



IN THE DISTRICT COURT OF CLEVELAND COUNTY
STATE OF OKLAHOMA }
STATE OF OKLAHOMA } S.S.
CLEVELAND COUNTY }
FILED

MARY ANN EVANS, a/k/a MARY EVANS,)
and JAMES KENNETH EVANS, SR.,)
Husband and Wife,)

NOV 20 2012

Plaintiffs,)

In The Office of the
Court Clerk RHONDA HALL

vs.)

Case No. CJ-2010-923-L

BOARD OF COUNTY COMMISSIONERS)
OF CLEVELAND COUNTY, OKLAHOMA)

Defendant.)

DEFENDANT’S RESPONSE TO PLAINTIFFS’ MOTION IN LIMINE

Defendant Board of County Commissioners of Cleveland County, Oklahoma responds to Plaintiffs’ Motion in Limine as follows.

I. DEFENDANT SHOULD BE ALLOWED TO REFERENCE PLAINTIFFS AND OTHER WITNESSES’ PRIOR CONTACT WITH LAW ENFORCEMENT AGENCIES.

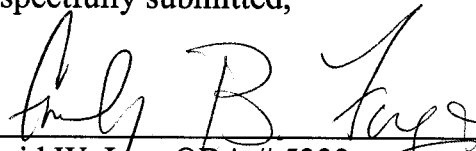
In their Motion in Limine, Plaintiffs ask this court to order counsel for Defendant, and all witnesses presented by Defendant, to refrain from mentioning or suggesting in their voir dire, opening statements, questions, answers, statements, objections or by means of any other device that reference prior contacts with any law enforcement agency of Kenneth Lee Evans, Taria Moreland or Plaintiffs. Plaintiffs state that such evidence has no probative value. However, this information is both relevant and necessary to explain various actions taken by the employees of the Cleveland County Sheriff’s Department and the actions of Kenneth Lee Evans and Plaintiffs. Furthermore, Defendant should be allowed to present this information for impeachment purposes.

In this case, Taria Moreland contacted the Cleveland County Sheriff's Department and reported that she had been abused by Kenneth Lee Evans, Plaintiffs' grandson. She also reported that Kenneth Lee Evans had taken their daughter and had made threats that he would kill himself and the daughter. Due to this information and Kenneth Lee Evans known history with law enforcement, a plan was made in order to contact Kenneth Lee Evans in a public area. However, things did not proceed as planned and ended with Kenneth Lee Evans barricading himself and his daughter in Plaintiffs' home. Therefore, it is essential that information regarding Kenneth Lee Evans' prior contact with law enforcement be admitted as it provides the basis for why certain actions were taken. The fact that Kenneth Lee Evans was well known to law enforcement prior to this incident provides the important background as to why the events unfolded the way in which they did in this situation.

The information which Plaintiffs seek to exclude is relevant, as it has a tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable. 12 O.S. § 2401. Relevant evidence is generally admissible. 12 O.S. § 2402. In their Motion in Limine, Plaintiff's have not show that the information they seek to exclude is irrelevant. As they have failed to show that the information is irrelevant or that it should be excluded on some other basis, the evidence of past law enforcement contact should be admissible. This evidence helps to establish the state of mind of these witnesses and it is relevant to show why certain actions were taken.

For the reasons stated, Defendant requests the Court to deny Plaintiffs' Motion in Limine.

Respectfully submitted,



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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on November 19, 2012, a copy of this document was mailed, postage prepaid, to:

L. Dee Oliphant
P.O. Box 996
Purcell, OK 73080



Emily B. Fagan