

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
Defendant.) Case No.

**MOTION TO DIVULGE CONFIDENTIAL INFORMANT
OR IN THE ALTERNATIVE MOTION TO DISMISS**

COMES NOW the Defendant, above, by and through his attorney of record, Glen R. Graham, and requests that the Court order the State of Oklahoma to divulge the identity of the confidential informant or in the alternative dismiss the case. 12 O.S. §2510 (2002).

The Oklahoma Evidence Code has codified the long standing privilege to protect the identity of the informant used by the police or law enforcement but that privilege is not absolute. Tit. 12 O.S. §2510 (2) (2002) states an *exception* in regard to the confidential informant statute as follows:

“If the informant is also a material witness to the criminal conduct with which the defendant is charged or was a participant in said criminal conduct conjointly with the defendant, or is shown to be able to give testimony relevant to a material issue in the case.”

Since the confidential informant was present during the drug transaction in this matter and is able to give testimony relevant to a material issue, his or her identity is no longer protected under the statute and the state must choose to either divulge the informant name and information or to dismiss this case.

WHEREFORE the premises considered the defendant respectfully requests that the Court order the State of Oklahoma to divulge the name and address and information

of the confidential informant as that person is a witness in the cause of action before the court or to dismiss the case. 12 O.S. §2510, *Hill v. State*, 589 P.2d 1073, 1077

(*Okla.Crim.App. 1979*).

Respectfully submitted,

Glen R. Graham OBA 12110
Attorney for Defendant
1612 S. Cincinnati Ave
Tulsa, OK 74119
(918) 583-4621

CERTIFICATE OF SERVICE

This certifies that the undersigned faxed or hand delivered a true and correct copy of this document to the Office of the Tulsa County District Attorney, 9th Floor, Tulsa County Court House, 500 S. Denver Ave., Tulsa, OK 74119 (Fax: 596-4830), on the same day it was filed with the Tulsa County Court Clerk.

By: _____
Glen R. Graham