



Former Wagoner County Sheriff Sues Scott Pruitt For Slander

Ziva Branstetter

February 13, 2017

Former Wagoner County Sheriff Bob Colbert has filed a slander lawsuit against Oklahoma Attorney General Scott Pruitt, alleging Pruitt falsely claimed on a national podcast that Colbert pocketed seized drug money.

In fact, criminal charges that Pruitt brought against him last year never alleged the former sheriff personally benefitted from the money. Colbert resigned after the charges were filed.

A Wagoner County judge in December dismissed several of the charges against Colbert and a deputy also charged but denied Colbert's request to drop the bribery charge.

Pruitt is currently awaiting a vote in the full U.S. Senate on his appointment to head the Environmental Protection Agency. His nomination was approved by a Senate Committee in a meeting boycotted by all Democrats on the committee.

The lawsuit, filed Friday in Tulsa County District Court, alleges that Pruitt's statement on the CATO Institute's May 9, 2016 daily podcast was made "with actual malice" and knowledge that it was false. The CATO Institute is a nonprofit public policy think tank that is influential in conservative circles across the nation.

Pruitt's statement about Colbert appears about 10 minutes into the podcast.

"We had a Wagoner county sheriff that stopped someone uh, in Wagoner County, and took \$10,000 in a seizure and put it in their pocket, and so I'm indicting that individual," Pruitt told podcast host Caleb Brown.

He went on to call the incident with Colbert one of the most “egregious examples” of law enforcement abuse of the civil asset forfeiture process in Oklahoma.

Pruitt’s office could not be reached for comment early Monday by The Frontier.

Pruitt filed extortion, bribery and conspiracy charges against Colbert on March 31, 2016 after a multicounty grand jury led by Pruitt’s office issued an accusation of removal against the sheriff.

The charges allege that Colbert and Deputy Jeffrey Gragg conspired to bribe two individuals, taking \$10,000 in exchange for not pursuing drug charges.

Gragg stopped the vehicle driven by Torrell Wallace and a 17-year-old passenger on Dec. 12, 2014 and discovered \$10,000 during a search of their vehicle. Wallace was released when he claimed the money wasn’t his and state officials allegedly ordered the juvenile released.

The judge ruled the arrest was legal and Colbert had probable cause to seize the \$10,000 in apparent drug proceeds. The only question remaining is whether Wallace signed a form disclaiming ownership under duress so he would not be held in jail, the judge’s ruling states.

In a news release about the indictment, Pruitt’s office referred to the process as bribery. However, the release goes on to note that the cash was placed in the sheriff’s drug forfeiture account and does not claim Colbert or anyone else stole the funds.

The lawsuit states that the cash was deposited with the Wagoner County treasurer on “the first possible business day following the seizure.” Tulsa attorneys Michon Hastings Hughes and Clint Hastings are representing Colbert in the lawsuit.

“No part of the indictment or accusation contained claims that Plaintiff Colbert or anyone on his behalf personally benefitted from the seizure of the \$10,000,” the lawsuit states. “Nor did it contain claims that said persons had pocketed, misappropriated, abandoned with, or embezzled said monies.”

The lawsuit notes that Pruitt had been supportive of legislation last year to reform laws on civil asset forfeiture, in which law enforcement agencies seize property regardless of a criminal conviction.

At the time the charges were filed, Colbert’s attorney issued a statement calling them politically motivated. The statement called the incident “a routine drug interdiction” and noted the funds were not missing and were deposited as required by state law.

As a former sheriff, Colbert would likely be considered a public figure by the courts. As such, the standard to bring a lawsuit alleging defamation is higher than it would be for a private citizen.

Colbert must prove that Pruitt’s statement was made with actual malice or reckless disregard for the truth.