



IN THE DISTRICT COURT OF TULSA COUNTY
STATE OF OKLAHOMA

BETTY SHELBY,)
 Petitioner,)

vs.)

CUSTODIAN OF RECORDS, TULSA)
POLICE DEPARTMENT, in his)
official capacity;)
TULSA COUNTY SHERIFF, in his)
official capacity; DISTRICT ATTORNEY)
FOR TULSA COUNTY, in his official)
capacity; CUSTODIAN OF RECORDS)
FOR OKLAHOMA STATE BUREAU OF)
INVESTIGATION, in his official capacity.)

Case No. MI-2017-228

Respondents.)

DISTRICT COURT
FILED

OCT 25 2017

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

AGREED

EXPUNGEMENT ORDER

PURSUANT TO OKLA. STAT. tit. 22, §§ 18 & 19

NOW on this 25th day of October, 2017, the Petitioner appears by and

through her attorney, Shannon M. McMurray and Clinton R. James, and the Respondents appear by and through their respective counsel. On, August 21, 2017, and September 5, 2017, pursuant to OKLA. STAT. tit. 22, § 19(B), a copy of the Petition to Expunge and Notice of Hearing was mailed by Petitioner's counsel to the Office of the City Attorney on behalf of the Tulsa Police Department Chief, the District Attorney for Tulsa County on behalf of the Office of the District Attorney and on behalf of the Tulsa County Sheriff's Office, and the Oklahoma State Bureau of Investigation ("OSBI"). Proof of said service has previously been filed with the District Court in the above captioned case.

This Court, having reviewed all the pertinent documents does hereby find that with respect to the above-styled case, the Petitioner, Betty Shelby, qualifies for relief in accordance with OKLA. STAT. tit. 22, §§ 18 and 19. Specifically, the Court finds that the offense was a

felony, Petitioner has not been convicted of any other misdemeanor or felony, no felony or misdemeanor charges are pending against Petitioner. Accordingly, Petitioner is eligible for expungement pursuant to OKLA. STAT. tit. 22, §§ 18(1). Further the Court finds that upon consideration of the evidence and stipulations of fact, the “harm to privacy of the person in interest [*Petitioner*] or dangers of unwarranted adverse consequences outweigh the public interest in retaining the records . . . [and] that neither sealing of the records nor maintaining of the records unsealed by the [law enforcement] agency would serve the ends of justice.” OKLA. STAT. tit. 22, §19(C). For purposes of this order, expungement shall mean all information related to the arrest of Petitioner on September 23, 2017, for the alleged crime of Manslaughter – First Degree – Heat of Passion (and in the alternative, Manslaughter – First Degree – Resisting Criminal Attempt) and for the charges filed in *State v. Shelby*, Tulsa County Case No. CF-2016-5138. Said arrest was made by the Tulsa County Sheriff’s Office.

Expungement further means that the alleged action (*State v. Shelby*, Tulsa County Case No. CF-2016-5138, charging Manslaughter – First Degree – Heat of Passion (and in the alternative, Manslaughter – First Degree – Resisting Criminal Attempt) on September 23, 2016, shall be “deemed never to have occurred,” pursuant to OKLA. STAT. tit. 22, § 19(D); that any law enforcement agencies reply to requests for information or inquiry may be “that no such action ever occurred and that no such record exists with respect to such person” pursuant to OKLA. STAT. tit. 22, §19(D); that any future inspection of said record “be permitted by the court only upon petition by the person in interest who is the subject of such records, the Attorney General, or by the district attorney and only to those persons and for such purposes named in such petition” pursuant to OKLA. STAT. tit. 22, § 19(E); further that the Petitioner “need not, in answer to any question concerning arrest and criminal records provide information that has been sealed, including any reference to or information concerning such sealed information and may state that


question concerning arrest and criminal records provide information that has been sealed, including any reference to or information concerning such sealed information and may state that no such action has ever occurred” pursuant to OKLA. STAT. tit. 22, §19(F);

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Petitioner Betty Shelby’s September 23, 2016, arrest and information related to said Manslaughter – First Degree – Heat of Passion (and in the alternative, Manslaughter – First Degree – Resisting Criminal Attempt) **SHALL BE EXPUNGED** and **SEALED** by the Court Clerk for Tulsa County, the Tulsa County Sheriff’s Office, the Tulsa Police Department and the OSBI in accordance with OKLA. STAT. tit. 22 §§ 18-19.

This Order shall **NOT** apply to internal litigation file and records of the Office of the Tulsa County District Attorney. FURTHERMORE, pursuant to OKLA. STAT. 22, § 19(H), physical destruction of any criminal justice records is prohibited by law.


IT IS FURTHER ORDERED that the Court Clerk for Tulsa County shall **SEAL** the docket sheet in this civil action, Tulsa Co. Case No. MI-2017-228 (including the court file and any electronic version of the docket sheet that may exist on www.ODCR.com and/or www.OSCN.net or such other electronic docket that may be implemented by the Supreme Court of Oklahoma).

IT IS SO ORDERED this 25th day of October, 2017.


Judge of the District Court

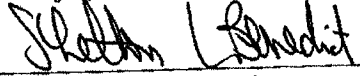
Shelby vs. Custodian of Records, et al
Tulsa County Case No. MI-2017-228
22 O.S. §§18 & 19 Expungement Order

APPROVED AS TO FORM



Clinton R. James, OBA# 31106
On behalf of Petitioner Betty Shelby

9/14/17
Date



Signature Office of the City Attorney for City of Tulsa
Name Printed: Shelton L. Benedict, OBA# 11058
On behalf of the Tulsa Police Department,
Respondent

10/13/17
Date

Signature Office of the District Attorney
Name Printed: _____
On behalf of the Tulsa County Sheriff and
the Office of the District Attorney,
Respondents

Date

Signature OSBI Legal Officer
Name Printed: _____
On behalf of Oklahoma State Bureau of Investigation,
Respondent

Date

Shelby vs. Custodian of Records, et al
Tulsa County Case No. MI-2017-228
22 O.S. §§18 & 19 Expungement Order

APPROVED AS TO FORM




Clinton R. James, OBA# 31106
On behalf of Petitioner Betty Shelby

9/14/17

Date

Signature Office of the City Attorney
Name Printed: _____
On behalf of the Tulsa Police Department,
Respondent

Date



Signature Office of the District Attorney
Name Printed: Matt Kehoe, OBA #22615
On behalf of the Tulsa County Sheriff and
the Office of the District Attorney,
Respondents

9/18/17


Date

Signature OSBI Legal Officer
Name Printed: _____
On behalf of Oklahoma State Bureau of Investigation,
Respondent

Date

Shelby vs. Custodian of Records, et al
Tulsa County Case No. MI-2017-228
22 O.S. §§18 & 19 Expungement Order

APPROVED AS TO FORM



Clinton R. James, OBA# 31106
On behalf of Petitioner Betty Shelby

9/14/17

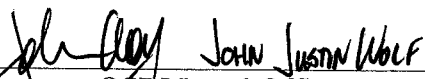
Date

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Name Printed: _____
On behalf of the Tulsa Police Department,
Respondent

Date

Signature Office of the District Attorney
Name Printed: _____
On behalf of the Tulsa County Sheriff and
the Office of the District Attorney,
Respondents

Date



Signature OSBI Legal Officer
Name Printed: _____
On behalf of Oklahoma State Bureau of Investigation,
Respondent

9/27/17

Date