

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 HOUSE
5 RESOLUTION 1059

By: Christian

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8 AS INTRODUCED

9 A Resolution calling for impeachment of certain
10 Justices of the Oklahoma Supreme Court pursuant to
11 Section 1 of Article VIII of the Oklahoma
12 Constitution.

13 WHEREAS, the Oklahoma Supreme Court has rendered an opinion
14 ("Opinion") which stays the execution of two persons who were
15 scheduled to be executed based on their respective convictions of
16 crimes for which capital punishment was and is authorized; and

17 WHEREAS, the stays of execution were issued because of the
18 judicial Opinion in Case No. 112,741 (consolidated with Case No.
19 112,764) in which five Justices of the Oklahoma Supreme Court
20 concurred per curiam; and

21 WHEREAS, neither the ability for convicted persons to use the
22 court system to delay their execution based upon unsupportable
23 arguments regarding constitutional rights to know about the specific
24 chemicals to be used in carrying out the sentence of death nor the

1 use of the court system to delay execution based upon unsupportable
2 arguments related to the availability of such chemicals should be
3 the basis of a stay of execution; and

4 WHEREAS, the Opinion sets a troublesome precedent regarding the
5 exercise of what clearly is the exclusive jurisdiction by the
6 Oklahoma Court of Criminal Appeals in cases of this nature; and

7 WHEREAS, the Justices who have agreed to the majority Opinion
8 have exercised jurisdiction in a matter properly decided only by the
9 Oklahoma Court of Criminal Appeals; and

10 WHEREAS, Justice Steven Taylor, Justice James Winchester,
11 Justice James Edmondson, and Justice Noma Gurich joined in a
12 dissenting opinion which correctly analyzed the Constitutional
13 issues applicable to the questions before the Oklahoma Supreme Court
14 and in which those Justices correctly concluded that: "The
15 Appellants have maneuvered this Court right where they set out to
16 put us and that is, for the first time in this Court's relevant
17 history, in the middle of a death penalty appeal. We have never
18 been here before and we have no jurisdiction to be here now."; and

19 WHEREAS, the Justices of the Oklahoma Supreme Court have taken
20 an oath to uphold the Constitution of the State of Oklahoma; and

21 WHEREAS, the Justices of the Oklahoma Supreme Court who authored
22 or supported the majority Opinion in the case have violated their
23 oaths of office based upon issuing a stay of execution in a criminal
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1 case for which the jurisdiction ought to have been vested
2 exclusively with the Oklahoma Court of Criminal Appeals; and

3 WHEREAS, the rendition of the Opinion should be considered a
4 violation of the oath of office because it constitutes a willful
5 neglect of duty and incompetence within the meaning of Section 1 of
6 Article VIII of the Oklahoma Constitution; and

7 WHEREAS, the power of impeachment is reserved to the Oklahoma
8 House of Representatives pursuant to Section 1 of Article VIII of
9 the Oklahoma Constitution.

10 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
11 OF THE 2ND SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

12 THAT Chief Justice Tom Colbert, Vice-Chief Justice John Reif,
13 Justice Yvonne Kauger, Justice Joseph Watt and Justice Doug Combs be
14 impeached pursuant to Section 1 of Article VIII of the Oklahoma
15 Constitution as a result of having violated their oaths of office to
16 uphold the Constitution of the United States and the Constitution of
17 the State of Oklahoma.

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19 DIRECT TO CALENDAR.
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