

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

IN THE DISTRICT COURT OF HUGHES COUNTY

STATE OF OKLAHOMA

THE STATE OF OKLAHOMA, )  
 )  
Plaintiff, )  
 )  
-vs- ) Case No. CF-2020-45  
 )  
REBECCA MARIE JACKSON, )  
 )  
Defendant. )

\*\*\*\*\*

TRANSCRIPT OF DEFENDANT'S REQUEST

FOR JUDICIAL REVIEW PROCEEDINGS

HAD ON THE

2ND DAY OF MAY, 2023

BEFORE THE HONORABLE

TIMOTHY L. OLSEN

DISTRICT JUDGE

\*\*\*\*\*

Reported by:

Kaylene R. Bernard, CSR  
Hughes County Courthouse  
200 N. Broadway  
Holdenville, OK 74848  
(405) 379-5662

A P P E A R A N C E S

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ON BEHALF OF THE STATE:

MR. BLAYNE P. NORMAN  
Assistant District Attorney  
Hughes County District Attorney's Office  
District 22  
P.O. Box 350  
Holdenville, OK 74848

ON BEHALF OF THE DEFENDANT:

MR. IRVEN R. BOX  
Attorney at Law  
Box and Box Attorneys  
2621 S. Western Avenue  
Oklahoma City, OK 73109

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

Cover page.....	1
Appearances.....	2
Index.....	3
Proceedings.....	4
Defendant's opening.....	4
<u>EVIDENCE ON BEHALF OF THE DEFENDANT:</u>	
MS. REBECCA JACKSON <i>testifies</i>	
Direct by Mr. Box.....	10
State's argument.....	15
Defendant's argument.....	15
Court's ruling.....	16
Reporter's certificate.....	20

1 (The following proceedings were had May 2, 2023, with Court  
2 and counsel present:)

3 P R O C E E D I N G S

4 THE COURT: State of Oklahoma versus Rebecca  
5 Jackson, CF-2020-45. This comes on for hearing on  
6 Defendant's Motion to judicially review -- Request For  
7 Judicial Review of Sentence and Modification. State's --

8 MR. BOX: Yes, we're present. And Ms. Jackson has  
9 been brought down from DOC, and is also present in the  
10 courtroom, Your Honor. And we're ready to proceed.

11 THE COURT: Okay.

12 Blayne Norman, are you present for the State on  
13 this?

14 MR. NORMAN: Yes, Your Honor.

15 THE COURT: And you filed an objection?

16 MR. NORMAN: Yes, Your Honor.

17 THE COURT: Okay. Mr. Box is present, with  
18 Ms. Jackson who's present.

19 Do you wish to call a witness?

20 MR. BOX: I will in just one second, Judge.

21 I want to address the objections. The State and I  
22 talked this last week. I know one of the things that he  
23 checked on there was that he thought -- he objected because  
24 the statute wouldn't allow you to do a review on an agreed  
25 plea. And this was not an agreed plea as the Court recalls.

1 We did -- we pled before this Court. The State had one  
2 recommendation they stood on. And we recommended a deferred  
3 sentence and you gave time to do. So that objection, I  
4 think, is moot, I believe.

5 THE COURT: Okay. I was thinking that too when I  
6 read your objection that it was a blind plea in sentencing, I  
7 believe.

8 MR. NORMAN: Judge, that may be the case. The  
9 reason I listed that objection was because at the plea  
10 hearing there was, I believe, a count dismissed. And, also,  
11 it wasn't an agreement in terms of years, but the State had  
12 an agreement as far as a split sentence, recommendation of  
13 blind plea and that very well may not count. But that's why  
14 the objection was filed.

15 THE COURT: Well, that's kind of a gray area. I've  
16 always interpreted it as if the actual sentence were agreed  
17 to. That the State would have to not object. But I  
18 understand your argument there. I think it is at least  
19 arguable whether a partial agreement qualifies.

20 MR. BOX: It wasn't particularly a partial  
21 agreement. Of course, we're not in that. You've already  
22 ruled on it and so I don't need to go into that. But it was  
23 -- if they would stand on there's. But we did enter a blind  
24 plea. We had no idea what you'd give.

25 May I approach?

1           THE COURT: And I could have given more than what  
2 they stood on. So.

3           MR. BOX: Yes, Your Honor.

4           May I approach?

5           THE COURT: Yes.

6           MR. BOX: I have some things. I've given the State  
7 a copy of what I have for Ms. Jackson. I will speak to it in  
8 just a second.

9           She's in an unique circumstance, Judge. Here she  
10 is a 20-year veteran in the U.S. Army. She had a pharmacy  
11 degree, which she can't practice and undergo this felony  
12 conviction. In prison she's done everything possible that  
13 she could do. She's taken every program. There's a couple  
14 of programs that she can't take because she's not a drug  
15 addict. So she didn't take that program. She's done  
16 classes, one class after another.

17           We have letters here from the superintendant -- the  
18 supervisor of her at the prison. We've got a letter that's  
19 in that packet I gave you from the supervisor of the  
20 management that she has been instrumental in completing work,  
21 painting, maintenance. She's done everything possibly that  
22 she can do. She's filled every hour just about. She has  
23 free hours at the penitentiary of doing classes. She's a  
24 mentor to other inmates. She's participated in several  
25 classes. And I have certificates of completion that she's

1 done. I know the report says she hasn't completed a couple  
2 of programs but she's not eligible for them. Because she's  
3 not -- one of them, she's not an addict, so she doesn't --  
4 she can't get into that drug recovery program because of  
5 that.

6           Aside from that, every day since she's been in the  
7 penitentiary, she's done everything that she could do. She's  
8 on a level 4 right now because of her good record and good  
9 maintenance, work that she's done. She's done every class.  
10 She's filled every minute of every day with something  
11 constructive either helpful to the inmates of the  
12 penitentiary or to herself.

13           We would like to plea that the balance of her  
14 sentence be suspended. She already has a place to live.  
15 She's going to have employment. Said she draws retirement  
16 from the United States Army for a 20-year service and that  
17 will start when she gets out. Her pharmacy degree, I do not  
18 believe she will be able to pursue that based on her felony  
19 convictions. But she is a worker and she will work.  
20 Whatever she does when she gets out, she'll have a job within  
21 days when she gets out. She has a place to stay already.  
22 She has support from outside, friends. And we have letters  
23 from the penitentiary, from counselors about how good she's  
24 done.

25           I think to keep her in any longer -- you know,

1 punishment's twofold. To really punish or to rehabilitate, I  
2 think we're past that. I think in the sentencing you may  
3 recall even District Attorney Paul Smith said he believed  
4 that she was under the control of James Jackson who was the  
5 main -- who was her husband. She's since been divorced from  
6 him. She divorced from him and has made no association, no  
7 contact at all with him. Her life is -- what she really is  
8 what it shows what she's done in the penitentiary. She's  
9 done everything possibly that she could do. She can't do any  
10 more. She can't take any more programs. She's at the end.

11 We ask that the Court suspend the balance of her  
12 time with any other conditions that the Court deems necessary  
13 and appropriate. One of the things we got into there, is  
14 they don't read your judgment and sentence the way we read  
15 it. They still think she has five years to do even though  
16 your sentence says all but the first four years suspended.  
17 They've not read that properly. And if it comes time, and we  
18 don't get results here today or relief, we'll approach that  
19 in a different manner.

20 But she right now has done everything every day  
21 since she's been there. I've provided the State with copies  
22 of the certificates she's got. She's got a list, a long list  
23 of things that she intends to do when she gets out. Which as  
24 I said already has a place to stay, employment, and be a  
25 productive citizen.

1           So the benefits to the State, I think, is nil if  
2 she stays in. It just takes up a space and costs money. I  
3 think she will benefit if she's out. The State -- I gave the  
4 State this morning -- I know the State is going through those  
5 certificates -- of any classes available that she could take,  
6 she took during that time. So we're respectfully asking the  
7 Court to suspend the balance of her time. She's been in a  
8 year. She's got four to do. And she's been in a year. And  
9 we ask the Court to suspend that balance of that time.

10           THE COURT: Did you want to call her?

11           MR. BOX: I do.

12           THE COURT: Okay. Can she come around here?

13           Okay. Raise your right hand. Do you swear or  
14 affirm the testimony you're about to give is the truth, the  
15 whole truth, and nothing but the truth?

16           MS. JACKSON: I do.

17           THE COURT: Okay. Be seated.

18           Okay. State your name for the record.

19           MS. JACKSON: Rebecca Marie Jackson.

20           THE COURT: Okay. Mr. Box, you may proceed.

21

22

23

24

25

1                                    REBECCA MARIE JACKSON,

2            After being first duly sworn, and of lawful age,  
3 testified under oath as follows:

4                                    DIRECT EXAMINATION

5            BY MR. BOX:

6            Q.    You're the defendant in the case and we're here today to  
7 ask the Court to give you relief as far as a judicial review.  
8 Do you understand that?

9            A.    Yes, sir, I do.

10          Q.    You heard me speak a while ago saying that you've taken  
11 every class, and every program available, everything you  
12 could do. Plus you work there at the penitentiary, too, do  
13 you not?

14          A.    Yes, sir.

15          Q.    And do you work -- the letter there says you do  
16 maintenance and paint, and do things, and you've done that.  
17 And the superintendant of that area has written you a letter  
18 complimenting you about that; is that correct?

19          A.    Yes, sir. I actually went to my case manager and said  
20 the labor pool job that I was doing was only two hours a day  
21 and I wanted something more difficult. And she put me with  
22 the most difficult prisoner to get along with. I've worked  
23 with her since October. I've learned how to retile showers,  
24 how to run a hammer jack, how to run a wet saw. I've done a  
25 lot of labor work and I really enjoy it. I usually work six

1 to seven hours a day, which is uncommon for most prisoners.  
2 I mentor at least three or four other people in God's word.  
3 I tutor two or three other people every night. I try to stay  
4 as active as I can. I try to be an example for other women  
5 to follow. And I'm thanked almost on a daily basis for my  
6 positive attitude towards others.

7 Q. Okay. And do you now -- you have a place to stay. You  
8 already have a place to stay if you get out; is that correct?

9 A. Yes, sir. It's called -- it's part of the hand-up  
10 program. Because I'm labeled as a sexual offender, I have to  
11 be in a certain area. And that is one of those areas is at  
12 Campus Number 2, in south Oklahoma City. And it is an  
13 improved area and it's a green zone. It's been rented since  
14 March. Because I thought the judicial review was going to  
15 happen in March and it's rented through June. And the  
16 gentleman that runs it understands that all he rents to is  
17 females offenders with a sex offender label on them.

18 Q. Okay. And you said in advance of anticipating you might  
19 or might not get out, you've done that just in case?

20 A. Yes, sir.

21 Q. Instead of saying you'll just go out into the world and  
22 try to find a place?

23 A. Yes, sir.

24 Q. Okay. And I know in the report, the presentence report,  
25 that says several courses that you didn't take. You don't

1 qualify for those other courses; is that correct?

2 A. That is correct, sir. There are only two programs on  
3 Eddie Warrior Correctional Center facility. And that is the  
4 regimented treatment program and the helping women recover.  
5 Both require you to have what's called an LSI score which is  
6 your evaluation score from ANR of at least 29. Mine was 14.  
7 And that's usually indicative of a heavy alcoholic or a  
8 severe drug addict.

9 Q. If you're a 29 or above; right?

10 A. Yes, sir.

11 Q. Your 14 is reflective of no problems in that area?

12 A. Correct, sir. I actually asked to be reevaluated so  
13 that I could get into the RTP program because it's a  
14 semi-military program. And I really wanted to march and be  
15 around people that were more militant. Because the prison  
16 isn't like the Army is. So I'm used to more strict  
17 standards. And I was told that I was not able to go back and  
18 get reevaluated.

19 Q. You retired. What rank did you retire?

20 A. First sergeant E-8. That's the second highest rank  
21 available to the enlisted corp in the Army.

22 Q. Okay. And when you get out you start drawing your  
23 military retirement?

24 A. I've been drawing military retirement this whole time.  
25 I can reinstate my disability which is at 90 percent. Which

1 is close to the same amount of money that I'm making in  
2 retirement, so I will have double the money when I get out.

3 Q. But you could not draw that while you're in?

4 A. It went down to \$150 because I was incarcerated. As of  
5 the 61st day of incarceration, anybody in the military will  
6 get 10 percent or like \$150, whichever is less.

7 Q. And your time in the military was how long?

8 A. Twenty years straight, sir. Exemplary service.

9 Q. And you have plans to find work when you get out?

10 A. Yes, sir. I'm hopefully going to work with Rhonda Bear.  
11 Also, I'm working with Judy and Mike Kane that come to this  
12 jail and help them with their ministry services. I'm also  
13 volunteering with a few other people. I also hope to get a  
14 part-time job at Lowe's or Home Depot. Because of the sex  
15 offender label, I will not be able to work as a pharmacist  
16 anymore. It's considered a morality clause. And they will  
17 not hire me.

18 Q. Rhonda Bear, we gave a letter to the Judge showing that  
19 she does prison ministries and other ministries; is that  
20 correct?

21 A. Yes, sir. And I hope to help her in anyway possible.  
22 I've asked her to join her team. I don't know the extent of  
23 that voluntarism but I've told her I want to help people in  
24 Hughes County Jail get out and get a social security card and  
25 ID, if they don't already have it. So I would like to help

1 at this jail, here, specifically.

2 Q. She works in this jail some, too, does she not?

3 A. She doesn't but she works in the prison system. But  
4 what she's doing for the prison system, I would like to help  
5 incorporate into the county jail system.

6 Q. Okay.

7 A. If at all possible.

8 Q. Okay. And you're asking the Judge for a chance to do  
9 that?

10 A. Yes, sir.

11 Q. Okay.

12 MR. BOX: That's all I have, Your Honor.

13 THE COURT: Thank you.

14 Mr. Norman, do you have questions?

15 MR. NORMAN: No, Judge. I just have argument.

16 THE COURT: Okay.

17 You may step down.

18 MS. JACKSON: Thank you, sir.

19 MR. BOX: Judge, that's all of the evidence we have  
20 to offer other than what we've given you in the written  
21 documents there in the letters from the counselor and the  
22 lady that -- and the person from the prison, as well as her  
23 certificates you see she's completed, and showing her  
24 attendance and doing the classes that she does. And you have  
25 those before you.

1 THE COURT: Okay. Thank you.

2 Mr. Norman, argument?

3 MR. NORMAN: Thank you, Judge.

4 I was just going to point the Court to the judicial  
5 review accountability plan. Which like Mr. Box pointed out,  
6 she has not completed any DOC approved programs while she was  
7 in custody. While I do commend her for trying to do anything  
8 she could do. I did see on here that on the adult substance  
9 abuse survey, she had a defensive score of 8 out of 10. And  
10 the score suggested that she had a low desire for change or  
11 willingness to receive intervention services at that time.  
12 That was concerning. That survey was done back in February.

13 And I would also just stand on the department's  
14 recommendation that due to the seriousness of these crimes,  
15 that the defendant should be denied a sentence modification.  
16 And the State would argue that that would not be in the best  
17 interest of justice. Sounds like she is doing well in  
18 custody. And I think to say that it serves no purpose would  
19 be inappropriate from the State's point of view. The State  
20 believes that she's being appropriately punished, that the  
21 Court's sentence was appropriate at the time it was given.

22 THE COURT: Okay. Last word?

23 MR. BOX: Judge, my argument was made earlier, I  
24 think. I say, I stand by what I said that she's done  
25 everything that there is to do. Could not do any more. To

1 just have her be there, would just have her to mark time.  
2 And we believe that she can be a better member of society.  
3 Like she said, she's trying to join the program that would  
4 help inmates within this jail itself. And she's located and  
5 made contact with the lady. The letters there in front of  
6 you that says that she would take her in and let her do  
7 ministry and help within this jail to provide the services  
8 that they are providing within the prison. So I think her  
9 benefit outside of being in custody would far outweigh her  
10 staying in custody for another year and a half to two years.

11 THE COURT: Okay. Thank you.

12 I want to review this a little further. I will  
13 recess. And we'll have Judge Smith start her docket. And  
14 then when I'm ready to rule, I will return.

15 MR. BOX: Yes, sir. Thank you, Judge.

16 THE COURT: Thank you.

17 (A short recess was had.)

18 THE COURT: Okay. We're back on the record on  
19 Rebecca Jackson. And parties are present with counsel.

20 Some of these cases are pretty difficult when they  
21 come to blind pleas. Some of them aren't that difficult.  
22 The Court having been involved with criminal cases for over  
23 30 years now. But a lot of them I kind of can figure what  
24 the sentence is going to be fairly easily. Whether it's  
25 right or wrong, just from the Court's experience and

1 viewpoint on things.

2           This is one of a handful of blind pleas where the  
3 sentence imposed by the Court, you just when you're looking  
4 at everything you don't know if you were right or you were  
5 wrong in the sentence. But you have to -- the Court tries to  
6 weigh everything, safety to the public, the defendant's  
7 record, likelihood to re-offend. Safety to the public is  
8 probably one of the number one factors that the Court looks  
9 at in an incarceration sentence. And there's some sentences  
10 that you just, you know, the certain punishment for certain  
11 things that are certain crimes that are committed in society,  
12 there needs to be a certain punishment.

13           This one was not an easy one for the Court to  
14 decide originally. Because there were a lot of factors in  
15 your favor, based on your military record, you didn't have a  
16 criminal record, you had cooperated with the District  
17 Attorney's Office, I believe. There were a lot of factors in  
18 your favor. But then the offenses themselves I had to weigh  
19 in. And in doing so I felt like that there needed to be a  
20 prison term. After looking at what you've done since you've  
21 been there, I will give you credit for that.

22           I did anticipate this would be one when I sentenced  
23 you that the Court might look at later on to see if a  
24 modification is appropriate. Looking again at your military  
25 service, I don't believe you're likely to re-offend at this

1 point. I hope I'm right about that.

2 MS. JACKSON: You are right, sir.

3 THE COURT: Especially considering the, you know,  
4 you're going to be on the special rules of probation that  
5 should assist in you not re-offending. I look at your  
6 conduct while you've been incarcerated. I look at your low  
7 LSI score which indicates you're not likely to re-offend,  
8 your military service. And also look at the fact that the  
9 most serious charge was dismissed by the State when you pled  
10 in this case.

11 And I'm going to overrule the State's objection  
12 because I don't think this was a plea agreement as defined  
13 under the statute. I believe it's a blind plea. So I  
14 believe I have the jurisdiction to modify this. I'm going to  
15 modify the sentence.

16 And I'm going to cleanup the -- I think there was  
17 some confusion about whether this was a 12-year or a 10-year  
18 sentence looking at the paperwork. I'm going to modify the  
19 sentence. Count 1, is five years. Count 2, is five years.  
20 Those are to run consecutive. So that's 10 years. Count 4,  
21 is two years to run concurrent with Counts 1 and 2. So it's  
22 a total of 10 years. And I'm going to suspend it except for  
23 the first 18 months of the sentence. Instead of the four  
24 year -- I'm changing the four years to 18 months. You will  
25 get credit for time served and earned. So I will let the

1 department of corrections calculate all of that. I'm not  
2 sure, you should probably, I'm guessing, you will discharge  
3 fairly soon. I don't know that. But I will let them deal  
4 with getting you set up and all of that, and calculating and  
5 everything.

6 And I will need you two gentlemen to prepare a  
7 modified sentencing order and a modified judgment and  
8 sentence. We can send it to DOC --

9 MR. BOX: Yes, sir.

10 THE COURT: -- so they can calculate that.

11 So I'm -- I don't modify a lot of sentences that  
12 are, you know, unless the parties had agreed to it up front,  
13 they do sometimes agree to a modification if certain things  
14 happen while defendants are in prison. I don't modify. I  
15 can think of maybe a couple I've modified after a blind plea  
16 but not very often. But I don't discourage counsel from  
17 asking for modifications because there are sometimes that  
18 those are appropriate. But, anyhow, that's going to be the  
19 order of the Court.

20 MS. JACKSON: Thank you, Judge.

21 THE COURT: Anything further?

22 MR. BOX: No, Your Honor, not from the defendant.

23 (End of proceedings.)

24

25

C E R T I F I C A T E

STATE OF OKLAHOMA                    )  
  )     SS.  
COUNTY OF HUGHES                    )

I, Kaylene Bernard, Certified Shorthand Reporter,  
in and for the State of Oklahoma sitting in Hughes County, do  
hereby certify that the aforesaid matter was heard on the 2nd  
day of May, 2023, before the Honorable Timothy L. Olsen,  
District Judge.

I further certify that the foregoing transcript is  
a true and correct transcription of my original stenographic  
notes.

I further certify that I am neither attorney or  
counsel for, nor related to any of the parties in said  
action; and furthermore, that I am not financially interested  
in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and  
seal this 24th day of August, 2023.

\_\_\_\_\_  
KAYLENE BERNARD, CSR  
OFFICIAL COURT REPORTER  
CERTIFICATE NO. 1867