

Stites bound over on single felony; father of child jailed

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2015 Cop Pedophile Martin Stites

Three felony child sex abuse charges were dismissed against former McAlester police Lt. Martin Stites on Monday in a contentious court hearing.

During the hearing, the father of a 4-year-old girl Stites is accused of molesting erupted in court, prompting a year in jail sentence for the father on a contempt finding made by Pittsburg County Special District Judge Matthew Sheets.

Sheets sent the man to jail after he yelled obscenities in court and didn't heed a warning to be quiet.

Stites, meanwhile, still faces a single felony count of lewd molestation. He was bound over for trial on that felony charge.

Stites, 57, of McAlester, was originally arrested in May on charges he molested a 3-year-old girl he was watching at the time on behalf of the girl's mother. Stites is a retired McAlester police lieutenant who served 22 years on the force.

Authorities at the time said a forensic analysis of the child indicated she'd been sexually assaulted. Authorities also said there was evidence to indicate the victim's clothing was burned after the fact.

Stites was originally charged with two counts of sexual abuse — child under 12 and one count of lewd molestation. Each of those charges was dismissed by Judge Sheets during a preliminary hearing for Stites. After hearing testimony from the now 4-year-old, the grandmother of the child, and a representative from a local child advocacy group, Sheets ruled there was not enough evidence to support the charges and dismissed them.

Sheets did, however, order Stites to stand trial on a new charge of lewd molestation.

District 18 Assistant District Attorney Adam Scharn said he plans to appeal Sheets' dismissal ruling.

Meanwhile, the father of the alleged victim — who the *News-Capital* is not identifying to protect the identity of his daughter — was arrested during the hearing following multiple outbursts in Judge Sheets' courtroom.

The preliminary hearing started with an intense exchange between prosecutors Scharn and Christina Burns and Stites' defense attorney, Jeremy Beaver, over the issue of whether the victim should be allowed to have her grandfather sit next to her while she testified. Beaver told the court

a main defense is whether the alleged victim is competent to testify or if she was coached to accuse Stites of the crimes.

Once Beaver said he had his concerns about the victim's competency, a noise was made in the area where the child's family was sitting in the courtroom. Immediately, Sheets demanded silence during the proceedings and warned any outbursts wouldn't be tolerated.

The attorney's agreed a district attorney's office representative would be allowed to sit with the now 4-year-old while she testified.

It was during the victim's testimony when things quickly turned ugly. Burns asked the victim if she could identify her assailant in the courtroom. The victim gave an answer, but the answer was not completely audible. Burns said she thought the victim said something along the lines of "I don't know," but the victim's father wanted to point out she had said "I don't want to look at him."

The father was quickly shushed by family around him, but Beaver pointed out the outburst as a conflict because he feared the child would now answer questions seeking approval from family members. Sheets ordered the father leave the courtroom.

"Can I come back?" the father asked Sheets.

Sheets told the father that he was not allowed back in the courtroom and the father took exception. While exiting the the courtroom the father used explicit language to convey his displeasure with the court and loudly pushed open the courtroom door. Sheets ordered Pittsburg County Sheriff Deputy Mike Cathey to arrest the father for being in contempt in court.

After a short break, the father reappeared in the courtroom with handcuffs on as he was escorted by a deputy. Sheets asked him what he said while exiting the courtroom and the father confirmed he used foul language. Sheets sentenced the man to six months in the Pittsburg County Justice Center.

The father then turned to Stites and used several cuss words to voice his displeasure with him. Sheets then used his gavel to restore order and sentenced the man to an additional six months in the county jail, citing a second violation.

After the father was taken away from the courtroom, the preliminary hearing started again. The child offered testimony, using a nickname for Stites, indicating the individual had touched her with his hand on her private areas. However, many of the questions asked by Burns to the 4-year-old were met with a "I don't know" response and her telling officials she did not want to answer some of the questions.

In cross-examination, Beaver asked the girl if she knew lying was wrong and if she understood the consequences of lying.

"If I stole your (toy) and you told your mom, what would happen?" Beaver asked the victim.

The victim told him she didn't know, and Beaver used her responses to his questions as an indicator she was not competent because she did not understand there would be consequences if she told a lie. Beaver also accused prosecutors of leading the witness several times and raised concerns the victim was coached by a family member.

Scharn volunteered to dismiss a count of lewd molestation against Stites, citing he did not believe prosecutors had reached the burden of proof to move forward. Sheets said he did not believe there was enough evidence to bound Stites over on either abuse charge as well. But, Sheets did bound Stites over on one count of lewd molestation because of the child's testimony.

Prosecutors told Sheets they intended to appeal the judge's rulings. Stites is due back in court for a hearing on March 11.

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