

SUPREME COURT OF OKLAHOMA

City of Oklahoma City v. Balkman

2020 OK 104 · No. 118950 · Decided December 7, 2020

SUMMARY

The Oklahoma Supreme Court assumed original jurisdiction over Oklahoma City's amended application for a writ of prohibition challenging administrative orders concerning the transportation of persons arrested by Oklahoma City police. The majority writings address the constitutional boundary between the Oklahoma Supreme Court and the Court of Criminal Appeals, while dissenting opinions contend that the Court of Criminal Appeals had concurrent jurisdiction. The court continued the stay of enforcement of the challenged administrative orders.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Per curiam; Gurich, C.J.; Darby, V.C.J.; Kauger, J.; Colbert, J.; Combs, J.; Winchester, J.; Edmondson, J.; Kane, J.; Rowe, J.
JURISDICTION	Oklahoma
DECIDED	December 7, 2020
DOCKET	118950
DISPOSITION	other
PROCEDURAL POSTURE	The City of Oklahoma City filed an amended application asking the Supreme Court of Oklahoma to assume original jurisdiction and issue a writ of prohibition against enforcement of administrative orders entered by district judges concerning the transportation of persons arrested by Oklahoma City police. The Supreme Court assumed original jurisdiction and continued an existing stay of enforcement pending further action or final disposition.
PRECEDENTIAL VALUE	Published-status metadata identifies the decision as published, but the opinion text contains a notice stating that it had not yet been released for publication and was subject to revision or withdrawal.
PARTIES	The City of Oklahoma City v. The Honorable Thad Balkman, Chief Judge, Cleveland County, The Honorable Steven Stice, Special District Judge, Cleveland County, The Honorable Jack McCurdy, Chief Judge, Canadian County

TOPICS

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appellate procedure

administrative law

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Supreme Court of Oklahoma should assume original jurisdiction over the City's challenge to district-court administrative orders.
2. Whether jurisdiction over a challenge to administrative orders issued by district courts lies in the Oklahoma Supreme Court rather than the Oklahoma Court of Criminal Appeals.

HOLDINGS

1. The Supreme Court of Oklahoma assumed original jurisdiction over the amended application and petition for writ of prohibition.
2. The majority concluded that the dispute concerned administrative orders and was not a criminal case within the exclusive appellate jurisdiction of the Oklahoma Court of Criminal Appeals; jurisdiction to review the district courts' administrative orders lay in the Supreme Court.

KEY QUOTATIONS

“Original jurisdiction is assumed on the Amended Application to Assume Original Jurisdiction and Petition for Writ of Prohibition.” (Order)

“This is neither a tradition nor a suggestion. This is a constitutional mandate.” (Kauger concurrence ¶ 9)

FACTUAL BACKGROUND

District judges in Cleveland and Canadian Counties issued administrative orders requiring persons arrested by the Oklahoma City Police Department in those counties to be transported immediately to the respective county rather than Oklahoma County. The City of Oklahoma City challenged those orders through an amended application to assume original jurisdiction and petition for writ of prohibition. The dispute concerned pretrial detention administration and arose before criminal charges were formally filed.

PROCEDURAL HISTORY

The Court of Criminal Appeals transferred the matter to the Oklahoma Supreme Court for clarification of which court possessed jurisdiction. The Supreme Court's order assumed original jurisdiction and continued the stay previously entered on July 30, 2020. The merits of the requested writ of prohibition were not resolved in this order.

DISPOSITION

other

CASES CITED

- In re M.B., 2006 OK 63, ¶ 8, 145 P.3d 1040
- Parsons v. District Court of Pushmataha County, 2017 OK 97, ¶ 19, 408 P.3d 586
- Board of Law Library Trustees of Oklahoma County v. Petusky, 1991 OK 22, ¶ 14, 807 P.2d 257
- Petusky v. Cannon, 1987 OK 74, ¶ 35, 742 P.2d 1117
- Dancy v. Owens, 1927 OK 203, 258 P. 879
- Carder v. Court of Criminal Appeals, 1978 OK 130, ¶ 12, 595 P.2d 416
- Allen v. State, 2011 OK CR 31, 265 P.3d 754
- Hurst v. Pitman, 1950 OK 10, 213 P.2d 877
- Smythe v. Smythe, 1911 OK 66, 114 P. 258

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