

SUPREME COURT OF OKLAHOMA

State v. Powell

237 P.3d 779 (Okla. 2010) · No. No. 106,175 · Decided May 11, 2010

SUMMARY

The Oklahoma Supreme Court dismissed the State's attempted appeal from a district court order granting Clyde Powell habeas corpus relief and ordering his release from psychiatric confinement. The majority held that Oklahoma law does not permit an appeal from an order granting or denying habeas corpus, while dissenting opinions argued that modern Oklahoma procedural law makes habeas corpus judgments appealable.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Edmondson, C.J.; Hargrave, J.; Watt, J.; Colbert, J.; Reif, J.; Taylor, V.C.J.; Opala, J.; Kauger, J.; Winchester, J.
JURISDICTION	Oklahoma
DECIDED	May 11, 2010
DOCKET	No. 106,175
DISPOSITION	dismissed
PROCEDURAL POSTURE	The State attempted to appeal from a District Court of Craig County order granting Clyde Powell's petition for a writ of habeas corpus and ordering his release from psychiatric confinement.
STANDARD OF REVIEW	Whether the Supreme Court possessed appellate jurisdiction to review the district court's habeas corpus order.
PRECEDENTIAL VALUE	Published opinion; majority rule is precedential, with a dissent arguing that the controlling precedent should no longer have precedential force.
PARTIES	State of Oklahoma v. Clyde Powell

TOPICS

- appellate jurisdiction
- appellate procedure
- civil procedure
- constitutional law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the State could appeal from a district court order granting a writ of habeas corpus and releasing a person from confinement.
2. Whether the Oklahoma Supreme Court had appellate jurisdiction over the State's attempted appeal.

HOLDINGS

1. No appeal lies from an Oklahoma district court order granting habeas corpus and discharging a person from restraint.
2. The district court's habeas corpus release order could not invoke the Oklahoma Supreme Court's appellate jurisdiction, so the attempted appeal had to be dismissed for want of appellate jurisdiction.

KEY QUOTATIONS

"Because there is no appeal from an order granting habeas corpus, we dismiss it." (237 P.3d at 780)

"The district court's order in habeas corpus releasing Mr. Powell is not capable of invoking our appellate cognizance and we dismiss this appeal for want of appellate jurisdiction." (237 P.3d at 781)

FACTUAL BACKGROUND

In 1990, Clyde Powell was committed to a psychiatric hospital after being found not guilty by reason of insanity of murdering his mother. He was held at the Oklahoma Forensic Center, formerly Eastern State Hospital. The District Court of Craig County granted Powell a writ of habeas corpus and ordered his release based on evidence that he had become sane. The State sought appellate review of that release order.

PROCEDURAL HISTORY

Powell had been committed by the District Court of Garfield County for psychiatric treatment after being found not guilty by reason of insanity of murdering his mother. The District Court of Craig County granted habeas corpus based on evidence that Powell was sane and ordered his release. The State appealed, but the Oklahoma Supreme Court dismissed the appeal for lack of appellate jurisdiction.

DISPOSITION

dismissed

CASES CITED

- Wisener v. Burrell, 1911 OK 128, 28 Okla. 546, 118 P. 999
- Parsons v. Childers, 1990 OK CR 16, 789 P.2d 243
- Garrett v. Kerner, 1911 OK CR 253, 6 Okla. Crim. 47, 115 P. 1027
- Ex parte Kincade, 1944 OK 245, 194 Okla. 356, 151 P.2d 796

- Ex parte Logan, 1912 OK 29, 33 Okla. 659, 126 P. 800
- Ex parte Johnson, 1908 OK CR 35, 1 Okla. Crim. 407, 98 P. 461
- State v. Higgins, 1943 OK CR 50, 76 Okla. Crim. 321, 137 P.2d 273
- In re Clasby, 3 Utah 183, 1 P. 852 (1882)
- Jamison v. Gilbert, 1913 OK 541, 38 Okla. 751, 135 P. 342
- Chandler U.S.A., Inc. v. Tyree, 2004 OK 16, 87 P.3d 598
- In re Epley, 1901 OK 15, 64 P. 18, 10 Okla. 631
- Umholtz v. City of Tulsa, 1977 OK 98, 565 P.2d 15
- Dancy v. Owens, 1927 OK 203, 126 Okla. 37, 258 P. 879
- Brooks v. Baltz, 2000 OK 73, 12 P.3d 467
- Application of Caldwell, 1974 OK 93, 525 P.2d 641
- Reynolds v. Porter, 1988 OK 88, 760 P.2d 816
- Maule v. Independent School District No. 9, 1985 OK 110, 714 P.2d 198
- Great Plains Federal S & L Ass'n v. Dabney, 1993 OK 4, 846 P.2d 1088
- Johnson v. Tony's Town Mister Quik, 1996 OK 138, 915 P.2d 355
- Haynes v. Tulsa Public Schools Transit, 1994 OK 86, 879 P.2d 128
- Hedtke v. Kukuk, 1923 OK 873, 93 Okla. 264, 220 P. 615
- State v. Scarth, 1931 OK 561, 3 P.2d 446, 151 Okla. 178
- El Reno Wholesale Grocery Co. v. Taylor, County Treasurer, 1922 OK 107, 209 P. 749, 87 Okla. 140

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