



IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

APR 21 2025

RICK WARREN
COURT CLERK

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STATE OF OKLAHOMA)
)
 Plaintiff,)
)
 v.)
)
 JOSHUA ARRON BROCK,)
 DAVID LEE CHANEY, and)
 BENJAMIN SCOTT HARRIS,)
)
 Defendants.)

Case No. CF-2022-2721

DEFENDANT DAVID CHANEY'S
RULE 15 MOTION AND OPENING BRIEF

- Rule 15 Motion -

Pursuant to Rule 15 of the Rules for District Courts, Defendant David Lee Chaney respectfully moves that the District Judge assigned to this case, the Honorable Susan Stallings, recuse or transfer this case to the Presiding Judge for re-assignment.

- Grounds -

1. Given the fact that Judge Stallings has been represented by the Attorney General, who has served as her attorney in certain aspects of this case, the continued involvement of Judge Stallings would violate Mr. Chaney's rights under the Sixth Amendment and would violate the Canons of the Code of Judicial Conduct which require a trial judge to maintain both the reality and the appearance of impartiality.

2. Judge Stallings' role as the fact-finder on the question of depriving Mr. Chaney of his chosen counsel also violates his right to be afforded fundamental fairness under the Due Process Clause of the Fourteenth Amendment.

3. The impartiality of Judge Stallings can reasonably be questioned under these circumstances, regardless of whether actual partiality exists or can be proven. In addition, Judge Stallings' independence in this action can reasonably be questioned, because the Attorney General has acted as her attorney in aspects of this action, and there is a reasonable appearance that an attorney-client relationship existed between the Attorney General and Judge Stallings. Mr. Chaney questions the impartiality and independence of Judge Stallings to preside over the Attorney General's case against him, and his questioning is reasonable under the circumstances.

4. In addition to the grounds for disqualification in general, Mr. Chaney reasonably believes that Judge Stallings, who will decide the pending motion to disqualify Gary Wood and the Riggs Abney Law Firm, cannot bring to the consideration of that motion a fair, impartial, and independent state of mind, due to her being represented by the attorney who is advancing that motion.

WHEREFORE, Defendant David Lee Chaney respectfully moves that the Honorable Susan Stallings, District Court Judge, recuse and transfer this case to the Presiding Judge for re-assignment.

– Brief –

– Relevant Procedural and Factual History –

In 2024, Co-Defendant Benjamin Scott Harris moved to disqualify Judge Stallings, but she declined to recuse or to transfer the case for re-assignment. In the course of seeking to disqualify Judge Stallings, attorneys representing Mr. Harris served Judge Stallings with a subpoena to testify at the disqualification hearing. In response, Judge Stallings filed a motion to quash Mr. Harris' subpoena.

In opposing the subpoena issued by Mr. Harris, Judge Stallings elected to engage the Attorney General as her counsel to oppose enforcement of the subpoena. Judge Stallings' motion to quash the subpoena recites the following: "The Honorable Judge Susan Stallings (hereafter "Judge Stallings") appears specially by and through Assistant Attorney General Stefanie Lawson..." Motion to Quash filed on August 26, 2024, page 1. The motion to quash was signed by Ms. Lawson, who identified herself as "Stefanie E. Lawson, OBA #22422, Assistant Attorney General...Attorney for Non-Party Judge Susan Stallings." Motion to Quash, page 9.

When the Presiding Judge of this Judicial District denied Mr. Harris' motion to disqualify Judge Stallings, Mr. Harris filed a petition in the Oklahoma Court of Criminal Appeals, seeking a writ of mandamus for the disqualification of Judge Stallings. In opposing the petition for a writ of mandamus, Judge Stallings again chose the Attorney General to represent her as counsel. Pleadings filed on her behalf in the Court of Criminal Appeals disclose that the Attorney General acted as the attorney for Judge Stallings. Again, the Attorney General served as counsel for Judge Stallings in opposing Mr. Harris, and reasonable minds would believe that an attorney-client relationship existed between the Attorney General and Judge Stallings.

– Argument and Authorities –

"The Oklahoma Constitution guarantees a defendant a right to a fair, impartial trial not tainted by the personal bias or prejudice of the trial court." *Welch v. State*, 2000 OK CR 8, ¶ 37, 2 P.3d 356, 372 (quoting *Fitzgerald v. State*, 1998 OK CR 68, ¶ 10, 972 P.2d 1157, 1163). In this regard, the Oklahoma Supreme Court has said:

Courts should scrupulously maintain the right of every litigant to an impartial and disinterested tribunal for the determination of his rights. All are interested in the integrity, independence and impartiality of the judiciary, the most important and powerful branch of our government. Judges presiding over the courts should be unbiased, impartial and disinterested in the subject-matter in litigation, and **it is of the utmost importance that all doubt or suspicion to the contrary be jealously**

guarded against, and, if possible, completely eliminated, to the end that we may maintain and give full force and effect to the high ideals and salutary safeguards written in the organic law of the state.

Hearn v. Miller, 1934 OK 341, ¶ 7, 33 P.2d 506, 507 (emphasis added) (citing *State v. Fullerton*, 1919 OK 265, ¶ 4, 183 P. 979, 980). In order to protect Defendant David Chaney's rights under the United States Constitution and the Oklahoma Constitution, Judge Stallings should recuse because Mr. Chaney is entitled to a trial judge who appears impartial.

The standard for judicial disqualification is the **appearance** of impropriety **not actual** impropriety. Oklahoma law requires that "a judge . . . disqualify himself or herself in a proceeding in which the judge's impartiality **might reasonably be questioned . . .**" Okla. Stat. tit. 5 Ch. 1. App. 4 Canon 3 (E) (1) (emphasis added). "**What matters is not the reality of bias or prejudice but its appearance.**" *Liteky v. United States*, 510 U.S. 540, 558 (1994) (applying federal statute requiring recusal where judge's "impartiality might reasonably be questioned") (emphasis added). The judge's actual "state of mind, purity of heart, incorruptibility, or lack of partiality are **not** the issue." *Nichols v. Alley*, 71 F.3d 347, 350-51 (10th Cir. 1995) (emphasis added). *See also J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 161 n. 3 (1994) (Scalia, J., dissenting) (noting "wise observers have long understood that the appearance of justice is as important as its reality").

A judge who appears partial must disqualify regardless of his or her intentions. "Justice must satisfy the appearance of justice, even though this stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties." *Miller Dollarhide v. Tal*, 2007 OK 58, ¶ 17, 153 P.3d 548, 554 (requiring that "[w]here there are circumstances of such a nature as to cause doubts as to a judge's partiality, it is the judge's **duty** to disqualify notwithstanding the judge's personal belief that the judge is unprejudiced, unbiased, and impartial.") (emphasis added).

In *Pierce v. Pierce*, 2001 OK 97, ¶ 18, 39 P.3d 791, 798, the Oklahoma Supreme Court underscored that due process requires not just a fair tribunal but the "*appearance* of a fair tribunal." (emphasis in original). Due process "preserves **both** the appearance **and** reality of fairness, generating the feeling, so important to a popular government, that justice has been done, . . . by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with **assurance** that the arbiter is not predisposed to find against him." *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980) (citation and internal quotation marks omitted) (emphasis added). The Court stated that "justice must satisfy the appearance of justice, and this stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties, . . ." *Id.* at 243.

The events that created the reasonable appearance of an attorney-client relationship between the Attorney General and Judge Stallings have caused a deep and justified concern on the part of Defendant David Chaney. Mr. Chaney faces possible incarceration in the penitentiary, and if he is bound over, Judge Stallings will preside over his jury trial.

However, more immediately and more specifically, Mr. Chaney faces the possible loss of his chosen counsel, Gary Wood and the Riggs Abney Law Firm. The decision whether he will be deprived of his own attorneys lies solely in the hands of Judge Stallings. She will not only preside over the hearing on the merits of the motion to disqualify Riggs Abney, but she will also serve as *the trier of fact* as to whether the Attorney General meets his burden of proof to disqualify Riggs Abney. Unless Judge Stallings recuses, she will decide the credibility and weight that will be given to the testimony of witnesses and to evidentiary exhibits, and she will decide the fate of Mr. Chaney in retaining the attorneys whom he has chosen to preserve his liberty.

In the case at bar, the appearance of partiality and lack of independence is strong and is not based on subjective views of Judge Stallings. Instead, this appearance arises from the objective fact that she voluntarily engaged the Attorney General to serve as her attorney in the very case over which she presides, including the critical motion by the Attorney General to disqualify Mr. Chaney's own attorneys.

There is no small irony in the fact that Judge Stallings is allowed to enjoy the benefit of representation by an attorney of her choice, whereas the attorney defending her (the Attorney General) is actively seeking to disqualify the attorney selected by Mr. Chaney to defend himself. Judge Stallings should not hear the motion to disqualify Riggs Abney in her capacity as *the trier of fact*, when she would have to rule against her own counsel (the Attorney General) if she were to deny the requested disqualification of Gary Wood and Riggs Abney.

In each of these instances, Judge Stallings elected to form an attorney-client relationship between herself and the Attorney General. The consequence of Judge Stallings' choice is that Mr. Chaney, like any other reasonable non-lawyer, is entitled to question her ability to be impartial, and to believe that she will be reluctant to rule against her own attorney in adjudicating the Attorney General's motion to disqualify Riggs Abney. Judge Stallings has created the appearance of partiality and lack of independence with respect to deciding whether Mr. Chaney should be deprived of his counsel of choice.

A reasonable lay person would be struck by the fact that Judge Stallings sought representation from the Attorney General in important legal matters that directly affect her individually, and that she reposed confidence and trust in the Attorney General to serve as her attorney and defender. Mr. Chaney does not believe that he can get a fair hearing from Judge Stallings if she serves as *the trier of fact* to adjudicate the motion being advanced by her own

lawyer, the Attorney General, seeking to remove Mr. Chaney's attorneys of choice. In addition, Mr. Chaney is deeply concerned about the ability of Judge Stallings to be impartial and independent of her lawyer, the Attorney General. If Judge Stallings does not recuse, she will make important procedural and evidentiary rulings prior to and during jury trial in this complex case. Mr. Chaney's concerns are reasonable and justified under the circumstances.

The Attorney General should serve as an advocate only for the ascertainment of truth. In the case at bar, the Attorney General is serving as the vigorous prosecutor of Mr. Chaney and simultaneously serving as Judge Stallings' lawyer. This reality and this appearance do not comport with the Sixth Amendment requirement that Mr. Chaney be afforded a fair trial. In addition, Mr. Chaney's right to be afforded substantive Due Process (*i.e.* fundamental fairness) before his liberty can be taken away stands in jeopardy.

In *Board of County Comm'rs v. Ass'n of County Comm'rs of Oklahoma Self-Insured Group*, 2021 OK 15, ¶¶ 12, 25, 485 P.3d 234, 238, 242, the Supreme Court of Oklahoma emphasized that although "appearance of impropriety" is not the standard that is applicable to disqualify a party's attorney, an "appearance of partiality" mandates the disqualification of a judge. *Id.* In the case at bar, because there is a reasonable *appearance* that Judge Stallings was a client of the Attorney General, especially given that the Attorney General represented her in this case, recusal is mandatory.

The substantive prong of the Due Process Clause is implicated when a trial judge wrongfully declines to recuse:

Due Process jurisprudence includes the concept of the *appearance* [emphasis by the Court] of a fair trial. The High Court has explained that the reach of Due Process jurisprudence requires not only a fair tribunal, but also the *appearance* [emphasis by the Court] of a fair tribunal. **Due Process preserves both the appearance and reality of fairness**, generating the feeling, so important to a popular government, that justice has been done,...by ensuring that no person will be deprived of his

interests in the absence of a proceeding in which he may present his case **with assurance that the arbiter is not predisposed to find against him.** [The U.S. Supreme Court] has stated that **justice must satisfy the appearance of justice, and this stringent rule may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties.**

Pierce, 2001 OK 97, ¶ 18, 39 P.3d at 798-799 (citations and internal quotation marks omitted) (emphasis added except where indicated). The Court in *Pierce* concluded, “We have noted that the appearance of justice is often as important as the proper administration of justice.” *Id.*, ¶ 20, at 799.

At the *in camera* hearing conducted by Judge Stallings on April 4, 2025, the Attorney General and Judge Stallings described the role of the Attorney General as that of her “designated representative” in the writ proceedings. In addition, the Attorney General and Judge Stallings maintained *in camera* that the entire process of having the Attorney General represent her in the Court of Criminal Appeals was “statutory.”

The term “designated representative” is not found in any applicable statute, but apparently has its origin in an order issued by the Court of Criminal Appeals on November 14, 2024, which states, “Judge Stallings, or her designated representative, is directed to file a response to the claims raised by Petitioner [Harris].” Order Directing Response, filed on November 14, 2024, in the Oklahoma Court of Criminal Appeals Case No. MA-2024-893, page 1 (Copy attached as “Exhibit A”).

Although the Order Directing Response requires Judge Stallings “or her designated representative” to respond to the petition seeking a writ, the Order does not require Judge Stallings to engage the Attorney General to prepare her response. Under the Order, Judge Stallings was free

to designate any attorney to prepare her response,¹ and was also authorized to prepare her response without having counsel at all. The preparation of her response constituted the practice of law. Judge Stallings was not bound by statute or judicial order to select the Attorney General as her attorney for this purpose, and she made the voluntary choice to do so.

On November 25, 2024, Judge Stallings signed a Designation of the Attorney General as her representative in the writ proceedings. A copy of her Designation is attached to this brief, having been marked "Exhibit B." This Designation reflects the decision made by Judge Stallings to engage the Attorney General as her own counsel in her effort to defeat the petition seeking a writ of mandamus. The Court of Criminal Appeals did not specify a particular attorney to represent her. As expressly stated in Exhibit A, Judge Stallings selected "the prosecutors" to defend her ("as the prosecutors in the underlying criminal prosecution").

74 O.S. § 20f (G) provides that in an original action seeking a writ of mandamus against a district judge, the Attorney General shall represent such judicial officer "if, and only if, directed to do so, in writing, by the Chief Justice of the Oklahoma Supreme Court, upon the Chief Justice's finding that such representation is necessary to protect either the function or integrity of the judiciary." The Legislature mandated representation of a judge by the Attorney General under stringent conditions, *i.e.* "if, and only if, directed to do so, in writing by the Chief Justice of the Oklahoma Supreme Court...."

In the case at bar, the Chief Justice of the Oklahoma Supreme Court did not direct the Attorney General to represent Judge Stallings in opposing Mr. Harris' petition for a writ of

¹ Although the Order on its face does not prohibit Judge Stallings from designating the Attorney General as her counsel, the Oklahoma Judicial Canons, the Sixth Amendment, and the Fourteenth Amendment preclude such a designation by her. These authorities require the disqualification of a judge who creates a reasonable appearance of partiality, especially where the judge will decide whether a criminal defendant will be denied counsel of his choice.

mandamus. The Court of Criminal Appeals did not require Judge Stallings to engage the Attorney General as her counsel. Judge Stallings' decision to have the Attorney General serve as her lawyer creates the perception that she simply preferred to have the Attorney General advocate on her behalf in the writ proceedings. Such a perception is squarely at odds with the appearance of judicial impartiality mandated by the Canons. When Judge Stallings chose the Attorney General to serve as her "designated representative" in the writ proceeding, she engaged the Attorney General to serve as her counsel. No other interpretation of her "designation" is supportable.. At Judge Stallings' request, the Attorney General accepted her as a client.

The appearance of partiality is established from the reasonable, objective perspective of a member of the general public, not of one trained in the law. *See Fisk v. Venable*, 1937 OK CR 87, Syllabus No. 2, 68 P.2d 425, 429-430 ("public confidence in our courts"). If a reasonable non-lawyer, knowing all the relevant facts, *would harbor doubts* about the judge's impartiality, the judge must be disqualified *regardless of the perspective of the judge* whose continued control of the case is at issue. *Liljeberg v. Health Servs. Acquisition Corp.* 486 U.S. 847, 860 (1988).

For example, in *Fisk*, the trial judge refused to recuse, insisting that he was not unfriendly to either of the petitioners, and that he could accord them a fair and impartial trial. The Court reversed, ruling that "**while we do not doubt his sincerity in this regard . . . the question is not . . . whether he feels that he would be able to give the petitioners a fair and impartial trial, . . .**"

68 P.2d at 429-30 (emphasis added). The Court explained that:

Prejudice is a state of mind which is ordinarily not capable of being proven by direct and positive evidence. It can generally be proven only by the circumstances, environment, association, relationship, and conduct of the person who entertains it. It is often not known to be held by the person entertaining such prejudice; that is to say, one may have a prejudiced state of mind upon a subject against an idea, cause or person, and be wholly unconscious that he had any prejudice. In fact, upon casual thought, we are aware that many persons are prejudiced . . . and by reason of such prejudice **incapable of giving a dispassionate consideration to such question, and**

at the same time be totally unconscious that he is prejudiced, and would be quick to repudiate a suggestion that his state of mind is other than fair and open.

Id., at 430 (emphasis added). See also *State ex. rel. Heard v. Sullivan*, 1952 OK 56, ¶ 8, 240 P.2d 1109, 1110-1111 (holding that where circumstances cause doubts as to the judge's partiality, the judge has a duty to disqualify notwithstanding that he personally believes himself to be impartial, unbiased, and unprejudiced); *Liljeberg*, 486 U.S. at 860 (characterizing inquiry as independent of judge's actual knowledge); *United States v. Burger*, 964 F.2d 1065, 1070 (10th Cir. 1992); *Blaisdell v. City of Rochester*, 609 A.2d 388, 390 (N.H. 1992) (explaining the standard is whether "a reasonable person, not the judge himself, questions the impartiality of the court").

When the facts raise a close question of an appearance of partiality, the balance tips in favor of disqualification. **"The error, if any, should be made in favor of the disqualification rather than against it."** *Miller Dollarhide*, 2007 OK 58, ¶ 17 (emphasis added). See also *Fisk*, 18 P.2d at 429-30 (emphasizing that "it is of the utmost importance that all doubt or suspicion to the contrary be jealously guarded against, and, if possible, completely eliminated . . .").

Accordingly, the Oklahoma Supreme Court **has consistently applied a strict and objective standard to resolve any reasonable doubts in favor of disqualification.** In *Son v. Linebaugh & Shearer*, 1924 OK 456, ¶ 10, 225 P. 686, 688, the Court disqualified the judge although he insisted he could accord the parties a fair and impartial trial. The Court explained "while we do not doubt [the respondent's] sincerity . . . the question is not . . . whether he feels that he would be able to give the petitioners a fair and impartial trial, as whether his utterances and actions preclude reasonable men from feeling that a fair and impartial trial can be had before him"

Likewise, in *Bennett v. Childers*, 1940 OK 389, ¶ 9, 105 P.2d 762, 764, the Court disqualified the judge although he insisted, he was not biased or prejudiced. The Court explained:

It is to be regretted that a judge should try a case in which there is the least ground upon which to base a claim for his disqualification, and, **if an error is ever made as to disqualification, it should be in favor of the disqualification rather than against it.** An independent, unbiased, disinterested, fearless judiciary is one of the bulwarks of American liberty, and nothing should be suffered to exist that would cast a doubt or shadow of suspicion upon its fairness and integrity.

Id. (emphasis added); *Craig v. Walker*, 1992 OK 1, ¶ 5, 824 P.2d 1131, 1132 (noting “[w]hen circumstances and conditions surrounding litigation are of such nature that they might cast doubt and question as to the impartiality of any judgment the trial judge may pronounce, said judge should certify his disqualification”); *Johnson, v. Board of Governors of Registered Dentists*, 1996 OK 41, ¶ 33, 913 P.2d 1339, 1347-48; *Clark v. Board of Education of Independent School District No. 89*, 2001 OK 56, ¶ 6, 32 P.3d 851, 854 (recognizing a fair and impartial judge is a fundamental requirement of due process and reiterating that “[e]very litigant is entitled to nothing less than the cold neutrality of an impartial judge”).

Oklahoma courts cite the Judicial Canons:

A judge "should disqualify himself or herself in a proceeding in which the judge's **impartiality might reasonably be questioned . . .**" 5 O.S. Supp. 2000, Ch. 1, App. 4, Code of Judicial Conduct, Canon 3 (E) (1). We have said that when circumstances and conditions surrounding litigation are of such a nature that **they might reasonably cast doubt and question as to the impartiality** of any judgment the trial judge may pronounce, said judge should certify his or her disqualification. We have also said that in disqualification proceedings the courts must be sensitive to the appearances of possible impropriety as well as to actual occurrences. **The question of a judge's appearance of impartiality is determined by an objective standard.**

Long v. City of Piedmont, 2015 OK CIV APP 85, ¶ 7, 359 P.3d 189, 192 (citations omitted and emphasis added).

In disqualification proceedings, courts must be sensitive to the appearances of possible impropriety as well as to actual occurrences. *Holloway v. Hopper*, 1993 OK 56, ¶ 7, 852 P.2d 711, 713. Once an *appearance* of partiality is established, recusal is mandated. *Id.*, ¶ 6.

Comments 1, 2, and 5 to Rule 2.11 state the following:

[1] Under this Rule, a judge is disqualified whenever the judge's impartiality **might reasonably be questioned**, regardless of whether any of the specific provisions of paragraphs (A)(1) through (6) apply.

[2] A judge's obligation not to hear or decide matters in which disqualification is required applies regardless of whether a motion to disqualify is filed.

[5] A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification, even if the judge believes there is no basis for disqualification.

5 O.S., Chap. 1, Appx. 4, Rule 2.11, Comments 1, 2, and 5 (emphasis added).

– Conclusion –

Judge Stallings has a unique role in this case, a role that distinguishes her situation from others where a district judge faces a request to recuse from simply presiding over a jury trial. In this case, Judge Stallings will serve as the trier of fact in deciding whether Defendant David Chaney may be defended by the attorney of his choice. That decision must be a sound one, because wrongful denial of preferred counsel is a *per se* violation of the Sixth Amendment, requiring reversal of a conviction.

Under the circumstances, Judge Stallings should not have engaged the prosecutor to defend her in this case. An appearance of judicial partiality understandably creates doubts in the minds of litigants and other members of the public. It is the perception held by non-attorneys that controls the question of recusal. That standard, applied in light of the Constitutional values at stake, calls for Judge Stallings, out of caution, to transfer this case for re-assignment.

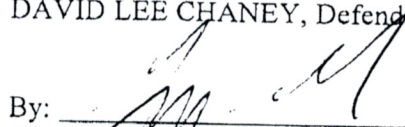
Every person accused of crime is entitled to nothing less than the cold neutrality of an impartial judge, and where the circumstances are of such a nature as to cause doubts as to the impartiality of a judge, **the error, if any, should be made in favor of the disqualification rather than against it....**

Fort v. State, 2022 OK CR 12, ¶ 10, 516 P.3d 690, 694 (emphasis added).

Defendant David Chaney's Rule 15 Motion should be granted.

Respectfully submitted,

DAVID LEE CHANEY, Defendant

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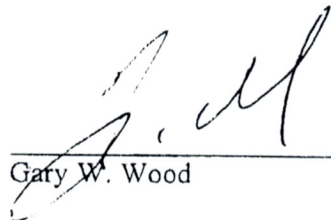
CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2025, a true and correct copy of the above document was sent by email and/or mailed by United States mail, postage prepaid, to:

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Gary W. Wood

EXHIBIT A

ORIGINAL



**IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF OKLAHOMA**

BENJAMIN SCOTT HARRIS,)
)
 Petitioner,)
)
 v.)
)
 THE HONORABLE SUSAN)
 STALLINGS, DISTRICT JUDGE,)
 OKLAHOMA COUNTY,)
 OKLAHOMA, JUDICIAL)
 DISTRICT 7,)
)
 Respondent.)

No. MA-2024-893

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA
NOV 14 2024
JOHN D. HADDEN
CLERK

ORDER DIRECTING RESPONSE

On November 8, 2024, Petitioner, by counsel, filed an application seeking extraordinary relief in this Court. Petitioner seeks to challenge the denial of his motion to recuse the Honorable Susan Stallings, District Judge, in Oklahoma County District Court Case No. CF-2022-2721. Judge Stallings denied the motion to recuse on August 15, 2024. The Honorable Richard Ogden, District Judge, affirmed the decision of Judge Stallings in an order filed on November 5, 2024.

Judge Stallings, or her designated representative, is directed to file a response to the claims raised by Petitioner. The response shall

be filed in this Court within thirty (30) days from the date of this order.

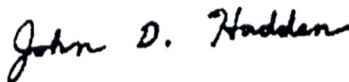
IT IS SO ORDERED.

WITNESS MY HAND AND THE SEAL OF THIS COURT this
14th day of November 2024.



SCOTT ROWLAND, Presiding Judge

ATTEST:



Clerk
NF

EXHIBIT B

IN THE COURT OF CRIMINAL APPEALS OF THE STATE OF OKLAHOMA

BENJAMIN SCOTT HARRIS,)	
)	
Petitioner,)	
)	
v.)	Case No. MA-2024-893
)	
THE HONORABLE SUSAN)	(Dist. Ct. Case No. CF-2022-2721)
STALLINGS, DISTRICT JUDGE,)	
OKLAHOMA COUNTY,)	
OKLAHOMA, JUDICIAL)	
DISTRICT 7,)	
)	
Respondent.)	

DESIGNATION OF THE OKLAHOMA ATTORNEY GENERAL AS RESPONDENT'S REPRESENTATIVE IN EXTRAORDINARY WRIT PROCEEDINGS

On November 14, 2024, the Oklahoma Court of Criminal Appeals issued an order directing this Court, or its designated representative, to file a response to a petition for extraordinary relief filed by the Petitioner, Benjamin Scott Harris, in the above styled proceeding. This Court hereby designates the Office of the Oklahoma Attorney General, as the prosecutors in the underlying criminal prosecution, to be the designated representative to respond to the Petition for Writ of Mandamus.

Dated this 25th day of November, 2024.



SUSAN STALLINGS
DISTRICT JUDGE