



ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

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SUPREME COURT  
STATE OF OKLAHOMA

AUG 20 2025

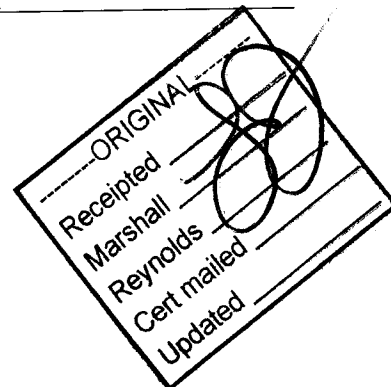
STATE OF OKLAHOMA *ex rel.*  
J. KEVIN STITT, in his official capacity as  
Governor of the State of Oklahoma  
*Petitioner,*

v.

CITY OF TULSA, a political subdivision  
of the State of Oklahoma;  
MONROE NICHOLS IV, in his official  
capacity as Mayor of the City of Tulsa;  
DENNIS LARSEN, in his official capacity  
as Chief of Police, Tulsa Police Department;  
JACK BLAIR, in his official capacity as  
City Attorney for the City of Tulsa;  
*Respondents.*

Case No.

#123368



**APPLICATION FOR ORIGINAL JURISDICTION AND PETITION FOR A WRIT OF PROHIBITION AND INJUNCTIVE RELIEF**

Petitioner, State of Oklahoma *ex rel.* J. Kevin Stitt, in his official capacity as Governor of the State of Oklahoma, respectfully requests this Court assume original jurisdiction and issue declaratory judgment, injunctive relief, and a writ of mandamus and prohibition against Respondents, the City of Tulsa, Monroe Nichols IV, the Mayor of the City of Tulsa, Dennis Larsen, the Chief of Police of the Tulsa Police Department, and Jack Blair, the City Attorney for the City of Tulsa (collectively "Tulsa"). The State seeks emergency relief from this Court to stop Tulsa from unilaterally ceding or refusing to enforce its valid, State-derived criminal jurisdiction over crimes committed by Indians<sup>1</sup> within city limits. Tulsa has entered into a practice, policy, or agreement with the Muscogee (Creek) Nation ("MCN") to stop investigating, prosecuting, sentencing, or incarcerating Indians for crimes committed within the MCN's historic reservation area, which encompasses much of Tulsa. Acting without

<sup>1</sup> The State uses the term "Indians" because it is the term employed in the governing law and in the relevant proposed settlement agreement between the Muscogee (Creek) Nation and the City of Tulsa. See *Muscogee (Creek) Nat. v. City of Tulsa*, No. 23-cv-490 (N.D. Okla.), Doc. 149-1, App'x 7 at 3 (defining Indian as "a person who '(1) has some Indian blood; and (2) is recognized as an Indian by a tribe or by the federal government.'" (citing *United States v. Prentiss*, 273 F.3d 1277, 1280 (10th Cir. 2001)).

approval from the City Council, the Governor, or the Legislature's Joint Committee on State Tribal Relations, Tulsa has already begun enforcing this policy, abandoning the State's valid criminal jurisdiction in violation of Oklahoma law. If this Court does not intervene, Tulsa's actions will erode state sovereignty, undermine public safety, and invite other municipalities to unlawfully surrender their legal obligations.<sup>2</sup>

### **PARTIES AND JURISDICTION**

1. Petitioner, J. Kevin Stitt, serves as the Governor of the State of Oklahoma and performs his official duties at the seat of government and Capitol in Oklahoma County.

2. Under the Oklahoma Constitution, the Governor is the "Chief Magistrate" vested with "[t]he Supreme Executive power" of the State. OKLA. CONST. art. VI, § 2.

3. The Governor is also charged with "caus[ing] the laws of the State to be faithfully executed" and conducting "all intercourse and business of the State with other states and with the United States" either in person or as prescribed by law. OKLA. CONST. art. VI, § 8.

4. These constitutional provisions, along with 74 O.S. §§ 6 and 18c(A)(4)(a), empower the Governor to protect the rights or interests of the State in legal proceedings. *See also Cherokee Nat. v. U.S. Dep't of Interior*, 2025 OK 4, ¶¶ 29–30, 33–34, 564 P.3d 58, 68.

5. Oklahoma law authorizes the Governor to negotiate, approve, or disapprove cooperative agreements between the State and/or its political subdivisions and federally recognized Indian tribes. *See* 74 O.S. § 1221(C)(1), (D)(1).

6. The Respondent, City of Tulsa, is a political subdivision and municipal corporation organized under the laws of the State of Oklahoma.

7. Respondent Monroe Nichols IV serves as the Mayor of the City of Tulsa.

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<sup>2</sup> Absent Court's intervention, the MCN and other Tribes may be further emboldened to pressure municipalities through litigation and coerce their submission. *See, e.g., Muscogee (Creek) Nation v. City of Henryetta*, No. 25-cv-227 (E.D. Okla. Jul. 8, 2025).

8. Respondent Dennis Larsen serves as the Chief of Police of the City of Tulsa Police Department.

9. Respondent Jack Blair serves as the City Attorney and principal prosecutor of violations of municipal code for the City of Tulsa.

10. As a municipality created under Oklahoma law, Tulsa possesses only those governmental powers derived from the State. *See, e.g., Puerto Rico v. Sanchez Valle*, 579 U.S. 59, 75 (2016); *Toch, LLC v. City of Tulsa*, 2020 OK 81, ¶ 19, 474 P.3d 859, 866.

11. This Court has general superintending control over all inferior courts and state-created agencies, commissions and boards created by law under OKLA. CONST. art. VII, § 4, and may assume original jurisdiction to correct abuses of discretion or compel official action. *See Maree v. Neunwirth*, 2016 OK 62, ¶ 6, 374 P.3d 750, 752.

12. A legally sufficient reason exists for the Court to exercise original jurisdiction here because the matter substantially concerns the public interest and there is an urgent need for early determination. *See Keating v. Johnson*, 1996 OK 61, ¶ 10, 918 P.2d 51, 56.

### **BACKGROUND FACTS**

The State adopts and incorporates by reference all the preceding allegations and further states:

13. For nearly two years, the City of Tulsa defended active federal litigation brought by the Muscogee (Creek) Nation, challenging Tulsa's authority to exercise criminal jurisdiction over Indians for conduct within the MCN "Reservation." *See Muscogee (Creek) Nat. v. City of Tulsa*, No. 23-cv-490 (N.D. Okla.) [hereinafter "federal case"] Doc. 2, App'x 1; Doc. 29, App'x 3.

14. The MCN contended that Tulsa, which "possesses only those powers derived from the State of Oklahoma[.]" lacks authority to "criminally prosecut[e] Indians for conduct within Indian country." App'x 1 at ¶¶ 24, 38; *see also id.* at ¶ 48 ("Within its Reservation, the Creek Nation and the

United States possess criminal jurisdiction over Indians exclusive of the State of Oklahoma and its political subdivisions”).

15. Those arguments contradict controlling U.S. Supreme Court precedent, which holds that “the Constitution allows a State to exercise jurisdiction in Indian country[.]” and “as a matter of state sovereignty, a State has jurisdiction over all of its territory, including Indian country.” *Oklahoma v. Castro-Huerta* 597 U.S. 629, 636 (2022); *see also* U.S. CONST. amend. X.

16. The U.S. Supreme Court in *Castro-Huerta* reaffirmed that “a State has jurisdiction to prosecute crimes committed in Indian country unless state jurisdiction is preempted.” *Id.* at 655; *see also id.* at 638 (“The Court’s precedents establish that Indian country is part of a State’s territory and that, unless preempted, States have jurisdiction over crimes committed in Indian country.”).

17. In short, “the default is that States may exercise criminal jurisdiction within their territory. . . . States do not need a permission slip from Congress to exercise their sovereign authority.” *Id.* at 653.

18. The Oklahoma Court of Criminal Appeals has likewise confirmed that “the City of Tulsa has concurrent jurisdiction to proceed with the prosecution” of non-member Indians over non-major crimes. *City of Tulsa v. O’Brien*, 2024 OK CR 31, ¶ 35, \_\_ P.3d \_\_; *see also Stitt v. City of Tulsa*, 2025 OK CR 5, ¶ 8, 565 P.3d 857, 860 (“After determining that state jurisdiction was not preempted as a result of Bracker balancing, this Court found that Oklahoma has concurrent criminal jurisdiction in Indian country over non-member Indian defendants accused of committing non-major crimes.”).

19. Binding precedent in this State establishes that Oklahoma, and by extension her municipalities, has valid, concurrent criminal jurisdiction in Indian country to prosecute Indian defendants accused of committing non-major crimes. *See id.*; *see also State v. Sneed*, 1930 OK 248, ¶ 3, 287 P. 1021, 1022 (“It is a principle of general jurisprudence that courts of concurrent or co-ordinate jurisdiction will follow the deliberate decisions of each other, in order to prevent unseemly conflicts,

and to preserve uniformity of decision and harmony of action.”); *Matter of Stroble*, 2025 OK 48, ¶ 11, \_\_ P.3d \_\_ (“To date, the United States Supreme Court has not extended its ruling in *McGirt* beyond the Major Crimes Act. . . . And it is not this Court’s place to do so.”).

20. Accordingly, the State’s exercise of criminal jurisdiction over non-major crimes—through her political subdivisions—is a valid exercise of its sovereign police powers.

21. Following the November 2024 municipal election and a change of mayoral leadership, Tulsa abruptly abandoned its prior legal defenses in the federal case, jointly with the MCN moved the court for a stay, and pursued settlement negotiations with the MCN. *See Muscogee (Creek) Nat. v. City of Tulsa*, No. 23-cv-490 (N.D. Okla.), Doc. 117, App’x 4; *Stitt v. City of Tulsa*, No. 25-30 Br. in Opp. (U.S. Aug. 8, 2025), App’x 11 at 3 (explaining that Mayor Monroe Nichols “had campaigned on a platform of governing cooperatively with tribes and ending protracted litigation over Indian Country jurisdiction.”).

22. At the time, Tulsa had a fully briefed Motion to Dismiss pending before the court and awaiting a decision by the federal judge that asserted well-supported defenses that would have disposed of the lawsuit in its entirety. *See Muscogee (Creek) Nat. v. City of Tulsa*, No. 23-cv-490 (N.D. Okla.), Doc. 29, App’x 3.

23. Shortly thereafter, Governor Stitt filed a Notice of Required Dismissal for Non-Joiner or, in the Alternative, Motion to Intervene in the federal case. *See* Doc. 127, App’x 5.<sup>3</sup>

24. Less than two months ago, Tulsa and the MCN informed the federal court that they “have agreed upon terms of settlement . . . .” *Id.* Doc. 149, App’x 6 at 1.

25. Under that settlement agreement, signed solely by the Mayor of Tulsa and the MCN Principal Chief, Tulsa agreed it “will not exercise Criminal Jurisdiction over Indian Defendants on the Nation’s Reservation.” *Id.* Doc. 149-1, App’x 7 at 4.

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<sup>3</sup> The federal court has yet to rule on the Governor’s request.

26. The settlement agreement defines “Criminal Jurisdiction” as “the power and authority of a governmental body, including its law enforcement personnel, prosecutors, or judicial officers, to enforce the applicable criminal laws within a specific geographic area or over particular persons or subject matter, including through criminal investigations, prosecutions, sentencing, or incarceration.” *Id.* at 2.

27. The settlement agreement defines “Indian” as “a person who ‘(1) has some Indian blood; and (2) is recognized as an Indian by a tribe or by the federal government.’” *Id.* at 3 (citation omitted).

28. The settlement agreement provides that it “will take effect and remain binding on the Parties once both of the Parties have executed this Agreement.” *Id.* at 7.

29. The parties executed the settlement agreement by June 25, 2025. *Id.* at 9–10.

30. After Governor Stitt sought a dismissal of the federal case, or in the alternative, to intervene, *see* App’x 5, both the MCN and Tulsa submitted briefs to the federal court asserting that they were “no longer asking the Court to declare that the State and its subdivisions do not have concurrent jurisdiction to prosecute Indian defendants[.]” Doc. 150, App’x 8 at 2, and that the jurisdictional question “is no longer a live dispute in this case.” Doc. 152, App’x 9 at 5.

31. Furthermore, the parties characterized their settlement agreement “as a matter of municipal policy in the city of Tulsa” or “a policy determination not to exercise any jurisdiction that it may possess and instead to refer such cases to the Nation as part of the parties’ commitment to cooperative criminal law enforcement . . . .” App’x 9 at 4.

32. In a subsequent filing in another federal court case, *Muscogee (Creek) Nation v. Kunzweiler*, No. 25-cv-GKF-JFJ (N.D. Okla.), the MCN stated:

While the joint motion of the City and the Nation for the district court to approve the settlement and to dismiss the litigation between them, *see* Joint Motion to Enter Order Approving Parties’ Joint Settlement Agreement and Dismissing the Litigation, *Muscogee (Creek) Nation v. City of Tulsa*, No. 4:23-cv-00490-JDR-CDL (N.D. Okla. June 25, 2025)

(Dkt. 149), is still pending, the agreement calls for the City to commence the above-described actions on its effective date, see Joint Settlement Agreement at ¶ 16, *Muscogee (Creek) Nation v. City of Tulsa*, No. 4:23-cv-00490-JDR-CDL (N.D. Okla. June 25, 2025) (Dkt. 149-1), and **the City has been good to its word. It is no longer prosecuting Indians for crimes committed on the Nation's Reservation.** Rather, it is referring such prosecutions to the Nation (including an additional ticket issued to Marvin Stitt, the Petitioner in the Stitt case).

*Id.* at Doc. 72, App'x 10 at 5 (emphasis added).

33. Likewise, on August 8, 2025, in a filing with the United States Supreme Court in another case, Tulsa represented that “[t]he agreement formalizes the City’s policy of implementing a cooperative, inter-governmental approach to public safety on the reservation” and explained it had already dismissed multiple charges in municipal court against Indian defendants pursuant to that policy. App'x 11 at 4, 5–6.

34. Thus, *as a matter of policy* and regardless of the federal court’s approval or disapproval of the settlement agreement, Tulsa is already declining enforcement of State-delegated criminal jurisdiction within its municipal boundaries—or at a minimum appears imminently poised to decline enforcement of State-delegated criminal jurisdiction.

**CAUSE OF ACTION I – DECLARATORY RELIEF AND WRIT OF MANDAMUS OR PROHIBITION BECAUSE TULSA’S REFUSAL TO ENFORCE CRIMINAL LAW VIOLATES STATE AND MUNICIPAL LAW**

The State adopts and incorporates by reference all the preceding allegations and further states:

35. An actual controversy exists over Tulsa’s intent to cease exercising State police powers over Indians within city limits, jeopardizing public safety.

36. Oklahoma municipalities are subordinate to the State, which delegates and controls their powers. *Fine Airport Parking, Inc. v. City of Tulsa*, 2003 OK 27, ¶ 18, 71 P.3d 5, 11 (“In the relationship between Oklahoma and its municipalities, the state is the sovereign and the municipality is a political subdivision of the state. The state delegates power to the municipality and the municipality exercises that power subject to the control of the state.”); *see also City of Sapulpa v. Land*, 1924 OK 92,

¶ 40, 223 P. 640, 645 (“[A] municipal city government is only possible as an administrative agency of the state having that measure of local self-government granted by the supreme sovereign power, and all local laws of such municipality must be consistent with our fundamental principle of government, and always subject to the control of the state.”).

37. It is well-settled “that there can be but one sovereign power in the government of a state” and any municipal law (or policy) conflicting with state law is void. *City of Sapulpa*, 1924 OK 92 at ¶ 40; *Magnum Energy, Inc. v. Bd. of Adjustment for City of Norman*, 2022 OK 26, ¶ 6, 510 P.3d 818, 820.

38. Moreover, “the state [] has the right to compel an enforcement of its wholesome police regulations in each and every part of the state, and [] officers may not with impunity neglect the duties imposed upon them by law, at their pleasure.” *State v. Linn*, 1915 OK 1037, ¶ 23, 153 P. 826, 831.

39. Oklahoma law and the City of Tulsa Municipal Charter (“Municipal Charter”) impose a clear, non-discretionary duty on municipal officials to enforce state and local laws.

40. Tulsa officials, including the Mayor, Police Chief, and City Attorney, have a plain legal duty to enforce the laws (state and municipal), and to do so without discriminatory distinction based on racial or political classifications.

41. Multiple statutory and charter provisions collectively impose this obligation on the mayor, police chief, city attorney, and other municipal officers. *See, e.g.*, 11 O.S. § 9-105(4), (8); 11 O.S. § 34-102(A); 11 O.S. § 34-101(A); 11 O.S. § 27-108; MUNICIPAL CHARTER art. III, §§ 1.4(E), (O), 4(G), XII, § 10.

42. The Mayor, as chief executive of the municipality, is required to enforce ordinances and supervise and address any neglect of duty within the city administration, including the police department and legal officers.

43. The Chief of Police and City Attorney are specifically directed to pursue enforcement and prosecution of violations of the law.



44. All municipal officers must take the Oklahoma constitutional oath of office, which obligates officials to “support, obey, and defend the Constitution of the United States, and the Constitution of the State of Oklahoma” and “faithfully discharge [] duties . . . to the best of my ability.” OKLA. CONST. art. XV, § 1; MUNICIPAL CHARTER art. XII, § 10.

45. Nevertheless, Tulsa and the named officials have indicated their intent to selectively enforce criminal law based on racial or political affiliation of criminal defendants despite their clear duty to equally enforce the law.

46. Regardless of the legality of the settlement agreement between MCN and Tulsa, Tulsa’s actions suggest it intends to and has already adopted a policy or practice ceding State-delegated criminal jurisdiction and refusing to equally enforce the law.

47. There exists a strong likelihood that Tulsa will expand this practice to other tribal nations as a matter of supposed municipal policy, absent this Court’s intervention.

48. There exists a strong likelihood that other municipalities will adopt similar patterns or practices as a matter of supposed municipal policy, whether *sua sponte* or as a result of pressure through coercive litigation on behalf of the MCN or other tribes, absent this Court’s intervention. *See, e.g., Muscogee (Creek) Nation v. City of Henryetta*, No. 25-cv-227 (E.D. Okla. Jul. 8, 2025).

49. The State possesses a clear legal right to prevent such unilateral cessions of its sovereign authority.

50. No other adequate legal remedy exists to stop Tulsa from adopting its cessation policy or practices and refusing to equally enforce the law and its state-delegated police powers.

51. The State therefore requests a declaratory judgment that Tulsa’s refusal to enforce criminal law violates state and municipal law.

52. The State also seeks a declaration that any agreement, policy, or practice by Tulsa ceding or refusing to enforce the State’s valid criminal jurisdiction is void and invalid.

53. The State requests a writ of mandamus compelling Tulsa and its officials to uphold and enforce the law, and a writ of prohibition preventing Tulsa from continuing any agreement, policy, or practice that cedes or refuses to equally enforce the State's valid exercise of criminal jurisdiction.

**CAUSE OF ACTION II – DECLARATORY RELIEF AND WRIT OF MANDAMUS OR  
PROHIBITION BASED ON TULSA'S FAILURE TO OBTAIN REQUIRED  
APPROVALS FROM THE CITY COUNCIL AND THE GOVERNOR BEFORE  
ENACTING THE CESSATION POLICY**

The State adopts and incorporates by reference all the preceding allegations and further states:

54. An actual controversy exists regarding whether Tulsa officials have unlawfully bypassed state law and municipal procedures for amending or repealing municipal ordinances and charter provisions.

55. Under Oklahoma law, repealing a municipal ordinance requires consideration at a public meeting and a majority vote of the entire city council. 11 O.S. § 14-102.

56. Amendments to a municipal charter must be approved by both a vote of the people and the Governor. OKLA. CONST. art. XVIII, § 3(a).

57. Once a municipality enacts ordinances or charter provisions, and provides for the enforcement of those municipal laws through 11 O.S. §§ 14-101 and 14-111, it is legally obligated to equally enforce them.

58. Here, Tulsa has circumvented these legal requirements by entering into at least one unauthorized policy or agreement that prevents the City from equally enforcing criminal law solely through an act of the Mayor and/or City Attorney and Police Chief.

59. The Tulsa Officials lack discretion or authority to implement agreements, policies, or practices that conflict with charter and statutory mandates requiring the enforcement of municipal and state law.

60. The State possesses a clear legal right to the relief sought, as a municipality cannot adopt legally binding agreements that contravene the law and unlawfully avoid the City Council and the Governor's approval.

61. The State lacks any plain and adequate remedy absent this Court's intervention.

62. Consequently, the State requests a declaratory judgment that Tulsa's agreement, policy, or practice is void and invalid for failing to comply with statutorily required process, and to obtain the approval of the City Council and the Governor.

63. The State further requests a declaration that any action or policy enacted by Tulsa ceding or refusing to enforce the State's valid criminal jurisdiction is invalid and without legal effect.

**CAUSE OF ACTION III – DECLARATORY RELIEF AND WRIT OF MANDAMUS OR PROHIBITION BASED ON TULSA'S FAILURE TO SECURE THE GOVERNOR'S APPROVAL ON AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT**

The State adopts and incorporates by reference all the preceding allegations and further states:

64. An actual controversy exists concerning Tulsa's failure to comply with state law before entering into a intergovernmental cooperative agreement with a federally recognized tribe.

65. As a political subdivision of the State, Tulsa has a plain and non-discretionary duty to secure the Governor's approval before entering into any intergovernmental cooperative agreement with a federally recognized Indian Tribe, among other things. 74 O.S. § 1221(D)(1) ("The governing board of a political subdivision of this state is authorized to negotiate and enter into intergovernmental cooperative agreements in behalf of the political subdivision, with a federally recognized Indian tribal government within this state to address issues of mutual interest. Except as otherwise provided by this subsection, such agreements shall be effective upon approval by the Joint Committee on State-Tribal Relations and the Governor, or the designee of the Governor.").

66. Tulsa has disregarded this legal duty and entered into such an agreement with the MCN without securing the Governor's (or the Joint Committee on State-Tribal Relation's) approval.

67. The State possesses a clear legal right to the relief sought, as a municipality is not at liberty to disregard State law and enter into agreements with other governmental entities without *at a minimum* the approval of the State via the Governor.

68. The State has no plain and adequate remedy in the ordinary course of law in the absence of relief by this Court.

69. Consequently, the State requests a determination and declaration that the agreement entered into by Tulsa is void and invalid.

#### **CAUSE OF ACTION IV – INJUNCTIVE RELIEF**

The State adopts and incorporates by reference all the preceding allegations and further states:

70. Because any policy, practice, or agreement by Tulsa that cedes criminal jurisdiction violates Oklahoma law and is otherwise invalid and unenforceable, the State is entitled to preliminary and permanent injunctive relief barring enforcement of any such policy, practice, or agreement.

71. For the reasons stated herein, and in the contemporaneously filed Brief, a substantial likelihood exists that the State will prevail on the merits.

72. The State will suffer irreparable injury to its sovereignty interests and public safety if Tulsa is not enjoined from enforcing any agreement ceding criminal jurisdiction.

73. The threatened injury to the State from the actions of Tulsa is imminent, real, concrete, and ongoing.

74. No adequate remedy at law exists to repair the foreseeable damage to the State's interests in the absence of relief from this Court.

75. The harm and injury faced by the State far outweighs any counter harm that would be sustained by Tulsa if injunctive relief were granted.

76. The State therefore requests a preliminary and permanent injunction barring Tulsa from enforcing any agreement not to exercise criminal jurisdiction.

### **PRAYER FOR RELIEF**

For the reasons outlined herein, the State respectfully requests:

(1) judgment against Respondents declaring that:

- a. Tulsa's policy, practice, or agreement ceding or refusing to enforce State-delegated criminal jurisdiction is void and invalid because it:
  - i. violates state and municipal law,
  - ii. was adopted without the required approval of the City Council and the Governor pursuant to 11 O.S. § 14-102 and/or OKLA. CONST. art. XVIII, § 3(a), and
  - iii. lacked, at a minimum, the approval of the State through the Governor, as required by 74 O.S. § 1221(D)(1),
- b. Tulsa is prohibited enter into agreements with other governmental entities, including the MCN and other tribal nations, without *at a minimum* the approval of the State via the Governor, and
- c. that any policy, practice, or agreement enacted by Tulsa ceding or refusing to enforce State-delegated criminal jurisdiction is void, invalid, and without legal effect;

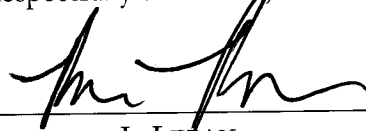
(2) a writ of mandamus compelling Tulsa and its officials to uphold and equally enforce state and municipal the law;

(3) a writ of prohibition preventing Tulsa from continuing any agreement, policy, or practice that cedes or refuses to equally enforce the State's valid exercise of criminal jurisdiction;

(4) temporary and permanent injunctive relief barring Tulsa from enforcing any policy, practice, or agreement ceding or refusing to enforce State-delegated criminal jurisdiction;  
and

(5) all such other and further relief which this Court deems just.

Respectfully submitted,



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