

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF OKLAHOMA, SITTING IN AND FOR STEPHENS COUNTY**

THE STATE OF OKLAHOMA,

Plaintiff,

Case No. CM-2026-311

v.

FILED DISTRICT COURT
Stephens County, Okla.

HEATHER DAWN CHANDLER,

Defendant.

JUL 23 2026

MELODY HARPER
Court Clerk

**DEFENDANT'S MOTION TO SUPPRESS EVIDENCE AND DISMISS WITH
PREJUDICE
(OR, IN THE ALTERNATIVE, FOR AN EVIDENTIARY HEARING AND
APPROPRIATE RELIEF)**

COMES NOW the Defendant, Heather Dawn Chandler, appearing pro se, and respectfully moves the Court to suppress all evidence obtained from the traffic stop and arrest on May 6, 2025, and to dismiss this action with prejudice if the State cannot proceed without the suppressed evidence. In the alternative, Defendant requests a prompt evidentiary hearing and such other relief as is just and lawful.

I. PROCEDURAL BACKGROUND

1. The same incident was originally prosecuted in Case No. CF-2025-109. On July 21, 2026, the State moved to dismiss that felony action without prejudice, stating that it was unable to prove the felony case beyond a reasonable doubt and intended to refile a misdemeanor.
2. The State then filed this case, CM-2026-311, charging Driving While Impaired under 47 O.S. § 761. Defendant entered a plea of not guilty.

II. RELEVANT FACTS

3. Officer Darius McReynolds did not maintain continuous observation of Defendant before the stop. After losing sight of her, he obtained identifying/address information through dispatch and later re-engaged her east of the railroad tracks.
4. The asserted traffic basis for the stop is disputed. Defendant maintains that she stopped before the sidewalk/crosswalk, moved forward only to obtain a safe view around an obstructed corner, and proceeded when safe. The citation relied on a stopping/parking ordinance rather than the moving-intersection provision applicable to the conduct alleged.
5. Immediately after contact, McReynolds directed Officer David Ramsey to determine whether Ramsey could smell alcohol. Ramsey did not corroborate a strong odor of alcohol. The available recording instead reflects a comment concerning the condition or odor of the vehicle.
6. Defendant declined voluntary standardized field sobriety exercises. She maintains that McReynolds treated that decision as an automatic basis for arrest, without sufficient independent facts establishing probable cause that she was impaired.

7. Defendant did not refuse an evidentiary breath test. She maintains that she requested a breath test at the Stephens County Jail within approximately two hours of arrest, but jail staff denied the request. Defendant further disputes any official entry characterizing her conduct as a chemical-test refusal.

III. ARGUMENT

A. The State bears the burden of establishing a lawful stop.

A traffic stop is a seizure and must be supported at its inception by specific, objective facts amounting to reasonable suspicion or probable cause of an actual violation. See *Terry v. Ohio*, 392 U.S. 1 (1968); *Whren v. United States*, 517 U.S. 806 (1996). Where the observed conduct is lawful, or the officer's asserted basis depends on a material mistake concerning what the law prohibits, the resulting seizure is unlawful. Defendant requests a hearing at which the State must identify the precise law allegedly violated and establish the objective facts supporting the stop.

B. Evidence obtained after an unlawful stop must be suppressed.

Evidence obtained through an unlawful seizure is inadmissible as fruit of that seizure. The detention also may not be extended beyond the lawful traffic mission without independent reasonable suspicion. *Rodriguez v. United States*, 575 U.S. 348 (2015). If the Court finds that the initial stop or later detention was unlawful, the observations, statements, field-test evidence, alleged refusal evidence, and all derivative evidence should be suppressed.

C. The totality described does not establish probable cause for arrest.

Probable cause must rest on the totality of objective facts known before arrest. A person's decision not to perform roadside field sobriety exercises may be admitted and considered under Oklahoma law, but it is not itself a separate offense and does not eliminate the requirement of probable cause. See *State v. Armstrong*, 2025 OK CR 3, 564 P.3d 466. Here, Defendant alleges no corroborated strong odor, no collision, no chemical result, and no reliable evidence of impaired driving. The Court should determine whether the facts existing before arrest were sufficient, rather than allowing the arrest to be justified solely by Defendant's decision not to perform voluntary exercises.

D. The disputed chemical-test refusal and denial of requested testing require a hearing.

Oklahoma permits the State to offer evidence of an alleged refusal, but the fact of refusal and the defendant's explanation are material issues. The Oklahoma uniform instruction requires the factfinder to determine whether a refusal actually occurred and whether it reflected consciousness of guilt. OUJI-CR 9-47. Defendant affirmatively disputes refusing a breath test and alleges that she requested objective testing but was denied. The Court should prohibit the State from characterizing Defendant as a chemical-test refuser unless it first establishes a lawful request and an actual refusal, and should consider appropriate relief for the loss or nonproduction of jail video or records capable of resolving that dispute.

IV. RELIEF REQUESTED

1. Suppress all evidence obtained from the stop, detention, and arrest;
2. Dismiss CM-2026-311 with prejudice if suppression leaves the State unable lawfully to proceed;
3. Alternatively, set a prompt evidentiary hearing and require the State to identify and produce the evidence on which it relies, including available body-camera, dash-camera, dispatch/CAD, and jail records;

4. Prohibit the State from presenting Defendant as having refused a chemical breath test unless the State first establishes an actual refusal through competent evidence; and
5. Grant such other relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in cursive script, reading "Heather Chandler", written over a horizontal line.

Heather Dawn Chandler, Defendant Pro Se
408 West Ash Avenue
Duncan, Oklahoma 73533

CERTIFICATE OF SERVICE

I certify that on the ____ day of July, 2026, I delivered a true and correct copy of the foregoing Defendant's Motion to Suppress Evidence and Dismiss With Prejudice to the Office of the District Attorney for Stephens County, Oklahoma.

Heather Dawn Chandler
Heather Dawn Chandler