

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

STATE OF OKLAHOMA,

Plaintiff,

v.

HEATHER DAWN CHANDLER,

Defendant.

Case No. CF-2025-109

FILED DISTRICT COURT
Stephens County, Okla.

JUN 08 2026

MELODY HARPER
Court Clerk

**DEFENDANT'S MOTION IN LIMINE TO EXCLUDE
PRIOR DEFERRED SENTENCE AS FELONY ENHANCEMENT PREDICATE
AND TO ENFORCE BIFURCATED TRIAL PROCEDURE**

(Pro Se)

COMES NOW the Defendant, Heather Dawn Chandler, appearing pro se, and respectfully moves this Court in limine to exclude Case No. CM-2020-430 from being used as a predicate prior offense to support a felony enhancement under 47 O.S. § 11-902(A)(2), and to enforce the bifurcated trial procedure mandated by 22 O.S. § 860.1. In support thereof, Defendant states as follows:

I. BACKGROUND

Count 1 of the Information charges Defendant with Driving Under the Influence — Second and Subsequent, a felony under 47 O.S. § 11-902(A)(2). The State appears to rely on Case No. CM-2020-430 as the predicate prior offense to elevate this charge from a misdemeanor to a felony.

CM-2020-430 resulted in a deferred sentence under 22 O.S. § 991c. The deferred sentence was completed without revocation. More than three years elapsed between the completion of that deferred sentence and the current charge. There is no conviction of record in CM-2020-430.

At the preliminary hearing stage, the State indicated its intent to introduce CM-2020-430 as State's Exhibit No. 1. Defendant timely objected to this in her Notice

of Clarification and Preservation of Preliminary Issues filed November 3, 2025. That objection is preserved. This motion now formally requests exclusion for trial.

II. ARGUMENT AND AUTHORITIES

A. A Completed Deferred Sentence Is Not a Prior Conviction Under Oklahoma Law

22 O.S. § 991c authorizes deferred sentences as a dispositional alternative specifically designed to avoid the legal consequences that flow from a conviction. The statute provides that upon successful completion of a deferred sentence without revocation, no conviction is entered. The defendant is discharged without a judgment of guilt.

The Oklahoma Court of Criminal Appeals has consistently held that a deferred sentence under § 991c does not constitute a prior conviction for enhancement purposes. A deferred sentence is a promise — if the defendant completes the conditions, no conviction results. CM-2020-430 was completed. No conviction resulted.

The felony DUI enhancement under 47 O.S. § 11-902(A)(2) requires a prior conviction. A completed deferred sentence is not a conviction. Therefore CM-2020-430 cannot serve as the predicate prior offense for felony enhancement, and Count 1 must be reduced to a misdemeanor DUI first offense.

B. The Three-Year Gap Further Undermines the Enhancement

More than three years elapsed between the completion of CM-2020-430 and the date of the current alleged offense. Oklahoma courts have recognized that the passage of time is relevant to the weight and admissibility of prior offense evidence. A prior matter completed more than three years before the current charge, which resulted in no conviction, and which involved different circumstances and different officers, should carry no weight as an enhancement predicate.

C. Even If Admissible for Enhancement, the Bifurcated Trial Statute Controls

Even assuming arguendo that CM-2020-430 could constitute a valid prior offense — which Defendant expressly contests — 22 O.S. § 860.1 mandates a bifurcated trial procedure for second and subsequent DUI offenses:

Stage One determines guilt or innocence on the underlying charge without any reference to or evidence of prior offenses.

Stage Two — only upon a guilty verdict in Stage One — presents prior offense evidence to the jury for purposes of sentencing enhancement.

This bifurcated procedure exists to protect the defendant's right to a fair determination of guilt on the charged conduct without jury prejudice from prior offense knowledge. Introducing CM-2020-430 in Stage One violates § 860.1 and constitutes reversible error.

D. Admission in the Guilt Phase Would Be Unfairly Prejudicial

The sole purpose of introducing CM-2020-430 in the guilt phase is to suggest propensity — that because Defendant was arrested before, she must be guilty now. That is precisely the use Oklahoma evidence law prohibits. The prejudicial effect of this evidence in Stage One substantially outweighs any probative value.

III. RELIEF REQUESTED

Defendant respectfully requests that this Court:

1. Find that Case No. CM-2020-430, as a completed deferred sentence under 22 O.S. § 991c with no conviction of record, does not constitute a prior conviction sufficient to support a felony DUI enhancement under 47 O.S. § 11-902(A)(2), and reduce Count 1 to a misdemeanor DUI first offense accordingly;
2. In the alternative, enforce the bifurcated trial procedure of 22 O.S. § 860.1 and prohibit all reference to CM-2020-430 during Stage One of trial;
3. Prohibit the State from introducing CM-2020-430 as an exhibit, referencing it in opening statement, or eliciting testimony about it from any witness during Stage One; and

4. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

Heather Dawn Chandler, Pro Se Defendant
406 W Ash
Duncan, Oklahoma 73533
(572) 241-3063

CERTIFICATE OF SERVICE

I hereby certify that on the _____ day of _____, 2026, a true and correct copy of the foregoing Motion in Limine was delivered to the Stephens County District Attorney's Office, 101 S 11th St, Duncan, Oklahoma 73533.

Heather Dawn Chandler