

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

STATE OF OKLAHOMA,)
) **Plaintiff,**)
))
) **vs.**)
))
 CHERYL FERBUSON,)
) **Defendant.**)
) **AND**)
 STATE OF OKLAHOMA,)
) **Plaintiff,**)
))
) **vs.**)
))
 JACKIE KING,)
) **Defendant.**)

Case No. CF-2011-103 FILED
 DISTRICT COURT
 OTTAWA CO. OKLA.
 JUL 16 2012
 CASSIE KEY COURT CLERK
 BY _____
Case No. CF-2011-126
CM-2011-461

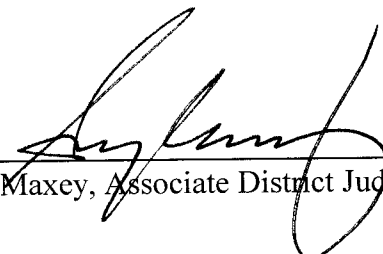
ORDER

This Court, having been assigned the Rule 6 appeal of the State of Oklahoma, regarding the magistrate's granting the Defendant's Motion to Suppress, finds upon reviewing the relevant portions of the record, transcripts, oral arguments and the law as follows:

That the ruling of the Magistrate should be sustained. Judge Culver's written ruling correctly interprets both the statutory and case law. The facts in which the law is applied also dictates the conclusion reached by the Magistrate. The limiting laws as ascertained in his findings of fact and conclusions of law are correct; and further, the tribal police were acting in a capacity beyond that of a common confidential informant and their legal authority.

As noted in the State's Memorandum of Authority, testimony was not taken by witnesses and the parties agreed on the basic factual situation. This Court adopts the parties position as the Court's findings of fact. Further, the Magistrate's conclusions of law appears correct and is adopted as opposed to this Court simply restating them. The Motion to Suppress should be sustained.

Dated this 12 day of July 2012.



 Gary Maxey, Associate District Judge

CERTIFICATE OF MAILING

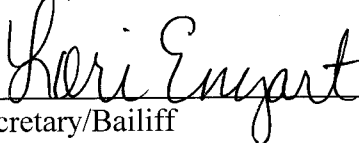
The Court does hereby certify that on the 12th day of July 2012, a true and correct copy of the above and foregoing Order was delivered by regular mail to the following person(s):

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