

SUPREME COURT OF OKLAHOMA

In re: The Lorice T. Wallace Revocable Trust Dated December 26, 1974, as Restated Effective October 5, 1993 and as Amended on February 12, 1998, The Lorice T. Wallace Irrevocable Trust Dated February 8, 1996, and The Lorice T. Wallace Irrevocable Trust Dated September 11, 1992, Also Known as the Lorice T. Wallace Life Insurance Trust, and the Lisa Frances Wallace Discretionary Spendthrift Trust; Stephen Paul Wallace v. Ronald Saffa and The Trust Company of Oklahoma

2009 OK 16 · No. No. 101511, consolidated with No. 101860 · Decided March 3, 2009

SUMMARY

The Supreme Court of Oklahoma affirmed Stephen Paul Wallace’s conviction for indirect contempt arising from his violation of an injunction barring him from filing litigation related to several family trusts. The court rejected challenges concerning the facial validity of the confinement order, access to the courts, sufficiency of the evidence, the suspended sentence conditions, and waiver of the right to counsel. The court also declined to address collateral issues and other requested relief.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Winchester, J.; All justices concur
JURISDICTION	Oklahoma
DECIDED	March 3, 2009
DOCKET	No. 101511, consolidated with No. 101860
DISPOSITION	affirmed
PROCEDURAL POSTURE	Wallace appealed a Tulsa County District Court judgment and sentence finding him guilty of indirect contempt for violating an injunction that barred him from filing lawsuits concerning the trusts outside that court.
STANDARD OF REVIEW	Review of the appeal was limited to the contempt order itself because contempt is ordinarily a collateral or separate action from the

	underlying case. The court would not presume legal error from a silent record; the appellant had to affirmatively demonstrate error and provide the materials necessary for review.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential
PARTIES	Stephen Paul Wallace v. Ronald Saffa, The Trust Company of Oklahoma

TOPICS

trusts injunctions contempt appellate procedure constitutional law

PRACTICE AREAS

trusts and estates contempt appellate procedure constitutional law civil procedure

QUESTIONS PRESENTED

1. Whether the judgment and sentence for indirect contempt was facially invalid because it did not adequately state the substance of the offense under 21 O.S. 2001, § 568.
2. Whether the injunction restricting Wallace's filing of trust-related lawsuits violated his constitutional right of access to the courts.
3. Whether the evidence was sufficient to support the jury's finding that Wallace willfully disobeyed the injunction.
4. Whether the trial court had authority to suspend part of Wallace's contempt sentence conditioned on a mental-health examination and cooperation with recommended treatment.
5. Whether Wallace was denied his Sixth Amendment right to counsel when the trial court refused to permit hybrid representation.

HOLDINGS

1. The judgment and sentence was not facially invalid because it sufficiently described Wallace's contemptuous filing and the period during which he maintained the federal action, satisfying 21 O.S. 2001, § 568.
2. The injunction restricting Wallace from filing trust-related lawsuits in other courts was a lawful order and did not violate his constitutional right of access to the courts.
3. Wallace's challenge to the sufficiency of the evidence was without merit, and the conviction could not be overturned because he failed to provide the jury-trial transcript or otherwise affirmatively demonstrate error.
4. The district court had statutory authority to suspend part of the sentence on conditions requiring a mental-health examination, cooperation with the examination, and compliance with recommended treatment.

5. Wallace knowingly and intelligently waived appointed counsel, and the trial court did not violate the Sixth Amendment by refusing to allow hybrid representation.

KEY QUOTATIONS

“Appellate review is limited to the contempt order itself.” (¶ 14)

“Courts are created for the purpose of administering justice under the law. In order to accomplish that purpose, a court must, through necessity, have the power to facilitate and expedite causes before it so long as the reasonable exercise of these inherent powers does not prejudice the rights of parties involved.” (¶ 20)

“Legal error may not be presumed from a silent record; it must be affirmatively demonstrated.” (¶ 23)

FACTUAL BACKGROUND

Wallace, a beneficiary of family trusts, filed numerous lawsuits and appeals in multiple state and federal courts alleging fraud, conspiracy, theft, and related misconduct by the trustees and others. After finding that his repeated litigation had caused substantial expense and appeared intended to harass and delay proceedings, the Tulsa County District Court enjoined him from filing trust-related actions in other courts. Wallace nevertheless filed a new federal action in the District of Columbia, and the trial court later found him guilty of indirect contempt for violating the injunction.

PROCEDURAL HISTORY

Saffa and The Trust Company sought injunctive relief after Wallace filed numerous lawsuits and appeals concerning family trusts. The Tulsa County District Court entered a temporary restraining order, continued it as a temporary injunction, and thereafter convicted Wallace of indirect contempt following a jury trial based on his filing of an action in federal court. The court imposed a sixty-day jail sentence, suspended thirty-nine days subject to mental-health-examination and treatment conditions, and imposed a \$26,200 fine. Wallace appealed; the Oklahoma Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Lerma v. Wal-Mart Stores, Inc., 2006 OK 84, ¶ 8, 148 P.3d 880, 883
- Hambright v. City of Cleveland, 1960 OK 184, ¶ 15, 360 P.2d 493, 496
- First Federal Savings and Loan Ass'n, Chickasha, Oklahoma v. Nath, 1992 OK 129, ¶ 10, 839 P.2d 1336, 1342
- Davidson v. Gregory, 1989 OK 87, ¶ 8, 780 P.2d 679, 682
- Brown v. State, 1997 OK CR 1, ¶ 43, 933 P.2d 316, 326
- United States v. Hill, 526 F.2d 1019, 1025 (10th Cir. 1975), cert. denied, 425 U.S. 940, 96 S. Ct. 1676, 48 L. Ed. 2d 182 (1976)

- Shamrock Oil & Gas v. Sheets, 313 U.S. 100, 106 (1941)
- General Motors Corp. v. Gunn, 752 F. Supp. 729, 730 (N.D. Miss. 1990)
- Mobbs v. City of Lehigh, 1982 OK 149, ¶ 6 n. 5, 655 P.2d 547, 549
- In re Wallace, 288 B.R. 139 (Bankr. N.D. Okla. 2002)
- Watson v. Gibson Capital, L.L.C., 2008 OK 56, ¶ 13, 187 P.3d 735, 739
- Wallace v. Department of Health and Human Services, No. 1:04-cv-0713-ESH (D.D.C. July 20, 2004)
- Wallace v. Poe, No. 01:04-cv-1717-RWR (D.D.C. Feb. 28, 2005)

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