

Oklahoma Reprieve Power

The Constitution of the State of Oklahoma vests Governor Stitt with unilateral authority to grant reprieves for up to sixty days. Okla. Const. art. VI, § 10. (“The Governor shall have power to grant after conviction, reprieves or leaves of absence not to exceed sixty (60) days, without the action of the Pardon and Parole Board.”)

Although the Pardon and Parole Board must process and investigate applications for other forms of clemency, Okla. Const. art. VI, § 10, the reprieve power is left unfettered so that the governor may act swiftly in times of emergency.

Further, the governor’s decision to grant a reprieve is unreviewable. *See Ex parte Swain*, 88 Okla. Crim. 235, 240, 202 P.2d 223, 226 (1949) (“The power to grant reprieves, commutations, paroles and pardons for all offenses, except impeachment, is vested in the Governor, and any act attempting to place any of this authority in the courts would be unconstitutional.”); *Coburn v. Schroeder*, 71 Okla. Crim. 405, 112 P.2d 191, 193 (1941) (“It is beyond the power of the courts or the Legislature to determine whether the chief executive acts wisely or unwisely in passing upon applications for clemency. The exercise of executive clemency is a matter of discretion. It is an official duty vested in the Governor, *not for the benefit of the convict only, but for the welfare of the people.*”)(emphasis added).