DISTRICT COURT WASHINGTON CO OK
JEAN DAVIS, COURT CLERK
FILED
AUG 12 2025
BY DEPUTY

IN THE DISTRICT COURT OF WASHINGTON COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA,

Plaintiff,

vs. Case No. CM-2024-301

FLYNN ROBERT MARTIN,

Defendant.

MOTION TO QUASH PROCESS AND RECALL BENCH WARRANT

COMES NOW the Defendant, Flynn Robert Martin, appearing pro se, and respectfully moves this Court to quash and recall the bench warrant entered on 31 July 2025 and to vacate all derivative orders. This motion is brought pursuant to District Court Rule 15(d), 22 O.S. § 454, 22 O.S. § 304, and this Court's inherent authority to vacate process that is void or issued without jurisdiction. In support of this motion, Defendant submits the following Introduction, Procedural History, Governing Law, Argument, and Prayer for Relief.

I. INTRODUCTION

The bench warrant entered on July 31, 2025, suffers from multiple independent defects, any one of which demands that it be immediately quashed and recalled. At the time the warrant was issued, a Rule 15 judicial disqualification motion had been filed and remained unresolved. Under

Rule 15(d), that filing automatically stayed further proceedings and suspended the presiding judge's authority to act. Despite that explicit jurisdictional limitation, the Court proceeded to issue the warrant without a lawful order compelling Defendant's appearance. Further compounding this error, Defendant had affirmatively waived any right to appear in person and had expressly requested that the Court rule solely on the written filings. Finally, and perhaps most fundamentally, there is currently no valid charging instrument on file, depriving the Court of jurisdiction to issue any process in this matter. Taken together, these procedural and jurisdictional failures constitute clear violations of both Oklahoma law and constitutional due process, and mandate that this Court quash and recall the warrant and vacate all related orders.

II. PROCEDURAL HISTORY

1. **April 9, 2025** – The Court entered a minute ordering Defendant to appear at a future setting. This was the last valid compulsory appearance order entered before the filing of Defendant's motion to disqualify.

2. **May 14, 2025** – Defendant filed a *Motion to Disqualify the Honorable Jared Sigler*. Under District Court Rule 15(d), this filing triggered an automatic stay prohibiting the presiding judge from taking any further action until the disqualification stands overruled of record.

3. **May 15, 2025** – The Court held an in-chambers setting regarding the disqualification motion, during which Judge Sigler acknowledged the pending motion. Judge Sigler attempted to contact Defendant by telephone, leaving a voicemail. No ruling was entered,

and the Rule 15(d) stay remained in effect.

4. **May 23, 2025** – Defendant filed an *Objection to Further Proceedings and Request for Immediate Ruling on the Papers*, expressly waiving any right to an oral hearing and requesting that the disqualification motion be decided solely on written submissions.

5. **May 28, 2025** – The Court conducted an off-the-record setting despite the pending Rule 15 stay. Defendant did not appear, consistent with the stay and his objection to further proceedings.

6. **May 29, 2025** – The Court held another setting during the stay. Judge Sigler again attempted to contact Defendant by telephone, leaving a voicemail. The State requested a bench warrant and bond forfeiture, which the Court denied "at this time" and instead reset the matter for June 24, 2025.

7. **June 17, 2025** – Defendant filed a *Petition for Writ of Prohibition* with the Oklahoma Court of Criminal Appeals, seeking to enforce the Rule 15(d) stay and halt proceedings until the disqualification motion was resolved.

8. **June 24, 2025** – The Court entered a minute continuing "all pending matters" to June 25, 2025 at 9:00 a.m.

9. **June 25, 2025** – The Oklahoma Court of Criminal Appeals issued an *Order Denying Extraordinary Relief*, finding that the district judge's actions to that point were not substantive in nature. That same day, the district court convened another setting. The minute reflects that Defendant "does not appear," acknowledges Defendant's pending writ of prohibition, and resets the matter to July 30, 2025 "for Court of Criminal Appeals decision." The entry also states that "Defendant will need to be present at that time." The State requested denial of the recusal motion, which the Court took under advisement. No ruling was issued, and the stay remained in effect. Defendant received no mailed notice or service of any lawful order commanding his appearance at a future date.

10. **July 25, 2025** – Defendant mailed a *Notice of Withdrawal of Motion to Dismiss and Reservation of Rights* and an *Objection to First Amended Information*, reaffirming that no personal appearances would be made until the disqualification motion was resolved.

11. **July 30, 2025** – The Court convened a hearing at which Defendant was not present. The minute entry for this setting states: "Deft failed to appear for court. Bench warrant/bond forfeiture authorized with bond set in the amount of $2,000.00.".

12. **July 31, 2025** – Defendant's July 25 filings were docketed. On the same date, the Court issued a bench warrant for Defendant's alleged failure to appear at the July 30 setting.

As of the filing of this motion, Defendant's *Motion to Disqualify* remains undecided, the Rule 15(d) stay has never been lifted, and the bench warrant issued on July 31, 2025 was entered while the stay remained fully operative.

III. GOVERNING LAW

A. Automatic Stay — District Court Rule 15(d)

When a motion to disqualify or recuse is filed, a judge "cannot proceed with the case until the disqualification stands overruled of record." The stay ends only after the movant has either completed or declined the appellate steps outlined in Rule 15(a)–(c).

Authorities: Dist. Ct. R. 15(d); *Clark v. Bd. of Educ.*, 2001 OK 56, 32 P.3d 851; *Miller Dollarhide v. Tal*, 2007 OK 58, 163 P.3d 548.

B. Predicate for a Bench Warrant — 22 O.S. § 454

In misdemeanor cases a bench warrant may issue only when a defendant, "having been ordered to appear," fails to obey that compulsory order. A valid, lawful order to appear is therefore an essential prerequisite.

Authority: *22 O.S. § 454.*

C. Jurisdiction Depends on a Valid Information — 22 O.S. § 304

After a defendant has entered a plea, an Information may be amended only by court order and only after the court finds that the change "can be made without material prejudice to the right of the defendant." An amendment filed without that order—and without a judicial non-prejudice finding—is void ab initio. Oklahoma decisions further hold that when an Information is void or

fails to charge a public offense, the district court acquires no jurisdiction to act and any process issued under such a pleading is likewise void.

Authorities: 22 O.S. § 304; *Potts v. State*, 72 Okla. Crim. 91, 113 P.2d 839 (1941); *Kelley v. State*, 31 Okla. Crim. 51, 236 P. 915 (1925).

D. Inherent Authority to Vacate Void Process

A trial court has inherent power to vacate warrants, commitments, or other process that is void for want of jurisdiction or issued in violation of fundamental rights.

Authorities: *Ex parte Meadows, 1940 OK CR 120, 106 P.2d 139; Ex parte Hays, 1950 OK CR 32, 215 P.2d 854*

IV. ARGUMENT

A. Under Rule 15(d) the Court Lacked Jurisdiction to Act, Making the July 31 Bench Warrant Voidable

Rule 15(d) froze this case on May 14, 2025, the moment Defendant filed his motion to disqualify. Until that motion is "overruled of record" through the steps in Rule 15(a)–(c)—none of which has occurred—the presiding judge may take no further action. *Clark v. Bd. of Educ.* holds that proceedings conducted during such a stay violate the right to an impartial tribunal and are reversible error, while *Miller Dollarhide v. Tal* labels any order entered during the stay "voidable" because it is issued without authority.[1]

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[1] *Clark v. Bd. of Educ.*, 2001 OK 56, 11, 32 P.3d 851, 860; *Miller Dollarhide v. Tal*, 2007 OK 58, 13, 163 P.3d 548, 554.

A bench warrant is a substantive act that directly restrains liberty; issuing one is exactly the kind of "further action" Rule 15(d) forbids. When the Court of Criminal Appeals denied Defendant's writ of prohibition on June 25, 2025, it did so only because—at that moment—no substantive action had yet been taken. The warrant signed on July 31, 2025 changed that: it was entered while the stay was still in force and therefore lacks jurisdictional foundation. The warrant must be quashed and recalled.

B. Because No Valid Order Ever Required Defendant's Presence on July 30, the Bench Warrant Lacks the Statutory Predicate that 22 O.S. § 454 Demands

Section 454 permits a misdemeanor bench warrant only when a defendant who has been ordered to appear fails to obey that order. Before the Rule 15(d) stay, every minute entry requiring Defendant's attendance employed the mandatory phrase "Defendant is ordered to appear," including the last such directive on April 9, 2025.[1] Those compulsory minutes—save for the two settings expressly waived—establish the baseline practice in this case.

Once the stay began on May 14, 2025, the minute language shifted. The May 29, 2025 entry states merely that "Defendant will need to be present," [2] and the June 25, 2025 entry repeats that Defendant "will need to be present at that time." [3] This change from the imperative "**is ordered**" to the advisory "**will need to be**", coincides exactly with the period during which Rule 15(d) barred Judge Sigler from issuing compulsory orders. Even if the June 25 wording could be stretched into an order, it would be void because it was entered while the automatic stay was in force.

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[2] *State v. Martin*, No. CM-2024-301 (Wash. Cnty. Dist. Ct. (May 29, 2025) (Court Minute)
[3] Id., (June 25, 2025) (Court Minute)

Because no lawful, compulsory order to appear existed for the July 30 setting, the prerequisite mandated by 22 O.S. § 454 was never satisfied. A warrant issued without that statutory foundation is unauthorized and unenforceable. The bench warrant signed on July 31, 2025 must therefore be quashed.

C. Defendant's Waiver of Personal Appearance Rendered the July 31 Warrant Unauthorized and Unnecessary

Defendant's May 23, 2025 filing, titled *Objection to Further Proceedings and Request for Immediate Ruling on the Papers*,[4] expressly waived his right to appear in person and asked the Court to decide the disqualification motion solely on written submissions. The Court never rejected or modified this waiver and never issued any order requiring Defendant to appear notwithstanding it.

Because Defendant had been effectively excused from appearing (by his express waiver, which the Court never rejected), treating his absence on July 30 as a violation is unwarranted as a matter of law and practice. The Court retained the ability to rule on the disqualification motion on the papers, as requested, or to take no action at all while the Rule 15(d) stay remained in effect. Issuing a bench warrant in these circumstances was not only beyond the Court's authority, but also served no necessary procedural purpose. Under these circumstances, the warrant appears to have operated as a sanction rather than a necessary step to advance the case—particularly given Defendant's on-record waiver of personal appearance and residence out-of-state.

This misuse of judicial power provides an additional and independent basis for quashing the July 31, 2025 bench warrant.

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[4] Id., (May 23, 2025) (Def.'s Objection to Further Proceedings) (Doc. #1085057485)

D. Issuing a Bench Warrant While the Rule 15(d) Stay Was in Force Violated Due Process

Rule 15(d) imposes a complete stay once a motion to disqualify is filed: the judge "cannot proceed with the case until the disqualification stands overruled of record." [5] The Oklahoma Supreme Court interprets that mandate literally:

> "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...." [6]

In *Miller Dollarhide v. Tal* the Court was equally explicit about the consequence:

> "When a Rule 15 proceeding to seek disqualification of a trial judge is initiated, the trial court must refrain from presiding over the case until the disqualification ruling is memorialized and the movant has, at the movant's option, exhausted the Rule 15 procedure." [7]

The stay began on May 14, 2025 and has never been lifted. A bench warrant—the most coercive action a court can take—was nevertheless signed on July 31, 2025. Issuing that warrant violated both the text of Rule 15(d) and Defendant's constitutional right to an impartial tribunal. As *Clark* emphasizes,

> "A fundamental requirement of due process is a fair and impartial trial... Every litigant is entitled to nothing less than the cold neutrality of an impartial judge." [8]

Because the warrant was entered in direct contravention of Rule 15(d) and the constitutional guarantee of judicial neutrality, it is voidable and must be quashed and recalled.

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[5] Dist. Ct. R. 15(d).
[6] *Clark v. Bd. of Educ.*, 2001 OK 56, ¶ 6, 32 P.3d 851, 854 (emphasis added).
[7] *Miller Dollarhide v. Tal*, 2007 OK 58, ¶ 21, 163 P.3d 548, 555 (emphasis added).
[8] *Clark*, ¶ 6, 32 P.3d at 854.

E. With No Valid Information on File, the Court Lacked Jurisdiction to Compel Appearance and the Warrant Is Void

The State's only current pleading is styled *"INFORMATION (1st Amended as to correct name of Controlled Dangerous Substance),"* filed December 31, 2024. [9] It was lodged unilaterally—without the order and non-prejudice finding that 22 O.S. § 304 requires after arraignment—and therefore is void ab initio. [10] Substantively, it charges possession of "tetrahydrocannabinolis" as a Schedule II substance, yet that term appears in no schedule at all—Schedule II or otherwise—under Oklahoma law. [11] By captioning the pleading as a "correction," the State abandoned the original July 5, 2024 Information; because the amendment never acquired legal force, no operative Information now exists.

Oklahoma precedent is clear: when an Information is void or fails to charge an offense, the district court acquires "no jurisdiction to pronounce judgment," and any process issued under that pleading is likewise void. [12] With no valid charging instrument, the Court lacked authority to order Defendant's presence on July 30—or to punish his absence. The bench warrant entered July 31, 2025 is therefore jurisdictionally void and must be quashed.

V. CONCLUSION

Because the pending Rule 15(d) disqualification motion has never been ruled upon, the stay it triggered remains in full effect, depriving the challenged judge of authority to act. Issuing a bench warrant under these conditions—without jurisdiction, without lawful predicate, and

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[9] *State v. Martin*, No. CM-2024-301 (Wash. Cnty. Dist. Ct. (Dec. 31, 2024) (1st Amended Information)
[10] 22 O.S. § 304; Def.'s Objection to First Amended Information, July 31 2025 (Doc. # 1085675353)
[11] See 63 O.S. §§ 2-204 through 2-212 (controlled-substance schedules).
[12] *Potts v. State*, 72 Okla. Crim. 91, 95, 113 P.2d 839, 842 (1941); *Kelley v. State*, 31 Okla. Crim. 51, 236 P. 915, 917–18 (1925).

contrary to Defendant's express waiver of personal appearance—constitutes a clear violation of Rule 15(d) and Defendant's constitutional right to due process before an impartial tribunal. To preserve the integrity of these proceedings and uphold fundamental principles of fairness, this Court must quash and recall the July 31, 2025 bench warrant and vacate all related orders.

VI. RELIEF REQUESTED

For the reasons set forth above, Defendant Flynn Robert Martin respectfully requests that this Court enter an order granting the following relief:

1. Quashing and recalling the bench warrant issued July 31, 2025, as unauthorized and voidable under District Court Rule 15(d) and 22 O.S. § 454.

2. Vacating any bond-forfeiture order entered in connection with the unlawful warrant;

3. Reinstating Defendant's previous bond and release conditions as they existed prior to issuance of the warrant;

4. Directing the Court Clerk and all relevant law-enforcement agencies to remove the recalled warrant from OSCN, NCIC, and any other law-enforcement databases;

5. Granting such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,
Flynn Robert Martin,
Defendant, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of August, 2025, a true and correct copy of the foregoing **Motion to Quash Process and Recall Bench Warrant** was mailed to the Washington County Court Clerk via with a request that, upon filing, a copy be placed in the mailbox of the Washington County District Attorney at the courthouse.

8/8/25

Flynn Robert Martin