

IN THE DISTRICT COURT
FOR THE SEMINOLE NATION
WEWOKA, OKLAHOMA

SEMINOLE NATION OF OKLAHOMA,)
Plaintiff,)

vs.)

Case No. CF-2024-88

JIMCY MCGIRT,)

SSN: [REDACTED])
DOB: [REDACTED])

Defendant.)

ISSUED
Seminole Nation DISTRICT Court
SEP 06 2024
LINDA STEWART, COURT CLERK
CA, DEPUTY

CRIMINAL SUMMONS

YOU ARE HEREBY SUMMONED to appear before the Seminole Nation District Court at the place, date and time set forth below:

PLACE: Seminole Nation District Court
206 E 2nd Street
Wewoka, OK

BEFORE: Honorable S. Stephen Barnes, District Judge

DATE: September 10, 2024, TIME: 1:30pm

To answer a Criminal Complaint charging you with:

COUNT 1: UNLAWFUL FOR REGISTERED SEX OFFENDER TO RESIDE WITHIN 2,000 FEET OF SCHOOL, PLAYGROUND, PARK, CHILD CARE FACILITY - §174 TITLE 6 SNCOL - 57 O.S. §590, a FELONY

COUNT 2: FALSE OR MISLEADING SEX OFFENDER REGISTRATION INFORMATION - §174 TITLE 6 SNCOL - 57 O.S. §586, a FELONY or in the alternative OBSTRUCTION OF DUTY- § 156 TITLE 6 SNCOL, a MISDEMEANOR

COUNT 3: FAILURE TO REGISTER AS SEX OFFENDER - § 801 TITLE 6C SNCOL, a MISDEMEANOR

IF YOU FAIL TO APPEAR, AN ARREST WARRANT SHALL BE ISSUED AND YOU MAY BE FURTHER CHARGED WITH DISOBEYING A LAWFUL ORDER OF THE DISTRICT COURT.

DATED THIS 6th DAY OF SEPTEMBER 2024



S. Stephen Barnes
JUDGE OF THE DISTRICT COURT

IN THE DISTRICT COURT FOR THE SEMINOLE NATION OF OKLAHOMA

SEMINOLE NATION OF OKLAHOMA,)
Plaintiff,)

vs.)

Case No. CF-2024- 88

JIMCY MCGIRT)
ADDR:)

FILED
In the
Seminole Nation District Court

SSN: [REDACTED])
DOB: [REDACTED])

SEP 06 2024

Defendant.)

LINDA STEWART, COURT CLERK
DEPUTY

CRIMINAL COMPLAINT

FOR:

COUNT 1: UNLAWFUL FOR REGISTERED SEX OFFENDER TO RESIDE WITHIN 2,000 FEET OF SCHOOL, PLAYGROUND, PARK, CHILD CARE FACILITY - §174 TITLE 6 SNCOL – 57 O.S. §590, a FELONY

COUNT 2: FALSE OR MISLEADING SEX OFFENDER REGISTRATION INFORMATION - §174 TITLE 6 SNCOL – 57 O.S. §586, a FELONY or in the alternative OBSTRUCTION OF DUTY- § 156 TITLE 6 SNCOL, a MISDEMEANOR

COUNT 3: FAILURE TO REGISTER AS SEX OFFENDER - § 801 TITLE 6C SNCOL, a MISDEMEANOR
SEMINOLE NATION OF OKLAHOMA:

I, Timothy D. Brown, the undersigned Prosecuting Attorney, in the name and by the authority of the Seminole Nation of Oklahoma, being duly authorized and sworn, state the following is true and correct to the best of my personal knowledge and belief:

On or about the 31st day of August, 2024, within the territorial jurisdiction of the Seminole Nation of Oklahoma and within the jurisdiction of this Court, JIMCY MCGIRT, the Defendant herein, who is an adult Indian male did unlawfully, willfully, knowingly and wrongfully commit the crime(s) of:

(COUNT 1) UNLAWFUL FOR REGISTERED SEX OFFENDER TO RESIDE WITHIN 2,000 FEET OF SCHOOL, PLAYGROUND, PARK, CHILD CARE FACILITY by entering the boundaries of the Seminole Nation Reservation and thereon, after being required to register as a sex offender, reside at 35291 EW 1190 Road, Apartment/Lot 101, Rolling Meadows edition, either temporarily or permanently, within a two-thousand-foot radius of any public or private school site, educational institution, property or campsite used by an organization whose primary purpose is working with children, a playground or park that is established, operated or supported in whole or in part by a homeowners' association or a city, town, county, state, federal or tribal government, a licensed child care center or family child care home or park. Defendant was previously convicted of Aggravated Sexual Abuse in Indian Country in the U.S. District Court for the Eastern District of Oklahoma, and sentenced on or about May 3, 2024, in Case Number CR-20-00050-001-JFH. Pursuant to the Defendant's sentencing, Defendant was required to comply with the requirements of all applicable state, federal and/or tribal sex offender registration.

Pursuant to §164 TITLE 6 SNCOL this crime is punishable as a Class II Felony with imprisonment for up to three (3) years, a fine of up to Fifteen Thousand Dollars (\$15,000.00), banishment for a period for up to three (3) years, or any combination of the above fine, banishment and/or imprisonment.

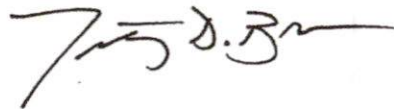
(COUNT II) FALSE OR MISLEADING SEX OFFENDER REGISTRATION INFORMATION by entering the boundaries of the Seminole Nation Reservation and thereon, after being required to register as a sex offender, providing and/or furnishing false or misleading information related to Defendant's compliance with registration as a convicted sex offender, *or in the alternative* **OBSTRUCTION OF DUTY** by entering the boundaries of the Seminole Nation Reservation and thereon knowingly obstructing, preventing, and/or interfering with a police officer engaged in the discharge of the officer's official duty when the Defendant provided false or misleading information to Seminole Nation Lighthouse Officers during an investigation of the Defendant's compliance with registration as a convicted sex offender.

Pursuant to §164 TITLE 6 SNCOL, **FALSE OR MISLEADING SEX OFFENDER REGISTRATION INFORMATION** is punishable as a **Class II Felony** with imprisonment for up to three (3) years, a fine of up to Fifteen Thousand Dollars (\$15,000.00), banishment for a period for up to three (3) years, or any combination of the above fine, banishment and/or imprisonment, *or in the alternative*, **OBSTRUCTION OF DUTY** is punishable as a **misdemeanor** punishable by imprisonment for up to one (1) year and a fine of up to Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

(COUNT III) FAILURE TO REGISTER AS SEX OFFENDER by entering the boundaries of the Seminole Nation Reservation and thereon failing to register as a sex offender with the Seminole Nation Lighthouse, within three (3) business days after residing within the jurisdiction of the Seminole Nation at 35291 EW 1190 Road, Apartment/Lot 101, Rolling Meadows edition, and that said Defendant was previously convicted of Aggravated Sexual Abuse in Indian Country in the U.S. District Court for the Eastern District of Oklahoma, and sentenced on or about May 3, 2024, in Case Number CR-20-00050-001-JFH..

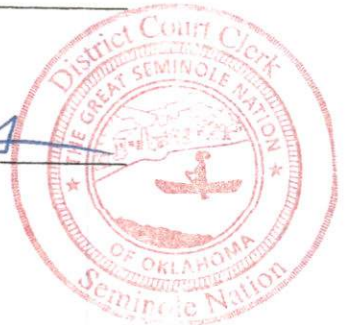
Pursuant to Section 801 of Title 6C Seminole Nation Code of Laws this crime is a **misdemeanor** punishable by imprisonment for up to one (1) year and a fine of up to Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

Seminole Nation of Oklahoma
Prosecuting Attorney



Timothy D. Brown

Subscribed and sworn to before me this 6th day of September, 2024.


Court Clerk

WITNESSES FOR THE SEMINOLE NATION OF OKLAHOMA

Name:

1. Zachary Jared, Seminole Nation Lighthouse
2. Kevin Ortman, Seminole Nation Lighthouse
3. Jimcy McGirt, Suspect

Address:

**IN THE DISTRICT COURT OF
THE SEMINOLE NATION OF OKLAHOMA**

SEMINOLE NATION OF OKLAHOMA (Plaintiff),)
)
VS.)
)
Jimcy McGirt (Defendant))
D.O.B. [REDACTED])

PCA-2024-328
Case No. SN24-0370

FILED
In the
Seminole Nation District Court

SEP 03 2024

AFFIDAVIT FOR ARREST WITHOUT WARRANT

LINDA STEWART, COURT CLERK
CA, DEPUTY

The undersigned upon oath deposes and states as follows, to-wit: That the Affiant is employed by the Seminole Nation Lighthorse and is a commissioned Patrolman with the Seminole Nation Lighthorse Police Department. That on or about August 31st at approximately 2136 hours the undersigned further state as follows:

I, Officer Zachary Jared, am a full-time certified Officer employed by the Seminole Nation Lighthorse Police Department.

On 08/31/2024 at approximately 2136 hours, I was dispatched to [REDACTED] Gessel Street in Seminole, land located within the boundaries of the Seminole Nation Reservation, for a report of a possible kidnapping attempt.

Upon arrival I made contact with Seminole Nation Tribal member Michelle Smith, DOB [REDACTED] and Non-Native Justin Smith, DOB [REDACTED]. I initially spoke with Smith who advised that while in his garage at [REDACTED] Ew 1190, Seminole, OK 74868 lot # [REDACTED], land located within the boundaries of the Seminole Nation Reservation, two of his children both juvenile members of the Seminole Nation [REDACTED] and [REDACTED], came jogging up to him and told him that while playing near a playground North of the residence, also located within the boundaries of the Seminole Nation Reservation, a man approached them and tried to speak with them. Smith stated that he was told by his children the man asked several questions before asking where they lived. Smith went on to state that the children told him that once the man asked where they lived they told him "Around here" indicating the general area of the Rolling Meadows edition, when the man asked them to clarify where Smith stated the children told him they ran home. Smith went on to state that after asking the children who asked them the questions, he looked up and seen a man he identified as Seminole Nation Tribal Member Jimcy McGirt, DOB [REDACTED], in an electric wheelchair. Smith stated that he looked at McGirt, and that McGirt looked at him before continuing South.

I then spoke with Seminole Nation Tribal member Michelle Smith, DOB [REDACTED], who advised that upon returning home from work her children, [REDACTED] and [REDACTED] told her they were almost kidnapped. M. Smith stated that she initially believed the children were joking until the

kids said they were serious. M. Smith stated she asked the children what happened at which point they told her a man began asking them questions. M. Smith asked the children what kind of questions to which the children stated he asked if they had snakes or liked snakes before asking the children if they had food at their house. M. Smith in here written statement, stated that he asked if they had "Sofke" in their house at which point [REDACTED] told him no. [REDACTED] went on to tell M. Smith the man asked where they lived and [REDACTED] ignored the question. M. Smith continued in her statement, stating that [REDACTED] told her the man told him that he was Reba's grandpa and he lived at Reba's house. M. Smith stated that after being told it was Reba's grandpa she knew it to be Jimcy McGirt. After filling out statements I asked M. Smith which house it would be that the children were talking about at which point she stated that it would be [REDACTED] Ew 1190 lot [REDACTED], Seminole, land located within the boundaries of the Seminole Nation Reservation.

I then went to [REDACTED] Ew 1190 lot [REDACTED] to attempt to make contact with McGirt. Upon arriving at the address I knocked on the door at which point Steven McGirt, Seminole Nation Tribal Member, son of Jimcy McGirt answered the door. I asked his name and asked if Jimcy McGirt was at the residence. S. McGirt stated that he was at which point he made a motion into the house and opened the door completely. After the door was opened further another male, later identified as Jimcy McGirt DOB [REDACTED] unknown tribal affiliation, appeared in the doorway. I asked if he was Jimcy to which he stated that he was. I then advised Jimcy of the reason for the interaction and asked his whereabouts for the day. Jimcy stated that he doesn't go anywhere near the kids in the neighborhood. I then asked Jimcy how long he had been staying at the residence and if he had made contact with our SORNA Officer to let him know of his presents at the residence. Jimcy then advised that he did not, however he had made contact with his Federal Probation Officer after his vehicle broke down on Sunday 08/25/2024, and that he would only be staying until it was fixed.

I then attempted to contact Christopher Villanueva, Jimcy's Federal Probation Officer, using a number provided to me by Jimcy, however he did not answer on the initial call. I then spoke with Lt. Talamasey who advised that whether or not his Federal Probation Officer had been notified Jimcy was still required to notify the SORNA Officer with the Seminole Nation Lighthorse Police if he was going to be within the Seminole Nation Reservation longer than 3 days and that Officer Jasna had not been notified by Jimcy. After being informed of this I returned to Jimcy and placed him into custody in violation of Title 6C Section 505- Failure to Appear for Registration.

After placing Jimcy into custody he requested he be allowed to get shoes out of the residence prior to heading to the jail. I advised him that an Officer will need to accompany him and he

agreed. While walking through the house I did not see any form of wheelchair, electric or otherwise as described in the original call, upon reaching a room on the West side of the house Jimcy requested I grab his wallet that was located on a piece of furniture next to the bed side that was being used as a nightstand. Additionally inside the room was multiple document holders that Jimcy, unprovoked, stated contained all his paperwork from his Federal court case. This is something I would consider odd as Jimcy had previously stated that the only reason he had been at the residence for the time he had was due to his car being broken down and it seemed unusual that someone would carry that many documents around on a day to day basis if not planning for an extended stay. The room that Jimcy had been staying in also appeared to contain other items that would indicate that he intended to stay at the residence on a more permanent basis.

Once Jimcy gathered his shoes and wallet he was taken out to my patrol vehicle and placed into the back seat. Prior to placing Jimcy in the back seat I noticed he did not have his cell phone with him, I asked if he would like to take it with him to the jail at which point he stated yes. I returned to the residence and spoke with Jimcy's son who had his phone when I last seen it and expressed Jimcy's wish to take his phone with him. I then took possession of the phone where it was later placed into Jimcy's property at the Seminole County Jail.

Prior to leaving for the jail I received a call from Officer Villanueva. I advised Officer Villanueva of the nature of the call and that Jimcy had been taken into custody. When informed about Jimcy's statement that he had been in contact with Officer Villanueva, Officer Villanueva indicated that he had not had contact with Jimcy in regards to being in the Seminole Nation Reservation and that he should be in another town outside the boundaries of the Seminole Nation Reservation.

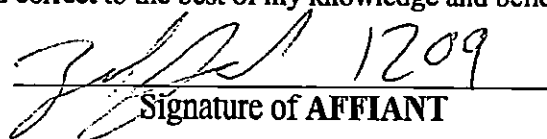
Jimcy was transported to the Seminole County Jail without incident and booked in for Title 6C Section 505- Failure to Appear for Registration.

END OF AFFIANT NARRATIVE

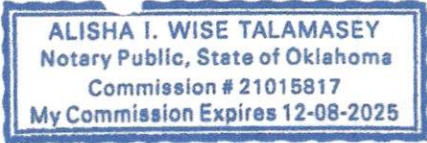
Offences Committed / Anticipated Charge (s):

Title 6C Section 505- Failure to Appear for Registration

Upon oath, I declare that the above information is true and correct to the best of my knowledge and belief.


Signature of AFFIANT

Subscribed and sworn to before me this 3rd day of Sept., 2024



My Commission Expires: 12/08/2025

Commission Number: 21015817

Alisha I. Wise Talamasey
Signature of Notary Public

FINDING OF PROBABLE CAUSE

The Undersigned Judge of this Court, upon sworn affidavit, hereby determines there to be probable cause for issuance of an arrest warrant.

Bond
\$25,000⁰⁰

Dated this 3rd day of September, 2024

[Signature]
Signature of District Judge