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**OKLAHOMA CRIMINAL DEFENSE WEEKLY**

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[James L. Hankins](#),

Publisher

*(with special thanks to Mark Hoover, OIDS, for contributing regularly)*

“I have lived my life, and I have fought my battles, not against the weak and the poor—anybody can do that—but against power, against injustice, against oppression, and I have asked no odds from them, and I never shall.”----Clarence S. Darrow, *Attorney for the Damned* 491, 497 (Arthur Weinberg ed. 1957).

### OKLAHOMA

[Patrick Marquise Napoleon v. State](#), 2025 OK CR 25 (December 18, 2025):

**Evidence (DNA); IAC; Evidence (Hearsay):** Napoleon was convicted by jury in Tulsa County (the Hon. William D. LaFortune, presiding) of Assault and Battery w/Deadly Weapon. The Court affirmed over claims related to: 1) admission of DNA evidence using the program BulletProof; 2) denial of right to present a defense by disallowing a juror from a prior mistrial to testify about the jury handling evidence with DNA; 3) admission of hearsay testimony; 4) IAC; 5) *Brady* violation of suppression of source code for DNA software; and 6) cumulative error.

[Shaye L. Matthews v. William Brooke Webb, Jr.](#), 2025 OK CIV APP 38 (Div. II, September 30, 2025): **Protective Orders:** Protective Order is vacated because it was not supported by facts sufficient to support it.

## **TENTH CIRCUIT**

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[United States v. Walter Palmon Eddings](#), No. 24-2118 (10<sup>th</sup> Cir., October 31, 2025) (Published) (Hartz, McHugh & Eid): **Possession (Firearm by Felon); Sufficiency; Jury Instructions (Investigative-Techniques):** Convictions for felon in possession of firearms are affirmed over claims related to: 1) denial of motion to suppress fruits of warrantless arrest (PC existed); 2) sufficiency; 3) administration of an “investigative-techniques” jury instruction; and 4) another suppression claim raised for the first time in a reply brief.

[United States v. Isaac Newman Sockey](#), No. 24-7063 (10<sup>th</sup> Cir., November 4, 2025) (Published) (Moritz, Kelly & Rossman) (E.D. Okla.): **Jury Instructions (Words Alone):** Conviction for First Degree Murder in Indian Country is affirmed over a claim related to an instruction that “words alone” cannot negate malice aforethought and create heat of passion.

[United States v. Johnathan Johnson](#), No. 24-6146 (10<sup>th</sup> Cir., November 4, 2025) (Published) (Tymkovich, Carson & Federico) (W.D. Okla.): **Evidence (Bad Acts; Logs and Reports):** Indecent exposure conviction affirmed over claims related to admission of 404(b) evidence of prior instances of indecent exposure; and admission of logs and reports of the prior instances as hearsay.

## **UNITED STATES SUPREME COURT**

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“Only Supreme Court justices and schoolchildren are expected to and do take the entire summer off.” –*Chief Justice John Roberts (statement made while he served as a lawyer in the Reagan Administration).*

[Bowe v. United States](#), No. 24-5438 (U.S., January 9, 2026): **Habeas Corpus (Federal) (Second/Successive):** This case involves a second 2255 petition by a

federal prisoner. The issues are whether certain parts of 2244 apply, such as preclusion of a certiorari petition to the Supreme Court (it does not); and whether the mandate to dismiss claims presented in second/successive petitions under 2254 applies to 2255 federal prisoners (it does not).

## **OTHER CASES OF NOTE**

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[United States v. Courtland Reed](#), No. 24-5135 (6<sup>th</sup> Cir., December 23, 2025):

**Federal Sentencing Guidelines (Crime of Violence):** Conviction for First Degree Burglary is not a serious violent felony under Kentucky law.

[Robert Gary Moore v. State of Maryland](#), No. 24-6325 (January 7, 2026):

**Prosecutorial Misconduct (Brady); Habeas Corpus (Remedy); Evidence (Chain of Custody):** Denial of habeas relief is reversed where the State had suppressed a chain-of-custody report that could have cast doubt on the testing of the drugs at issue. NOTE: The panel affirmed habeas relief, but noted a technical error in the order of the district court that vacated the state court criminal judgment and sentence, which the district court technically cannot do.

[United States v. Tony Lee Johnson](#), No. 24-11115 (5<sup>th</sup> Cir., January 7, 2026):

**Search and Seizure (Protective Sweep):** Denial of motion to suppress warrantless search of a vehicle (where the gun was found) is reversed because the Government's protective sweep rationale was unsupported by any evidence that suggested danger.

## **VICTORIES**

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**KYLE KILLAM & NICK VANGILDER**, Tulsa County P.D., secured a verdict of Not Guilty in a felony VPO/Domestic Abuse before a jury in Tulsa County. The complaining witness had recanted her statements to the police. Great work, Kyle & Nick!

## **HEARSAY**

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**ARRESTS**: OHP has arrested 129 motorists for impaired driving over the holidays. Also, for 2025, OHP had seized 12,000 pounds of marijuana, 1,400 pounds of meth, 350 pounds of cocaine, and 60 pounds of fentanyl.

**POLICE**: The old Arvest Bank building in Walters, OK, is being repurposed as the new Walters Police Department.

**BRAWL**: A brawl inside the Great Plains Correctional Center at Hinton was recorded on a contraband cell phone.

**CHIEF**: John Cook has been named the new Chief of Police in Elk City.

**MUG SHOTS**: The town of Caney, OK, will no longer publish mug shots on its Facebook page.

**OKC MUNICIPAL**: The Oklahoma City Municipal Court is offering a “penalty reduction program” to take care of old warrants/citations.

**E-FILE**: The Oklahoma Supreme Court has announced a major enhancement to e-filing in civil cases.

**FIRE**: A Canadian County Deputy has been fired for mishandling a marijuana traffic stop.

**RE-INTEGRATION**: The Pottawatomie Nation supports efforts to re-integrate inmates being released from prison.

**MOSQUE**: AG Drummond intends to determine the legitimacy of the financing of a proposed mosque in Tulsa.

**INCREASE**: The prison population in Oklahoma rose 1.7% in 2025. However, homicides in OKC in 2025 were down 5% from 2024.

**REHAB**: An unlicensed rehab facility in Lexington may have been kidnapping people.

**GARDEN**: The Tulsa County Jail will get a new garden and visitation area.

**RETIRED**: The Bristow Chief of Police has retired after 30 years.

**RIP**: Former OSBI forensic artist Harvey Pratt has passed.

**DOC**: DOC made progress in 2025, and is committed to rehabilitating inmates in 2026. [HERE](#) is a summary of accomplishments in 2025.

**FLOCK**: The Miami, OK, police department will install 10 Flock Safety license plate readers this summer in an effort to reduce crime and improve public safety. There is already a case of a police officer [abusing](#) this technology out of [Missouri](#).

**RIP**: Noted criminal defense attorney Jack Fisher has passed on January 3, 2026. Like many in our profession, I worked with Jack on cases over the years, and like Andrea Miller said, he taught many of us what fighting with courage and perseverance looks like because that is what he did in the most difficult cases. This is a great loss to the defense bar.

**HOURS**: The Tulsa Municipal Court will offer extended hours through January.

**CONCERN**: Rogers County Sheriff Scott Walton is concerned about the security of the “Grand Mental Health Horizons” facility in Claremore.

**OSA**: Tulsa Public Radio examined the Oklahoma Survivor’s Act.

**CREDITS**: A bill for the next legislative session would allow inmates to accrue sentence credits earlier and in a greater quantity than currently allowed.

**SUED**: Attorneys plan to sue the Oklahoma County Jail based on the delayed release of multiple inmates because of jail errors.

**DECREASE**: OBN reported that the number of illegal marijuana farms in Oklahoma has decreased from 8,000 to 1,500.

**OHP**: According to 2025 stats, OHP made 25,000 contacts with motorists based on no seatbelts.

**SERVICE**: Service Oklahoma reported an 88% reduction in paper tags occasioned by a pre-registration process.

**CLEAN SLATE**: News station KOAM examines the new “Clean Slate Law” in Oklahoma.

**PAROLE**: AG Drummond opined that only the Director of DOC may refer inmates for medical parole.

## WACKY CRIME

**ALL APOLOGIES**: A Florida man visiting Stillwater apologized to Satan a number of times for busting up the hotel in which he was staying.

**TULSA**: A Tulsa man has been arrested for setting fire to a restaurant...named Smoke Woodfire Grill.

**TRAP**: What looks like free money in a ditch near Kingfisher is fool's gold.

**ACCIDENT**: Short, but fun read about an accident investigator.

**GUTHRIE**: A thief in Guthrie went to a residence and stole...a vintage stoplight.

**BOND**: An inmate at Beckham County orchestrated a forged check scheme...to fraudulently post bond for his release.

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