

MAR 12 2014

**STACI HUNTER**  
**COURT CLERK**

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

STATE OF OKLAHOMA, )

Plaintiff, )

vs. )

Case No. CF-2014-73

BARRY LYNN HEATH, JR, )

DOB: 7/24/1969, SSN: [REDACTED] )

AND )

NEVA M. HEATH, )

DOB: 08/29/1963, SSN: [REDACTED] )

Defendants. )

**INFORMATION**

**FOR:**

**COUNT 1: ENGAGING IN A PATTERN OF CRIMINAL OFFENSES, 21 O.S. § 425, a  
FELONY**

**COUNTS 2-11: OBTAINING PROPERTY BY FALSE PRETENSES, 21 O.S. §1541.2, A  
FELONY**

**COUNT 12: OBTAINING PROPERTY BY FALSE PRETENSES, 21 O.S. § 1541.2, A  
FELONY**

**COUNT 13: OBTAINING PROPERTY BY FALSE PRETENSES, 21 O.S. § 1541.1, A  
MISDEMEANOR**

In the name and by the authority of the State of Oklahoma, E. Scott Pruitt, Attorney General of Oklahoma, in the name and by the authority of, and on behalf of the State of Oklahoma, gives information that in CUSTER COUNTY, State of Oklahoma, BARRY LYNN HEATH, JR. and NEVA M. HEATH, did then and there unlawfully, willfully, knowingly, and wrongfully commit the crimes of:

**COUNT 1: ENGAGING IN A PATTERN OF CRIMINAL OFFENSES, a FELONY,**

That is to say that beginning on or about the 1<sup>st</sup> day of October, 2013 and continuing until on or about the 9<sup>th</sup> day of January, 2014, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** did willfully, knowingly, wrongfully, and feloniously commit a sequence of two or more of the same criminal offense to wit: Obtaining Property by False Pretense in violation of 21 O.S. §§ 1541.1 *et. seq.*, in two or more counties of in the State of Oklahoma, including the aforementioned **CUSTER COUNTY**, as part of the same plan, scheme, or adventure , and these criminal offenses were not separated by more than thirty (30) days. All of said acts being contrary to the provisions of Section 425 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding two (2) years, or imprisonment or by a fine in an amount not more than Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

**COUNT 2: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY**

That is to say that on or about January 7, 2014, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH**, in **CUSTER COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Clinton Livestock Auction, obtain from Clinton Livestock Auction title to cattle valued at two thousand seven hundred ten dollars and twenty-five cents (\$2,710.25); by means of and by the use of a certain bogus check, as set forth in "Exhibit A" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Clinton Livestock Auction; with the fraudulent and felonious intent then and there to cheat and

defraud Clinton Livestock Auction. All of said acts being committed contrary to the provisions of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

**COUNT 3: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY,**

That is to say that on or about December 12, 2013, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** in **MAJOR COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Fairview Sale Barn, obtain from Fairview Sale Barn title to cattle valued at five thousand twenty-four dollars and seventy cents (\$5,024.70), by means of and by the use of a certain bogus check in, as set forth in "Exhibit B" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Fairview Sale Barn; with the fraudulent and felonious intent then and there to cheat and defraud Fairview Sale Barn. All of said acts being committed contrary to the provisions of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

**COUNT 4: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY,**

That is to say that on or about December 17, 2013, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** in **MCINTOSH COUNTY, STATE OF**

OKLAHOMA, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Cross Livestock Auction, obtain from Cross Livestock Auction title to cattle valued at four thousand forty-four dollars and fifty-five cents (\$4,044.55), by means of and by the use of a certain bogus check, as set forth in "Exhibit C" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Cross Livestock Auction; with the fraudulent and felonious intent then and there to cheat and defraud Cross Livestock Auction. All of said acts being committed contrary to the provisions of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

**COUNT 5: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY,**

That is to say that on or about January 9, 2014, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** in **CREEK COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Mid America Stockyards, Inc., obtain from Mid America Stockyards, Inc. title to cattle valued at three thousand nine hundred seventy-six dollars and fifty cents (\$3,976.50), by means of and by the use of a certain bogus check, as set forth in "Exhibit D" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Mid America Stockyards, Inc. with the fraudulent and felonious intent then and there to cheat and defraud Mid America Stockyards, Inc. All of said acts being committed contrary to the

provisions of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

**COUNT 6: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY,**

That is to say that on or about November 19, 2013, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** in **GARFIELD COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Northwest Stockyards, LLC, obtain from Northwest Stockyards, LLC title to cattle valued at three thousand four hundred ninety-eight dollars and forty-five cents (\$3,498.45), by means of and by the use of a certain bogus check, as set forth in "Exhibit E" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Northwest Stockyards, LLC; with the fraudulent and felonious intent then and there to cheat and defraud Northwest Stockyards, LLC. All of said acts being committed contrary to the provisions of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

**COUNT 7: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY**

That is to say that on or about December 14, 2013, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** in **OKLAHOMA COUNTY, STATE OF**

OKLAHOMA, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Covington Sale Barn, obtain from Covington Sale Barn title to cattle valued at three thousand one hundred dollars and twenty-five cents (\$3,100.25), by means of and by the use of a certain bogus check, as set forth in "Exhibit F" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Covington Sale Barn; with the fraudulent and felonious intent then and there to cheat and defraud Covington Sale Barn. All of said acts being committed contrary to the provisions of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

**COUNT 8: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY,**

That is to say that on or about November 25, 2013, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** in **ADAIR COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with intent to cheat and defraud Stilwell Livestock Auction, obtain from Stilwell Livestock Auction title to cattle valued at two thousand five hundred forty-eight dollars and forty cents (\$2,548.40), by means of and by the use of a certain bogus check, as set forth in "Exhibit G" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Stilwell Livestock Auction; with the fraudulent and felonious intent then and there to cheat and defraud Stilwell Livestock Auction. All of said acts being committed contrary to the provisions

of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

**COUNT 9: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY**

That is to say that on or about November 16, 2013, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** in **BLAINE COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with intent to cheat and defraud Geary Livestock Auction, obtain from Geary Livestock Auction title to cattle valued at two thousand sixty-three dollars (\$2,063.00), by means of and by the use of a certain bogus check, as set forth in "Exhibit H" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Geary Livestock Auction; with the fraudulent and felonious intent then and there to cheat and defraud Geary Livestock Auction. All of said acts being committed contrary to the provisions of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

**COUNT 10: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY,**

That is to say that on or about November 7, 2013, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** in **OKMULGEE COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Okmulgee

Livestock Auction, obtain from Okmulgee Livestock Auction title to cattle valued at one thousand two hundred thirty dollars and sixty-five cents (\$1,230.65), by means of and by the use of a certain bogus check, as set forth in "Exhibit I" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Okmulgee Livestock Auction; with the fraudulent and felonious intent then and there to cheat and defraud Okmulgee Livestock Auction. All of said acts being committed contrary to the provisions of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment

**COUNT 11: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY,**

That is to say that on or about October 17, 2013, Defendants **BARRY LYNN HEATH, JR.** and **NEVA M. HEATH** in **OKLAHOMA COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Jones Livestock Auction, obtain from Jones Livestock Auction title to cattle valued at one thousand one hundred sixty-one dollars (\$1,161.00), by means of and by the use of a certain bogus check, as set forth in "Exhibit J" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Jones Livestock Auction; with the fraudulent and felonious intent then and there to cheat and defraud Jones Livestock Auction. All of said acts being committed contrary to the provisions of Section

1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by a term not exceeding ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment

**COUNT 12: OBTAINING PROPERTY BY FALSE PRETENSES, a FELONY,**

That is to say that on or about October 30, 2013, Defendants **BARRY LYNN HEATH, JR. and NEVA M. HEATH** in **PAYNE COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Perkins Livestock, LLC, obtain from Perkins Livestock, LLC title to cattle valued at six hundred twenty dollars (\$620.00), by means of and by the use of a certain bogus check, as set forth in "Exhibit K", attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Perkins Livestock, LLC; with the fraudulent and felonious intent then and there to cheat and defraud Perkins Livestock, LLC. All of said acts being committed contrary to the provisions of Section 1541.2 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by for a term not exceed one (1) year incarceration in the county jail and a fine of not more than Five Thousand Dollars (\$5,000.00).

**COUNT 13: OBTAINING PROPERTY BY FALSE PRETENSES, a MISDEMEANOR**

That is to say that on or about November 8, 2013, Defendants **BARRY LYNN HEATH, JR. and NEVA M. HEATH** in **BECKHAM COUNTY, STATE OF OKLAHOMA**, did willfully, knowingly, wrongfully, feloniously, and with the intent to cheat and defraud Elk City

Livestock Auction, obtain from Elk City Livestock Auction title to cattle valued at three hundred forty dollars (\$340.00), by means of and by the use of a certain bogus check, as set forth in "Exhibit L" attached herein and made a part hereof, the said Defendants then and there well knowing that they had insufficient funds at said bank, and that said check was worthless, false, bogus, and of no value, did utter and deliver the same to the said Elk City Livestock Auction; with the fraudulent and felonious intent then and there to cheat and defraud Elk City Livestock Auction. All of said acts being committed contrary to the provisions of Sections 1541.1 of Title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

This crime is punishable by imprisonment in the county jail for not more than one (1) year and a fine of not more than One Thousand Dollars (\$1,000.00).

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA



LAUREN E. HAMMONDS (OBA # 31574)  
ASSISTANT ATTORNEY GENERAL  
Multicounty Grand Jury Unit  
Oklahoma Office of the Attorney General  
313 N.E. 21<sup>st</sup> Street  
Oklahoma City, OK 73105

**WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA:**

Eddie Davenport, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln,  
Oklahoma City, Oklahoma 73152

Paul Cornett, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln,  
Oklahoma City, Oklahoma 73152

Jeff Scott, Oklahoma Department of Agriculture, Food, and Forestry, 2800 N. Lincoln,  
Oklahoma City, Oklahoma 73152

Dennis Branther, Kingfisher County Sheriff's Office, 119 S. Main St., Kingfisher, OK 73750  
Bill Jech, 20965 North 2930 Road, Kingfisher, Oklahoma 73750

Pam Jones, 418 Don Blanding Avenue, Kingfisher, Oklahoma 73750  
 Kent Green, Okmulgee Livestock Auction, 19549 Highway 75, Okmulgee, Oklahoma 74447  
 Brandon Hickey, Elk City Livestock Auction, P.O. Box 687, Elk City, Oklahoma 73648  
 Bill McCann, Geary Livestock Auction, P.O. Box 85, Geary, Oklahoma 73040  
 Susie McCann, Geary Livestock Auction, P.O. Box 85, Geary, Oklahoma 73040  
 Kayln Newman, Northwest Stockyards, 11802 W. Owen K. Garriott Road, Enid, OK 73703  
 Danny Isaacs, Stilwell Livestock Auction, P.O. Box 1417, Stilwell, Oklahoma 74960  
 Bobby Smith, Fairview Livestock Sale Barn, P.O. Box 206, Fairview, Oklahoma 73737  
 Ron Don May, Covington Livestock Sale Barn, 2501 Exchange Avenue, Room 131, Oklahoma City, Oklahoma 73108  
 Cross Livestock Auction, 30812 Victory Road, Checotah, Oklahoma 74426  
 Angie Coker, Jones Livestock Auction, 126 E. Main, Jones, Oklahoma 73049  
 Robb Taylor, Perkins Livestock Auction, P.O. Box 2405, Perkins, Oklahoma 74059  
 Helen Varner, Mid America Stockyards, 36970 W. Highway 16, Bristow, Oklahoma 74010  
 Blake Berry, Clinton Livestock Auction, P.O. Box 1780, Clinton, Oklahoma 73601

STATE OF OKLAHOMA )  
 )  
 COUNTY OF CUSTER )

I do solemnly swear that the statements and allegations set forth in the within information are true and correct to the best of my information and belief.

*Lauren E. Hammonds*

Lauren E. Hammonds  
 Assistant Attorney General

Sign and sworn to before me on the 12<sup>th</sup> day of March, 2014, by Lauren E. Hammonds.

*Shelia D. Jeffers*  
 Notary Public

My Commission Expires:

