



OKLAHOMA CRIMINAL DEFENSE GUIDE

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If you have been arrested or are currently under criminal investigation in the state of Oklahoma, it is important to speak with an experienced criminal defense attorney as soon as possible. Your freedom could be on the line, so it is imperative to act fast. We are determined to aggressively defend your case in court by constructing a well-tailored plan of action that will produce the best possible outcome.

Regardless of what crime you have been charged with, you will need an attorney with experience in Oklahoma criminal defense to guide you through this complex and stressful process. We handle each case with honesty and integrity under the assumption that all our clients are innocent until proven guilty. Protecting your constitutional rights is our top concern, and we will work diligently to achieve your desired results.

WHO WE REPRESENT

If you have been arrested or charged of a crime in Oklahoma, you are no doubt concerned about the long-term impact this could have on your future. Our team of accomplished legal representation is just as concerned as you are, and we approach every case with the care and attention to detail it deserves. Good people make mistakes, and we are not here to pass judgment. We are here to act as your personal advocate and defend your rights as aggressively as necessary.

Violent Crimes

If you have been charged with a serious violent crime, you will need the services of an Oklahoma criminal defense attorney right away. A murder or manslaughter conviction may seem like the end of the road for you, but there are several defense strategies we can employ to achieve your best possible outcome. Factors such as self-defense or mitigating circumstances can result in a less severe penalty, and we are ready to put in the hard work to defend you from prosecution. Every case involving homicide requires a critical attention

to detail, and it takes a well-practiced criminal defense attorney to achieve the most positive results.

Assault and Battery Charges

If you have been charged with an Assault and Battery offense, it is important to have an accomplished Oklahoma criminal defense attorney by your side. Not all assault crimes are seen equally: some are considered misdemeanors while others are felonies. Assault and Battery with a Deadly Weapon is a felony that could lead to significant jail time. Furthermore, an “Intent to Kill” conviction could result in life imprisonment, which is defined in Oklahoma as 45 years.

It is also important to be aware of Oklahoma’s “85% Rule,” which applies to certain assault crimes (including Aggravated Assault and Battery and any “Intent to Kill” crime). The 85% Rule stipulates that if you are convicted, you must serve at least 85% of your sentence before you are even eligible for parole. To make sure you understand the various legalities when it comes to assault charges, it is best to seek the representation of an experienced Oklahoma criminal defense attorney to plan your course of action.

Drunk Driving and Drug Possession

If you are charged with a DUI/DWI, the implications could be severe. Mistakes often happen, and it is our responsibility to make sure that you do not suffer long-term consequences from the misguided decisions of one regrettable night. Without the legal counsel of an experienced Oklahoma criminal defense attorney, you could lose driving privileges and, even worse, potentially face jail time.

Likewise, a drug-related crime can carry serious ramifications. This is especially true in the state of Oklahoma, where penalties for drug crimes are particularly harsh. For instance, Possession of a Controlled Dangerous Substance with Intent to Distribute is a felony that carries a minimum sentence of two years in prison (and a maximum of 20). Even possessing trace amounts of marijuana or any drug-related paraphernalia is considered a misdemeanor.

If you are under investigation or have been charged with a drug crime, it is important to consult a criminal defense attorney right away. Your arrest may

have been the result of illegally obtained evidence or unreasonable search and seizure. To ensure your rights are protected, we will carefully examine your case to help you attain the best possible outcome in court, setting you on the right path moving forward.

White Collar Crimes

A white-collar crime refers to any crime in which the motives are purely financial. This can include embezzlement, forgery, extortion, bribery, insider trading, and fraud, among others. Depending on the circumstances, you could be charged with a federal offense. If you have been charged with a white-collar crime or are under investigation, you will need to speak with an Oklahoma criminal defense attorney right away. These types of cases can be very complex, and it is important to receive top-rate legal strategy as soon as possible.

GETTING AN EXPUNGEMENT

A misdemeanor or felony charge may make you ineligible for certain career or educational opportunities in the future. Having a criminal record is a major obstacle to overcome, especially when a job requires background checks. Expungement, which refers to the clearing of a criminal record, is always a worthwhile objective to pursue. Oklahoma law states that once a criminal record has been expunged, government agencies are not allowed to disclose any information in relation to the prior charges.

To find out if you are eligible to file a petition for expungement, contact a knowledgeable Oklahoma expungement attorney today. We will review your case and strive to have your record cleared, so you can get the clean slate you deserve.



HOW AN EXPERIENCED OKLAHOMA CRIMINAL DEFENSE ATTORNEY CAN HELP

Whether you are in the process of appealing a conviction, have just been arrested, or are currently undergoing an investigation, we are here for you no matter what. Seeking out the guidance of a well-practiced Oklahoma criminal defense attorney is the best possible suggestion for anyone facing criminal charges at the state or federal level.



FREQUENTLY ASKED QUESTIONS | OKLAHOMA CRIMINAL DEFENSE GUIDE

How Do I Choose the Right Attorney?

When you're facing a criminal charge, it's imperative that you contact someone who you believe is going to serve your interest best as far as criminal defense goes. You need to contact a criminal defense attorney who's experienced in the local jurisdiction that you're in, who knows the judges, knows the prosecutors, and can communicate effectively with them. You want someone who will be thorough and diligent in assessing the evidence and the facts of your case. The right attorney will be someone who will listen to you because there's always two sides to every story.

In doing so, you need to also pick someone who's going to be trustworthy and who you will be comfortable going through this process with because your liberty may be at stake depending on the charge that you are facing. You need to be trusting of the representation that you have retained. Contact an experienced, local criminal defense attorney to assess your situation.

What If I'm Arrested for Domestic Violence?

If you're facing a domestic violence arrest, you need to contact a criminal defense attorney immediately. That is a situation where you need to not contact any other party including the alleged victim in your case because that may result in additional criminal charges being filed against you. In contacting a criminal defense attorney, you will assess the facts, assess the evidence, and determine what defenses are available for you to serve your interest best. It's imperative you do so because the case may result in a lengthy jail time or incarceration if you do not take care of business.

What If I've Been Charged with Assault?

If you're charged with a crime of assault and battery in the state of Oklahoma, it's imperative that you contact a criminal defense attorney immediately. You need to review your viable defenses to the charge because the state of Oklahoma will generally pursue that charge pretty vigorously. That charge can carry a period of incarceration that may be substantial. It's imperative that you also stop communicating with anyone about any of the alleged events that you were involved in. Contact a criminal defense attorney immediately and assess your case.

What If I've Been Charged with Burglary?

If you've been charged with a crime of burglary, the first measure you should take in your defense is to hire a criminal defense attorney to assess your case with you one on one to determine what viable defenses may exist. That charge can carry a range of punishment that is substantial, including incarceration. It is imperative that you contact a criminal defense attorney to review your case, and do not communicate with anyone else but your defense attorney.

How Do I Defend Against a Protective Order?

If you've been served with a protective order, the question becomes, do you need to contest it? Do you need to show up to court and object to it? The answer overwhelmingly is yes, you do. If you fail to do so, the court can issue what's considered a permanent protective order for a period of years that will then have adverse impacts on your ability to maintain employment. Some judges

have even stated they consider a permanent protective order to be as damaging as a felony conviction on your record.

Additionally, you may have issues maintaining or purchasing a firearm. As well as if you have you have children and a child custody issue, this could adversely impact your ability to have custodial rights or certain types of visitation. You need to contact an experienced attorney in the area of protective orders immediately and assess your situation.

What If I'm Charged with Distracted Driving?

Times are changing. It used to be that a DUI was the worst thing you could do if you were driving. People really frowned upon it. It's still frowned upon. It's still not something good to do. It's dangerous and it could change your life forever.

The new DUI is distracted driving. A study out of the University of Utah indicates that someone texting or playing games on their phone while they're driving is actually worse than a drunk driver. When you text while you drive, you're taking your life in your hands of having something bad happen to you.

If you're involved in an auto wreck, the first thing you should think of is, was the other driver on their phone? You should ask the police officer to look at the phone, to take a screenshot and send it to you. You should make sure you're not on your phone. The first thing that a police officer will do is ask you for your phone, too. He'll check to see if you were texting and see if you were on the phone when you were in the wreck.

Distracted driving is becoming bigger and bigger. People can be killed by distracted driving. The number of distracted driving motor vehicle wrecks are climbing each year significantly. If you're involved in a wreck, and you think that someone that hit you or caused this accident or wreck was distracted by texting or on the phone, contact an experienced personal injury trial lawyer who will have the means to find the records, subpoena the records, and determine whether or not the driver that hit you was actually distracted at the time of the wreck.

What If I'm Charged with a Felony?

If you're charged with a felony in the state of Oklahoma, you need to contact an experienced criminal defense attorney immediately. You need to refrain from any conversation concerning any allegations that are made against you and whether there's any factual basis against it. Refrain from communicating anything about it to even your closest friends. Refrain from using social media concerning this issue because law enforcement frequently uses social media to obtain evidence and facts regarding the ongoing investigation they're pursuing against you. Again, it's imperative that you contact an experienced criminal defense attorney to assess your situation and prepare accordingly.

What If I'm Being Heard by a Student Conduct Board?

All towns that have a major university has their own student conduct board. This board monitors what their students do in the community. If you're charged with a crime, the student conduct is going to interview you. If a complaint is made to the student conduct board against you but no crime is filed against you, the student conduct board will also question you. They also can have a hearing.



The student conduct boards across the state only have a preponderance of the evidence burden, which means it's more probable true than false that you did what your accuser said you did. That's not a very high bar. More often than not, you're in trouble.

In the criminal courts across the state of Oklahoma, it's beyond a reasonable doubt. That means that if there's any possible doubt or any possible reason this could have happened other than what the state says, you're going to be dismissed and you're going to be found not guilty. I caution anybody when you deal with a student conduct board, you need to be very careful. You need to seek representation. Lawyers cannot go to the hearing with you and say anything;

you're on your own, but we can advise you and counsel you on how to deal with it, and what to say, and what not to say when you get there.

Should I Take a Lie Detector Test?

Sometimes law enforcement will ask an individual to submit to a polygraph as part of an ongoing investigation. If you are asked to submit to a polygraph, the question becomes, should you do so? The answer is no. You're under no legal order or obligation to do so. Doing so may actually implicate you in a crime that you may have had nothing to do with. Your best advice is to steer clear from that and only comply with court orders. Contact an experienced criminal defense attorney if you are requested to take a polygraph.

What Are My Rights?

If you're accused of a crime in the state of Oklahoma and charges are filed against you, you have a right to remain silent. You have a right to have effective legal counsel represent your interests. You also have a right to a trial by a jury of your peers; that you cannot be convicted of the crime unless they return a unanimous jury verdict of guilt with proof beyond a reasonable doubt. You need to contact an experienced criminal defense attorney immediately upon receiving news that you've been charged with a crime in order to assess your rights.

Should I Talk to the Police?

I had a consultation recently with a client where they were asked by law enforcement to come make a statement or come give some information regarding an ongoing investigation law enforcement was undertaking. The client asked me, should I go down there and talk with them? The answer is no; not without legal representation. You could be potentially incriminating yourself without your knowledge even though you have the best interest and intentions of just being cooperative even if you feel like you have nothing to hide. You want to make sure you've assessed all of your rights and what the probability is of the outcome of the situation might be by contacting an experienced criminal defense attorney.

Should I Make Statements to the Police?

Sometimes law enforcement will ask a person to come down and make a statement as part of an ongoing investigation they're undertaking. The question becomes should you go down and make any statements or answer any questions? The answer is no.

For one, law enforcement is not required to be honest with you during that questioning period. They may just be seeking to elicit a certain response and conclude their case. It could be a number of factors behind that where your friend or some other witness may have implicated you in the case without your knowledge and maybe untruthfully just to save themselves the hassle of dealing with law enforcement. It's important that in that stage where you've been asked to come down and make a statement or answer questions that you contact a criminal defense attorney who is experienced in your local jurisdiction to deal with that matter.

CALL OUR OFFICE TODAY

Whatever crime you may be charged with, we strive to achieve the best possible outcome for our clients. This can include dismissed or reduced charges, alternatives to jail time, or a "Not Guilty" verdict. Our experienced legal team is determined to help you when you need it most. Defending your freedoms is our top priority. Contact us today for a free consultation.



ABOUT THE AUTHOR

James Murray

When James Murray was 15 years old, he watched President Richard Nixon's Watergate scandal unfold before him. The corruption displayed by the White House and in politics in general during that time inspired James to pursue law so that he could make a positive change and a real difference in the country. To reach his goal, he attended undergrad — and later,

law school — at the University of Oklahoma. In 1985, James was admitted to the Oklahoma Bar Association and his career as an attorney began.

As a personal injury lawyer, Attorney Murray enjoys helping people. “It’s easily the most satisfying part of my job and it’s what drives me to come in to work every day. Those whom I help are real people with real problems, not walking ATMs that come in to my office to spit out money for my services and then leave. In personal injury, it’s important to remember that clients are more than just clients. I always make sure that I do.

“Through my cases, I can truly help the people who need it. For instance, when a car wreck killed the parents of two young children, our attorneys were able to settle the case on behalf of the now orphaned children for a figure in the mid-seven figures. No amount of money can bring those children their parents back. However, through the work we did, we were able to ensure that the children will be taken care of financially for the rest of their lives.

“When I’m not in the office, I spend time with my wife, who I love very much, and volunteer at my church. I also work extensively with the Boy Scouts of America because I truly believe in the importance of instilling great values in our nation’s young men. It’s no wonder that all six of my sons are Eagle Scouts. Between the six of them, I have 11 wonderful grandchildren, and I watch with pride as my sons pass those same values on to them.”

Education

- » JD - University of Oklahoma
- » BS - Oklahoma State University, double major in Accounting and Agriculture Economics

Professional Association & Membership

- » Oklahoma Bar Association

Community Involvement

- » 2000-2007 President of Oklahoma Assisted Technology - Non-Profit

- » Scoutmaster Troop 822 - current
- » Chairman of the BSA-LDS Oklahoma Encampment 1997 and 2007
- » Eagle Scout & Duty to God Award
- » Past President of Payne County Bar Association
- » Chairman of the Law Day Committee of the Payne County Bar Association



Thomas Swafford

Attorney Thomas Swafford has been practicing law in the state of Oklahoma for over seven years. His core areas of practice are divorce litigation and criminal defense.

