jail where a Medical Screening and Arrest and Booking Sheet were started for B.B., forms required by the jail for all inmates, and B.B. was changed into jail issued clothing;

- G. At approximately 2:59 p.m., Defendant **JEFFREY T. GRAGG** transported Torell Wallace to a county yard, where Defendant **ROBERT STEVEN COLBERT** and an unknown third party were also present, for purposes of privately discussing the \$10,000 taken from the 2014 Dodge Avenger;
- H. While Defendant **JEFFREY T. GRAGG** was transporting Torell Wallace to said unknown location, Torell Wallace told Defendant **JEFFREY T. GRAGG** that he was on parole and asked what he needed to do to keep out of jail, to which Defendant **JEFFREY T. GRAGG** responded the only way Torell Wallace was going to go home that day was to disclaim his ownership in the \$10,000 seized from the 2014 Dodge Avenger;
- I. At approximately 3:44 p.m., Defendant **JEFFREY T. GRAGG** and Torell Wallace arrived at the Wagoner County Jail where Torell Wallace was changed into jail-issued clothing, and a Medical Screening and Arrest and Booking Sheet were completed for Torell Wallace, forms required by the jail for all inmates, that included charges of transporting an open container of liquor and possession of drug proceeds;
- J. Defendants **JEFFREY T. GRAGG** and **ROBERT STEVEN COLBERT** spoke with Torell Wallace again at the Wagoner County Jail;
- K. After conversing with Torell Wallace, Defendant **ROBERT STEVEN COLBERT** instructed the Wagoner County Jail's detention officers to stop Torell Wallace's booking process and delete his records from ODIS and the Wagoner County Jail's tower log;
- L. Defendants **JEFFREY T. GRAGG** and **ROBERT STEVEN COLBERT** counted the \$10,000 cash taken from the 2014 Dodge Avenger in Defendant **ROBERT**

STEVEN COLBERT'S office while Torell Wallace and B.B. spoke to one another in said office about disclaiming their interest in the \$10,000 cash;

- M. While in Defendant **ROBERT STEVEN COLBERT'S** office, Defendant **JEFFREY T. GRAGG**, in the presence of Defendant **ROBERT STEVEN COLBERT**, told Torell Wallace and B.B. that B.B. needed to say the entire \$10,000 cash seized from the 2014 Dodge Avenger belonged to Torell Wallace, as B.B. was a minor, if B.B. and Torell Wallace wanted to leave the Wagoner County Jail that day;
- N. Defendant **JEFFREY T. GRAGG**, at the request of Defendant **ROBERT STEVEN COLBERT**, provided a disclaimer form to Torell Wallace at the Wagoner County Jail, which Torell Wallace completed, disclaiming ownership of the \$10,000 cash seized from the 2014 Dodge Avenger;
- O. After Torell Wallace completed said disclaimer form, defendants **JEFFREY T. GRAGG** and **ROBERT STEVEN COLBERT** released Torell Wallace and B.B. from the Wagoner County Jail without a court order or either person posting bond, and as a direct result of their willingness to forgo the \$10,000;
- P. On December 15, 2014, Defendant **JEFFREY T. GRAGG** opened a Sheriff's Drug Forfeiture account with the Wagoner County Treasurer's Office on behalf of the Wagoner County Sheriff's Office, and deposited the \$10,000 disclaimed by Torell Wallace into said account;
- Q. On December 1, 2015, Defendant **JEFFREY T. GRAGG** testified before the Fifteenth Multicounty Grand Jury;

R. On December 3, 2015, Defendant **JEFFREY T. GRAGG** delivered a forfeiture affidavit for the \$10,000 cash seized from Torell Wallace and B.B. on December 13, 2014, to the Wagoner County District Attorney's Office;

All of the foregoing being committed in violation of Section 421 of Title 21 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

OR IN THE ALTERNATIVE

COUNT 1: CONSPIRACY TO EXTORT INDUCED BY THREATS, 21 O.S. § 421

On or before the 13th day of December, 2014, the crime of **CONSPIRACY TO EXTORT INDUCED BY THREATS** was committed in **WAGONER COUNTY**, Oklahoma by the defendants **ROBERT STEVEN COLBERT** and **JEFFREY T. GRAGG**. That is to say that on and between December 13, 2014, and December 3, 2015, Defendant **ROBERT STEVEN COLBERT** was the duly elected Sheriff of Wagoner County, Oklahoma, and Defendant **JEFFREY T. GRAGG** was employed as a CLEET-certified deputy for the Wagoner County Sheriff's Department. That is to say that on or before December 13, 2014, and within said County and State, the defendants did conspire, one with the other, to extort Torell Wallace and B.B., 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. The following overt acts were committed in furtherance of said **CONSPIRACY**:

A. At approximately 2:10 p.m. on December 13, 2014, Defendant **JEFFREY T. GRAGG**, while acting in his official capacity as a CLEET-certified deputy for the

Wagoner County Sheriff's Office, initiated a traffic stop at Highway 69 and 80th Road, located in **WAGONER COUNTY**, Oklahoma, of a 2014 Dodge Avenger driven by Torell Wallace, and in which B.B. was a passenger;

- B. During the course of said traffic stop, Defendant **JEFFREY T. GRAGG** conducted a search of the 2014 Dodge Avenger and located \$10,000 cash wrapped in rubber bands, a FoodSaver vacuum sealer, plastic wrap, dryer sheets, Mean Green odor killer, and an open bottle of liquor;
- C. During the course of said traffic stop, Defendant **JEFFREY T. GRAGG** contacted Defendant **ROBERT STEVEN COLBERT** and advised him that he had recovered \$10,000 cash, prompting Defendant **ROBERT STEVEN COLBERT** to travel to the scene of said traffic stop;
- D. Both Torell Wallace and B.B. told defendants **JEFFREY T. GRAGG** and **ROBERT STEVEN COLBERT** that they each had an ownership interest in the \$10,000 cash located in the 2014 Dodge Avenger;
- E. Based upon the evidence located in the 2014 Dodge Avenger, Defendant **JEFFREY T. GRAGG** told both Torell Wallace and B.B. they were under arrest for possession of drug proceeds, a felony in violation of Section 2-503.1 of Title 63 of the Oklahoma Statutes, placed both in handcuffs, and advised Torell Wallace of his Miranda Rights;
- F. At approximately 2:59 p.m., B.B. was transported by another Wagoner County deputy to the Wagoner County Jail where a Medical Screening and Arrest and Booking Sheet were completed for B.B., forms required by the jail for all inmates, and B.B. was changed into jail issued clothing;

- G. At approximately 2:59 p.m., Defendant **JEFFREY T. GRAGG** transported Torell Wallace to a county yard, where Defendant **ROBERT STEVEN COLBERT** and an unknown third party were also present, for purposes of privately discussing the \$10,000 taken from the 2014 Dodge Avenger;
- H. While Defendant **JEFFREY T. GRAGG** was transporting Torell Wallace to said unknown location, Torell Wallace told Defendant **JEFFREY T. GRAGG** that he was on parole and asked what he needed to do to keep out of jail, to which Defendant **JEFFREY T. GRAGG** responded the only way Torell Wallace was going to go home that day was to disclaim his ownership in the \$10,000 seized from the 2014 Dodge Avenger;
- I. At approximately 3:44 p.m., Defendant **JEFFREY T. GRAGG** and Torell Wallace arrived at the Wagoner County Jail where Torell Wallace was changed into jail-issued clothing, and a Medical Screening and Arrest and Booking Sheet were completed for Torell Wallace, forms required by the jail for all inmates, that included charges of transporting an open container of liquor and possession of drug proceeds;
- J. Defendants **JEFFREY T. GRAGG** and **ROBERT STEVEN COLBERT** spoke with Torell Wallace again at the Wagoner County Jail;
- K. After conversing with Torell Wallace, Defendant **ROBERT STEVEN COLBERT** instructed the Wagoner County Jail's detention officers to stop Torell Wallace's booking process and delete his records from ODIS and the Wagoner County jail's tower log;
- L. Defendants **JEFFREY T. GRAGG** and **ROBERT STEVEN COLBERT** counted the \$10,000 cash taken from the 2014 Dodge Avenger in Defendant **ROBERT**

STEVEN COLBERT'S office while Torell Wallace and B.B. spoke to one another in said office about disclaiming their interest in the \$10,000 cash;

- M. While in Defendant **ROBERT STEVEN COLBERT'S** office, Defendant **JEFFREY T. GRAGG,** in the presence of Defendant **ROBERT STEVEN COLBERT,** told Torell Wallace and B.B. that B.B. needed to say the entire \$10,000 cash seized from the 2014 Dodge Avenger belonged to Torell Wallace, as B.B. was a minor, or Torell Wallace and B.B. would be in trouble and be arrested;
- N. Defendant **JEFFREY T. GRAGG,** at the request of Defendant **ROBERT STEVEN COLBERT,** provided a disclaimer form to Torell Wallace at the Wagoner County Jail, which Torell Wallace completed, disclaiming ownership of the \$10,000 cash seized from the 2014 Dodge Avenger;
- O. After Torell Wallace completed said disclaimer form, defendants **JEFFREY T. GRAGG** and **ROBERT STEVEN COLBERT** released Torell Wallace and B.B. from the Wagoner County Jail without a court order or either person posting bond, and as a direct result of their willingness to forgo the \$10,000;
- P. On December 15, 2014, Defendant **JEFFREY T. GRAGG** opened a Sheriff's Drug Forfeiture account with the Wagoner County Treasurer's Office on behalf of the Wagoner County Sheriff's Office, and deposited the \$10,000 disclaimed by Torell Wallace into said account;
- Q. On December 1, 2015, Defendant **JEFFREY T. GRAGG** testified before the Fifteenth Multicounty Grand Jury;

R. On December 3, 2015, Defendant **JEFFREY T. GRAGG** delivered a forfeiture affidavit for the \$10,000 cash seized from Torell Wallace and B.B. on December 13, 2014, to the Wagoner County District Attorney's Office;

All of the foregoing being committed in violation of Section 421 of Title 21 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

COUNT 2: RECEIVING A BRIBE, 21 O.S. § 382

On or about the 13th day of December, 2014, the crime of **RECEIVING A BRIBE** was committed in **WAGONER COUNTY**, Oklahoma, by the defendants, **ROBERT STEVEN COLBERT** and **JEFFREY T. GRAGG**. That is to say that on and before December 13, 2014, Defendant **ROBERT STEVEN COLBERT** was the duly elected Sheriff of Wagoner County, Oklahoma, and Defendant **JEFFREY T. GRAGG** was employed as a CLEET-certified deputy for the Wagoner County Sheriff's Office. On or about said date, and within said County and State, the defendants did willfully, intentionally, knowingly, and feloniously accept a bribe from Torell Wallace, to wit: in exchange for disclaiming any interest in \$10,000 owned by, and in the possession of, Torell Wallace and B.B., the defendants released 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. All of the foregoing being committed in violation of Section 382 of Title 21 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

OR, IN THE ALTERNATIVE,

COUNT 2: EXTORTION INDUCED BY THREATS, 21 O.S. § 1482

On or about the 13th day of December, 2014, the crime of **EXTORTION INDUCED BY THREATS** was committed in **WAGONER COUNTY**, Oklahoma, by the defendants **ROBERT STEVEN COLBERT** and **JEFFREY T. GRAGG**. That is to say that on and before December 13, 2014, Defendant **ROBERT STEVEN COLBERT** was the duly elected Sheriff of Wagoner County, Oklahoma, and Defendant **JEFFREY T. GRAGG** was employed as a CLEET-certified deputy for the Wagoner County Sheriff's Office. On or about said date, and within said County and State, the defendants did willfully, intentionally, knowingly, and feloniously extort Torell Wallace, to wit: by threatening to complete the booking of Torell Wallace 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 on said charges, unless Torell Wallace 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 cash. All of the foregoing being committed in violation of Section 1482 of Title 21 of the Oklahoma Statutes, and against the peace and dignity of the State of Oklahoma.

COUNT 3: EXTORTION INDUCED BY THREATS, 21 O.S. § 1482

On or about the 13th day of December, 2014, the crime of **EXTORTION INDUCED BY THREATS** was committed in **WAGONER COUNTY**, Oklahoma, by the defendants **ROBERT STEVEN COLBERT** and **JEFFREY T. GRAGG**. That is to say that on and before December 13, 2014, Defendant **ROBERT STEVEN COLBERT** was the duly elected Sheriff of Wagoner County, Oklahoma, and Defendant **JEFFREY T. GRAGG** was employed as a CLEET-certified deputy for the Wagoner County Sheriff's Department. On or about said date,

and within said County and State, the defendants did willfully, intentionally, knowingly, and feloniously extort B.B., a minor, to wit: by threatening to complete the booking of 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 B.B. on said charges, unless B.B. disclaimed any interest in \$10,000 owned by, and in the possession of, Torell Wallace and B.B., causing B.B. to authorize Torell Wallace to complete a disclaimer form disclaiming her ownership interest in said \$10,000. All of the foregoing being committed in violation of Section 1482 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

TRUE BILL (✓)

NO BILL ()


FOREMAN
OKLAHOMA MULTICOUNTY GRAND JURY

Penalties:

Conspiracy to Commit a Felony. By imprisonment in the State Penitentiary for not more than ten (10) years, or a fine not to exceed five thousand dollars (\$5,000.00), or by both such fine and imprisonment.

Receiving a Bribe. By imprisonment in the State Penitentiary for not more than ten (10) years or a fine not to exceed five thousand dollars (\$5,000.00) and imprisonment in jail not exceeding one (1) year. The defendant shall also forfeit his office and be forever disqualified to hold any public office, trust, or appointment under the laws of this State.

Extortion Induced by Threats. By imprisonment in the State Penitentiary for not more than five (5) years.

WITNESSES (Before the Grand Jury):

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

Agent Troy Wall c/o Oklahoma Bureau of Narcotics, 440 N.E. 39th 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 21st 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. 10th St., Ada, Oklahoma 74820

Judy Elliott, 25085 E. 111th 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, Riggs, Abney, Neal, Turpen, Orbison & Lewis, 502 West Sixth Street, Tulsa, Oklahoma 74119