

IN THE COURT ON THE JUDICIARY OF THE STATE OF OKLAHOMA

TRIAL DIVISION

**FILED**  
COURT ON THE JUDICIARY  
TRIAL DIVISION

AUG 1 2018

**JOHN D. HADDEN**  
CLERK

STATE OF OKLAHOMA, ex rel. )  
DOUGLAS L. COMBS, CHIEF JUSTICE )  
OF THE SUPREME COURT OF THE STATE )  
OF OKLAHOMA, )

Petitioner, )

vs. )

CURTIS DELAPP, )

Respondent. )

No. CJTD-2018- /

**PETITION**

The State of Oklahoma, on relation of Douglas A. Combs, Chief Justice of the Oklahoma Supreme Court of the State of Oklahoma, alleges the following:

**I. Authority**

1. This Petition is filed pursuant to Oklahoma Constitution, Art. 7-A, §4(a) and Rule 9, 5 O.S.2011, Ch. 1, App. 7.

**II. Respondent's Judicial Office**

2. The Respondent, Curtis DeLapp, is now and has been a District Judge in the Eleventh Judicial District of Oklahoma, which includes Washington and Nowata counties, exercising judicial power under the provisions of the Constitution and Statutes of the State of Oklahoma at all times material to the allegations contained in this Petition.

**III. Violations**

3. The Respondent, Curtis DeLapp, as a duly elected and acting District Judge of the Eleventh Judicial District, exercising judicial power under the provisions of the

Constitution and Statutes of the State of Oklahoma, engaged in conduct prohibited by Art. 7-A, § 1(b) of the Oklahoma Constitution, and 20 O.S.2011, §1404(C).

4. The Respondent is guilty of the following activities prohibited by Art. 7-A § 1(b) of the Oklahoma Constitution:

- (1) Gross neglect of duty;
- (2) Oppression in office; and
- (3) Other grounds specified by the Legislature.

5. Under other grounds specified by the Legislature, the Respondent is guilty of the following activities in violation of 20 O.S.2011, § 1404(C): Violation by a judicial officer of the Code of Judicial Conduct. The Respondent engaged in conduct in violation of Canons 1, 2, and 4, Code of Judicial Conduct, 5 O.S.2011, Ch. 1, App. 4.

a. Canon 1 provides, "A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety." Rule 1.1 provides that a "judge shall comply with the law, including the Code of Judicial Conduct." Rule 1.2 provides that a "judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and avoid impropriety and the appearance of impropriety." Rule 1.3 provides that "a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so."

b. Canon 2 provides, "A Judge Shall Perform the Duties of Judicial Office Impartially, Competently, and Diligently." Rule 2.5(A) of Canon 2 provides, "A judge shall perform judicial and administrative duties competently and diligently." Rule 2.5(B) of Canon 2 provides, "A judge shall cooperate with other judges and court officials in the administration of court business." Rule 2.6(A) of Canon 2 provides that a "judge shall

accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law." Rule 2.8(B) of Canon 2 provides that a "judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials and others with whom the judge deals in an official capacity . . . ." Rule 2.16(A) provides, "A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies."

c. Canon 4 provides that a "judge or candidate for judicial office shall not engage in political or campaign activity that is inconsistent with the independence, integrity, or impartiality of the Judiciary." Rule 4.1 provides that "except as permitted by law, or by Rules 4.2, 4.3, and 4.4, a judge or a judicial candidate shall not: ... (11) knowingly, or with reckless disregard for the truth, make any false or misleading statement."

7. The Respondent's actions giving rise to these charges appear more fully set forth in the following specific allegations.

#### **IV. Oppression in Office, Gross Neglect of Duty, Violations of Canons 1 and 2**

##### **Direct Contempt Citations**

8. The Respondent has issued in excess of 200 direct contempt citations ordering incarceration since 2016. As set forth in the specific instances that follow, the Respondent's use and application of direct contempt ignored each individual's due process rights. The routine denial of individuals' access to justice constitutes oppression in office. The complete disregard of applicable laws and fundamental rights demonstrates a gross neglect of duty. The pattern of conduct demonstrates Respondent's lack of temperament to serve as a judge, and undermines public

confidence in the independence, integrity, impartiality and competence of the judiciary in violation of Canons 1 and 2 and the implementing rules of the Code of Judicial Conduct.

a. Case No. CV-17-86

9. On November 9, 2017, Randa Kay Ludlow was cited with direct contempt of court in CV-17-86 for failure to comply with the Washington County Sheriff's Office order to not speak with an inmate, failure to leave the courthouse when instructed to do so, and for being disrespectful and belligerent. A court minute drafted by Judge DeLapp's minute clerk, Carla Fairlie, states that Ludlow was ordered to confinement by the Washington County Sheriff's Office for six months to be served as flat time and ordered back for review of the contempt order on November 13, 2017. The court minute does not set forth the facts giving rise to the contempt citation or reflect that Ludlow was given notice and an opportunity to be heard on the contempt citation. The Respondent admits he did not draft a Contempt Court Minute or Order on November 9, 2017, or November 13, 2017, nor was there any other record made related to the finding of direct contempt on those days.

10. Ludlow remained in the custody of the Washington County Sheriff for four days until November 13, 2017, when she was recognized back for "review" on the direct contempt citation. A court minute taken by Carla Fairlie reflects that Judge DeLapp ordered Ludlow released from custody on that date, held the remaining contempt sentence in abeyance, assessed a \$500 fine, \$50 fee, and costs, and ordered Ludlow recognized back for review on December 12, 2017. No other record was entered or filed on this date. On December 12, 2017, Ludlow was recognized back for review and

a court minute taken by Carla Fairlie reflects that she was again ordered back for review on January 9, 2018.

11. On January 9, 2018, Ludlow appeared for review. Both a court minute entered by Carla Fairlie and a Contempt Court Minute drafted by the Respondent reflect that she was remanded to the custody of the Washington County Sheriff's Office to serve the remaining five months and twenty-seven days on the original finding of direct contempt because she "has new charges." No other record was file-stamped or entered on this date.

12. On February 27, 2018, a Petition for Writ of Habeas Corpus was filed on behalf of Randa Ludlow in the Oklahoma Supreme Court, Case No. 116,802. On March 5, 2018, the Oklahoma Supreme Court entered an Order granting the writ of habeas corpus finding that neither the "court minute" filed on November 9, 2017, nor the "Contempt Court Minute" filed on January 9, 2018, could lawfully be used as a basis for the imposition of punishment against Petitioner for direct contempt of court. As found by the Oklahoma Supreme Court, the record was void that an opportunity to be heard was afforded to Ludlow *before* imposing punishment as required by law. None of the court minutes show that notice and an opportunity to be heard were provided *before* the punishment was imposed on November 9, 2017. The Respondent evidenced his general lack of knowledge of this fundamental, constitutional requirement in his response to the Oklahoma Supreme Court in the habeas corpus proceeding wherein he states at page 5:

"She continued to argue with the respondent and was advised to leave or be held in direct contempt. **After** being held in contempt Petitioner was given the opportunity [to] address the contempt **on the review date** and

the Respondent released her on November 13, 2017.” (Emphasis supplied).

b. Case No. CV-2015-95

13. On December 18, 2015, a court minute was entered by Carla Fairlie, minute clerk for the Respondent, stating that Amanda Allred appeared before the court for questioning as to whether she left sunflower seeds on the courtroom floor and bench on December 9, 2015. The Respondent was made aware that there were sunflower seeds on the third floor courtroom floor and bench on or about December 9, 2015. According to the Respondent, video of the courtroom on December 9, 2017, revealed that defendant Phillip Wesley Haddon Jr. was seated with an unidentified female who was seated at the location of the sunflower seeds. Phillip Wesley Haddon Jr. was recognized back on December 18, 2015, for a different matter and was accompanied by Allred, his girlfriend. It was at this time that the Respondent questioned Allred about the sunflower seeds. The court minute drafted by Carla Fairlie on December 18, 2018, reflects that Allred stated she did not recall leaving the sunflower seeds on the floor or bench and that she was on medication. Amanda Allred was taken into custody and the court set a bond at \$50,000.

14. Amanda Allred was ordered back on December 30, 2015, for “further hearing.” The December 18, 2015, court minute does not state the word “contempt,” but the nature of the action used to create the case is entered as “direct contempt of court.” No other record was file-stamped or entered on this date. More specifically, a contempt court minute was not entered on this date to serve as the basis for Allred’s direct contempt of court citation. On December 22, 2015, four days later, Allred was brought back to the court and ordered released on her own recognizance after she

stated she had learned her lesson and would not eat in the courtroom again. She was ordered back on December 30, 2015 for further review. A court minute to that effect was drafted by Carla Fairlie. No other record was file-stamped or entered on this date.

15. After December 30, 2015, Allred was recognized back to court an additional twenty times over the course of two and a half years for review of the contempt and fines and costs payments stemming from this original direct contempt of court citation. Neither a contempt court minute nor any other document was ever filed or entered into the record properly reflecting notice and an opportunity to be heard during this time. It was not until March 12, 2018, over two years later but only a short time after the Respondent was ordered by the Oklahoma Supreme Court to release Randa Ludlow, that the Respondent drafted a Contempt Order of Confinement in Amanda Allred's case.

16. Despite the Respondent's recognition on or about March 12, 2018, of the necessary elements required for a document to be sufficient to show due process had been afforded, and his further recognition that Allred's file lacked such documentation, the Respondent took no action beyond that which the Oklahoma Supreme Court had already established was not sufficient. Accordingly, Amanda Allred remained detained without requisite due process required under the law.

c. Case No. CM-2016-223

17. On December 30, 2016, Defendant Stephanie Thomasson and her attorney Sharon Phillips were present in the Washington County Courthouse near the elevators having a discussion. Thomasson and Phillips were scheduled to appear before the Respondent in CM-2016-223, a misdemeanor breaking and entering case. The

Respondent watched the conversation and their actions from the monitors at his bailiff's desk. It was the Respondent's determination based solely upon watching the video that Thomasson was under the influence of drugs. The Respondent contacted a Sheriff's Deputy and ordered that Thomasson be taken downstairs for a drug test. The Deputy complied with the order. Upon return from the test, the Respondent questioned Thomasson about whether she used drugs that day. She was not read her Miranda rights or placed under oath. The Respondent advised Thomasson that she tested positive for methamphetamine and she insisted the test was incorrect. The Respondent ordered that Thomasson be taken into custody and held without bond. He further ordered her to submit to a blood test, and to return on January 4, 2017. This information is stated in a court minute submitted by Carla Fairlie, but no other records were file-stamped or entered on this date reflective of the incarceration or possible direct contempt. The charge submitted to the Washington County Sheriff's Office in support of her custody was for remand. Thomasson remained in jail for five days until the order-back date on January 4, 2017, and no charges were ever filed.

18. On February 15, 2017, Thomasson failed to appear for a review date and was found in direct contempt for lying about her drug use on December 30, 2016, and sentenced to six months in jail, \$500 in fines, \$50 victim's compensation, bond forfeiture, and no bond on the contempt case. A bench warrant issued to that effect. Thomasson was arrested on March 2, 2017, for direct contempt, and ordered to jail with no bond. No orders, minutes, or other documents evidence the requisite level of due process required to incarcerate Thomasson for direct contempt.



d. Case No. CF-2017-395

19. On January 3, 2018, Roman Skinner appeared before the Respondent for formal arraignment on a felony charge for automobile larceny. Roman Skinner began to curse and became belligerent during the arraignment. Without a hearing, the Respondent sentenced Skinner to six months flat time for direct contempt in the custody of the Washington County Sheriff's Office in addition to fines and costs. Upon news of the sentence, Skinner continued to curse and was sentenced to an additional six months to be served consecutively for direct contempt. Neither the contempt court minute that was dated and file-stamped the same day, nor the court minute entered by Carla Fairlie, reflected that defendant was afforded an opportunity to offer evidence, refute the excessive punishment, or have a hearing in front of a different judge.

e. Other Direct Contempt Citations

20. In twelve instances, the Respondent imposed incarceration for some period of time on a direct contempt citation because the defendants were late to court. In three instances, the Respondent imposed incarceration for some period of time on a direct contempt citation because the defendants failed to meet with the District Attorney's Office as ordered. In six instances, the Respondent imposed incarceration for some period of time on a direct contempt citation because of the defendants' courtroom behavior.

**V. Oppression in Office, Gross Neglect of Duty, Violation of Canon 2**

**No Bail Bench Warrants**

21. The Respondent has a practice of issuing no bond warrants reflecting oppression in office, gross neglect of duty, and a violation of Canon 2, Rule 2.5(A), for

failing to have competent knowledge of the constitution and statutes which only allow a bond to be denied in certain instances.

22. When presiding over the fines and costs docket, Respondent uses a form for issuing bench warrants when an individual fails to appear which does not have a blank space for entering a bond amount. Rather, the entry is pre-filled with the words "No Bond must see Judge DeLapp." This form is used for any type of case appearing on the fines and costs docket: misdemeanor, felony, juvenile, etc.

23. The Respondent's "no bond" form is not reserved for the specific exceptions to the general requirement set forth in Art. 2, Section 8 of the Oklahoma Constitution that all persons shall be bailable by sufficient sureties.

24. The consequence of this practice is that an individual may sit in jail, without an opportunity to post bail, over the course of a weekend, until the Respondent's next fines and costs docket, or until the opportunity to "see Judge DeLapp" presents itself.

## **VI. Oppression in office, Violation of Canon 1, Rule 1.2**

### **Access to Justice**

25. The Respondent denied access to justice to individuals by refusing entry to the courtroom during a fines and costs docket and then issuing warrants, constituting oppression in office and a violation of Canon 1, Rule 1.2, and Canon 2, Rule 2.6(A).

26. On approximately two occasions in 2017, the Respondent ordered Sheriff's Deputies to stand guard at the entry to his courtroom during a fines and costs docket. The Deputies were told not to allow anyone who was late for the docket to enter the courtroom and the Deputies complied.

27. After barring entry and causing individuals to be arrested, the Respondent stated that individuals who left the courthouse did so on their own volition, and that warrants were issued because they left without seeing the judge.

## **VII. Violations of Canons 1 and 2**

### **Falsified Court Documents and Misrepresentations**

28. The Respondent's actions and statements to the Supreme Court of Oklahoma and the Council on Judicial Complaints as set forth below represent violations of Rules 1.1, 1.2, 1.3, 2.5, and 2.16 of the Code of Judicial Conduct.

29. On February 27, 2018, a Petition for Writ of Habeas Corpus was filed on behalf of Randa Ludlow in the Oklahoma Supreme Court, Case No. 116,802, naming Judge DeLapp as Respondent.

30. On March 2, 2018, Judge DeLapp filed a Response to the Petition and appeared before the Oklahoma Supreme Court for oral arguments. With respect to a Contempt Court Minute allegedly drafted on November 15, 2017, Judge DeLapp stated the following in his Response to the Oklahoma Supreme Court:

"The record in the case does not contain the Criminal Contempt Minute prepared by the Court on November 15, 2018 [sic]. Upon receiving the Application and Writ, the Respondent pulled up the court docket in the direct contempt case and found that the minute had not been scanned onto the Kellpro docket system. I requested the minute clerk to secure for me certified copies of the docket sheet and the documents in the court file. Upon reviewing of those documents, I was unable to locate the minute. As of the filing of this Response, the Respondent has been unable to locate a file stamped copy of the document. I retained a copy for my file but it is not filed stamped and thus not part of the record."

31. After the oral arguments before the Oklahoma Supreme Court on March 2, 2018, and before his return to the Washington County Courthouse that same day, the Respondent called his minute clerk, Carla Fairlie, and asked her to retrieve the CM-17-

86 and CF-17-86 files. During that same conversation, he instructed her to not look at the files after she retrieved them because he did not want her to get involved.

32. Carla Fairlie retrieved the CM-17-86, CF-17-86 and at least one more file ending in 17-86 from the file room. The Respondent looked through each of the files, page by page, directly in view of a video camera. The Respondent did not find the missing Contempt Court Minute when looking through the files in front of the video camera. He collected each of the files and left the Court Clerk's Office, files in hand.

33. Shortly thereafter, the Respondent called Carla Fairlie and said he found the minutes that he had written back in November in CV-2017-86. Carlie Fairlie then exited the office and soon returned carrying the files in addition to the "Contempt Court Minute" allegedly drafted on November 15, 2017. Carla Fairlie stamped the Contempt Court Minute twice, once with a stamp dated November 13, 2017, and a second time with a stamp dated March 2, 2018, and signed the file stamp dated March 02, 2018.

34. On March 5, 2018, the Respondent filed an Appendix with the Oklahoma Supreme Court in Case No. 116,820, attaching the Contempt Court Minute at issue. The Respondent explained in the Appendix that "the order of confinement in CV-2017-86 was found in CJ-2017-86 and was retrieved file stamped a second time today, March 2, 2018, and made part of the original record in Washington County Case CV-2017-86." He described the Contempt Court Minute as a "Certified copy of Contempt Court Minute dated November 13, 2017 and bearing file stamp with the same date and bearing second file stamp date of March 2, 2018."

35. The Respondent did not advise the Oklahoma Supreme Court that the document was back dated. He used ambiguous language which could be interpreted

to mean the document bore the November 13, 2017, file stamp the entire time, a gross misrepresentation to the Oklahoma Supreme Court.

36. If, instead of finding the missing Contempt Court Minute in the CJ-2017-86 file as alleged, the Respondent in fact created the document while alone in his office on March 2, 2018, between the time when he left the court clerk's office and when he presented the document as newly discovered to Carla Fairlie later that day, the Respondent made a grossly intentional misrepresentation to the Oklahoma Supreme Court in violation of 21 O.S.2011 § 451, a felony (Offering Forged or Fraudulent Evidence).

37. On April 24, 2018, the Respondent sent an email to Court Clerk Jill Spitzer advising that he spoke to Deputy Court Clerk Glenda Powell the day prior and told her to change a previously-entered court minute in the Kellpro system. Regardless of the circumstances of the change or the reasons for doing so, the proper course of action would have been to make a second minute, not to alter the first minute.

## **VIII. Violation of Canon 1**

### **Abuse of Position**

38. The Respondent exhibited an absence of objectivity that reflects an appearance of impropriety in violation of Canon 1, Rule 1.2 of the Code of Judicial Conduct. The Respondent violated Rule 1.3 in using his influence as a judge in the following set of facts.

39. On April 30, 2017, at approximately 3:20 p.m., Oklahoma Highway Patrol Trooper James Armstrong issued two citations to Chandler Luke DeLapp, eighteen-year-old son of the Respondent for violations occurring in Washington County.

40. A Washington County Assistant District Attorney, Will Drake, received a phone call from the Respondent on or about April 30, 2017, at approximately 3:20 p.m. inquiring as to why a highway patrolman would stop his son and whether there were alternatives to his son receiving the ticket, such as a diversion program. Will Drake was concerned about how to handle the situation given he made very frequent appearances as a representative of the State of Oklahoma in the Respondent's courtroom.

41. Chandler DeLapp received a ninety day Deferred Prosecution Agreement on one of the citations and the other citation was dismissed. The Respondent accompanied Chandler DeLapp to the District Attorney's Office to sign the agreement and further inquired about community service credits.

42. The Respondent and his Drug Court Coordinator, Karen Wood, signed off on two-thirds of the community service hours Chandler DeLapp served. The Assistant D.A. would not have agreed to the Respondent signing off on the community service hours.

43. The Assistant D.A. had asked the Respondent if his wife, Chandler DeLapp's mom, would like to handle the negotiations instead of the Respondent. The Respondent insisted he handle the negotiations with the District Attorney's Office and argued with the Assistant D.A. about the fine. The Respondent failed to recognize the appearance of impropriety in the situation.

## **IX. Violation of Canon 4**

### **Campaign Violations**

44. The Respondent's statements made through an advertisement published in a local newspaper during his re-election campaign were false or misleading in violation of Rule 4.1 of the Code of Judicial Conduct.

45. The Respondent caused to be published in the Bartlesville Examiner Enterprise a full page ad listing more than one thousand names of people who intended to vote for him or otherwise endorsed him as a candidate for the election on June 26, 2018.

46. Some people who were listed in the advertisement did not grant permission for the Respondent to use their names as an endorsement.

## **X. Violations of Canon 1**

### **Temperament Unfit for Judicial Office**

47. The Respondent exhibited a pattern of using his status as a judge to assert power over individuals in instances oftentimes not pertaining to the administration of justice or his duties on the bench in violation of Rules 1.2 and 1.3 of Canon 1, and Rule 2.8(B) of Canon 2, of the Code of Judicial Conduct as evidenced in the examples that follow.

48. On February 19, 2016, Oklahoma Indigent Defense System attorney Mark Schantz failed to appear at a motion docket in CF-09-28. In response, the Respondent issued a bench warrant/body attachment for attorney Mark Schantz with bond set at \$1000, cash only.

49. On or about May, 2017, the Respondent contacted attorney Kinder Shamhart to inquire as to reimbursement for a chair that was broken in another judge's courtroom when her client sat in it. The chair at issue was located in a different judge's courtroom, not the Respondent's courtroom. In any event, it is the property of Washington County. In response, Kinder Shamhart drafted a letter to the Respondent declining to ask her client to pay for the chair on the basis that doing so would violate

the Code of Professional Responsibility, but offered to pay for the repair of the chair. Kinder Shamhart is a local attorney and frequent litigant at the Washington County Courthouse. The profusely apologetic nature of Ms. Shamhart's letter indicates that such solicitude was necessary to allay bias or retribution by the Respondent in future matters.

50. The fear and hostile work environment created by the Respondent's rage with respect to an alleged missing contempt court minute caused at least one employee to believe she was going to be fired and could go to jail.

51. On one occasion, a boy with his father in the hallway of the courthouse asked the Respondent where Judge Vaclaw's courtroom was. In response, the Respondent was heard yelling at the boy that if he did not know where the courtroom was, he could sit his ass in jail.

## **XI. Witnesses**

52. Following are the names and address of the witnesses for the prosecution of this cause:

1. Jill Spitzer  
Washington County Court Clerk  
420 S. Johnstone Ave.  
Bartlesville, OK 74003
2. All Deputy Court Clerks  
Washington County Court Clerk's Office  
420 S. Johnstone Ave.  
Bartlesville, OK 74003
3. Sheriff Rick Silver  
611 SW Adams Blvd.  
Bartlesville, OK 74003
4. All Sheriff's Deputies, Washington County



- 611 SW Adams Blvd.  
Bartlesville, OK 74003
5. Judge Curtis DeLapp  
Washington County District Court  
420 S. Johnstone Ave.  
Bartlesville, OK 74003
  6. Judge Russell Vaclaw  
Washington County District Court  
420 S. Johnstone Ave.  
Bartlesville, OK 74003
  7. Will Drake  
Assistant District Attorney -- Washington County  
400 S Johnstone Ave.  
Bartlesville, OK 74003
  8. Sharon Phillips, OBA #11690  
1424 Terrace Drive  
Tulsa, OK 74104
  9. Josh Lee, OK Bar No. 21736  
P.O. Box 352  
Vinita, OK 74301
  10. Marty Meason, OK Bar No. 19883  
715 SE Dewey  
Bartlesville, OK 74003
  11. Randa Kaylie Ludlow  
c/o appointed prosecutor
  12. Amanda Lee Allred  
c/o appointed prosecutor
  13. Stephanie Thomasson  
c/o appointed prosecutor
  14. Roman Skinner  
c/o appointed prosecutor
  15. Mark Schantz, OK Bar No. 30310  
201 West 5<sup>th</sup> Street, Suite 501  
Tulsa OK 74103

16. Kinder Shamhart  
415 S. E. 5<sup>th</sup> Street  
Bartlesville, OK 74003
17. Chandler Luke DeLapp  
818 Concord Drive  
Bartlesville, OK 74006
18. Captain Brandon Cranor  
Washington County Sheriff's Office  
611 S.W. Adam Blvd.  
Bartlesville, OK 74003
19. Karen Wood, Coordinator  
Washington County Drug Court  
400 S. Johnstone Ave.  
Bartlesville, OK 74003
20. Phillip Wesley Haddon, Jr.  
c/o appointed prosecutor
21. Alan Salmon  
OSBI  
6600 N. Harvey Place  
Okla. City, OK 73116

## **XII. Immediate Temporary Suspension**

53. Petitioner alleges that the circumstances giving rise to the foregoing facts against Respondent are in grave danger of continuing. There is no evidence the Respondent will voluntarily cease and desist in the performance of those matters which gave rise to the filing of this petition. There is an existing emergency justifying the Trial Division of the Court on the Judiciary of the State of Oklahoma in temporarily suspending Respondent from office pending the determination of the proceedings in this action. Great and irreparable harm and injury will occur if Respondent is allowed to

continue in the capacity of a District Judge of the Eleventh Judicial District of the State of Oklahoma.

54. Petitioner respectfully requests that the Presiding Judge of the Court on the Judiciary issue an order to the Respondent to appear at a date, time and place certain to show cause why he should not be suspended from the exercise of his office pending further proceedings in this cause, and that upon such hearing the Respondent be suspended from such office pending the proceedings in this action.

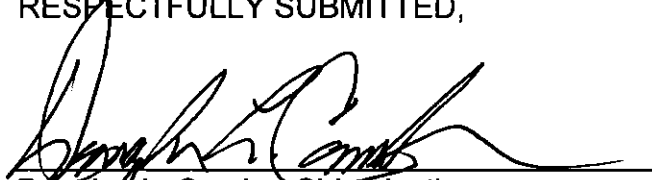
**XIII.**

55. The Petitioner alleges that the above-enumerated acts by the Respondent warrant discipline by the Court on the Judiciary as authorized by the statutes and the constitution of the State of Oklahoma. The Petitioner respectfully requests that the Court on the Judiciary enter an Order removing Judge Curtis DeLapp from office as District Judge in and for Washington and Nowata Counties, Oklahoma and the Eleventh Judicial District of the State of Oklahoma, with disqualification to hold any judicial office in the State of Oklahoma.

56. This matter is referred to the Trial Division of the Court on the Judiciary of the State of Oklahoma.

Done this 1st day of August, 2018.

RESPECTFULLY SUBMITTED,




Douglas L. Combs, Chief Justice  
Supreme Court of Oklahoma

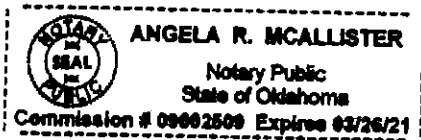
STATE OF OKLAHOMA )  
 )  
COUNTY OF OKLAHOMA)      ss:


DOUGLAS L. COMBS, of lawful age, being first duly sworn upon oath says:

1. That he is the Chief Justice of the Supreme Court of the State of Oklahoma.
2. That he has read the above and foregoing Petition and knows the contents thereof.
3. That he has caused the facts therein set forth to be investigated and that he believes said facts are true.

  
\_\_\_\_\_  
Douglas L. Combs

Subscribed and sworn to before me this 1<sup>st</sup> day of August, 2018.



  
\_\_\_\_\_  
Notary Public

My Commission expires:

3-26-21

IN THE COURT ON THE JUDICIARY OF THE STATE OF OKLAHOMA  
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AUG 1 2018

**JOHN D. HADDEN**  
CLERK

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vs. )  
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CURTIS DELAPP, )  
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Respondent. )

No. CJTD-2018- /

DATE ISSUED: August 1, 2018.

**NOTICE**

THE STATE OF OKLAHOMA TO:

**CURTIS DELAPP**

As ordered by the Presiding Judge of the Court on the Judiciary, State of Oklahoma, Trial Division, you are hereby given notice that the petition filed in this case, a copy of which is attached, is set for hearing on the merits which shall be the trial date of the case on:

**Monday, October 15, 2018, 9:00 a.m.,**

in the Hearing Room of the Supreme Court of Oklahoma, Oklahoma Judicial Center, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma, and you are further notified that you are directed to file any pleadings allowed by the rules, if they are to be filed, within twenty (20) days after service of this notice upon you.

The pre-trial conference shall be held on a date and at a time and place to be determined by the parties and the Court.

You are further given notice that a hearing on all motions and other matters to be disposed of prior to the pre-trial conference and the hearing of the case on the merits is set before the entire Court on:

**Wednesday, September 12, 2018, 9:00 a.m.,**

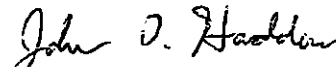
in the Hearing Room of the Supreme Court of Oklahoma, Oklahoma Judicial Center, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma.

You are further given notice that the verified petition pursuant to Rule 10 of the Rules of the Court on the Judiciary requests that you be suspended from the exercise of your office during the pendency of the proceedings in this action. You may file in writing in this case on or before:

**Monday, August 20, 2018, 5:00 p.m.,**

either: (1) a voluntary temporary suspension from the exercise of all functions of office without loss of benefits, or

(2) a verified response to the request for temporary suspension to which any exhibits and affidavits may be attached.



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John Hadden, Clerk of the Court

**ORIGINAL**

**IN THE COURT ON THE JUDICIARY  
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CLERK**

**STATE OF OKLAHOMA,  
ex rel. DOUGLAS L. COMBS,  
CHIEF JUSTICE OF  
THE SUPREME COURT OF  
THE STATE OF OKLAHOMA.**

**Petitioner,**

**vs.**

**CURTIS DELAPP,**

**Respondent.**

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**Case No. CJTD-2018-1**

**ORDER CONVENING THE COURT ON THE JUDICIARY, TRIAL DIVISION**

Now, on this 1<sup>st</sup> day of August 2018, the jurisdiction of the Court on the Judiciary has been invoked by the Hon. Douglas Combs, Chief Justice of the Supreme Court of the State of Oklahoma, by the filing of a petition seeking the removal from office of the Hon. Curtis DeLapp, District Judge, 11<sup>th</sup> Judicial District. Accordingly, the following judges are hereby called into service as the duly appointed members of the Court on the Judiciary, Trial Division:

Mark R. Campbell, of Durant, Presiding Judge

The Hon. William Brad Heckenkemper, Vice Presiding Judge, of Tulsa;

The Hon. Cindy Ferrell Ashwood, District Judge, of Chandler;

The Hon. M. John Kane, District Judge, of Pawhuska;

The Hon. Dennis Morris, District Judge, of Ardmore;

The Hon. Rebecca B. Nightingale, District Judge, of Tulsa;

The Hon. Jeffrey Payton, District Judge, of Stilwell;

The Hon. Cindy H. Truong, District Judge, of Oklahoma City;

The Hon. Paul K. Woodward, District Judge, of Enid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Court on the Judiciary of the State of Oklahoma, Trial Division, is hereby convened, and shall decide the matter now before the Court regarding the Hon. Curtis DeLapp, District Judge, 11<sup>th</sup> Judicial District. In addition to being filed with the Appellate Court Clerk's Office, a copy of all motions, notices and requests for hearing shall be submitted to the undersigned, in Durant, Oklahoma.

DONE BY ORDER OF THE COURT ON THE JUDICIARY, TRIAL DIVISION,  
THIS 1<sup>st</sup> DAY OF AUGUST 2018.

A handwritten signature in black ink, appearing to read "Mark R. Campbell", written over a horizontal line.

Mark R. Campbell, Presiding Judge of the  
Court on the Judiciary, Trial Division

Cc: Hon. Curtis DeLapp, District Judge  
Mark R. Campbell, Presiding Judge  
Hon. Brad Heckenkemper, Vice Presiding Judge  
Hon. Cindy Ferrell Ashwood, District Judge  
Hon. M. John Kane, District Judge  
Hon. Dennis Morris, District Judge  
Hon. Rebecca B. Nightingale, District Judge  
Hon. Jeffrey Payton, District Judge  
Hon. Cindy H. Truong, District Judge  
Hon. Paul K. Woodward, District Judge



IN THE COURT ON THE JUDICIARY OF THE STATE OF OKLAHOMA  
TRIAL DIVISION

**FILED**  
COURT ON THE JUDICIARY  
TRIAL DIVISION

AUG 1 2018

**JOHN D. HADDEN**  
CLERK


STATE OF OKLAHOMA, ex rel. )  
DOUGLAS L. COMBS, CHIEF JUSTICE )  
OF THE SUPREME COURT OF THE STATE )  
OF OKLAHOMA, )  
Petitioner, )  
vs. )  
CURTIS DELAPP, )  
Respondent. )

No. CJTD-2018- \

DATE ISSUED: August 1, 2018.

**ORDER**

Pursuant to Rule 12, Rules of the Court on the Judiciary, Trial Division, 5 O.S.2011, Ch. 1, App. 7, the Oklahoma State Bureau of Investigation and agents thereof are hereby appointed by the Presiding Judge to serve any such process, notices, orders, petitions and subpoenas as may be permitted by the Rules of the Court on the Judiciary, Trial Division.

  
Presiding Judge

IN THE COURT ON THE JUDICIARY OF THE STATE OF OKLAHOMA  
TRIAL DIVISION **FILED** COURT ON THE JUDICIARY  
TRIAL DIVISION

STATE OF OKLAHOMA, ex rel. )  
DOUGLAS L. COMBS, CHIEF JUSTICE )  
OF THE SUPREME COURT OF THE STATE )  
OF OKLAHOMA, )  
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Petitioner, )  
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vs. )  
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CURTIS DELAPP, )  
 )  
Respondent. )

AUG 1 2018

**JOHN D. HADDEN**  
**CLERK**

No. CJTD-2018- /

DATE ISSUED: August 1, 2018.

**ORDER SETTING CASE FOR HEARINGS AND TRIAL**

The petition having been filed in this case on August 1, 2018, and the Respondent having been notified of the filing of the petition by the Clerk;

IT IS THEREFORE ORDERED:

1. Pursuant to Article 7A Oklahoma Constitution § 4(c) and Rule 11 of this Court, this case is set for hearing before the entire Court on the merits, which shall be the trial date of this case, on:

**Monday, October 15, 2018, at 9:00 a.m.,**

in the Hearing Room of the Supreme Court of Oklahoma, Oklahoma Judicial Center, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma. Pretrial conference shall be held on a date and at a time and place to be determined by the parties and the Court.

2. A hearing on all motions and other matters to be disposed of prior to the pre-trial conference and the hearing of the case on the merits is set before the entire Court on:

**Wednesday, September 12, 2018, at 9:00 a.m.,**

in the Hearing Room of the Supreme Court of Oklahoma, Oklahoma Judicial Center, 2100 N. Lincoln Blvd., Oklahoma City, Oklahoma.

3. The verified petition pursuant to Rule 10 of the Rules of the Court on the Judiciary requests suspension of the Respondent from the exercise of office during the pendency of the proceedings and, in accordance with Rule 10, the Respondent may file in writing in this case on or before:

**Monday, August 20, 2018, at 5:00 p.m.,**

either: (1) a voluntary temporary suspension from the exercise of all functions of the office without loss of benefits, or

(2) a verified response to the request for temporary suspension to which any exhibits and affidavits may be attached.

4. Pursuant to Rule 11 of this Court, the Clerk of the Court shall issue notice directed to the Respondent setting out the date of hearing of the petition on the merits which shall be the trial date of the case, the date of the hearing of all motions and other matters to be disposed of prior to hearing the case on the merits and a pre-trial conference, if in order, the date within which the Respondent may file a voluntary temporary suspension or response to the request for temporary suspension, and notifying respondent that any pleadings allowed by the rules are directed to be filed within twenty (20) days after service of said notice on the Respondent. The notice, with a copy of the petition filed with the Clerk, including exhibits attached thereto, shall be served as provided in Rule 12 of this Court by delivering a copy of same to the Respondent, in person if to be found, or by leaving the copies at the Respondent's residence with some member of the Respondent's family over sixteen (16) years of age, and to make return as provided by Rule 12.

Dated this August 1, 2018.

A handwritten signature in black ink, appearing to read "Mark Campbell", written over a horizontal line.

MARK CAMPBELL  
Presiding Judge