

IN THE SUPREME COURT OF THE
STATE OF OKLAHOMA

FILED
SUPREME COURT
STATE OF OKLAHOMA

AUG - 4 2023

JOHN D. HADDEN
CLERK

MICHAEL D. REYNOLDS)
as resident taxpayer and voter)
of the State of Oklahoma,)
Petitioner,)
vs.)
RYAN MARTINEZ,)
THE HONORABLE KEVIN STITT, GOVERNOR)
in his official capacity, and)
THE HONORABLE CHARLES MCCALL,)
SPEAKER OF THE HOUSE)
in his official capacity, and)
Respondents.)

#121504

Case No. _____

**APPLICATION TO ASSUME ORIGINAL JURISDICTION AND PETITION FOR
DECLARATORY RELIEF**

COMES NOW, the Petitioner, MICHAEL D. REYNOLDS, as resident taxpayer in the State of Oklahoma, and for the benefit of all other resident taxpayers of the State of Oklahoma, respectfully asking the Court to assume original jurisdiction and to declare that Oklahoma Constitution does not allow convicted felon, Ryan Martinez, to continue to serve as the Representative of House District 39.

**I.
BACKGROUND**

1. On August 2nd, 2023 Ryan Martinez, the elected Representative of House District 39 was convicted of a Felony.

2. Just two days earlier, July 31st, 2023, with Martinez's conviction imminent Speaker McCall chose Martinez as the Presiding Officer in the Special Session of the House of Representatives.

II.
PARTIES

3 Petitioner Michael D. Reynolds is an Oklahoma resident taxpayer subject to sales taxes, income taxes, ad valorem taxes, etc. of The City of Oklahoma City, Cleveland County, and the State of Oklahoma.

4. Respondent Ryan Martinez was the elected Representative of House District 39

5. Respondent Kevin Stitt is the Governor of the State of Oklahoma

6. Respondent Charles McCall is Speaker of the House or Representatives

III.
JURISDICTION

7. This is indisputably a matter of *publici juris*. If an elected official can continue to serve after conviction of a Felony then the simple wording of the Oklahoma Constitution has no meaning and the Legislature is free to pass any law without regard to any Constitutional restrictions.

8. "Jurisdiction to grant declaratory relief may be assumed (1) In matters of public interest where there is (2) an element of urgency or pressing need of an early decision." *Fent v. Contingency Rev. Bd.*, 2007 OK 27, ¶ 11. 163 P_3d 512, 521.

9. Declaratory relief is the appropriate remedy. Martinez should immediately be suspended from his elected office.

A. The Oklahoma Constitution states in part in Article 8 § 1

*"Officers subject to impeachment - Grounds - Suspension from office upon felony conviction
- Reinstatement - Temporary judges.*

*The Governor and other elective state officers, including the Justices of the Supreme Court, shall be liable and subject to impeachment for wilful neglect of duty, corruption in office, **habitual drunkenness**, incompetency, or any offense involving moral turpitude committed while in office. All elected state officers, including Justices of the Supreme Court and Judges of the Court of Criminal Appeals, **shall be automatically suspended from office upon their being declared guilty of a felony** by a court of competent jurisdiction and their pay and allowances....."*

B. Oklahoma Statutes Title 51 Section 24.1.A Suspension From Office or Employment

Upon Conviction of Felony - Forfeiture of Office or Employment - Salary and Benefits

Any elected or appointed state or county officer or employee who, during the term for which he or she was elected or appointed, is, or has been, found guilty by a trial court of a felony in a state or federal court of competent jurisdiction shall be automatically suspended from the office or employment.

10. Governor Stitt should call for a special election within 30 days of the guilty plea.

A. Oklahoma Statutes Title 26 Section 12.106.A Vacancies in the Legislature

Whenever a vacancy shall occur in the office of a member of the State Senate or the State House of Representatives, the vacancy shall be filled at a Special Election to be called by the Governor within thirty (30) days after the vacancy occurs; provided, no special election shall be called if the vacancy occurs in an even-numbered year if the term of the office expires the same year.

11. The Speaker should not authorize for any compensation or other emoluments to Martinez post August 2nd, 2023.

**IV.
MERITS**

12. This is indisputably a matter of *publici juris*. If the Governor does not call a special election within 30 days the citizens of House District 39 will not be represented in the upcoming Legislative session or in the never ending 2023 Special Session.

13 The issue has previously been addressed in Attorney General's Opinion, requested by George Nigh, Governor of the State of Oklahoma 1983, OK AG 235 which states (in part)

¶27 It is, therefore, the official opinion of the Attorney General that:

1. A member of the State Legislature who is declared guilty of a felony by a court of competent jurisdiction is automatically suspended from office by the provisions of Article VIII , Section 1 of the Oklahoma Constitution.

14. The fact that Martinez received a suspended sentence is not pertinent to the felony conviction. The simple wording of the Constitution must be followed. Based on his previous convictions, there is no

guarantee that Martinez will meet the requirements of the suspension. In fact, any action taken in his official capacity could not be undone if he violates the terms of his suspension.

15. If the Governor does not call a Special election he violates his constitutional duty to cause "all laws of the State to be faithfully executed." Okla Const. art. 6, § 8.

16. If the Speaker authorizes warrants on behalf of Martinez he violates his constitutional duty to cause "all laws of the State to be faithfully executed." Okla Const. art. 6, § 8.

V. CONCLUSION

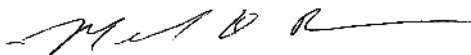
15. For the reasons stated above the petitioner asks this Court to assume original jurisdiction and to declare that Martinez was not a member of the Oklahoma House of Representatives as of August 2nd, 2023

16. Further, petitioner asks this Court order that the Governor call a special election within 30 days.

17. Further, petitioner asks this Court order that the Speaker immediately cease the authorization of warrants on behalf of Martinez for compensation on or after Aug 2nd, 2020.

DATED this 4th day of August, 2023.

Respectfully submitted,

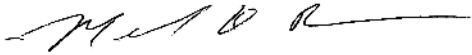


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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August, 2023, I served a true and correct copy of the foregoing by mailing a copy thereof, postage prepaid, addressed to:

1. Ryan Martinez
2412 Golden Land
Edmond, OK 73102
2. Governor Kevin Stitt
2300 N Lincoln Blvd Room 401
Oklahoma City, OK 73105
3. Speaker Charles McCall
2300 N Lincoln Blvd Room 401
Oklahoma City, OK 73105



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