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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF OKLAHOMA SITTING IN AND FOR COMANCHE COUNTY

THE STATE OF OKLAHOMA,

Plaintiff,

vs.

JOHN DONAVON O'BRIEN

ADDR: [REDACTED]
Elgin, OK 73538

DL: [REDACTED]

SSN: [REDACTED]

DOB: [REDACTED] 1968

Defendant(s).

Case No. CF-2024-1167

STATE OF OKLAHOMA
Comanche County
FILED in the
Office of the Court Clerk

MAR 13 2024

By: Deputy

INFORMATION

FOR:

- COUNT 1: EMBEZZLEMENT BY COUNTY OFFICIAL ~ 21 O.S. § 1451(C), a FELONY
- COUNT 2: EMBEZZLEMENT BY COUNTY OFFICIAL ~ 21 O.S. § 1451(C), a FELONY
- COUNT 3: COMPUTER CRIME ~ 21 O.S. § 1953(8), a MISDEMEANOR
- COUNT 4: OUTRAGING PUBLIC DECENCY ~ 21 O.S. § 22, a MISDEMEANOR
- COUNT 5: OUTRAGING PUBLIC DECENCY ~ 21 O.S. § 22, a MISDEMEANOR

STATE OF OKLAHOMA, COUNTY OF COMANCHE:

I, Jason M. Hicks, the undersigned Special Prosecutor for said County, in the name and by the authority of the State of Oklahoma, give information that in said County of Comanche and in the State of Oklahoma, **JOHN DONAVON O'BRIEN** did then and there unlawfully, willfully, knowingly and wrongfully commit the crime(s) of:

COUNT 1: EMBEZZLEMENT BY COUNTY OFFICIAL ~ a FELONY, on or between January, 2023 and June 2023, Defendant did then and there after legally obtaining cell phone service as an elected official in Comanche County, Oklahoma, divert funds of said Comanche County for his personal use through the use of cell phone service by making personal calls and/or sending text messages personal in nature that were not authorized by said Comanche County.

This crime is punishable by imprisonment in the State Penitentiary for a term of 1-10 years, and a fine equal to triple the amount of money embezzled and restitution

COUNT 2: EMBEZZLEMENT BY COUNTY OFFICIAL ~ a FELONY, on or between January, 2023 and June 2023, Defendant did then and there, after legally obtaining a motor vehicle as an elected official in Comanche County, Oklahoma, for use in his official capacity, cause funds of Comanche County appropriated for the motor vehicle to be diverted from the use authorized by Comanche County, to wit: said Defendant drove the motor vehicle assigned to him by Comanche County to personal doctor's appointments in Oklahoma City, and/or by hauling equipment for personal use in, or with, Comanche County's motor vehicle and/or utilizing the "Pike Pass" of Comanche County assigned to said vehicle.

This crime is punishable by imprisonment in the State Penitentiary for a term of 1-10 years, and a fine equal to triple the amount of money embezzled and restitution

State

COUNT 3: COMPUTER CRIME ~ a MISDEMEANOR, on or between January, 2023 and June 2023, Defendant did then and there use a computer/computer system to annoy, and/or harass [redacted] an employee of Comanche County Commissioner District 1, by sending sexually explicit text messages to said [redacted] that were annoying and/or harassing in nature.

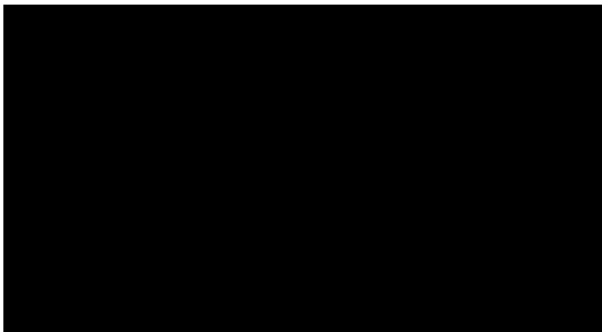
This crime is punishable by a fine of up to \$500, or imprisonment in the county jail for up to 1 year

COUNT 4: OUTRAGING PUBLIC DECENCY ~ a MISDEMEANOR, on or between January, 2023 and June 2023, Defendant did then and there commit an act that was injurious to the public morals by terminating the employment of [redacted] an employee of Comanche County, County Commissioner District 1 after said employee cooperated with the investigation into this matter.

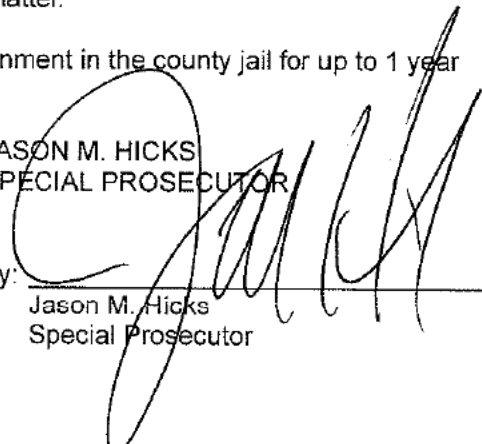
This crime is punishable by a fine of up to \$500, or imprisonment in the county jail for up to 1 year

COUNT 5: OUTRAGING PUBLIC DECENCY ~ a MISDEMEANOR, on or between January, 2023 and June 2023, Defendant did then and there commit an act that was injurious to the public morals by terminating the employment of [redacted] an employee of Comanche County, County Commissioner District 1 after said employee cooperated with the investigation into this matter.

This crime is punishable by a fine of up to \$500, or imprisonment in the county jail for up to 1 year



JASON M. HICKS
SPECIAL PROSECUTOR

By: 
Jason M. Hicks
Special Prosecutor

WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA

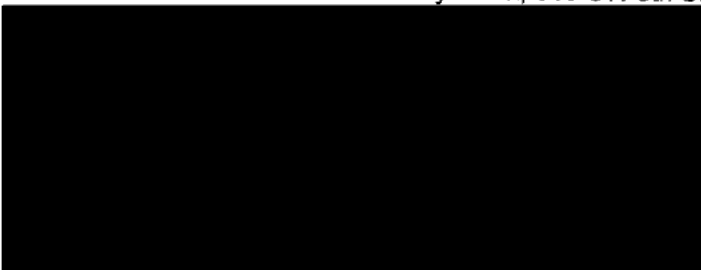
PRESENTING/ARRESTING OFFICER: Alfredo Solis Jr.

Alfredo Solis Jr., OSBI, 44 S. 7th, Duncan, OK 73533
Edwin Clark, [redacted] Fletcher, OK 73541
[redacted] Fletcher, OK 73541
Jeremy Engel, OSBI, 44 S. 7th Street, Duncan, OK 73533

[redacted]
Andrew Grubbs, OSBI, 5 NE 22nd St., Lawton, OK 73507

[redacted]
Lynne O'Brien, [redacted] Fletcher, OK 73541
Johnny Owens, [redacted] Lawton, OK 73501
Josh Powers, [redacted] Lawton, OK 73501
Ashley Sanders, [redacted] Elgin, OK 73538

Kenny Stradley, Comanche County Sheriff's Department, Lawton, OK
Carrie Tubbs, Comanche County Clerk, 315 SW 5th St., Lawton, OK 73501



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT IN AND FOR
COMANCHE COUNTY, OKLAHOMA

STATE OF OKLAHOMA

COMANCHE COUNTY

ss.

AFFIDAVIT FOR ARREST WARRANT

On this 25th day of January 2024, Special Agent Alfredo Solis, being first duly sworn, upon oath deposes and says:

That probable cause exists to cause the arrest of John Donavon O'Brien For the public offense against

Said County and State, to wit: _____ And that probable cause of

The affiant believing such facts exist as follows, to wit:

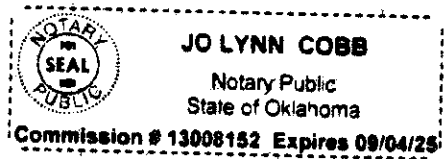
That in the state of Oklahoma, county of Comanche, your affiant, Special Agent Alfredo Solis was assigned to investigate a possible Embezzlement by a Comanche County Commissioner. On June 16, 2023, OSBI was requested to investigate County Commissioner John O'Brien. County employees that worked for O'Brien told the District Attorney's Office that O'Brien misused his county issued truck by driving to Oklahoma City to go to doctor appointments and hauling equipment to his residence for personal use. Employees said this happened several times since O'Brien took office in January 2023. O'Brien was also accused of misusing his county issued cellphone by sending text messages to a county employee that were sexual in nature.

Solis interviewed O'Brien and he said he used his county issued vehicle to drive to Oklahoma City for multiple doctor appointments and to transport rented equipment to his residence for personal use. O'Brien also stated he used his county issued cellphone to send sexual text messages to a female employee who worked in his office. Screenshots from the female employee showed some of the text messages sent from O'Brien that included "I really want to take off all of your clothes and caress and touch every part of you" and "OMG! I'd be so hard, sliding up inside you from behind".

On July 13, 2023, O'Brien wrote a personal check addressed to Comanche County in the amount of \$1,093.07. A memo was given with the check that showed the money was for trips taken to Oklahoma City and other locations where O'Brien used his county vehicle. Dates given for appointments in Oklahoma City were April 18, May 11, May 18, and June 7, 2023, all during business hours.

From July 25 to July 31, 2023, O'Brien fired three employees that worked at Comanche County District 1 barn. All three employees had previously interviewed with Solis about O'Brien misusing county equipment. The employees said O'Brien was aware they interviewed with OSBI Agents. O'Brien told all three employees they were fired because "they were not a good fit for the office."

Alfredo Solis
Affiant



Subscribed and sworn before me this 25th day of January 2024
My commission expired on the 4th day of September 2024

Jo Lynn Cobb
Notary Public

FINDING OF PROBABLE CAUSE

The undersigned Judge of this Court, upon sworn testimony, and/or Affidavit, hereby finds that there is probable cause to detain the above-named defendant.

[Signature]
Judge

IN THE DISTRICT COURT OF COMANCHE COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA

Comanche County

FILED in the

Office of the Court Clerk

STATE OF OKLAHOMA

Plaintiff,

vs.

MAR 13 2024

Case No. CF-2024-167

JOHN DONAVON O'BRIEN,

Defendant.

By [Signature]
Deputy)

Bond: \$ 2,500 CPS

ORDER FOR HEARING

COMES NOW the undersigned Judge and orders the above-named defendant to appear on the 8th day of April 2024 at 3:00 p.m. in Courtroom #404 for a preliminary hearing conference (PHC). Your appearance on this PHC date is mandatory if you do not have an attorney or if you have an attorney and plan to waive your right to a preliminary hearing. If you have an attorney and do not waive your right to a preliminary hearing on your PHC court date, you do not have to appear until your preliminary hearing set on the 4th day of June 2024 at 3:30 p.m. in Courtroom #404. YOU ARE ADVISED THAT SHOULD YOU APPEAR AT ANY OF THE ABOVE-MENTIONED HEARINGS WITHOUT AN ATTORNEY THE STATE MAY ASK THAT YOUR BOND BE INCREASED.

SO ORDERED this 13th day of March, 2024.

[Signature]

CHRISTINE M. GALBRAITH
SPECIAL JUDGE

I understand if an attorney does not file an entry of appearance in my case by the Preliminary Hearing Conference court date and I fail to appear at the Preliminary Hearing Conference, my bond will be forfeited, and a bench warrant will be issued for my arrest.

[Signature]

DEFENDANT

[Signature]
ATTORNEY

Defendant to have no contact with alleged victims as a condition of the bond.

