



IN THE DISTRICT COURT OF ADAIR COUNTY
STATE OF OKLAHOMA

CITY OF WESTVILLE,)
Plaintiff,)
)
)
vs.)
)
THOMAS CALVIN WOODS,)
Defendant.)

Case No. CV-2023-11

FILED
ADAIR COUNTY DISTRICT COURT
STILWELL, OK

FEB 21 2023

NICHOLE COOPER
COURT CLERK

ORDER ✓

NOW on this 14th day of February 2023, there comes on for hearing pursuant to regular assignment before the Honorable J. Jeffrey Payton, District Judge in and for Adair County, Oklahoma with the Plaintiff, Town of Westville, Oklahoma being represented by Derrick Dillard, Assistant District Attorney in and for Adair County, Oklahoma and the defendant Thomas Calvin Woods, being represented by his attorneys, Jeffrey Bryant Jones and Rex Earl Starr. Both parties having announced ready to proceed, the Court proceeded to hear the statements of Counsel and after having reviewed all of the records and evidence before the Court, the statements made by various witnesses to the incident; various briefs that have earlier been prepared and presented to the Court and after being fully advised in the premises finds that it should proceed to render the decision at this time.

The Court further finds and notes that it has jurisdiction of said matter pending before the Court based upon a Petition in Error that has heretofore been filed by the Defendant, Thomas Calvin Woods. This filing is based upon an earlier decision rendered by the Honorable Scott Hickman, Municipal Judge, in and for Westville, Adair County, Oklahoma.

The Court finds that there is no disagreement as to the facts surrounding said matter and that the evidence is clear that the defendant, Thomas Calvin Woods, was assaulted by a one Dustin Stanley in Westville, Oklahoma on 27 August 2022. That furthermore, Dustin Stanley was duly charged with Disorderly Conduct in the Municipal Court and subsequently entered a Plea of Guilty to said charges and paid a fine.

The Court further notes and finds that the defendant was given a Municipal Citation for Disorderly Conduct on the same date. Said Citation was issued by Officer December McDaniel.

The Court further notes that whatever violation, if any, did not occur in the presence of Officer McDaniel and she did not witness any actions by the defendant. Furthermore, Officer McDaniel relied on the report of two other witnesses and used that information for the arrest of the defendant.

The Court further notes that according to the City Ordinances of Westville, Oklahoma # 192, Disorderly Conduct is clearly a misdemeanor.

The Court further finds that the laws of the State of Oklahoma very clearly address a situation of this nature and that pursuant to Title 22 O.S. §196, a Peace Officer may, without a warrant, arrest a person if the violation is a public offense committed in the Officers presence (emphasis added by the Court). It is clear that the Disorderly Conduct violation, if committed, was not committed in the Officers presence and there is no dispute concerning that fact.

The Court finds that Officer McDaniel clearly violated the laws of the State of Oklahoma in issuing the Citation charging the defendant, Thomas Calvin Woods, with the charge of Disorderly Conduct.

The Court finds that there had been no finding of Probable Cause, that had been made by a Prosecutor or any other Official. Furthermore, Officer McDaniel did not have any authority to issue a Citation nor make any type of arrest for a misdemeanor, since the same was not committed in her presence.


The Court further finds and determines that the acts of Officer McDaniel are clearly against the laws of the State of Oklahoma and have denied the defendant due process as afforded to him by the laws of the United States of America and the State of Oklahoma.

Based on said actions, the issuance of the Citation and the subsequent finding of guilt by the Municipal Court, the same finding is hereby reversed and ordered dismissed by this Court.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that the findings herein constitute and are made a part of the judgement of this Court.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the findings herein constitute and are made a part of the judgment of this Court and the earlier ruling issued by the Municipal Court of Westville, Oklahoma is hereby reversed and the Court orders and directs that the same matter be dismissed, fully expunged from the record and the case files, all names shall be obliterated by the Clerk in an appropriate manner and with costs against the Plaintiff, the Town of Westville, Oklahoma.

IT IS SO ORDERED



J. Jeffrey Payton, District Judge