

IN THE MATTER OF PERMANENT §
REGISTERED NURSE LICENSE §
NUMBER 504355 ISSUED TO §
DELITA GRACETTA MULLINGS §

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia A. Plummer
Executive Director of the Board

ORDER OF THE BOARD

TO: Delita Gracetta Mullings
1205 W. Lillie
Madill, OK 73446

During open meeting held in Austin, Texas, on **November 12, 2013**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order

will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 504355, previously issued to DELITA GRACETTA MULLINGS, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 12th day of November, 2013.

TEXAS BOARD OF NURSING



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed August 5, 2013.

Re: Permanent Registered Nurse License Number 504355
Issued to DELITA GRACETTA MULLINGS
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of November, 2013, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Delita Gracetta Mullings
1205 W. Lillie
Madill, OK 73446

Via USPS First Class Mail

Delita Gracetta Mullings
1007 W. Lillie
Madill, OK 73446

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent § **BEFORE THE TEXAS**
Registered Nurse License §
Number 504355 Issued to §
DELITA GRACETTA MULLINGS, §
Respondent § **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DELITA GRACETTA MULLINGS, is a Registered Nurse holding License Number 504355 which is in inactive status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about July 24, 2012, Respondent was issued a Stipulation, Settlement and Order by the Oklahoma Board of Nursing wherein Respondent's license to practice professional nursing in the State of Oklahoma was accepted for Voluntary Surrender due to Criminal Convictions. A copy of the Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated July 24, 2012, is attached and incorporated by reference as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

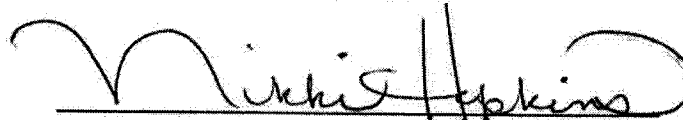
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated July 24, 2012.

Filed this 5th day of August, 2013.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Stipulation, Settlement and Order issued by the Oklahoma Board of Nursing, dated July 24, 2012.

D/2012.06.19

BEFORE THE OKLAHOMA BOARD OF NURSING

IN THE MATTER OF DELITA GRACETTA DUNCAN MULLINGS, R.N.
LICENSE NO. R0039318

STIPULATION, SETTLEMENT AND ORDER

This matter comes on before the Informal Disposition Panel ("Panel") of the Oklahoma Board of Nursing ("Board") on the 10th day of July, 2012, in the Conference Room of the Board Office, 2901 North Classen Boulevard, Suite 105, Oklahoma City, Oklahoma.

Jan Sinclair, R.N., a Nurse Investigator with the Board, appears in person, and Delita Gracetta Duncan Mullings, R.N., (hereinafter, "Respondent") appears neither in person nor by counsel before the Panel on this date. Respondent and the Nurse Investigator participated in a telephonic conference on June 25, 2012, and subsequently consented to this Stipulation, Settlement and Order ("Order").

STIPULATION

Respondent and the Panel hereby stipulate and agree to the following joint stipulation and proposed Order of the Board incorporating this stipulation and agreement in the above-styled matter.

1. Respondent is licensed to practice registered nursing in the State of Oklahoma and is the holder of License No. R0039318 issued by the Oklahoma Board of Nursing.
2. On or about February 6, 2012, Information was filed in the Twentieth Judicial District Court Sitting in and for Marshall County, Oklahoma, Case No. CM-2012-47, charging Respondent with Count 1: Driving a Motor Vehicle While Under the Influence of Drugs, a misdemeanor; and Count 2: Illegal Parking, a misdemeanor. On March 27, 2012, in Judgment and Sentence (Misdemeanor) With Order Suspending Execution of Sentence, Respondent entered a plea

of no contest and was sentenced to be confined to the County Jail, Madill, Oklahoma, for a period of one (1) year, suspended, with probation to be supervised by the district attorney, fine, costs and VCA. The Information, Judgment and Sentence (Misdemeanor) With Order Suspending Execution of Sentence, and Conditions of Probations are attached as Exhibit "A" and made a part hereof.

3. On or about February 6, 2012, Information was filed in the Twentieth Judicial District Court Sitting in and for Marshall County, Oklahoma, Case No. CF-2012-25, charging Respondent with Count 1: Possession of Controlled Dangerous Substance, a felony, by knowingly and intentionally having in Respondent's possession and control, Lortab. On March 27, 2012, Respondent entered a plea of no contest and received a two (2) year deferred sentence and was placed on probation under the supervision of the Department of Corrections. The Order Deferring Imposition of Judgment and Sentence (On Plea of No Contest) is attached as Exhibit "B" and made a part hereof.

4. On or about February 7, 2012, the Respondent, while employed with Mercy Memorial Health Center in Ardmore, Oklahoma, was directed to submit to a "for cause" drug screen by the facility after the facility was notified by the police department that the Respondent had been arrested and Lortab and syringes were found in the Respondent's car. The Respondent failed to submit to the drug screen as directed and was terminated from the facility on February 9, 2012.

5. Respondent has voluntarily surrendered the license to practice nursing in the State of Oklahoma held by the Respondent.

6. No formal complaint has been filed as of the date of this stipulation charging Respondent with a violation of the Oklahoma Nursing Practice Act. Respondent understands that Respondent has a right to require that a formal complaint be filed and the right to a formal hearing

before the Board at which time Respondent could confront the witnesses against Respondent, cross-examine those witnesses, and present evidence in Respondent's own behalf. Respondent understands that by signing and agreeing to this stipulation Respondent is waiving those rights.

7. This stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of this stipulation. Furthermore, should this joint stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

8. Respondent fully understands and agrees that this joint stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board against Respondent for acts or omissions not specifically made a part of this stipulation.

9. Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of this joint stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said stipulation.

10. It is expressly understood that this stipulation is subject to approval of the Board and has no force and effect until approved and Ordered by the Board.

11. This Stipulation, Settlement, and Order does constitute formal disciplinary action.

STIPULATED DISPOSITION AND ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Nursing that the voluntary surrender of Respondent's license should be accepted, upon the following terms and conditions.

1. Any Application to Reinstate any nursing license shall not be considered for the period of **two (2) years**.
2. Any Application to Reinstate any nursing license shall not be considered until Respondent furnishes proof of compliance with this Board's Guidelines for Individuals Requesting Reinstatement After Suspension, Surrender or Revocation for Misappropriation or Misuse of Drugs/Alcohol, a copy of which is attached hereto and made a part hereof. Respondent must also submit evidence of the continued qualifications for practice as set forth in the applicable Statutes and Rules of the Oklahoma Board of Nursing in effect at the time of Respondent's reinstatement.
3. Upon Reinstatement, Respondent's license will be immediately placed in temporary suspension pending readmission to the Peer Assistance Program. Respondent shall provide documentation, satisfactory to the Board, of Respondent's acceptance into the Peer Assistance Program within **sixty (60) days of reinstatement**.
4. Respondent's pocket license card shall be marked "Peer."
5. If Respondent is not accepted into the Peer Assistance Program within sixty (60) days of reinstatement, or having been accepted is terminated from the Program for any reason other than successful completion of Respondent's contract and treatment plan, Respondent's license is hereby **revoked for a period of five (5) years**.
6. In the event Respondent's license is revoked as provided herein, any application to reinstate Respondent's license shall not be considered by the Board until Respondent

presents evidence satisfactory to the Board of compliance with the Board's Guidelines For Individuals Requesting Reinstatement After Suspension, Surrender Or Revocation For Misappropriation Or Misuse Of Drugs/Alcohol, a copy of which is attached hereto and made a part hereof. Respondent must also submit evidence of the continued qualifications for practice as set forth in the applicable Statutes and Rules of the Oklahoma Board of Nursing in effect at the time of Respondent's reinstatement.

7. In the event Respondent's license is revoked as provided herein, Respondent shall pay an administrative penalty payable to the Oklahoma Board of Nursing in the amount of One Thousand Five Hundred Dollars (\$1,500.00). The administrative penalty shall be paid only by certified check, money order or cash. Any Application to Reinstatement Respondent's license will not be considered until the administrative penalty is paid in full.

8. The license to practice registered nursing held by Respondent is hereby **severely reprimanded.**


9. In the event the Certified Mail delivery of Respondent's Order is unsuccessful a process server will be hired to obtain service of the Order. If it is thus necessary to serve the Respondent by a process server, the Respondent agrees to reimburse the Board for the actual cost of the process server. The Respondent shall pay to the Board the actual cost of the process service **within sixty (60) days of service of the process served Order.** The process service fee shall be paid only by certified check, money order or cash to the Board. Failure to timely pay the actual cost of the process service will result in a three (3) month suspension of license. A suspension of license will result in termination from the Peer Assistance Program for failure to maintain an active license. The revocation will be for the period described in paragraph 5 herein.

IT IS FURTHER ORDERED that the parties agree that both (all) parties have participated in the drafting of this Order and that no presumption or construction against any party as the drafter of this Order, shall apply or be applied in the event of a claim of ambiguity of the document or a provision thereof.

IT IS FURTHER ORDERED that this Order shall not be effective until the fully executed Order is received in the Board office.

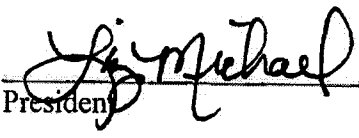
IT IS FURTHER ORDERED that upon successful completion by Respondent of Respondent's Contract, Amended Contract(s), and treatment plan with the Peer Assistance Program, no further Order of the Board shall be deemed necessary.

IT IS FURTHER ORDERED that this Order constitutes disciplinary action by the Board and may be used in any subsequent hearings by the Board. In the event other misconduct is reported to the Board, this Order may be used as evidence against Respondent to establish a pattern of behavior and for the purpose of proving additional acts of misconduct.

6/24/12 
Respondent

Approved and ordered this 24th day of July, 2012.



OKLAHOMA BOARD OF NURSING

President

JS:sr

IN THE DISTRICT COURT OF THE TWENTIETH JUDICIAL DISTRICT OF
THE STATE OF OKLAHOMA SITTING IN AND FOR MARSHALL COUNTY

THE STATE OF OKLAHOMA,
Plaintiff,

vs.

DELITA GRACETTA MULLINGS
ADDR: 1007 W. Lillie Blvd.
Madill, OK 73446
DOB:
Defendant(s).

Case No. CM-2012- 47

WITNESSES RECEIVED

INFORMATION

FOR:

- COUNT 1: DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS - 47 O.S. § 11-902(A)(3), a MISDEMEANOR
- COUNT 2: ILLEGAL PARKING - 47 O.S. § 11-1003, a MISDEMEANOR

STATE OF OKLAHOMA, COUNTY OF MARSHALL:

I, Craig Ladd, the undersigned District Attorney of said County, in the name and by the authority, and on behalf of the State of Oklahoma, give information that in said County of Marshall and in the State of Oklahoma, DELITA GRACETTA MULLINGS, did then and there unlawfully, willfully, knowingly and wrongfully commit the crime(s) of:

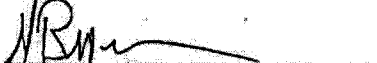
COUNT 1: DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS, a MISDEMEANOR, on or about the 4th day of February, 2012, by driving and operating a certain motor vehicle, to-wit: 2008 Honda bearing 2013 Oklahoma License Number 907AEJ, over and upon a public highway at or near the intersection of Highway 70 and 3rd Street, in the Town of Oakland, while under the influence of an intoxicating substance.

This crime is punishable by a fine of up to \$1,000 and imprisonment for 10 days to 1 year.

COUNT 2: ILLEGAL PARKING, a MISDEMEANOR, on or about the 4th day of February, 2012, by stopping upon the roadway a 2008 Honda automobile bearing 2013 Oklahoma License Number 907AEJ, at or near the intersection of Highway 70 and 3rd Street, Town of Oakland.

This crime is punishable by a fine of \$10-\$100 or imprisonment for up to 10 days.

CRAIG LADD
DISTRICT ATTORNEY

By: 
Gary Brown
Assistant District Attorney

WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA

James Athip, MARSHALL CO SHERIFF'S DEPARTMENT, 207 North 4th, Madill, OK 73446
Bonita Graham, MARSHALL CO SHERIFF'S DEPARTMENT, 207 North 4th, Madill, OK 73446

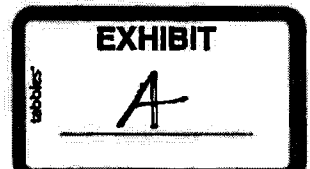
NOTICE OF OPEN FILE

THE PROSECUTION SHALL ALLOW INSPECTION, BY THE DEFENDANT'S ATTORNEY, OF THE FILE CONTAINING ALL LAW ENFORCEMENT REPORTS, KNOWN TO THE PROSECUTION PURSUANT TO TITLE 22 O.S. § 258.

RECEIVED

MAY 24 2012

OBN



IN THE DISTRICT COURT OF THE TWENTIETH JUDICIAL DISTRICT
MARSHALL COUNTY, OKLAHOMA

THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
DELITA G. MILLINGS)
Defendant)

CASE NO. CM-12-47

COUNT I

FILED
WANDA PEARCE
MAR 27 2012
Time
Court Clerk of Marshall County
By

JUDGEMENT AND SENTENCE (MISDEMEANOR) WITH ORDER
SUSPENDING EXECUTION OF SENTENCE

.....

The above named defendant being personally present in open court WITH counsel, and having been legally charged with the offense of DUI DRUGS 47 OS SECTION 11-902 and having been duly arraigned thereon and having duly pleaded NO CONTEST to the offense of DUI DRUGS 47 OS SECTION 11-902 (A)(3) and after being duly advised of HER rights, and the effect of HER plea and having knowingly and voluntarily waived said rights, and the defendant having been asked by the Court whether SHE has any legal cause to show why judgment and sentence should not pronounced, an no good reason being given and none appearing to the Court, IT IS THE JUDGMENT AND SENTENCE OF THE COURT that the said defendant is guilty of the crime of DUI DRUGS 47 OS SECTION 11-902(A)(3).

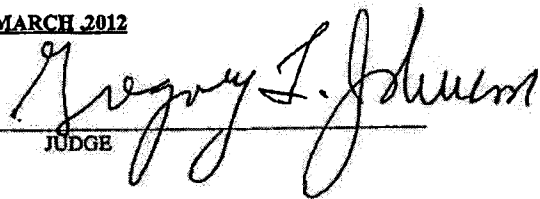
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that said DELITA G. MILLINGS is hereby sentenced to be confined to the County Jail, Madill, Oklahoma, for a period of 1 YEAR to pay a fine assessed at \$1000.00, the costs of prosecution taxes at \$748.50 and SYCA, to the Victims Compensation Revolving Fund, and to stand committed to the jail of said county in default of payment of said fine and costs.

IT IS FURTHER ORDERED BY THE COURT that the Sheriff of Marshall County, Oklahoma, take said defendant into his custody and confine HER in the jail of said county until the period of such imprisonment shall expire and until said fine and costs be paid, or in default of payment, THAT SHE be discharged from such payment by confinement in said jail for such time as is by law required.

IT IS FURTHER ORDER OF THE COURT that the execution of that portion of the sentence described as follows, to-wit: 1 YEAR be and same hereby suspended, with probation, on the following conditions: DA SUPERVISION

Defendant advised of right and procedure to appeal.

Done in open Court this 23RD day MARCH 2012



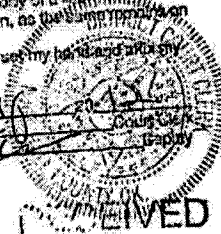
JUDGE

ATTEST:
WANDA PEARCE, COURT CLERK

BY: BETTY MOSS
Deputy

CERTIFICATE OF COURT CLERK

I, Wanda Pearce, Court Clerk in and for Marshall County, Oklahoma, do hereby certify that the above and foregoing is a full and complete copy of a true and correct instrument in above entitled action, as the same appears on file and of record in my office.
I witness whereof I hereunto set my hand and affix my official seal at
Madill, Oklahoma, on
23RD day of
MARCH 2012



MAY 24 2012

OBN

IN THE DISTRICT COURT OF MARSHALL COUNTY
STATE OF OKLAHOMA

FILED
WANDA PEARCE
MAR 23 2012
Time
Court Clerk of Marshall County
By _____ Deputy

THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.)
Delito G. Mullings)
Defendant.)

Case No. CM-12-47
CF-12-25

CONDITIONS OF PROBATION
Supervised by District Attorney's Community Sentencing Office
for Misdemeanor

The first five (5) rules and conditions and all those additionally checked shall apply to the defendant for the duration of his probation unless further ordered by the court.

1. I will not violate any City, State or Federal laws including Trial Jurisdiction. I will advise the District Attorney's Community Sentencing Office within 48 hours if I am questioned, arrested or detained by any branch of the government or any of its representatives.
2. I will not use, possess, sell, deliver, consume or purchase alcoholic beverages or illegal drugs or prescription drugs without a valid prescription or any other controlled dangerous substance, including, but not limited to methamphetamine, marijuana, glue, pain or other inhalant or intoxicant. I will not visit places where alcohol or illegal drugs are unlawfully sold, dispensed or used. I further understand that I am not to go to bars, liquor stores, taverns, clubs, parties or places where alcohol is the main item for sale or consumption.
3. I will voluntarily submit for alcohol and/or drug testing upon request of law enforcement of the Court, or as required by the District Attorney's Community Sentencing Office or abuse treatment agency or counselor and be responsible for the costs of testing. I understand that I am required to reimburse the agency for testing if I do not have the immediate financial ability to do so when the test is performed. If I am requested to submit to such test, I will inform the District Attorney's Office within 48 hours of such request.
4. I will promptly and truthfully answer all inquiries from the District Attorney's Community Sentencing Office or other law enforcement personnel. I will carry out any instructions they may give.
5. I will notify the District Court Clerk's office and the District Attorney's Community Sentencing Office of any changes in probationer/defendant's residence or telephone number immediately.
6. NA serve _____ days/months in the Marshall County Jail commencing on the _____ day of _____, 20____. If sentenced under the Community Sentencing Program, perform community service per week while incarcerated, pursuant to a schedule to be set by the Community Sentencing Officer.
7. NA Serve special confinement as stated below:
 - a. _____ nights in Marshall County Jail (6 p.m. to 6 a.m.). Defendant to pay for the costs of incarceration at the rate of \$ _____ per night.
 - b. _____ weekends in the Marshall County Jail (6 p.m. Friday to 6:00 p.m. Sunday). Defendant to pay for the costs of incarceration at the rate of \$ _____ per weekend.

RECEIVED
MAY 24 2012
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c. _____ house arrest for _____ days/months. Defendant must remain at home except to attend employment.

Defendant will be subject to unannounced visits or telephone calls by law enforcement to his home to assure his compliance with house arrest.

8. Attend a certified DUI school and provide proof of successful completion thereof within 6 months to the District Attorney's Community Sentencing Office. I understand that it is the defendant's responsibility to provide proof of completion within 6 months and failure to do so could result in a violation of these rules and conditions.

9. Obtain a _____ substance abuse, _____ psychological _____ sexual abuse, _____ domestic abuse, DUI-evaluation (as applicable) by a certified agency within 15 days of sentencing and follow the recommendation for treatment, if any. Proof of the evaluation and compliance with the treatment plan shall be provided to the District Attorney's Community Sentencing Office within 30 days of this date. I understand that it is the defendant's responsibility to provide proof of completion within 30 days and failure to do so could result in a violation of these rules and conditions. Defendant must authorize the release of information by the treatment provider to the District Attorney's Community Sentencing Office and require the treatment provider to notify the District Attorney's Community Sentencing office of the defendant's failure to comply with the treatment program. All costs of treatment and reporting requirements shall be borne by the defendant.

10. Perform 3 days of community service according to a schedule and placement set by the Community Sentencing Officer at the following rate:

all completed by July 1, 2012

under the supervision and direction of the placement office where you are assigned for community service. Defendant/probationer shall report to the District Attorney's Community Sentencing Office within ten (10) days of sentencing or as otherwise ordered by the Court.

FINANCIAL OBLIGATION

* 11. Pay all fines, costs, fees and assessments ordered paid by the Court in the manner directed by the Court.

12. NA make full restitution to the victim in the amount of \$ _____ at the rate of \$ _____ per month beginning on the _____ day of _____, 20____, to the Office of the District Attorney's Community Sentencing Office, and a like amount on the same day of each month thereafter until paid in full by cashier's check or money order payable to the victim.

13. Pay a supervision fee of \$40.00 per month to the Office of the District Attorney's Community Sentencing Office beginning on the 15th day of April, 2012, and each month thereafter for a period of defendant's probation by cashier's check or money order payable to the District Attorney's Community Sentencing Office and report monthly in person and complete a probation report unless otherwise ordered specifically by the Court or outlined hereafter in this agreement. (PLEASE PUT YOUR CASE NO. ON YOUR MONEY ORDER OR CASHIER'S CHECK)

14. NA Forfeit any property seized by law enforcement officers and subject to forfeiture: _____

15. NA Consent to search by law enforcement upon request. In addition, my vehicle and property under my control are subject to search.

RECEIVED

MAY 24 2012

UBN

16. X Additional Rules:

- Install ignition interlock system;
- Attend Victim's Impact Panel Program within 60 days and provide proof of completion within 60 days;
- Obtain high school diploma or GED and attend classes at least twice weekly until GED is obtained;
- Other:

Dated this 23rd day of March, 2012.

Gregory J. Johnson

 JUDGE OF THE DISTRICT COURT

PROBATIONER'S ACKNOWLEDGEMENT OF RULES AND CONDITIONS OF PROBATION

I acknowledge that I have received a copy of the above and foregoing rules and conditions of probation that the Court has advised me of the same and that I have read or have had the same read to me and that I understand the same. I further state that the address and telephone listed below my signature is true and correct. I further state that I understand that if I violate any rule or rules that the State of Oklahoma may request the Court to revoke my probation and sentence me to incarceration for a term prescribed by law.

Delita Mullins Delita Mullins
 Printed Defendant's Name Signature

07/16/60 1-580-627-1328
 DOB SSN Phone Number

1002 W Billie Madill, Okla 73446
 Address City, State, Zip Code

795-3256 DOS & DUI
 Phone Number of someone other than person at number listed above Offense (Crime) Charged

Acknowledged:
[Signature]
 Assistant District Attorney
 Phone (580) 795-2115

[Signature]
 Defense Counsel

CERTIFICATE OF COURT CLERK

I, Wanda Pearne, Court Clerk in and for DEKALB County, Oklahoma, do hereby certify that the above and foregoing is a full and complete copy of the instrument in above entitled action, as the same, number, file and of record in my office.

I witness whereof I hereunto set my hand and affix my official seal at Madill, Oklahoma, on this 23rd day of March, 2012.

Wanda Pearne
 Court Clerk

MAY 24 2012

OBN

IN THE DISTRICT COURT OF THE TWENTIETH JUDICIAL DISTRICT OF
THE STATE OF OKLAHOMA SITTING IN AND FOR MARSHALL COUNTY

THE STATE OF OKLAHOMA,
Plaintiff,

vs.

DELITA GRACETTA MULLINGS
ADDR: 1007 W. Lillie Blvd.
Madill, OK 73446
DOB:
Defendant(s).

Case No. CF-2012- 25

FILED
WANDA PFARCE

INFORMATION

Time
Court Clerk of Marshall County
By Deputy

FOR:

COUNT 1: POSSESSION OF CONTROLLED DANGEROUS SUBSTANCE ~ 63 O.S. § 2-402, a
FELONY


STATE OF OKLAHOMA, COUNTY OF MARSHALL:

I, Craig Ladd, the undersigned District Attorney of said County, in the name and by the authority, and on behalf of the State of Oklahoma, give information that in said County of Marshall and in the State of Oklahoma, DELITA GRACETTA MULLINGS, did then and there unlawfully, willfully, knowingly and wrongfully commit the crime(s) of:

COUNT 1: POSSESSION OF CONTROLLED DANGEROUS SUBSTANCE, a FELONY, on or about the 4th day of February, 2012, by knowingly and intentionally having in defendant's possession under defendant's control Lortab said drug being classified as a controlled dangerous substance in Schedule II of the Uniform Controlled Dangerous Substances Act of Oklahoma

This crime is punishable by imprisonment for 2 -10 years, and a fine of not more than \$5,000.

CRAIG LADD
DISTRICT ATTORNEY

By: 
Gary Brown
Assistant District Attorney

WITNESSES ENDORSED FOR THE STATE OF OKLAHOMA

James Atnip, MARSHALL CO SHERIFF'S DEPARTMENT, 207 North 4th, Madill, OK 73446
Bonita Graham, MARSHALL CO SHERIFF'S DEPARTMENT, 207 North 4th, Madill, OK 73446
Chemist, OSBI, 701 West Carl Albert Parkway, McAlester, OK 74501

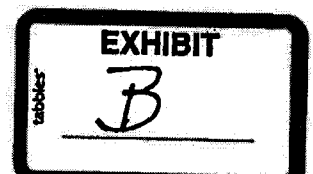
NOTICE OF OPEN FILE

THE PROSECUTION SHALL ALLOW INSPECTION, BY THE DEFENDANT'S ATTORNEY, OF THE FILE CONTAINING ALL LAW ENFORCEMENT REPORTS, KNOWN TO THE PROSECUTION PURSUANT TO TITLE 22 O.S. § 258.

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MAY 24 2012

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IN THE DISTRICT COURT OF THE 20TH JUDICIAL DISTRICT OF THE STATE OF OKLAHOMA IN AND FOR MARSHALL COUNTY

THE STATE OF OKLAHOMA,
PLAINTIFF,

Vs.
DELITA G. MULLINGS,
DOB

Case No. CF-12-25

FILED
WANDA PEARCE
MAR 27 2012
The Court Clerk of Marshall County
By Deputy

DEFENDANT.

ORDER DEFERRING IMPOSITION OF JUDGMENT AND SENTENCE
(On Plea of NO CONTEST)

NOW, on this 23RD day of MARCH, 2012 the same being a judicial day of said Court; the Defendant DELITA G. MILLINGS being personally present in open Court with JEFF LANDGRAF attorney of record, and having been duly represented at all proceedings before the Court by such attorney of record, and having been legally charged with the crime of POSSESSION OF CDS 63 OS SECTION 2-402 and having been duly informed of the nature of the charge, and of HIS constitutional rights and having been duly arraigned thereon, and having duly and properly entered plea of NO CONTEST to the crime of POSSESSION OF CDS 63 OS SECTION 2-402 and the effect of such plea, and it appearing to the Court that said Defendant is of the age of 51 years; and the Defendant having been asked by the Court whether HE has any legal cause to show why judgment and sentence should not be pronounced against HIM stating no sufficient cause why judgment and sentence should not be pronounced against the Defendant and none appearing to the Court.

IT IS THEREFORE THE DECISION AND ORDER OF THE COURT to defer the imposition of sentence in this cause until MARCH 23, 2014, and the Defendant is placed on probation during such period under the supervision of the Department of Corrections of the State of Oklahoma, and the following terms and conditions of probation, to wit:

- 1.) That the Defendant shall report to his probation officer on each date and time required by the probation officer, but not less than one time per month, in the manner and frequency which the probation officer may require;
- 2.) That said Defendant shall not leave the State of Oklahoma without permission of the Court and the probation officer, and that said Defendant shall not leave the county in which he/she resides without permission of his/her probation officer. He/she will not change his/her address or employment without first consulting with and obtaining approval from the probation officer, and shall keep gainfully employed, so long as physically able to do so;
- 3.) That said Defendant shall promptly and truthfully answer all inquiries directed to him/her by probation authorities and he/she will allow the representatives of the Probation and Parole Division to visit him/her at home, place of employment or elsewhere;
- 4.) That said Defendant shall refrain from violation of any city, state or federal law;
- 5.) That said Defendant shall not consort with persons having a criminal record;
- 6.) That said Defendant shall not use intoxicating liquor or beer in any form, and is not to use or traffic in narcotics, including marihuana;
- 7.) That said Defendant shall pay the court costs (and restitution);
- 8.) That said Defendant shall abide by the following Special Conditions ordered by this Court: DA SUPERVISION

Done this 23RD day of MARCH, 2012

ATTEST:

Wanda Pearce, COURT CLERK

BY: BETTY MOSS
Deputy Court Clerk

Gregory L. Johnson

JUDGE OF THE DISTRICT COURT
CRIMINATE OF COURT CLERK

I, Wanda Pearce, Court Clerk In and for Marshall County, Oklahoma, do hereby certify that the foregoing is a true and complete copy of the original filed in above entitled cause, as the same appears on the files of said Court.

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MAY 24 2012
Wanda Pearce
Deputy

OBN

Form 13.8(A) Additional Findings at Time of Sentencing

[At the time of formal sentencing the sentencing judge, on the record, shall either complete the additional findings or review form 13.8(A) which has been completed by the parties to ensure its accuracy. Upon completion of the form it shall be ordered filed of record and be attached as Exhibit 1 to the Uniform Judgment and Sentence filed in the case.]

FILED

WANNA PEARCE

MAR 27 2012

EXHIBIT 1: Additional Findings of the Court to Case No. CF-12-25
in the District Court of Marshall County South Carolina

Time _____
Court Clerk of Marshall County
By _____
Please list any additional charges on a separate attached sheet

I. Original Charges

Offense	Statute Citation
<u>pos. of CAS</u>	<u>63 of sc. 2-402</u>
_____	_____
_____	_____
_____	_____

II. Prior Felony Convictions

Please list all prior felony convictions or attach the OSBI rap sheet

Offense	Date	Statute Citation
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

III. Enhancer Information

1. Did the offender commit the current offense with the use of a weapon within the immediate possession and control of the offender? Yes No If yes, please indicate type of weapon _____
2. For persons who are victims of violent crimes, please indicate the age of the victim(s) _____
3. If the controlling offense was a theft offense (larceny, embezzlement, fraud, concealing stolen property) what was the total amount involved in that offense?
\$ _____
4. If the controlling offense was a drug offense, what was the predominant drug and what was the amount of that drug (specify grams, ounces, etc.)?
Drug Type: _____
Quantity: _____

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IV. Offender Characteristics

(A copy of the pre-sentence investigation may be attached instead.)

Gender (Circle)
Male Female

Race (Circle)
White Black Hispanic Native Am. Asian

This exhibit shall not be admitted into evidence in any future prosecutions.

Certified this 23 day of March 2012

Mary Brauer
Attorney for State

Jeff Landgraf
Attorney for Defendant

Gregory L. Johnson
Judge of the District Court

CERTIFICATE OF COURT CLERK

I, Wanda Pearce, Court Clerk in and for Marshall County, Oklahoma, do hereby certify that the above and foregoing is a full and complete copy of a like instrument in above entitled action, as the same remains on file and of record in my office.

I witness whereof I hereunto set my hand and add my official seal at

Marshall, Oklahoma, on this 23 day of March 2012
Wanda Pearce Court Clerk
Wanda Pearce Deputy

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MAY 24 2012

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