

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

STATE OF OKLAHOMA,
Plaintiff,

vs.

HEATHER DAWN CHANDLER,
Defendant.

FILED DISTRICT COURT
Stephens County, Okla.

JUN 08 2026

MELODY HARPER
Court Clerk

Case No.: CF-2025-109

DEFENDANT'S SUPPLEMENTAL MOTION TO SUPPRESS EVIDENCE

(Supplementing Motion Filed September 29, 2025)

COMES NOW Heather Dawn Chandler, Defendant, appearing pro se, and respectfully submits this Supplemental Motion to Suppress Evidence in support of her previously filed Motion to Suppress (September 29, 2025) and combined Motion to Dismiss and Motion to Suppress (October 8, 2025). Since those filings, Defendant has obtained additional evidence through body camera transcription analysis, public records requests, and witness documentation that further establishes the constitutional violations requiring suppression.

I. INTRODUCTION

Defendant's original motions documented the pretextual nature of the traffic stop, the suspicious absence of dash camera footage during critical moments, Officer McReynolds' conflicting statements, and the lack of legitimate probable cause for arrest.

This Supplemental Motion establishes additional grounds for suppression:

1. The probable cause affidavit omits material facts regarding physical obstructions at the scene, constituting a *Franks v. Delaware* violation;
2. The OLETS/NCIC timestamp contradiction demonstrates the stated basis for arrest did not exist at the time of arrest;
3. Officer Ramsey's body camera contradicts the claimed alcohol odor, the sole remaining probable cause predicate;

4. Defendant affirmatively requested a breath test at the Stephens County Jail, which was denied by Night Jailer Julie Smith — this denial, not a refusal, constitutes suppression of exculpatory evidence and a due process violation; and

5. Oklahoma Supreme Court precedent confirms that driver rights in DUI proceedings are constitutionally protected and cannot be unilaterally eliminated by government actors.

II. STATEMENT OF FACTS

A. The Stop and Arrest

On May 6, 2025, at approximately 1:27 a.m., Officer Darius McReynolds of the Duncan Police Department initiated a traffic stop of Defendant's vehicle at or near the intersection of 6th Street and Main in Duncan, Oklahoma.

The probable cause affidavit submitted by McReynolds omits two material facts: (1) a vegetative obstruction — a large tree or hedge — that blocked sight lines at the intersection, and (2) a convex road profile at that location that would have affected any observation of Defendant's driving conduct from McReynolds' vantage point. These omissions are material because they undercut the factual basis for the stop itself.

OLETS/NCIC records establish that McReynolds' license query was not run until 01:31:44 — four minutes and nine seconds after the documented arrest time of 01:27:35. The arrest preceded the license check. The stated basis for arrest therefore did not exist at the moment of arrest.

B. The Alcohol Odor Claim

McReynolds' affidavit asserts a 'strong odor of alcohol' as a probable cause predicate. Officer Ramsey, who was dispatched specifically to corroborate this observation, responded on body camera that he noticed 'maybe a dirty car' — not alcohol. McReynolds did not assert a strong odor of alcohol until after accessing Defendant's 2020 prior record. The sequence is documented verbatim in Exhibit J.

C. The Denied Breath Test

Following her arrest and booking at the Stephens County Jail, Defendant requested a breath test from Night Jailer Julie Smith. Defendant was within the two-hour window required under Oklahoma's Implied Consent Law at the time of her request. Jailer Smith denied the request, stating: 'That ship has already sailed.' This

denial was witnessed by Defendant's cellmate Gracie Julian. The denial should be captured on jail surveillance video between approximately 2:00 a.m. and 3:00 a.m. on May 7, 2025.

Defendant did not refuse a breath test. Defendant requested one and was denied. That distinction is constitutionally significant.

III. ARGUMENT

A. The Affidavit Omissions Warrant a Franks Hearing

Under *Franks v. Delaware*, 438 U.S. 154 (1978), a defendant is entitled to challenge the truthfulness of statements made in a probable cause affidavit. Omissions of material facts that would have negated probable cause are treated as the equivalent of affirmative false statements. The vegetative obstruction and convex road profile at 6th and Main are material facts that McReynolds was in a position to observe and was obligated to disclose. Their omission renders the affidavit constitutionally deficient.

B. The OLETS Timestamp Contradiction Destroys the Stated Probable Cause

The OLETS/NCIC query records establish that the license check occurred at 01:31:44. The documented arrest time is 01:27:35. An arrest cannot be justified by information that did not yet exist. The State cannot retroactively apply a license status check to establish probable cause for an arrest that preceded it. All evidence obtained from the stop and arrest is therefore fruit of the poisonous tree and must be suppressed.

C. Ramsey's Body Camera Contradicts the Sole Remaining Probable Cause Predicate

With the license predicate eliminated by the OLETS timestamp, the State's remaining probable cause argument rests entirely on the claimed alcohol odor. Officer Ramsey's body camera — recorded at the scene, in real time — directly contradicts that claim. When the only corroborating officer on scene fails to corroborate the central probable cause predicate, that predicate cannot stand.

D. The Denial of Defendant's Breath Test Request Constitutes Suppression of Exculpatory Evidence and a Due Process Violation

Defendant affirmatively requested a breath test within the two-hour statutory window. That request was denied by a government agent — Night Jailer Julie Smith —

with no documentation, no procedure, and no avenue for appeal. The denial extinguished Defendant's ability to produce direct, objective evidence of her sobriety.

A requested breath test result would have been exculpatory evidence. Its destruction through denial triggers *Brady v. Maryland*, 373 U.S. 83 (1963). The State cannot now use the absence of a breath test result as circumstantial evidence of guilt when its own agent prevented that result from being obtained.

The Oklahoma Supreme Court's decision in *Hunsucker v. Fallin*, 2017 OK 100, further supports Defendant's position. In *Hunsucker*, the Court struck down the Impaired Driving Elimination Act 2 in its entirety, finding that its provisions — including the summary seizure of a driver's license without a hearing — violated the Due Process Clause of the Oklahoma Constitution, Art. 2, §7. The Court reaffirmed that driver rights in DUI proceedings are constitutionally protected and that government actors may not unilaterally eliminate those rights without procedural process. Here, Night Jailer Julie Smith made a unilateral, undocumented decision to deny Defendant's affirmative request for a breath test, stating only 'that ship has already sailed.' No procedure was followed. No documentation was created. No appeal was offered. This is precisely the type of arbitrary government action *Hunsucker* condemned. The State should be barred from using the absence of a breath test result as evidence of guilt when its own agent extinguished Defendant's right to produce that result.

E. The Collective Effect of These Violations Requires Suppression

No single constitutional violation is required to stand alone. The cumulative effect of (1) a materially deficient affidavit, (2) an arrest that preceded its own stated justification, (3) a corroborating officer who contradicted the central probable cause claim, and (4) the government's destruction of the most direct exculpatory evidence available compels suppression of all evidence obtained from this stop and arrest.

IV. JUDICIAL ECONOMY

Defendant respectfully requests that this Court consider whether resolution of the pending suppression motions prior to trial would serve the interests of judicial economy. The constitutional violations documented herein and in Defendant's prior filings, if sustained, would resolve this matter without the need for jury trial. Defendant is prepared to present testimony and exhibits at an evidentiary hearing on any or all

grounds raised.

V. PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests this Court:

1. Grant a Franks v. Delaware evidentiary hearing regarding the omissions in McReynolds' probable cause affidavit;
2. Suppress all evidence obtained from the stop and arrest as fruit of the poisonous tree;
3. Suppress all statements made by Defendant during the encounter;
4. Bar the State from using the absence of a breath test result as evidence of guilt at trial; and
5. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

Heather Dawn Chandler, Pro Se Defendant
Duncan, Oklahoma

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Supplemental Motion to Suppress Evidence was delivered to the Stephens County District Attorney's Office, Stephens County Courthouse, Duncan, Oklahoma, this ____ day of _____, 2026.

Heather Dawn Chandler