DISTRICT COURT WASHINGTON CO OK
JEAN DAVIS, COURT CLERK
FILED
OCT 20 2025
BY DEPUTY

IN THE DISTRICT COURT OF WASHINGTON COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA,

Plaintiff,

vs. Case No. CM-2024-00301

FLYNN ROBERT MARTIN,

Defendant.

MOTION TO COMPEL PRODUCTION OF THE OUTSTANDING BENCH WARRANT INSTRUMENT

Defendant, appearing pro se and specially, seeks one ministerial order: direct the Washington County Court Clerk to mail a certified copy of the bench warrant instrument the docket lists as "Document Available at Court Clerk's Office," or—if withholding—to file a sworn statement identifying the specific statutory authority for nondisclosure and attaching any file-stamped sealing order, or else to certify non-existence after a complete search of the case file and any related subfile.

I. INTRODUCTION

This motion presents a discrete records question within the Court's supervisory authority over its own file. The docket reflects that a bench warrant issued on July 31, 2025, and notes the warrant instrument as "Document Available at Court Clerk's Office." The matter is ministerial: it seeks supervisory direction to the Clerk and does not require adjudication of any disputed fact, credibility issue, or the merits of the criminal charge.

II. FACTS

On July 30, 2025, the Court entered a minute reflecting that Defendant failed to appear and that a bench warrant was authorized (bond noted at $2,000). The following day, July 31, 2025, the docket shows that a bench warrant was issued and records that the document is "Available at Court Clerk's Office." [1]

Defendant resides in Arizona and appears pro se. He learned of the warrant by monitoring the OSCN docket and has not been served with the warrant.[2]

On August 19, 2025, Defendant mailed the Court Clerk a written request for a certified copy of the filed bench warrant instrument and asked that any refusal be supported by a written citation to specific statutory authority.[3] On August 22, 2025, the Court Clerk responded in writing that the warrant could only be obtained by appearing in person with identification, cited no statute authorizing refusal to mail a certified copy, and did not produce the instrument.[4] That same day, the Court Clerk issued a certified appearance docket reflecting the July 31, 2025 warrant entry

1 OSCN Docket, *State v. Martin*, CM-2024-00301 (Wash. Cnty. Dist. Ct.), minutes of July 30–31, 2025 (judicial notice).

2 Affidavit of Flynn R. Martin, dated Oct. 16, 2025 ("Aff.") ¶ 5.

3 Aff. ¶ 2; Aff. Ex. A.

4 Aff. ¶ 3; Aff. Ex. B.

and the same "available at the Clerk's Office" notation. [5]

III. STATUTORY FRAMEWORK

Court records are public unless a statute makes them confidential; sealing requires specific findings and narrow tailoring.[6] A bench warrant is "process" within the record of the case; the Court Clerk shall issue such process and keep the records and papers of the court.[7] The Open Records Act guarantees the right to inspect/copy public records, requires prompt, reasonable access, and permits copying/certification for fees;[8] court records remain available in-office regardless of online posting practices.[9] Appellate decisions recognize a strong presumption of access to filed judicial records.[10]

IV. ARGUMENT

A. Bench warrant is a filed judicial record in the Clerk's custody

The OSCN docket notes "Bench Warrant, Issued (Criminal)" and "Document Available at Court Clerk's Office," confirming a filed judicial record in the Clerk's custody.[11] Defendant requested a certified copy by mail; the Clerk refused, required in-person pickup with identification, and cited no statute authorizing withholding.[12] A bench warrant is court "process" within the case

5 Aff. ¶ 4; Aff. Ex. C.

6. 51 O.S. § 24A.30 (court records subject to ORA unless made confidential by statute).

7. 12 O.S. § 32.1 (record includes "the process … orders, judgments, and all material acts and proceedings"); 12 O.S. §§ 28, 33 (clerk issues process; keeps court's records/papers).

8. 51 O.S. § 24A.5 (caput) (inspection/copying of public records); § 24A.5(6) (prompt, reasonable access).

9. 12 O.S. § 39(B) (limits on web posting do not restrict access to original court documents).

10 *Shadid v. Hammond*, 2013 OK 103, ¶¶ 1–6, 315 P.3d 1008 (court records public; sealing requires specific findings); see also *Ober v. State ex rel. Dep't of Pub. Safety*, 2016 OK CIV APP 2 (reversing overbroad sealing order); *United States v. McVeigh*, 119 F.3d 806, 814 (10th Cir. 1997) (common-law presumption of access to judicial records); *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978) (qualified right to inspect/copy judicial records).

11. OSCN Docket, *State v. Martin*, CM-2024-00301 (Wash. Cnty. Dist. Ct.), minute of July 31, 2025 (reflects "Bench Warrant, Issued (Criminal)" / "Document Available at Court Clerk's Office").

12. Aff. ¶¶ 2–3; Aff. Exs. A–B.

record, and the Clerk issues process and keeps the court's records.[13] The Open Records Act guarantees inspection/copying with prompt, reasonable access,[14] and certification is provided by statute.[15] Production of a certified copy of a filed warrant is therefore a ministerial task within the Clerk's custodial duties.

B. Prompt access and certified copies are mandatory; withholding requires a statute or sealing order

No statute authorizes the Clerk's in-person-only rule. The Open Records Act mandates prompt access and permits certified copies; any withholding must rest on a specific confidentiality statute or a file-stamped sealing order. The certified appearance docket corroborates that the warrant is filed of record, and the absence of an OSCN image does not bar access to the original in the Clerk's custody. No confidentiality statute or sealing order is identified here.[16]

The Clerk's stated rationale—"we cannot mail or email copies … you will need to come in person w/ID … due to the information on the warrant"[17]—is not a statutory exemption; it is office policy. Access to court records is governed by statute, not office practice or policy. Where sensitive identifiers appear, the lawful remedy is targeted redaction of exempt material, not categorical refusal to furnish a certified copy to the defendant; and if "sealing" is claimed, a file-stamped sealing order (or minute) is required.[18]

13. 12 O.S. § 32.1; 12 O.S. §§ 28, 33 (bench warrant is "process"; clerk issues process and keeps court records/papers).
14. 51 O.S. § 24A.5(6) (prompt, reasonable access); § 24A.5 (inspection/copying).
15. 28 O.S. § 31 (court-clerk fee schedule recognizing provision of copies and certifications).
16. 12 O.S. § 39(B) (web-posting limits do not restrict access to original court records); 51 O.S. § 24A.30 (court records presumed open).
17. Aff. ¶ 3; Aff. Ex. B.
18. 51 O.S. § 24A.5(2) (release reasonably segregable non-exempt portions after deletion); § 24A.5(6) (prompt, reasonable access with reasonable procedures only); § 24A.5(7) (designate a person available during business hours to release records).

Accordingly, the Court should direct the Clerk to mail a certified copy of the bench warrant to Defendant (with routine redactions of personal identifiers as permitted by law) or, if withholding, to file a sworn statement identifying the specific statutory authority for nondisclosure and attaching any file-stamped sealing order, or else to certify non-existence after a complete search of the case file and any related subfile.

C. Refusal imposes concrete prejudice and obstructs supervisory review

Requiring a pro se, out-of-state defendant to appear at the clerk's counter while a warrant is active is not "access"—it effectively compels surrender. In practice, presenting identification at the very office that maintains the warrant risks immediate restraint before any record can be reviewed and imposes significant burdens (interstate travel, disclosure of identity to the issuing office, delay while the warrant remains outstanding). Those conditions are irreconcilable with the statute's command of prompt, reasonable access to copies and with the constitutional guarantee that courts of justice shall be open and remedies afforded by due course of law.[19] [20]

The posture of review underscores the prejudice. Extraordinary relief in the Oklahoma Court of Criminal Appeals is perfected only by lodging certified components of the original record, including a certified copy of the order challenged and the certified original record where required.[21] The materials to be certified reside within the case file—"process … orders, judgments, and all material acts and proceedings"—which the Clerk is charged by statute to issue and keep, and for which certification is a routine, fee-based function.[22] [23] By refusing to

19. 51 O.S. § 24A.5 (caput) (inspection/copying of public records); § 24A.5(6) (prompt, reasonable access).
20. Okla. Const. art. 2, § 6 (courts of justice shall be open; remedy by due course of law).
21. Rule 10.5(3) & (5), Rules of the Oklahoma Court of Criminal Appeals, Title 22, Ch. 18, App. (certified copy of the order under review and certified original record must accompany the petition).
22. 12 O.S. § 32.1 (court record includes "the process … orders, judgments, and all material acts and proceedings").
23. 12 O.S. §§ 28, 33 (clerk issues process; keeps the court's records/papers).

mail certified copies of the complete original record, the Clerk prevents perfection of the petition and stops OCCA review at the threshold. The relief sought remains strictly ministerial: order the Clerk to mail certified copies of the requested record components so the record can be placed before the OCCA.

V. PRESERVATION, NON-WAIVER, AND REQUEST FOR TRANSFER UNDER RULE 15

Defendant appears specially and preserves all rights and objections, including those arising from the pending Rule 15 disqualification request. Rule 15 imposes a stay upon further proceedings except action necessary to resolve disqualification; judicial acts taken while the stay is in effect risk violating the rule and due-process guarantees.[24] [25] To honor that stay while permitting ministerial supervision of the Court's records, Defendant requests that this motion be reassigned to and decided by a neutral judge not subject to the disqualification request, on the papers. Nothing in this filing waives any objection to the July 31, 2025 bench warrant issuance or to any other action taken during the Rule 15 stay. The relief sought is limited to ministerial records access.

24. Okla. Dist. Ct. R. 15(d) (Rule 15 filing stays proceedings except to resolve disqualification).
25 *Miller Dollarhide, P.C. v. Tal*, 2007 OK 58, 163 P.3d 548.

VI. PRAYER FOR RELIEF

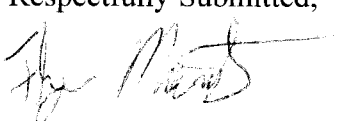
Defendant respectfully requests that the Court enter an order providing as follows:

1. **Production.** Within three business days, the Court Clerk shall produce by mail to Defendant a certified copy of the bench warrant instrument issued on July 31, 2025, as reflected on the Court's docket, with routine redactions of personal identifiers, if necessary, as permitted by law.

2. **If withholding.** If the Clerk declines production, then within the same three business days the Clerk shall file a sworn statement that: (**a**) identifies the specific statute or statutes relied upon to withhold the instrument; (**b**) states whether any sealing order exists and, if so, attaches the file-stamped order or minute authorizing nondisclosure; and (**c**) certifies either the instrument's non-existence after a diligent search of the entire case file and any related subfile cross-referenced to this case number, or explains why mailing a certified copy is not permitted under the cited authority.

3. **Submission on the papers.** In light of the outstanding warrant, out-of-state residency, and the purely ministerial nature of this records relief, Defendant waives hearing and requests the Court decide this motion on the papers, on an expedited basis.

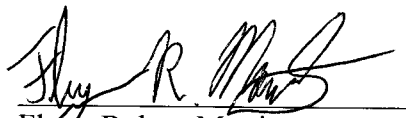
Respectfully Submitted,



Flynn Robert Martin
Defendant, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of October, 2025, a true and correct copy of the foregoing **MOTION TO COMPEL PRODUCTION OF THE OUTSTANDING BENCH WARRANT INSTRUMENT** was mailed to the Washington County Court Clerk via USPS certified mail with a request that, upon filing, a copy be placed in the mailbox of the Washington County District Attorney at the courthouse.



10/16/25

Flynn Robert Martin