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Category



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

[Starlyn Sean Hill v. State](#), No. C-2021-504 (Ok1.Cr., February 9, 2023) (unpublished): **Guilty Pleas; Statute of Limitations:** Hill pled guilty to an array of sex offense counts out of Grady County before the Hon. Regina Lowe, Special Judge, who sentenced him to 40 years. The Court granted certiorari on the basis that the statute of limitations had run on 10 of the counts prior to the filing of the Information and that this was jurisdictional. NOTE: Judge Lumpkin Specially Concurred, expanding on the rationale why the statute of limitations is jurisdictional rather than an affirmative defense.

TENTH CIRCUIT

[Taberon Dave Honie v. Robert Powell, Warden](#), No. 19-4158 (10th Cir., January 26, 2023) (Published) (Holmes, C.J., Lucero & Phillips): **Habeas Corpus (Capital Habeas); Guilty Pleas; IAC**: In this capital habeas case, the panel affirmed a guilty plea and sentencing waiver of jury in favor of the court under Utah law, chiefly on the basis of AEDPA deference because the Supreme Court has never applied *Strickland* in this context. NOTE: Judge Lucero, Senior Circuit Judge, concurred in part and dissented in part, and would have granted relief.

UNITED STATES SUPREME COURT

“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.

VICTORIES

[JARROD STEVENSON](#), Ponca City, secured a not guilty verdict last week in Kay County for a client accused of Assault with a Dangerous Weapon, AFCF x 2. The situation involved two guys mouthing off and making threats when the client got a tire iron and allegedly raised it to threaten the complaining witness, who testified that he was not drunk and did not provoke client. None of this turned out to be true, however, when the best friend of the complaining witness testified that they were plastered from drinking all day and that the client only grabbed the tire iron when he realized it might be two-on-one. Police conducted no investigation. Jury out 21 minutes. Oh, and the complaining witness had been on a deferred when he picked up new felony charges—acceleration dismissed and he was given another deferred, with the State claiming that the plea offer was not in exchange for his testimony. Also, the client had turned down a suspended offer cc to time he was already serving. Great job, Jarrod!

IRVEN BOX, OKC, had a great result in Muskogee County representing a client and securing not guilty verdicts on Shooting w/Intent to Kill, First Degree Burglary, and Possession of a Firearm AFCE, although the jury did convict on a misdemeanor count of Breaking and Entering. Nice result, Irvan!

JACOB REYNOLDS, McAlester, an associate at WAGNER & LYNCH, completed his first solo jury trial in Choctaw Nation Tribal Court, defending a client accused of three misdemeanor counts of Domestic Assault & Battery against a pregnant woman. The judge was also conducting his first jury trial, and the prosecutor was the former Treasurer of OCDLA, Mike Haggerty. Not guilty on all counts. Great job, Jacob!

HEARSAY

RECORDS: The City of Norman Fire Department may have falsified some records in order to obtain a better insurance rating, and the Attorney General may be investigating.

INVESTIGATION: A Logan County Commissioner is being investigated for embezzlement.

CALLS: DOC call centers may be back in business.

TREATMENT: The Cherokee Nation will open its first tribally-operated addiction treatment center on Monday.

DONATIONS: Deputies from the state of Minnesota have donated defibrillators and vehicle radios to the Muskogee County Sheriff.

BRAWLING: A state senator is fighting a citation for brawling.

CHOICES: A Norman City Councilman may have to choose between the City Council and Municipal Judge of the City of Wewoka.

DUMPED: A local firearms dealer disposed of 250 weapons by tossing them in a dumpster.

BUST: OKC P.D. have seized 123 pounds of meth; also, in **Enid** police seized 10 pounds of meth.

NEW CHIEF: Pauls Valley has a new Chief of Police; also, the Chickasaw **Lighthorse** has a new Chief of Police.

STAFFING: The Oklahoma County Jail is still chronically understaffed.

SCAM: A fake lawyer almost scammed an OKC woman out of \$12,000.00.

RETRO: A retrospective on OKC's first black detectives.

WACKY CRIME

LAS VEGAS: A nefarious person stole the catalytic converter...out of the Oscar Meyer Wiener-mobile.

EDMOND: Edmond had a "wet bandit."

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SUBSCRIPTIONS AND SUBMISSIONS: To subscribe to the *Oklahoma Criminal Defense Weekly* just send an e-mail to James L. Hankins at jameshankins@ocdw.com and include the e-mail address to which you want the issues to be delivered. I am sending out the issues for free now to whoever wants to receive them. Submissions of articles, war stories, letters, victory stories, comments or questions can be sent to Mr. Hankins via e-mail or you can contact him by phone at 405.753.4150, by fax at 405.445.4956, or by regular mail at James L. Hankins, MON ABRI BUSINESS CENTER, 2524 N. Broadway, Edmond, OK 73034.

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