

automatically assigned to the Accelerated Docket of this Court. The propositions or issues were presented to this Court in oral argument on February 21, 2019, pursuant to Rule 11.2(E). At the conclusion of oral argument, this Court affirmed the ruling of the reviewing judge.

SUMMARY OF FACTS

On June 8, 2016, an inmate in the Garfield County Jail, Anthony Dewayne Huff (“Inmate Huff”), died after being strapped in a restraint chair for over fifty hours. The Appellee, Jerry Lee Niles, Jr. (“Sheriff Niles”), was the Sheriff of Garfield County and was responsible for the jail, jail personnel and all persons by law confined therein. 57 O.S.2011, § 47. Sheriff Niles and three other co-defendants were charged in connection with Inmate Huff’s death with Manslaughter in the First Degree, while engaged in the commission of a misdemeanor. 21 O.S.2011, § 711(1). The misdemeanors alleged to have been committed were Cruelty to Prisoners, 57 O.S.2011, § 9; and Sheriff or Jailer Neglect, 57 O.S.2011, § 55.

During the combined preliminary examination, Judge Reddick granted Sheriff Niles’ demurrer to the evidence and motion to dismiss the charges. Judge Reddick found that, “even when viewed in the light best for the State, the evidence presented fails to demonstrate

that there exists probable cause to believe that the defendant, Jerry Niles, committed either of the underlying misdemeanors pled, nor any other crime, which might have proximately caused the death of Anthony Huff.” The State announced its intent to appeal from the adverse ruling of the preliminary examination magistrate. 22 O.S.2011, § 1089.2. The matter was assigned to Judge Weedon, as reviewing judge pursuant to 22 O.S.2011, 1089.2(C).

Judge Weedon reviewed the transcripts of the preliminary examination and all of the evidence presented by the parties in the case. Judge Weedon found that Sheriff Niles had a policy and procedure in place as required by jail standards, and that there was no evidence he failed to train employees. Judge Weedon found from the evidence that the restraint chair policy was violated by jail staff in this case, but there was no evidence Sheriff Niles personally violated jail standards. Judge Weedon noted that the medical examiner determined the manner of Inmate Huff’s death to be natural and the probable cause of his death to be “chronic alcoholism, sequelae”; and a forensic psychiatrist concluded that Inmate Huff died of consequences from alcohol withdrawal. Judge Weedon found and concluded that there was no evidence Sheriff Niles was present

or participated in the incarceration or restraint of Inmate Huff; there was no evidence Sheriff Niles had knowledge Inmate Huff was restrained in the chair; there was no evidence Sheriff Niles advised or encouraged anyone to restrain Inmate Huff; and thus Sheriff Niles could not be found criminally responsible for the death of Inmate Huff. Judge Weedon further concluded that, even if there was evidence Sheriff Niles committed one of the misdemeanors, such actions did not have a causal connection with and were not a substantial factor contributing to the death of Inmate Huff. In affirming the decision of Judge Reddick, Judge Weedon found that the evidence taken in the light most favorable to the State is insufficient to find probable cause Sheriff Niles committed a crime.

The State appeals the ruling of Judge Weedon, pursuant to 22 O.S.2011, § 1089.7, and Section VI, *Rules, supra*, asserting three propositions of error:

- I. **THE STATE OF OKLAHOMA PRESENTED SUFFICIENT EVIDENCE AT THE PRELIMINARY HEARING TO SHOW THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE APPELLEE COMMITTED THE UNDERLYING MISDEMEANORS USED TO SUPPORT THE CHARGE OF MANSLAUGHTER IN THE FIRST DEGREE.**

II. THE STATE OF OKLAHOMA PRESENTED SUFFICIENT EVIDENCE AT THE PRELIMINARY HEARING TO PROVE THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THERE WAS SUFFICIENT EVIDENCE OF CAUSATION BETWEEN THE MISDEMEANORS COMMITTED BY THE APPELLEE AND THE DEATH OF MR. HUFF.

III. THE STATE OF OKLAHOMA PRESENTED SUFFICIENT EVIDENCE AT THE PRELIMINARY HEARING TO SHOW THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT THE APPELLEE COMMITTED THE CRIME OF MANSLAUGHTER IN THE SECOND DEGREE (TITLE 21 O.S. § 716), AND MUST BE BOUND OVER AS SET FORTH IN TITLE 22 O.S. § 264.

ANALYSIS

“The purpose of the preliminary hearing is to establish probable cause that a crime was committed and probable cause that the defendant committed the crime.” 22 O.S.2011, § 258(8); *see also State v. Vincent*, 2016 OK CR 7, ¶ 5, 371 P.3d 1127, 1129. The standard of review to be used by the reviewing District Court Judge in a State appeal from an adverse ruling of the preliminary hearing magistrate is “whether the evidence, taken in the light most favorable to the state, is sufficient to find that a felony crime has been committed and that the defendant probably committed said crime.” 22 O.S.2011, § 1089.5; *see also Vincent, supra*. “When considering

whether or not a crime has been committed, the State is required to prove each of the elements of the crime The magistrate must consider the proof established by the State in light of the statutory elements of the given offense. If the elements of the crime are not proven, then the fact of the commission of a crime cannot be said to have been established. A defendant cannot be held to answer for actions which do not amount to a crime as defined by our statutes.” *State v. Berry*, 1990 OK CR 73, ¶ 9, 799 P.2d 1131, 1133. Absent an abuse of discretion in reaching that determination, the magistrate's ruling will remain undisturbed. *Vincent, supra* (citation omitted). An abuse of discretion has also been described as "a clearly erroneous conclusion and judgment, one that is clearly against the logic and effect of the facts presented." *Neloms v. State*, 2012 OK CR 7, ¶ 35, 274 P.3d 161, 170.

Judge Weedon’s decision affirming the ruling of Judge Reddick, that there was insufficient evidence to find probable cause that Sheriff Niles committed a crime, cannot be considered an abuse of discretion. 22 O.S.2011, § 1089.5; *see also Vincent, supra; Neloms, supra.*

DECISION

The order of the District Court of Garfield County sustaining the magistrate's ruling adverse to the State is **AFFIRMED**. Pursuant to Rule 3.15, *Rules, supra*, the **MANDATE** is **ORDERED** issued upon the delivery and filing of this decision.

AN APPEAL FROM THE
DISTRICT COURT OF GARFIELD COUNTY
THE HONORABLE JILL C. WEEDON,
ASSOCIATE DISTRICT JUDGE

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DISTRICT COURT**

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OPINION BY: KUEHN, V.P.J.

LEWIS, P.J.: CONCUR
LUMPKIN, J.: CONCUR
HUDSON, J.: SPECIALLY CONCUR
ROWLAND, J.: CONCUR

RA/F

HUDSON, J., SPECIALLY CONCURS:

The Court correctly finds no abuse of discretion from the dismissal of these charges because the evidence presented at the preliminary hearing was narrowly insufficient to establish criminal responsibility by the sheriff. Today's decision should not, however, be construed as an exoneration of the sheriff nor condoning the actions that were allegedly carried out on his watch. The facts alleged in this case are outrageous. A county jail inmate died after being strapped to a restraint chair for over fifty (50) hours in violation of the sheriff's jail policy. When criminal charges were filed, the elected sheriff responsible for this jail facility claimed no responsibility for the inmate's death.

The sheriff's liability here will be determined in the inevitable civil lawsuit that follows. Unfortunately the taxpayers will likely be required to shoulder the financial burden of paying out any judgment. This is not a perfect remedy but it is all the law can afford on the record presented to this Court. I therefore concur in today's decision.