

STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE
RESOLUTION 1059

By: Christian

AS INTRODUCED

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

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

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

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

1 arguments related to the availability of such chemicals should be
2 the basis of a stay of execution; and

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

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

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

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

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

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

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

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

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

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17 54-2-10936 MAH 04/23/14
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