

SUPREME COURT OF OKLAHOMA

D. A. v. State ex rel. Oklahoma State Bureau of Investigation

D. A., 2018 OK 102 (Okla. 2018) · No. 116434 · Decided December 18, 2018

SUMMARY

The Oklahoma Supreme Court held that dismissal of criminal charges following successful completion of a drug court program is not a dismissal following completion of a deferred judgment or delayed sentence under 22 O.S. Supp. 2016 § 18. Accordingly, the petitioner was eligible to seek immediate expungement after completing drug court and obtaining dismissal of the charges. The court affirmed the district court's order granting expungement.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Kauger, J.; Gurich, V.C.J.; Winchester, J.; Edmondson, J.; Colbert, J.; Reif, J.; Combs, C.J.; Wyrick, J.; Darby, J. (not participating)
JURISDICTION	Oklahoma
DECIDED	December 18, 2018
DOCKET	116434
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Oklahoma State Bureau of Investigation appealed the McClain County District Court's order denying its objection to D.A.'s petition for expungement and granting the petition. The Oklahoma Supreme Court retained the appeal.
STANDARD OF REVIEW	Statutory interpretation and review of the district court's expungement ruling; the opinion does not state a separate standard-of-review formulation.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion; precedential
PARTIES	State of Oklahoma, ex rel. Oklahoma State Bureau of Investigation v. D. A.

TOPICS

statutory interpretation

plain meaning rule

criminal procedure

remedies

appellate procedure

PRACTICE AREAS

criminal record expungement

criminal procedure

statutory interpretation

appellate procedure

QUESTIONS PRESENTED

1. Whether dismissal of charges after successful completion of a drug court program constitutes dismissal following completion of a deferred judgment or delayed sentence under 22 O.S. Supp. 2016 § 18.
2. Whether records relating to charges dismissed after successful completion of drug court may be expunged immediately rather than being excluded from expungement or subject to a five-year waiting period.

HOLDINGS

1. A drug court's dismissal of charges following successful completion of the drug court program is not a dismissal following completion of a deferred judgment or delayed sentence within the meaning of § 18(7) or § 18(9), and therefore is not excluded from expungement or subjected to the five-year waiting period applicable to certain deferred-judgment or delayed-sentence dismissals.
2. D.A.'s drug court-related records were eligible for immediate expungement after successful completion of the drug court program and dismissal of the charges.

KEY QUOTATIONS

“We hold that a drug court's dismissal following successful conclusion of the drug court program is not excluded from expungement under 22 O.S. Supp. 2016 §181 and may be expunged immediately, after successful completion of the program and the charges have been dismissed.” (¶ 1)

“Consequently, we hold the Legislature did not intend to include drug court dismissals within §§18(7)'s and (9)'s terms, which refer to charges that have been “dismissed following the completion of a deferred judgment or delayed sentence” to exclude them from expungement or wait five years after dismissal to seek expungement.” (¶ 16)

“They may be expunged immediately after the program has been successfully completed, and the charges have been dismissed.” (¶ 17)

FACTUAL BACKGROUND

D.A. was arrested and charged with drug-related felonies in 2008 and later entered a five-year deferred sentence on one count. After a subsequent 2010 arrest, she entered a plea agreement under which two additional felony charges would be dismissed if she successfully completed drug court, while failure would result in a fifteen-year sentence. She completed the drug court program, the charges were dismissed in 2015, and she petitioned for expungement in 2017.

PROCEDURAL HISTORY

After successfully completing a McClain County drug court program, D.A.'s felony charges were dismissed. She petitioned the McClain County District Court under 22 O.S. Supp. 2016 § 18(7) to expunge her arrest records,

charges, and court dispositions. The district court denied OSBI's objection, granted expungement, and included instructions concerning sealing the records. The Supreme Court retained the appeal and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Sonnier v. State*, 2014 OK CR 13, 334 P.3d 948
- *Alexander v. State*, 2002 OK CR 23, 48 P.3d 110
- *Tate v. State*, 2013 OK CR 18, 313 P.3d 274
- *Hagar v. State*, 1999 OK CR 35, 990 P.2d 894
- *Looney v. State*, 2002 OK CR 27, 49 P.3d 761
- *Brisco v. State ex rel. Board of Regents of Agriculture and Mechanical Colleges*, 2017 OK 35, 394 P.3d 1251
- *State ex rel. Oklahoma State Department of Health v. Robertson*, 2006 OK 99, 152 P.3d 875
- *The Pentagon Academy, Inc. v. Independent School District No. 1 of Tulsa County*, 2003 OK 98, 82 P.3d 587
- *Bertrand v. Laura Dester Center*, 2013 OK 18, 300 P.3d 1188

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