

**OCDW 03.09.26**

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**OKLAHOMA CRIMINAL DEFENSE WEEKLY**

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03.09.26

[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**

[Terry et al. v. Drummond et al.](#), 2026 OK CR 10 (March 5, 2026): **Riot**: This is an opinion answering several certified questions of law from the Tenth Circuit in a case dealing with several defendants accused of riot. This opinion sifts through the requirements of the crime of riot under Oklahoma law. NOTE: Judge Lewis concurred in part/dissented in part.

[In re: Adoption of the 2026 Revisions to the Oklahoma Uniform Jury Instructions-Criminal \(Second Edition\)](#), 2026 OK CR 11 (March 6, 2026): The Court updated some jury instructions dealing with Child Neglect, Child Endangerment, Rape II, Child Porn (it is referred to now as Child Sexual Abuse Material), Sex crime definitions, Drug Distribution and related crimes, and DUI.

## TENTH CIRCUIT

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[Brenda Evers Andrew v. Scott Tinsley](#), No. 15-6190 (10<sup>th</sup> Cir., January 13, 2026) (Published) (Hartz, Bacharach & Phillips) (W.D. Okla.): **Habeas Corpus (Capital Habeas Cases); Evidence (Gender Stereotype and Promiscuity)**: Female death row inmate Brand Andrew has her case reviewed again in the Circuit on a singular claim of a violation of Due Process by the introduction of gender stereotype and promiscuity evidence. The panel affirmed the denial of relief.

[United States v. Gregory James Griffin](#), No. 24-8070 (10<sup>th</sup> Cir., January 13, 2026) (Published) (Hartz, Tymkovich & McHugh): **Child Porn**: In this child porn case, a prior conviction for child porn triggers a mandatory minimum. The panel held that a prior California conviction did not qualify.

[United States v. Michael Eckstein](#), No. 24-3138 (10<sup>th</sup> Cir., January 9, 2026) (Published) (Bacharach, Murphy & Rossman): **Plea Bargains**: After a disagreement arose between client and counsel concerning the plea agreement, the district court discussed the matter and it was resolved. The issue on appeal was whether the district court crossed the line into prohibited participation in plea agreements. The panel held that it did not.

## 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. Francisco Celedon](#), No. 23-4701 (4<sup>th</sup> Cir., January 30, 2026):  
**Supervised Release:** Imposition of the statutory maximum is deemed unreasonable because the district court offered no explanation.

[United States v. Eugene J. Lockhart, Jr.](#), No. 24-11081 (5<sup>th</sup> Cir., January 29, 2026):  
**Coram Nobis:** Denial of petition for coram nobis is affirmed, but the opinion contains a good discussion of this rarely granted writ.

## VICTORIES

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[JARROD STEVENSON](#), OKC/Newkirk, secured yet another acquittal for a client accused of drive-by shooting. The State's case was a bungled mess, including a witness who testified that he was the shooter and not the accused. Great win, Jarrod!

**JOI MISKEL & CLAY CURTIS**, OKC, secured a verdict of Not Guilty in a case involving an allegation of Rape in the First Degree in Canadian County. Prosecutors were Eric Epplin and Catherine Lynn (with Judge Truong from Oklahoma County sitting). It took 3.5 years to get to trial and was, in the words of the great trial attorney Joi Miskel, "a complete and total bullshit case." Nice work, Joi and Clay!

**LAURYN WILSON & REID ROGEZ**, Tulsa County P.D., represented a client in Tulsa County accused of A&B on a correctional officer. The jury disposed of this allegation in 30 minutes with verdict of Not Guilty. Great work, Lauryn & Reid!

**SETH HERNANDEZ**, Tulsa County P.D. tried his first case for a client accused of Obstruction, Resisting and Public Drunk. Convictions on the first two, but with recommended fines only, and Not Guilty on the third count. That is a good start, Seth!

## HEARSAY

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**DNA:** The Ardmore Police Department has acquired a rapid DNA machine.

**THIRD:** Oklahoma ranks third in the number of fatal police encounters.

**CONVICTED**: Former Payne County prosecutor Kevin Etherington has been convicted by jury of two counts of possession of child porn. The jury recommended sentences of 15 and 5.

**OJA**: Gov. Stitt has appointed Carol Miller to the Board of the Office of Juvenile Affairs.

**RESIGNED**: The Chief of Police in Wellston has resigned.

**AWARD**: The Diversion Hub in OKC has been awarded a \$1.3 million grant for housing support.

**NonDoc**: NonDoc covers several criminal cases in the Legal Roundup.

**ARRESTED**: An OKC process server has been arrested for sexual misconduct.

**LEAVE**: The Chief of Police in Jones has been placed on administrative leave.

**CANDIDATE**: OSBI Deputy General Counsel Sierra Pfeiffer has announced her candidacy for Associate District Judge of Logan County.

**ACCOUNTABILITY**: A former mayor of Tulsa and a former Tulsa PD homicide detective have called for accountability from the City's police department.

**ORDINANCE**: The City of Tulsa has passed an ordinance which will allow a 10-day impoundment of vehicles seized during street racing events/reckless driving.

**RELEASED**: Jailers in Rogers County accidentally released the wrong inmate from the county jail, but quickly apprehended him.

**DRUG MONEY**: The District Attorney in Ardmore (district 20) will use drug forfeiture money to pay for mandatory drug screenings of defendants on probation, thereby relieving them of the \$80 per test cost.

**ARRESTED**: A former Weatherford police officer has been arrested for embezzlement.

**FUNDS**: Funding for organizations providing help to crime victims is drying up.

**RIP**: Retired Ottawa/Delawar Counties District Judge Robert Haney has passed.

**DISMISSALS**: More than 1,400 criminal cases were dismissed in Oregon because of the lack of public defenders.

**QUESTIONS:** A former Muskogee law enforcement officer has questions the integrity of the current District Attorney.

**CHARGED:** A Caddo County Deputy has been charged with Domestic Assault. Also, an **informal survey** of female inmates suggests that there is a severe problem of domestic abuse in Oklahoma.

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## **OKLAHOMA CRIMINAL DEFENSE WEEKLY**

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