

NOTICE OF TORT CLAIM

TO: Muskogee County Board of Commissioners, Muskogee, Oklahoma.

DATE OF INCIDENT: July 23, 2023

INCIDENT: On July 23, 2023, two officers of the Muskogee County Sheriff's Department illegally entered the home, a motor home, of Mr. Gregory Gwyn which was parked off the roadway near 105th street and 273rd street in Porum, Muskogee County, Oklahoma. The Officers woke Mr. Gwyn who was resting due to heat exhaustion and loss of blood. Due to Mr. Gwyn's medical conditions, he was incoherent and unsteady on his feet. The Officers forcibly removed Mr. Gwyn from his home, and demanded that Mr. Gwyn be subjected to a field sobriety test. Due to his medical condition Mr. Gwyn was unable to perform the field sobriety test to the satisfaction of the Officers who then took Mr. Gwyn into custody, removed his belongings from his home and his person, and delivered Mr. Gwyn to the Muskogee County Jail. Mr. Gwyn was then subjected to an Intoxilyzer where he subsequently tested twice (2 times) and resulted in a 0.00 twice (2x). The Sheriff's department then took full custody of Mr. Gwyn and placed him in a jail cell. The Sheriff's Department failed to provide Mr. Gwyn with medical treatment despite having actual and constructive knowledge that Mr. Gwyn needed medical assistance. Mr. Gwyn was held in the Muskogee County Jail until he hired Counsel and Counsel contacted Judge Tucker who Ordered Mr. Gwyn's release. Mr. Gwyn was released from the Muskogee County Jail at approximately 1:00 p.m. on July 24, 2023. The Muskogee County Jail retained Mr. Gwyn's personal property until his Counsel sent a demand letter demanding the return of Mr. Gwyn's stolen property.

PLACE OF INCIDENT: Roadway near 105th street and 273rd street in Porum, Muskogee County, Oklahoma, Muskogee County Jail, Muskogee, Muskogee County, Oklahoma.

CIRCUMSTANCES GIVING RISE TO CLAIM:

See above. Mr. Gwyn is seeking compensation for Wrongful Arrest, Conversion of Property, Damages from towing, towing expenses, False Imprisonment, Breaking and Entering a Dwelling by a police officer, Failure to Render aid to a prisoner with medical issues, and Burglary of a Dwelling.

IDENTITY OF AGENCIES INVOLVED: : Muskogee County Sheriff's Office, Muskogee County Board of Commissioners, Muskogee County.

AMOUNT OF COMPENSATION DEMANDED: \$125,000.00

NAME, ADDRESS & TELEPHONE NUMBER OF CLAIMANT:

Gregory A. Gwyn



Edmond OK 73012

AGENT AUTHORIZED TO SETTLE CLAIM:

Larry D. Biddulph
Attorney At Law
Larry Law Firm, PLLC
231 North Broadway
Shawnee, Ok 74801
(405) 695-8405

By: 
Larry D. Biddulph


CERTIFICATE OF MAILING

I, Larry D. Biddulph, certify that on the 30th day of August, 2023, I delivered by United States Mail, Certified Delivery, a true and correct copy of the above and foregoing Notice of Tort Claim, postage prepaid, to the following:

Muskogee County Board of Commissioners
P.O. Box 2307,
Muskogee, OK, 74402

and a true and correct copy of the above foregoing Notice of Tort Claim, postage Prepaid to:

Jim Dougherty
County Claims of Oklahoma
429 NE 50th Street
Oklahoma City OK 73105


Larry D. Biddulph



STATE OF OKLAHOMA
MUSKOGEE COUNTY
FILED OR RECORDED

2023 SEP -6 AM 9:50

POLLY IRVING
COUNTY CLERK

E-MAILED
9/6 12:29P

Andy
Kenny
Ker
Keith

Leah Ann Smith
231 North Broadway
Shawnee, OK 74801

CERTIFIED MAIL



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RDC 99



74402

U.S. POSTAGE PAID
FCM LETTER
SHAWNEE, OK 74801
AUG 30 2023

\$8.56

R2305H127929-15

Muskogee County Board of Commissioners
P.O. Box 2307,
Muskogee, OK, 74402

74402-230707



STATE OF OKLAHOMA
MUSKOGEE COUNTY
FILED OR RECORDED

2023 SEP -6 AM 9:50

POLLY IRVING
COUNTY CLERK

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE