DISTRICT COURT WASHINGTON CO OK
JEAN DAVIS, COURT CLERK
FILED
MAY 14 2025
BY jmayes DEPUTY

IN THE DISTRICT COURT OF WASHINGTON COUNTY

STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,

Plaintiff,

v.

FLYNN ROBERT MARTIN,

Defendant.

Case No. CM-2024-00301

DEFENDANT'S MOTION TO DISQUALIFY THE HONORABLE JUDGE JARED SIGLER

I. INTRODUCTION

COMES NOW the Defendant, Flynn Robert Martin, acting Pro Se, and respectfully moves this Court for the disqualification and recusal of the Honorable Judge Jared Sigler from presiding over the above-captioned matter. Defendant asserts this motion exclusively on grounds of the appearance of impartiality, as governed by Rule 2.11(A) of the Oklahoma Code of Judicial Conduct[1] and further supported by 20 O.S. § 1401(E).[2] Defendant expressly states that this motion does not allege actual bias, prejudice, or wrongdoing by the Court, but rather addresses circumstances under which the Court's impartiality might reasonably be questioned by a fully informed and reasonable observer.

In strict compliance with the procedural prerequisites outlined in Rule 15(a) of the Rules for District Courts,[3] Defendant previously submitted a sealed, in-camera request seeking Judge Sigler's voluntary recusal. USPS tracking confirms that this sealed request was delivered to the Washington County Courthouse on May 8, 2025. As of May 13, 2025, no docket entry or response to that sealed request has been entered into the official record. Because no trial date has currently been scheduled in this matter—only a pre-trial hearing is pending—this motion to disqualify is procedurally timely and fully compliant with Rule 15(a), which provides that *"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."[4]

Pursuant to Rule 15(d) of the Rules for District Courts,[5] Defendant further notes that once this motion has been formally submitted and filed with the Court Clerk, the Honorable Judge Sigler may not proceed further in this matter until this motion for disqualification is resolved on the record.

Defendant respectfully submits the accompanying affidavit in support of this motion, including the attached procedural timeline (Exhibit 1), and requests that the Court grant this motion without delay, to uphold the appearance of fairness, impartiality, and public confidence in these judicial proceedings.

FOOTNOTES

1. Oklahoma Code of Judicial Conduct, Rule 2.11(A) (*"A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned..."*).

2. 20 O.S. § 1401(E) ("The disqualifications provided for in this section shall not exclude the disqualifications at common law.").

3. Rule 15(a), Rules for District Courts of Oklahoma, 12 O.S. Ch. 2, App. ("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.").

4. Id.

5. Rule 15(d), Rules for District Courts ("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.").

II. LEGAL STANDARDS FOR DISQUALIFICATION

A. Rule 2.11(A) – Appearance of Impartiality Standard

Oklahoma law mandates that judges recuse themselves in any proceeding where their impartiality might reasonably be questioned. Rule 2.11(A) of the Oklahoma Code of Judicial Conduct states in relevant part:

> *A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned , including but not limited to the following circumstances...* [6]

This language establishes a clear, objective standard: judicial disqualification does not depend on proof of actual bias, prejudice, or improper conduct, but instead focuses strictly on whether a fully informed, reasonable observer could have legitimate concerns regarding the judge's neutrality.

As stated in Comment [1] to Rule 2.11:

> *...Under this Rule, a judge is disqualified whenever the judge's impartiality might reasonably be questioned, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply.* [7]

Paragraph (A)'s opening sentence sets an objective appearance standard that stands in addition to the mandatory grounds listed in (A)(1)-(6).

The Oklahoma Supreme Court has affirmed that this standard is not limited to ethics rules but is grounded in due process. In *Pierce v. Pierce*, 2001 OK 97, ¶ 18, the Court emphasized:

> *The reach of due process jurisprudence requires not only a fair tribunal, but also the appearance of a fair tribunal... 'Justice must satisfy the appearance of justice,' and this stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties.*[8]
> — *Id.* ¶ 18 (quoting *In re Murchison*, *Marshall v. Jerrico*, *Offutt v. United States*)

This principle compels disqualification not just when impropriety is shown, but when the integrity of the forum itself would reasonably be called into doubt by an informed member of the public.

B. Statutory and Common Law Grounds – 20 O.S. § 1401(E)

Oklahoma statutory law recognizes that disqualification may arise not only from enumerated conflicts, but also from broader principles of fairness rooted in common law. Title 20, Section 1401(E) provides:

> *The disqualifications provided for in this section shall not exclude the disqualifications at common law.*[9]

This clause preserves the judiciary's duty to avoid even the appearance of bias, and affirms that disqualification is warranted when a judge's impartiality might reasonably be questioned—whether or not a statutory per se conflict is present.

The same principle underlies Rule 2.11(A) and the Oklahoma Supreme Court's due process jurisprudence. The focus is not limited to actual impropriety, but includes circumstances where a

reasonable observer could perceive partiality. Common-law disqualification thus remains a valid and independent basis for recusal.

.C. Rule 15 – Procedural Compliance and the Mandatory Judicial Stay

Pursuant to Rule 15(a) of the Rules for District Courts,[10] Defendant submitted a sealed in camera request for recusal on May 3, 2025, delivered to the courthouse on May 8, 2025. No ruling has appeared on the docket. Under the rule, this constitutes an unsatisfactory resolution.[11]

Rule 15(a) permits a formal motion to disqualify where filed at least ten days before trial. As no trial date is currently set, this motion is timely.

Upon filing, Rule 15(d) mandates a full stay:

> *The judge cannot proceed with the case until the disqualification stands overruled of record following a party's compliance with this rule....*
> — Rule 15(d), citing *Miller Dollarhide, P.C. v. Tal*, 2007 OK 58.[12]

The Oklahoma Supreme Court has affirmed that continued participation under these conditions is a due process violation:

> *A trial judge's continued participation while motions to disqualify are pending results in a deprivation of due process.*
> — *Id.*, ¶ 1.[13]

> *Every litigant is entitled to nothing less than the cold neutrality of an impartial judge... The quest for recusal may not be ignored, nor is a judge free to proceed with the case until the challenge stands overruled of record following a judicial inquiry into the issue. . . .*
> — *Id.*, ¶ 9.[14]

Because the disqualification motion has not been resolved of record through the procedure outlined in Rule 15, the Court is presently barred from taking further action in this case.

FOOTNOTES

6. Code of Jud. Conduct, Rule 2.11, 5 O. S. A. Ch. 1, App. 4, OK ST CJC Rule 2.11

7. See Oklahoma Code of Judicial Conduct, Rule 2.11 cmt. [1] (T. 5, Ch. 1, App. 4); adopted by order of the Oklahoma Supreme Court, April 15, 2011.

8. *Pierce v. Pierce*, 2001 OK 97, ¶ 18, 39 P.3d 791 (Okla. 2001) (citing *In re Murchison*, 349 U.S. 133, 136 (1955); *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242–43 (1980); *Offutt v. United States*, 348 U.S. 11, 14 (1954)).

9. 20 O.S. § 1401(E).

10. Rule 15(a), Rules for District Courts of Oklahoma, 12 O.S. Ch. 2, App.

11. Id.

12. Rule 15(d), Rules for District Courts (incorporating *Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, 163 P.3d 548).
13. *Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, ¶ 1, 163 P.3d 548 (Okla. 2007).

14. *Id.*, ¶ 9.

III. FACTUAL SUMMARY (CHRONOLOGICAL NARRATIVE)

The following chronology is set forth without argument or commentary and reflects undisputed factual events supported by Defendant's affidavit, court records, and publicly accessible minute entries on the Oklahoma State Courts Network (OSCN):

1. On July 5, 2024, Defendant was arrested in Washington County, Oklahoma. That same day, the State filed a criminal Information under 63 O.S. § 2-402, alleging unlawful possession of a controlled dangerous substance.

2. Defendant posted bond and was released on July 6, 2024.

3. On July 8, 2024, Defendant appeared before the Court for arraignment, where a plea of Not Guilty was entered on his behalf.

4. On July 11, 2024, Defendant filed a Pro Se Motion for Discovery, explicitly requesting production of all evidence, including laboratory reports.

5. On July 31, 2024, the Court acknowledged Defendant's discovery motion, as reflected in a minute entry, but no ruling was entered, and no discovery was produced at that time.

6. On September 4, 2024, Defendant appeared in court for the first time represented by appointed counsel. Counsel formally requested on the record the production of the laboratory report and related discovery materials.

7. On September 5, 2024, the Oklahoma State Bureau of Investigation (OSBI) issued a Criminalistics Examination Report related to the substance seized at Defendant's arrest. The report prominently displayed "Date Reported: September 5, 2024" and was clearly marked as copied ("CC") to the Washington County District Attorney's Office.

8. At a hearing held on October 9, 2024, Defendant's counsel again advised the Court on record that the OSBI report had not yet been disclosed by the State. At this same hearing, William Drake, currently District Attorney and former colleague of the presiding judge, personally appeared on behalf of the State.

9. On December 19, 2024, immediately prior to a scheduled jury trial sounding docket, Defendant was shown the OSBI report for the first time by his counsel in person. On that date, the Court set a motion cutoff date of January 10, 2025, and a jury trial date of January 27, 2025.

10. On December 31, 2024, the State filed a First Amended Information, altering the alleged substance involved. The amended charge was filed without leave of court and without an affidavit of good cause, contrary to 22 O.S. § 304.

11. On January 10, 2025, Defendant personally obtained a paper copy of the amended charge at the Washington County Clerk's Office. A hearing was held later that day at which District Attorney William Drake again appeared. The previously scheduled jury trial was vacated at this hearing.

12. On April 9, 2025, the Court granted Defendant's Motion to Proceed Pro Se, during which Defendant explicitly requested that former counsel be ordered to provide Defendant's complete case file, which had not been provided.

13. On May 3, 2025, Defendant mailed a sealed, in-camera request to Judge Jared Sigler, pursuant to Rule 15(a), requesting voluntary recusal based on the circumstances described herein. USPS tracking confirms delivery of this request to the Washington County Courthouse on May 8, 2025.

14. As of May 13, 2025, no docket entry reflected a response or ruling to Defendant's in-camera request. This formal motion for judicial disqualification was then prepared and filed accordingly.

This factual summary reflects the record as it currently exists, without legal argument or inference, provided for the Court's clear reference as it evaluates the present motion under the applicable legal standards.[15] [16]

FOOTNOTES

15. See Affidavit of Flynn Robert Martin (filed in support of this motion), ¶¶ 2–18.

16. See also Exhibit 1 – Procedural Timeline (compiled from OSCN minute entries, 07/05/24 through 05/12/25).

IV. APPLICATION OF LAW TO FACTS — COMBINED APPEARANCE ANALYSIS

A. One-Hundred-Day Gap Followed by Post-Plea Amendment Filed Without Statutory Compliance

On September 5, 2024, the Oklahoma State Bureau of Investigation issued a Criminalistics Examination Report in connection with the seized substance at issue in this case. The report is clearly marked "Date Reported: September 5, 2024" and bears a "CC: Washington County DA Office" notation, indicating that the District Attorney's Office received it contemporaneously with its issuance.[17]

More than one hundred days later, on December 31, 2024, the State filed a First Amended Information materially altering the substance named in the charge. By that time, the Defendant had already entered a plea, and the Court had set both a jury trial date and a motion cutoff. The record reflects that this post-plea amendment was filed without a court order and without any affidavit showing good cause.[18]

Under 22 O.S. § 304,

> *an information may be amended in matters of substance or form after plea on order of the court where the same can be done without material prejudice to the right of the defendant; but no amendment shall cause any delay of the trial, unless for good cause shown by affidavit.*[19]

In this case, the amendment followed a substantial procedural gap during which the State, despite being in possession of the OSBI report, took no recorded action to amend or disclose.

At the next hearing on January 10, 2025, the Court vacated the previously scheduled jury trial but made no inquiry into the statutory irregularity surrounding the amendment. Nor did the Court address the significance of the delay between the OSBI report's issuance and the amendment's timing.[20]

To a reasonable observer, this sequence creates the appearance that the State was permitted to amend the charge after plea without meeting the statutory requirements applicable to such an amendment, and that the Court implicitly endorsed this irregularity by taking no corrective action. The fact that the amendment followed more than three months of inaction despite the existence of material forensic evidence further compounds the impression of prosecutorial leniency.

This pattern, when left unaddressed, creates the appearance that the judiciary tolerated an improper post-plea amendment without statutory compliance, reinforcing the concern that the State received procedural leniency.

B. Personal Appearances by District Attorney William Drake Amplify the Appearance of Impropriety

William Drake, the current elected District Attorney for Washington County, served for years in the same office as the Honorable Judge Jared Sigler. From 2011 through 2017, Judge Sigler held the role of First Assistant District Attorney while Mr. Drake served concurrently as an Assistant District Attorney. The two worked under the same prosecutorial leadership and served in overlapping roles during that time.[21]

In this case, Mr. Drake personally appeared on behalf of the State at two hearings of decisive procedural significance.

The first hearing took place on October 9, 2024—thirty-four days after the OSBI issued its forensic report, which was marked as copied to the District Attorney.[17] By that date, the State had made no disclosure, and defense counsel stated on the record that the report still had not

been received.[22] The State, represented by Mr. Drake, did not acknowledge possession of the report or offer any explanation for the delay. The Court likewise made no inquiry into the report's status or the State's duty of production, despite the passage of more than a month since issuance.

The second hearing occurred on January 10, 2025, following the State's December 31, 2024 filing of a First Amended Information—submitted without a court order and without an affidavit of good cause as required by 22 O.S. § 304.[19] At that hearing, Mr. Drake again appeared for the State.[23] The Court vacated the previously set jury trial date but made no reference to the statutory requirements governing post-plea amendments, nor to the substantial delay between the OSBI report and the amendment's filing. The amended charge followed more than one hundred days of inaction despite the State's possession of material forensic evidence.

Mr. Drake's personal appearances at these two hearings—one marking the point where the State failed to disclose a key forensic report, and the other marking the Court's acceptance of an improper post-plea amendment—occurred at the precise moments when basic procedural protections were most in question. In both instances, the record reflects tolerance of State inaction or irregularity, and in both instances, the presiding judge's former colleague was the face of the prosecution.

A fully informed and reasonable observer, aware of this history, the significance of the two hearings, and the roles played by both the Court and the District Attorney, could fairly and objectively question whether the proceedings were conducted with the strict neutrality required of the judiciary.[24]

C. Reasonable-Observer Test Satisfied

The legal standard governing judicial disqualification in Oklahoma does not turn on whether a judge acted with improper intent or demonstrated actual bias. Under Rule 2.11(A) of the Oklahoma Code of Judicial Conduct, the question is whether a reasonable person, fully informed of the relevant facts, could reasonably question the judge's impartiality.[25] This objective test focuses on appearances rather than motivations, and its purpose is to preserve public trust in the neutrality of the judicial process.[26]

Here, that standard is clearly satisfied.

A reasonable, fully informed observer would see that the State had possession of a laboratory report as early as September 5, 2024.[17] More than one hundred days passed without that report being disclosed to the defense. Shortly after disclosure finally occurred, the State filed an amended charge—post-plea and without compliance with the procedures outlined in 22 O.S. § 304.[19] The Court did not inquire into this sequence of events, and instead vacated the trial date without addressing the irregularities.[27]

At both critical procedural junctures—October 9, 2024, when the undisclosed OSBI report was discussed, and January 10, 2025, when the improper amendment was allowed to stand—District Attorney William Drake appeared personally on behalf of the State.[23] Mr. Drake previously served for six years in the same office and under the same leadership as the presiding judge.[21] His presence at these decisive hearings, paired with the Court's tolerance of statutory noncompliance and prolonged prosecutorial silence, compounds the perception that the State received leniency not afforded to the defense.

These circumstances, viewed collectively, would lead a reasonable member of the public to question whether the judge's prior professional relationship with the District Attorney

influenced—or appeared to influence—the Court's willingness to scrutinize the State's procedural conduct. Under Rule 2.11(A) and 20 O.S. § 1401(E),[28] such an appearance of partiality is sufficient to require disqualification.

FOOTNOTES

17. OSBI Criminalistics Examination Report, dated September 5, 2024, marked "CC: Washington County DA Office."
18. See Affidavit of Flynn Robert Martin, ¶¶ 9–11; First Amended Information filed December 31, 2024 (not uploaded to OSCN).
19. 22 O.S. § 304
20. See Minute Entry, January 10, 2025 (hearing vacated trial but did not address amendment procedure).
21. See Affidavit of Flynn Robert Martin, ¶ 19; employment history of Judge Sigler and William Drake, publicly reported and confirmed by prosecutorial office structure (2011–2017).
22. See Minute Entry dated October 9, 2024; on-record statement by defense counsel regarding nondisclosure of OSBI report.
23. See Minute Entry dated January 10, 2025 (noting appearance of William Drake).
24. See Oklahoma Code of Judicial Conduct, Rule 2.11(A); see also *Pierce v. Pierce*, 2001 OK 97, ¶ 18 (due process requires both actual and apparent fairness).
25. Oklahoma Code of Judicial Conduct, Rule 2.11(A).
26. See Canon 1, Preamble to the Oklahoma Code of Judicial Conduct ("Public confidence … appearance of impropriety.").
27. See Minute Entry dated January 10, 2025.
28. See *Pierce v. Pierce*, 2001 OK 97, ¶ 18 (disqualification warranted when impartiality "might reasonably be questioned"); see also 20 O.S. § 1401(E) (preserving common-law appearance-based grounds for recusal).

V. PROCEDURAL RELIEF AND DISQUALIFICATION REQUEST

In light of the foregoing, Defendant respectfully requests that the Honorable Judge Jared Sigler recuse himself from further involvement in this matter and that the case be reassigned to a different judge in accordance with the applicable procedures.

This motion has been filed pursuant to Rule 15 of the Rules for District Courts, following strict compliance with the required in-camera request under Rule 15(a), which was delivered to chambers on May 8, 2025.[29] No trial date has been set, and the motion is therefore timely under Rule 15(a), which permits disqualification motions to be filed "not less than ten (10) days before the case is set for trial."[30]

Under Rule 15(d), once a motion to disqualify has been filed, the judge is prohibited from taking further action in the case until disqualification is "overruled of record."[31] The Oklahoma Supreme Court has made clear that this requirement is not merely administrative—it is grounded in due process. In *Miller Dollarhide, P.C. v. Tal*, the Court held:

> *A trial judge's continued participation while motions to disqualify are pending results in a deprivation of due process.*[32]
>
> *The quest for recusal may not be ignored, nor is a judge free to proceed with the case until the challenge stands overruled of record following a judicial inquiry into the issue.*[33]

If the Court declines to voluntarily recuse, Defendant will exercise his right to re-present this motion to the Chief Judge of the District within five (5) days pursuant to Rule 15(b), and reserves all rights under the Oklahoma Constitution, statutory law, and relevant precedent to seek further review.

This request is made respectfully and without accusation of actual bias or misconduct. Defendant merely seeks to preserve the appearance of fairness, the integrity of the proceedings, and the public's confidence in judicial impartiality, consistent with Rule 2.11(A) of the Oklahoma Code of Judicial Conduct and 20 O.S. § 1401(E).[34]

FOOTNOTES

29. See Affidavit of Flynn Robert Martin, ¶ 15; USPS delivery confirmation dated May 8, 2025.

30. Rules for District Courts of Oklahoma, Rule 15(a), 12 O.S. Ch. 2, App.

31. Rules for District Courts of Oklahoma, Rule 15(d), 12 O.S. Ch. 2, App. ("The judge cannot proceed with the case until the disqualification stands overruled of record…"); see also *Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, 163 P.3d 548.

32. *Miller Dollarhide*, 2007 OK 58, ¶ 1.

33. *Id.*, ¶ 9.

34. Oklahoma Code of Judicial Conduct, Rule 2.11(A); 20 O.S. § 1401(E).

VI. PRAYER FOR RELIEF

WHEREFORE, premises considered, Defendant respectfully prays that the Honorable Judge Jared Sigler enter an order of recusal in the above-captioned matter and that this case be promptly reassigned to another judge in accordance with the procedures set forth in Rule 15 of the Rules for District Courts.

Defendant further requests that, consistent with Rule 15(d), no further judicial action be taken in this case unless and until the disqualification motion is resolved on the record. In the event this motion is denied, Defendant gives notice of intent to re-present the matter to the Chief Judge within the time prescribed by Rule 15(b).

Defendant makes this request without personal animus or allegation of misconduct and solely to preserve the appearance of impartiality and public trust in the administration of justice.

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of May, 2025, I caused the foregoing Motion to Disqualify to be delivered via overnight private courier to the Clerk of the District Court of Washington County, Oklahoma, for filing and distribution.

Defendant respectfully requests that the Clerk:

1. File-stamp the original and retain it for the official court record;
2. Place a file-stamped copy in the box of the Honorable Judge Jared Sigler; and
3. Place a file-stamped copy in the box of the Washington County District Attorney's Office.

This filing is submitted in compliance with the Rules for District Courts of Oklahoma and all applicable local procedures.

Respectfully submitted,

Flynn Robert Martin
Defendant, Pro Se
4413 E. Whitman Street
Tucson, AZ 85711
(520) 869 - 2821