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GARFIELD COUNTY, OKLA
JUN 09 2025
JANELLE M. SHARP
COURT CLERK
BY
DEPUTY COURT CLERK

IN THE DISTRICT COURT OF GARFIELD COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, Plaintiff,	)	
v.	)	Case No. CF-2024-111
BRIAN LOVELL, Defendant.	)	

MOTION TO SEAL THE JUNE 6 RESPONSE, OBJECTION, AND MOTION TO COMPEL FILED BY DEFENDANT

COMES NOW, the Defendant, Brian Lovell, by and through his attorneys of record, Stephen Jones, William Jewell, and Blake Trekell, of JONES, OTJEN & JEWELL, and moves the court to seal the June 6 filing by Defendant in this matter, and in support thereof asserts as follows:

PROCEDURAL FACTS

1. Defendant represented to the court that he would file his response to the State's Motion for Evaluation of the Defendant for Mental Illness ("State's Motion") on June 6, 2025.

2. Defendant did file the response on June 6, 2025 at around 3:30 P.M.

3. Coincidentally, the Attorney General and Defense Counsel did confer on the matters raised in the State's Motion within 20 minutes of the response being filed.

4. This matter is now moot because the Attorney General and Defense Counsel, Stephen Jones, have reached the framework of an agreement during that June 6 call that will resolve the case, resolve the need for an evaluation of the Defendant, and avoid a trial when finalized. The concerns expressed by the Defense in the motion are, in light of the June 6 conversation with the Attorney General, moot and have been overtaken by events.

5. The framework of the agreement will be reduced to writing and the Defense does not wish to take any steps that would prejudice the resolution of this case, thereby avoiding an expensive trial of some duration. The parties believe the agreement is in the best interest of justice, and safeguards the public.

6. Defense Counsel did not specifically ask the Attorney General on the June 6 call whether he agrees to sealing the record, but based on the conversation the Defendant believes he would agree. The issues raised in the motion and arguments made were resolved before the Attorney General had reviewed the filed response.

7. A proposed order sealing the records is attached as Exhibit 1.

AUTHORITY OF THE COURT TO SEAL THE RECORD

The court may seal the records pursuant to 51 O.S. §24A.30. "[T]he court may seal a record or portion of a record only if a compelling privacy interest exists which outweighs the public's interest in the record..." If the court seals the record, it shall: "1. Make findings of fact which identify the facts which the court relied upon in entering its order; 2. Make conclusions of law specific enough so that the public is aware of the legal basis for the sealing of the record; 3. Utilize the lease restrictive means for achieving confidentiality; and 4. Be narrowly tailed so that only the portions of the record subject to confidentiality are sealed and the remainder of the record is kept open." *Id.*

THE COURT MAY PROPERLY SEAL THE JUNE 6 RESPONSE

The court may properly seal the June 6 response for the following reasons. First, the arguments raised by the Defense in the June 6 response have been overtaken by events. The Attorney General resolved the issues raised in the response with Defense Counsel almost

simultaneously with the filing of the response. Defendant would not have filed his response had the call with the Attorney General occurred before it was filed.

Second, the response discusses details of the Defendant's medical condition. The Defense has been reluctant to include these details unless absolutely necessary in public court filings. The Defendant's privacy interest outweighs the public's interest in the response.

Third, the State has a compelling privacy interest in these records being sealed. The allegations contained in the response critique what Defendant believed to be a "glitch" in the system at the Attorney General's office. Since the Attorney General resolved the matter at the same time as the response was filed, there is no glitch in the system and there is no need to publicize Defendant's suspicions which turned out to be untrue. The court may properly grant an order sealing the June 6 response for these reasons.

If the court grants this motion and seals the record the Defendant suggests the court should set a review hearing on this matter within 60 days. The case should be resolved by that time.

PRAYER FOR RELIEF

WHEREFORE, premises considered, the Defendant respectfully prays for an order of the court sealing the June 6 response filed in this matter, and for whatever other relief this court deems just and equitable.

Respectfully submitted,

Stephen Jones, OBA #4805
William Jewell, OBA #34376
Blake Trekell, OBA #36282
JONES, OTJEN & JEWELL

214-A N. Independence St.
Post Office Box 472
Enid, OK 73702
(580) 242-5500
(580) 242-4556 (fax)
sjones@stephenjoneslaw.com
wjewell@stephenjoneslaw.com
btrekell@stephenjoneslaw.com
Attorneys for the Defendant,
Brian Lovell

CERTIFICATE OF DELIVERY

This is to certify that on the 9 day of June, 2025, a true and correct copy of the above and foregoing was mailed, postage prepaid, upon the following:

Jimmy Harmon,
Colleen L. Galaviz
Assistant Attorneys General
313 N.E. 21st St.,
Oklahoma City, OK 73105

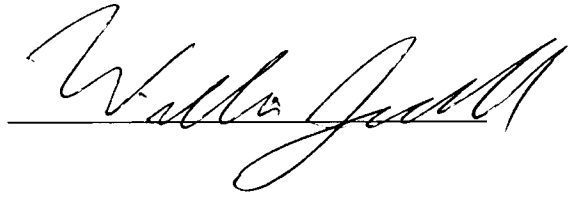

EXHIBIT 1 BEGINS ON THE NEXT PAGE

IN THE DISTRICT COURT OF GARFIELD COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, Plaintiff,	)	
v.	)	Case No. CF-2024-111
BRIAN LOVELL, Defendant.	)	

ORDER GRANTING DEFENDANT'S MOTION TO SEAL THE JUNE 6 RESPONSE, OBJECTION, AND MOTION TO COMPEL

NOW COMES, the Honorable Emmit Tayloe, Judge of the District Court, and having reviewed Defendant's Motion to Seal the June 6 Response, Objection, and Motion to Compel, and being fully advised in the premises, does hereby provide the following findings of fact:

1. The court finds that the issues presented by the Defendant in his response are now moot since Defense Counsel and the Attorney General resolved them almost immediately after the filing of the response.
2. The response contains information concerning Defendant's medical condition.
3. The response contains allegations against the Attorney General's office that became moot almost immediately after the response was filed.

The court now makes the following conclusions of law:

1. Both parties have a compelling privacy interest in the sealing of the June 6 response which outweighs the public's interest in the record. The Defendant has a compelling privacy interest because certain information revealed in the response concern his personal and private medical condition. The State has a compelling privacy interest because the filing contains information related to the inner-workings of the Attorney General's office.

2. The public's interest is outweighed by these privacy interests because the matter is now moot, the issues involved in the State's motion and Defendant's response are resolved, and the public does not have a compelling interest to records that became moot almost immediately after the records were filed.
3. The least restrictive means for achieving confidentiality of the record is to seal the entirety of the June 6 response. The rest of the record in this case shall remain open.

The court does now ORDER, ADJUDGE AND DECREE that Defendant's Motion to Seal the June 6 Response, Objection, and Motion to Compel is GRANTED. The court (shall/shall not) set a review hearing on the sealing order to occur within _____ days.

IT IS SO ORDERED,

_____
Honorable Emmit Tayloe,
JUDGE OF THE DISTRICT COURT

Prepared and approved by:

Stephen Jones, OBA #4805
William Jewell, OBA #34376
Blake Trekell, OBA #36282
JONES, OTJEN & JEWELL
214-A N. Independence St.
Post Office Box 472
Enid, OK 73702
(580) 242-5500
(580) 242-4556 (fax)
sjones@stephenjoneslaw.com
wjewell@stephenjoneslaw.com
btrekell@stephenjoneslaw.com

Approved:

Assistant Attorney General