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ORIGINAL IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

JUN 17 2025

JOHN D. HADDEN
CLERK

IN THE COURT OF CRIMINAL APPEALS

STATE OF OKLAHOMA

FLYNN ROBERT MARTIN,

Petitioner,

P R 2025 480

v.

HON. JARED SIGLER,

Special Judge,

Washington County District Court,

Respondent.

Case No. _____ (OCCA)

District Court No. CM-2024-00301

BRIEF IN SUPPORT OF PETITION FOR WRIT OF PROHIBITION

Submitted by:

Flynn Robert Martin, Petitioner pro se

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Subject-Matter and Nature of Relief

This petition arises from Washington County District Court Case No. CM-2024-00301, a pending misdemeanor charge of Possession of a Schedule II Controlled Dangerous Substance, 63 O.S. § 2-402. On May 14, 2025, Petitioner filed a verified Rule 15 motion to disqualify the presiding judge; no ruling has been entered. Under Rule 15(d), that filing automatically stayed further judicial action.[1] Nevertheless, Respondent has continued to preside and has set another hearing for June 24, 2025.

Petitioner therefore seeks a writ of prohibition directing Respondent to refrain from any further exercise of jurisdiction—including the June 24, 2025 setting—until the disqualification motion is heard and "stands overruled of record" within the meaning of Rule 15(d). Immediate intervention is required to enforce the mandatory stay and protect Petitioner's constitutional right to an impartial tribunal. Petitioner does not seek delay for its own sake; he seeks only to ensure that proceedings occur before a duly qualified judge.

I. Statement of the Case

Washington County District Court Case No. CM-2024-00301 commenced on July 5, 2024, when the State filed an Information charging Petitioner with misdemeanor possession of a Schedule II

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[1] *"When an interested party has filed a formal motion for a judge to disqualify or recuse, the judge cannot proceed with the case until the disqualification stands overruled of record following a party's compliance with this rule." Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, 163 P.3d 548. *"Overruled of record" occurs when the interested party's request to disqualify or recuse has been denied by the judge, the Chief or Presiding Judge, and the appellate court or the time for the interested party to complete Rule 15(a)-(c) has expired. Nothing in this rule shall prevent another judge from proceeding forward with the case, pending resolution of the requested disqualification or recusal of the subject judge.*
— Rule 15(d), Rules for District Courts of Oklahoma, 12 O.S. ch. 2, app. (eff. Nov. 18, 2024)

controlled dangerous substance, 63 O.S. § 2-402. (O.R. 5.) Petitioner was arrested, released on a $1,000 bond, and entered a plea of not guilty on July 8, 2024. (O.R. 6-8.)

After a series of defense filings—including a Motion for Appointment of Public Defender, a Motion for Discovery, and a Motion to Dismiss (O.R. 9-13, 14-16, 25-34)—the court on April 9, 2025, granted Petitioner's request to proceed *pro se*. (O.R. 39-41.) On May 14, 2025, Petitioner filed a verified motion to disqualify the presiding judge; under Rule 15(d) of the Rules for District Courts, that filing stayed further proceedings until overruled of record. (O.R. 56-71; see also docket entries O.R. 1-4.)

Nonetheless, the court convened further settings on May 15, May 28, and May 29, 2025. (O.R. 4.) Petitioner was absent from each. The May 15 and May 29 proceedings were stenographically recorded; the May 28 setting was not. During the May 29 hearing, the State requested issuance of a bench warrant, bond forfeiture, and denial of the disqualification motion. No ruling issued on those requests. (O.R. 4.)

The disqualification motion and related filings remain pending, and the district court has set the next appearance for June 24, 2025. (O.R. 1, 4.)

Petitioner now seeks a writ of prohibition preventing further exercise of jurisdiction until the Rule 15 motion is resolved of record.

II. Statement of Facts

Petitioner was charged in July 2024 with misdemeanor possession of a controlled dangerous substance under 63 O.S. § 2-402. (O.R. 5.) He was released the following day on a $1,000

appearance bond. (O.R. 6-7.) At arraignment on July 8, 2024, the district court entered a plea of not guilty. (O.R. 8.)

On April 9, 2025, the court granted Petitioner's motion to proceed *pro se* and permitted appointed counsel to withdraw. (O.R. 39-41.) That same day, Petitioner filed a *pro se* reply brief in support of his pending motion to dismiss. (O.R. 42-49.) Despite a discovery motion filed on July 11, 2024 (O.R. 14-16), no discovery has been produced by either former counsel or the State, and a related motion to compel discovery filed April 21, 2025 (O.R. 53-55) remains pending.

On May 3, 2025, Petitioner mailed a sealed in-camera request for recusal under Rule 15(a).[2] USPS tracking confirms delivery to the Washington County Court Clerk on May 8, 2025, yet no docket entry was made. (Aff. ¶ 3; Exs. A–B.) Receiving no response, Petitioner filed a verified motion to disqualify Judge Sigler on May 14, 2025, supported by affidavit. (O.R. 56-71, 72-78.) Under Rule 15(d), that filing imposed an automatic stay on further judicial action until the motion is overruled of record.

Nevertheless, on May 15, 2025, Respondent conducted an in-chambers proceeding attended by Assistant District Attorney Veronica Threadgill and court reporter Dee Tanner; the court assessed a reporter fee. (O.R. 1-4.) Petitioner did not attend. During the proceeding, the judge

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[2] *"Before filing any motion to disqualify a judge, an in camera request shall first be made to the judge to disqualify or to transfer the cause to another judge. If such request is not satisfactorily resolved, not less than ten (10) days before the case is set for trial a motion to disqualify a judge or to transfer a cause to another judge may be filed and a copy delivered to the judge."*
— Rule 15(a), Rules for District Courts of Oklahoma, 12 O.S. ch. 2, app. (eff. Nov. 18, 2024)

telephoned Petitioner and left a voicemail stating, "We're on the record … We'll give you a new court date of May 28 at 9:00 a.m." (Aff. Ex. C.)

On May 23, 2025, Petitioner filed (1) a Motion Objecting to Further Proceedings During Pendency of Disqualification Motion and Request for Immediate Ruling on the Papers (O.R. 79-87); (2) an *Ex Parte* Application for Ministerial Relief requesting transcripts (O.R. 88-92); and (3) an updated affidavit of indigency. (O.R. 93-94.) His prior Motion to Assign Court Reporter, filed April 21, 2025, remains pending. (O.R. 50-52.)

On May 28, 2025, the case was called at 9:00 a.m. without a court reporter present. (Minute entry 05/28/25; O.R. 1-4.) Petitioner did not appear. The matter was passed to 1:30 p.m. and then to the following morning. District Attorney William Drake and bond agent Tami Brinkman were in attendance; Brinkman contacted Petitioner by voicemail, text message, and email, stating that the judge "has been leaving you messages." (Aff. Exs. D–G.) No transcript exists for any part of the May 28 settings, and no minute entry indicates whether the matter was ever taken up on the record.

On May 29, 2025, the court reconvened with court reporter Dee Tanner present. (Minute entry 05/29/25; O.R. 1-4.) Assistant District Attorney Threadgill again appeared and requested issuance of a bench warrant, forfeiture of Petitioner's bond, and denial of the Rule 15 motion. Respondent declined those requests "at this time," made no ruling on the disqualification motion, and left Petitioner a voicemail setting the next appearance for June 24, 2025, "regarding [the] recusal motion." (Aff. ¶ 9; Ex. H.) Although the proceeding was transcribed, no transcript has yet been provided.

The Rule 15 motion, both discovery motions, the reporter-assignment motion, and the transcript and indigency applications remain undecided. The next scheduled court appearance is June 24, 2025. (O.R. 1-4.)

PROPOSITION I

Respondent Exercised Judicial Power After the Rule 15(d) Stay, Satisfying *Maynard*'s First Element

Standard of Review

This Court reviews de novo both jurisdictional questions and alleged violations of Rule 15(d). *Maynard v. Layden*, 1992 OK CR 31, ¶ 7, 830 P.2d 581, 583; *Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, ¶ 7, 163 P.3d 548, 551.

Argument

Petitioner filed a verified Motion to Disqualify Respondent on May 14, 2025, invoking the automatic stay imposed by Rule 15(d), Rules for District Courts of Oklahoma, 12 O.S. ch. 2, app. (O.R. 56-71, 72-78). Rule 15(d) provides that *"the judge cannot proceed with the case until the disqualification stands overruled of record."* Oklahoma appellate precedent enforces that command without exception: when a judge fails to rule on a recusal motion, the party is "deprived of a fundamental right guaranteed by the Due Process Clauses," and the judge "impermissibly bar[s] [the movant] from all further access to the relief afforded by the Rule 15 procedure." *Clark v. Bd. of Educ. of Indep. Sch. Dist. No. 89*, 2001 OK 56, ¶¶ 8, 11, 32 P.3d 851, 854. See also *Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, ¶ 7, 163 P.3d 548, 551 (continued

participation while a disqualification motion is pending "results in a deprivation of due process"). As of this filing—more than a month later—no docket entry or written order exists overruling, denying, or transferring Petitioner's motion. (O.R. 1-4; Aff. ¶ 10.) Respondent's judicial authority is therefore suspended by operation of law.

Despite the stay, Respondent repeatedly exercised judicial power. On May 15, 2025, he convened an in-chambers proceeding attended by Assistant District Attorney Veronica Threadgill and court reporter Dee Tanner; the hearing was recorded, and the case was reset. (O.R. 1-4; Aff. ¶ 5; Ex. C.) On May 28, 2025, he presided over two courtroom sessions—both unreported and conducted without Petitioner—resetting the matter twice more. (Minute entry May 28, 2025; O.R. 1-4; Aff. ¶¶ 7-8.) The following day, May 29, 2025, Respondent held another hearing at which the State sought a bench warrant, bond forfeiture, and denial of the Rule 15 motion; although he declined immediate rulings, he scheduled a further appearance for June 24, 2025 "regarding [the] recusal motion." (Minute entry May 29, 2025; O.R. 1-4; Aff. ¶ 9; Ex. H.)

Respondent's voicemails remove all doubt that he knew the stay was in force. On May 15 he said, *"We're in chambers ... we're on the record ... just trying to call you so we could do your recusal request."* (Aff. Ex. C.) On May 29 he told Petitioner that an appearance was needed *"so that we can move your case forward."* (Aff. Ex. H.) These recorded admissions demonstrate conscious disregard of the jurisdictional bar.

Because Respondent convened hearings, reset the case, and entertained contested motions after the Rule 15(d) stay attached, Petitioner has conclusively established an unauthorized exercise of judicial power. *Maynard*'s first element is satisfied; the analysis now turns to whether

Respondent's actions lacked lawful authority (Proposition II) and whether they threaten irreparable injury (Proposition III).

PROPOSITION II

Respondent's Post-Stay Acts Were Unauthorized, Satisfying *Maynard*'s Second Element

Standard of Review

Whether a judge exercised power without legal authority is a question of law reviewed de novo. *Maynard v. Layden*, 1992 OK CR 31, ¶ 7, 830 P.2d 581, 583; *Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, ¶ 7, 163 P.3d 548, 551.

Argument

As shown in Proposition I, Respondent convened three hearings after the automatic stay triggered by Rule 15(d) attached on **May 14, 2025**. The question now is whether any statute or order authorized those acts. None did.

Rule 15(d) provides that *"the judge cannot proceed with the case until the disqualification stands overruled of record."* Oklahoma precedent treats that directive as substantive: a judge's failure to rule leaves the movant "deprived … of a fundamental right guaranteed by the Due Process Clauses of the Fifth and Fourteenth Amendments" and "impermissibly bar[s] [the movant] from all further access to the relief afforded by the Rule 15 procedure." *Clark v. Bd. of Educ. of Indep. Sch. Dist. No. 89*, 2001 OK 56, ¶¶ 8, 11, 32 P.3d 851, 854-55. *Miller Dollarhide* underscores the point, clarifying that trial courts must "vacate all orders entered while a motion

to recuse is pending and … refrain from further rulings until completion of Rule 15 proceedings." 2007 OK 58, ¶ 13.

Petitioner's verified Rule 15 motion was filed on May 14, 2025. (O.R. 56-78; Aff. ¶ 4.) Since then, the docket shows no order denying, transferring, or overruling the motion. (O.R. 1-4; Aff. ¶ 10.) Even had Respondent denied it orally, Rule 15(b) required him to enter that denial on the record within five days so that Petitioner could re-present the request to the Chief Judge.[3] No such entry exists; the stay therefore remains in force.

Despite this, Respondent (a) held an in-chambers hearing on May 15, 2025 (O.R. 1-4; Aff. ¶ 5; Ex. C); (b) presided over two unreported courtroom sessions on May 28, 2025 (Minute entry May 28, 2025; O.R. 1-4; Aff. ¶¶ 7-8); and (c) conducted a recorded hearing on May 29, 2025 at which the State sought a bench warrant, bond forfeiture, and denial of the disqualification motion—and set a further appearance for June 24, 2025 "regarding [the] recusal motion." (Minute entry May 29, 2025; O.R. 1-4; Aff. ¶ 9; Ex. H). Each act violated Rule 15(d). Consistent with *Miller Dollarhide*, ¶ 13, every ruling entered while a disqualification motion pends must be vacated; *Clark*, ¶ 11, likewise commands abstention until Rule 15 review is complete.

Because Respondent's authority was suspended on May 14, 2025, and nothing revived it, every subsequent judicial act was unauthorized. Petitioner has therefore satisfied *Maynard*'s second element. The analysis now turns to irreparable injury (Proposition III).

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[3] "Any interested party who deems himself aggrieved by the refusal of a judge to grant a motion to disqualify or transfer a cause to another judge may re-present his motion to the Chief Judge of the county in which the cause is pending or, if the disqualification of a Chief Judge is sought, to the Presiding Judge of the administrative district by filing in the case within five (5) days from the date of said refusal a written request for re-hearing..
— Rule 15(b), Rules for District Courts of Oklahoma, 12 O.S. ch. 2, app. (eff. Nov. 18, 2024).

PROPOSITION III

Respondent's Ultra Vires Acts Have Inflicted Irreparable Harm, Leaving Petitioner Without a Plain, Speedy, or Adequate Remedy, Satisfying *Maynard*'s Third Element

Standard of Review

Whether an alternative remedy is "plain, speedy, and adequate" is a legal question reviewed de novo. *Maynard v. Layden*, 1992 OK CR 31, ¶ 7, 830 P.2d 581, 583; *State ex rel. Wise v. Clanton*, 1977 OK CR 45, ¶ 14, 560 P.2d 588, 591.

Argument

Having shown in Proposition I that Respondent exercised judicial power after the Rule 15(d) stay attached, and in Proposition II that no statute or order authorized those actions, Petitioner now demonstrates that these ultra vires acts inflict irreparable harm and that no plain, speedy, or adequate alternative remedy exists.

A. Liberty Interest Under Immediate Threat

At the May 29, 2025 hearing the State asked for a bench warrant and bond forfeiture solely because Petitioner honored the Rule 15(d) stay. (O.R. 4; minute entry May 29, 2025; Aff. ¶ 9) Respondent deferred ruling "at this time" but reset the matter for June 24, 2025, expressly "regarding [the] recusal motion," leaving arrest and forfeiture poised to fall at the State's next request. (O.R. 1, 4; Aff. ¶ 9; Ex. H.)

These consequences cannot be undone by later appeal. If Respondent issues the warrant, Petitioner will lose his liberty; if he forfeits bond, the surety is gone. The Oklahoma Court of

Criminal Appeals has held that where a party faces such "immediate injury or hardship ... particularly in criminal cases," ordinary appellate remedies are "insufficient" and prohibition lies. *State ex rel. Wise v. Clanton*, 1977 OK CR 45, ¶ 14, 560 P.2d 588, 591 (quoting *Evans v. Willis*, 22 Okla. 310, 97 P. 1047 (1908)); see also id. ¶ 13 (appeal, "though favorable, is an inadequate and needless procedure" when the alternative is contempt or other coercive sanctions).

Moreover, every ruling Respondent enters while the disqualification motion pends is voidable and must be vacated. *See Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, ¶ 13, 163 P.3d 548, 552 (directing trial court "to vacate all orders entered while a motion to recuse is pending and to refrain from further rulings until completion of Rule 15 proceedings"). Thus, allowing the June 24 setting—or any warrant or forfeiture—would compound prejudice without any meaningful post-hoc remedy.

Because Respondent's continued exercise of jurisdiction places Petitioner's freedom and property in imminent jeopardy, and because "immediate injury or hardship" renders appeal inadequate under *Wise*, the harm is irreparable and the third element of *Maynard* is met.

B. Procedural Deadlock: Respondent's Non-Ruling Extinguishes Every Statutory and Extraordinary Avenue of Review

Rule 15 provides a three-step safeguard for securing an impartial tribunal: (1) an in-camera request (Rule 15(a)); (2) a formal motion to disqualify (Rule 15(d)); and (3) if—and only if—that motion is overruled of record, re-presentation to the Chief Judge followed, if still denied, by

mandamus in this Court (Rule 15(b)). As Footnote 3 shows, a written ruling is the indispensable gateway to both intra-district review and any subsequent extraordinary relief.

Respondent has stalled the process at its threshold. More than a month after Petitioner filed his verified disqualification motion, the docket remains silent—no order denying, granting, or transferring the motion exists. Without an "overruled of record," Petitioner cannot (1) invoke the Chief Judge's supervisory review or (2) petition this Court for mandamus, because Rule 15(b) permits mandamus only after an adverse Chief-Judge ruling. The statutory pathway is therefore blocked not by legal defeat but by judicial inaction.

The Oklahoma Supreme Court has condemned this precise impasse. *Clark v. Board of Education* holds that a trial judge's non-ruling "impermissibly barred [the movant] from all further access to the relief afforded by the Rule 15 procedure ..." and therefore frustrated the fundamental right to an impartial tribunal. 2001 OK 56, ¶ 11, 32 P.3d 851, 855. Echoing *Clark*, the Court in *Miller Dollarhide* directed trial courts "to vacate all orders entered while a motion to recuse is pending and to refrain from further rulings until completion of Rule 15 proceedings." 2007 OK 58, ¶ 13, 163 P.3d 548, 553.

That is exactly the deadlock here. Respondent's refusal to rule has (1) frozen the Rule 15 mechanism, (2) foreclosed Chief-Judge review, and (3) rendered mandamus jurisdictionally unavailable. With no interlocutory appeal from judicial silence, Petitioner is trapped in a procedural cul-de-sac fashioned by the very judge whose impartiality is in doubt.

This deadlock inflicts irreparable harm by nullifying the sole statutory route for testing bias and leaving Petitioner without any "plain, speedy, and adequate" remedy—an injury *Clark* and *Miller Dollarhide* identify as structural and self-executing.

C. Conclusion on Irreparable Harm

The imminent threat of custody and forfeiture (Section A) and the procedural deadlock that forecloses every statutory and extraordinary avenue of review (Section B) each independently destroy any "plain, speedy, and adequate" remedy. Together they present the exact circumstances *Maynard* deems sufficient for prohibition.

CONCLUSION AND PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Issue a writ of prohibition commanding Judge Jared Sigler to take no further action in Washington County District Court Case No. CM-2024-00301—including the appearance presently set for June 24, 2025—until Petitioner's Rule 15 motion to disqualify has been ruled on and "stands overruled of record" under Rule 15(d);

2. Vacate all orders and settings entered while the Rule 15 motion has been pending—specifically the May 15, May 28, May 29, and June 24, 2025 settings, together with any related bench-warrant or bond-forfeiture requests; and

3. Grant such other and further relief as justice may require.

Respectfully submitted,

_____

Flynn Robert Martin, Petitioner *pro se*

CERTIFICATE OF SERVICE

I certify that on June 17, 2025, I mailed via United States Postal Service Priority Mail true and correct copies of the **BRIEF IN SUPPORT OF PETITION FOR WRIT OF PROHIBITION** to the following parties at the address listed below:

Respondent:

Hon. Jared Sigler

Special Judge, Washington County District Court

Real Party in Interest:

William Drake

District Attorney, Washington County

Service Address:

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Executed this 17th day of June, 2025.

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