

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
FEB - 9 2017

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

ALEX E. BROWN,

Petitioner,

v.

THE HONORABLE CINDY H. TRUONG,
DISTRICT JUDGE, OKLAHOMA COUNTY,
STATE OF OKLAHOMA,

Respondent.

MICHAEL S. RICHIE
CLERK

No. MA-2016-1103

**ORDER DIRECTING PREPARATION OF WRITTEN ORDER FROM THE
HONORABLE CINDY H. TRUONG, DISTRICT JUDGE DISTRICT COURT OF
OKLAHOMA COUNTY**

On December 6, 2016, Petitioner Brown, by and through counsel Ronald "Skip" Kelly, filed a Petition for Writ of Mandamus seeking relief from an order of the District Court of Oklahoma County, denying Brown's Motion to Reduce Bond in Oklahoma County Case No. CF- 2016-8601. The District Court of Oklahoma County, the Honorable Cindy Truong, District Judge, denied Brown's request for bond. On December 9, 2016, this Court issued an order directing Judge Truong to respond to Brown's application for extraordinary relief, and to provide this Court with a copy of the written order denying Brown that request.

On December 28, 2016, the State of Oklahoma, by and through Assistant District Attorney Carter Jennings, filed a response on behalf of Judge Truong. The response filed with this Court did not include a copy of Judge

Truong's written order denying Brown's request for bond, alleging instead that the "facts and findings of Judge Truong from the November 22, 2016 bond hearing was reduced to writing via transcript."

This Court's decision in *Brill v. Gurich*, 1998 OK CR 49, 65 P.2d 404, set forth the procedure to be followed when assessing a defendant's request for bond upon being charged with a criminal offense. If bail is denied, the order of the District Court denying bail shall include written findings of fact and a statement of the reasons for the detention, supporting the court's conclusion with clear and convincing evidence that no conditions of release can reasonably assure the safety of the community or any person and that proof of guilt is evident or the presumption great. *Brill* at ¶ 14. No such written order was issued in this case.

THEREFORE, Judge Truong is directed to prepare a written order, in accordance with this Court's direction in *Brill*, setting forth findings of fact and conclusions of law supporting the denial of Brown's bail request. The order shall be filed with this Court within fifteen (15) days of the date of this order, with a copy to be provided to all counsel of record.

The Clerk of this Court is directed to transmit a copy of this order to the Court Clerk of Oklahoma County; the District Court of Oklahoma County, the Honorable Cindy H. Truong, District Judge; the State of Oklahoma; and counsel of record.

IT IS SO ORDERED.

WITNESS MY HAND AND THE SEAL OF THIS COURT this 9th day

of February 2017.


GARY L. LUMPKIN, Presiding Judge

ATTEST:


Clerk

NF