2017 OK 19



IN THE SUPREME COURT OF THE STATE OF OKLAHOME COURT STATE OF OKLAHOME

SUSAN SPENCER and CHERI	MAR - 7 2017
CHANDLER)
) MICHAEL S. RICHIE
Petitioners,	CLERK
V.)
) No. 115,765
JUSTICE PATRICK WYRICK)
) FOR OFFICIAL PUBLICATION
Respondent.)

WATT, J., concurring in part, dissenting in part:

While I concur in part with the reasoning expressed in the majority opinion,
I write separately to express my views concerning the unprecedented issue which
currently stands submitted to this Court.

I concur that our Article 7 authority vests in us power to review the actions of inferior courts, agencies, boards and commissions, including the Judicial Nominating Commission. We cannot exercise that power under the theories pressed by these two petitioners.

The critical issue confronting us cannot be resolved without more facts than those contained in the record before us.

I dissent to the majority's dismissal with prejudice, albeit only as to these two petitioners.

Adoption of the majority opinion does not nor can it resolve the ultimate issue.

Accordingly, I would have simply issued a special order denying the petitioners quest for original jurisdiction and a writ, without prejudice to seeking its resolution of the issue in the appropriate forum below.

By so doing, all parties would have the due process rights they deserve and any subsequent review could be done upon a more fact-filled record to resolve what I believe to be the most critical issue this court has ever faced.