

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE

4 RESOLUTION 1065

By: Ritze and Reynolds

5
6 AS INTRODUCED

7 A Resolution petitioning the Trial Division of the
8 Court on the Judiciary to assume jurisdiction and
9 institute proceedings for the removal of a judge from
10 office; and directing distribution.

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12 WHEREAS, the Code of Judicial Conduct for Oklahoma judges
13 provides that an independent and honorable judiciary is
14 indispensable to justice in our society and that a judge should
15 participate in establishing, maintaining and enforcing high
16 standards of conduct; and

17 WHEREAS, personal observation of high standards is critical so
18 that the integrity and independence of the judiciary will be
19 preserved; and

20 WHEREAS, the Code of Judicial Conduct for Oklahoma judges
21 further provides that a judge should respect and comply with the law
22 and act at all times in a manner that promotes public confidence in
23 the integrity and impartiality of the judiciary; and
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1 WHEREAS, District Judge Thomas Bartheld, Pittsburg County Judge
2 of the Eighteenth Judicial District, exercising judicial power under
3 the Oklahoma Constitution and laws of the State of Oklahoma has
4 wholly failed to comply with certain provisions of the Code of
5 Judicial Conduct by authorizing the plea bargain negotiated between
6 the prosecution and attorneys for the defendant in the criminal case
7 of State of Oklahoma vs. David Harold Earls, Pittsburg County
8 District Court Case Number CF-2008-00434; and

9 WHEREAS, the failure of District Judge Thomas Bartheld to reject
10 the terms of the negotiated plea bargain constitutes a gross neglect
11 of duty.

12 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
13 OF THE 2ND SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

14 THAT Section 1 of Article VII-A of the Oklahoma Constitution
15 provides that the judges of any court, exercising judicial power
16 under the provisions of Article VII, or under any other provision of
17 the Oklahoma Constitution, shall be subject to removal from office
18 by proceedings in the Court on the Judiciary.

19 THAT Section 1 of Article VII-A of the Oklahoma Constitution
20 provides certain causes for the removal of a judge from office,
21 which includes gross neglect of duty.

22 THAT the Court on the Judiciary, created pursuant to Section 2
23 of Article VII-A of the Oklahoma Constitution, is vested with sole
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1 and exclusive jurisdiction to hear and determine causes concerning
2 the removal of judges from office.

3 THAT jurisdiction of the Trial Division of the Court on the
4 Judiciary may be invoked and proceedings commenced upon the filing
5 of a Resolution of the House of Representatives of the State of
6 Oklahoma.

7 THAT pursuant to Section 4 of Article VII-A of the Oklahoma
8 Constitution, the House of Representatives of the State of Oklahoma
9 petitions the Trial Division of the Court on the Judiciary to assume
10 jurisdiction and institute proceedings to remove District Judge
11 Thomas Bartheld, Pittsburg County Judge of the Eighteenth Judicial
12 District from office for gross neglect of duty which, pursuant to
13 Section 1 of Article VII-A of the Oklahoma Constitution, shall be
14 cause for removal from such office.

15 THAT a copy of this resolution be dispatched to each member of
16 the Court on the Judiciary, the Clerk of the Supreme Court and the
17 Administrative Director of the Courts.

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52-2-8082 GRS 06/10/09