

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

SARA POLSTON,	)	
	)	
<i>Plaintiff,</i>	)	
	)	
v.	)	Case No. 26-cv-02265-G
	)	
JUSTIN FARRIS, in his official	)	
capacity as Director of the	)	
Oklahoma Department of	)	
Corrections,	)	
	)	
<i>Defendant.</i>	)	

**DEFENDANT’S NOTICE REGARDING
PLAINTIFF’S PROGRAM ASSIGNMENT**

Defendant Justin Farris, in his official capacity as Director of the Oklahoma Department of Corrections, notifies the Court consistent with LCvR7.1(l) of a change in Plaintiff’s program assignment that occurred after Defendant filed his Reply in Support of his Motion to Dismiss, Doc. 12, on October 1, 2026. This change in assignment bears on the pending Motion for Preliminary Injunction, Doc. 5, and Motion to Dismiss, Doc. 7.

On the evening of October 1, 2026, the Department reassigned Plaintiff from the Electronic Monitoring Program to a correctional facility, the Mabel Bassett Correctional Center. This was due to an ongoing criminal investigation. The investigation concerns Plaintiff’s alleged votes in the June 16 and August 25, 2026, statewide elections, cast while she was ineligible to vote as a convicted felon. The Cleveland County District Attorney has

publicly stated that she has “approved two felony counts of voting while ineligible to do so,” and the charges are expected to be filed today.¹

The reassignment was not made under Senate Bill 137, which does not take effect until November 1, 2026. It rests on the program’s own rules, which Plaintiff agreed to before her placement. On February 10, 2026, she signed the Rules and Conditions for the GPS Surveillance Program, the second of which provides: “I will obey all city, state and federal laws.” Doc. 9-1, ¶ 7 & Ex. C, ¶ 2 (at 12). She also signed the Inmate GPS Orientation Guidelines, which advised that failure to comply with the program’s conditions “may result in your termination from the GPS Program” and “could result in your reclassification to a higher security facility.” Doc. 9-1, ¶ 8 & Ex. D (at 14). The statute in force when she committed her offense provides for the same consequence, “reassignment to imprisonment in a correctional facility,” when a participant “violates any rule or condition of the program.” Okla. Stat. tit. 57, § 510.9(C), (E) (2021); see Doc. 7 at 18; Doc. 9 at 10. A reassignment on that ground is governed by the Department’s Program Removal Hearing Procedures, OP-161001, which Plaintiff attached to her Complaint and which address removal for violations of the program’s rules and conditions. Doc. 1-4 at 2–4; Doc. 9-1, ¶ 15; Doc. 9 at 26.

Defendant submits this notice so that the Court has a current account of Plaintiff’s status. Plaintiff’s Motion for Preliminary Injunction asks the Court to preserve the status quo pending resolution of her claims against Senate Bill 137, Doc. 5 at 12, 32, and that status quo

¹ Nolan Clay, *Stitt Donor Sara Polston Returned to Prison, To Be Charged with Voting Crimes*, The Oklahoman (Oct. 1, 2026, 11:45 PM), <https://www.oklahoman.com/story/news/crime/2026/10/01/stitt-donor-sara-polston-back-in-prison-to-face-charges-for-illegally-voting/92045354007/>. A person serving a sentence for a felony is not eligible to vote, Okla. Stat. tit. 26, § 4-101(1), and a person who, “knowing that he or she is not eligible to vote at an election, willfully votes at said election shall be deemed guilty of a Class D1 felony offense.” Okla. Stat. tit. 26, § 16-102.

has now changed for reasons independent of the forthcoming statute. Defendant will supplement this notice if Plaintiff's assignment changes further and is prepared to provide any additional briefing the Court may direct.

Respectfully submitted,

s/ Garry M. Gaskins, II
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CERTIFICATE OF SERVICE

I certify that on October 2, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

s/ Garry M. Gaskins, II
GARRY M. GASKINS, II