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IN THE DISTRICT COURT, IN AND FOR OKLAHOMA COUNTY, STATE OF OKLAHOMA - -

State of Oklahoma

**FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLAHOMA**

VS.

INFORMATION

DIRON CARTER

AUG 21 2009

MICHAEL W MCKETHAN

**PATRICIA PRESLEY, COURT CLERK
By _____
DEPUTY**

CF-2009-4833

DEFENDANTS.)

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OKLAHOMA, COMES NOW **DAVID W. PRATER** THE DULY ELECTED, QUALIFIED AND ACTING DISTRICT ATTORNEY IN AND FOR OKLAHOMA COUNTY, DISTRICT NO. 7, STATE OF OKLAHOMA, AND ON HIS OFFICIAL OATH INFORMS THE DISTRICT COURT THAT

COUNT 1: ON OR ABOUT THE 16TH DAY OF JUNE, 2009, A.D., THE CRIME OF USING A VEHICLE TO FACILITATE THE INTENTIONAL DISCHARGE OF A FIREARM WAS COMMITTED IN OKLAHOMA COUNTY, OKLAHOMA, BY MICHAEL MCKETHAN AND DIRON CARTER, WHO ACTING JOINTLY, DID FELONIOUSLY, INTENTIONALLY, AND WRONGFULLY USE A VEHICLE TO FACILITATE THE DISCHARGE OF A FIREARM IN CONSCIOUS DISREGARD FOR THE SAFETY OF OTHER PERSONS, SPECIFICALLY: WITH MICHAEL MCKETHAN DRIVING THE VEHICLE, DIRON CARTER IN THE FRONT PASSENGER SEAT, WITH DIRON CARTER FIRING A PISTOL IN THE 200 BLOCK OF S. VERMONT, IN THE DIRECTION OF SEVERAL BY-STANDERS AND WITHOUT JUST CAUSE, AND LEAVING THE SCENE IN THE VEHICLE, CONTRARY TO THE PROVISIONS OF SECTION 652(B) OF TITLE 21 OF THE OKLAHOMA STATUTES, AND AGAINST THE PEACE AND DIGNITY OF THE STATE OF OKLAHOMA;

DAVID W. PRATER
DISTRICT ATTORNEY, DISTRICT NO. 7
OKLAHOMA COUNTY, OKLAHOMA

BY

Hyler Central
ASSISTANT DISTRICT ATTORNEY

ICKR

**IN THE DISTRICT COURT OF OKLAHOMA
STATE OF OKLAHOMA**

)
)
) **AFFIDAVIT OF**
) **PROBABLE**
) **CAUSE**

VS.

CARTER, DIRON LG
[REDACTED]
[REDACTED]
[REDACTED]

STATE OF OKLAHOMA

COUNTY OF OKLAHOMA

Your affiant is a police officer for the City of Oklahoma City Police Department, and has been a law enforcement officer since 1981.

On June 16, 2009 Michael McKethan and Diron Carter, both off duty OCPD officers, were at the Night Trips Club located at 220 S. Vermont Avenue, in Oklahoma City, Oklahoma County, Oklahoma. As the bar was closing, OCPD officers received a call of a disturbance in which a shot was fired. The investigation revealed that the suspects in the shooting were Michael McKethan and Diron Carter. Lt. Pisano made contact with Diron Carter via telephone and he admitted that he and Michael McKethan were at Night Trips together and had driven there in Carter's white Chevrolet Tahoe, but denied being involved in any incident in which a shot was fired. That statement is an admission that Diron Carter and Michael McKethan were together in Carter's white Tahoe.

Crime Scene investigators went to the scene and recovered a .40 S&W shell casing in the street, on S. Vermont Avenue, in close proximity to where the witnesses place the white Tahoe when the shot was fired.

Later that same day, Diron Carter reported to work, where he was confronted by fellow officers asking him questions about the shooting incident. Diron Carter replied at that time that it was an "accidental shooting", thereby admitting that he had in fact fired a shot.

Inv. P. Williams located and interviewed an additional witness who related that he had interacted with an individual who exited the club at closing time along with another individual, and they were, at that time, involved in a verbal altercation with some other club patrons. The witness said that both of the subjects, one of whom he had interacted with in the club, walked to a white Chevrolet Tahoe, which had large chrome wheels. The witness could not tell which subject was driving but was positive they did get into

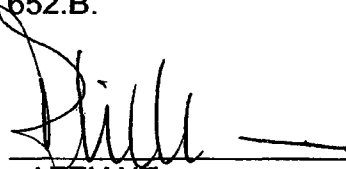
the Tahoe. This same witness, stepped from his car and watched as the only white Tahoe in the parking lot pulled from it's parking space and drove to the place where their adversaries were standing.

The white Tahoe then drove away, north on S. Vermont Avenue, out of the view of the witness. A few seconds later, the Tahoe backed up into the witnesses view. When he saw it, the witness also said that the passenger was hanging out of the front passenger side window from the waist up, holding a pistol in his right hand. The witness said he heard the passenger yell at the group standing on the south edge of the parking lot, "Wanna see my baby Glock?" The passenger in the white Tahoe then fired one shot in the direction of the group of club patrons that had been involved. The white Tahoe then left the area.

This witness' statement was not taken the night of the incident by any police officer, but was consistent with that of other witnesses who did give statements at the time of the shooting.

Your affiant interviewed another witness who knows Michael McKethan by sight and by name, based on his prior relationship with an entertainer at the club, and the fact that he and the entertainer allegedly have a child together. This witness said that Michael McKethan was at the club on the night in question and said that she had a conversation with him. This witness further stated that Michael McKethan was accompanied by another white male subject and described a subject that fit the description of Diron Carter. This witness said she did not know the name of the subject she described.

Based on the fact that witnesses place Michael McKethan at the scene of the shooting, and Diron Carter admits to being at the club with Michael McKethan, and then admits that there was a shot fired, and additional witnesses state that a shot was fired from the white Tahoe, your affiant believes there is probable cause that Michael McKethan and Diron Carter used a motor vehicle to facilitate the intentional discharge of a firearm, in violation of Oklahoma state statute Title 21 OS 652.B.

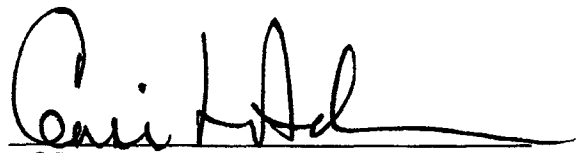


AFFIANT

Subscribed and sworn to before me this 18th day of August, 2009.

My Commission Expires:

6-14-2011
07005476



NOTARY PUBLIC

**IN THE DISTRICT COURT OF OKLAHOMA
STATE OF OKLAHOMA**

**AFFIDAVIT OF
PROBABLE
CAUSE**

VS.

McKETHAN, MICHAEL WAYNE
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

STATE OF OKLAHOMA

COUNTY OF OKLAHOMA

Your affiant is a police officer for the City of Oklahoma City Police Department, and has been a law enforcement officer since 1981.

On June 16, 2009 Michael McKethan and Diron Carter, both off duty OCPD officers, were at the Night Trips Club located at 220 S. Vermont Avenue, in Oklahoma City, Oklahoma County, Oklahoma. As the bar was closing, OCPD officers received a call of a disturbance in which a shot was fired. The investigation revealed that the suspects in the shooting were Michael McKethan and Diron Carter. Lt. Pisano made contact with Diron Carter via telephone and he admitted that he and Michael McKethan were at Night Trips together and had driven there in Carter's white Chevrolet Tahoe, but denied being involved in any incident in which a shot was fired. That statement is an admission that Diron Carter and Michael McKethan were together in Carter's white Tahoe.

Crime Scene investigators went to the scene and recovered a .40 S&W shell casing in the street, on S. Vermont Avenue, in close proximity to where the witnesses place the white Tahoe when the shot was fired.

Later that same day, Diron Carter reported to work, where he was confronted by fellow officers asking him questions about the shooting incident. Diron Carter replied at that time that it was an "accidental shooting", thereby admitting that he had in fact fired a shot.

Inv. P. Williams located and interviewed an additional witness who related that he had interacted with an individual who exited the club at closing time along with another individual, and they were, at that time, involved in a verbal altercation with some other club patrons. The witness said that both of the subjects, one of whom he had interacted with in the club, walked to a white Chevrolet Tahoe, which had large chrome wheels.

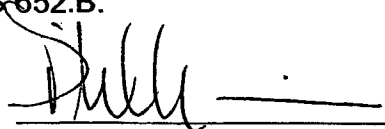
The witness could not tell which subject was driving but was positive they did get into the Tahoe. This same witness, stepped from his car and watched as the only white Tahoe in the parking lot pulled from it's parking space and drove to the place where their adversaries were standing.

The white Tahoe then drove away, north on S. Vermont Avenue, out of the view of the witness. A few seconds later, the Tahoe backed up into the witnesses view. When he saw it, the witness also said that the passenger was hanging out of the front passenger side window from the waist up, holding a pistol in his right hand. The witness said he heard the passenger yell at the group standing on the south edge of the parking lot, "Wanna see my baby Glock?" The passenger in the white Tahoe then fired one shot in the direction of the group of club patrons that had been involved. The white Tahoe then left the area.

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Your affiant interviewed another witness who knows Michael McKethan by sight and by name, based on his prior relationship with an entertainer at the club, and the fact that he and the entertainer allegedly have a child together. This witness said that Michael McKethan was at the club on the night in question and said that she had a conversation with him. This witness further stated that Michael McKethan was accompanied by another white male subject and described a subject that fit the description of Diron Carter. This witness said she did not know the name of the subject she described.

Based on the fact that witnesses place Michael McKethan at the scene of the shooting, and Diron Carter admits to being at the club with Michael McKethan, and then admits that there was a shot fired, and additional witnesses state that a shot was fired from the white Tahoe, your affiant believes there is probable cause that Michael McKethan and Diron Carter used a motor vehicle to facilitate the intentional discharge of a firearm, in violation of Oklahoma state statute Title 21 OS-652.B.

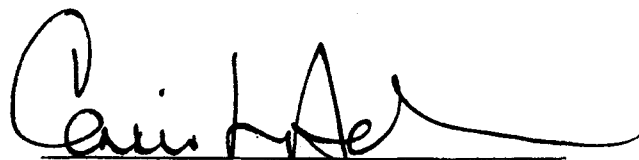


AFFIANT

Subscribed and sworn to before me this 18 day of August, 2009.

My Commission Expires:

6.14.2011
0005476



NOTARY PUBLIC

**IN THE DISTRICT COURT OF OKLAHOMA (OKLAHOMA CITY) COUNTY
STATE OF OKLAHOMA
CRIMINAL COVER SHEET**

CASE INFORMATION

ASSIGNED JUDGE: _____

State of Oklahoma

VS.

CF _____

CM _____

PREVIOUS CASE NUMBER: _____

PREVIOUS JUDGE: _____

CARTER, DIRON

DEFENDANT INFORMATION

LAST NAME: **CARTER**

FIRST NAME: **DIRON**

MIDDLE NAME:

ADDRESS: **701 COLCORD**

CITY: **OKLAHOMA CITY**

ADDRESS TYPE: ___ H ___ W ___ O

DRIVERS LICENSE NUMBER:

RACE: **White**

ADDITIONAL DEFENDANTS: **Yes**

STATE: **Oklahoma**

TELEPHONE:

GENDER: **Male**

TOTAL NUMBER OF DEFENDANTS: **2**

ZIP: **73102**

DATE OF BIRTH: **03/19/79**

DRIVERS LICENSE STATE:

LANGUAGE/DIALECT:

ATTORNEY INFORMATION

(IF LICENSED IN OKLAHOMA, FILL IN ADDRESS INFORMATION ONLY IF IT IS NEW SINCE THEY WERE REGISTERED WITH THE OKLAHOMA BAR ASSOCIATION.) (ATTACH ADDITIONAL COVER SHEETS FOR ADDITIONAL ATTORNEYS.)

LAST NAME: **PRATER**

FIRST NAME: **DAVID**

MIDDLE NAME: **W.**

BAR NUMBER:

TELEPHONE: **(405) 713-1600**

E-MAIL:

OFFENSES

<u>COUNT(S)</u>	<u>OFFENSES CHARGED</u>	<u>O.S. CITATIONS</u>	<u>NCIC CODE</u>
1	USING A VEHICLE TO FACILITATE THE INTENTIONAL DISCHARGE OF A FIREARM (DRIVE-BY SHOOTING)	210000652B	

DATE: _____

SIGNATURE OF (ASSISTANT) DISTRICT ATTORNEY _____

**IN THE DISTRICT COURT OF OKLAHOMA (OKLAHOMA CITY) COUNTY
STATE OF OKLAHOMA
CRIMINAL COVER SHEET**

CASE INFORMATION

ASSIGNED JUDGE: _____

CF _____

State of Oklahoma

CM _____

VS.

PREVIOUS CASE NUMBER: _____

PREVIOUS JUDGE: _____

MCKETHAN, MICHAEL W

DEFENDANT INFORMATION

LAST NAME: MCKETHAN

FIRST NAME: MICHAEL

MIDDLE NAME: W

ADDRESS: 701 COLCORD

CITY: OKLAHOMA CITY

STATE: Oklahoma

ZIP: 73102

ADDRESS TYPE: ___ H ___ W ___ O

TELEPHONE:

DATE OF BIRTH: 11/13/74

DRIVERS LICENSE NUMBER:

DRIVERS LICENSE STATE:

RACE: White

GENDER: Male

LANGUAGE/DIALECT:

ADDITIONAL DEFENDANTS: Yes

TOTAL NUMBER OF DEFENDANTS: 2

ATTORNEY INFORMATION

(IF LICENSED IN OKLAHOMA, FILL IN ADDRESS INFORMATION ONLY IF IT IS NEW SINCE THEY WERE REGISTERED WITH THE OKLAHOMA BAR ASSOCIATION.) (ATTACH ADDITIONAL COVER SHEETS FOR ADDITIONAL ATTORNEYS.)

LAST NAME: PRATER

FIRST NAME: DAVID

MIDDLE NAME: W.

BAR NUMBER:

TELEPHONE: (405) 713-1600

E-MAIL:

OFFENSES

<u>COUNT(S)</u>	<u>OFFENSES CHARGED</u>	<u>O.S. CITATIONS</u>	<u>NCIC CODE</u>
1	USING A VEHICLE TO FACILITATE THE INTENTIONAL DISCHARGE OF A FIREARM (DRIVE-BY SHOOTING)	210000652B	

DATE: _____

SIGNATURE OF (ASSISTANT) DISTRICT ATTORNEY _____