

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

AUG 14 2017

RICK WAKKEN  
COURT CLERK  
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Oklahoma Department of Securities, )  
ex rel Irving L. Faught, Administrator, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
STACEY WAYNE TRAVIS, )  
 )  
Defendant. )

CV-2017-1501

ANSWER

COMES NOW, Stacey Wayne Travis, through counsel and in response to the Department of Securities (“Department”) Application to Compel Testimony states as follows, to-wit:

1. That the Department’s Application is made pursuant to Okla. Stat. Tit. 71, § 1-602(E) purporting to grant an individual immunity in the event of the assertion of the Constitutional privilege against self-incrimination.
2. Mr. Travis admits that pursuant to subpoena issued by the Department that on July 24, 2017, he invoked his privilege against self-incrimination.
3. To the extent that the immunity which is afforded by the above cited Oklahoma Statute grants immunity consistent with the mandates of *Murphy v. Waterfront Commission of New York Harbor*, 378 U.S. 52, 84 S.Ct. 1594, 12 L.Ed.2d 678 (1964) the Defendant, Mr. Travis does not have an objection. Any less protection is objected to and a violation of Mr. Travis United States Constitutional Fifth Amendment Privilege and the Oklahoma Constitutional self-incrimination protections found in Article 2 § 27.

*Murphy* provides in relevant portion:

Applying the holding of that case to our holdings today that the privilege

against self-incrimination protects a state witness against federal prosecution, supra, at 77—78, and that 'the same standards must determine whether (a witness') silence in either a federal or state proceeding is justified,' *Malloy v. Hogan*, 378 U.S., at 11, 84 S.Ct., at 1495, we hold the constitutional rule to be that a state witness may not be compelled to give testimony which may be incriminating under federal law unless the compelled testimony and its fruits cannot be used in any manner by federal officials in connection with a criminal prosecution against him. We conclude, moreover, that in order to implement this constitutional rule and accommodate the interests of the State and Federal Governments in investigating and prosecuting crime, the Federal Government must be prohibited from making any such use of compelled testimony and its fruits. This exclusionary rule, while permitting the States to secure information necessary for effective law enforcement, leaves the witness and the Federal Government in substantially the same position as if the witness had claimed his privilege in the absence of a state grant of immunity.

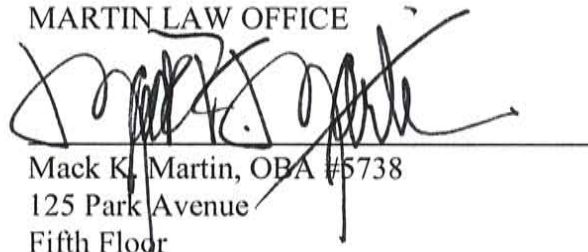
It follows that petitioners here may now be compelled to answer the questions propounded to them. At the time they refused to answer, however, petitioners had a reasonable fear, based on this Court's decision in *Feldman v. United States*, supra, that the federal authorities might use the answers against them in connection with a federal prosecution. We have now overruled *Feldman* and held that the Federal Government may make no such use of the answers.

*Murphy v. Waterfront*, 378 U.S. at 79-80.

WHEREFORE, to the extent the protection provided complies with *Murphy*, Mr. Travis has no objection, otherwise, Mr. Travis objects to the Department's Application.

Respectfully submitted.

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ATTORNEY FOR DEFENDANT  
STACEY WAYNE TRAVIS

**CERTIFICATE OF SERVICE**

I hereby certify that I mailed a true, full and correct copy of the above and foregoing ANSWER to The Oklahoma Department of Securities, 204 N. Robinson Ave., Suite 400, Oklahoma City, Oklahoma 73102, on this 14<sup>th</sup> day of August, 2017.

A handwritten signature in black ink is written over a horizontal line. The signature is highly stylized and appears to be a cursive name, possibly "D. J. [unclear]".

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