

IN THE DISTRICT COURT OF TULSA COUNTY
THE STATE OF OKLAHOMA



STATE OF OKLAHOMA,

Plaintiff,

vs.

Debra Jean Kimpfley

Defendant.

SS# 444983803 D.O.B. 10/9/90

1800 W. Albany Dr. #514

Broken Arrow Ok 74012

(Home Address)

Case No. CF 2017 2653

[NOTE: The trial judge shall ensure the defendant is sworn either prior to completing the Summary of Facts or prior to inquiry by the Court on the Plea. If the defendant is entering a nolo contendere, or other type guilty plea, correct by pen change where term "guilty" used.]

**DISTRICT COURT
FILED**

DEC 01 2017

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

PLEA OF GUILTY

SUMMARY OF FACTS

Part A: Findings of Fact, Acceptance of Plea

CIRCLE

1. Is the name just read to you your true name? _____
If no, what is your correct name? N/A
I have also been known by the name(s): _____

Yes No

2. My lawyer's name is: Edmund G Lindsey

3. (a) Do you wish to have a record made of these proceedings by a Court Reporter?
(b) Do you wish to waive this right?

Yes No
Yes No

4. Age: 26 Grade completed in school: 3 yrs of college

5. Can you read and understand this form? (If the answer above is no, Addendum A is to be completed and attached.)

Yes No

6. Are you currently taking any medications or substances which affect your ability to understand these proceedings?

Yes No

7. Have you been prescribed any medication that you should be taking, but you are not taking?
If so, what kind and for what purpose? _____

Yes No

8. Have you ever been treated by a doctor or health professional for mental illness or confined in a hospital for mental illness?

Yes No

If yes, list the doctor or health professional, place, and when occurred:

Therapist for Depression, Anxiety
Broken Arrow - Since March 2017

9. Do you understand the nature and consequences of this proceeding?

Yes No

10. Have you received a copy of the Information and read its allegations?

Yes No

11. Does the State move to dismiss or amend any case(s) or count(s) in the information or on page 2 of the information? If so, set forth the cases/counts dismissed or amended.

Yes No

12. A. Do you understand you are charged with:

	Crime	Statutory Reference	O.S.	Yes	No
(1)	<u>Crack Cocaine 1g</u>	<u>21</u>	<u>1685</u>	<input checked="" type="radio"/>	<input type="radio"/>
(2)	_____	_____	O.S. _____	<input type="radio"/>	<input type="radio"/>
(3)	_____	_____	O.S. _____	<input type="radio"/>	<input type="radio"/>
(4)	_____	_____	O.S. _____	<input type="radio"/>	<input type="radio"/>

For additional charges: List any additional charges on a separate sheet and label as PLEA OF GUILTY ADDENDUM B.

B. Are you charged after former conviction of a felony?

Yes No

If yes, list the felony(ies) charged: No

13. Have you previously been convicted of a felony? If so, when, where and for what felony/felonies? NA

14. _____ (Check if applicable) Do you understand you are subject to the Delayed Sentencing Program for Young Adults and what that sentencing program involves?

Yes No NA

_____ (Check if applicable) Do you understand that upon a conviction on a plea of guilty to the offense(s) of _____ you will be required to serve a minimum sentence of: _____?

Yes No NA

_____ 85% of the sentence of imprisonment imposed before being eligible for parole consideration and are not eligible for earned or other type of credits which will have the effect of reducing the length of sentence to less than 85% of the sentence imposed?

Yes No NA

_____ % of the sentence of imprisonment imposed or received prior to becoming eligible for state correctional earned credits toward completion of your sentence or eligibility for parole?

Yes No NA

_____ (Check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Oklahoma Sex Offender Registration Act?

Yes No NA

_____ (Check if applicable) Do you understand that any person sentenced to imprisonment for two (2) years or more for the offense(s) of _____, involving sexual abuse, sexual exploitation, or illegal sexual conduct, shall be required to serve a term of post-imprisonment supervision for at least three (3) years under conditions determined by the Department of Corrections in addition to the actual term of imprisonment. There will be no post-imprisonment supervision for a sentence of life or life without the possibility of parole for offenses involving sexual abuse, sexual exploitation, or illegal sexual conduct.

Yes No NA

_____ (Check if applicable) Do you understand that a conviction on a plea of guilty to the offense(s) of _____ will subject you to mandatory compliance with the Oklahoma Methamphetamine Offender Registry Act?

Yes No NA

_____ (Check if applicable) Do you understand that the Court is required to include in the sentence of any person convicted of a felony and sentenced to a term of imprisonment after November 1, 2012, a term of post-imprisonment supervision. The post-imprisonment supervision shall be for a period of not less than nine (9) months nor more than one (1) year following confinement of the person and shall be served under conditions prescribed by the Department of Corrections. There will be no post-imprisonment supervision for a sentence of life without the possibility of parole.

Yes No

15. What is/are the charge(s) to which the defendant is/are entering a plea today?

Guilty

16. Do you understand the range of punishment for the crime(s) is/are: (List in same order as in No. 15 above)?

- (1) Minimum of 0 to a maximum of 5 and/or a fine of \$ 5000.00 Yes No
- (2) Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ Yes No
- (3) Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ Yes No
- (4) Minimum of _____ to a maximum of _____ and/or a fine of \$ _____ Yes No

17. Read the following statements: You have the right to a speedy trial before a jury for the determination of whether you are guilty or not guilty and if you request, to determine sentence. (If pleading to capital murder, advise of procedure in 21 O.S. § 701.10(B)). At the trial:

- (1) You have the right to have a lawyer represent you, either one you hire yourself or if you are indigent a court appointed attorney.
- (2) You are presumed to be innocent of the charges.
- (3) You may remain silent or, if you choose, you may testify on your own behalf.
- (4) You have the right to see and hear all witnesses called to testify against you and the right to cross-examine them.
- (5) You may have your witnesses ordered to appear in court to testify and present evidence of any defense you have to these charges.
- (6) The state is required to prove your guilt beyond a reasonable doubt.
- (7) The verdict of guilty or not guilty decided by a jury must be unanimous. However, you can waive a jury trial and, if all parties agree, the case could be tried by a Judge alone who would decide if you were guilty or not guilty and if guilty, the appropriate punishment.

Do you understand each of these rights?

Yes No

18. Do you understand by entering a plea of guilty you give up these rights?

Yes No

19. Do you understand that a conviction on a plea of guilty could increase punishment in any future case committed after this plea?

Yes No

20. Have you talked over the charge(s) with your lawyer, advised him/her regarding any defense you may have to the charges and had his/her advice?

Yes No

21. Do you believe your lawyer has effectively assisted you in this case and are you satisfied with his/her advice?

Yes No

22. Do you wish to change your plea of not guilty to guilty and give up your right to a jury trial and all other previously explained constitutional rights?

Yes No

23. Is there a plea agreement?

Yes No

What is your understanding of the plea agreement? Blind Plea

24. Do you understand the Court is not bound by any agreement or recommendation and if the Court does not accept the plea agreement, you have the right to withdraw your plea of guilty?

Yes No

25. Do you understand that if there is no plea agreement the Court can sentence you within the range of punishment stated in question 16?

Yes No

26. Do you understand your plea of guilty to the charge(s) is/are after: (check one) Yes No

no prior felony convictions

one (1) prior felony conviction

two (2) or more prior felony convictions

List prior felony convictions to which pleading: _____

27. What (is) (are) your plea(s) to the charge(s) (and to each one of them)?

Guilty

28. Did you commit the acts as charged in the Information? Yes No

Yes No

State the factual basis for your plea(s) (attach additional page as needed, labeled as ADDENDUM C):

On or About 2/24/17 I abandoned
26 cats and 2 dogs in my
house without adequate food
or water causing them to
die in Tulsa County.

X [Signature]

29. Have you been forced, abused, mistreated, or promised anything by anyone to have you enter your plea(s)? Yes No

Yes No

30. Do you plead guilty of your own free will and without any coercion or compulsion of any kind? Yes No

Yes No

31. If you are entering a plea to a felony offense, you have a right to a Pre-Sentence Investigation and Report which would contain the circumstances of the offense, any criminal record, social history and other background information about you. Do you want to have the Report? Yes No

Yes No

32. (a) Do you have any additional statements to make to the Court? Yes No

Yes No

(b) Is there any legal reason you should not be sentenced now? Yes No

Yes No BSI

HAVING BEEN SWORN, I, the Defendant whose signature appears below, make the following statements under oath: CHECK ONE:

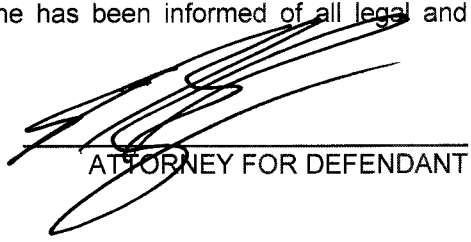
- (1) (a) I have read, understood and completed this form.
- (b) My attorney completed this form and we have gone over the form and I understand its contents and agree with the answers. See Addendum "A"
- (c) The Court completed this form for me and inserted my answers to the questions.
- (2) The answers are true and correct.
- (3) I understand that I may be prosecuted for perjury if I have made false statements to this Court.

X [Signature]
 DEFENDANT

Acknowledged this _____ day of _____, 20____.

 Notary Public/Deputy Court Clerk/Judge

33. I, the undersigned attorney for the Defendant, believe the Defendant understands the nature, purpose and consequence of this proceeding. (S)He is able to assist me in formulating any defense to the charge(s). I am satisfied that the Defendant's waivers and plea(s) of guilty are voluntarily given and he/she has been informed of all legal and constitutional rights.


ATTORNEY FOR DEFENDANT

34. The sentence recommendation in question 23 is correctly stated. I believe the recommendation is fair to the State of Oklahoma.

35. Offer of Proof (Nolo contendere plea) _____

ASSISTANT DISTRICT ATTORNEY

THE COURT FINDS AS FOLLOWS:

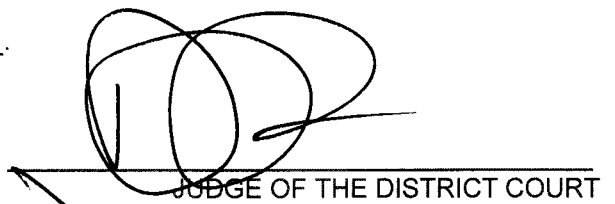
- 36. A. The Defendant was sworn and responded to questions under oath.
- B. The Defendant understands the nature, purpose and consequences of this proceeding.
- C. The Defendant's plea(s) of Guilty is/are knowingly and voluntarily entered and accepted by the Court.
- D. The Defendant is competent for the purpose of this hearing.
- E. A factual basis exists for the plea(s) (and former conviction(s), if applicable).
- F. The Defendant is guilty as charged: (check as appropriate)
 - after no prior felony convictions.
 - after one (1) prior felony conviction.
 - after two (2) or more prior felony convictions.
- G. Sentencing or order deferring sentence shall be:
 - imposed instanter; or
 - continued until the 31 day of _____, 2012, at 9 a.m.
 - If the Pre-Sentence Investigation and Report is requested, it shall be provided to the Court by the 3 day of _____, 2012.
- H. Defendant is committed to:
 - The RID Program
 - The FORT Program
 - The Delayed Sentencing Program for Youthful Offenders

With Poy

DONE IN OPEN COURT this 18 day of October, 2012.

Kim White
Court Reporter Present


Deputy Court Clerk


JUDGE OF THE DISTRICT COURT

Demmo
NAME OF JUDGE TYPED OR PRINTED

Part B: Sentence on Plea

Case No. _____

State v. _____

Date: _____

[NOTE ON USE: Part B to be used with the Summary of Facts if contemporaneous with the entry of plea or may be formatted as a separate sentencing form if sentencing continued to future date.]

THE COURT SENTENCES THE DEFENDANT AS FOLLOWS:

TIME TO SERVE

1. You are sentenced to confinement under the supervision of the Department of Corrections for a term of years as follows: (list in same order as in question No. 15 in Part A)

Upon release from such confinement, you shall serve a term of post-imprisonment supervision under conditions prescribed by the Department of Corrections for a period of:

2. The sentence(s) to run: Concurrently Consecutively NOT APPLICABLE

3. Defendant shall receive: Credit for time served No credit for time served

1. The sentencing date is deferred until 5/21, 2021 at 9 a.m.

42 month def

2. You (will/will not) be supervised. The terms set forth in the Rules and Conditions of Probation found in Addendum D shall be the rules you must follow during the period of deferment.

SUSPENDED SENTENCE or SUSPENDED AS TO PART

1. You are sentenced to confinement under the supervision of the Department of Corrections for a term of years as follows:

To be suspended as follows:

(a) ALL SUSPENDED YES _____ NO _____

(b) suspended **except** as to the first _____ (months)(years) of the term(s) during which time you are to be held in the custody of the Department of Corrections, the remainder of the sentence(s) to be suspended under the terms set forth in the Rules and Conditions of Probation found in Addendum D.

_____ Said period of incarceration shall be in the custody of the Department of Corrections, to be served in the County Jail, in lieu of the Department of Corrections, pursuant to the Community Service Sentencing Program, 22 O.S. Section 991a - 4.1.

_____ Defendant's term of incarceration shall be calculated as:

_____ Calendar days with credit for good behavior only (57 O.S Section 65)

_____ As calculated by the Sheriff with all implemented and allowable credits allowed by law

2. The sentence(s) to run: Concurrently Consecutively NOT APPLICABLE

3. Defendant shall receive: Credit for time served No credit for time served

FINES AND COSTS

You are to pay a fine(s), costs, fees and/or restitution to the Tulsa County District Court Clerk as follows: (Addendum E which is attached and made a part of this Order.)

- To the Tulsa County District Court Clerk as set out in the *Order of the Court – Rule 8 Hearing*
- To the Tulsa County District Attorney's Office as set out in the *Restitution Schedule Addendum*
- To the Department of Corrections as set out in the Pre-Sentence Investigation Report and/or the Rules and Conditions of Probation Addendum.

"NOTICE OF RIGHT TO APPEAL"

Sentence to Incarceration, Suspended or Deferred:

To appeal from this conviction, or order deferring sentence, on your plea of guilty, you must file in the District Court Clerk's Office a written Application to Withdraw your Plea of Guilty within ten (10) days from today's date. You must set forth in detail why you are requesting to withdraw your plea. The trial court must hold a hearing and rule upon your Application within thirty (30) days from the date it is filed. If the trial court denies your Application, you have the right to ask the Court of Criminal Appeals to review the District Court's denial by filing a Petition for Writ of Certiorari within ninety (90) days from the date of the denial. Within ten (10) days from the date the application to withdraw plea of guilty is denied, notice of intent to appeal and designation of record must be filed pursuant to Oklahoma Court of Criminal Appeals Rule 4.2(D). If you are indigent, you have the right to be represented on appeal by a court appointed attorney.

Do you understand each of these rights to appeal?

Yes	No
Yes	No
Yes	No
Yes	No

Do you want to remain in the county jail ten (10) days before being taken to the place of confinement?

Have you fully understood the questions that have been asked?

Have your answers been freely and voluntarily given?

I ACKNOWLEDGE UNDERSTANDING OF RIGHTS AND SENTENCE IMPOSED.



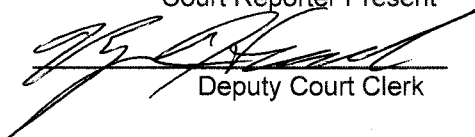
 DEFENDANT

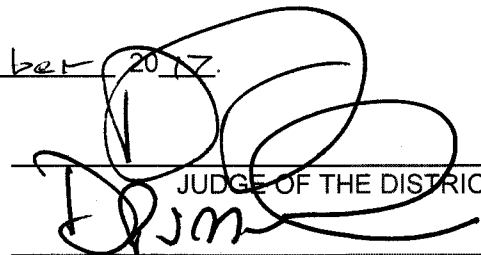
I, the undersigned attorney, have advised the Defendant of his appellate rights.



 ATTORNEY FOR DEFENDANT

Done in open court, with all parties present, this 29 day of November 2017.

Kim White
 Court Reporter Present

 Deputy Court Clerk



 JUDGE OF THE DISTRICT COURT
 NAME OF JUDGE TYPED OR PRINTED

ADDENDUM "A"

IMMIGRATION STATUS WARNING ABOUT PLEA OF GUILTY/NO CONTEST

The defendant understands that because he is not a citizen of the United States, his plea of guilty/no contest in this case makes it very likely (automatic for many crimes) that he will be deported from the United States. The defendant agrees that he has talked with his defense lawyer about his immigration status and how a plea of guilty/no contest in this case will affect that status. The defendant understands that immigration, including deportation, is a separate proceeding governed by the laws of the United States. The defendant also understands that no one, including his defense lawyer or the Judge of the District Court of Tulsa County, Oklahoma, can predict to a certainty the effect of his plea of guilty/no contest in this case on his immigration status. Even with this warning, the defendant agrees that he wants to go ahead and plead guilty/no contest in this case.

Date

Defendant

Interpreter (if necessary)

CERTIFICATE OF DEFENSE COUNSEL

As the attorney for the defendant, I certify that:

1. The Defendant has stated to me that he/she is able unable to read and understand the attached form and I have: (check appropriate option)

Determined the Defendant is able to understand the English language.

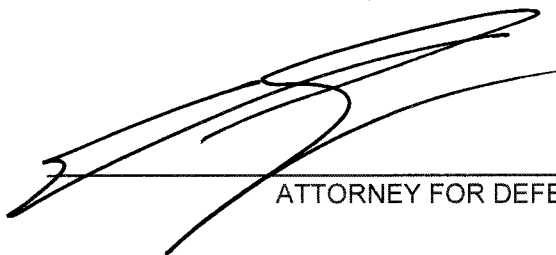
Determined the Defendant is unable to understand the English language and obtained _____ to interpret.

2. I have read and fully explained to the Defendant the allegations contained in the Information in this case.

3. I have read and fully explained to the Defendant all of the questions in the Plea of Guilty/Summary of Facts and the answers to the questions set out in the Summary of Facts are the Defendant's answers.

4. To the best of my knowledge and belief the statements and declaration made by the Defendant are accurate and true and have been freely and voluntarily made.

Dated this 28 day of September, 2017.



ATTORNEY FOR DEFENDANT