

**IN THE DISTRICT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

THE STATE OF OKLAHOMA,

Plaintiff,

vs.

DAVID ANTHONY WARE.

Defendants.

Case No. CF-2020-2889

Judge William D Lafortune

**DISTRICT COURT
FILED**

MAR 15 2022

MOTION TO COMPEL

Comes now David Ware, by and through undersigned counsel and ask this Court to order the

District Attorney to obtain and turn over to the defense proof that Tulsa Police Department and/or Insurance Commission computers showed that David Ware had insurance on his vehicle and that Mr. Ware had a valid driver's license when Officer Zarkeshan checked the computers in his patrol car on June 29, 2020 between 3:05am and 03:15am. In support of this motion counsel shows the Court the following:

The Missing Evidence and Why it Matters

When Officer Zarkeshan pulled David Ware over on the morning of June 29, 2020 he approached David Ware's car and asked for driver's license and insurance. David Ware could not find his license, because in his excitement that he had "jack potted" at the casino he left it there. David Ware's license was later recovered at the casino by the Tulsa Police Department.

David Ware handed Officer Zarkeshan an insurance verification form for that vehicle. However the date was not current **on the verification**. Counsel for Mr. Ware issued a subpoena to "Best Insurance" at 1825 S Garnett Rd. in Tulsa and **counsel received proof that Mr. Ware had insurance** on his 2007 Chevrolet Cobalt LS VIN#1G1AK15F377199847 on June 29, 2020 (See Attached Exhibit A).

While Mr. Ware had a paper tag on his recently purchased vehicle, Officer Zarkeshan, as all Tulsa Police Officers are, was able to run David Ware's vin number and verify the vehicle had insurance. Below is an interchange between David Ware and Officer Zarkeshan taken from Officer Zarkeshan's body camera footage.

03:07:30—Body Camera—Ware looks at Officer Zarkeshan as Officer Zarkeshan says “The reason why I stopped you is you turned out right in front of me as I was coming and on top of that you have an expired tag” 03:07:36 Body camera footage Ware “My tag is not expired I haven't got it tagged yetI just bought the car”. Officer Zarkeshan “Your paper tag is expired man”¹ (03:07:43)

Ware “Ok I'm sorry I thought I had two months” (03:07:44) Officer Zarkeshan “No” (03:07:46) Ware “Ok well..” Officer Zarkeshan “ You got an I'd on you” Ware “yes...I just jack potted at the casino, my house is right here, I was excited, my house is right here man..” (03:07:53)

(03:07:54) Officer Zarkeshan “Gotcha well do you have your I'd and your insurance.” Ware is looking for I'd and insurance, pulls title to the car out of glove box. (03:7:58-03:08:12)

(03:08:13) Ware (referring to paperwork pulled from the glove box) “**This might be out of date but I am up to date on my insurance. I just don't know...**”

(03:08:19)—Officer Zarkeshan (interrupting Ware) “Gotcha, what..how's you vin on it? ...that title..” Ware “huh...” Officer Zarkeshan “**That title have your vin on it?**” Ware “**Yeah...**” Officer Zarkeshan “**Alright let me get that too**” (03:08:27) Ware hands title to Officer Zarkeshan and then Officer Zarkeshan says “And your ID” (03:08:33) Ware begins looking for his ID.

03:08:36 Officer Zarkeshan “Do you have a driver's license?” Ware “Yeah” as he continued to look. 03:08:40 Ware continues to look “ I just had my ID, I just jack potted ...”

Officer Zarkeshan took Mr. Ware's insurance verification (without the then current date) took his personal information down.

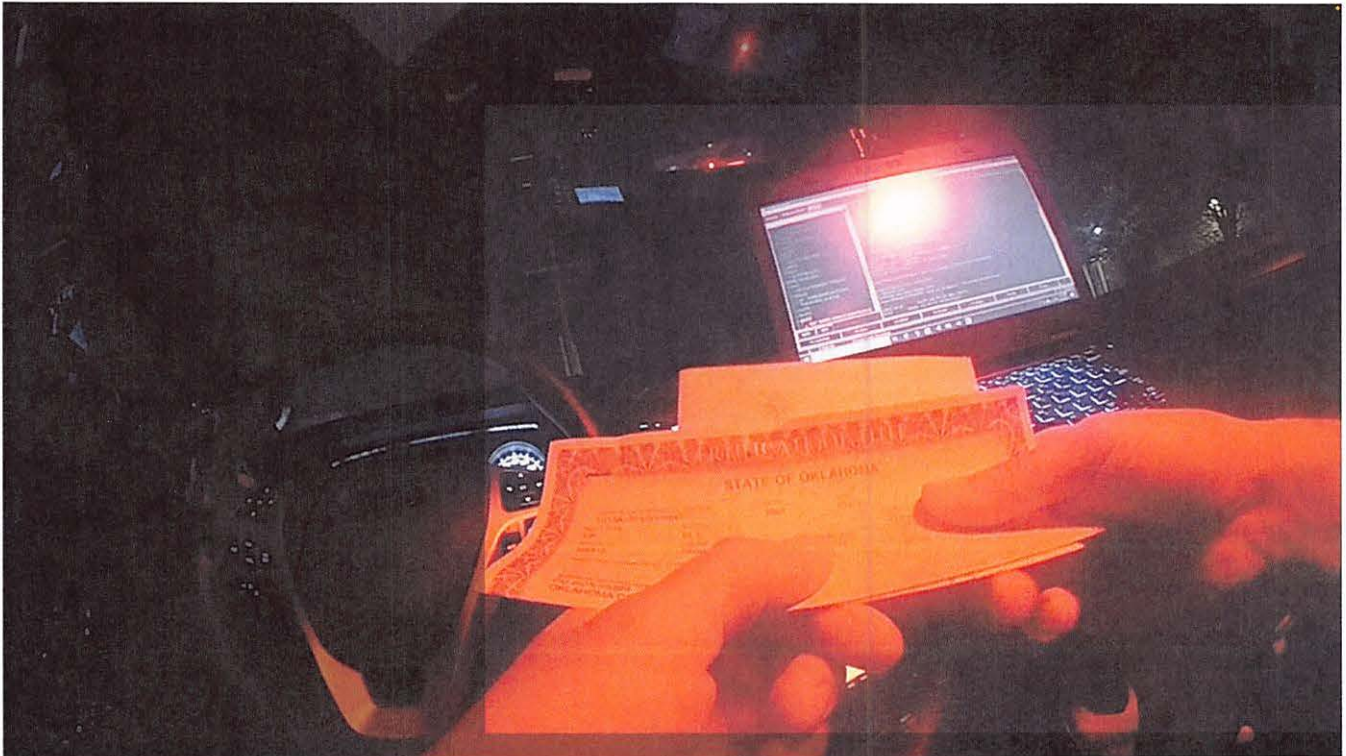
03:09:32 Officer Zarkeshan “ what is your first name?” Ware “David” Officer Zarkeshan “David” Ware “David, yes sir.” Officer Zarkeshan “David...last name?” Ware “Ware” Officer Zarkeshan “”Spell it “Ware “ W...A...R...E”

¹ See attached Exhibit B- June 12, 2020 “Executive Department Amended Executive Order 2020-20”, page 8 number 4. “The requirements for the licensing/registration authority as required by the Oklahoma Tax Commission”.

03:09:44 Officer Zarkeshan "Date of birth?" Ware "8-12-87"

03:09:50 "Alrighty ...you got a phone number?" 03:09:54 Ware looks at Officer Zarkeshan and says "Yeah...is that important?" Officer Zarkeshan "Yeah" Ware "9510355" Officer Zarkeshan "918" Ware "Yes Sir" Officer Zarkeshan "951..." Ware "0355". 03:10:10 Officer Zarkeshan "And address..." Ware "8135 East 16th street" Officer Zarkeshan "Is that a house or ah..." Ware "Its an apartment..." Officer Zarkeshan "What apartment is it?" Ware "227" Officer Zarkeshan "What is the apartment complex called?" Ware "Contempra". Officer Zarkeshan "Contempra...alright man...hang tight. You ain't got any warrants or anything do you?" Ware "no" Officer Zarkeshan "Ok"

Officer Zarkeshan returns to his vehicle and runs the VIN number on David Ware's vehicle to see if it has insurance. See the screen shot below:



Counsel knows David Ware had insurance on his 2007 Chevy Cobalt², what counsel is looking for is proof that Officer Zarkeshan knew David Ware had insurance.

² See Exhibit A—Harbor Insurance Company Verification Policy #HAR000676743 for 2007 Chevrolet Cobalt LS, VIN#1G1AK15F377199847 for Policy Period 04/28/2020 at 12:52 PM to: 10/28/2020 at 12:01 AM.

The Ware defense will argue (our *theory of defense*) during the upcoming trial that Officer Zarkeshan harbored feelings that certain people in our society that were “second class citizens”, “career criminals”, “sh!t Bags” or a “garbage class” so to speak. These officers do not believe that citizens belonging to this “garbage class” deserve the same constitutional protections as other members of society. This “us vs. them” or “good guy vs. bad guy” mentality allows these officers to justify acts of cruelty because in their minds these guys “deserve it”. This attitude sometimes manifest itself in law enforcement officers by saying they are “garbage men”, “trash collectors” or in Officer Zarkeshan’s case that he worked in “Waste Management”. The attitude of these officers motivates their lawlessness.



Officer Zarkeshan told Sergeant Johnson the following regarding David Ware’s insurance and license.

03:14:23 Sgt. Johnson asks “No Driver’s license anything like that?” Officer Zarkeshan “ah..He didn’t have a driver’s license on him, **he has no insurance on the vehicle**...his tags expired....(03:14:37)...**I’m going to search the car too**...

It is the belief of the defense that Officer Zarkeshan told Sgt. Johnson something he knew to be untrue, that David Ware did not have insurance. The defense theory of why Officer Zarkeshan told the untruth to his sergeant is that he was motivated by his hatred of those he saw as beneath him, less than human or “garbage”.

Officer Zarkeshan’s wording that “ah..He didn’t have a driver’s license on him..”, shows that Officer Zarkeshan had run David Ware’s information and **knew** that he had a valid driver’s license, otherwise he would have said “he doesn’t have a valid license” instead of artfully stating “He didn’t have a driver’s license on him.”

Officer Zarkeshan did not tell Sgt. Johnson that David Ware had:

1. given him an insurance verification, but it was just not an up to date verification or
2. that he had given him a title to the vehicle that had the vin number on it or
3. that he had checked the vin number on his computer.

Ware was knew he had insurance on his vehicle and repeatedly told Officer Zarkeshan and Sgt. Johnson (and this was confirmed by the subpoena and common sense because everyone knows you have to have insurance to get a tag.):

- (03:08:13) Ware (referring to paperwork pulled from the glove box) **“This might be out of date but I am up to date on my insurance. I just don’t know...”**
- (03:16:30-03:17:10) Sgt. Johnson “Here’s the thing your driving a car that’s over sixty days and you don’t have a tag and you don’t have insurance.” Ware “I’ll get a tag” Sgt. Johnson “You don’t have insurance” Ware **“I do have insurance...(Ware turns on inside light and says) y’all can look it up...while looking in his wallet”**.
- Sgt. Johnson “Get out of the car because I have to tow it...and I can’t tow it with you in it.” 03:21:08 Ware “You don’t have to tow it..” Officer Zarkeshan “I do, I told you I’m towing it.” Ware “Bullshit why?” Officer Zarkeshan “Because you don’t have your driver’s license, you don’t have your

insurance and your tags are over 60 days expired.” Ware **“I do have insurance.”** Sgt. Johnson “David step out of the car.” Ware **“I do have it...let me look for it then.”** Sgt. Johnson yelling “Get out and I’ll help you find it” Officer Zarkeshan “No no we are done looking for it” 03:21:26

The insurance is not the only thing Officer Zarkeshan was untruthful about the morning Sgt. Johnson was fatally shot. Officer Zarkeshan and Sgt. Johnson both must have know, as officers who swore an oath to uphold the laws of the state of Oklahoma, that on June 12, 2020 that our Governor Kevin Stitt has signed an executive order (Attached as Exhibit B) and that on the eight page of that order that “4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission”, had been suspended again for thirty (30) days because of the COVID state of emergency which had started three (3) months before.

The reason that the insurance is an important issue in this case because the defense theory in this case is that David Ware was lawfully resisting the unlawful actions of Officer Zarkeshan and Sgt. Johnson. The defense at the upcoming trial will be one of self-defense.

Dave Ware was Victim of Sgt. Johnson and Officer Zarkeshan’s Police Brutality



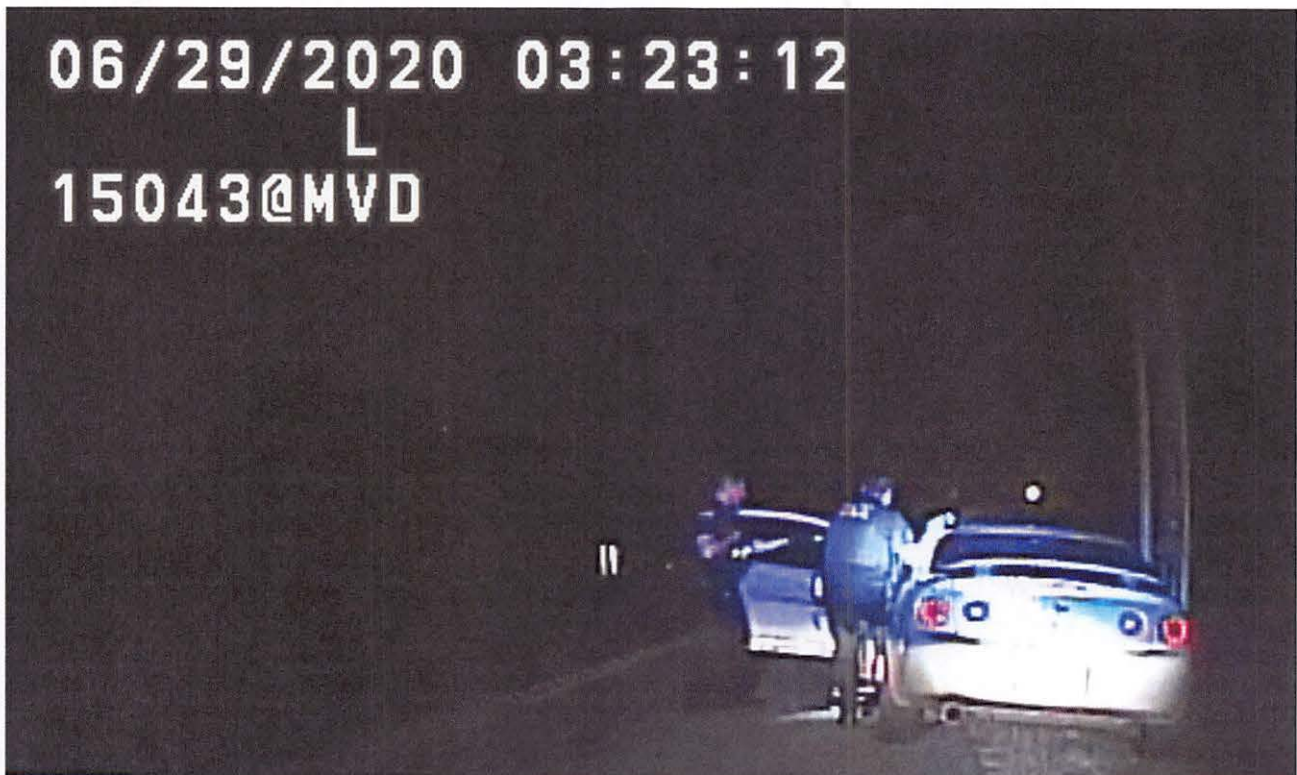
The First Kick

Officer Zarkeshan grabs Ware's left arm as Ware cries out "Please stop..stop...stop...please wait"

At 03:22:26 Sgt. Johnson can be seen from the dash camera standing at the edge of the drivers side door from the dash camera. **Sgt. Johnson takes a step back at 03:22:27 and kicks Ware in the groin.** Sgt. Johnson can also be seen kicking Ware from Officer Zarkeshan's body camera footage while Ware was seated in the drivers seat. Then Sgt. Johnson yells "Get out of the fucking car". Ware cries out "Why are you doing this?". As Sgt. Johnson grabs him and attempts to yank him out of the car. Sgt. Johnson yells "Get out now".

At 3:22:33 Officer Zarkeshan moves up to the car door and Sgt. Johnson can be seen behind the car door towards the middle of the driver's side of the car. Ware is still clutching his wallet sitting in the car. Ware yells "Please stop" and starts yelling "Help help please they are violating my rights" Ware never fights back. Never strikes the officers as they try and pull him out of the car.

The Second Kick/Stomp



At 3:22:59 Officer Zarkeshan's body camera is muted ten seconds after he appears to mute it in the dash cam video at 03:22:49. Thirteen (13) seconds after Officer Zarkeshan's body camera is muted Sgt. Johnson (at 03:23:12) kicks Ware for the second time, in the groin area, this blow could be described as a kick or a stomp. Ten (10) seconds after the second kick at 03:23:22 the first shot rings out.

Prior Attempts and the State's Duty

In a prior hearing defense counsel has requested this information and ADA Kevin Gray said the defense would need to subpoena it from OLETS. Counsel did that and OLETS stated we need to get the information from the Insurance Commission. (See Attached Exhibit C) It is counsel's understanding that the Tulsa Police Department have a record of what was ran on Officer Zarkeshan's computer on June 29, 2020. Additionally, when counsel previously issued a subpoena to the Tulsa County Sheriff's office, the Tulsa County District Attorney's Office filed a Special Entry of Appearance and Motion to Quash Subpoena Duces Tecum arguing "The subpoena served on a non-party TCSO is an improper discovery subpoena in this criminal proceeding and subjects TCSO to an undue burden." (See December 10, 2020 Special Entry of Appearance and Motion to Quash Subpoena Duces Tecum)

Since the Tulsa County District Attorney's office objects to the defense getting the information themselves and OLETS denies they have it, then the defense request this court order the Tulsa County District Attorney to retrieve the information for us.

SIXTH AMENDMENT

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; **to have compulsory process for obtaining witnesses in his favor**, and to have the Assistance of Counsel for his defense.

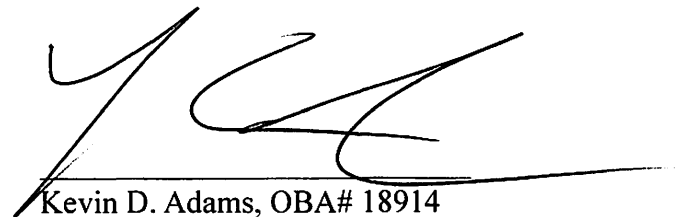
(See Sixth Amendment to the United States Constitution)

The defense is also entitled to information discoverable under the doctrines of *Brady v. Maryland*, 373 U.S. 83 (1963), *Giglio v. United States*, 405 U.S. 150 (1972).

Conclusion

Therefore, for the reasons explained above, counsel request that this Court issue an order directing the district attorney to obtain and disclose the information ran on Officer Zarkeshan 's computer during the traffic stop of David Ware. This request includes all the information ran on that stop including but not limited to the insurance status, the criminal history and the then current driver's license status of David Ware.

Respectfully Submitted,



Kevin D. Adams, OBA# 18914
36 East Cameron Street, #16
Tulsa, OK 74103
(918) 582-1313
kadams@lawyer.com

CERTIFICATE OF HAND DELIVERY

I hear by certify that a copy of the foregoing instrument was mailed on March 15, 2022 to the following:

Steve Kunzweiler
Tulsa County District Attorney
Tulsa County Courthouse
500 S. Denver
Tulsa, OK 74103



Kevin D. Adams

Exhibit A

→ HARBOR insurance 07/19/2020
1-800-777-3818

Harbor Insurance Company

POLICY #: HAR000676743
DEC: 01

This page with the policy jacket and endorsements listed completes the policy.

ITEM 1. POLICY PERIOD FROM: 04/28/2020 AT 12:52PM TO: 10/28/2020 AT 12:01AM
DATE OF ISSUE: 4/30/2020

ITEM 2. The insurance afforded is only with respect to such of the following coverages as are indicated by specific premium charge or charges. The limit of the company's liability against each such coverage shall be stated herein, subject to all the terms of this policy having reference thereto.

ITEM 3. PRODUCER: 352140
BEST INSURANCE INC
918-234-0022
WARE, DAVID A
8135 E 16TH ST APT 227
TULSA, OK 74112

COVERAGE: LIMITS OF LIABILITY	AUTO1	AUTO2	AUTO3	AUTO4
	1C			
	02			
BODILY INJURY LIABILITY 25,000 EACH PERSON				
50,000 EACH ACCIDENT	444			
PROPERTY DAMAGE LIABILITY 25,000 EACH ACCIDENT	INCL			
MEDICAL PAYMENTS EACH PERSON				
COMP ACV LESS DED: 1. 2. 3. 4.				
COLL ACV LESS DED: 1. 2. 3. 4.				
UNINSURED MOTORIST EACH PERSON				
BODILY INJURY EACH ACCIDENT				

POLICY FORM AND ENDORSEMENTS ATTACHED:	TOTAL U/M PREMIUM	REJ
HAR1-OK-(11/08) HAR-5-OK-(1099)	TOTAL POLICY PREMIUM	444.00
	FEES	15.00
	TOTAL	459.00

EXCLUDED DRIVERS: SARAH KIN

ITEM 4. DESCRIPTION OF OWNED AUTOMOBILE AND LOSS PAYEE

YEAR MAKE	MODEL	VIN	TER	SYM	AGE	DISCOUNT	USE
01 2007 CHEVROLET	COBALT LS	1GIAK15F377199847	1	16	6		SI

COUNTERSIGNATURE

Patricia D. Webb

STATEWIDE GENERAL AGENCY, INC. TULSA, OK
BROKER COPY

TLM

DIRECT BILL

A paper copy of your policy may be mailed upon request by contacting the company at 918 492 1446. A copy may also be obtained at www.harborinsok.com

Exhibit B

FILED

JUN 12 2020

**OKLAHOMA SECRETARY
OF STATE**



J. Kevin Stitt
Office of the Governor
State of Oklahoma

**EXECUTIVE DEPARTMENT
AMENDED EXECUTIVE ORDER 2020-20**

On June 11th, the 7,626th case of a novel coronavirus ("COVID-19"), was confirmed in the State of Oklahoma. As noted in a previous Executive Order, the United States Centers for Disease Control and Prevention has identified the potential public health threat posed by COVID-19 as "high" both globally and in the United States. In addition, on March 14, 2020, the President of the United States declared a national health emergency in the United States as a result of the national spread of COVID-19. On March 15, 2020, I issued Executive Order 2020-07, which was last amended in Eighth Amended Executive Order 2020-07, declaring an emergency caused by the impending threat of COVID-19 to the people of this State and the public's peace, health, and safety. Further, on April 2, 2020, I declared a health emergency in the State of Oklahoma as defined in 63 O.S. § 6104 of the Oklahoma Statutes, which declaration was renewed on May 1, 2020, but which was terminated by the Oklahoma Legislature effective May 30, 2020.

As COVID-19's impact continues to affect our State and its citizens, it is important to continue to take measures to protect all Oklahomans against this threat. Therefore, I believe, after consultation with numerous health experts within my administration, it is still necessary to provide for the rendering of mutual assistance among the State and political subdivisions of the State and to cooperate with the Federal government with respect to carrying out emergency functions during the continuance of the State emergency pursuant to the provisions of the Oklahoma Emergency Management Act of 2003.

In view of the foregoing, I, J. Kevin Stitt, Governor of the State of Oklahoma, pursuant to the power vested in me by Section 2 of Article VI of the Oklahoma Constitution hereby declare and order the following:

1. There is hereby declared an emergency caused by the threat of COVID-19 to the people of this State and the public's peace, health, and safety. The counties included in this declaration are:

All 77 Oklahoma Counties

2. The State Emergency Operations Plan has been activated, and resources of all State departments and agencies available to meet this emergency are hereby committed to the reasonable extent necessary to prepare for and respond to COVID-19 and to protect the health and safety of the public. These efforts shall be coordinated by the Director of the Department of Emergency Management with comparable functions of the federal government and political subdivisions

050464

of the State.

3. State agencies, in responding to this emergency, may make necessary emergency acquisitions to fulfill the purposes of this declaration. If using a P-Card to make such acquisitions, agencies may purchase the necessary acquisitions without regard to the current P-Card policy limitation of \$5,000.00 purchase limit. Agencies may make the necessary emergency acquisitions without the requirement to follow bidding requirement/limitations on such emergency acquisitions, without the need to purchase from State Use Vendors, or to purchase from mandatory Statewide contracts. Such necessary emergency purchases shall be capped at \$250,000.00 per transaction. All such purchases must be readily identifiable as such, as following the conclusions of this threat, all such necessary emergency acquisitions will be audited to determine if they were made for emergency purposes.
4. Effective immediately, a moratorium is placed on all out-of-state travel for all employees and officers of agencies that is paid for, in whole or in part, by the State of Oklahoma. This moratorium shall apply to all travel expenses not already incurred as of the date of this Order. Any state employee or officer seeking an exception to this moratorium may submit a written request to the Governor, who shall have the sole discretion to approve or deny the request.
5. State agencies, in responding to this emergency, may employ additional staff without regard to the classification requirements of such employment.
6. The requirement in Amended Executive Order 2019-3 that the Chief Administrative Officer request and obtain approval from the Cabinet Secretary for an exemption to the personnel freeze for agencies under the Secretary of Health and Mental Health shall be waived.
7. State agencies shall continue to follow guidance for interaction with the public provided by the Oklahoma Department of Health.
8. Emergency responders employed by the State of Oklahoma who are correctional officers, law enforcement officers, and fire personnel shall not be excluded from the application of and benefits under the Emergency Paid Sick Leave Act of the Families First Coronavirus Response Act (FFCRA) if:
 - a. They are subject to a coronavirus quarantine or isolation order;
 - b. They have been advised by a healthcare provider to self-quarantine due to coronavirus concerns; or
 - c. They are experiencing symptoms of coronavirus and are seeking a medical diagnosis.

In addition, I direct as follows:

1. All State agencies shall continue to transmit a clear delegation of authority for state agency directors and designate an Emergency Management Liaison.

2. All State agencies shall establish and, if necessary, implement a remote work policy that balances the safety and welfare of state employees with the critical services they provide.
3. All State agencies shall encourage Oklahomans interacting with agency services to utilize online options whenever possible.
4. All State agencies shall ensure continued compliance with Executive Order 2019-13, which limits non-essential out-of-state travel.
5. All State agencies shall promulgate any emergency rules necessary to respond to the emergency and to comply with the directives contained herein.
6. All occupational licenses issued by any agency, board, or commission of the State of Oklahoma that expire during this emergency shall be extended. All occupational licenses extended during this Order will expire fourteen (14) days following the withdrawal or termination of this Order.
7. Hospitals and Physician Clinics (collectively referred to as “hospitals”) operating in the State shall cooperate with and respond to all requests for critical data from the Oklahoma State Department of Health (“OSDH”), as applicable to the services they provide. This shall include, but will not be limited to, the daily submission, no later than noon, of critical data in a manner and format prescribed by OSDH. Critical Data shall include, but not be limited to:
 - a. The number of available (i) ICU beds, (ii) medical surgery beds, (iii) operating room beds, (iv) pediatric beds, (v) PICU beds, (vi) ventilators, (vii) anesthesia machines capable of patient ventilation, (viii) ventilator connecting circuits, (ix) patient interfaces, (x) negative flow rooms, (xi) and overall occupancy status;
 - b. COVID-19 Test Availability, as measured by the number of COVID-19 testing kits available for use at the hospital;
 - c. The number of (i) positive patients and persons under investigation in the hospital receiving treatment and (ii) positive patients and persons under investigation sent home for self-quarantine; and
 - d. Personal Protective Equipment stock on hand.
8. Every public or private entity that is utilizing, or has utilized, an FDA-approved test, including an emergency use authorization test, for human diagnostic purposes of COVID-19, shall submit to Oklahoma State Department of Health (OSDH), as well as to the local health department, daily reports of all test results, both positive and negative, the number of test supplies ordered, the number of test supplies available, the number of samples/specimens received and pending processing, and timeframe of test completion, for all days from the date hereof forward. In addition, OSDH shall promptly share this information

with the CDC.

9. The OSDH shall provide daily an aggregated summary of the information requested in the preceding paragraphs to the Office of the Governor by 3:00 p.m.
10. Telemedicine shall be used to maximum potential and shall be allowed for non-established patients for the purposes of the COVID-19 response. The preexisting patient relationship requirement for telemedicine, as required by 59 O.S. § 478.1, only applies to the prescribing of opiates and other controlled dangerous substances. 59 O.S. § 478.1 already allows the physician to see patients using telemedicine without the prior establishment of the physician patient relationship. Nothing in this Order shall waive 59 O.S. § 478.1 (C) for the purpose of prescribing opiates and other controlled dangerous substances reference therein.
11. The requirement that an individual be unemployed for a waiting period of one (1) week before benefits are paid, as required by 40 O.S. § 2-206, is hereby waived.
12. Oklahoma State regulations requiring Clinical Laboratory Improvement Amendment (CLIA) certification for testing laboratories are hereby suspended for the universities named below and for the narrow purposes described herein. During this suspension, laboratories operated by or through the University of Oklahoma, including the OU Medicine Laboratory, and Oklahoma State University are authorized to conduct testing and testing-related activities in response to the COVID-19 pandemic. Further, the Oklahoma Commissioner of Health, acting through and on behalf of OSDH, is hereby authorized to contract with the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges, the Board of Regents for the University of Oklahoma, and/or their constituent agencies and the OU Medicine Laboratory, to perform laboratory tests and test-related activities, without regard to CLIA certification requirements, as necessary to detect and report COVID-19 infection in compliance with applicable law. The Commissioner of Health is authorized to negotiate and execute any and all agreements and terms necessary to execute and implement this provision.
13. Unless otherwise addressed in the Open Up and Recover Safely (OURS) Plan on the Department of Commerce website, adults over the age of sixty-five (65) and people of any age who have serious underlying medical conditions, collectively referred to as “vulnerable individuals,” should stay in their home or place of residence except for working in a critical infrastructure sector, as more particularly described herein, and conducting essential errands. Essential errands shall mean those errands which are critical to everyday life and includes obtaining medication, groceries, gasoline, and visiting medical providers. The vulnerable population is encouraged to use delivery and/or curbside services whenever available.

14. Unless otherwise specified in the Open Up and Recover Safely (OURS) Plan on the Oklahoma Department of Commerce website, individuals should follow Centers for Disease Control (CDC) guidelines for social distancing and gathering in groups.
15. All businesses should adhere to the statewide Open Up and Recover Safely (OURS) Plan as provided on the Oklahoma Department of Commerce website.
16. Until June 15, 2020, except for end-of-life situations, visitors are prohibited from entering and visiting patients and residents at nursing homes, long-term care facilities, and retirement homes. On and after June 15, 2020, visitation, outings, group meals and communal dining shall be in accordance with guidance issued by the Oklahoma State Department of Health based on recommendations from the Centers for Disease Control and Prevention.
17. All delivery personnel including package, floral, and food delivery shall, at the request of a hospital, clinic, long-term care facility, or childcare facility submit to a screening prior to delivering goods. Such screening shall include a temperature check and may include a short questionnaire about potential exposure. Additionally, package delivery drivers must take their own temperature daily and shall not deliver packages if it registers over 100.4 degrees Fahrenheit. Questionnaires shall include questions about recent travel to areas with significant community spread and personal contact with individuals who have tested positive for COVID-19.
18. As supporting front-line healthcare workers is essential to our battle against COVID-19, front-line healthcare workers and their children, who have not tested positive for COVID-19 and are not otherwise exhibiting the symptoms thereof, shall not – simply because they are healthcare workers or children of healthcare workers – be discriminated against in housing or childcare services.
19. Any statutory or rule-based time requirements for completing training and becoming certified as a peace officer for duly appointed or elected peace officers during the existence of this emergency are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over.
20. Any requirements that county reserve deputies, municipal reserve officers, or other duly appointed reserve peace officers in this State be CLEET-certified prior to serving in an individual capacity or be accompanied by a CLEET-certified peace officer prior to becoming CLEET-certified are hereby waived during the period of the emergency and for thirty days after the emergency is declared to be over. Any such reserve deputy, municipal reserve officer, or other duly appointed reserve peace officer must be commissioned and authorized by his or her appointing agency's head or designee before being allowed to work as a peace officer under this provision.

21. I hereby direct all persons who enter the State of Oklahoma from another state or country to follow CDC travel guidelines found at <https://coronavirus.health.ok.gov/travel>.
22. All local educational agencies shall to the greatest extent practicable, continue to pay their employees and contractors for the remainder of the contracted period of the 2019-20 fiscal year, and in furtherance of this intent the State hereby authorizes accredited public school districts to pay support staff for the remainder of their contracted period for the 2019-20 fiscal year and waives any statutory or rule-based time limitations on which support personnel (as defined in 70 O.S. § 1-116) may accumulate or receive leave for the 2019-20 fiscal year.
23. I direct the Oklahoma Department of Agriculture, Food, and Forestry as follows:
 - a. Assist in the depopulation of any animals that are unable to be processed at available processing facilities due to COVID-19.
 - b. Assist in the disposal of animal carcasses resulting from the euthanasia in a manner that protects the environment, does not create a public health hazard, does not result in contamination of public or private drinking water supplies, and ensures watersheds and groundwater are adequately protected pursuant to 2 O.S. § 20-10(B).
 - c. Utilize all necessary equipment and manpower available and to freely move the equipment and manpower across state lines in cooperation with bordering states.
 - d. Cooperate with appropriate agencies, including but not limited to Oklahoma Department of Transportation, Oklahoma Department of Public Safety, and Oklahoma Department of Environmental Quality to ensure roadways are protected and all solid wastes are managed and disposed of appropriately.
 - e. Ensure ease of licensing, including the use of umbrella licensing, for vehicles utilized to move animal carcasses.

Further, I hereby order the temporary suspension of the following as they apply to vehicles in the support efforts:

1. The cost and fees of oversize/overweight permits required of carriers whose sole purpose is transportation of materials, equipment, and supplies used for recovery/relief efforts which require an overweight permit under Title 47 of Oklahoma statutes.
2. By execution of this Order, motor carriers and drivers providing direct assistance in support of relief efforts related to the COVID-19 outbreaks are granted emergency relief from Parts 390 through 399 of Title 49 Code of Federal Regulations, except as restricted herein. Direct assistance means transportation and other relief services provided by a motor carrier or its driver(s) incident to the immediate restoration of essential services, such as

medical care, or essential supplies such as food, related to COVID-19 outbreaks during the emergency.

- a. This Emergency Declaration provides regulatory relief for commercial motor vehicle operations that are providing direct assistance in support of emergency relief efforts related to the COVID-19 outbreaks, including transportation to meet immediate needs for: (1) medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19; (2) supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants; (3) food for emergency restocking of stores; (4) equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19; (5) persons designated by Federal, State or local authorities for medical, isolation, or quarantine purposes; (6) persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 response; (7) fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum); and (8) livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested.
- b. Direct assistance does not include routine commercial deliveries, or transportation of mixed loads that include essential supplies, equipment and persons, along with supplies, equipment and persons that are not being transported in support of emergency relief efforts related to the COVID-19 outbreaks.
- c. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo or provide services that are not in support of emergency relief efforts related to the COVID-19 outbreaks or when the motor carrier dispatches a driver or commercial motor vehicle to another location to begin operations in commerce. 49 CFR 390.23(b). Upon termination of direct assistance to emergency relief efforts related to the COVID-19 outbreaks, the motor carrier and driver are subject to the requirements of 49 CFR Parts 390 through 399, except that a driver may return empty to the motor carrier's terminal or the driver's normal work reporting location without complying with Parts 390 through 399. However, if the driver informs the motor carrier that he or she needs immediate rest, the driver must be permitted at least 10 consecutive hours off duty before the driver is required to return to the motor carrier's terminal or the driver's normal reporting location. Once the driver has returned to the terminal or other location, the driver must be relieved of all duty and responsibilities and must receive a minimum of 10 hours off duty if transporting property, and 8 hours if transporting passengers.

3. The requirements for licensing/operating authority as required by the Oklahoma Corporation Commission.
4. The requirements for licensing/registration authority as required by the Oklahoma Tax Commission.

Nothing contained in this Order shall be construed as an exemption from the Controlled Substance and Alcohol Use and testing requirements. (49 C.F.R. part 382), the Commercial Driver License requirements (49 C.F.R. part 383), the Financial Responsibilities requirements (49 C.F.R. part 387), or any other portion of the regulations not specifically identified herein. Motor carriers that have an Out-of-Service Order in effect cannot take advantage of the relief from regulation that this declaration provided.

This Order shall be effective until the end of thirty (30) days after the filing of this Order.

Copies of this Executive Order shall be distributed to the Director of Emergency Management, the Oklahoma State Health Commissioner, the Commissioner of the Department of Public Safety, the Director of the Office of Management and Enterprise Services, the Oklahoma Tax Commission, the Oklahoma Corporation Commission who shall cause the provisions of this Order to be implemented by all appropriate agencies of State government.

IN WITNESS WHEREOF, I have set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, this 12th day of June, 2020.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



J. KEVIN STITT

ATTEST:



MICHAEL ROGERS, SECRETARY OF STATE

Exhibit C



OLETS

Oklahoma Law Enforcement Telecommunications System
3600 North Martin Luther King Blvd
Oklahoma City, OK 73111
405-425-2253
Charles Kerr - Director

Kevin Adams
Attorney at Law
36 East Cameron Street, #1G
Tulsa, OK 74103

RE: State of Oklahoma vs. David Anthony Ware / CF-2020-2889

Mr. Adams,

OLETS is not the Custodian of these Records. Therefore OLETS is not in possession of any documents which satisfy this request or are the subject of this SUBPOENA DUCES TECUM. The Insurance Commission should hold those.

Sincerely,

Charles Kerr
Oklahoma Law Enforcement Telecommunications System
Amber Alert Coordinator, State of Oklahoma
Charles.kerr@dps.ok.gov

Enclosure: Copy of SUBPOENA DUCES TECUM and Exhibit

CK/cet

**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,

Plaintiff,

vs.

CF-2020-2889

DAVID ANTHONY WARE,

Defendant.

SUBPOENA DUCES TECUM

STATE OF OKLAHOMA)
) SS.
COUNTY OF TULSA)

**TO: OLETS
Oklahoma Law Enforcement Telecommunications System
3600 N Martin Luther King Blvd
Oklahoma City, OK 73111**

YOU ARE HEARBY COMMANDED to produce a copy of;

1 . All automobile insurance records pertaining to VIN #: 1G1AK15F377199847;

2007 Chevy Colbalt LS

2 . A copy of all electronic records transmitted to the laptop used by Aurash

Zarkashan, (Tulsa Police Officer) on June 29, 2020, regarding David Anthony

Ware and/or his 2007 Chevy Colbalt LS VIN#: 1G1AK15F377199847

3. A copy of all information contained in the OLETS system regarding Harbor

Insurance Company Policy #: HAR000676743, See Attached Exhibit A

: To:

Kevin D. Adams
36 E Cameron Street, #16
Tulsa, OK 74103
(918) 582-1313

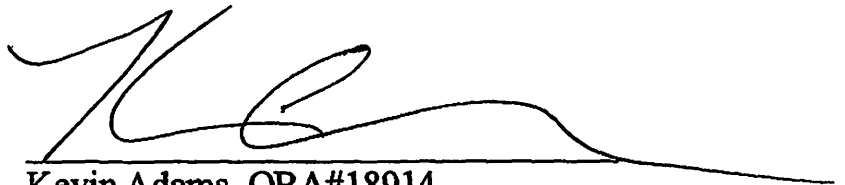
on or before the 5th of November, 2020. If you require prepayment for the copying please advise and payment will be tendered promptly. Your duties in responding to this Subpoena: Produce the documents as they are described as they are kept in the usual course of business.

In order to allow objections to the production of documents and things to be filed, you should not produce them until the date specified in this subpoena, and if an objection is filed until the Court rules on the objection.

Dated this 20th day of October, 2020.

HERETO FAIL NOT, under penalty of law,

ISSUED BY:

A handwritten signature in black ink, appearing to read 'K Adams', with a long horizontal line extending to the right.

Kevin Adams, OBA#18914
Attorney at Law
36 East Cameron Street, #16
Tulsa, OK 74103
918 582-1313
kadams@lawyer.com

Exhibit A

HARBOR Insurance 07/19/2020

1-800-771-3814

Harbor Insurance Company
POLICY #: HAR000676743
DEC. 01

This page with the policy jacket and endorsements listed completes the policy.

ITEM 1. POLICY PERIOD FROM: 01/28/2020 AT 12:52PM TO: 10/28/2020 AT 12:01AM
DATE OF ISSUE: 4/30/2020

ITEM 2. The insurance afforded is only with respect to such of the following coverages as are indicated by specific premium charge or charges. The limit of the companys liability against each such coverage shall be stated herein, subject to all the terms of this policy having reference thereto.

ITEM 3.

PRODUCER: 352140
BEST INSURANCE INC
918-234-0022

WARE, DAVID A
8135 E 16TH ST APT 227
TULSA, OK 74112

COVERAGE	LIMITS OF LIABILITY	AUTO1	AUTO2	AUTO3	AUTO4
		1C			
		02			
BODILY INJURY LIABILITY	25,000 EACH PERSON				
	50,000 EACH ACCIDENT	444			
PROPERTY DAMAGE LIABILITY	25,000 EACH ACCIDENT	INCL			
MEDICAL PAYMENTS	EACH PERSON				
COMP ADV LESS DED: 1.	2.	3.	4.		
COLL ADV LESS DED: 1.	2.	3.	4.		
UNINSURED MOTORIST	EACH PERSON				
BODILY INJURY	EACH ACCIDENT				

POLICY FORM AND ENDORSEMENTS ATTACHED:
HAR1-OK-(11/08) HAR-5-OK-(1099)

TOTAL U/N PREMIUM REJ
TOTAL POLICY PREMIUM 444.00
FEES 15.00
TOTAL 459.00

EXCLUDED DRIVERS: SARAH KIN

ITEM 4. DESCRIPTION OF OWNED AUTOMOBILE AND LOSS PAYEE

YEAR	MAKE	MODEL	VIN	TER	SYM	AGE	DISCOUNT	USE
01	2007	CHEVROLET	COBALT LS	3G1AK35E377199847	1	16	6	SI

CONTRACT SIGNATURE

David A. Wares

STATEWIDE GENERAL AGENCY, INC. TULSA, OK
BROKER COPY

NLM

DIRECT BILL

Multi Car	Transfer	In-Agency Transfer Discount	Home & Mobile Home Owner's
No	No	No	No
<u>Excluded Drivers</u>			
SARAH KIN			

Driver 1 Information			
Name		Gender	Marital Status
WARE,DAVID A		Male	Single
Date of Birth	Age	Class	Points
08/12/1987	32	1C	2
License Number	License State	Safe Driver	Defensive Driver
K083351637	OK	Yes	No

Vehicle 1 Information					
Year	Make	Model	VIN		
2007	CHEVROLET	COBALT LS	1G1AK15F377199847		
Symbol	Territory	Business Use			
16	1	NO			
Liability	Medical	Uninsured Motorist	Comp/Coli	Roadside Assistance	Vehicle Total
444.00	.00	.00	.00	.00	444.00

Totals						
Liability	Medical	UM	Comp/Coli	Roadside	Policy Fee	Total
444.00	.00	.00	.00	.00	15.00	459.00

Payment Information			
Due Date	Amount Due	Amount Paid	Cancel Date If Not Paid
04/18/2020	89.00	89.00	7/0
05/18/2020	85.00	85.00	05/28/2020
06/18/2020	74.00	85.00	06/28/2020
07/18/2020	77.33	.00	07/28/2020
08/18/2020	77.33	.00	08/28/2020
09/18/2020	77.34	.00	09/28/2020

History of Payments Made Online



OKLAHOMA DEPARTMENT OF PUBLIC SAFETY
O.L.E.T.S. (450)
Post Office Box 11415
Oklahoma City, Oklahoma 73136-0415

neopost
02/01/2001
FIRST CLASS MAIL
US POSTAGE \$000.42



ZIP 73111
0-1512204624

OKLA CITY 730 02-02-21

Kevin Adams
Attorney at Law
36 E. Cameron St #16
Tulsa, OK 74103

ARASNAB 74103

