



Oklahoma Supreme Court Cases

COLLEY v. HARBOUR

2004 OK 90

104 P.3d 584

Case Number: [101328](#)

Decided: 11/29/2004

THE SUPREME COURT OF THE STATE OF OKLAHOMA

Cite as: 2004 OK 90, 104 P.3d 584

ANDREANA COLLEY, Petitioner,

v.

THE HONORABLE DAVID M. HARBOUR, Judge of the District Court of Oklahoma County, Oklahoma,
Respondent.

O R D E R

¶1 Original jurisdiction is assumed. Let the writ of prohibition issue in *Andreana Colley, Plaintiff v. Chad Burns, Defendant*, Case No. CJ-2003-2518, whereby the Honorable David M. Harbour, District Court of Oklahoma County, is directed not to enforce the order of July 1, 2004, requiring the plaintiff to prepay the cost of a jury trial, pursuant to [28 O.S. §152.1](#) (7), when only the defendant demanded the jury trial.

¶2 We hold that in civil cases where litigants are entitled to a jury trial, the party demanding the jury trial is obligated to prepay the cost required in [28 O.S. §152.1](#) (7). See *Barnes v. Smith*, [1937 OK 26](#), [64 P.2d 1217](#), 1218 (the right to a civil jury trial may be exercised at the option of a party willing to bear the statutory expense).

¶3 DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THIS 29TH DAY OF NOVEMBER, 2004.

/S/CHIEF JUSTICE

¶4 WATT, C.J., OPALA, V.C.J., LAVENDER, KAUGER, WINCHESTER, EDMONDSON, TAYLOR, COLBERT, JJ. - Concur

¶5 HARGRAVE, J. - Disqualified

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Oklahoma Supreme Court Cases

Cite	Name	Level
2005 OK 86 , 126 P.3d 588 , BARZELLONE v. PRESLEY		Discussed

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Cite	Name	Level
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[1937 OK 26, 64 P.2d 1217, 179 Okla. 71,](#) [BARNES v. SMITH](#)

Discussed

Oklahoma Statutes Citationized, Title 28. Fees

Cite

Name

Level

[28 O.S. 152.1,](#)

[Civil Actions - Charge in Addition to Flat Fee](#)

Discussed