



MISDEMEANOR FORM I
Revised - 2/06

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA

Plaintiff

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

Case Number CM- 14-615

Case Number CM- 15-736

Case Number CM- _____

Case Number CM- _____

Case Number CM- _____

vs.

Matthew James Downing

Defendant

FEB 26 2015

TIM RHODES
COURT CLERK

Defendant's Social Security Number

14

**JUDGMENT AND SENTENCE
and SUMMARY OF FACTS ON PLEA OF GUILTY
MISDEMEANOR**

1. Is the name just read to you your true name? (Defendant initials yes or no) YES X or NO _____
 2. Is your age 40 years; and is your date of birth 08-06-1974? YES X or NO _____
 3. Is Brian M. Hinger your lawyer? YES X or NO _____
 4. Are you taking any kind of medication? YES _____ or NO X
 - a. If yes, what kind and when did you take it? _____
 - b. If yes, does this medication affect your judgment now? YES N/A or NO _____
 5. Have you been prescribed any medication that you should be taking, but that you are not taking? YES _____ or NO X
 - a. If yes, what kind and when should you have taken it? _____
 - b. If yes, does not taking this medication affect your judgment now? YES N/A or NO _____
 6. Have you ever been seen by a doctor or confined in a hospital for mental illness? YES _____ or NO X
If yes, explain: _____
 7. Counselor, do you have any reason to believe your client is not mentally competent to appreciate and understand the nature, purpose and consequences of this proceeding and to assist you in presenting any defense that may exist to any charge? (Lawyer initials) YES _____ or NO _____
 8. Counselor, do you have any reason to believe your client was not mentally competent to appreciate and understand the nature, purpose and consequences of his or her acts at the time they were committed and out of which the charges in the Information arose? YES _____ or NO X
 9. Do you understand you are charged with: (for more than six charges use Plea of Guilty, Addendum 1)
 - a. CM-2014-615 Assault and Battery
 - b. CM-2015-736 Ch E Obtaining Money Under False Pretense
 - c. Ch. II " " " "
 - d. Ch. III " " " "
 - e. _____
 - f. _____
- and have you and your lawyer had a copy of the charge(s)? (Defendant initials) YES X or NO _____
10. Do you understand that the range of punishment provided for the above crime(s) (is)(are) as follows:
 - a. Minimum of 0 to a maximum of 90 days (and)(or) a fine of \$0-1000 YES X or NO _____
 - b. Minimum of 0 to a maximum of 1 yr (and)(or) a fine of \$0-1000 YES X or NO _____
 - c. Minimum of 0 to a maximum of 1 yr (and)(or) a fine of \$0-1000 YES X or NO _____
 - d. Minimum of 0 to a maximum of 1 yr (and)(or) a fine of \$0-1000 YES X or NO _____
 - e. Minimum of _____ to a maximum of _____ (and)(or) a fine of \$ _____ YES _____ or NO _____
 - f. Minimum of _____ to a maximum of _____ (and)(or) a fine of \$ _____ YES _____ or NO _____

DEFENDANT'S
EXHIBIT
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CIV-2016-184-HE

- 11. Do you understand that if you plead guilty, you can be sentenced to a term of imprisonment within the total of the above range(s) of punishment? YES or NO _____
- 12. Do you understand that in addition to that punishment, a Victim Compensation Assessment will be imposed for each charge? YES or NO _____
- 13. Do you understand that you are entitled to a speedy jury trial on the charge(s), to confront all witnesses who will testify against you at the trial(s), to remain silent, and to have your witnesses ordered to Court even at the expense of the State? YES or NO _____
- 14. Do you understand that the law presumes you are not guilty of the crime(s) charged in the Information, or of any lesser-included offense(s)? YES or NO _____
- 15. Do you understand that a plea of not guilty requires the State to prove each and every material allegation of the Information beyond a reasonable doubt to a jury, or to the Court if a jury is waived, and if the State can not do this, you will not be convicted? YES or NO _____
- 16. Do you understand that you have the right to keep a plea of not guilty, and in doing so you keep all these rights? YES or NO _____
- 17. Do you understand that by entering a plea of guilty you give up all these rights? YES or NO _____
- 18. Have you talked over the charge(s) with your lawyer, do you understand your rights, and have you had your lawyer's advice in this matter? YES or NO _____
- 19. Has your lawyer served you well? YES or NO _____
- 20. Do you want a jury trial? YES _____ or NO
- 21. You stand now on a plea of not guilty. Should you change your plea to guilty, (AIA 1 Plea on CM-14-615) do you understand there has been a plea agreement? YES or NO _____

What is your understanding of the plea agreement? _____

Cases
c/c

CM 2014-615 90 days Suspended Sentence
 * 35% VCA
 DA Supervision + Court Costs
 Pys. Eval + Alcohol/Drug Assessment at Follow-up

CM 2015-736 Ch. I, II, III all concurrent
 1 yr Suspended Sentence, * 35% VCA, \$3241.48 Retention
 Release from DCPO, Surplus CLEET Contribution, DA Supervision

- 22. Do you want to enter your plea(s) now and be sentenced now (at a later date)? YES or NO _____
- 23. What (is)(are) your plea(s) to the charge(s), (and to each of them)? (handwriting of Defendant only) GUILTY + ALFOND
- 24. Do you plead guilty because you did the acts charged? YES or NO _____
- 25. Do you plead guilty of your own free will and without any coercion or compulsion of any kind? YES or NO _____
- 26. Have you been forced, abused, mistreated, threatened, or promised anything by anyone to have you enter your plea(s)? YES _____ or NO
- 27. Do you or your lawyer have anything more to say or do you know of any legal reason why you should not be sentenced now?
 (Defendant initials) YES _____ or NO
 (Lawyer initials) YES _____ or NO

28. THE COURT FINDS:

- A. The Defendant is mentally competent to understand the nature, purpose and consequences of this proceeding, and further, the Defendant was mentally competent to appreciate and understand the acts he or she committed on or about the date alleged in the Information, and to realize the nature, purpose and consequences of those acts at the time they were committed.
- B. The plea agreement is fair and just to the parties and should be concurred in by the Court.
- C. The plea(s) of guilty (is)(are) knowingly and voluntarily entered.

DEFERRED SENTENCING

29. THE COURT ORDERS:

- A. The plea(s) of guilty (is)(are) accepted by the Court..
- B. The sentencing date is deferred until _____ at 9:00 a.m.
- C. You are to pay the following to the Oklahoma County Court Clerk:
 - 1. A fine in the amount of \$ _____ on or before _____
 - 2. The court costs in the approximate amount of \$ _____ on or before _____
 - 3. The Victim Compensation Assessment in the sum of \$ _____ on or before _____
 - 4. The court-appointed attorney fee amount of \$ _____ on or before _____
 - 5. A laboratory fee for the benefit of the _____
in the amount of \$ _____ on or before _____
- D. You are to pay restitution according to the restitution schedule.
- E. You are to pay \$ _____ to the Department of Mental Health on or before _____

SUSPENDED SENTENCE or SUSPENDED AS TO PART

29. THE COURT ORDERS:

- A. The plea(s) of guilty (is)(are) accepted by the Court.
- B. You are sentenced to confinement under the supervision of the Oklahoma County Sheriff for a term as follows:
 - a. CA 14-615 90 days d. S/S
 - b. CA 15-736 1yr S/S e. adck Court
 - c. _____ f. _____
- either, to be all suspended; (Defendant initials) ALL SUSPENDED YES _____ or NO _____
- or, to be suspended SUSPENDED AS TO PART YES _____ or NO _____
- except as to the first _____ (months)(years) of the term(s) during which time you are to be held in the custody of the Oklahoma County Sheriff, the remainder of the sentence(s) to be suspended under the terms set forth in the Probation Guidelines found below in paragraph 30.
- C. These sentences are to run (concurrently) (consecutively). NOT APPLICABLE YES _____ or NO _____
- D. You are to pay the following to the Oklahoma County Court Clerk:
 - 1. A fine in the amount of \$ DF on or before _____
 - 2. The court costs in the approximate amount of \$ 244 + 294 + 166 + 165 on or before _____
 - 3. The Victim Compensation Assessment in the sum of \$ 35 + 35 + 35 + 35 on or before _____
 - 4. The court-appointed attorney fee amount of \$ _____ on or before _____
 - 5. A laboratory fee for the benefit of the _____
in the amount of \$ _____ on or before _____
- E. You are to pay restitution according to the restitution schedule.
- F. You are to pay \$ _____ to the Department of Mental Health on or before _____

TIME TO SERVE

29. THE COURT ORDERS:

- A. The plea(s) of guilty (is)(are) accepted by the Court.
- B. You are sentenced to confinement under the supervision of the Oklahoma County Sheriff for a term as follows:
 - a. _____ d. _____
 - b. _____ e. _____
 - c. _____ f. _____
- C. These sentences are to run (concurrently)(consecutively). NOT APPLICABLE YES _____ or NO _____

D. You are to pay the following to the Oklahoma County Court Clerk:

- 1) A fine in the amount of \$ _____ on or before _____.
- 2) The court costs in the approximate amount of \$ _____ on or before _____.
- 3) The Victim Compensation Assessment in the sum of \$ _____ on or before _____.
- 4) The court-appointed attorney fee amount \$ _____ on or before _____.
- 5) A laboratory fee for the benefit of _____
in the amount of \$ _____ on or before _____.

E. You are to pay restitution according to the restitution schedule.

F. You are to pay \$ _____ to the Department of Mental Health on or before _____.

G. Court Fund Assessment (CTFD) \$ _____.

AFFIDAVIT

ON THE _____ DAY OF _____, 20____, In OKLAHOMA COUNTY, OKLAHOMA, I committed the following act (s): _____

CM 2014-615 Pursuant to North Carolina v. AINA (400K525) I acknowledge that the State of Oklahoma has sufficient evidence to convict me. I therefore enter this "Alford" plea to take advantage of the agreed plea. *ms*

CM 2015-736 Between 7-19-2013 and 01-02-2014 I falsely claimed that I was available for duty calls as an OCPD officer while I was working extra-duty jobs. I received \$3241.40 from the City of Oklahoma City as compensation.

THE ABOVE STATEMENT OF THE CRIME IS IN MY OWN HANDWRITING OR WRITTEN BY MY ATTORNEY AND APPROVED BY ME. Initials _____

NOTICE OF RIGHT TO APPEAL

30) To appeal from a conviction on your plea of guilty you must file a written Application to Withdraw Plea of Guilty within ten (10) days from today. You must set forth in detail the grounds for your withdrawal and request an evidentiary hearing in the trial court. The trial court must hold a hearing and rule upon your application within thirty (30) days from the date it is filed. If the trial court denies your Application you have ninety (90) days from the date of denial to file a Petition for Writ of Certiorari to the Court of Criminal Appeals to appeal the trial court's decision. If you are indigent, these appeals can be prosecuted at public expense, and you can have an attorney appointed to represent you.

Do you understand your right to appeal? YES NO _____

31) Have you fully understood the questions that have been asked? YES NO _____

32) Were your answers freely and voluntarily given? YES NO _____

DONE IN OPEN COURT this 26 day of February 2015. This document is to be filed in the case.

[Signature]
Assistant District Attorney

[Signature]
Judge of the District Court

[Signature]
Attorney for the Defendant

Court Reporter Present
[Signature]
Deputy Court Clerk

Having been previously sworn, I the Defendant whose signature appears below, make the following statements under oath: 1) My Attorney and I have read this Judgment and Sentence and Summary of Facts on the Plea of Guilty. 2) It is a true statement of the questions asked and of my answers to them. 3) I approve this document and I do not desire to change it or add anything to it. 4) I understand that that I may be prosecuted for perjury if I have made false statements to this Court.

Defendant *[Signature]*

To: Chief William Citty
From: Matthew Downing #1233

Approved
✓
2/25/15

I wish to resign my commission and position with the Oklahoma City Police Department effective at 11:59 pm on February 25th 2015.


Matthew Downing