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## Murder Charges Dropped For More Investigation

by: Bill Braun World Staff Writer  
Saturday, January 31, 1998  
9/3/2008 7:12:11 AM

At a Tulsa County prosecutor's request, a murder charge has been dropped against two Tulsans who await sentencing in federal court on drug-related charges.

The first-degree murder charge was dismissed against Kevin Andre Cole and Gina Sherrell Nicholson, both 28, "for further investigation" of the case, said a document filed Thursday by Assistant District Attorney Larry Edwards.

Cole and Nicholson were charged April 22 in the Dec. 18, 1996, slaying of Debbie Sue Frank. She was shot in the neck at her apartment in the 1200 block of South Quaker Avenue.

An eyewitness said Frank, 34, was shot by Nicholson at the instruction of Cole, who headed a "crack cocaine distribution organization," said an affidavit by Detective Tom Fultz.

Police contended that Frank owed Cole money.

Defense attorney Ed Lindsey said his client Nicholson "disputed the charges."

The prosecution's key witness had "real credibility problems" and "would have been hard to believe" beyond a reasonable doubt, Lindsey said Friday.


Defense lawyer Fred DeMier, representing Cole, said evidence indicated that the woman cited as an eyewitness had been using cocaine when she supposedly saw the shooting and "recanted" her own testimony at a June 30 preliminary hearing.

Cole was a friend of Frank's, and Cole "absolutely" denied any involvement in the slaying, DeMier said.

Both Cole and Nicholson remain in the Tulsa Jail, awaiting a March 17 sentencing before U.S. District Judge H. Dale Cook.

In federal court, Cole pleaded guilty on Nov. 3 to participating in a conspiracy to possess or distribute crack cocaine. Nicholson, named in the same indictment with Cole and other defendants, pleaded guilty on the same day to using a communication device to facilitate a criminal offense.

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