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## Judge agrees: Evidence lacking for trial

by: GINNIE GRAHAM World Staff Writer  
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### Four car salesmen had been charged in an alleged sexual assault of two women at an Owasso dealership June 30.

District Judge Jesse Harris agreed Monday with a lower court's ruling that not enough evidence existed to make three former Owasso car salesmen stand trial on 11 sexual assault charges.

But First Assistant District Attorney Sharon Ashe said the prosecution will seek an appeal at the state Court of Criminal Appeals.

Four men had been charged in connection with the alleged sexual assault of a 19-year-old woman and rape of her 18-year-old Kentucky cousin during a cookout June 30 at Classic Chevrolet in Owasso.

After a six-day preliminary hearing, Special Judge Kyle Haskins found insufficient evidence to support the charges against three of the men, who were accused of attacking the Kentucky woman.

The prosecution appealed that decision to Harris, who said he spent four days reviewing the voluminous testimony and evidence.

"I have considered all the testimony and reviewed the exhibits made available to me," Harris said. "It is clear to me, quite frankly, this has been a highly emotional and contentious case for everyone involved."

Evidence of rape, rape by instrumentation, forcible sodomy and sexual battery charges against Edward Ray Farley Jr., 37, of Chouteau and Steve Anthony Nall, 29, of Tulsa has been deemed insufficient.

Also, Harris affirmed Haskins' ruling that evidence supporting the charges against Randall Scott Dunnam, 31, of Broken Arrow for forcible sodomy, rape by instrumentation and sexual battery was insufficient.

The district attorney has 10 days to file a notice of appeal with the state Court of Criminal Appeals.

Ashe said the judges have used a higher standard in ruling on the case and that a jury should be making the decision of guilt.

"We think the decisions are wrong and are not consistent with the law," she said. "We do not have to prove this case beyond a reasonable doubt at this level, and we feel that standard has been employed."

Harris ordered the case back to Haskins with instructions to bind the defendants over for trial on the remaining charges. The defendants will appear before Haskins on Dec. 5.

The remaining counts include sexual battery charges against Dunnam and Brien Ernest McCormick, 23, of Bartlesville and felony charges of providing alcohol to minors against Farley and Nall.

Attorney Ed Lindsey, who represents Farley, said the high-profile nature of the case has put pressure on the prosecution to appeal.

"It's a case that the prosecution cannot now politically stop," Lindsey said. "This case has received so much attention they cannot now back off. They are so entrenched they won't do the reasonable, rational thing of

either dismissing it altogether or reaching some sort of reasonable resolution to the case."

The defense has argued that the sexual acts were consensual and offered testimony from dealership co-workers who said they watched the acts from outside a window.

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**Harris**

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