

IN THE DISTRICT COURT OF CIMARRON COUNTY  
STATE OF OKLAHOMA

CIMARRON COUNTY

**FILED**

NOV 13 2023

Case No. WH-2023-1

METZI BROWN  
COURT CLERK  
By \_\_\_\_\_ Deputy

VERONICA CLAIRE BUTLER, )  
  ) Petitioner, )  
  ) )  
v. )  
  ) )  
TIFANY ADAMS, )  
  ) Respondent. )

**ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS AND MOTION TO DISMISS**

NOW COMES, the Respondent, Tifany Adams, by and through her attorneys of record, Stephen Jones and William Jewell, of JONES, OTJEN & JEWELL, and provides the following answer to the Petition for Writ of Habeas Corpus filed by Petitioner on November 8, 2023, and further moves to dismiss the petition for the grounds stated herein, and in support thereof asserts as follows:

**ANSWER**

The Respondent answers each paragraph of the petition as follows:

1. In the first paragraph of the petition, Petitioner alleges “[a]ny and all allegations set forth in the Petitioner’s Motion to Modify and Motion to Enforce Visitation as filed in” the companion paternity action, FP-2019-1, “shall be as if they are set forth fully herein as well.” Respondent denies this paragraph and further states that no hearing has been set on the motion to modify and neither the motion to modify nor the motion to enforce visitation have been ruled upon.
2. Admitted.
3. Denied. The Petitioner has not been precluded from exercising her specific visitation rights with her minor children. The Petitioner has failed to comply with the court’s order

of December 7, 2022. Petitioner has failed to secure “an independent third party” to supervise visitation. The court’s order of December 7 is attached hereto as Exhibit A.

4. Denied. Insofar as Petitioner is concerned, Ms. Adams has not withholding the minor children from Petitioner. Ms. Adams has refused to allow the minor children to have visitation with Petitioner without “an independent third party” supervisor.
5. Without sufficient evidence to affirm or deny this allegation Respondent denies the same. The “facebook post” Petitioner attached to her motion to modify in the paternity action is illegible. It appears as a black box with white hand drawn circles in Exhibit 2 to the motion to modify. Further, any facebook post is rank hearsay and should not be considered by the court.
6. Admit. A petition for guardianship and grandparent visitation is forthcoming. The father’s previous counsel has withdrawn from the paternity/custody action on November 1. Ms. Adams has just retained counsel. She should be allowed a reasonable time to file a petition to intervene and for guardianship and grandparent visitation, especially because the court has found that Petitioner’s younger brother had sexually abused the minor children and the court found that Petitioner had allowed her younger brother access to the minor children in violation of the court’s orders. Ex. A at ¶4. Incidentally, at ¶5, the court denied Petitioner’s Third Petition for Writ of Habeas Corpus. The third petition argued substantially the same thing as the instant fourth petition, that Petitioner was wrongfully denied visitation rights even though Petitioner’s younger brother had been sexually abusing the minor children.

7. Admitted in part and denied in part. Venue is proper in Cimarron County, but the court lacks jurisdiction to hear this matter as there is no showing that all persons having an interest in the detention have been notified. 12 O.S. §1345.
8. Denied.
9. Denied.

**MOTION TO DISMISS PETITIONER'S FOURTH PETITION FOR WRIT OF HABEAS CORPUS**

**1. THE COURT LACKS JURISDICTION TO ISSUE THE REQUESTED RELIEF BECAUSE MR. RICKMAN HAS NOT BEEN NOTIFIED.**

Respondent incorporates the above paragraphs as if fully asserted herein. The court does not have authority to hear the instant petition under the authority of 12 O.S. §1345. Petitioner's allegations stem from the paternity action, FP-2019-1. That action is styled "Wrangler Cole Rickman v. Veronica Claire Butler." Mr. Rickman sued Ms. Butler for paternity. At the hearing on February 26, 2021, the court found that Mr. Rickman was the biological father of the minor children. The statute provides: "[w]hen any person has an interest in the detention, the prisoner shall not be discharged until the person having such interest is notified." 12 O.S. §1345.

The court issued a writ of habeas corpus requiring the Respondent to appear with the minor children on November 15, 2023, but the court record does not show that a writ of habeas corpus was issued to the biological father. The biological father, Mr. Rickman, has "an interest in the detention" of the minor children. *Id.* Therefore, the court cannot rule on the instant fourth petition "until the person having such interest", Mr. Rickman, "is notified." *Id.* As such, the court lacks jurisdiction to order the relief requested until such time as Mr. Rickman is notified.

**2. THE RESTRAINT IN THIS MATTER IS NOT ILLEGAL**

Petitioner alleges that Ms. Adams is engaged in the felony offense of “child stealing”. Ms. Adams is not engaged in “child stealing”, under 21 O.S. §891, therefore the alleged detention of the minor children is not illegal. The statute at issue provides:

“Whoever maliciously, forcibly or fraudulently takes or entices away any child under the age of sixteen (16) years, with intent to detain or conceal such child from its parent, guardian or other person having the lawful charge of such child... shall, upon conviction, be guilty of a felony...” 21 O.S. §891.

The Respondent does have the minor children in her care, but she is not “maliciously, forcibly or fraudulently” detaining or concealing the children from Petitioner. Petitioner’s visitation rights have been set by the court. Ex. A. Petitioner is granted a very limited right to visitation and Mr. Rickman is the party who is granted temporary emergency custody of the minor children. Ex. A. at ¶7-8. Petitioner’s right to visitation is conditioned upon her having “an independent third party” supervisor. *Id.* at ¶7. The Ex. A order does not provide that, if Mr. Rickman is not at the home where he chooses to have the children, Petitioner may take the children for her visitation without an independent third party supervisor present. The petition alleges that the last time Petitioner was able to exercise her right to visitation was on July 1, 2023 with her supervisor, Ms. Nylene Johnson. The petition does not assert that Petitioner brought “an independent third party” supervisor with her when she attempted to exercise her right to visitation on any other weekend after July 1, 2023. The petition does not allege that Petitioner even tried to exercise her visitation after July 1, 2023. The Ex. A order is silent on whether Petitioner may choose her own supervisor, but what is clear is that the supervisor must be an independent third party. If Petitioner chose an independent third party to supervise the visitation and exercised her right to visitation, then Petitioner would not be denied visitation.

Requiring Petitioner to abide by the order of this court is not malicious. Any other grandparent who feared for their grandchild's safety would do the same. Petitioner does not have a track record for honesty in the paternity action. Ms. Adams should be concerned and suspicious about the independence of the third party supervisor that Petitioner chooses to supervise visitation.

Further, Ms. Adams is not "forcibly" or "fraudulently" stealing the minor children from Petitioner. Mr. Rickman, the party granted emergency temporary custody of the minor children because Petitioner's brother had sexually abused them, left the minor children in his mother's care. Therefore, they were not "forcibly" taken from either parent. Petitioner has known the location of the minor children the entire time. Ms. Adams is not "fraudulently" withholding the minor children from Petitioner simply because she does not believe Petitioner's chosen supervisors are independent third parties. If Petitioner insists on the right to choose the supervisor, then she has to clear the supervisor with either Mr. Rickman or Ms. Adams. If she can't convince Mr. Rickman or Ms. Adams that her chosen supervisor is independent, then maybe she should just allow Mr. Rickman or Ms. Adams to choose a supervisor who they feel is independent. Petitioner's failure to abide by the court's order does not make Ms. Adams liable for any crime.

The problem in this matter is that Petitioner chooses her friends to supervise her visitation with the minor children. Friends of Petitioner are not independent third parties. Petitioner's friends may not know Petitioner's younger brother molested and sexually abused the minor children. If Petitioner's friends who supervise visitation witnessed abuse, they could be persuaded by Petitioner to conceal the abuse. The court found at the December 7 hearing that Petitioner had concealed that the minor children had been exposed to their abuser in violation of

the court's orders, what's to stop her from doing so again with the help of her friends who she chooses to supervise the visitation? If Respondent is guilty of anything, it's doing her best to ensure that the minor children are no longer exposed to their child molester uncle. For these reasons, the actions of Respondent do not fit within the purview of 21 O.S. §891. Absent a showing of how, exactly, she is illegally restraining the children from Petitioner, the court should not hold Respondent liable.

Petitioner herself may be in violation of Oklahoma law. Pursuant to 10A O.S. §1-2-101, it is a misdemeanor for failing to immediately report incidences of child sexual abuse to the Department of Human Services. In one recent case, a father of a former football player for the Kingfisher High School football team was charged with this misdemeanor for failing to report abuse to his son endured during his participation in the football program. Although he didn't report the abuse immediately to DHS, the father reported the abuse to school officials, the football coach, sued on behalf of his son in the United States District Court for the Western District of Oklahoma, and petitioned the Oklahoma Supreme Court for original jurisdiction to issue a writ of mandamus compelling the school board to fire the putative football coach. Even still, the father was charged with failure to report abuse on October 17, 2023. The charge is supported by a finding of probable cause signed by a judge of the district court. If probable cause existed for a judge of the district court to issue an arrest warrant for the father in the Kingfisher case, then Petitioner's failure to report abuse is also a crime.

### **OTHER CONSIDERATIONS**

Something doesn't smell right. Petitioner appears to be capitalizing on the indifference Mr. Rickman has shown for his children. Mr. Rickman has removed himself from the children's lives. Instead of being a father he now seeks out the pleasures of drinking alcohol, using drugs,

and other degenerate behavior. When he left the children he left the children in his mother's care, not in Petitioner's care. The reason for this is twofold. First, it would have been a violation of the court's order granting Mr. Rickman temporary emergency custody for him to leave the minor children with Petitioner. This is because, and the point cannot be stressed enough, *Petitioner's brother has been found to have sexually abused the minor children by this court, and Petitioner has been found to have violated the no-contact order prohibiting the minor children from being around Petitioner's abusive sibling.* The second reason is because, obviously, Mr. Rickman trusts Ms. Adams with the children more than he trusts Petitioner with the children. Mr. Rickman may be at odds with his mother, but it is easy to understand why he left the children with Ms. Adams when Petitioner allows the children's abuser to be around them and lies about that fact to the court.

For these reasons, notwithstanding the jurisdictional defect described above, it would be unconscionable for this court to give Petitioner any more visitation with the minor children than the court has previously ordered. The minor children need someone to protect them and Ms. Adams has risen to the occasion. Taking the children from Ms. Adams' care and placing them into the care of Petitioner is not in the best interests of the minor children and the court should deny Petitioner any relief in this matter.

#### **PRAYER FOR RELIEF**

WHEREFORE, premises considered, Respondent respectfully prays that upon hearing this cause the court dismiss the case and deny any and all relief to Petitioner, and for whatever other relief this court deems to be in the best interests of the children.

Respectfully submitted,

*Stephen Jones*

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Stephen Jones, OBA #4805  
William Jewell, OBA #34376  
JONES, OTJEN & JEWELL  
214-A N. Independence St.  
Post Office Box 472  
Enid, OK 73702  
(580) 242-5500  
(580) 242-4556 (Fax)  
sjones@stephenjoneslaw.com  
wjewell@stephenjoneslaw.com  
*Attorneys for Respondent,  
Tiffany Adams*



**VERIFICATION OF RESPONDENT**

COUNTY OF Morton )  
 )  
 ) SS  
STATE OF OKLAHOMA )  
 Kansas )

I, the undersigned Tiffany Adams, Respondent above named, having reviewed the above and foregoing Answer to Petition for Writ of Habeas Corpus and Motion to Dismiss, do verify and affirm that the allegations contained therein are true and correct to my best knowledge, information, and belief.

I subscribe and swear to the contents of the above and foregoing on this 13<sup>th</sup> day of November, 2023.

Tiffany Adams  
Tiffany Adams, Respondent

COUNTY OF Morton )  
 )  
 ) SS  
STATE OF OKLAHOMA )  
 Kansas )

Signed and sworn to before me on this 13<sup>th</sup> day of November, 2023.

Mellisa Johnson  
Notary Public

SEAL  
My Commission Expires: 5-13-2024

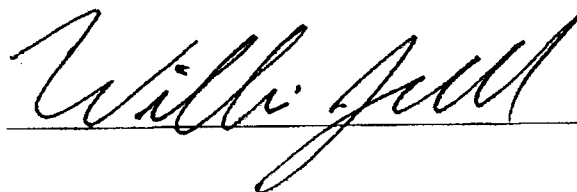
NOTARY PUBLIC, State of Kansas  
MELLISA JOHNSON  
My Appt. Exp. 5/13/2024

**CERTIFICATE OF DELIVERY**

This is to certify that on the 13 day of November, 2023, a true and correct copy of the above and foregoing was mailed, postage prepaid, upon the following:

Honorable Christine Marie Larson  
Cimarron County Courthouse  
PO Box 788  
Boise City, OK 73933

Garrett R. Oates  
Stake & Oates, P.C.  
2207 Downs Avenue  
Woodward, OK 73801

A handwritten signature in cursive script, appearing to read "Wilbi Jell", is written over a horizontal line.

IN THE DISTRICT COURT OF CIMARRON COUNTY  
STATE OF OKLAHOMA

WRANGLER COLE RICKMAN, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 VERONICA CLAIRE BUTLER, )  
 )  
 Defendant. )

Case No. FP-2019-1

CIMARRON COUNTY  
**FILED**

SEP 25 2023

METZI BROWN  
COURT CLERK  
By JP Deputy

**ORDER**

NOW on this 7<sup>th</sup> day of December, 2022, the above matter comes on for hearing upon the Defendant's Third Petition for Writ of Habeas Corpus and Plaintiff's Third Application for Emergency Temporary Orders. Plaintiff appears in person and with his counsel, Craig L. Box of Gungoll, Jackson, Box & Devoll, P.C., and the Defendant appears in person and with her counsel, Nathan McCaffrey, Esq. The Court, after considering the evidence, arguments and statements of counsel, **FINDS and ORDERS:**

1. This Court entered a no contact order, with respect to C.V. and the minor children on June 16, 2021, ordering that Ms. Butler cannot allow the children to have contact with C.V.
2. On March 30, 2022, this Court found that C.V. sexually abused the parties' minor children.
3. The Court was not convinced that Ms. Butler had allowed C.V. to have contact with the children on previous occasions, when these allegations were brought before the Court.
4. The Court finds that the children's therapy notes of November 15 or 16, 2022, reveal that Ms. Butler recently did allow C.V. to have contact with the minor children in violation of this Court's orders.
5. The Defendant's Third Petition for Writ of Habeas Corpus and the relief requested therein are denied.
6. Plaintiff's Third Application for Emergency Temporary Orders is granted.



7. The Plaintiff is granted temporary emergency custody and Defendant's visitation shall be supervised by an independent third party.

8. The Defendant shall have visitation on Saturdays from 8:00 a.m. to 5:00 p.m. and telephone visitation on Sundays, Tuesdays and Thursdays at 6:30 p.m.

9. A review hearing on this matter is set for February 13, 2023, at 1:00 p.m., which is the current Pretrial Conference date and time.

  
The Honorable Christine M. Larson

APPROVED:

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Craig L. Box, OBA #10212  
GUNGOLL, JACKSON, BOX & DEVOLL, P.C.  
P. O. Box 1549  
Enid, OK 73702-1549  
580/234-0436 Telephone  
580/233-1284 Facsimile  
Attorney for Plaintiff

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Nathan McCaffrey, OBA #20090  
112 NE 4th Street  
P.O. Box 1739  
Guymon, OK 73942  
580/338-8764 Telephone  
580/338-8763 Facsimile  
Attorney for Defendant

**IN THE DISTRICT COURT IN AND FOR CIMARRON COUNTY  
STATE OF OKLAHOMA**


**WRANGLER COLE RICKMAN,**            )  
  )  
  )  
**and**    )  
  )  
**VERONICA CLAIRE BUTLER,**        )  
  )  
  )

**CASE NO: FP-2019-1**

**COURT MINUTE**

The matter comes on for ruling on Plaintiff's Motion to Settle. The Court finds and orders as follows:

1. Pursuant to Rule 4(h) of the Rules for District Courts of Oklahoma, "Motions may be decided by the Court without a hearing, and where this is done, the court shall notify the parties of its ruling in writing by mail or email."
2. The Court reviewed the Plaintiff's Motion to Settle, along with the attached Exhibits.
3. The Defendant did not file a response or objection to the Plaintiff's Motion to Settle.
4. The Court grants the Plaintiff's Motion to Settle.
5. The Court approves and finds that the attached Order accurately reflects the Court's December 2, 2022 Orders.

  
Christine Larson  
Associate District Judge