

**OCDW 02.09.26**

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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**

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[Trymel Keith Battee v. State](#), 2026 OK CR 5 (February 5, 2026): **Judicial Bias; Identification**: Battee was convicted by jury in Choctaw County (the Hon. Jana K. Wallace, presiding) of Conjoint Robbery. In this opinion the Court affirmed over claims related to: 1) judicial bias/failure to recuse when Judge Wallace failed to disclose that she had been seeking employment with the OSBI (any bias too speculative); and 2) admission of in-court identification (no State actors participated in the pre-trial identification process). NOTE: Lumpkin, P.J., concurred in result to address the standard of review, finding that the judicial bias claim could have been discovered prior to trial.

[Troy Radford v. State](#), 2026 OK CR 6 (February 5, 2026): **Self-Defense**: In this Stand Your Ground appeal out of Caddo County involving a denial of immunity by the Hon. Kory Kirkland, the Court affirmed, finding no error and also the claims waived under the Court's Rules requiring development of claims under Rule 3.5. NOTE: Lumpkin, P.J., specially concurred, emphasizing compliance with the Rules of the Court in brief writing and developing claims.

[State v. Crawford](#), 2026 OK CR 4, (February 5, 2026): **State Appeals**: In this State appeal out of Tulsa County, the State had filed a notice of intent to use other bad acts evidence, which was denied by the Hon. Michelle Keely. The Court held that it lacked jurisdiction over this type of state appeal. NOTE: This holding generated several separate opinions. Lumpkin, P.J., concurred in part/dissented in part; Lewis, J., specially concurred; Hudson, J., dissented; and Rowland, J., specially concurred. Also, shoutout to **BRIAN A. JONES**, Tulsa County Public Defender, for a terrific appellate win for his client.

[James Wesley Jacobs, Jr., v. State](#), 2026 OK CR 2 (February 5, 2026): **Evidence (Impeachment); Jury Instructions (Impeachment)**: Jacobs was convicted by jury in Comanche County (the Hon. Grant Sheperd, presiding) of First Degree Manslaughter and Assault and Battery. The Court affirmed over claims related to: 1) a jury instruction that he alleged allowed the jury to consider impeachment evidence as substantive evidence of guilt (error but harmless); and 2) IAC. NOTE: Musseman, V.P.J., specially concurred.

[Curtis Lane Sixkiller v. State](#), No. C-2025-499 (Okl.Cr., February 5, 2026) (unpublished): **Guilty Pleas**: In this misdemeanor case out of Payne County, the accused entered guilty pleas before the Hon. Diane Vaughn, but there was no plea form or transcript showing that the accused had been advised of the nature and consequences of pleading guilty; thus, the motion to withdraw the pleas is granted.

## TENTH CIRCUIT

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[United States v. Patrick Wayne McHenry](#), No. 24-7048 (10<sup>th</sup> Cir., December 12, 2025) (Published) (McHugh, Eid & Federico) (E.D. Okla.): **Sufficiency ("Carrying" a Firearm)**: McHenry committed robbery and carjacking, but was convicted of "carrying" a firearm during and in relation to these crimes. He argued that he had not carried the shotgun during the crimes, but the panel found that carrying it when he fled the scene was sufficient.

[United States v. Robert William Rainford](#), No. 24-7022 (10<sup>th</sup> Cir., December 9, 2025) (Published) (Tymkovich, Carson & Federico) (E.D. Okla.):

**Insanity/Competency; Jury Instructions (Scienter); Self-Defense (Imperfect):** Instructive opinion in a murder case where the accused defended on the basis of meth-induced psychosis and argued imperfect self-defense of another. The panel found error in the jury instruction and reversed.

[United States v. Eric Honors](#), No. 24-3118 (10<sup>th</sup> Cir., November 26, 2025) (Published) (Hartz, McHugh & Eid): **Supervised Release; Constructive Amendment; No-Contact Orders:** Honors was convicted of sex crimes against his daughter and sentenced to 60 years plus 10 years of supervised release. The district court ordered no-contact with his family during his incarceration and during supervised release. The panel found these conditions erroneous and vacated them, but affirmed the conviction over a claim that the district court had amended constructively count II because the instruction omitted the language in the indictment that the offense happened in the district of Kansas (no plain error).

## **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).*

*No new cases.*

## **OTHER CASES OF NOTE**

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[United States v. Sergio Yovani Quintanill-Matamoros](#), No. 25-20191 (5<sup>th</sup> Cir., January 9, 2026): **Sex Offender Registration:** In this failure to register as a sex offender case, the district court classified him as a tier III sex offender. On appeal, he argued that he should have been sentenced as a tier I sex offender, and the panel agreed.

## VICTORIES

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*None noted.*

## HEARSAY

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**CANDIDATE**: Attorney Scott Loftis paid for an announcement in the Kay News Cow website to address some social media backlash after he had announced his candidacy for Kay County District Judge.

**SENTENCED**: The former OSP Chaplain has been given a suspended sentence for the crime of possession of Child Sexual Abuse material.

**LEGAL ROUNDUP**: In the NonDoc Legal Roundup, the Council on Judicial Complaints has exonerated Payne County Special Judge Susan Worthington on multiple complaints about her handling of the Jesse Butler sexual assault case in which she had found that he should have been prosecuted as a juvenile; also, ALJ Kristin Ranell Jarman has been appointed as Associate District Judge in Murray County to replace Mark Melton, who resigned at the end of September.

**ARRESTED**: A Perry police officer and his girlfriend have been arrested for child abuse.

**RETIRED**: Comanche Count District Judge Emmit Tayloe has retired after 43 years in the law business (including twelve years on the bench).

**LEGAL MANEUVER**: The victim in a sexual assault case in Payne County has claimed that her rights under Marsy's Law have been violated and is petitioning to have the plea agreement vacated, which would subject the accused to sentencing as an adult instead of a Youthful Offender.

**CRIME**: Attorney General Gentner Drummond boasts of the dismantling of a criminal enterprise in Operation Blunt Force.

## WACKY CRIME

**ARRESTED:** A man in Choctaw County has been arrested for Assault and Battery with a Dangerous Weapon...after throwing an air conditioner unit at someone.

**FANS:** A referee at the Mangum v. Frederick high school basketball game ejected an entire section of fans...which removed all of the fans of Frederick High School.

**DUI:** A motorist in OKC has been cited for DUI...after driving into the Bricktown canal.

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