

CERTIORARI

Journal of Consumer Advocacy

CONSUMER INFORMATION FOR THE CLIENTS AND FRIENDS OF FRASIER, FRASIER & HICKMAN, LLP

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● **CASE FILE**

Settlement Reached in Okmulgee Jail Beating

Late one night in November 2017, Christian “Bucky” Hill was arrested by Okmulgee police for public intoxication and taken to the Okmulgee jail.

The next day, the 25-year-old Native American was reported to have suffered a severe head injury and then taken to the Okmulgee hospital. He was then transported by helicopter to a Tulsa hospital where he underwent a surgery to address bleeding on the brain.

Hill remained in a coma, on a feeding tube, for several weeks. When he was finally discharged, he was partially paralyzed, had impaired speech and required a wheelchair and 24-hour assistance.

His mother, who was appointed his guardian, contacted Frasier, Frasier & Hickman, LLP for help.

The jail, operated by the Okmulgee County Criminal Justice Authority, holds prisoners for the city, county and Creek Nation, which is headquartered in Okmulgee. In recent years, several prisoners have been severely injured while incarcerated there.

An investigation revealed Hill had been the subject of numerous beatings by Okmulgee jail staff and other prisoners over a 12-hour period. Jail videos obtained by the Firm showed that Hill was severely beaten at least six times by jailers in the booking area where he remained for more than 10 hours. The investigation revealed that three officers – identified as Sgt. Nguyen, Sgt. Francis, and Detention Officer Gunter – joked about beat-

ing up Hill, saying they were going to “beat his ass.” And they did.

Jail videos clearly show Hill was not resistant, combative, or posing any threat to officers, yet he was repeatedly battered. On two instances, Officer Gunter threw Hill to the ground, as if performing a professional wrestling move. According to Sgt. Nguyen, when Hill’s head hit the floor, it sounded like “a watermelon hitting the floor.”

Nguyen then “amped up” other prisoners, inciting them to beat Hill when he was finally taken to a detention pod. After being severely beaten by other prisoners, Hill was brought back to the booking area where a nurse was summoned. After the nurse’s examination, it was more than an hour before an ambulance was summoned and he was taken to the hospital.

A lawsuit was filed in federal court against the Okmulgee County Criminal Justice Authority. The case was sent to a settlement conference and a settlement was eventually reached. Hill remains immobile and may never be able to work or live on his own again.

“This is one of the worst jail beatings I have ever come across,” said George Miles, who handled the case. “The video evidence is really hard to watch. A drunk man severely abused by three uniformed jailers. It’s hard to watch. They treated him like he was not a human being, but some kind of stuffed doll. It’s amazing anyone could survive it. It’s amazing that the jailers would perpetrate it.”



● CASE FILE

Cyclist Receives Settlement After Being Run Over by Truck

I.D. was a straight-A high school student who worked part-time at the Owasso WalMart retrieving shopping carts from the parking lot. In April 2019, he was riding his bicycle home from his job, still wearing the bright reflective safety jacket he wore at work. It was dark, but his bike had a headlight and reflectors on the pedals.

As he pedaled along 96th Street North, a pickup truck driven the same direction, ran over I.D. and his bike. He was thrown to the side of the road and a following car ran over his bike which was still in the road.

An ambulance was summoned and I.D. was taken to a Tulsa hospital where he was treated for a broken ankle and three compressed vertebrae. I.D., who was not wear-



ing a helmet, also had a concussion.

Owasso police investigated the collision, noting in a report that the driver was inattentive and I.D.'s bike did not have a rear light. There was no mention of the state law that requires motorists to give cyclists at least three feet of clearance when passing on the roadway.

Interestingly, videos later surfaced that were posted by the truck driver showing him driving at night.

Within months, I.D. is healed and back to work. Frasier, Frasier & Hickman, LLP, was contacted to pursue compensation for his injuries and medical expenses. After more than a year of wrangling with the insurance company, a settlement finally was reached out of court.

“Our client was extremely lucky that he was not injured more severely – or killed,” said Jim Frasier. “The driver of the motor vehicle was not paying attention. The cyclist was not wearing a helmet. That makes for a deadly combination.

“I.D. was lucky. So was the driver of the pickup truck, who could have wound up in prison.”

● CASE FILE

Student Injured at School Receives Compensation

The 12 concrete columns in the courtyard at Tulsa's Edison High School once had supported an overhead wooden lattice. But for years they stood alone like a modern-day Stonehenge – another interesting feature of the campus landscape.

Students mingled in the seemingly peaceful space, which featured tables and benches on the paved surface under the former arbor.

In April 2016, a pom squad member and another student hung a hammock between two of the 10-foot-tall columns and sat on it waiting for a school event. Suddenly, one of the pillars toppled, crushing the student's pelvis and breaking both legs. Luckily, she was only seriously injured and not killed. The school district and Sodexo, its maintenance manager, immediately flagged off the area as unsafe and removed the columns within days.

Frasier & Hickman, LLP was called in to help. A lawsuit filed against both TPS and Sodexo.

Not only did the student's family face huge medical expenses, but her life had been shattered and the course of her future altered. The school district

paid the statutory limit of \$125,000 under Oklahoma governmental tort claims act. But Gamble's medical bills far exceeded that amount and Sodexo and its insurers were dragging their feet.

The Frasier firm prepared for trial, armed with evidence from an engineer that showed that when Sodexo removed the lattice in 2010, the columns then were rendered unstable and should have been removed – or the lattice top replaced.

Before trial, the case was taken to mediation and a settlement was reached without trial.

“This student was so lucky that she escaped with her life. But this terrible incident should never have happened,” said Frank Frasier, who handled the case. “The school district and Sodexo knew those columns were unsafe but then failed to address the situation until someone was seriously injured. Then it took uncovering their negligence to get them to act.”

In the meantime, the student made a remarkable recovery. She started college at OU the next fall and, despite continuing medical care and intervening surgery, graduated this past spring. Congratulations!

● ELECTION

Your Vote Counts More Than Ever!

As the country is caught in the grips of a pandemic, an important election looms on Nov. 3. Foreign enemies are trying to interfere and President Trump has cast shadows on the entire process.

But your vote counts more now than ever. And there is no reason you should not be counted. But you must be registered to vote – and then vote.

The Oklahoma State Election Board has made the entire process easier with its website – www.okgov/elections. Using the website's new OK Voter Portal you can confirm your voter registration, view sample ballots, find your polling place, request absentee ballots, or change your address or party affiliation.

If you are not registered yet, the website can help you get that done. Of course, you also can register to vote at any tag agency or county election board offices.

The deadline to be registered for the November election is October 9.

We advise that you go to the website now, use the OK Voter Portal to make sure you are properly registered and determine how you plan to cast your vote.

Oklahoma offers three options:

- Regular in-person voting at your polling location on election day - Nov. 3.
- Walk-in absentee voting at the county election

board on Thursday, Friday and Saturday preceding the election (Oct. 29, 30 and 31st).

- Absentee vote by mail or drop-off.

All the details can be found at the website of the Oklahoma State Election Board or the county election board.

Please don't put this off. This is our most fundamental freedom – to vote for our public officials. And in this election cycle, there will be many offices decided. They include president and vice president, U.S. Senate and Congressional seats, state Senate and House seats, county officials and judges and, in Tulsa, several City Council seats.



Absentee Ballots

If you decide to vote by absentee ballot, you will need to order your ballot ahead of time. All of the instructions can be found at www.okgov/election by using the OK Voter Portal. Absentee ballots must be notarized – or, because of the pandemic emergency – include a photocopy of a valid ID, such as a driver's license. The forms of acceptable ID are listed at the website.

Frasier, Frasier & Hickman, LLP offers free notary service for absentee ballots – and we can make copies of your driver's license if you need help with that. We are here to help.

But the most important thing to remember is VOTE.

● CASE FILE

Wetumka Police Chief Settles After Firing

Joe Chitwood was chief of police in Wetumka, OK. That is until he was unlawfully terminated and denied payment for accumulated compensatory time at work.

In June 2019, two months after a new majority was seated on Wetumka's city council, he was handed a termination letter by the city manager without explanation. Under state law, Chitwood could only be fired for cause. However, no cause was given. No pre-ter-

mination was held. And the city manager refused an explanation.

Chitwood looked to Frasier, Frasier & Hickman, LLP for help. A governmental tort claim was filed against the City of Wetumka. When it was denied, a lawsuit was filed in federal court, alleging Chitwood was discharged unlawfully, his civil rights had been denied, and he was owed pay.

The case recently was settled out of court.



"Chief Chitwood apparently was caught in the middle of small-town politics and some folks newly elected to the city council apparently did not like him. Even so, there are still employment laws that must be followed by city officials," said Frank Frasier.



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certiorari, (ser-she-eh-ra-re) noun [Latin, to be informed]; to be informed as a means of gaining appellate review; a common writ. When at least four of the nine U.S. Supreme Court justices vote to hear a case, the court issues a writ of certiorari.

● LEGAL SERVICES

Union Advantage Offers Free and Reduced Fee Services

Frasier, Frasier & Hickman, LLP offers its exclusive Union Advantage program to local unions affiliated with the Firm. With this program, union members and their families can be assured they will receive quality treatment and the possibility of resolving legal questions at a reduced cost.

Union Advantage includes the meat of the former Union Privilege Legal Services program discontinued by the AFL-CIO.

The FF&H Union Advantage program continues to offer an array of consumer benefits including free initial consultations and document review, follow-up services and 30 percent discount on non-contingent fee matters.

We also will continue to offer representation in Workers' Compensation, personal injury, Social Security, and other contingent fee matters. All as we have done in the past.

Our firm has been honored to represent union workers and their unions for almost 70 years and plan to continue that tradition unchanged.



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