



OKLAHOMA STATE COURTS NETWORK

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STEEL v. STATE

2026 OK CR 13

Case Number: [F-2024-797](#)

Decided: 03/12/2026

Mandate Issued: 03/12/2026

THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

Cite as: 2026 OK CR 13, __ P.3d __

JOHN ANTHONY STEEL, Appellant,

v.

THE STATE OF OKLAHOMA, Appellee.

SUMMARY OPINION

MUSSEMAN, VICE PRESIDING JUDGE:

¶1 Appellant, John Anthony Steel, appeals his Judgment and Sentence from the District Court of McCurtain County, Case No. CF-2023-108, Lewd or Indecent Proposal to Child Under 16, in violation of [21 O.S.Supp.2022, §1123\(A\)\(1\)](#).

¶2 The Honorable Emily Maxwell, District Judge, presided over the bench trial. At the conclusion of trial, Judge Maxwell found Mr. Steel guilty. At formal sentencing Judge Maxwell sentenced Mr. Steel to the maximum of ten years imprisonment and denied credit for time served. ¹ John Anthony Steel appeals his judgment and sentence and raises the following issue:

I. whether there was sufficient evidence that Appellant proposed "unlawful sexual relations or intercourse with any person" under the plain meaning of those terms.

¶3 We affirm the Judgment and Sentence of the district court.

I.

¶4 Appellant's sole proposition alleges that insufficient evidence was presented to convict him of a lewd proposal because the statement he allegedly made to the victim does not meet the definition of "unlawful sexual relations." Appellant asserts that unlawful sexual relations as listed in the statute includes only sexual intercourse. Appellant did not raise this issue to the trial court.

¶5 The ultimate question of sufficiency of the evidence should be resolved with deference to the fact finder and in a light most favorable to the State. *Dodd v. State*, [2004 OK CR 31, ¶ 80, 100 P.3d 1017, 1041](#); *see also Spuehler v. State*, [1985 OK CR 132, ¶ 7, 709 P.2d 202, 203-04](#) (finding that viewing evidence in light most favorable to the State, a verdict will not be overturned if any rational trier of fact could have found the elements of the crime to exist beyond a reasonable doubt). We also accept all reasonable inferences and credibility choices that tend to support the verdict. *Coddington v. State*, [2006 OK CR 34, ¶ 70, 142 P.3d 437, 456](#). As Appellant's challenge also requires a review of a question of statutory construction, we will review that issue *de novo*. *State v. Allen*, [2021 OK CR 14, ¶ 6, 492 P.3d 27, 29](#).

¶6 To prove lewd proposals to a child, the State was required to show that Appellant knowingly and intentionally made an oral lewd or indecent proposal to a child under sixteen years of age for the child to have unlawful sexual relations or intercourse with any person while Appellant was at least three years older than the child. 21 O.S.Supp.2022, § 1123(A)(1).

¶7 "A fundamental principle of statutory construction is to ascertain and give effect to the intention of the Legislature." *Washburne v. State*, 2024 OK CR 9, ¶ 9, 548 P.3d 786, 789 (citing *Gerhart v. State*, 2015 OK CR 12, ¶ 14, 360 P.3d 1194, 1198). "Legislative intent is first determined by the plain and ordinary language of the statute." *Id.* (citing *Newlun v. State*, 2015 OK CR 7, ¶ 8, 348 P.3d 209, 211. "A statute should be given a construction according to the fair import of its words taken in their usual sense, in connection with the context, and with reference to the purpose of the provision." *Jordan v. State*, 1988 OK CR 227, ¶ 4, 763 P.2d 130, 131.

¶8 Title 21, Section 1123(A)(1) of the Oklahoma Statutes criminalizes a lewd proposal to a minor to have "unlawful sexual relations or sexual intercourse with any person." The statute does not clearly define "sexual relations," so it is up to this Court to interpret its plain and ordinary meaning. For guidance, Black's Law Dictionary defines sexual relations as sexual intercourse or physical sexual activity that is not intercourse, usually involving touching of another. *Sexual Relations*, Black's Law Dictionary (11th ed. 2019). For additional guidance, the disjunctive "or" between the terms "sexual relations" and "sexual intercourse" signals that the two terms are distinct concepts, not synonyms. See *Magness v. State*, 1970 OK CR 157, ¶ 8, 476 P.2d 382, 383 ("[T]he word 'or' in penal statutes is seldom used other than as a disjunctive.").

¶9 Statutes can be interpreted by looking to each part of the statute or other statutes for guidance. *O'Connor v. Oklahoma State Conference of NAACP*, 2022 OK CR 21, ¶ 5, 516 P.3d 1164, 1166 (citing *Landrum v. State*, 96 Okla.Crim.App. 356, 359, 255 P.2d 525, 529 (1953)). This Court has also held that statutes must be construed to avoid any construction that would render any part of the statute superfluous or useless. *Id.* (citing *Vilandre v. State*, 2005 OK CR 9, ¶ 5, 113 P.3d 893, 896). Although the Appellant was charged under Section 1123(A)(1), Section 1123 is a comprehensive statute that prohibits various forms of sexual conduct involving children under 16, designed to protect minors from a wide range of sexual exploitation. To fully understand what the Legislature meant by "unlawful sexual relations", the entirety of § 1123 must be considered. Subsection (A)(5), for example, criminalizes a wide range of specific acts involving children, even when those acts do not rise to the level of intercourse, including requiring a child to view obscene materials, causing a child to look upon sexual acts performed in the presence of the child, and requiring a child to touch or feel the body or private parts of the child or another person. 21 O.S.Supp.2022, §1123(A)(5). These subsections demonstrate that the legislature did not narrowly define lewd acts to include only sexual intercourse. It would be illogical that a defendant who asks a child to engage in mutual masturbation or viewing of pornography--both acts that are prohibited if committed under (A) (5)--could avoid prosecution because the solicitation was verbal and not physical. That interpretation leaves an illogical gap in the protection of the statute that the Legislature could not have intended. Further, reading the statute as suggested by Appellant would make "sexual relations" superfluous as sexual intercourse is already included in the statutory provision.

¶10 We now hold that "sexual relations" covers more than sexual intercourse. The next logical conclusion, in reading the complete statutory provision, is that lewd or indecent proposals to a child to have unlawful sexual relations must include all conduct other than sexual intercourse set out in Section 1123(A). Therefore, Appellant's suggestion to the victim that they watch pornography and masturbate together involves unlawful sexual relations as written in Section 1123.

¶11 Review of the entire record, viewed in the light most favorable to the State, shows Appellant's statements, as recalled by the victim, were sufficient to support finding Appellant guilty of lewd proposals to a child. Proposition I is denied.

DECISION

¶12 The Judgment and Sentence of the district court is **AFFIRMED**. Pursuant to Rule 3.15, *Rules of the Oklahoma Court of Criminal Appeals*, Title 22, Ch. 18, App. (2026), the **MANDATE** is **ORDERED** issued upon delivery and filing of this decision.

**AN APPEAL FROM THE DISTRICT COURT OF MCCURTAIN COUNTY, THE HONORABLE EMILY MAXWELL,
DISTRICT JUDGE**

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OPINION BY: MUSSEMAN, V.P.J.

LUMPKIN, P.J.: Specially Concur
LEWIS, J.: Concur in Results
HUDSON, J.: Specially Concur
ROWLAND, J.: Specially Concur

FOOTNOTES

Appellant will be required to serve 85% of his sentence before becoming eligible for parole consideration. 21 O.S.2021, § 13.1.

HUDSON, JUDGE, SPECIALLY CONCURS:

¶1 I fully concur in today's decision affirming Appellant's judgment and sentence for Lewd or Indecent Proposal to a Child Under 16. The express language of 21 O.S.Supp.2022, § 1123(A)(1) shows that this offense "is committed when the [lewd or indecent] proposal is made to have sexual relations with the person charged or any other person." *Mayberry v. State*, 1979 OK CR 134, ¶ 5, 603 P.2d 1150, 1153 (rejecting defense claim that an element of the offense of lewd or indecent proposals under Section 1123 is that appellant intended the child victim to have sexual intercourse with him). The term "unlawful sexual relations" as used in the statute is far broader than its counterpart "unlawful . . . sexual intercourse" and implicates the various unlawful sexual acts described elsewhere in Section 1123. *Cf. Toler v. State*, No. C-2014-614, slip op. (Okla. Cr. Jul. 31, 2015) (unpublished opinion, authored by Hudson, J.) (finding sufficient factual basis for guilty plea to lewd or indecent proposals under Section 1123 where the 46-year-old petitioner demonstrated for a seven-year-old girl what he called "humping" by moving his

hips back and forth while telling her it was "grosser doing it naked" and asking the child to get on her bed and hump it). To take a narrower view would render a portion of the statute's plain language superfluous and defy common sense. I therefore specially concur in today's decision.

¶2 I am authorized to state that Judge Lumpkin and Judge Rowland join in this special writing.

Citationizer® Summary of Documents Citing This Document

Cite Name Level

None Found.

Citationizer: Table of Authority

Cite Name Level

Oklahoma Court of Criminal Appeals Cases

Cite	Name	Level
<u>1988 OK CR 227, 763 P.2d 130,</u>	<u>JORDAN v. STATE</u>	Discussed
<u>2004 OK CR 31, 100 P.3d 1017,</u>	<u>DODD v. STATE</u>	Discussed
<u>2005 OK CR 9, 113 P.3d 893,</u>	<u>VILANDRE v. STATE</u>	Discussed
<u>2006 OK CR 34, 142 P.3d 437,</u>	<u>CODDINGTON v. STATE</u>	Discussed
<u>2015 OK CR 7, 348 P.3d 209,</u>	<u>NEWLUN v. STATE</u>	Discussed
<u>2015 OK CR 12, 360 P.3d 1194,</u>	<u>GERHART v. STATE</u>	Discussed
<u>2021 OK CR 14, 492 P.3d 27,</u>	<u>STATE v. ALLEN</u>	Discussed
<u>2022 OK CR 21, 516 P.3d 1164,</u>	<u>O'CONNOR v. OKLAHOMA STATE CONFERENCE OF NAACP</u>	Discussed
<u>2024 OK CR 9, 548 P.3d 786,</u>	<u>WASHBURNE v. STATE</u>	Discussed
<u>1979 OK CR 134, 603 P.2d 1150,</u>	<u>MAYBERRY v. STATE</u>	Discussed
<u>1970 OK CR 157, 476 P.2d 382,</u>	<u>MAGNESS v. STATE</u>	Discussed
<u>1953 OK CR 40, 255 P.2d 525, 96</u> <u>Okl.Cr. 356,</u>	<u>LANDRUM v. STATE</u>	Cited
<u>1985 OK CR 132, 709 P.2d 202,</u>	<u>SPUEHLER v. STATE</u>	Discussed

Title 21. Crimes and Punishments

Cite	Name	Level
<u>21 O.S. 13.1,</u>	<u>Required Service of Minimum Percentage of Sentence - Offenses Specified</u>	Cited
<u>21 O.S. 1123,</u>	<u>Lewd or Indecent Proposals or Acts to Child Under 16</u>	Discussed at Length